

ORDINANCE No. 185124

*Amend the Comprehensive Plan Map designation and change zoning of two lots in the vicinity of 8039 SW Capitol Hill Road and 8145 SW Barbur Blvd at the request of Diane Phillips of Safeway, Inc. (Ordinance; LU 11-103310 CP ZC AD)

The City of Portland ordains:

Section 1. Council finds:

1. The Applicant seeks, in the vicinity of 8039 SW Capitol Hill Road and 8145 SW Barbur Boulevard, the following:
 - a. Comprehensive Plan Map Amendments from Medium-Density Multi-Dwelling Residential to General Commercial for the areas identified as State ID No. 1S1E21CB 4301 and State ID No. 1S1E21CB 4302, legally described as Lot 1 and Lot 2 of Partition Plat 2003-21, a recorded plat in Multnomah County (hereinafter referred to as the "Properties"); and
 - b. Zoning Map Amendments from Residential 1,000 (R1) to General Commercial (CG) for the Properties; and
 - c. an Adjustment for the Properties and the property described as TL 4200 of Section 21 1S 1E (State ID No. 1S1E21CB 04200)(hereinafter "TL 4200") to reduce the required landscaping area (33.130.225.B) from 15 to 14.4 percent for the construction of a new full-service grocery store, per the approved plans, Exhibits C.1 through C.3 to the Recommendation of the Hearings Officer.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map, Zoning Map, and Adjustment has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on September 7, 2011, and a Recommendation was issued on October 21, 2011, (BDS File No. LU 11-103310 CP ZC AD). The Hearings Officer recommended approval of the requested Comprehensive Map Amendments, Zoning Map Amendments, and Adjustment, with conditions.
4. The requested Comprehensive Plan Amendments, Zoning Map Amendments, and Adjustment, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 11-103310 CP ZC AD.
- b. The Comprehensive Plan Map Amendments, Zoning Map Amendments, and Adjustment for the Properties legally described as Lot 1 and Lot 2 of Partition Plat 2003-21, a recorded plat in Multnomah County, are approved as follows:
 1. Comprehensive Plan Map Amendments from Medium-Density Multi-Dwelling Residential to General Commercial for the Properties.
 2. Zoning Map Amendments from Residential 1,000 (R1) to General Commercial (CG) for the Properties.
 3. the Comprehensive Plan Map and Zoning Map Amendments are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City code but, with the exception of Condition 3.A, will not void the Comprehensive Plan Map and Zoning Map Amendments:
 - A. Prior to, or concurrent with recording a decision of approval with Multnomah County, the Applicant must execute and record a covenant which mitigates for the 20 units of lost housing potential. Per 33.703.120, prior to the City making any changes to the Comprehensive Plan Map or Zoning Map, documentation must be submitted by the Applicant that shows that both the Comprehensive Plan Map/Zoning Map amendment decision and the covenant have been recorded.
 - B. Prior to building permit issuance, the Applicant must consolidate the three lots (the Properties and TL 4200) via a Lot Consolidation Review (33.675.100) and record the decision with the County. Or the Applicant must consolidate the lots through a County Tax Account Consolidation and submit covenants for future easements and joint maintenance agreements for the private utilities that cross property lines.
 - C. As part of the building permit application submittal, the following development-related conditions (D through G) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-103310 CP ZC AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - D. Surveillance cameras must be installed to monitor the area located between the west property line and the loading area located at the back of the building.
 - E. The Applicant shall be required to construct the frontage improvements identified in this report under the Section titled Street Improvements (Chapter 17.88) to City standards, per the requirements of the City Engineer. As a condition of building permit approval, the Applicant shall provide all dedications necessary to provide

adequate right-of-way for these frontage improvements. The frontage improvements must be constructed under separate street job permits to current City and ODOT standards. Financial guarantees ensuring the frontage improvements shall also be conditions of building permit approval.

- F. Speed bumps and/or other traffic calming measures must be provided along the on-site delivery roadway to limit both vehicular speeds and cut-through traffic.
- G. Uses on the site are limited to a total of 450 new weekday p.m. peak hour trips. Square footage equivalencies are to be applied per Table 1 below. The Applicant must submit a written verification at time of building permit that all uses on the site, both existing and proposed, have a maximum net new weekday p.m. peak hour trip generation of 450 trips. This applies to the combined three lots identified as the site.

Table 1. Weekday PM Peak Hour Trip Rates for Trip Cap Comparison

Land Use Category	ITE Code	Building Size	ITE Trip Rate	ITE PM Peak Hour Pass-by Rate	Weekday PM Peak Hour Net New Trip Rate*
Daycare	565	1,000 sq.ft. GFA	12.46	-	12.46 trips/1,000 sq. ft.
Office	710	1,000 sq.ft. GFA	1.49	-	1.49 trips/1,000 sq. ft.
Specialty retail	814	1,000 sq.ft. GLA	2.71	34%**	1.79 trips/1,000 sq. ft.
Hardware/paint store	816	1,000 sq.ft. GFA	4.84	-	4.84 trips/1,000 sq. ft.
Nursery/garden center	817	1,000 sq.ft. GFA	3.80	-	3.80 trips/1,000 sq. ft.
Shopping center	820	1,000 sq.ft. GLA	3.73	34%	2.46 trips/1,000 sq. ft.
Supermarket	850	1,000 sq.ft. GFA	10.50	36%	6.72 trips/1,000 sq. ft.
Drive-in bank	912	1,000 sq.ft. GFA	25.82	47%	13.68 trips/1,000 sq. ft.
High-turnover sit-down restaurant	932	1,000 sq.ft. GFA	11.15	43%	6.36 trips/1,000 sq. ft.
Fast food restaurant with drive-through	934	1,000 sq.ft. GFA	33.84	50%	16.92 trips/1,000 sq. ft.

*Based on *Trip Generation, 8th Edition*, published by the Institute of Transportation Engineers (ITE). Net new trip rate reflects ITE trip rate less pass-by trips per the *ITE Trip Generation Handbook, 2nd Edition*.

** Includes an assumed 34% pass-by rate, based on ITE Shopping Center

GLA=Gross Leasable Area

GFA= Gross Floor Area

- H. The Applicant shall install a “ladder” style crosswalk pavement marking along with pedestrian crossing signs and supplemental downward arrow placards at the reconstructed SW Multnomah Boulevard pedestrian crossing. The condition is contingent upon the Applicant seeking and obtaining approval of all agencies with

jurisdiction over the roadway and crosswalk.

- I. Safeway trucks must use only streets that are classified as designated truck access streets in the City's Transportation Systems Plan.
4. Adjustment for the Properties and TL 4200 to reduce the required landscaping area (33.130.225.B) from 15 to 14.4 percent for the construction of a new full-service grocery store, per the approved plans, Exhibits C.1 through C.3 to the Recommendation of the Hearings Officer, subject to the following conditions:
 - A. The requested Comprehensive Plan Map and Zoning Map Amendment Approval from Medium-Density Multi-Dwelling Residential (R1) to General Commercial (CG) for the Properties must be approved and recorded.
 - B. As part of the building permit application submittal, the following development-related conditions (C and D) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-103310 CP ZC AD."
 - C. The plant material schedule on the landscape plan (Exhibit C.2 to the Recommendation of the Hearings Officer) must be amended to show that at least 60 percent of the plants to be installed on the site will be native, selected from the Portland Plant List.
 - D. The landscaping and related improvements including the tall wall, located near the western property line, walkways, plaza areas and trellises must be completed in substantial conformance with the approved site plan and landscape plans, Exhibits C.1 - C.3 to the Recommendation of the Hearings Officer.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described properties; therefore, this ordinance shall be in full force and effect from and after its passage by the Council

Passed by the Council:

JAN 26 2012

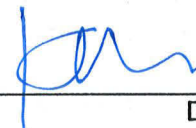
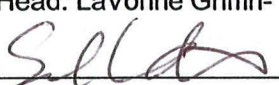


City Auditor LaVonne Griffin-Valade
 Prepared by: Kenneth D. Helm/rs
 Date Prepared: November 30, 2011

LaVonne Griffin-Valade
 Auditor of the City of Portland
 By


 Deputy

Agenda No. **185124**
ORDINANCE NO.
Title

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INTRODUCED BY Commissioner/Auditor: LaVonne Griffin-Valade	CLERK USE: DATE FILED <u>DEC 02 2011</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Office of the City Auditor Bureau Head: LaVonne Griffin-Valade 	DEC 08 2011 RESCHEDULED TO JAN 26 2012 2 P.M. TIME CERTAIN
Prepared by: Kenneth D. Helm/rs  Date Prepared: November 30, 2011	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date December 8, 2011	
City Attorney Approval:  required for contract, code, easement, franchise, comp plan, charter	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	