



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

LaVonne Griffin-Valade, City Auditor
1900 SW 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
Fax: (503) 823-4347
TDD: (503) 823-6868
www.portlandonline.com/auditor/hearings

RECOMMENDATION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 09-133971 CP ZC AD (HO 4090030)

Applicant: Samuel Penfield, Listed Property Owner
4022 N Attu Street
Portland, OR 97203-2059

Marc Pickrell, Designer
Design And Drafting Dynamics Inc.
19901 NE 58th Street
Vancouver, WA 98682

Applicant's Representative: Ramasurdial Premsingh
1815 N Willis Blvd.
Portland, OR 97217-6734

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sylvia Cate

Site Address: 5012-5014 NE 26TH AVE

Legal Description: BLOCK 13 LOT 8, INA PK

Tax Account No.: R413905090

State ID No.: 1N1E24BB 21700

Quarter Section: 2533

Neighborhood: Concordia

Business District: North-Northeast

District Coalition: Northeast

Plan District: None

Other Designations: None

Zoning: R2.5ah: Single Dwelling Residential 2,500 with Alternative Design Density and Aircraft Landing overlays

Land Use Review: Type III, CP ZC AD, Comprehensive Plan Map Amendment with Zone Change and Adjustment

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:00 a.m. on February 17, 2010 in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland OR, and was closed at 10:29 a.m. The record was closed at that time. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional seven day time period to submit written rebuttal into the record.

Testified at the Hearing:

Sylvia Cate, BDS Staff Representative

Marcus Pickrell, Design and Drafting Dynamics, 19901 NE 58th St., Vancouver, WA 98682

Ramasurdial Prem Singh, 1815 N. Willis Blvd., Portland, OR 97217

George Bruender, Concordia Land Use Group Representative, 2414 NE Highland, Portland, OR 97211

Laura Joyce, 5111 NE 26th Ave., Portland, OR 97211

Bill Kerrigan, 5112 NE 26th Ave., Portland, OR 97211

Christine Golightly, 5133 NE 26th Ave., Portland, OR 97211

Bob Haley, Portland Bureau of Transportation

Samuel Penfield, 4022 N. Attu St., Portland, OR 97203

Proposal:

The Applicant requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on the real property subject to this application (the "Subject Property") from AR, Attached Residential [designation] and R2.5ah, [zoning] to Urban Commercial [designation] and CSh, Storefront Commercial with Aircraft Landing overlay [zoning]. (See attached Exhibit H.7) The proposed CSh zone will match the base zone of the abutting lot to the south of the site. The "a" overlay zone, currently on the subject property, will not be carried forward if the application is approved.

The Applicant also proposes a specific development proposal concurrent with the proposed change in zoning for the Subject Property. The Applicant proposes a three-story, multi-dwelling, 9-unit

condominium, which is allowed in the proposed Storefront Commercial zone. The proposed development will require two Adjustments to the applicable development standards as follows:

- An adjustment to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and
- An adjustment to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.

Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33, the Planning and Zoning Code. The applicable criteria are:

33.810.050 Comprehensive Plan Map Amendments

33.855.050 Zoning Map Amendments

33.805.040 Adjustments

The above criteria also include, by reference, applicable portions of the *Portland Comprehensive Plan* (goals and policies), State Land Use Goals, and the *Metro Urban Growth Management Functional Plan* (titles).

As a result of the specific development plan proposed by the Applicant, an adjustment is also a part of this application. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F of Section 33.805.040, Adjustment Approval Criteria, have been met.

Portland Zoning Code ("PCC") section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on June 8, 2009 and determined to be complete on December 8, 2009.

II. ANALYSIS

Site and Vicinity: The Subject Property is a 4,000 square-foot lot developed with a one-story duplex built in 1979. The Subject Property is zoned R2.5ah, which is a single dwelling zone that allows attached townhouses. The Subject Property has frontage along NE 26th Avenue, a Local Service Street, and is approximately 100 feet from NE Alberta, a designated Community Transit Street. NE 27th Avenue, a designated Transit Access Street, is one-half block away to the east. The immediately surrounding area is relatively flat and developed with commercial uses to the south, along NE Alberta, and with residential uses to the west, north and east on lots within the R2.5ah zone.

Existing Zoning: The site is zoned R2.5ah, Single Dwelling Residential 2500 with the Alternative Design Density and Aircraft Landing overlay zones. The R2.5ah zone is a high-density single-

dwelling zone. The R2.5ah zone allows attached and detached single-dwelling structures and duplexes.

The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing, and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements. Per 33.405.030, the 'a' overlay is automatically deleted from the Official Zoning Map when a parcel with the 'a' overlay is rezoned to an I, E or C zone.

Proposed Zoning: The proposed zoning is CSh, Storefront Commercial, with the Aircraft Landing overlay zone. The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk, especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged. Residential is allowed with no limitations.

Land Use History: City records indicate there are two prior land use reviews for the Subject Property, VZ 175-77 which reduced the minimum lot area from the required 5,000 square feet to 4,000 square feet and to reduce the minimum lot width from the required 50 feet to 40 feet in order to divide parcel into two legal lots and construct an additional single family dwelling; and VZ 279-77, which approved the same reductions, but to construct an additional duplex on the Subject Property.

Agency Review: A "Request for Response" was mailed December 11, 2009. The following is a summary of responses from City of Portland Bureaus:

The Water Bureau responded that the Water Bureau has no objections to the proposed map amendment, nor to the associated adjustments to setback and landscaping standards. As there are no proposed new water services, or associated water-related facilities, the Water Bureau has no concerns about the proposed action at this time. This Subject Property is served from the 8-inch water main in NE 26th Avenue. The static water pressure at Subject Property is estimated to be 67 to 83 psi.

The Fire Bureau responded that the Applicant is required to provide a fire hydrant that meets the

spacing requirement for commercial buildings as well as provide adequate flow and pressure based on the size of the building.

The Bureau of Parks-Forestry Division notes that street trees will be required at time of building permit review.

The Bureau of Environmental Services (BES) responded that BES has no objection to the proposed plan map amendment nor the zoning map amendment since the proposed increase in flow to the combination sewer is not anticipated to be significant enough to exacerbate localized surcharge in the system.

The Bureau of Transportation Engineering (PBOT) responded that transportation staff has reviewed the Applicant's narrative addressing Goal 6 policies. Transportation staff concurs with the Applicant that the requested plan map amendment is consistent with adopted Goal 6 Policies.

The Police Bureau responded with the following comments: the Comprehensive Plan [Goal 11.53] references a service level for Police response to calls for service at five minutes. The 2009 City of Portland Service Efforts and Accomplishments report shows that the average response time for high priority calls has been above five minutes since 2004. The Police Bureau also recommends that the Applicant request a Crime Prevention Through Environmental Design (CPTED) evaluation conducted by the Office of Neighborhood Involvement.

The Site Development Section of BDS responded that provided that a drywell can be approved at the time of building permit review, Site Development has no objection to the proposal. Site Development notes that some additional information will be required at the time of building permit review to ensure the proposed stormwater management system is consistent with what was approved via Plumbing Code Appeal #6368. Site development notes that the building design and/or drywell location may need to be modified to comply with geotechnical and structural engineering requirements, as well as plumbing code requirements.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 11, 2009. Three letters were received at or prior to the public hearing. The first, from the Concordia Neighborhood Association Land Use Committee (Exhibit H.3) contained some comments in favor of the application and others in opposition. The other two letters (Exhibits H.4 and H.5) were submitted by property owners who live nearby the Subject Property. The two letters express various reasons of opposition to the application. The Hearings Officer will, where related to relevant approval criteria, address concerns raised in the three letters, in specific findings for the approval criteria.

CITY OF PORTLAND ZONING CODE APPROVAL CRITERIA

COMPREHENSIVE PLAN MAP AMENDMENT

33.810.050 Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;

Findings: Applicant requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on the site from AR, Attached Residential [designation] and R2.5ah, [zoning] to Urban Commercial [designation] and CSh, Storefront Commercial with Aircraft Landing overlay [zoning]. The proposed CSh zone will match the base zone of the abutting lot to the south of the Subject Property.

Applicant also proposes a specific development proposal concurrent with the proposed change in zoning for the Subject Property. Applicant proposes a three-story, multi-dwelling, 9-unit condominium, which is allowed in the proposed Storefront Commercial zone. The proposed development will require two Adjustments to applicable development standards, which are addressed below, in this recommendation.

On balance, as described in the findings below, the Hearings Officer finds the requested designations will be equally or more supportive of the Comprehensive Plan as the existing designation, and therefore, this criterion is met.

The following Comprehensive Plan Goals and Policies are relevant to this proposal:

Goal 1: Metropolitan Coordination

The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.

Findings: The *Urban Growth Management Functional Plan* was approved November 21, 1996 by the Metro Council and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. Local jurisdictions must address the Functional Plan when Comprehensive Plan Map Amendments are proposed through the quasi-judicial or legislative processes. The *Urban Growth Management Functional Plan* is Section 3.07 of the Metro Code. The 13 titles in that section are summarized and addressed below.

Overall, as noted in the findings and comments below, the request to re-designate from Attached

Residential to Urban Commercial, and to rezone the site from R2.5ah to CS, Storefront Commercial, will have little or no effect on the intent of these titles, or these titles will be met through compliance with other applicable City regulations. The proposed project is consistent with Metro's regional planning framework, and therefore the requested Comprehensive Plan Map Amendment and Zone Map Amendment is consistent with Goal 1, Metropolitan Coordination, of the City's Comprehensive Plan.

Urban Growth Management Functional Plan

Title 1 - Requirements for Housing and Employment Accommodation

This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline, and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

Findings: This proposal includes a specific development project that would provide 9 additional units of housing within the Storefront Commercial zone. Therefore, there will be no net loss in housing, and the Hearings Officer finds this proposal complies with the intent of Title 1.

Title 2 - Regional Parking Policy

The Metro 2040 Growth Concept calls for more compact development to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the State of Oregon relies on the 2040 Growth Concept fully achieving its transportation objectives. This title establishes region-wide parking policies that set the minimum number of parking spaces that can be required by local governments for certain types of new development.

Findings: Chapter 33.266 of the Portland zoning code establishes parking maximums and minimums for specified uses in a variety of zones, consistent with the requirements of Title 2. The proposed development project is not required to provide on-site parking, and given the proximity of the site to transit service, the proposed development would not create an oversupply of parking. Therefore, the Hearings Officer finds that this proposal complies with the intent of Title 2.

Title 3 - Water Quality, Flood Management and Fish and Wildlife Conservation

The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion, and reducing pollution of the region's waterways.

Findings: Compliance with this title is achieved in these areas through the review of development against the current Stormwater Management Manual regulations at time of building permits. Site Development noted in their review response (Exhibit E.6) that some modifications may be necessary to the proposed drywell to ensure compliance with geotechnical and structural

engineering requirements. Compliance with the stormwater management regulations will result in a project anticipated to have no impact on fish or wildlife conservation efforts, as it is an urban development on land that has no specifically identified environmental resources to protect. Therefore, the Hearings Officer finds that this proposal complies with the intent of this Title.

Title 4 - Industrial and Other Employment Areas

Title 4 places restrictions on certain uses in three designations on the 2040 Growth Concept Map. In Employment Areas, retail uses are limited to less than 60,000 square feet. This can be increased if it is demonstrated that transportation facilities are adequate to serve the retail use and to serve other planned uses in the Employment Area.

Findings: The Applicant does not propose either an Industrial or Employment zone for this site. Therefore, the Hearings Officer finds this Title is not applicable to this application.

Title 5 - Neighbor Cities and Rural Reserves

This section of the Functional Plan directs Metro to work with its neighbor cities to protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city.

Findings: The Hearings Officer finds that this proposal has no impact on this title, as the subject site is within the urban growth boundary and has no impact on neighboring cities or rural reserves. Therefore, the Hearings Officer finds that this Title is not applicable.

Title 6 - Central City, Regional Centers, Town Centers and Station Communities

The intention of Title 6 is to enhance the Centers designated on the 2040 Growth Concept Map by encouraging development in these Centers. This title recommends street design and connectivity standards that better serve pedestrian, bicycle, and transit travel, and that support the 2040 Growth Concept.

Findings: The Hearings Officer finds that the Subject Property lies outside these designated Centers. Therefore, the Hearings Officer finds that this proposal has no impact on this Title.

Title 7 - Affordable Housing

This section of the functional plan will ensure that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels.

Findings: The Applicant notes, in its submission materials (see "A" Exhibits) that while this proposal does not directly address affordable housing, the proposed change to the CSh zone will allow for greater housing density, which in turn reduces square footage, and such reductions generally lead to more affording housing. The Hearings Officer finds that this proposal, with a proposed condition discussed later in this recommendation, ensures no net loss in housing potential and results in locating a multifamily project near good public transit service, as well as near areas of

low to medium density housing, thus promoting diversity of housing types in the immediate area. Therefore, the Hearings Officer finds that this proposal complies with the intent of this title.

Title 8 - Compliance Procedures

This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements.

Findings: The Hearings Officer finds this proposal meets this Title by fulfilling the notice requirements for Type III land use reviews, as outlined in PCC 33.810, Comprehensive Plan Map Amendments and concurrent base zone changes. In addition to notifying the affected neighborhood associations and property-owners within a 400-foot radius of the site, a notice of the proposal has also been sent to Metro and to the Department of Land Conservation and Development. Therefore, the Hearings Officer finds this proposal is consistent with this Title.

Title 9 - Performance Measures

This title ensures that progress or lack of progress is measured in the implementation of the Urban Growth Management Functional Plan (UGMFP) and the 2040 Growth Concept.

Findings: The Hearings Officer finds this title is not applicable to this proposal.

Title 10 - Definitions

This title defines the words and terms used in the document.

Findings: The Hearings Officer finds that this title is not applicable to this proposal.

Title 11 - Planning for New Urban Areas

The purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use.

Findings: The Hearings Officer finds that this title is not applicable to this proposal.

Title 12 - Protection of Residential Neighborhoods

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Findings: This proposal is subject to review and evaluation against existing and future demand on public services, and whether there are adequate levels of same to support the proposed re-designation and zoning pattern. To the extent that the proposal meets the criteria found at 33.855.050 B, as discussed in findings below, the Hearings Officer finds this proposal is consistent with the intent of this title. Pollution and noise control is achieved via compliance with other City

regulations at time of building permit review for new development. Crime control is addressed via the City of Portland – Police Bureau, as noted in Exhibit E.5.

The Subject Property, at the time of this application, was a qualified ‘transitional site’ per 33.110.240 H, and therefore one additional unit is allowed, by right, on the site. The Hearings Officer finds that this will result in a residential development in the proposed CS zone that will enhance and enliven the small commercial node at NE 26th and NE Alberta. The Hearings Officer finds that because the site abuts the CS zone and is therefore at the far edge of the existing residential neighborhood, the proposal, on balance, complies with the intent of this Title.

Title 13 - Nature in Neighborhoods

The purposes of this policy are to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers and with their floodplains, in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and to control and prevent water pollution for the protection of the public health and safety and to maintain and improve water quality throughout the region.

Findings: The Subject Property is not located in an environmental or greenway overlay zone, nor is it within a floodplain. Therefore, the Hearings Officer finds this title is not applicable to this proposal.

The Hearings Officer finds that because this proposal will have little or no effect on the intent of these titles or these titles will be met through compliance with other applicable City regulations, the request is consistent with the regional planning framework, and this Goal [**GOAL 1: Metropolitan Coordination**] is met.

GOAL 2: Urban Development

Maintain Portland's role as the major regional employment, population and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

Findings: The Hearings Officer finds that this proposal will result in increased opportunity for housing and potential opportunity for employment. Due to the location of the Subject Property, already abutting the CS zone, the Hearings Officer finds that this proposal will have no significant impact on the established residential neighborhood to the north, and will enhance the commercial node at the intersection of NE 26th and NE Alberta. The Hearings Officer additionally finds that this proposal is also consistent with the following applicable policies: Policy 2.1, *Population Growth*; Policy 2.2, *Urban Diversity*; Policy 2.9, *Residential Neighborhoods*; Policy 2.12, *Transit Corridors*; Policy 2.19, *Infill and Redevelopment*; and Policy 2.22, *Mixed Use*. Because of the proposal’s consistency with these policies, the Hearings Officer finds this proposal is, on balance, supportive of Goal 2, **Urban Development**, of the Comprehensive Plan

Policy 2.1, Population Growth

Allow for population growth within the existing city boundary by providing land use opportunities that will accommodate the projected increase in city households by the year 2000.

Hearings Officer Comment: This proposal is consistent with this policy because it provides additional housing in a commercial zone, thereby expanding the city's ability to accommodate an increase in the number of households.

Policy 2.2, Urban Diversity

Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population.

Hearings Officer Comment: The Hearings Officer finds this proposal is supportive of this policy because it will provide a 9-unit condominium building adjacent to commercial uses and provide additional housing options than what is presently available in the general residential neighborhood directly to the north. The Applicant noted, in its application materials (see "A" Exhibits), that this diversity in housing will likely attract residents to the area that may not choose to live there otherwise, which fosters a more diverse population.

Policy, 2.9, Residential Neighborhoods

Provides for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods.

Hearings Officer Comment: The Hearings Officer acknowledges that this application, if granted, will change a residentially zoned site to a commercial zone. The Hearings Officer, however, notes that housing is allowed by right in the Storefront Commercial zone. Additionally, the Applicant has proposed to develop the Subject Property with a 9-unit multifamily building. If the Subject Property is actually developed, as proposed by the Applicant, as a condominium with ownership of the units, this proposal will bring a different housing type than what is currently available in the immediate vicinity. The Subject Property is located immediately adjacent to existing Storefront Commercially zoned lands and is therefore at the southern edge of the residential neighborhood to the north, which, if the application is approved, should enhance the commercial area and further protect the residential neighborhood by clustering the additional density close to the commercial area and transit services.

Policy 2.12, *Transit Corridors*

Provide a mixture of activities along Major Transit Priority Streets, Transit Access Streets, and Main Streets to support the use of transit. Encourage development of commercial uses and allow labor-intensive industrial activities which are compatible with the surrounding area. Increase residential densities on residentially zoned lands within one-quarter mile of existing and planned transit routes to transit-supportive levels. Require development along transit routes to relate to the transit line and pedestrians and to provide on-site pedestrian connections.

Hearings Officer Comment: This policy is supported because the proposal will, if developed as proposed, result in a higher density residential development adjacent to existing commercial uses and in close proximity to transit services along NE Alberta. With a condition (Condition B), as described in findings below, requiring not less than two residential units (the same as currently exist), the Subject Property will at least maintain the existing housing stock close to the transit corridor.

Policy 2.19, *Infill and Redevelopment*

Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, at transit stations, along Main Streets, and as neighborhood infill in existing residential, commercial and industrial areas.

Hearings Officer Comment: This policy is supported because the proposal, if approved, will allow the development of a 9-unit multifamily project, which will accommodate an increase in population as well as provide redevelopment near transit services and within a commercial area along NE Alberta.

Policy 2.22, *Mixed Use*

Provide a mechanism that will allow for the continuation and enhancement of areas of mixed use character where such areas act as buffers and where opportunities exist for creation of nodes or centers of mixed commercial, light industrial and apartment development.

Hearings Officer Comment: This policy is supported because the proposal will result in additional residential density potential, in addition to commercial use potential to an existing commercial area.

GOAL 3: *Neighborhoods*

Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.

Findings: This proposal is consistent with Policy 3.5, *Neighborhood Involvement*, and Policy 3.6 *Neighborhood Plan*. The Hearings Officer finds that this proposal, on balance, is supportive of Goal 3, **Neighborhoods**, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 3.5, *Neighborhood Involvement*

Provide for the involvement of neighborhood residents and businesses in decisions affecting their neighborhood.

Hearings Officer Comment: This Policy is supported because, prior to submittal of this application to the City, Applicant represented meeting with the Concordia Neighborhood Association. In addition, notice of the hearing on the proposed amendments was sent by the City to the appropriate Neighborhood Association and to property owners within 400 feet of the site. The Subject Property is posted with information pertaining to the application and hearing schedule. Overall, the proposal is supportive of this Policy.

Policy 3.6, *Neighborhood Plan*

Maintain and enforce neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council.

Hearings Officer Comment: The Subject Property lies within the Concordia Neighborhood Association, which has an adopted Neighborhood Plan. This proposal is consistent with the Concordia Neighborhood Plan Policy 2, *Housing*, which specifically calls for increased housing on NE Alberta particularly between commercial nodes. This proposal is consistent with the Neighborhood Plan Policy 3, *Economic Revitalization*, which specifically calls for NE Alberta Street from MLK Boulevard to NE 30th Avenue as a viable commercial and mixed-use center. On balance, the proposed Amendments are equally supportive of these policies and Neighborhood Plan objectives.

GOAL 4: *Housing*

Enhance Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs, and locations that accommodate the needs, preferences, and financial capabilities of current and future households.

Findings: The Hearings Officer finds this proposal is consistent with Policy 4.1, *Housing Availability* and Policy 4.2, *Maintain Housing Potential*. Because of the proposal's consistency with these policies, the proposal, on balance, is supportive of Goal 4, **Housing**, of the Comprehensive Plan. A detailed analysis of the applicable policy follows, below.

Policy 4.1, *Housing Availability*

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future.

Hearings Officer Comment: This proposal is consistent with the Objectives under this Policy because the proposal will result in the possibility of a 9-unit multifamily project. This proposal will provide the potential of additional housing near transit service as well as provide additional activity

in the immediately surrounding Storefront Commercial area. On balance, the proposal is consistent with this Policy.

Policy 4.2, Maintain Housing Potential

Retain housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use. When considering requests for amendments to the *Comprehensive Plan* map, require that any loss of potential housing units be replaced.

Hearings Officer Comment: This proposal is consistent with this policy by providing for no net loss of residential opportunities because, if the application is approved, the Subject Property will have the potential of a 9-unit multifamily building. Even if there were a future modification to the proposed building and commercial uses were added, as discussed under Goal 6, the overall project would still maintain housing potential and on balance, this proposal is consistent with this Policy (See condition B).

Policy 4.3, Sustainable Housing

Encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.

Hearings Officer Comment: The application is consistent with this policy because the proposed building is designed with energy efficiency as a core objective. This project is also designed to make efficient use of the site area of the Subject Property. The proposed development is located close to public transit and is in close proximity to a public school and a public park. On balance, this proposal is consistent with this Policy.

Policy 4.10, Housing Diversity

Promote creation of a range of housing types, prices, and rents to: 1) create culturally and economically diverse neighborhoods; and 2) allow those whose housing needs change to find housing that meets their needs within their existing community.

Hearings Officer Comment: This proposal is consistent with this policy because, as the Applicant notes, the Objectives under this policy include keeping Portland inviting to households with children, encouraging the creation of condominiums, and accommodating for a variety of attractive and affordable housing types. The Hearings Officer notes that the variety in the floor plan options for the proposed project will accommodate several household structures, including those with children. On balance, this proposal is consistent with this Policy.

Policy 4.14, Neighborhood Stability

Stabilize neighborhoods by promoting: 1) a variety of homeownership and rental housing options; 2) security of housing tenure; and 3) opportunities for community interaction.

Hearings Officer Comment: This proposal is consistent with this policy because it will add to the variety of housing options in the neighborhood. Condominium type of housing potentially allows ownership of the individual housing units. Given the potential of condominium ownership and the location of the site within the Storefront Commercial district along NE Alberta, opportunities for the proposed building residents and local small businesses to interact may be increased. On balance, the proposal is consistent with this Policy.

GOAL 5: Economic Development

Foster a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city.

Findings: The Hearings Officer finds this proposal is consistent with Policy 5.1, *Urban Development and Revitalization* and Policy 5.3, *Community-Based Economic Development*. The Hearings Officer finds, on balance, this proposal is supportive of Goal 5, **Economic Development**, of the Comprehensive Plan. A detailed analysis of the applicable policy follows, below.

Policy 5.1, Urban Development and Revitalization

Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.

Hearings Officer Comment: The Applicant noted that this proposal is consistent with this policy because it will ensure efficient use of the site with adequate levels of public services. Additionally, Applicant indicated that the project would enhance the rich cultural asset that this NE neighborhood has grown into in recent years (See "A" Exhibits). The Hearings Officer finds this proposal will provide additional variety in housing types available and is anticipated to attract diverse residents to the neighborhood. The Hearings Officer finds this proposal is intended to be a multifamily residential anchor project for the neighborhood while redeveloping a relatively small site efficiently.

Policy 5.3, Community-Based Economic Development

Support community-based economic development initiatives consistent with this Comprehensive Plan and compatible with neighborhood livability.

Hearings Officer Comment: This proposal is consistent with this policy because the Applicant is a longtime member of the Concordia Neighborhood. The proposal is locally based and has been designed with attention to the surrounding fabric of the community.

GOAL 6: Transportation

Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

Findings: The following are a summary of comments submitted by the City of Portland Bureau of Transportation ("PBOT") (Exhibit E.2). The Hearings Officer notes that PBOT staff reviewed the Applicant's narrative addressing Goal 6 policies. The Hearings Officer notes that PBOT staff concurred with the Applicant that the requested Comprehensive Plan Map Amendment is consistent with adopted Goal 6 Policies. As discussed below, the Hearings Officer finds that this proposal is consistent with the applicable Policies, and therefore, on balance is supportive of Goal 6, **Transportation.**

The Hearings Officer notes that although the Applicant has submitted a specific development proposal (9 multifamily units), the traffic study includes analysis of trip generation and traffic impacts if the proposed project is modified at some point in the future to include allowed commercial uses to create a mixed-use building including both commercial and residential uses. The Hearings Officer finds that the data supports both the proposed project (9 multifamily units) as well as the inclusion of some commercial uses within the building.

Applicant commented on many of the following policies. In summary, the Applicant emphasized the proximity of this proposed development to an existing commercial area. The Applicant noted that this proposed development is within 100 feet of a Community Transit Street and is surrounded by a fully developed transit system of roads and pedestrian facilities. The Applicant indicated that this proposed project would not create conflicts related to traffic flow and on-street parking. Applicant noted that NE Alberta Street is classified as a Major Emergency Response Street. Applicant noted that sidewalk improvements will be made on NE 26th, thereby improving pedestrian facilities.

Applicant's Traffic Impact Analysis, the study intersection of NE Alberta Street and NE 26th Avenue, indicates the intersection is currently operating at a LOS B. With the additional vehicle trips potentially generated by the development allowed under the proposed CS zone change, that intersection would continue to operate at a LOS B in the years 2014 and 2029.

Applicant suggests that by providing no on-site parking, this proposed development will encourage pedestrian traffic to commercial areas. The location of the site, being so close to several types of services, aids encouragement of pedestrian traffic. The adjacent bus stop encourages foot traffic to the area. The pedestrian environment will become more inviting with this development, as exterior lighting, landscaping, and a widened sidewalk will be added.

The Concordia Neighborhood Association Land Use Committee representative, in a letter (Exhibit H.3) and oral testimony at the hearing, stated that the lack of on-street parking for this proposed development would negatively impact neighborhood livability. Three residents living in the immediate neighborhood also testified, at the hearing, regarding negative on-street parking impacts they anticipate being created by this proposed development (Mr. Kerrigan, Ms. Joyce and Ms. Golightly). The Hearings Officer finds that the essence of the opposition testimony regarding on-street parking impacts related to the building pattern of the neighborhood; relatively few of the

single family residences have off-street parking (either driveways or garages), requiring most residents to use on-street parking to meet their parking needs.

The Applicant (Mr. Pickrell) responded that it conducted an informal inventory and found a “large number of on-street parking spaces” available. PBOT staff (Mr. Haley) indicated on-street parking impacts of this proposed development would not be significant and that on-street parking impacts are not applicable approval criteria in this case.

The Hearings Officer finds that on-street parking impacts are not specifically mentioned in the policies referenced below. However, the Hearings Officer finds that even if on-street parking impacts were to be considered, there is insufficient evidence in the record to suggest there will be significant on-street parking impacts.

The Hearings Officer finds that the Applicant, through its Traffic Impact Statement, comments, and the testimony of both the Applicant and opponents, the following policies are adequately addressed.

Policy 6.5, Traffic Classification Descriptions: Maintain a system of traffic streets that support the movement of motor vehicles for regional, interregional, interdistrict, and local trips as shown. For each type of traffic classification, the majority of vehicle trips on a street should conform to its classification description.

Policy 6.6, Transit Classification Descriptions: Maintain a system of transit streets that supports the movement of transit vehicles for regional, interregional, interdistrict, and local trips.

Policy 6.7, Bicycle Classification Descriptions: Maintain a system of bikeways to serve all bicycle users and types of bicycle trips.

Policy 6.8, Pedestrian Classification Descriptions: Maintain a system of pedestrianways to serve all types of pedestrian trips, particularly those with a transportation function.

Policy 6.10, Emergency Response Classification Descriptions: Emergency Response Streets are intended to provide a network of streets to facilitate prompt emergency response.

Policy 6.11, Street Design Classification Descriptions: Street design classifications descriptions identify the preferred modal emphasis and design treatments for regionally significant streets and special design treatments for locally significant streets.

Policy 6.18, Adequacy of Transportation Facilities: Ensure that amendments to the Comprehensive Plan (including goal exceptions and map amendments), zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity, and adopted performance measures for, affected transportation facilities.

Policy 6.20, Connectivity: Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Policy 6.22, Pedestrian Transportation: Plan and complete a pedestrian network that increases the opportunities for walking, shopping and services, schools, and parks, employment, and transit.

Policy 6.37 Northeast Transportation District: Reduce travel demand and reliance of the automobile in Northeast Portland to protect residential areas, and industrial sanctuaries from non-local traffic, while maintaining access to established commercial areas.

GOAL 7: Energy

Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.

Findings: The Hearings Officer finds that the proposed Comprehensive Plan Map Amendment and Zone Map Amendment, and the specific development that is proposed is supportive of this goal because the building location will reutilize the Subject Property, which has existing infrastructure. The Hearings Officer finds that it is reasonable to conclude that the construction of the building will use less heavy equipment hours and associated fossil fuels because the building will tie into existing infrastructure. Secondly, the building is designed with a large amount of glazing and sun/shading devices so that the need for additional lighting and cooling will be reduced. In particular, the north side of the building will provide as much open glazed area as possible which will maximize the amount of sunlight on that side of the building, which will help reduce the heating needs in the winter.

In general, Goal 7 policies and objectives are directed toward local jurisdictions in implementing energy related strategies, and not the Applicant. However, the Applicant notes that the application considered in this recommendation is consistent with Policy 7.4, *Energy Efficiency Through Land Use Regulations*, which states that the City shall promote residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. The Hearings Officer notes that the location of the Subject Property will allow residents to access nearby services by walking, transit, or bicycle instead of by vehicle. This proposal implements the policy of placing higher density close to transit services and a mix of land uses which will have the result of decreasing the length of daily trips and will encourage the consolidation of related trips. On balance, the proposal is supportive of Goal 7.

GOAL 8: Environment

Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

Findings: The Hearings Officer finds that this proposal has no impact on any City-identified air, water or land resources as none are designated on the Subject Property, nor are there any such identified resources in proximity to the site. The proposed development must comply with the

City's noise regulations that protect neighborhoods from detrimental noise levels. The Hearings Officer finds that this proposal is consistent with Policy 8.4, *Ride Sharing, Bicycling, Walking and Transit*. Because of the proposal's consistency with the policy, the proposal, on balance, is supportive of Goal 8, **Environment**. A detailed analysis of the applicable policy follows below.

Policy 8.4, *Ride Sharing, Bicycling Walking and Transit*

Promote the use of alternative modes of transportation such as ridesharing, bicycling, walking, and transit throughout the metropolitan area.

Hearings Officer Comment: As noted previously in this recommendation, the location of the Subject Property is within 100 feet of NE Alberta, a designated Community Transit Street, as well as multiple pedestrian and bicycle routes. On balance, the Hearings Officer finds that the proposal is supportive of this policy.

GOAL 9: *Citizen Involvement*

Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

Findings: The Hearings Officer finds that this proposal is consistent with Policy 9.1, *Citizen Involvement Coordination* and Policy 9.3, *Comprehensive Plan Map Amendment*. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 9, **Citizen Involvement**, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 9.1, *Citizen Involvement Coordination*

Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations.

Hearings Officer Comment: Applicant represented contact had been made, prior to and after the applicant had been submitted, with the Concordia Neighborhood Association and many of the surrounding neighbors. The Concordia Neighborhood Association Land Use Chair acknowledged that Applicant made contact with the Association and various property owners. The Hearings Officer finds that Applicant met the spirit and intent of this policy.

The Hearings Officer notes that the City provided notice of the proposed Comprehensive Plan Map Amendment and Zone Map Amendment to surrounding property owners within 400 feet of the site and to the neighborhood association in order to inform them of their opportunity to comment on the application both in writing and at the public hearings on this application. In addition, the site has been posted per the requirements of the Portland Zoning Code for Type III Land Use Reviews. The Hearings Officer finds that this policy has been met.

Policy 9.3, Comprehensive Plan Amendment

Allow for the review and amendment of the adopted Comprehensive Plan which insures citizen involvement opportunities for the city's residents, businesses and organizations.

Hearings Officer Comment: The land use review process requires citizen involvement through mailed requests for responses, posting of the site, mailed notifications of public hearing, and public hearings before the Hearings Officer and City Council. Citizen involvement efforts related to this case are detailed in response to Policy 9.1, above. The Hearings Officer finds this policy has been met.

GOAL 10: Plan Review and Administration

Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.

The Hearings Officer finds that this proposal is consistent with Policies 10.7, and 10.8. The Hearings Officer finds that this proposal, on balance, is supportive of Goal 10, **Plan Review and Administration**, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 10.7, Amendments to the Comprehensive Plan Map

The Planning Commission must review and make recommendations to the City Council on all legislative amendments to the Comprehensive Plan Map. Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. For quasi-judicial amendments, the burden of proof for the amendment is on the applicant. The applicant must show that the requested change is:

(1) Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies,

Hearings Officer Comment: The preceding analysis and findings in this recommendation demonstrate that the proposed Comprehensive Plan Map Amendment is, on balance, supportive of and consistent with the relevant goals and policies of the Comprehensive Plan.

(2) Compatible with the land use pattern established by the Comprehensive Plan Map,

Hearings Officer Comment: The line delineating the commercial and residential designations in the vicinity of the Subject Property currently contains small northerly "jogs" (See Exhibit H.7). Two such jogs exist in close proximity to the Subject Property, one north of NE Alberta at NE 24th and one north of Alberta at NE 29th. Also, the property located immediately west of the Subject Property (across NE 26th) is split zoned; the southerly portion has a commercial designation and the northern portion a residential designation. The Hearings Officer notes that the entire property to the west (both the residential and commercial zoned portions) is used for commercial purposes. The

Hearings Officer finds that approving this application will not set a controlling precedent for properties excepting, perhaps, for those located within the job areas north of Alberta between NE 24th and NE 29th and immediately adjacent to the current residential/commercial zoning boundary.

The Hearings Officer finds that the CS zone already exists to the south, southwest and southeast. Two blocks to the east, the CS zoning line bumps to the north slightly, which is similar to the pattern that would be established by approving the comprehensive plan map amendment.

(3) Consistent with the Statewide Land Use Planning Goals, and

Hearings Officer Comment: The Hearings Officer notes that the State of Oregon Land Conservation and Development Commission (LCDC) has acknowledged the Comprehensive Plan for the City of Portland. The city goals mentioned in “LCDC and Comprehensive Plan Considerations” are comparable to the statewide planning goals in that City Goal 1 is the equivalent of State Goal 2 (Land Use Planning); City Goal 2 addresses the issues of State Goal 14 (Urbanization); and City Goal 3 deals with the local issues of neighborhoods. The following city and state goals are similar: City Goal 4, State Goal 10 (Housing); City Goal 5, State Goal 9 (Economic Development); City Goal 6, State Goal 12 (Transportation); City Goal 7, State Goal 13 (Energy Conservation); City Goal 8, State Goals 5, 6 and 7 (Environmental Impacts); and City Goal 9, State Goal 1 (Citizen Involvement). City Goal 10 addresses city plan amendments and rezoning; and City Goal 11 is similar to State Goal 11 (Public Facilities and Services). Other statewide goals relate to agricultural, forestry and coastal areas, etc., and therefore do not specifically apply to this Subject Property.

For quasi-judicial plan amendments, compliance with the city’s plan goals, as discussed here, show compliance with applicable state goals. The analysis in this recommendation indicates that all of the City goals and policies are supported by the proposal. Consequently, the proposal is consistent with all applicable statewide goals.

(4) Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.

Hearings Officer Comment: As previously discussed above in this recommendation, this proposal is consistent with the Vision, Goals, and Objectives included within the adopted Concordia Neighborhood Plan.

Policy 10.8, *Zone Changes*

Base zone changes within a Comprehensive Plan Map designation must be to the corresponding zone stated in the designation. When a designation has more than one corresponding zone, the most appropriate zone will be applied based on the purpose of the zone and the zoning and general land uses of surrounding lands. Zone changes must be granted when it is found that public services are presently capable of supporting the uses allowed by the zone, or can be made capable prior to issuing a certificate of occupancy. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this

requirement, services include water supply, sanitary sewage disposal, stormwater disposal, transportation capabilities, and police and fire protection.

Hearings Officer Comment: The Urban Commercial designation has two corresponding zones which implement the designation: CS, Storefront Commercial and CM, Mixed Commercial. The proposed Comprehensive Plan Map amendment from Attached Residential to Urban Commercial is combined with a Zoning Map amendment request to place the corresponding zone of CSh on the site in the configuration shown on the attached Proposed Zoning Map, Exhibit B.2. These policies and objectives are implemented through this land use review, and are specifically addressed in findings for conformance with the approval criteria for the proposed Zone Map Amendment, 33.855.050.A-C, following this section on the proposed Comprehensive Plan Map Amendment. To the extent that applicable approval criteria of 33.855.050.A-C contained in this report and recommendation are met, these policies and objectives are also met.

GOAL 11: Public Facilities

Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

The Hearings Officer finds that this proposal is consistent with Goal 11. Agency responses to this proposal indicate that either adequate public facilities and services exist or can be reasonably made available as discussed in Exhibits E.1 through E.7. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 11, **Public Facilities** of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 11.2, Orderly Land Development

Urban development should occur only where urban public facilities and services exist or can be reasonably made available.

Hearings Officer Comment: The adequacy of public facilities is discussed in detail below in this recommendation under the criterion 33.855.050 B. To the extent that criterion is met, the proposal is consistent with this policy.

GOAL 12: Urban Design

Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.

The Hearings Officer finds that this proposal is consistent with Goal 12, which is intended to enhance Portland's identity as a livable city with attractive amenities creating an urban dynamic through quality projects. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 12, **Urban Design** of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 12.1, Portland's Character

Enhance and extend Portland's attractive identity. Build on design elements, features and themes identified with the City. Recognize and extend the use of City themes that establish a basis of a shared identity reinforcing the individual's sense of participation in a larger community.

Hearings Officer Comment: The Hearings Officer takes note of and agrees with Applicant's comment that with the creation of the Urban Growth Boundary, Portland has had a growing trend towards mixed use and nodal development. The result is a very livable urban form and city that its residents take pride in and makes Portland a model of sustainability for the rest of the country. This proposal fits within this collective vision of Portland.

Policy 12.6, Preserve Neighborhoods

Preserve and support the qualities of individual neighborhoods that help to make them attractive places. Encourage neighborhoods to express their design values in neighborhood and community planning projects. Seek ways to respect and strengthen neighborhood values in new development projects that implement this Comprehensive Plan.

Hearings Officer Comment: The Hearings Officer takes note of Applicant's comment that the Concordia Neighborhood and NE Alberta business district possess their own unique identity and that the design of the proposal is aimed at blending the history of the neighborhood with changes that have taken place during the recent years and intending to fit well with the neighborhood residents' and the City's vision for the future.

33.810.050 A. 2 When the requested amendment is:

- From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

the requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained. The method for calculating potential housing units is specified in subparagraph A.2.a, below; potential housing units may be gained as specified in subparagraph A.2.b, below.

- a. Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 square feet per unit is used in the calculation and the maximum floor area ratio is used. Exceptions are:
.....
 - (2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included;
and
- b. Gaining potential housing units. Potential housing units may be gained through any of the following means:

-
- (5) Any other method that results in no net loss of potential housing units, including units from the housing pool as stated in 33.810.060 below.

Findings: This proposal includes a requested Comprehensive Plan Map Amendment from residential to commercial, and therefore the provisions for no net loss in housing potential are applicable. The housing unit potential of the Subject Property, currently under R2.5ah zoning, is two units, because it qualifies as a transitional site, per 33.110.240 H. However, the requested Comprehensive Plan Map Amendment also includes a specific development proposal, which is a 9-unit multifamily project. Therefore, there would be no net loss of potential housing units by approving this proposal. However, it is possible that the zone change occurs and ultimately the project is modified in the future, such as including allowed commercial uses on the ground floor. Therefore, the Hearings Officer finds that a condition of approval is warranted that requires development on the site to include no less than two residential units, and those units must remain on the Subject Property as residential units for a minimum of 25 years after issuance of final occupancy. With this condition, this criterion is met.

3. When the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation, in order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must also be met:

Findings: The request does not include the Industrial Sanctuary or Mixed Employment designations; therefore, this criterion is not applicable.

The Hearings Officer finds, in summary, this proposal, on balance, is consistent and supportive of the applicable Goals and Policies of the Comprehensive Plan.

ZONING MAP AMENDMENT

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Compliance with the Comprehensive Plan Map.** The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Findings: The Urban Commercial designation has two corresponding zones: Mixed Commercial/Residential [CM] and Storefront Commercial [CS]. The Applicant has requested Storefront Commercial.

The Mixed Commercial/Residential (CM) zone promotes development that combines commercial and housing uses on a single site. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Other uses are allowed to provide a variety of uses that may locate in existing buildings. Development is intended to consist primarily of businesses on the ground floor with housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

Given the surrounding CS zoning pattern in relation to the Subject Property, and the specific development proposal, the Hearings Officer finds that the Storefront Commercial zone is the more appropriate zone to implement the Urban Commercial designation. The Hearings Officer notes that while the CM zone would also allow residential development, the development standards for the CM zone, in particular the floor area ratio, would limit the ability to develop a residential project as proposed. Therefore, the Hearings Officer finds that the specific development proposal as well as the surrounding zoning pattern makes the CS zone more appropriate. The Hearings Officer finds that this criterion is met.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Findings: The Subject Property is currently zoned R2.5ah. However, there is no Buffer overlay designation on the Subject Property or on any adjacent commercially zoned parcels. The Hearings Officer finds that this criterion is not applicable.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: The Subject Property is currently zoned R2.5ah and this proposal is to change to the CS zone. The Hearings Officer finds this criterion is not applicable, although it is important to note that 33.810.050 A 2 is met, as discussed earlier in this recommendation.

B. Adequate public services. Public services for water supply, transportation system facilities and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand projections for that zone or area which are then applied to the size of the site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.

Findings: As noted previously in this recommendation, under Agency Review, services are adequate as follows:

Water Bureau responded that the Subject Property is served from the 8-inch water main in NE 26th Avenue. The static water pressure at this location is estimated to be 67 to 83 psi.

Fire Bureau responded that the Applicant is required to provide a fire hydrant that meets the spacing requirement for commercial buildings as well as provide adequate flow and pressure based on the size of the building.

Bureau of Parks-Forestry Division notes that street trees will be required at time of building permit review.

The Bureau of Environmental Services has no objection to the proposed Comprehensive Plan Map Amendment nor the Zoning Map Amendment since the proposed increase in flow to the combination sewer is not anticipated to be significant enough to exacerbate localized surcharge in the system.

The Police Bureau responded with the following comments: the Comprehensive Plan at Goal

11.53 establishes a Police response to calls for service at five minutes. The 2009 City of Portland Service Efforts and Accomplishments report shows that the average response time for high priority calls has been above five minutes since 2004.

The Site Development Section of BDS responded that provided that a drywell can be approved at the time of building permit review, Site Development has no objection to this proposal.

The Bureau of Transportation Engineering ("PBOT") responded that transportation staff has reviewed the applicant's narrative addressing Goal 6 policies, and concurs with the applicant that the requested Comprehensive Map Amendment is consistent with adopted Goal 6 Policies. The following is the Hearings Officer's summary of PBOT's comments:

At this location, NE 26th Avenue is classified as a Local Service street for all transportation modes in the City's Transportation System Plan.

According to City database sources, the street is improved with 30-feet of paving in a 50-foot right-of-way with curbs and sidewalks. The existing sidewalk corridor along the Subject Property frontage does not meet City standards. PBOT recommended that as a condition to the issuance of a future building permit for the Subject Property the sidewalk corridor must be reconstructed to meet the City's 11-foot wide sidewalk corridor standard (0.5' curb, 4' furnishing zone with street trees, 6' sidewalk, and 0.5 frontage zone). To accommodate the anticipated street improvements, a one-foot dedication of property for right-of-way purposes will be required.

PBOT required a condition to the issuance of a future building permit that the site the sidewalk corridor must be reconstructed to meet the City's 11-foot wide sidewalk corridor standard (0.5' curb, 4' furnishing zone with street trees, 6' sidewalk, and 0.5 frontage zone). To accommodate the anticipated street improvements, a one-foot dedication of property for right-of-way purposes will be required.

A traffic impact study (TIS) was prepared by Charbonneau Engineering. The study looked at Level of Service [LOS] and capacity at the intersection of NE Alberta Street and NE 26th Avenue. The study included an analysis of the years, 2009 existing, 2014 current zoning, 2014 proposed zoning, and 2029 current and proposed zoning with background growth added. The study shows that the Subject Property could accommodate nine units and produce 60 daily trips with 5-6 trips occurring in the a.m. and p.m. peak hours. Under the proposed CS zoning with a blend of office, and multifamily development, the Subject Property could produce 121 daily trips with 8-12 of those trips occurring in the a.m. and p.m. peak hours. Including a transit reduction of 30% would reduce those numbers to 85 daily and 6-8 trips in the a.m. and p.m. peak hours.

PBOT concluded that the study intersection of NE Alberta Street and NE 26th Avenue is currently operating at a LOS B. With the additional vehicle trips potentially generated by the

development allowed under the proposed CS zone change, that intersection will continue to operate at a LOS B in the years 2014 and 2029. For the purposes of making TPR findings, the proposed zone change will not create any significant transportation impacts. PBOT determined that no mitigation would be required if the application was approved.

For the purpose of Title 33's zoning map amendment approval criteria for adequacy of transportation services, PBOT determined the transportation system would be adequate to safely serve the CS level of proposed/potential development in addition to existing uses in the area. PBOT concluded that the Subject Property is well served by transit on NE Alberta Street and the majority of the streets in the area are fully improved with sidewalks along both sides.

Opponents (Concordia Neighborhood Association Land Use Committee, Ms. Joyce, Mr. Kerrigan, and Ms. Golightly) expressed general concern regarding transportation impacts if the application is approved. Opponents raised specific concerns about on-street parking impacts that they expected to result if the Zone Map Amendment application were approved.

The Hearings Officer notes that PCC 33.855.050 B requires substantial evidence in the record that the "transportation facilities and capacity" are adequate. PCC 33.855.050 B.2 states, in part, that "adequacy of services is determined by the service bureaus who apply the demand numbers to the actual and proposed services to the site and surrounding area."

The Hearings Officer finds that the applicable service bureaus did take into consideration the demands created by this application and based upon the impacts of those demands, concluded that City services were adequate to meet those demands. The Hearings Officer, therefore, finds that 33.855.050 B, based upon the evidence in the record, is met; the service bureaus found the services to be adequate to meet the projected demands. Further, the Hearings Officer finds that there is lack of empirical evidence provided into the record by opponents of this application to support any finding that services are not adequate.

The Hearings Officer finds this criterion is met.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

Findings: This proposal does not involve IR zoning and therefore the Hearings Officer finds this criterion is not applicable.

C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact

mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: The request does not include the Institutional Residential zone. Therefore the Hearings Officer finds this criterion is not applicable.

D. Location. The site must be within the City's boundary of incorporation. See Section 33.855.080.

Findings: The site is within the City of Portland. This criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F below have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The Applicant proposes a specific development project concurrent with the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment. The Applicant proposes a three-story, multi-dwelling project, which is allowed in the proposed Storefront Commercial zone.

Applicant's proposed development will require two Adjustments to applicable development standards as follows:

- An Adjustment to reduce the building setback along the northern property line of the Subject Property, which abuts a Residential zone, from 11 feet to 7 feet; and
- An Adjustment to reduce the width of the required landscaping along the north property line of the Subject Property from 5 feet to 3 feet 4 inches.

The required setback for Applicant's proposed building is found at 33.130.215, and Table 130-4. The purpose of the setback regulations is found at 33.130.215 A, which states:

Purpose: The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

Applicant's proposed building would be located on the Subject Property such that the footprint of the building is placed 3 feet away from the south property line, which abuts a CS zoned lot. The regulations allow a 0-foot setback, but by placing the building at 3 feet from the south property line, it allows a 7-foot setback along the north property line, which abuts an R2.5ah zoned lot. The required setback from the north property line is based on the plane of the building wall, and Table 130-4 states that the required setback is 11 feet. If the proposed multifamily building was placed at a 0-foot setback along the south property line, which is allowed, because it is abutting another commercially zoned lot, then the setback along the north would be at 10 feet. However, the proposed asymmetrical placement provides air and separation between the multifamily building and the adjacent commercial use to the south, while maximizing the remaining setback along the north property line which abuts an R2.5ah zoned lot with an existing house.

The design of the proposed multifamily building with deep bays for the main ground floor entries provides an articulated façade that creates pockets of additional space and separation from the adjacent residential use. The building design includes small decks on each floor which project out slightly from the building wall which in turn creates visual interest without a significant impingement on privacy for the adjacent residential zones. The roofline of the building includes various shed roofs broken up into separate masses so that the building façade and appearance from the north is not monolithic and massive. All of these design elements work together to create a wall plane that has articulation, variety and visual interest which in combination with the inset bays to the entrances, creates a sense of spatial separation between the condominium building and the adjacent residential development to the north.

The Hearings Officer finds that the proposed orientation of the building will present a pedestrian friendly façade to NE 26th Avenue and due to the proximity of the Subject Property to NE Alberta Street and transit service, the building will help anchor the northeast corner of the intersection of NE 26th and Alberta.

For all of the above reasons, the Hearings Officer finds that the requested setback reduction remains consistent with the purpose of the setback regulations, and therefore this criterion is met for the setback adjustment.

The second requested adjustment is to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches. This standard is found at 33.130.215 B 2 a, and therefore the purpose statement remains the same as previously cited. Applicant proposes to install a continuous screen of Arborvitae, 4 feet on center and 11 feet in height at time of planting. Applicant notes that the balance of the area will be pavers for the public walkway to the main entrances of the building.

Although the proposed screening does not meet the L3 landscaping standard [due to the lack of trees intermixed with the Arborvitae] the resultant green screen will provide a continuous evergreen visual buffer which will promote increased privacy between the Subject Property and the adjacent residential lot to the north. For these reasons, the Hearings Officer finds that this adjustment request remains consistent with the purpose of the setback regulations and therefore this criterion is met for the setback adjustment.

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The requested adjustments have no impact on the classifications of the adjacent streets. The adjustments will allow a residential project, an allowed use, in the proposed Storefront Commercial zone. The Hearings Officer finds that as demonstrated under Criterion A, the adjustments will still meet the intent of the regulations and therefore are consistent with the desired character of the area. The Hearings Officer finds this criterion is met.

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Two adjustments are requested. The overall purpose and desired character of the Storefront Commercial zone includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. The proposed configuration of a slightly reduced setback and landscaped buffer area along the north property line is such that the project is still consistent with a pedestrian oriented but built up character allowed by the CS zone. The Hearings officer finds this criterion is met.

D. City-designated scenic resources and historic resources are preserved; and

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, the Hearings Officer finds that this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: The Hearings Officer finds that there are no discernible impacts that would result from granting the requested adjustments. The Hearings Officer notes, however, in the future the Applicant, or successor owner, could request a modification or minor revision to the requested adjustments during the building permit review process. Should that occur, the Hearings Officer finds that a condition is warranted providing that any requested revisions to the proposed building requiring a modification or new Adjustment should be reviewed as a Type II Adjustment and that such revisions do not require the applicant to apply for a new Comprehensive Plan Map Amendment and Zone Change. With such a condition, the Hearings Officer finds this criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The Subject Property is not within an environmental zone. The Hearings Officer finds this criterion is not applicable.

III. CONCLUSIONS

Applicant requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on the site from AR, Attached Residential [designation] and R2.5ah, [zoning] to Urban Commercial [designation] and CSh, Storefront Commercial with Aircraft Landing overlay [zoning]. The proposed CSh zone will match the base zone of the abutting lot to the south of the site.

Applicant also proposes a specific development proposal concurrent with the proposed change in zoning for the site. Applicant proposes a 9-unit, three-story multi-dwelling project, which is allowed in the proposed Storefront Commercial zone. The proposed development will require two Adjustments to applicable development standards.

Opposition to this application expressed a number of concerns. Opponents suggested that approving the Comprehensive Plan Map Amendment and Zoning Map Amendments would set a precedent for future applications in the area. The Hearings Officer found that approving the Comprehensive Plan Map Amendment and Zoning Map Amendment would only act as a precedent for other requests involving properties immediately north of the current residential/commercial

boundary. Further, the Hearings Officer found that the Subject Property is bounded to the south by commercial uses (those along NE Alberta) and is directly across the street from a non-conforming commercial use.

Opponents also indicated that on-street parking would be negatively impacted by approving the application. The Hearings Officer found that the Applicant's traffic study, Applicant's informal on-street parking survey and PBOT's comments were persuasive that on-street parking impacts created by approval of the application would not be significant.

Opponents argued that the Applicant's 9-unit multifamily proposal would result in "too many" units on the Subject Property. The Hearings Officer notes that the 9-unit multifamily proposal is consistent with the requested zoning designation. The Hearings Officer also found that all of the relevant approval criteria were met.

Opponents also argued that in "today's market" condominium units (as discussed in the application) would not sell. The Hearings Officer notes that "market conditions" is not a relevant approval criterion. The Hearings Officer did not consider "market conditions" in making this recommendation.

The Hearings Officer found that the Comprehensive Plan Map Amendment, Zoning Map Amendment and adjustment requests all met the relevant approval criteria. The Hearings Officer found that the application, on balance, is supportive of the Comprehensive Plan Goals and Policies, and with one condition of approval, meets all of the applicable approval criteria for the requested zone change. It is important to note that per 33.405.030, that with the rezone to CS, the 'a' overlay will be deleted from the Official Zoning Map, but the 'h' overlay will remain.

The Hearings Officer found, with one condition of approval, the requested adjustments met all relevant approval criteria.

IV. RECOMMENDATION

Approval of:

- A Comprehensive Plan Map Amendment to change the designation on the Subject Property from Attached Residential to Urban Commercial; and
- A Zone Map Amendment to change the zoning on the Subject Property from Single Dwelling R2.5ah, to CSh, Storefront Commercial with Aircraft Landing overlay.

This approval applies to the parcel identified as:

5012-5014 NE 26th Avenue; BLOCK 13 LOT 8, INA PK;

Tax Account No.: R413905090;

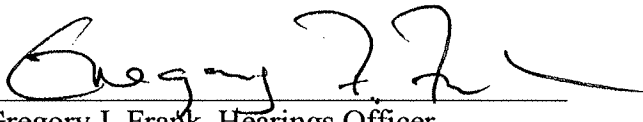
State ID No.: 1N1E24BB 21700

Approval of:

- An Adjustment to reduce the building setback along the northern property line of the Subject Property, which abuts a Residential zone, from 11 feet to 7 feet; and
- An Adjustment to reduce the width of the required landscaping along the north property line of the Subject Property from 5 feet to 3 feet 4 inches.

For a three story, 9-unit multifamily building subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 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 09-133971 CP ZC AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. If future modifications to the building introduce commercial uses, a minimum of 2 residential units must remain on this Subject Property for 25 years after the final approval date of this decision.
- C. If the proposed three story, 9 unit multifamily building requires modification of the above adjustments, or requires a new adjustment due to agency review of the building permit plans, those Adjustments will be processed as stand alone Adjustments and will not require the applicant to submit a new Comprehensive Plan Map Amendment and Zone Change.


Gregory J. Frank, Hearings Officer

FEBRUARY 24, 2010
Date

Application Deemed Complete: December 8, 2009
Report to Hearings Officer: February 5, 2010
Recommendation Mailed: February 25, 2010

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Development Services representative listed in this Recommendation (823-7700).

The decision of City Council, and any conditions of approval associated with it, is final. The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and
- a notice of intent to appeal be filed with LUBA within 21 days after City Council's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development
Services Land Use Services Division at 503-823-0625.

Expiration of approval. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

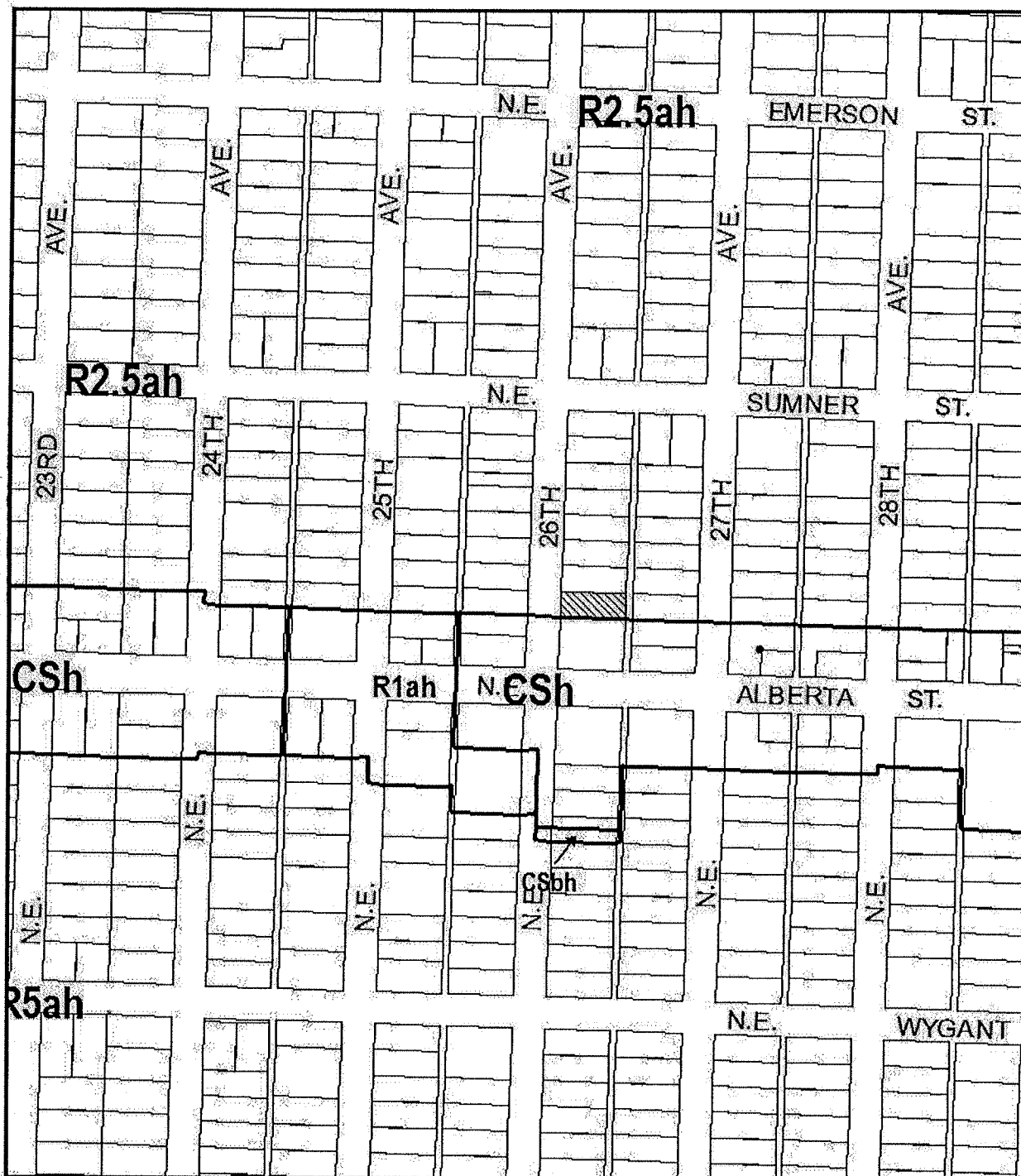
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Introduction Narrative
 - 2. Comprehensive Plan Map Narrative
 - 3. Adjustment Narrative and additional information
 - 4. Photographs of the immediate area
 - 5. Stormwater report for roof drain
 - 6. Transportation and Traffic Analysis Report: Charbonneau Engineering
 - 7. Carlson Geotechnical Report: Investigation & Preliminary Infiltration Testing
 - 8. Appeal Summary: Drywell location approved with provisions
- B. Zoning Maps
 - 1. Existing Zoning (**attached**)
 - 2. Proposed Zoning
- C. Plans & Drawings (**attached**)
 - 1. Site Plan with landscaping
 - 2. North Elevation
 - 3. West and East Elevations
 - 4. South Elevation
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed Notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Bureau of Parks, Forestry Division
- F. Letters: None received at time of publication of staff report
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Pre Application Conference Notes
 - 4. Incomplete letter to applicant June 29, 2009
- H. Received by the Hearings Office

1. Hearing Notice - Cate, Sylvia
2. Staff Report - Cate, Sylvia
3. E-mail from George M. Bruender - Cate, Sylvia
4. Letter from Christine Golightly dated 2/16/10 (2 pgs.) - Cate, Sylvia
5. Letter from Meredith and Steve Mathews - Joyce, Laura
6. PowerPoint presentation - Cate, Sylvia
7. Copy of Exh. B.2 - Cate, Sylvia (**attached**)



**ZONING
EXISTING**



NORTH



Site



Historic Landmark

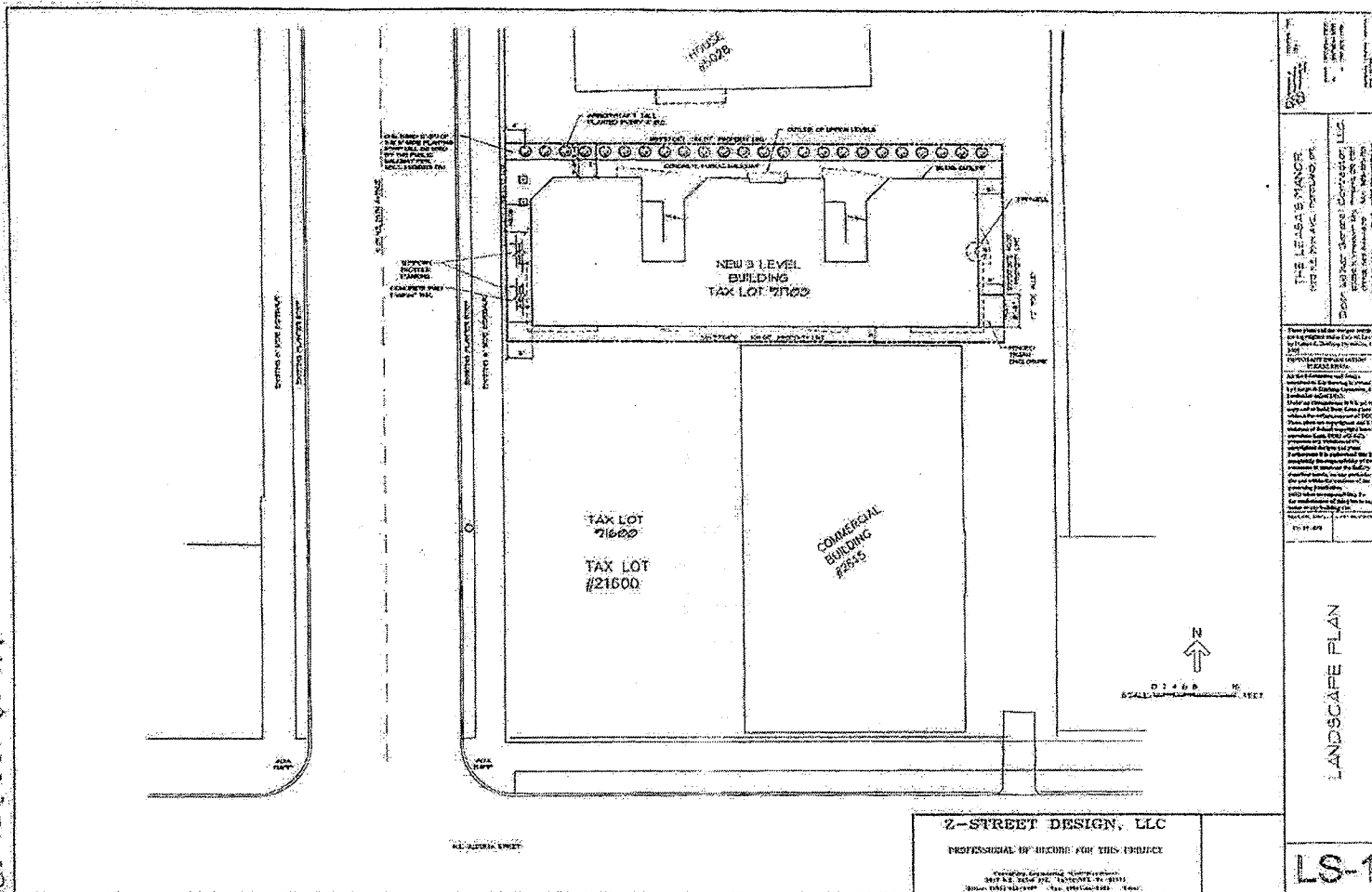
File No. LU 09-133971 CP ZC AD

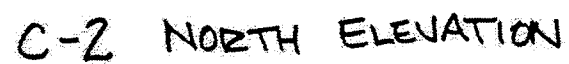
1/4 Section 2533

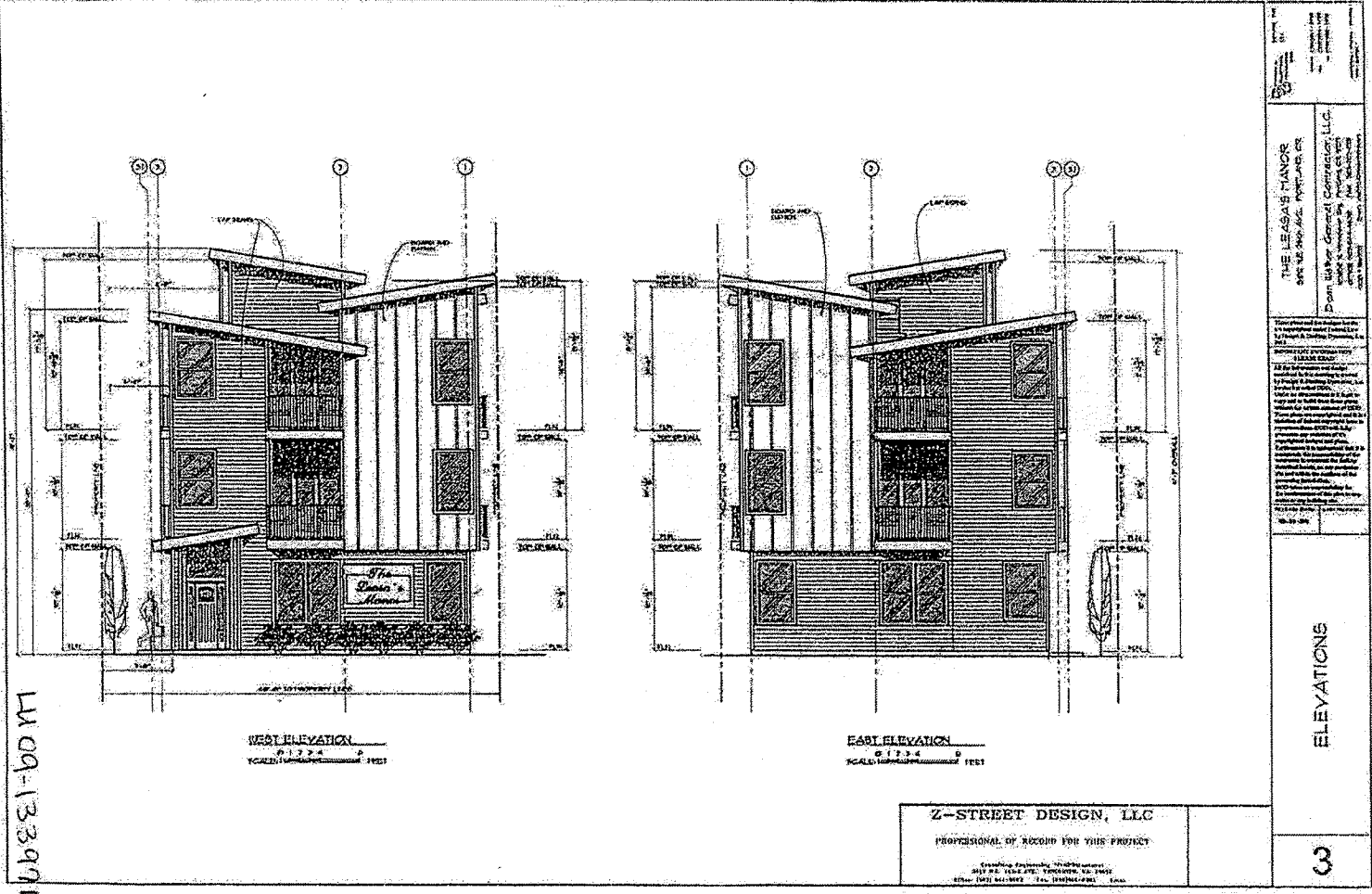
Scale 1 inch = 200 feet

State Id 1N1E24BB 21700

Exhibit B1 (Dec 11, 2009)







LM 09-133971 CP22CND

C-3 WEST + EAST ELEVATIONS

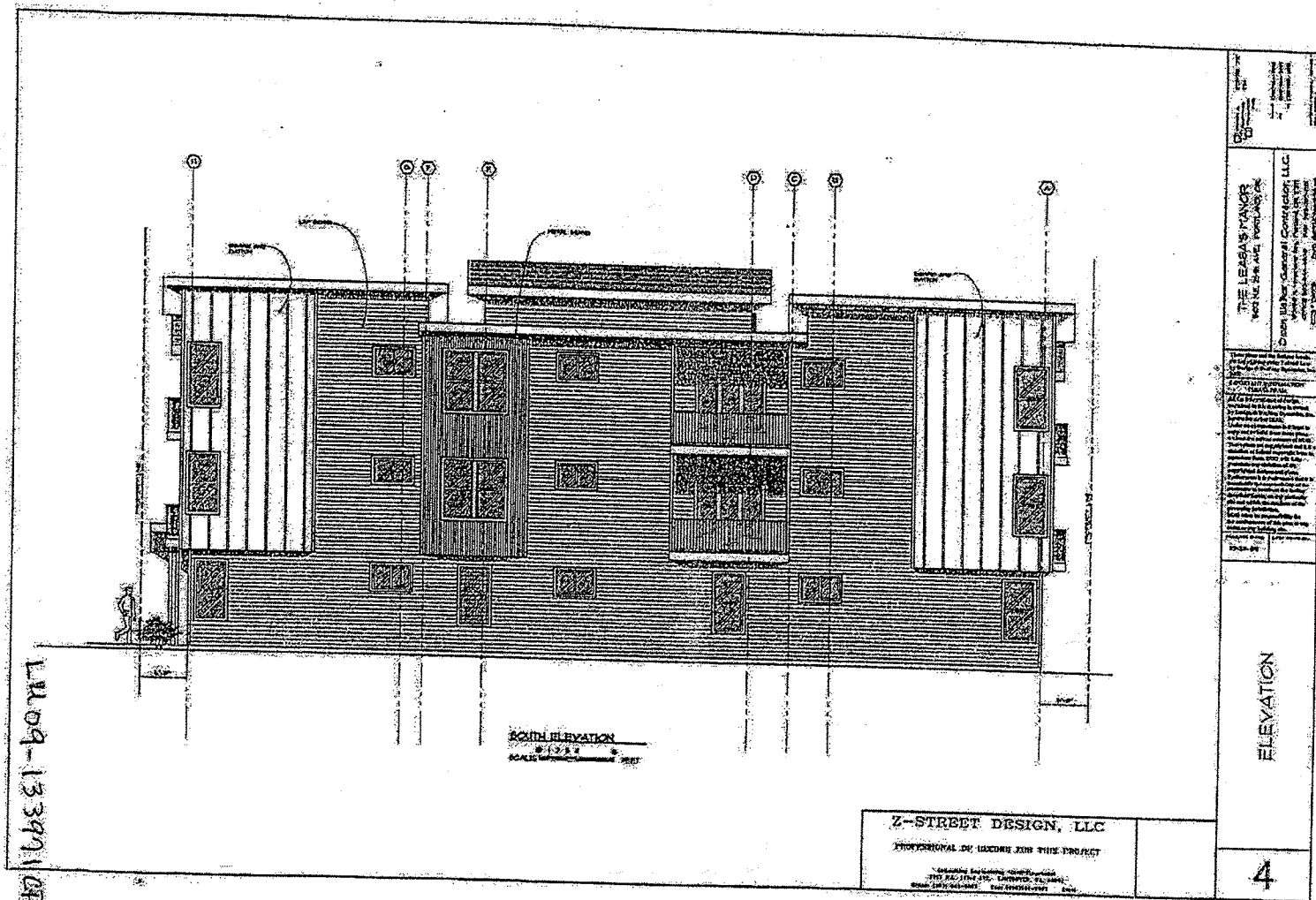
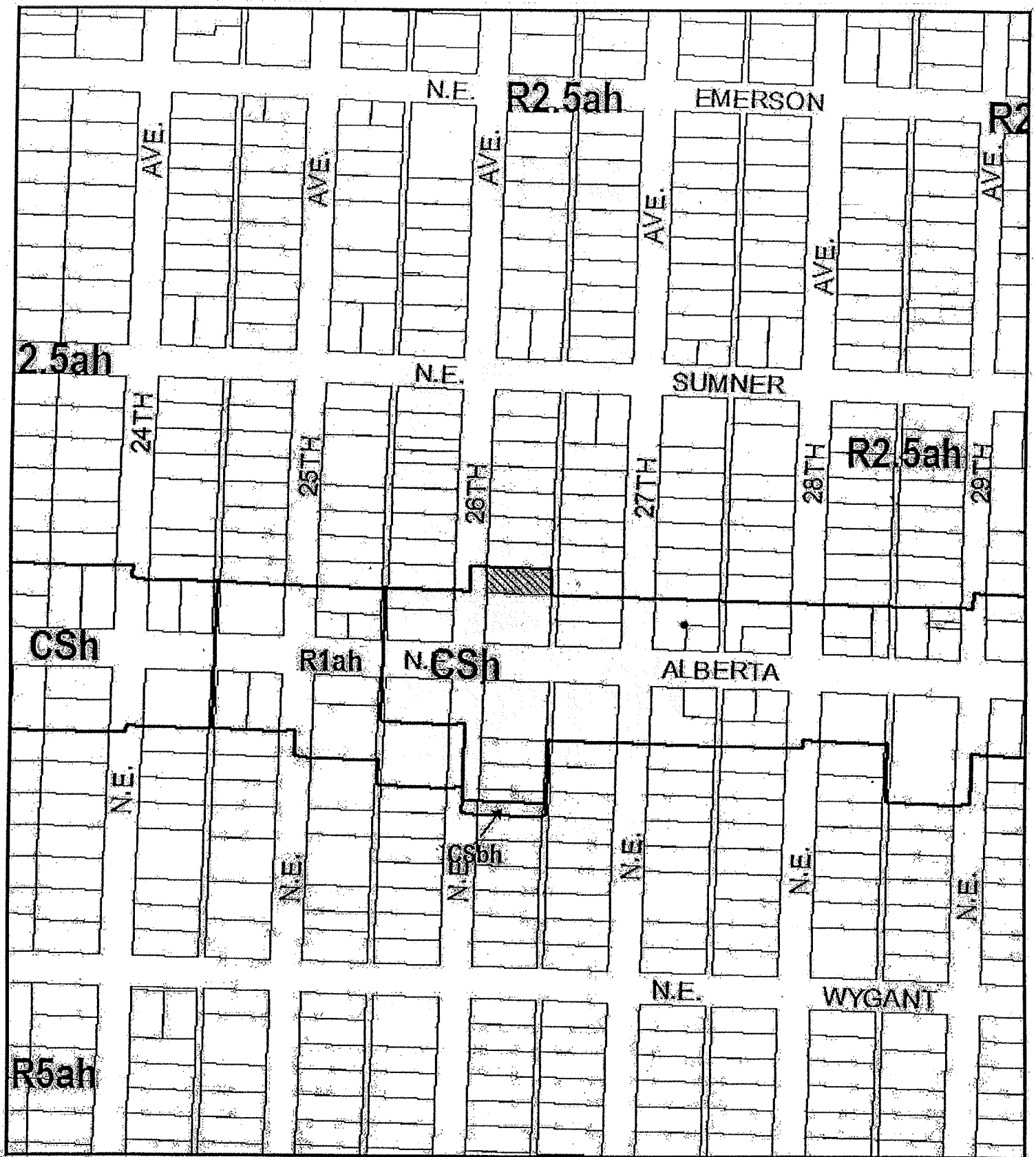


EXHIBIT C-4 SOUTH ELEVATION



**ZONING
PROPOSED**



Site

Historic Landmark

RECEIVED



NORTH

FEB 17 2010 *CP*

HEARINGS OFFICE

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-7
Case # 4090030
Bureau Case # 09-133971 CP ZC

File No. LU 09-133971 CP ZC AD

1/4 Section 2533

Scale 1 inch = 200 feet

State Id 1N 1E 24BB 21700

Exhibit B2 (Dec 11, 2009)