

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Douglas Hardy	2. Telephone No. 503.823.7816	3. Bureau/Office/Dept. Bureau of Development Services – Land Use Services
4a. To be filed (hearing date): June 13, 2013, 2:00 TC	4b. Calendar (Check One) <div style="display: flex; justify-content: space-around;"> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/> </div>	5. Date Submitted to Commissioner's office and CBO Budget Analyst: May 29, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed

1) Legislation Title:

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map Amendment from Medium Density Multi-Dwelling to Central Residential, and concurrent Zoning Map Amendment from R1d to RXd.

2) Purpose of the Proposed Legislation:

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map Amendment from Medium Density Multi-Dwelling to Central Residential, and concurrent Zoning Map Amendment from R1d to RXd for a 33,568 square foot vacant parcel located at the southeast corner of NE Fremont Street and N. Williams Avenue.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input checked="" type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This is not a legislative action, but rather a Type III quasi-judicial land use review to change the Comprehensive Plan Map and Zoning Map designations on the site. The request comes from the property-owner of the subject site. As such, this request has no impact on generating or reducing revenue coming to the City

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)*

There are no costs to the City associated with this quasi-judicial land use review. The City resources necessary to review the Comprehensive Plan Map and Zoning Map amendments are covered by the land use review fees paid by the applicant.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No positions will be created, eliminated or reclassified in the current year as a result of this quasi judicial land use review.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No positions will be created, eliminated or reclassified in future years as a result of this quasi judicial land use review.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☒ **YES:** Please proceed to Question #9.

☐ **NO:** Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

Any impacts associated with the requested Comprehensive Plan Map and Zoning Map Amendments are identified in the Hearings Officers recommendation on this land use review, which was forwarded to the City Council (LU 13-109305 CP ZC). In summary, the Hearings Officer found the requested amendments were on balance equally or more supportive of the relevant Comprehensive Plan goals and policies than the existing designation on the site, with no impacts on public services provided funding is approved for traffic signal improvements at two area intersections. The Portland Bureau of Transportation has indicated that five area property-owners have agreed to contribute towards the cost of these signals. A Local Improvement District may be an additional funding mechanism for these signal improvements.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The following recognized neighborhood and business associations were notified in writing of the requested quasi-judicial land use review:

- Eliot Neighborhood Association;
- Northeast Coalition of Neighborhoods; and
- North-Northeast Business Association.

Surrounding property-owners within a 400 foot radius of the subject site were also notified in writing of the requested quasi-judicial land use review.

c) How did public involvement shape the outcome of this Council item?

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and requesting comment on the proposal. The notice also informed them of the opportunity to testify at the Hearings Officer public hearing. Several written comments were received in response to the Notice of Proposal from area residents and the neighborhood association, and several neighbors testified at the public hearing before the Hearings Officer.

d) Who designed and implemented the public involvement related to this Council item?

The Bureau of Development Services notified interested parties of both the Hearings Officer and City Council public hearings on this quasi-judicial land use review.

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Douglas Hardy, Senior Planner, Bureau of Development Services – Land Use Services
503.823-7816
douglas.hardy@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

Once the City Council has made its decision on this quasi-judicial land use review, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.040. However, the City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals.



Paul L. Scarlett, Director Bureau of Development Services

APPROPRIATION UNIT HEAD (Typed name and signature)

LU 13-109305 BACK BRIDGE LOFTS

COUNCIL MOTIONS

6-27-2013 Motion to adopt Hearings Officer's recommendation with conditions in staff memo dated June 27, 2013; staff to prepare findings for July 3, 2013 at 9:30 a.m.: Moved by Saltzman and seconded by Novick.

Commissioners voted as follows:

Yea: Saltzman, Novick, Hales.

No: Fritz

Absent: Fish

7-3-2013 Motion to accept the report findings: Moved by Saltzman and seconded by Novick.

Commissioners voted as follows:

Yea: Saltzman, Novick, Hales.

No: Fritz

Absent: Fish



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Memorandum

Date: June 27, 2013
To: Portland City Council
From: Douglas Hardy, Senior Planner
503-823-7816 / Douglas.Hardy@portlandoregon.gov
Re: Comprehensive Plan Map and Zoning Map Amendment for Property at the
Southeast Corner of NE Fremont Street and N Williams Avenue
(LU 13-109305 CP ZC)

Please find attached for your consideration proposed conditions of approval that the Bureau of Development Services (BDS) staff has drafted for the above referenced land use review case. These conditions have been drafted in response to issues that the City Council raised in the last public hearing for this land use review proposal on June 13, 2013.

The specific issues that City Council raised and requested BDS staff to address at the continued hearing on June 27, 2013, include the following:

- 1) Require that future development on the site under the proposed zone be subject to a Type II Design Review, with no option of using the Community Design Standards.
- 2) Require future development on the site under the proposed zone to be subject to a Design Advice Request before the Design Commission.
- 3) Require that the traffic signals required by Portland Bureau of Transportation at the intersections of N. Cook Street/N. Williams Avenue and N. Cook Street/N. Vancouver Avenue be installed prior to future development on the site being occupied.
- 4) Consider limiting the height of future development on the site below what the proposed RX zone allows, particularly close to the adjacent R2a multi-dwelling zone.
- 5) Provide for on-site parking.
- 6) Consider allowing a greater amount of commercial space in the building than allowed by the RX zone.

The attached draft conditions address Items 1 through 4, above. Note that the attached height diagram included in response to Item 4 is from the applicant. An alternative height diagram may be submitted at the hearing by neighbors.

In response to Item 5 and on-site parking, the applicant's original Comprehensive Plan Map/Zoning Map Amendment proposal submitted to BDS included no on-site parking. Subsequent to the original submittal, City Council adopted a Zoning Code amendment that required new minimum parking ratios for residential uses located along transit streets. Both N. Williams Avenue and NE Fremont Street abutting the subject site are designated transit streets. The applicant has indicated any development occurring on the site will now conform to the

Council's newly amended minimum on-site parking ratios. Because conformance with the new minimum parking ratios is a requirement that will be applied at the time of building permit review, no condition is being proposed specific to on-site parking

In response to Item 6 and allowing a greater amount of commercial space in the building, existing Zoning Code regulations that apply in the proposed RX zone already provide a number of options for providing commercial space. Up to 40 percent of the building's total floor area can be in retail or office space if such space is limited to the ground floor of the building. Given the density of development allowed on the site under the RX zone, this would allow 100 percent of the ground floor to be dedicated to commercial space. Alternatively, if the applicant wants to provide commercial space above the ground level, up to 20 percent of the total building area can be in commercial space. If the applicant wants to increase the amount of commercial space beyond these percentages, the Zoning Code allows that to be accomplished through a Conditional Use review. Because of these allowances, no condition related to commercial space is being proposed.

A new condition has been added that requires a minimum building setback from the adjoining R2 zone. The proposed RX zone is the only multi-zone for which a minimum building setback from adjoining properties is not required. The Hearings Officer expected that the design review required for development on the site would result in a setback from these properties in order to meet the design guidelines. However, to provide certainty, the proposed Condition 6 requires development to meet at least the minimum setbacks of the RH zone.

**Draft Conditions for Comprehensive Plan Map/Zoning Map Amendment Proposed for Southeast Corner of NE Fremont Street and N. Williams Avenue
(Land Use Review # 13-109305 CP ZC)**

1. Development on the site is subject to a Type II Design Review, except when exempt per Zoning Code Section 33.420.045. The use of Community Design Standards is not allowed.
2. A Design Advice Request must be submitted and completed prior to the submittal of the Type II Design Review application for new development on the site.
3. Until traffic signals at the intersections of N. Williams Avenue/N. Cook Street and N. Vancouver Avenue/N. Cook Street have been funded, uses on the site under the RX zone are limited to a total of 25 new weekday p.m. peak hour trips. Square footage equivalencies are to be applied per Table 1 below. The applicant must submit a written verification at the time of building permit review that demonstrates per Table 1, below, that all uses on the site, both existing and proposed, do not exceed a maximum net new weekday p.m. peak hour trip generation rate of 25 trips.

Land Use Category	ITE Code	Building Size	ITE Trip Rate	Weekday PM Peak Hour Net New Trip Rate*
Daycare	565	1,000 sq.ft. GFA	12.46	12.46 trips/1,000 sq. ft.
Office	710	1,000 sq.ft. GFA	1.49	1.49 trips/1,000 sq. ft.
Specialty retail	814	1,000 sq.ft. GLA	2.71	2.71 trips/1,000 sq. ft.
Hardware/paint store	816	1,000 sq.ft. GFA	4.84	4.84 trips/1,000 sq. ft.
Nursery/garden center	817	1,000 sq.ft. GFA	3.80	3.80 trips/1,000 sq. ft.
Multi-Dwelling	223	NA	0.44	0.44 trips/Per Dwelling Unit.
Drive-in bank	912	1,000 sq.ft. GFA	25.82	25.82 trips/1,000 sq. ft.
High-turnover sit-down restaurant	932	1,000 sq.ft. GFA	11.15	11.15 trips/1,000 sq. ft.
Fast food restaurant with drive-through	934	1,000 sq.ft. GFA	33.84	33.84 trips/1,000 sq. ft.

*Based on *Trip Generation, 9th Edition*, published by the Institute of Transportation Engineers (ITE).

GLA=Gross Leasable Area

GFA= Gross Floor Area

4. Once the traffic signals required under Condition 3, above, are funded, the cap on maximum trip generation shall no longer apply to development on the site. However, neither a Temporary nor Final Certificate of Occupancy for development allowed under the RX zone will be issued until these traffic signals are installed and operational.
5. The maximum height of development on the site shall be limited to that identified in Exhibit I.1.

6. The minimum required side building setbacks of the RH zone will apply between development on the site and abutting R2 zoned properties. No minimum building setback will be required from a zone line internal to the development site.

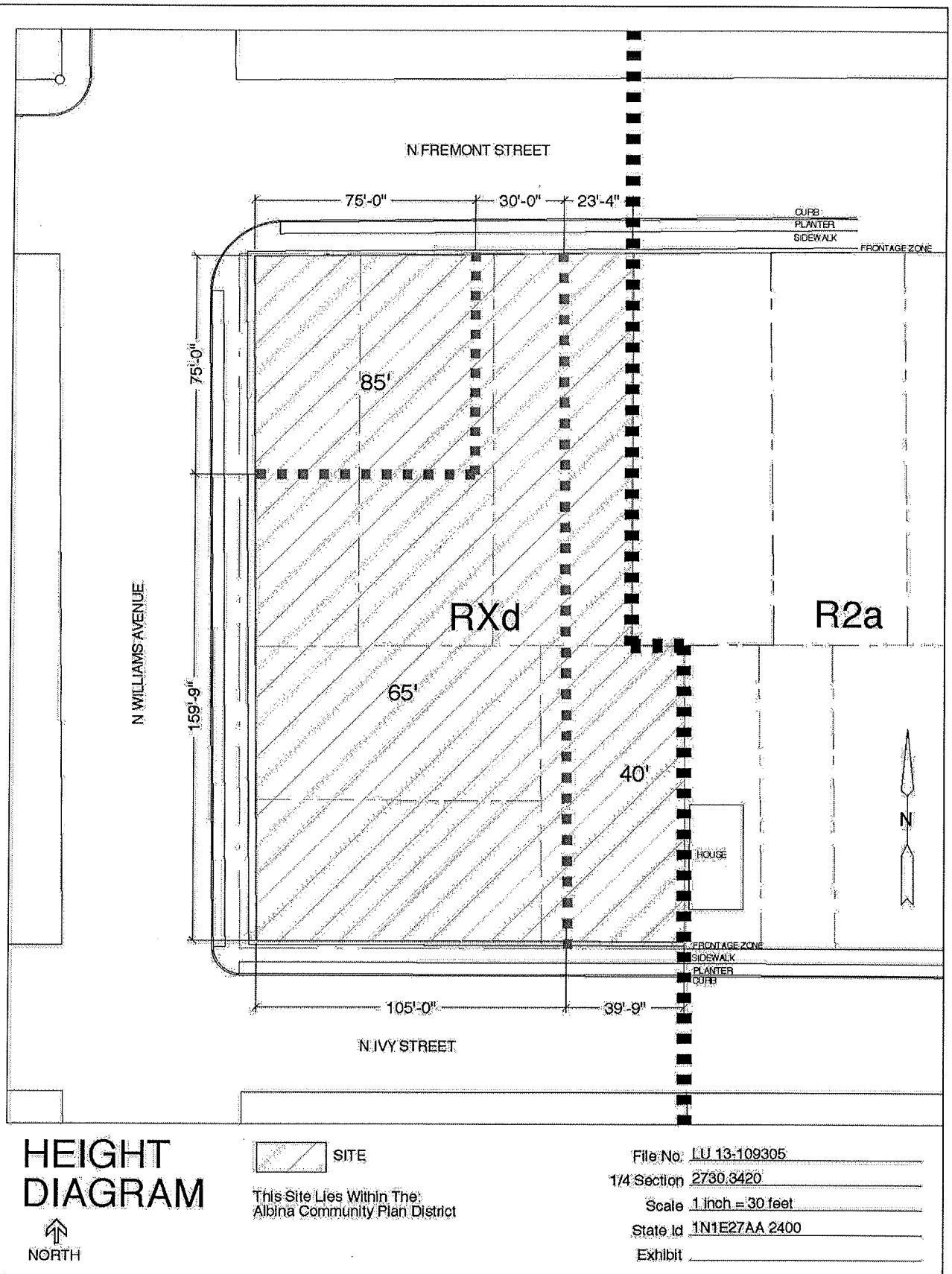


Exhibit I.1

Section	General Relevancy of Section to Applicant's Request ¹	Is the Requested Designation Less, Equal, or More Supportive of the Comprehensive Plan?	Hearings Officer findings/comments on page
Policy 4.10: Housing Diversity	High	More Supportive	30
Policy 4.11: Housing Affordability	High	More Supportive	30
Policy 4.13: Humble Housing	High	More Supportive	30
Policy 4.14: Neighborhood Stability	High	More Supportive	30
Goal 5: Economic Development	-----	-----	30
Policy 5.1: Urban Development and Revitalization	High	More Supportive	30
Policy 5.2: Business Development	High	More Supportive	31
Policy 5.4: Transportation	High	More Supportive	31
Policy 5.6: Area Character and Identity within Designated Commercial Areas	High	More Supportive	31
Policy 5.7: Business Environment within Designated Commercial Areas	High	More Supportive	31
Goal 6: Transportation			31
Policy 6.5: Traffic Classification Descriptions	Moderate	Equal	32
Policy 6.6: Transit Classification Descriptions	Moderate	Equal	33
Policy 6.7: Bicycle Classification Descriptions	Moderate	Equal	33
Policy 6.8: Pedestrian Classification Descriptions	High	More Supportive	34
Policy 6.11: Street Design Classification Descriptions	Moderate	More Supportive	34
Policy 6.18: Adequacy of Transportation Facilities	High	Equal	35
Policy 6.19: Transit-Oriented Development	High	More Supportive	35
Policy 6.22: Pedestrian Transportation	High	More Supportive	36
Policy 6.23: Bicycle Transportation	High	More Supportive	36
Policy 6.24: Public Transportation	High	More Supportive	36

Section	General Relevancy of Section to Applicant's Request ¹	Is the Requested Designation Less, Equal, or More Supportive of the Comprehensive Plan?	Hearings Officer findings/comments on page
Policy 6.27: Off-Street Parking	High	Equal	37
Policy 6.35: Northeast Transportation District	High	Equal	38
Goal 7: Energy	-----	-----	38
Policy 7.4: Energy Efficiency through Land Use Regulations	Moderate	More Supportive	38
Policy 7.6: Energy Efficient Transportation	Moderate	More Supportive	38
Goal 8: Environment			39
Policy 8.4: Ride Sharing, Bicycling, Walking and Transit	High	More Supportive	39
Goal 9: Citizen Involvement	-----	-----	40
Policy 9.1: Citizen Involvement Coordination	High	Equal	40
Policy 9.3: Comprehensive Plan Amendment	High	Equal	40
Goal 10: Plan Review and Administration	-----	-----	40
Policy 10.5: Corresponding Zones and Less Intense Zones	High	Equal	41
Policy 10.7: Amendments to the Comprehensive Plan Map			41
(1) consistent Comp Plan Goals/Policies	High	Equal	
(2) compatible land use pattern in Comp Plan	High	Equal	
(3) consistent statewide planning goals	High	Equal	
(4) consistent adopted area plans	High	Equal	
Policy 10.8: Zone Changes	High	Equal	43
Goal 11A: Public Facilities	-----	-----	44
Policy 11.2: Orderly Land Development	High	Equal	44
Policy 11.4: Capital Efficiency	High	More Supportive	44

Section	General Relevancy of Section to Applicant's Request ¹	Is the Requested Designation Less, Equal, or More Supportive of the Comprehensive Plan?	Hearings Officer findings/comments on page
Goal 12: Urban Design	-----	-----	45
Policy 12.1: Portland's Character	Moderate	Equal	45
Policy 12.2: Enhancing Variety	Moderate	Equal	45
Policy 12.4: Provide for Pedestrians	Moderate	Equal	45
Policy 12.6: Preserve Neighborhoods	High	Equal	45
Policy 12.7: Design Quality	High	Equal	45

¹ This column represents the Hearings Officer's characterization of the relevancy of the particular policy to the request to amend the Comprehensive Plan Map from Medium Density Multi-Family to Central Residential. For example, the Hearings Officer found the Albina Community Plan Policy 1.E (Transit Supportive Land Use) to be highly relevant because the proposed Central Residential would, potentially, add residential units to the Site and possibly could add a small amount of commercial space. The Hearings Officer found that the number of residential units and the possibility of adding commercial uses to be highly relevant to maximization of investments/commitments to mass transit. The Hearings Officer found Comprehensive Plan Goal 1, Metro Functional Plan Title 3 to have low relevancy to the requested plan map amendment. The Hearings Officer notes Title 3 relates to hazards (flood, erosion and landslide) as they relate to pollution entering streams, rivers, wetlands and floodplains. Approval of the requested Comprehensive Plan Map amendment would have minimal impact upon water quality, flood management and fish/wildlife conservation as the amounts and quality of water leaving the Site will be subject to the Stormwater Management Manual.

² Policy 1 requires the Comprehensive Plan to be consistent with Metro's land use planning goals, objectives and plans. The primary plan relevant to this land use application is the *Urban Growth Management Functional Plan*. (<http://www.oregonmetro.gov/index.cfm/go/by.web/id=274>) The Hearings Officer found Titles 1, 3, 7, 8, 12 and 13 of the *Urban Growth Management Functional Plan* to be relevant.