

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

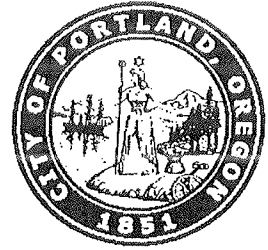
Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



RECOMMENDATION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 13-182710 CP ZC (HO 4130024)

Applicant: Christe White
Radler White Parks & Alexander LLP
111 SW Columbia Street, Suite 1100
Portland, OR 97201

Owner: Casey Murry
Castaway Bronze LLC
1551 SW Upper Hall Street
Portland, OR 97201

Hearings Officer: Gregory J. Frank

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

Site Address: 1900 NW 18th Avenue

Legal Description: BLOCK 28 LOT 2&3, WATSONS ADD

Tax Account No.: R883802660

State ID No.: 1N1E28DC 01900

Quarter Section: 2828

Neighborhood: Northwest District

Business District: Pearl District Business Association

District Neighborhood Coalition: Neighbors West/Northwest

Plan District: Northwest Plan District

Existing Zoning: IG1, General Industrial 1

Proposed Zoning: EXd, Central Employment with a Design overlay zone

Land Use Review: Type III, CP ZC: Comprehensive Plan Map Amendment and Zone Map Amendment

BDS Staff Recommendation to Hearings Officer: Approval

Public Hearing: The hearing was opened at 1:30 p.m. on October 7, 2013, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:07 p.m. The record was closed at that time.

Testified at the Hearing:

Sylvia Cate

Christe White

Proposal:

Castaway Bronze owns and operates this 10,000 square foot site. The site is currently zoned IG1 (General Industrial 1) with the Industrial Sanctuary Comprehensive Plan designation, and is within the Northwest Plan District. Castaway proposes to rezone the site to EXd (Central Employment with a design overlay) and to change the Plan designation to Central Employment. Castaway operates an event venue at the site. There is no new development proposed under this application. Castaway seeks to continue its existing use following the Comprehensive Plan Amendment and Zone Change.

Relevant 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

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).

Hearings Officer Recommendation: It is the recommendation of the Hearings Officer to adopt and incorporate into this recommendation the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated September 27, 2013, and to recommend the following approval:

Approval of:

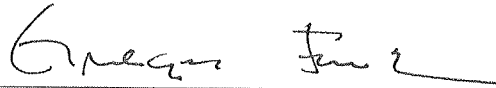
- A Comprehensive Plan Map Amendment to change the designation on the subject site from Industrial Sanctuary to Central Employment; and

- A Zone Map Amendment to change the zoning on the subject site from IG1, General Industrial 1, to EXd, Central Employment with Design overlay.

This approval applies to the parcel identified as:

1900 NW 18TH AVE; BLOCK 28 LOT 2&3, WATSONS ADD; State ID No.: 1N1E28DC 01900

Basis for the Recommendation: BDS Staff Report in LU 13-182710 CP ZC, Exhibits A.1 through H.7, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

10/16/13

Date

Application Determined Complete:	August 20, 2013
Report to Hearings Officer:	September 27, 2013
Recommendation Mailed:	October 14, 2013

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.

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. Project Narrative
 - 2. Kittelson Memo
 - 3. Supplemental Narrative
 - 4. Second Supplemental Narrative
 - 5. Title 4 Metro Map: January 2012
- B. Zoning Map
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan
- 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. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
 - 7. Portland Police Bureau
- F. Letters
 - 1. Bureau of Planning & Sustainability; September 24, 2013; Concerns and opposition
- G. Other
 - 1. Original LUR Application
 - 2. Pre Application Summary Notes
 - 3. Letter to Applicant, August 9, 2013; re: missing information
 - 4. Excerpts from Northwest District Plan
 - 5. Adopted Ordinance No. 182429
 - 6. Map showing site location in RSIA
- H. Received in the Hearings Office
 - 1. Notice of Hearing - Cate, Sylvia
 - 2. Staff Report - Cate, Sylvia (**attached**)
 - 3. 10/3/13 letter from Ted Reid, Metro - Cate, Sylvia
 - 4. PowerPoint presentation - Cate, Sylvia

5. 10/3/13 letter from Ted Reid, Metro - White, Christe
6. 10/7/13 letter - White, Christe
7. Record Closing Information - Hearings Office



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

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 13-182710 CP ZC
PC # 13-143696

REVIEW BY: Hearings Officer

WHEN: Monday, October 7, 2013 @ 1:30 PM

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES STAFF: SYLVIA CATE / SYLVIA.CATE@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant:

Christe White
Radler White Parks & Alexander LLP
111 SW Columbia St Suite 1100
Portland OR 97201

Owner:

Casey Murry
Castaway Bronze LLC
1551 SW Upper Hall St
Portland, OR 97201

Site Address:

1900 NW 18TH AVE

Legal Description:

BLOCK 28 LOT 2&3, WATSONS ADD

Tax Account No.:

R883802660

State ID No.:

1N1E28DC 01900

Quarter Section:

2828

Neighborhood:

Northwest District, contact John Bradley at 503-313-7574.

Business District:

Pearl District Business Association, contact Adele Nofield at 503-223-0070.

District Coalition:

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District:

Northwest Plan District

Existing Zoning:

IG1, General Industrial 1

Proposed Zoning:

EXd, Central Employment with a Design overlay zone

Case Type:

CP ZC: Comprehensive Plan Map Amendment and Zone Map Amendment Type III, with a public hearing before the Hearings Officer. The Hearings Officer will make a recommendation to City Council, who makes the final decision in this matter.

Procedure:

Proposal:

Castaway Bronze owns and operates this 10,000 square foot site. The site is currently zoned IG1 (General Industrial 1) with the Industrial Sanctuary Comprehensive Plan designation, and is within the Northwest Plan District. Castaway proposes to rezone the site to EXd (Central Employment with a design overlay) and to change the Plan designation to Central Employment. Castaway operates an event venue at the site. There is no new development proposed under this application. Castaway seeks to continue its existing use following the Comprehensive Plan Amendment and Zone Change.

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:

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ANALYSIS

Site and Vicinity: The subject site is a .23 acre [10,000 square foot] lot designated and zoned industrial land developed with a 10,000 square foot building constructed circa 1929, which is listed as a "Generic Garage < 15,000sf" structure in Multnomah County Assessor records. The building is a one-story, two-tone painted concrete building. The street facing facades along both NW Upshur and NW 18th Avenue are characterized by large side by side multi-lite window bays divided by decorative columnar pilasters which create a pedestrian-scale streetscape. This pedestrian scale is further visually anchored by a distinctive cast bronze ornament above the roof parapet at the corner of Upshur and 18th Avenue. Immediately north of the site is a nursery with exterior display of decorative garden objects as well as landscaping plants and related materials. County records also list the use of the building as 'warehouse showroom'; however, no documentation was found in the City's historical records indicating that retail sales had occurred at the site in the past.

The site is located kitty-corner from a large area of EXd zoned lands, as well as adjacent to EXd zoning to the east and northeast, while directly north and just outside of the NW Plan District boundary line are parcels zoned IH but with an EXd Comprehensive Plan designation. A small finger of IG1 zoning is directly south of the site, sandwiched between the EXd zoned lands to the east and west. Northwest of the site are parcels zoned IG1 in the immediate area, as well as parcels so zoned within the Guild's Lake Industrial Sanctuary Plan District; the boundary line of which is directly northwest of the site and approximately 300 feet away on the diagonal.

The area is characterized by a mix of uses allowed within the EX and IG zoning. Approximately 2 blocks to the south are overhead highway ramps connecting US Highway 30 to the Fremont Bridge/Interstate 5 and Interstate 405.

The applicant further describes the site and vicinity as follows:

- **The Site is located** between EXd-zoned properties. To the immediate southwest is a large tract of EXd-zoned properties that comprise over 20 blocks, and to the east is another large tract of EXd-zoned properties comprising over 30 blocks. The Site is located in a small pocket between these large continuous tracts of EXd-zoned lands.

- **Uses in the area** include multiple home and garden retailers, including Bedford and Brown, Pomarius Nursery, Globe Lighting, Elements International, and Direct Source International; multiple restaurants, including Dockside, Olympic Provisions, and Brekens Kitchen; a variety of office uses, including Tether (advertising), Department Zero (advertising), Maul Foster Alongi (environmental consulting), and Meriweather Group (business consulting); event spaces, including The Slate and PNCA; and miscellaneous uses such as hair salons and fitness studios.

Existing Zoning: The site is currently zoned IG1, General Industrial 1. The *General Industrial* zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas. Areas mapped with the IG1 zone generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings that are usually close to the street. IG1 areas tend to be the City's older industrial areas.

Proposed Zoning: The applicant proposes to change the zoning to EXd: Central Employment with a Design Overlay. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Design Overlay Zone is applied to areas where design and neighborhood character are of special concern. Application of the Design Overlay Zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used. Many applications of the Design Overlay Zone shown on the Official Zoning Maps are referred to as design districts. Other applications of the Design Overlay Zone shown on the Official Zoning Maps are not specific design districts. Some are adopted as part of a community planning project, and some are applied automatically when zoning is changed to CX, EX, RX, or IR.

In this specific application, the proposal is to change the zoning on the subject site to EX, thus the d overlay is automatically applied.

Land Use History: City records indicate there are no prior land use reviews for this site.

However, the site lies within a surrounding area that was identified and mapped as a Transition Subarea during the 2003 Northwest District Plan process. The Transition Subarea was described as an area that is expected to shift away from the historical industrial use patterns. The Northwest District Plan indicated that much of the area north of NW Thurman would retain the

industrial designation. However, industrial areas south of Thurman, such as the subject site, were identified as within this Transition Subarea and therefore likely in transition and more suited for re-designation to Central Employment and zoned EXd.

While the Industrial Sanctuary Comprehensive Plan designation and IG1 zoning remained on the subject site after the final decision by the City Council in the Northwest District Planning process, the legislative and planning history related to this site indicates that it is an area that is in transition from an industrial-only area to a mixed light industrial, commercial and retail area.

In fact, it appears to Staff after reviewing the planning history that the preservation of the Industrial Sanctuary Comprehensive Plan Designation on the subject site and the subsequent placement of the site within Metro's designated Regionally Significant Industrial Area [RSIA] is inconsistent with the description and policies for the Transitional Subarea. Regardless, during the ensuing years since the 2003 Northwest District Planning process, the office, retail, school and residential uses that have developed in proximity to the site is evidence that movement away from strict industrial development is actively occurring in the Transition Subarea.

Agency Review: A "Request for Response" was mailed on August 26, 2013. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Life Safety Section of BDS
- Portland Police Bureau

The Bureau of Transportation Engineering responded with an analysis of the proposal and submitted findings and comments regarding compliance with the Transportation Planning Rule, Goal 6, and adequacy of the transportation system. Excerpts of these findings are found below, in this report. The full analysis is contained in Exhibit E-2, in the record for this review.

A written response has been received from the Bureau of Planning & Sustainability (BPS), expressing concerns and opposition to the proposal. The response is Exhibit F-1, in the record for this review. The relevant concerns raised are addressed below in the findings; the following is a summary of issues raised and staff comments.

BPS states that the proposal can not meet the approval criteria, and therefore they do not support this request. BPS further asserts that "...this proposal does not meet Policy 2.14, *Industrial Sanctuaries*, and Policy 5.1, *Urban Development and Urbanization*, as well as others by extension and consequently does not equally or better support the Comprehensive Plan as a whole."

Staff Comment: This staff report and recommendation to the Hearings Officer contains findings that the application, on balance, is equally or more supportive of the Comprehensive Plan than the existing designation, including the Policies and Objectives contained in the adopted Northwest Plan District (NWPD).

BPS states that the Central Employment designation (in this area), because of the proximity of the site to the Central City and the Pearl and River Districts, "...results in commercially and residentially dominated mixed uses, higher land values and more trip generation."

Staff Comment: The EXd zone allows a mix of uses, regardless of the proximity of the zone to the Central City. An associated concern raised in the letter regarding the mixed-uses that the EXd zone allows is the impact of such uses on nearby industrially-zoned lands. However, it should be

noted that there are regulations that govern development within the NW Plan District that place limits on the amount of residential development that can occur within the 'Transitional Subarea' of the NWPD. Specifically 33.562.100.B limits residential development within a mapped area that contains the subject site to a maximum of 20% of the allowed FAR (floor area ratio). In this case, the site is allowed a 3:1 FAR. Thus the 10,000 square foot site is allowed a maximum of 30,000 square feet with 20%, or 6,000 square feet allowed in residential use. This allowance would provide sufficient area for 6-8 residential units.

The NWPD also places limitations on the amount of Retail Sales and Service and Office uses in the EXd zone; however, the subject site is not within the mapped areas subject to commercial limitations per Map 33.562-2. Therefore, the site is limited to the amount of Retail Sales and Service and Office uses as governed by the EX base zone, which are allowed by right. The EX zone is distinct from the EG1 and EG2 zones, which do have limits on commercial uses.

The BPS response also indicates a concern in regards to increased trip generation and impacts on freight district streets. These concerns are addressed below under the appropriate criteria, evaluating the data provided by the applicant's traffic engineer. The data provided and the analysis by Portland Bureau of Transportation does not support a position that the proposal will result in a significant increase in trip generation or significant impacts on the freight district streets.

The proposal does not include any residential uses; however, as this is a Comprehensive Plan Amendment request, consideration of potential future development is appropriate. The findings below, in this Staff Report and Recommendation to the Hearings Officer, address these concerns in further detail.

The BPS letter also raises the concern that the site is within a Metro mapped section of a designated Regionally Significant Industrial Area and therefore should not be approved.

Staff Comment: The findings below under criterion 33.810.050.A.3. show that the proposal is consistent with the approval criteria, including the City's adopted NW District Plan and Policy 13, Transitional Subarea.

Lastly, the BPS letter raises a concern that this application is not consistent with recently completed studies associated with a Comprehensive Plan update that is not yet adopted. The letter suggests that "[u]ntil the Comprehensive Plan Update is completed and acknowledged by DLCD to meet the industrial capacity shortfall, we do not think that continuing reductions of the city's industrial land capacity through comprehensive plan map changes are supportable under Statewide Planning Goal 9 requirements or the existing comprehensive plan policies that implement Goal 9. Until the updated comprehensive plan is acknowledged we recommend that map amendment applications that would expand industrial capacity shortfalls be denied."

Staff Comment: This application is vested in adopted regulations. A moratorium on approving applications related to the Industrial Sanctuary lasting until after acknowledgement of the a future update is not appropriate.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 16, 2013. No responses have been received from notified property owners. The applicant notes that this proposal was presented to the NW District Association. After discussion, the NWD voted in support of the proposal. A letter of support is expected from the NWD, but it was not received by time of publication of this Report.

ZONING CODE 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: 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 City of Portland's Comprehensive Plan and the implementing Zoning regulations of PCC Title 33 are either in compliance with, or are not inconsistent with, the applicable Metro Titles.

The 13 titles in that section are summarized and addressed below:

Urban Growth Management Functional Plan

Title 1 - Requirements for Housing and Employment Accommodation

Findings: The city is fully compliant with the requirements of Title 1 and as a result, the City has adequate housing capacity due to development of residential units on lands within Commercial Employment or Commercial zones.

Title 2 - Regional Parking Policy

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.

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

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.

Title 4 - Industrial and Other Employment Areas

Title 4 places restrictions of certain uses in three designations on the 2040 Growth Concept Map.

Findings: Compliance with this title is achieved by addressing the criteria found at 33.810.050.A.3. Findings against these criteria are found below, in this report. The applicant's application includes findings directly addressing Metro Title 4, which are contained in Exhibit A-4. These findings are not included in this Report, but are in the record for this application.

Title 5 - Neighbor Cities and Rural Reserves

Findings: The proposal has no impact on this title, as the subject site is within the urban growth boundary and therefore has no impact on neighboring cities or rural reserves.

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

Findings: The proposal has no impact on this title, as the subject site is not within the Central City, nor is it designated as a Regional or Town Center or a Station Community.

Title 7 - Affordable Housing

Findings: The proposal has no impact on this title, as the site is not currently residentially zoned; nor is the proposal inconsistent as the requested zoning allows residential by right. The proposal does not include new development nor any residential uses.

Title 8 Compliance Procedures

Findings: This proposal meets this Title by fulfilling the notice requirements for Type III land use reviews, as outlined in PCC 33.850, Statewide Planning Goal Exceptions. 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.

Title 9 Performance Measures**Title 10 Definitions****Title 11 Planning for New Urban Areas****Title 12 Protection of Residential Neighborhoods****Title 13 Nature in Neighborhoods**

Findings: The requested proposal has no impact on, and is not inconsistent with, these Titles.

In summary, the proposal will have little or no effect on these titles or these titles will be met through compliance with other applicable City regulations. Therefore, the request is consistent with Metro's regional planning framework, and the City's Comprehensive Plan [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 site is located in an established center of business activity and the existing event venue is currently one of the businesses operating in the area. Permitting the continuation of this existing use through a zone change and Comprehensive Plan amendment will retain the character and the vitality of this existing business area. As discussed earlier, under the *Site and Vicinity* section of this report, the building was constructed in 1929 as a one-story 10,000 sf garage building. The architectural vernacular of this era is evident in the two street facing facades which include large 4 over 4 bay windows separated by columnar pilasters in a dynamic symmetry that provides a pedestrian oriented and pedestrian-scaled streetscape which in turn reinforces the bicycle facility along NW 18th Avenue which one of the site's frontages. Permit records document the structure has been renovated several times over the years. Permits issued from 2006 forward include re-roofing, insulating, relocating existing and adding new restrooms to be ADA compliant, new fire alarms, and electrical upgrades.

The applicant notes that the event venue use occupying the site is a robust business operation that appropriately retains and re-uses an early Twentieth century utilitarian garage/warehouse:

Its continued use as an event center is both appropriate to the architectural and physical characteristics of the building as well as the surrounding uses. This one-story warehouse building has limited industrial re-purposing options but is ideal for its current use as an event venue. The venue is consistently booked by major corporations, non-profits, and schools throughout the year. Without this current adaptive re-use, the building may be removed for another purpose on the Site. Thus, preserving the existing event use and business maintains Portland's role as a major regional employment and cultural center while retaining the character of the business area in support of this Goal.

The following Goal 2 Policies are relevant:

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.

Findings: The applicant addresses this policy as follows:

The current event venue employs 2 people on the premises and countless off-site vendors (caterers, music providers, valet parking teams, event planners, florists, etc.). Thus, each event creates jobs for many different vendors, up to 100 additional people per event. This application, if approved will retain these existing jobs. If the Site was forced to maintain its industrial designation and be used only for industrial purposes, it is not clear how many jobs that designation would encourage on the site. Certainly, the diverse employment opportunities provided by event venue use of the Site are equally or more supportive of this policy than the speculative number of jobs that might be provided if the site were to retain its industrial designation and transition to an unknown industrial use.

Staff concurs with the applicant's analysis and notes that the event venue use provides a broad range of employment opportunities for services and goods in support of the venue space and each event. The EX zone allows light industrial and manufacturing uses, as well as office and ~~residential uses~~. However, because the site is within the NWPD, it is subject to limits on the ~~amount~~ of residential development allowed on the site.

2.10 Downtown Portland

Reinforce the downtown's position as the principal commercial, service, cultural and high density housing center in the city and the region. Maintain the downtown as the city's principal retail center through implementation of the Downtown Plan.

Findings: The applicant addresses this policy as follows:

To the extent the Site is viewed as part of the downtown, retaining an existing and viable commercial and cultural use is equally or more supportive of this policy and objective than the old designation. The existing use is currently operating under the old designation. That designation significantly limits the events to those primarily serving industrial users. Because the existing business would not be viable relying primarily on industrial users, it requires a broader base of patrons. The Site is currently serving this broader base of patrons and therefore directly provides a principal commercial and cultural service to the City and the downtown in a manner

that is more supportive of this policy than the old, more restrictive designation. The Site accommodates this broader use in a manner that is supportive of and not in conflict with any industrial users in the Site vicinity...

Staff notes that the site lies just outside of the Central City Plan District Boundary line by approximately 154 feet. Given this proximity, the existing use on the site does provide a significant community event facility that can be supportive to both the downtown core and the Industrial Sanctuary employees and businesses.

2.12 Transit Corridors

Provide a mixture of activities along major transit routes 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.

Findings: The applicant addresses this policy as follows:

The streets bordering the Site (NW Upshur and NW 18th) are not major transit routes, Major Transit Priority Streets, Transit Access Streets, or Main Streets. NW Upshur is a Local Service Transit and Traffic Street, a Local Service Bikeway, a Local Service Walkway and a Local Service Truck Street. NW 18th is a Local Service Transit and Traffic Street, an Off-Street Pedestrian Path, a Local Service Bikeway and a Local Service Truck Street. Therefore, while this policy is not applicable to this amendment, the continued use of the Site for an event venue will promote a mixture of uses and activities along the multi-modal corridor.

2.14 Industrial Sanctuaries

Provide industrial sanctuaries. Encourage the growth of industrial activities in the city by preserving industrial land primarily for manufacturing purposes.

Findings: The applicant addresses this policy as follows:

Re-designating the Site from Industrial Sanctuary/IG1 to Central Employment/EX will continue to support the growth of industrial activities by preserving industrial land primarily for manufacturing purposes.

[W]hile manufacturing is a permitted use in the IG1 zone, meeting areas or exhibition halls that attract a large number of spectators are considered a Conditional Use in the IG1 zone. These meeting areas do not have to demonstrate that they serve an industrial user to be permitted in the zone. Rather, in general, these larger venues have to demonstrate that they do not have a significant impact on industrial uses and facilities in the area. Meeting areas less than 20,000 square feet are considered Retail Sales and Service uses. As such, in order to qualify as a Conditional Use, that smaller event venue must demonstrate that industrial users are the primary market for the use.

The City's limitations on uses in the industrial zone preserves industrial land primarily for manufacturing purposes by allowing those uses outright while restricting other uses through the Conditional Use review...

The Site is currently in use as a small event venue comprising only 10,000 square feet in an existing one-story warehouse that has been converted for the intended use. The

event venue does serve some industrial users. Its use as an event center does not preclude or inhibit the City from continuing to preserve industrial land primarily for manufacturing purposes. There is no manufacturing use being taken out of operation on the Site, and the Site will continue to be used as it is today for events.

Like the larger event venues that qualify as Major Event Entertainment, this use, as demonstrated below, currently has and will continue to have no impact on industrial users in the area. It is an off-peak operation with 95% of its use on weekdays after 6:00 pm and weekends. There is no conflict with industrial users or industrial traffic. The Site is not located on any major freight traffic routes, and it is adjacent to other EXd-zoned properties. The EXd zone itself allows manufacturing and production uses outright and thus a rezone to EXd maintains this allowance.

In sum, the current and anticipated operation on the Site continues to encourage the City to preserve industrial land primarily for manufacturing purposes, and therefore this proposal is equally supportive of this policy.

Staff finds that the applicant has demonstrated that on balance, this Policy is supported because:

- The EX zone allows all of the same Industrial uses that are allowed in Industrial zones, except for: Quick Vehicle Servicing, Waste-Related, Rail Yard, and Mining. Given the size and location of the site, *none* of these Industrial uses are feasible under the existing I-zoning, and as such, there is no net loss in manufacturing or industrial capacity with the proposed EXd zoning.
- The existing use serves some industrial users, and by proximity would be well situated to serve an industrial customer base for trade shows, etc. as the existing building has been renovated to be an event venue; however, the current business operation serves a broader customer base.
- The event use has minimal impacts on the surrounding industrial sanctuary because the transportation impacts are off-peak to the industrial uses.
- The size of the site is comparable to 2 single-dwelling R5 lots. As such the EX zone will continue to allow manufacturing and industrial uses that could be accommodated on a 7,000 sq-ft lot. The amount of residential allowed is limited due to the site size and location within the NWPD.
- The 2003 Northwest Plan District planning process identified and mapped an area within the NWPD boundaries described as Transitional Subarea. Policy 13 of the Adopted Northwest District Plan provides historical background and direction from City Council in acknowledging the changing nature of land uses within this area. [Exhibit G-4]. An excerpt of the plan and the vision for the Transitional Subarea is described within the Plan document as follows:

The Transition Subarea is home to a variety of commercial, industrial, creative industries, and transportation-related businesses, including the operations headquarters of CNF, Inc., a major regional employer. Other uses include small housing enclaves, and several historically significant structures, such as St. Patrick's Church. While many industrial businesses have historically located here, it is becoming more obsolete for some types of industrial operations due to relatively small parcel sizes, street configurations and the ongoing transition of the nearby Pearl District from industrial uses to a vibrant mixed-use neighborhood.

Large portions of the Subarea are currently underutilized. Other attributes include close proximity to the Central City and good freeway access...

With the adoption of the Guild's Lake Industrial Sanctuary Plan, City Council acknowledged the changing nature of land uses south of NW Vaughn Street and directed that planning for a transition to new uses be a part of the Northwest District Plan. The planning process has identified the community's desire to integrate the Transition Subarea into the fabric of the neighborhood as an area of mixed uses.

The Transition Subarea Policy encourages a mix of land uses including new housing, the retention and creation of employment opportunities and maintaining compatible light industrial uses, particularly north of I-405. This plan accomplishes this goal in part, by adopting changes to the Comprehensive Plan map from its current General Industrial designation to a mixed-use Central Employment designation. The policy, objectives and implementing actions promote a number of concepts such as transportation system connectivity, including multi-modal circulation and safety and linkages to the Willamette River. They also seek the retention or nearby relocation of industrial uses, the creation of plazas, open space, park and community facilities, the encouragement of new housing and in particular affordable housing, and the recognition of the unique historical attributes of the NW Upshur industrial area and St. Patrick's Church. Also of importance is the gradual transition of compatible land uses near the Guild's Lake Industrial Sanctuary...

Given this planning effort and the associated recognition that the Transition Subarea has a unique role to play in the overall land use transitions occurring in the area, the proposal to re-designate and rezone the subject site from IG1 to EXd is consistent with the intent of the Transition Subarea. The application is also consistent with several Transition Subarea Objectives, as follows, with staff comments:

A. Encourage the mixing of land uses, both on individual sites and throughout the Subarea.

The proposed re-designation and rezoning will place the EXd zone on the subject site which is consistent with the objectives and intent of the Transitional area.

C. Encourage the retention of existing jobs and the creation of new jobs in the Subarea.

The proposed zoning will enable the existing use to continue on the site. The event venue use is an active and on going business that is robust and creates the need for services and goods in support of each unique event. If the event venue were to vacate the site, the building could be occupied with a new use or new development could occur. In either case, jobs will most likely be retained or created.

I. Create plazas, parks, community facilities, and open spaces to meet the needs of the Subarea's residents and employees.

The event venue provides a facility for the community as well as adjacent employees and residents to host trade shows, professional gatherings and recreational events.

J. Preserve the historic industrial character of NW Upshur Street north of the freeway.

The applicant does not propose any new development. Rather, the application narrative includes an extensive description of the activity level of the venue and the desire to preserve the existing building. While the building is not listed in the City's 'Historic Resource Inventory' it has been renovated and upgraded while keeping the original strong design and architectural elements intact.

K. Protect the Guild's Lake Industrial Sanctuary by locating activities and uses that are compatible with industry at the northern edge of the subarea.

The proposed re-designation and rezoning to EXd provides a suitable base zone that will allow uses that include light manufacturing and related industrial service uses that are supportive to the Guild's Lake Industrial Sanctuary, and strengthen the Sanctuary by placing compatible zoning and uses near the GLIS.

Based on the above facts and findings, the proposal is supportive of, and not inconsistent with, Policy 2.14, Industrial Sanctuaries.

2.16 Strip Development

Discourage the development of new strip commercial areas and focus future activity in such areas to create a more clustered pattern of commercial development.

Findings: The applicant addresses this policy as follows:

Allowing the continued use of this event center in northwest Portland supports the clustered pattern of commercial development and does not support or encourage the development of strip centers. This venue is located between expansive tracts of other EXd-zoned lands that are developed with a mix of uses including schools, residences, offices, restaurants and general retail. To the north, the Site is bordered by IG1-zoned lands, some of which are occupied by industrial development. Positioned amongst this cluster of varying uses, the event venue serves a diverse local and regional clientele. In this manner, applying the Central Employment designation to the Site supports the continuation of a clustered pattern of commercial development consistent with this policy.

The proposal is to rezone the parcel to EXd. No new development is proposed. Given the existing zoning pattern, with the site located kitty corner and in between to large swaths of EXd zoning, the proposal has no impacts and is consistent with this policy.

Mixed Use

Continue 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.

Findings: The applicant addresses this policy as follows:

This rezoning and Comprehensive Plan amendment will act as a mechanism to continue to support the existing mixed use nature of the area. Following the rezoning, the mixed-use area will continue to act as a buffer where there is the opportunity for a mix of commercial, industrial, and residential uses.

Today, the Site is surrounded with this very mix of uses. As discussed above, there are office, school, residential, retail, and light industrial uses surrounding the Site. To the east are multiple restaurants and a marketing agency. To the west is "Oddball Shoes," an XL shoe retailer with a showroom, and Upshur Warehouse, which houses offices, retail, online companies, and a construction management firm. To the south is Cascade Healthcare Products, a wholesale and retail provider of healthcare products and "Seams to Fit," a retailer of consignment furniture. To the southwest, caddy-corner from the Site, are interior designers,

retail set designers, a hair salon, land management consultant, an advertising agency, an event space, and a life coach/personal fitness business. To the north are various retailers selling home furnishings and garden design products, interior designers, consulting, construction, and advertising businesses, and a small event space.

The recognition of the existing use on this Site through the application of the Central Employment and EXd Plan and zone designations will maintain the mixed-use character of the area and will preserve a buffer between the industrial uses to the north and the EXd uses to the south, east, and west. Today, these uses operate in harmony with each other, each contributing to the mixed use character of the area in support of this policy.

As discussed earlier, the site is located within the identified and mapped Transitional Subarea of the Northwest Plan District. The Subarea is described within the adopted NW District Plan which states that this area is in transition from conventional industrial uses to a mix of uses. Further, the area description notes:

The Transition Subarea Policy encourages a mix of land uses including new housing, the retention and creation of employment opportunities and maintaining compatible light industrial uses, particularly north of I-405. This plan accomplishes this goal in part, by adopting changes to the Comprehensive Plan map from its current General Industrial designation to a mixed-use Central Employment designation.

Given the existing use on the site and the intent of Policy 13 within the NWPD, the proposal is supportive of this policy.

2.25 Central City Plan

Encourage continued investment within Portland's Central City while enhancing its attractiveness for work, recreation and living. Through the implementation of the Central City Plan, coordinate development, provide aid and protection to Portland's citizens, and enhance the Central City's special natural, cultural and aesthetic features.

Findings: The applicant addresses this policy as follows:

To the extent this Site, located in the Northwest Plan District, is considered part of the Central City, retention of this use and its operation is equally supportive of the policy to enhance the Central City as a work, recreation and living location. Castaway is a special venue hosting a large range of events from school and charity auctions, to political events, meetings and corporate gatherings. The existing building is an aesthetic resource to the City's residents and a cultural resource through its role as a community gathering place.

In summary, Staff concurs with the applicant's analysis, and based on the evidence provided, the proposed Plan map amendment and Zone map amendment is consistent with, and supportive of, Goal 2, Urban Development and the relevant policies.

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: The applicant addresses this Goal as follows:

The Castaway event venue is an existing business on the Site that contributes to the economic vitality of the neighborhood, while not conflicting with other business, school,

industrial and residential uses in the area. The Site has an existing use whose continuation in the converted warehouse building will contribute to the stability and diversity of the neighborhood and its uses. Therefore, changing the Plan and zone to Central Employment/EXd to allow the use to continue on this Site is equally supportive of this policy compared to maintaining the Industrial Sanctuary/IG1 designation.

Staff notes the following description regarding this neighborhood [emphasis added] contained under Policy 13 of the adopted NRPD:

With the adoption of the Guild's Lake Industrial Sanctuary Plan, City Council acknowledged the changing nature of land uses south of NW Vaughn Street and directed that planning for a transition to new uses be a part of the Northwest District Plan. The planning process has identified the community's desire to integrate the Transition Subarea into the fabric of the neighborhood as an area of mixed uses.

This particular area has been in transition for some time, as was acknowledge by City Council and within the NRPD. Given that Policy 13 both identified and mapped the Transitional Subarea and that the NRPD is an adopted document, staff notes that the proposal to re-designate and rezone to EXd is entirely consistent with the above analysis. Further, the applicant does not propose any new development, and has laid out the reasons that this request is being made, which is to allow an existing use to continue business operations on the site. Staff concurs with the applicant's analysis.

3.1 Physical Conditions

Provide and coordinate programs to prevent the deterioration of existing structures and public facilities.

Findings: The applicant addresses this policy as follows:

The Site is currently privately capitalized in a manner that prevents the deterioration of a warehouse that was constructed in 1929. The existing structure is being adaptively re-used in a manner that contributes to the diverse and quality fabric of the existing area. No new public facilities are needed to continue this existing use. Thus, this amendment equally or better supports this policy by retaining an existing use that will continue to preserve the existing structures and public facilities on the Site.

3.2 Social Conditions

Provide and coordinate programs to promote neighborhood interest, concern and security and to minimize the social impact of land use decisions.

Findings: The applicant addresses this policy as follows:

The Castaway venue has become a City asset for important private and public events. Because it is an off-peak operation in the area, it creates eyes on the street after 6:00 pm on weekdays and during weekend hours, when many of the surrounding uses are either closed or in reduced operations. This off-peak presence promotes neighborhood interest and security. If this use were prohibited through a denial of this amendment request, that denial would have a negative social impact on the community in several ways. Such a denial would likely remove the existing use from the Site and the original building would no longer be maintained for that use. In addition, the neighborhood would lose this popular special event venue, which would eliminate or reduce any weeknight or weekend activity on the Site, thereby making this intersection less populated and secure during those hours. Accordingly,

preserving the use through this amendment request is equally or more supportive of this policy.

The proposal is supportive of this policy. As demonstrated in documentation provided by the applicant and the traffic study, the use is an off-peak operation that provides activity in the immediate area, which furthers the mixed use nature of the Transitional Subarea, as well as addresses the community's desire to see this area become more mixed use. While the metric of social impacts of a land use decision is difficult to quantify, an active use and well maintained building and site provides and promotes neighborhood interest as contrasted by a vacant or unused building. For these reasons, the proposal is not inconsistent with this policy.

3.4 Historic Preservation

Preserve and retain historic structures and areas throughout the city.

Findings: The applicant addresses this policy as follows:

The Castaway warehouse is not designated as a historic structure. However, the warehouse was constructed in 1929 and has been adapted to re-use as an event venue. This amendment would permit the continuation of that use and therefore the continued preservation and retention of the 1929 structure. In this manner, the amendment ensures that this use will continue to support the policy of preserving and retaining older buildings. If the amendment is not permitted, the building will have to change uses and there is no certainty that the warehouse will be retained on Site.

As previously described in this report, the building is in excellent condition and is a fine example of the architectural vernacular of early twentieth century garages. The building is not a designated Historic Landmark, nor is it listed in the City's Inventory of Historic Resources [such a listing has no regulatory value]. However, as described in the adopted NRPD, the development and buildings in the 'Upshur Warehouse District' [a subset of the Transitional Subarea in the NRPD] are described as follows:

A unique area within the Northwest District is the warehouse district clustered along the former rail spur on NW Upshur Street, between NW 17th and NW 20th avenues, and along NW Thurman Street, between NW 15th and NW 19th avenues. This area, somewhat isolated from the rest of the Northwest District by the Fremont Bridge approach ramps, includes a well-preserved assortment of early twentieth-century industrial buildings. [Exhibit G-4, pp. C-24-25, NRPD].

As the applicant notes, the building has been renovated and well maintained. The proposal does not include any new development and will retain the existing building. This is consistent with the intent of Policy 3.4, Historic Preservation, and is also consistent with the planning framework contained within the adopted NRPD for the Transitional Subarea and the warehouse district within the Subarea.

3.5 Neighborhood Involvement

Provide for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood through the promotion of neighborhood and business associations. Provide information to neighborhood and business associations which allows them to monitor the impact of the Comprehensive Plan and to report their findings annually to the Planning and Sustainability Commission.

Findings: The applicant addresses this policy as follows:

This amendment is being processed as a Type III Comprehensive Plan and Zoning Map

Amendment. The process requires a pre-application conference, which was held on May 22, 2013, followed by an application submittal, public notice and comment period, and hearings before the Hearings Officer and City Council. Before the Applicant submitted for a pre-application, the Applicant reached out to neighbors and the NWDA to make them aware of the coming application and to discuss any issues or concerns.

Notice of the hearing on the proposed amendments has been sent by the City to the appropriate Neighborhood Association and to property owners within 400 feet of the site. The site is posted with information pertaining to the application and hearing schedule.

The applicant attended a NWDA meeting and presented the proposal to the Neighborhood Association. The Neighborhood Association voted to support the proposal. A letter of support is expected from the NWDA, but was not received by the time of publication of this Report. Overall, the proposal is supportive of this Policy.

3.10 Northwest District Plan

Promote the livability, historic character, and economic vitality of a diverse, mixed-use, urban neighborhood by including the Northwest District Plan as part of this Comprehensive Plan.

Findings: The applicant addresses this policy as follows:

This amendment is consistent with and supportive of this policy. There will be no changes to the livability, historic character or vitality of the Northwest District resulting from this amendment. If approved, the Castaway event venue will continue its existing operations under the new EXd zoning designation. The existing operations preserve and promote livability, historic character and vitality. The 1929 warehouse will be preserved in its current form and used as an event venue that adds to the livability and vitality of the area.

The event venue is an off-peak use located amongst a wide variety of other uses such as a school, offices, light industrial uses, retail outlets, and newer residential uses. With the off-peak use, the event venue adds vitality and people on the street when other surrounding uses are dark or at reduced operations. This contributes to the eyes on the street and enhances active uses in the northern portion of the Northwest District, as it stretches toward Naito Parkway. Allowing this continued use through this amendment equally or better supports the policies of the Comprehensive Plan to promote the livability, character and economic vitality of a diverse mixed-use urban neighborhood in NW Portland and the NWDP.

The Northwest District Plan itself (PCC 33.562.110.C.1) establishes a 20,000 square foot limit for Retail Sales and Service uses on this Site. The Castaway is a 10,000 square foot site with one floor above grade, for a total area in Retail Sales and Service use of just under 10,000 square feet in compliance with this directive of the NWDP.

The subject site is located within the Northwest District Plan (NWDP) boundaries, and within the Transitional Subarea [and Upshur Warehouse District, a subset of the Transitional Subarea]. Similar to the Comprehensive Plan, the NWDP includes policies and objectives that must be balanced against each other in guiding land use decisions within the area. Applicable policies and objectives are provided below along with a description of how the proposed amendments equally or better satisfy the policies and objectives than the existing Comprehensive Plan and zoning designation:

Above, Policy 2.14, *Industrial Sanctuary*, speaks to the adopted Neighborhood Plan. However, this adopted Plan and relevant policies are again addressed below, in greater detail:

Under Section E., *Policies, Objectives and Implementation Actions*, the adopted NWDP states the following:

The Northwest District Plan policies, objectives, and actions are intended to help achieve the vision and urban design concept. They are based on the 1999 NWDA board-adopted Northwest District Neighborhood Plan and were revised to reflect input from community workshops, neighborhood walks, advisory committee meetings and citizen and agency comments on drafts of the plan.

Adopted by City Council, the policies and objectives are part of Portland's Comprehensive Plan. They provide guidance for decision makers and future public and private investments in the Northwest District. They support the plan's implementing measures (such as the new land use regulations adopted with the plan), and must be carefully weighed when quasi-judicial Comprehensive Plan map amendments are considered.

The NWPD also includes a discussion of how the Plan is to be used for Land Use Reviews, as follows [emphasis added]:

Relationship to Land Use Reviews

The Comprehensive Plan and neighborhood and area plans serve several purposes. Each plan is a statement of desired character and urban form over time. In addition, the plans may be used in certain land use reviews. When a land use review requires a proposal to be consistent with a plan, City planners look at certain aspects for conformance. Each plan contains a set of elements that should be considered and balanced, some requirements that should be met, and some that are guidelines but not required. Each goal and policy of the Comprehensive Plan is designated as mandatory, balancing, or aspirational. All of the goals and policies of the Northwest District Plan are balancing, as are the goals and policies of all neighborhood plans. This means that all of them must be considered in relation to each other and must be weighed with the balancing policies of the Comprehensive Plan. They must all be considered, but do not have to be individually met.

Staff has reviewed all of the policies within the NWDP, and have determined that the following NWPD Policies are applicable and relevant to this application:

Land Use Policy

Participate in the growth of the metropolitan region in a manner that protects and enhances the quality of life in the Northwest District. Enhance the district's sense of place as a distinct yet diverse community, with an active mix of housing and businesses.

Comment: The proposal seeks to re-designate and rezone a 10,000 square foot parcel developed with an existing one story building. The applicant does not propose any new development, and seeks to continue the current event venue space and business operations on the site. The applicant notes, and staff concurs, that the proposal is consistent with the Policies and Objectives for the Transitional Subarea within the plan. Those Policies and Objectives are specifically crafted to ensure that uses and development occur in this area that are consistent with the overall Plan. The proposal enhances the district's 'sense of place' by preserving an excellent example of early twentieth century 'generic garage' architecture, thus preserving a unique building within the Upshur Warehouse District. The event venue use itself, as noted by the applicant, draws a

number of visitors into the neighborhood during 'off-peak' hours which provides a particularly active use in an transitioning industrial area that is otherwise significantly dormant during the off-peak hours. Additionally, the applicant notes that employers and workers within the Industrial Sanctuary are also customers to the event venue space. Thus, the use provides a facility to a very diverse community that is an active use for the neighborhood.

The proposed amendment is entirely consistent with the general land use policy of the NWDP because the rezone will better allow the site to contribute to the desired mix of business uses within the Transitional Subarea. It will also allow the site to be more consistent with the district's overall character, as well as more consistent with the uses immediately surrounding the site. The NWDP Land Use Policy is implemented through a series of objectives. Staff has reviewed these Objectives and notes that the following are applicable:

B. Support land use strategies and developments that enhance employment opportunities in the district.

Comment: The proposed change to an EXd zoning designation is a land use strategy that is entirely consistent with the goal of enhancing employment opportunities, particularly in the Transitional Subarea. As discussed above, the industrial use opportunities, and therefore Industrial use employment opportunities, are limited under the existing Industrial Sanctuary designation given the location of the site between two large swaths of EXd zoning and uses combined with the small size of the site. Therefore, the proposed change to an EXd designation will enhance the employment opportunities at the site, and correspondingly in the district.

1. Encourage uses along edges of the district that serve the needs of the district and adjacent neighborhoods.

Comment: The site is located in very close proximity to the Central City, the Pearl District and the Guild's Lake Industrial Sanctuary. The event venue use serves a broad range of customers, and is well situated to provide event space for multiple neighborhoods. The EX zone will continue to provide opportunities for small industrial uses and the NW Plan District will limit potential impacts on the industrial area by limitations on residential development.

Policy 2, *Institutions*, is not relevant to this application.

Transportation Policy

Provide a full range of transportation options for moving people and goods thereby supporting neighborhood livability and commerce and reducing reliance on the automobile.

Policy 3, *Transportation*, is directed at implementing agencies for transportation improvements. The applicable criteria for this Comprehensive Plan Map Amendment and Zone Map Amendment application include extensive analysis of transportation Goals and Policies, as well as an analysis of additional transportation criteria [found at 33.810.050.A.3] and potential impacts of the proposal on adjacent industrial lands and industrial uses. The proposal is discussed in more detail under Comprehensive Plan Goal 6 below, which describes the variety of both traditional and alternative transportation facilities adjacent and in proximity to the site. A bicycle facility runs along the NW 18th Avenue frontage of the site. The proposed Central Employment designation will provide greater opportunities for the site to take advantage of and maximize the uses and employment opportunities than the current designation facilitates. Additionally, the productive use of this site will help justify the case for additional transit facilities in the immediate vicinity of the site, which is an identified need for this section of the neighborhood. For these reasons, and the reasons detailed under Goal 6 below, the proposed amendment better satisfies this neighborhood policy than the existing zoning designation.

Parking Policy

Provide and manage parking to serve the community while protecting and enhancing the livability and urban character of the district.

Comment: The site has no on-site parking as the existing building covers the entire site. As discussed in detail under Goal 6 and 33.810.050.A.3, the event venue use operated during off-peak hours and consequently has little impact on immediately surrounding uses. The applicant has secured a long-term lease for off street parking with 20 spaces immediately east of the site. Shuttle and valet services are often utilized at events, as the applicant also has a lease with ODOT to ensure the availability of 80 parking spaces located under the I-405 Bridge. The applicant has additional options for securing additional parking from adjacent businesses during off-peak hours and has determined that 48 spaces are available to rent from City Center Parking at NW 19th and Thurman. Given the nature of many of the events, valet services and limousine/bus transportation for guests are frequently utilized, as well as shuttle buses to shuttle employees to the event venue.

If the event use were to vacate the site, due to the size of the site, any future new development would have little impact on area parking because the future uses and development allowed would be limited.

Business and Economic Development Policy

Foster a healthy and prosperous business community that serves the needs of the district. Retain and expand the diverse mix of businesses and jobs.

Comment: The proposal is consistent with this policy, as the requested re-designation and rezoning will provide the land use approvals necessary to sustain a robust and active business on the site that not only serves the needs of the district, but is well situated to provide services to the district and several adjacent neighborhoods. This policy is implemented by Objectives. The following Objectives and note that the following are applicable:

- A. Promote the formation of new, and the growth of established, businesses.*
- C. Support the establishment and growth of retail businesses that provide goods and services needed by district residents and employees while responding to the regional nature of the Northwest retail and service market.*
- D. Support businesses that provide living wage jobs and assist the city in attaining its economic and employment goals.*

The proposal would enable the growth of an established business, which in turn can provide additional job both to vendors in support of the event venue, as well as staff managing the event. As noted by the applicant, this relatively modest sized event venue has a customer base that includes employers and employees from the Industrial Sanctuary, as well as drawing customers from the broad base of the surrounding neighborhoods and the Central City.

If the event venue use were to vacate the site, future uses, whether they are industrial in nature or commercial would provide employment opportunities but not the extent of creating impacts to the industrial area.

Urban Design Policy

Respect the urban design principles and architectural qualities that define the district's human-scaled, pedestrian-oriented character.

Comment: The proposal is supportive of this policy because the request to re-designate and re-zone the site to EXd will automatically place the Design overlay zone onto the site. New development will be required to comply with the Community Design Standards or be subject to a Design Review. However, it is important to note that the applicant does not propose any new development, but rather seeks to preserve the building and the existing event venue use occurring on the site. The human-scaled, pedestrian orientation of the building has been previously discussed in this report. Policies are implemented via the related Objectives. Staff has reviewed the Objectives, and notes that the following is relevant:

C. Preserve and enhance the distinct character of different parts of the Northwest District.

The proposal is supportive of this Objective, as the request, as noted throughout this report, is consistent with the policies and governing regulations applicable in the NW Plan District. The site is located in a specifically identified and mapped area of the NWPD [Transition Subarea/Upshur Warehouse District] because of the unique characteristics of this area. The proposal is consistent with the vision, policies and regulations adopted for this area.

Historic Preservation Policy

Identify, preserve, and protect historic resources and support development that enhances the historic qualities of the district.

Comment: Throughout this report, it has been noted that the existing building, while not a designated historic resource is, nonetheless, a fine example of early twentieth century 'garage' vernacular. While this style of building can be found in the City in multiple industrial areas, the proposal seeks to retain the building, which has been renovated and maintained such that it is an attractive building consistent with the vision for the Upshur Warehouse District within the Transition Subarea. This Policy is implemented by a number of objectives. Staff has reviewed those Objectives and note that the following are relevant to this application:

A. Promote restorations and renovations of residential and commercial structures that maintain the historic style, quality, and character of the original building.

B. Encourage adaptive reuse of historic resources that maintain their historic character.

As noted earlier, the building has been renovated in a way that has maintained the historic style and character of the building. In addition, the applicant has noted multiple times that the event venue use is an adaptive reuse of this building that will continue to preserve it and the historic qualities it contributes to the neighborhood and in particular the Upshur Warehouse District of the Transitional Subarea.

Policy 9, *Public Safety*, is not relevant to this application.

Quality of Life Policy

Strengthen the sense of community and ensure that cultural, educational and recreational resources continue to be a vital part of public life.

E. Foster events and activities that create positive interactions among community members.

Comment: The proposal seeks to continue business operations of an event venue on the site which provides a modestly sized facility for events and activities for a broad array of employers, organizations, schools, fund raisers, and similar activities. Due to the location of the site, this facility is in close proximity to several neighborhoods and districts, and the events themselves are

positive and community building activities that allow participants to network, socialize, and do so in this unique area of the Northwest District.

Policy 11, *Environment*, is not relevant to this application.

Business and Residential Interaction Policy

Foster cooperation between business and residential interests in the district, enhancing ways residential, commercial, and industrial uses can benefit from their interaction and mitigate negative impacts.

Comment: The proposal would result in a community and district asset that provides a space to hold events and activities that would serve the business and residential interests in the district and adjacent neighborhoods.

Transition Subarea Policy

Integrate the Subarea into the pedestrian-oriented, architecturally diverse urban fabric to the south and west. Encourage a mix of housing, commercial, institutional, open space, and light industrial uses.

Comment: The discussion contained in the adopted NWPD regarding this policy has been addressed previously in this report under Comprehensive Plan Policy 2.14, *Industrial Sanctuaries*, but it bears repeating here, again, with emphasis added, in order to demonstrate the compliance of the proposal with the Transition Subarea Policy. The NWPD describes this Subarea and related policies as follows:

Policy 13: Transition Subarea Discussion

The Transition Subarea... is home to a variety of commercial, industrial, creative industries, and transportation-related businesses, including the operations headquarters of CNF, Inc., a major regional employer. Other uses include small housing enclaves, and several historically significant structures, such as St. Patrick's Church. While many industrial businesses have historically located here, it is becoming more obsolete for some types of industrial operations due to relatively small parcel sizes, street configurations and the ongoing transition of the nearby Pearl District from industrial uses to a vibrant mixed-use neighborhood. Large portions of the Subarea are currently underutilized.

Other attributes include close proximity to the Central City and good freeway access. Although it is separated from areas to the east and north by freeway facilities, sidewalks exist along most streets and transit service is good, with bus routes on NW 23rd and 21st Avenues, and nearby on NW Lovejoy and Kearney Streets and NW Front Avenue.

With the adoption of the Guild's Lake Industrial Sanctuary Plan, City Council acknowledged the changing nature of land uses south of NW Vaughn Street and directed that planning for a transition to new uses be a part of the Northwest District Plan. The planning process has identified the community's desire to integrate the Transition Subarea into the fabric of the neighborhood as an area of mixed uses. While many want to see an increase in housing, there is also a desire to preserve employment opportunities such as through the expansion of creative industries like Vinton Studios, and live-work units for people pursuing creative and other employment endeavors.

The Transition Subarea Policy encourages a mix of land uses including new housing, the retention and creation of employment opportunities and maintaining compatible light industrial uses, particularly north of I-405. This plan accomplishes this goal in

part, by adopting changes to the Comprehensive Plan map from its current General Industrial designation to a mixed-use Central Employment designation.

[During the appeal process of the NWPD, the EXd designation was removed from properties in the Transitional Subarea, and the old Industrial Sanctuary designation re-established over properties in this area. The appeal, based on transportation issues, has been resolved. However, the EXd designation was not reinstated after the appeal process concluded].

The policy, objectives and implementing actions promote a number of concepts such as transportation system connectivity, including multi-modal circulation and safety and linkages to the Willamette River. They also seek the retention or nearby relocation of industrial uses, the creation of plazas, open space, park and community facilities, the encouragement of new housing and in particular affordable housing, and the recognition of the unique historical attributes of the NW Upshur industrial area and St. Patrick's Church. Also of importance is the gradual transition of compatible land uses near the Guild's Lake Industrial Sanctuary north of NW Vaughn Street.

As discussed earlier in this report, the proposal is consistent with and supportive of Policy 13, Transitional Subarea, of the NWPD. The proposal seeks to re-designate and rezone the site to Central Employment/EXd, in accordance with Policy 13 which seeks to support a transition in this area to mixed uses that are compatible with adjacent industrial uses, while preserving and creating additional employment opportunities in this district.

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 proposal is consistent with the Objectives under this Policy because the proposed Central Employment designation allows residential uses while the existing designation does not. However, as previously discussed, the applicant does not propose any new development, but rather, the ability to continue the existing event venue use. None the less, the proposal is more supportive of this policy than the existing designation.

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.

Findings: The proposal actually increases housing potential because the existing designation prohibits residential uses [except for house boats] while the proposed designation allows residential uses. As noted previously, the applicant does not propose any new development or any for future residential development, but none the less, the proposal is more supportive of this policy than the existing designation. However, it is also important to note that the zoning regulations for the Northwest Plan District [Chapter 33.562] limit the amount of housing that can be developed on this site if it is rezoned to EXd at 33.562.100, Residential Use Limitation, at [-B] states:

B. Limitation. On sites zoned EX in the area shown on Map 562-2, up to 20 percent of the net building area may be in Residential uses. More than 20 percent is prohibited.

The purpose of this limitation is found at 33.562.100.A, which states:

Residential uses are limited in an area adjacent to the Guild's Lake Industrial Sanctuary plan district in order to minimize conflicts with industrial activities. This limitation minimizes the potential for residential traffic and differing environmental expectations that can result in conflicts with industrial operations, while providing opportunities for those who may desire residence in a primarily nonresidential building in a historically industrial area.

Therefore, while the EXd zone would provide an increased housing potential, that potential is limited. In this case, the site could be redeveloped up to a full 3:1 FAR, or 30,000 sq ft. However, only 20% or 6,000 sq ft can be in residential use. Given this limit, the housing potential for this site might be up to 8 units. However, as noted throughout this report, the applicant does not propose any new development and seeks approval in order to preserve an existing business and the building on the site.

The Bureau of Planning and Sustainability raised concerns about the requested EXd zoning and the amount of residential development the rezone would allow, as follows:

The proposed change in designation and zoning to EX would allow more retail and residential uses in the area which will have adverse impacts on the industrial uses in the area. In this part of the city, adjacency to the Central City and the Northwest Plan District make it such that the EX zone functions primarily as a multi family residential and mixed use zone. Multi family residential and mixed uses introduce incompatible dynamics and impacts that make it difficult for surrounding industry to operate and expand and have a detrimental effect on the area's industrial character.

However, due to the small size of the site and the limitations on residential development (20% of the maximum allowed FAR) through the NW Plan District. In this case, the residential limitation would allow 6,000 sq ft in residential uses, or approximately 6-8 units. Given these restrictions, the concerns of BPS are addressed. The proposal is more supportive of Goal 4 than the existing designation.

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 applicant addresses this goal as follows:

The Site currently employs two people on site and many additional vendors for each event. This current employment would be maintained under this amendment request. Maintaining this current employment certainly supports a more diverse and stronger economy than if the use was denied and the jobs were lost. In addition, the Site creates jobs during off-peak hours, thereby adding evening and weekend work options to the broad range of employment opportunities in the area. Thus, maintaining this use through the amendment request is equally or more supportive of this goal than the old designation.

The proposal supports this Policy because the re-designation of the subject site to Central Employment better satisfies Policy 5.1 by creating greater use flexibility which in turn can create increased employment opportunities associated with the event venue. As noted in the adopted NW Plan, the Transition Subarea:

While many industrial businesses have historically located here, it is becoming more obsolete for some types of industrial operations due to relatively small parcel sizes, street configurations and the ongoing transition of the nearby Pearl District.

The applicant notes in the proposal narrative that the small site size and type of building is not immediately suitable for most industrial uses, consistent with the acknowledgement of Policy 13, NWPD, that this site is relatively 'obsolete' for the Industrial designation.

Goal 5 is also implemented via Policies and Objectives, which staff has reviewed and notes that the following are relevant to this application:

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.

Findings: The applicant addresses this goal as follows:

The 1929 warehouse has been preserved, rehabilitated and re-used for an employment opportunity. As stated above, the Castaway employs two people on site and countless off-site vendors for each event. We do not know, and are far less certain, how this Site could be utilized for an industrial use and have the same impacts on employment opportunities on and off-site. We can conservatively assume that the existing job impact of the current use is at least as supportive of this policy as the old designation.

Staff concurs with the applicant's analysis. Two objectives under this policy are also relevant to this application:

Objectives:

- A. Ensure that there are sufficient inventories of commercially and industrially-zoned, buildable land supplied with adequate levels of public and transportation services.
- C. Retain industrial sanctuary zones and maximize use of infrastructure and intermodal transportation linkages with and within these areas.

The applicant addresses these Objectives as follows:

Nothing in this application challenges the current availability of industrial land for industrial purposes. Instead, this application seeks to conform the zone and Plan designation to the existing use of the Site. No new development is proposed for the Site. Rather, the application would permit the continuation of an existing use that is operating compatibly with other uses in the area. These other uses range from a school to light industrial, office, retail, and residential.

Preservation of industrial land inventories are reflected in several regulatory documents, most notably Title 33 and Metro's Growth Concept Map and Functional Plan. In addition, PCC 33.810.050.A.3 applies to Comprehensive Plan amendments such as this one, when the application proposes to change an Industrial Sanctuary designation...

Under Title 3.07.450.C.6 of the Metro Functional Plan and the City's implementing provisions in PCC 33.810.050.A.3.g, no more than 20 acres on the Site can be given a non-industrial zone designation. This code provision strongly indicates that rezone applications under 20 acres do not threaten a viable supply of industrial land if that rezone also meets all of the approval criteria under PCC 33.810.050.A.3. This Site comprises only 10,000 square feet, well under the 20-acre non-industrial zone maximum set forth in the Functional Plan and Zoning Code. Below, this application also demonstrates that each of the criteria of PCC 33.810.050.A.3 are satisfied. Thus, from a strictly quantity perspective, this application ensures sufficient inventories of industrial land are maintained.

Further, the EXd zone continues to permit many industrial uses such as manufacturing and production, warehouse and freight movement, wholesale sales and industrial service. These uses are permitted outright in the EXd zone and are not subject to criteria that limit the industrial use. Thus, there is no loss of land that could accommodate industrial uses in the future.

Based on these findings, this amendment equally or better supports the inventory policy than the old designation. While the Industrial Sanctuary Plan designation will be altered for this Site, it is a minimal alteration affecting only a 10,000 square foot existing 1929 warehouse that has been converted to adaptive re-use as an event venue. This application does not remove a current industrial use from the site nor does it preclude future industrial uses on the site under the EXd zoning.

Staff concurs with this analysis.

5.2 Business Development

Sustain and support business development activities to retain, expand and recruit businesses.

Findings: The applicant addresses this policy as follows:

Castaway is an existing business located on the edge of the Central City Plan District and within the Northwest Plan District. By this amendment, Castaway will be allowed to continue its current, viable business serving the community. Castaway establishes relationships with other businesses, industries and non profits by providing an event venue for activities hosted by those groups. Many groups return to this event venue on an annual or more frequent basis. For instance, NIKE regularly hosts corporate off-sites at this location and multiple non-profits return annually to host their annual auctions. The Site also hosts numerous weddings, and partners with many local wedding vendors to make those events successful. Not only will this amendment continue to support Castaway as an ongoing business concern in the City of Portland, it will also indirectly support the vendors that it partners with as well as the business and non-profit clients that rely on this event venue for annual or more frequent events. In this manner, the new EXd zone will equally or better support this business development goal as the old IG1 designation.

Staff concurs with this analysis.

5.3 Community-Based Economic Development

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

Objectives:

- D. Assist broadly-based community coalitions to implement development objectives and programs of adopted community or neighborhood plans. Coalition interests include, at a minimum, City-recognized neighborhood and business associations, as well as businesses, residents, educators, service providers, and other groups and individuals.

Findings: The applicant addresses this objective as follows:

The Site is located in the Northwest Plan District and is within the boundaries of the Northwest District Association. The NWPD establishes several community objectives for the neighborhood including the provision of an urban level of mixed use development including commercial, office, housing and employment. Under PCC 33.562.010, "objectives of the plan district include strengthening the area's role as a commercial and residential center." The purpose statement also calls for minimizing the conflicts between the mixed-uses of the plan district and the industrial uses of the Guild's Lake Industrial Sanctuary.

The Site is located amongst other EXd or mixed use zoned land to the southwest and east, and is south of the southernmost boundary of the Guild's Lake Industrial Sanctuary. The Site as currently developed and is providing a retail sales and service use in the midst of a variety of other existing uses, such as office buildings, restaurants, retail uses, a school, and light industrial uses. The current use of the Site is consistent with the purpose of the NWPD and provides a sensible and appropriate buffer between the mixed uses of the area and the Guild's Lake uses to the north.

The Site is 10,000 square feet and is developed with a one-story warehouse dating to 1929. With these inherent site limitations, the use will remain consistent with the 20,000 square foot limitation for retail sales and service uses in the EXd zone and the NWPD.

Based on the NWPD purpose statement and implementing regulations, the proposed EXd zone and the current Site use is more consistent with this economic development goal than the old IG1 designation. The amendment will continue to permit a commercial use in an existing mixed use environment without any impacts on the industrial area to the north and will remain well under the 20,000 square foot limitation on retail sales and service uses in the NWPD.

Staff concurs with this analysis.

- C. Evaluate the impact of zoning regulations and procedures on neighborhood businesses and retailers using the community and neighborhood planning process. Involve affected business district associations and neighborhood associations in that evaluation.
- D. Encourage consensus-building activities at the community and neighborhood levels which enhance neighborhood livability and promote economic vitality.

Findings: The applicant addresses these Objectives as follows:

This zone change and Comprehensive Plan amendment is a Type III procedure. Therefore, notice and an opportunity to comment through a public comment period is required by the Code, and hearings will be held with the neighborhood association as well as the general public. In addition, before filing for a pre-application conference, the Applicant spoke with the NWDA and neighbors to make them aware of the intended

application and to provide a forum to discuss any issues. This application addresses all of the approval criteria for a zone change and Comprehensive Plan amendment and therefore evaluates the full impact of the zoning request on this Site.

In this way, the Type III process associated with the zone change will be more supportive of this objective than maintaining the old designation.

Staff concurs with this analysis.

5.4 Transportation System

Promote a multi-modal regional transportation system that stimulates and supports long term economic development and business investment.

Findings: The applicant addresses this policy as follows:

The Site is currently served by a developed street and sidewalk system. NW Upshur Street is a Local Service Transit and Traffic Street, a Local Service Bikeway, a Local Service Walkway and a Local Service Truck Street. NW 18th is a Local Service Transit and Traffic Street, an Off-Street Pedestrian Path, a Local Service Bikeway and a Local Service Truck Street. Thus, the Site has multi-modal transportation options to support long term economic and business development.

The transportation system in this immediate area is multi modal. Additional discussion regarding transportation Goals, Policies, and impacts are addressed else where in this report, under Goal 6 and under 33.810.050.A.3. Staff concurs with the applicant's analysis.

Objectives:

- A. Support multimodal freight transportation improvements to provide competitive regional access to global markets and facilitate the efficient movement of goods and services in and out of Portland's major industrial and commercial districts. Ensure access to intermodal terminals and related distribution facilities to facilitate the local, national, and international distribution of goods and services.

Findings: The applicant addresses this Objective as follows:

The Site is not located on a street with any major freight classification. It is not located on a Regional Truckway, Priority Truck Street, Major Truck Street, Truck Access Street or Freight District Street, and the zone change will not affect access to any intermodal terminals or distribution facilities in the area.

Instead Upshur is a Local Service Transit and Traffic Street, a Local Service Bikeway, a Local Service Walkway and a Local Service Truck Street. NW 18th is a Local Service Transit and Traffic Street, an Off-Street Pedestrian Path, a Local Service Bikeway and a Local Service Truck Street. In this way the Site will have no impact on freight transportation improvements. The Site is also currently developed with its intended use. The event venue creates mostly off-peak vehicle trips and these trips are currently already accommodated on the existing transportation system. Presently, the portions of NW 18th and 19th serving the site operate at LOS B, and NW Upshur operates at LOS D. These are deemed acceptable levels of service by the City of Portland. Because the Site's trips are mostly off-peak and accounted for in the system as existing background traffic, this amendment is equally or more supportive of this freight policy than the old designation.

Staff concurs with this analysis. Additional findings regarding street classifications, etc. can be found under Goal 6 and 33.810.050.A.3, which is also supportive of this analysis.

- E. Promote safe and pleasant bicycle and pedestrian access to and circulation within commercial areas. Provide convenient, secure bicycle parking for employees and shoppers.

Findings: The applicant addresses this Objective as follows:

As stated above, NW Upshur and NW 18th are Local Service Bikeways. Upshur is a Local Service Walkway and NW 18th is an Off-Street Pedestrian Path. Amending the zone from IG1 to EXd will not change these designations or the manner in which these streets are used. Further, the EX zone includes a number of requirements to enhance pedestrian and bicycle access to and circulation within the area. (See, for example, the pedestrian standards of PCC 33.140.240).

As noted, the existing event venue use of the Site will continue following the zone and plan amendment. The existing building is located at the corner of NW Upshur and NW 18th and has direct connections to the street for pedestrians. Bicycle lanes run immediately in front of the building. Because the majority of the events at the Site occur on weekends and during off-peak weekday hours, the Site does not contribute to excessive traffic that might detract from bicycle and pedestrian use of the surrounding streets. Thus, amending the zone to conform to the existing use ensures that the Site will continue to promote safe and pleasant bicycle and pedestrian experiences in the area.

Thus, the combination of off-peak commercial traffic and the bicycle and pedestrian regulations for the EX zone will support the continued commercial use of this Site in a manner that is more supportive of this objective than the old industrial designation.

Staff concurs with this analysis and notes that the findings under Goal 6 and 33.810.050.A.3 are also supportive of this Objective.

- F. Encourage a wide range of goods and services in each commercial area in order to promote air quality and energy conservation.

Findings: The applicant addresses this Objective as follows:

The existing use encourages the maintenance of a wide range of services in the commercial area. Within a 2-block radius of the Site, there are a variety of commercial and industrial uses. Most notably, the Site is surrounded by the following uses: multiple home and garden retailers, including Bedford and Brown, Pomarius Nursery, Globe Lighting, Elements International, and Direct Source International; multiple restaurants, including Dockside, Olympic Provisions, and Brekens Kitchen; a variety of office uses, including Tether (advertising), Department Zero (advertising), Maul Foster Alongi (environmental consulting), and Meriweather Group (business consulting); event spaces, including The Slate and PNCA; and miscellaneous uses such as hair salons and fitness studios.

The event venue fits squarely within this existing mix of uses and provides a complimentary commercial service use in the mixed use area. Because the Site currently contributes to the wide range of goods and services in the area, amending the

zoning to conform to the existing use will continue to promote air quality and energy conservation equally or better than the IG1 plan and zone designation. Maintaining this use will also promote energy conservation through the adaptive re-use of the 1929 warehouse and the off-peak energy usage pattern associated with the event venue.

Staff concurs with this analysis.

- H. Pursue transportation and parking improvements that reinforce commercial, industrial and residential districts and promote development of new districts.

Findings: The applicant addresses this Objective as follows:

The parking and transportation improvements on and off site reinforce the commercial and industrial aspects of this district and will continue to do so following the zone change and plan amendment.

First, the Castaway event venue is an existing use whose background traffic already exists and is accommodated on the transportation and parking network. The TIA demonstrates that the transportation facilities in the area operate at acceptable levels of service and will continue to do so following this amendment. Second, the event venue generates mostly off-peak trips. Thus, most users of the Site come on the weekends or after 6:00 pm on the weekdays, thereby limiting any conflict with the majority of peak-hour traffic generated by other existing and planned uses in the area. Third, there is no minimum parking requirement for the EX zone, and the maximum parking standards set forth in Table 266-2 of PCC 33.266 will limit the number of spaces on the Site following the zone change and plan amendment. As set forth in PCC 33.266.115, the maximum parking regulations will promote efficient use of the Site, enhance urban form, encourage the use of alternative modes of transportation, provide for better pedestrian movement, and protect air and water quality.

The Site currently has 20 "on-site" spaces immediately east of the building (because the warehouse occupies the entirety of the 10,000-square foot lot, the parking is located on an adjacent lot and secured through a long-term lease). In addition, Castaway has options to rent spaces from adjacent businesses during their off-peak hours, 48 spaces are available to rent from City Center at NW 19th and Thurman, and Castaway recently executed a lease with ODOT to ensure the availability of over 80 spaces under the I-405 Bridge. In addition, there is ample on-street parking for events due to the off-peak usage of the Site. Lastly, many of the events use valet services and limousine/bus transportation for guests, and shuttle buses to shuttle employees from the job site to the event venue.

Accordingly, the existing transportation and parking improvements are consistent with the standards of the EX zone and will equally or better reinforce the commercial and industrial districts than the IG1 designation.

Staff concurs with this analysis and notes that the transportation related findings under Goal 6 and 33.810.050.A.3 are also supportive of this analysis.

5.8 Diversity and Identity in Industrial Areas

Promote a variety of efficient, safe and attractive industrial sanctuary and mixed employment areas in Portland.

Findings: The applicant addresses this policy as follows:

The Site is located between mixed employment areas and the industrial sanctuary. The area has been developed with a wide variety of uses, many of which are detailed above and include a school, light industrial, outdoor and indoor furnishings, office uses and this event venue.

Thus, the area already promotes a variety of safe and attractive industrial sanctuary and mixed employment areas. This amendment simply further enforces this variety by conforming the zoning map and Comprehensive Plan map to the existing use on Site. The Site already operates safely and attractively with the mix of uses in the area. The streets serving the Site are not designated freight streets and are instead Local Service Traffic, Transit and Truck streets with City Walkway and Bikeway designations. Each of these designations is consistent with the continuing use of the Site in the manner proposed here.

As the TIA demonstrates, the off-peak traffic generated by the Site does not interfere with industrial traffic, and the traffic pattern is highly consistent and compatible with the existing and planned uses in the area. Furthermore, there is virtually no difference in peak-hour trip generation between the EX zone and the IG1 zone.

Therefore, rezoning the Site to EXd will be equally or more supportive of this Comprehensive Plan policy than the old designation.

Staff concurs with this analysis and again notes that the transportation findings throughout this report are supportive of this analysis and this Objective.

- D. Within industrial districts, allow some lands designated for commercial or mixed employment. Provide for this while maintaining the overall industrial orientation of the districts.
- E. Create mixed employment areas which encourage a broad range of employment opportunities by permitting a mix of industrial and commercial activities. Prevent land use conflicts within the mixed employment areas through the use of development standards and by limiting conflicting types of development.
- F. For activities which tend to have substantial off-site impacts or demands on public services, limit the zones where they are permitted outright, and require additional reviews where they may be appropriate.

Findings: The applicant addresses the three Objectives listed above as follows:

The Site is located in an area that has a mix of Employment and Industrial zones. While the Site itself is currently zoned Industrial, a large tract of land to the immediate southwest is zoned Central Employment (EXd), as is the large tract of land to the east of the Site. Rezoning and re-designating this 10,000 square foot Site to EXd will meet the above objective of allowing some lands to be designated for commercial or mixed employment while maintaining the overall industrial orientation of the properties to the north.

The amendment will continue to encourage a broad range of employment opportunities by permitting the current mix of industrial and commercial activities in the area. Land use conflicts will be prevented, and are currently prevented, by the limited and off-peak nature of the existing use on the Site. Furthermore, the Site is within the Northwest

Plan District (Map 562-1, PCC 33.562). The NWPD regulations in PCC 33.562.110.C.1 limit the size of Retail Sales and Service uses to 20,000 square feet, and PCC 33.562 also place limitations on residential uses and building heights. The Site comprises only a total of 10,000 square feet, and there is only one use in the 1929 warehouse on Site. Therefore, the nature of the existing development, combined with the NWPD regulations, will preserve the industrial nature of the area and prevent conflicts between the varying uses.

Finally, as the transportation analysis demonstrates, the majority of traffic to the site occurs during weekend hours and off-peak weekday hours. Therefore, impacts are minimal. In addition, the trip generation potential of the site under the existing and proposed zoning scenario is essentially equal during the critical weekday pm peak hour (the potential build out of the proposed zoning results in one less trip than the existing zoning). For this reason, no off-site transportation impacts will occur as a result of the zone change, and no mitigation measures are necessary.

Therefore, rezoning the Site to EXd will be equally or more supportive of these mixed use policies than the old designation.

Staff concurs with this analysis. The zoning code regulations applicable to the site because of its location within the Northwest Plan District will limit impacts should the event use vacate the site and it is redeveloped with residential use.

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 Portland Bureau of Transportation responded with the following findings and comments:

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

Kittelson's memorandum analyzed whether the zone change would significantly affect the transportation system (either as determined by Oregon's Transportation Planning Rule (TPR) or the City's Administration Rule TRN 10.27 – Traffic Capacity Analysis for Land Use Review Cases). The reasonable 'worst-case' analysis to calculate trip generation was based on "Specialty Retail." The trip generation potential of the site under the existing and proposed zoning designations is essentially equal during the critical weekday pm peak hour (the potential build out of the proposed zoning results in one less trip than the existing zoning). Therefore, no off-site transportation impacts will occur as a result of the zone change. Further, as confirmed by the Bureau, no additional quantitative analysis is needed to comply with the City of Portland Administrative Rule or the Transportation Planning Rule.

Compliance with the Transportation Planning Rule
660-012-0060, Transportation Planning Rule (TPR)

As noted, the Applicant consulted with the Bureau of Transportation Engineering & Development prior to filing the application and confirmed that the application would not require further analysis under the TPR. Below are additional findings in support of this conclusion.

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

The proposed application will not change the functional classification of any existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

The proposed application will not change the standards implementing a functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

As detailed in Kittelson's memorandum and the original application narrative, the trip generation potential of the site under the existing (IG1) and proposed (EXd) zoning designations is essentially equal during the critical weekday pm peak hour (the potential build out of the proposed zoning results in one *less* trip than the existing zoning). Therefore, no off-site transportation impacts will occur as a result of the zone change.

The affected facilities have the following functional classifications: NW Upshur is a Local Service Transit and Traffic Street, a Local Service Bikeway, a Local Service Walkway and a Local Service Truck Street. NW 18th and 19th are Local Service Transit and Traffic Streets, City Bikeways, Local Service Walkways, and Local Service Truck Streets. The existing event venue on the site creates mostly off-peak vehicle trips, and these trips are currently already accommodated on the existing transportation system, including the referenced facilities. Presently, the portions of NW 18th and 19th serving the site operate at LOS B, and NW Upshur operates at LOS D. These are deemed acceptable levels of service by the City of Portland. Because the site's trips are mostly off-peak and accounted for in the system as existing background traffic, this amendment will not create types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

As noted above, the potential build out of the site under the proposed zone (EXd) would actually result in one *less* trip than the existing zone (IG1). Furthermore, the existing event venue on the site creates mostly off-peak vehicle trips, and these trips are currently already accommodated on the existing transportation system. Presently, the portions of NW 18th and 19th serving the site operate at LOS B, and NW Upshur operates at LOS D. These are deemed acceptable levels of service by the City of Portland, and the proposed zone change will not alter performance of these streets. Therefore, the zone change will not degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan.

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

As noted above, the portions of NW 18th and 19th serving the site operate at LOS B, and NW Upshur operates at LOS D. These are deemed acceptable levels of service by the City of Portland, and the potential build out of the site under the proposed zone (EXd) would actually result in one *less* trip than the existing zone (IG1). Therefore, the proposed zone change will not degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

In summary, the proposed zone change from IG1 to EXd will not significantly affect an existing or planned transportation facility and therefore no further analysis is required under the TPR.

The proposed zone change and comprehensive plan amendment is consistent with the relevant objectives and policies designed to implement this goal as follows.

6.5 Traffic Classification Descriptions

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.

NW Upshur is a Local Service Transit and Traffic Street, a Local Service Bikeway, a Local Service Walkway, and a Local Service Truck Street. NW 18th and 19th are Local Service Transit and Traffic Streets, Local Service Walkways, City Bikeways, and Local Service Truck Streets. Therefore, the following objectives related to Local Service Traffic Streets are relevant to this application.

F. Local Service Traffic Streets

Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses.

- **Land Use/Development.** Discourage auto-oriented land uses from using Local Service Traffic Streets as their primary access.

- **Classification.** Streets not classified as Regional Trafficways, Major City Traffic Streets, District Collectors, or Neighborhood Collectors are classified as Local Service Traffic Streets.
- **Connections.** Local Service Traffic Streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas, and main streets.
- **Function.** Local Service Traffic Streets provide local circulation for traffic, pedestrians, and bicyclists and (except in special circumstances) should provide on-street parking. In some instances where vehicle speeds and volumes are very low (for example, woonerfs and accessways), Local Service Traffic Streets may accommodate both vehicles and pedestrians and bicyclists in a shared space.

The existing event venue on the site creates mostly off-peak vehicle trips on the adjacent Local Service Traffic Streets, and these trips are currently already accommodated on the existing transportation system. Presently, the portions of NW 18th and 19th serving the site operate at LOS B, and NW Upshur operates at LOS D. These are deemed acceptable levels of service by the City of Portland, and the proposed zone change will not alter performance of these streets. Following the zone change, the streets will continue to provide local circulation for traffic, pedestrians, and bicyclists. As detailed in the application materials, the event venue often uses shuttle buses and valet parking, thereby minimizing vehicle trips to the site. Finally, the surrounding area contains many EXd-zoned properties which rely upon the subject streets for local access to a variety of uses, including those allowed in both the IG1 and EXd zones. The proposed zone change will not alter the manner in which these streets meet their classifications and serve the local neighborhood.

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.

E. Local Service Transit Streets

Local Service Transit Streets are intended to provide transit service to nearby residents and adjacent commercial areas.

- **Land Use.** Transit operations on Local Service Transit Streets should give preference to access for individual properties and to the specific needs of property owners and residents along the street.
- **Classification.** Streets not classified as Regional Transitways, Major Transit Priority Streets, Transit Access Streets, or Community Transit Streets are classified as Local Service Transit Streets.
- **Function.** Local Service Transit Streets may be used for paratransit service, end loops for regularly scheduled routes, and may carry school buses.
- **Bus Stops.** Locate stops along Local Service Transit Streets based on Tri-Met service standards.

As noted above, NW Upshur, NW 18th, and NW 19th are Local Service Transit Streets. Per the quoted objectives, changing the zoning of the site from IG1 to EXd will encourage pedestrian- and transit-oriented development in a commercial and mixed-use area. The surrounding properties currently contain the mix of commercial, residential, office, and industrial uses described in the application materials. These uses are served by the bike and pedestrian designations of the referenced streets. The uses authorized by the EXd zone mirror those already established in the area, are more supportive of pedestrian and transit-oriented development than the industrial uses favored by the IG1 zone.

6.7 Bicycle Classification Descriptions

Maintain a system of bikeways to serve all bicycle users and all types of bicycle trips.

A. City Bikeways

City Bikeways are intended to serve the Central City, regional and town centers, station communities, and other employment, commercial, institutional, and recreational destinations.

- **Land Use.** Auto-oriented land uses should be discouraged from locating on City Bikeways that are not also classified as Major City Traffic Streets.
- **Design.** Consider the following factors in determining the appropriate design treatment for City Bikeways: traffic volume, speed of motor vehicles, and street width. Minimize conflicts where City Bikeways cross other streets.
- **Improvements.** Consider the following possible design treatments for City Bikeways: bicycle lanes, wider travel lanes, wide shoulders on partially improved roadways, bicycle boulevards, and signage for local street connections.
- **On-Street Parking.** On-street motor vehicle parking may be removed on City Bikeways to provide bicycle lanes, except where parking is determined to be essential to serve adjacent land uses, and feasible options are not available to provide the parking on-site.
- **Bicycle Parking.** Destinations along City Bikeways should have long-term and/or short-term bicycle parking to meet the needs of bicyclists.
- **Traffic Calming.** When bicycle lanes are not feasible, traffic calming, bicycle boulevards, or similar techniques will be considered to allow bicyclists to share travel lanes safely with motorized traffic.

As noted above, NW Upshur is a Local Service Bikeway and NW 18th and NW 19th are City Bikeways. Following the zone change, the City Bikeway designation will be unchanged, and the streets will continue to provide bike access to adjacent properties. In addition, the purpose of the EXd zone is to allow mixed industrial and commercial uses in areas in the center of the City that have predominantly industrial type development. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development. In general, the mixed-use, urban development allowed by the EXd zone is consistent with the types of uses encouraged along City Bikeways. In addition, the existing event venue will continue to operate on the site under the new zoning. The Applicant's events are almost entirely held in the off-peak hours: on weekends and after 6:00 pm on the weekdays. Therefore, the venue does not generate vehicular traffic during the a.m. and p.m. peak hours when bicycle commuters are likely to use the City Bikeway loop most heavily. Parking for the events is located both on and off site in designated off-street parking areas, often with shuttle and valet services, thereby limiting auto traffic to the site.

C. Local Service Bikeways

Local Service Bikeways are intended to serve local circulation needs for bicyclists and provide access to adjacent properties.

- **Classification.** All streets not classified as City Bikeways or Off-Street Paths, with the exception of Regional Trafficways not also classified as Major City Traffic Streets, are classified as Local Service Bikeways.

- **Improvements.** Consider the following design treatments for Local Service Bikeways: shared roadways, traffic calming, bicycle lanes, and extra-wide curb lanes. Crossings of Local Service Bikeways with other rights-of-way should minimize conflicts.
- **On-Street Parking.** On-street parking on Local Service Bikeways should not be removed to provide bicycle lanes.
- **Operation.** Treatment of Local Service Bikeways should not have a side effect of creating, accommodating, or encouraging automobile through-traffic.

As noted above, NW Upshur is a Local Service Bikeway. Following the zone change, the Local Service Bikeway designation will be unchanged, and the street will continue to provide bike access to adjacent properties. The existing event venue will continue to operate on the site under the new zoning. The majority of traffic generated by the event venue occurs after 6pm. Therefore, the venue does not generate vehicular traffic during the a.m. and p.m. peak hours when bicycle commuters are likely to use the Local Service Bikeway most heavily.

6.8 Pedestrian Classification Descriptions

Maintain a system of pedestrianways to serve all types of pedestrian trips, particularly those with a transportation function.

C. City Walkways

City Walkways are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit.

- **Land Use.** City Walkways should serve areas with dense zoning, commercial areas, and major destinations. Where auto-oriented land uses are allowed on City Walkways, site development standards should address the needs of pedestrians for access.
- **Improvements.** Use the Pedestrian Design Guide to design City Walkways. Consider special design treatment for City Walkways that are also designated as Regional or Community Main Streets.

South of NW Thurman, NW 19th becomes a City Walkway. This provides enhanced pedestrian access from the site to the pedestrian district to the south. The proposed EXd zone will allow many of the uses already permitted in the existing IG1 zone, plus enhanced employment uses encouraged by the EXd zone. The zone change will allow the existing event venue use to continue. The City Walkway along NW 19th will continue to serve the event venue and could also support the variety of employment uses allowed within the EXd zone.

E. Local Service Walkways

Local Service Walkways are intended to serve local circulation needs for pedestrians and provide safe and convenient access to local destinations, including safe routes to schools.

- **Land Use.** Local Service Walkways are usually located in residential, commercial, or industrial areas on Local Service Traffic Streets.
- **Classification.** All streets not classified as City Walkways or Off-Street Paths, with the exception of Regional Trafficways not also classified as Major City Traffic Streets, are classified as Local Service Walkways.
- **Improvements.** Use the Pedestrian Design Guide to design Local Service Walkways.

Immediately adjacent to the site, NW Upshur, NW 18th, and NW 19th are Local Service Walkways. The subject streets will retain this classification following the zone change, and will continue to meet the objectives for Local Service Walkways. The streets will provide convenient pedestrian access to the event venue on the site, as well as the variety of residential, commercial, and industrial uses allowed by the EXd zone.

6.9 Freight Classification Descriptions

Designate a system of truck streets, railroad lines, and intermodal freight facilities that support local, national, and international distribution of goods and services.

F. Local Service Truck Streets

Local Service Truck Streets are intended to serve local truck circulation and access.

- **Land Use.** Local Service Truck Streets provide for goods and service delivery to individual commercial, employment, and residential locations outside of Freight Districts.
- **Function.** Local Service Truck Streets should provide local truck access and circulation only.
- **Connections.** All streets, outside of Freight Districts, not classified as Regional Truckways, Priority Truck Streets, Major Truck Streets, or Truck Access Streets are classified as Local Service Truck Streets. Local Service Truck Streets with a higher Traffic classification are the preferred routes for local access and circulation.
- **Design.** Local Service Truck Streets should give preference to accessing individual properties and the specific needs of property owners and residents along the street. Use of restrictive signage and operational accommodation are appropriate for Local Service Truck Streets

NW Upshur, NW 18th, and NW 19th are Local Service Truck Streets. The designation of these streets will not change following the zone change. The streets will continue to serve local truck circulation and access for the event venue on the site, other potential uses in the EXd zone, and surrounding properties.

6.11 Street Design Classification Descriptions

Street Design Classification Descriptions identify the preferred modal emphasis and design treatments for regionally significant streets and special design treatments for locally significant streets.

I. Local Streets

Local Streets are designed to complement planned land uses and reduce dependence on arterials for local circulation.

- **Land Use.** Local Streets are multimodal, but are not intended for trucks (other than local deliveries) in residential areas. Local Streets are important for local circulation of trucks in commercial and industrial areas.
- **Design.** Local street design includes many connections with other streets, sidewalks, on-street parking, and planting of street trees and ground cover (where planting strips are included).
- **Classification.** All streets not classified as Urban Throughways, Regional and Community Main Streets, Regional and Community Corridors, Urban Roads, and Greenscape Streets are classified as Local Streets for street design.

NW Upshur, NW 18th, and NW 19th are Local Streets. This Street Design Classification Description will not change following the zone change. The streets will continue to complement

planned land uses within the proposed EXd zone and will reduce dependence on arterials for local circulation.

Land Use and Transportation Policies:

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 of, and adopted performance measures for, affected transportation facilities.

As set forth above in response to the TPR and incorporated herein by reference, the proposed amendments are consistent with the identified function and capacity of, and adopted performance measures for, the affected transportation facilities. Kittelson's memorandum and the original application narrative explain that the trip generation potential of the site under the existing (IG1) and proposed (EXd) zoning designations is essentially equal during the critical weekday pm peak hour. The potential build out of the proposed zoning results in one *less* trip than the existing zoning. Therefore, no off-site transportation impacts will occur as a result of the zone change and comprehensive plan amendment.

In addition, the purpose of this application is to allow the existing event venue on the site to continue following the zone change. This use creates mostly off-peak vehicle trips on the adjacent Local Service Traffic Streets, and these trips are currently already accommodated on the existing transportation system. Presently, the portions of NW 18th and 19th serving the site operate at LOS B, and NW Upshur operates at LOS D. These are deemed acceptable levels of service by the City of Portland, and the proposed zone change will not alter performance of these streets. Therefore, the proposed amendments are consistent with the identified function and capacity of, and adopted performance measures for, the affected transportation facilities.

6.19 Transit-Oriented Development

Reinforce the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers.

As addressed above and incorporated herein by reference, the affected facilities immediately surrounding the site are all classified as Local Service Transit Streets (NW 18th, NW 19th, and Upshur). Local Service Transit Streets are intended to provide transit service to nearby residents and adjacent commercial areas. Therefore, they are not intended to serve major transit-oriented developments. Rezoning the site from IG1 to EXd will maintain the existing employment density along these streets by allowing the event venue use to continue. In addition, the EXd zone allows a variety of residential and employment uses, and such uses have multiple transit options in this neighborhood, including the designated bicycle and pedestrian ways on NW 18th and NW 19th. In addition, as you move south from the site, NW 18th and 19th become Transit Access Streets (below NW Thurman), and Thurman itself is a Transit Access Street and Community Transit Street, thereby accommodating the variety of uses allowed by the EXd zone.

6.20 Connectivity

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

Rezoning the site from IG1 to EXd will support the mixed-use nature of the area surrounding the site. In addition, the property and the mixed-use neighborhood surrounding it are well-situated to be served by an interconnected, multimodal transportation system. As noted, the portions of NW 18th and NW 19th adjacent to the site are classified as a City Bikeway loop, connecting cyclists in the area to the commercial center to the south. In addition, as you move south from the site, NW 18th and 19th become Transit Access Streets (below NW Thurman), and Thurman itself is a Transit Access Street and Community Transit Street, thereby accommodating the variety of uses allowed by the EXd zone. Furthermore, the site has convenient access to Highway 30, a Regional Transitway, and I-405. NW 18th and NW 19th also provide pedestrian access to NW Thurman to the south, which is classified as a City Walkway. South of Thurman, NW 19th also becomes a City Walkway as well, providing access to the pedestrian district to the south.

6.22 Pedestrian Transportation

Plan and complete a pedestrian network that increases the opportunities for walking to shopping and services, schools and parks, employment, and transit.

As noted above, immediately adjacent to the site, NW Upshur, NW 18th, and NW 19th are Local Service Walkways. The subject streets will retain this classification following the zone change, and will continue to meet the objectives for Local Service Walkways. The streets will provide convenient pedestrian access to the event venue on the site, as well as the variety of residential, commercial, and industrial uses allowed by the EXd zone.

South of NW Thurman, NW 19th becomes a City Walkway. This provides enhanced pedestrian access from the site to the pedestrian district to the south. The proposed EXd zone will allow many of the uses already permitted in the existing IG1 zone, and will also allow the event venue use to continue. The City Walkway along NW 19th will continue to serve the event venue and could also support the variety of employment uses allowed within the EXd zone.

6.23 Bicycle Transportation

Make the bicycle an integral part of daily life in Portland, particularly for trips of less than five miles, by implementing a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

As noted above, NW Upshur is a Local Service Bikeway and NW 18th and NW 19th are City Bikeways. Following the zone change, the Local Service Bikeway and City Bikeway designation will be unchanged, and the streets will continue to provide bike access to adjacent properties. The existing event venue will continue to operate on the site under the new zoning. The majority of traffic generated by the event venue occurs after 6pm. Therefore, the venue does not generate vehicular traffic during the a.m. and p.m. peak hours when bicycle commuters are likely to use the Local Service Bikeway and City Bikeways most heavily.

6.25 Parking Management

Manage the parking supply to achieve transportation policy objectives for neighborhood and business district vitality, auto trip reduction, and improved air quality.

6.27 Off-Street Parking

Regulate off-street parking to promote good urban form and the vitality of commercial and employment areas.

The Applicant's events are almost entirely held in the off-peak hours: on weekends and after 6:00 pm on the weekdays. Parking for the events is located both on and off site in designated off-street parking areas, often with shuttle and valet services. The Site currently has 20 "on-site" spaces immediately east of the building (because the warehouse occupies the entirety of the 10,000-square foot lot, the parking is located on an adjacent lot and secured through a long-term lease). In addition, Castaway has options to rent spaces from adjacent businesses during their off-peak hours, 48 spaces are available for rent from City Center at NW 19th and Thurman, and Castaway recently executed a lease with ODOT to ensure the availability of over 80 spaces under the I-405 Bridge. In addition, there is ample on-street parking for events due to the off-peak usage of the Site. Lastly, many of the events use valet services and limousine/bus transportation for guests, and shuttle buses to shuttle employees from the job site to the event venue.

The Transportation Impact Analysis evaluates the parking and traffic operations on the site and demonstrates that all study intersections continue to operate at acceptable levels of service and there are no conflicts with industrial users in the area

The proposal is supportive of, and is consistent with Goal 6.

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 applicant addresses this Goal with the following:

This goal does not seem to be directed at an individual applicant or property owner but at the City itself. Because this application promotes the existing mix of uses in this EXd and Industrially-zoned area in a manner that is compatible with existing uses, and utilizes the existing inventory of buildings on Site, it represents a sustainable approach to protecting existing businesses in the NW District area of the City consistent with, and equally supportive of this goal.

Staff concurs with this analysis and further notes that the applicant has applied for and received permits to renovate the building, which included bringing the roof insulation into compliance with current building code requirements. The proposal is consistent with this Goal.

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 site has no environmental resources. The proposal is neutral and has no discernable impacts on air or water resources. The activities on site are subject to the noise limits established by Title 18, Noise Control. The proposal is not inconsistent with this Goal.

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 City provided notice of the proposal 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. This Goal has been met.

9.1 Citizen Involvement Coordination

Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations, through the reasonable availability of planning reports to city residents and businesses, and notice of official public hearings to neighborhood associations, business groups, affected individuals and the general public.

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.

Findings: The applicant addresses these two Policies as follows:

This amendment equally or better supports this goal and its related policies and objectives because the City is processing this amendment as a Type III application under PCC 33.810. Citizen involvement is encouraged in this amendment through a variety of means. The applicant has engaged and will continue to engage the neighborhood through attendance at NWDA meetings and meetings with adjacent neighbors. These groups were invited to attend and participate in the pre-application conference and were noticed with the opportunity to provide comments to BDS staff and the Hearings Officer and City Council in two public hearings. In summary, the City has allowed for review of this amendment with sufficient public comment opportunities under PCC 33.810, consistent with this Goal, policy and objectives.

Staff concurs.

GOAL 10 Plan Review

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.

Findings: This Goal and related policies address how the City of Portland will address periodic review and how the Plan is implemented, including quasi-judicial Comprehensive Plan Map Amendments.

10.4 Comprehensive Plan Map

The Comprehensive Plan Map is the official long-range planning guide for uses and development in the city. The Comprehensive Plan Map uses the designations listed below. The designations state the type of area each is intended for, general uses and development types desired, and the corresponding zone or zones which implement the designation. Comprehensive Plan Map designations are shown on the Official Zoning Maps.

(20) Central Employment

This designation is intended to provide for mixed-use areas in an overall industrial-type setting. The designation is intended for very developed parts of the city which have the highest levels of public services. It allows a full range of industrial and commercial uses. Residential uses are allowed but should be compatible with the surrounding nonresidential development. The intensity of development will be higher than in other employment designations and most commercial designations. The corresponding zone is EX. The Design overlay zone will be applied in conjunction with the EX zone.

(21) Industrial Sanctuary

This designation is intended for areas where City policy is to reserve land for existing and future industrial development. A full range of industrial uses are permitted and encouraged. Nonindustrial uses are limited to prevent land use conflicts and to preserve land for industry. The corresponding zones are General Industrial 1 (IG1), General Industrial 2 (IG2), and Heavy Industrial (IH).

Findings: The applicant addresses these Policies as follows:

The Applicant proposes to amend the Comprehensive Plan designation for the Site from Industrial Sanctuary to Central Employment. Adjacent properties to the southwest and west already have the Central Employment designation and the corresponding EXd zone. As detailed above, the Central Employment designation is appropriate because the Site is located in a mixed-use portion of an industrial area. The designation has one corresponding zone—EX—which allows a full range of industrial and commercial uses, with limited residential uses. Because the Site is already developed with an event venue and located in a mixed-used area, the Central Employment designation is more appropriate than the Industrial Sanctuary designation.

Staff concurs with the above analysis. It is also important to note that not only is the site adjacent to the EXd zone to the southwest and west, but directly north and northwest are lands either designated as Central Employment, or zoned EXd. Additionally, a narrow extension of lands with the Industrial Sanctuary designation within which the site is located is bounded to the east by another significant area of EXd zoning.

10.7 Amendments to the Comprehensive Plan Map

The Planning and Sustainability 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, (2) Compatible with the land use pattern established by the Comprehensive Plan Map, (3) Consistent with the Statewide Land Use Planning Goals, and (4) Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.

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

Findings: The preceding analysis and findings in this report demonstrate that the proposed 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,

Findings: The requested Plan designation and zoning for this site is compatible with the general land use pattern established by the Comprehensive Plan for the area around the site. The requested Central Employment designation would expand the EXd zoning pattern

10,000 square feet to the northeast. The EXd zone already exists to the northeast, west, southwest and southeast. The existing areas of EXd zoned lands is bisected by a small area of IG1 zoning that extends from the boundary of the Guild's Lake Industrial Sanctuary to the southeast, which includes the site. If the proposal is approved, the overall EXd zoning pattern would be further extended toward the northeast and the River District where EXd zoned lands are, and other, Industrial lands designated as Central Employment. This is not inconsistent with the overall land use pattern in the immediate area. With this change, there will remain a small area of IG1 zoning that bisects two large swaths of EXd zoning.

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

Findings: The State Land Conservation and Development Commission (LCDC) has acknowledged the City's *Comprehensive Plan*, and the City goals mentioned in "LCDC and Comprehensive Plan Considerations" are comparable to the statewide planning goals, as follows: 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 local issues of the neighborhoods. Additionally, 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, 7 and 8 (Open Space, Scenic and Historic Areas and Natural Resources, Air, Water and Land Resource Quality, Areas Subject to Natural Disaster and Hazards, and Recreational Needs); and City Goal 9 - State Goal 1 (Citizen Involvement). Further, City Goal 10 addresses City plan amendments and rezoning, and City Goal 11 is similar to State Goal 11 (Public Facilities and Services).

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 report indicates that all of the City goals and policies are supported by the proposal. Consequently, the proposal is consistent with all applicable Statewide goals.

The Bureau of Planning and Sustainability raised a concern in their response that the application was not supportable under Statewide Planning Goal 9 requirements. However, the Portland Zoning Code (Title 33) was amended in 2008 to comply with Metro Title 4. The findings for the amendment and adopted Ordinance Number 182429 (Exhibit G-5) states that The amendments [including 33.810.050.A.3] were found to be directly supportive of Goal 9. Those findings state:

These amendments support Goal 9 by ensuring that adequate lands are available for industrial and employment uses within the City of Portland. These amendments bring the City into compliance with recent changes made to Metro's Urban Growth Management Functional Plan, specifically Title 4.

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

Findings: As previously discussed above in this report, the proposal is consistent with the Vision, Goals, and Objectives of the Northwest Plan District.

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.

Findings: The applicant addresses these Policies with the following commentary:

The Applicant proposes a quasi-judicial amendment to the Comprehensive Plan map, from Industrial Sanctuary to Central Employment. This application demonstrates compliance with all relevant zone change and Comprehensive Plan amendment criteria.

There is only one corresponding zone (EX) for the Central Employment designation. As detailed herein, the zone change should be granted because public services are presently capable of supporting the uses allowed by the EX zone and the existing event venue use of the Site will continue following the zone change. The purpose of this amendment is not to facilitate the development of a new use, but to conform the zone to the existing, viable use of the Site.

Findings addressing the adequacy of services are found below, under 33.855.050.B., in this report. Staff concurs with this analysis.

GOAL 11 A Public Facilities

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

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

11.4 Capital Efficiency

Maximum use of existing public facilities and services should be supported through encouraging new development to occur at the maximum densities allowed by the Comprehensive Plan and through the development of vacant land within presently developed areas.

Findings: The applicant addresses this Goal and related Policies as follows:

The proposed zone change will facilitate maximum efficiency of public facilities and services by encouraging the continued re-use of a 1929 warehouse for a viable event venue. The existing 10,000 square foot building occupies the entirety of the Site, and the Applicant uses the whole building for a viable event venue business. The proposed amendments will ensure that the use can continue in conformance with the zone, thereby maintaining an active use of a site that might otherwise lie vacant.

Staff concurs with this analysis.

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.

POLICIES & OBJECTIVES:**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.

Findings: The applicant addresses this Goal and Policy as follows:

The proposed amendment will allow the existing event venue to continue on the Site, thereby reinforcing the mixed-use, urban character of the neighborhood. The area is comprised of mixed industrial, commercial, and residential development. Use of the 10,000 square foot warehouse as an active event venue serving the major nonprofits, corporations, and schools in the region reinforces the sense of community in the area. The zone change and Plan amendment will allow the Applicant to continue to provide a desired meeting place for the larger community.

Staff concurs with this analysis.

12.2 Enhancing Variety

Promote the development of areas of special identity and urban character. Portland is a city built from the aggregation of formerly independent settlements. The City's residential, commercial and industrial areas should have attractive identities that enhance the urbanity of the City.

Findings: The applicant addresses this Policy as follows:

The subject neighborhood has a special character as a mixed-use industrial and commercial neighborhood. Many older warehouses, such as the building on the Site subject to this application, have been subject to creative reuse. The 10,000 square foot warehouse on the Site has been successfully reused as a viable event site that serves many significant members of the community, including Nike, Weiden and Kennedy, ~~and many~~ nonprofits, and many Portland residents seeking an urban location for a wedding reception. The proposed zone change and plan amendment will promote the identity of this urban area by allowing the existing event venue to thrive on the Site in conformance with the new zone.

Staff concurs with this analysis.

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.

Findings: The applicant addresses this Policy as follows:

The proposed zone change and plan amendment will preserve the qualities of this neighborhood by allowing a respected event venue to continue to serve the community. The Castaway event venue is a respected business within the larger community,

meeting a variety of nonprofit, corporate, and individual event planning needs on a daily basis. The venue is part of the mixed use fabric of the surrounding neighborhood, which includes retail, industrial, office, and residential uses. In addition, the venue has successfully reused a 1929 warehouse to serve modern event planning demands. Therefore, this application will promote this objective by allowing the event planning use to continue in conformance with the proposed EXd zone.

Staff concurs with this analysis and also notes that this proposal is consistent with Policy 13 of the NWPD, which calls for this Transitional Subarea to become more a more mixed use neighborhood with development and uses that are compatible with adjacent industrial uses. This application appears to not only be consistent with policy 13, but the application itself appears to embody the planning vision for this Subarea, i.e., creating an active, vibrant use that is compatible with industrial lands but also creates interest in, and promotes activity within this emerging mixed use neighborhood.

12.7 Design Quality

Enhance Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. Encourage the design of the built environment to meet standards of excellence while fostering the creativity of architects and designers. Establish design review in areas that are important to Portland's identity, setting, history and to the enhancement of its character.

Findings: The applicant addresses this Policy as follows:

The Comprehensive Plan and PCC 33.420.021 require all properties within the EX zone to receive the design ("d") overlay. Therefore, this application will encourage better design on the Site by mandating the application of the design standards to any future development on the Site.

Staff concurs with this analysis.

12.8 Community Planning

When community and/or neighborhood plans are developed include consideration of urban design issues as a part of them. Use consideration of urban design issues to help establish, preserve and enhance the identity and character of each community plan's study area.

- E. Use the creation of new design districts and zoning standards to reduce the likelihood of conflicts between new and existing developments. Address problems that emerge when new infill development is at greater density than existing development.

Findings: The applicant addresses this Policy and Objective as follows:

As noted, PCC 33.420.021 and the Comprehensive Plan require the application of the "d" design overlay to the Site in conjunction with the EX zone. In addition, the Site is within the Northwest Plan District. The development standards for the Northwest Plan District seek to foster an urban level of mixed-use development while minimizing conflicts with nearby industrial uses. These community planning protections will reduce the likelihood of conflict between any future EX uses on the Site and the surrounding neighborhood.

In summary, re-designating the Site from Industrial Sanctuary to Central Employment will be equally or more supportive of the Comprehensive Plan as a whole, as required by PCC 33.810.050.A.1.

Staff concurs with this analysis. To summarize, the proposal, on balance, meets or is consistent with the applicable Goals and Policies of Portland's Comprehensive Plan as well as the Goals and Policies contained within the Northwest District Plan. This criterion is met.

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; or
- From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

the requested change will not result in a net loss of potential housing units.

Findings: The proposal includes a requested amendment from Industrial to Employment, and therefore the provisions for no net loss in housing potential are not applicable.

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:

- a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;

Findings: The applicant addresses this criterion as follows:

As noted above, the area is characterized by mixed industrial, retail, office, residential, and service uses. As detailed in PCC 33.140.030, the Central Employment plan and zoning designations are intended for areas in the center of the City that have predominantly industrial type development. The stated intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed but are not intended to predominate or set development standards for other uses in the area, and the development standards are intended to allow new development which is similar in character to existing development.

The Central Employment/EX designation does not significantly expand the uses allowed on the Site compared to the IG1 zone. While the Central Employment zone allows residential uses, the development standards limit those uses to ensure consistency with the mixed use character of the area. In addition, although retail sales and service and office uses are allowed outright in the EX zone and are subject to less restrictive development standards, they are also allowed in the IG1 zone (with more limitations). Finally, the EX zone also allows a series of institutional uses (schools, colleges, medical centers, and religious institutions) that are not otherwise allowed in the IG1 zone. However, the area already has one school that coexists with the mixed industrial and commercial uses in the neighborhood, and the Site is generally too small (10,000 square feet, completely occupied by the existing structure) to be suitable for any significant institutional uses that might alter the character of the neighborhood.

Therefore, the uses allowed by the Central Employment Plan and zone designations will not adversely affect industrial and employment uses in the area. Rather, the zone and plan designation is well suited for the area's overall mixed industrial and commercial character.

- b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;

Findings: The applicant addresses this criterion as follows:

As detailed in the attached transportation analysis from Kittelson, incorporated herein by reference, the existing transportation facilities are capable of supporting the existing use of the Site and the potential uses allowed by the EX zone. Kittelson analyzed whether the zone change and Plan amendment would significantly affect the transportation system (either as determined by Oregon's Transportation Planning Rule (TPR) or the City's Administration Rule TRN 10.27 – Traffic Capacity Analysis for Land Use Review Cases), and concluded that it would not. Comparing the “reasonable” worse case build out of the Site using a trip generation factor based on ‘Specialty Retail’, Kittelson found that the trip generation potential of the site under the existing and proposed zoning scenarios is essentially equal during the critical weekday p.m. peak hour (the potential build out of the proposed zoning results in one less trip than the existing zoning). For this reason, no off-site transportation impacts will occur as a result of the zone change. Further, no additional quantitative analysis is needed to comply with the City of Portland Administrative Rule or the Transportation Planning Rule.

In addition, as discussed above and incorporated herein by reference, the Site has adequate access to parking facilities and often uses shuttle and valet services to meet clients' needs. The off-peak nature of the existing use enables the Applicant to share parking facilities with neighboring properties. The Site is also accessible for cyclists and pedestrians because it is located on designated bike and pedestrian routes. Finally, the Site is not located on a designated Major Truck Street. Therefore, there are no major conflicts with freight traffic in the area.

This criterion is met.

- c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;

Findings: The applicant addresses this criterion as follows:

As discussed above and incorporated herein by reference, the Site is not located along any major industrial freight streets, nor is it adjacent to rail, air, or marine facilities. To the contrary, NW Upshur is a Local Service Bikeway, a Local Service Walkway and a Local Service Truck Street. NW 18th is a Local Service Transit and Traffic Street, an Off-Street Pedestrian Path, a Local Service Bikeway and a Local Service Truck Street, and NW 17th is designated as a City Walkway. In general, the immediately surrounding streets serve more local, multi-modal traffic than heavy industrial traffic. The uses allowed by the Central Employment designation are already prevalent in the area,

without adverse impact on industrial users of the transportation facilities. Therefore, the uses allowed by the proposed Central Employment/EX designation will not interfere with industrial use of the transportation system in the area.

This criterion is met.

- d. The site does not have direct access to special industrial services such as multimodal freight movement facilities;

Findings: The applicant addresses this criterion as follows:

The Site does not have direct access to multimodal freight movement facilities. Rather, the Site is located in a mixed-use area with multiple EX-zoned properties. The Site does not connect to nor provide any special industrial services to the area. Instead, it is already successfully operating as an event venue. Therefore, re-designating the Site to conform the zone and Plan designations to the existing use will not impact any freight movement facilities.

This criterion is met.

- e. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;

Findings: The applicant addresses this criterion as follows:

As shown on the attached maps, the Central Employment designation borders the Site to the southwest and also covers multiple blocks to the east. Therefore, re-designating the Site will not result in a discontinuous zoning pattern. Rather, it will alter the existing border between the Central Employment and Industrial Sanctuary areas in a manner that recognizes the existing land use pattern of the area.

This criterion is met.

- f. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and

Findings: The applicant addresses this criterion as follows:

The Site is within the Northwest Plan District. It is not within the Central City Plan District, nor is it in a designated Regional/Town Center. Nevertheless, to the extent the Site is considered part of the Central City, the proposed Central Employment designation will not reduce the opportunities for retail, cultural, and civic facilities because the EX zone allows more such uses than the IG1 zone.

This criterion is met.

- g. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:

- (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
- (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;
- (3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
- (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;
- (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

Findings: The applicant addresses this criterion as follows:

Under this criterion, the difference between analyzing a comprehensive plan amendment for a site designated as an Industrial Area versus a RSIA is that the re-designation is limited to 20 acres for an Industrial Area and 10 acres for a RSIA. In this case, the proposal falls well below both acreage limitations because the Site is only 10,000 square feet. Therefore, even if the property is within the RSIA, the proposal meets this criterion.

This criterion is 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 Comprehensive Plan Map designation is "Central Employment". There is only one corresponding zone for the Central Employment map designation, which is EX. This criterion is not applicable.

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 zone change request is from IG1 to EXd. Therefore 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 zone change request is from IG1 to EXd. Therefore this criterion is not

applicable.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, 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.

Findings: The Water Bureau responded with no objections, and stated that adequate water service is available and is currently serving the site. The Fire Bureau notes no concerns. The Police Bureau has responded with no concerns.

- b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.

Findings: The Bureau of Environmental Services has responded with no concerns and notes that sanitary services are available and adequate. No new development is proposed at this time, but any future development will be subject to the Stormwater Management Manual in effect at the time of building permit submittal. This criterion is met.

- c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

Findings: The Portland Bureau of Transportation has reviewed the proposal and has submitted the following findings and comments:

Trip Generation Potential of the Site

Given that no redevelopment is currently proposed, we analyzed and compared the "reasonable" worse case build out of the site under the existing IG1 and the proposed EX zoning scenarios. This analysis was based on both the base zone allowances for the IG1 and EX zones as well as the provisions of the Northwest Plan District in which the site is located. The analysis assumed the following:

- The existing site is 10,000 square feet in size.

- The IG1 zoning does not have a minimum floor area ratio (FAR) but does have a maximum building height of 45 feet. It also allows up to 3,000 square feet of retail uses.
- The EX zoning has a maximum FAR of 3:1, a maximum building height of 45 feet and a maximum retail size of 20,000 square feet per use. Residential uses are limited to no greater than 20% of the maximum floor area.

Based on the above, the maximum build out scenario of the site under the IG1 zoning and associated 45 foot height limitation could be a 40,000 square foot building with 37,000 square feet of industrial space and 3,000 square feet of retail. Conversely, under the EX zoning with a 3:1 FAR, a 30,000 square foot building could be constructed with 10,000 square feet of retail (assuming retail would only occupy the first floor and not the second floor), 10,000 square feet of office and 2 apartments occupying the third floor. Table 1 compares the trip generation of the two zoning scenarios.

Table 1. Trip Generation Comparison

Use	Size	ITE Land Use Code	Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Existing IG1 Zoning						
Industrial	37,000 sq ft	110	260	36	4	32
Retail	3,000 sq ft	826	130	8	4	4
Total	40,000 sq ft		390	44	8	36
Proposed EX Zoning						
Retail	10,000 sq ft	826	440	27	12	15
Office	10,000 sq ft	710	110	15	3	12
Apartments	2 units	220	10	1	1	0
Total	30,000 sq ft		560	43	16	27
Difference Proposed Zoning – Existing Zoning			+170	-1	+8	-9

As shown in Table 1, the trip generation potential of the site under the existing and proposed zoning scenario is essentially equal during the critical weekday pm peak hour (the potential build out of the proposed zoning results in one less trip than the existing zoning). For this reason, no off-site transportation impacts will occur as a result of the zone change. Further, no additional quantitative analysis is needed to comply with the City of Portland Administrative Rule or the Transportation Planning Rule.

As detailed in the transportation analysis from Kittelson, the existing transportation facilities are capable of supporting the existing use of the Site and the potential uses allowed by the EX zone. Kittelson analyzed whether the zone change would significantly affect the transportation system (either as determined by Oregon's Transportation Planning Rule (TPR) or the City's Administration

Rule TRN 10.27 – Traffic Capacity Analysis for Land Use Review Cases), and concluded that it would not. Comparing the “reasonable” worse case build out of the Site under the existing IG1 and the proposed EX zoning scenarios, Kittelson found that the trip generation potential of the site under the existing and proposed zoning scenario is essentially equal during the critical weekday pm peak hour (the potential build out of the proposed zoning results in one less trip than the existing zoning). For this reason, no off-site transportation impacts will occur as a result of the zone change. Further, no additional quantitative analysis is needed to comply with the City of Portland Administrative Rule or the Transportation Planning Rule. Therefore, no limitations on development or mitigation measures are necessary to assure that transportation services are adequate.

ODOT has suggested that the reasonable worst case scenario identified in the transportation impact analyses (TIA) provided by Kittelson be amended to contain the higher trip generating uses of sit-down restaurant and convenience store rather than Specialty Retail. Based on the location of the site, PBOT transportation staff does not feel this change is warranted and respectfully disagrees with ODOT. The 10,000 sq ft site is not in an area that would be conducive to either a larger sit-down restaurant or convenience store. Specialty retail includes small shopping centers that contain a variety of retail shops that specialize in quality apparel, hard goods and services, such as real estate offices, dance studios, florists, and small restaurants. PBOT staff believes this category more accurately reflects the range of retail uses appropriate for a reasonable worst case scenario. Making the changes ODOT suggests would not likely change the conclusion of the TIA that the number of vehicle trips allowed during the weekday PM Peak Hour under the existing zoning is very similar to the proposed zoning.

The Bureau of Planning and Sustainability has submitted a letter in opposition to the proposed comprehensive plan and zoning map amendment. One of their stated concerns is that the increase on off-peak hour trips may create conflicts with industrial tenants loading and delivery activities. Based on the Kittelson analyses, a net increase of 170 daily trips could result from the proposed EX zoning. This relatively small increase will disperse throughout the area and have a negligible impact on loading and delivery activities. In addition, since applicant has been operating at the site, these trips are already occurring without any detrimental impacts on the areas industrial users.

Based on the applicant’s narrative and TIA, PBOT staff concurs that the findings demonstrate that the proposed zone change and comprehensive plan amendment are consistent with the TPR and Goal 6 of the Comprehensive Plan.

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: The site is not zoned IRd nor within an approved Impact Mitigation Plan boundary. 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 site is not zoned IRd nor is it within an approved Impact Mitigation Plan boundary. 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 boundary of 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.

CONCLUSIONS

The applicant, Castaway Bronze, requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on a 10,000 sq ft site from Industrial Sanctuary [designation] and IG1, General Industrial 1, [zoning] to Central Employment [designation] and EXd, Central Employment with Design overlay [zoning].

Castaway operates an event venue at the site. There is no new development proposed under this application. Castaway seeks to continue its existing use following the Comprehensive Plan Amendment and Zone Change.

Concerns have been raised regarding this application within the context of recently completed studies by the Bureau of Planning and Sustainability [BPS] that document a shortfall of Industrial lands within the City. Although a shortfall of Industrial lands exists within the City, future legislative planning projects will address this shortfall with new policies and implementing code at some point in the future. Reducing this shortfall is vital to further support the City's industrial based economy.

However, current regulations and the adopted NW Plan District regulations work in concert to provide protections to the Industrial Sanctuary, but also include policies and direction to the desired uses and development within the NWPD Transitional Subarea. These policies include limitations on residential development in this area, and policies encouraging mixed uses in this Subarea that are compatible with adjacent industrial uses while creating little or no impacts on the industrial lands in proximity. Further, current regulations require a thorough analysis of a request to re-designate an industrially-zoned parcel to ensure any impacts resulting from the re-designation are *de minimus* on freight movement, the transportation system and parking.

The proposal is found to be, on balance, supportive of the Comprehensive Plan Goals and Policies, and meets all of the applicable approval criteria for the requested zone change. The application is also supportive of and consistent with the applicable policies and regulations of the NW Plan District.

Therefore, staff recommends approval of the requested Comprehensive Plan Map Amendment, and the concurrent Zoning Map Amendment.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of:

- A Comprehensive Plan Map Amendment to change the designation on the subject site from Industrial Sanctuary to Central Employment; and
- A Zone Map Amendment to change the zoning on the subject site from IG1, General Industrial 1, to EXd, Central Employment with Design overlay.

This approval applies to the parcel identified as:

1900 NW 18TH AVE; BLOCK 28 LOT 2&3, WATSONS ADD; State ID No.: 1N1E28DC 01900

Procedural Information. The application for this land use review was submitted on July 19, 2013, and was determined to be complete on Aug 20, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on July 19, 2013.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, 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 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.

This report is not a decision. This report is a recommendation by the Bureau of Development Services to the Land Use Hearings Officer. The Land Use Hearings Office may adopt, modify, or reject this recommendation. The Hearings Officer will make a recommendation to the City Council within 17 days of the close of the record. You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant.

You may review the file on this case at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Your comments to the Hearings Office should be mailed c/o Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100 Portland, OR 97201 or FAX your comments to (503) 823-4347.

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. 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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call 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.

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.

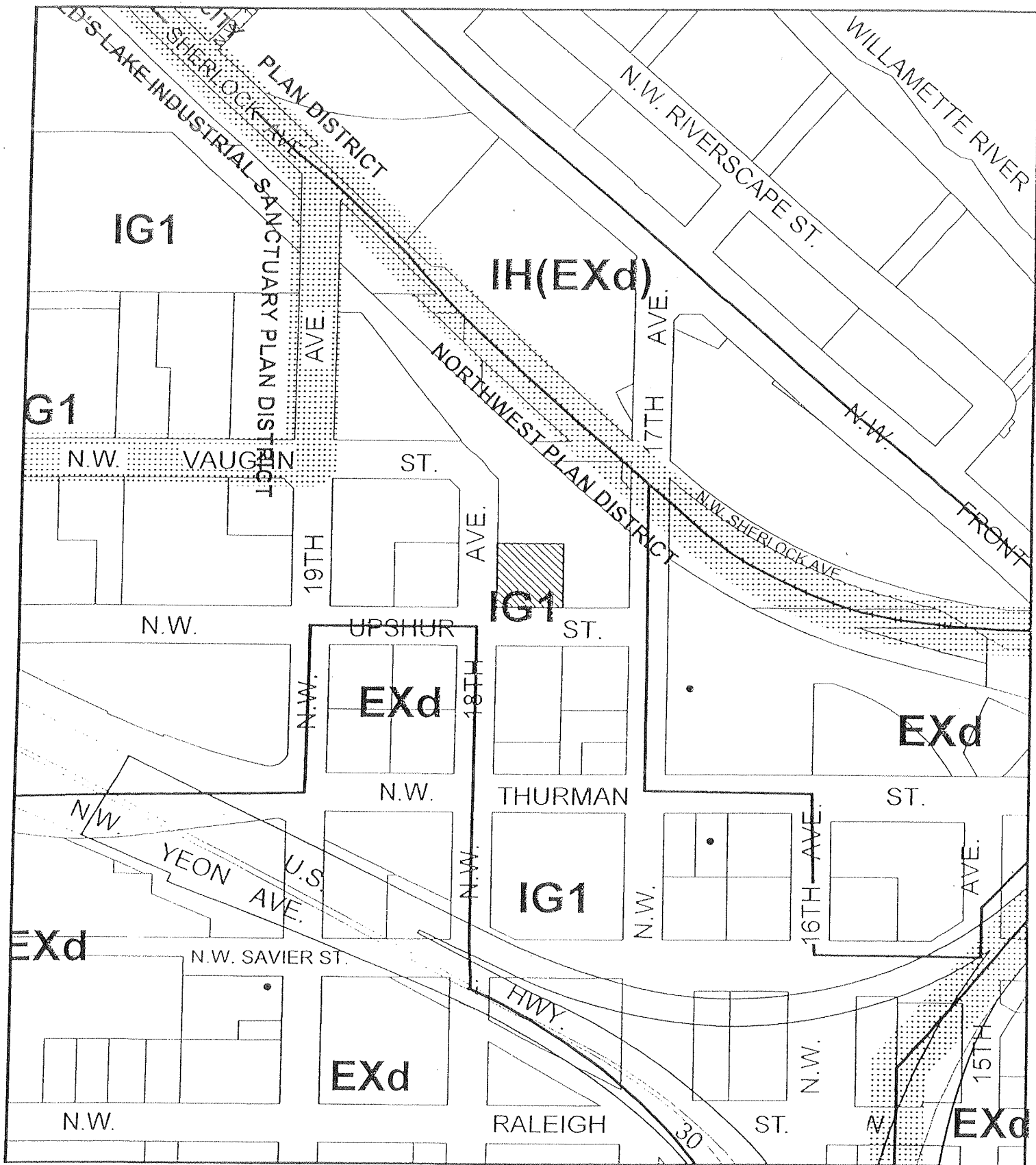
Planner's Name: Sylvia Cate

Date: September 27, 2013

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Project Narrative
 - 2. Kittelson Memo
 - 3. Supplemental Narrative
 - 4. Second Supplemental Narrative
 - 5. Title 4 Metro Map: January 2012
- B. Zoning Map (attached):
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans & Drawings:
 - 1. Site Plan (attached)
- 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. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
 - 7. Portland Police Bureau
- F. Letters:
 - 1. Bureau of Planning & Sustainability; September 24, 2013; Concerns and opposition
- G. Other:
 - 1. Original LUR Application
 - 2. Pre Application Summary Notes
 - 3. Letter to Applicant, August 9, 2013; re: missing information
 - 4. Excerpts from Northwest District Plan
 - 5. Adopted Ordinance No. 182429
 - 6. Map showing site location in RSIA

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING EXISTING



Site



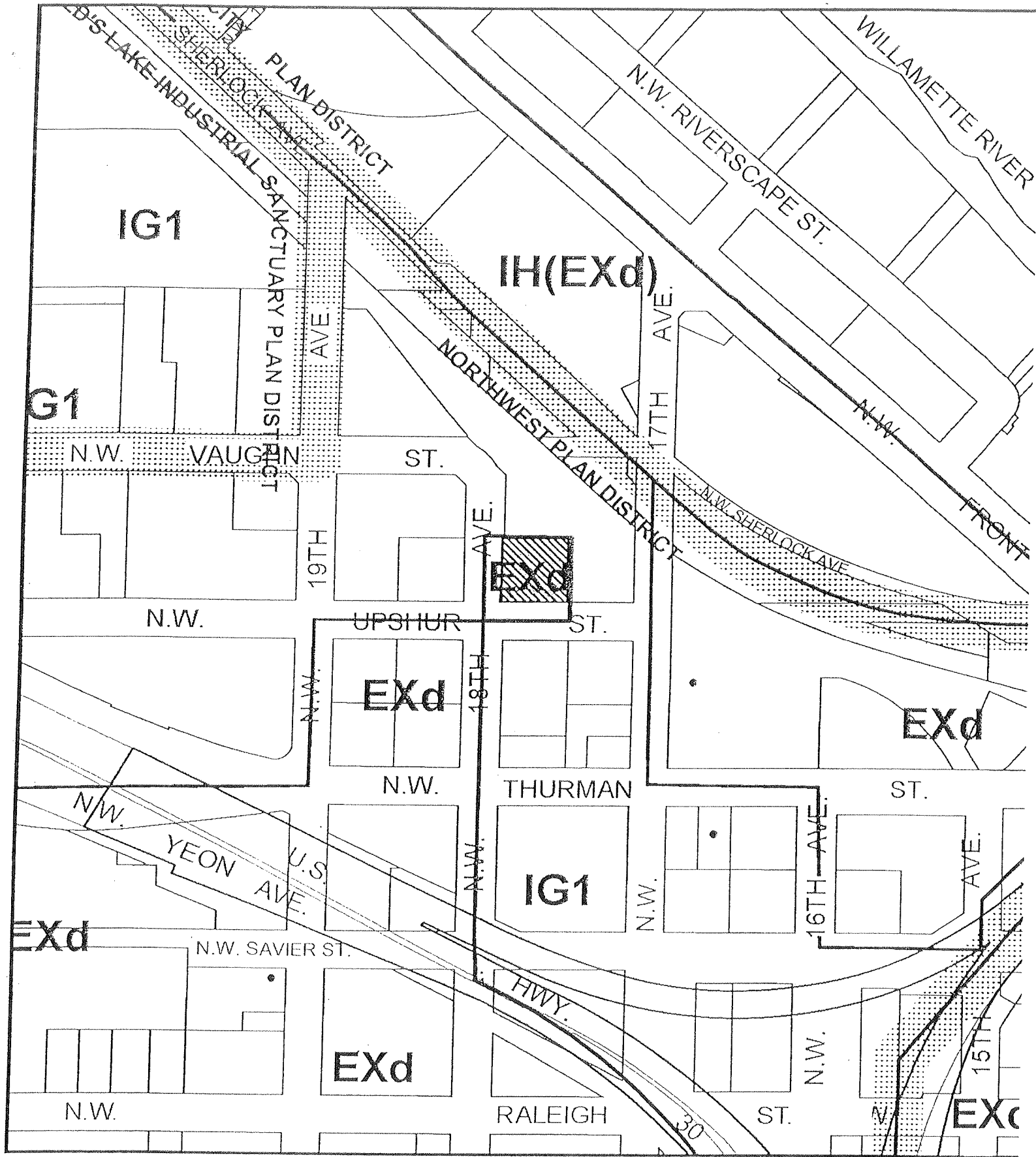
Historic Landmark



NORTH

This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 13-182710 CP,ZC
1/4 Section 2828
Scale 1 inch = 200 feet
State_Id 1N1E28DC 1900
Exhibit B.1 (Jul 23, 2013)



ZONING PROPOSED



Site



Historic Landmark



NORTH

This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 13-182710 CP,ZC
 1/4 Section 2828
 Scale 1 inch = 200 feet
 State_Id 1N1E28DC 1900
 Exhibit B.2 (Jul 23, 2013)

