

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

I. GENERAL INFORMATION

File No.: LU 13-173075 CP ZC
HO 4140016

Applicant: Robert Cushman, William Allen LLC
1833 NE 50th Avenue
Portland, OR 97213

Laurie Simpson, Architect
4072 N Williams Street, Suite A
Portland, OR 97227

Owner: Jeffrey Evershed
1833 NE 50th Avenue
Portland, OR 97213-2035

Hearings Officer: Kenneth D. Helm

Bureau of Development Services (BDS) Staff Representative: Kathleen Stokes

Site Address: 3322 SE CESAR E CHAVEZ BLVD

Legal Description: TL 7600 0.45 ACRES, SECTION 12 1S 1E

Tax Account No.: R991120080

State ID No.: 1S1E12AD 07600

Quarter Section: 3334

Neighborhood: Richmond

Business District: Division-Clinton Business Association

District Coalition: Southeast Uplift

Zoning: R2.5 (Attached Single-Dwelling - Residential 2,500)

Land Use Review: Type III, Comprehensive Plan Map Amendment (CP)
Zoning Map Amendment (ZC)

Public Hearing: The hearing was opened at 1:33 p.m. on August 4, 2014, in the 3rd floor hearing room, 1900 S.W. 4th Avenue, Portland, Oregon, and was closed at 3:00 p.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed at the end of the hearing.

Testified at the Hearing:

Kathleen Stokes
Ben Gates
Mike Connors
Gordon Brown
Neil Carpenter
DeeDee Remington
Robin Paynter
Hunter Shobe

Proposal: The applicant is proposing a change in the Comprehensive Plan Map Designation for this 19,575 square-foot property, from Single-Dwelling Attached Residential to Medium Density Multi-Dwelling Residential, and a concurrent Zoning Map Amendment, from R2.5 (Single-Dwelling Residential 2,500) to R1 (Multi-Dwelling Residential 1,000). Redevelopment of the site for a maximum 19 residential units could be allowed if the R1 designation is approved for the site.

APPROVAL CRITERIA

- 33.810.050 Comprehensive Plan Map Amendment
- 33.855.050 Zoning Map Amendments

HEARINGS OFFICER'S OVERVIEW:

This recommendation will closely follow the format of the BDS Staff decision. What follows in this overview is: 1) a summary of the public hearing, 2) a discussion of the legal standard the Hearings Officer will use to determine questions concerning the meaning of the goals and policies to which the proposal is subject, and 3) a discussion of the applicant's request to eliminate conditions B-D.

Public Hearing

A public hearing was held on August 4, 2014. The Hearings Officer notified all present of their rights under ORS. 197.763, and did not have any *ex parte* contacts to report.

BDS Staff provided a PowerPoint overview of the application. BDS Staff recommended approval with conditions.

Attorney Michael Connors testified on behalf of the applicant. He stated that the applicant generally agreed with the BDS Staff findings, with the exception of findings related to recommended conditions B, C and D. Exhibit H.5. The applicant requested that conditions B-D be eliminated. Those arguments are discussed below.

Multiple neighbors testified in opposition to the application. Their arguments fell into the following categories:

- Allowing the full 45' height allowed in the R-1 zone will be out of character for the neighborhood.
- Allowing the full 45' height would cast shadow on neighboring properties.
- The site is not adequately screened by existing trees leading to a loss of privacy for adjacent land owners.
- If the maximum density of 19 units is allowed, then parking problems will result.
- Increased vehicles will cause traffic problems at the intersection of SE Franklin and SE Cesar Chavez Blvd.

The applicant provided a brief rebuttal explaining that a Traffic Impact Analysis was conducted and it showed an insignificant impact on traffic patterns and safety.

At the end of the hearing no party requested that the record remain open. The applicant waived the right to file a final written argument and the record closed on August 4, 2014.

Standard of Interpretation

The scope of the Hearings Officer's role in this decision is to offer a recommendation to the City Council. Nevertheless, when an interpretation of the policies identified below is required, the Hearings Officer's reading of the text of those policies is held to a different legal standard than will be the case when the City Council interprets those same provisions. The Hearings Officer's interpretation and resulting findings and conclusions must be correct as a matter of law. *McCoy v. Linn County*, 90 Or App 271 (1988), *Mackenzie v. Multnomah County*, __ Or LUBA __ (LUBA No. 2013-045, November 12, 2013). That standard requires that I understand the intent of the subject policies by primarily looking to the text and the context of those provisions. *PGE v. BOLI*, 317 Or 606, (1993). Thus, if a hearings officer is attempting to meet this legal standard, there is little room for interpretation or "bending" of the rules in order to reach a desired outcome.

In contrast to the standard of review imposed on hearings officers' decisions, the standard of review imposed on decisions of local elected bodies, such as the City Council, is much lower and potentially more flexible. Under that standard, a land use decision made by the City Council need merely be "plausible" in order to be upheld under the deferential standard set forth in ORS 197.829(1). *Clark v. Jackson County*, 313 Or 508 (1992) and *Siporen v. City of Medford*, 349 Or 247 (2010). For the purposes of this recommendation, I will implement the interpretive standard appropriate for Hearings Officers decisions, understanding that the City Council is not bound by my interpretations.

Applicant's Opposition to Conditions B-D

In response to some neighbors' concerns about height and compatibility, BDS Staff recommended three conditions with the overall intent to smooth the transition between the adjacent R-1 and commercial zoned lands and the R-2.5 zoned areas further into the neighborhood. Recommended condition B would subject the applicant to a demolition delay procedure for the existing home on the subject property despite the dwelling not being listed on the City's historic inventory. Recommended condition C would require the applicant to submit the future development plan to a Type II Design Review procedure. Recommended condition D placed a 35' height limit on future buildings. The applicant objected to all the recommended conditions arguing that no relevant provision of PCC 33.810.050, 33.855.050 or any associated provision grants the City authority to impose those particular conditions.

For the reasons set forth below, the Hearings Officer agrees with the applicant. In this connection it is important to remember that the application is not conditioned upon or limited to any specific development plan. The applicant could have proposed a specific plan and BDS Staff has the authority to limit consideration to a specific development proposal, but that is not the case with this application.

a. Condition B

The applicant argues that a demolition delay is not warranted because PCC 33.445.800-810 only applies to "historic resources." That is correct. PCC 33.445.800 specifically applies only to "historic resources." The record shows, and the BDS Staff report concedes, that the home currently on the subject property is not on any historic inventory. Therefore, neither PCC 33.445.800 nor 33.445.810 provide any authority to require a demolition delay.

b. Condition C

The applicant argues that a Type II Design Review of any future development should not be imposed through this application because design review is limited to specific types of proposals set forth in PCC 33.825(2). In reviewing that provision, I find that the applicant is correct. The BDS Staff report does not provide a citation to the authority in the code that might permit imposition of design review. The resulting zone will be R-1 and any resulting development will be subject to the development standards set forth in PCC 33.120. The purpose and assumption

for the City's development standards is: "generally assure that new development is compatible with the City's character." PCC 33.120.010(B). A broad range of housing types are allowed in the R-1 zone – PCC 33.120.200(B). According to PCC 33.825(2), the subject property is not subject to a design overlay and the BDS Staff report does not identify one. Neither does the application invoke the other circumstances set forth in PCC 33.825(B) that would require design review. In the absence of such authority, there is no legal basis upon which to impose design review when no specific development proposal has been made as part of the application. The Hearings Officer agrees that recommended condition C is not warranted.

c. Condition D

The applicant opposes recommended condition D, which would limit the maximum height to 35', because again there is no authority in the code which would allow the condition. As noted above, since there is no specific development proposal associated with the application, there is no evidence upon which to conclude that any future development will not be able to comply with the development standards of the R-1 zone. PCC 33.120.215(B)(1) allows multi-dwelling structures of up to 45' in height. The appropriate height limitations for the R-1 have already been considered by the City Council at the time those provisions were adopted. The intent of the height standards for the R-1 zone is clearly stated in the PCC 33.120.215(A):

- A. Purpose. The height standards serve several purposes:
 - They promote a reasonable building scale and relationship of one residence to another;
 - They promote options for privacy for neighboring properties;
 - and
 - They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

Although the Hearings Officer appreciates Staff's concern about height transitions that may result with the designation of the R-1 zone for this property, it has already been determined that where the R-1 zone is appropriate building heights of up to 45' can be allowed. The BDS Staff findings in several instances state that limiting future building height to 35' is desirable, but the provisions to which that conclusion is attached do not address building height. For example, the BDS Staff findings on 3.6 Neighborhood Plan addresses several parts of the Richmond Neighborhood Plan, but none of those provisions say anything about appropriate or desired building heights. There are no other Comprehensive Plan provisions identified in the BDS Staff report that directly bear on building height. Such a discussion conceivably could have occurred in the findings for "Goal 12 Urban Design" but no mention of building height appears there.

Generally, the BDS Staff findings conclude that "on balance" it would be appropriate to amend the Comprehensive Plan map to "Medium Density Multi-Dwelling Residential." A consequence of that conclusion is that the only zone that corresponds to that Comprehensive Plan designation is R-1. As set forth above, the City Council has already determined that 45' building heights are appropriate in the R-1 zone. Applying the legal standard of review appropriate for Hearings

Officers as discussed above, it would be incorrect to conclude that BDS Staff and the Hearings Officer could ad hoc impose a lower building height of 35'. Therefore, the Hearings Officer recommends that condition D be eliminated.

II. ANALYSIS

Site and Vicinity: The site is a 19,575 square foot property that is located on the east side of SE Cesar E. Chavez Blvd. The lot is 74.9 feet wide by 261 feet deep. The property is currently developed with a two-story, single-dwelling residence, constructed in 1907. The house is located on top of a bank that is adjacent to the street lot line and the remainder of the site, which appears to be relatively level, is undeveloped, containing a garden and landscaped area.

The area around the site includes a mixture of uses and development. Immediately to the north, the block fronting onto the south side of SE Francis Street contains single-dwelling residences on the eastern half of the block and low density, two to three-unit, multi-dwelling structures on the western half of the block. Beyond that area, for several blocks further to the north, the development consists more uniformly of single-dwelling residences. However, to the northeast, the residential development pattern is disrupted by a nonconforming commercial use in the residential zone. This use, a plant nursery, covers nearly three acres, which is most of the area from SE Franklin Street, north to SE Tibbetts Street, and from the place where SE 41st Avenue would be located, if it connected through to the south, eastward to SE 43rd Avenue. From SE 43rd Avenue to SE 45th Avenue and from SE Powell Blvd., north to SE Tibbetts Street are properties that are developed as religious institutions.

To the south of the site, there is a mixture of commercial uses and development, in the corridor along SE Powell Blvd. (Highway 26) and in the node that extends to the north and south from Powell, along Cesar E. Chavez Blvd. On the southeast corner of the intersection, a Safeway grocery store. Further to the east, on the south side of Powell Blvd. at SE 43rd Avenue, there is a public park in an Open Space (OS) zone. On the west side of Cesar E. Chavez Blvd., there is a mixture of single and multi-dwelling residential uses that appear to date from the early 1900s. Commercial uses tend to be located in more recently constructed buildings that are generally clustered near Powell Blvd. However, there are some structures that appear to be residential buildings that were converted to commercial uses that are sprinkled along the Cesar E. Chavez Blvd. corridor, as well.

Existing Zoning: The current zoning for the site is Single Dwelling Residential 2,500 (R2.5), which has the Comprehensive Plan designation of Attached Residential. The R2.5 zone is the highest density single-dwelling zone and allows attached and detached single-dwelling structures and duplexes. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The maximum density in the R2.5 zone is one unit for every 2,500 square feet of site area. Thus, the development potential of the existing zoning would be a total of seven lots.

Proposed Zoning: The proposed zoning for the site is Multi-Dwelling Residential 1,000 (R1), which has the Comprehensive Plan designation of Medium Density Multi-Dwelling Residential. This zone allows up to one unit per 1,000 square feet of site area and requires a minimum of one unit per 1,450 square feet of site area, or 1 unit per 2,000 square feet of site area for sites that are smaller than 10,000 square feet. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the lower density multi-dwelling zones. The major type of new housing will be condominiums and apartments, duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas, or major streets. The development potential of the proposed zoning would be a total of 19 multi-dwelling units.

Land Use History: City records indicate that prior land use reviews include the following case: **04-011493 LD ZC** - 2004 approval of a Zoning Map Amendment, in compliance with the Comprehensive Plan Map Amendment, from R5 to R2.5 and preliminary approval of a five-lot subdivision with a private street for access. The final plat for the approved subdivision was never completed and so it expired and the approval for the land division was voided.

Agency Review: A "Request for Response" was mailed June 12, 2014. The City's service bureaus have responded with the following comments:

- Environmental Services provided information on sanitary infrastructure and commented on the proposed storm water management plan, noting that site testing indicates that stormwater can be completely contained and drained into the native soils onsite (Exhibit E-1).
- Transportation Engineering considered the traffic and parking impact analysis that the applicant submitted and provided comments and findings regarding the proposal, as it relates to Goal 6 of the Comprehensive Plan (Exhibit E-2).
- Water Bureau provided information on the existing water service for the site and noted requirements for upgrading the service for redevelopment of the site (Exhibit E-3).
- Fire Bureau noted that all applicable Fire Code requirements will apply at the time of permit review and development (Exhibit E-4).
- Police Bureau sent a response that indicated that the bureau is capable of serving the proposed change that has been requested. The response also contained a recommendation that on-site persons and the developer work with the East Precinct Commander on any public safety issues or concerns (Exhibit E-5).
- Site Development Section of BDS provided a description of the physical characteristics of the site and noted that the erosion prevention and sediment control requirements of Title 10 will apply to both the site preparation work and future development on this site (Exhibit E-6).
- Life Safety Plan Review Section of BDS provided a response that noted some of the building code requirements for the necessary building permits for the redevelopment of the site, including requirements for accessible parking spaces and pedestrian connections (Exhibit E-7).
- Parks-Forestry Division provided information regarding City requirements for on-site tree preservation and planting of street trees (Exhibit E-8).

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on July 8, 2014. Three written responses were received from notified property owners in response to the

proposal. All of the responses expressed objections to the proposal. The letters included the following concerns:

The first letter, which was sent on July 2nd, before the public notice was mailed, came from a neighbor on SE Franklin Street who expressed concerns regarding security for her property, privacy, increased noise and light from the proposed apartments, reduced natural light from shade cast by the building, increased traffic and congestion on adjacent streets, on-street parking impacts and fears that all of these impacts would decrease property values for the adjacent lots (Exhibit F-1).

The second letter referenced the Richmond Neighborhood Plan and stated that the proposal was not consistent with several sections of Policies 4 and 6 of this adopted plan, as follows:

"1. Under Policy 4 of the RNP, Objective 4.1 is to Encourage the restoration, rehabilitation, and maintenance of existing owner occupied and rental housing stock. If the zoning is changed to R1, the owners are planning on demolishing the existing house to make room for the proposed 19 units. This is in direct conflict to the RNP. Currently, the zoning would allow 7.8 units, so additional units could still be built while retaining the existing house.

2. Under Policy 4, Housing Action Item H4 describes investigating development options along 39th Ave that *enhance* the residential character of the area. Although the proposal is to put residences on that site, we know that R1 allows a height of up to 45'. This would greatly impact the character of the block, and negatively impact the surrounding residences. A height of 45' may technically be residential, but it feels more like commercial when it abuts your backyard. Action Item H8 states: Advocate to retain the residential zoning along SE 39th. Although this could be interpreted various ways, perhaps the intent of "retain the residential zoning" was to also retain the residential feel and character. And even though the developer is proposing only a 2 story building, it would not be unheard of for a developer would build out to the maximum allowed. I think it is also important to look at the "worse case scenario" density wise, since the current owner is not necessarily the one who will end up developing it.

3. Under Policy 6, Transportation, Objective 6.5 is to minimize the negative impacts of motorized vehicle traffic in the Richmond Neighborhood. I am all for biking and walking, but the fact is, that most people have cars in Portland. This particular area on 39th is very busy, and adding 19 units to this site would create additional traffic congestion. It would create additional hazards for all drivers if residents are waiting to turn left (if coming from the north) into their driveway or additional traffic flow on side streets if they need to go "around the block" to access the development" (Exhibit F-2).

The third letter stressed the impacts of the allowed 45-foot height of structures in the R1 zone, stating that it would block daylight for the three properties directly abutting the site to the north. As an example of the potential impacts, pictures were provided of these properties and also of another property in a different southeast Portland neighborhood, where a similarly-sized apartment building was constructed on the lot that abuts a vintage single-dwelling residence. A suggestion was made that restricting the height of the proposed redevelopment to the existing 35-

foot limit might provide some mitigation. The writer of this letter also expressed concern regarding the potential impacts on the availability of on-street parking that might be created from the development of 19 apartments on the subject site. The writer suggested limiting the development to a smaller number of apartments to mitigate potential impacts on the availability of parking in the area (Exhibit F-3).

ZONING CODE APPROVAL CRITERIA

33.810.050 Approval Criteria

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

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

Findings: The following analysis includes an assessment of the Comprehensive Plan goals, policies and objectives relevant to this proposal. Based on this analysis, on balance, it has been found that the requested designation can be equally or more supportive of the Comprehensive Plan as a whole than the old designation. Therefore, this criterion is met.

Comprehensive Plan Goals and Policies

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 proposal is consistent with the Metro Titles that are applicable

The 14 Metro Titles in Section 3.07 are summarized and addressed below.

Urban Growth Management Functional Plan

Title 1 Housing Capacity. This title calls for compact urban form and a “fair-share” approach to meeting the regional housing needs. It is accomplished by requiring each city and county to maintain or increase its housing capacity. This requirement is generally implemented through city-wide analysis based on calculated capacities from land use designations.

Findings: The requested amendment changes the housing capacity of the site. The proposed Comprehensive Plan designation of Medium Density Multi-Dwelling and implementing zone of Residential 1,000 (R1) allows a maximum of 19 dwelling units at this site. The existing Comprehensive Plan designation of Attached Residential and enabling zone of General Residential 2,500 (R2.5) would allow a maximum of seven units. Therefore, the proposal to change the Comprehensive Plan Map and Zoning Map designations for the site would result in an incremental increase in capacity for housing. Therefore the proposal is consistent with this Title.

Title 2 - Regional Parking Policy. This title was repealed and transferred to the Regional Transportation Functional Plan.

Title 3 - Water Quality, Flood Management and Fish and Wildlife Conservation. This title protects the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways.

Findings: Compliance with this title is achieved in these areas through the review of development against the current Stormwater Management Manual regulations at time of building permits. At the time of future development, the project must comply with all stormwater management requirements. The Bureau of Environmental Services provided comments and noted that there is adequate infiltration to contain stormwater onsite in this location. This information is further discussed below, under Approval Criteria for Base Zone Changes, 33.855.050 B.2, and is included as Exhibit E-1. Therefore the proposal is consistent with this title.

Title 4 Industrial and Other Employment Areas. This title seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas. The title also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. It further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

Findings: The site is not located in a Regionally Significant Industrial Area. While it is located on a street that is designated as a Major City Traffic Street and also is within one block of State Highway 26, Powell Blvd., which is also designated as a Major City Traffic Street, it has historically been a residentially zoned property. If approved, it will continue as a residential

property, but at an increased residential density. The proposal will not have any effect on Title 4, and therefore, is not inconsistent with the intent of this title.

Title 5 - Neighbor Cities and Rural Reserves

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

Findings: The 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 Centers, Corridors, Station Communities and Main Streets. The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. This title calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval. The intention of Title 6 is to enhance the Centers designated on The 2040 Growth Concept Map by encouraging development in these Centers. This title recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept.

Findings: The proposal is for a site that is not within the Central City, nor is it in an area that is designated as a Regional or Town Center or a Station Community. The site is located on Cesar Chavez Blvd. The map that accompanies the Metro Title 6 does not indicate which rights-of-way are Main Streets. In the City of Portland's Transportation System Plan, Cesar E. Chavez Blvd. is designated as a Regional Corridor. The site is also within one block of SE Powell Blvd., which is also designated as a Regional Corridor and is the route of State Highway 26. While the fact that the site is outside of any designated center or station community means that the proposal appears to have no impact on this title, the fact that the site is at the intersection of two major thoroughfares means that increasing the residential density in this location would be entirely consistent with the purposes of this title.

Title 7 - Affordable Housing. This title ensures that all cities and counties in the region are providing opportunities for affordable housing for households of all income levels.

Findings: The proposal would result in an allowance for an incremental increase in the number of housing units available within the City, thereby increasing the range of housing available on the open market. Therefore, the proposal is consistent with this title.

Title 8 Compliance Procedures. This title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements.

Findings: This proposal meets this title by fulfilling the notice requirements for Type III land use reviews, as outlined in PCC 33.730.070. In addition to notifying the affected neighborhood associations and property-owners within a 400-foot radius of the site, a notice of the proposal has also been sent to Metro and to the Department of Land Conservation and Development. Therefore, the proposal is consistent with this Title.

Title 9 Performance Measures. This title was repealed.

Title 10 Definitions. This title defines the words and terms used in the *Urban Growth Management Functional Plan*.

Title 11 Planning for New Urban Areas. This title guides planning for areas brought into the Urban Growth Boundary for conversion from rural to urban use.

Findings: The requested proposal has no impact on definitions used in the plan and the site is in a location that is in an established urban area that is within the Urban Growth Boundary. Therefore there are no impacts on these titles and the proposal is not inconsistent with Titles 10 and 11.

Title 12 Protection of Residential Neighborhoods. The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Findings: The proposal is subject to review and evaluation against existing and future demand on public services, and whether there are adequate levels of same to support the proposed re-designation and zoning pattern. To the extent that the proposal meets the criteria found at 33.855.050 B, as discussed below, the proposal is consistent with the intent of this title. Pollution and noise control is achieved via compliance with other City regulations at time of building permit review for new development. Crime control is addressed via the City of Portland Police Bureau, as noted in Exhibit E- 5. Therefore, the proposal is consistent with this Title.

Title 13 Nature in Neighborhoods. The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Findings: The site is not designated with either Environmental Conservation or Environmental Protection Overlay Zones and therefore has not been identified as having any particular resource value.

Title 14 Urban Growth Boundary. This title prescribes criteria and procedures for amendments to the urban growth boundary.

Findings: This site is already located within the Urban Growth Boundary, so this title does not apply.

BDS Staff found, and the Hearings Officer agrees that the proposal will have little or no effect on the intent of most of these titles or these titles will be met through compliance with other applicable City regulations.

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 proposal can be consistent with this goal because it will result in expanded potential for housing. Future residential development will provide a transition between the nearby R-1 zoned parcels and the commercial zoned areas near the intersection of SE Powell Blvd. and SE Cesar Chavez Blvd.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially have some relevance to this proposal are the following:

2.1 Population Growth

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

2.9 Residential Neighborhoods

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

Findings: The proposal, if approved, would create the potential for up to 19 housing units to be developed on the site. The number of lots that could be created under the current R2.5 zoning is seven. Even if each of these lots had one primary residence and one accessory dwelling unit, the maximum number of units would be 14. Therefore the total net gain of potential housing units would be five. With the conditions that were previously mentioned, approval of this proposal could allow more density, while remaining consistent with the immediately surrounding R2.5 and R5 neighborhood. On balance, this goal is better supported by the proposed designation than by the existing designation.

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 proposal would result in an incremental increase in residential density within a well established residential neighborhood in close proximity to neighborhood businesses and services. Elements of the Richmond Neighborhood Plan are discussed below. Although some neighbors raised concerns about the allowed 45' height that future development may reach, none

of the objectives of the neighborhood plan directly address building height. The record does not contain evidence that buildings in the 45' range will necessarily adversely affect the "stability and diversity" of the nearby residential areas. The Hearings Officer finds that since no specific development proposal is presented, it is not appropriate to consider building height limitations other than those applicable to the R1 zone.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially could have some relevance to this proposal are the following:

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 Commission.

Findings: The applicant presented this proposal to the Richmond Neighborhood Association, prior to submittal of this application to the City. In addition, 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. Overall, the proposal is supportive of this Policy.

3.6 Neighborhood Plan

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

Findings: The Richmond Neighborhood Plan was adopted by the Portland City Council in November 1994. Policy 4: Housing states, "Preserve and improve existing housing while providing opportunities for new housing for people of all ages and income levels." Several objectives further elaborate this policy. Two of these objectives direct the retention of existing residential structures, particularly those that potentially have some historic character.

"Objective 4.1. Encourage restoration, rehabilitation and maintenance of existing owner occupied and rental housing stock."

"Objective 4.2. Identify, recognize, and celebrate historic resources in the neighborhood."

This proposal would remove a single-dwelling residence that was built in 1907. The house is not on the City's historic inventory.

Two additional objectives require provision of a greater variety of housing opportunities in the neighborhood, particularly along "main streets," and near transit routes and commercial nodes.

“Objective 4.3. Support housing opportunities for people of all ages, backgrounds, and economic levels.”

“Objective 4.4. Accommodate anticipated population growth through “main street” development (mixed residential/commercial uses along major transit streets or other construction methods that retain or enhance existing neighborhood character.”

The proposal is in accordance with these objectives and supports them more fully than the existing Comprehensive Plan Map designation because the existing designation allows a maximum of seven lots, but the requested Medium Density Multi-Dwelling designation would allow up to 19 units to be built on this site, which is located on a Transit Access Street and is also located less than a block from a Major Transit Priority Street. Approval of the proposal will increase the availability of housing opportunities in the vicinity.

The final objective of this policy addresses commercial activities.

“Objective 4.5. Protect residential areas from commercial encroachment.”

BDS Staff found that this objective is not relevant to this proposal. Based on testimony at the hearing, the Hearings Officer disagrees. Although it is unlikely that the subject property could be rezoned for commercial use, allowing R-1 zoning and multi-family housing can provide both visual and sound buffering for adjacent single family R2.5, and further in, R5 zoned areas from the nearby commercial areas near the intersection of SE Powell Blvd. and SE Cesar Chavez Blvd. Therefore, the proposal on balance is at least as supportive of this objective as current zoning.

Policy 6 Transportation states, “Increase accessibility to travel destinations and transportation options available to neighborhood residents and visitors. Reduce the negative impact of auto traffic in residential and business areas.” Once again, there are several objectives that clarify the general statement of this policy. Four of these objectives provide direction for making improvements to encourage the use of various types of transportation options.

“Objective 6.1. Improve arterial and collector streets to provide safe and convenient bicycle access to neighborhood destinations and to encourage the use of bicycles as a transportation alternative to the automobile. Establish a network of alternative bike routes on local service streets, with particular attention to providing safe bicycle access to schools.

“Objective 6.2. Make Richmond a more pedestrian-oriented neighborhood by emphasizing pedestrian safety and convenience.

“Objective 6.3. Make Richmond a more transit-friendly neighborhood. Encourage the use of public transportation by those who work, live, shop and visit the neighborhood. Support convenient, cost effective public transportation serving Richmond. Work with Tri-Met to improve the transit infrastructure in Richmond.”

“Objective 6.4. Increase and improve transportation options through and around the Richmond Neighborhood.”

These objectives provide direction for improvements to the transportation infrastructure of the Richmond Neighborhood that would make multi-modal travel options more convenient for the residents of the area. The City has long believed that clustering higher density along major thoroughfares and providing a variety of travel options in these areas will create a critical mass that will push the economies of capital expenditures to create these types of improvements. In the light of this principle of planning theory, the increased density that this proposal would allow is more supportive of these objectives than the existing Attached Residential designation.

The remaining two objectives are dedicated to the concept of minimizing the potentially negative impacts of various transportation choices on the neighborhood.

“Objective 6.5. Minimize the negative impacts of motorized vehicle traffic in the Richmond Neighborhood.”

“Objective 6.6. Retain existing parking. Add additional parking to meet specific parking needs. New parking should be designed to be pleasing and safe from a pedestrian point of view.”

This application does not include a specific development plan. However, the applicant has indicated that parking will be included for the potential 19 residential units, at an anticipated rate of one space per unit. Any parking that is provided would be separated from the pedestrian area and would meet the standards for location and any screening requirements, so that the proposal would be equally as supportive of these objectives as the existing designation.

BDS Staff found, and the Hearings Officer agrees, that the proposal would increase density, which supports and encourages transit improvements, such as those included in Objectives 6.1 through 6.4, more than the existing designation. Provision of a modest amount of parking for the proposed development will reduce parking impacts, but use of other transit options will also assist in providing relief from these impacts. On balance the requested designation can be equally or more supportive of Goal 3 as the existing designation.

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 supportive of this goal because the requested zoning will allow a variety of housing types in the neighborhood, retaining the character of the established single-dwelling and low density multi-dwelling residential development that has been part of the area

for decades, while introducing slightly higher density residential options on this site that is in close proximity to transit options and through-transportation connections.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially could have some relevance to this proposal are the following:

4.1 Housing Availability

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

Findings: The proposal would result in an incremental increase in residential density, thus furthering an adequate supply of housing potential for the future. Overall, the proposal is supportive of this Policy.

4.3 Sustainable Housing

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

Findings: The proposal would allow a more efficient use of land in this residential neighborhood. The location is well situated for access to frequent service transit, with bus connections just steps away on SE Cesar Chavez Blvd. and less than a block away on SE Powell Blvd. The site is only about four blocks from a neighborhood park, at SE 43rd and Powell, and less than a block from a full retail grocery store. A number of other neighborhood businesses and services are in close proximity and easily accessed by all transportation modes. Numerous routes in SE Portland provide good bicycle access for future residents. Overall, the proposal is supportive of this Policy. On balance, the requested designation is equally or more supportive of this Goal 4 as 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: While not directly related to economic activities, the proposal would incrementally increase the range of economic choices in housing and provide housing that may fill some of the needs of working individuals and families in the Richmond Neighborhood. On balance, the proposal is consistent with this Goal.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially could have some relevance to this proposal are the following:

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 proposal would result in a new base zone that would allow redevelopment of the site with a more efficient reuse of the land. Overall, the proposal is supportive of this Policy. On balance, the requested designation is equally or more supportive of Goal 5 as the existing designation.

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 has reviewed the proposal, and provided a portion of the following analysis:

6.1 Coordination

Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.

6.2 Public Involvement

Carry out a public involvement process that provides information about transportation issues, projects, and processes to citizens, businesses and other stakeholders, especially to those traditionally underserved by transportation services, and that solicits and considers feedback when making decisions about transportation.

Findings: Policies 6.1 and 6.2 are met by the land use review notice requirements which include sending notice of the proposed amendment to state and local agencies, and to property owners within a radius of 400 feet of the Amendment Site.

6.4 Classification Descriptions

Policy 6.4 states that the Street classification descriptions and designations describe the types of motor vehicle, transit, bicycle, pedestrian, truck and emergency vehicle movement that should be emphasized on each street. Policies 6.5 through 6.11 detail the intended character and use of streets for each transportation mode.

Findings: This policy directs the City to place classification descriptions on rights-of-way, to determine levels of street improvements, function and use. There are no new streets proposed and no changes to the functions or use of existing rights-of-way. This policy is not applicable to this proposal.

6.5 Traffic Classification Descriptions

Maintain a system of traffic streets that support the movement of motor vehicles for regional, interregional, inter-district, and local trips as shown. For each type of traffic classification, the majority of motor vehicle trips on a street should conform to its classification description.

Findings: At this location, SE Cesar Chavez Blvd. is designated as a Major City Traffic Street. Major City Traffic Streets are intended to serve as the principal routes for traffic that has at least one trip end within a transportation district. The type of uses and density of development allowed under the proposed designation are expected to generate an additional five PM peak hour trips. As such, the proposed Comprehensive Plan Map designation will promote the type of and density of uses that are appropriate for the traffic classifications and the functions of the abutting streets. Therefore, on balance, the applicant's proposal is equally or more supportive of this policy.

6.6 Transit Classification Descriptions

Maintain a system of transit streets that supports the movement of transit vehicles for regional, interregional, inter-district, and local trips.

Findings: Cesar Chavez Blvd. is designated a Transit Access Street. Transit Access Streets are intended for district oriented transit service, serving main streets, neighborhoods, and commercial, industrial and employment areas. One goal is to encourage pedestrian activity in commercial and mixed-use areas along Transit Access streets. The proposed designation better provides for pedestrian-oriented development along a Transit Access Street.

The type of uses and density of development allowed under the proposed designation are expected to increase the number of households that could potentially use transit directly on both a north/south and an east/west transit corridor. This is supportive of the transit corridor and supportive of reducing the number of vehicle trips generated by the development while allowing additional housing density. Therefore, on balance, the applicant's proposal is equally or more supportive of this policy.

6.7 Bicycle Classification Descriptions

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

Findings: Cesar Chavez Blvd. is designated a Local Service Bikeway. Local Service Bikeways are intended to serve local circulation needs for bicyclists and provide access to adjacent properties. Most single-dwelling residences are capable of accommodating the use and storage of bicycles for the residents of the houses. The proposed designation will allow multi-dwelling development to be created, and, in accordance with the requirements of Title 33, bicycle parking will be provided onsite for the residents. This is consistent with the local service access provisions so the requested designation will be equally supportive of this policy as the existing designation.

6.8 Pedestrian Classification Descriptions

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

Findings: Cesar Chavez Blvd. is designated a City Walkway. 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. The proposed designation will increase the allowed number of residences, which will encourage increased pedestrian activity. The proposed designation will also better support the goal by triggering City requirements for additional right-of-way and improved pedestrian facilities including a vegetative buffer between the street and sidewalk. Therefore, on balance, applicant's proposal is more supportive of this policy.

6.9 Freight Classification Descriptions

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

Findings: Cesar Chavez Blvd. is designated a Truck Access Street. Truck Access Streets are intended to serve as an access and circulation route for delivery of goods and services. According to the traffic impact analysis of the proposed Action, the impact of the proposal will be negligible and therefore will not have an adverse affect.

6.10 Emergency Response Classification Descriptions

Emergency Response Streets are intended to provide a network of streets to facilitate prompt emergency response.

Findings: Cesar Chavez is a Major Emergency Response Street. Major Emergency Response Streets are intended to serve primarily the longer, most direct legs of emergency response trips. According to the traffic impact analysis for the proposed designation, the impact of the proposal will be negligible and therefore will not have an adverse affect.

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.

Findings: The site is located adjacent to SE Cesar Chavez Blvd. which is designated as a Regional Traffic Way. Regional Trafficways are intended to serve interregional district movement that has only one trip end in a transportation district or to serve trips that bypass a district completely. The traffic impact analysis shows that the additional trips will have a negligible impact on interregional traffic movements. Therefore, on balance, the proposed designation is equally supportive or more of the street classifications for Cesar Chavez Blvd. as the existing designation.

6.12 Regional and City Travel Patterns

Support the use of the street system consistent with its state, regional, and city classifications and its classification descriptions.

Findings: The site is located on SE Cesar Chavez Blvd., which is a major arterial. The classifications for the street were discussed in the findings for Policies 6.5 through 6.11, above. The requested designation would allow an increased residential density for this site, which is consistent with the classifications for this right-of-way.

6.13 Traffic Calming

Manage traffic on Neighborhood Collectors and Local Service Traffic Streets, along main streets, and in centers consistent with their street classifications, classification descriptions, and desired land uses.

Findings: The proposed Comprehensive Plan Map Amendment and Zoning Map Amendment will not warrant traffic calming measures (such as speed bumps, curb extensions, etc.). The Traffic Impact Analysis (TIA) concludes that the proposed Comprehensive Plan Map and Zone Change will result in traffic volumes consistent with the associated road classifications and available capacity. This policy is met.

6.14 Emergency Response

Provide a network of emergency response streets that facilitates prompt response to emergencies.

Findings: SE Cesar Chavez Blvd. is designated as a major emergency response route. The requested change in designation for this property will have no impact on this designation. This is policy is not relevant to this proposal.

6.15 Transportation System Management

Give preference to transportation improvements that use existing roadway capacity efficiently and improve the safety of the system.

6.16 Access Management

Promote an efficient and safe street system, and provide adequate accessibility to planned land uses.

Findings: The proposal does not include review of a specific development plan for the site. However, available access to the site is only possible from Cesar Chavez Blvd.. The details of any necessary street improvements and of the vehicle access to the site will be reviewed under Title 17 at the time that the redevelopment plan is put forward, whether under the requested designation or the existing designation. Therefore, these policies are not relevant to the proposal at this time.

6.17 Coordinate Land Use and Transportation

Implement the Comprehensive Plan Map and the 2040 Growth Concept through long-range transportation and land use planning and the development of efficient and effective transportation projects and programs.

Findings: This policy is met through the requirements of the quasi-judicial process for notification of the land use proposal and the requirement for analysis of the proposal in respect to the relevant policies and objectives of the Comprehensive Plan.

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.

Findings: The key intersection near the site is SE Cesar E. Chavez Blvd. and SE Powell Blvd.. The anticipated traffic impact at the intersection is an increase of three PM peak hour trips, which is a negligible increase. Therefore, and based on these findings, the applicant's proposal is, on balance, equally or more supportive of this policy.

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.

Findings: The Site is located along SE Cesar Chavez Blvd., a mixed Transit Access Street, and is near SE Powell Blvd., a Major Transit Priority Street. The proposed Action will better meet this goal by allowing additional density of housing which will provide a better transit-oriented development opportunity. Therefore, on balance, the proposed designation is more supportive of this policy than the existing designation.

6.20 Connectivity

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

Findings: The site is located within an area that is already fully developed to support an interconnected, multi-modal transportation system. Therefore this policy does not apply to this proposal.

6.21 Right-of-Way Opportunities

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purpose of nearby streets will be maintained.

Findings: No street vacations are proposed in conjunction with this application and the functional purpose of the nearby streets will not be impacted. Therefore, this policy does not apply to this proposal.

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.

Findings: The Site is located next to SE Cesar Chavez Blvd., a City Walkway. Any development of the Site will require the dedication of additional Right-of-Way and the creation of a planting strip to buffer the sidewalk from the street. This will provide improved pedestrian facilities along the street. Therefore, on balance, the applicant's proposal is more supportive of this policy.

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.

Findings: The Zoning Code requires bicycle parking on the site to serve multi-dwelling residential development. This requirement will provide facilities for future residents. Therefore, on balance, applicant's proposal is equally or more supportive of this policy as the existing designation.

6.24 Public Transportation

Develop a public transportation system that conveniently serves City residents and workers 24 hours a day, seven days a week and can become the preferred form of travel to major destinations, including the Central City, regional and town centers, main streets, and station communities.

Findings: The requested designation will better meet this policy by better allowing for more transit trips associated with the additional housing density. Therefore, on balance, the applicant's proposal is more supportive of this policy than the existing designation.

6.25 Parking Management On-Street Parking Management

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

6.26 On-Street Parking Management

Manage the supply, operations, and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods.

6.27 Off Street Parking

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

Findings: The only right-of-way frontage for this site is on SE Cesar Chavez Blvd. This street has four travel lanes, two in each direction, and does not allow any on-street parking in this area.

The redevelopment plan is conceptual, at this time, but the applicant indicates that the intent is to provide parking for the 19 units that would be allowed if the requested designation is approved. Under the current designation, up to seven lots could be created and each could have a primary dwelling unit and an accessory unit, for an overall total of 14 units. The possible addition of five more residential units is not expected to create any significant impacts on the availability of parking spaces in the area. Therefore, this policy is equally supported by the requested designation as by the existing designation.

6.28 Travel Management

Reduce congestion, improve air quality, and mitigate the impact of development-generated traffic by supporting transportation choices through demand management programs and measures and through education and public information strategies.

Findings: This policy is geared more towards large group activities, such as those found at businesses, or with institutions. Although residents can be encouraged to join programs that are created by organizations such as churches, schools or employers, the City does not apply this approach to residential projects. Therefore, this policy does not apply to this proposal.

6.29 through 6.31 These are freight, terminals, and truck policies and do not apply to this proposal.

6.32 through 6.34 These are regional transportation policies and do not apply to this proposal.

6.35 through 6.37 These are transportation district policies that apply to other portions of the City and so they do not apply to this proposal.

6.38 Southeast Transportation District

Reduce travel demand and reliance on the automobile in Southeast Portland to protect residential areas and industrial sanctuaries from non-local traffic, while maintaining access to established commercial areas.

H. Minimize left-turn movements to auto-accommodating development along SE 39th Avenue (now Cesar E. Chavez Blvd.), and eliminate or consolidate driveways where possible.

Findings: Objective H is the only portion of the Southeast Transportation District policy that directly applies to this site. This objective, however, is directed at auto-accommodating development, which is generally viewed as commercial or institutional uses that draw larger numbers of people to a site. Residents would not be expected to attempt to make a left turn from the south bound lanes of SE Cesar Chavez Blvd. in this location and the site will continue to have only one access drive from the abutting street. Therefore, this policy does not apply to this proposal.

6.39 through 6.42 These are transportation district policies that apply to other portions of the City and so they do not apply to this proposal.

6.43 Truck Accessibility

Improve truck access to and from intermodal freight facilities, industrial and commercial districts, and the regional freight system.

Findings: This policy is directed towards commercial and industrial transportation uses. Therefore, this policy does not apply to this proposal.

BDS Staff found, and the Hearings Officer agrees that the proposed designation equally or better supports the transportation system by supporting a range of transportation options and choices through provision of additional housing density allowable on a multi-modal transportation route. Therefore, on balance, the requested designation is equally or more supportive of Goal 6, than the existing designation and zone.

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: Goal 7 policies and objectives are generally directed toward the City implementing energy-related strategies. However, as identified below, there are two policies that focus on promoting energy efficiency through land use regulations. On balance, the proposal is consistent with this Goal.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially could have some relevance to this proposal are the following:

7.4 Energy Efficiency through Land Use Regulations

The City shall promote residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources.

Findings: The proposal is supportive of this policy as the location of the proposal is in close proximity to transit, therefore providing an opportunity to reduce vehicle trips and the related energy use.

7.6 Energy Efficient Transportation

Provide opportunities for non-auto transportation including alternative vehicles, buses, light rail, bikeways, and walkways. The City shall promote the reduction of gasoline and diesel use by conventional buses, autos and trucks by increasing fuel efficiency and by promoting the use of alternative fuels.

Findings: This policy is generally directed at the City for guidance in the creation of new policies and updated regulatory and/or administrative practices. However, the proposal is supportive of this policy because of the location of the site and the proximity to frequent service transit, a neighborhood greenway that provides bicycle access, and to neighborhood oriented businesses and services that are within walking distance on public sidewalks. Overall, the proposal is supportive of this Policy.

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: Most of the policies and objectives under this goal are not relevant to the requested proposal. On balance, the proposal is consistent with this Goal.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially could have some relevance to this proposal are the following:

8.4 Ride Sharing, Bicycling, Walking, and Transit

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

Findings: The proposal will allow a wider range of housing types and is located in an area that is well served by frequent transit service. The nearby neighborhood streets provide good bicycle access. The site is also located within easy walking distance to a number of neighborhood oriented businesses and services. The requested designation is equally or more supportive of this policy than the existing designation.

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.

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.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City or to policy directions or administrative actions by the City. The policies that potentially could have some relevance to this proposal are the following:

10.7 Amendments to the Comprehensive Plan Map

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

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

Findings: The preceding analysis and findings 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 Medium Density Multi-Dwelling designation and Multi-Dwelling Residential 1,000 zone would result in the majority of a block face being zoned R1, in close proximity to the General Commercial (CG) zoned area that is directly south and the other R1-zoned area on the west side of Cesar E. Chavez Blvd.. This would serve as a transition area, from the commercial corridor along SE Powell Blvd., to the single-dwelling residential zone (R5 and R2.5), to the north along SE Franklin Street.

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

Findings: The State of Oregon Land Conservation and Development Commission (LCDC) has acknowledged the Comprehensive Plan for the City of Portland. The city goals mentioned in

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

For quasi-judicial plan amendments, compliance with the city's plan goals, as discussed here, shows 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.

(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 Housing and Transportation Goals that are included within the adopted Richmond Neighborhood Plan.

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 Medium Density Multi-Dwelling Residential designation has one corresponding zone which implements the designation: Multi-Dwelling Residential 1,000.

The proposed Comprehensive Plan Map amendment, from Attached Residential to Medium Density Multi-Dwelling is combined with a Zoning Map amendment request to place the corresponding zone of R1 on the site, as identified on the attached Proposed Zoning Map, Exhibit B-2. These policies and objectives are implemented through this land use review, and are specifically addressed in findings for conformance with the approval criteria for the proposed

Zone Map Amendment, 33.855.050.A-C, following this section on the proposed Comprehensive Plan Map Amendment. To the extent that applicable approval criteria of 33.855.050.A-C contained in this report and recommendation are met, these policies and objectives are also met.

Because of the proposal's consistency with these Policies, the requested designation, on balance, is equally supportive of Goal 10, Plan Review and Administration, of the Comprehensive Plan as the existing designation.

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.

Findings: The proposal is consistent with Goal 11. Agency responses to this proposal indicate that either adequate public facilities and services exist or can be reasonably made available as discussed in Exhibits E-1 through E-8. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 11, Public Facilities of the Comprehensive Plan.

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially could have some relevance to this proposal are the following:

11.2 Orderly Land Development

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

Findings: The adequacy of public facilities is discussed in detail below in this report under the criterion 33.855.050 B.

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.

Findings: The proposal is consistent with Goal 12, which is intended to enhance Portland's identity as a livable city with attractive amenities creating an urban dynamic through quality projects. A detailed analysis of the applicable policies follows:

Some of the policies of this goal do not apply to this situation because they are directed at other types of uses or other parts of the City. The policies that potentially could have some relevance to this proposal are the following:

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.

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 site is situated immediately adjacent to a busy regional commercial node at SE Powell Blvd. and SE Cesar Chavez Blvd. It is sandwiched between the commercial corridor that extends along SE Powell Blvd. and the established single-dwelling residential area that starts on the south side of SE Franklin Street. Because of the proposal's consistency with these Policies, the requested designation, on balance, is as supportive of Goal 12, Urban Design of the Comprehensive Plan as the existing designation. The requested designation can be equally or more supportive of the relevant Goals, Policies and Objectives of the City of Portland Comprehensive Plan.

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 requested amendment is not from a residential designation, or from urban commercial, to a commercial, employment, industrial or institutional campus Comprehensive Plan Map designation. The requested amendment is from a lower density to a higher density residential designation. Therefore, this criterion is not applicable to the proposal.

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

Findings: The requested amendment is not from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation. Therefore, this criterion is not applicable to this proposal.

33.855.050 Approval Criteria for Base Zone Changes

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

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

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

Findings: The Comprehensive Plan Map designation is Medium Density Multi-Dwelling. There is only one zone that corresponds to this designation, Residential 1.00, or R1, which is the zone that is being requested. 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 site does not have a C, E or I designation nor is there a Buffer overlay. 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 proposal is to rezone the site to a higher-density residential zone. 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: Public services to the site are adequate. The Water Bureau indicated that water services are available and provided additional information for the applicant regarding requirements at time of building permit review. Both the Police and Fire Bureaus responded with no objections to the proposal.

- 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 noted that they have no objections to the proposed designation. The BES response included information for the applicant regarding stormwater management requirements at the time of building permit review.

- 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 Bureau of Portland Transportation reviewed the proposal and found that the proposal can meet all relevant transportation standards and the Transportation Planning Rule. Although several neighbors asserted that traffic and parking would cause negative impacts to the area, those assertions were not supported by evidence. The following analysis from PBOT shows that the proposal will not significantly change traffic safety or congestion in the vicinity:

The applicant provided a TIA prepared by Group Mackenzie that documents the proposed zone change will only result in an increase of three vehicles during the PM Peak Hour at the intersection of SE Cesar Chavez and SE Powell Blvd. This minor increase will not result in any significant impact on the operation of the intersection.

Transportation Planning Rule (TPR) Compliance

This comprehensive plan amendment and zone change transportation analysis addresses Transportation Planning Rule (TPR) requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060 which states:

- (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) 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
- (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 identified in the Operations Analysis, the proposed plan amendment and zone change does not significantly affect an existing or planned transportation facility or 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.

Trip Generation

Current Zone Designation

The subject site is currently zoned City of Portland Residential 2,500 (R2.5), having a minimum 1,600 square foot lot size and a maximum density of one unit per 2,500 square feet of lot area. As such, the maximum number of units that can be built on the subject site is seven units (19,550 / 2,500).

Trip generation for the current zone reasonable worst-case development scenario is seven PM peak hour trips based on data contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition Land Use Code 210 – Single-Family Detached Housing.

Proposed Zone Designation

The proposed zone is City of Portland Residential 1,000 (R1) having a maximum density of one unit per 1,000 square feet of lot area. As such, the maximum number of units that can be built on the subject site is 19 units (19,550 / 1,000).

Trip generation for the proposed zone reasonable worst-case development scenario is 12 PM peak hour trips based on data contained in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition Land Use Code 220 – Apartment. Trip generation for Land Use Code 230 – Residential Condominium/Townhouse was also queried; however, results in fewer peak hour trips.

Traffic Assignment

Comparison of the current and proposed reasonable worst-case trip generation scenarios results in an anticipated increase of only five PM peak hour trips. Assuming 60% travel to and from the south, only three trips will be added to the SE César Chavez Blvd./SE Powell Blvd. intersection. It should be noted this increase is "*de minimus*" and will not significantly affect intersection operations.

Intersection Traffic Volumes

2011 intersection turning movement volumes provided by the City of Portland were used for analysis. Background traffic growth was determined by comparing traffic volumes in the 2010 and 2035 Metro long-range transportation planning models. The average annual growth rate was found to be 1.23%/year, which was applied to the 2011 volumes to determine 2013 and 2033 volumes.

INTERSECTION Operation ANALYSIS

Operation Analysis Description

Intersection operation characteristics are generally defined by two measurements: volume-to-capacity ratio and level-of-service. Volume-to-capacity (v/c) ratio is a measurement of capacity used by a given traffic movement or for an entire intersection. It is defined by the rate of traffic flow or traffic demand divided by the theoretical capacity. Level-of-service (LOS) represents a range of average control delays for drivers and is expressed as a letter ranging from LOS "A," which indicates good operating conditions, to LOS "F," which indicates a high level of congestion and delay.

The SE César Chavez Blvd./SE Powell Blvd. intersection is under ODOT jurisdiction. Therefore, the mobility standards set forth in ODOT's 1999 Oregon Highway Plan (including OHP amendments through 2013) apply. Based on the OHP, Powell Blvd. is considered a "Corridor" inside the Metro area and the mobility standard is a v/c ratio of 0.99 or less during both the 1st and 2nd peak hours.

Analysis Scenarios

At agency staff request, operations analysis is presented for the following scenarios:

- 2013 Current Zone Designation
- 2033 Current Zone Designation
- 2033 Proposed Zone Designation

Operation Analysis

Intersection capacity calculations were conducted using methodologies presented in the 2010 Highway Capacity Manual. Synchro (Version 7) was used to prepare v/c ratio calculations. Analysis results are presented in the following table and data output sheets from the analyses are attached.

**TABLE 1—INTERSECTION OPERATIONS ANALYSIS (V/C RATIO) –
 WEEKDAY PM PERIOD**

Intersection	Mobility Standard	Current Zone Designation 2013		2033		Proposed Zone Designation 2033	
		1st Hour	2nd Hour	1st Hour	2nd Hour	1st Hour	2nd Hour
SE César Chavez Blvd./ SE Powell Blvd.	$v/c \leq 0.99$	0.99	0.98	1.26	1.23	1.26	1.23

As identified by the analysis, intersection operations meet the mobility standard in 2013. Intersection operations do not meet the mobility standard in 2033 in either the current or proposed zoned designation; however, the proposed zone designation does not have any measurable impact on intersection operations.

Overall, the proposed plan amendment and zone change does not significantly affect an existing or planned transportation facility or 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. Therefore, no mitigation is necessary to meet TPR requirements.

Based on this analysis, 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.

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Improvements (Section 17.88.020)

At this location, SE Cesar E. Chavez Blvd is classified as a Major City Traffic Street, Transit Access Street, City Walkway, Truck Access Street, Major Emergency Response Street, and a Local Service street for all other transportation modes in the City's Transportation System Plan. According to City database sources, the street is improved with 43-ft of paving in a 60-ft right-of-way (r.o.w.). The site's frontage is improved with a 0-6.5-2 sidewalk configuration. For a site located in the proposed R1 zone district along a City Walkway (classification) street, the Pedestrian Design Guide recommends a 12-ft pedestrian corridor (0.5-ft curb/4-ft (min.) furnishing zone /6-ft/sidewalk/1.5-ft setback to the property line).

To accommodate the anticipated street improvements, a 3.5-ft minimum dedication of property for right-of-way purposes will be required.

1. Dedications and reconstruction of the sidewalk to meet current City standards shall be a condition of building permit approval.

III. CONCLUSIONS

The request to amend the Comprehensive Plan Map designation for this site, from Attached Residential to Medium Density Multi-Dwelling, and also to amend the Zoning Map, concurrently, from Single-Dwelling Residential 2,500 (R2.5) to Multi-Dwelling Residential 1,000 (R1), meet the relevant approval criteria. The increased density that the requested

amendments would allow is in keeping with the City's overall policies to place higher density development near major arterials and adjacent to commercial areas. The resulting transition from commercial to lower residential densities promotes more efficient use of the multi-modal transportation facilities in the area and also offers more variety in housing opportunities.

IV. RECOMMENDATION

Approval of an amendment to the Comprehensive Plan Map designation for this site, from Attached Residential to Medium Density Multi-Dwelling, and a concurrent Zoning Map Amendment, from Single-Dwelling Residential 2,500 (R2.5) to Multi-Dwelling Residential 1,000 (R1).



Kenneth D. Helm, Hearings Officer

5-29-2014

Date

Application Determined Complete: December 23, 2013
Report to Hearings Officer: July 25, 2014
Recommendation Mailed: August 29, 2014

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. 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 Blvd., #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.

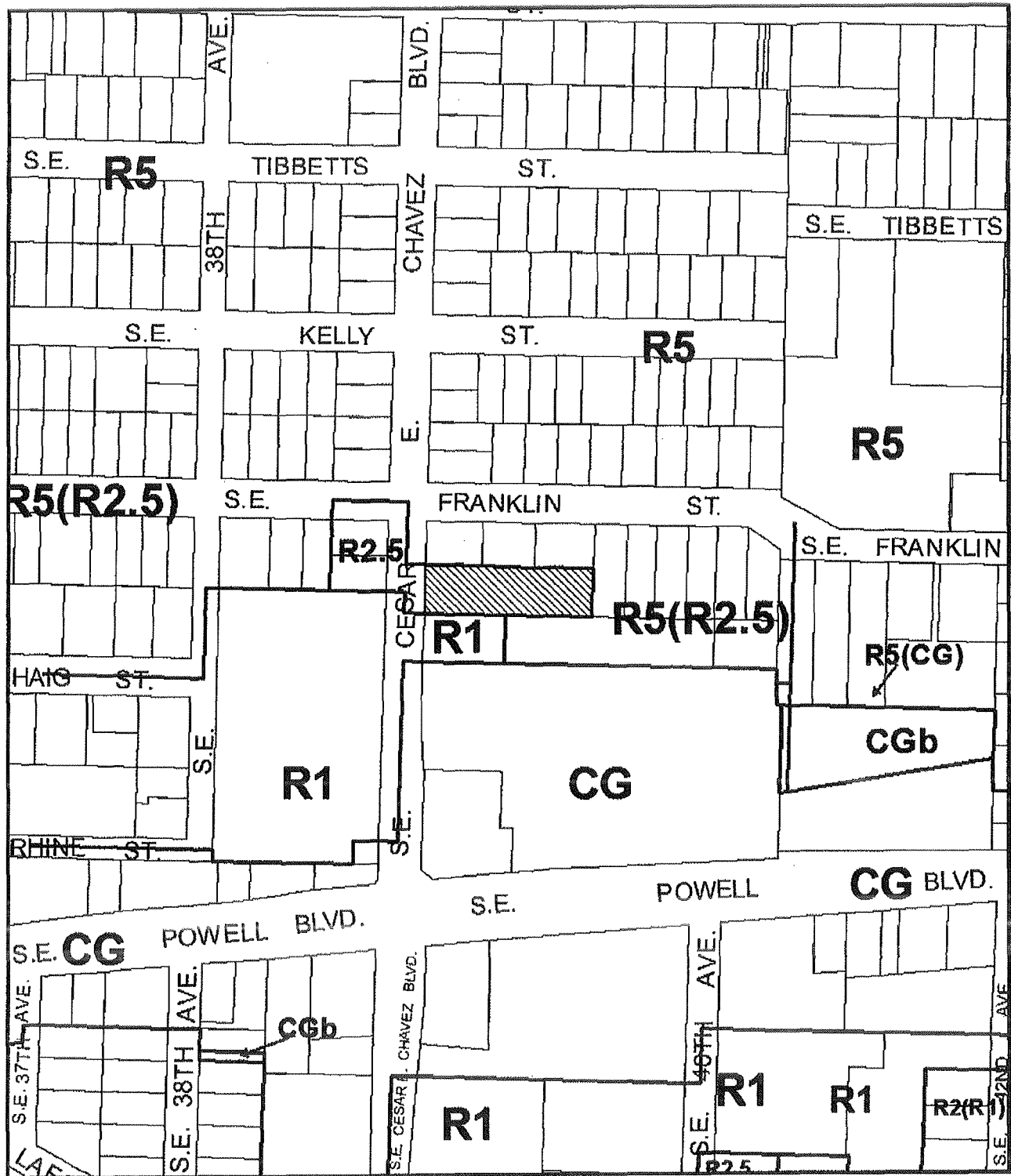
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Application and original narrative and plans
 - 2. Supplemental information, received December 23, 2013
 - 3. Supplemental information, received June 3, 2014
 - 4. Property information ("Trio")
- B. Zoning Map (attached):
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans & 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
 - 7. First notice to DLCD
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Life Safety Plan Review Section of Bureau of Development Services
 - 8. Bureau of Parks, Forestry Division
 - 9. Summary of electronic responses from City service agencies
- F. Letters:
 - 1. DeeDee Remington
 - 2. Megan Light
 - 3. Gordon Brown
- G. Other:
 - 1. Letter from Kathleen Stokes to Robert Cushman, July 31, 2013
 - 2. Pre-application Conference Summary Notes (EA 13-118097 PC)
- H. Received in the Hearings Office
 - 1. Notice of Public Hearing -- Stokes, Kathleen
 - 2. 7/24/14 Letter from Neil Carpenter -- Stokes, Kathleen
 - 3. Staff Report -- Stokes, Kathleen
 - 4. 7/27/14 Letter -- Klotz, Douglas
 - 5. 8/4/14 Letter -- Connors, Mike
 - 6. Photos -- Connors, Mike

7. Photos -- Connors, Mike
8. PowerPoint Presentation -- Stokes, Kathleen
9. Record Closing Information -- Hearings Office

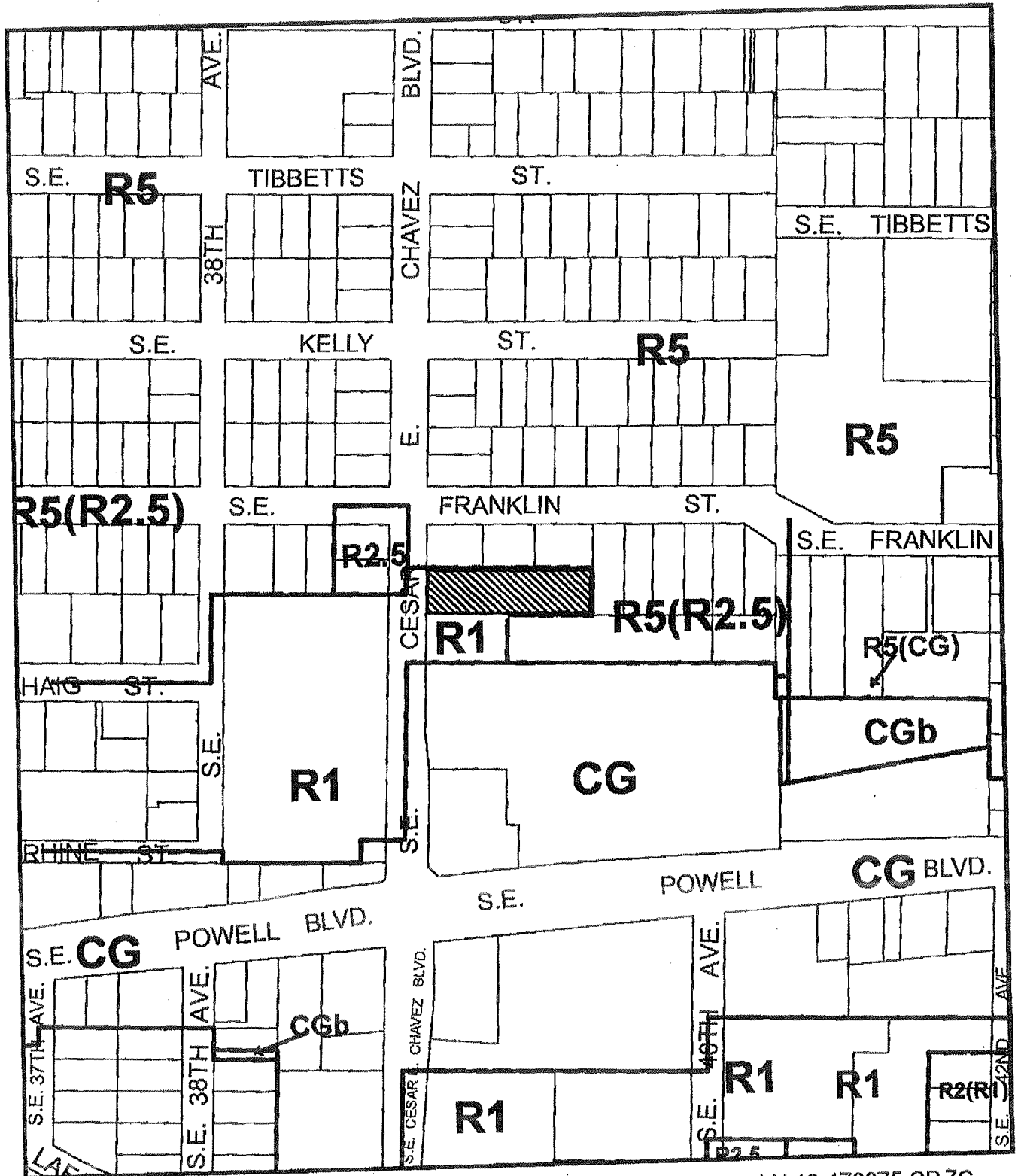


**ZONING
EXISTING**



Site

File No. LU 13-173075 CP,ZC
 1/4 Section 3334
 Scale 1 inch = 200 feet
 State Id 1S1E12AD 7600
 Exhibit B1 (Jul 01,2013)



**ZONING
PROPOSED**



File No. LU 13-173075 CP,ZC
 1/4 Section 3334
 Scale 1 inch = 200 feet
 State_Id 1S1E12AD 7600
 Exhibit B2 (Jul 01,2013)