

Motions for LU 13-173075 CP ZC 3322 Cesar E. Chavez Blvd.

**10-15-2015**

**1086 TIME CERTAIN: 2:00 PM** – Consider the proposal of Robert Cushman for William Allen LLC, et al, and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Attached Residential to Medium Density Multi-Dwelling and the Zoning Map designation from R2.5 to R1 for property located at 3322 SE Cesar E. Chavez Blvd (Hearing introduced by Commissioner Fritz; LU 13-173075 CP ZC

**10-15-2014**

**Motion to tentatively deny the application and prepare findings for November 5, 2014 at 10:15 a.m. Time Certain:** Moved by Fritz and seconded by Hales.

COMMISSIONERS VOTED AS FOLLOWS:

AYE: Fritz, Saltzman, Novick, Hales. (Fish absent)

**11-5-2014**

**Rescheduled to November 12, 2014 at 11:00 am Time Certain.**

**11-12-2014**

**Motion to adopt findings, deny the proposed Comprehensive Plan Map Amendment and also deny the concurrent Zoning Map Amendment:** Moved by Fritz and seconded by Novick.

COMMISSIONERS VOTED AS FOLLOWS:

AYE: Fritz, Fish, Novick, Hales. (Saltzman absent)

Motions for LU 13-173075 CP ZC 3322 Cesar E. Chavez Blvd.

**10-15-2015**

**1086 TIME CERTAIN: 2:00 PM** – Consider the proposal of Robert Cushman for William Allen LLC, et al, and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Attached Residential to Medium Density Multi-Dwelling and the Zoning Map designation from R2.5 to R1 for property located at 3322 SE Cesar E. Chavez Blvd (Hearing introduced by Commissioner Fritz; LU 13-173075 CP ZC

**10-15-2014**

**Motion to tentatively deny the application and prepare findings for November 5, 2014 at 10:15 a.m. Time Certain:** Moved by Fritz and seconded by Hales.

COMMISSIONERS VOTED AS FOLLOWS:

AYE: Fritz, Saltzman, Novick, Hales. (Fish absent)

**11-5-2014**

**Rescheduled to November 12, 2014 at 11:00 am Time Certain.**



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**To:** City Council

**From:** Kathleen Stokes, City Planner II, BDS

**Date:** November 4, 2014

**Re:** Reschedule Items 1137 & 1138 Adoption of City Council Findings for  
**LU 13- 173075 CPZC**

1137	<b>TIME CERTAIN: 10:15 AM</b> – Consider the proposal of Robert Cushman for William Allen LLC, et al, and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Attached Residential to Medium Density Multi-Dwelling and the Zoning Map designation from R2.5 to R1 for property located at 3322 SE Cesar E. Chavez Blvd (Introduced by Commissioner Fritz; Previous Agenda 1086; Findings; LU 13-173075 CP ZC) 10 minutes requested for items 1137 and 1138	
1138	Amend the Comprehensive Plan Map designation and change zoning of property at 3322 SE Cesar E. Chavez Blvd, at the request of Robert Cushman, for William Allen LLC, Lead Applicant; and owned by Jeffrey Evershed (Introduced by Commissioner Fritz; Second Reading 1087; LU 13-173075 CP ZC)	

I have been working with City Attorney, Kathryn Beaumont, to prepare revised findings for City Council to adopt for this case. We find that we need to have some additional time to allow the appropriate amount of care that these revisions require. Therefore, we are requesting that the time for the adoption of the findings be postponed and that the matter be rescheduled for 11:00 a.m. on Wednesday, November 12, 2014. Thank you very much for your cooperation and assistance in this matter.

cc: Kathryn Beaumont, Application Case File

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

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

1. Name of Initiator Kathleen Stokes	2. Telephone No. 503 823 7743	3. Bureau/Office/Dept. BDS/Land Use Services
4a. To be filed (hearing date): October 15, 2014, 2:00 TC	4b. Calendar (Check One)  <div style="display: flex; justify-content: space-around;"> <span>Regular <input checked="" type="checkbox"/></span> <span>Consent <input type="checkbox"/></span> <span>4/5ths <input type="checkbox"/></span> </div>	5. Date Submitted to Commissioner's office and CBO Budget Analyst: October 15, 2014
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed

**1) Legislation Title:**

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map amendment from Single-Dwelling Attached Residential to Medium Density Multi-Dwelling Residential, and current Zoning Map Amendment from R2.5 to R1.

**2) Purpose of the Proposed Legislation:**

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map amendment to change the current designation and zoning on the site from Attached Single-Dwelling Residential [designation] and R2.5 [zoning] to Medium Density Multi-Dwelling Residential [designation] and R1, [zoning]. Legislative Procedures described in Zoning Code Chapter 33.740 are handled by the Bureau of Planning & Sustainability. Quasi-Judicial Procedures described in Zoning Code Chapter 33.730, commonly known as "Land Use Reviews" are handled by the Bureau of Development Services. Quasi-judicial procedures specifically describe the City Council as the decision-maker for Type III Comprehensive Plan Map Amendment and concurrent review requests, per 33.730.030.E.3.

In this case, the Land Use Review includes a Comprehensive Plan Map Amendment and Zoning Map Amendment. The Hearings Officer has submitted a recommendation of approval. Staff will be presenting the Hearings Officer's recommendation at the hearing.

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

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

## FINANCIAL IMPACT

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

There is no impact on current or future revenue as a result of this legislation.

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

This is not a legislative action. There are no costs to the City associated with this Quasi-Judicial land use review. The City resources necessary to review the Comprehensive Plan Map Amendment and Zoning Map Amendment are fully covered by the land use review fees paid by the applicant.

### **6) Staffing Requirements:**

This is not a legislative action, and so there are no staffing “requirements”. No positions will be created, eliminated or reclassified as a result of this quasi-judicial land use review.

Staff/responsibilities involved in processing Land Use Reviews include: The assigned Planner(s) from BDS/Land Use Services (LUS) Division, Records Management staff from LUS, supervisory oversight, staff from PBOT, BES, BPS and potentially other city agencies who have been involved in this land use review.

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

No.

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

No.

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

None.

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

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>

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

## PUBLIC INVOLVEMENT

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

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

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

**9) If “YES,” please answer the following questions:**

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

The impacts from this proposal are what the Comprehensive Plan Map and Zoning Map Amendment will allow, as considered in this review. Staff and the Hearings Officer have analyzed the anticipated impacts. The Hearings Officer’s recommendation speaks to these under the applicable approval criteria. In summary, the Hearings Officer found the requested amendment was, on balance, equally or more supportive of the relevant Comprehensive Plan goals and policies than the existing designation on the site. The Hearings Officer found the request will have no impacts to public services.

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

The Zoning Code requires for a Type III Land Use Review that public notice be mailed to property owners within 400 feet of the subject site and that the site be posted for a minimum of 30 days prior to the first hearing before the Hearings Officer. The notice also goes to the neighborhood association and any city-recognized business associations. Notice of the City Council hearing was also mailed to all the individuals and organizations described above. Hearings are also posted on the BDS website. There are no other public involvement efforts on the part of city staff.

**c) How did public involvement shape the outcome of this Council item?** Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Hearings Officer. Public input is also welcome at the hearing before City Council.

**d) Who designed and implemented the public involvement related to this Council item?** City Council adopted the procedures outlined in the Zoning Code. The Bureau of Development Services implements these land use review procedures.

**e) Primary contact for more information on this public involvement process (name, title, phone, email):** Kathleen Stokes, City Planner II, is the assigned planner for this quasi-judicial land use review. Staff prepared the public notices used for mailing and posting. Kathleen’s phone is 503-823-7743, her e-mail address is:

[kathleen.stokes@portlandoregon.gov](mailto:kathleen.stokes@portlandoregon.gov). However, these procedural activities are not a public involvement process per se.

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

No. Once City Council conducts the hearing and makes their decision, the official maps will be changed, if approved. If the City Council decision is appealed it will be heard by the State Land Use Board of Appeals (LUBA). Public involvement is not a component of the review done by the higher review bodies.



Paul L. Scarlett, Director, Bureau of Development Services

APPROPRIATION UNIT HEAD (Typed name and signature)





**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL ON A  
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT**

**CASE FILE:** LU 13-173075 CP ZC (PC # 13-118097)  
**WHEN:** October 15, 2014 at 2:00 PM  
**WHERE:** CITY COUNCIL CHAMBERS  
1221 SW FOURTH AVENUE  
**Date:** September 8, 2014  
**To:** Interested Person  
**From:** Kathleen Stokes, City Planner, Land Use Services, 503-823-7843

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map and Zoning Map Amendment. On August 29, 2013, the Hearings Officer issued a recommendation of approval, of the requested Comprehensive Plan Map and Zone Map Amendments. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

Copies of the existing and proposed zoning maps and site plan are attached. I am the staff person handling this case - please contact me with any questions regarding this proposal, the Council hearing, or how to testify in this matter. **For a general explanation of the City Council hearing process, please refer to the last page of this notice.**

**Applicant:** Robert Cushman, William Allen LLC  
1833 NE 50th Avenue / Portland OR 97213  
**Owner:** Jeffrey Evershed  
1833 NE 50th Avenue / Portland, OR 97213-2035  
**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, Douglas Klotz at 503-233-9161.  
**Business District:** Division-Clinton Business Assn, Darice Robinson at 503-233-1888.  
**District Coalition:** Southeast Uplift, Bob Kellett at 503-232-0010.  
**Zoning:** R2.5 (Attached Single-Dwelling, Residential 2,500)  
**Case Type:** Comprehensive Plan Map Amendment (CP)  
Zoning Map Amendment (ZC)  
**Procedure:** Type III, with a public hearing before the Hearings Officer. The Hearings Officer will make a recommendation to City Council, who makes the final decision on this matter.

**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 (Residential 2,500) to R1 (Residential 1,000). A conceptual plan is attached, showing one possible configuration of the redevelopment of the site for the maximum 19 residential units that could be allowed if the R1 designation is approved for the site.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the criteria of Title 33. The relevant criteria are:

- 33.810.050 Comprehensive Plan Map Amendments
- 33.855.050 Zoning Map Amendments

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

**DECISION MAKING PROCESS**

**Review of the Case File:** The Land Use Hearings Officer's recommendation and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900 SW Fourth Avenue, 4<sup>th</sup> Floor, Portland OR 97201. Please contact the receptionist at 503-823-7300 to schedule a time to review the file. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City bureaus as well as a digital copy of the Portland Zoning Code, by visiting the City's home page on the Internet at [www.ci.portland.or.us](http://www.ci.portland.or.us)

**We are seeking your comments on the proposal.** The hearing will be held before the City Council. To comment, you may write, or testify at the hearing. In your comments, you should address the approval criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing**, and should include the case file number and name and address of the submitter. It must be given to the Council Clerk in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204.

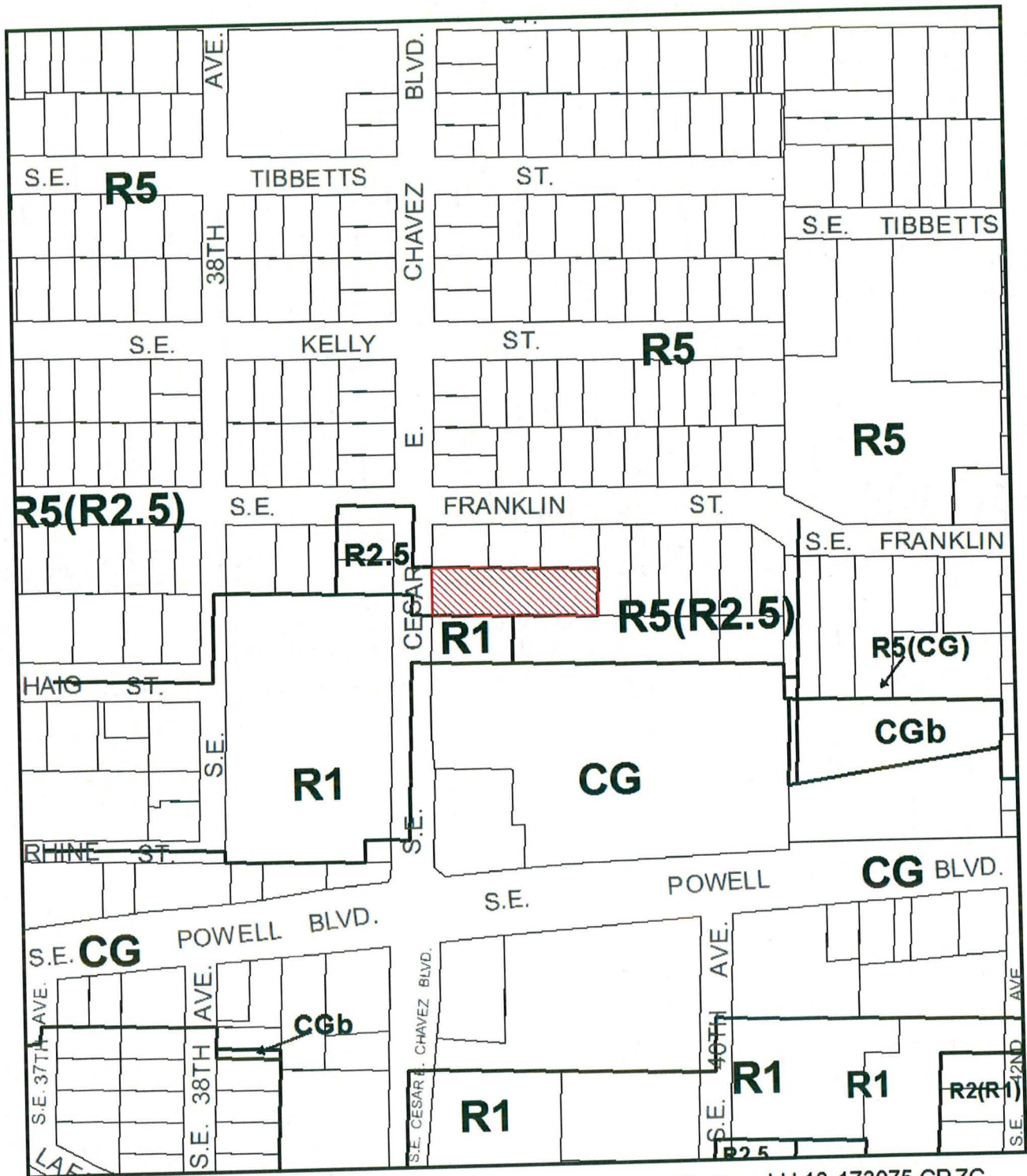
**APPEAL PROCESS**

The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer Street NE, Suite 330, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing before the City Council on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the review body, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

Public transportation to City Hall is available. Call TriMet at (503) 238-7433 (or [www.trimet.org/routes\\_times.htm](http://www.trimet.org/routes_times.htm)) for routes and times. Hourly rated public parking is available underneath the Portland Building immediately north of City Hall. Other public parking garages are in the immediate vicinity.

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

**Enclosures:** Existing Zoning Map, Proposed Zoning Map, Site Plan, General Explanation for City Council Process For Evidentiary/De Novo Hearings



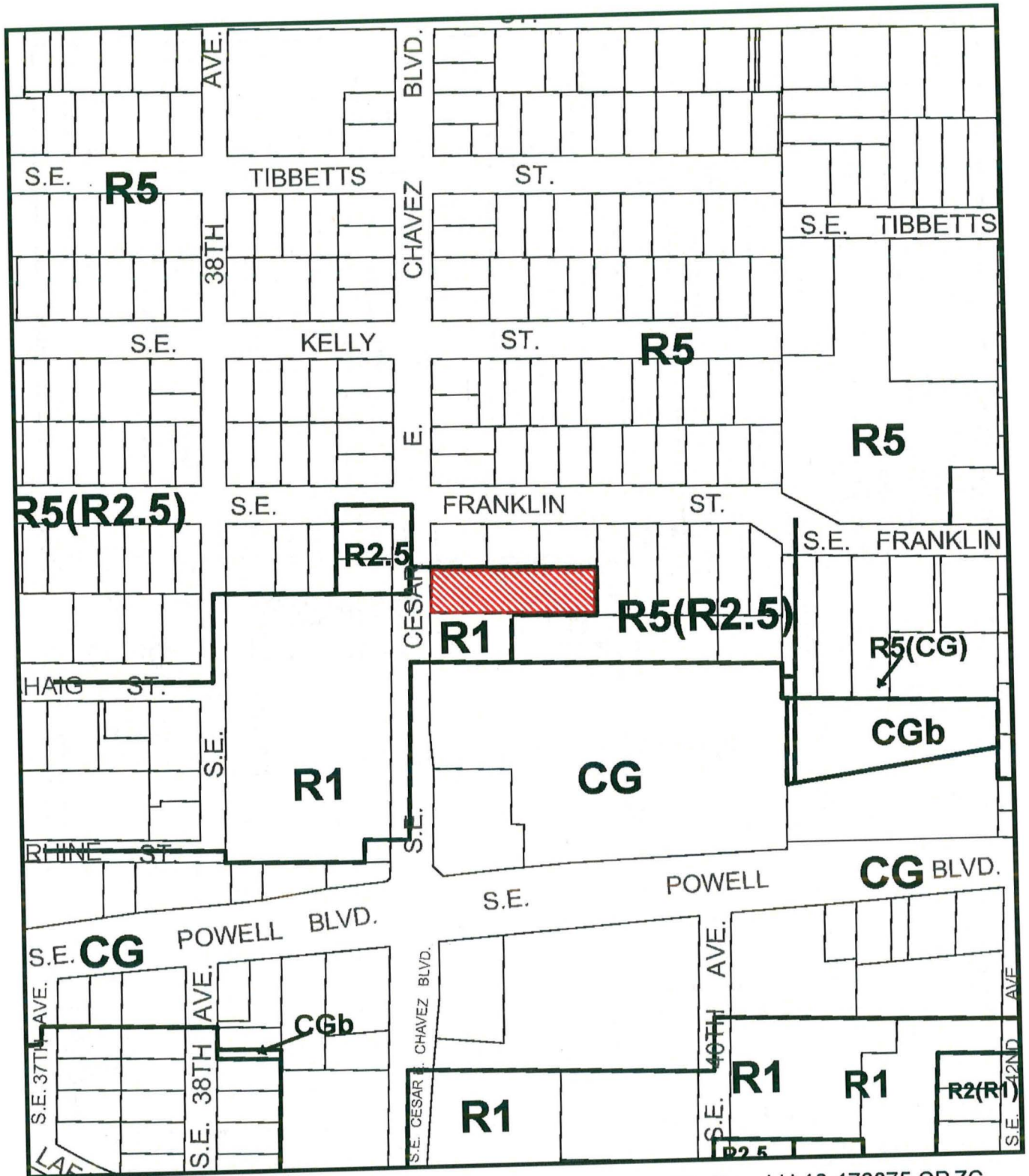
**ZONING  
EXISTING**



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)

SE FRANKLIN STREET

3908 SE FRANKLIN ST.

3922 SE FRANKLIN ST.

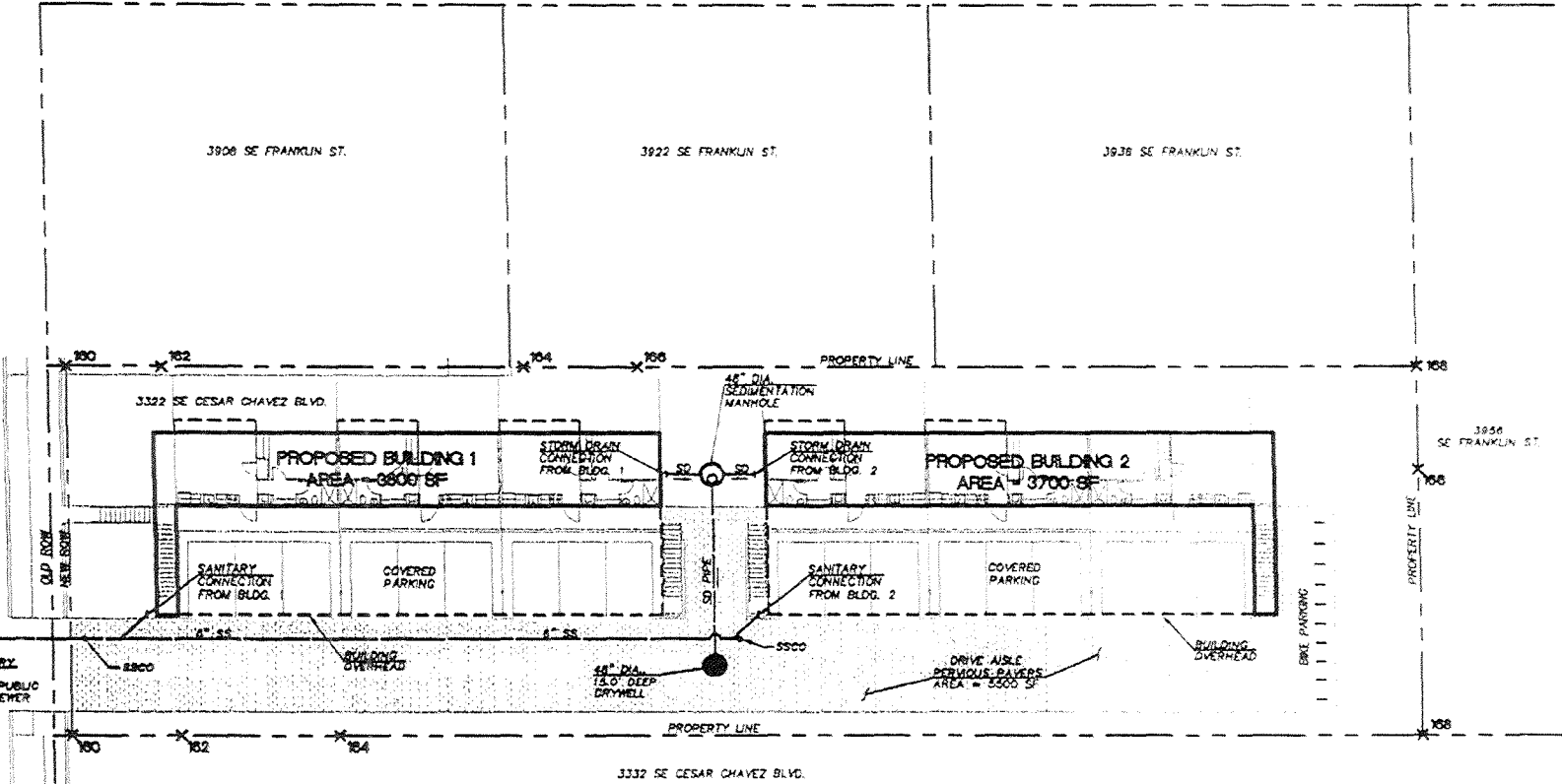
3936 SE FRANKLIN ST.

SE CEBAR E CHAVEZ BLVD.

53.00  
10' 0"  
53.00  
10' 0"  
53.00  
10' 0"

LU 13-173075 CP\_ZC

Preliminary  
Conceptual Site  
Plan



GRAPHIC SCALE  
1 inch = 20 ft

UTILITY CONCEPT PLAN

PROJECT INFORMATION		DATE	
PROJECT NO.	5000	DATE	06/29/2014
DESIGNER	AS	DATE	06/27/2014
REVIEWER	AS	DATE	06/27/2014
DATE	06/29/2014	DATE	06/27/2014

MCH ENGINEERS & ARCHITECTS	
104 WEST 9TH AVE SUITE 207 DENVER, CO 80202 TEL: 303.733.0000 WWW.MCHENGINEERS.COM	104 WEST 9TH AVE SUITE 207 DENVER, CO 80202 TEL: 303.733.0000 WWW.MCHENGINEERS.COM

LU 13-173075 CP\_ZC

## GENERAL EXPLANATION OF THE CITY COUNCIL PROCESS FOR EVIDENTIARY/DE NOVO HEARINGS

### 1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

### 2. HEARINGS PROCESS

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Applicant	10 minutes
Supporters of Applicant	3 minutes each
Principal Opponent	15 minutes
Opponents	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

### 3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Hearings Officer decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4<sup>th</sup> Avenue, Portland, OR 97201. Call 503-823-7300 to make an appoint to review the file.

**If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.**