



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Office of the Director**

FROM CONCEPT TO CONSTRUCTION

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September 8, 2016

To: Mayor Charlie Hales  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Steve Novick  
Commissioner Dan Saltzman

From: Paul L. Scarlett, Director  
Bureau of Development Services

*PLS*

Subject: City Council hearing on LU 16-133809 CP ZC, 4736-4752 NE Going Street

The purpose of this memorandum is to provide a summary and brief description of the land use review that will be presented to you in public hearing on September 8, 2016 at 2:00 PM, time certain.

**Site Address:** 4736-4752 NE Going Street

**BDS Representative:** Matt Wickstrom, Senior City Planner  
503-823-6825, [Matt.Wickstrom@portlandoregon.gov](mailto:Matt.Wickstrom@portlandoregon.gov)

- Land Use Reviews Requested:** Comprehensive Plan Map Amendment and Zoning Map Amendment from the High Density Single Dwelling Residential designation and R5 (Residential 5,000) zone to the Townhouse Multi-Dwelling Residential and the R3 (Residential 3,000) zone.
- Key Elements of Proposal:**
  - The applicant is Madeline Kovacs who represents Eli Spevak, the property owner;
  - The site is 39,200 square feet in size and is adjacent to a 21,435 square foot lot under the same ownership which is already zoned R3 (Residential 3,000);
  - The City Council adopted Comprehensive Plan changes the Comprehensive Plan Map designation to the Townhouse Multi-Dwelling Residential designation and the R3 (Residential 3,000) zone;
  - The property owner plans to develop the site with small single-dwelling, duplex and triplex development for a total of 23 dwelling units; and
  - A Condition of Approval requires three of the dwelling units to be affordable.
- Staff and Hearings Officer Recommendation:** The Staff Report to the Hearings Officer and the Hearings Officer's recommendation to City Council is to approve the request with conditions. The condition of approval regarding affordability has been modified following the Hearings Officer recommendation based on input from the City Attorney.

4. **Alternatives Facing Council**

- Accept the Hearings Officer's recommendation, with no changes.
- Accept the Hearings Officer's recommendation with modified conditions and findings.
- Reject the Hearings Officer's recommendation and deny the proposal.

## IMPACT STATEMENT

**Legislation title:** The request is not for a legislative action but instead is a Type III Quasi-Judicial Comprehensive Plan Map Amendment from High Density Single Dwelling Residential to Townhouse Multi-Dwelling Residential, and a Zoning Map Amendment from R5 (Residential 5,000) to R3 (Residential 3,000).

**Contact name:** Matt Wickstrom, BDS Senior City Planner

**Contact phone:** 503-823-6825

**Presenter name:** Matt Wickstrom

**Purpose of proposed legislation and background information:**

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map amendment High Density Single Dwelling Residential to Townhouse Multi-Dwelling Residential, and a Zoning Map Amendment from R5 (Residential 5,000) to R3 (Residential 3,000) for property located at 4736-4752 NE Going Street. 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, Zoning Map Amendment. The Hearings Officer has submitted a recommendation of approval. Staff will be presenting the Hearings Officer's recommendation at the hearing.

**Financial and budgetary impacts:**

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

**Community impacts and community involvement:**

Any impacts associated with the requested Comprehensive Plan Map and Zoning Map Amendments are identified in the Hearings Officers recommendation on this land use review, which was forwarded to the City Council (LU 16-133809 CP ZC). 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 Comprehensive Plan Map 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 for a Zoning Map Amendment, with conditions, will have no impacts to public services.

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. 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. There are no other public involvement efforts on the part of city staff.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

- YES: Please complete the information below.  
 NO: Skip this section

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