

## **Exhibit B: Further Findings**

### **Neighborhood Response (City Council Hearing)**

In response to testimony, the Council adopts these further findings. At the October 6, 2022 City Council Hearing, five neighbors submitted testimony.

- One person testified at the hearing in support of the Proposal and indicated he had had positive interactions with the property owner.
- Council received testimony in writing opposing the Proposal, citing information that a 45-unit project was planned and encouraging City Council to address the homeless issue.

The Council finds that the Proposal does not include a development proposal and is limited to changes to the Comprehensive Plan (CP) and zoning maps. The Council finds that the Proposal does not alter the City's policies regarding prevention and reduction of homelessness but would allow housing supportive services and shelters to be developed. Condition of Approval (COA) 1 will ensure that redevelopment of the site or addition of a nonresidential use on the site will require maintenance or establishment of at least three housing units, which is greater than the current number of housing units existing on the site.

- Council also heard testimony at the hearing opposing the Proposal. A testifier spoke about their experience living adjacent to a café and bar along NE 12<sup>th</sup> Avenue. They expressed concerns about commercial uses that could be allowed under the Proposal impacting neighbors. They also expressed concerns with rezoning residential land for commercial use.

The Council finds that the City's existing noise regulations, the required CM2 zone setbacks from R 2.5 zoned sites, the proposed design overlay zone and COAs 1 and 2 recommended by the Hearings Officer will serve to mitigate the potential for impacts from commercial development on the surrounding R 2.5-zoned lots. COAs 1 and 2 require at least 3 units of housing on the site if commercial use is added and limit the building to 35 feet in height. By requiring 3 or more dwelling units when a commercial use is added to the site, it is more likely that commercial uses in the development will be compatible with residential use.

- Council also heard testimony stating that there has been an increase in traffic and parking demand from the construction of the hotel on the site and stated that the hotel would increase traffic on NE 11th. The testimony stated that the Proposal would be an imposition on existing neighbors who wish to park on NE 11<sup>th</sup> Avenue and that they were not aware of any other avenue where this was happening. They also argued that more restaurant spaces were not needed in the area due to the many existing restaurants nearby.

The City Council finds that the hotel development underway at the site is not a part of the Proposal and concerns about the impact of that approved development on the neighborhood are not relevant to this review. The Applicant provided a traffic analysis

prepared by a professional traffic engineer that analyzed the potential increases in traffic and parking from a maximum build-out of the property under the proposed CM2 zoning. This analysis was based on 13,000 square feet, which was the maximum development envelope without the height restriction under COA 2 and overcalculates the potential traffic and parking impacts from the Proposal with COA 2 adopted. The traffic analysis concludes "All study intersections are currently operating acceptably per City of Portland standards and are projected to continue operating acceptably in Background Year 2041, both with and without the addition of project traffic. Adequate on-street parking is available to serve potential development of the site following approval of the proposed zone change in addition to the existing surrounding land uses." PBOT concurs with the Applicant's analysis. The Council finds that to the extent that the testimony raised a concern about the depth of commercial areas along NE Alberta Street, the Applicant provided evidence showing several existing conditions along NE Alberta Street where the commercial depth is greater than the proposed commercial depth along NE 11<sup>th</sup> Avenue. Further, Council finds that the Applicant is not required to demonstrate a deficit of commercial land for the Proposal to be approved.

- Additionally, Council heard testimony that the Proposal would not support a livable neighborhood since economic pressure would result in development of commercial uses that conflict with residential uses which does not meet Albina Community Plan (ACP) Policy B regarding compatibility of new development with nearby housing. The testimony stated that the Proposal was unnecessary to support economic development and business due to the concentration of commercial land in the area and CP Goal 6A can be met without adopting the Proposal. And further argued that the Proposal would result in the removal of the existing home, which does not meet ACP Policy B (the Council believes this may be a mistaken reference that should point to ACP Policy V on this topic). The testimony expressed concerns about potential transportation and parking impacts. They noted that the hotel being developed on the site had worsened traffic and parking and created conflicts between bikes and automobiles. They cited CP page GP9-20 which states insufficient parking can negatively affect neighborhood livability, as well as CP Policies 9.55, 9.57 and 9.20 and argued that the Proposal is not supportive of these Policies. They further argued that NE 11<sup>th</sup> Avenue should be a low-traffic bicycle-focused street and that NE Alberta Street is not an attractive option for bikes. They noted that the Proposal was inconsistent with NE 11<sup>th</sup> Avenue being used for additional bicycle traffic due to its narrow configuration. They argued that CP Policies 5.14, 5.15, 5.16 and 5.18 are not met because the Proposal could make it more difficult for vulnerable residents to live near the site.

The Council finds that the standard applicable to Policy B, Livable Neighborhoods is that the Proposal must not be in conflict with (incompatible or irreconcilable with) adopted area-specific plans. The Proposal would allow for redevelopment of the Property in a manner that is compatible with adjacent residential uses and therefore is not in conflict with Policy B. The CM2 zone is applied along the NE Alberta Street corridor adjacent to R2.5 zoned land with residential dwelling units. CM2 zoning is also applied to sites within the corridor that have frontage on numbered streets in areas where the commercial depth is greater. The CM2 zone requirements mandate setback and step backs from residential zoned sites to better ensure compatibility between these uses. On the

Property, COAs 1 and 2 will further ensure a level of compatibility by limiting the overall development size and mandating that at least 3 dwelling units are established if commercial use is added to the Property.

As discussed in the findings for ACP Policy D, the Council finds that Policy D does not require a demonstration by the Applicant that existing commercial land is inadequate to meet demand. The existence of other land in the area that also meets this Policy does not create a conflict with adopting the Proposal. The Council agrees with the testimony that CP Goal 6A would not require adoption of the Proposal; however, the Council finds that the Proposal equally meets Goal 6A by providing commercial zoned land with adequate access to City services that can support a vigorous economy.

The Council finds that the Proposal is not in conflict with preserving or encouraging the rehabilitation of sound housing under ACP Policy V. The Proposal allows retention of the existing home and does not require that commercial uses be added to the lot.

The Council finds that the Applicant's traffic analysis demonstrates that the transportation system, including parking facilities in the area, are capable of supporting a maximum case redevelopment under the Proposal. The Council finds that no evidence is presented that construction impacts from the hotel on the transportation system, which are temporary in nature and unrelated to the Proposal, would be replicated or extended by the Proposal.

The Council finds that CP page GP9-20 provides introductory background regarding the City's parking management objectives and is not an approval criterion for the Application:

*CP Policy 9. 20 Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.*

The City has designated NE 11<sup>th</sup> Avenue as a local service bikeway which is designed to provide access to properties along NE 11<sup>th</sup> Avenue but is not intended for higher volumes of through bicycle traffic. NE Alberta Street is a City Bikeway which is designed to accommodate higher volumes of bicycle traffic including through-traffic. The Proposal will not alter the transportation design designations for these streets. Additionally, since no development is proposed, the Proposal is equally as supportive of this Policy as the current designation.

*CP Policy 9.55 "Parking management. Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability."*

The Council finds that availability of transit services, a City Bikeway along NE Alberta Street and a well-developed pedestrian system in the vicinity of the Property have the potential to reduce parking demand and increase pedestrian, bicycle and transit mode share. The CM2 zone does not require parking for most non-residential uses due to the proximity of the site to transit. The Applicant provided a parking study of the area that demonstrated the Proposal, at a build-out greater than what could ultimately be constructed with imposition of COA 2, would not decrease parking availability below

sufficient levels. The Proposal is equally as supportive of this Policy as the current designation.

*CP Policy 9.57 On-street parking. Manage parking and loading demand, supply, and operations in the public right of way to achieve mode share objectives, and to encourage safety, economic vitality, and livability. Use transportation demand management and pricing of parking in areas with high parking demand.*

The City Council finds that the Applicant's transportation and parking study demonstrates that the project will not negatively impact parking demand and supply within the right of way. The Proposal does not impact the City's policies for transportation demand management and parking fees in areas with high parking demand.

The Council finds that CP Policies 5.14, 5.15, 5.16 and 5.18 relate to "plans and investments," to accomplish certain objectives. The Proposal does not involve any new plans and investments and therefore these CP Policies do not apply.