



# 191052

Ordinance

## Amend the Comprehensive Plan Map and Zoning Map for property at 4928 NE 11th Avenue at the request of Allison Reynolds, Stoel Rives LLP (LU 21-098835 CP ZC)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. The Applicant requests a Comprehensive Plan Map Amendment to change the Comprehensive Plan Land Use Designation from Single Dwelling – 2,500 to Mixed Use – Urban Center and a Zoning Map Amendment to change the zoning designation from Residential 2.5 (R2.5) to Commercial Mixed Use 2 (CM2) for the following subject property. Further, the applicant seeks to add the Design (d) and Centers Main Street (m) overlay zones to the subject property. The existing Aircraft Landing (h) overlay zone is proposed to remain on the subject property. See Proposed Zoning Map Exhibit A.
  - A. 4928 NE 11<sup>th</sup> Avenue (1N1E23BD 3900), legally described as “ALBINA HTS, BLOCK 3, LOT 4”
2. The City received an application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking Comprehensive Plan Map and Zoning Map Amendment Review with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on June 29, 2022, and issued a Recommendation on August 5, 2022 (BDS File No. LU 21-098835 CP ZC and Hearings Office 4220004). The Hearings Officer recommended approval of the requested Comprehensive Plan Map and Zoning Map Amendment with conditions.
4. Based on the findings and conclusions contained in the Recommendation of the Hearings Officer, and with the recommended conditions of approval, the City Council finds the Comprehensive Plan Map and Zoning Map Amendments are in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- A. City Council adopts the facts, findings, conclusions, and recommendations of the Hearings Officer in BDS File No. LU 21-098835 CP ZC.
- B. In response to testimony, the Council adopts Exhibit B as further findings and conclusions in support of its decision.

Introduced by

[Commissioner Dan Ryan](#)

Bureau

[Development Services \(BDS\)](#)

Contact

Marguerite Feuersanger

City Planner II

✉ [marguerite.feuersanger@portlandore](mailto:marguerite.feuersanger@portlandore)

📞 [503-823-7619](tel:503-823-7619)

Tuesday, Wednesday, Thursday  
8am - 6pm

📠 [503-823-6868](tel:503-823-6868) TTY

Requested Agenda Type

Time Certain

Date and Time Information

**Requested Council Date**

November 2, 2022

**Requested Start Time**

10:15 am

**Time Requested**

5 minutes

C. City Council approves a Comprehensive Plan Map Amendment to change the Comprehensive Plan Land Use Designation from Single Dwelling – 2,500 to Mixed Use – Urban Center and a Zoning Map Amendment to change the zoning designation from Residential 2.5 (R2.5) to Commercial Mixed Use 2 (CM2) for the following subject property. Further, City Council approves adding the Design (d) and Centers Main Street (m) overlay zones to the subject property and retaining the Aircraft Landing (h) overlay zone on the subject property.

1. 4928 NE 11<sup>th</sup> Avenue (1N1E23BD 3900), legally described as “ALBINA HTS, BLOCK 3, LOT 4”.

D. Approval is subject to the following conditions:

1. At the time of redevelopment, at least three residential dwelling units must be maintained or developed on the Property. For purposes of this condition, “redevelopment” means either a) new development as defined in Zoning Code Section 33.910.030 or b) establishment of a primary use other than housing.
2. At the time of redevelopment, no new structure or portion of any new structure on the Property shall exceed 35 feet in height.
3. Floor Area Ratio at the Property shall not be transferred to the development under construction at 1130 NE Alberta Street as of June 29, 2022, and approved under LU 19-187641 DZM.

## Documents and Exhibits

 [Amended Ordinance - LU 21-098835 CP ZC](#) (80.22 Kb)

 [Amended Exhibit B - LU 21-098835 CP ZC](#) (148.03 Kb)

 [Memo to Council](#) (170.23 Kb)

 [Exhibit A](#) (316.51 Kb)

 [Hearings Officer Recommendation - LU 21-098835 CP ZC](#) (1.11 Mb)

 [Notice of Public Hearing - LU 21-098835 CP ZC](#) (4.47 Mb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council  
November 2, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The request is not for a legislative action, but for approval of a Type III quasi-judicial land use review. The request is to amend the Comprehensive Plan Map and Zoning Map designations on the site.

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 Amendments and concurrent review requests, per 33.730.030.F.3.a(2).

The Hearings Officer has recommended approval of the land use review with conditions. Staff will be presenting the Hearings Officer's recommendation at the hearing.

### **Financial and Budgetary Impacts**

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 application are covered by the land use review fees paid by the applicant.

### **Community Impacts and Community Involvement**

The standard public involvement procedures for a Type III land use review process have been followed. A public hearing with the Hearings Officer was held regarding the proposal. Testimony in favor of the proposal was received by a nearby property owner and the Alberta Main Street nonprofit community association. At the hearing, a nearby resident raised concerns about increased traffic and lack of parking; the approved, under-construction hotel on the northern portion of the lot and any new development, including construction to increase residential density. Also, the resident raised concerns about the potential gentrification impacts from the approved, under-construction hotel and would like to see a requirement that the Owner provide affordable housing or ensure that people of color are able to reside at the Property.

The Hearings Officer addressed each area of testimony, including the applicant's rebuttal, in his recommendation and concluded that, on balance and with conditions, the proposed amendment to the Comprehensive Plan Map is found to be equally supportive of the Comprehensive Plan as a whole compared to the current designation. The Hearings Officer recommends three conditions that limit building height, add a minimum residential density, and prohibit a transfer of floor area to the adjacent ownership site.

### **Budget Office Financial Impact Analysis**

This is not a legislative action. The City resources necessary to review the application are covered by the land use review fees paid by the applicant.

### **Agenda Items**

#### **838 Time Certain in [October 5-6, 2022 Council Agenda](#)**

Tentatively accept Hearings Officer's recommendation of approval as conditioned by the Hearings Officer with no additional conditions; prepare findings for October 19, 2022 at 9:45 a.m. Time Certain.

Motion to tentatively accept Hearings Officer's recommendation of approval as conditioned by the Hearings Officer with no additional conditions: Moved by

Hardesty and seconded by Ryan. (Y-3)

Oral and written record are closed.

**862 Time Certain in [October 19, 2022 Council Agenda](#)**

Passed to second reading as amended

Motion to amend the ordinance and adopt the exhibit to reflect Council's further findings and conclusions in support of the Hearings Officer's recommendation:

Moved by Hardesty and seconded by Ryan. (Y-5)

Passed to second reading November 2, 2022 at 10:15 a.m. Time Certain as amended.

**912 Time Certain in [November 2-3, 2022 Council Agenda](#)**

Passed As Amended

Commissioner Carmen Rubio Yea

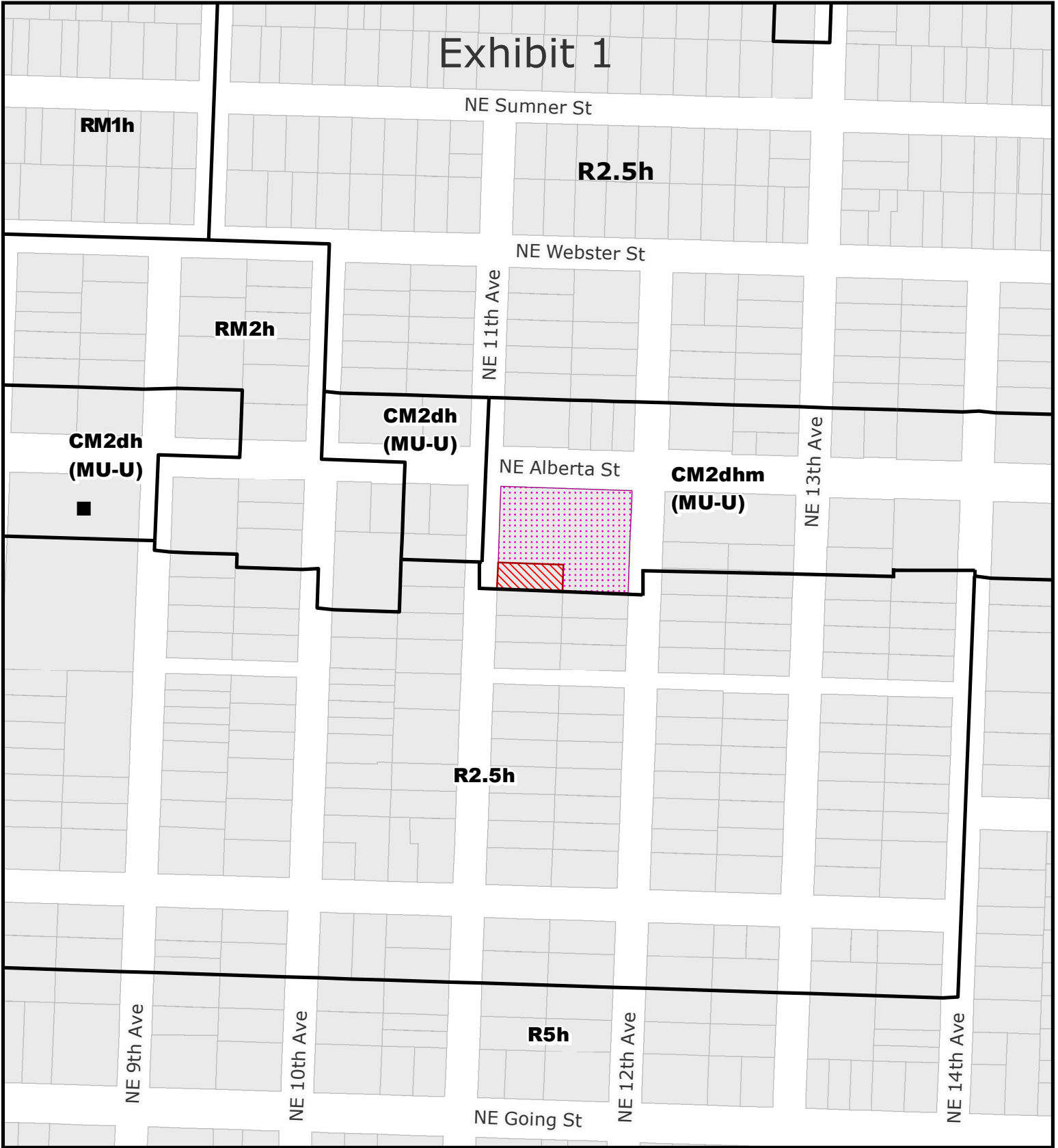
Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea




Mayor Ted Wheeler Absent

# Exhibit 1



## PROPOSED ZONING

For Zoning Code in effect Post August 1, 2021

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 21-098835 CP ZC
1/4 Section	2531
Scale	1 inch = 200 feet
State ID	1N1E23BD 3900
Exhibit	B-2 June 28, 2022