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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 11th 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

📞 [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 11th 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

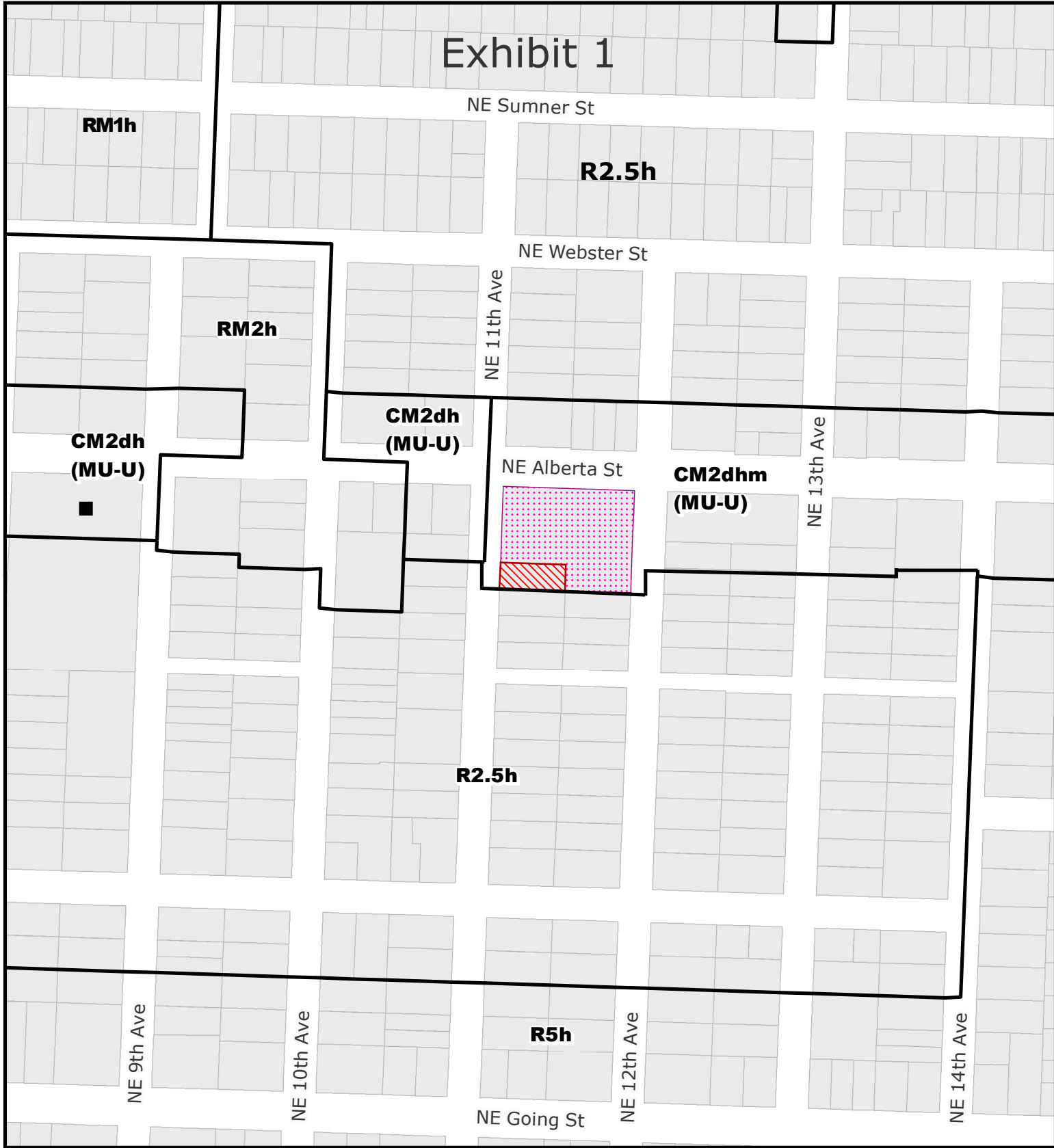
Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea




Mayor Ted Wheeler Absent



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



November 8, 2022

Allison Reynolds
Stoel Rives LLP
760 SW 9th Ave #3000 (30th Fl)
Portland, OR 97205

Alberta Street Development LLC
2910 1st Ave S #201
Seattle, WA 98134-1859

LU 21-098835 CP ZC – In the matter of an application by Allison Reynolds, Stoel Rives LLP for a Comprehensive Plan Map and Zoning Map amendment at 4928 NE 11th Avenue.

To Whom It May Concern:

Enclosed is a copy of the Order of Council on LU 21-098835 CP ZC. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter.

1. Please send a check for \$101.00 made payable to the Multnomah County Recorder, indicating the file number on your check.
2. MAIL CHECK TO: The City of Portland, Office of the City Auditor, 1221 SW 4th Ave. Room 130, Portland, OR 97204-1900

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland
By: *Keelan McClymont*
Keelan McClymont, Council Clerk

Encl.





NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: November 8, 2022

LU 21-098835 CP ZC – In the matter of an application by Allison Reynolds, Stoel Rives LLP for a Comprehensive Plan Map and Zoning Map amendment at 4928 NE 11th Avenue.

To Whom It May Concern:

Enclosed is a copy of the Order of Council on **LU 21-098835 CP ZC**, approving the application to amend the Comprehensive Plan Map and Zoning Map. If you wish to obtain a copy of the City Council's findings and decision, please contact the Council Clerk by email at councilclerk@portlandoregon.gov or at (503) 823-4082.

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with LUBA within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland
By: *Keelan McClymont*
Keelan McClymont, Council Clerk

Encl.



LU 21-098835 CP ZC
Order of council mailed:
11/8/22

Emailed: Marguerite Feuersanger, Tim Heron,
Kara Fioravanti, Linly Rees, Lauren King, BDS
Hearings Clerks, Hearings Office Clerks, Doug
Morgan, Kurt Krueger, Dawn Krantz, Robert
Haley, Stephen Himes

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**Email list for non-fee letter, ooc
and findings - sent to testimony
that didn't provide a mailing
address**

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