

CITY OF PORTLAND

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Hearings Office

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RECOMMENDATION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 13-109305 CP ZC (HO 4130007)

Applicant: Back Bridge Lofts LLC, property-owner
c/o Ben Kaiser
5229 NE Martin Luther King Jr. Boulevard, Suite 101
Portland, OR 97217

Destin Ferdun, consultant
Lunabridge
3575 NE Shaver Street
Portland, OR 97212

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Douglas Hardy

Site Address: Southeast corner of N Williams Avenue and NE Fremont Street

Legal Description: Lot 11, Albina Hmstd Add; Lot 12, Lot 13 Exc Pt in St, Albina Hmstd Add; Block 6, Lot 3, Williams Ave Add; Block 6, Lot 4&5, Williams Ave Add; Block 6, Lot 4&5, Cancel Account/Williams Ave Add

Tax Account No.: R010800230, R010800250, R916401290, R916401310, R916401311

State ID No.: 1N1E27AA 02300, 1N1E27AA 02400, 1N1E27AA 02600, 1N1E27AA 02500, 1N1E27AA 02500A1

Quarter Section: 2730

Neighborhood: Eliot

Business District: North-Northeast Business Association

District Neighborhood Coalition: Northeast Coalition of Neighborhoods

Plan District: Albina Community

Existing Zoning: R1d - Multi-Dwelling Residential 1,000 with a Design overlay zone

Land Use Review: Type III, Comprehensive Plan Map Amendment (CP)
Zoning Map Amendment (ZC)

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:02 a.m. on April 3, 2013, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 10:49 a.m. The record was held open until 4:30 p.m. on April 10, 2013 for new written evidence, and until 4:30 p.m. on April 17, 2013 for Applicant's rebuttal. The record closed at that time.

Testified at the Hearing:

Douglas Hardy
Ben Kaiser
Dustin Ferdun
Paul van Orden
Lawrence Lowery
Aaron Lawler
Robin Best
Kelly Gillard

Proposal: Applicant is requesting a Type III Comprehensive Plan Map Amendment from Medium Density Multi-Dwelling to Central Residential, as well as a Type III Zoning Map Amendment from Multi-Dwelling Residential 1,000 (R1) with a Design overlay zone to Central Residential (RX) with a Design overlay zone on an approximately 33,568 property described above (the "Site"). The requested RX zone is a high-density residential zone that allows a high percentage of building coverage. The zone allows a floor area ratio ("FAR") of up to 4:1, which means given the size of the Site, a building having up to 134,272 square feet of floor area could be built. A limited portion of the floor area can be used for retail and office space. No specific development is proposed for the Site at this time.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.810.050 Comprehensive Plan Map Amendment
- 33.855.050 Zoning Map Amendments

II. ANALYSIS

Site and Vicinity: The Site is approximately 33,568 square feet in size and is currently vacant. The Site is located on the east side of N Williams Avenue, the south side of NE Fremont Street and the north side of NE Ivy Street. All three streets are improved, with sidewalks on both sides and unrestricted parking along all of the site's frontages. N Williams Avenue is a one-way, northbound street, with N Vancouver Avenue located one block west being the one-way southbound portion of this couplet. A bike lane is located within the N Williams Avenue and N Vancouver Avenue roadways. N Williams Avenue has two through-lanes and a right turn lane along the site's frontage. Both NE Fremont Street and NE Ivy Street provide two-way traffic within two lanes. TriMet bus stops are located along the site's NE Fremont Street and N Williams Avenue frontages. The on and off-ramps to Interstate-405 are located approximately two blocks from the Site, just west of the N Vancouver Avenue/N Cook Street intersection.

Development on surrounding blocks reflects the mixed zoning pattern of the area. Directly west of the Site, across N Williams Avenue, is a one-story New Seasons grocery store that is currently under construction. A five-story, 196-unit residential building with ground floor retail is proposed for the south one-half of this New Season's block. Existing development along the remainder of N Williams Avenue (within a two to three block radius) ranges from one-story commercial uses with some multi-story residential uses over ground floor retail uses. Development along both NE Fremont Street and NE Ivy Street is characterized by one to two story residences. The largest development in the area is Legacy Emanuel Hospital which is located approximately three blocks southwest of the Site along N Vancouver Avenue.

Zoning: The Site is currently mapped with a Multi-Dwelling Residential 1,000 (R1) zone, as well as a Design (d) overlay zone, and located within the boundaries of the Albina Community Plan District. Applicant proposes an amendment that changes the zoning of the Site to Central Residential (RX), with a Design (d) overlay zone.

The R1 zone is a medium density, multi-dwelling zone that allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and row houses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The proposed Central Residential (RX) zone is a high density, multi-dwelling zone that allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre; rather, the maximum size of buildings and intensity of use are regulated by FAR limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage, with the major types of new housing development including medium and high-rise apartments and condominiums, often with ground floor retail, institutional, or other service oriented

uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby.

The Design overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This overlay zone also promotes quality high-density development adjacent to transit facilities. This is achieved by requiring Design Review or compliance with the Community Design Standards when new development is proposed, or when changes are made to existing development. The Design Review or compliance with the Community Design Standards also ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential uses. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects.

The surrounding area is mapped with a variety of zones (see Exhibit B):

- The R1 zone, with a Design overlay zone, is found along the block south of the Site, and west of N Vancouver Avenue, with RXd zoning on the blocks south of N Cook Street, between N Vancouver Avenue and N Williams Avenue.
- Central Employment (EX) zoning, with a Design overlay zone, is mapped on the block immediately west of the Site, and in the area extending north, generally between N Vancouver Avenue and N Williams Avenue. The EXd zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.
- The Multi-Dwelling Residential 2,000 (R2) zone is mapped in the area immediately east of the Site. This area is also mapped with an Alternative Design Density (a) overlay zone. The R2 zone is a low-density multi-dwelling zone that allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings at a slightly larger amount of building coverage than the R3 zone. The Alternative Design Density overlay zone is intended to allow increased density, up to a 50 percent increase over what the base zone allows, for development that meets additional design compatibility requirements.
- The Single-Dwelling Residential 2,500 (R2.5) zone is mapped in the area generally north of N Fremont Street and in the area a half block west of N Williams Avenue. This area is also mapped with the Alternative Design Density overlay zone.

Land Use History: City records indicate there was one prior land use review for the Site. In 2005, a Design Review with Modifications was approved to allow the construction of a 39-unit, three to four story multi-dwelling residential development (LU 05-139802 DZM). The modifications allowed a 10 foot increase in the maximum allowed height (for the portion of the building within 10

feet of N Williams Avenue), and an increase in the maximum allowed residential density from 38 dwelling units to 39 dwelling units. This approved development was never constructed.

Agency Review: A Request for Response was mailed on February 14, 2013. The following City bureaus responded with written comments.

The **Water Bureau** responded with no concerns regarding the requested Comprehensive Plan Map/Zoning Map Amendment, and indicated water service is available from NE Fremont Street, N Williams Avenue and N Ivy Street (Exhibit E.1). Comments from the Water Bureau are detailed later in this recommendation in response to Approval Criterion 33.855.050.B (Adequate Public Services).

The **Police Bureau** responded it is capable of serving changes associated with the proposed Comprehensive Plan Map and Zoning Map Amendment (Exhibit E.2). The Police Bureau noted that the North Precinct Commander is available to work with the applicant/developer on any public safety issues or concerns.

The **Fire Bureau** responded with no concerns regarding the requested amendments, and noted that any future development must conform to the Fire Code (Exhibit E.3).

The **Bureau of Environmental Services (BES)** responded that existing and/or proposed sanitary waste and stormwater management systems can accommodate development allowed under the proposed amendments (Exhibit E.4). Comments from BES are detailed later in this recommendation in response to Approval Criterion 33.855.050.B (Adequate Public Services).

The **BDS Site Development Section** responded with no concerns with the requested amendments, but noted that any existing on-site sewage disposal systems (i.e., cesspools) must be decommissioned (Exhibit E.5).

The **Portland Bureau of Transportation (PBOT)** provided written comments noting they had reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services (Exhibit E.6). With a condition of approval limiting development on the Site until needed traffic signals at the N Williams Avenue/N Cook Street and N Vancouver Avenue/N Cook Street intersections have been funded, PBOT recommended approval of the requested Comprehensive Plan Map and Zoning Map amendments. PBOT's comments are detailed later in this recommendation in response to Approval Criterion 33.855.050.B (Adequate Public Services).

The **BDS Life Safety Plans Examiner** noted a separate building permit will be required for any proposed building activity on the Site, and all building code and ordinances must be met (Exhibit E.7).

Portland Parks and Recreation/Urban Forestry Division responded with no concerns regarding

the proposal but noted that street trees will be required at time of development along all street frontages (Exhibit E.8).

Neighborhood Review: An e-mail, in response to the proposal, was received from the Chair of the Eliot Neighborhood Association. The Chair noted that the neighborhood was opposed to Applicant's initial proposal to map the EXd zone on the Site but is supportive of the now requested RXd zone. The Eliot Neighborhood Association also identified concerns about a larger multi-dwelling structure being constructed with no on-site parking. Recently the Portland City Council approved changes to the PCC that would require some level of parking on the Site (See Exhibit H.10).

An additional e-mail was received, prior to the issuance of the BDS staff report, from a Boise neighborhood resident opposing the requested plan map amendment. In summary, the resident raised the following points:

- the allowed height of buildings in the proposed zone would change the historic and architectural character of Albina; surrounding buildings are only one to two-story in height;
- the allowed height of buildings would impact privacy for adjacent neighbors;
- the RX zone is not appropriate for this location as the Comprehensive Plan states such zones will generally be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby; the Comprehensive Plan states the RX zone will generally be applied in combination with the Central City plan district;
- the upzoning is not necessary as there are several large lots in the vicinity mapped with RX and EX that are vacant; changing the zone on the Site is unnecessary until these lots have been fully utilized; and
- buildings of the height allowed in the RX zone would reduce rooftop solar power generation to the north by creating shadows, which is contrary to Comprehensive Plan Goal 7 (Energy).

Numerous persons testified, in opposition to the proposed map amendment, at the May 3, 2013 Hearings Officer hearing. Additional written comments were received by the Hearings Officer during the open-record period. The most common concerns/objections expressed by those testifying in opposition were:

- the allowed height would negatively impact the character and/or livability of the nearby residential neighborhood;
- set-backs are inadequate;
- negative impacts upon the historical character of the nearby residential neighborhood;
- negative impacts of the increased density related to additional demand for on-street parking;
- inadequate design controls;
- negative health impacts, including noise pollution, upon the nearby residential neighborhood;
- awkward massing of a building if the Applicant takes full advantage of the RX zoning FAR provisions;

The Hearings Officer found comments made in Exhibit H.9 to be particularly well stated. The authors of Exhibit H.9, nearby residents and architects by profession, clearly pointed out possible

negative impacts that could occur if the Central Residential map designation and RX zone, as requested, were approved.

Comments made by persons in opposition to this application are addressed, where relevant, in the comments/findings below. It is important to keep in mind that the comprehensive plan map analysis requires a decision maker to address more than 75 specific policies and the opponents' comment are directed at only a small number of the policies.

ZONING CODE APPROVAL CRITERIA

Overview of Comprehensive Plan Review Methodology

In 2005, the Hearings Officer outlined, for City Council, interpretative options and constraints related to the comprehensive plan map amendment process (Recommendation to Council for Case No. LU 138386 CP ZC – Colwood National Golf Course). The Hearings Officer believes that an overview of possible analytical methodologies may be useful, once again, in this case.

The Portland City Zoning Code (hereafter referred to as "PCC") section 33.730.040.A requires the Hearings Officer to review comprehensive plan map amendment applications and make a recommendation to City Council. The Hearings Officer, in a comprehensive plan map amendment case, does not make a decision. City Council is the review body that issues a decision (most quasi-judicial cases heard by City Council are appeals from a Hearings Officer decision.)

PCC 33.810.050.A.1, the sole relevant approval criterion for this case,¹ states:

"A. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation."

In a typical quasi-judicial hearing City Council must decide, based upon the evidence in the record, whether some specific requirement is met or satisfied; i.e. is a site adequately served by public services or whether a proposed development will negatively impact the character of the surrounding neighborhood? In the typical land use hearing, if City Council determines a specific approval criterion requirement was not satisfied, the application would need to be denied or (if possible) approved with a condition. In a comprehensive plan map amendment case, the relevant approval criterion requires the decision maker to review and *balance* a large number of widely divergent goals and policies. In a comprehensive plan map amendment case, it is likely some of the relevant goals and policies will be met/satisfied while one or more others are not.

¹ PCC 33.810.050 A contains three subsections. Subsections A.2 and A.3 are not relevant to this application (see page 47 of this recommendation).

Following are matters that Council may wish to consider in this comprehensive plan map amendment application.

Burden of Proof. PCC 33.800.060 states, “The burden of proof is on the applicant to show that the approval criteria are met. The burden is not on the City or other parties to show that the criteria have not been met.”

Relevant Comprehensive Plan Policies. PCC 33.810.050.A.1 requires the City Council to determine which of the Comprehensive Plan policies are “relevant” to this case. BDS planner Douglas Hardy (“Hardy”), in the “Staff Report and Recommendation to the Hearings Officer” (Exhibit H.2), listed the policies he believed to be relevant. The Hearings Officer agreed, with two exceptions, with Hardy’s characterization of which policies are relevant.²

Comparison. PCC 33.810.050.A.1 requires, for each relevant policy a comparison. This section of the code asks City Council to determine whether or not the proposed comprehensive map amendment classification (Central Residential) is equally or more supportive of the Comprehensive Plan policy than the existing/current classification (Medium Density Multi-Dwelling Residential).

On Balance. The “on balance” language of PCC 33.810.050.A.1 is perhaps the most challenging portion of the approval criterion to apply on a case-by-case basis. The Oregon Court of Appeals, in *Waker Associates v. Clackamas County*, 111 Or App 189, 194 (1992), stated that land use decision makers:

“will often be confronted with situations, like this one, where a use is compatible with some of the goals and incompatible with others. It is not possible to approve or disapprove a use in those situations without engaging in a balancing exercise.” (See also *Columbia Riverkeepers v. Clatsop County*, 238 Or App 439 (2010))

Three City of Portland cases directly address City Council’s responsibility with respect to balancing goals and policies. The Oregon Land Use Board of Appeals (“LUBA”) stated, in *Welch v. City of Portland*, 28 LUBA 439 (1994), “under *Waker*, so long as the record reflects that plan policies were considered and balanced, this is all that is required.” LUBA held, in a separate land use case, that “the choice between conflicting evidence belongs to the City.” *McGinnis v. City of Portland*, 25 Or LUBA 376 (1993) Finally, in *St. Johns Neighborhood Assn. v. City of Portland*, 34 Or LUBA 46 (1998), LUBA confirmed that the City Council was permitted to balance competing plan policies.

The Hearings Officer believes that the above-cited cases give City Council broad discretion in establishing how to balance the relevant Comprehensive Plan policies. The Hearings Officer believes that Council make ascribe some Comprehensive Plan policies more weight than others. The Hearings Officer believes Council is not required to keep a “scorecard” of how many Comprehensive Plan policies are “equal or more supportive” and how many are “less supportive.”

² The Hearings Officer found Comprehensive Plan Policy 2.18 (Transit Supportive Density) should be added to the list of relevant policies to be considered in this case. The Hearings Officer found that Comprehensive Plan Policy 2.11 (Commercial Centers), included as a relevant policy by Hardy in Exhibit H.2, is in fact not relevant to this case.

The Hearings Officer believes that City Council may place more weight, in the balancing process, upon one or more policies as compared to other relevant policies.

To aid City Council, the Hearings Officer prepared a table listing the Comprehensive Plan policies the Hearings Officer found relevant (Exhibit H.15). The table sets forth the Hearings Officer's characterization of the degree of relevancy of the particular policy to this application. The table also contains the Hearings Officer's judgment of whether the proposed Comprehensive Plan map designation (Central Residential), as compared to the current Comprehensive Plan map designation (Medium Density Multi-Dwelling Residential) is (1) equally, (2) more supportive, or (3) less supportive of the specific policy.

The Hearings Officer, on the attached table, characterized the degree of relevancy as either "high," "moderate," or "low." A "high" relevancy label indicates the Hearings Officer felt the higher density, taller building(s) and mixed use that would result if the application were approved relates directly to the goal/policy under consideration. The Hearings Officer appreciates that characterization of the relevancy of a specific goal/policy to this application is highly subjective.

The conclusion that a specific policy is either "equal" or "more supportive" or "less supportive" is also quite subjective.

In the end City Council must decide whether, on balance, the proposed Comprehensive Plan map amendment request is "equally or more supportive" of the relevant policies. The Hearings Officer considered the PCC and Comprehensive Plan provisions in effect on the date of the application in this case.

The Hearings Officer's recommendation, in this case, is based to a large degree, upon the conclusions shown in Exhibit H.15. The Hearings Officer determined that approval of the Central Residential map designation (higher density development, taller building, and a mixed-use project including some retail/commercial uses) would be equally or more supportive of the relevant Comprehensive Plan policies as compared to the current Medium Density Multi-Family plan map designation.

33.810.050 Comprehensive Plan Map Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;

Findings: Applicant is requesting a Comprehensive Plan Map Amendment for a 33,568 square foot vacant site from Medium Density Multi-Dwelling to Central Residential. The two designations are described in Policy 10.4 of the Comprehensive Plan as follows:

Medium-Density Multi-Dwelling

This designation continues a common development pattern for medium density apartments. It is intended for areas with good public services, including being well served by transit, and no development constraints. It may be used for lands near arterials, transit streets, or commercial areas. The maximum density is generally 43 units per acre, but may go up to 65 units per acre in some situations. The scale of the development is intended to reflect the allowed densities while being compatible with nearby single-dwelling areas. The corresponding zone is R1.

Central Residential

This designation allows the highest density and most intensely developed multi-dwelling structures. Limited amounts of commercial uses are also allowed as part of new development. The designation is intended for the most built-up parts of the city which have the highest levels of public services. Development will generally be oriented to pedestrians. Maximum density is based on a floor area ratio, not on a units per square foot basis. Densities allowed exceed 100 units per acre. The corresponding zone is RX. The Design overlay zone will be applied in conjunction with the RX zone.

Based on the findings below, the requested designation will, on balance, be equally or more supportive of the Comprehensive Plan than the existing designation.

The Hearings Officer determined the following Comprehensive Plan Goals and Policies to be relevant to this proposal:

Goal 1 Metropolitan Coordination

The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.

Findings: The *Urban Growth Management Functional Plan* ("Functional Plan") was approved by the Metro Council on November 21, 1996, and became effective February 19, 1997. The purpose of the Functional Plan is to implement the *Regional Urban Growth Goals and Objectives*, including the 2040 Growth Concept. Local jurisdictions must address the Functional Plan when Comprehensive Plan Map Amendments are proposed through the quasi-judicial or legislative processes. Each title of the Urban Growth Management Functional Plan that is relevant to the requested Comprehensive Plan Map Amendment is addressed below.

Overall, as noted below, the requested Central Residential designation is either equal or

more supportive of the intent of the titles contained in the Functional Plan, or these titles will be met through compliance with other applicable City regulations. As the proposal is consistent with Metro's regional planning framework, it is consistent with Goal 1, Metropolitan Coordination, of the City's Comprehensive Plan.

Urban Growth Management Functional Plan

Title 1 - Requirements for Housing and Employment Accommodation

This section of the Functional Plan requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations.

Hearings Officer Comments: The proposal is supportive of Title 1 by increasing the potential housing density on a vacant site that is located close to the Central City which is well served by existing infrastructure, including a variety of transportation modes. While the corresponding R1 zone to the existing Comprehensive Plan Map designation would allow a maximum of 33 dwelling units on the Site, the corresponding RX zoning designation under the proposed Comprehensive Plan Map designation would allow 100+ dwelling units. This increased density of residential development directly supports this Title by increasing the carrying capacity of the Site. Additionally, the corresponding zoning designation of the proposed Central Residential Comprehensive Plan Map designation also allows limited commercial development, a use which is not permitted under the existing Medium Density Multi-Dwelling designation. As such, the proposed designation better accommodates both residential and employment opportunities on the Site. The requested Comprehensive Plan Map amendment to Central Residential is more supportive of this Title than the existing Medium Density Multi-Dwelling designation.

Title 3 - Water Quality and Flood Management

The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways.

Hearings Officer Comments: First, as noted in the written response received from the BDS Site Development Section (Exhibit E.5), the Site is not located within the 100-year flood plain or in a Potential Landslide Area. Secondly, overall compliance with this title is achieved through the implementation of the Stormwater Management Manual and other development regulations at the time of building permit review. BES, which implements the Stormwater Management Manual, reviewed Applicant's preliminary stormwater report that was submitted as part of this land use review and BES had no objections to the proposed stormwater management approach (Exhibit E.4).

Erosion control is regulated through Title 10 of the City Code, and implemented by the BDS Site Development Section at the time of building permit review. The BDS Site

Development Section expressed no concerns with the ability of the future development proposals to meet the Title 10 requirements.

Therefore, the proposal is equally supportive of the intent of Title 3 of the Functional Plan.

Title 7 - Housing Choice

The framework plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments.

Hearings Officer Comments: Applicant noted, in the written application narrative, that the proposed request does not preclude the development of affordable housing at this location, and in no way decreases opportunities for affordable housing when compared to the existing Comprehensive Plan Map designation. Additional density may lead to smaller units and ultimately more affordable units if the requested Central Residential designation is placed on the Site. The proposal is equally supportive of the intent of Title 7 of the Functional Plan.

Title 8 - Compliance Procedures

This Title outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.

Hearings Officer Comments: The proposal is equally supportive of this Title by fulfilling the notice requirements for Type III land use reviews, as outlined in Portland Zoning Code Section 33.730.030 (Type III Procedure). In addition to notifying the affected City-recognized organizations within a 1,000-foot radius of the Site, and property-owners within a 400-foot radius of the site, a notice of the proposal has also been sent to Metro and to the Department of Land Conservation and Development.

Title 12 - Protection of Residential Neighborhoods

The purpose of this Title is to "protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services." This Title focuses upon the proximity of residential neighborhoods to commercial services parks and schools as the primary means of reducing air pollution and traffic congestion.

Hearings Officer Comments: Approving the Central Residential designation would increase the allowed density at the Site and allow a limited amount of retail/commercial use. If the requested Central Residential designation is approved, the purpose of this Title would be better met by providing residential units on the Site and in the nearby neighborhood close access to the retail/commercial uses on the Site.

The proposal is subject to review and evaluation against existing and future demand on public services, and whether there are adequate levels of public services to support the proposed Central Residential Map designation. To the extent that the proposal meets the

criteria of Zoning Code Section 33.855.050 B, as addressed later in this recommendation, the proposal is consistent with the aspect of this title dealing with adequate levels of service.

As for the impact of the proposal on noise, like the existing Comprehensive Plan Map designation on the Site, the requested Central Residential designation provides a buffer between the Low Density Multi-Dwelling (R2) area to the east and the Central Employment (EX) designation to the north and west of the Site. The increased building height and building coverage standards of the corresponding zone to Central Residential designation provide a better screen against noise emanating from the mixed residential/commercial/industrial employment uses allowed in the nearby Central Employment zone. Additionally, development under the existing designation on the Site results in ground floor residential units being located on the ground floor of the building, adjacent to two heavily trafficked streets (NE Fremont Street and N Williams Avenue). The proposed designation allows commercial uses on the ground floor, thereby allowing the more noise sensitive residential uses to locate on the upper floors.

The Portland Police Bureau reviewed the proposal and did not identify any increased concerns with crime resulting from the proposed Central Residential designation (Exhibit E.2).

Based on the above comments, the proposed designation is more supportive of this title than the existing designation.

Title 13 - Nature in Neighborhoods

The purpose of this Title is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and to control and prevent water pollution for the protection of the public health and safety and to maintain and improve water quality throughout the region.

Hearings Officer Comments: The Site is not located in an environmental or greenway overlay zone, nor is it within a floodplain. Water quality requirements, as noted above, will be addressed through the City's Stormwater Management Manual at the time of building permit review. The proposal is equally supportive of the intent of this Title.

GOAL 2: Urban Development

Maintain Portland's role as the major regional employment, population and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

Findings: The proposed designation allows for a higher density of residential development on the currently vacant site than is permitted under the current designation, and provides for

limited commercial opportunities that are not available under the existing designation. On balance, a designation which promotes greater residential density and employment opportunities is more consistent with Goal 2. The findings below address the policies of this goal that are relevant to the applicant's proposal.

Policy 2.1 Population Growth

Allow for population growth within the existing city boundary by providing land use opportunities that will accommodate the projected increase in city households by the year 2000.

Policy 2.2 Urban Diversity

Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population.

Policy 2.9 Residential Neighborhoods

Allow for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods.

Hearings Officer Comments: The proposed Central Residential designation will allow for an increase in the potential number of residential units that can be developed on this Site. As noted in comments above, the existing Medium Density Multi-Family designation on the Site would allow a maximum of 43 dwelling units per acre (up to 64 units per acre if the amenity bonus provisions are used, whereas the proposed Central Residential designation would allow over 100 dwelling units (assuming 900 square feet per unit, and 20 percent of the building's floor area being in commercial use). This increased residential density allowed under the proposed Central Residential designation better addresses the goal of accommodating the projected increase in households within the City's existing boundaries.

The mixed residential and commercial development which is encouraged under the proposed Central Residential designation can help create an urban diversity along the nearby transportation corridors (N Williams Avenue, N Vancouver Avenue and NE Fremont Street) that are currently underdeveloped. The higher density and mixed use nature of development allowed under the proposed designation supports a more vibrant urban living environment that provides housing opportunities and commercial goods and services for those living in the area, all of which help activate the pedestrian environment.

An argument can be made that the increased density and added commercial uses may not protect the city's residential neighborhoods. Additional units and commercial use could negatively impact the adjacent residential neighborhood by increasing competition for on-street parking spaces and add draw undesirable persons to the area. Because of the possibility of negative neighborhood impacts the Hearings Officer, on balance, found

approval of the requested Central Residential designation would be equally supportive of this policy.

Policy 2.10 Downtown Portland

Reinforce the downtown's position as the principal commercial, service, cultural and high density housing center in the City and the region. Maintain downtown as the city's principal retail center through the implementation of the Downtown Plan.

Hearings Officer Comments: Adding additional density and retail/commercial uses to the Site does not reinforce "downtown's position as the principal commercial, service, cultural and high density housing center in the city and the region." Approving the requested Central Residential designation would be less supportive of this Policy.

Policy 2.12 Transit Corridors

Provide a mixture of activities along Major Transit Priority Streets, Transit Access Streets, and Main Streets to support the use of transit. Encourage development of commercial uses and allow labor-intensive industrial activities which are compatible with the surrounding area. Increase residential densities on residentially zoned lands within one-quarter mile of existing and planned transit routes to transit-supportive levels. Require development along transit routes to relate to the transit line and pedestrians and to provide on-site pedestrian connections.

Hearings Officer Comments: The Site is located at the southeast corner of NE Fremont Street and N Williams Avenue, both of which are designated in the Transportation Element of the Comprehensive Plan as Transit Access Streets. TriMet operates bus service along both these two transportation corridors as on NE Martin Luther King, Jr. Boulevard, two blocks east. The proposed Central Residential designation is more supportive of Policies 2.11 and 2.12 by allowing an increased density of residential, and commercial development opportunities along these transit corridors. The increased level of residential density directly supports the operation of these transit lines by increasing the number of potential riders. The type of commercial development found on sites with the proposed designation is limited to retail and office uses that typically locate on the ground floor of the building. The higher density of residential development with ground floor commercial use is the form of development that is desired along the City's transit corridors. Additionally, this density of mixed-use development on the Site complements the higher density, mixed-use Comprehensive Plan Map designation mapped on much of the nearby N Williams Avenue frontage.

Policy 2.15 Living Closer to Work

Locate greater residential densities near major employment centers, including Metro-designated regional and town centers, to reduce vehicle miles travelled per capita and maintain air quality. Locate affordable housing close to employment centers. Encourage home-based work where the nature of the work is not disruptive of the neighborhood.

Hearings Officer Comments: While the Site is not located in a major employment center, it is located just a half mile from the boundaries of the Central City plan district, which is the region's major employment center. The proposed Central Residential designation will be more supportive of this policy than the existing designation by placing increased residential density close to a regional employment center. Furthermore, the Site is proximate to Legacy Emanuel Hospital, a major employment generator for the City, and to other Central Employment designations along the N Williams/N Vancouver corridor. Approving the requested Central Residential designation is more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 2.16 Strip Development

Discourage the development of new strip commercial areas and focus future activity in such areas to create a more clustered pattern of commercial development.

Hearings Officer Comments: As previously noted, the commercial development allowed under the proposed Central Residential designation is limited in size (maximum of 20 percent of the floor area on the Site), and limited to retail and office uses. Additionally, such commercial uses are only allowed in existing or proposed multi-dwelling development. These limits are intended to ensure that development on lands with this designation remain primarily residential in appearance and function. These limits also discourage a strip development pattern of development. Furthermore, the ground floor retail/office character envisioned for the proposed designation supports the cluster of Central Employment zoning that is already mapped along much of the nearby N Williams/N Vancouver corridor.

The existing Medium Density Multi-Family designation does not allow, outright, commercial uses. When the two designations are compared (Central Residential to Medium Density Multi-Family) the Central Residential is slightly less supportive of this Policy.

Policy 2.18 Transit-Supportive Density

Encourages increased density on long-vacant lots.

Hearings Officer Comments: Although this Policy is primarily directed to community planning processes it has some relevance to this application. The underlying goal of this policy is to ensure development that is sufficiently dense to support transit uses. The proposed Central Residential designation will add density to the Site and further support the existing transit system. The Central Residential designation is more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 2.19 Infill and Redevelopment

Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage

infill and redevelopment in the Central City, at transit stations, along Main Streets, and as neighborhood infill in existing residential, commercial and industrial areas.

Policy 2.20 Utilization of Vacant Land

Provide for full utilization of existing vacant land except in those areas designated as open space.

Policy 2.22 Mixed Use

Continue a mechanism that will allow for the continuation and enhancement of areas of mixed use character where such areas act as buffers and where opportunities exist for creation of nodes or centers of mixed commercial, light industrial and apartment development.

Hearings Officer Comments: The proposed Central Residential designation is more supportive of these three Policies. The proposed Central Residential designation allows a limited amount of retail/commercial use on the Site. The existing Medium Density Multi-Family residential does not allow any retail/commercial uses.

Policy 2.23 Buffering

When residential zoned lands are changed to commercial, employment or industrial zones, ensure that impacts from nonresidential uses on residential areas are mitigated through the use of buffering and access limitations. Where R-zoned lands have a C, E, or I designation, and the designation includes a future Buffer overlay zone, zone changes will be granted only for the purpose of expanding the site of an abutting nonresidential use.

Hearings Officer Comments: The proposal will retain a residential designation on the Site. The proposed zone change is not to a commercial, employment or industrial zone. Technically, this Policy is not relevant to this proposal.

However, the Central Residential designation does allow some commercial development. The Central Residential designation limits the amount and type of commercial development for the purpose of retaining the residential character and function of any development. Commercial development on the Site will likely be oriented to the two transit streets and the adjacent Employment zoning to the north and west of the Site. The addition of a limited amount of commercial development allowed under the proposed Central Residential designation will not meaningfully change the buffering impacts of the Site and R2a zoned properties to the east. The Hearings Officer finds approval of the proposed Central Residential designation will be equally supportive of this policy when compared to the existing Medium Density Multi-Family designation.

Policy 2.26 Albina Community Plan

Promote the economic vitality, historic character and livability of inner north and inner northeast Portland by including the Albina Community Plan as a part of this Comprehensive Plan.

Hearings Officer Comments: The analysis, below, under Policy 3.6 and 3.8 shows that the proposal is, on balance, consistent with this Policy and the other relevant policies of the Albina Community Plan.

GOAL 3: Neighborhoods

Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.

Findings: As identified below in response to the individual relevant policies, the proposed designation will be equally or more supportive of this goal than the existing designation.

Policy 3.5 Neighborhood Involvement

Provide for the involvement of neighborhood residents and businesses in decisions affecting their neighborhood.

Hearings Officer Comments: Notice of the hearing before the City of Portland Hearings Officer on the proposed amendments was sent by the City to the affected Neighborhood Associations within 1,000 feet of the Site and to property owners within 400 feet of the Site. The Site was posted with information pertaining to the application and the hearing before the Hearings Officer. Applicant also conveyed to BDS staff and the Hearings Officer the requested amendment had been discussed with the Chair of the Eliot Neighborhood Association. Applicant indicated that the Chair's lack of support for a proposed EXd designation on the Site influenced the decision to request the RXd designation. The RXd designation is supported by the Neighborhood Association (Exhibit F.1).

The review process undertaken in this case equally supports this Policy.

Policy 3.6 Neighborhood Plan

Maintain and enforce neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council.

Policy 3.8 Albina Community Plan Neighborhoods

Include as part of the Comprehensive Plan neighborhood plans developed as part of the Albina Community Plan. Neighborhood plans developed as part of the Albina Community Plan are those for Arbor Lodge, Boise, Concordia, Eliot, Humboldt, Irvington, Kenton, King, Piedmont, Sabin and Woodlawn.

Hearings Officer Comments: The Site lies within the southwest portion of the *Albina Community Plan* (adopted by City Council on July 28, 1993, and readopted on September 30, 1993), and within the *Eliot Neighborhood Plan* (adopted by City Council in October 1993). The Hearings Officer found the following Community Plan and Neighborhood Plan policies and objectives to be relevant to this proposal.

Albina Community Plan

Policy 1.A General Land Use

Encourage residential, recreational, economic and institutional developments that reinforce Plan Area neighborhoods; increase the attractiveness of Albina to residents, institutions, businesses and visitors; and create a land use pattern that will reduce a dependence on the automobile.

Hearings Officer Comments: The proposal increases the density of residential development on the Site and allows the development of limited retail and office uses. This action encourages the development of this vacant piece of property that is situated within one of the growing mixed-use areas of the neighborhood. The resulting development on the Site will not only increase housing opportunities within the Plan Area boundaries, but will also provide neighborhood-serving commercial uses at the ground level. Locating mixed-use development along two transit corridors that provide direct, convenient access to the Central City decreases reliance on the automobile. The proposed Central Residential designation is more supportive of this Policy than is the existing Medium Density Multi-Family designation.

Policy 1.B Livable Neighborhoods

Protect and improve the livability of the residential neighborhoods within the Albina Community. Direct new development activity to those areas that have experienced or are experiencing a loss of housing. Ensure the compatibility of new development with nearby housing. Foster the development of complete neighborhoods that have service and retail businesses located within or conveniently near to them. Promote increases in residential density without creating economic pressure for the clearance of sound housing.

Hearings Officer Comments: The first item in this Policy directs new development to locations which are experiencing a loss of housing. The Site and its surrounding area (particularly along the Williams/Vancouver corridor) are experiencing the development of new housing, commercial and employment uses. The Site is currently vacant and no housing would be displaced if this proposal is approved. The first item is not particularly relevant to this proposal.

The second item in this Policy is to have new residential development that is compatible with nearby housing. Development under the proposed Central Residential can be expected to (1) generate additional residential units (increase density over the existing Medium Density Multi-Family designation), (2) result in a taller development than would be allowed under the existing Medium Density Multi-Family designation, and (3) include some commercial uses. Development, under the proposed Central Residential designation, can be expected to have greater impacts (sheer number of units, height of development and additional commercial uses) than the existing Medium Density Multi-Family designation. Whether these impacts

positively or negatively impact the nearby residential neighborhood involves a large amount of subjectivity on the part of a decision maker. Increasing the Site density and the height of a building on the Site may exacerbate the differences between development of the Site and the nearby housing. To that end, a change to Central Residential could be considered a negative impact on the compatibility with nearby housing. However, the addition of local retail shops/services on the Site could be considered a positive factor.

A number of neighbors testified (and submitted written comments – Exhibits H.4, H.5, H.6, H.9 and H.12) that approval of the Central Residential designation would negatively impact the nearby housing/neighborhood. Neighbors expressed serious concerns with the height of a building allowed in the Central Residential designation. The Hearings Officer finds it impossible to dispute the argument made by neighbors that the taller the building, the less compatible that building would be with nearby 1 ½ to 2 story residential homes. Because the proposed Central Residential designation would allow a taller building on the Site as compared to the existing Medium Density Multi-Family designation, the Hearings Officer finds the proposed designation is less compatible with nearby housing.

Comprehensive Plan Policy 10.4(12) states the Design overlay will be applied in conjunction with the RX zone. Having the Design overlay zone mapped on the Site means any new development (or alteration to existing development in the future) will be subject to either the Community Design Standards or a Type II Design Review. The Design overlay will mitigate any negative design related impacts upon nearby housing.

The third item in this Policy is to foster “complete” neighborhoods; promote commercial services within or nearby the neighborhood. Approval of the Central Residential designation, which allows a limited amount of commercial use, would foster a complete neighborhood.

The fourth item in this Policy is to promote increases in residential density without creating economic pressure for the clearance of sound housing. The Hearings Officer found no evidence in the record to suggest approval of the Central Residential designation on the currently vacant Site would create economic pressure to clear sound housing in the neighborhood.

In summary, the first item (direct new housing to areas suffering from housing losses), is not particularly relevant to this case. Approval of the proposed Central Residential designation would be “less supportive” of the second item of this Policy (compatibility with nearby housing). Approval of the proposed Central Residential designation would be “more supportive” of the third item of this Policy (“complete neighborhoods with nearby commercial services”). The fourth item of the Policy (increase density) would be better served by approval of the proposed Central

Residential designation. The Hearings Officer finds one of the Policy items not relevant, one “less supportive” and two “more supportive.” The Hearings Officer finds item two of the Policy (compatibility with nearby housing) should be given additional weight as compared to the other Policy items. The Hearings Officer finds, on balance, approval of the requested Central Residential designation is equally supportive of this Policy.

Policy I.D Economic Development

Foster development of distinct, well-anchored commercial, institutional and industrial nodes and centers that serve the needs of the community, attract shoppers from throughout the region and take advantage of the close proximity of the district to the Central City, Oregon Convention Center and Columbia Corridor. Ensure that institutions have opportunities for growth that meet their needs. Support the expanding and new industrial firms that provide family wage jobs to Albina Community residents. Protect residential neighborhoods from negative impacts associated with commercial, institutional and/or industrial growth.

Objectives

1. Reduce conflicts between residential uses and commercial, industrial and institutional activities.
2. Ensure that sites are available in adequate size, depth, location and zoning to attract market driven business, institutional and housing developers within the Albina Community.
3. Recognize and reinforce concentrations of commercial and employment businesses within the district and encourage the formation of clear identity for these areas.
5. Foster the establishment of new small businesses and housing developments, particularly on land that is vacant or underutilized.
7. Foster the establishment and growth of related businesses near major institutions.

Hearings Officer Comments: Approval of the proposed Central Residential designation, with commercial use permitted to a limited extent would enhance the southern end of the N Williams/N Vancouver commercial corridor. The density of residential development allowed by the proposed designation will not only help support businesses within this commercial corridor, but also allow for the development of ground floor commercial uses that complement the corridor, and can help support the nearby Legacy Emanuel Hospital. The density of development allowed under the proposed designation is appropriate for the Site given its proximity (approximately a half mile) from the Central City. Approval of the proposed Central Residential designation would be more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 1.E Transit Supportive Land Use

Focus new development on locations along transportation corridors that offer opportunities for transit supportive developments and foster the creation of good environments for pedestrians in these areas.

Objectives

1. Increase opportunities for people to live near where they work and shop by locating higher density housing near commercial and institutional areas.
3. Concentrate new commercial investment in areas which are well served by transit.
4. Consider increasing allowable density to transit-supportive levels at locations that are within a one quarter mile of transit streets.
5. Encourage the development of mixed-use projects in commercial areas that include both ground level business uses and upper story residential units.

Hearings Officer Comments: The proposed Central Residential designation is more supportive of all these objectives than the existing Medium Density Multi-Family designation. The proposed Central Residential designation allows a substantially higher density of residential development (at a more transit-supportive level) in an area that is proximate to a commercial area, a major institution, and is a Site adjacent to two transit streets. Additional transit services are available in the nearby area along N Vancouver Avenue and NE Martin Luther King Jr. Boulevard. Unlike the existing Medium Density Multi-Family designation, the proposed Central Residential designation also allows for ground floor commercial uses that can serve the residences in the units above, and the surrounding commercial/residential area.

Policy 2 Transportation

Take full advantage of the Albina Community's location by improving its connections to the region. Emphasize light rail transit as the major transportation investment while improving access to freeways to serve industrial and employment centers. Protect neighborhood livability and the viability of commercial areas when making transportation improvements. Provide safe and attractive routes for bicyclists and pedestrians.

Objectives

4. Protect residential areas from impacts of through-traffic and the traffic of commercial, employment and institutional districts.
7. Concentrate new residential developments and commercial investment near transit corridors.

Hearings Officer Comments: The proposed Central Residential designation encourages a more transit-supportive level of density along a major transit corridor (the N Williams/N Vancouver couplet) that serves

the Albina community. The density of residential development, and allowance for ground floor commercial space, is supportive of the major bike corridor that runs along this couplet. The proposed Central Residential designation also supports a density of development that helps buffer the lower density residential neighborhood from the impacts associated with heavy traffic along the N Williams/N Vancouver couplet. Approval of the proposed Central Residential designation would be more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 3.B Business Growth and Development

Recruit, retain, and encourage expansion of economic activities and institutions which enhance neighborhood livability. Conserve community assets and resources. Use public programs and resources to encourage more efficient design and utilization in the Albina Community's commercial, institutional and industrial centers.

Objectives

8. Encourage multiuse and mixed-use development designed to create safe and attractive centers of activity, commerce and employment.

Hearings Officer Comments: The proposed Central Residential designation fosters mixed-use development on the Site that is proximate to commercial, institutional and residential uses. This type of development can further activate the N Williams/N Vancouver commercial node at its intersection with NE Fremont Street. Approval of the proposed Central Residential designation would be more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 5 Housing

Increase housing opportunities for current and future residents of the Albina Community by preserving and rehabilitating the existing housing stock, constructing appropriate infill housing in residential neighborhoods and building higher density housing near business centers and major transit routes. Stimulate new housing investment by emphasizing the Albina Community's central location, established public services, and quality housing stock.

Objectives

1. Improve the quality and quantity of housing for Albina residents. Provide a variety of housing types for households of all sizes and incomes.
2. Add 3,000 new housing units to the Albina Community Plan Study Area over the next 20 years.
3. Provide opportunities for home ownership for Albina residents. Emphasize infill development that accommodates owner-occupancy and is compatible with the surrounding neighborhood.

6. Discourage speculation that deters construction of housing on vacant land.

Hearings Officer Comments: The higher density allowed under the proposed designation will not only encourage the redevelopment of the currently vacant Site, but help the Albina community achieve its goal of providing 3,000 additional housing units by 2013 (the Albina Plan was adopted in 1993; 20 years hence would be 2013). Neither the proposed Central Residential designation nor the current Medium Density Multi-Family designation promotes owner-occupancy. The type of housing envisioned under the proposed designation could accommodate owner-occupied condominium units and/or more affordable rental units. Approval of the proposed Central Residential designation would be more supportive of this Policy than the existing Medium Density Multi-Family designation.

Eliot Neighborhood Plan

Policy B Neighborhood Identity

Promote Eliot as a culturally vibrant, economically vital and residentially stable urban community with historic features.

Objectives

- b. Build an image of Eliot as an attractive, livable, secure and conveniently located area.
- c. Help build a positive image for the entire Albina community that will attract new businesses, visitors, and residents to the area.

Hearings Officer Comments: This Policy contains extremely subjective objectives. Applicant and BDS staff expressed the opinion that development under the proposed Central Residential designation would create a more positive and livable area than development under the existing Medium Density designation. Many of the persons speaking in opposition to this application expressed, in unequivocal terms, that the proposed Central Residential designation would damage the livability image of the area.

The Hearings Officer focused upon the economic aspects of the Policy; convenience of services (i.e. commercial uses) and attraction of business, visitors and residents to the area. From that perspective, the Hearings Officer found that approval of the request for a Central Residential designation would be more supportive of the Policy because of the increase in density of residential units and the possibility of commercial uses.

Approval of the proposed Central Residential designation would be equally supportive of this Policy as compared to the existing Medium Density Multi-Family designation.

Policy 2 Neighborhood Development

Reinforce Eliot's distinctive residential character by creating clearly defined boundaries which separate housing from other uses and protect residential areas from nonresidential encroachment, retain a healthy mix of industrial firms, commercial businesses, neighborhood oriented retail and service businesses, government agencies, non-profit service institutions, and homes in Eliot.

Objectives

- a. Reinforce the Eliot Neighborhood as a key residential and commercial support resource for the Lloyd District.
- d. Foster the development of new housing including attached single-dwelling infill units within the residential core, higher density development along the borders of existing residential areas, and elderly and special needs housing and apartments above stores on commercial corridors.
- e. Create amenities that support and strengthen Eliot's residential areas. Consider such things as retail and service businesses oriented to the neighborhood and street trees.
- f. Work actively with developers on design and signage to ensure that new projects are compatible with the neighborhood's character.

Hearings Officers Comments: On balance, the proposed Central Residential designation is more supportive of these objectives than the existing Medium Density Multi-Dwelling designation. The proposed Central Residential designation allows the development of ground floor commercial uses that can support the surrounding neighborhood. The Site is also proximate to the Central City, in which the Lloyd District is located.* The density of residential development allowed under the proposed Central Residential designation can help support the Lloyd District, which is easily accessed from the Site along the adjacent N Williams/N Vancouver couplet. The Site will continue to be mapped with a Design overlay zone, which ensures a level of design quality.

Policy 3 Housing

Maintain and reinforce Eliot's residential areas as a home to families with children, young adults, and seniors who appreciate a close-in urban setting. Ensure that non-housing activities in designated residential areas are adapted to reinforce the residential character of these areas. Maintain the clear boundaries that were presented in the Comprehensive Plan and adopted in 1993 through the Albina Community Plan between business areas and lower density residential areas within the Eliot Neighborhood.

Objectives

- a. Protect Eliot's residential areas from encroachment by industrial and/or commercial development.
- b. Foster the development of up to 500 new units of housing in Eliot during the next 20 years.

- c. Stabilize the residential area bounded by Fremont, Broadway, King Boulevard and Vancouver, as well as the area between King Boulevard and Seventh Avenue.
- e. Ensure that new multi-dwelling housing is designed to respect existing single-dwelling residential patterns.
- g. Foster the development of residential units in residential zoned portions of the neighborhood and as part of commercial projects along such streets as Vancouver, Williams, Russell and King.

Hearings Officer Comments: Approval of the Central Residential designation will not support objective a.; Central Residential does allow a limited amount of commercial development in a residentially zoned area that does not permit commercial development. Approving the Central Residential designation will be more supportive of objectives b. and g. because additional residential units will be developed along Williams. Designating the Site Central Residential will have, at best, only negligible impact on Objectives c. and e. The Hearings Officer found the Central Residential designation is slightly more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 4 Transportation

Ensure that the Eliot Neighborhood is an increasingly convenient place to live, raise a family, run a business, work, and have fun. The neighborhood is and should remain highly accessible, drawing upon many transportation modes including: auto, truck, pedestrian, bicycle, light rail transit, bus, train, boat and helicopter.

Hearings Officer Comments: The increased density allowed by the proposed Central Residential designation better capitalizes on the variety of transportation modes that surround the property, and in particular the bus transit service along NE Fremont Street, N Williams Avenue and N Vancouver Avenue, as well as the heavily used bike corridor along both N Williams Avenue and N Vancouver Avenue. The Hearings Officer found the Central Residential designation is slightly more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 5 Employment

Provide Eliot residents with a wide choice of employment opportunities within a few minutes of their homes.

Objectives

- c. Encourage employers in the Eliot Neighborhood to provide career opportunities for area residents.

Policy 6: Business and Economic Development

Recognize the Eliot Neighborhood's heritage as a location for both established businesses and new firms needing a central location.

Objectives

- e. Further the development of more and better shops that will serve the neighborhood's growing population. Locate these at commercial nodes along Martin Luther King Jr. Boulevard, Williams/Vancouver, Russell and Broadway.

Hearings Officer Comments: Unlike the current Medium Density Multi-Family designation, the proposed Central Residential designation encourages ground floor commercial uses that promote new employment opportunities and neighborhood-serving retail uses close to existing and future residences. The increased residential density allowed under the proposed Central Residential designation also has the potential to stimulate additional commercial development along the N Williams/N Vancouver corridor, particularly at the Williams/Vancouver/Fremont intersection, as businesses seek to serve the growing residential base. The Hearings Officer found the Central Residential designation is slightly more supportive of these Policies than the existing Medium Density Multi-Family designation.

Policy 10 Northern Eliot

Reinforce Northern Eliot as an historic design zone and residential area.

Objectives

- c. Encourage new high density housing with an urban character to develop along King Boulevard and Williams Avenue.

Hearings Officer Comments: The proposed Central Residential designation better achieves this objective by promoting high-density housing on the Site. The zoning standards of the corresponding zone to the proposed Central Residential Comprehensive Plan Map designation require urban-like development that will be built close to, and oriented to, the street with ground floor windows, and at a height and site coverage that helps frame and define the adjacent public right-of-way. The Hearings Officer found the Central Residential designation is slightly more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 13 Williams/Vancouver Corridor

Encourage a mixture of higher density residential development with commercial and service uses to locate in the Williams/Vancouver corridor. Development should create an attractive transition between the Emanuel campus and the residential areas. Enrich this corridor with gateways and other amenities that announce and celebrate its role as an area of transition and connections.

Objectives

- a. Support the development of higher density housing and conforming commercial uses in the corridor.
- b. Ensure that new development in this district is complimentary with the historic character of the adjacent Eliot Conservation District.
- d. Encourage a mixture of uses including establishments that are attracted by proximity to Emanuel Hospital and the Oregon Convention Center.
- e. Encourage transit supportive development that could take advantage of light rail transit in this corridor.

Hearings Officer Comments: The proposed Central Residential designation is directly supportive of this Policy and its underlying Objectives. The proposed Central Residential designation will likely result in a higher density of residential development on the Site than would currently be allowed under the existing Medium Density Multi-Family designation. Further, the Central Residential designation allows a limited amount of commercial use on the Site. The commercial uses can serve the surrounding area. The Design overlay zone on the Site, in combination with the RX zoning regulations, should address the Eliot Conservation District located east of the Site. While there is currently no light rail transit along the N Williams/N Vancouver corridor, the density of residential development under the proposed Central Residential designation is more supportive of existing public transit services than the existing Medium Density Multi-Family designation.

GOAL 4: Housing

Enhance Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs, and locations that accommodate the needs, preferences, and financial capabilities of current and future households.

Findings: The proposed Central Residential designation allows for a higher density of residential development on the currently vacant site than is permitted under the current Medium Density Multi-Family designation, and in an area of the City where there is a desire for increased production of housing. On balance, a designation which promotes greater residential density is more consistent with Goal 4. The findings below address the policies of this goal that are relevant to Applicant's proposal.

Policy 4.1 Housing Availability

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future.

Policy 4.2 Maintain Housing Potential

Retain housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use. When considering requests for amendments to the Comprehensive Plan Map, require that any loss of potential housing units be replaced.

Hearings Officer Comments: Because the change is to a higher residential designation than what exists on the Site currently, there will be no net loss of potential housing that requires replacement. The proposed Central Residential designation better meets Policy 4.1 than the existing Medium Density Multi-Family designation by increasing the potential number of dwelling units than can be constructed on the Site. Under the existing Medium Density Multi-Family designation, a maximum of 33 dwelling units could be built on the Site. The proposed Central Residential designation increases this housing potential to approximately 119 dwelling units. The Hearings Officer found the Central Residential designation is slightly more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 4.3 Sustainable Housing

Encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.

Hearings Officer Comments: The proposed Central Residential designation is more supportive of this Policy by increasing the potential residential density and commercial opportunities on the Site that is currently well served by public transit and other alternative modes of transit. The proposal also places an increased number of dwelling units close to four elementary schools and 12 parks and public recreational facilities that are within a one-mile radius of the Site.

Based on comments received from City service bureaus, the increased density can be served by the existing public infrastructure, and as such, the proposed Central Residential designation represents a more efficient use of these public services. The one exception is the potentially adverse impact of this increased density on the area transportation network unless traffic signals are funded at the N Williams Avenue/N Cook Street and N Vancouver Avenue/N Cook Street intersections. As detailed in response to the Zoning Map Amendment approval criteria evaluating adequacy of public services (included later in this recommendation), this issue can be addressed through a condition of approval. The recommended condition of approval will ensure that until the traffic signals at these two intersections are funded, the net increase in vehicle trips generated by development on the Site would be limited to a level (25 new weekday p.m. peak hour trips) where the transportation network would not adversely be impacted.

Policy 4.6 Housing Quality

Encourage the development of housing that exceeds minimum construction standards

Hearings Officer Comments: Housing construction standards are generally regulated by building codes and not comprehensive plan designations. Minimum construction standards should be equally maintained with a Central Residential or Medium Density Multi-Family designation.

Policy 4.7 Balanced Communities

Strive for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures (rental and ownership) and income levels of the region.

Policy 4.10 Housing Diversity

Promote creation of a range of housing types, prices, and rents to 1) create culturally and economically diverse neighborhoods; and 2) allow those whose housing needs change to find housing that meets their needs within their existing community.

Policy 4.11 Housing Affordability

Promote the development and preservation of quality housing that is affordable across the full spectrum of household incomes.

Policy 4.13 Humble Housing

Ensure that there are opportunities for development of small homes with basic amenities to ensure housing opportunities for low-income households, members of protected classes, households with children, and households supportive of reduced resource consumption.

Policy 4.14 Neighborhood Stability

Stabilize neighborhoods by promoting: 1) a variety of homeownership and rental housing options; 2) security of housing tenure; and 3) opportunities for community interaction.

Hearings Officer Comments: The proposal is consistent with these policies as the proposed Central Residential designation will increase the potential number of multi-dwelling units that can be constructed on the Site. Maintaining an adequate supply of housing can help to address affordability for Portland residents. Increasing the supply of multi-dwelling residences also provides a more economical and sustainable alternative to the single dwelling detached home that predominates in the Portland area. The Hearings Officer found the Central Residential designation is more supportive of these Policies than the existing Medium Density Multi-Family designation.

GOAL 5: Economic Development

Foster a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city.

Findings: The proposed designation will allow for mixed-use development and therefore attract new business and employment opportunities. On balance, the proposed designation is more supportive of this goal than the existing designation as detailed in the response to relevant policies, below.

Policy 5.1 Urban Development and Revitalization

Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.

Policy 5.2 Business Development

Sustain and support business development activities to retain, expand and recruit businesses.

Policy 5.4 Transportation

Promote a multi-modal transportation system that stimulates and supports long term economic development and business investment.

Hearings Officer Comments: The proposed Central Residential designation is more supportive of these policies by increasing the inventory of commercial space in an area that is well served by a developed multi-modal transportation network. The level of residential density allowed under the proposed designation is also more transit-supportive than that allowed under the existing Central Residential designation. Overall, the proposed Central Residential designation allows a higher and better use that is appropriate for the Site given the area's well developed public infrastructure system and the increasing higher density residential and commercial development that is occurring along the N Williams/N Vancouver corridor. The Hearings Officer found the Central Residential designation is more supportive of these Policies than the existing Medium Density Multi-Family designation.

Policy 5.6 Area Character and Identity within Designated Commercial Areas

Promote and enhance the special character and identity of Portland's designated commercial areas.

Policy 5.7 Business Environment within Designated Commercial Areas

Promote a business environment within designated commercial areas that is conducive to the formation, retention and expansion of commercial businesses.

Objective F. Encourage the retention and development of higher density and mixed use development within commercial areas.

Hearings Officer Comments: The proposed Central Residential designation will allow a larger, more prominent mixed-use development that helps anchor the southern end of the N Williams/N Vancouver commercial corridor. The ground floor commercial space allowed under the proposed Central Residential designation will help weave the Site into the larger commercial corridor, and reinforce the area's commercial character. This additional commercial space will further support these two policies by encouraging new businesses and increased employment opportunities. Policy 5.7 (Objective F) encourages higher density and mixed use development. Approval of the proposed Central Residential designation would be more supportive of these Policies than the existing Medium Density Multi-Family designation.

GOAL 6 Transportation

Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and

diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

Findings: Comprehensive Plan Map Amendments must be reviewed against relevant Transportation Policies in the Comprehensive Plan. PBOT reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17 and for potential impacts upon transportation services and finds with one recommended condition of approval, that the proposal is, on balance, equally or more supportive of the relevant policies of Goal 6, based on the following findings:

Policy 6.5 Traffic Classification Descriptions

Maintain a system of traffic streets that support the movement of motor vehicles for regional, interregional, interdistrict, and local trips as shown. For each type of traffic classification, the majority of motor vehicle trips on a street should conform to its classification description.

Hearings Officer Comments: N Williams Avenue and N Vancouver Avenue are designated Neighborhood Collectors. The primary abutting street to the Site is N Williams Avenue. To the south, N Cook Street is designated as a Neighborhood Collector as it wraps around behind the hospital. To the north, NE Fremont Street is designated as a Neighborhood Collector from the east until NE Martin Luther King, Jr. Boulevard which is two blocks away. The remainder of the streets, including N Ivy Street that abuts the Site to the south, are Local Service Traffic Streets.

Neighborhood Collectors are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Traffic Streets and to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors.

Local Service Streets are intended to provide local traffic and emergency vehicle access, on-street parking and access to local residences or commercial uses, and a safe and pleasant place for pedestrians and residents.

The type of uses and density of development allowed under the requested Central Residential designation (and corresponding RX zone) are expected to generate trips from the surrounding neighborhood and larger transportation district, as opposed to a citywide or region wide area. The level of commercial activity and the scale of the Site are such that they could not support a regional service destination. As such, the proposed Central Residential designation will promote the type of, and density of, uses that are appropriate for the traffic classifications and the functions of the abutting streets.

On balance, the proposed Central Residential designation is equally supportive of this policy than the current Medium Density Multi-Family designation.

Policy 6.6 Transit Classification Descriptions

Maintain a system of transit streets that supports the movement of transit vehicles for regional, interregional, interdistrict, and local trips.

Hearings Officer Comments: N Williams Avenue, N Vancouver Avenue, and NE Fremont Street are all designated as Transit Access Streets. The Site directly abuts N Williams Avenue and NE Fremont Street. The remainder of the streets, including N Ivy Street that abuts the Site to the south, are Local Service Transit Streets.

Transit Access Streets are intended for district oriented transit service. One goal along such streets is to encourage pedestrian activity in commercial and mixed-use areas along Transit Access streets. The requested amendment better provides for pedestrian oriented development along a Transit Access Street.

Local Service Streets are intended to provide transit service to local residents and adjacent commercial areas.

The type of uses and density of development allowed under the proposed Comprehensive Plan Map designation are expected to increase the number of households that could potentially use transit directly on both a north/south and an east/west transit corridor. This is supportive of the transit corridor and supportive of reducing the number of vehicle trips generated by the development while allowing additional housing density close to the City center.

On balance, the proposed Central Residential designation is equally supportive of this Policy than the current Medium Density Multi-Family designation.

Policy 6.7 Bicycle Classification Descriptions

Maintain a system of bikeways to serve all bicycle users and all types of bicycle trips.

Hearings Officer Comments: N Williams Avenue, N Vancouver Avenue and NE Fremont Street are all designated as City Bikeways. The Site directly abuts N Williams Avenue and NE Fremont Street. The remainder of the streets, including N Ivy Street that abuts the Site to the south, are Local Service Bikeways.

City Bikeways are intended to serve the Central City and other major destinations. Local Service Streets are intended to provide transit service to local residents and adjacent commercial areas.

The type of uses and density of development allowed under the proposed Central Residential designation can be expected to increase the number of households that would use the City Bikeways that are directly adjacent to the Site and serve both north/south and east/west route destinations. This is supportive of the intent of the City Bikeway,

and supportive of reducing the number of vehicle trips generated by the development while allowing for additional housing density close to the City center.

The proposed Central Residential designation is equally supportive of this Policy.

Policy 6.8 Pedestrian Classification Descriptions

Maintain a system of pedestrianways to serve all types of pedestrian trips, particularly those with a transportation function.

Hearings Officer Comments: The Site is located in a Pedestrian District which ends at the north edge of the Site along NE Fremont Street. North of NE Fremont Street, the pedestrian district evolves into City Walkways along N Williams and N Vancouver Avenues.

Pedestrian Districts are intended to give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned. The requested Central Residential designation will better provide for pedestrian activity through directly meeting Pedestrian District Land Use objectives including: allowing transit supportive density; providing the opportunity for commercial uses that are supportive of the neighborhood; and encouraging increased pedestrian activity.

City Walkways are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets. The requested Central Residential designation will better support the goal through providing additional pedestrian supportive development and activity along the N Vancouver/N Williams mixed-use corridor.

The proposed Central Residential is more supportive of this Policy.

Policy 6.11 Street Design Classification Descriptions

Street Design Classification Descriptions identify the preferred modal emphasis and design treatments for regionally significant streets and special design treatments for locally significant streets.

Hearings Officer Comments: The Site is adjacent to N Williams Avenue and near N Vancouver Avenue, both of which are designated as Community Corridors. NE Fremont Street is a Community Corridor east of NE Martin Luther King, Jr. Boulevard. All other streets, including N Ivy Street that abuts the Site to the south, are designated as Local Streets.

Community Corridors are designed to include special amenities to balance motor vehicle traffic with public transportation, bicycle travel, and pedestrian travel. N Williams Avenue is balanced with public transportation, bicycle travel and motor vehicle traffic. The requested Central Residential designation will provide for neighborhood supportive commercial activity that will better support pedestrian activity.

Local Streets are designed to complement planned land uses and reduce dependence on arterials for local circulation. The Central Residential designation will have no effect on this designation.

The proposed Central Residential is more supportive of this Policy.

Policy 6.18 Adequacy of Transportation Facilities

Ensure that amendments to the Comprehensive Plan (including goal exceptions and map amendments), zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities.

Hearings Officer Comments: The key intersections in the area include NE Fremont/N Williams, NE Fremont/N Vancouver, N Williams/N Cook, and N Vancouver/N Cook. Both intersections on NE Fremont Street are signalized. Neither intersection at NE Cook Street is signalized.

The city's operational standards for unsignalized intersections must be shown to operate at a Level of Service of E or better, and signalized intersections at a Level of Service of D or better. Applicant has provided a Traffic Impact Study (Exhibit A.3 – hereafter the "TIA") prepared by an Oregon registered traffic engineer whose analysis is based on a worst-case (the use that will generate the most trips) build-out of the Site. The TIA demonstrates operational levels through 2035.

The TIA demonstrates that key intersections in the area will operate at the appropriate Level of Service or better within the 20-year time frame, provided the unsignalized intersections discussed are signalized during that period. Applicant concluded that given the unsignalized intersections in their existing condition do not meet operational standards, installation of signals by 2035 seems likely. PBOT required additional assurance that these intersections will be signalized, and recommended a condition of approval that until the needed signals at these intersections are funded, uses on the Site under the proposed RX zone be limited to a total of 25 new weekday p.m. peak hour trips. (This is addressed in more detail later in this recommendation in response to the Zoning Map Amendment approval criteria.)

The proposed Central Residential designation, with a recommended condition of approval, is on balance equally supportive of this Policy.

Policy 6.19 Transit-Oriented Development

Reinforce the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers.

Policy 6.22 Pedestrian Transportation

Plan and complete a pedestrian network that increases the opportunities for walking to shopping and services, schools and parks, employment, and transit.

Hearings Officer Comments: The Site is located along the N Vancouver/N Williams mixed-use transit corridor, and adjacent to NE Fremont Street at a location that is identified by the neighborhood plan as a gateway location. The Site is also located in a Pedestrian District which ends at the north edge of the site along NE Fremont Street. North of NE Fremont Street, the pedestrian district evolves into City Walkways along N Williams and N Vancouver Avenues.

The proposed Central Residential designation will be more supportive of Policies 6.19 and 6.22 by allowing commercial and employment opportunities along this transit/pedestrian corridor. The additional density of housing with mixed-use, neighborhood-supportive activities will provide a better transit and pedestrian oriented development opportunity than the existing Medium Density Multi-Family designation.

The proposed Central Residential is more supportive of these Policies.

Policy 6.23 Bicycle Transportation

Make the bicycle an integral part of daily life in Portland, particularly for trips of less than five miles, by implementing a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

Hearings Officer Comments: The Site is located along the N Vancouver/N Williams mixed-use transit corridor, on a major north/south City Bikeway, and an important east/west City Bikeway. The proposed Central Residential designation will better meet this goal by better allowing for more bike trips associated with the additional housing density allowable. The Central Residential designation will also allow for additional neighborhood-supportive retail on a City Bikeway. The increased availability of shopping and entertainment to the commuting cyclist can be expected to reduce the number of vehicle trips taken by the cyclist.

The proposed Central Residential is more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 6.24 Public Transportation

Develop a public transportation system that conveniently serves City residents and workers 24 hours a day, seven days a week and can become the preferred form of travel to major destinations, including the Central City, regional and town centers, main streets, and station communities.

Hearings Officer Comments: The Site is located along the N Vancouver/N Williams mixed-use transit corridor, and on both north/south and east/west Transit Access Streets.

The proposed Central Residential designation will better meet this goal by better allowing for more transit trips associated with the additional housing density, the newly allowed commercial employment opportunities, and shopping at the newly allowable neighborhood-supportive retail. The increased availability of shopping and entertainment to the transit commuter will reduce the number of vehicle trips taken by the transit commuter.

The proposed Central Residential is more supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 6.27 Off-Street Parking

Regulate off-street parking to promote good urban form and the vitality of commercial and employment areas.

Objective A: Consider eliminating requirements for off-street parking in areas of the City where there is existing or planned high-quality transit service and good pedestrian and bicycle access.

Objective C: Limit the development of new parking spaces to achieve land use, transportation, and, and environmental objectives.

Hearings Officer Comments: The proposed Central Residential designation allows for increased housing density and limited commercial activities. The increase in density and types of allowable uses will likely drive additional on-street parking use.

Mitigating the anticipated on-street parking impacts would be the Site's close proximity to public transit. A public bus line serving N Williams operates on 20-minute peak hour service. Current zoning regulations do not require any on-site parking for development of the Site because of its proximity to frequent transit service lines. BDS staff noted, in Exhibit H.10, City Council, on April 4, 2013, tentatively voted on an amendment to the Zoning Code that would require parking for residential development in the following amounts:

- 0-30 dwelling units: no on-site parking required
- 31-40 dwelling units: 0.20 parking spaces per unit
- 41-50 dwelling units: 0.25 spaces per unit
- 51 or more units: 0.33 spaces per unit

Applicant's TIA and PBOT's review of this application considered the proposals' impact on the public right-of-way and, even without Council's proposed parking amendments, found no adverse impacts related to on-street parking.

The objectives of the goal clearly delineate that the goal is to promote good urban form and vitality, and to reduce or eliminate off-street parking in areas well served by transit,

pedestrian activities, and bicycle access. An objective also indicates that it is the intent of the section to limit the development of new parking spaces.

The requested Central Residential designation better meets the goal and objectives in that it provides additional density and types of uses in a location well served by pedestrian, bicycle and transit activities, and in a location that does not require additional parking by code.

The proposed Central Residential is equally supportive of this Policy than the existing Medium Density Multi-Family designation.

Policy 6.35 Northeast Transportation District

Support efficient use of land in Northeast Portland by focusing development and redevelopment where there will be a reduction in a reliance on the automobile.

Hearings Officer Comments: See the individual transportation classification descriptions above for an assessment of the applicability of the Northeast Transportation District designations and service goals.

GOAL 7: Energy

Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.

Findings: Goal 7 policies and objectives are generally directed toward the City implementing energy-related strategies. However, as identified below, there are two policies that focus on promoting energy efficiency through land use regulations. The proposed designation is supportive of these policies.

Policy 7.4 Energy Efficiency through Land Use Regulations

The City shall promote residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources.

Objective B: Promote density, location, and mix if land uses that decrease the length of required daily trips and encourage the consolidation of related trips.

Objective C: Promise medium to high density residential near proposed transit stations and medium density residential development along major transit uses.

7.6 Energy Efficient Transportation

Provide opportunities for non-auto transportation including alternative vehicles, buses, light rail, bikeways, and walkways.

Hearings Officer Comments: Key objectives identified under Policy 7.4 applicable to Applicant's proposal include locating high-density residential zones in and adjacent to the downtown core; encouraging housing adjacent to employment areas; and promoting density, location, and a mix of land uses that decrease the length of required daily trips and encourage the consolidation of related trips.

The proposed Central Residential designation will allow the development of a high-density residential use within a half mile of the Central City, and along transit corridors that provide direct access to and from the Central City. The proposed Central Residential designation will allow for high density of residential development immediately across the street from an EXd (employment) zoned area. Additionally, the proposed Central Residential designation allows for ground floor commercial uses that can serve the needs of the surrounding area, thereby potentially reducing the number of vehicular trips that area residents, employees and visitors must take outside the neighborhood. Reducing the number and length of vehicular trips is also supportive of Policy 7.6.

A Boise neighborhood resident submitted written comments questioning the impact the height of development allowed under the proposed designation will have on rooftop solar panels in the surrounding area. While the corresponding zone of the requested Comprehensive Plan Map designation will allow taller buildings than currently allowed (an increase from 45 feet to 100 feet), thereby potentially creating larger shadows on adjacent properties (depending on the height of the building proposed), there are no zoning regulations (in either the existing R1 zone or proposed RX zone) that limit development based on its potential adverse impacts on solar energy generation.

The proposed Central Residential is more supportive of these Policies than the existing Medium Density Multi-Family designation.

GOAL 8: Environment

Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

Findings: Most of the policies and objectives under this goal are not relevant to the requested proposal. However, the proposal will on balance be equally or more supportive of the relevant policy identified below than the existing designation.

8.4 Ride Sharing, Bicycling, Walking, and Transit

Promote the use of alternative modes of transportation such as ridesharing, bicycling, walking, and transit throughout the metropolitan area.

Hearings Officer Comments: The proposed Central Residential designation will allow a wider range of uses and greater residential density than permitted under the existing Medium Density Multi-Family designation. This increased diversity of uses and higher

residential density will be on a Site that is served by several public transit bus lines as well as a heavily used bicycle corridor along N Williams Avenue and N Vancouver Avenue. Locating such development on a Site that is so convenient to alternative modes of transportation has the potential to reduce the use of single-occupancy vehicles and increase the number of people who walk, bike and take public transit. The proposed Central Residential is more supportive of this Policy than the existing Medium Density Multi-Family designation.

GOAL 9: Citizen Involvement

Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

Findings: The proposal is consistent with relevant policies 9.1 (Citizen Involvement Coordination) and 9.3 (Comprehensive Plan Map Amendment), and therefore is consistent with Goal 9. An analysis of the applicable policies is provided, below.

Policy 9.1 Citizen Involvement Coordination.

Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations.

Policy 9.3 Comprehensive Plan Amendment

Allow for the review and amendment of the adopted Comprehensive Plan which insures citizen involvement opportunities for the city's residents, businesses and organizations.

Hearings Officer Comments: The City provided notice of the proposed Comprehensive Plan Map Amendment (and Zoning Map Amendment) to surrounding property owners within 400 feet of the Site; to the Eliot, Boise, and King Neighborhood Associations; and to the NE Broadway Business Association and North-Northeast Business Association in order to inform them of their opportunity to comment on the application either in writing and/or at the scheduled public hearing. In addition, the Site was posted with a notice advertising the public hearing per the requirements of the Portland Zoning Code. Applicant reported that he met with the Eliot Neighborhood Association, and modified the proposal in response to comments received from this organization. The proposed Central Residential is equally supportive of this Policy when compared to the existing Medium Density Multi-Family designation.

GOAL 10: Plan Review and Administration

Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.

Findings: As identified below, the proposal is supportive with the relevant policies under this goal.

Policy 10.5 Corresponding Zones and Less Intense Zones

Corresponding zones are zones that best implement a Comprehensive Plan Map designation. Base zones must either be the zone corresponding to the designation, or be a zone less intense than the corresponding zone... When the Comprehensive Plan Map is amended through a quasi-judicial review and the underlying base zone is more intensive than allowed by the amended Plan Map, the zone must be changed to a corresponding zone as part of the review.

Hearings Officer Comments: Applicant requests a Comprehensive Plan Map Amendment from Medium Density Multi-Dwelling designation to the more intensive Central Residential designation, with a Zoning Map Amendment to RX. Because the RX zone corresponds to the Central Residential Comprehensive Plan Map designation, this Policy is equally supportive.

Policy 10.7 Amendments to the Comprehensive Plan Map

The Planning Commission must review and make recommendations to the City Council on all legislative amendments to the Comprehensive Plan Map. Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. For quasi-judicial amendments, the burden of proof for the amendment is on the applicant. The applicant must show that the requested change is:

(1) Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies,

Hearings Officer Comments: The preceding analysis and findings in this recommendation demonstrate that the proposed Comprehensive Plan Map Amendment is, on balance, equally or more supportive of and consistent with the relevant goals and policies of the Comprehensive Plan.

(2) Compatible with the land use pattern established by the Comprehensive Plan Map,

Hearings Officer Comments: Much of the area in the vicinity of the Site was rezoned in 1993 as part of the Albina Plan. The Albina Plan sought to make the area more attractive for a variety of development types, including residential, commercial, industrial and institutional. A core belief included in the Plan was that investment in one of these development types would stimulate investment in the others. This goal is reflected in the diversity of zoning that was mapped within the Plan boundaries, and more immediate to the Site and the nearby N Williams/N Vancouver corridor. There are eight different base zones mapped within a two-block radius of the Site, and five of these front the N Williams/N Vancouver corridor.

Applicant is requesting that the Central Residential designation be mapped on the Site. Although not abutting other Central Residential designation properties, this same designation is mapped in a three-block area two blocks south of the Site, between the N Williams/N Vancouver frontages. The parcels already mapped with the Central Residential designation, in combination with the Central Residential designation proposed for the Site, begins to frame and support the higher density, mixed-use Central Employment designation that extends northward along this corridor.

Testimony was offered, by opponents to this application, suggesting the Central Residential designation is not appropriate for the Site because the Comprehensive Plan states RX zones will generally be located near the center of the City where transit is readily available and where commercial and employment areas are nearby. Opposition comments noted the Comprehensive Plan is typically applied in combination with the Central City Plan District. These statements are not included in the Comprehensive Plan, but instead in the characteristic statement for the RX zone included in Zoning Code Section 33.120.030.E. As previously mentioned, mapping the Central Residential (and corresponding RX zone) designation on the Site is consistent with the stated intent of the RX zone. The Site is located within a half mile of Central City (and the Central City Plan District), and is located in an area that is well served by public transit, and in an area where commercial and employment opportunities are available. This is consistent with the underlying reasons used to support placing of the Central Residential designation on the three-block area two blocks south of the Site.

Opposition comments also suggest that since there is vacant land in the vicinity, with the Central Residential designation or Central Employment designation, there is no need to approve this application. While there are several lots in the surrounding area mapped with the Central Residential designation or Central Employment designation, there are no policies in the Comprehensive Plan that require a demonstration of economic need for a proposed designation. Additionally, there has been a significant increase in the amount of development occurring in the nearby vicinity in recent years, including a four-story, 72-unit residential building completed in late 2013 on an EXd zoned site one block north of the Site; the New Seasons grocery store now under construction on the EXd zoned site at the southwest corner of NE Fremont Street and N Williams Avenue; and a proposed five-story, 196 unit residential building on an EXd zoned lot at the northwest corner of N Williams Avenue and N Cook Street. The Hearings Officer finds the proposed Central Residential designation equally supportive of this Policy.

(3) Consistent with the Statewide Land Use Planning Goals, and

Hearings Officer Comments: The State of Oregon Land Conservation and Development Commission ("LCDC") has acknowledged the Comprehensive Plan for the city. The City goals mentioned in "LCDC and Comprehensive Plan Considerations" are comparable to the statewide planning goals in that City Goal 1 is the equivalent of State Goal 2 (Land Use Planning); City Goal 2 addresses the issues of State Goal 14

(Urbanization); and City Goal 3 deals with the local issues of neighborhoods. The following city and state goals are similar: City Goal 4, State Goal 10 (Housing); City Goal 5, State Goal 9 (Economic Development); City Goal 6, State Goal 12 (Transportation); City Goal 7, State Goal 13 (Energy Conservation); City Goal 8, State Goals 5, 6 and 7 (Environmental Impacts); and City Goal 9, State Goal 1 (Citizen Involvement). City Goal 10 addresses City plan amendments and rezoning; and City Goal 11 is similar to State Goal 11 (Public Facilities and Services). Other statewide goals relate to such topics as agricultural, forestry and coastal issues, and therefore do not specifically apply to the Site.

For quasi-judicial plan amendments, compliance with the City's plan goals, as discussed here, show compliance with applicable state goals. The analysis in this report indicates that overall, the City goals and policies are supported by the proposed Comprehensive Plan Map designation, and on balance are more supportive of these goals and policies than the existing designation on the Site. Consequently, the proposal is consistent with all applicable statewide goals. The Hearings Officer finds the proposed Central Residential designation equally supportive of this Policy.

- (4) Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.

Hearings Officer Comments: As previously discussed above in this recommendation, the Hearings Officer found the proposed Central Residential designation is consistent with the adopted *Albina Community Plan* and the *Eliot Neighborhood Plan*. The Hearings Officer finds the proposed Central Residential designation equally supportive of this Policy.

Policy 10.8 Zone Changes

Base zone changes within a Comprehensive Plan Map designation must be to the corresponding zone stated in the designation. When a designation has more than one corresponding zone, the most appropriate zone will be applied based on the purpose of the zone and the zoning and general land uses of surrounding lands. Zone changes must be granted when it is found that public services are presently capable of supporting the uses allowed by the zone, or can be made capable prior to issuing a certificate of occupancy. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater disposal, transportation capabilities, and police and fire protection.

Hearings Officer Comments: As identified in Policy 10.4, the Central Residential Comprehensive Plan Map designation has only one corresponding zone – the RX zone. Through the Zoning Map Amendment request addressed later in this recommendation, the proposal is to the RX zone. To the extent that applicable Zoning Map Amendment

approval criteria addressed in this recommendation are met, these policies and objectives are also met. The Hearings Officer finds the proposed Central Residential designation equally supportive of this Policy.

GOAL 11 A: Public Facilities

Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

Findings: The proposal is consistent with Goal 11 and specifically Policy 11.2 as addressed below. Agency responses to this proposal indicate that either adequate public facilities and services exist or can be made available as discussed under Zoning Map Amendment Approval Criterion found in Zoning Code Section 33.855.050.B, below, and in Exhibits E.1 through E.6. Towards ensuring that adequate transportation facilities can be made available for the density of development allowed under the proposed Central Residential designation, PBOT recommends a condition of approval regarding traffic signals at two nearby intersections. This condition is addressed in more detail in response to Zoning Map Amendment Approval Criterion 33.855.050.B.2.c, below.

Policy 11.2 Orderly Land Development

Urban development should occur only where urban public facilities and services exist or can be reasonably made available.

Hearings Officer Comments: The adequacy of public facilities is discussed in detail later in this recommendation under the Zoning Map Amendment Approval Criterion 33.855.050 B. To the extent those criterion are met, the proposal is consistent with this policy. The Hearings Officer finds the proposed Central Residential designation equally supportive of this Policy.

Policy 11.4 Capital Efficiency

Maximum use of existing public facilities and services should be supported through encouraging new development to occur at the maximum densities allowed by the Comprehensive Plan and through the development of vacant land within presently developed areas.

Hearings Officer Comments: The proposed Central Residential designation better supports this Policy, as it will provide for a greater density of development that can be served by existing public facilities and services. (The one exception is an impact on the transportation system, which will require additional signalization. This matter is discussed in response to Zoning Map Approval Criterion found in Zoning Code Section 33.855.050.B.2.c; this issue has been adequately addressed.) The proposed designation will therefore maximize use of the existing public infrastructure to a greater degree than would be possible under the existing designation. The Hearings Officer finds the proposed Central Residential designation more supportive of this Policy.

GOAL 12: Urban Design

Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.

Findings: The proposal is consistent with Goal 12 and its policies, which is intended to enhance Portland's identity as a livable city with attractive amenities creating a dynamic urban environment through quality projects. An analysis of the applicable policies is provided, below.

Policy 12.1 Portland's Character

Enhance and extend Portland's attractive identity. Build on design elements, features and themes identified with the City. Recognize and extend the use of City themes that establish a basis of a shared identity reinforcing the individual's sense of participation in a larger community.

Policy 12.2 Enhancing Variety

Promote the development of areas of special identity and urban character. Portland is a city built from the aggregation of formerly independent settlements. The City's residential, commercial, and industrial areas should have attractive identities that enhance the urbanity of the City.

12.4 Provide for Pedestrians

Portland is experienced most intimately by pedestrians. Recognize that auto, transit and bicycle users are pedestrians at either end of every trip and that Portland's citizens and visitors experience the City as pedestrians. Provide for a pleasant, rich and diverse experience for pedestrians. Ensure that those traveling on foot have comfortable, safe and attractive pathways that connect Portland's neighborhoods, parks, water features, transit facilities, commercial districts, employment centers and attractions.

Policy 12.6 Preserve Neighborhoods

Preserve and support the qualities of individual neighborhoods that help to make them attractive places. Encourage neighborhoods to express their design values in neighborhood and community planning projects. Seek ways to respect and strengthen neighborhood values in new development projects that implement this Comprehensive Plan.

Policy 12.7 Design Quality

Enhance Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. Encourage the design of the built environment to meet standards of excellence while fostering the creativity of architects and designers. Establish design review in areas that are important to Portland's identity, setting, history and to the enhancement of its character.

Hearings Officer Comments: The R1d zone (under the Medium Density Multi-Family designation) and the RXd zone (under the Central Residential designation) include the Design overlay zone. The Design overlay zone requirements are intended to promote the enhancement and continued vitality of areas of the City with special architectural or cultural value. As stated in the purpose statement for the Design overlay zone (Zoning Code Section 33.420.010), the overlay specifically is intended to promote quality, high density, development adjacent to transit facilities.

The required development standards, under both the Central Residential and Medium Density Multi-Family designations, are intended to ensure that the relevant design issues included under this goal are met. The development standards regulate where the building may be placed on the Site, minimum and maximum setbacks, building coverage, building height, required window area, location of main entrances, pedestrian circulation, landscaping and screening. Together, these standards are intended to create desirable, livable areas that are aesthetically pleasing, and to ensure that development will be consistent with the envisioned character of the area.

The addition of a limited amount of retail space (most likely on the ground floor), as allowed under the Central Residential designation, will create a more innovative project (mixed-use) than would be allowed under the existing Medium Density Multi-Family designation. A mixed-use project, including increased residential density, would better utilize the N Williams/N Vancouver transit corridor.

One of the Policies (Policy 12.3) included in Goal 12 focuses on historic preservation. The Site is not located within a designated historic or conservation district. However, the Eliot Conservation District abuts the Site to the east. Again, the character of this conservation district should be considered via the development standards of the corresponding RX zone that apply to the Site, as well as by the Design overlay zone regulations that will apply to any development that occurs on this Site.

It should be noted that the objectives under the historic preservation policy included in Goal 12 are directed at sites or districts that are themselves designated as a historic resource. The Site itself is not designated as a historic resource.

The Hearings Officer considered all of the above comments in the context of the probability that a taller structure will be allowed on the Site with the proposed Central Residential designation than would be allowed under the existing Medium Density Multi-Family designation. The Hearings Officer finds it axiomatic that a taller building will be more difficult to integrate into the appearance and character of the residential area to the east of the Site. On balance, the Hearings Officer finds the possible negative impacts of a taller building will be mostly offset by the development standards and Design overlay zone requirements.

The Hearings Officer finds the proposed Central Residential designation equally supportive of these Policies.

33.810.050 Comprehensive Plan Map Approval Criteria

A2. When the requested amendment is:

- From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or
- From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

the requested change will not result in a net loss of potential housing units.

Findings: As the proposal Comprehensive Plan Map amendment is from one residential designation to another, this criterion is not applicable.

A3. When the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation, in order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the criteria in Section 33.810.050.A.3.a-g must also be met.

Findings: As the proposal Comprehensive Plan Map amendment is from one residential designation to another, this criterion is not applicable.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Findings: The proposed Comprehensive Plan Map designation is Central Residential. As stated in Comprehensive Plan Policy 10.4 (12), the Central Residential designation has only one corresponding zone, the RX zone. Applicant is requesting that the RX zone be mapped on the Site.

This criterion is met.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Findings: The Site does not currently have a Commercial (C), Employment (E), or Industrial (I) designation, or a Buffer overlay. As such, this criterion is not applicable.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: As the requested Zoning Map Amendment request is from a lower density residential zone to a higher density residential zone, this criterion is not applicable.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
 - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
 - c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

Findings: Based on the findings from the affected service bureaus, below, services are determined to be adequate with the implementation of one recommended condition from PBOT regarding traffic signals.

Water Supply and Capacity

The Water Bureau reviewed the application in this case and determined the water supply and capacity are adequate to support the proposed designation (Exhibit E.1). The Water Bureau noted that there is one existing 5/8-inch metered service (Serial #20243733, Account #2960312000) to the Site, at the property addressed as 19 N Ivy Street, which is provided water from the existing six-inch water main in N Ivy Street. This service may potentially be used with the future development. There is also water available to the Site from the existing 12-inch water main in NE Fremont Street, and the existing eight-inch water main in N Williams Avenue. The estimated static water pressure range for this location is 65 psi to 81 psi at the existing service elevation of 174 feet.

Police Protection

The Police Bureau responded with comments that the bureau is capable of serving the proposed change (Exhibit E.2).

Fire Protection

The Fire Bureau responded with “no concerns” regarding the requested Zoning Map Amendment (Exhibit E.3). The Fire Bureau noted that at the time of building permit application, the proposed development will be reviewed for conformance with all Fire Code requirements.

Sanitary Waste and Stormwater Disposal

BES responded with no objections to the requested Zoning Map Amendment (Exhibit E.4). BES notes that the proposed development will be subject to BES standards and requirements during the building permit review process. Key information included in BES’ response includes the following:

- There is an existing 39-inch brick public combined gravity sewer located in NE Fremont Street (BES Project # 0010).
- There is an existing 12-inch vitrified clay public combined gravity sewer located in NE Ivy Street (BES Project # 2-0255).
- There is no public storm-only sewer available to the Site. The combined sewer system currently surcharges under certain conditions. BES will allow sanitary connections, but stormwater discharges will be restricted.
- All development and redevelopment proposals are subject to the requirements of the City of Portland Stormwater Management Manual. Applicant provided a Presumptive stormwater report and utility plan showing a conceptual stormwater management plan for developing the Site. BES reviewed the stormwater report from KPFF, dated October 19, 2012. The KPFF report documented Presumptive Approach infiltration test results, as estimated in a geotechnical report prepared

by GeoDesign, dated March 23, 2005. The KPFF report estimates an infiltration rate of 10 inches per hour is possible in the silty layer of soil encountered five feet below the existing surface. Applicant proposed on-site infiltration by means of drywells for a conceptual structure and courtyard, parking and access drive areas. Applicant demonstrated that vegetated stormwater facilities could be installed for managing stormwater runoff from the courtyard, parking and access drive areas prior to disposal to a drywell system and that no stormwater runoff from development of the Site will need to be discharged offsite to the public combined sewer system. BES expressed no objections to the proposed stormwater management approach for the purposes of land use review. BES found the approval criterion for adequacy of stormwater management has been met.

As noted above, BES found that the sanitary waste disposal needs of potential development under the proposed RX designation can be accommodated by the existing sanitary sewer. BDS Site Development noted that if any on-site sewage disposal systems (i.e. cesspools) are located on the Site, such systems will be required to be decommissioned in the event the Site is developed).

Transportation System Facilities

PBOT reviewed the Applicant's TIA for 19 NE Ivy Street Zone Change, prepared by Lancaster Engineering. PBOT provided a response to the TIA in the context of this approval criterion and the Oregon Transportation Planning Rule (Exhibit E.6). In summary, PBOT concluded that with a recommended condition related to needed traffic signals at the N Williams Avenue/N Cook Street and N Vancouver Avenue/N Cook Street intersections, this criterion is met. The Hearings Officer quotes, from Exhibit H.6, below (quoted material includes all sections below that are indented and italicized on pages 50-53 of this recommendation):

"The analysis in the TIA prepared by Lancaster examines conditions in the year 2035, or 23 years from the existing conditions. The current City of Portland Transportation System Plan (TSP) update was adopted in 2011.

As demonstrated in the TIA, the net increase in trips generated by the potential development allowed as a result of the change in zoning of the subject property will not significantly impact the functionality of the existing transportation system assuming the installation of traffic signals at the intersections of Vancouver/Cook, Williams/Cook and a minor signal timing modification at the intersection of Vancouver/Fremont. The analyzed intersections will function at the same level regardless of whether or not the development allowed with the zone change occurs. A condition of approval limiting site generated vehicle trips to the amount allowed under the current R1 zoning (32 multi-dwelling units) until funding for traffic signals at Vancouver/Cook Williams/Cook is approved ensures transportation facilities

will be adequate to serve the site in addition to existing uses in the area. [These trip caps are identified in Table 1, below.] Funding has been approved for the signal at Williams/Cook and the City is in the process of facilitating a source of funding for the Vancouver/Cook intersection.

Table 1. Weekday PM Peak Hour Trip Rates for Trip Cap Comparison

Land Use Category	ITE Code	Building Size	ITE Trip Rate	Weekday PM Peak Hour Net New Trip Rate*
Daycare	565	1,000 sq. ft. GFA	12.46	12.46 trips/1,000 sq. ft.
Office	710	1,000 sq. ft. GFA	1.49	1.49 trips/1,000 sq. ft.
Specialty retail	814	1,000 sq. ft. GLA	2.71	2.71 trip/1,000 sq. ft.
Hardware/paint store	816	1,000 sq. ft. GFA	4.84	4.84 trips/1,000 sq. ft.
Nursery/garden center	817	1,000 sq. ft. GFA	3.80	3.80 trips/1,000 sq. ft.
Multi-Dwelling	223	NA	0.44	0.44 trips/Per Dwelling Unit.
Drive-in bank	912	1,000 sq. ft. GFA	25.82	25.82 trips/1,000 sq. ft.
High-turnover sit-down restaurant	932	1,000 sq. ft. GFA	11.15	11.15 trips/1,000 sq. ft.
Fast food restaurant with drive-through	934	1,000 sq. ft. GFA	33.84	33.84 trips/1,000 sq. ft.

*Based on Trip Generation, 9th Edition, published by the Institute of Transportation Engineers (ITE).

GLA=Gross Leasable Area

GFA= Gross Floor Area

TRANSPORTATION PLANNING RULE

The Transportation Planning Rule (TPR) is a statewide regulation that is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted directly below, with a response directly following.

660-012-0060

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding: *In this case, subsections (a) and (b) are not triggered, since the proposed zone change and subsequent development is not expected to impact nor alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.*

The capacity analysis in the TIA documents that the transportation system will operate within the acceptable performance standards both with and without the proposed zone change in place. As such, subsection (c) is also not triggered and there is no "significant affect" as defined by the TPR with the installation of traffic signals at the intersections of Vancouver/Cook and Williams/Cook and a minor signal timing modification at Williams/Fremont. A condition of approval limiting site generated vehicle trips to the amount allowed under the existing R1 zoning (32 multi-dwelling units) until funding for traffic signals at Vancouver/Cook Williams/Cook is approved ensures transportation facilities will be adequate to serve the site in addition to existing uses in the area."

Summary

With the recommended condition from PBOT, the relevant City service bureaus find that public services are adequate.

This criterion is met.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

Findings: As the requested Zoning Map Amendment does not involve IR zoning, this criterion is not applicable.

- C. When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: As the requested Zoning Map Amendment does not involve IR zoning, this criterion is not applicable.

- D. Location.** The site must be within the City's boundary of incorporation. See Section 33.855.080.

Findings: The Site is within the City of Portland. This criterion is met.

III. SUMMARY OF THE HEARINGS OFFICER'S FINDINGS

The sole approval criterion for the comprehensive plan map designation change request is found in PCC 33.810.050.A.1. This section of the PCC requires the decision maker to answer the following question:

Is the requested comprehensive plan map designation (Central Residential), on balance, equally or more supportive of the Comprehensive Plan than the current plan map designation (Medium Density Multi-Family)?

BDS staff and the Hearings Officer identified more than 75 Comprehensive Plan policies that were relevant to this application. Some of the policies are highly relevant and others less relevant. The Hearings Officer provided comments/analysis of each of the relevant policies and offered a conclusion as to whether the requested plan map designation was equally or more supportive of the policy. The Hearings Officer appreciates that reasonable minds may reach different conclusions as to whether the requested plan map designation is equally or more supportive.

The Hearings Officer provided (pages 7 through 9 of this recommendation) suggestions as to how to approach the “on balance” requirement of PCC 33.810.050.A.1. The bottom line, in the opinion of the Hearings Officer, is that City Council is granted broad discretion in determining the weight to be given to each policy in the overall balancing process. The Hearings Officer suggests, however, that City Council address each relevant policy and discuss its rationale for giving that policy some, lots or a little weight in the final analysis. The Hearings Officer, in attached table, (attached as Exhibit H.15) provided a column (General Relevancy of Section to Applicant’s Request) indicating the weight the Hearings Officer believed to be appropriate for each policy.

The Hearings Officer found the requested plan map designation (Central Residential) was less supportive of a relevant policy in only two instances (Goal 2: Urban Development, Policy 2.10 and Policy 2.16). The Hearings Officer found the requested plan map designation (Central Residential) was equally or more supportive of the remaining policies as compared to the current plan map designation (Medium Density Multi-Family). Based upon the Hearings Officer’s analysis, it appears clear that PCC 33.810.050.A.1 is satisfied.

The relevant approval criteria for the requested zone change from R1d to RXd are found in PCC 33.855.050. The Hearings Officer found that the primary focus of PCC 33.855.050, in this case, is whether or not adequate public services exist to serve a RXd zoned Site. PBOT, in its review of the transportation issues, recommended a condition of approval limiting the number of allowable trips that would be allowed by potential uses on the Site until traffic signals, at identified intersections, are funded. Applicant indicated it concurred with the PBOT recommended trip cap condition of approval. Evidence is in the record to support a finding that all public services are adequate to support the RXd zone.

The Hearings Officer recommends City Council approve the requested Central Residential comprehensive plan map designation for the Site. The Hearings Officer recommends the City Council approve the requested RXd zone map amendment.

IV. RECOMMENDATION

Approval of a Comprehensive Plan Map Amendment from Medium Density Multi-Dwelling to Central Residential; and

Approval of a Zoning Map Amendment from Multi-Dwelling Residential 1,000 (R1) with a Design overlay zone to Central Residential (RX) with a Design overlay zone;

for property legally described as Lots 11, 12 and 13, Albina Homestead Addition, in the City of Portland, County of Multnomah and State of Oregon, excepting therefrom any portion of said Lot 13 lying within the limits of N Williams Avenue; Lots 4 and 5, Block 6, Williams Avenue Addition, in the City of Portland, County of Multnomah and State of Oregon; and Lot 3, Block 6, Williams Avenue Addition, in the City of Portland, County of Multnomah and State of Oregon;

all subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 13-109305 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Until funding has been approved to install traffic signals at the intersections of N Williams Avenue/N Cook Street and N Vancouver Avenue/N Cook Street, uses on the site under the RX zone are limited to a total of 25 new weekday p.m. peak hour trips. Square footage equivalencies are to be applied per Table 1 below. The applicant must submit a written verification at time of building permit review that demonstrates per Table 1, below, that all uses on the site, both existing and proposed, do not exceed a maximum net new weekday p.m. peak hour trip generation rate of 25 trips. Upon approved funding of the traffic signals at both these intersections, the cap on maximum trip generation shall no longer apply to development of the subject site.

Land Use Category	ITE Code	Building Size	ITE Trip Rate	Weekday PM Peak Hour Net New Trip Rate*
Daycare	565	1,000 sq. ft. GFA	12.46	12.46 trips/1,000 sq. ft.
Office	710	1,000 sq. ft. GFA	1.49	1.49 trips/1,000 sq. ft.
Specialty retail	814	1,000 sq. ft. GLA	2.71	2.71 trips/1,000 sq. ft.
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Land Use Category	ITE Code	Building Size GFA	ITE Trip Rate	Weekday PM Peak Hour Net New Trip Rate*
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Fast food restaurant with drive-through	934	1,000 sq. ft. GFA	33.84	33.84 trips/1,000 sq. ft.

*Based on *Trip Generation, 9th Edition*, published by the Institute of Transportation Engineers (ITE).

GLA=Gross Leasable Area
GFA= Gross Floor Area



Gregory J. Frank, Hearings Officer

5/16/13

Date

Application Determined Complete: February 14, 2013
Report to Hearings Officer: March 22, 2013
Recommendation Mailed: May 16, 2013

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer’s Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Development Services representative listed in this Recommendation (823-7700).

The decision of City Council, and any conditions of approval associated with it, is final. The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and
- a notice of intent to appeal be filed with LUBA within 21 days after City Council's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision. A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of approval. Zoning Map Amendment and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

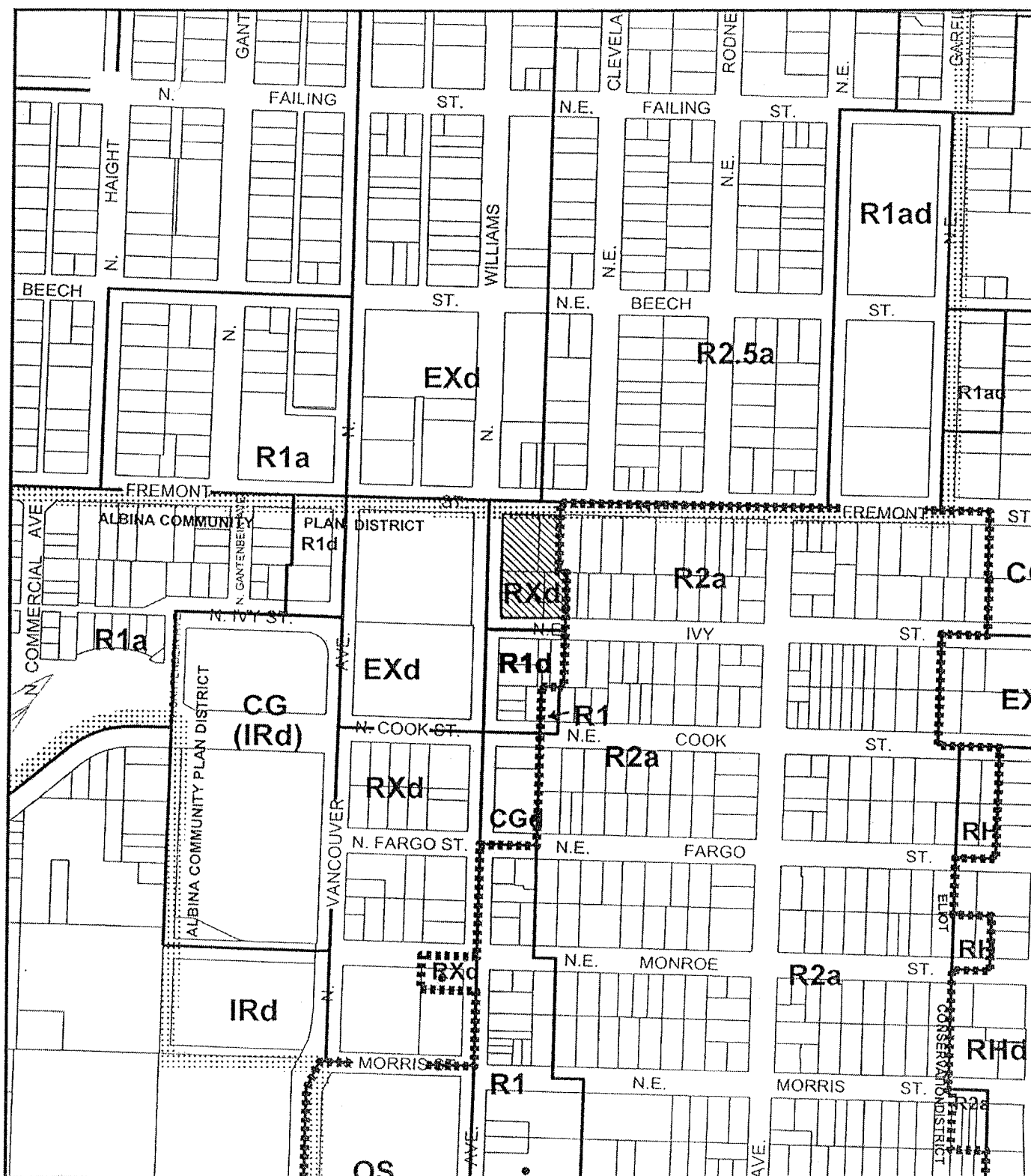
- All conditions imposed herein;

- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Written Response to Approval Criteria, received February 5, 2013
 - 2. Site Plan (including ROW dedications)
 - 3. Traffic Impact Study, prepared by Lancaster Engineering, dated October 3, 2012
 - 4. Stormwater Drainage Memorandum, prepared by KPFF, dated October 19, 2012
 - 5. Example Stormwater Utility Plan
 - 6. Geotechnical Report, prepared by GeoDesign, dated August 18, 2005.
- B. Zoning Maps (**attached**)
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan (**attached**)
- D. Notification Information
 - 1. Request for Response
 - 2. Posting Letter Sent to Applicant
 - 3. Notice to be Posted
 - 4. Applicant's Statement Certifying Posting
 - 5. Mailing List
 - 6. Mailed Notice
- E. Agency Responses
 - 1. Water Bureau
 - 2. Police Bureau
 - 3. Fire Bureau
 - 4. Bureau of Environmental Services
 - 5. Bureau of Development Services Site Development Review Section
 - 6. Portland Bureau of Transportation
 - 7. Bureau of Development Services Life Safety Plans Examiner
 - 8. Portland Parks & Recreation/Urban Forestry Division
- F. Letters
 - 1. E-mail from Mike, Warwick, Eliot Neighborhood Association, received February 19, 2013
 - 2. E-mail received from Forrest Parsons, received March 13, 2013
- G. Other
 - 1. Original LUR Application
 - 2. Pre-Application Conference Summary Notes
- H. Received in the Hearings Office
 - 1. Hearing Notice - Hardy, Douglas
 - 2. Staff Report - Hardy, Douglas
 - 3. 4/2/13 Letter - Lauerma, Noah and Anne
 - 4. 4/2/13 E-mail from Ted Maceiko w/ attachments - Hardy, Douglas
 - a. 10/20/05 E-mail - Hardy, Douglas
 - b. Appeal of LU 05-139802 DZM AD - Hardy, Douglas

- c. 4/3/13 Meeting - Hardy, Douglas
- 5. 4/3/13 Letter - van Orden, Paul
- 6. 4/2/13 Letter from Erin Howell - van Orden, Paul
- 7. Copy of faxed letter from Lauermans - van Orden, Paul
- 8. Record Closing Information - Hearings Office
- 9. 4/7/13 Letter from Gillard and Best - Gillard, Kelly
 - a. (Oversize) Williams Avenue - East Elevation - Gillard, Kelly
 - b. (Oversize) Williams Avenue - West Elevation - Gillard, Kelly
- 10. 4/10/13 Memo - Hardy, Douglas
- 11. Undated Letter - McGrath, Audra
- 12. Undated Letter - Taggard, Nate
- 13. E-mails - Hearings Office
- 14. 4/16/13 Letter - Ferdun, Destin
- 15. Table – Hearings Officer (**attached**)

 Site

**This Site Lies Within The:
Albina Community Plan District**

File No. LU 13-109305 CP,ZC
1/4 Section 2730,3420
Scale 1 inch = 300 feet
State_Id 1N1E27AA 2400
Exhibit B.2 (Jan 28, 2013)

Section	General Relevancy of Section to Applicant's Request ¹	Is the Requested Designation Less, Equal, or More Supportive of the Comprehensive Plan?	Hearings Officer findings/comments on page
Goal 1: Metro Coordination² (Metro Urban Growth Functional Plan)	-----	-----	10
Title 1: Housing and Employment Accommodation	High	More Supportive	11
Title 3: Water Quality and Flood Management	Low	Equal	11
Title 7: Housing Choice	Moderate	Equal	12
Title 8: Compliance Procedures	Moderate	Equal	12
Title 12: Protection of Residential Neighborhoods	Moderate	Equal	12
Title 13: Nature in Neighborhoods	Low	Equal	13
Goal 2: Urban Development	-----	-----	13
Policy 2.1: Population Growth	Moderate	More Supportive	14
Policy 2.2: Urban Diversity	High	More Supportive	14
Policy 2.9: Residential Neighborhoods	High	Equal	14
Policy 2.10: Downtown Portland	Moderate	Less Supportive	15
Policy 2.12: Transit Corridors	High	More Supportive	15
Policy 2.15: Living Closer to Work	Moderate	More Supportive	15
Policy 2.16: Strip Development	High	Less Supportive	16
Policy 2.18: Supportive Density	Moderate	More Supportive	16
Policy 2.19: Infill and Redevelopment	High	More Supportive	16
Policy 2.20: Utilization of Vacant Land	High	More Supportive	17
Policy 2.22: Mixed Use	High	More Supportive	17
Policy 2.23: Buffering	Low	Equal	17
Policy 2.26: Albina Community Plan	See Albina Community Plan references below		17
Goal 3: Neighborhood Involvement	-----	-----	18
Policy 3.5: Neighborhood Involvement	Moderate	Equal	18

Section	General Relevancy of Section to Applicant's Request ¹	Is the Requested Designation Less, Equal, or More Supportive of the Comprehensive Plan?	Hearings Officer findings/comments on page
Policy 3.6: Neighborhood Plans	-----	-----	18
Albina Community Plan	-----	-----	18
Policy 1.A: General Land Use	High	More Supportive	19
Policy 1.B: Livable Neighborhoods	High	Equal	19
Policy 1.D: Economic Development	High	More Supportive	21
Policy 1.E: Transit Supportive Land Use	High	More Supportive	22
Policy 2: Transportation	High	More Supportive	22
Policy 3.B: Business Growth and Development	High	More Supportive	23
Policy 5: Housing	High	More Supportive	23
Eliot Neighborhood Plan	-----	-----	24
Policy B: Neighborhood Identity	High	Equal	24
Policy 2: Neighborhood Development	High	More Supportive	25
Policy 3: Housing	High	More Supportive	25
Policy 4: Transportation	Moderate	More Supportive	26
Policy 5: Employment	Moderate	More Supportive	26
Policy 6: Business and Economic Development	High	More Supportive	27
Policy 10: Northern Eliot	High	More Supportive	27
Policy 13: Williams/Vancouver Corridor	High	More Supportive	27
Goal 4: Housing			28
Policy 4.1: Housing Availability	High	More Supportive	28
Policy 4.2: Maintain Housing Potential	Moderate	More Supportive	28
Policy 4.3: Sustainable Housing	Moderate	More Supportive	29
Policy 4.6: Housing Quality	Low	Equal	29
Policy 4.7: Balanced Communities	High	More Supportive	30