



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

April 26, 2007

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment  
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 14, 2007**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

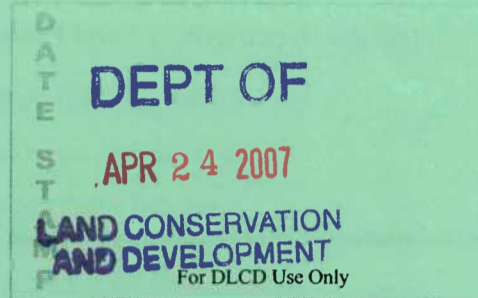
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Kathleen Stokes, City of Portland

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# PROF 2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Portland Local file number: LU06-184561 CPZC MS  
 Date of Adoption: 4/19/07 Date Mailed: 4/23/07  
 Date original Notice of Proposed Amendment was mailed to DLCD: January 11, 2007

- |  |   |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment                                  |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> New Land Use Regulation           | <input checked="" type="checkbox"/> Other: <u>Amend Central City Master Plan</u><br><u>LU00-00301</u> |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Comprehensive Plan Map from Central Residential to Central Employment and Zoning Map from RXd to EXd for property at 936 NW Hoyt St. Reverses 2000 Amendments that changed property from Central Employment (EX) to Central Residential (RX). Request was made because housing requirement in Portland's Central City Plan District that was transferred from the lot across the street to the north, to this site, by placement of RXd designation was actually built and satisfied on the original site to the north.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".

If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: RXd (Central Residential) to: EXd (Central Employment)  
 Zone Map Changed from: RXd to: EXd  
 Location: 936 NW Hoyt Acres Involved: 10,000 SQ. FT.  
 Specify Density: Previous: 34 units (minimum) New: 0 (minimum - no max, but  
 Applicable Statewide Planning Goals: 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14 minimum density requirement  
re allocated to property across Hoyt on N. side)  
 Was and Exception Adopted?  YES  NO

DLCD File No.: 001-06(15794)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

City of Portland, METRO

Local Contact: Kathleen Stokes, staff planner phone: (503) 823-7843 Extension: \_\_\_\_\_

Address: 1900 SW 4th Av. Ste. 5,000 City: Portland, OR

Zip Code + 4: 97201 - 5380 Email Address: kstokes@ci.portland.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

## **ORDINANCE No. 180906**

\* Amend the Comprehensive Plan Map designation and change zoning of 936 NW Hoyt Street at the request of Steve Nobach, CE John Company, Inc., and Robert B. and Kristin K. Howell. (Ordinance; LU 06-184561 CP ZC MS)

The City of Portland ordains:

Section 1. The Council finds:

1. The applicants CE John Company and Robert B. and Kristin K. Howell seek, in the vicinity of 936 NW Hoyt Street, the following:
  - a. a Comprehensive Plan Map Amendment from Central Residential to Central Employment for property described as LOTS 6&7, BLOCK 74, COUCHS ADD, Multnomah County, Oregon (commonly known as 936 NW Hoyt Street), State ID No. 1N1E34BC 07300; and
  - b. a Zoning Map Amendment from RXd to EXd for property described as LOTS 6&7, BLOCK 74, COUCHS ADD, Multnomah County, Oregon (commonly known as 936 NW Hoyt Street), State ID No. 1N1E34BC 07300.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map has been received with the property fee for filing paid.
3. The City's Hearings Officer held a duly noticed public hearing on March 5, 2007, and a Recommendation was issued on March 12, 2007 (BDS File No. LU 06-184561 CP ZC MS). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment and Zoning Map Amendment. The Hearings Officer also recommended approval of a Central City Master Plan (CCMP) amendment with one condition. The CCMP amendment and the condition of approval applicable to the CCMP amendment will be approved by separate order of Council.
4. The City Council finds that the requested amendments to the Comprehensive Plan Map and Zoning Map, based on the findings contained in the Recommendation of the Hearings Officer, are in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW, THEREFORE, the Council directs:

- a. The Council adopts the facts, findings, conclusions and recommendation of the Hearings Officer that apply to the Comprehensive Plan Map amendment and Zoning Map Amendment in BDS File No. LU 06-184561 CP ZC MS.
- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment are approved as follows:
  1. a Comprehensive Plan Map Amendment from Central Residential to Central Employment for property described as LOTS 6&7, BLOCK 74, COUCHS ADD,

Multnomah County, Oregon (commonly known as 936 NW Hoyt Street), State ID No. 1N1E34BC 07300; and

2. a Zoning Map Amendment from RXd to EXd for property described as LOTS 6&7, BLOCK 74, COUCHS ADD, Multnomah County, Oregon (commonly known as 936 NW Hoyt Street), State ID No. 1N1E34BC 07300.

Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described property; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council:  
Introduced by City Auditor Gary Blackmer  
G. Frank/db April 5, 2007

**GARY BLACKMER**  
Auditor of the City of Portland  
By

Deputy



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CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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1900 S.W. 4<sup>th</sup> Avenue, Room 3100  
Portland, Oregon 97201  
Telephone: (503) 823-7307  
FAX: (503) 823-4347  
TDD (503) 823-6868

**RECOMMENDATION OF THE HEARINGS OFFICER**

**I. GENERAL INFORMATION**

**File No.:** LU 06-184561 CP ZC MS (HO 4070008)

**Applicant:** Steve Nobach, CE John Company, Inc.  
1701 SE Columbia River Dr  
Vancouver, WA 98661

Robert B and Kristin K Howell (property owners)  
18160 S Old River Dr  
Lake Oswego, OR 97034-5177

**Representative:** David Petersen, Tonkon Torp LLP  
888 SW Fifth Ave  
Portland OR 97204

**Hearings Officer:** Gregory J. Frank

**BDS Staff Representative:** Kathleen Stokes

**Site Address:** 936 NW Hoyt Street and 925 NW Hoyt Street

**Legal Description:** LOT 6&7 BLOCK 74 LAND & IMPS ALSO SEE -6761, COUCHS  
ADD; LOT 1&4 BLOCK 115, COUCHS ADD; LOT 2&3 BLOCK 115,  
COUCHS ADD; LOT 5-8 BLOCK 115, COUCHS ADD

**Tax Account No.:** R180206760, R180210330, R180210350, R180210370

**State ID No.:** 1N1E34BC 07300, 1N1E34BC 07200, 1N1E34BC 07100, 1N1E34BC  
07000

**Quarter Section:** 2929

**Neighborhood:** Pearl District

**Business District:** Pearl District Business Association

**District Coalition:** Neighbors West/Northwest

**Plan District:** Central City - River District

**Designation/Zoning:** RX d (Central Residential with a Design Overlay)

**Proposed:** EX d (Central Employment with a Design Overlay)

**Land Use Review:** Type III, Central City Master Plan with concurrent Comprehensive Plan Map Amendment and Zoning Map Amendment

**BDS Staff Recommendation to Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 9:00 a.m. on March 5, 2007, in the 3<sup>rd</sup> floor hearing room, 1900 S.W. 4<sup>th</sup> Avenue, Portland, OR, and was closed at 9:44 a.m. The record was closed at the conclusion of the hearing.

**Testified at the Hearing:**

Kathleen Stokes, BDS staff representative

David Petersen, Tonkon Torp LLP, 888 SW 5th Avenue, 16th floor, Portland, OR 97204

**Hearings Officer Opening Comments:**

At the public hearing, only the BDS staff representative (Kathleen Stokes) and the applicant's representative (David Petersen) testified. The applicant's representative concurred with the findings and conclusions contained in the BDS Staff Report and Recommendation to the Hearings Officer (Exhibit H.2) excepting for the proposed condition of approval (see page 28 of Exhibit H.2 – condition A). At the conclusion of the public hearing the applicant's representative "dropped opposition to the proposed condition."

The Hearings Officer, having reviewed the BDS Staff Report and Recommendation to the Hearings Officer (Exhibit H.2), listened to the testimony of the BDS staff representative and applicant's representative, concluded that the proposed findings and approval (with condition) language is appropriate. The Hearings Officer, therefore, adopts the language of the BDS Staff Report and Recommendation to the Hearings Officer (Exhibit H.2) as the recommendation in this case. In essence, the Hearings Officer is treating this as an "uncontested case."

**Proposal:** According to the regulations for the Central City Plan District, Code Section 33.510.230, certain areas that have nonresidential zoning designations are required to include residential development. Generally, the residential portion of the development project must be completed and occupancy permits issued in advance or at the same time as an occupancy permit for any nonresidential portion of the project. However, exceptions to this requirement may be approved as part of a Central City Master Plan (Code Section 33.510.255), which can allow the construction of required housing to be deferred or allow the housing requirement to be transferred to another nonresidential property. When required housing is reallocated to another

nonresidential site, the "receiving" site must be redesignated as residential, by adopting a Comprehensive Plan Designation of Central Residential and a Zoning Map designation of RX.

In 2000, the applicants requested approval of a Central City Master Plan to reallocate the 14 housing units that were required for the "transfer site," which is the block located between NW 9th and 10th Avenues and NW Hoyt and Irving Streets (current address is 925 NW Hoyt), onto the property to the south, at 936 NW Hoyt. This "receiving site" was, and still is, developed with a surface parking lot. The combination of the minimum density for the RX designation that was placed on the "receiving site" and the 14 units that were reallocated from the "transfer site" requires 34 housing units for the 936 NW Hoyt property. These reviews were approved under LUR 00-00301 CCMS, CP ZC. In the interim, development plans changed for the original "transfer site" and a mixed-use development, with 178 dwelling units was constructed on that property.

Now the applicants are asking for approval of an amendment to the Central City Master Plan, in order to restore the original status of the property at 936 NW Hoyt, removing the transferred housing requirement and the RX (Central Residential) designation and restoring the previous Comprehensive Plan Map designation of Central Employment and the EX Zoning Map designation.

NOTE: Because this current review is amending the 2000 Central City Master Plan (LU 00-00301), the nomenclature of the master plan review (i.e. "transfer site" and "receiving site") has been retained throughout this report to differentiate between the two properties that are involved in the review. The actions that are requested in this review are for the former "receiving site," but are inextricably linked to the original "transfer site."

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the relevant approval criteria of Title 33 for Central City Master Plans, Code Section 33.510.255 E. 1-5, as well as the Approval Criteria for Comprehensive Plan Map Amendments, Section 33.810.050 A. 1 and 2, and for Zoning Map Amendments, Section 33.855.050 A, B and D. The approval criteria for the Comprehensive Plan Map Amendment include showing that the proposal is consistent with the Portland Comprehensive Plan, the Central City Plan, the River District Plan, the Metro Functional Plan and the Statewide Planning Goals.

## II. ANALYSIS

**Site and Vicinity:** The site is made up of 4 tax lots, designated in the 2000 Central City Master Plan (LUR 00-00301 CCMS, CP ZC) as the "transfer site" and the "receiving site". Three of the tax lots comprise one City block, which is the original "transfer site." The fourth tax lot comprises one-quarter of a City block and is the former "receiving site." The original "transfer site" is located between NW 9<sup>th</sup> and 10<sup>th</sup> Avenues and NW Hoyt and Irving Streets and has an area of 40,000 square feet. This property was intended for development with nonresidential uses at the time of the 2000 land use review. Subsequently, the development plan was changed and



these parcels are now developed with a mixed-use project, known as “10<sup>th</sup> & Hoyt Apartments,” which includes 178 residential units. The former “receiving site” is located at the southeast corner of NW 10<sup>th</sup> and Hoyt and has an area of 10,000 square feet. This property is currently developed with a surface parking lot. A portion of the parking lot is being used, at this time, as a staging area for a mixed-use construction project that is occurring on the adjacent property to the south, at 937 NW Glisan.

The US Post Office occupies the large site to the east of this block. Two residential projects, Tanner Place and Pearl Commons, are across NW 10<sup>th</sup> Avenue, to the west. The EcoTrust facility is immediately north of the transfer site block, across NW Irving Street. Older warehouse structures that have been rehabilitated into housing and retail uses occupy portions of the blocks to the south, across NW Hoyt from the original “transfer site.”

The streets surrounding the entire site are developed with existing curbs and sidewalks. The Central City Streetcar line abuts the properties on NW 10<sup>th</sup> Avenue. The site is also within the designated Central City Pedestrian District.

**Zoning: EX ZONE:** This original “transfer site” is currently zoned EX, Central Employment, with a “d” or Design Overlay. This zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development that is similar in character to existing development. This is also the designation that is requested for the former “receiving site.”

**RX ZONE:** The current Comprehensive Plan Map designation and zoning for the former “receiving site” is RX, Central Residential, with a “d” or Design Overlay. This zone is a high density multi-dwelling zone that allows the highest density of dwelling units of the residential zones. The density is regulated through limits on FAR, in order to control the maximum size of buildings and intensity of use. Generally the density will be 100 or more units per acre. Allowed housing development is characterized by a very high percentage of building coverage. The major types of new housing development will be medium to high-rise apartments and condominiums, often with allowed 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 near by.

**CENTRAL CITY PLAN DISTRICT:** The entire site is located in the Central City Plan District, in the River District subdistrict. The original “transfer site” has a maximum allowed floor area ratio (FAR) of 4 to 1 and a maximum allowed height of 75 feet. The west side of the “transfer site” is designated as a location with required building lines. The “transfer site” is located in the River District Parking Sector 2 and is also within a residential bonus target area and a required residential development area, which is the requirement that triggered the 2000 Central City

Master Plan Review for the property.

The required residential development area is intended to promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City Plan. New development must include housing at the minimum rate of 1 unit per 2,900 square feet of net site area. For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. The floor area of the required housing units qualifies for the floor area bonus option (33.510.210. C.1.) Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of, or at the same time as, an occupancy permit for nonresidential portions of the project.

Exceptions to the required residential development area may be approved as part of a Central City master plan (33.510.255.) A provision of Central City master plans allows required housing units to be reallocated to another site outside of the required residential area. This provision requires:

- 1) The receiving site must be under the applicant's control, and
- 2) The receiving site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land, and
- 3) The receiving site must be within the Central City Plan District and be currently zoned EX or CX, and
- 4) The receiving site must be of suitable size and location to be attractive for the required amount of housing, and
- 5) The receiving site must be reserved for housing through a concurrent application for a Comprehensive Plan Map designation of Central Residential and an RX zone.

Prior to the 2000 Central City Master Plan review, a total of 14 housing units were required for the original "transfer site." These units were reallocated from the "transfer site" to the "receiving site," under the provisions of this portion of the Zoning Code, through LUR 00-00301.

The former "receiving site" has a maximum allowed FAR of 6 to 1 and a maximum allowed height of 100 feet. Additional height, over the maximum 100 feet, can be obtained through bonus options for the property. The west side of the former "receiving site" is designated as a location with required building lines. The "receiving site" is located in the River District Parking Sector 4 and is outside of the residential bonus target area and required residential development area.

Parking access to both parts of the site is limited on NW 10<sup>th</sup> Avenue and is only allowed through approval of an Adjustment Review.

**DESIGN OVERLAY ZONE:** The entire site is in the Design Overlay Zone of the Central City. Development must be in accordance with the standards of the Central City Fundamental Design Guidelines and the River District Design Guidelines. The Design [d] overlay zone designation ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values of each design district: in this case, the River [sub] District of the Central City Plan District.

**Land Use History:** City records include the following previous land use reviews for these properties:

- DZ 59-85, 916/910 NW Hoyt. Approval of Design Review to remove an overhead door and provide balcony and display space for commercial furnishings.
- DZ 16-87, 911 NW Hoyt. Approval of Design Review for new entry and enclosed dock. Conditions required further design study with intent to bring 2 elevations into greater conformance with one another and, "make the overall visual effect of the frame more grand and exciting." Also required bicycle parking, parking lot landscaping, street trees, and reconstruction of curb and sidewalk along NW Hoyt.
- DZ 37-88, NW 10<sup>th</sup> and Hoyt. Design Review for new warehouse addition. Application withdrawn.
- HL 48-88, 911 NW Hoyt. Approval of historic landmark designation (Withdrawn in 1994, due to unsafe condition of building.)
- LUR 00-00248 DZM, 630 NW 10th and 911 NW Hoyt Street. Approval of Design Review for retail and office project for full block site with parking facilities. The review approved a single building with a 1-story corner piece at the northeast corner of the site and a 6-story 'L' shaped piece for the south and west half blocks. One hundred and eighty-six parking stalls were also included. Approval was also given for modifications to standards for the following Code sections:
  - Ground Floor Windows, 33.140.230.
  - Rooftop Mechanical Equipment, 33.140.210 B.2.
  - Parking area dimensions, 33.266.130 F.2.
  - Loading size and maneuvering, 33.266.310

Approvals were subject to the approved design and a requirement that building permits could not be issued for the proposed building until the applicant received approval for the request to defer the required housing to another site, as was being requested under LUR 00-00301 ZC CP MS. *NOTE: This proposal was superseded by an alternate development plan that was approved in 2002.*

- LUR 00-00301 CPZC CCMS was approved with adoption of Ordinance No. 175165 by City Council, which included approval of:

A Comprehensive Plan Map Amendment to change the existing Designation from Central Employment to Central Residential; and

A Zoning Map Amendment to change the existing zone of EXd to RXd, and

A Central City Master Plan to approve transfer of 14 required housing units from the transfer site to the designated receiving site (936 NW Hoyt).

- LU 02-125719 approved Design Review for a different development proposal for the property on the north side of NW Hoyt (the “transfer site of the 2000 Central City Master Plan) that included a 6-story, full block, mixed-use building with approximately 175 residential units. (According to building permits for this project, 178 units were actually built.) Main residential lobbies are accessed from NW Hoyt and Irving Streets. Four separate retail tenant spaces are included in the ground floor. The approved design included one level of underground parking, accessed from NW Irving Street, and a small area of parking included in the first floor of the building, accessed from NW 9<sup>th</sup> Avenue. The total number of parking spaces provided was approximately 160. The plan also included a ground level landscaped courtyard for the center of this building, accessed from NW 10<sup>th</sup> Avenue, and a rooftop garden area for a portion of the roof at the NW 10<sup>th</sup> Avenue frontage.

The review also included approval of Modification to standards for ground floor windows and parking space dimensions.

- LU 03-123282 DZ Type II Design Review approved several revisions to previously approved LU 02-125719 DZM :
  - Retail Canopies @ all 4 Building Corners
  - Reveals at the Concrete Base of the Building
  - Enlarged Corner Unit Decks
  - Extending the Main Building Bays above the plain of the roof overhang
  - Redesign of the Portal Decorative Metal Gates, Garage Gates, Garage Grills, Deck / Roof Terrace Rails, Exterior Light Fixtures
  - Redesign of the Courtyard

**Agency Review:** A “Request for Response” was mailed **January 17, 2007**. The following Bureaus have responded with no issues or concerns. Written responses are indicated by exhibit numbers.

- Environmental Services provided information on public sewers and storm water management (Exhibit E-1).
- Transportation Engineering provided a written analysis of how the proposal complies with relevant transportation related approval criteria. The comments that were provided have been incorporated into the findings for this report (Exhibit E-2).
- Site Development Section of BDS provided information on stormwater management

(Exhibit E-3).

- Life-Safety Plan Review Section of BDS stated that there do not appear to be any conflicts between the proposal and applicable building codes (Exhibit E-4).
- Police Bureau stated that services are adequate for this proposal (Exhibit E-5).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 12, 2007. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **33.810.050 Approval Criteria**

- A. **Quasi-Judicial.** Amendments to the Comprehensive Plan Map which 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 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:** The following analysis evaluates the request against all of the relevant Comprehensive Plan goals, policies and objectives. This analysis was, in part, provided by the applicant. BDS Staff reviewed this analysis and concurred with the applicant's findings. Therefore, some of these findings are incorporated into this report. Staff finds that, based on this analysis, the requested designation for the site (Central Employment) is, on balance, equally supportive of the Comprehensive Plan as the existing designation.

### **Portland Comprehensive Plan Goals and Policies**

#### **COMPREHENSIVE PLAN GOAL 1, METROPOLITAN COORDINATION**

This goal requires the Comprehensive Plan to be coordinated with federal and state law as well as support the regional goals, objectives and plans adopted by the Metropolitan Service District (Metro).

**Findings:** This Goal and related policies are intended to ensure that review and updates of Portland's Comprehensive Plan comply with the regional Framework Plan adopted by Metro.

#### **Metro Functional Plan**

The *Urban Growth Management Functional Plan* was approved November 21, 1996, by the Metro Council and became effective February 19, 1997. The purpose of the

plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), 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. The relevant titles of the *Urban Growth Management Functional Plan* are addressed below.

- Title 1: Accommodation of Growth. This Title requires cities and counties to amend their plans and zoning as needed to accommodate housing units and employment targets assigned each local government by Metro. Table 1 of the GMP directs Portland to accommodate an additional 70,704 dwelling units and 158,503 jobs by 2017.

Section 2: Minimum Densities. Section 2 of Title 1 requires local governments to: “apply a minimum density standard to all zones allowing residential use . . . [requiring] that no development application . . . may be approved unless the development will result in the building of 80 percent or more of the maximum number of dwelling units per net acre permitted by the zoning designation for the site.”

The request to amend the Comprehensive Plan Map from Central Residential to Central Employment for this property complies with this title because a covenant will be placed on the original “transfer site,” which will ensure that, at minimum, the 34 housing units that would have been required on the former “receiving site” will be retained on the original “transfer site” over time.

Section 5: Housing and Employment Capacity. Section 5 requires the City to determine whether or not its existing comprehensive plan and zoning can accommodate the Metro-assigned target of housing units and jobs by the year 2017, and to make changes to increase the City’s development capacity, if necessary. To the extent Section 5 applies to this plan amendment and rezone, it requires only a determination that the housing and employment capacity of the City’s comprehensive plan is not reduced by the change. Because the housing density will not be reduced by the amendment and the EX zone also allows the site to be developed with employment uses, the amendment complies with Section 5 of Title 1.

Section 7: Design Type Density Recommendations. Section 7 lists “recommended” average densities for each “design type” defined in the GMP. Section 7 is advisory only and the City is not required to comply with its recommendations.

- Title 2: Regional Parking Policy. This Title regulates the amount of parking permitted by use for jurisdictions in the region. Title 2 requires the

City to establish maximum parking ratios for each land use that are no greater than those listed in Table 2 appended to the GMP. The City has implemented this requirement for land within the Central City Plan District through an amendment to the Zoning Code that establishes maximum ratios for all uses allowed in the area. These maximums are more restrictive than the Metro requirements. The limitations applicable to this site under EX zoning fully implement the requirements of Title 2.

- Title 3: Water Quality and Flood Management Conservation. This Title is not applicable to this proposal because the site is not in a designated Metro Water Quality and Flood Management Area.
- Title 4: Retail in Employment and Industrial Areas. Title 4 limits the size of retail uses within areas mapped by Metro as being “Employment and Industrial Areas.” The site is not in an area that is shown as either an employment or an industrial area on Metro’s Title 4 map.
- Title 5: Neighbor Cities and Rural Reserves. This Title defines Metro’s policy regarding areas outside of the Urban Growth Boundary. This site is within the Urban Growth Boundary; therefore, this Title does not apply.
- Title 6: Regional Accessibility. Title 6 contains standards to encourage integrated land use and transportation development and to discourage excessive reliance on the single-occupant vehicle. Section 1 is a statement of intent. Section 2 contains standards for boulevard design that are inapplicable to this decision. Section 3 contains design standards for streets in newly developing areas that also are either inapplicable to this site, with its fully developed street system or are covered for any future redevelopment of the streets through the River District Right-of-Way Standards.

Title 6 is addressed through the City of Portland’s Comprehensive Plan Goal 6, Transportation. The Portland Office of Transportation reviewed this proposal for conformance with Goal 6 and found that the proposed Comprehensive Plan Amendment was equally supportive of this goal as the existing designation. Therefore, the proposal also complies with Title 6 of the Metro Functional Plan.

- Title 7 Affordable Housing. This title recommends that local jurisdictions implement tools to facilitate development of affordable housing. The title lists non-binding recommendations for accommodating affordable housing. The development for housing in this area that is allowed and, in some cases required, by the regulations of the Central City Plan District are consistent with this title. The applicant’s proposal complies with these regulations.

- Title 8 Compliance Procedures. This Title outlines compliance procedures for amendments to comprehensive plans and implementing ordinances. This proposal is consistent with this Title by fulfilling the notice requirements for Type III Land Use Reviews as required by Chapter 33.810 of the Portland Zoning Code, Comprehensive Plan Map Amendments, and Chapter 33.730, Quasi-judicial Procedures. In addition to notifying the affected neighborhood associations, district coalition and property owners within a 400-foot radius of the site, the City has mailed a notice of the proposal to Metro and to the Department of Land Conservation and Development.
- Titles 9 and 10. These Titles require performance measures and provide definitions for implementation of the Functional Plan, and therefore are not applicable.

Summary: On balance, the recommended amendment from Central Residential to Central Employment supports the relevant titles of this plan equally as well as the existing designation.

## **COMPREHENSIVE PLAN GOAL 2, URBAN DEVELOPMENT**

This goal calls for the maintenance of the city's role as a major regional employment, population, and cultural center, and the expansion of housing and employment opportunities while retaining the character of existing residential neighborhoods and business centers.

### 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.*

**Findings:** The proposal to redesignate the former "receiving site" to EXd is equally or more supportive of Policy 2.1 as the existing RXd designation. Policy 2.1 calls for the provision of additional housing units within the City to meet growing residential needs. The existing RX designation ensures that residential units will be constructed on the site and would provide the 20 units required by the base zone, plus the additional 14 transfer units. However, when the development plans were changed for the original "transfer site" property, on the north side of NW Hoyt Street, more than the minimum number of housing units that had previously been required were developed on that site. With a covenant that requires that at least the minimum number of 34 units that would have been guaranteed on the former "receiving site" property that is currently zoned RX, are maintained over time on the EX-zoned property to the north, the requested map amendment will be able to equally support this Policy.



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.*

**Findings:** The urban diversity policy is satisfied by providing an array of zones on the Comprehensive Plan Map to create a range of land use opportunities. This proposal affects a property that is located outside of the Required Residential Development Area in the Central City Plan District. This general area has been planned and developed with a mix of housing, office and retail uses. This mix of uses is the goal of the River District and Northwest Triangle subarea. The EX zone permits a mix of uses, including housing, office, retail and commercial uses. In the RX zone, the mix of uses is controlled by the square footage of residential development. In other words, the RX zone mandates ratios between the residential units and the office/retail/commercial square footage to ensure that the residential units remain the predominant use of the site. The proposed EX designation for this site restores the originally intended pattern and usage of this site. The transferred housing requirement and the additional housing that would have been required under the RX designation will be transferred back to the site on the north side of the street. This will ensure that the EX designation can be restored and be equally supportive of retaining urban diversity in this area.

Policy 2.12, Transit Corridors

*Provide a mixture of activities along major transit routes and main streets to support the use of transit . . . Require development along transit routes to relate to the transit line and pedestrians and to provide on-site pedestrian connections.*

**Findings:** The redesignation to EXd is at least as supportive of the Comprehensive Plan as the RXd designation. Located along Hoyt and 10<sup>th</sup> Avenues, the former “receiving site” is within the Central City Transportation Management Plan (“CCTMP”) area.

NW 10<sup>th</sup> Avenue is a Traffic Access Street, Transit Access Street and Central City Transit/ Pedestrian Street. The Central City Streetcar, which connects downtown Portland and Portland State University with the Good Samaritan Hospital area, includes an alignment along NW 10<sup>th</sup>, adjacent to the “receiving site.”

Public transportation facilities and public infrastructure improvements are directly supportive of and consistent with a rezone to EX under Policy 2.12. The mix of activities that can be provided under the EX zone include residential and commercial development located along a Major Transit Priority Street and near the Portland streetcar. Future development on the former “receiving site” will have the benefit of convenient and quick access to transit. Because the former “receiving site” is located on the southeastern corner of Hoyt and 10<sup>th</sup> and comprises only a ¼ block, it is reasonable to conclude that any entrances to residential or commercial uses on this ¼

block will be in close proximity to the transit line and not more than 100 feet in distance from the property line.

The redesignation to the Central Employment designation is therefore equally supportive of Policy 2.12 as the existing Central Residential designation.

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 traveled 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 to the neighborhood.*

**Findings.** The redesignation of the former “receiving site” to EX is supportive of this Policy because it will allow more commercial opportunities, upon redevelopment, for the surrounding residential units that have already been constructed. This will reduce vehicle miles traveled per capita and maintain air quality. Therefore, the Central Employment designation will be equally supportive of Policy 2.15 as the existing RX designation.

Policy 2.19

*Encourage infill and redevelopment as a way to implement the livable City growth principals and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, at transit stations, along main streets, and as a neighborhood infill in existing residential, commercial and industrial areas.*

**Findings:** The redesignation of a 10,000 square-foot property to EXd will improve the balance between nearby residential and commercial/employment areas. The redesignation may spur redevelopment of the property, which currently is used as a surface parking lot. The requested map amendment can encourage infill to implement the Livable City growth principles and to accommodate expected increases in population and employment. The property that is proposed for redesignation as EX is oriented toward several important transit improvements and along a Community Main Street (NW 10<sup>th</sup> Avenue), consistent with Policy 2.19. As a result, the proposed EX designation is equally supportive of this Comprehensive Plan policy as the existing RX designation.

**COMPREHENSIVE PLAN GOAL 4, HOUSING**

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.*

**Findings:** The purpose for the requirement for an RX rezone under the CCMS deferral and transfer is to ensure that an adequate supply of housing is available within the Central City to meet Portland's housing needs. As a result, the adoption of the RX designation for the former "receiving site" was intended to directly serve this goal and ensure an adequate supply of housing. Because more than the minimum required number of housing units were subsequently built on the original "transfer site," this goal has been accomplished. The EX redesignation of the former "receiving site" will be subject to a condition that requires that the 20 units required by the RX base zone and the 14 units required by the RRDA transfer will be maintained on the original "transfer site." As a result, the request to restore the EX designation will provide incentive for development with new employment opportunities and at the same time ensure that an adequate supply of housing is maintained. Therefore the requested change to Central Employment is equally supportive of this policy as the existing Central Residential designation.

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.*

**Findings:** Because this Comprehensive Plan Amendment and rezone to EX will be subject to a requirement that a minimum of 34 housing units be retained on the EX property to the north, which was the original "transfer site," there will be no net loss of land that is committed to residential or mixed-use. Therefore, the proposed redesignation to Central Employment for the former "receiving site" is equally supportive of this policy as the existing Central Residential 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.*

**Findings:** The map amendment, from Central Residential to Central Employment, still promotes the efficient use of land for housing and also promotes easy access to public transit. As discussed above, the 34 units that were required for the former "receiving site" were built on the original "transfer site" and will be retained. These properties are located on a transit street and easily accessible to the Portland streetcar and other transit lines. The proposal is, therefore, equally supportive of Policy 4.3 as the existing designation.

Policy 4.7, Balanced Communities

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

**Findings:** No development proposal has been made for future development on the former “receiving site.” However, the existing development on the “transfer site” supplements the supply of housing in the area and retention of the minimum requirement of 34 housing units will ensure that restoring the Central Employment designation to the former “receiving site,” is not inconsistent with this policy.

**COMPREHENSIVE PLAN 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.*

Policy 5.1

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

**Findings:** The EX redesignation of the former “receiving site” will encourage additional investment and adaptive reuse of urban land for additional employment opportunities, with no reduction in housing opportunities. The proposal is equally supportive of this policy as the existing Central Residential designation.

Policy 5.2

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

Policy 5.3, Community-Based Economic Development

*Support community-based economic development initiatives consistent with this Comprehensive Plan and compatible with neighborhood livability.*

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.*

**Findings:** The EX redesignation will make the former “receiving site” property available for additional business and employment opportunities in the area. It will also encourage the termination of the property's current use a surface parking lot, which has either a neutral or negative impact on the type of business development desired for the area. It will also eliminate the anomaly of an island of RX surrounded entirely by EX-zoned property, thereby reducing potential buffering concerns and facilitating the growth of the commercial area in which the property is located. This will also help improve the consistency of the adjacent commercial area, thereby facilitating enhancement of the area's special character and identity. Based on this reasoning, the proposed Central Employment designation is more supportive of these policies than the existing Central Residential designation for this 10,000 square-foot property.

#### **COMPREHENSIVE PLAN 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:** Goal 6 is implemented through Policies 6.1 through 6.33. Portland Transportation provided the following analysis of how this proposal responds to these policies:

#### **Response**

Changing the comprehensive plan and modifying the zoning for the subject property will comply with the City's Goal 6. The proposed EX designation would allow for residential, retail and/or commercial uses on the property. This is consistent with the mixed-use nature of the surrounding area and reinforces opportunities for non-auto travel in the district.

#### **Coordination and Involvement Policies**

##### Policy 6.1 Coordination

*Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.*

#### **Response**

There are no new transportation facilities required as part of this zone change. Therefore no particular coordination was undertaken.

##### Policy 6.2 Public Involvement

*Carry out a public involvement process that provides information about*

*transportation issues, projects, and processes to citizens, businesses and other stakeholders, especially to those traditionally underserved by transportation services, and that solicits and considers feedback when making decisions about transportation.*

**Response**

The project's applicant has complied with appropriate requirements related to public involvement and public review of the proposed comprehensive plan amendment and zone change. Therefore this policy is met.

Policy 6.3 Transportation Education

*Implement educational programs that support a range of transportation choices and emphasize safety for all modes of travel.*

**Response**

The proposed zoning and land uses are consistent with the opportunities for non-auto travel that are coordinated and provided by the City of Portland and Metro. Given that there are no significant impacts associated with the zone change, no specific transportation education programs have been developed for this property.

**Street Classification and Description Policies**

Policy 6.4 Classification Descriptions

*Street classification descriptions and designations describe the types of motor vehicle, transit, bicycle, pedestrian, truck, and emergency vehicle movement that should be emphasized on each street.*

**Response**

Table 1, on the following page of this report, summarizes the City's classification of the streets in the immediate vicinity of the site. These classifications will not be impacted by the proposed map amendment and zone change.

Policy 6.5 Traffic Classification Descriptions

*Maintain a system of traffic streets that support the movement of motor vehicles for region, 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.*

*The definitions of the city's traffic street functional classifications are available in Chapter 2, of the City's Transportation System Plan.*

**Response**

Under the proposed comprehensive plan amendment and zone change, the land uses that could be accommodated at the subject property, would generate vehicle trips consistent with the traffic classification descriptions contained in this goal. As shown

in the KAI transportation analysis, potential site trip generation impacts are greatest at the intersection of NW 9<sup>th</sup>/HW Hoyt. Beyond this intersection, trip generation will disperse through the district. This limited number of additional trips will not have a significant impact on traffic movement and function in the district. This policy is met.

**a. Summary of Street Classifications**

<b>Function</b>	<b>NW 9<sup>th</sup> Avenue</b>	<b>NW 10<sup>th</sup> Avenue</b>	<b>NW Glisan Street</b>	<b>NW Hoyt Street</b>
Traffic	Local Service Traffic Street	Traffic Access Street	Traffic Access Street	Local Service Traffic Street
Transit	Local Service Transit Street	Transit Access Street	Transit Access Street	Local Service Transit Street
Bicycle	City Bikeway	Local Service Bikeway	City Bikeway	Local Service Bikeway
Pedestrian	Pedestrian District: Local Service Walkway	Pedestrian District: Central City Transit/Pedestrian Street	Pedestrian District: City Walkway	Pedestrian District: Local Service Walkway
Freight	Local Service Truck Route	Local Service Truck Route	Local Service Truck Route	Local Service Truck Route
Emergency Response	Minor Emergency Response Street	Major Emergency Response Street	Major Emergency Response Street	Minor Emergency Response Street
Street Design Classifications	Local Street	Community Main Street	Local Street	Local Street

**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. (The definitions of the city's transit street functional classifications are available in Chapter 2, of the City's Transportation System Plan.)*

**Response**

The land uses that could be accommodated at the subject property would be consistent with transit travel demand and supply in the district. This policy is met.

Policy 6.7 Bicycle Classification Descriptions

*Maintain a system of bikeways to serve all bicycle users and all types of bicycle trips. (The definitions of the city's bicycle street functional classifications are available in Chapter 2, of the City's Transportation System Plan.)*

**Response**

The land uses that could be expected under the proposed designation are consistent with the bicycle classifications of the streets in the vicinity of the subject property. This policy is met.

Policy 6.8 Pedestrian Classification Descriptions

*Maintain a system of pedestrian ways to serve all types of pedestrian trips, particularly those with a transportation function. (The definitions of the city's pedestrian street functional classifications are available in Chapter 2, of the City's Transportation System Plan.)*

**Response**

Pedestrian facilities are provided on streets in the area. There are no functional classification changes recommended as part of this proposal. This policy is met.

Policy 6.9 Freight Classification Descriptions

*Maintain a system of truck streets and districts and other freight facilities. (The definitions of the city's freight street functional classifications are available in Chapter 2, of the City's Transportation System Plan.)*

**Response**

The land uses that could be expected under the proposed designation are consistent with the freight classifications of the streets in the vicinity of the subject property. This policy is met.

Policy 6.10 Emergency Response Classification Descriptions

*Emergency Response Streets are intended to provide a network of streets to facilitate prompt emergency response. (The definitions of the city's freight street functional classifications are available in Chapter 2, of the City's Transportation System Plan.)*

**Response**

The proposed zone change would not have an impact on emergency response routes in the area. This policy is met.

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. (The definitions of the city's street design classifications are available in Chapter 2, of the City's Transportation System Plan.)*

**Response**

The proposed amendment would not change the function of the streets in the project area; therefore it would not have any implications on street design. This policy is met.

**Transportation Function Policies**

Policy 6.12 Regional and City Travel Patterns

*Support the use of the street system consistent with its state, regional, and city classifications and its classification descriptions.*

**Response**

The proposed comprehensive plan amendment would not impact travel patterns in such a way as to decrease the functionality of the streets in the site vicinity. This policy is met.

Policy 6.13 Traffic Calming

*Manage traffic on Neighborhood Collectors and Local Service Traffic Streets, along main streets, and in centers consistent with their street classifications, classification descriptions, and desired land uses.*

**Response**

The proposed map amendment does not necessitate the need for special traffic management in the area. This policy is met.

Policy 6.14 Emergency Response

*Provide a network of emergency response streets that facilitate prompt response to emergencies.*

**Response**

The proposed map amendment does not change the ability to meet the requirements and standards for the emergency response in the area. This policy is met.

Policy 6.15 Transportation System Management

*Give preference to transportation improvements that use existing roadway capacity efficiently and improve the safety of the system.*

**Response**

There are no transportation improvements associated with this proposed map amendment. This policy is met.

Policy 6.16 Access Management

*Promote an efficient and safe street system, and provide adequate accessibility to planned land uses.*

**Response**

The proposed Comprehensive Plan Map and Zoning Map Amendments do not change the City's opportunity to achieve this policy.

**Land Use and Transportation Policies**

Policy 6.17 Coordinate Land Use and Transportation

*Implement the Comprehensive Plan Map and the 2040 Growth Concept through long range transportation and land use planning and the development of efficient and effective transportation projects and programs.*

**Response**

The subject property is in the Central City plan area, according to the 2040 Growth Concepts. The proposed zone change is consistent with Central City uses and the surrounding district and would not preclude the City from implementing other Comprehensive Plan policies and goals for the district. This policy is met.

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.*

**Response**

The analysis shows that, with an assumed reasonable worst case land use, traffic operations on the surrounding street systems would continue to be adequate. This policy is met.

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.*

**Response**

The proposed map designation provides for land uses that are consistent with the mixed-use nature of the surrounding area and enhances opportunities for more transit riders. This policy is met.

Policy 6.20 Connectivity

*Support development of an interconnected, multimodal transportation system to serve mixed use areas, residential neighborhoods, and other activity centers.*

**Response**

The proposed comprehensive plan amendment and zone change do not change the functionality of the streets in the site vicinity. No transportation improvements are needed to support the proposed change. The City's current and future plans for connectivity in the area are not negatively impacted by this proposal. This policy is met.

Policy 6.21 Right Way Opportunities

*Preserve existing rights way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.*

**Response**

Approving the proposed comprehensive plan amendment and zone change will not interrupt the established street pattern in this area or negatively impact the functional purposes of the streets in the site vicinity. There is no street vacation under consideration. This policy is met.

**Pedestrian and Bicycle Policies**

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.*

**Response**

The proposed comprehensive plan amendment and zone change do not create a situation that precludes the development of a comprehensive pedestrian network. This policy is met.

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 trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.*

**Response**

The proposed comprehensive plan amendment and zone change do not create a situation that would preclude the development of a comprehensive bicycle network. This policy is met.

**Public Transportation Policy**

**Policy 6.24 Public Transportation**

*Develop a public transportation system that conveniently serves City residents and workers 24 hours per 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.*

**Response**

The proposed comprehensive plan amendment and zone change do not impact the City's opportunities to meet this goal. The proposed change would potentially allow for more residents to live and work in Downtown. This policy is met.

**Parking and Demand Management Policies**

**Policy 6.25 Parking Management**

*Manage the parking supply to achieve transportation policy objectives for neighborhood and business district vitality, auto trip reduction, and improved air quality.*

**Response**

The proposed zone change will not have any impacts on City parking management policies or strategies. This policy is met.

**Policy 6.26 On-Street Parking Management**

*Manage the supply, operations, and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods.*

**Response**

The proposed comprehensive plan amendment and zone change do not require any changes in on-street parking management in the immediate vicinity. This policy is met.

**Policy 6.27 Off-Street Parking**

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

**Response**

The proposed comprehensive plan amendment and zone change do not influence the City's opportunity to manage off-street parking in the immediate vicinity. This policy is met.

**Policy 6.28 Travel Management**

*Reduce congestion, improve air quality, and mitigate the impact of development generated traffic by supporting transportation choices through demand management*

*programs and measures and through education and public information strategies.*

**Response**

The proposed map amendment would have limited impacts on traffic operations in the area. Further it is consistent with the mixed-use nature of the area and could promote non-auto travel demand in the area. This policy is met.

**Freight, Terminals, and Truck Policies**

Policy 6.29 Freight Intermodal Facilities and Freight Activity Areas

*Develop and maintain an intermodal transportation system for the safe, efficient and cost effective movement of freight, goods and commercial vehicles within and through the City on Truck Streets and for access and circulation in Freight Districts.*

Policy 6.30 Truck Movement

*Provide a complete, safe, and reliable system of Major and Minor Truck Streets for local truck movement, connecting Freight Districts, intermodal facilities, and commercial areas.*

Policy 6.31 Regional Trafficways

*Accommodate future increases in regional through traffic in Portland on existing Regional Trafficways.*

Policy 6.32 Multimodal Passenger Service

*Participate in coordinated planning, development, and interconnection of Portland, regional and intercity transportation services for passenger travel.*

Policy 6.33 Multimodal Passenger Service

*Advocate for a regional, market-based system to price or charge for auto trips during peak hours.*

**Response**

The proposed comprehensive plan amendment and zone change does not have any bearing on these policies.

**SUMMARY:** The proposed Comprehensive Plan Map designation of Central Employment supports the Policies of Goal 6 equally as well as the existing Central Residential designation.

COMPREHENSIVE PLAN GOAL 10, PLAN REVIEW AND ADMINISTRATION.

This goal establishes the rules and criteria by which the Comprehensive Plan is reviewed or amended. In the case of a quasi-judicial request for Comprehensive Plan and Zoning Map Amendment, Policies 10.7 and 10.8 are applicable.

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, (2) compatible with the land use pattern established by the comprehensive plan map, (3) consistent with the statewide land use planning goals, and (4) consistent with any adopted applicable area plans adopted as part of the comprehensive plan.*

1. Consistent and supportive of the appropriate Comprehensive Plan goals and policies.

**Findings:** Based on the foregoing discussion of all of the applicable Comprehensive Plan goals and policies, the requested Map Amendment is consistent with and supportive of appropriate Comprehensive Plan goals and policies in compliance with Policy 10.7. The Map Amendment request from Central Employment to Central Residential is equally or more supportive of the following goals and policies: 2.1, 2.2, 2.12, 2.15, 2.19, 4.1, 4.2, 4.3, 4.7, 5.1, 5.2, 5.3, 5.6, 5.7, Goal 6, policies 10.7, 10.8, 12.1, 12.2, 12.4, and 12.7.

2. Compatible with the land use pattern established by the comprehensive plan map.

**Findings:** The base zone designation in the immediate area of the site is Central Employment with a design overlay. Under PCC 33.510.230 and as shown on Map 510-5, the area bounded by NW 12<sup>th</sup> Avenue to the west, NW Broadway to the east, NW Front Avenue to the north and NW Hoyt Street to the south all is contained within the Required Residential Development Area (RRDA.) This area requires the development of residential units at a rate of one unit per 2,900 square feet of site area for any development within the defined area. Under the provisions for Central City Master Plans (33.5150.255. B, these units can be transferred from sites within the RRDA to other sites outside of the RRDA, which occurred through LUR 00-00301CP ZC CCMS, with the required concurrent Comprehensive Plan Map Amendment and Zoning Map Amendment from EXd to RXd for the “receiving site.” The current proposal would return the original map designation to this property and a condition of approval would ensure that the 34 housing units that would have been required on the former “receiving site” are maintained over time on the original “transfer site.”

As a result, redesignating the former “receiving site” to EX is consistent with both the Comprehensive Plan Map and ensures that the purpose of the RRDA requirements will continue to be met.

3. Consistent with the statewide land use planning goals.

**Findings:** State Land Conservation and Development Commission (LCDC) has acknowledged the Comprehensive Plan for the City of Portland. 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 coastal areas, etc., and do not specifically apply to the City of Portland.

**SUMMARY:** For a quasi-judicial plan amendment, compliance with the city’s plan goals, as discussed here, will show compliance with applicable state goals. The preceding analysis indicates that all of the City goals and policies are supported by this proposal. This criterion has been met by the applicant's proposal.

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

**Findings:** The subject site is located within the boundaries of the Pearl District Neighborhood and the Central City Plan area. The Pearl District does not have an adopted neighborhood plan. The following policies of the Central City Plan have been found to be relevant to this proposal:

The Central City Plan policies applicable to this application include Policy 1, Economic Development; Policy 3, Housing; Policy 4, Transportation; Policy 12, Urban Design, and Policy 17, Northwest Triangle.

*Policy 1, Economic Development Build upon the Central City as the economic heart of the Columbia Basin, and guide its growth to further the City's prosperity and livability.*

Because 178 housing units were constructed on the original “transfer site,” it is reasonable to eliminate the need to construct the 14 RRDA Units on the former “receiving site.” The requested Central City Master Plan amendment will facilitate the redevelopment of the “receiving site” property from a surface parking lot to a dense, mixed-use commercial and employment facility, thereby strengthening the City's position as a regional economic center. Development of neighborhood-serving commercial and employment uses on the property also will make the neighborhood more prosperous, livable, and attractive to new residents, all in furtherance of this policy. Therefore, the requested EX designation is equally or more supportive of this policy as the existing RX designation.

*CC Policy 3, Housing. Maintain the Central City status as Oregon's principal high-density housing area by keeping housing production in pace with new job creation.*

Removal of the obligation to construct the RRDA Units on the former “receiving site” property will not result in a loss of high-density housing opportunities in the area. The potential loss of the 14 RRDA Units, reallocated from the original “transfer site” in 2000, have already been mitigated by construction of the 178-unit 10<sup>th</sup> at Hoyt project on the “transfer site.” As a mixed-use zone, the EX designation will promote development of the former “receiving site” with a range employment and commercial opportunities that are located near to existing residential and other commercial uses, thereby increasing the livability and attractiveness of the area for current and future residents. Therefore, the requested EX designation is equally supportive of this policy as the existing RX designation.

*CC Policy 4, Transportation. Improve the Central City's accessibility to the rest of the region and its ability to accommodate growth by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system while preserving and enhancing the City's livability.*

This policy is mainly directed at the City of Portland for implementation and so is not directly applicable to this proposal. However, the former “receiving site” is located along NW 10<sup>th</sup> Avenue/NW Hoyt Street. NW 10<sup>th</sup> Avenue is a Traffic Access Street, a Transit Access Street and a Central City Transit/Pedestrian Street. The Portland Streetcar Project, which connects downtown Portland, the South Waterfront and Portland State University with Good Samaritan Hospital, includes an alignment along NW 10<sup>th</sup> Avenue along the property's frontage. These transit and transportation corridors increase the Central City's accessibility to the rest of the region and permits tenants of the



former "receiving site" to use transit to reach multiple points within the Central City in compliance with Policy 4. Therefore, the requested EX designation is equally supportive of this policy as the existing RX designation.

CC Policy 12, Urban Design

1. *Enhance the Central City as a livable, walkable area which focuses on the river and captures the glitter and excitement of city living;*

Bringing neighborhood-serving commercial development and employment opportunities to the Central City, in close proximity to existing and planned residential development, is directly supportive of Policy 12 by providing a livable and self-contained environment for City residents. Having employment and commercial opportunities close to home will increase walking in the Central City. Having more people out walking on a regular basis will in turn increase the energy and "hustle and bustle" of the Central City, thereby making it a more glamorous and exciting place to live and work. Therefore, the requested EX designation is equally or more supportive of this policy as the existing RX designation.

Policy 17, Northwest Triangle

*Preserve the District's character and architectural heritage while encouraging both industrial activity and mixed-use development.*

The property is currently used as a surface parking lot. Therefore, there are no structures with character or architectural heritage to be preserved. On the other hand, the proposed EX designation will encourage new development on the property that is consistent with the current architectural style and character of this burgeoning area, allowing new opportunities for both industrial activity and mixed-use development in the neighborhood, all in furtherance of this Policy. Any future development proposal will be subject to Design Review, in order to ensure that it is compatible with the character and architectural heritage of the Northwest Triangle area. Therefore, the requested EX designation is equally or more supportive of this policy as the existing RX designation.

SUMMARY: The amendment to the proposed plan is consistent with policy objectives of the Central City Plan which call for increased residential densities and dense mixed-use development in the City Center with high transit use.

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, storm water disposal, transportation capabilities, and police and fire protection.*

**Findings:** There is only one corresponding zone, EX, for the Central Employment Comprehensive Plan map designation. Responses from City service agencies indicated that services are adequate to capably support the uses allowed by the EX zone. The approval criteria articulated under Policy 10.8 are fully addressed, below, under the approval criteria for a zone map amendment. Therefore, the requested EX designation is equally or more supportive of this policy as the existing RX designation.

**COMPREHENSIVE PLAN GOAL 12, URBAN DESIGN.**

Goal 12 is implemented through Policies 12.1, 12.2, 12.4 and 12.7 as they apply to the former "receiving site."

Policy 12.1, Portland 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 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.*

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.*

**Findings:** The design overlay on the site will provide design consistency with the EXd-designated properties in the near vicinity, encouraging design quality in order to meet the design guidelines for this area. Both the existing and the proposed designations are subject to the same design review criteria. Based on these factors, the redesignation to Central Employment is equally supportive of Policies 12.1, 12.2 and 12.7 as the existing Central Residential designation.

Policy 12.4, Provide for Pedestrians

**Findings:** The properties are currently served by bicycle paths and pedestrian ways. The redesignation of the former "receiving site" property to Central Employment with a design overlay will ensure that future development will consider and incorporate pedestrian improvements along these established bicycle paths and pedestrian ways. Because both the existing and the proposed zones are subject to a design overlay, the redesignation request to Central Employment is equally supportive of Policy 12.4 as the existing Central Residential designation.

**33,805.050 A.2.** When the requested amendment is from a residential designation to a commercial, employment or industrial designation, or from the urban commercial designation to another commercial, employment or industrial designation, the requested designation will not result in a net loss of potential housing units.

**Findings:** The request is for a change from a residential designation (RX) to an employment designation (EX). This proposed change will restore the zoning to the pre-2000 status, with required housing also returned to the original "transfer site." Because 178 housing units were constructed on this portion of the site, which is more than enough to meet the housing requirements as they existed before the change in designation that was implemented under LUR 000-00301, there will be no loss in potential housing units by the return of the previous zoning designation for the receiving site. A covenant will be required, as a condition of approval, to ensure that, at minimum, the number of housing units that were originally required for the "transfer site" and the minimum density required under the RX designation for the former "receiving site" will be maintained over time. With this condition, requiring that a minimum of 34 housing units be maintained, this approval criterion is met.

**SUMMARY** All of the approval criteria for the requested Comprehensive Plan Map Amendment, from Central Residential to Central Employment have been met.

**33.855.50 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 one and the zoning pattern of surrounding land.*

**Findings:** Under this request, the Comprehensive Plan map designation for the former “receiving site” will be Central Employment. As a result, there is only one corresponding zone of the Comprehensive Plan map at the time of the Zoning Map Amendment and therefore this criterion does not apply.

2. *When 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:** Because the site does not have a Buffer overlay designation, this criterion does not apply.

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:** This request is from a residential zone (RX) to an employment zone (EX.) Therefore, this criterion does not apply.

**B. Adequate public services.** Public services for water supply, transportation system structure 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, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.

1. *Adequacy of services applies only to the specific zone change site.*

2. *Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand*

*projections for that zone or area which are then applied to the size of the site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.*

**Findings:** Because no specific development proposal has been made for the former “receiving site,” the determination of adequacy of services is based on demand projections of the various service bureaus:

Water Supply: The site has existing water service. Additional water is available to the site from existing water mains in the area. Adequate water service will be available.

Sanitary Sewage and Stormwater Disposal: The proposal will likely have no impact on existing BES facilities. Adequate sanitary and stormwater disposal services can be provided at the time of development.

Police and Fire Protection: The police and fire bureaus have not expressed any objections to the proposal. Police and fire services are available to the site.

Transportation System Structure and Capacity: All of the relevant transportation policies were discussed above. The traffic study, prepared by Kittelson & Associates and dated December 6 and December 11, 2006, documents that the proposed zone change will have minimal impact on transportation facilities. The study shows that the intersection of NW 9<sup>th</sup> Avenue and NW Hoyt Street would be the most impacted, where approximately 40 additional a.m. peak hour trips to the north and southbound legs and 35 additional p.m. peak hour trips on the eastbound leg could be generated under the proposed zoning. These additional trips would represent a small portion of the total entering volume at this intersection. Beyond this intersection it is expected that the new trips would be lower at all other intersections and would dissipate throughout the neighborhood.

SUMMARY: All of the service agencies have indicated that services are adequate to support the demands that could be placed by development of the site under the requested EX zone. 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 for the institution.*

**Findings:** The request does not include rezoning to IR Institutional Residential, therefore, 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 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:** The requested zone is EX, Central Employment. Therefore this criterion does not apply.

### **33.510.255 Central City Master Plans**

*Code Section 33.510.230 designates portions of the Central City Plan District as Required Residential Development Areas (RRDA). Code 33.510.230.G allows required housing to be deferred or transferred to a suitable site if it is approved as part of a Central City Master Plan (CCMS). Code Section 33.510.255 outlines the required components of a CCMS and lists the approval criteria. The original CCMS application, LUR 00-00301 was only required because of the requested transfer of RRDA units. This current review seeks to amend the original approval, in order to remove the housing requirement from the former "receiving site."*

- A. Purpose.** The Central City master plan adds development potential and flexibility for projects in specified areas. The additional development potential and flexibility is possible because the plan is used to demonstrate that the policy objectives of the Central City Plan and the public service needs of the area are addressed. The Central City master plan is an option; it is not a requirement. A Central City master plan may also be created through a legislative process initiated by the City.
- B. Flexibility achieved.** An approved Central City master plan allows additional flexibility in any of the following situations:
1. Allocates allowed floor area to individual development sites which will not remain in the same ownership;
  2. Defers the building of any required housing; or
  3. Allows the development of required housing at a location outside of the required residential development area.
- G. Central City Master Plan Amendments:** Amendments to an approved Central City Master Plan may be approved if the proposed change results in a plan which continues to meet all of the approval criteria in Subsection E.

**Approval criteria (33.510.255 E):** A Central City master plan application will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

*1. The proposed plan is consistent with the policy objectives of the Central City Plan;*

**Findings:** The proposed amendment to the Central City Master Plan is consistent with policy objectives of the Central City Plan, as discussed in the findings for the requested Comprehensive Plan Map Amendment, above. The Central City Plan calls for increased residential densities in the vicinity of the site and dense mixed-use development in the City Center with high transit use. An incentive for redevelopment is presented by the restoration of the EX designation to the former “receiving site.” There will also be assurance, though a condition of approval, that the housing that was already built on the original “transfer site” will be maintained, over time, with at least the minimum number of units that would have been required under the Central City Master Plan approval. Therefore, the proposed amendment is still consistent with the policy objectives of the Central City Plan and this criterion is met.

*2. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed developments;*

**Findings:** The former “receiving site” under this proposal has an area of 10,000 square feet. Because a specific proposal has not been submitted, determination of adequacy of infrastructure capacity is based on the EX rezone potential for the property, the City service bureaus’ demand projections and the applicant’s Traffic Report. The responses regarding adequacy of services were discussed under the findings for a Zone Change from RXd to EXd, above. These findings indicated that services are adequate and this criterion is therefore met.

*3. The plan provides for a useful and pleasant circulation system and for adequate open space within the plan boundaries;*

**Findings:** Unlike other CCMS applications and decisions, neither the original CCMS application for this property nor this amendment requests approval of any particular development project. Rather, the original review was a rezone application to accommodate the ultimate development of 34 residential units (20 base zone units and 14 transfer units) under PCC 33.510.230 and PCC 33.510.255.5(b). This amendment is to remove this requirement for residential development from the former “receiving site,” since the housing requirement was met and exceeded by the final development plan for the original “transfer site,” that included 178 residential units and which was constructed and is now occupied on that site. (That development was reviewed and approved through design review under LU 02-125719 DZM and 03-123272 DZ.) The former “receiving site” is 10,000 square feet in size and has two frontages: 100 feet on NW 10<sup>th</sup> and 100 feet on NW Hoyt. Because of the limited site size and frontages, it is very likely that the former “receiving site” will maintain an internal system that logically joins the immediately adjacent streets. Further, the property is located along a Required Building Line and will be subject to Design Review, so these factors will also require a logical

connection between the street and the internal pedestrian system. Therefore, this criterion is met.

4. *Development will be placed and sized to protect significant public viewpoints and public view corridors; and*

**Findings:** There are no public viewpoints or public view corridors provided within the plan area. Therefore, this criterion does not apply.

5. *There are adequate assurances that required housing that is deferred or proposed for another site will be built.*

**Findings:** As noted previously in this report, this requested amendment and concurrent request to restore the EX Designation on the Comprehensive Plan Map and Zoning Map is based on the fact that 178 housing units were constructed on the original “transfer site.” These units more than satisfy the requirements for housing that were deferred and the units that were proposed to be built on the former “receiving site.” With a condition that requires that the minimum 34 units that would have been required for the former “receiving site” are maintained over time on the original “transfer site,” this criterion is met.

SUMMARY: The requested amendment to the Central City Master Plan that was originally approved through LUR 00-00301 CP ZC CCMS meets all of the approval criteria of 33.510.255 E.

### DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

### III. CONCLUSIONS

The applicant requested approval of reviews that would remove the requirements for residential development from the property at 936 NW Hoyt. These requirements were placed on the property in 2000, through approval of LUR 00-00301 CP ZC CCMS. That review included a Central City Master Plan, which required concurrent Comprehensive Plan and Zoning Map Amendments that changed the designation for the “receiving site” from Central Employment (EX) to Central Residential (RX). The RX zoning designation placed a requirement of a minimum density of 20 housing units. The Central City Master Plan also transferred a requirement for an additional 14 housing units from the property on the north side of NW Hoyt



Street (the "transfer site") to the property on the south side of the street (936 NW Hoyt, the "receiving site"). Because the original "transfer site" was subsequently developed with a mixed-use project that included 178 housing units, the original Code requirements ended up being met and exceeded. The applicant requested the current amendment to the Central City Master Plan and concurrent Comprehensive Plan Map and Zoning Map Amendments to recognize this development and return the former "receiving site" to its prior status with an EX designation and zoning and no requirement for housing. All of the relevant approval criteria for this request have been found to be met, with a condition that the minimum 34 housing units that would have been required for the former "receiving site" be retained over time on the original "transfer site."

#### IV. RECOMMENDATION

Approval of an amendment to the Central City Master Plan, that was originally approved through LU 00-00301 CP ZC CCMS, to remove the residential development requirement from the former "receiving site" and return it to the original "transfer site" and

Approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment for the former "receiving site" property at 936 NW Hoyt, from Central Residential (RXd) to Central Employment (EXd).

Approval of the amendment to the Central City Master Plan is subject to the following condition:

- A. A covenant must be recorded with the City of Portland to ensure that, at minimum, the 34 housing units that were previously required for the former "receiving site" will be retained on the original "transfer site," for 25 years. This condition applies only to the Central City Master Plan Amendment. The covenant must be recorded in accordance with requirements of Code Section 33.700.060.

  
\_\_\_\_\_  
Gregory J. Frank, Hearings Officer

319107  
\_\_\_\_\_  
Date

**Application Determined Complete:** January 9, 2007  
**Report to Hearings Officer:** February 23, 2007  
**Recommendation Mailed:** March 12, 2007

**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).

**Recording the final decision.** If this Land Use Review is approved, the final decision must be recorded by the Multnomah County Recorder before the approved use is permitted, any building or zoning permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

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 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.

**Expiration of this approval.** This decision expires three years from the date it is recorded unless:

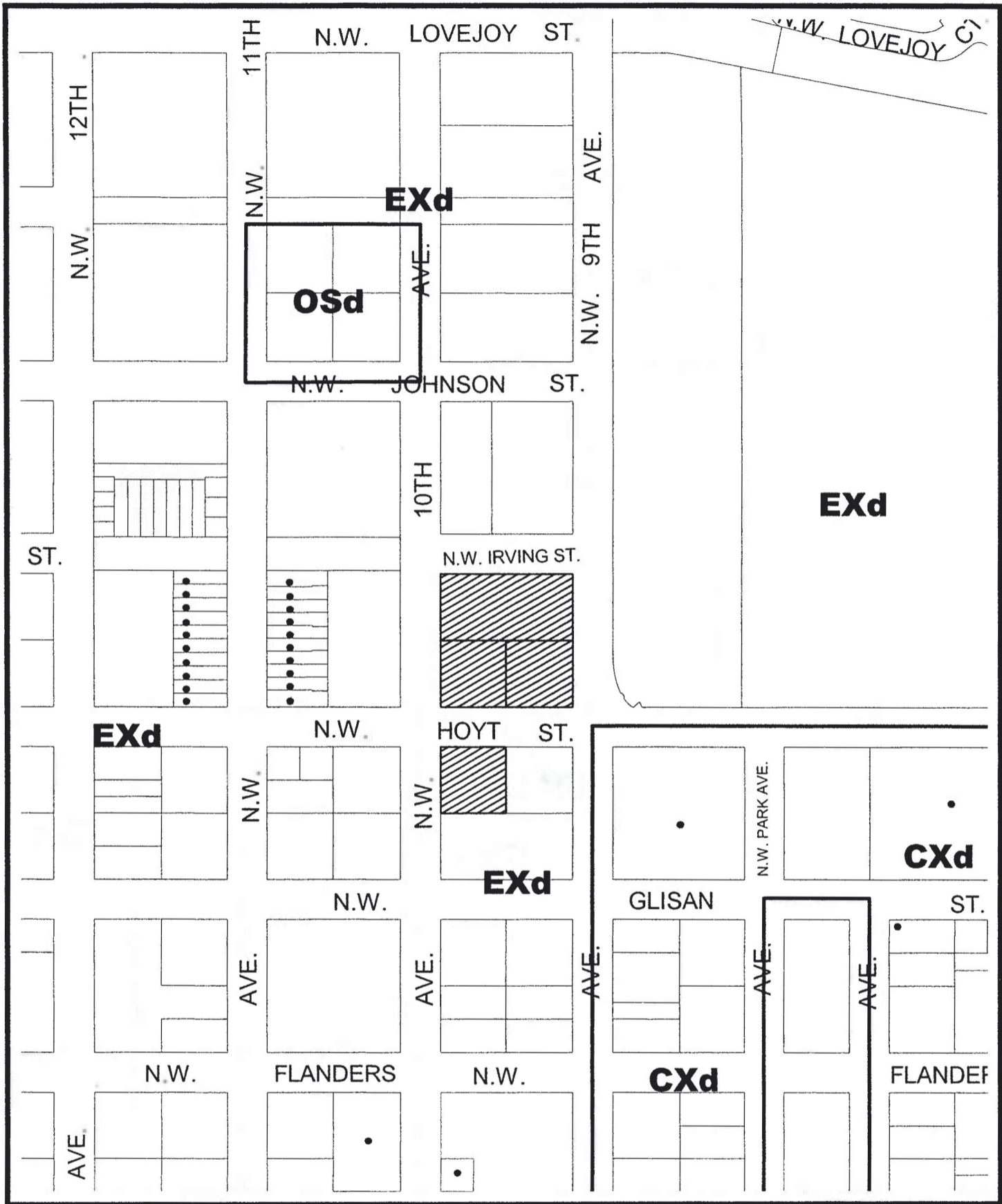
- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the Building Code.
- 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. Application
  - 2. Narrative
  - 3. Traffic Study (parts 1 and 2)
  - 4. Submitted site plans
- B. Zoning Map (**attached**):
  - 1. Existing Zoning
  - 2. Proposed Zoning
- C. Plans & 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
  - 7. Copy of preliminary notice to LCDC
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Site Development Review Section of Bureau of Development Services
  - 4. Life-Safety Plan Review Section of Bureau of Development Services
  - 5. Police Bureau
- F. Letters: (none received)
- G. Other:
  - 1. Site History Research
  - 2. Pre-application Conference Summary
- H. Received in the Hearings Office
  - 1. Hearing Notice
  - 2. Staff Report



# ZONING

# PROPOSED

 Site

Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

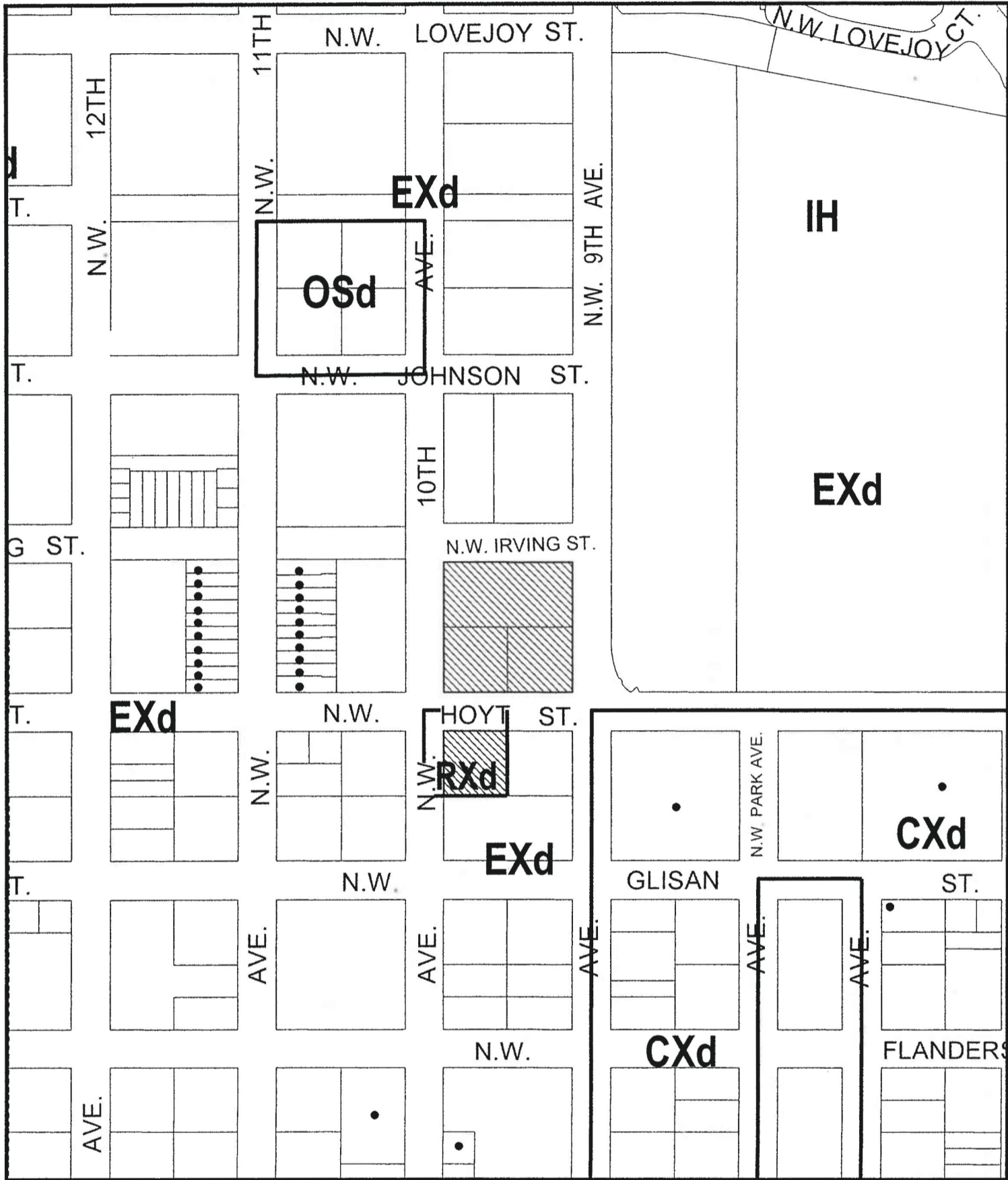
File No. LU 06-184561 CP ZC MS

1/4 Section 2929

Scale 1 inch = 200 feet

State-Id 1N1E34BC 7000+

Exhibit B-2 (Jan 11, 2007)



# ZONING EXISTING

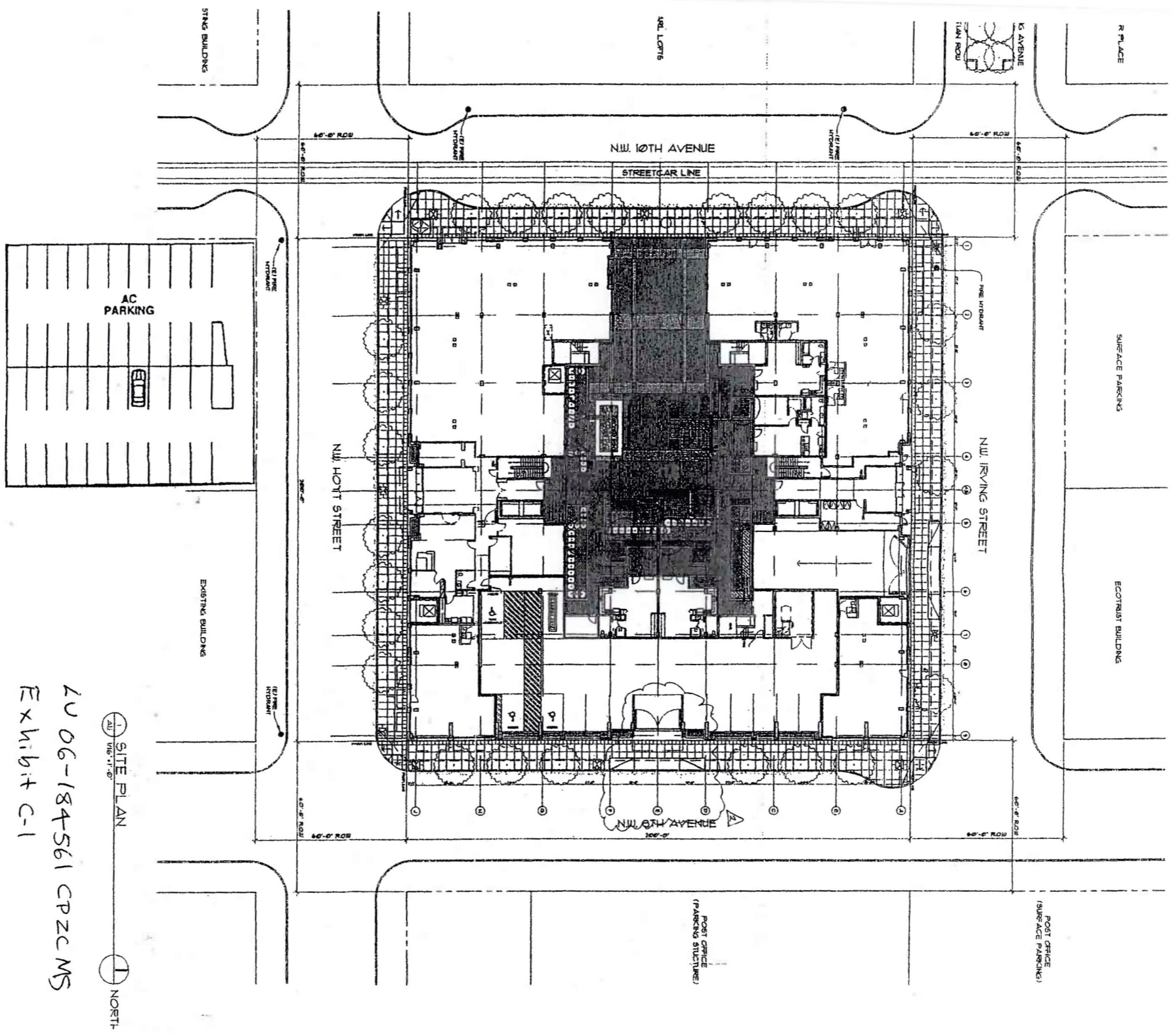


This site lies within the:  
CENTRAL CITY PLAN DISTRICT

Site

Historic Landmark

File No. LU 06-184561 CP,ZC,MS  
 1/4 Section 2929  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E34BC 7000  
 Exhibit B-1 (Jan 11,2007)



1" = 10'-0"  
 SITE PLAN  
 NORTH  
 LV 06-184561 CPZC MS  
 Exhibit C-1