



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER**

CASE FILE: LU 11-103310 CP ZC AD  
PC # 10-142544  
REVIEW BY: Hearings Officer  
WHEN: September 7, 2011 at 1:00 PM  
WHERE: 1900 SW Fourth Ave., Suite 3000  
Portland, OR 97201

**BUREAU OF DEVELOPMENT SERVICES STAFF: SHEILA FRUGOLI / SHEILA.FRUGOLI@PORTLANDOREGON.GOV**

**GENERAL INFORMATION**

**Representative:** Mark Whitlow, Attorney  
Perkins Coie LLP  
1120 NW Couch Street, 10<sup>th</sup> Floor  
Portland, Oregon, 97209  
(503) 727-2073

**Applicant:** Diane Phillips, Real Estate Manager, Portland Division  
Safeway Inc.  
16300 SE Evelyn St  
Clackamas, OR 97015-9515

**Owner:** Safeway Inc.  
1371 Oakland Blvd #200  
Walnut Creek, CA 94596

**Site Address:** 8039 SW CAPITOL HILL RD and 8145 SW BARBUR BLVD

**Legal Description:** TL 4200 1.94 ACRES, SECTION 21 1S 1E; LOT 1, PARTITION PLAT 2003-21; LOT 2, PARTITION PLAT 2003-21

**Tax Account No.:** R991212050, R649830810, R649830820

**State ID No.:** 1S1E21CB 04200, 1S1E21CB 04301, 1S1E21CB 04302

**Quarter Section:** 3827

**Neighborhood:** Multnomah, contact Moses Ross at 503-309-9785.  
**District Coalition:** Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

**Plan District:** None

**Zoning:** R1, Multi-Dwelling Residential 1,000  
CG, General Commercial

**Case Type:** CP ZC AD, Comprehensive Plan Map and Zoning Map Amendment Review with a concurrent Adjustment Review

**Procedure:** Type III, with a public hearing before the Hearings Officer. The Hearings Officer will prepare a recommendation to the City Council. The City Council will hold a public hearing to consider the Comprehensive Plan Map and Zoning Map Amendment request. The Adjustment Review is being reviewed concurrently.

**Proposal:** The applicant, Safeway Inc., is requesting a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on two lots that immediately abut the western property line of the existing Safeway Barbur grocery store. The applicant requests a change in designation and corresponding zoning from Medium Density Multi-Dwelling Residential (R1) to General Commercial (CG). The northern most lot is 10,000 square feet and is identified as Tax Lot 4301 (8039 SW Capitol Hill Road) and is currently developed with a single-dwelling residence. The abutting lot to the south is 10,266 square feet, has frontage on SW Multnomah Boulevard and is identified as Tax Lot 4302.

The applicant is proposing a specific development proposal concurrent with the proposed change in zoning. The applicant wishes to expand the commercial site in order to replace the existing 21,665 square foot building with a new 62,925 square foot, 2-story grocery store. The lower floor will contain the store's entrance, parking and loading area. The store will provide 135 on-site vehicle parking spaces and 20 bicycle parking spaces. The sales (display and stock area) will be located on the upper floor. The upper floor will be accessible via escalators, elevators and stairs. Sidewalk widening and other right-of-way frontage improvements are proposed. Landscaping and a tall concrete wall or fence will provide a buffer between the rear of the store and the adjacent residential development.

The applicant is requesting an Adjustment to reduce the minimum total landscaping required on the site (Zoning Code Section 33.130.325) from 15 percent (14,686 square feet) to 14.4 percent (14,057 square feet).

**Approval Criteria:**

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

- 33.810.050 Comprehensive Plan Map Amendments
- 33.855.050 Zoning Map Amendments

The above criteria also include, by reference, applicable portions of the *Portland Comprehensive Plan* (goals and policies), State Land Use Goals, and the *Metro Urban Growth Management Functional Plan* (titles).

Because the applicant proposes a specific development plan, they also seek an Adjustment, as described above. Adjustment requests will be approved if the review body finds that the applicant has shown that **Adjustment Approval Criteria 33.805.040 A-F** has been met.

## ANALYSIS

**Site and Vicinity:** The site is comprised of the three separate lots. The largest lot is 84,500 square feet and contains an approximate 20,000 square foot commercial building which houses the Barbur Safeway store. The store is located close to the rear (west) property line. The store's loading area is located on the south side of the store, with access off SW Multnomah Boulevard and there is a drive aisle with access off SW Multnomah and SW Capitol Hill Road, in front of the store, that serves the customer parking area. A laurel hedge and other landscaping currently screens a portion of the rear of the store. The other two lots are located west of the developed store. The northern-most lot (8039 SW Capitol Hill Road) is currently developed with a single-

dwelling house and attached garage. The southern abutting lot, with frontage off SW Multnomah, is undeveloped. The site consists of an open grassy area with a large cedar tree.

The Safeway site is located at the intersection of SW Barbur Boulevard, SW Multnomah Boulevard, SW Capitol Hill Road and SW 19<sup>th</sup> Avenue. Most of the area with frontage on SW Barbur, particularly between SW Barbur and the I-5 Interstate Freeway is zoned General Commercial. The uses in the immediate area include an equipment rental business located immediately north of the existing Safeway parking area, restaurants and retail shops, located on the south side of SW Barbur and an office, south of the store fronting SW Multnomah. Single-dwelling residences are located on the north side of SW Capitol Hill Road, west of the commercial sites. West of the subject site, on the south side of SW Capitol Hill is a lot developed with a single-dwelling residence. Further west is the “Park Fiesta” residential apartment complex and a large commercial office development—US West Communications. To the northwest is the West Hills Christian School, a K-8<sup>th</sup> grade private school.

**Zoning:** Most of the site (ownership) is within the CG zone. The two smaller lots proposed for change to CG are currently zoned R1. The description of the existing and proposed zones are provided below.

**R1, Multi-Dwelling Residential 1,000 zone:** The R1, Medium Density Multi-Dwelling residential zone allows up to one unit per 1,000 square feet of site area and requires a minimum of one unit per 2,000 square feet. Allowed housing is characterized by one-to-four-story buildings and a higher percentage of building coverage than in the lower density multi-dwelling zones. Condominiums and apartments, duplexes, townhouses, and rowhouses are usually found in this zone. Generally, R1 zoning is applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas, or major streets.

**CG, General Commercial zone:** The CG zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone’s development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

**Land Use History:** City records indicate there are 3 prior land use reviews for this site, as follows:

- In 2009, the Bureau of Development Services approved a Zoning Map Error Correction on tax lot 4200 (State ID # 1S1E21CB 04200) to change the zoning on a portion of the lot from R1, Multi-Dwelling Residential 1,000 to CG, General Commercial (LU 09-158905 ZE).

In 2002, the Bureau of Development Services approved a 2-lot partition of the 21,780 square foot lot in 2002 (LU 02-113481 MP). The final plat was approved in April 2003. This partition created the two lots that are currently proposed for the zone and Comprehensive Plan Map change from R1 to CG.

- In 1968 a sign variance (VZ 2-68) was approved for the Safeway store.

**Summary of Applicant’s Statement:** Safeway has operated its existing grocery market at 8145 SW Barbur Boulevard on Tax Lot 4200 since the 1960’s (“existing site”). Safeway’s store needs to

be replaced with a modernized, larger facility on a larger site with structured parking. Safeway purchased adjacent Tax Lots 4301 and 4302 to enlarge the existing site and is proposing to amend the Comprehensive Plan Map and zoning map for those two lots. Safeway has submitted an Adjustment application in conjunction with a specific development plan. The proposed development plan evidences Safeway's present intention to develop a new Safeway store on the redevelopment site, assuming the project is economically feasible and that all applications are approved with conditions that are acceptable to Safeway. Following approval of the concurrent applications, Safeway intends to demolish its existing store on Tax Lot 4200 and develop a new store on all three tax lots.

**Agency Review:** A "Request for Response" was mailed **July 19, 2011**. The following Bureaus, as noted with exhibit numbers, have responded with written comments regarding services and/or permit requirements. The comments that relate to the approval criteria are included in the findings below.

- Bureau of Environmental Services (Exhibit E.1)
- Portland Bureau of Transportation, Development Review (Exhibit E.2)
- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Police Bureau (Exhibit E.5)
- Site Development Review Section of Bureau of Development Services (Exhibit E.6)
- Life Safety Review Section of Bureau of Development Services (Exhibit E.9)
- Bureau of Parks, Forestry Division (Exhibit E.7)
- Oregon Department of Transportation (Exhibit E.8)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 15, 2011. As of the date of publishing this report, four written responses have been received from either the Neighborhood Association, interested persons or notified property owners in response to the proposal.

1. A concerned southwest resident and advocate for pedestrian facilities/southwest trail raised a concern that, "Capitol Hwy is not a good street for trucks, and while we have been "fixing to fix it" there is no viable funding source in place at this time. If trucks want to enter the freeway at Capitol Hwy they will have to take both lanes southbound to do it. This puts trucks on Multnomah and Capitol Hwy that could otherwise be redirected". He suggests "a signal at SW 25th and a left turn for the trucks to then go down 25th, jog east to 24th and use the signal at 24th and Barbur to get onto Barbur.

He notes that SW 24<sup>th</sup> and 25<sup>th</sup> Avenues are local streets, but they "could be classified in the upcoming RTP to make them arterials and improved sufficiently to accommodate trucks. This will take a large number of trucks off streets through the Multnomah Neighborhood." Further, "a signal at SW 25<sup>th</sup> will also accommodate a north/south bicycle route for bikes seeking to go west on Barbur from Capitol Hill Road via Troy/SW 25<sup>th</sup> and will permit them to utilize the signal at 24<sup>th</sup> and Barbur as well." (Exhibit F.1)

2. A Multnomah Neighborhood resident, wrote that the redevelopment of this site, in general, will be of great value to our community." But also raised concerns and offered suggestions about stormwater management, safety and the overall project, as follows:

- The City of Portland Stormwater Management Manual (SWMM) requires native plants only in stormwater facilities. I'm glad to see some trees in the facility but request that all the species chosen be natives (preferably to Western Oregon).

- In light of the current effort of community members at Capitol Hill School and many other places to depave areas, I would like the City to be much more aggressive about allowing “wasted” pavement like this being installed in the first place. An Adjustment to reduce the minimum landscape area from 15% to 14.4%, which I do not support.
  - I would like to see all infiltration facilities, not flow-through, on this project. Flow-through facilities don’t reduce runoff much and the runoff flows and additional volumes (over pre-developed Lewis & Clark condition) are themselves considered a stormwater pollutant by the EPA because those flows, when outlet to a waterway will scour soil, polluting the water that we just cleaned with our water quality facility.
  - Since we have clay soils not capable of infiltrating at 2 inches/hour, it appears from a preliminary look and my own experience that not enough room has been dedicated to stormwater management.
  - I would like to see the stormwater facility on the east be sized based on the infiltration rate they find on site (likely more like 0.5 inch/hour) extending farther into landscape areas.
  - If an ecoroof were used on the building, runoff volumes would be reduced by 40-60% annually for the roof area. If porous pavement were used in the remaining parking and pedestrian areas open to the sky, annual runoff for these areas would be reduced by about 90%. These two practices will protect water quality & community health much more so than the current proposal, which is unlikely to reduce runoff volume by much because ecoroofs and porous pavement manage rainfall *before* it becomes runoff. I would prefer if stormwater management on-site were managed by ecoroofs and porous pavement instead of water quality facilities.
  - The additional traffic predicted by Safeway to this site will likely cause traffic to back up on SW 19<sup>th</sup> heading east, so we need some way of knowing that when heading coming around that blind corner between the Christian school and the Safeway.
  - To protect everyone (drivers, pedestrians, cyclists), I would like to see Safeway find a way to prevent cars from cutting through the loading dock area. Removable bollards, even if they weren’t locked, would deter people. To make sure trucks aren’t stuck out on SW 19<sup>th</sup> while drivers move the bollards, the bollards could be placed at least a truck length into the driveway of SW 19<sup>th</sup>.
  - I like the covered bike parking with surveillance (Exhibit F.2)
3. Another southwest Portland resident raised the following transportation-related concerns about bicycle accommodation on Capitol Hill Road (CHR). He also offers solutions, as follows:
- In the current TSP, CHR is designated as a local service bikeway. In the 2030 Bike Plan, (approved by council but not yet part of the TSP) CHR is proposed to become a City Bikeway. Obviously the current classification applies to the current land use action. In the current TSP, CHR is not a city walkway.
  - CHR is not being rebuilt, but may be restriped to accommodate turn lanes, so the state law that requires inclusion of bicycle facilities does not apply.
  - No redevelopment is occurring on the north side of CHR, so widening of CHR (to add either turn lanes or bike lanes) into the available public ROW on the north side is not an option.
  - The current width of CHR adjacent to Safeway is approx. 30 ft., and since the new store design is at 30% design, it’s not possible to ask Safeway to dedicate additional ROW on their side to accommodate travel lanes or bike lanes.

- The current proposal is two 10 ft travel lanes, plus a new 10 ft center turn lane, and a new 12 ft sidewalk adjacent to Safeway.
- Whatever final allocations are, they must remain within the existing 30 ft of pavement, except for the sidewalk on private (Safeway) property.

My concern is that if bikes are not accommodated on the roadway, they will use the new sidewalk on the south side of CHR, to access Safeway, to travel through the segment, to access the signalized crosswalk, etc. In my opinion, this is not a good design and does not follow current best practices for a major development. Due to the limited number of safe crossings of Barbur & I-5 (i.e. Terwilliger, CHR / SW 19th, SW 26th, etc), bike use of CHR & 19th will increase in the future.

I support accommodation for cyclists on CHR, because the segment of CHR adjacent to the new redeveloped Safeway will have additional vehicle traffic above what is there today, there will be heavy right turn movements from CHR southbound onto Barbur, and this part of CHR will function differently than the rest of CHR (a traffic calmed neighborhood collector).

Expanding the sidewalk to 16 ft and designating it as a multi use path may not be possible, because it would remove 4 ft from the 30 ft available for traffic lanes. (Not likely the 4 additional ft could come from reducing the store footprint).

A possible solution might be to reduce the sidewalk width to 7 or 8 ft, allowing creation of a 4 or 5 ft bike lane on the south side of CHR. I believe that all modes should be accommodated in a major redevelopment, so a 12 ft sidewalk, with zero for cyclists is not a good design.

Addition of a bike box at the intersection to reduce right turn conflicts would also mean "no right on red". No right on red may be implemented anyway due to the conflicts with the Mult Blvd "off ramp", the bus pullout, and through put vehicles headed S / W on Barbur, not to mention the ped crosswalks. Obviously any bike lane on the north side would have to wait for redevelopment. (Exhibit F.3)

4. A southwest resident and active member of the Portland Bicycle Advisory Committee offered extensive policy analysis that responds to the Comprehensive Plan Map Amendment approval criterion 33.810.050.A.1. In his letter, he states that the proposed right-of-way improvements do not adequately accommodate pedestrians and bicyclists. Specifically, he states:

The proposed 12-foot wide sidewalk on the SW Capitol Hill Road frontage, which will follow the existing curb line with no bicycle accommodation, is inconsistent with the Portland Comprehensive Plan, Transportation System Plan (TSP), and the recently adopted Portland Bicycle Plan for 2030 for the following reasons:

**The Barbur/I-5 Barrier.** The Barbur/I-5 corridor cuts through all of SW Portland, creating a huge connectivity barrier. There are exceptionally few routes that provide a safe and convenient crossing across, over, or under these two major roadways. The SW Capitol Hill Road and 19<sup>th</sup> Avenue intersection with SW Barbur Boulevard, provide a fully signalized intersection and bridge crossing over I-5. The next similar crossing is at SW Terwilliger, almost one mile to the northeast. SW 26<sup>th</sup> Avenue provides an undercrossing of the two roadways approximately ½-mile to the southwest. This makes the SW Capitol Hill/19<sup>th</sup> route across Barbur/I-5 a vital crossing for all modes, especially for the most vulnerable users – pedestrians and

cyclists. The intersection should be improved to take advantage of this rare crossing opportunity by making improvements for cyclists as well as pedestrians.

**Plan Policy Support.** The current Portland Comprehensive Plan and TSP both contain clear policy support for providing appropriate bicycle facilities on SW Capitol Hill Road. Although it does not specifically identify SW Capitol Hill Road as a city bikeway, the TSP policies and objectives clearly allow and encourage bicycle facility improvements. The city policies and objectives recognize that the character of a neighborhood collector (the designation for SW Capitol Hill Road) may vary and that different design treatments may be necessary along the route. The current PBOT recommendation for no bicycle accommodation on SW Capitol Hill Road is simply out of step with current plans. This recommendation treats the commercial segment of the street near Safeway with greater traffic volume and vehicle speeds, the same as the lower volume and traffic calmed residential section.

**Portland Bicycle Plan for 2030.** This plan was adopted on February 11, 2010. As I understand, it is not considered “official” until its provisions are incorporated into an updated version of the TSP. The bike plan designates SW Capitol Hill Road as a city bikeway, and the value of the route crossing Barbur/I-5 is recognized. SW Portland residents and cyclists should be not penalized by an outdated TSP because the city does not have the resources (understandably given budget issues) to update it promptly.

**Saying “Multi-modal” Isn’t Enough.** The term “multi-modal” is referenced constantly in the city’s planning documents. A conservative estimate would be over 1,000 times. And yet, the development review process is almost solely focused on vehicle movement and accommodation. The applicant’s traffic impact analysis makes only passing mention of pedestrians and bicyclists, with no meaningful analysis of the issues and needs for these two modes in the vicinity of the Safeway redevelopment. Virtually all of the 280-page report focuses on vehicle traffic counts, needs, and solutions. How will we ever create a multi-modal transportation system if we remain fixated on the needs of motorists? Actions must align with policy, and the city must demand a more comprehensive approach to analyze and accommodate “multi-modal” transportation needs associated with land use applications.

**Potential Bicycle Facility Options.** I believe there are multiple facility treatments, which could successfully accommodate bicyclists, pedestrians, and motorists along the Safeway frontage on SW Capitol Hill Road. Three examples include:

- 12-foot sidewalk and 5-foot bike lane, requiring additional dedication by Safeway.
- 7-foot sidewalk and 5-foot bike lane. This would provide adequate sidewalk space, and in lieu of the “furniture zone” the bike lane would provide buffering from traffic. While 12 feet would be ideal, many heavily used pedestrian districts (e.g., Multnomah Village) work well with lesser sidewalk widths.
- Redesign the 12-foot sidewalk to operate as a cycle track with 1-way (southbound) bike travel near the curb and 2-way pedestrian travel on the remainder. Conceptually, this would work like the eastbound approach to the Hawthorne Bridge. It would also require some means to allow cyclists to safely re-enter the street before reaching the intersection.

Two other important issues need to be addressed on SW Multnomah Boulevard including:

**Pedestrian Crossings.** Pedestrians traveling to and from Safeway from the south side of SW Multnomah Boulevard are required to cross this high-speed street. The crosswalk on SW Barbur Boulevard should be well-designed to be safe for

pedestrians. In addition, the city and applicant should determine how to safely accommodate pedestrian crossings of SW Multnomah Boulevard to the southwest of the store. Currently, there is no crosswalk available on this stretch of SW Multnomah Boulevard.

**Reduce the 45 mph Speed Limit.** SW Multnomah Boulevard is posted for 45 mph between SW Barbur Boulevard and Multnomah Village. Other than I-5, this is the highest legal speed in the vicinity. With the bicycle and pedestrian traffic along SW Multnomah Boulevard (some sections without sidewalks), 45 mph is totally inappropriate in an urban setting. The speed should be reduced to 35 mph and the SW Multnomah Boulevard off-ramp designed to encourage motorists to maintain a reasonable speed. (Exhibit F.4)

## ZONING CODE APPROVAL CRITERIA

### 33.810.050 Comprehensive Plan Map Approval Criteria

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

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

**Findings:** The applicant, Safeway Inc., requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on a portion of the ownership from R1, Medium Density Multi-Dwelling Residential to CG, General Commercial. The proposed CG zone will match the base zone of the eastern abutting lot that is also owned by Safeway. If approved, the commercially-zoned site will be enlarged by approximately 24 percent, from 84,500 square feet to 104,766 square feet.

On balance, based on the findings below, the requested designations will be equally supportive of the Comprehensive Plan as the existing designation, and therefore, this criterion is met.

The following Comprehensive Plan Goals and Policies are relevant to this proposal:

#### **Goal 1 Metropolitan Coordination**

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

**Findings:** The *Urban Growth Management Functional Plan* 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 *Urban Growth Management Functional Plan* is Section 3.07 of the Metro Code. The relevant titles in that section are summarized and addressed below.

Overall, as noted in the discussion below, the request to re-designate and rezone from Medium Density Multi-Dwelling Residential to General Commercial will have little or no effect on the intent of these titles or these titles will be met through compliance with other applicable City regulations.

The project is consistent with Metro's regional planning framework, and therefore the requested Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 1, Metropolitan Coordination, of the City's Comprehensive Plan.

### Urban Growth Management Functional Plan

#### *Title 1 - Requirements for Housing and Employment Accommodation*

This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

Comment: The proposal includes a specific development project – the construction of a new full-service grocery store. As discussed further below, the applicant will address the loss of housing potential of 20 units via a covenant that protects an existing housing project that is commercially-zoned. The change of zoning for approximately 20,000 square feet will not create housing or employment capacity conflicts. A larger store will likely create additional employment opportunities for Portland residents. This proposal complies with the intent of Title 1.

#### *Title 3 - Water Quality and Flood Management*

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

Comment: Compliance with this title is achieved through the implementation of the Stormwater Management Manual and other development regulations at time of Building Permit review. The Bureau of Environmental Services has analyzed the applicant's stormwater report, geotechnical report and development proposal and finds that after treatment in seven water quality planters and detention in five underground CMP detention pipes that are sized per the Presumptive Approach, the public storm system is predicted to have adequate capacity for stormwater discharge from this site (Exhibit E.1). Hence, the stormwater management regulations can be met. Therefore, the proposal complies with the intent of this Title.

#### *Title 6 - Centers, Corridors, Station Communities and Main Streets*

The intention of Title 6 is to enhance the Centers designated on the 2040 Growth Concept Map by encouraging development in these Centers. This title recommends planning actions such as: (1) completing an assessment, (2) developing a plan of action for public investments and (3) developing incentives for private investment to achieve mixed-use, pedestrian-friendly, transit-supportive development that support the 2040 Growth Concept.

Comment: The subject site is located along Metro designated Corridors--SW Barbur and the stretch of SW Multnomah that links Barbur to the Multnomah Village. Title 6 states that centers, corridors, station communities and main streets need a mix of uses, such as grocery stores and restaurants, schools, medical offices and public spaces to be vibrant and walkable. The proposal will allow the development of a new grocery store. The project includes frontage improvements with wider sidewalks and a bus pull out area and crosswalk markings. The proposal does not conflict with this Title.

#### *Title 7 – Housing Choice*

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

*Comment:* The applicant will address the City's "no-net loss" housing policy and approval criterion 33.810.050.A.2 by submitting a covenant that protects multi-dwelling housing that has been developed on a commercially-zoned site. The City's residential zones do not consider or regulate affordability (costs/rents). The replacement of housing potential from the subject site to another property will ensure that the City maintains its overall supply of multi-dwelling housing units. Therefore, the proposal does not conflict with this title.

*Title 12- Protection of Residential Neighborhoods*

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

*Comment:* The proposal is subject to review and evaluation against existing and future demand on public services, and whether there are adequate levels of same to support the proposed re-designation and zoning pattern. To the extent that the proposal meets the criteria found at 33.855.050 B, as discussed below, the proposal is consistent with the intent of this title. Pollution and noise control is achieved via compliance with other City regulations at time of Building Permit review for new development. Staff recommends crime prevention/public safety measures be required at time of development, per the Police Bureau recommendations (Exhibit E.5). Because the site abuts the CG zone and is at the far edge of the existing residential neighborhood, the proposal complies with the intent of this Title.

*Title 13- Nature in Neighborhoods*

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

*Comment:* The site is not located in an environmental or greenway overlay zone, nor is it within a floodplain. Water quality requirements, via the City's Stormwater Management Manual requirements will be satisfied, as noted above. The proposal complies with the intent of this Title.

**GOAL 2: Urban Development**

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

**Findings:** The proposal will help to maintain Portland's role as a major employment and population center. By enlarging the commercial area by approximately 20,000 square feet, a full-service grocery store will be constructed to serve the adjacent residential area. Due to the location of the site, already abutting the 84,500 square foot CG-zoned site, and other commercial sites, the proposal will not significantly impact the residential area to the west and north. The proposal will enhance the commercial node at SW Capitol Hill and SW Barbur, by allowing an established grocery store be replaced with a new store.

The proposal is consistent with the following applicable policies: *Policy 2.1 Population Growth, Policy 2.2 Urban Diversity, Policy 2.9 Residential Neighborhoods, Policy 2.12 Transit Corridors, Policy 2.13 Auto-Oriented Commercial Development, Policy 2.16 Strip Development, Policy 2.17 Transit Stations and Transit Centers, Policy 2.19 Infill and Redevelopment, Policy 2.20 Utilization of Vacant Land, Policy 2.22 Mixed Use and Policy 2.23 Buffering.* Because of the proposal's consistency with these relevant policies, the proposal is supportive of Goal 2 Urban Development, of the Comprehensive Plan

*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.

Comment: The proposal is consistent with this policy because the CG zone allows residential development at a higher density as well as the full range of commercial uses such as grocery stores that serve nearby residents.

*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.

Comment: The proposal is supportive of this policy because it will, when combined with the 84,000 square foot site, provide a site that can accommodate a new full-service grocery store or other similar development. Because the CG zone allows both residential and commercial development, there will be additional opportunities to serve the nearby residential areas.

*Policy, 2.9 Residential Neighborhoods*

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

Comment: Although the western lots are zoned R1, they are not developed with multiple dwellings. There is a single dwelling on the northern lot and the southern lot is vacant. To replace the housing potential of the R1 zone, the applicant is proposing to execute a covenant that will protect, for the next 25 years, multi-dwelling housing constructed in a commercial zone, elsewhere in the City. There are two large properties, immediately west of the subject site that are also zoned R1 but have nonconforming uses. If redeveloped there is the potential for over 450 residential units. The proposed full-service grocery store will improve services for current Southwest residents as well as future additional residents.

*Policy 2.11 Commercial Centers*

Expand the role of major established commercial centers which are well served by transit. Strengthen these centers with retail, office service and labor-intensive industrial activities which are compatible with the surrounding area. Encourage the retention of existing medium and high density apartment zoning adjacent to these centers.

Comment: Because the subject site, and nearby sites are best described as a corridor rather than a major center, this policy does not apply.

*Policy 2.12 Transit Corridors*

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

Comment: This policy is supported because the proposal will result in a larger commercial site that is proposed to be developed with a new full-service grocery store. The Metro Title 6 specifically identifies grocery stores as important uses that serve higher density corridors. The applicant's development proposal shows an urban-style grocery store with structured parking, pedestrian connections from the adjacent streets and transit stops to the main entrance. This proposal is consistent with this policy.

*Policy 2.13 Auto-Oriented Commercial Development*

Allow auto-oriented commercial development to locate on streets designated as Major City Traffic Streets by the Transportation Element. Also allow neighborhood level auto-oriented commercial development to locate on District Collector Streets or Neighborhood Collector Streets near neighborhood areas where allowed densities will not support development oriented to transit or pedestrians. Where neighborhood commercial uses are located on designated transit streets, support pedestrian movement and the use of transit by locating buildings and their entrances conveniently to transit users, pedestrians, and bicyclists and providing on-site pedestrian circulation to adjacent streets and development.

Comment: This policy is supported because the proposed neighborhood commercial use, a full-service grocery store, will be located on a major transit street. The specific development proposal shows the main entrance will be oriented to SW Barbur. There will be pedestrian connections linking the public sidewalks to the main entrance and secondary entrances.

*Policy 2.16 Strip Development*

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

Comment: The requested map designation and zone change will allow for the redevelopment of a neighborhood serving grocery store. The application includes a specific development proposal that identifies the planned improvements on the large commercially-zoned lot and the two smaller residentially zoned lots. In order to address utility requirements, the three separate lots will be required to be combined. This condition will ensure that the smaller two commercial sites will not be developed separately and therefore supports this policy.

*Policy 2.17 Transit Stations and Transit Center*

Encourage transit-oriented development patterns at transit stations and at transit centers to provide for easy access to transit service. Establish minimum residential densities on residentially-zoned lands within one-half mile of transit stations and one-quarter mile of transit centers that support the use of transit. The design and mix of land uses surrounding transit stations and transit centers should emphasize a pedestrian-and bicycle-oriented environment and support transit use.

Comment: The site does not abut a designated transit station or transit center. However, the applicant's specific development proposal is designed with a strong transit and pedestrian orientation. Most of the proposed parking will be located within the structure. The main entrance, pedestrian connections and on-site bicycle parking support the intent of this policy.

*Policy 2.19 Infill and Redevelopment*

Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, at transit stations, along Main Streets, and as neighborhood infill in existing residential, commercial and industrial areas.

Comment: This policy is supported because the request, if approved, will allow for the replacement and modernization of an established neighborhood grocery store. The grocery store will serve nearby residential areas and has the potential to create a redevelopment renaissance of nearby properties. The proposal supports this policy.

*Policy 2.20 Utilization of Vacant Land*

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

Comment: This proposal will enable the redevelopment of Tax Lot 4302 which before and after being divided into a separate buildable lot, has been vacant.

*Policy 2.21 Existing Housing Stock*

Provide for full utilization of larger single-family homes with conditions that preserve the character of the neighborhood and prevent speculation.

Comment: One of the two lots proposed for a change in designation and zoning contains a modest, approximately 1,100 square-foot, single-dwelling residence. Because the dwelling is located within high-density multi-dwelling zone and the home is not listed as a significant historic resource, this policy does not apply.

*Policy 2.22 Mixed Use*

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

Comment: This policy is supported because the proposal will result in an enhancement of the existing node of commercial uses at the SW Barbur and SW Capitol Hill intersection.

*Policy 2.23 Buffering*

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

Comment: The requested designation and zone change are for lots that are currently zoned for residential use and that abut other lots that are residentially-zoned. To provide visual buffering, the applicant intends to construct a solid wall, at least 6 feet tall, along the western property line and to install at least a 5-foot deep landscape strip on the outer side of the wall. Further, to address public safety concerns, staff recommends a condition that requires the applicant to use traffic calming devices to discourage cut-through traffic between SW Multnomah Blvd and SW Capitol Hill Road. These actions will mitigate impacts to the abutting residential development. The applicant's specific development proposal and recommended conditions will support the intent of this policy.

**GOAL 3: Neighborhoods**

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

**Findings:** The proposal is consistent with *Policy 3.5 Neighborhood Involvement*. The proposal supports most of the relevant policies and objectives of the adopted Southwest Community Plan and therefore, on-balance, is consistent with *Policy 3.6 Neighborhood Plan*. Therefore, the proposal, on balance, is supportive of Goal 3 Neighborhoods, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

*Policy 3.5 Neighborhood Involvement*

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

*Comment:* This Policy is supported by the applicant's numerous efforts to update and meet with the Multnomah neighborhood association prior to and after the submittal of this application to the City and prior to the staff report being prepared. The applicant and representatives indicate that they have discussed the proposal, at numerous meetings with representatives of the Multnomah Neighborhood Association (Exhibit A.18). In April 2011, the applicants also made a presentation at a community meeting for the Multnomah, Hillsdale, South Burlingame and Marquam neighborhood associations. In addition, notice of the hearing on the proposed amendments has been sent by the City to the appropriate Neighborhood Associations and to property owners within 400 feet of the site. The site is posted with information pertaining to the application and hearing schedule. This proposal and the review process support this Policy.

*Policy 3.6 Neighborhood Plan*

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

*Comment:* The site lies within the Southwest Community Plan, adopted by City Council in July 2000. This adopted plan is included under Policy 3.6. The following Community Plan policies and objectives are relevant to this proposal.

*Southwest Community Plan*

*Land Use and Urban Form Policy*

Enhance Southwest Portland's sense of place as a community and a collection of distinct neighborhoods. Accommodate Southwest Portland's share of regional growth while protecting the environment in all areas. Encourage the realization of compact, transit and pedestrian-friendly, mixed-use centers while responding to the need for a range of housing types and prices. Outside of the mixed-use areas, allow infill housing opportunities which increase neighborhood diversity, stability and home ownership while limiting redevelopment.

*D. Corridor - Objectives*

2. Emphasize a high-quality pedestrian and bicycle environment and convenient access to public transportation along corridors.
3. Encourage the development of "nodes" of employment, commercial and housing opportunities along transit corridors.
5. Provide connections between transit corridors and nearby schools and public park facilities.

*Economic Development Policy*

Maintain and build upon Southwest Portland's position to attract and support economically viable neighborhood and regional employment centers. Foster businesses and commercial developments that are compatible with the desired scale and character of each center. The most desirable businesses include those which predominantly provide family-wage jobs.

*Housing Policy*

Provide a variety of affordable housing choices adequate to meet the needs of current and future Southwest residents. Regard the existing housing stock as one resource to meet this need. Encourage development of housing types that will increase home ownership opportunities for Southwest residents.

*Affordability and Home Ownership Objectives:*

7. Increase the supply of affordable rental housing of all types for families. This includes units with three or more bedrooms.
8. Increase Southwest Portland's supply of housing affordable to households below the median income.
9. Encourage the provision of an adequate supply of mixed-income housing so that those working in Southwest can live near where they work.

*Public Safety Objective*

8. Promote development patterns that promote pedestrian safety in commercial areas.

*Transportation Policy*

Provide a balanced, multi-modal transportation system in Southwest Portland that encourages increases in transit use and pedestrian accessibility and connectivity, discourages non-local traffic in residential areas, manages congestion, and focuses on improving and maintaining arterial and local streets.

*Transportation Objective*

1. Support the development of pedestrian facilities, including safe crosswalks, identified in the Pedestrian Master Plan and the SW Trails maps on arterials and local streets, at major intersections and bus stops, on unimproved rights-of-way, and across public and private lands where appropriate to provide connections between residential areas and activity centers.
11. Evaluate the transportation impacts on neighborhoods and arterials when changing the development potential of an area.
12. Analyze potential transportation impacts and require appropriate mitigation measures for new development consistent with review processes and provisions of the City Code.
18. Take into consideration the existing condition of streets in the vicinity of a site, as well as their planned function, when considering quasi-judicial land use changes that rely on adequacy of services as an approval criterion.

Comment: The opportunity for 20 additional units of housing will be lost for the Multnomah neighborhood. Therefore, this proposal does not support some of the community's housing policies. However, this request will allow for the replacement of an outdated, small grocery store into a modernized, full-service supermarket to serve the surrounding residential areas. To reduce possible public safety issues, staff is recommending a condition that requires surveillance cameras be installed at the rear of the store and to install speed bumps and/or other traffic calming measures in the western on-site loading area to limit both vehicle speed and to discourage cut-through traffic.

A southwest resident submitted comments stating the need to include a designated bicycle lane on SW Capitol Hill Road noting that the Southwest Community Plan "clearly supports provision of bicycle facilities" Further he states that speeds should be reduced on Multnomah Boulevard and a pedestrian crossing should be provided. (Exhibit F.4) Under Goal 6 findings explain how the specific development proposal and required frontage improvements will, on balance, be supportive of the City's transportation-related policies.

On balance, the proposed map/zoning amendment is equally supportive of the Community Plan policies and objectives.

**GOAL 4: Housing**

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

**Findings:** The proposal is consistent with *Policy 4.1 Housing Availability*, *Policy 4.2 Maintain Housing Potential*, *Policy 4.5 Housing Conservation*, and *Policy 4.11 Housing Affordability*. The proposal does not support *Policy 4.7 Balanced Communities*, *Policy 4.10 Housing Diversity*, and *Policy 4.14 Neighborhood Stability*.

Because of the proposal's consistency with most of these policies, it is, on balance, supportive of Goal 4 Housing, of the Comprehensive Plan. A detailed analysis of the applicable policy follows, below.

*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.

*Comment:* The proposal is consistent with this policy because the applicant intends to execute a covenant that protects existing housing that is located within a commercial zone. The covenant will serve to address the City's housing target by protecting housing that could be replaced by other uses, but will be protected for the next 25 years. On balance, the proposal is consistent with this Policy.

*Policy 4.2 Maintain Housing Potential*

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

*Objective A.*

Allow the replacement of housing potential to be accomplished by such means as: 1) rezoning (and redesignating) existing commercial, employment, or industrial land to residential; 2) rezoning (and redesignating) lower density residential land to higher density residential land; and 3) rezoning to the CM zone; or 4) building residential units on the site or in a commercial or employment zone if there is a long term guarantee that housing will remain on the site.

*Comment:* The proposal is consistent with this policy and objective by providing a "no-net loss" of residential opportunities. A long-term guarantee, via a covenant, will be executed that protects 20 residential units that are developed in a commercial zone. The proposal is consistent with this Policy.

*Policy 4.5 Housing Conservation*

Restore, rehabilitate, and conserve existing sound housing as one method of maintaining housing as a physical asset that contributes to an area's desired character.

*Comment:* As explained under *Policy 2.21 Existing Housing Stock*, one of the two lots proposed for a change in designation and zoning contains a modest, approximately 1,100 square-foot, single-dwelling residence. Because the dwelling is located within a multi-dwelling zone, the zoning

encourages replacement. Because of the modest size of the home on a large lot, its location near a commercial node and the current zoning, conserving the home is not the appropriate method in this situation. Overall, the proposal does not conflict with this policy.

*Policy 4.7 Balanced Communities*

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

*Policy 4.10 Housing Diversity*

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

*Comment:* Because the housing potential for the site will be met at a site located outside of Southwest Portland, the proposal will not directly address the housing diversity needs of the Multnomah neighborhood or other southwest neighborhoods. Therefore, this proposal does not support Policies 4.7 and 4.10.

*Policy 4.11 Housing Affordability*

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

*Comment:* The proposal is consistent with this policy by providing a “no-net loss” for residential development opportunity. A long-term guarantee, via a covenant, will be executed that protects 20 residential units that are developed in a commercial zone. Maintaining an adequate supply of housing, both actual and potential, will help to address affordability for Portland residents. The protection of existing housing stock supports this Policy.

*Policy 4.14 Neighborhood Stability*

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

*Comment:* As noted under Policy 4.10, because the housing potential for the site will be met at a site located outside of southwest Portland, the proposal will not directly address the housing needs, particularly rental housing options, for the Multnomah neighborhood or other southwest neighborhoods. The proposal does not support the housing aspect of this policy.

**GOAL 5: Economic Development**

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

**Findings:** The proposal is consistent with *Policy 5.1 Urban Development and Revitalization*, *Policy 5.2 Business Development*, *Policy 5.4 Transportation System*, *Policy 5.6 Area Character and Identity within Designated Commercial Areas*, and *Policy 5.7 Business Environment within Designated Commercial Areas*. Because of the proposal’s consistency with these policies, the proposal is supportive of Goal 5 Economic Development, of the Comprehensive Plan. A detailed analysis of the applicable policy follows, below.

*Policy 5.1 Urban Development and Revitalization*

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

*Policy 5.2 Business Development*

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

Comment: The proposal supports this Policy because it facilitates the modernization and expansion of a grocery store that has served the neighborhood for over 50 years. The proposed new grocery store will serve the surrounding residential neighborhoods and will bring enhanced vitality to this commercial node, creating additional employment opportunities. The Bureau of Planning and Sustainability's prepared a "Food Systems background report" for the Portland Plan, December 2010. The report states:

***Economic Benefits***

*Full-service grocery stores can raise the economic value of surrounding properties; they provide both entry-level and higher jobs in a community. They draw customers to the commercial district and can boost traffic to neighboring shops or catalyze development of new commercial stores. By increasing traffic, they can increase security of an area with more eyes on the street and can bring the impression that the community is an attractive place to live and work.*

The proposal supports Policies 5.1 and 5.2.

*Policy 5.4 Transportation System*

Promote a multi-modal regional transportation system that encourages economic development.

Objectives:

- D. Support transit-supportive development and redevelopment along designated transit streets and in the vicinity of transit stations.
- E. Promote safe and pleasant bicycle and pedestrian access to and circulation within commercial areas. Provide convenient, secure bicycle parking for employees and shoppers.
- F. Encourage a wide range of goods and services in each commercial area in order to promote air quality and energy conservation.

Comment: The site has frontage on SW Barbur Blvd, a designated Major Transit Street. The proposal would result in the replacement of an existing 50-year old grocery store. The project is configured to be attractive and inviting to pedestrians and to be supportive of available transit services. The project will include secure bicycle parking, meeting the development standards. Access to a full-service grocery store, with frequent transit service, will serve to reduce energy consumption for southwest Portland residents. The proposal supports this policy.

*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.

Comment: The Safeway store, which was constructed at the site in the early 1960's has defined the identity of the commercial node at the SW Barbur and SW Capitol Hill intersection. The applicant proposes a modernized larger building with a stronger presence along the site's street frontages. There will be extensive landscaping at the front of the eastern tip of the site. The proposal is consistent with this policy.

*5.7 Business Environment within Designated Commercial Areas*

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

*Objective C.*

Sustain the role of designated commercial areas in providing shopping and employment opportunities for city residents.

Comment: If approved, the proposal will enable the applicant to replace a relatively small grocery store with a full-service, modernized facility. The plan designation and zone change will allow for the retention and expansion of this locally-oriented retail business. The proposal is consistent with this policy.

**GOAL 6 Transportation**

*Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.*

**Findings:** Comprehensive Plan Map Amendments must be reviewed against relevant Transportation Policies in the Comprehensive Plan. The Portland Bureau of Transportation has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17 and for potential impacts upon transportation services and finds the proposal to change the designation from residential commercial is, on balance, equally or more supportive of the relevant policies of Goal 6, as follows:

*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.

*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 out transportation.

Comment: Policies 6.1 and 6.2 are met by the land use review notice requirements which include sending a notice of the proposed amendment to state and local agencies, and to property owners within a radius of 400 feet of the Amendment Site.

*Policies 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, and 6.11 Classification Descriptions*

Policy 6.4 states that the 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. Policies 6.5 through 6.11 detail the intended character and use of streets for each transportation mode.

Comment: The redevelopment site fronts on SW Barbur Boulevard, SW Multnomah Boulevard, and SW Capitol Hill Road. The applicant provided a Transportation Planning Rule (TPR) Analysis. The study was prepared to address transportation impacts associated with the proposed Comprehensive Plan Amendment and Zoning Map Amendment. The TPR analysis compares the reasonable worst-case scenario for the existing Multi-Dwelling plan designation and RI zoning designation of the 0.47-acre amendment site, with the reasonable worst case scenario for the proposed General Commercial plan and zoning designations. The results of the TIS indicate that the potential worst-case scenario increase in net new weekday p.m. peak hour trips in the area will be approximately 125.

The TPR analysis forecast the SW Barbur Boulevard/SW Capitol Hill Road intersection to operate over capacity during the horizon year 2035 weekday p.m. peak hour with site development under both the existing and proposed worst-case zoning scenarios. Further, intersection conditions were forecast to worsen under the proposed General Commercial plan and zoning scenario, increasing the intersection volume-to-capacity ratio from 1.09 to 1.16. The degradation in volume-to-capacity ratio and increase in delay represent a significant affect for TPR purposes.

The applicant proposes that a "trip cap" be imposed on the 0.47-acre site to comply with the TPR and related policies of the Oregon Highway Plan (OHP) associated with the proposed rezone. Staff recommends the trip cap be imposed as a condition. The trip cap would be established to limit the future trip generation potential of the 0.47-acre site to the maximum reasonable worst-case scenario that exists under the current RI designation (10 net new weekday p.m. peak hour trips). The trip cap would ensure that no additional trips are generated to or from the site as a result of future redevelopment under the proposed rezone.

A trip cap was also identified for the overall Redevelopment Site. The TPR Analysis demonstrated that the combined reasonable worst-case site trip generation potential for the 2.41-acre Redevelopment Site results in a total of 450 (232 in, 218 out) net new weekday p.m. peak hour trips. Application of a 450 weekday p.m. peak hour trip cap (The Trip Cap) to the redevelopment site will limit, as calculated by floor area, the future trip generation potential of the contiguous 2.41-acre site to the maximum reasonable worst-case scenario and ensure compliance with the TPR and related policies of the OHP.

With the Trip Cap in place, the proposed rezone will not change the maximum trip generation potential of the redevelopment site. As such, traffic modes and volumes are expected to remain consistent with the street classifications identified in the Transportation System Plan. The proposal supports this policy.

*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.

Comment: Changing the zoning on the amendment site to match the commercial zoning on the existing site will create a commercially viable redevelopment site, which will consolidate and modernize access for the new commercial node consistent with this policy. As discussed below, it is anticipated future access to the amendment site will be coordinated with the anticipated access to the redevelopment site, the redevelopment of which will reduce the number of driveways on the three existing lots from seven to four. The proposal supports this policy.

*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.

Comment: As noted in the discussion of the policies related to Classification Descriptions (6.4-6.11), the level of development potential is not expected to increase traffic impacts on Local Service streets to unacceptable levels. SW Capitol Hill Road currently has speed bumps installed for traffic calming. Staff recommends a condition to discourage cut-through traffic and reduce vehicle speeds through the site. With traffic calming measures in SW Capitol Hill Road and on-site, the proposal will support this policy.

*Policy 6.16 Access Management*

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

*Comment:* As discussed above, the amendment site will be added to the existing grocery store site to create the new, larger development where pedestrian, bicycle, and vehicular access will be coordinated and improved from existing conditions. The proposal supports this policy.

*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.

*Comment:* This policy is met through the requirements of the quasi-judicial process for notification of the land use proposal and the requirement for analysis of the proposal in respect to the relevant policies and objectives of the Comprehensive Plan.

*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.

Explanation: This policy reflects a requirement in the Transportation Planning Rule (OAR 660-012) to ensure that certain land use changes will not have an unacceptable impact on transportation facilities. Title 33, Planning and Zoning, contains approval criteria language that implements this policy.

*Comment:* The applicant has provided a Transportation Planning Rule (TPR) Analysis prepared by Kittelson & Associates. The TPR analysis explains how the impacts, if any, of the proposed change in the comprehensive plan map and zoning map designations of the amendment site from residential to commercial would affect the related transportation system. The analysis has been performed in the context of adding the amendment site to the existing site for the combined redevelopment site.

The TPR analysis forecast the SW Barbur Boulevard/SW Capitol Hill Road intersection to operate over capacity during the horizon year 2035 weekday p.m. peak hour with site development under both the existing and proposed worst-case zoning scenarios. Further, intersection conditions were forecast to worsen under the proposed General Commercial plan and zoning scenario, increasing the intersection volume-to-capacity ratio from 1.09 to 1.16. The degradation in volume-to-capacity ratio and increase in delay represent a significant affect for TPR purposes. As explained above under Policies 6.4 – 6.11, with the Trip Cap in place, the proposed rezone will not change the maximum trip generation potential of the redevelopment site. As such, the land use changes will not have an unacceptable impact on transportation facilities. This policy is satisfied.

*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.

*Comment:* TriMet serves the existing site on SW Barbur Boulevard with a "frequent service" route with service every 15 minutes or less throughout the day. Based on preliminary discussions with PBOT and TriMet staff, the existing TriMet bus shelter located on the SW Barbur Boulevard site frontage is expected to be relocated and replaced with a new bus pullout and shelter on SW Barbur Boulevard at the eastern corner of the redevelopment site in conjunction with site

development. The proposed, reconfigured and enhanced bus area should improve bus operations and safety while also reducing the potential for pedestrians to cross SW Barbur Boulevard mid-block to reach the bus stop. Further, the proposed building lobby, escalators, and overall orientation are situated to promote convenient accessibility from SW Barbur Blvd and the relocated transit stop. The proposal supports this policy.

*Policy 6.20 Connectivity*

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

Comment: Adding the amendment site to the existing site to create a more viable redevelopment site will improve the surrounding transportation system without adding additional vehicular connectivity which, if added, would dissect the enlarged commercial node and be counterproductive to its redevelopment potential. Addition of the amendment site to form the redevelopment site will allow for provision of new wider sidewalks (consistent with City Code) for the full length of the redevelopment site along both SW Barbur Boulevard and SW Capitol Hill Road. Further, construction of the redevelopment site frontage improvements will allow for connection of the existing bicycle lane on SW Multnomah Boulevard to Barbur Blvd and the necessary width for bicycle facility along the SW Barbur Boulevard site frontage. These new pedestrian and bicycle facilities will be directly linked with the reconstructed TriMet bus stop and shelter located along the SW Barbur Boulevard site frontage. A completely new internal pedestrian corridor will link SW Barbur Blvd and SW Capitol Hill Road along the east side of the new Safeway building. Bicycle racks will be provided exceeding zoning code requirements. The new pedestrian, bicycle, and transit facilities will better link with, and serve the surrounding land uses and residential neighborhoods. No new public vehicular roadway facilities are proposed through the site; avoiding the potential for increasing cut-through traffic along SW Capitol Hill Road north of the redevelopment site. While a private driveway is proposed on the west side of the new building to facilitate store deliveries, speed bumps and/or other traffic calming measures will be provided along the on-site roadway to limit both vehicular speeds and cut-through traffic. This policy is supported.

*Policy 6.21 Right-of-Way Opportunities*

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

Comment: The applicant is preserving existing right-of-way and anticipates dedication of additional right-of-way as needed to accommodate standard half-street improvements and dedications required by the City of Portland and the Oregon Department of Transportation. No established street patterns will be significantly interrupted and the functional purpose of nearby streets will be maintained. The proposal supports this policy.

*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.*

Comment: The applicant proposes the addition of new sidewalks along the entire frontage of the Redevelopment Site and internally along the east side of the new building, together with improved pedestrian crossings at proximate intersections. Further, the pedestrian ramps and corner of the SW Capitol Hill Road/SW Barbur Blvd intersection nearest the site will be reconstructed to shorten the pedestrian crossing of SW Barbur Blvd. Staff recommends a condition that requires the frontage improvements be addressed at time of Building Permit review. The proposal supports this policy.

*Policy 6.23 Bicycle Transportation*

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

Comment: The application proposes pavement widening for the creation of a continuous southbound bicycle facility along the SW Barbur Boulevard frontage of the proposed redevelopment site. The proposed frontage improvements on the SW Barbur Blvd will provide a dedicated Tri-Met bus pullout, widening for a bicycle facility, and new pedestrian facilities. These new amenities exceed the improvements envisioned in the City's previously adopted Barbur Boulevard Streetscape Plan for the site frontage. Further, on-site bicycle racks will be provided in excess of the City's minimum requirements.

One of the main concerns raised by interested, concerned citizens (Exhibits F.3 and F.4) is a desire for separate bike lanes on SW Capitol Hill Road along the Safeway frontage. Based on the existing classification as a Local City Bikeway, current policy makes it very difficult to require the additional dedication needed for provision of a bike lane. Widening the existing 30-ft roadway to accommodate a 5-6 foot bike lane would also trigger public stormwater facilities behind the new curb line meaning a minimum of an additional 9-10 foot dedication would be needed. The Portland Bicycle Plan for 2030 identifies this section of SW Capitol Hill Road as a future enhanced shared roadway. The bike projects recommended on Capitol Hill Road from the 2030 Plan (see Appendix A, page A-16.) identifies the enhanced shared roadway facility.)

**8021 CAPITOL HILL RD** from SW Barbur Blvd to SW Bertha Blvd  
*Multiple facility types: bicycle boulevard or enhanced shared roadway (Barbur - Troy; 21st - Custer); bicycle boulevard or advisory bike lane (Troy - 21st); enhanced shared roadway (Custer - Bertha)*  
 \$164,000

The Safeway frontage is identified as bike boulevard/enhanced shared roadway and this section of Capitol Hill Rd was recently "enhanced" with speed bumps to slow traffic (there is a bump very close to the proposed Safeway driveway.) While PBOT understands the desire to provide space for bicyclists, it would be difficult to require this of Safeway given the designation in the 2030 plan and lack of designation in the current TSP.

*Staff Note: A compromise may be to forego the two-way left turn lane once further away from the SW Barbur Blvd intersection in lieu of 15 foot shared travel lanes. If the roadway is left as is (two 15 foot lanes) this would allow northbound traffic to get around cars waiting to turn into Safeway and would also provide a wide lane to accommodate cyclists. A day before this report was published, Safeway provided a queuing analysis for SW Capitol Hill Road (Exhibit A.7). PBOT staff has not had adequate time to review the information prior to publication of this report. Staff will submit a written response to the Hearings Officer before or on the date of the hearing.*

*Policy 6.24 Public Transportation*

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

Comment: The application proposes a reconfigured and improved bus stop and bus pullout along the SW Barbur Boulevard frontage of the proposed redevelopment site. This policy is satisfied.

*Policy 6.25 On-Street Parking Management*

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

*Comment:* The application proposes to increase the size of the existing commercial node, with associated upgrades in site access and related minor transportation improvements, as discussed above. Making the Redevelopment Site commercially viable by increasing its size will facilitate enhanced mass transit facilities and accessibility, thereby reducing demand on non-transit modes of transportation, thereby decreasing the demand for parking. 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.

*Comment:* The application proposes to increase the size of an existing commercial node to increase its size to allow sufficient site area to develop modern commercial facilities, with adequate on-site parking and loading. The proposal satisfies this policy.

*Policy 6.27 Off Street Parking*

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

*Comment:* The proposed development site will accommodate all parking on-site. No on-street parking is currently available along the site frontages and none is proposed. The proposal supports this policy.

*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 measure and through education and public information strategies.

*Comment:* The application proposes to enhance multimodal transportation facilities on and around the redevelopment site, through the construction of new sidewalks, bike lanes and transit stops and a new bus pullout. Further, the building orientation, extra bicycle racks, and other pedestrian amenities will encourage walking and bicycle based trips. No aggressive travel demand management measures should be needed for this site since it is located on a high frequency transit line. No parking impacts are expected. The proposal supports this policy.

*Policy 6.30 Truck Mobility*

Develop, manage, and maintain a safe, sufficient, and Reliable freight street network to serve Freight Districts, commercial areas, and neighborhoods.

*Comment:* This site is not located within a Freight District.

*Staff Note:* To address concerns raised about truck impacts to the Multnomah neighborhood, a day before this report was published, Safeway provided a truck route analysis for the Safeway trucks (Exhibit A.8). PBOT staff has not had adequate time to review the information prior to publication of this report. Staff will submit a written response to the Hearings Officer before or on the date of the hearing.

*Policy 6.40 Southwest Transportation District*

Address outstanding transportation issues in the Southwest District through studies and multimodal improvements, and use the transportation policy and objectives in the Southwest Community Plan to evaluate potential changes to the street system.

*Comment:* As set forth above, the application is, on balance, supportive of the transportation policy and objectives in the Southwest Community Plan.

**GOAL 7: Energy**

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

**Findings:** In general, Goal 7 policies and objectives are directed toward local jurisdictions in implementing energy related strategies, and not the applicant. However, the applicant notes that the request to amend the zoning on the site is consistent with this goal because the project will modernize and enhance commercial support services in the area and reduce the need to travel to other areas to shop. Reducing vehicle miles traveled for day-to-day shopping will decrease energy consumption. The proposal is supportive of Goal 7.

**GOAL 8: Environment**

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

**Findings:** The proposal will not adversely impact the City's air, water or land resources. If approved, the proposed development will be subject to the Zoning Code's off-site impacts regulations (Chapter 33.262) and must comply with the city's Title 18 noise regulations that protect neighborhoods from detrimental noise levels. The proposal is consistent with *Policy 8.4 Ride Sharing, Bicycling Walking and Transit*, as explained below.

*Policy 8.4 Ride Sharing, Bicycling Walking and Transit*

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

*Comment:* As noted previously in this report, the site has frontage on SW Barbur, a designated major transit corridor, City bikeway and walkway. SW Multnomah is also a designated City bikeway and SW Capitol Hill Road is a designated City walkway. A condition will require frontage improvements that support the designations of the three fronting streets. The proposal is supportive of this policy.

**GOAL 9: Citizen Involvement**

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

**Findings:** The proposal is consistent with relevant policies 9.1, Citizen Involvement Coordination and 9.3, Comprehensive Plan Map Amendment and therefore is consistent with Goal 9 Citizen Involvement. A detailed analysis of the applicable policies follows, below.

*Policy 9.1 Citizen Involvement Coordination.*

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

*Comment:* The applicant and representatives indicate that they have discussed the proposal, at numerous meetings with representatives of the Multnomah Neighborhood Association (Exhibit A.18). In April 2011, the applicants also made a presentation at a community meeting for the

Multnomah, Hillsdale, South Burlingame and Marquam neighborhood associations, as previously discussed under Policy 3.5, *Neighborhood Involvement*.

The City provided notice of the proposed Comprehensive Plan Map Amendment and Zone Change to surrounding property owners within 400 feet of the site, and to the Multnomah, Hillsdale and South Burlingame neighborhood associations in order to inform them of their opportunity to comment on the application both in writing and at the public hearings on this application. In addition, the site has been posted per the requirements of the Portland Zoning Code for Type III Land Use Reviews. The requested land use review supports this policy.

*Policy 9.3 Comprehensive Plan Amendment*

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

Comment: The land use review process requires citizen involvement through mailed requests for responses, posting of the site, mailed notifications of public hearing, and public hearings before the Hearings Officer and City Council. Citizen involvement efforts related to this case are detailed in response to Policy 9.1, above. This policy has been met.

**GOAL 10: Plan Review and Administration**

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

**Findings:** The proposal is consistent with relevant Policies 10.7 and 10.8 and therefore is supportive of Goal 10. A detailed analysis of the applicable policies follows, below.

*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,

Comment: The preceding analysis and findings in this report demonstrate that the proposed Plan Map Amendment is, on balance, supportive of and consistent with the relevant goals and policies of the Comprehensive Plan.

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

Comment: The requested Plan designation and zoning for this site is compatible with the general land use pattern established by the Comprehensive Plan for the area around the site. The requested General Commercial designation would expand the CG zoning pattern approximately 20,000 square feet to the west. The CG zone already exists to the northeast on the north side of SW Capitol Hill Road, to the south, east and west, on properties that front both sides of SW Barbur Boulevard.

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

*Comment:* The State of Oregon 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 agricultural, forestry and coastal areas, etc., and therefore do not specifically apply to this site.

For quasi-judicial plan amendments, compliance with the city’s plan goals, as discussed here, show compliance with applicable state goals. The analysis in this report indicates that overall, the City goals and policies are supported by the proposal. Consequently, the proposal is consistent with all applicable Statewide goals.

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

*Comment:* As previously discussed above in this report, the proposal is consistent with the adopted Southwest Community Plan.

#### *Policy 10.8 Zone Changes*

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

*Comment:* The General Commercial designation has one corresponding zone the General Commercial zone which implements the designation. The proposed Comprehensive Plan Map amendment from Medium-Density Multi-Dwelling Residential to General Commercial is combined with a Zoning Map amendment request to place the corresponding zone of CG on the site in the configuration shown on the attached Proposed Zoning Map, Exhibit B.2. These policies and objectives are implemented through this land use review, and are specifically addressed in findings for conformance with the approval criteria for the proposed Zone Map Amendment, 33.855.050.A-C, following this section on the proposed Comprehensive Plan Map Amendment. To the extent that applicable approval criteria of 33.855.050.A-C contained in this report and recommendation are met, these policies and objectives are also met.

#### **GOAL 11 A: Public Facilities**

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

**Findings:** The proposal is consistent with Goal 11 and Policy 11.2 as explained below. Agency responses to this proposal indicate that either adequate public facilities and services exist or can

be reasonably made available as discussed under approval criterion 33.855.050.B, below and in Exhibits E.1 through E.10.

*Policy 11.2, Orderly Land Development*

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

Comment: The adequacy of public facilities is discussed in detail below in this report under the criterion 33.855.050 B. To the extent that criterion is met, the proposal is consistent with this policy.

**GOAL 12: Urban Design**

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

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

*Policy 12.1 Portland's Character*

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

*Policy 12.2 Enhancing Variety*

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

*Objective C*

Foster the development of an attractive urban character along Portland's commercial streets and in its commercial districts. Accommodating pedestrians as shoppers and visitors in commercial areas is a major priority of development projects. Commercial areas should allow the development of a mixture of uses, including residential uses. Add new building types to establish areas with care and respect for the context that past generations of builders have provided.

*Policy 12.4 Provide for Pedestrians*

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

Comment: Because the site and surrounding properties are not within a Design Overlay zone, the proposal will not be subject to Design Review. However, the specific proposal has elements that create a strong identity. The project will be urban in character with structured parking and pedestrian and transit friendly elements. The proposal supports Policies 12.1, 12.2 and 12.4.

**33.810.050 Comprehensive Plan Map Approval Criteria**

## A.2. When the requested amendment is:

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

the requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained. The method for calculating potential housing units is specified in subparagraph A.2.a, below; potential housing units may be gained as specified in subparagraph A.2.b, below.

- a. Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 square feet per unit is used in the calculation and the maximum floor area ratio is used. Exceptions are:
  - (1) In the RX zone, 20 percent of allowed floor area is not included;
  - (2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included; and
  - (3) In the CM zone, one half of the maximum FAR is used.
  - (4) Where a residentially zoned area is being used by an institution and the zone change is to the Institutional Residential zone, the area in use as part of the institution is not included.
  - (5) Where a residentially zoned area is controlled by an institution and the zone change is to the Institutional Residential zone the area excluded by this provision also includes those areas within the boundaries of an approved current conditional use permit or master plan.
- b. Gaining potential housing units. Potential housing units may be gained through any of the following means:
  - (1) Rezoning and redesignating land off site from a commercial, employment, or industrial designation to residential;
  - (2) Rezoning and redesignating lower-density residential land off site to higher-density residential land;
  - (3) Rezoning land on or off site to the CM zone;
  - (4) Building residential units on the site or in a commercial or employment zone off site. When this option is used to mitigate for lost housing potential in an RX, RH, or R1 zone, only the number of units required by the minimum density regulations of the zone are required to be built to mitigate for the lost housing potential; or

- (5) Any other method that results in no net loss of potential housing units, including units from the housing pool as stated in 33.810.060 below.
- (6) In commercial and employment zones, residential units that are required, such as by a housing requirement of a plan district, are not credited as mitigating for the loss of potential units.
- (7) When housing units in commercial or employment zones are used to mitigate for lost housing potential, a covenant must be included that guarantees that the site will remain in housing for the credited number of units for at least 25 years.

**Findings:** The proposal includes a requested amendment from residential to commercial, and therefore the provisions for no net loss in housing potential are applicable. The housing unit potential of the subject site, currently under R1 zoning, is 20 units.

To address the potential loss of housing units and meet the no-net loss requirement of this criterion, the applicant proposes to mitigate by dedicating, through a protective covenant, 20 units within the Belmont Dairy housing development (at 3342 SE Morrison Street). The 20 units will be required to remain in residential use for at least 25 years as demonstrated in the covenant (Exhibit A.1.a). This dedication mitigates the potential loss of units that could be built on the subject site. A condition of approval is recommended that requires the covenant be recorded. This approach—using existing housing built in a commercial zone, was used for a 2008 Comprehensive Plan Map Amendment for a site in outer-southeast Portland. A covenant was approved for the protection of 93 housing units that are located a half mile away from the Safeway site at the Headwaters Housing project at 8833 SW 30<sup>th</sup> Ave. With this condition, this criterion is met.

In summary, the proposal supports most of the relevant goals, policies and objectives and therefore, on balance, is equally or more supportive of the Comprehensive Plan, as a whole.

### **33.855.050 Approval Criteria for Base Zone Changes**

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

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

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

**Findings:** The proposed Comprehensive Plan Map designation is General Commercial. This designation has only one corresponding zone, General Commercial. Therefore, this criterion does not apply.

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

**Findings:** The subject parcel is currently zoned R1, Multi-Dwelling Residential 1,000, but there is no Buffer overlay designation on the site or on any adjacent commercially-zoned parcels. This criterion is not applicable.

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

**Findings:** The subject parcel is currently zoned R1, and the proposal is to change to the CG zone. Therefore this criterion is not applicable.

**B. Adequate public services.**

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

**Findings:** Services are adequate or will be made adequate, with recommended conditions, as explained below.

The **Portland Bureau of Transportation (PBOT)** responded that transportation staff has reviewed the applicant's narrative addressing Goal 6 policies, and concurs with the applicant that the requested Comprehensive Map Amendment is consistent with adopted Goal 6 Policies. The PBOT response to this approval criterion is as follows:

Safeway is proposing to redevelop their existing store site located at 8145 SW Barbur Boulevard in Portland, Oregon. The 21,665 square-foot Safeway and a single family home currently located on the site will be replaced by a new larger store. Occupancy of the new store is anticipated in 2012.

The existing Safeway site has seven full-access driveways: three on SW Capitol Hill Road, two on SW Barbur Boulevard, and two on SW Multnomah Boulevard. Redevelopment of the site will

reduce the number of driveways to four: two full-access driveways on SW Capitol Hill Road, a right-in only driveway on SW Multnomah Boulevard, and a right-in/right-out driveway on SW Multnomah Boulevard.

The transportation impact analysis described in the applicant's report was prepared in accordance with the City of Portland's and Oregon Department of Transportation's (ODOT) requirements. Based on the results of the transportation impact analysis, the proposed Safeway store redevelopment can be completed while maintaining acceptable operations on the surrounding transportation system assuming provision of the recommended mitigation measures summarized below.

### **Transportation Impact Analysis**

#### **2010 Existing Conditions**

- All of the study intersections operate acceptably during both the weekday a.m. and p.m. peak hours under 2010 existing conditions
- A TriMet bus stop with covered shelter is located approximately mid-block along the Safeway store site frontage on SW Capitol Hill Road.
- The approximately 200-foot long segment of SW Barbur Boulevard between SW Capitol Hill Road and SW Multnomah Boulevard has experienced 21 reported crashes in the five-year period for which crash data is most recently available. The location of existing Safeway driveways, a TriMet bus stop, bicycle traffic, and an existing auxiliary lane result in several weaving and turn maneuvers along this stretch of roadway.

#### **2012 Background Conditions**

All of the study intersections are forecast to operate acceptably during both the weekday a.m. and p.m. peak hours under 2012 background conditions; however, 95<sup>th</sup> percentile southbound left-turn lane queues on SW Barbur Boulevard at its intersection with SW Capitol Hill Road-SW 19<sup>th</sup> Avenue are forecast to exceed the available storage.

#### **Proposed Development Plan**

The proposed redevelopment of the SW Barbur Boulevard Safeway store is estimated to generate approximately 2,410 additional net new daily trips, of which 80 additional trips are projected during the weekday a.m. (55 in, 25 out) and 180 during the weekday p.m. (90 in, 90 out) peak hour.

The proposed new Safeway store alone, not subtracting the existing store trips, is estimated to generate 400 weekday p.m. peak hour trips, which is lower than the site trip cap (identified through the Transportation Planning Rule Analysis) of 450 net new weekday p.m. peak hour trips. Accordingly, the Safeway store proposal will not exceed the trip cap.

The SW Capitol Hill Road frontage will be restriped (and widened along the western portion of the site) to provide a three-lane roadway between SW Barbur Boulevard and the proposed western site driveway. An existing speed hump on SW Capitol Hill Road located at the proposed site driveway will be removed and reconstructed west of the main site driveway.

The existing TriMet bus shelter on SW Barbur Boulevard will be relocated and replaced. A new bus pullout and shelter area will be provided on SW Barbur Boulevard at the northeastern corner of the Safeway site frontage. The reconfigured and enhanced bus area should improve bus operations and safety while also reducing the potential for pedestrians to cross SW Barbur Boulevard mid-block to reach the bus stop.

The existing auxiliary lane from SW Barbur Boulevard to SW Multnomah Boulevard will be reconfigured, allowing for separate bus pullout and improved transitions for southbound TriMet and bicycle traffic.

Access to the Safeway site will be significantly reconfigured:

- The two existing site driveways on SW Barbur Boulevard will be closed;

- The four existing site driveways on SW Capitol Hill Road will be closed and replaced by one full movement driveway serving the main parking area and one full movement driveway at the west end of the site serving delivery circulation.
- The two existing driveways on SW Multnomah Boulevard will be replaced with a right-in only driveway located west of the existing driveway and a right-in/right-out driveway at the west end of the property.

### **2012 Total Traffic Conditions**

- All of the study intersections are forecast to continue to operate acceptably during both the weekday a.m. and p.m. peak hours.
- Similar to 2012 background traffic conditions, 95<sup>th</sup> percentile left-turn lane queues on SW Barbur Boulevard are forecast to exceed the available storage in both directions at the SW Barbur Boulevard/SW Capitol Hill Road-SW 19<sup>th</sup> Avenue intersection.
- Installation of protected/permissive left-turn signals on SW Barbur Boulevard at the intersection mitigates the proposed Safeway store's impact to the left-turn queues.

### **Recommendations**

Provide the following frontage improvements:

- Relocation of the existing speed existing speed bump on SW Capitol Hill Road to the west of the proposed site driveway.
- Reconstruction of the site frontage along SW Barbur Boulevard as shown on the proposed site plan to eliminate the existing auxiliary lane and in its place provide:
- A bus pullout on SW Barbur Boulevard at SW Capitol Hill Road;
- A right-turn deceleration area onto the SW Multnomah Boulevard Ramp; and
- A curb extension at the SW Multnomah Boulevard Ramp at the departure point from SW Barbur Boulevard.
- Install protected-permitted left-turn signal phasing on the SW Barbur Boulevard approaches to the SW Barbur Boulevard/SW Capitol Hill Road-SW 19<sup>th</sup> Avenue intersection to better manage left-turn queues.

The following general signing recommendations are also offered and will be reviewed and approved during the engineering phase of the street job improvements:

- Install a "STOP" sign on the northbound approach of the two site driveways along SW Capitol Hill Road and on the southbound driveway approach to SW Multnomah Boulevard, in compliance with the Manual on Uniform Traffic Control Devices (MUTCD).
- Install a "Right Turn Only" sign on the southbound driveway approach to SW Multnomah Boulevard (below the STOP sign) in compliance with the MUTCD.
- Install "One Way" and "Do Not Enter" signs at the west end of the interior parking lot exit ramp (between the store parking area and the new western driveway) in compliance with the MUTCD. The signs should be oriented towards drivers who might mistakenly try to enter the Safeway parking lot from the west truck loading area.
- Provide on-site guide signing to direct motorists within the parking lot destined to SW Barbur Boulevard to use the SW Capitol Hill Road driveway. In addition, provide on-site guide signing to the Westbound Multnomah Boulevard Ramp.
- Locate and maintain any new landscaping and/or aboveground utilities installed along the site frontage and internal roadways properly to ensure adequate sight distance is available.

**Note:** See Street Improvements (Chapter 17.88) section below for sidewalk corridor improvements triggered by 17.88.020 for redevelopment of the site.

### **Neighborhood Concerns**

Concerned citizens (Exhibits F.3 and F.4) have stated a desire for separate bike lanes on SW Capitol Hill Road along the Safeway frontage. *Staff Note: As explained above, under Policy 6.23, staff will submit additional comments regarding the necessary improvements on SW Capitol Hill Road.*

### **TRANSPORTATION PLANNING RULE ANALYSIS**

This section presents the transportation implications of the proposed rezone as they relate to the Oregon TPR. Oregon Statewide Planning Goals and the Oregon Administrative Rules (OAR) establish the parameters under which a rezone may be approved. OAR Chapter 660-12-060, the TPR, establishes criteria under which a rezone's transportation impacts must be evaluated.

The first step in assessing the transportation impact is to compare the trip generation potential of the site assuming a "reasonable worst-case" development scenario under the existing and proposed zoning. If the trip generation potential increases under the proposed zoning, additional operational analysis is required to assess whether the rezone will "significantly affect" the transportation needs. Conversely, if the trip generation potential is reduced, the traffic impacts of site development are also reduced.

### **Study Scenarios**

Site-generated impacts assuming full build-out of the 0.47-acre property were determined by evaluating two different year-2035 development scenarios: 1) a reasonable worst-case scenario under the current R1 plan and zoning designation, and 2) a reasonable worst-case scenario under the proposed CG plan and zoning designation.

For the existing zoning (R1) scenario, the maximum number of residential dwelling units was assumed to be 20 residential condominium/townhouse units (based on the 43 units per acre density requirement noted in the zoning code).

A range of allowable land uses were initially considered for the proposed reasonable worst-case zoning (CG) scenario, including general retail space, a daycare center, a fast-foot restaurant, and a medical office building. Based on the size of the parcel and a number of minimum requirements for CG zones (parking, landscaping, setbacks, etc.), it was determined that a very conservative land use assumption would be an 8,100 square-foot fast-food restaurant with a drive-through. As such, this land use was assumed as the reasonable worst-case scenario under the proposed zoning.

### **Determination of Significant Affect**

For land use cases involving an amendment to a local comprehensive plan, the Oregon Highway Plan Implementation Action 1F.6 states that the performance of an intersection shall not be degraded further in situations where the intersection volume-to-capacity ratio exceeds the ODOT mobility standard. Additionally, the policy states that if an amendment to a comprehensive plan increases the volume-to-capacity ratio further, it will significantly affect the facility.

The TPR also contains language similar to the OHP Implementation Action 1F.6. Specifically OAR 660-012-0060 section 1(c)(C) states that a plan or land use regulation amendment significantly affects a transportation facility if it would "worsen the performance of an existing intersection or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

Based on the interpretations of OHP Action 1F.6 and the TPR, it can be concluded that the proposed CG zoning scenario “significantly affects” the SW Barbur Boulevard/SW Capitol Hill Road intersection.

### **Recommended Significant Affect Mitigation**

OAR 660-012-0060 Section 3(c) states that a local government may approve an amendment that would significantly affect an existing transportation facility, where a development will mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility.

Accordingly, it is recommended that a “trip cap” be imposed on the 0.47 acre site to comply with the TPR and related policies of the Oregon Highway Plan related to the proposed rezone. The trip cap would be established to limit the future trip generation potential of the 0.47-acre site to the maximum reasonable worst-case scenario that exists under the current R1 designation (10 net new weekday p.m. peak hour trips). The trip cap would ensure that no additional trips are generated to or from the site as a result of future redevelopment under the proposed rezone. Further, implementing the proposed left-turn signal phasing at SW Barbur Blvd and SW 19<sup>th</sup> Ave will also improve Level of Service for that intersection.

### **Impact to Other Off-site Intersections**

Other intersections in the study area will be impacted by site re-development, including SW Spring Garden/19th Avenue, the I-5 off-ramp at SW Barbur Boulevard/24th Avenue, and the I-5 off ramp at SW Multnomah Boulevard. Operations of these intersections were studied as part of the previously summarized transportation impact study. These intersections were not studied for TPR purposes because the proposed trip cap will ensure these intersections won’t be impacted by any more trips than if the entire Safeway site were built out to a higher use under the existing zoning.

### **Implications For Future Site Development**

While the proposed comprehensive plan and zoning amendment relates exclusively to the 0.47 acres west of the existing Safeway store, Safeway proposes to redevelop the combined 2.41-acre property (the rezoned 0.47 acres plus the existing 1.94-acre Safeway store site). As such, a trip cap for the contiguous site should be considered. To establish a trip cap for the combined site, a reasonable worst-case development scenario for the 1.94-acre site must also be prepared. The sum total of trips generated by the reasonable worst-case development scenarios for the contiguous 2.41-acre site can be used to determine the appropriate trip cap.

The reasonable worst-case development scenario for the 0.47-acre portion has already been documented. Based on the City’s zoning requirements for the CG zone and a review of several allowed uses in the CG zone considered reasonable for this size parcel, it was determined that the most conservative land use assumption would be a supermarket. A worst-case development scenario for the 1.94-acre Safeway site was prepared with the following assumptions:

- Assume 85 percent of the site is developed, accounting for provision of a minimum 15 percent landscaping;
- Assume the entire store is pillared, with ground-level parking provided underneath the building structure;
- Assume an additional 10 percent reduction in store size to account for additional right-of-way dedications; and,
- Assume an 11-foot setback requirement for the side of the store facing the current R1 parcels to the west.

These assumptions result in a maximum developable building size of 64,647 square feet. The combined reasonable worst-case site trip generation potential for the contiguous 2.41-acre site results in a total of 450 (232 in, 218 out) net new weekday p.m. peak hour trips. Application of a 450 weekday p.m. peak hour trip cap to the total site will limit the future trip generation potential of the contiguous 2.41-acre site to the maximum reasonable worst case scenario and ensure compliance with the TPR and related policies of the OHP.

### **Street Improvements (Chapter 17.88)**

1. The applicant will be required to construct sidewalk on SW Capitol Hill Road. This will require a dedication.
  - a. Required frontage improvements along the unimproved frontage on the west property include widening the street to 18-feet from the existing striped centerline and constructing a 12-foot pedestrian zone consisting of a 6" curb, 4' furnishing zone (street trees), 6' sidewalk, 1.5' setback. Stormwater requirements will apply to areas of new sidewalk and may result in a wider furnishing zone and right-of-way dedication.
  - b. Required frontage improvements along the curbed section to the east include widening the sidewalk to 12' feet and adding street trees and street lighting as necessary. This will require a 6' dedication.
2. The applicant will be required to reconstruct sidewalk on SW Barbur Boulevard. This will require a dedication.
  - a. Required frontage improvements include constructing a 12-foot pedestrian zone consisting of a 6" curb, 4' furnishing zone (street trees or stormwater planter), 6' sidewalk, 1.5' setback.
  - b. PBOT will work with ODOT to determine the location of the curb line. If the curb line remains in place, a 4' dedication will be required. Less dedication may be needed if ODOT agrees that the curb line can be pushed into the street. However, moving the curb line will trigger stormwater requirements.
3. The applicant will be required to reconstruct sidewalk on SW Multnomah Boulevard. This will require a dedication.
  - a. Required frontage improvements along the unimproved frontage on the west property include constructing an 11-foot pedestrian zone consisting of a 6" curb, 4' furnishing zone (street trees), 6' sidewalk, 6" setback. Stormwater requirements will apply to areas of new sidewalk and may result in a wider furnishing zone and right-of-way dedication.
  - b. Required frontage improvements along the curbed section to the east include widening the sidewalk to 11' feet and adding street trees and street lighting as necessary. This will require a 2' dedication.

### **STREET CLASSIFICATION AND CONFIGURATION**

**SW Capitol Hill Road** is a Neighborhood Collector, City Walkway and local service street for all other modes in the TSP. It is a 50' ROW improved with a 26'-42' street and a 6' curb tight sidewalk for most of the frontage. PBOT will require a 6' dedication along the eastern property to accommodate a 12' pedestrian zone, including 6" curb, 4' furnishing zone (trees wells), 6' sidewalk, 1.5' frontage zone. Along the residential lot frontage, the curb line should be set at 18-feet from the existing striped centerline. Stormwater requirements will apply to areas of new sidewalk and may require additional ROW.

**SW Barbur Blvd** is a Major City Traffic Street, Regional Transitway/Major Transit Priority Street, City Bikeway, City Walkway, Major Truck Street and Major Emergency Response Route. ODOT has jurisdiction over the roadway while PBOT has jurisdiction over the sidewalk. The sidewalk is an existing 8' curb tight sidewalk. PBOT will require a 12' pedestrian zone, including 6" curb, 4' furnishing zone (tree wells or stormwater planter), 6' sidewalk, 1.5' frontage zone. PBOT will work with ODOT to determine the location of the curb on Barbur and any required dedication.

**SW Multnomah Blvd** is a City Bikeway, Truck Access Street and a local service street for all other modes in the TSP. It is a 50' ROW with a 26' street and 8' curb tight sidewalk with 1' buffer along most of the frontage. PBOT will require a 2' dedication along the eastern property to accommodate an 11' pedestrian zone, including 6" curb, 4' furnishing zone (trees wells), 6' sidewalk, 6" frontage zone. Along the residential lot frontage, the curb line should align with the curb to the east and to the west. Stormwater requirements will apply to areas of new sidewalk and may require additional ROW.

1. To accommodate sidewalk improvements along SW Capitol Hill Road, a 6-ft dedication of property for right-of-way purposes will be required on the eastern lot. A dedication may be required along the western property, depending on the width of required stormwater facilities.
2. To accommodate sidewalk improvements along SW Barbur Boulevard a right-of-way dedication of 4 feet will likely be required. PBOT will work with ODOT to determine the curb location and required dedication.
3. To accommodate sidewalk improvements along SW Multnomah Boulevard a 2-ft dedication of property for right-of-way purposes will be required along the eastern property. No dedication will be required along the western property.

The above dedications and street improvements will be conditions of building permit approval. The improvements along City streets must be constructed under a separate street job permit to City standards per the requirements of the City Engineer. The City will coordinate with ODOT for improvements along SW Barbur Blvd.

#### **Driveways and Curb Cuts (Section 17.28)**

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits. (Exhibit E.2)

The **Oregon Department of Transportation (ODOT)** has not submitted a formal response. However, ODOT staff has been coordinating with the applicant and PBOT and has reviewed the proposed frontage improvements and access onto the site. (Exhibit E.8)

The **Bureau of Environmental Services** has no objection to approval of the Comprehensive Plan Map Amendment with concurrent Zone Map Amendment, with conditions. Note that the proposed development will be subject to BES standards and requirements during the permit review process.

#### **SANITARY SERVICE**

##### *Existing Sanitary Infrastructure:*

- There is an 8-inch concrete public sanitary gravity sewer located in SW Capitol Hill Road (BES project # 2221).
- There is an 8-inch concrete public sanitary gravity sewer located in SW Multnomah Blvd (BES project # 2226).

*Service Availability:* The public sanitary sewer in this location is predicted to have adequate capacity for the increased flows resulting from the proposed zone change.

- a. At the time of building permit review, the applicant will be required to locate all existing sanitary laterals and identify proposed sanitary laterals.

*Private Easements:* The project area includes three separate properties, two currently zoned residential and one commercial. Utilities that cross property boundaries must be covered by covenants for future easements, even if the properties are currently in the same ownership, or the platted lots must be consolidated prior to building permit approval. Private sewer easements may not be less than 10 feet wide unless a reduction in easement width is approved through a plumbing code appeal.

### **STORMWATER MANAGEMENT**

#### *Existing Stormwater Infrastructure:*

- There is a concrete public storm-only sewer system that varies in size located in SW Capitol Hill Road northwest of this site (BES project #1974).
- There is a concrete public storm-only sewer located in SW Multnomah Blvd (BES project # 2821). BES maintains the 10-inch concrete portion of the storm sewer system in SW Multnomah Blvd.

*Public Sewer Extension:* The owner or applicant will be required to extend the storm-only sewer in SW Capitol Hill Rd. to provide a valid stormwater discharge point for required street improvements. A public works permit, or other permit as determined by BES, will be required for such work. The applicant has substantially completed the concept review (30% design) phase, including a meeting with City staff to discuss the scope and details of the required improvements. BES requires completion of this phase prior to land use approval in order to identify significant issues that affect the feasibility of the development relative to required improvements. In addition, prior to building permit approval BES will require that the applicant provide a financial guarantee and pay all required engineering fees.

*On-Site Stormwater Management Comments:* BES reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control, and off-site discharges. The Site Development Section of BDS determines if stormwater infiltration on private property is feasible when slopes on or near the site present landside or erosion related concerns, or where proximity to buildings might cause structural problems.

BES has reviewed the stormwater report from Group MacKenzie dated August 11, 2011 and the geotechnical engineering report from GeoPacific dated November 18, 2009. The geotechnical report includes Presumptive Approach infiltration test results of 0.03 and 0.06 inches per hour. The applicant proposes off-site discharge to the storm sewer in SW Multnomah Blvd. after treatment in seven water quality planters and detention in five underground CMP detention pipes sized per the Presumptive Approach. BES has no objections to this approach for the purposes of land use review, as the infiltration tests indicate that on-site infiltration is not feasible. Provided that all requirements of the SWMM are met at the time of permit review, the public storm system is predicted to have adequate capacity for stormwater discharge from this site. (Exhibit E.1)

The **Site Development Section of BDS** responded that the proposed new development must be reviewed by Bureau of Environmental Services for compliance with the stormwater infiltration and discharge hierarchy. The infiltration rates are expected to be low in this area. The cesspool system for 8039 SW Capitol Hill Rd must be decommissioned at time of demolition. Also, a geotechnical report will be required at the time of building permit review. (Exhibit E.6)

The **Water Bureau** responded that the site has three services, at 2 separate property locations that are part of the proposed development which provide water to the proposed development site, and they are as follows:

1. 8039 SW Capitol Hill Rd: 5/8" metered service – Serial #29487339, Account #2969160800
2. 8145 SW Barbur Blvd: (1) 2" metered service – Serial #31611072, Account #2993747300  
And (2) 6" metered fire service – Serial #1029791001, Account #2994682300

The above listed services are from the existing 6" CI water main in SW Capitol Hill Rd. The estimated static water pressure range for this location is 57 psi to 72 psi at the existing service elevation of 476 ft.

Per City code 21.12.070, water services may not cross separate land parcels/tax properties to supply water to another. Prior to the Water Bureau signing off on the Building permit, the separate tax lots must be consolidated into one property through the Multnomah County Tax Assessors office.

City code 21.12.010 will require any new building construction, building remodeling, adding to an existing structure or any construction that will need water, to have a water service and meter of appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count will need to be submitted by the applicant at the time of submittal of the building permit to appropriately size the water service and meter for this property. If a water service and or meter upsize is required, all applicable costs will be the responsibility of the applicant. (Exhibit E.3)

The ***Fire Bureau*** responded that at Building Permit review, staff will verify that all Fire Code standards are met. (Exhibit E.4)

The ***Police Bureau*** raised concerns about graffiti in non-monitored areas and cut-through traffic at the back of the proposed grocery store, near the loading area. In order to address public safety concerns, they recommend conditions be imposed that require the installation of security monitoring cameras and traffic calming devices. Staff recommends these conditions be imposed to prevent crime and safety conflicts. (Exhibit E.5)

The ***Bureau of Parks-Forestry Division*** noted no concerns. (Exhibit E.7)

Based on the agency responses, public services are adequate or will be made adequate at time of development. This criterion is met.

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

**Findings:** The proposal does not involve IR zoning and 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 or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

**Findings:** The request does not include the Institutional Residential zone. Therefore this criterion is not applicable.

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

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

## DEVELOPMENT STANDARDS

The proposal to amend the Comprehensive Plan Map designation and Zoning Map does not have to meet development standards in order to be approved during this review process. When plans are submitted for a building or zoning permit, the applicant must demonstrate that all development standards of Title 33 are met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

Note: The applicant is proposing a specific development proposal concurrent with the proposed change in zoning for the site. Safeway wishes to replace the existing 21,665 square foot store with a new 62,925 square foot, 2-story grocery store with 135 on-site vehicle parking spaces. After preliminary review of submitted plans, BDS determined the proposed development will require one Adjustment to an applicable development standard, which is addressed below, in this report. At Building Permit Review BDS will complete a full plan check to verify compliance with all applicable Zoning Code standards.

### 33.805.010 Purpose of Adjustments

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

### 33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

**Findings:** The applicant proposes a specific development project concurrent with the proposed change in zoning for the site. The applicant is proposing the development of a new grocery store with on-site parking which is allowed in the General Commercial zone. If the change in designation and zoning is approved, the current proposal conflicts with the minimum landscaping requirement.

The applicant is requesting an Adjustment to reduce the minimum total landscaping required on the site (Zoning Code Section 33.130.325) from 15 percent (14,686 square feet) to 14.4 percent (14,057 square feet).

The purpose statement for this regulation is as follows:

**33.130.225.A Purpose:** *Landscaping is required in some zones because it is attractive and it helps soften the effects of built and pave areas. It also helps in reducing stormwater runoff by*

*providing a surface into which stormwater can percolate. Landscaping is required for all commercially-zoned lands abutting R-zoned lands to provide buffering and promote livability of the residential lands.*

The applicant proposes a landscaping scheme that they describe as attractive and will provide ample visual softening of the site for a relatively “intensive development”. The building will be a unique podium-style, multi-story, urban format with structured parking. It will cover over 57 percent of the site. The applicant is requesting less than a one percent reduction in the required amount of landscaping. Presently the existing site contains a small grocery store, accessory surface parking and very little landscaping. In order to soften the effects of the proposed built and hardscape area and develop in a more urban style, the applicant proposed to install shrubs, groundcover and trees along the frontages of the site. A tall solid wall and raised planter boxes will serve to buffer the rear of the store and loading activities from the western abutting residential sites. The proposal includes densely landscaped planter areas on the north side of the building which will create a softened edge along SW Capitol Hill Road, a designated City Walkway and residential (local service) street. The proposed surface parking at the eastern edge of the site will be landscaped to meet interior and perimeter parking lot standards. Walkways, plazas and elevated outdoor plaza area will create an attractive affect.

An interested neighbor submitted comments that recommend use of native plants, of limiting the amount of impervious surfaces, and to construct infiltration stormwater facilities instead of flow-through facilities, which allow stormwater disposal into sewer facilities (Exhibit F.2). The Bureau of Environmental Services and BDS Site Development found that, based upon soil infiltration tests, the rate of infiltration was low and therefore infiltration facilities would not be required. BES agrees that the applicant should choose plant material from the Portland Plant List. BES notes that “native vegetation serves important watershed health functions. Native vegetation not only filters stormwater, it is suited to our climate and therefore needs less watering and does not require pesticides and fertilizers.” To fully address the purpose of the standard, staff recommends a condition that will require at least 60 percent of the plant materials must be selected from the Portland Plant list.

With a condition that requires the use of native plants, the proposal will meet the purpose of the standard and therefore this criterion will be met.

**B.** If in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

**Findings:** If the map designation and zone change request is approved, the entire site will be located in the General Commercial (CG) zone. The requested adjustment will not affect and or conflict with the classification of the adjacent streets. Portland Bureau of Transportation has reviewed this concurrent application for conformance with adopted transportation policies, Title 17, and Title 33 approval criteria, as well as conformance with street designations.

The Zoning Code defines the term “desired character” as being based on the purpose statement of the base zone, and the preferred and envisioned character included in adopted area plans (Section 33.910.030). The purpose and characteristics of the CG zone are described as follows:

*The CG zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most new commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial areas. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone’s development standards promote attractive*

*development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.*

The adopted Southwest Community Plan includes a “Vision for Southwest Portland”. Relevant sections that speak to the desired character are as follows:

*The Barbur Boulevard corridor is becoming a successful center for business and housing. With transit service and streetscape improvements, the area has attracted growing numbers of pedestrian-oriented retail and commercial services...*

*Neighbors, visitors, and employees enjoy the Southwest for its natural areas, open spaces, views and vistas, parks and plazas, walkways and parkways, and luxuriant greenery.*

The applicant’s development proposal include landscape area, particularly along the street frontages, a ground level and upper-story outdoor plaza area and a landscaped wall along the western edge of the project. The project will be auto-accommodating and an urban style development. The proposed hardscape and landscaping improvements will be aesthetically pleasing for pedestrians, transit users, motorists, the store’s customers and nearby residents. This criterion is met.

**C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one Adjustment is requested. Therefore, this approval criterion does not apply.

**D.** City-designated scenic resources and historic resources are preserved; and

**Findings:** City designated resources are shown on the zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

**E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** In order to mitigate for the reduced landscape area, the applicant has designed a project that offers multiple landscape features to further articulate the building, lessen its scale and soften the appearance of the development. The landscape features will include trellises and planters, both at the ground level and the upper outdoor plaza area. To reduce stormwater impacts, a condition will require at least 60 percent of the plant materials be native, selected from the Portland Plant List. A condition will require implementation of the proposed landscaping and hardscape plans. Through compliance with these conditions, this approval criterion is met.

**F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** The site is not within an environmental zone. This criterion is not applicable.

## CONCLUSIONS

The applicant, Safeway Inc., requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on a portion of the ownership from R1, Medium Density Multi-Dwelling Residential to CG, General Commercial. The proposed CG zone will match the base zone of the eastern abutting lot that is also owned by

Safeway. If approved, the commercially-zoned site will be enlarged by approximately 24 percent, from 84,500 square feet to 104,766 square feet. Staff finds the requested map amendment and zone change will support most City policies because the request will facilitate the modernization and expansion of a grocery store that has served the neighborhood for over 50 years. The proposed new grocery store will serve the surrounding residential neighborhoods and will bring enhanced vitality to this commercial area. The applicant proposes frontage improvements that include a dedicated Tri-Met bus pullout, widening for a bicycle facility and new pedestrian facilities.

To address the housing potential, no-net loss approval criterion, the applicant proposes to execute a protective covenant for 20 dwelling units, elsewhere in the City. These 20 units will be required to remain in residential use for at least 25 years. Because the housing potential for the site will be met at a site located outside of southwest Portland, the proposal will not directly address the housing needs, particularly rental housing options, for the Multnomah neighborhood or other southwest neighborhoods. Therefore, this request does not support some of the relevant housing and Southwest Community Plan policies.

Staff is recommending conditions that address the no-net housing loss requirement, public right-of-way improvements and on-site public safety needs. A trip cap is imposed to limit the development potential on the site. This limit will allow the specific development proposal that is described and illustrated in this review, but could in the future restrict additions and/or changes in occupancy or use.

Staff finds that with conditions, the proposal will support most of the relevant goals, policies and objectives and therefore, on balance, is equally or more supportive of the Comprehensive Plan, as a whole. Agency responses indicate that either adequate public facilities and services exist or can be improved to address criterion 33.855.050.B.

In regards to the specific development proposal and requested Adjustment, the applicant proposes a landscaping scheme that will be attractive and will provide ample visual softening of the site for a relatively “intensive development”. The building will be a unique podium-style, multi-story, urban format with structured parking. It will cover over 57 percent of the site. The request for less than a one percent reduction in the required amount of landscaping should, with conditions, be approved. Staff recommends a condition that will require at least 60 percent of the plant materials be selected from the Portland Plant list and that the landscape and hardscape improvements be completed, as proposed.

## **TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

**Approval** of a Comprehensive Plan Map Amendment and Zoning Map Amendment from Medium-Density Multi-Dwelling Residential (R1) to General Commercial (CG) for Tax Lot 4301 (8039 SW Capitol Hill Road) and Tax Lot 4302 subject to the following conditions:

- A. Prior to, or concurrent with recording a decision of approval with Multnomah County, the applicant must execute and record a covenant which mitigates for the 20 units of lost housing potential. Per 33.703.120, prior to the City making any changes to the Comprehensive Plan Map or Zoning Map, documentation must be submitted by the applicant that shows that both the Comprehensive Plan Map/Zoning Map amendment decision and the covenant have been recorded.
- B. Prior to building permit issuance the applicant must consolidate the 3 lots via a Lot Consolidation Review (33.675.100) and record the decision with the County. Or the applicant

must consolidate the lots through a County Tax Account Consolidation and submit covenants for future easements and joint maintenance agreements for the private utilities that cross property lines.

- C. As part of the building permit application submittal, the following development-related conditions (D through G) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-103310 CP ZC AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- D. Surveillance cameras must be installed to monitor the area located between the west property line and the loading area located at the back of the building.
- E. The applicant shall be required to construct the frontage improvements identified in this report under the Section titled Street Improvements (Chapter 17.88) to City standards, per the requirements of the City Engineer. As a condition of building permit approval, the applicant shall provide all dedications necessary to provide adequate right-of-way for these frontage improvements. The frontage improvements must be constructed under separate street job permits to current City and ODOT standards. Financial guarantees ensuring the frontage improvements shall also be conditions of building permit approval.
- F. Speed bumps and/or other traffic calming measures must be provided along the on-site delivery roadway to limit both vehicular speeds and cut-through traffic.
- G. Uses on the site are limited to a total of 450 new weekday p.m. peak hour trips. Square footage equivalencies are to be applied per Table 1 below. The applicant must submit a written verification at time of building permit that all uses on the site, both existing and proposed have a maximum net new weekday p.m. peak hour trip generation of 450 trip. This applies to the combined three lots identified as the site.

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

Land Use Category	ITE Code	Building Size	ITE Trip Rate	ITE PM Peak Hour Pass-by Rate	Weekday PM Peak Hour Net New Trip Rate*
Daycare	565	1,000 sq.ft. GFA	12.46	-	12.46 trips/1,000 sq. ft.
Office	710	1,000 sq.ft. GFA	1.49	-	1.49 trips/1,000 sq. ft.
Specialty retail	814	1,000 sq.ft. GLA	2.71	34%**	1.79 trips/1,000 sq. ft.
Hardware/paint store	816	1,000 sq.ft. GFA	4.84	-	4.84 trips/1,000 sq. ft.
Nursery/garden center	817	1,000 sq.ft. GFA	3.80	-	3.80 trips/1,000 sq. ft.
Shopping center	820	1,000 sq.ft. GLA	3.73	34%	2.46 trips/1,000 sq. ft.
Supermarket	850	1,000 sq.ft. GFA	10.50	36%	6.72 trips/1,000 sq. ft.
Drive-in bank	912	1,000 sq.ft. GFA	25.82	47%	13.68 trips/1,000 sq. ft.
High-turnover sit-	932	1,000 sq.ft.	11.15	43%	6.36 trips/1,000 sq. ft.

down restaurant		GFA			
Fast food restaurant with drive-through	934	1,000 sq.ft. GFA	33.84	50%	16.92 trips/1,000 sq. ft.

\*Based on *Trip Generation, 8<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (ITE). Net new trip rate reflects ITE trip rate less pass-by trips per the *ITE Trip Generation Handbook, 2<sup>nd</sup> Edition*.

\*\* Includes an assumed 34% pass-by rate, based on ITE Shopping Center

GLA=Gross Leasable Area

GFA= Gross Floor Area

**Approval** of an Adjustment to reduce the required landscaping area (33.130.225.B) from 15 To 14.4 percent for the construction of a new full-service grocery store, per the approved plans, Exhibits C.1 through C.3, subject to the following conditions:

- A. The requested Comprehensive Plan Map and Zoning Map Amendment Approval from Medium-Density Multi-Dwelling Residential (R1) to General Commercial (CG) for Tax Lot 4301 (8039 SW Capitol Hill Road) and Tax Lot 4302 must be approved and recorded.
- B. As part of the part of the building permit application submittal, the following development-related conditions (C and D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-103310 CP ZC AD."
- C. The plant material schedule on the landscape plan (Exhibit C.2) must be amended to show that at least 60 percent of the plants to be installed on the site will be native, selected from the Portland Plant List.
- D. The landscaping and related improvements including the tall wall, located near the western property line, walkways, plaza areas and trellises must be completed in substantial conformance with the approved site plan and landscape plans, Exhibits C.1 - C.3.

**Procedural Information.** The application for this land use review was submitted on January 13, 2011, and was determined to be complete on .

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 13, 2011.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be

documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

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

**This report is not a decision.** This report is a recommendation by the Bureau of Development Services to the Land Use Hearings Officer. The Land Use Hearings Office may adopt, modify, or reject this recommendation. The Hearings Officer will make a recommendation to the City Council within 17 days of the close of the record. You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant.

You may review the file on this case at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Your comments to the Hearings Office should be mailed c/o Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100 Portland, OR 97201 or FAX your comments to (503) 823-4347.

**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. 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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

**Recording the final decision.**

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

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of approval.** Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

Planner's Name: Sheila Frugoli

Date: August 26, 2011

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittal:

1. Response to CP/ZC approval criteria, Submitted Feb. 28, 2011
  - a. Draft Covenant to Address "No-Net Housing Loss" Requirement
2. Response to Adjustment Review approval criteria, Submitted July 8, 2011
3. Letter from Mark Whitlow, Attorney, Explaining Proposal Should Include Specific Development Proposal, August 2, 2011
4. E-Mail from Diane Phillips, Safeway, Identifying Planned Public Safety Related Improvements, Aug. 16, 2011
5. Transportation Impact Analysis, prepared by Kittelson & Assoc., Aug. 2011
6. Proposed Trip Cap Equivalency Table, prepared by Kittelson, e-mail, Aug. 12, 2011
7. Capitol Hill Rd Lane Configuration Analysis, memo prepared by Kittelson, Aug. 25, 2011
8. Safeway Truck Routing Analysis, memo prepared by Kittelson, Aug. 25, 2011
9. Preliminary Stormwater Report, Conveyance, Water Quality and Disposal, Group Mackenzie, submitted Aug. 17, 2011
10. Geotechnical Engineering Study, GeoPacific, submitted Jan. 26, 2011
11. Preliminary Plan Review Response (to Zoning Code standards), Letter from Wendell Mueller, Group Mackenzie, July 7, 2011
12. Response to BDS Completeness Review, Letter from Mark Whitlow, Feb. 24, 2011
13. Redlined (Revised) Response to CP/ZC approval criteria, Submitted Feb. 28, 2011
14. Original Response to CP/ZC approval criteria, Submitted Jan. 12, 2011
15. Transportation Planning Rule Analysis, Kittelson & Assoc., dated Sept. 22, 2010
16. Preliminary Stormwater Report, Group Mackenzie, submitted Jan. 12, 2011
17. Legal description and Titles for Tax Lots proposed for Comp. Plan and Zoning Map

Amendt

18. Summary of Applicant's Contact/Outreach to Neighborhood Associations

B. Zoning Map (attached):

1. Existing Zoning
2. Proposed Zoning

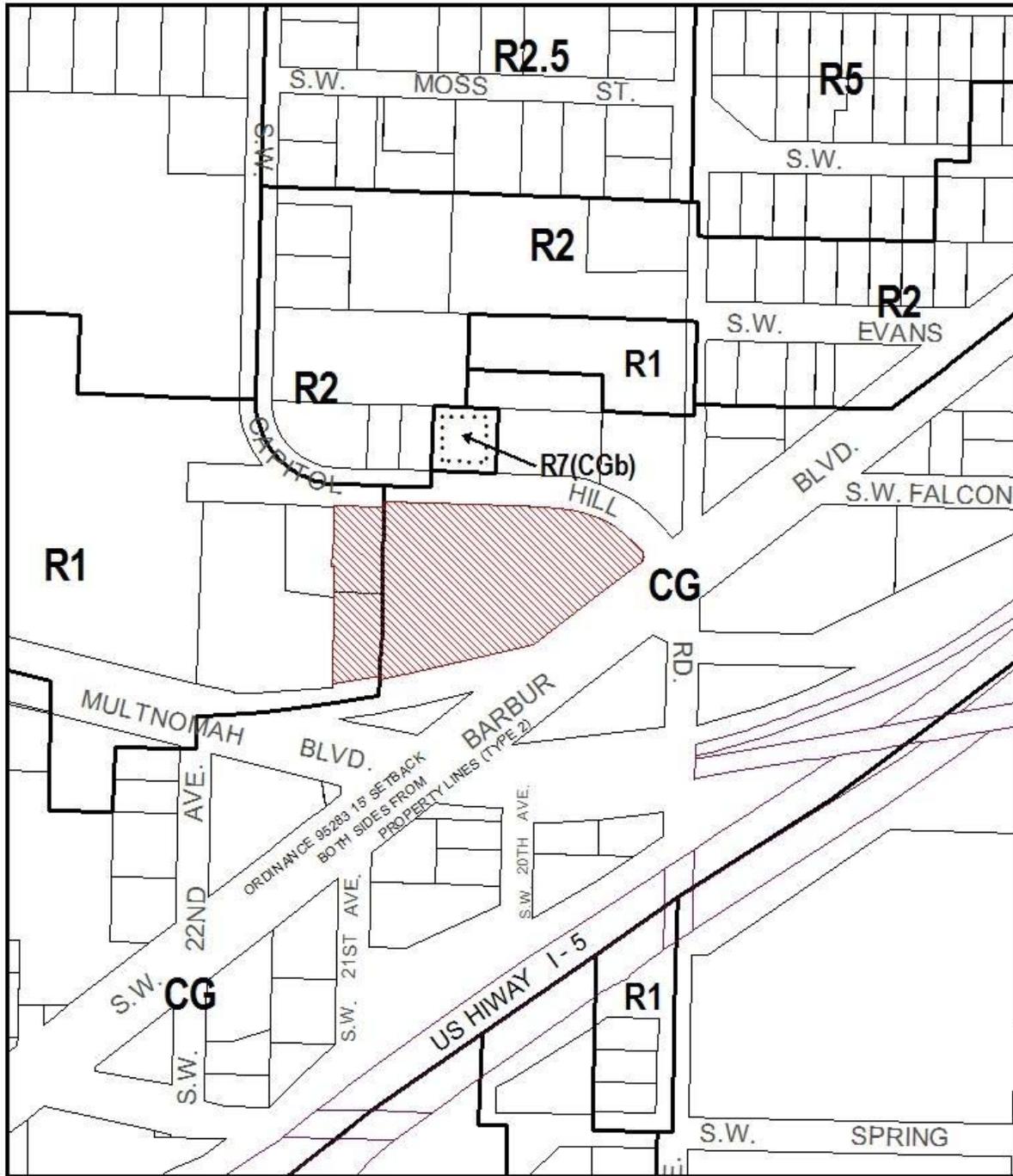
C. Plans & Drawings:

1. Proposed Site Plan (attached)
2. Proposed Landscaping Plan (attached)
3. Proposed Landscaping Details – Plan and Sections of Patio and Planter
4. Proposed Grading Plan
5. Proposed Utility Plan

6. Proposed Truck Turn Maneuver- In Bound
  7. Proposed Truck Turn Maneuver- Out Bound
  8. Proposed South and West Elevations
  9. Proposed North and East Elevations
  10. Proposed Southeast Elevation and Building Sections
  11. Proposed Plan Elevations, Sections of Masonry Screen Wall
  12. Survey – Existing Development
  13. Plan Identifying Lots Proposed for Comp. Plan and Zoning Map Amendment
  14. Proposed Frontage Improvements, Prepared by Kittelson & Assoc.
  15. Early Assistance Review, Proposed Preliminary Plans Submitted Jan. 31, 2011
    - a. Development Code Summary
    - b. Site Plan
    - c. Truck Turn Maneuver- In Bound
    - d. Truck Turn Maneuver- Out Bound
    - e. Grading Plan
    - f. Utility Plan
    - g. South and West Elevations
    - h. North and East Elevations
    - i. South-East Elevation
- 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
    1. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Police Bureau
  6. Site Development Review Section of Bureau of Development Services
  7. TRACS Print-out "No Concerns" from Bureau of Parks, Forestry Division
  8. E-Mail from Ross Kevlin, ODOT, dated Aug. 19, 2011
  9. Life Safety Review Section of Bureau of Development Services
  10. BES Response to Interested Persons Comments, e-mail from Elisabeth Reese Cadigan, Aug. 22, 2011
- F. Letters:
1. Don Baack, July 21, 2011, E-Mail Raising Concerns About Truck Impacts
  2. Maria Cahill, August 18, 2011, E-Mail Raising Concerns About Stormwater Management and Safety
  3. Roger Averbeck, August 19, 2011, E-Mail Sent to PBOT Staff, Concerns Raised About Bicycle Accommodations
  4. Keith Liden, August 21, 2011, Letter Raising Concerns/Policy Conflicts Regarding Proposed Pedestrian and Bicycle Improvements
- G. Other:
1. LUR Application
  2. LUR Application for Adjustment Review, submitted July 8, 2011
  3. Site History Research
  4. BDS Incomplete Application Letter to Applicant, Feb. 2, 2011
  5. BES Incomplete Application E-Mail to Applicant, March 4, 2011
  6. Preliminary Plan Review for Barbur Safeway Redevelopment, Memo from Staff, Feb. 16, 2011

7. Request for Completeness Review, Jan. 13, 2011
8. Pre-Application Conference Summary Report
9. DLCD Notice of Proposed Amendment, mailed July 22, 2011
10. Excerpt from Food Systems, Portland Plan Background Report, Dec. 14, 2010

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

 Site



File No. LU 11-103310 CP,ZCAD  
 1/4 Section 3827  
 Scale 1 inch = 200 feet  
 State Id 1S1E21CB 4200  
 Exhibit B (Jan 13,2011)



