



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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RECOMMENDATION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 09-106993 CP ZC (HO 4090110)

Applicant: Urban Development Partners
Contact: Neeley Wells
PO Box 14761
Portland, OR 97293

Owner: East/West College Building, LLC
525 NE Oregon #200
Portland, OR 97232

Hearings Officer: Ian Simpson

Bureau of Development Services (BDS) Staff Representative: Nan Stark

Site Address: South side of Belmont Street, west of 43rd Avenue

Legal Description: LOT 11 BLOCK 3, EDENDALE; INC STRIP N OF & ADJ N 76' OF
LOT 4 BLOCK 3 33.7% NONTAXABLE, GLENCOE PK; INC STRIP
ADJ BET N LINE OF LT 5 & S LINE OF BELMONT ST N 76' OF LOT 5
BLOCK 3, GLENCOE PK

Tax Account No.: R235500880, R321700260, R321700280

State ID No.: 1S2E06BB 12900, 1S2E06BB 13100, 1S2E06BB 13000

Quarter Section: 3135

Neighborhood: Sunnyside

Business District: Belmont Business Association

District Neighborhood Coalition: Southeast Uplift

Existing Zoning: R1 – Residential 1,000

Proposed Zoning: CM – Mixed Commercial/Residential

Land Use Review: Type III, CP ZC – Comprehensive Plan Map Amendment with concurrent Zone Change

BDS Staff Recommendation to the Hearings Officer: Approval

Public Hearing: The hearing was opened at 9:59 a.m. on May 6, 2009, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, OR, and was closed at 10:40 a.m. The record was held open until 4:30 p.m. on May 13, 2009 for new written evidence; until 4:30 p.m. on May 20, 2009 for applicant's final response. The record was closed at that time.

Testified at the Hearing:

Nan Stark, BDS Staff Representative
Eric Cress, Urban Development Partners, 2927 SE Yamhill St., Portland, OR 97214
Neeley Wells, 810 SE 70th, Portland, OR 97215
David Keltner, 2414 SE Salmon St., Portland, OR 97214
David Slauson, 525 NE Oregon St., Portland, OR 97232
Jason King, 4543 NE 37th Avenue, Portland, OR 97211
Tracy Wiens, 4246 SE Belmont, Portland, OR 97215
Richard Dwyre, PO Box 1420, Sandy, OR 97055

Proposal: The staff report details that the applicant proposes changing the Comprehensive Plan Map designation from Medium Density MD 1000 to Urban Commercial, and changing the Zoning Map designation from R1 – Residential 1000 to CM – Mixed Commercial/Residential. The 18,400 square-foot site consists of three lots previously used as parking for East-West College, which formerly occupied a nearby building on the north side of SE Belmont Street.

No development is proposed as part of the proposal. The concept for the site is a mixed-use building utilizing the allowances of the proposed CM zoning, with approximately 40 residential units and one floor of non-residential uses.

Relevant Approval Criteria:

To be approved, the proposal must comply with the relevant approval criteria in Title 33, which include:

- 33.810.050 A., Comprehensive Plan Map Amendments
- 33.855.050 A., B., and D., Zoning Map Amendments

II. ANALYSIS

Site and Vicinity: The staff report indicates that the subject site is currently a surface parking lot comprising three contiguous lots totaling 18,400 square feet. It is located on SE Belmont Street between 42nd and 44th Avenues, with residential homes to the south, a commercial building to the

west, and a parking area and commercial building (Movie Madness) to the east. Development along SE Belmont Street in the site's vicinity includes commercial businesses, apartment and mixed-use buildings, and older single-family homes. There are nodes of commercial zoning along the street, interspersed with multi-dwelling development, with primarily R1 zoning. The surrounding Sunnyside neighborhood within 500 feet of the site is primarily zoned R2.5 and R5 and is defined by single-dwelling development and apartment buildings.

The Portland Transportation System (PTS) Plan classifies SE Belmont St. as a Neighborhood Collector Street, Major Transit Priority Street, a Major Emergency Response Street and a City Walkway.

Current Zoning: The site is currently zoned R1, with a Comprehensive Plan Map designation of Medium Density MD 1000. The R1 zone is one of several zones with a multi-dwelling Comprehensive Plan designation, and the only zone that implements the Medium Density MD 1000 designation. It allows approximately 43 units per acre or one unit per 1,000 square-feet of site area. On this site, 18 units would be allowed. The major type of new housing development is multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning is applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

Proposed Zoning: The applicant proposes changing the zoning designation from R1 – Residential 1000 to CM – Mixed Commercial/Residential. The CM zone promotes development that combines commercial uses and housing on a single site. Residential development is required at a ratio of at least one square-foot of residential for every square-foot of non-residential floor area. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type supports transit use, provides a buffer between busy streets and residential neighborhoods, and provides new housing opportunities in the city. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Development is intended to consist primarily of businesses on the ground floor with housing on upper stories, and it is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

Land Use History: City records indicate a prior land use review for the site in 1992, LUR 92-00412 AD, which denied an adjustment to reduce the setback and perimeter landscaping for two handicapped parking spaces; and approved five adjustments related to parking space size and landscape standards.

The Bureau of Development Services (BDS) issued a zoning confirmation letter (07-106219 PR) in 2007 that states that off-street parking is not required for the building at 4531 SE Belmont Street, and consequently the satellite parking lot (the subject site) is not required to be associated with that building. The zoning code does not require a minimum number of parking spaces for sites located less than 500 feet from a transit street with 20-minute peak hour service. If the satellite parking lot is no longer used by tenants of the building at 4531 SE Belmont Street, the conditions of approval related to the parking lot no longer apply.

Public Comments and Applicant Responses: The applicant submitted letters from the Sunnyside Neighborhood Association and the Belmont Area Business Association. The Neighborhood Association voted to remain neutral on the proposal when it voted in September 2008, following a presentation by the applicant. The Business Association voted to support the proposal at their October 2008 meeting.

David Keltner, neighbor and long-time resident, expressed strong support for the proposal during the May 6, 2009 hearing in this case.

David Slawson, owner of the East-West College which used to use the site's parking lot, made a statement during the hearing. Mr. Slawson stated that the site has had problems with vagrants and garbage. Vehicles park illegally in the parking lot, and some have been vandalized or stolen.

Jason King, neighbor and landscape architect, expressed support for the proposal during the hearing. Mr. King thought the applicant showed honesty by detailing the worst-case (maximum development) scenario. Mr. King also stated that he is concerned about stormwater on the site.

Tracy Wiens, owner of the next door building, expressed support for the proposal in the hearing. Ms. Wiens stated that there have been problems with the vacant parking lot on the site.

Richard Dwyre, who owns a rental house on SE Yamhill, raised some concerns during the hearing. Mr. Dwyre stated that a new development, such as that envisioned by the applicant, would reduce available parking in the immediate area. He also stated that a large building on the site would be out of scale compared with the nearby houses, such as his rental house.

The applicant responded to some concerns raised during the hearing (Exhibit H-8). The applicant stated that the Portland Bureau of Transportation (PBOT) indicated that potential retail users or eventual residential tenants of a future mixed-use building on the site will choose to park along Yamhill between SE 42nd and SE 43rd. Access to the future building will only be taken from SE Belmont. With possible on-site parking provided for the future building and ample on-street parking along SE Belmont, as determined by their traffic consultant and supported by PBOT staff, it is unlikely that anyone associated with the future building will have to park along SE Yamhill.

A letter from Beth Azar and Bob Service (Exhibit H-5) stated that they strongly support the building project proposed for the site and the zoning change needed to facilitate it. They stated that they live a few blocks away from the site and would be delighted to see a well-planned, mixed-use building built on what is now a dirty, eye-sore of a vacant lot. They not only believe in developing unused property, but strongly support mixed-use buildings as a way to build community and encourage people to seek services within their own neighborhoods rather than driving to other parts of the city.

The applicant cited the Kelly Engineers' traffic study performed for this proposal (Exhibit H-8). The study indicated that there was parking available for at least 15 vehicles within 200 feet of the site during the entire study period. In addition, the applicant is exploring such methods as easy

bicycle storage and access, Zip Car permits, TriMet pass subsidies, and rent reduction for not owning a vehicle. The methods are still being explored. A mixed-use building on a Major Transit Priority Street will draw tenants who will use public transit. In addition, the Walk Score rating for the site is 92 out of 100 possible. Walk Score helps people find walking-oriented places to live. Walk Score calculates how walking-oriented an address is by locating nearby stores, restaurants, schools, parks, etc. Walk Score measures how easy it is to live a car-light lifestyle – not how pretty the area is for walking.

ZONING CODE APPROVAL CRITERIA

33.810.050 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: Staff indicated that the proposal was evaluated against the applicable Comprehensive Plan policies below. Staff determined that, on balance, the requested designation will be equally supportive of the Comprehensive Plan as the existing designation. The Hearings Officer finds that this criterion is met.

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: Staff indicates that local jurisdictions must address the *Urban Growth Management Functional Plan* when Comprehensive Plan Map Amendments are proposed through the quasi-judicial or legislative processes. The *Functional Plan* is Section 3.07 of the Metro Code. The 12 titles in that section are summarized and addressed below.

Title 1 - Requirements for Housing and Employment Accommodation

Findings: Staff stated that this section of the *Functional Plan* facilitates efficient land use. Staff determined that the proposal will result in no net loss in housing units, while increasing the land area for redevelopment in the Mixed Commercial/Residential zone.

Under the proposed CM zoning, the allowed floor area ratio (FAR) for non-residential uses is 1:1, with additional FAR of 3:1 for residential development. A full build-out scenario under CM zoning would result in a potential for approximately 50 residential units above ground-level commercial,

assuming average unit size of 1,000 square-feet and a building footprint of about 16,640 square-feet, built to the allowed 45-foot height limit of the zone. In comparison, the existing R1 zoning would allow approximately 18 residential units at the maximum allowed density of one unit per 1,000 square-feet of site area. In the R1, R2 and R3 zones, increased density is allowed through the amenity bonus option, giving the opportunity for up to 50 percent or 9 additional units, thus allowing a maximum density on this site under the current zoning of 27 units. The CM zone would allow additional employment opportunities through new commercially-designated land, with the limitation of 1:1 floor area ratio and the requirement in the CM zoning for an equal or greater amount of floor area in residential use for every square-foot of commercial use. Staff determined that the zoning change will better accommodate housing and employment requirements, and so the proposal is consistent with Title 1. The Hearings Officer concurs with staff and finds that this criterion is met.

Title 2 - Regional Parking Policy

Findings: Staff explained that the Metro 2040 Growth Concept calls for more compact development to encourage more efficient land use, promote non-auto trips and protect air quality. This title establishes region-wide parking policies that set the minimum and maximum number of parking spaces that can be required by local governments for certain types of new development. By not creating an over supply of parking, urban land can be used more efficiently.

The site is located in inner Southeast Portland on a major arterial street where options for alternative transportation are many. Parking is not required. The allowed building footprint ensures a compact form that would utilize the site to the maximum extent possible for floor area for the uses allowed by the proposed zoning. Staff determined that creating a future potential mixed use project on this fairly compact, urban site fully supports this Title. The Hearings Officer concurs with staff and finds that this criterion is met.

Title 3 - Water Quality, Flood Management and Fish and Wildlife Conservation

Findings: Staff explained that Title 3's goal is protecting the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways.

Compliance with Title 3 will be achieved by reviewing development proposals against the *Stormwater Management Manual* regulations. The Bureau of Environmental Services (BES) indicated that the applicant's proposed options for meeting the City's stormwater management standards are acceptable. Compliance with these regulations will result in a project anticipated to have no impact on fish or wildlife conservation efforts as it is an urban development on land that has no specifically identified environmental resources to protect. During the construction process, all applicable regulations regarding erosion and sediment control must be met. Staff determined that the proposal complies with the intent of this Title. The Hearings Officer concurs with staff and finds that this criterion is met.

Title 4 - Industrial and Other Employment Areas

Findings: Staff noted that neither an Industrial or Employment zone is proposed, and so this Title does not apply.

Title 5 - Neighbor Cities and Rural Reserves

Findings: Staff noted that the proposal has no impact on neighboring cities or rural reserves because the site is within the urban growth boundary, and so this Title does not apply. The Hearings Officer concurs with staff.

Title 6 - Central City, Regional Centers, Town Centers and Station Communities

Findings: Staff noted that Title 6 is intended to enhance the Centers designated on the 2040 Growth Concept Map by encouraging development in these Centers. The title recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept.

The site is not in any of these designated Centers. However, SE Belmont Street is a designated Main Street to approximately 49th Avenue on the 2040 Growth Concept Map. The City's Transportation System Plan (TSP) classifies streets and has related street design, pedestrian, bicycle and accessibility standards. PBOT reviewed the proposal and indicated that the existing 12-foot pedestrian corridor is the size the TSP requires, and consequently dedications will not be required. The sidewalk, planting strip and curb will have to be modified during development to meet the pedestrian corridor design standards. Staff determined that these requirements support this Title and ensure compliance with it. The Hearings Officer concurs with staff.

Title 7 - Affordable Housing

Findings: Staff noted that this section of the functional plan ensures that all cities and counties in the region provide affordable housing opportunities for households of all income levels.

The proposed change allows higher-density housing that the current zoning allows. The Staff determined that providing housing opportunities on closer-in, compact sites allows for a mix of housing options, including options for affordable housing, thus supporting this Title. The Hearings Officer concurs with staff.

Title 8 - Compliance Procedures

Findings: Staff explained that this title ensures that all cities and counties in the region are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements.

This proposal meets this Title by fulfilling the notice requirements for Type III land use reviews, as outlined in PCC 33.810, Comprehensive Plan Map Amendments and concurrent base zone changes, as well as PCC 33.730. In addition to notifying the affected neighborhood associations and property-owners within a 400-foot radius of the site, a notice of the proposal has also been sent to Metro and to the Department of Land Conservation and Development. Staff determined that the proposal is consistent with this Title. The Hearings Officer concurs with staff.

Title 9 - Performance Measures

Findings: Staff noted that this title ensures that progress or lack of progress is measured in the implementation of the Urban Growth Management Functional Plan (UGMFP) and the 2040 Growth Concept, and so this Title does not apply.

Title 10 - Definitions

Findings: Staff noted that this title defines the words and terms used in the document, and so does not apply to the proposal.

Title 11 - Planning for New Urban Areas

Findings: Staff noted that the purpose of this title is to guide planning of areas brought into the UGB for conversion from rural to urban use, and so does not apply to the proposal.

Title 12 - Protection of Residential Neighborhoods

Findings: The staff noted that 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.

The proposal is subject to review and evaluation against existing and future demand on public services, and whether these services are adequate to support the proposed re-designation and zoning pattern. Staff determined that to the extent that the proposal meets the criteria found in 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 during development. Crime control is addressed via the City of Portland's Police Bureau, which has responded to this proposal indicating that police services can adequately meet the higher use intensity made possible by the proposed zoning.

Future development will be subject to the CM zone's development standards, which include setback and landscaping regulations as well as other development standards specifically intended to limit potential impacts of commercial development when abutting residential zones. The site abuts the CS, Storefront Commercial to the west, and is adjacent to the CM zone to the northwest and one lot east at the SE 44th Avenue/SE Belmont intersection. The R1 zone, which the site is currently

zoned, is adjacent on the north side of SE Belmont Street and abutting to the east (where the Movie Madness parking lot is located). The mixed zoning pattern along SE Belmont allows for the mix of services and residential uses appropriate for this section of the neighborhood, where there are small nodes of neighborhood commercial developments and uses. Therefore, the proposal is consistent with the intent of this title.

Staff determined that in summary, the proposal will have little or no effect on the intent of these titles and the policies will be met through compliance with other applicable City regulations. Thus, the request is consistent with the regional planning framework, and this Goal is met. The Hearings Officer finds that on balance the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 1, Metropolitan Coordination as a whole than the old designation and zoning.

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: Staff determined that the following policies apply to this proposal: Policy 2.1, *Population Growth*; Policy 2.2, *Urban Diversity*; Policy, 2.9, *Residential Neighborhoods*, Policy 2.12 *Transit Corridors*; Policy 2.15, *Living Closer to Work*, Policy 2.19, *Infill and Redevelopment*; Policy 2.22, *Mixed Use*, and Policy 2.23, *Buffering*.

2.1 Population Growth

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

Findings: Staff determined that the proposal supports this policy because the proposed designation and zoning will provide an increase in land area designated Urban Commercial, allowing housing development at a higher density than the existing designation and zoning. The Hearings Officer concurs with staff.

2.2 Urban Diversity

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

Findings: Staff determined that the proposal supports this policy because it will allow for greater utilization of a currently underutilized site with a higher density residential or mixed use project that will provide additional housing and employment opportunities in the neighborhood. The Hearings Officer concurs with staff.

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.

Findings: Staff determined that the proposal would continue higher-density housing along this designated Main Street corridor while also allowing for limited commercial opportunities and providing a buffer between this Neighborhood Collector street and the single-dwelling neighborhoods to the north and south. The Hearings Officer concurs with staff.

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.

Findings: Staff determined that this policy is supported because the proposal will facilitate developing a mixed use project with both commercial and residential uses along SE Belmont Street, a Major Transit Priority Street. The increased allowed residential density in the proposed CM zone is consistent with transit-supportive levels of residential development. The development standards of the CM zone include setbacks and pedestrian connectivity that results in transit and pedestrian-oriented development. The Hearings Officer concurs with staff.

2.15 Living Close to Work

Locate greater residential densities near major employment centers; locate affordable housing close to employment centers. Encourage home-based work where the nature of the work is not disruptive to the neighborhood.

Findings: Staff determined that the proposal supports this title because CM, Mixed Commercial/Residential zoning allows a mix of residential and commercial uses. Such zoning supports the opportunity for both types of uses on the site, making living close to work a possibility. The Hearings Officer concurs with staff.

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.

Findings: Staff determined that the proposal supports this policy because the proposal will allow a currently underutilized urban site to redevelop with a mixed use project that will provide additional housing, retail and employment opportunities in the neighborhood along a street with good transit

facilities, additional transit lines nearby on 39th Avenue, and pedestrian facilities consistent with the City Walkway designation. The Hearings Officer concurs with staff.

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.

Findings: Staff determined that the development standards of the proposed CM zone allow, in effect, the same height as the current R1 zoning (the difference is that the R1 limits height to 25 feet in the first ten feet from the street lot line; the remainder is allowed at 45 feet). When abutting residentially-zoned land, the building must be set back between five and 14 feet, based on the height of the building wall. Under a scenario of three to four floors, the setback would be 11 feet, of which five feet would be landscaped with high shrubs, trees and groundcover to provide further vegetative separation between the abutting properties. Due to site's compact size, it is highly unlikely that any vehicular use would occur towards the back of the site. Most likely only structured parking would be developed to support building uses, minimizing any such impacts to the abutting residentially zoned properties.

In summarizing the impact on Goal 2, staff determined that the proposed designation facilitates greater diversity of uses on the site than the existing designation, including employment opportunities and potential for higher residential density. Development allowed outright under the existing designation is limited to residential uses. In contrast, the proposed Urban Commercial designation allows housing by right, as well as commercial and limited small business manufacturing and production uses, and requires housing at a minimum of floor area equal to or greater than that provided for non-residential uses. The requested Urban Commercial designation creates new commercial and housing opportunities on a site formerly used as a parking lot, and is now vacant. In addition, the designation and zoning further promotes a mixture of activities along this mixed commercial and residential street, which is a Major Transit Priority Street, Neighborhood Collector Traffic street, and City Walkway. The proximity to frequent transit, along with the increased residential density that would be allowed, are both consistent with transit supportive development. The development standards of the CM zone are intended to create transit and pedestrian oriented development.

Buffering from the residential properties immediately to the south is required by the development standards through a mix of separation based on building height and landscaping.

Staff determined that in summary, the proposal will have little or no negative effect on the intent of these titles and the policies will be met through compliance with other applicable City regulations. The Hearings Officer concurs with staff, and finds that on balance the proposed designation and

zoning equally or better supports the Comprehensive Plan policies contained in Goal 2, Urban Development as a whole than the old designation and zoning.

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: Staff determined that the following policies apply to this proposal: 3.5, *Neighborhood Involvement* and 3.6 *Neighborhood Plan*.

3.5 – Neighborhood Involvement

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

3.6 – Neighborhood Plan

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

Findings: Staff noted that as part of this review process, the Sunnyside Neighborhood Association was notified of this proposal, in addition to property owners within 400 feet of the site and the neighborhood coalition office, Southeast Uplift.

The *Sunnyside Neighborhood Plan* was adopted by City Council in 1991. The following policies from the plan are relevant to and supported by this proposal: Policy 2, Economic Development; Policy 4, Land Use; and Policy 8, Transportation.

Policy 2, Economic Development, states: Ensure the health of the business districts; they are vital to the success of the neighborhood and key components of its character. Policy 4, Land Use, states: Ensure that residential uses predominate in the areas of Sunnyside designated for residential use in the Comprehensive Plan. Policy 8, Transportation states: Provide for the safe movement of people and goods, while preserving, enhancing and reclaiming the neighborhood's livability.

Staff determined that the proposal supports these three policies. Located on SE Belmont Street, the site is between the commercial district west of 39th Avenue and 49th Avenue, which is the east end of commercial zoning that is interspersed with residential in this ten-block corridor. Changing to the CM zone provides a new opportunity for mixed-use development, strengthening the economic base of the neighborhood with new commercial opportunities as well as higher-density residential. If built at the density intended by the applicant of up to 40 units, the site will have a ratio of about 3:1 residential to commercial use, thus ensuring predominantly residential development. The site is directly on a street with frequent transit service, and is on a City Walkway and adjacent to three well-served bicycle routes north and south of SE Belmont Street and on 41st Avenue.

Staff determined that because of the proposal's consistency with the policies above, on balance it supports Goal 3, Neighborhoods, of the Comprehensive Plan. The Hearings Officer concurs with staff, and finds that on balance the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 3, Neighborhoods as a whole than the old designation and zoning.

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: Staff noted that the following policies apply to this proposal: 4.1, *Housing Availability*; Policy 4.2, *Maintain Housing Potential*, Policy 4.3, *Sustainable Housing*; Policy 4.6, *Housing Quality*; Policy 4.7, *Balanced Communities*; Policy 4.10, *Housing Diversity*, Policy 4.11, *Housing Affordability*; and *Policy 4.14, Neighborhood Stability*.

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.

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.

4.3 Sustainable Housing

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

4.6 Housing Quality

Encourage the development of housing that exceeds minimum construction standards.

4.7 Balanced Communities

Strive for livable mixed-income neighborhoods that collectively reflect the diversity of housing types, tenures and income levels of the region.

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.

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.

Findings: Staff determined that housing availability and potential is increased with the proposal, since more residential units are allowed under the change. The Hearings Officer finds that having both commercial and residential, rather than just residential development on the same site, should enhance sustainability by more efficiently using the land. The Hearings Officer does not see how 4.6 Housing Quality, 4.7 Balanced Communities, 4.10 Housing Diversity or 4.14 Neighborhood Stability are impacted by the proposal.

The Hearings Officer finds that on balance the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 4, Housing as a whole than the current designation and zoning.

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: Staff noted that Policy 5.1, *Urban Development and Revitalization*; Policy 5.3, *Community-based Economic Development*, and Policy 5.6, *Area Character* apply to the proposal.

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.

Findings: Staff determined that the proposal allows increased future development, directly fulfilling this policy. The Hearings Officer concurs with staff and finds that the proposal increases both employment and housing opportunities.

5.3 Community-Based Economic Development

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

Findings: Staff stated that the applicant is a locally-based business that plans to continue owning the site and developing it. The Hearings Officer finds that community-based economic development is not impacted whether the plan designation and zoning is changed or not.

5.6 Area Character and Identity Within Designated Commercial Areas

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

Findings: Staff noted that this section of SE Belmont Street east of 39th and west of 49th Avenue is a mixed residential and commercial area. The placement of CM zoning is appropriate, requiring residential development while allowing some non-residential use. The Hearings Officer concurs

with staff that SE Belmont's mixed commercial and residential character will be enhanced by the proposed change. The Hearings Officer finds that on balance the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 5, Economic Development as a whole than the old designation and zoning.

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: The following findings are compiled from PBOT's review and response to the proposal. The following Goal 6 policies apply to the proposal: Policies 6.1, 6.2, and 6.17 are met by the land use noticing requirements.

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

Findings: PBOT stated that the street grid system in the area surrounding this site provides a transportation system that serves all modes. The proposed Comprehensive Plan Amendment is consistent with the street classifications surrounding the site, and these policies are met. The Hearings Officer concurs with PBOT and finds that this criterion is met.

6.12 Regional and City Travel Patterns

Findings: PBOT stated that the site is on SE Belmont Street, a Neighborhood Collector street with access to local service streets in a grid pattern throughout the vicinity; a Major City Traffic Street, 39th Avenue, is three blocks to the west. The Hearings Officer finds that the proposal has no impact on this policy.

Policy 6.12 Traffic Calming

Findings: PBOT stated that the proposed Plan Map and Zone Change from R1 to CM will not warrant traffic calming measures (such as speed bumps, curb extensions, etc.) since as identified in the submitted Traffic Impact Study (TIS), the applicant's traffic consultant has determined that the proposal will result in traffic continually being managed consistently with the land uses they serve and preserve and enhance neighborhood livability. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.16 Access Management

Findings: PBOT stated that since no development is proposed in relation to the requested Comprehensive Plan Map and Zoning Map Amendments, there is no need for an in depth access analysis. Given the width of the subject site, the driveway requirements in 17.28 of the City Code can be met. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.18 Adequacy of Transportation Facilities

Findings: PBOT stated that the Oregon Transportation Planning Rule (TPR) OAR 660-012-0060 requires transportation facilities that are “significantly affected” by a development proposal to be mitigated to either meet the minimum acceptable performance standard or not worsen the performance of an existing transportation facility that is projected to perform below the minimum acceptable performance standard. Acceptable level-of-service (LOS) for signalized intersections that are under City of Portland authority is LOS “D” or better. Acceptable level-of-service for unsignalized intersections that are under City of Portland authority is LOS “E” or better.

The applicant provided a Transportation Impact Study (TIS) prepared by Kelly Engineering. The study addresses transportation impacts associated with the proposed Comprehensive Plan Map and Zone Map Amendments. The TIS compares the reasonable worst-case scenario for the existing R1 zoning (18 residential units) with the reasonable worst-case scenario for the proposed CM zoning (18,000 s.f. retail and 40 residential units). The study indicates that the transportation system has adequate level-of-service (LOS “D” or better for signalized intersections and LOS “E” or better for unsignalized intersections) and street capacity to support the additional trips. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.19 Transit Oriented Development

Findings: PBOT stated that an objective of this policy “requires commercial and multifamily development to orient to and provide pedestrian and bicycle connections to transit streets and, for major developments, provides transit facilities on a site or adjacent to a transit stop.” TriMet Bus 15 serves the site on SE Belmont Street. Bus 15 is a “frequent service” route with service every 15 minutes or less throughout the day. The proposed Comprehensive Plan Map and Zone Map Amendment will result in a potential development on the site to support using the above referenced frequent transit line. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.20 Connectivity

Findings: PBOT stated that the site is located within a typical 200-foot spaced street grid system that meets or exceeds the pedestrian and street connection spacing standards. The prescribed standards are 330-foot maximum for pedestrian connection spacing and 530-foot maximum for street connection spacing. This policy is met. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.22 Pedestrian Transportation and Policy 6.23 Bicycle Transportation

Findings: PBOT stated that according to City database sources, SE Belmont is improved with 36-feet of paving in a 60-foot right-of-way (ROW). The site’s frontage is improved with a 4-6-2 sidewalk configuration. For a site located in the R1 (or CM) zone district along a City Walkway

(classification) street, the Pedestrian Design Guide recommends a 12-foot pedestrian corridor (0.5-foot curb/4-foot (minimum) planter area /6-foot sidewalk/1.5-foot setback to the property line). The applicant will be required to reconstruct the pedestrian corridor along the site's frontage to current standards. The local street system north and south of SE Belmont Street provides adequate bicycle facilities. This policy is met. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.25 Parking Management, Policy 6.26 On-Street Parking Management, and Policy 6.27 Off-Street Parking

Findings: PBOT stated that the applicant has indicated that the proposed CM zone will result in a development that can accommodate some on-site parking. Although Section 33.266 does not require parking on the site due to the frequent transit service on SE Belmont, the applicant can accommodate parking on the site to serve the residential component. This places less demand on the on-street parking in the public right-of-way, allowing more supply for the commercial zoned uses and residential visitors associated with the site. This policy is met. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.28 Travel Management

Findings: PBOT stated that the applicant's TIS indicates that there will be additional trips generated by a maximum build-out development project under the proposed zone. However, due to the site being adjacent to frequent bus service on SE Belmont Street, the requirement to reconstruct the pedestrian corridor and the proximity to a bicycle boulevard to the south, no specific travel management strategies are needed, and this policy is met. The Hearings Officer concurs with PBOT and finds that this criterion is met.

Policy 6.37 Southeast Transportation District

Findings: PBOT stated that the proposed Comprehensive Plan Amendment supports this policy because the site is close to a bus line along a frequency transit street. In addition, the existing sidewalk will be reconstructed to continue providing an environment for transit users. Southeast Taylor, located two blocks south of the site, is a bike boulevard and the surrounding local street system supports bicycle travel. This policy is met. The Hearings Officer concurs with PBOT and finds that this criterion is met.

The Hearings Officer finds that on balance, the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 6 Transportation as a whole than the old designation and zoning.

GOAL 7: Energy

Promote a sustainable energy future by increasing energy efficiency in all sectors of the City by 10 percent by the year 2000.

Findings: The staff noted that the proposed Comprehensive Plan map amendment and zone change has no apparent negative consequences related to energy use or conservation. Goal 7 policies and objectives are directed toward local jurisdictions in implementing energy related strategies, and not the applicant. Therefore, Goal 7 does not apply to this request.

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 staff noted that the proposal has no impact on any city identified air, water or land resources, as none are designated on the site. Nor are there any such identified resources near the site. The proposal is consistent with environmental goals because the project will comply with stormwater management regulations. Erosion and sediment control measures will be implemented during and after construction. Any future site development must comply with the City’s noise regulations that protect neighborhoods from detrimental noise levels. The Hearings Officer concurs with staff and finds that this criterion is met.

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.

Findings: Staff noted that the site is located on a Neighborhood Collector, Major City Transit street and City Walkway. The site is on a street with frequent transit service. The site is close to bicycle boulevards to the north, south and west. Bicycle parking will be required with future development. In all, this provides abundant alternative modes of transportation. Therefore, the proposal supports this policy. The Hearings Officer concurs and finds that this criterion is met.

The Hearings Officer finds that on balance, the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 8 Environment as a whole than the old designation and zoning.

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: Staff noted that Policy 9.1 Citizen Involvement Coordination, and 9.3 Comprehensive Plan Amendment are relevant to the proposal.

9.1 Citizen Involvement Coordination.

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

Findings: Staff determined that 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 neighborhood association. The notice informed 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. This policy has been met. The Hearings Officer concurs with staff and finds that this criterion is met.

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.

Findings: Staff determined that the land use review process offers citizen involvement through mailed requests for responses, posting the site, mailed notifications of public hearings, and public hearings before the Hearings Officer and City Council. This policy has been met. The Hearings Officer concurs with staff and finds that this criterion is met.

The Hearings Officer finds that on balance, the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 9 Citizen Involvement as a whole than the old designation and zoning.

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: Staff noted that the proposal is relevant to Policies 10.7 and 10.8.

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,

Findings: The staff report determined that proposed Plan Map Amendment is consistent with and supports the Comprehensive Plan Goals and Policies. The Hearings Officer concurs and finds that this criterion is met.

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

Findings: The staff determined that the requested Comprehensive Plan Map 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 Urban Commercial designation would extend that designation where it currently starts at SE 42nd up to the three lots comprising the site. Those lots abutting the site to the west in the same designation are zoned CS, Storefront Commercial. CM zoning is adjacent to the site to the northwest, across SE Belmont Street, and also beginning one lot to the east, where it is on the two lots at the southeast and southwest corners of SE Belmont on 44th Avenue, and northeast of those, on the north side of SE Belmont. As a result, the Urban Commercial designation would be continued in a fairly consistent pattern along this section of SE Belmont Street, still interspersed with R1 zoning that currently includes the subject site. Thus, the proposed designation is consistent and compatible with the existing land use pattern. The Hearings Officer concurs with staff and finds that this criterion is met.

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

Findings: The staff noted that 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 addresses 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 are not relevant to this proposal.

Staff determined that for quasi-judicial plan amendments, compliance with the city’s plan goals shows compliance with applicable state goals. The staff report analysis indicated that all of the City goals and policies are supported by the proposal. Consequently, the proposal is consistent with all applicable statewide goals. The Hearings Officer concurs with staff and finds that this criterion is met.

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

Findings: The staff noted the proposal is consistent with the Sunnyside Neighborhood Plan, which was adopted in 1991. The Hearings Officer concurs with staff and finds that this criterion is met.

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.

Findings: The staff noted that the proposed Comprehensive Plan Map amendment from Medium Density Multi-Dwelling to Urban Commercial is combined with a Zoning Map amendment request to place the corresponding zone of CM, Mixed Commercial/Residential on the three lots that comprise this site. These policies and objectives are implemented through this land use review, and are specifically addressed in findings to conform to 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 are met, these policies and objectives are also met. The Hearings Officer concurs with staff and finds that this criterion is met.

The Hearings Officer finds that on balance, the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 10 Plan Review and Administration as a whole than the old designation and zoning.

GOAL 11: Public Facilities

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

11.2 Orderly Land Development

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

Findings: The staff stated that agency responses to the proposal indicate that adequate public facilities and services exist or can be reasonably made available, as discussed in Exhibits E-1 through E-6. The proposal is consistent with these policies. The Hearings Officer concurs and finds that this criterion is met.

The Hearings Officer finds that on balance, the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 11 Public Facilities as a whole than the old designation and zoning.

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 staff noted that 12.1 Portland's Character, 12.2 Provide for Pedestrians, and 12.6 Preserve Neighborhoods are relevant to the proposal. The proposal is consistent with Goal 12, which is intended to enhance Portland's identity as a livable city with attractive amenities creating an urban dynamic through quality projects. The Hearings Officer concurs and finds that this criterion is met.

12.1 Portland's Character

Findings: The staff determined that the proposal is consistent with the overall trend in Portland towards mixed uses and redevelopment of under-utilized sites. By providing potential on an existing surface parking lot for a future mixed use project, the proposal would continue the somewhat eclectic blend of residential and commercial uses found along this area of SE Belmont Street. The Hearings Officer concurs and finds that this criterion is met.

12.2 Provide for Pedestrians

Findings: The staff determined that by changing to the Urban Commercial designation, a strong pedestrian orientation is reinforced by the development standards of the corresponding zones. The requested CM zone ensures this, and PBOT will require configuring the existing sidewalk to meet current standards for the pedestrian corridor. The Hearings Officer concurs and finds that this criterion is met.

12.6 Preserve Neighborhoods

Findings: The staff determined that the proposal is requested in order to utilize an existing urban site in the future for development consistent with the CM zone. It would create a buffer between SE Belmont Street and the nearby residential streets. The Hearings Officer concurs and finds that this criterion is met.

The Hearings Officer finds that on balance, the proposed designation and zoning equally or better supports the Comprehensive Plan policies contained in Goal 12 Urban Design as a whole than the old designation and zoning. In addition, the Hearings Officer finds that on balance, the proposed designation and zoning equally or better supports the entire Comprehensive Plan policies as a whole than the old designation and zoning.

33.810.050

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;**

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:**
 - (2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included; and**
- b. Gaining potential housing units. Potential housing units may be gained through any of the following means:**
 - (3) Rezoning land on or off site to the CM zone;**

Findings: Staff notes that the proposal includes a requested Comprehensive Plan Map Amendment from Medium-Density Multi-Dwelling to Urban Commercial, with a request to change the zone to CM, Mixed Commercial/Residential. By rezoning the site to CM, potential housing units are gained, due to the increased density allowed over the R1 zone, with a maximum of 18 units by right or 27 units with density bonuses. The CM zone regulates density through floor area ratio, and because potentially all of the floor area could be developed for residential use, the allowed FAR for residential on this site is 4:1, which would allow over 72,000 square-feet of residential development. The more likely scenario, as stated by the applicant, is a mixed-use project that would result in up to 40 residential units, in addition to commercial development at the maximum 1:1 FAR allowed.

The Hearings Officer finds that this criterion is met.

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: Staff explained that the applicant proposes to change the Comprehensive Plan Map designation to Urban Commercial. There are two zones that implement this designation: the CM, Mixed Commercial/Residential zone, and the CS, Storefront Commercial zone. The applicant proposes CM zoning. This is the more appropriate zoning because it requires a minimum amount of residential floor area, which is equal to or greater than non-residential floor area. This zone allows increased development on busier streets without fostering a strip commercial appearance, resulting in a development type that supports transit use, provides a buffer between SE Belmont Street and the residential neighborhood to the south, and provides new housing opportunities in the City.

Both the CM and CS zones intend that new development will be pedestrian oriented with buildings close to and oriented to the sidewalk. The zones allow a full range of retail, service and business uses with a local and regional market area. 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 area.

This half-mile section of SE Belmont Street, between the major arterial of SE 39th Avenue and the collector street SE 49th Avenue, is interspersed with Multi-Dwelling and Commercial zoning. CM and CS zoning is closest to the site, abutting it to the west (CS) and adjacent to the northwest (CM), as well as at the SE 44th/SE Belmont node (CM) separated by one lot in the R1 zone, which is also directly across the street. Because the CM zone is intended to promote mixed use development and has a residential requirement, and is proposed to replace the existing R1, medium-density multi-dwelling zone, the CM zone is more appropriate.

The Hearings Officer finds that this criterion is met.

B. Adequate public services. Public services for water supply, transportation system facilities and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.

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

- 2. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand projections for that zone or area which are then applied to the size of the site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.**

Findings: Staff indicated that the City service bureaus having comments responded as follows:

- The Water Bureau indicated that water is available and adequate from the eight-inch water main in SE Belmont; the static water pressure is between 45 and 55 psi. There is no objection to this proposal.
- The Police Bureau commented that proposals such as this that request changing the zone without a specific development proposal are difficult to assess for their impacts on police services, but it can be anticipated that the cumulative effect of new development diminishes the effectiveness of services over time. At this time, the emergency response services exceed response time service levels, and there is no objection to the proposal. The bureau recommends that when development is proposed there is an opportunity to review the plans to further provide an analysis of impacts to its services through input on design related to crime prevention.
- Sanitary and Stormwater: The Bureau of Environmental Services (BES) noted that there is an existing 12-inch public combination sewer in SE Belmont Street. Although the combined sewer system does not have capacity to convey 25-year flows, BES concludes that developing the site under the proposed zoning is predicted to reduce the peak discharge from the site and consequently may have a positive impact on system capacity, with required stormwater controls.

The Bureau of Development Services Site Development reviewed the applicant's Geotechnical Engineering Report and concluded that complete on-site infiltration could not be approved due to poor soil infiltration, soil contamination and perched groundwater. BES determined that stormwater services under the proposed zoning can be made adequate using off-site discharge to the public sewer system. BES has no objections to the proposed conceptual stormwater plan, which includes an eco-roof, rooftop garden beds and flow-through planters with overflow to the public combination sewer. These will provide treatment and detention of stormwater runoff. This design was used in response to capacity concerns expressed by BES, which concluded that off-site disposal was the most appropriate method of stormwater disposal. Site Development suggested that before development, the applicant receive final approval of a permit to decommission on-site drywells.

- The Bureau of Transportation commented that the applicant's Transportation Impact Study (TIS) addressed transportation impacts associated with the proposed Comprehensive Plan Amendment and Zone Change. The TIS compares the reasonable maximum development scenario for the existing R1 zoning (18 residential units) with the reasonable maximum development scenario for the proposed CM zoning (18,000 s.f. retail and 40 residential units, based on the likely highest build-out scenario as stated by the applicant). The results of the TIS indicate that the transportation system has adequate level-of-service (LOS D or better for signalized intersections and LOS E or better for unsignalized intersections) and street capacity to support the additional trips. The bureau also noted that a dedication would not be necessary because the existing condition meets the standard for pedestrian corridors, but that the sidewalk corridor will need to be reconstructed to City standards before a building permit is issued for any future development.

Staff noted that during future development, further review will determine specific requirements that must be met for building permit approval, but no conditions of approval are required to satisfy public services adequacy for the purpose of this proposal. The Hearings Officer finds that this criterion is met.

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's boundary and is not in an annexed area. The Hearings Officer finds that this criterion is met.

DEVELOPMENT STANDARDS

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

III. CONCLUSIONS

The applicant proposes changing the Comprehensive Plan and Zoning Maps on this urban infill site that has previously been developed as a parking lot. Parking is no longer required in this area due to its proximity to a bus line with frequent peak hour service. The site's location in a close-in, pedestrian oriented neighborhood with adjacent and abutting Urban Commercial zoning designations is consistent with the requested change to the zoning and Comprehensive Plan maps. The analysis shows that the proposal supports all of the relevant goals and policies of the Comprehensive Plan. Furthermore, the City's service bureaus have indicated that public services are adequate to support the potential change in development that would result from changing from the current R1 to the proposed CM zoning. Consequently, staff forwards an affirmative recommendation. The Hearings Officer concurs with staff's recommendation.

IV. RECOMMENDATION

Approval of an amendment to change the Comprehensive Plan Map designation from Medium Density MD 1000 to Urban Commercial, and to change the Zoning Map designation from R1 – Residential 1000 to CM – Mixed Commercial/Residential.

Ian Simpson, Hearings Officer

Date

Application Determined Complete: March 17, 2009
Report to Hearings Officer: April 24, 2009
Recommendation Mailed: May 22, 2009

City Council Hearing. The City Code requires the City Council to hold a public hearing on this proposal and interested persons will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receiving the Hearings Officer’s Recommendation. Persons will be notified of the time and date of the hearing before City Council. If a person wishes to speak at the Council hearing, they are encouraged to submit written materials upon which their testimony will be based to the City Auditor.

A person with questions may contact the Bureau of Development Services representative listed in this Recommendation (823-7700).

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

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and

- a notice of intent to appeal be filed with LUBA within 21 days after City Council's decision becomes final.

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

Recording the final decision.

If this Land Use Review is approved by the City Council, the final decision must be recorded with the Multnomah County Recorder. Once a final decision is issued, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

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

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

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

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

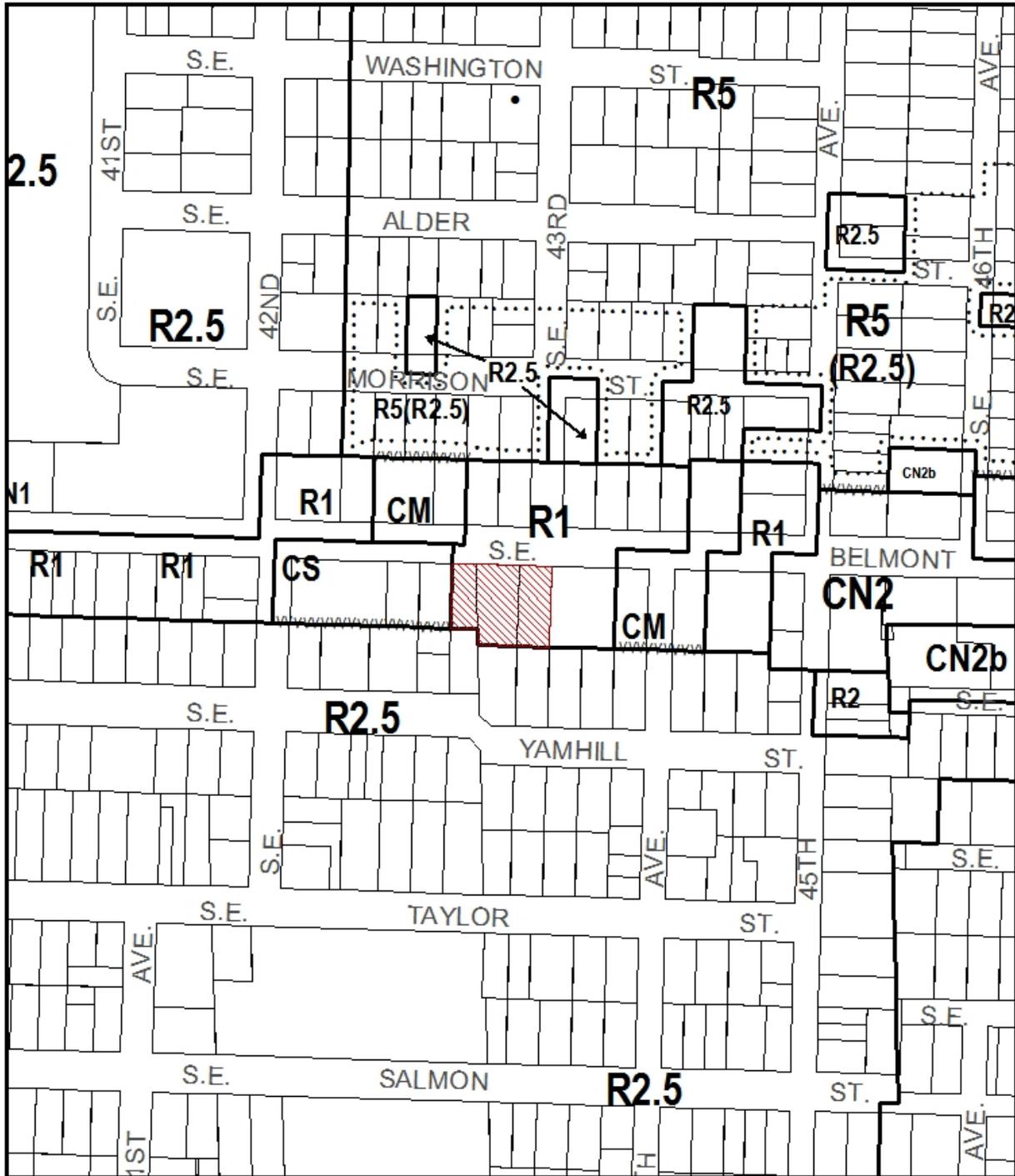
Applying for permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Narrative
 - 2. Transportation Impact Study
 - 3. Stormwater report
 - 4. Geotechnical report
 - 5. Soil and groundwater sampling report
 - 6. Letters from Sunnyside Neighborhood Association (neutral) and Belmont Area Business Association (support)
- B. Zoning Maps (**attached**)
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans & Drawings
 - 1. Site Plan
 - 2. Stormwater Management Plan/Concept site plan (**attached**)
 - 3. Zone Map
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Site Development Review Section of Bureau of Development Services
 - 5. Fire Bureau
 - 6. Police Bureau
 - 7. Urban Forestry Division of Portland Parks
- F. Letters: None received at time of publication of Staff Report
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Incomplete application letter, February 26, 2009
 - 4. Preapplication Conference summary and bureau comments
 - 5. Email correspondence between applicant, N. Stark, service bureaus
- H. Received in the Hearings Office
 - 1. Hearing notice - Stark, Nan
 - 2. Staff Report - Stark, Nan

3. Brochure - Cress, Eric
4. Pamphlet - Cress, Eric
5. 5/5/09 letter from Beth Azar and Bob Service - Cress, Eric
6. PowerPoint presentation printout - Stark, Nan
7. 5/13/09 Memo with attachments - Stark, Nan
 - a. Fidelity National Title Company Report - Stark, Nan
 - b. Tax maps - Stark, Nan
 - c. Bargain and Sale Deed - Stark, Nan
8. Applicant response letter - Wells, Neeley

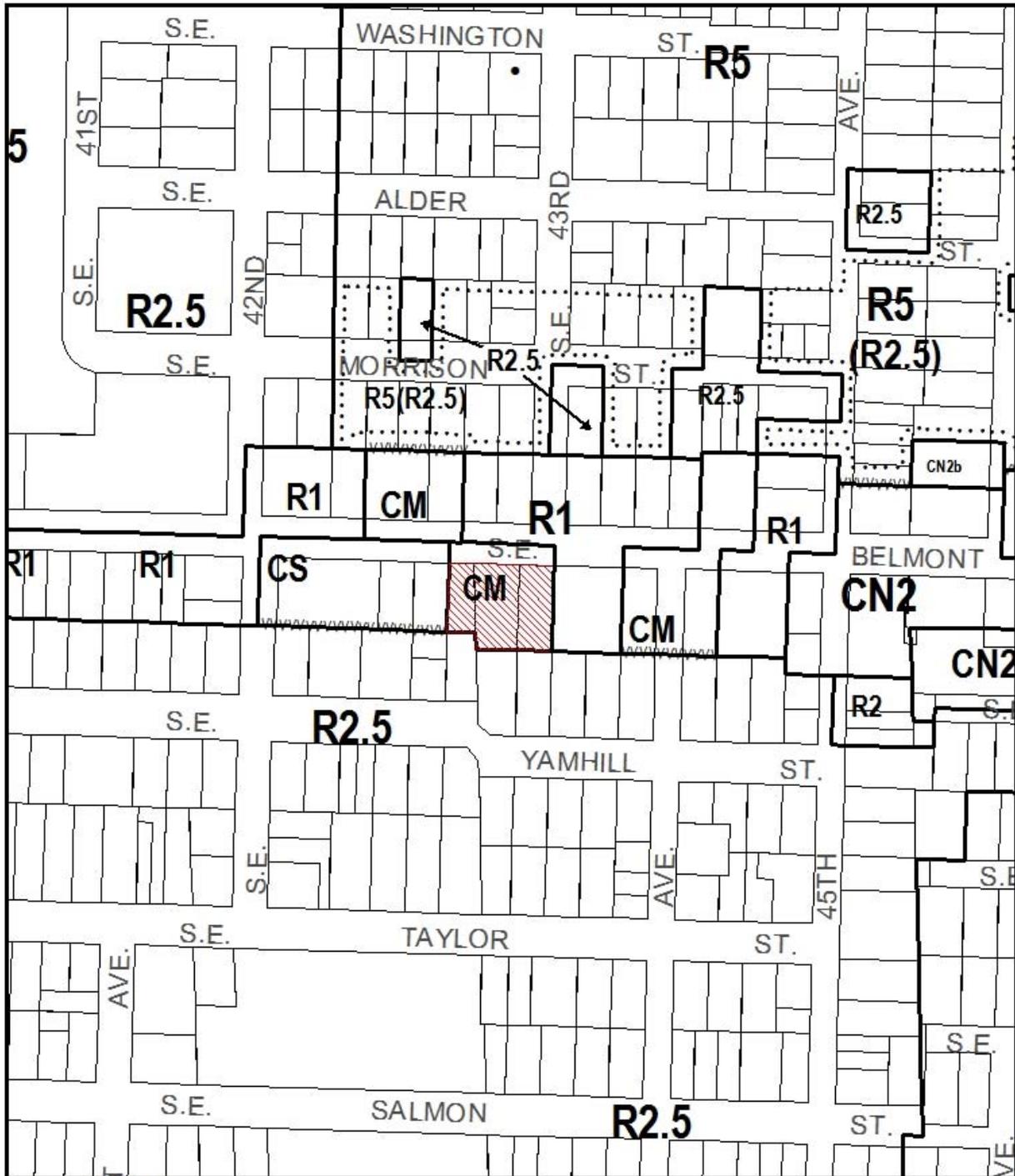


ZONING

 Site



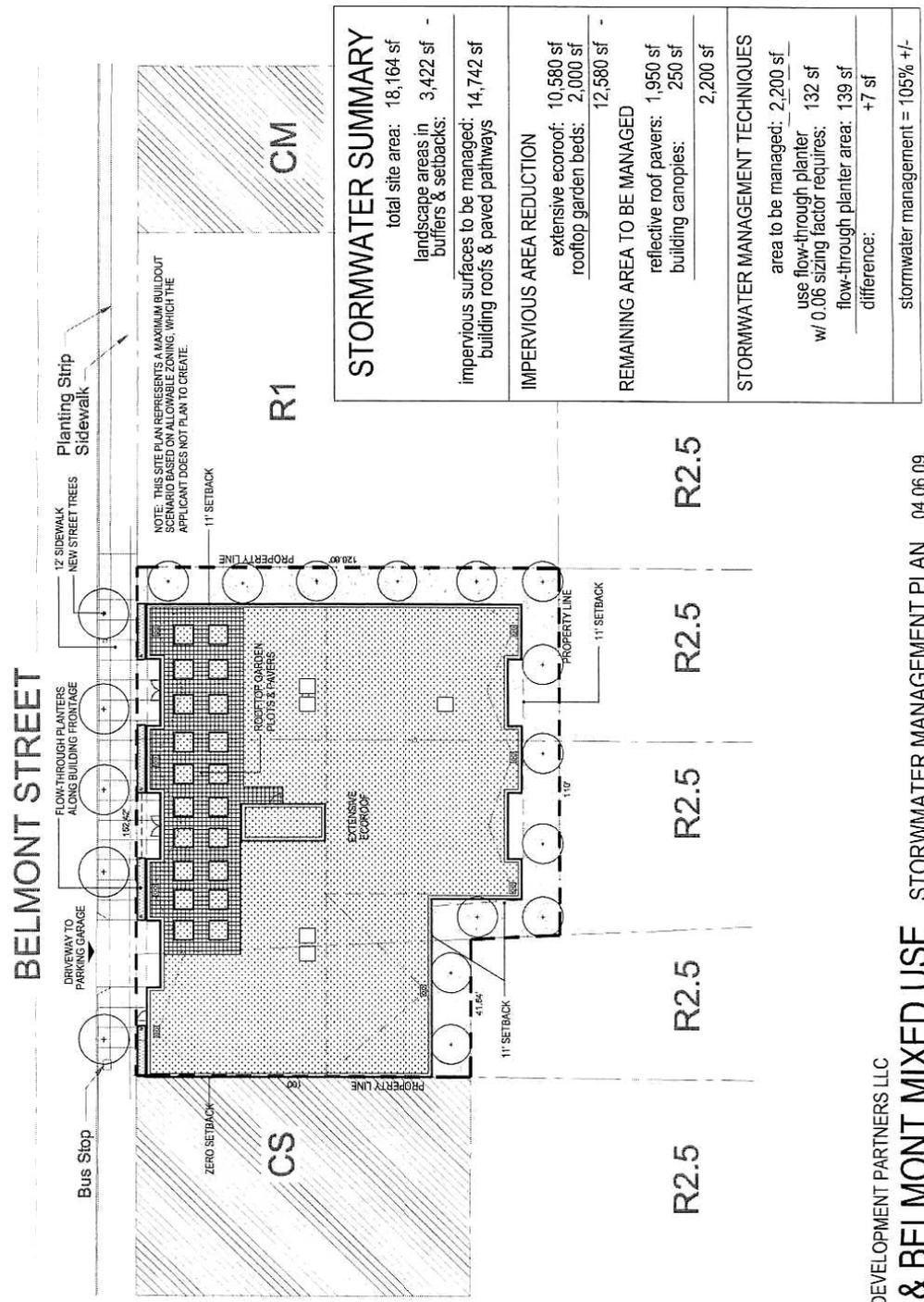
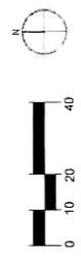
File No. LU 09-106993 CP,ZC
 1/4 Section 3135
 Scale 1 inch = 200 feet
 State_Id 1S2E06BB 13000
 Exhibit B (Apr 23,2009)



ZONING  Site
PROPOSED
 ↑
 NORTH

File No. LU 09-106993 CP,ZC
 1/4 Section 3135
 Scale 1 inch = 188 feet
 State_Id 1S2E06BB 13000
 Exhibit B (Apr 23,2009)

GREENWORKS Landscape Architecture
 Environmental Design
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URBAN DEVELOPMENT PARTNERS LLC
43rd & BELMONT MIXED USE STORMWATER MANAGEMENT PLAN 04.06.09
 CONCEPT SITE PLAN LU09-106993 CPZC C.1