

ORDINANCE No. 182476

*Amend the Comprehensive Plan Map designation and change zoning at 9204 and 9330 SE Harold St at the request of the Portland Development Commission (Ordinance; LU 08-153523 CP ZC)

The City of Portland ordains:

Section 1. The Council finds:

1. The Applicant seeks, in the vicinity of 9204 and 9330 SE Harold Street, the following:
 - a. a Comprehensive Plan Map Amendment from Multi-Dwelling Residential 2000 to Central Employment for the properties identified as State ID No. 1S2E16DB 07800, 08000, 07900, and 08100, and as described in Exhibit A to this Ordinance (hereinafter collectively referred to as the "Property"); and
 - b. a Zoning Map Amendment from R2a (Residential with an Alternative Design Density overlay) to EXd (Central Employment with a Design overlay) for the Property.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on November 19, 2008, and a Recommendation was issued on December 17, 2008 (BDS File No. LU 08-153523 CP ZC). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment and Zoning Map Amendment with conditions.
4. Based on the findings contained in the Recommendation of the Hearings Officer, the requested Comprehensive Plan Map Amendment and Zoning Map Amendment are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 08-153523 CP ZC.
- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment for the Property, as described in Exhibit A, are approved as follows:

1. a Comprehensive Plan Map Amendment from Multi-Dwelling Residential 2000 to Central Employment for the Property; and
2. a Zoning Map Amendment from R2a (Residential with an Alternative Design Density overlay) to EXd (Central Employment with a Design overlay) for the Property.
3. The Comprehensive Plan Map and Zoning Map Amendments are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City Code, but will not void the Comprehensive Plan Map and Zoning Map Amendments:
 - A. Development is limited to land use and trip rate allocations per Table 1 below. Total trips shall not exceed 310 PM Peak Hour trips. The applicant shall be responsible for providing an accounting of all square footages for each proposed use, as well as existing uses, and the conversion to trips for each building permit application, as noted in Condition B.

Table 1 – Land Use and Trip Allocations¹
Maximum 310 Trips

Land Use ²	Building Square Footage (GLA) / Other	Trip Rate ³
Office	1000 square feet	1.21 trips
Retail Sales and Service	1000 square feet	2.53 trips
Household Living	1 dwelling unit	0.41 trips
Vehicle Repair	1000 square feet	1.79 trips
Industrial Categories	1000 square feet	0.66 trips
Community Service	1000 square feet	.95 trips
Day Care	1000 square feet	7.77 trips

¹The building square footage or dwelling units shall be converted to trips and compared to the maximum established. The established trip rates for these land use categories shall not be altered.

²Per Zoning Code chapter 33.920, Description of Use Categories

³All trip rates in this table are based on the highest ITE Trip Generation, 7th Edition rates for uses in each

- B. In addition to documenting compliance with applicable Zoning Code requirements, all building permit applications submitted for new development/redevelopment shall include:
 1. A description of the proposed development, with floor area or dwelling unit calculations by land use category;

2. The resulting new trips generated by the proposed development, using Table 1 - Land Use and Trip Rate Allocations from Condition A;
 3. The calculated number of trips generated by any existing development, using Table 1 - Land Use and Trip Rate Allocations from Condition A;
 4. Confirmation that the proposed use trips plus existing use trips fall within the trip thresholds in Table 1 - Land Use and Trip Rate Allocations from Condition A.
- C. Prior to final adoption of the proposal, the applicant must execute and record a covenant which mitigates for lost housing potential as required by 33.810.050.A.2.b(7).

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

Passed by the Council:
Introduced by City Auditor Gary Blackmer
Gregory J. Frank/cb
Date: January 6, 2009

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GARY BLACKMER
Auditor of the City of Portland
By *Susan Peterson*
Deputy

EXHIBIT AThe Property consists of the following parcels:

PARCEL 1: Lots 1,2,3 and 4, Block 1, BERNHARDT PARK, in the City of Portland, County of Multnomah and State of Oregon, EXCEPTING THEREFROM the Westerly 10 feet thereof taken for the widening of SE 92nd Avenue.

PARCEL 2: Lots 1 and 2, Block 2, CLEMSON ADDITION, in the City of Portland, County of Multnomah and State of Oregon.

PARCEL 3: The following described property in the City of Portland, County of Multnomah and State of Oregon:

Beginning at the Northeast corner of Lot 1, Block 1, BERNHARDT PARK; thence West along the North line of said Lot 1, 305.75 feet, more or less, to the East line of SE 92nd Avenue; thence North 30 feet East of and parallel with the center line of said SE 92nd Avenue, 214.5 feet, more or less, to the South line of SE Harold Street; thence East along the South line of SE Harold Street, 305.75 feet, more or less, to the Northwest corner of Lot 1, Block 2, CLEMSON ADDITION; thence South along the West line of Block 2, CLEMSON ADDITION, 214.5 feet, more or less, to the point of beginning.

PARCEL 4: A parcel of land lying in Lots 3 through 12, inclusive, Block 2, CLEMSON ADDITION, in the City of Portland, County of Multnomah and State of Oregon; the said parcel being that portion of said lots lying Northerly of the Easterly extension of the South line of Lot 4, Block 1, BERNHARDT PARK, in the City of Portland, County of Multnomah and State of Oregon and Westerly of the following described line:

Beginning at a point opposite and 271.06 feet Westerly of Engineer's Station "1.N" 483+50 on the center line of the Northbound lane of the East Portland Freeway; thence Southerly in a straight line to a point opposite and 290.45 feet Westerly of Engineer's Station "1.N" 485+74.34 on said center line; thence Southerly in a straight line to a point opposite and 297.69 feet Westerly of Engineer's Station "1.N" 487+18.67 on said center line; thence Southerly in a straight line to a point opposite and 311.39 feet Westerly of Engineer's Station "1.N" 489+09.86 on said center line, which center line is described as follows:

Beginning at Engineer's center line Station "1.N" 481+17.83, said Station being 2541.14 feet South and 626.35 feet East of the North one-quarter corner of Section 16, Township 1 South, Range 2 East of the Willamette Meridian; thence South 0° 45' East 882.17 feet to Engineer's center line Station "1.N" 490+00.