Hearings Office
City of Portland
1900 SW 4th Avenue, Room 3100, Portland, OR 97201 phone: 503.823.7307
www.portlandoregon.gov/hearings fax: 503.823.4347

RECOMMENDATION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File Number:	LU 19-223221 CP ZC (Hearings Office 4190025)
Applicant:	Allison Reynolds Stoel Rives LLP 760 SW 9th Avenue #3000 Portland, OR 97205
Property Owner:	Arc Hospitality Portfolio Crestline 3950 University Drive #301 Fairfax, VA 22030
Hearings Officer:	Gregory J. Frank
Bureau of Development Services (BDS) Staff Representatives:	Don Kienholz and Andrew Gulizia
Site Address:	1710 NE Multnomah Street
Legal Description:	BLOCK 180&181&192&193 TL 100, HOLLADAYS ADD
Tax Account Number:	R396212200
State ID Number:	1N1E35A 00100
Quarter Section:	2932
Neighborhood:	Sullivans Gulch
Business District:	None
District Neighborhood Coalition:	Northeast Coalition of Neighborhoods
Zoning:	CM3d – Commercial/Mixed Use 3 with a Design ('d') overlay zone; OS – Open Space with a Conservation ('c') Environmental Zone overlay.
Land Use Review:	Type III, CPZC – Comprehensive Plan Amendment with a Zone Map Amendment

BDS Staff Recommendation to Hearings Officer: Approval.

Public Hearing: The hearing was opened at 1:30 p.m. on December 18, 2019, in the third floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:00 p.m. The record was closed at that time.

Testified at the Hearing: Andy Gulizia and Alison Reynolds

Proposal: Comprehensive Plan Map Amendment and Zoning Map Amendment to remove a Condition of Approval (Condition B) from a prior Comprehensive Plan Map/Zoning Map Amendment approved in 1989 (LUR 89-026025 – PC 7921) that limited the development and use on the subject site only to an extended stay hotel. A Type III Review is required because in order to remove the condition of approval, an applicant must go through the same land use review process as was used to place the condition on the property (Portland Zoning Code Section 33.730.140). No new development is proposed at this time.

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are: 33.810.050.A.1-4, Comprehensive Plan Map Amendment Approval Criteria; 33.855.050.A-D, Zoning Map Amendment Approval Criteria; (by reference at 33.810.050.A.1) Comprehensive Plan Policies; and (by reference at 33.810.050.A.2) Statewide Land Use Planning Goals.

Zoning Code Chapters 33.810 and 33.855 are available online at www.portlandoregon.gov/zoningcode (scroll down and open Chapter 810 or 855).

Comprehensive Plan Policies are available online in the Bureau of Planning Sustainability Document Library at this link: https://www.portlandoregon.gov/bps/47556.

Statewide Land Use Planning Goals are available online on the Oregon Department of Land Conservation and Development (DLCD) website at this link: http://www.oregon.gov/LCD/pages/goals.aspx.

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of BDS in their Staff Report and Recommendation to the Hearings Officer dated December 6, 2019, and to recommend the following approval:

Approval of a **Comprehensive Plan Map Amendment** and **Zoning Map Amendment** to remove the Condition of Approval B from LUR 89-026025 – PC 7921 for the site at 1710 NE Multnomah Street, described as Holladays Add, Block 180 & 181 &192 &193 TL 100.

Basis for the Decision: BDS Staff Report and Recommendation in LU 19-223221 CP ZC , Exhibits A.1 through H.6, and the hearing testimony from those listed above.

Gregory J. Frank, Hearings Officer

December 20, 2019
Date

Application Determined Complete:	October 11, 2019
Report to Hearings Officer:	December 6, 2019
Recommendation Mailed:	December 20, 2019

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

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

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

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

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

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

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

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.

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

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

EXHIBITS

Not Attached Unless Indicated

A. Applicant's Statement
   1. Original Narrative to Code Criteria
   2. Original Responses to Comprehensive Plan Policies
   3. Original Utility Memorandum on Adequacy of Services
   4. September 11, 2019 Updated Narrative Responses
   5. September 11, 2019 Responses to Comprehensive Plan Policies
   6. September 11, 2019 Transportation Study by Lancaster Engineering
   7. Updated Utility Memorandum on Adequacy of Services
   8. October 11, 2019 Updated Narrative to Code Criteria
B. Zoning Map
C. Plans and Drawings
   1. Site Plan
D. Notification information
   1. Request for Response
   2. Posting Letter Sent to Applicant and Notice to be Posted
   3. Applicant's statement certifying posting
   4. Mailing List for Notice of Proposal
   5. Mailed Notice of Proposal
   6. Notice to Metro
   7. Notice to DLCD
E. Agency Responses
   1. Bureau of Environmental Services
   2. Bureau of Transportation Engineering and Development Review
   3. Site Development Review Section of Bureau of Development Services
   4. Bureau of Parks, Forestry Division
   5. Fire Bureau, Water Bureau, Life Safety Section
F. Letters: None
G. Other
   1. Original LUR Application
   2. Copy of Receipt of Fee Payment
   3. September 27, 2019 Incomplete Letter
   4. LUR 89-026025 (PC 7921) decision
H. Received in the Hearings Office
   1. Request to Reschedule by Allison Reynolds/Stoel Rives LLP - BDS Hearing Clerk
   2. Hearing Notice - Kienholz, Don
   3. Staff Report - Kienholz, Don **(attached)**
   4. Letter from David Brook, Sullivan's Gulch Neighborhood - Gulizia, Andrew
   5. PowerPoint presentation printout - Gulizia, Andrew
   6. Record Closing Information - Hearings Office

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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 19-223221 CP_ZC
PC # 19-200497
REVIEW BY: Hearings Officer
WHEN: December 18, 2019 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

REC'D HEARINGS OFFICI
FR,DEC6'19PM4:24

BUREAU OF DEVELOPMENT SERVICES STAFF: DON KIENHOLZ / DON.KIENHOLZ@PORTLANDOREGON.GOV
ANDREW GULIZIA / ANDREW.GULIZIA@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Allison Reynolds
Stoel Rives LLP
760 SW 9th Ave #3000
Portland OR, 97205

Owner: Arc Hospitality Portfolio Crestline
3950 University Drive #301
Fairfax, Va 22030

Site Address: 1710 NE MULTNOMAH ST
Legal Description: BLOCK 180&181&192&193 TL 100, HOLLADAYS ADD
Tax Account No.: R396212200
State ID No.: 1N1E35A 00100
Quarter Section: 2932

Neighborhood: Sullivans Gulch, contact DJ Heffernan at djheff1@gmail.com.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.
Plan District: None
Zoning: CM3d – Commercial/Mixed Use 3 with a Design ('d') overlay zone
OS – Open Space with a Conservation ('c') Environmental Zone overlay.

Case Type: CPZC – Comprehensive Plan Amendment with a Zone Map Amendment.
Procedure: Type III – Requires a public hearing before the Hearings Officer and a public hearing before City council to present the Hearings Officer's recommendation.

Proposal:
Comprehensive Plan Map Amendment and Zoning Map Amendment to remove a Condition of Approval (Condition B) from a prior Comprehensive Plan Map/Zoning Map Amendment

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-3
Case # 4190025
Bureau Case # 19-223221 CP ZC

approved in 1989 (LUR 89-026025 – PC 7921) that limited the development and use on the subject site only to an extended stay hotel. A Type III Review is required because in order to remove the condition of approval, an applicant must go through the same land use review process as was used to place the condition on the property (Portland Zoning Code Section 33.730.140). No new development is proposed at this time.

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- **33.855.050.A-D, Zoning Map Amendment Approval Criteria;**
- (*by reference at 33.810.050.A.1*) **Comprehensive Plan Policies;** and
- (*by reference at 33.810.050.A.2*) **Statewide Land Use Planning Goals.**

Zoning Code Chapters 33.810 and 33.855 are available online at www.portlandoregon.gov/zoningcode (scroll down and open Chapter 810 or 855).

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ANALYSIS

Site and Vicinity: The subject site is located at the southeast corner of NE Multnomah Street and NE 16th Drive. The site is developed with a Marriott Extended Stay Hotel campus consisting of 10, two and three-story buildings that contain approximately 168 suites with facilities capable of supporting Household Living but because they are rented for less than 30-days at a time, are a Retail Sales and Service use. Vehicle parking is found around the cluster of buildings and a pool and club house is located in the center of the site. The southern 1/3 of the property is a steeply sloped undeveloped area zoned OSc,

The site is just outside of the Lloyd District and Central City Plan District, which both terminate at NE 16th Avenue immediately west of the site. The Lloyd Center mall and its associated development is just north and a block east of the site and is the center piece of a district made up of superblocks and large-scale development that has recently included several new buildings rising 10+ stories in height. Immediately to the south is the railroad tracks and Interstate 84 that run through Sullivan's Gulch and separate the site from the Kerns neighborhood and northeast extent of the inner eastside industrial area. East of the site is a short block of RH zoned properties, including one at the corner of NE Multnomah and NE 21st that was recently developed with a large-scale multi-dwelling development. NE 21st is the only access across Sullivan's Gulch and Interstate 84 between the Martin Luther King Jr. Boulevard couplet and NE 28th near the Hollywood Fred Meyers. North of the site is the Broadway corridor that is generally zoned medium density residential R2 or R1 and developed with a mix of large early 20th century single-family dwellings or medium apartment buildings which then transitions to the single-dwelling zoning of the Irvington Historical District.

The subject site is served well by public transportation. Stops for several TriMet bus routes are located on streets surrounding the site, and there is a station for the Metropolitan Area Express (MAX) light-rail train (Red, Blue, and Green Lines) located nearby at NE Holladay Street and NE 11th Avenue.

Zoning: Commercial/Mixed Use 3 zone. The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

The Open Space (OS) zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Enhancing and protecting the values and functions of trees and the urban forest;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

(The OS-zoned portion of the subject site is undeveloped.)

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. These regulations also help meet other City goals, along with other regional, state, and federal goals and regulations. The environmental regulations also carry out Comprehensive Plan policies and objectives. [The portion of the subject site within the Environmental Conservation ("c") overlay zone is undeveloped.]

Land Use History: City records indicate that prior land use reviews include the following.

- **LUR 99-016459 CP**: Approval of a 1999 Comprehensive Plan and Zoning Map Amendment to modify Condition of Approval F under PC 7921 regarding a pedestrian pathway.

- **LUR 89-026025 (PC 7921):** Approval of a 1989 Comprehensive Plan Map Amendment from High Density Multi-Family Residential to Central Commercial and a Zone Change from RHd to CXd with a "b" Buffer Overlay Zone along the easterly 160 feet of Lots 29-32. Condition of approval B limited the use of the site exclusively to extended stay hotel. Through the current review, the applicant is requesting deletion of Condition of Approval B.

- **SB 1-89 (DZ 38-89):** Approval of a 1989 Super Block Design Review for a 168-unit motel in a series of 2 to 1-1/2 story frame buildings, subject to conditions.

Agency Review: A "Request for Response" was mailed **October 16, 2019**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS (Exhibit E.3);
- Bureau of Parks, Forestry Division (Exhibit E.4); and
- The Fire Bureau, Water Bureau and Life Safety Section of BDS (Exhibit E.5)

The Bureau of Environmental Services (BES) evaluated the proposal and determined that the sanitary and stormwater systems in place were acceptable and met the applicable standards (Exhibit E.1). The noted that future development may require improvements to the systems in the future based on the standards in place at the time of permitting.

The Bureau of Transportation Engineering evaluated the proposal, reviewed the Transportation Study (Exhibit A.6) and provided a response to the approval criteria and Comprehensive Plan Policies (Exhibit E.2). Their conclusion was that the proposal is equally supportive of the applicable policies; that there is adequate planned capacity in the transportation network to support the proposal and that the applicable code criteria are satisfied.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.810.050 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;

Finding: The proposal does not seek to change the Comprehensive Plan Map designation at the site, which is Mixed Use – Urban Center. Instead, the applicant seeks to remove a condition of approval that was imposed through a series of City Council actions related to a zone change from residential to commercial at the site in 1989. The condition of approval limited the uses allowed on the site. Specifically, Condition B stated:

"B. Development of the CXD-zoned portion of this site is limited to the extended stay residence motel proposed by the applicant. The development plan for this site shall be approved by the Design Commission."

As a general rule, Comprehensive Plan Map Amendments are only approved if the range of allowed uses and intensity of development allowed by the proposed base zone are able to meet the approval criteria. The applicant in 1989 was specifically seeking to establish an extended stay hotel on the site rather than an open ended and speculative request for the highest and best use. The site, which was zoned High Density Residential in 1989, did not allow Retail Sales and Service, which was the use category for hotels and motels. The applicant sought the Central Commercial zoning designation which would allow the hotel use but also would allow a much more robust list of uses. With the average stay of guests for an extended stay hotel nearing three and four weeks of continuous occupancy, the applicant argued, and the City agreed, that an extended stay hotel had characteristics more in line with Household Living than the more transient use associated with hotels or motels. However, the applicant focused on the unique characteristics of an extended stay hotel and

its similarity to Household Living use. Additionally, since the applicant didn't submit a 'worse-case scenario' transportation analysis; and because the zone allowed more intense uses for the site; and because concerns were raised by the neighborhood association on traffic issues, the condition of approval limiting the use was included in the approval. With the condition removed, the site could be developed with any of the full array of uses allowed by the current CM3 zoning.

The evaluation of the comprehensive plan goals and policies in this staff report are through that lens. Based on the findings below, staff finds the proposal is, on balance, equally or more supportive of the Comprehensive Plan. The new Comprehensive Plan adopted by the City in May of 2018 is a substantial expansion on the previous comprehensive plan and evaluates a significantly larger number of goals and policies. The applicant addressed each individual goal and policy in their narrative (Exhibit A.4). They provided analysis of the relevant goals and policies and explained why those deemed not relevant were in fact not relevant.

Staff concurs with the applicant's analysis and addresses the relevant goals and policies below:

Chapter 1 of The Comprehensive Plan: The Plan

Policy 1.10 Compliance with the Comprehensive Plan. *Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation.*

Finding: This policy is implemented by the approval criterion for Comprehensive Plan Map Amendments in Zoning Code Section 33.810.050.A.1, and the findings in this staff report analyze compliance with 33.810.050.A.1. Since Zoning Code Section 33.810.050.A.1 is found to be met in this report, staff finds the proposal is also consistent with Policy 1.10.

Policy 1.11 Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary. *Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland metropolitan area.*

Findings: Each title of the Urban Growth Management Functional Plan that is relevant to the requested Comprehensive Plan Map Amendment is addressed below:

Title 1 - Requirements for Housing and Employment Accommodation
This section of the Functional Plan requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations. The subject site is zoned CM3 and the proposal will not alter the zoning designation. The CM3 zone allows residential and commercial use and as such the proposal supports Title 1. Removing the condition limiting use to an extended stay hotel (*i.e.* a commercial use) is more supportive of Title 1 in that it will allow housing where it was not previously permitted.

For these reasons, the proposed amendment is more supportive 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.

Compliance with Title 3 is achieved through the implementation of the City's Stormwater Management Manual and other development regulations at the time of building permit review. BES, which implements the Stormwater Management Manual, reviewed the proposal. BES expressed support for approval of this application (Exhibit E.1).

Erosion control is regulated through Title 10 of the City Code, which is implemented by the BDS Site Development Section at the time of building permit review. The BDS Site Development Section reviewed the application and expressed no concerns about the ability of development on the site to meet the Title 10 requirements (Exhibit E.3).

The site is not located within the 100-year floodplain or in a designated landslide hazard area.

For these reasons, the proposed Comprehensive Plan Map designation is equally supportive of Title 3.

Title 7 - Housing Choice
The framework plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments.

In early 2017, the City of Portland implemented inclusionary (affordable) housing requirements for buildings with 20 or more residential units. The proposal to remove the condition of approval will allow for Household Living on the site. Any future development or change of use will be subject to Portland Zoning Code Section 33.245, Affordable Housing, and as such, the proposal is more supportive of Title 7 by increasing the potential for housing development on the site, which in turn increases the site's potential for affordable housing development in the future.

Title 8 - Compliance Procedures
This title outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.

The proposal equally meets this title because the public notice requirements for Type III land use reviews, as outlined in Zoning Code Section 33.730.030, are met. In addition to notifying City-recognized organizations within a 1,000-foot radius of the site and neighbors within a 400-foot radius of the site, notice of the proposal was posted at the subject site and sent to Metro and to the Department of Land Conservation and Development.

Title 12 - Protection of Residential Neighborhoods
The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

To the extent that the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment is met, the proposal is consistent with providing adequate levels of public services. As discussed later in this report, staff finds the approval criterion in Zoning Code Section 33.855.050.B can be met, including for police services. The proposal to remove the condition of approval would not cause any significant changes in the impacts related to noise or pollution. Issues related to water

pollution would be addressed through the requirements of the Stormwater Management Manual and other regulations that apply during building permit reviews should future development be proposed.

For these reasons, the proposal is equally supportive of Title 12.

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.

The site is designated with an Environmental Conservation overlay on the southern 1/3 of the site that is zoned Open Space (OS). The site is not designated with an Environmental Protection or Greenway overlay zone and is not within the 100-year flood plain. The OS zoned portion of the site, which has the environmental overlay, will not be impacted by removal of the condition of approval as the strict use limitations of the OS zone will continue to apply to this portion of the site. The uses allowed in the CM3 zone are not permitted in the OS zone. Considering this, the portion of the site outside of the environmental overlay has not been identified as having any unusual natural resource value. During building permit review, development would be required to meet the applicable Stormwater Management Manual requirements, thereby mitigating for water pollution and protecting water quality. Therefore, the proposal is equally supportive of this title.

Summary
As discussed above, the request to remove the condition of approval through the Comprehensive Plan Map Amendment application either would be supportive of the intent of the relevant titles in the Urban Growth Management Functional Plan, or these titles would be met through compliance with other applicable City regulations. The proposal supports a tight Urban Growth Boundary by increasing the development capacity of a site which is inside the existing boundary. For these reasons, staff finds the proposal is more supportive of Policy 1.11 than not removing the condition of approval.

Policy 1.12 Consistency with Statewide Planning Goals. *Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.*

Finding: This Comprehensive Plan policy also reflects the approval criterion found in 33.810.050.A.2. The City's Comprehensive Plan was written to comply with the Statewide Planning Goals. The Statewide Planning Goals are comparable to chapters in the City's Comprehensive Plan as follows:

- Statewide Planning Goal 1 (Citizen Involvement) – Comprehensive Plan Chapter 2 (Community Involvement);
- Statewide Planning Goal 2 (Land Use Planning) – Comprehensive Plan Chapter 1 (The Plan) and Chapter 10 (Land Use Designations and Zoning);
- Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources) – Comprehensive Plan Chapter 4 (Design and Development), Chapter 7

(Environment and Watershed Health), and Chapter 8 (Public Facilities and Services);

- Statewide Planning Goal 6 (Air, Water, and Land Resources Quality) – Comprehensive Plan Chapter 7 (Environment and Watershed Health);
- Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards) – Comprehensive Plan Chapter 4 (Design and Development) and Chapter 7 (Environment and Watershed Health);
- Statewide Planning Goal 8 (Recreation Needs) – Comprehensive Plan Chapter 8 (Public Facilities and Services);
- Statewide Planning Goal 9 (Economy of the State) – Comprehensive Plan Chapter 6 (Economic Development);
- Statewide Planning Goal 10 (Housing) – Comprehensive Plan Chapter 5 (Housing);
- Statewide Planning Goal 11 (Public Facilities and Services) – Comprehensive Plan Chapter 8 (Public Facilities and Services);
- Statewide Planning Goal 12 (Transportation) – Comprehensive Plan Chapter 9 (Transportation);
- Statewide Planning Goal 13 (Energy) – Comprehensive Plan Chapter 4 (Design and Development);
- Statewide Planning Goal 14 (Urbanization) – Comprehensive Plan Chapter 3 (Urban Form); and
- Statewide Planning Goal 15 (Willamette Greenway) – Comprehensive Plan Chapter 7 (Environment and Watershed Health).

Statewide Planning Goals not listed above relate to agricultural resources (Goal 3), forestry (Goal 4), estuarine resources (Goal 16), coastal shorelands (Goal 17), beaches and dunes (Goal 18), and ocean resources (Goal 19). These goals do not apply to the subject site as it is not in forest or agricultural use and is not located on the coast.

For quasi-judicial Comprehensive Plan Map Amendments, compliance with the City's Comprehensive Plan goals shows compliance with applicable Statewide Planning Goals. The analysis in this report shows that the City goals and policies are equally or more supported by the request to remove the condition of approval. Therefore, the proposal is consistent with all applicable Statewide Planning Goals and equally supports Policy 1.12.

Policy 1.13 Consistency with state and federal regulations. *Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.*

Finding: The proposal to remove a condition of approval is not impacted by state or federal regulations. As such, the proposal is equally as supportive of this policy.

Policy 1.14 Public facility adequacy. *Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending*

Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland's urban services boundaries, as established by Policies 8.2 and 8.6.

Finding: Removing a condition of approval from a previous approval will not impact the adequacy of public facilities in the area. Components of the urban facilities are addressed later on in the comprehensive plan (including infrastructure elements managed by the Bureau of Environmental Services, Water Bureau and Portland Bureau of Transportation in Chapters 8 and 9 of this comprehensive plan) as well as in the approval criteria in Portland Zoning Code Section 33.855.050.B.

Policy 1.18 Quasi-judicial amendments to the Comprehensive Plan Map. *Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:*

- *Is compatible with the land use pattern established by the Comprehensive Plan Map.*
- *Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the Comprehensive Plan.*

Finding: The proposal will not alter the Comprehensive Plan designation of the site (Mixed-Use Urban Center) and will not change the land use pattern established by the Comprehensive Plan Map. The site is currently zoned CM3 and OS and will remain CM3 and OS if this proposal is approved by City Council. As discussed in the findings above, staff has found the proposal to remove the condition of approval is consistent with the relevant Policies above. As demonstrated below, the proposal is consistent with the Sullivan's Gulch Neighborhood Plan.

Policy 1.19 Area-specific plans. *Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy framework provided by the overall Comprehensive Plan.*

1.19.a *Area-specific plans that are adopted after May 24, 2018 should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.*

1.19.b *Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.*

1.19.c *Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to [effective date of this 2035 Comp Plan] are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan.*

Finding: The site is within the Sullivan's Gulch Neighborhood Action Plan which includes the following policies and goals relevant to this proposal:

> ***Policy 2: West End.*** ***Provide an improved transition between Lloyd Center and the neighborhood and encourage development of high-density housing which provides a smooth transition to the lower density of the neighborhood core.***
>
> **Finding:** Removal of the condition of approval limiting the use of the site to an extended stay hotel allows for the full range of uses allowed in the CM3 zone, including high-density housing, to be available for future redevelopment. The existing buildings contain suites that could be utilized for Household Living with a change of occupancy. Given that the site would be available for Household Living and the existing buildings are two to three stories in height, they will adequately serve as a transitional property between the high-rise sites in the Lloyd Center and the neighborhood core. Therefore, this proposal is more supportive of this policy.
>
> ***Policy 7: Housing:*** ***Maintain and preserve the existing housing stock while providing opportunities for additional density through internal conversions and development of vacant and underdeveloped sites. Provide housing for a diverse population close to the central city.***
>
> **Finding:** Removal of the condition of approval limiting the use of the site to an extended stay hotel allows for the full range of uses allowed in the CM3 zone, including high-density housing, to be available for future redevelopment.

Chapter 3: Inner Ring Districts

Policy 3.39 Growth. *Expand the range of housing and employment opportunities in the Inner Ring Districts. Emphasize growth that replaces gaps in the historic urban fabric, such as redevelopment of surface parking lots and 20th century auto-oriented development.*

Policy 3.40 Corridors. *Guide growth in corridors to transition to mid-rise scale close to the Central City, especially along Civic Corridors.*

Policy 3.41 Distinct identities. *Maintain and enhance the distinct identities of the Inner Ring Districts and their corridors. Use and expand existing historic preservation and design review tools to accommodate growth in ways that identify and preserve historic resources and enhance the distinctive characteristics of the Inner Ring Districts, especially in areas experiencing significant development.*

Policy 3.42 Diverse residential areas. *Provide a diversity of housing opportunities in the Inner Ring Districts' residential areas. Encourage approaches that preserve or are compatible with existing historic properties in these areas. Acknowledge that these areas are historic assets and should retain their established characteristics and development patterns, even as Inner Ring centers and corridors grow. Apply base zones in a manner that takes historic character and adopted design guidelines into account.*

Policy 3.43 Active transportation. *Enhance the role of the Inner Ring Districts' extensive transit, bicycle, and pedestrian networks in conjunction with land uses that optimize the ability for more people to utilize this network. Improve the safety of pedestrian and bike*

connections to the Central City. Strengthen transit connections between the Inner Ring Districts and to the Central City.

Finding: The proposal is to remove a condition of approval from a previous land use approval which restricts the site to be used only for extended stay motel (a Retail Sales and Service use) within its current development. Eliminating this condition will allow the full range of uses under the CM3 zone on the site, a site that is within an Inner Ring District, and will allow redevelopment to include additional density. While the proposal does not directly involve development, removal of the condition will provide the potential for greater utilization of this site, which is well-served by transit. The proposal is more consistent with these policies.

Chapter 4: Residential areas

Policy 4.15 Residential area continuity and adaptability. *Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.*

Finding: The site is zoned CM3 and is not considered a "residential area." However, the CM3 zone does allow residential uses and the removal of the condition of approval will allow for the potential of additional housing being established. The proposal is more supportive of this policy.

Chapter 5: Housing

Diverse and expanding housing supply

Policy 5.1 Housing supply. *Maintain sufficient residential development capacity to accommodate Portland's projected share of regional household growth.*

Finding: The proposal to eliminate a condition of approval to limit the use on the site to an extended stay hotel will allow housing uses on the site. The proposal is more supportive of this policy.

Policy 5.3 Housing potential. *Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households, and identify opportunities to meet future demand.*

Finding: The proposal to remove the condition of approval will allow the site to accommodate housing of a variety of income levels if redeveloped in the future, particularly given the Inclusionary Housing requirements of the Zoning Code that address affordable housing. The proposal is more supportive of this policy.

Policy 5.4 Housing types. *Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand housing choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/clustered services.*

Finding: Although it does not involve development of housing, the proposal will allow housing the site, which is currently prohibited by a condition of approval from a previous land use review. The proposal is more supportive of this policy.

Policy 5.35 Inclusionary housing. *Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing. Work to remove regulatory barriers that prevent the use of such tools.*

Finding: The proposal does not involve development. However, removing the condition of approval will allow the future development of housing on the site, which if more than 19 units are proposed, will include inclusionary housing. This proposal is more supportive of this policy.

Chapter 6: Economic Development

Policy 6.1 Diverse and growing community. *Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.*

Policy 6.2 Diverse and expanding economy. *Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.*

Policy 6.3 Employment growth. *Strive to capture at least 25 percent of the seven county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).*

Policy 6.4 Fiscally-stable city. *Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.*

Policy 6.5 Economic resilience. *Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.*

Policy 6.9 Small business development. *Facilitate the success and growth of small businesses and coordinate plans and investments with programs that provide technical and financial assistance to promote sustainable operating practices.*

Policy 6.13 Land supply. *Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.*

Policy 6.15 Regionally-competitive development sites. *Improve the competitiveness of vacant and underutilized sites located in Portland's employment areas through the use of incentives, and regional and state assistance for needed infrastructure and site readiness improvements.*

Finding: The proposal to remove the restrictive condition of approval that only allows an extended stay hotel on site will allow the site access to the full array of uses allowed

in the current CM3 zoning district. Those allowed uses include a vast array of Retail Sales and Service uses, Office uses, and other conditional uses that expand the economic viability of the subject site and support economic development. As such, removing the condition of approval is more supportive of these policies than leaving the condition in place.

Chapter 7: Environmental and Watershed Health

Policy 7.1 Environmental quality. *Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.*

Finding: The proposal to remove a restrictive condition of approval on the CM3 zoned portion of the property will not affect or impact the OSc zoned portion of the site. The environmental overlay zone will remain and any future development will be subject to the 'c' overlay requirements. Because of this, the proposal is equally supportive of this policy.

Policy 7.11 - Urban forest. *Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland's urban forest through plans and investments.*

7.11.a. Tree preservation. *Require and incent preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.*

7.11.b. Urban forest diversity. *Coordinate plans and investments with efforts to improve tree species diversity and age diversity.*

7.11.c. Tree canopy. *Coordinate plans and investments toward meeting City tree canopy goals.*

7.11.d. Tree planting. *Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.*

7.11.e. Vegetation in natural resource areas. *Require native trees and vegetation in significant natural resource areas.*

7.11.f. Resilient urban forest. *Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.*

7.11.g. Trees in land use planning. *Identify priority areas for tree preservation and planting in land use plans, and incent these actions.*

7.11.h. Managing wildfire risk. *Address wildfire hazard risks and management priorities through plans and investments.*

Finding: Future development on the site would be subject to the City's Title 11 (Tree Code) requirements for tree preservation and minimum tree density. Additional landscaping requirements that include tree planting throughout the site would be required for future development under the Zoning Code regulations for the CM3 zone. For these reasons, staff finds the proposal equally supports Policy 7.11.

Chapter 8: Public Facilities and Services

Goal 8.D: Public rights-of-way. *Public rights-of-way enhance the public realm and*

provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

Policy 8.3 - Urban service delivery. *Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation:*

- *Public rights-of-way, streets, and public trails*
- *Sanitary sewers and wastewater treatment*
- *Stormwater management and conveyance*
- *Flood management*
- *Protection of the waterways of the state*
- *Water supply*
- *Police, fire, and emergency response*
- *Parks, natural areas, and recreation*
- *Solid waste regulation*

Policy 8.21 - System capacity. *Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.*

Policy 8.39 - Interconnected network. *Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.*

Policy 8.40 - Transportation function. *Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street classification.*

Policy 8.42 - Stormwater management function. *Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.*

Policy 8.53 Public trails. *Establish, improve, and maintain a citywide system of local and regional public trails that provide transportation and/or recreation options and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users.*

Policy 8.54 Trail system connectivity. *Plan, improve, and maintain the citywide trail system so that it connects and improves access to Portland's neighborhoods, commercial areas, employment centers, schools, parks, natural areas, recreational facilities, regional destinations, the regional trail system, and other key places that Portlanders access in their daily lives.*

Policy 8.55 Trail coordination. *Coordinate planning, design, improvement, and maintenance of the trail system among City agencies, other public agencies, non-governmental partners, and adjacent landowners.*

Policy 8.56 Trail diversity. *Allow a variety of trail types to reflect a trail's transportation and recreation roles, requirements, and physical context.*

Policy 8.57 Trail and City Greenway coordination. *Coordinate the planning and improvement of trails as part of the City Greenways system.*

Policy 8.,58 Trail and Habitat Corridor coordination. *Coordinate the planning and improvement of trails with the establishment, enhancement, preservation, and access to habitat corridors.*

Policy 8.61 - Sewer connections. *Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.*

Policy 8.68 - Stormwater facilities. *Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.*

Policy 8.73 - On-site stormwater management. *Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.*

Findings: The proposal to eliminate the condition of approval so the property can be developed with the full CM3 array of uses will not alter the underlying land use designation of Mix Used Commercial – Urban Center or the existing CM3 zoning designation. To the extent that the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment is met, the proposal is consistent with providing adequate utilities and other public services. As discussed later in this report, staff finds the approval criterion in Zoning Code Section 33.855.050.B can be met for each of the factors and policies mentioned above.

A public trail alignment is located on the southern portion of the site that is zoned Open Space with the 'c' environmental overlay zone. Sections of the trail both west and east of the site have been partially established and/or had public easements recorded for the future development of those sections. Removal of the condition of approval restricting the use of the site to an extended stay hotel will allow future redevelopment of the site, which could trigger trail improvements at the time of development.

The City's service bureaus, including the Fire and Water bureaus, reviewed and evaluated the proposal and determined that they have no concerns with the removal of the condition of approval, meaning there is adequate service in the area for the existing level of development. Any future development will be subject to the service bureau requirements at the time of permit or change in use. Therefore, staff finds the proposal is on balance more supportive of the the goals and policies listed above than leaving the condition in place.

Chapter 9: Transportation

Findings: The applicant provided a narrative response to each of the transportation policies listed in Chapter 9 (Exhibit A.4) and a transportation impact study (Exhibit E.6) which notes the City has planned for mixed-use development in this area consistent with the adopted Zoning Map. (The City applied the CM3 zoning to this site legislatively in 2018.) In this staff report, BDS staff has listed the relevant policies and provided findings specific to the proposal, found later in this staff report. In addition, PBOT also analyzed the applicant's narrative and transportation impact study and provided the following response (Exhibit E.2):

Portland Bureau of Transportation/Development Review (PBOT) 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.

The applicant seeks removal of Condition C.2 of Ordinance 162156 [Conditional of Approval B from LUR 89-026025] *which must be accomplished with the submittal and approval of the subject Comprehensive Map Amendment and Zone Map Amendment (CMP/ZMP) requests. Said condition reads as follows:*

> *"Development of the CXD-zoned portion of this site is limited to extended stay residence motel proposed by the applicant. The development plan for this site shall be approved by the Design Commission".*

The applicant is not seeking any other changes to the site's current Comprehensive Plan or zoning designations nor is there a request for a new development on the site. In fact, the applicant's only intent is to convert the existing extended stay hotel suites to residential units. If an application for development of the site with residential units was submitted today, under the site's current zoning, this would be an allowed use. Pursuant to PCC 33.730.140.A, conditions of land use approvals must be removed through the same process by which they were imposed – in this case, the subject condition was imposed via a Type III Comprehensive Plan Amendment and Zoning Map Amendment.

PBOT suggests that this is a very unique land use review in that the applicant is simply seeking to remove a condition of approval from a previous land use action that limited the use of the site to its current use. Further, there is no development proposed on the site other than the eventual conversion of the existing extended stay hotel to residential uses, which would be an allowed-by-right development on the site today, PBOT expects no impacts to the transportation system related to the removal of the subject condition of approval. Accordingly, the following will be an abbreviated acknowledgement that the ***applicant has supplied the City with adequate and sufficient documentation to support the applicable CMP and ZMP transportation-related approval criteria.*** *(Emphasis added)*

Finding: PBOT staff found the applicant's materials and proposal are equally supportive of the Transportation Comprehensive Plan Policies. A review of PBOT's memo in Exhibit E.2 indicated that eventually the existing extended stay hotel would be converted to Household Living. While that could happen in the future as the CM3 zone allows Household Living by right, that is not part of the current proposal. Also of note, PBOT recommended no conditions of approval for the Comprehensive Plan Map Amendment.

Policy 9.1 Street design classifications. *Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor and Civic Corridor Urban Design Framework designations.*

> **Finding:** The City assigns street design classifications through the Transportation System Plan (Ordinance 187831). The proposal before staff is to remove an existing condition of approval with no other development. Removing a condition of approval will not alter the site's underlying zoning or the classification of any streets and the associated policies. The proposal is equally as supportive of this policy as the site's current designation.

Policy 9.5 Mode share goals and Vehicle Miles Travelled (VMT) reduction. *Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to*

achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.

Finding: Removing a condition of approval will not trigger a review of transportation demand management and options to reduce VMT. Such review would be reviewed with redevelopment.

Policy 9.11 Land use and transportation coordination. *Implement the Comprehensive Plan Map and the Urban Design Framework though coordinated long-range transportation and land use planning. Ensure that street policy and design classifications and land uses complement one another.*

Finding: The proposal will remove Condition B but will not change the site's underlying zoning or transportation classifications of adjacent streets. The proposal is equally as supportive of this policy.

Policy 9.16 Design with nature. *Promote street and trail alignments and designs that respond to topography and natural features, when feasible, and protect streams, wildlife habitat, and native trees.*

Finding: Removing a condition of approval does not impact street or trail alignments and no development is proposed at this time that would trigger a review of trail alignment in the public trail easement located on the southern portion of the site. The proposal is equally as supportive of this policy.

Policy 9.45 System management. *Give preference to transportation improvements that use existing roadway capacity efficiently and that improve the safety of the system for all users.*

Policy 9.46 Traffic management. *Evaluate and encourage traffic speed and volume to be consistent with street classifications and desired land uses to improve safety, preserve and enhance neighborhood livability, and meet system goals of calming vehicle traffic through a combination of enforcement, engineering, and education efforts.*

Policy 9.47 Connectivity. *Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district-specific street plans found in the Transportation System Plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.*

Finding: The applicant provided a formal transportation analysis with findings (Exhibit A.6) for the proposal to eliminate the condition of approval that limits the use of the site to an extended stay hotel. As noted previously, PBOT accepted the scope of the study, reviewed the analysis, and concurred that the proposal is equally supporting of the applicable transportation policies (Exhibit E.2), including those above.

Policy 9.53 New development. *Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector*

Finding: The proposal is to remove a condition of approval associated with a previous Comprehensive Plan Map/Zoning Map Amendment. No new development is proposed at this time. If, in the future, new development is proposed, it will be subject to all applicable PBOT requirements at that time. As such, the proposal is equally as supportive of this policy.

BDS Staff's Summary Findings for Chapter 9 - Transportation
Based on PBOT's evaluation and findings (Exhibit E.2) and the findings above, staff finds the proposal to remove the condition of approval to be equally supportive of the goals and policies in Chapter 9 – Transportation.

Chapter 10: Land use designations

Policy 10.1 Land use designations. *Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.*

17. Mixed Use — Urban Center (MU–U)
This designation is intended for areas that are close to the Central City and within Town Centers where urban public services are available or planned including access to high-capacity transit, very frequent bus service, or streetcar service. The designation allows a broad range of commercial and employment uses, public services, and a wide range of housing options. Areas within this designation are generally mixed-use and very urban in character. Development will be pedestrian-oriented with a strong emphasis on design and street level activity, and will range from low- to mid-rise in scale. The range of zones and development scale associated with this designation are intended to allow for more intense development in core areas of centers and corridors and near transit stations, while providing transitions to adjacent residential areas. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), Commercial Mixed Use 3 (CM3), and Commercial Employment (CE). This designation is generally accompanied by a design overlay zone.

Finding: The subject site is currently within the Mixed Use Urban Center (MU-U) land use designation. The subject site is just outside the Central City Plan District, which ends just west of NE 16th Avenue. The site has access to several forms of transit, including:

- Frequent service bus lines run along NE Broadway and NE Weidler 2 blocks north of the subject site; along NE Multnomah in front of the site; and on NE 16th just west of the site;
- A Tri-Met MAX Station is approximately 1,000-feet east on NE Holiday Street;
- Interstate 84 is immediately south of the site in Sullivan's Gulch; and
- The Street Car System along NE MLK and NE Grand approximately a half-mile to the west.

The area is home to some of the City's tallest buildings outside of the downtown core and new residential and commercial towers have been and are being constructed in the Lloyd district immediately to the west. PBOT has been actively working to improve and develop the pedestrian environment in the area between NE Lloyd Boulevard and the Broadway-Weidler couplet. While the subject site is just outside of the Lloyd District, the MU-U land use designation, CM3 zoning and proximity to the Lloyd District's pedestrian amenities will support the MU-U characteristics listed above and also provide a transition between the intense Lloyd District and core residential area of the Sullivan's Gulch Neighborhood. Removing the condition of approval and allowing access to the full range of uses in the CM3 and full

development potential of the CM3 zone on the site is more supportive of the land use designation than leaving the condition in place.

Policy 10.2 Relationship of land use designations to base zones. *Apply a base zone to all land and water within the City's urban services boundary. The base zone applied must either be a zone that corresponds to the land use designation or be a zone that does not correspond but is allowed according to Figure 10-1 — Corresponding and Less-Intense Zones for Each Plan Map Designation. In some situations, there are long-term or short-term obstacles to achieving the level of development intended by the land use designation (e.g., an infrastructure improvement to serve the higher level of development is planned but not yet funded). In these situations, a less intense zone (listed in Figure 10-1) may be applied. When a land use designation is amended, the zone may also have to be changed to a corresponding zone or a zone that does not correspond but is allowed.*

Finding: With the proposal only including the removal of the condition of approval and not including a change in the land use designation or zoning, the proposal is equally supportive of this policy.

Policy 10.3 Amending the Zoning Map.

10.3.a *Amending a base zone may be done legislatively or quasi-judicially.*

10.3.b *When amending a base zone quasi-judicially, the amendment must be to a corresponding zone (see Figure 10-1 — Corresponding and Allowed Zones for Each Land Use Designation). When a designation has more than one corresponding zone, the most appropriate zone, based on the purpose of the zone and the zoning and general land uses of surrounding lands, will be applied.*

10.3.c *When amending a base zone legislatively, the amendment may be to a corresponding zone or to a zone that does not correspond but is allowed (see Figure 10-1 — Corresponding and Allowed Zones for each Land Use Designation for zones that are allowed). A legislative Zoning Map amendment may not be to a zone that is not allowed.*

10.3.d *An amendment to a base zone consistent with the land use designation must be approved when it is found that current public services are capable of supporting the uses allowed by the zone, or that public services can be made capable by the time the development is complete. 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 management, transportation, school district capacity (where a school facility plan exists), and police and fire protection.*

10.3.e *An amendment to apply or remove an overlay zone or plan district may be done legislatively or quasi-judicially, and must be based on a study or plan document that identifies a specific characteristic, situation, or problem that is not adequately addressed by the base zone or other regulations.*

Finding: The proposal will remove condition of approval B but will not involve changes to the site's zoning designation. Considering the zone and land use designations are not proposed to change, there is no need to consider the corresponding zone when considering removal of a condition of approval. Also, as detailed in the Dowl Memorandum (Exhibit A.7) and supported by the service bureaus comments (Exhibits E.1 through E.5), there are adequate services available or capable of being made available for a use in the CM3 zone at the time of proposed development. Considering these facts, the proposal is equally as supportive of this policy.

Summary for Zoning Code Section 33.810.050.A.1: Based on the above findings, removing Condition B is equally or more supportive of the relevant goals and policies of the Comprehensive Plan than the current situation. Staff finds the approval criterion in Zoning Code Section 33.810.050.A.1 is met.

Criterion met.

2. **The requested change is consistent with Statewide Land Use Planning Goals;**

Finding: Staff evaluated the proposal against the Statewide Land Use Planning Goals in the finding for Comprehensive Plan Policy 1.12 in Finding A.1 above. Staff found the proposal to remove the condition of approval is consistent with the Statewide Land Use Planning Goals.

Criterion met.

3. **In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:**

   a. **The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;**

   b. **The transportation system is capable of supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion A.3.c;**

   c. **Measures proportional to the impacts of the uses allowed by the proposed designation are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and**

d. **Transportation improvements adjacent to the development and in the vicinity needed to support the proposed development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.**

e. **The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;**

f. **The site does not have direct access to special industrial services such as multimodal freight movement facilities;**

g. **The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;**

h. **The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and**

i. **The size of the area that may be given a new Comprehensive Plan Map designation is as follows:**

    1) **If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;**

    2) **If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;**

    3) **If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;**

    4) **If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;**

    5) **Exception. If the site is not designated as industrial or employment Metro, these size limits do not apply.**

Finding: The site is not designated in the Comprehensive Plan as either Industrial Sanctuary or Mixed Employment. As such, this criterion is not applicable.

33.855.050 Approval Criteria for Base Zone Changes

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

A. **Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map. 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 or characteristics of each zone and the zoning pattern of surrounding land.

Finding: The proposal does not involve changing the zoning designations on the site. Both the CM3 and OS zoning will remain on the site. The only change requested is to remove a condition of approval from a prior land use decision.

Criterion met.

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.**

   d. **The school district within which the site is located has adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.**

Finding: A Request for Response was sent to the City's service bureaus on October 16, 2019. Each of the relevant bureaus provided responses, found in Exhibits E.1 through E.5. As found in their response and in the findings to the Comprehensive Plan policies, all the named bureaus responded that there currently are adequate services to the site. The Portland Bureau of Transportation also evaluated the proposal based on future redevelopment and found services to be adequate as noted in the findings to Chapter 9:

Transportation of the Comprehensive Plan. The site is within the Portland Public School District #1, which has not adopted a school facility plan, therefore compliance with Criterion "d" above is not required.

Criteria 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.**

Finding: The request does not include rezoning the site to Institutional Residential. 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.**

Finding: The proposal does not include rezoning the site to Institutional Residential. This criterion is not applicable.

D. **When the requested zone change is CI1 or CI2. When the requested zone change is CI1 or CI2, a Transportation Impact Review is required as part of the zoning map amendment.**

Finding: The proposal does not include rezoning the site to Campus Institutional 1 or 2. This criterion is not applicable.

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

Finding: The subject site is within the incorporated boundaries of the City of Portland.

Criterion met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed Comprehensive Plan Map Amendment to remove Condition of Approval B from LUR 89-026025 – PC 7921 is found to be on balance equally or more supportive of the relevant goals and policies of the Comprehensive Plan, and adequate public services are available on the site.

Staff finds that each of the applicable approval criteria are met.

TENTATIVE STAFF RECOMMENDATION

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

Approval of a **Comprehensive Plan Map Amendment** and **Zoning Map Amendment** to remove the Condition of Approval B from LUR 89-026025 – PC 7921 for the site at 1710 NE Multnomah Street, described as Holladays Add, Block 180 & 181 &192 &193 TL 100.

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 September 6, 2019.

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 30 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 by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment. 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 (After City Council has issued a 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, the final decision will be recorded with the Multnomah County Recorder.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

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

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

Planner's Name: Don Kienholz/Andrew Gulizia
Date: December 6, 2019

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:
   1. Original Narrative to Code Criteria
   2. Original Responses to Comprehensive Plan Policies
   3. Original Utility Memorandum on Adequacy of Services
   4. September 11, 2019 Updated Narrative Responses
   5. September 11, 2019 Responses to Comprehensive Plan Policies
   6. September 11, 2019 Transportation Study by Lancaster Engineering

7. Updated Utility Memorandum on Adequacy of Services
8. October 11, 2019 Updated Narrative to Code Criteria

B. Zoning Map (Attached):

C. Plans & Drawings:
1. Site Plan

D. Notification information:
1. Request for Response
2. Posting Letter Sent to Applicant and Notice to be Posted
3. Applicant's statement certifying posting
4. Mailing List for Notice of Proposal
5. Mailed Notice of Proposal
6. Notice to Metro
7. Notice to DLCD

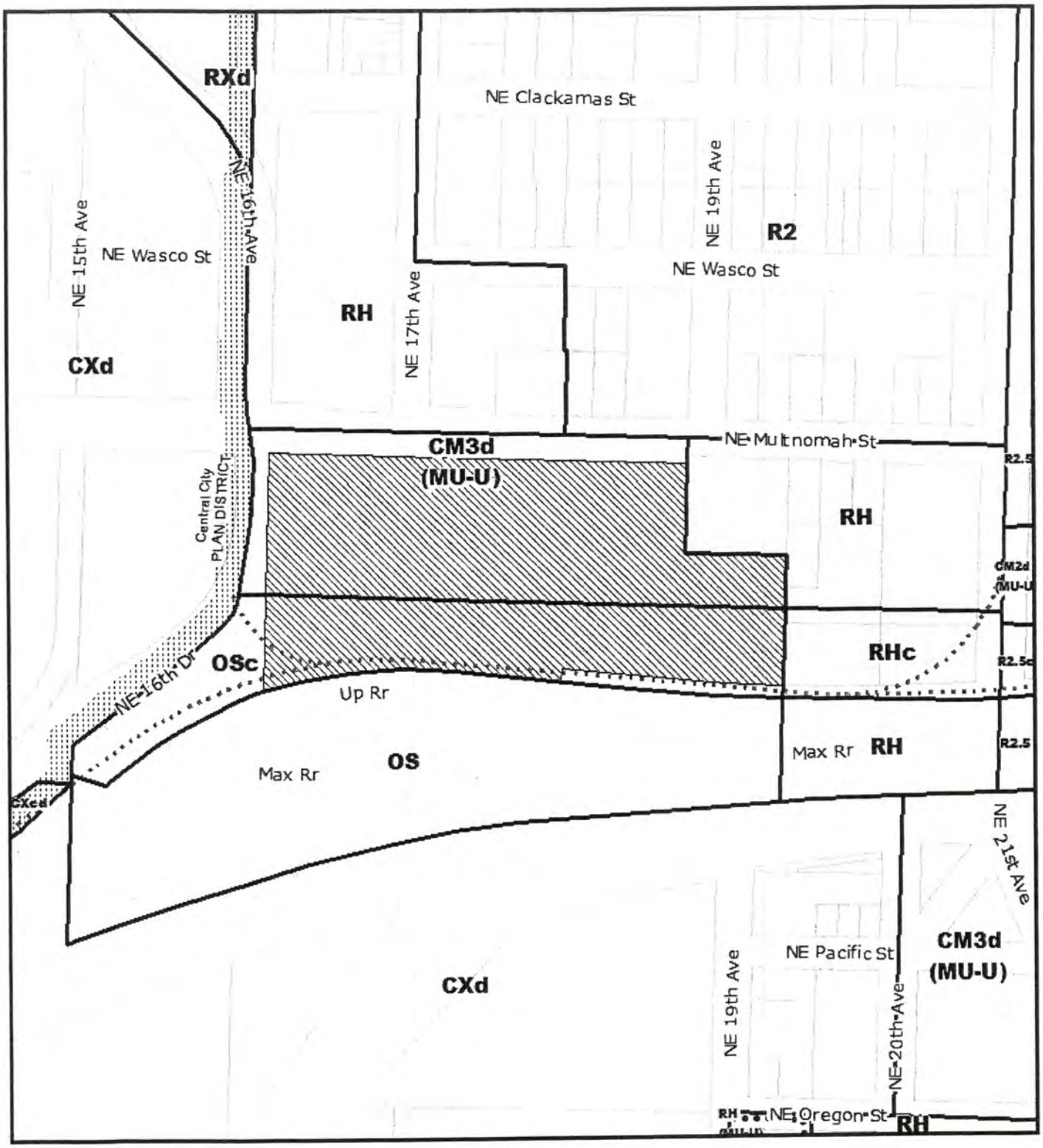
E. Agency Responses:
1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Site Development Review Section of Bureau of Development Services
4. Bureau of Parks, Forestry Division
5. Fire Bureau, Water Bureau, Life Safety Section

F. Letters: None

G. Other:
1. Original LUR Application
2. Copy of Receipt of Fee Payment
3. September 27, 2019 Incomplete Letter
4. LUR 89-026025 (PC 7921) decision

H.

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

NORTH

Site

Recreational Trails

File No.	LU 19 - 223221 CP-ZC
1/4 Section	2932
Scale	1 inch = 200 feet
State ID	1N1E35A 100
Exhibit	B Sep 10, 2019