



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portland.gov/bds](http://www.portland.gov/bds)

Date: January 11, 2022

From: Amanda Rhoads, Land Use Services  
503-865-6514 / [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@portlandoregon.gov)

## **REQUEST FOR RESPONSE**

**Case File:** LU 21-094203 CP\_ZC  
**Pre App:** PC # 21-038774

This notice is being sent to all service and technical review agencies for their input on the proposal described below. Neighborhood Associations also receive this advance notice via e-mail. Your timely response, as indicated below, will help the assigned planner determine if applicable approval criteria can be met, or what conditions might be required.

- The approval criteria are listed below. Although we are interested in any comments you may have, please consider your response in terms of these criteria.
- All agencies are encouraged to use this as an opportunity to inform the applicant of any additional requirements that may be imposed by your agency during building permit phase – especially those that would significantly affect the proposal.
- Please note in your response which requirements are specifically associated with the applicable land use review approval criteria, and which requirements you have the independent authority to impose at time of building permits.
- Neighborhood Associations are encouraged to submit comments by the deadline noted below. To comment, you may write to Amanda Rhoads at 1900 SW Fourth Ave., Suite 4500, Portland, OR 97201. You can also e-mail your comments to me at my e-mail address identified above. After the staff report is published, please submit your comments to the Hearings Officer at 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 and fax them to 503-823-4347.

The Bureau of Development Services recommendation will be published ten days before the scheduled hearing date. You will also receive a Notice of Public Hearing for this proposal, with hearing date and time confirmed, mailed twenty days prior to the hearing.

- **Please send your response to BDS no later than: 1/31/22** (If I receive comments after this date, I may not have enough time to include them in the staff report).
- **We must publish our report by: 2/4/22**
- **A public hearing before the Hearings Officer is tentatively scheduled for Wednesday, February 16, at 2:30 PM**

**Applicant:** Renee France | Radler White Parks & Alexander LLP  
111 SW Columbia St, Suite 700 | Portland, OR 97201  
971-634-0217 | [rfrance@radlerwhite.com](mailto:rfrance@radlerwhite.com)

**Owner:** Marvin La Porte  
5515 SE Milwaukie Ave | Portland, OR 97202

**Site Address:** 5515 SE MILWAUKIE AVE

**Legal Description:** BLOCK 5 INC PT VAC ST LOT 1, BROWN'S TRACT; BLOCK 5 INC PT VAC ST LOT 3, BROWN'S TRACT; BLOCK 5 LOT 4, BROWN'S TRACT; BLOCK 5 LOT 5-7 INC PT VAC ST LOT 8, LAND & IMPS SEE R122536 (R110000511) FOR OTHER IMPS, BROWN'S TRACT; BLOCK 5 INC PT VAC ST LOT 9, BROWN'S TRACT; BLOCK 6 INC PT VAC ST LOT 2, BROWN'S TRACT; BLOCK 4 LOT 1&2, MIDWAY

**Tax Account No.:** R110000470, R110000490, R110000500, R110000510, R110000550, R110000580, R568701110

**State ID No.:** 1S1E14DB 17200, 1S1E14DB 17100, 1S1E14DB 17500, 1S1E14DB 17000, 1S1E14DB 17300, 1S1E14AC 09700, 1S1E14DB 15900

**Quarter Section:** 3532 & 3632

**Neighborhood:** Sellwood-Moreland, contact David Schoellhamer at chair.landuse.smile@gmail.com

**Business District:** Sellwood-Westmoreland, contact at 503 232-3330.

**District Coalition:** Southeast Uplift, contact Nanci Champlin at nanci@seuplift.org

**Plan District:** NONE

**Current Zoning:** *Base Zones:* R5: Single-Dwelling Residential 5,000; CM1: Commercial Mixed-Use 1; and R2.5: Single-Dwelling Residential 2,500. *Overlay Zones:* Portions of the site contain one or more of the following overlays: "d" Design overlay; "e": River Environmental overlay; "g\*": River General overlay and "z" Constrained Sites overlay.

**Case Type:** CP ZC, Comprehensive Plan Map Amendment and Zoning Map Amendment

**Procedure:** Type III, with a public hearing and recommendation by the Hearings Officer and a public hearing and decision by City Council. The decision of City Council can be appealed to the State Land Use Board of Appeals (LUBA).

**Proposal:**

For the above-cited seven properties, the applicant is requesting a Type III Comprehensive Plan Map Amendment from R5 – Residential 5,000 and MU-N – Mixed-Use – Neighborhood to MD-U – Multi-Dwelling – Urban Center on the parcels west of SE Milwaukie Ave; and R2.5 – Residential 2,500 to MD-C – Multi-Dwelling – Corridor on the parcel east of SE Milwaukie Ave.

The applicant is also requesting a Type III Zoning Map Amendment from R5 – Single-Dwelling Residential 5,000 and CM1 – Commercial Mixed-Use 1 to RM4 – Residential Multi-Dwelling 4 on the parcels west of SE Milwaukie Ave; and from R2.5 – Single-Dwelling Residential 2,500 to RM2 - Residential Multi-Dwelling 2 on the parcel east of SE Milwaukie Ave.

The proposal calls for the "e" River Environmental overlay; and "g\*" River General overlay to remain on the parcels that already have them. The "d" Design overlay would be applied to all parcels that don't already have it. The "z" Constrained Sites overlay is only applied to certain single-dwelling zones and would be removed.

No development is proposed with this application. Current development includes an office building and associated parking on the CM1-zoned parcels; a surface parking lot on the R2.5 parcel; and the R5 parcels are vacant.

Following is a description of the proposed designations:

- The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.
- The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.
- The Design “d” overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city’s evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines.
- The River Overlay zones implement the land use pattern identified in the Central City 2035 Plan (2018). There are two River Overlay zones each with their own purpose:
  - The River General “g+” overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront.
  - The River Environmental “e” overlay zone protects, conserves and enhances important natural resource functions and values while allowing environmentally sensitive development. The purpose of the zone is to limit the impacts from development and vegetation maintenance on the natural resources and functional values contained within the overlay zone. 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. Mitigation is required for unavoidable impacts and is intended to have no net loss of natural resource features or functions over time. The River Environmental overlay zone applies to specific natural resource areas identified in a detailed study titled Willamette River Central Reach Natural Resources Protection Plan (2017). This overlay zone always applies in combination with one of the other River Overlay zones.
- The Multi-Dwelling — Urban Center Comprehensive Plan designation is intended for the Central City, Gateway Regional Center, Town Centers, and transit station areas where a residential focus is desired and urban public services including access to high-capacity transit, very frequent bus service, or streetcar service are available or planned. This designation is intended to allow high-density multi-dwelling structures at an urban scale. Maximum density is based on a floor-area-ratio, not on a unit-per-square-foot basis. Minimum density is 43 units an acre. The corresponding zones are RM3 and RM4. This designation is accompanied by the Design overlay zone.

- The Multi-Dwelling — Corridor Comprehensive Plan designation allows medium-scale multi-dwelling development. The scale of development is intended to accommodate transit-supportive densities while providing transitions to nearby single-dwelling residential. The designation is intended for areas near, in, and along centers, civic and neighborhood corridors, and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. Maximum density is based on a floor area ratio, not on a units-per-square-foot basis. Minimum density is 30 units per acre. The corresponding zone is RM2.

**Approval Criteria:**

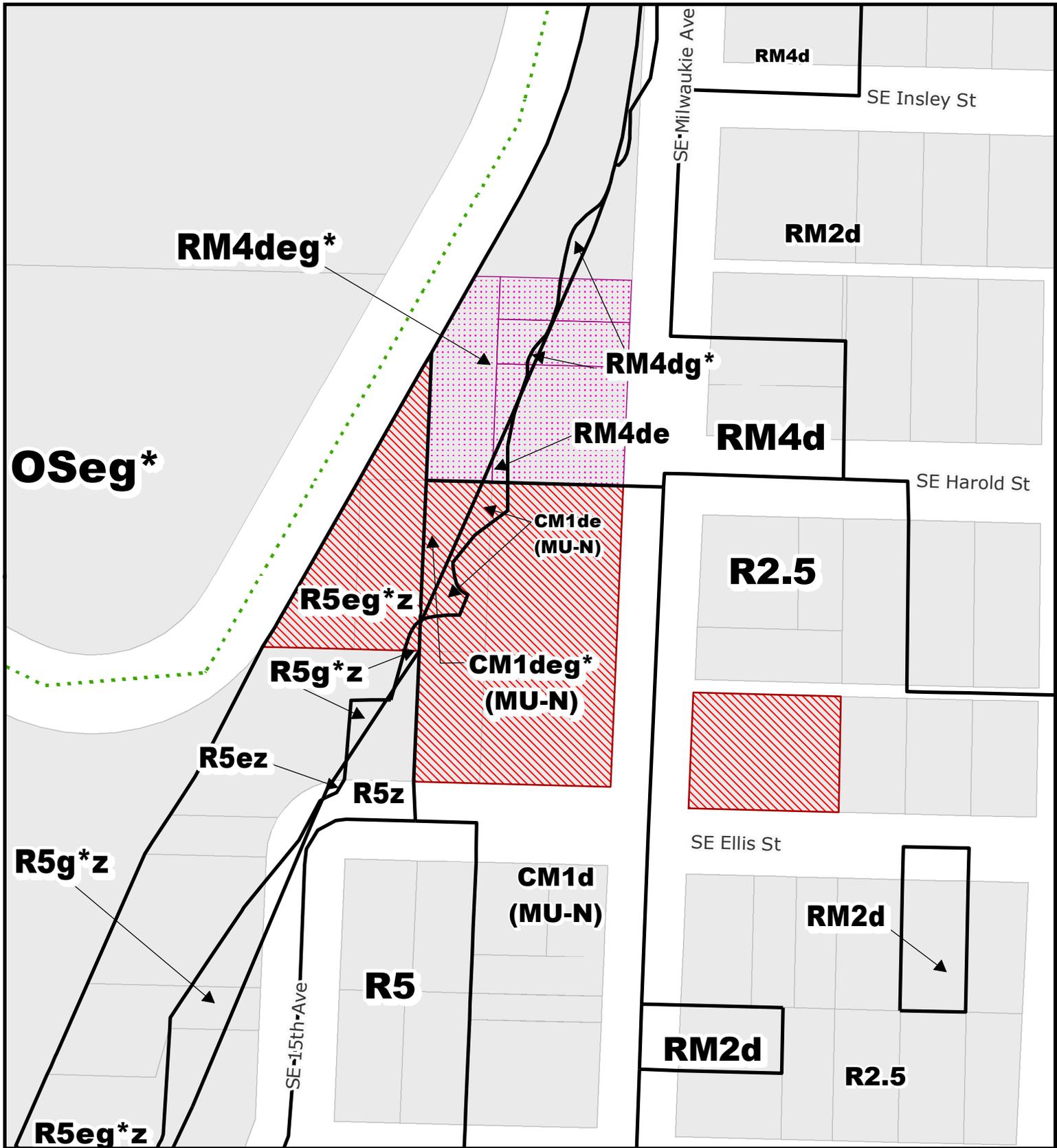
In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.810.050 Approval Criteria for Comprehensive Plan Map Amendments
- 33.855.050 Approval Criteria for Base Zone Change
- 33.855.060 Approval Criteria for Other Changes

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 filed, provided that the application is complete at the time of filing, or complete within 180 days. This application was filed on October 8, 2021 and determined to be complete on January 3, 2022.

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

Enclosures: Existing Zoning Map, Proposed Zoning Map



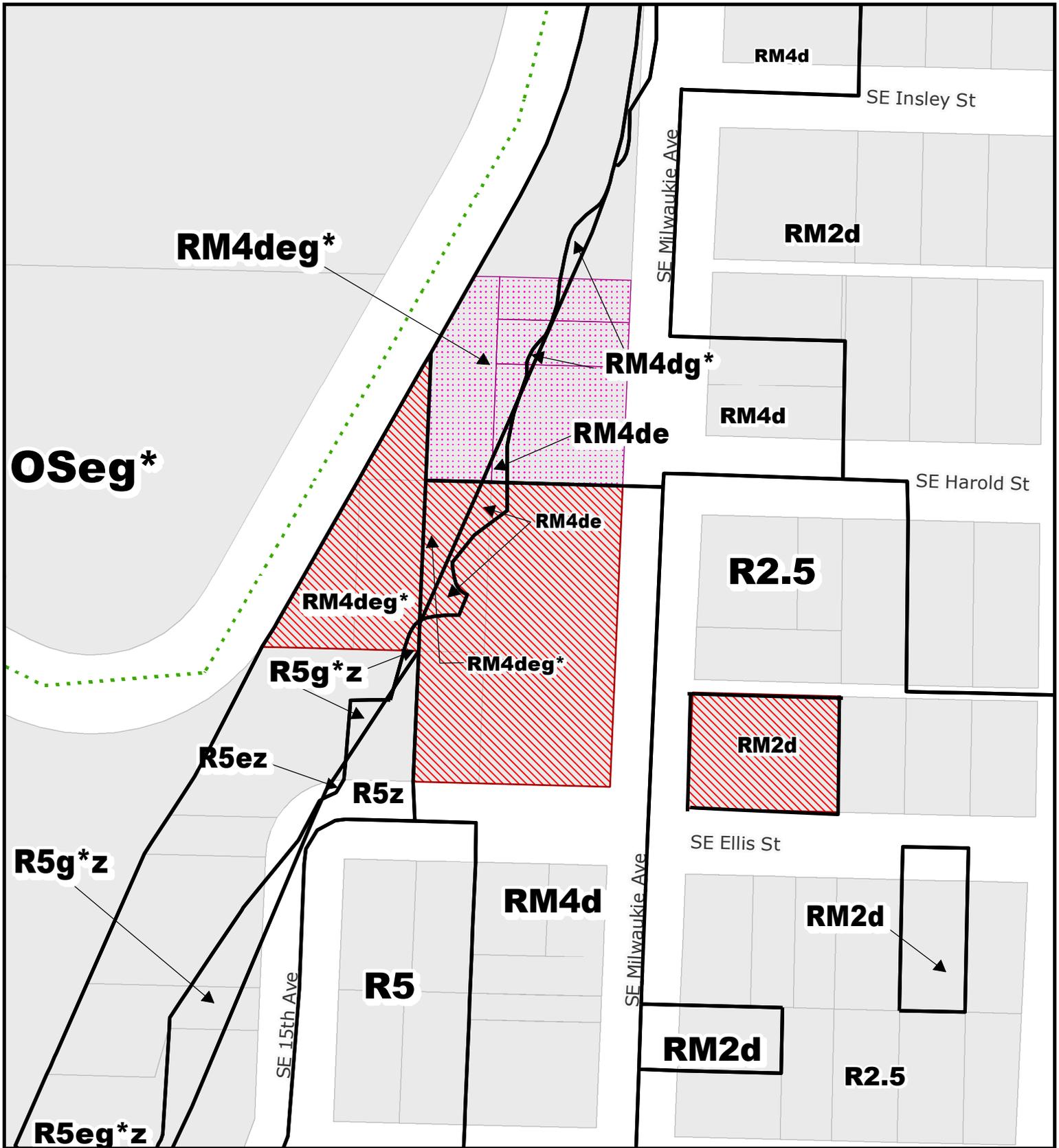
# EXISTING ZONING



-  Site
-  Also Owned Parcels
-  Recreational Trails

File No.	LU 21 - 094203 CP ZC
1/4 Section	3532 & 3632
Scale	1 inch = 100 feet
State ID	1S1E14DB 17000
Exhibit	B Jan 07, 2022

For Zoning Code in effect Post August 1, 2021



# PROPOSED ZONING



-  Site
-  Also Owned Parcels
-  Recreational Trails

File No.	LU 21 - 094203 CP ZC
1/4 Section	3532 & 3632
Scale	1 inch = 100 feet
State ID	1S1E14DB 17000
Exhibit	B Jan 07, 2022

For Zoning Code in effect Post August 1, 2021