

**IN THE CITY COUNCIL OF THE  
CITY OF  
PORTLAND, OREGON**

**IN THE MATTER OF THE RECOMMENDATION FROM THE HEARINGS OFFICER IN A TYPE  
III PROCEDURE TO AMEND THE COMPREHENSIVE PLAN MAP AND ZONING MAP FROM  
RESIDENTIAL 5,000 TO MIXED USE-DISPERSED AND THE R5 ZONE TO THE CM1 ZONE.  
LU 24-073674 CP ZC**

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**FINDINGS AND CONCLUSIONS**

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**GENERAL INFORMATION**

**Applicant:** Derek Metson | Greenbox Architecture  
502 7th St #203 | Oregon City, OR 97045  
503-207-5537 | info@greenboxpdx.com

**Owner:** HMS-PDX Holdings, LLC  
1123 NE Fremont St | Portland, OR 97212

**Representative:** Christie White | Radler White Parks & Alexander  
111 SW Columbia St., Ste 700 | Portland, OR 97201

**Owner's Representative:** Kerry Hughes | HMS Developments, LLC  
PO Box 10105 | Portland, OR 97296

**Site Address:** 3508 NE 11TH AVE

**Legal Description:** BLOCK 15 LOT 8 EXC ELY 20', LINCOLN PK; BLOCK 15 E 20' OF LOT 8 W  
30' OF LOT 9, LINCOLN PK

**Tax Account No.:** R497102200, R497102220

**State ID No.:** 1N1E23CD 23900, 1N1E23CD 23800

**Quarter Section:** 2631

**Neighborhood:** Sabin Community Association, contact Kathleen McConnell at  
Kathleen.mcconnell@gmail.com

**Business District:** Soul District Business Association, contact at info@nnebaportland.org

**District Coalition:** District 2, contact at info@necoalition.org

**Plan District:** None

**Existing Zoning:** R5 – Residential 5,000

**Case Type:** CP ZC – Comprehensive Plan Map Amendment with concurrent Zoning Map  
Amendment

**Procedure:** Type III, with a public hearing before the Hearings Officer. The Hearing  
Officer's recommendation is reviewed by the City Council. The City Council  
renders the final decision on the Comprehensive Plan Map Amendment and  
Zoning Map Amendment.

**Proposal:**

For the above-cited property, the applicant is requesting a Comprehensive Plan Map Amendment from Residential 5,000 to Mixed Use – Dispersed and a Zoning Map Amendment from Residential 5,000 (R5) to Commercial Mixed-Use 1 (CM1). The site has no overlays currently applied or proposed. A former commercial storefront that was converted to a residence in 1996 is located on the eastern portion of the subject site. The site is otherwise vacant, a house on the western portion having been demolished in 1991. The applicant says, “[t]he site is well suited for three to

four comfortable family dwellings with a small commercial space.” Development of the subject site, however, is not proposed at this time.

Following is a description of the proposed designations:

- **Mixed Use — Dispersed.** This designation allows mixed use, multi-dwelling, or commercial development that is small in scale, has little impact, and provides services for the nearby residential areas. Development will be similar in scale to nearby residential development to promote compatibility with the surrounding area. This designation is intended for areas where urban public services are available or planned. Areas within this designation are generally small nodes rather than large areas or corridors. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Employment (CE)<sup>1</sup>, and Commercial Residential (CR).
- **Commercial/Mixed Use 1 zone.** The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential uses. The size of commercial uses is limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.

**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 Changes; and
- (by reference at 33.810.050.A.1) 2035 Comprehensive Plan Policies.
- (by reference at 33.810.050.A.2) Statewide Land Use Planning Goals.

The Portland Zoning Code is available online at <https://www.portland.gov/code/33>.

Comprehensive Plan Policies are available online in the Bureau of Planning Sustainability Document Library at this link: <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents>.

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>.

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<sup>1</sup> There is a conflict in the current Comprehensive Plan in that the description of the MU-D designation indicates that there are three corresponding zones: CR, CM1, and CE. However, Table 10-1 only lists two corresponding zones, CR and CM1. The Bureau of Planning and Sustainability had looked into this and found that Council had removed the CE zone as one of the corresponding zones for MU-D in 2016 as part of Ordinance 187832, but the language in Policy 10.1.13 was not likewise changed to match. BPS stated that this conflict is on the list to be resolved legislatively along with other Comprehensive Plan reconciliation items in 2025 (Exhibit G.4) so that the designation description will match the table. Since CE is a zone generally applied on corridors on larger sites that can accommodate automobiles, and since the applicant is not requesting this zone, the Council will not be addressing it further in these Findings and Conclusions.

## ANALYSIS

**Site and Vicinity:** The 5,850-square-foot property consists of Lot 8 and the western 30 feet of Lot 9 of Block 15 of the Lincoln Park subdivision. The tax lots together measure 45 feet by 130 feet. The western tax lot is vacant, a house having been demolished in 1991. The eastern 45-foot by 50-foot tax lot is developed with a historic storefront-type building constructed in 1933. This building was converted to a residence in 1996. The site is surrounded by single-dwelling residences on the north side of NE Fremont St. South of Fremont is the Irvington Historic District with more single-dwelling housing and Irving Park a half-block to the southwest of the site. A small commercial area is 1.5 blocks to the east with a block of one- to one-and-a-half-story commercial storefronts, and a Whole Foods grocery at the northwest corner of NE 15<sup>th</sup> Ave and NE Fremont St. The Martin Luther King, Jr Blvd commercial strip is approximately 2,000 feet to the west.

The street classifications of the abutting streets in Portland’s Transportation System Plan are as follows:

	<b>Traffic</b>	<b>Transit</b>	<b>Bicycle</b>	<b>Pedestrian</b>	<b>Freight</b>	<b>Emergency</b>	<b>Design</b>
<b>NE Fremont St</b>	Neighborhood Collector	Transit Access Street	Local Service	City Walkway	Local service	Major Emergency Response Street	Community Corridor
<b>NE 11<sup>th</sup> Ave</b>	Local Service	Local Service	Local Service	Local Service	Local Service	Minor Emergency Response Street	Local Service

**Existing Zoning:** The site currently has the R5 zoning designation. The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Generally, minimum lot size is 3,000 square feet with minimum width and depth dimensions of 36 and 50 feet, respectively, and a maximum density of 1 lot per 5,000 square feet of site area.

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

- **LU 96-013454 AD (LUR 96-00567)** – Approval of numerous Adjustments required for associated property line adjustment PR 96-111393 PLA (see Exhibit G.5). Adjustments included the following:

New Eastern Lot (with existing building)

1. To increase the building coverage of the lot from 45 to 60 percent.
2. To reduce the front building setback from 10 to 5 feet for the second story.
3. To reduce the lot width from 50 to 45 feet.
4. To reduce the lot depth from 80 to 45 feet.
5. To reduce the lot size from 5,000 to 2,250 square feet.

New Western Lot (vacant new corner lot)

6. To reduce the lot size from 5,000 to 3,600 square feet.
7. To reduce the lot width from 50 to 45 feet.

Approval was subject to conditions, including that the eastern lot (1123 NE Fremont St) reflect the approved elevation shown in Exhibit C.2 of this review (the current building) and that development on the western lot meets the Supplemental Compatibility Standards (Chapter 33.295, no longer a part of the Zoning Code). See notes on the associated property line adjustment.

- **PR 96-111393 PLA (PLA\_0785)** – Approval of a property line adjustment to create the two lots seen today on PortlandMaps – tax lot R207087, a 45-foot by 80-foot parcel made up of the westerly 80 feet of Lot 8, Block 15, Lincoln Park; and tax lot R207089, a 45-foot by 50-foot parcel made up of the easterly 20 feet of Lot 8 and the westerly 30 feet of Lot 9, Block 15, Lincoln Park. While this PLA was approved (see Exhibit G.5), it does not appear the PLA was properly recorded with the County, throwing into question whether the two lots are legal. Before development of the site, this question will need to be addressed, but for the purposes of this review, we are considering the site as the two tax lots owned in common.
- **LU 90-023608 (PC 5372C)** – Approval of an ordinance granting a three-year revocable permit to use the property for offices for counseling “young people.” Approval included conditions regarding signage and use of the property.
- **LU 77-036385 VZ (VZ 360-77)** – Approval of a variance to change a nonconforming use in order to convert approximately half of a furniture warehouse to a ceramics studio.

**Agency Review:** A “Request for Response” was mailed **November 1, 2024**. The following review groups have responded with no issues or concerns:

- PP&D Water (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of PP&D (Exhibit E.5);
- Life Safety Plans Examiner (Exhibit E.6);
- Police Bureau (Exhibit E.7).

PP&D Environmental Services reviewed the applicant’s drainage report and geotechnical engineering report (Exhibit A.2) for compliance with the service-related approval criteria for these reviews and provided findings (Exhibit E.1).

PP&D Transportation similarly reviewed the applicant’s transportation study (Exhibit A.4) and found it to be acceptable. PP&D Transportation had no objections to the proposal (Exhibit E.2).

Tri-Met noted that the bus stop for Line 24 that is located at NE 11<sup>th</sup> Ave and NE Fremont St must remain open during any future construction on the site (Exhibit E.8).

**Neighborhood Review:** A “Notice of a Public Hearing on a Proposal in Your Neighborhood” was mailed **November 27, 2024**. One written response was received from the Sabin Community Association in support of the proposal. The letter states, “The committee supports reconverting 3508 NE 11th Ave to Commercial Mixed-Use for the purpose of low-impact, small-scale development that provides services for nearby residences and is compatible with the surrounding area” (Exhibit F.1).

## **COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA**

### **33.810.050 Approval Criteria**

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

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

**Findings:** Council finds, consistent with the City’s past implementation of this criteria, that not all policies of the Comprehensive Plan carry equal weight and that not all policies will be relevant to a particular proposal. For example, if the request relates to a change from Residential to Commercial as here, the Comprehensive Plan policies related to Industrial lands will not be relevant to our review of the proposal. Further, as discussed at the Council hearing on this proposal, the proposed change may not be equally or more supportive of all relevant policies of the Comprehensive Plan than the existing designation. Instead, the criteria requires that we balance the relevant policies and determine, on balance, whether the proposed change is equally or more supportive of the Comprehensive Plan as a whole.

With this introduction, the applicant is requesting a quasi-judicial amendment to the Comprehensive Plan Map to apply the MU-D Comprehensive Plan designation. Generally, Comprehensive Plan Map Amendments are approved if the range of allowed uses and intensity of development allowed by the proposed base zone satisfy the approval criteria. The applicant is requesting to remove the current Comprehensive Plan Map designations (R5 – Residential 5,000) and apply MU-D – Mixed Use – Dispersed. The existing and proposed designations are described in Policy 10.1 of the Comprehensive Plan as follows:

**Residential — 5,000.** *This designation is Portland’s most common pattern of single-dwelling development, particularly in the city’s inner neighborhoods. It is intended for 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 have few or very minor development constraints. Single-dwelling residential will be the primary use. The maximum density is generally 8.7 units per acre. The corresponding zone is R5.*

**Mixed Use — Dispersed.** *This designation allows mixed use, multi-dwelling, or commercial development that is small in scale, has little impact, and provides services for the nearby residential areas. Development will be similar in scale to nearby residential development to promote compatibility with the surrounding area. This designation is intended for areas where urban public services are available or planned. Areas within this designation are generally small nodes rather than large areas or corridors. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Employment (CE), and Commercial Residential (CR).*

The Council evaluated the proposal against the Comprehensive Plan goals and policies in these findings and decision. Based on the findings below, Council finds the requested designations would, on balance, be equally or more supportive of the Comprehensive Plan than the existing designations. The new Comprehensive Plan adopted by the City in May of 2018 is a substantial expansion on the previous Comprehensive Plan and requires evaluation of a significant number of goals and policies. The applicant provided analysis of the relevant goals and policies in their narrative (Exhibit A.7), and noted which goals and policies were not relevant. Staff and the Hearings Officer agreed with that analysis and we concur. Therefore Council addresses only the relevant Comprehensive Plan goals and policies below.

## **CHAPTER 1: 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.*

This policy is implemented by approval criterion for Comprehensive Plan Map Amendments in Zoning Code Section 33.810.050.A.1. The findings above and below analyze compliance with

Zoning Code Section 33.810.050.A.1. Since Zoning Code Section 33.810.050.A.1 is found to be met in this report, Council 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.**

Each title of the Urban Growth Management Functional Plan, last published on April 16, 2018, that is relevant to the requested Comprehensive Plan Map Amendment is addressed below.

***Title 1 – Housing Capacity** accomplishes the policies of the Regional Framework Plan by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120. The Regional Framework Plan calls for a compact urban form and a "fair share" approach to meeting regional housing needs.*

At this time, there is no development proposed on this small site. With the current Residential – 5,000 designation, up to 4 units are allowed, and up to 6 if deep affordability (affordable for 60 percent MFI as described in Zoning Code Section 33.110.265.F.2) is proposed for half the units. The Mixed Use – Dispersed designation allows both housing and commercial uses similar in scale to nearby residential development. Council finds the new designation will at least maintain the capacity for housing on the site, consistent with Metro Title 1 and therefore be equally or more supportive of the Comprehensive Plan than the current designation.

***Title 3 – Water Quality and Flood Management** protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.*

As required by Title 3, the City has adopted regulations that apply to development within the FEMA Special Flood Hazard Area. Council finds that the Properties are not located within the Special Flood Hazard Area. Therefore, the proposed Comprehensive Plan amendments are equally or more supportive of the Comprehensive Plan and the flood management requirements of Title 3 than the current designation.

Council finds that compliance with Title 3 water quality requirements is achieved through the implementation of the City's Stormwater Management Manual and other development regulations at the time of building permit review. Council further finds that PP&D Environmental Services, which implements the Stormwater Management Manual, reviewed the proposal. PP&D Environmental Services expressed no objections for approval of this application, finding the applicant's proposed stormwater management plan and sanitary sewer service both acceptable for the purpose of these criteria (Exhibit E.1). Both staff and the Hearing Officer concurred. Council also finds that the applicant's stormwater management plan and sanitary sewer service are both acceptable for the purpose of these criteria and that any development on the site will be required to meet the City's Stormwater Management Manual and is therefore equally or more supportive of the Comprehensive Plan than the current designation.

Erosion control is regulated through Title 10 of the City Code, which is implemented by the PP&D Site Development Section at the time of building permit review. The PP&D 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.5). Council concurs with this finding by Site Development.

For these reasons, Council finds that the proposed Comprehensive Plan Map designation is equally or more supportive of the Comprehensive Plan than the current designation.

**Title 6 – Centers, Corridors, Station Communities and Main Streets** calls for enhancements of the identified areas as principal centers of urban life via actions and investments by cities and counties, complemented by regional investments.

Consistent with Title 6, the City has adopted additional centers and corridors throughout the city through Chapter 3 of the 2035 Comprehensive Plan. In this document, NE Fremont St in this area is not identified as a Civic or Neighborhood Corridor. Council finds that Title 6 is therefore not relevant to the proposal.

**Title 7 – Housing Choice** implements policies of the Regional Framework Plan regarding establishment of voluntary affordable housing production goals to be adopted by local governments, and assistance from them on reports on progress toward increasing the affordable housing supply.

Council finds that Title 7 requires cities to ensure a diverse range of housing types and include actions and implementation measures in their comprehensive plans to increase the opportunities for new dispersed affordable housing and increase opportunities for households of all income levels to live in the jurisdiction. The City of Portland has complied with Title 7 through its 2035 Comprehensive Plan goals and policies addressed below. The City has also gone beyond the requirements of Title 7 by adopting Inclusionary Housing (IH) code provisions that are triggered by multi-dwelling buildings with 20 or more dwelling units. Council finds that based on the small size of this site and the density limitations, it is unlikely that the development will trigger Inclusionary Housing regulations. However, the code would permit a variety of housing types and sizes on the site and there are opportunities through density bonuses to provide affordable housing. Council finds that affordable housing is allowed and continues to be equally encouraged under both the current and proposed Comprehensive Plan designations. The proposal, therefore, is equally or more supportive of the Comprehensive Plan than the current designation.

**Title 8 – Compliance Procedures** ensures all cities and counties are fairly and equitably held to the same standards and that the Metro 2040 Growth Concept is implemented. It sets out compliance procedures and establishes a process for time extensions and exemptions to Metro Code requirements. It requires Metro’s chief operating officer submit an annual compliance report: how cities and counties are complying with the Urban Growth Management Functional Plan’s requirements in Metro Code Chapter 3.07, titles 1, 3, 4, 11 and 13; and how they are complying with the Regional Transportation Functional Plan’s requirements Metro Code Chapter 3.08, titles 1-5.

Council finds that the application equally meets this title because the City followed the public notice requirements for Type III land use reviews, as outlined in Zoning Code Section 33.730.030. 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 Oregon State Department of Land Conservation and Development. Council therefore finds that the proposal is equally or more supportive of the Comprehensive Plan than the current designation.

**Title 12 – Protection of Residential Neighborhoods** intends to protect existing residential neighborhoods from air and water pollution, noise and crime, and provides adequate levels of public services. Cities are allowed to permit limited retail and commercial opportunities in neighborhood centers, and must make parks and greenspaces available to neighborhood residents.

As demonstrated below in response to the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment, the proposal is consistent with providing adequate levels of public services. As discussed below in these Findings and Decision, Council finds that that the proposal included both sanitary and stormwater management plans that

demonstrate compliance with the Stormwater Management Manual and will therefore be protective of air and water pollution and provide adequate sanitary and stormwater services to the site. There is no development proposed at this time. However, based on the low density permitted on the site, at a maximum of 1.5:1 floor area ratio and a maximum height of 35 feet, and the allowed mix of uses including residential uses and low density, neighborhood serving commercial uses, the proposal would not cause any significant changes in the impacts related to noise or pollution as compared to the existing zoning. The site is currently partially vacant. Development of housing and a small commercial space which would be permitted under the new zone will contribute to eyes on the street and a more active streetscape which will have a positive impact on neighborhood safety. As demonstrated by the submitted traffic report and the approval of that report by PBOT, Council finds that the street system can adequately accommodate the demand generated by the change in zoning. For these reasons, Council finds that the proposal is equally or more supportive of the Comprehensive Plan than the current designation.

***Title 13 (Sections 3.07.1310 – 3.07.1370) – 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 not within the flood plain. During building permit review, any development, under the existing or proposed designation, would be required to meet the applicable Stormwater Management Manual requirements, thereby mitigating for water pollution and protecting water quality. In addition, tree preservation is equally required through the City’s Title 11, Trees. Therefore, Council finds that the proposal is equally or more supportive of the Comprehensive Plan than the current designation.

**Summary:** As discussed above, Council finds that the requested MU-D designation would remain consistent with the intent of the relevant titles in the Urban Growth Management Functional Plan, or these titles would be satisfied through compliance with other applicable City regulations. The proposal supports a tight Urban Growth Boundary by maintaining the housing development capacity of a site that is inside the existing boundary. For these reasons, Council finds the proposed Comprehensive Plan designation is equally supportive of Policy 1.11.

**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.*

**Findings:** The City’s Comprehensive Plan was written to comply with the Oregon Statewide Land Use 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)
- Statewide Planning Goal 15 (Willamette Greenway) – Comprehensive Plan Chapter 7 (Environment and Watershed Health)

Council finds that the 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.

Council finds that for quasi-judicial Comprehensive Plan Map Amendments, compliance with the City’s Comprehensive Plan goals, which have been acknowledged by the State as compliant with the Statewide Planning Goals, demonstrates compliance with applicable Statewide Planning Goals. The complete analysis in these Findings and Conclusions demonstrates that the City goals and policies are equally or more supported by the proposed Comprehensive Plan Map designation compared to the existing designations. Therefore, Council finds that the proposal is consistent with all applicable Statewide Planning Goals and is equally supportive of 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.*

Compliance with state and federal regulations is a burden on the City rather than applicants for quasi-judicial land use applications. However, Council finds that the proposal to change the Comprehensive Plan designations from R5 – Residential 5,000 to MU-D – Mixed Use – Dispersed will not affect requirements that any uses or development on the sites remain consistent with applicable state and federal regulations. The proposed change will permit a modest mix of housing and a small-scale commercial node, compared to the existing zoning which would permit a variety

of residential use types. As such, Council finds that the proposal is equally supportive of Policy 1.13 than the existing designation.

**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.*

The proposed Mixed Use – Dispersed designation corresponds to the proposed CM1 Mixed Use zone. Below, Council finds that the adequacy of public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment to CM1 is satisfied. Specifically, those findings demonstrate that the proposal is consistent with providing adequate levels of public services for water, sanitary sewer, stormwater disposal, police and fire protection, and the transportation system, equally between the existing and proposed designation. As discussed below in the findings for both Goal 8.E and the approval criterion in Zoning Code Section 33.855.050.B.2.b, Council finds the approval criterion in Zoning Code Section 33.855.050.B is satisfied.

In addition, Portland Public Schools, the Port of Portland, and Tri-Met were all notified in writing of the proposal and invited to comment. Tri-Met submitted a comment noting the bus stop for Line 24 at the corner of NE 11<sup>th</sup> Ave and NE Fremont Street will need to remain open during construction (Exhibit E.8). Council finds that no other comments were received from Port of Portland or Portland Public Schools.

For these reasons, Council finds the proposal is equally supportive of Policy 1.14.

**Policy 1.15 Intergovernmental coordination.** *Strive to administer the Comprehensive Plan elements and implementation tools in a manner that supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.*

Council finds that by maintaining the opportunity for residential density along with other potential neighborhood serving retail uses, the Comprehensive Plan Map Amendment would likely increase the value of the property from its partially vacant status today and therefore increase the property tax base for the local governments and Portland Public Schools. The cost of public improvements to serve the increased development on the site would be borne by the property owner rather than by public service providers. System development charges (SDCs) would apply at the time of development to contribute to long-term impacts to services related to the development.

In addition, the proposal maintains residential density on a site that is within a third of a mile of three Tri-Met bus lines. Therefore, the proposal supports Tri-Met’s efforts to provide efficient transit services.

For these reasons, Council finds that the proposal is equally supportive of Policy 1.15.

**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.*

*The Hearings Officer must review and make recommendations to the City Council on all quasi-judicial amendments to the Comprehensive Plan Map using procedures outlined in the Zoning Code.*

As discussed in the Findings and Conclusions above, and for the reasons stated above under Policies 1.10-1.15, Council finds the proposal is equally or more supportive of Policies 1.10 – 1.15.

Council further finds that the proposed Mixed Use – Dispersed designation is compatible with the land use pattern established by the Comprehensive Plan and is appropriate for this dispersed site. The site is surrounded by single-dwelling residential development, other CM1 zoned parcels that are commercially developed two blocks to the east, two large churches and Irving Park. The MU-D designation is intended for sites near residential areas with development at a similar scale to nearby residential development to promote compatibility. The MU-D designation is also placed on similarly dispersed spots around the city and on NE Fremont St itself as close as two blocks to the east where a commercial node of CM1 already exists. The scale of development in the R5 zone is compatible with the CM1 zone with a difference of only 5 feet in height between R5 and CM1, 30 to 35 feet respectively and a similar density. In this case, the site is only 2600 square feet which limits the density that can be developed and will result in a proposal that is highly compatible with the scale of neighboring uses. Council finds that the elevations submitted by the applicant into the record show a likely massing that is compatible in height and density to the surrounding properties. For these reasons, Council finds that the proposed Comprehensive Plan designation is equally supportive of the Comprehensive Plan Policy 1.18 than the existing designation.

The proposal is also equally supportive of the Sabin Neighborhood Plan and Albina Community Plan, and with Policy 1.19, as discussed below.

**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 May 24, 2018 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. See Figure 1-2 – Area-Specific Plans Adopted by Ordinance Prior to January 1, 2018, and Figure 7-2 — Adopted Environmental Plans.*

As noted above, the site is located within the boundaries of the Sabin Neighborhood Plan and the Albina Community Plan, both of which were adopted in 1993. The requested amendment is equally supportive of the relevant policies and objectives of both plans.

#### Sabin Neighborhood Plan

***Policy 1: Housing.*** Foster the preservation and development of affordable, quality housing that is compatible with the existing single-family character and socio-economic diversity of the Sabin Neighborhood. Enhance a sense of pride and commitment to the community.

The current Comprehensive Plan Map designation of Residential 5,000 with the comparable Zoning Map R5 base zone allows up to 4 units of market rate housing and up to 6 units if half of them are deeply affordable. Because this site is small, the proposed zoning of CM1 at a base density of 1.5:1 would produce a roughly equivalent number of units if not the same number of units with small scale retail on the ground floor. The corner lot of the site is also currently vacant and therefore this Comprehensive Plan Map designation change will foster the development of new quality housing that is similar in scale to the single family R5 character. Because the MU-D designation is designed for small sites with development that is similar in scale to nearby residential development, future development on this small site will generally maintain compatibility with the existing character of the area with the application of the proposed designation.

***Policy 4: Economic Development.*** Develop and maintain an attractive neighborhood environment for business development and job creation that fosters neighborhood identity and relies on community resources.

***Objective 4:*** Encourage new businesses in scale with the Sabin neighborhood that provide goods and services to the Sabin community. Ensure new businesses are focal points of positive identity and are responsible neighbors.

The current designation of Residential 5,000 does not allow any commercial development. The proposed Comprehensive Plan Map designation of MU-D will enable a variety of commercial uses at a limited scale. No development is proposed with this review. Future development could include a small, neighborhood-serving Retail Sales and Service or Office use, a mix of retail and residential uses, or all residential uses. Council finds that the new site will increase the number of properties in the Sabin neighborhood that allow commercial uses, and could be available for new business development on a small scale as anticipated by the Neighborhood Plan.

The other policies in the Sabin Neighborhood Plan include Human Services; Transportation; Parks and Recreation; and Public Safety. Council finds that these policies are not directly related to the proposal at hand. Council finds the proposal is equally as supportive of the Sabin Neighborhood Plan as the current Comprehensive Plan Map designation.

#### Albina Community Plan

##### **Policy Area I: Land Use**

***Policy A: General Land Use.*** Encourage residential, recreational, economic and institutional developments that reinforce Plan Area neighborhoods; increase the attractiveness of Albina to residents, institutions, businesses and visitors; and create a land use pattern that will reduce dependence on the automobile.

***Policy B: Livable Neighborhoods.*** Protect and improve the livability of the residential neighborhoods within the Albina Community. Direct new development activity to those areas that have experienced or are experiencing a loss of housing. Ensure the compatibility of new

*development with nearby housing. Foster the development of complete neighborhoods that have service and retail businesses located within or conveniently near to them. Promote increases in residential density without creating economic pressure for the clearance of sound housing.*

*Objective 1: Encourage the reestablishment of neighborhood-oriented service and retail businesses. Recognize the economic interrelationship between jobs, services, and residential density by supporting commercial areas with new housing at nearby locations.*

*Policy D: Economic Development.*

*Objective 5: Foster the establishment of new small businesses and housing developments, particularly on land that is vacant or underutilized.*

While no specific development is proposed, the applicant has spoken of a desire to provide a retail space to provide a neighborhood-serving business along with some residential development (Exhibit A.7, page 3). The proposed change from Residential 5,000 to MU-D would enable the creation of one or more small, local-serving businesses, on a currently vacant lot, though Council acknowledges there is no requirement that commercial spaces be included in any future development. The small scale of the subject site and the focus of the MU-D designation will ensure that new development is compatible in scale with existing residential development. Given the size of the site, there will be little opportunity for provision of vehicle area; thus, any future development will not encourage further dependence on the automobile. While the residential density in terms of number of units may not increase over what is allowed in the Residential 5,000 designation, the increased FAR of the two base zones corresponding to MU-D may allow the provision of larger units than would currently be possible.

The site is currently developed with one single-dwelling residence, which is typical for the area for this size of site. However, since the building that is now a residential unit was formerly a neighborhood commercial structure, the house is not positioned on the site in a typical manner. Another house was located to the west of the existing building and was demolished in 1991. The applicant has stated a desire to potentially demolish existing development to make way for a new proposal, or retain the existing building on the east parcel and build a new structure on the western portion of the site, thus increasing the densification of the vacant property. Council finds that the Comprehensive Plan Map amendment, will, based on the above findings, foster the establishment of small business and housing development on a partially vacant parcel and is equally or more supportive of this Objective than the existing designation.

### ***Policy III: Business Growth and Development***

*Policy A: Business Investment and Development*

*Objective 7: Nurture and promote local entrepreneurship, micro-business growth, and business expansion particularly for emerging small businesses and enterprises owned by women and minorities.*

Enabling Retail Sales and Service and other commercial or industrial uses on a small site like this creates the opportunity for a small business to launch a storefront or another type of business. The limits on floor area and commercial use size result in a commercial opportunity ideal for a start-up business needing a small storefront or manufacturing space. Even if no commercial space is developed in the near term, the potential for converting space later or redeveloping remains. Council therefore finds that this proposal equally or better meets Objective 7.

### ***Policy V: Housing***

*Increase housing opportunities for current and future residents of the Albina Community by preserving and rehabilitating the existing housing stock, constructing appropriate infill housing in residential neighborhoods and building higher density housing near business centers and major*

transit routes. Stimulate new housing investment by emphasizing the Albina Community's central location, established public services, and quality housing stock.

*Objective 1: Improve the quality and quantity of housing for Albina's residents. Provide a variety of housing types for households of all sizes and incomes.*

*Objective 4: Preserve and encourage the rehabilitation of existing sound housing, especially rental housing.*

### **Policy IX: Community Image and Character**

*Policy C: Historic Preservation. Protect the rich historic, cultural and architectural heritage of the Albina Community for its residents, workers and visitors.*

*Objective 3: Encourage adaptive reuses of historic properties as long as the historic character of the structures are maintained.*

The proposed change to the Comprehensive Plan Map would maintain the number of potential residential units that could be constructed, and would allow additional flexibility in building coverage, floor area, and other standards where the corresponding base zones allow more intense development, and more diverse housing types, than does the corresponding zone for the Residential 5,000 designation. The applicant could decide to demolish the existing structure on the eastern side of the site, however this demolition would be for the purpose of increasing the residential opportunities on the site and diversifying the uses on the site for residents, workers and visitors. The existing structure is not an historic structure and is not listed on any historic inventory. The existing structure has also already been altered and converted in the past from a residential unit to a commercial storefront.

Since the proposal is found, on balance, to equally support the relevant policies of both the Sabin Neighborhood Plan and the Albina Community Plan, Council finds that the proposed change to the Comprehensive Plan Map designation from Residential 5,000 to MU-D is equally supportive of Policy 1.19 of the Comprehensive Plan.

For these reasons, the requested amendment is equally as supportive of the relevant policies and goals in The Plan chapter as the existing designation.

## **CHAPTER 2: COMMUNITY INVOLVEMENT**

### **Goals:**

#### **Goal 2.A: Community involvement as a partnership**

*The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, Neighborhood Associations, Business Associations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions. Partnerships with historically under-served and under-represented communities must be paired with the City's neighborhood organizations to create a robust and inclusive community involvement system.*

#### **Goal 2.B: Social justice and equity**

*The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.*

#### **Goal 2.C: Value community wisdom and participation**

*Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.*

**Goal 2.D: Transparency and accountability**

*City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is taken into account. Accountability includes monitoring and reporting outcomes.*

**Goal 2.F: Accessible and effective participation**

*City planning and investment decision-making processes are designed to be accessible and effective, and responsive to the needs of all communities and cultures. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-responsive, and robust community involvement.*

**Goal 2.G: Strong civic infrastructure**

*Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.*

**Policy 2.1 Partnerships and coordination.** *Maintain partnerships and coordinate land use engagement with:*

**2.1.a.** *Individual community members.*

**2.1.b.** *Communities of color (including those whose families have been in this area for generations such as Native Americans, African Americans, and descendants of immigrants), low-income populations, Limited English Proficient (LEP) communities, Native American communities, immigrants and refugees, and other under-served and under-represented communities.*

**2.1.c.** *District coalitions, Neighborhood Associations, watershed councils, and business district associations as local experts and communication channels for place-based projects.*

**2.1.d.** *Businesses, unions, employees, and related organizations that reflect Portland's diversity as the center of regional economic and cultural activity.*

**2.1.e.** *Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.*

**2.1.f.** *People experiencing disabilities.*

**2.1.g.** *Institutions, governments, and Sovereign tribes.*

**Policy 2.2 Broaden partnerships.** *Work with district coalitions, Neighborhood Associations, and business district associations to increase participation and to help them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions, Neighborhood Associations, business district associations, culturally-specific organizations, and community-based organizations.*

**Policy 2.3 Extend benefits.** *Ensure plans and investments promote environmental justice by*

*extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.*

**Policy 2.8 Channels of communication.** *Maintain two-way channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.*

**Policy 2.12 Roles and responsibilities.** *Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.*

**Policy 2.13 Project scope.** *Establish clear expectations about land use project sponsorship, purpose, design, and how decision makers will use the process results.*

**Policy 2.15 Documentation and feedback.** *Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.*

**Policy 2.24 Representation.** *Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.*

**Policy 2.25 Early involvement.** *Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.*

**Policy 2.38 Accommodation.** *Ensure accommodations to let individuals with disabilities participate in administrative, quasi-judicial, and legislative land use decisions, consistent with or exceeding federal regulations.*

**Policy 2.39 Notification.** *Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.*

**Policy 2.40 Tools for effective participation.** *Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.*

**Policy 2.41 Limited English Proficiency (LEP).** *Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.*

The City mailed notice of the proposed Comprehensive Plan Map Amendment to neighbors within 400 feet of the site, including both property owners and renters. The notice was mailed to 181 addresses (Exhibit D.5).



In addition to owners and residents, the notice was mailed to the Sabin Community Association, Irvington Community Association, and the District 2 Neighborhood Coalition.

Per Zoning Code requirements, the site was posted with signs advertising the public hearing. A summary of the proposal and contact information to obtain further information was included on the signs. Notice of the application and the public hearing was also posted on the PP&D website.

The notice that was mailed and posted online clearly identified the applicant's proposal, the applicable approval criteria, the decision-making process, and the opportunity for interested parties to comment on the proposal and/or testify at two public hearings: one before the Hearings Officer and the other before City Council. The roles that staff, the Hearings Officer, the City Council, and other interested parties play in the land use review process were described in the notice.

PP&D offers translation services so that non-English speakers can obtain information on land use reviews. The availability of translation services was advertised in multiple languages on the first page of the mailed notice (Exhibit D-5). The notice also included a phone number for persons with disabilities to call and request accommodations for the public hearing.

Therefore, information about the proposal has been distributed broadly, and those interested in or potentially affected by the proposal have meaningful opportunities to participate in the decision-making process. For the above reasons, Council finds the proposal is equally supportive of Goals 2.A, 2.B, 2.C, 2.D, 2.F, and 2.G, and Policies 2.1, 2.2, 2.3, 2.8, 2.12, 2.13, 2.15, 2.24, 2.25, 2.38, 2.39, 2.40, and 2.41. Therefore, the requested amendment is equally as supportive of the relevant policies and goals in the Community Involvement chapter as the existing designation.

## **CHAPTER 3: URBAN FORM**

### **GOAL 3.A: A city designed for people**

*Portland's built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.*

**Policy 3.3** ***Equitable development.** Guide development, growth, and public facility investment to reduce disparities; encourage equitable access to opportunities, mitigate the impacts of development on income disparity, displacement and housing affordability; and produce positive outcomes for all Portlanders.*

**Policy 3.9** ***Growth and development.** Evaluate the potential impacts of planning and investment decisions, significant new infrastructure, and significant new development on the physical characteristics of neighborhoods and their residents, particularly under-served and under-represented communities, with particular attention to displacement and affordability impacts. Identify and implement strategies to mitigate the anticipated impacts. More detailed policies are in Chapter 5: Housing.*

The proposal would not cause significant displacement of existing residents; the only development on the site is a house which the owner in this proceeding purchased in 2020. The owner's stated goal is to increase the number of residential units on the site with a new development on the site. The applicant has posited that likely development could be a small, mixed-use building with a storefront on the ground level and either rental units or homeownership units above. While new development tends to be substantially more expensive than existing, the fact that these are likely to be smaller units in a multi-dwelling configuration will reduce the cost per unit over the cost of a single-dwelling house on the site. Council also finds that the single house on the eastern portion of the site and the vacant parcel on the western side of the site are not currently satisfying the R5 density encouraged on the site. Changing the Comprehensive Plan designation will encourage a

greater number of units on the site, even if the applicant chooses to maintain the existing eastern dwelling.

For the above reasons, Council finds the proposal is equally supportive of Goal 3.A and Policies 3.3 and 3.9.

**GOAL 3.B: A climate and hazard resilient urban form**

*Portland's compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.*

**Policy 3.5** ***Energy and resource efficiency.** Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.*

**Policy 3.6** ***Land efficiency.** Provide strategic investments and incentives to leverage infill, redevelopment, and promote intensification of scarce urban land while protecting environmental quality.*

Council finds that the proposal supports energy efficiency, environmental quality, and efficient use of urban land by increasing housing opportunities within walking distance of existing transit service (thereby increasing the efficiency and viability of the transit system). All building code requirements for efficiency will be required to be met during the building permit review process. Furthermore, a residential unit in a multi-dwelling building is typically smaller and consumes fewer resources than a single-dwelling house.

For the above reasons, Council finds the proposal is equally supportive of Goal 3.B and Policies 3.5 and 3.6.

**GOAL 3.C: Focused growth**

*Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.*

**GOAL 3.D: A system of centers and corridors**

*Portland's interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.*

**Policy 3.1** ***Urban Design Framework.** Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities. See Figure 3.1 — Urban Design Framework.*

**Policy 3.2** ***Growth and stability.** Direct the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the scale and characteristics of Portland's residential neighborhoods.*

**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 3.42** ***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 3.89 Inner Neighborhoods infill.** Fill gaps in the urban fabric through infill development on vacant and underutilized sites and in the reuse of historic buildings on adopted inventories.

**Policy 3.91 Inner Neighborhoods residential areas.** Continue the patterns of small, connected blocks, regular lot patterns, and streets lined by planting strips and street trees in Inner Neighborhood residential areas.

The Urban Design Framework does not classify NE Fremont St adjacent to the site as either a Civic or Neighborhood Corridor (see the Urban Design Framework in Figure 3-1 or Corridors in Figure 3-2 in the 2035 Comprehensive Plan). The site is, however, within the area identified as “Inner Neighborhoods,” described by the Comprehensive Plan as being “characterized by a regular pattern of neighborhood business districts located along former streetcar streets interspersed with residential areas...Within this Pattern Area is an inner ring of neighborhoods that provide important opportunities for additional housing close to the Central City, but where future growth should be integrated into the existing and historic context” (Comprehensive Plan, Chapter 3, page GP3-26).

Fremont in this area was not a streetcar street as evidenced by historic maps (find one in the Oregon Historical Society archives here: [https://digitalcollections.ohs.org/uploads/r/oregon-historical-society-library/a/f/3/af31c4eb255218f2ea57892c247f858f29faea71d3a601c8f65b7b93fbb81c46/8f1286ad-3bb0-456e-9a93-852b6afb2c4-G4294\\_P6P33\\_1937\\_P6.pdf](https://digitalcollections.ohs.org/uploads/r/oregon-historical-society-library/a/f/3/af31c4eb255218f2ea57892c247f858f29faea71d3a601c8f65b7b93fbb81c46/8f1286ad-3bb0-456e-9a93-852b6afb2c4-G4294_P6P33_1937_P6.pdf)). However, NE Fremont St is classified in the Transportation System Plan as a Neighborhood Collector street, which means it sees more traffic than streets classified as Local Service. Council finds that the site’s unique location on a corner and on NE Fremont St, likely results in a denser development on the site with the opportunity for commercial use. This corner pattern is more consistent here than on a mid-block site on a Local Service Street. A redevelopment of the site could potentially result in additional housing opportunities in an Inner Ring District, with some limited employment opportunity if a commercial/industrial space is also constructed. While the applicant has indicated this may not be the intent, the existing historic building could be reused for a commercial use, which would be compatible with the Irvington Historic District located south of NE Fremont St. The outcome, regardless of design choices, would be infill on a site that previously held one additional house. For these reasons, Council finds the proposal is equally supportive of Goals 3.C and 3.D and Policies 3.1, 3.2, 3.39, 3.42, 3.89 and 3.91.

Accordingly, the requested amendment is equally as supportive of the relevant policies and goals in the Urban Form chapter as the existing designation.

## **CHAPTER 4: DESIGN AND DEVELOPMENT**

### **Goal 4.A: Context-sensitive design and development**

*New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.*

**Policy 4.5 Pedestrian-oriented design.** Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

**Policy 4.6 Street orientation.** Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

- Policy 4.11** ***Access to light and air.** Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban- scale development.*
- Policy 4.12** ***Privacy and solar access.** Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.*
- Policy 4.20** ***Walkable scale.** Focus services and higher-density housing in the core of centers to support a critical mass of demand for commercial services and more walkable access for customers.*

The proposal is to change the small, single-dwelling site to a Mixed Use – Dispersed designation. The dispersed designation is appropriate for dispersed sites that can accommodate small, neighborhood-serving commercial uses along with possible residential development. The proposed designation changes the opportunities for denser development by allowing higher building coverage, more floor area, and no required building setbacks from street lot lines, although the building setbacks may increase from surrounding R5 zoned lots. This would allow any new development to be oriented to the street and enhance the pedestrian experience along this frontage.

This designation is used sparingly across the city, almost exclusively in areas with limited numbers of lots included. These are a mixture of single lots with historic storefronts within neighborhoods, and smaller nodes along main streets. Requirements for new development in the corresponding base zones for MU-D include maximum setbacks of 0 feet from street lot lines; 10-foot landscape buffers abutting most residential zones; ground floor window standards; and height limits that are similar to the adjacent R5 zone height limit. If the site is redeveloped in full, these and other standards will result in a development that focuses on the streetscape and the pedestrian experience while ensuring continued access to light, air, and privacy for abutting residential properties. Council finds that the combination of setbacks from R5 zoned lots and the compatible density and height based on the small size of the site, result in a determination that the MU-D designation is appropriate for this corner site.

For the above reasons, Council finds the proposal is equally supportive of Goal 4.A and Policies 4.5, 4.6, 4.11, 4.12, and 4.20.

- 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.*
- Policy 4.16** ***Scale and patterns.** Encourage design and development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow for a range of architectural styles and expression.*

The requested amendments would result in more housing choices for people wishing to move to the area or stay in the area as family sizes, incomes, and ages of existing neighborhood residents change. The likely development pattern for this site is a mixture of commercial and residential development on the site, enabled through this proposal. This development pattern would increase the diversity of units in this area of mostly single-dwelling structures. Adaptive reuse of the existing building would be allowed (though not required).

As stated above, Council finds that the scale of development would not vary substantially from nearby residential development due to the limitations of the site size and height limits in the corresponding base zones that are similar to the adjacent R5 zone height limit. Development could move toward the street, as the corresponding zones have no street lot line setbacks, while

ensuring sufficient space between the new development and the adjacent residentially-zoned properties with required 10-foot setbacks landscaped to the L3 high-screen landscape standard.

For the above reasons, Council finds the proposal is equally supportive of Policies 4.15 and 4.16.

**Policy 4.17 Demolitions.** *Encourage alternatives to the demolition of sound housing, such as rehabilitation and adaptive reuse, especially affordable housing, and when new development would provide no additional housing opportunities beyond replacement.*

**Policy 4.60 Rehabilitation and adaptive reuse.** *Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.*

**Policy 4.64 Deconstruction.** *Encourage salvage and reuse of building elements when demolition is necessary or appropriate.*

While no development is proposed, the applicant has indicated that the current structure may not remain (Exhibit A.1, page 42; Exhibit A.7, pages 3 and 42). The most likely proposals are to either develop the western 80 feet of the ownership with new housing, or new housing over a commercial unit, and rehabilitate the existing structure as a residential unit (current use) or a storefront, possibly with a unit of residential development above or remove the existing house and redevelop both lots with additional housing and a small commercial node. In either case, the MU-D designation will likely encourage the development of a vacant lot leading to greater housing choices and a greater diversity of uses serving the neighborhood. Further, under current zoning, with the Comprehensive Plan Map designation of Residential 5,000, the owner can demolish the building by right (following the required deconstruction regulations for single-dwelling residences constructed earlier than 1940) and replace it with only one unit of housing. Because of these permitted scenarios, Council determines that the proposal is equally supportive of Policies 4.17, 4.60, and 4.64.

#### **Goal 4.C: Human and environmental health**

*Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.*

**Policy 4.18 Compact single-family options.** *Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.*

**Policy 4.61 Compact housing.** *Promote the development of compact, space- and energy-efficient housing types that minimize use of resources such as smaller detached homes or accessory dwellings and attached homes.*

**Policy 4.19 Resource efficient and healthy residential design and development.** *Support resource efficient and healthy residential design and development. See other related policies later in this chapter and in Chapter 5: Housing.*

**Policy 4.69 Reduce carbon emissions.** *Encourage a development pattern that minimizes carbon emissions from building and transportation energy use.*

The site is currently partially vacant. Under the MU-D designation, the applicant would be permitted to develop multiple residential units above a commercial space. Because of the small site size, the units are likely to be compact due to limits in floor area. All building code requirements for efficiency, indoor airflow, etc. will be required to be met during the building permit review process. These standards are stronger than those required when many existing buildings were constructed, leading to buildings that use less carbon in operations. A residential unit in a multi-dwelling building is typically smaller and consumes fewer resources than a single-dwelling house. Finally, the site is within walking distance of three bus lines, and is in a walkable

and bikeable area, making it easy for residents to reduce vehicle miles (Walk Score gives the site a 100 for bikeability - <https://www.walkscore.com/score/1123-ne-fremont-st-portland-or-97212>).

For the above reasons, Council finds the proposal is equally supportive of Goal 4.C and Policies 4.18, 4.61, 4.19, and 4.69.

**Policy 4.22 Relationship between building height and street size.** *Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.*

As already noted, NE Fremont St is not a designated corridor, nor within a center. Near the subject site there is a short stretch of NE Fremont St that is a designated Neighborhood Corridor, east of NE 42<sup>nd</sup> Ave. in the commercial area. NE Fremont St in this area is 60 feet wide, with corresponding base zone height limits between 30 feet and 35 feet. The current height limit on the site under R5 zoning is 30 feet. A 60-foot-wide right-of-way with a two- to three-story building on a corner lot is considered proportionate to the street width and not unusually tall. In fact, Council finds that many nearby streets that are designated Neighborhood Corridors are 60 feet wide with CM2 zoning, which has a base height limit of 45 feet and, sometimes, opportunities for bonus height that result in permitted heights greater than 45 feet. Council finds that a 60 foot right of way with height limits of 30 feet in the R5 zone and 35 feet in the CM1 zone is responsive to street width and allows appropriately sized buildings, particularly here on a neighborhood corner. Council therefore finds the proposal is equally supportive of Policy 4.22.

For these reasons, the requested amendment is equally as supportive of the relevant policies and goals in the Design and Development chapter as the existing designation.

## **CHAPTER 5: HOUSING**

### **Goals:**

#### **Goal 5.A: Housing diversity**

*Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.*

#### **Goal 5.B: Equitable access to housing**

*Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.*

#### **Goal 5.C: Healthy connected city**

*Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.*

#### **Goal 5.D: Affordable housing**

*Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.*

#### **Goal 5.E: High-performance housing**

*Portland residents have access to resource-efficient and high-performance housing for people of all abilities and income levels.*

The proposed amendments would facilitate a small, mixed-use development on a single-dwelling residential-scale site, providing some needed additional housing opportunities in the Sabin inner neighborhood. The area is still dominated by single-dwelling residences with a price point not affordable to many in the Portland community. The proposed amendments allow a needed housing type at densities consistent with the size and location of the site, and with a price point consistent with the housing type that is less than a single-dwelling residence in the area.

As noted above, mixed-use housing is more resource-efficient than single-dwelling residences, and current building code standards for efficiency are more stringent than what was in place decades ago. With the exception of adding a commercial space, the site can already be redeveloped with up to four units, or up to six units if half are deeply affordable. Therefore, many of the benefits of the proposal with regard to these housing goals could be accomplished with the current designation. The benefit (aside from allowing commercial uses) for the proposal would be increased floor area, and a small height increase, that might allow the proposed units to be somewhat larger than would otherwise be possible while still at a compatible scale with the surrounding R5 zoning. For these reasons, Council finds the request is equally as supportive of Goals 5.A through 5.E, as implemented through the policies addressed below, as the existing designations.

- Policy 5.1** ***Housing supply.** Maintain sufficient residential development capacity to accommodate Portland’s projected share of regional household growth.*
- Policy 5.2** ***Housing growth.** Strive to capture at least 25 percent of the seven-county region’s residential growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).*
- 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.*

While housing is already permitted on the site, the requested amendment shifts the focus of future development to mixed-use development opportunities. The increased floor area would help build, incrementally, the City’s overall capacity to accommodate regional growth and capture the target percentage of the region’s growth. Additionally, while housing is permitted on the existing zones, only one unit of housing is currently developed on the site. Therefore, Council finds this request offers an opportunity to provide needed higher-density housing on a partially vacant site, while maintaining compatibility with the surrounding uses. Therefore, the requested amendment is more supportive of Policies 5.1, 5.2, and 5.3 than the existing designations.

- 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.*
- Policy 5.19** ***Ageing in place.** Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.*

The Sabin neighborhood has many more single-dwelling residences than mixed-use units. Mixed-use development is prevalent in many Portland neighborhoods, especially along corridors. The proposed Mixed Use Comprehensive Plan designation and corresponding base zones ensures that a fuller range of housing types will be allowed to meet the evolving needs of existing and future households in the neighborhood, and in an appropriate location. More diversity in residential structure types will create more opportunity for people to transition from a large home to a smaller unit as they age, while remaining in their familiar neighborhood. For these reasons, Council finds that the requested amendment, with more diverse housing choices, is more supportive of Policies 5.4 and 5.19 than the existing designation.

**Policy 5.22 New development in opportunity areas.** *Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities. See Figure 5-1 — Housing Opportunity Map.*

The site is within the “High” category of the Housing Opportunity Map shown in Figure 5-1 of the Comprehensive Plan. With the small size of the site, any proposed development is unlikely to

trigger the Inclusionary Housing requirements of the Zoning Code, though developers could choose to provide affordable housing. The site is within walking distance of three bus routes and, as stated above, has strong facilities for active transportation (walking, biking). For these reasons, Council finds that the requested amendment is equally as supportive of Policy 5.22 as the existing designation.

**Policy 5.24 Impact of housing on schools.** *Evaluate plans and investments for the effect of housing development on school enrollment, financial stability, and student mobility. Coordinate with school districts to ensure plans are aligned with school facility plans.*

The site is located within the Portland Public School district, which has not yet adopted a school facility plan that has been acknowledged by the Portland City Council. Therefore, Council finds that Policy 5.24 cannot be applied to this application.

**Policy 5.49 Housing quality.** *Encourage housing that provides high indoor air quality, access to sunlight and outdoor spaces, and is protected from excessive noise, pests, and hazardous environmental conditions.*

**Policy 5.50 High-performance housing.** *Encourage energy efficiency, green building practices, materials, and design to produce healthy, efficient, durable, and adaptable homes that are affordable or reasonably priced.*

**Policy 5.51 Healthy and active living.** *Encourage housing that provides features supportive of healthy eating and active living such as useable open areas, recreation areas, community gardens, crime-preventive design, and community kitchens in multifamily housing.*

**Policy 5.52 Walkable surroundings.** *Encourage active transportation in residential areas through the development of pathways, sidewalks, and high-quality onsite amenities such as secure bicycle parking.*

There is not a specific development plan for the site at this time. Therefore, because these policies relate to development design and amenities, the policies are not directly relevant to this request. However, to the extent the proposed amendments result in new mixed-use development on the site, the development must comply with development standards related to outdoor and common spaces and current building code requirements related to indoor spaces and nonhazardous construction materials. In terms of active living, the immediate area has a complete street network, with pedestrian facilities widely available. The 17+-acre Irving Park is a half block to the southwest of the site and offers opportunities for both passive and active recreation. The nearest community garden is located just over a half mile away at the Sabin HydroPark. Any new development will be required to meet the Zoning Code standards for bike parking and pedestrian paths. As stated above, the area has strong pedestrian and bicycle amenities. For these reasons, Council finds that to the extent the Policies are relevant, the requested amendment is equally or more supportive of Policies 5.49, 5.50, 5.51, and 5.52 than the existing designation.

For these reasons, the requested amendment is equally as supportive of the policies and goals in the Housing chapter as the existing designation.

## **CHAPTER 6: ECONOMIC DEVELOPMENT**

### **Goal 6.B: Development**

*Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.*

**Policy 6.64 Small, independent businesses.** *Facilitate the retention and growth of small and locally-owned businesses.*

**Policy 6.66 Neighborhood-serving business.** *Provide for neighborhood business districts and small commercial nodes in areas between centers to expand local access to goods and services.*



*Allow nodes of small-scale neighborhood-serving commercial uses in large planned developments and as a ground floor use in high density residential areas.*

**Policy 6.67 Retail development.** *Provide for a competitive supply of retail sites that support the wide range of consumer needs for convenience, affordability, accessibility, and diversity of goods and services, especially in under-served areas of Portland.*

The proposal would add a small site to the commercial land supply, potentially enabling a small, neighborhood-serving business on a dispersed, corner site. The proximity to Irving Park makes it a natural location for a small coffee shop or other similar retail use for park-goers and the wider community (Exhibit A.7, page 3).

The City of Portland Economic Opportunity Analysis adopted in 2016 looks at commercial land supply only in the context of the Gateway Regional Center, Town Centers, and Neighborhood Centers and Corridors. The Employment Land Needs analysis shows excesses of land in all three of those categories: an extra 87 acres in Gateway; 174 acres in Town Centers, and 353 acres in Neighborhood Centers and Corridors (Section 2-3 Supply and Demand, Figure 27. Employment Land Needs). A draft update to this analysis, released for review in 2023, uses different categories, but even so each commercial category showed excess land supply for commercial uses (City of Portland Economic Opportunities Analysis, Preliminary Draft, September 2023, Volume 2. Employment Land Demand and Supply, Figure 26. Reconciliation of baseline forecast with Buildable Land Inventory land supply). The amount of existing commercial zoned lands is adequate to meet forecasted demand.

While there would be no requirement that future development include a commercial use, Council finds that conversion of this small site to a mixed-use designation would enable the creation of a small, potentially local-serving retail space either with the eventual development or in future development on the property. Council finds that this opportunity for neighborhood serving commercial, together with a wider variety of housing choices is equally or more supportive of the economic policies than the current designation. Specifically, the requested amendment is more supportive of Goal 6.B and Policies 6.64, 6.66, 6.67 in the Economic Development chapter than the existing designation.

## **CHAPTER 7: ENVIRONMENT AND WATERSHED HEALTH**

### **Goal 7.A: Climate**

*Carbon emissions are reduced to 50 percent below 1990 levels by 2035.*

### **Goal 7.B: Healthy watersheds and environment**

*Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.*

### **Goal 7.C: Resilience**

*Portland's built and natural environments function in complementary ways and are resilient in the face of climate change and natural hazards.*

### **Goal 7.D: Environmental equity**

*All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.*

### **Goal 7.E: Community stewardship**

*Portlanders actively participate in efforts to maintain and improve the environment, including watershed health.*

Many of the Environment and Watershed Health goals and policies are implemented through the City's resource overlay designations. In this case, the site does not have any resource overlay zoning. Any future development will be subject to the Stormwater Management Manual and Title 11, Trees. Both corresponding Mixed Use base zones also require a minimum of 15 percent of the

site to be landscaped. Therefore, the requested amendment is equally supportive of the City's environment and watershed health goals, as implemented through Goals 7.A through 7.E, as the existing designation.

**Policy 7.10 Habitat connectivity.** *Improve or support efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by using plans and investments, to:*

- *Prevent and repair habitat fragmentation.*
- *Improve habitat quality.*
- *Weave habitat into sites as new development occurs.*
- *Enhance or create habitat corridors that allow fish and wildlife to safely access and move through and between habitat areas.*
- *Promote restoration and protection of floodplains.*

Pursuant to Urban Form Figure 3-6 Urban Habitat Corridors, the site appears to be located in a Future/Potential Habitat Corridor. Habitat connectivity would be accomplished primarily by City actions such as land acquisition, restoration, tree planting, etc. The proposed amendment, as stated above, will result in redevelopment of the site to the present City standards regarding landscaping, energy efficiency, stormwater management, and other requirements at time of building permit review. As seen in criterion 33.855.050.B, the City's infrastructure groups have reviewed the proposal to verify whether public services can adequately serve the proposed base zone. All city bureaus have concluded that, with the information in the record, the applicant will be able to meet all requirements at time of building permit and current City services can serve the proposed amendment. With this information, Council finds that the proposed amendment is equally or more supportive of Policy 7.10 than existing designation.

**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.*

These Urban Forest policies are largely implemented through the Title 11 tree preservation, tree density, and street tree requirements. If a standard cannot be satisfied, the applicant can pay a fee in lieu of preservation or density, and those fees then are submitted into a fund to plant trees in the area. Any redevelopment or reuse of the site under the proposed Comprehensive Plan designation and corresponding base zone must comply with the applicable implementing code provisions. Without redevelopment that is encouraged by this redesignation, Title 11 would not likely be triggered. Therefore, Council finds that the proposed amendment is more supportive of Policy 7.11 than existing designations.

With this analysis, Council finds the proposed amendment is equally as supportive of the goals and policies of the Environment and Watershed Health chapter as the current designation.

## **CHAPTER 8: PUBLIC FACILITIES AND SERVICES**

### **Goal 8.A: Quality public facilities and services**

*High-quality public facilities and services provide Portlanders with optimal levels of service throughout the city, based on system needs and community goals, and in compliance with regulatory mandates.*

### **Goal 8.C: Reliability and resiliency**

*Public facilities and services are reliable, able to withstand or recover from catastrophic natural and manmade events, and are adaptable and resilient in the face of long-term changes in the climate, economy, and technology.*

### **Goal 8.G: Water**

*Reliable and adequate water supply and delivery systems provide sufficient quantities of high-quality water at adequate pressures to meet the needs of the community on an equitable, efficient, and sustainable basis.*

**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.*

The proposed Mixed Use – Dispersed designation corresponds to two base zones: Commercial Residential (CR) and Commercial/Mixed Use 1 (CM1). Below, Council finds that the proposal satisfies the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment to the requested base zone of CM1. Therefore, the proposal is consistent with providing adequate utilities and other public services. As discussed later in this report, Council finds the approval criterion in Zoning Code Section 33.855.050.B can be satisfied for each of the factors mentioned in the goals and policies above based on substantial evidence in the record submitted by the applicant, affirmed by the City bureaus and not contested by any party to the proceeding. Therefore, Council finds the proposed designation is equally as supportive of Goals 8.A, 8.C, and 8.G and Policies 8.3 and 8.21 as the current designation.

**Policy 8.28** ***Shared costs.** Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.*

**Policy 8.29** ***System development.** Require private or public entities whose prospective development or redevelopment actions contribute to the need for public facility improvements, extensions, or construction to bear a proportional share of the costs.*

Any new development of the site will be subject to System Development Charges to ensure that costs of constructing and providing public services are equitably shared by the property owner/developer who benefits from the services. The existing building is not currently contributing directly to public service costs. For these reasons, Council finds that the proposed amendment is equally or more supportive of Policies 8.28 and 8.29 than existing designation.

**Policy 8.34 Resource efficiency.** *Reduce the energy and resource use, waste, and carbon emissions from facilities necessary to serve designated land uses to meet adopted City goals and targets.*

The proposed amendment would facilitate higher density multi-dwelling residential units that serve the housing needs in the inner neighborhood more efficiently. Efficient use of underutilized land within the urban area generally results in reduced energy and resource use. New development at the site could also take advantage of resource efficiency technologies to provide energy efficient development that reduces energy and resource use and waste. Therefore, the proposed amendment is equally or more supportive of Policy 8.34 than existing designation.

**Goal 8.E: Sanitary and stormwater systems**

*Wastewater and stormwater are managed, conveyed, and/or treated to protect public health, safety, and the environment, and to meet the needs of the community on an equitable, efficient, and sustainable basis.*

**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 8.69 Stormwater as a resource.** *Manage stormwater as a resource for watershed health and public use in ways that protect and restore the natural hydrology, water quality, and habitat of Portland's watersheds.*

**Policy 8.70 Natural systems.** *Protect and enhance the stormwater management capacity of natural resources such as rivers, streams, creeks, drainageways, wetlands, and floodplains.*

**Policy 8.72 Stormwater discharge.** *Avoid or minimize the impact of stormwater discharges on the water and habitat quality of rivers and streams.*

**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.*

There is a public 22-inch clay combined sewer in NE Fremont St and a 10-inch cured-in-place pipe combined sewer in NE 11<sup>th</sup> Ave. BES modeling indicates that the combined sewers have sufficient capacity to manage the proposed zone change and comprehensive plan amendment (Exhibit E.1). The drainage report submitted by the applicant (Exhibit A.2) indicates that on-site stormwater infiltration is feasible.

PP&D Environmental Services reviewed the drainage report and geotechnical engineering report (Exhibit A.2) to ensure the proposed designations could be accommodated by the existing sewer system. As described in the findings for Zoning Code Section 33.855.050.B.2.b below, PP&D Environmental Services has concluded that both the proposed sanitary sewer service and stormwater management plan are acceptable for demonstrating that the Comprehensive Plan Map Amendment and corresponding Zoning Map Amendment can be served by existing public infrastructure.

With these findings, Council concludes the proposed amendment is equally or more supportive of Goal 8.E and Policies 8.61, 8.68, 8.69, 8.70, 8.72, and 8.73 than existing designations.

**Goal 8.I: Public safety and emergency response**

*Portland is a safe, resilient, and peaceful community where public safety, emergency response, and emergency management facilities and services are coordinated and able to effectively and efficiently meet community needs.*

**Policy 8.87 Fire protection.** *Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.*

**Policy 8.104 Emergency preparedness, response, and recovery coordination.** *Coordinate land use plans and public facility investments between City bureaus, other public and jurisdictional agencies, businesses, community partners, and other emergency response providers, to ensure coordinated and comprehensive emergency and disaster risk reduction, preparedness, response, and recovery.*

**Policy 8.106 Police facilities.** *Improve and maintain police facilities to allow police personnel to efficiently and effectively respond to public safety needs and serve designated land uses.*

The Police Bureau and the Fire Bureau were both notified of the proposal and asked to comment. The Fire Bureau provided no objections to the requested amendment and noted that future development would be required to comply with applicable Fire Code requirements at the time of building permit review (Exhibit E.4). The Police Bureau responded that “[t]he Police Bureau is currently able to serve the existing site and will be able to provide services after the proposed change” (Exhibit E.7). For these reasons, Council finds the proposal is equally supportive Goal 8.I and Policies 8.87, 8.104, and 8.106.

**Policy 8.113 School district capacity.** *Consider the overall enrollment capacity of a school district – as defined in an adopted school facility plan that meets the requirements of Oregon Revised Statute 195 – as a factor in land use decisions that increase capacity for residential development.*

The site is located within the Portland Public School district and is served by Sabin Elementary School, Harriet Tubman Middle School, and Jefferson High School. Portland Public Schools does not have an adopted school facility plan. Therefore, this policy cannot be applied to this proposal.

With the analysis provided above, Council finds the proposed amendment is equally as supportive of the relevant goals and policies of the Public Facilities and Services chapter as the current designation.

**CHAPTER 9: TRANSPORTATION**

The applicant provided a narrative response to each of the transportation policies listed in Chapter 9 (Exhibit A.7) and a transportation impact study (Exhibit A.3). PP&D Transportation analyzed the applicant’s narrative and transportation impact study and provided the following response (Exhibit E.2):

*Portland Permitting and Development (PP&D) transportation staff have reviewed the applicant’s narrative and Transportation Impact Study (TIS) under the transportation-related goals and polices contained within the Transportation Element of the Comprehensive plan. Transportation staff found the following Comprehensive Plan Goals and Polices are specifically pertinent to the request.*

**Goal 9.A – Safety:** *In order to evaluate the safety of the study area, the applicant’s traffic engineer utilized ODOT’s Crash Data System for the most recent five years of available crash history (January 2018 through December 2022) starting on page 16 of the submitted TIS. Crash data was evaluated based on the number of crashes and type of collisions; crash severity is based on injuries sustained by people involved in the crash that includes five categories. The analysis found no crashes were reported at the intersection of NE 11th Ave. and NE Fremont St. Equal numbers of crashes were reported at each of the nearby signalized intersections of NE Fremont St. with NE 7th Ave. and NE 15th Ave. Given the peak hour volumes, the crash rate is higher at the NE 7th Ave. intersection than the NE 15th Ave. intersection since NE 7th Ave. carries fewer vehicles than NE 15th Ave. There were two pedestrian crashes, one at each signalized intersection studied. Page 17 of the TIS states the following about the two pedestrian crashes:*

- The first collision involving a pedestrian was reported at the intersection of NE 15<sup>th</sup> Avenue & NE Fremont Street in 2020. The pedestrian was traveling southbound on the east crosswalk and was struck by an eastbound vehicle. The collision resulted in a possible injury (Injury C) for the pedestrian. The pedestrian was reported to have disregarded the traffic signal.
- The second collision involving a pedestrian was reported at the intersection of NE 7<sup>th</sup> Avenue & NE Fremont Street in 2018. The pedestrian was traveling southbound on the west crosswalk and was struck by a westbound vehicle. The collision resulted in a suspected minor injury (Injury B) for the pedestrian. The driver of the passenger vehicle was reported to have been driving carelessly, driving too fast for conditions, and disregarded the traffic signal.

*Overall, no significant trends or crash patterns were identified at any of the study intersections that were indicative of safety concerns related to roadway design or traffic control. Accordingly, no additional safety mitigation is recommended per the crash data analysis. For bicycle safety, there are nearby Neighborhood Greenways that provide safe, low volume cycling conditions to connect to other cycling infrastructure in the City. The sidewalk network in the area is generally complete and provides for many routes. Additionally, the applicant team studied traffic signal warrants for NE 11th Ave. and NE Fremont St. The warrants were not met under the submitted worst case reasonable development scenario.*

**GOAL 9.E: Equitable transportation**

The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

*The surrounding network of sidewalks, bicycle routes and transit service stops contribute to supporting all Portlanders by reducing service disparities and achieve equitable access to all types of facilities and transportation modes. As noted repeatedly by the applicant throughout the narrative, allowing small scale commercial and multi-family residential development close to a major park may encourage both existing and future residents to walk or bike to the future commercial node rather than the more expensive option of driving to existing commercial areas that are further way.*

**Policy 9.1 to 9.13 – Design and Planning:** *The applicant provided a detailed analysis of these policies beginning on page 63 of the submitted narrative [Exhibit A.7]. Staff generally concurred with that narrative and add the following information.*

*At this location, the City’s Transportation System Plan (TSP) classifies NE 11th Ave as Local Service for all modes, in which the ROW is improved with an approximate 30-ft wide paved*

roadway within a 50-ft ROW, in which the abutting pedestrian corridor is improved with a 0.5-ft curb, 2.5-ft furnishing zone, 6-ft sidewalk, and 1-ft frontage zone. The existing configuration exceeds the City's required roadway width standards but has an overall 10-ft sidewalk corridor instead of the City's required 11-ft corridor. As a single-family zone, development would be allowed to retain the existing configuration under TRN-1.22 - Infill Development on Streets with an Existing Sidewalk Corridor | Portland.gov. However, as a Commercial zone, development would require the abutting pedestrian corridor to be reconstructed meet current City standards, which would require 1-ft of dedication in order to widen the furnishing zone for larger street trees.

At this location, the City's Transportation System Plan (TSP) classifies NE Fremont St. as a City Walkway, Local Service Bikeway, Transit Access Street, Local Service Freight Route, Neighborhood Collector (traffic designation) and Community Corridor (design classification). At this location, NE Fremont St. is mapped as being improved with an approximate 36-ft wide paved roadway within a 60-ft ROW, in which the abutting pedestrian corridor is improved to a 0.5-ft curb, 4.5-ft furnishing zone, 6-ft sidewalk, and 1-ft frontage zone. This meets the City's required roadway width standards and exceeds the City's sidewalk standard. Future redevelopment could be required to provide ADA compliant curb within the existing sidewalk corridor.

As documented throughout the applicant's narrative, the existing street designations are consistent with the proposed CM1 zoning. No modifications to the TSP are requested or warranted. Future development would bring the pedestrian corridor up to City standards. Staff concurs with the applicant's narrative that these policies are met.

**Policy 9.17 to 9.40 – Modal policies:** The applicant provided a detailed analysis of these policies beginning on page 68 of the submitted narrative [Exhibit A. 7]. Staff generally concur with that narrative. In summary, the subject properties are located in an urban environment with a fully established transportation network. All ROWs have established sidewalks and multiple low stress paved routes are available for bicycle facilities. Multiple transit routes are within close walking distance of the site. All area roadways are paved. As such, there is a high quality pedestrian, bicycle, and transit network availability in addition to paved roadways for freight and other forms of motor vehicle travel. The street grid system in the area surrounding this site provides a transportation system that serves all modes. These modal designations are consistent with the proposed CM1 zone and the surrounding neighborhood; therefore, these policies are met.

#### **Relevant Statewide Planning Goals**

**Goal 12 – Transportation:** The TIS evaluated the potential impacts to the City's transportation system from a maximum development on the site of a 5,000 square foot shopping center, which would generate the highest possible traffic levels of all of the allowed uses. Based on Table 4 on page 9 of the TIS, the reasonable worst case scenario would be an increase in trips of 11 AM peak hour trips, 31 PM peak hour trips, and 254 daily trips. The TIS found that, assuming this maximum development, the proposal would not cause any transportation facility to move out of compliance with City standards either under current conditions or projected 2040 conditions; the zone change is not projected to degrade any existing or planned transportation facility. The City's transportation system can adequately accommodate the proposal. Accordingly, the Transportation Planning Rule is satisfied.

Based on PP&D Transportation's analysis above of both the applicant's narrative and the TIS provided by the applicant's transportation engineer, Council finds that the proposed Mixed Use – Dispersed designation is equally supportive of the goals and policies in Chapter 9 – Transportation.

## CHAPTER 10: LAND USE DESIGNATIONS AND ZONING

### **Goal 10.A: Land use designations and zoning**

*Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.*

**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...*

### **13. Mixed Use — Dispersed**

*This designation allows mixed use, multi-dwelling, or commercial development that is small in scale, has little impact, and provides services for the nearby residential areas. Development will be similar in scale to nearby residential development to promote compatibility with the surrounding area. This designation is intended for areas where urban public services are available or planned. Areas within this designation are generally small nodes rather than large areas or corridors. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Employment (CE), and Commercial Residential (CR).*

The site is within the City's Urban Services Boundary. As discussed in the findings above, Council finds the proposed Mixed Use – Dispersed designation is equally or more supportive of the Comprehensive Plan's goals and policies compared to the current designation. The site within the Inner Ring districts of central Portland, is close to bus transit service, within walking distance of commercial areas and, as discussed in the findings for Zoning Code Section 33.855.050.B, below, adequate urban public services are available. When taking into consideration all relevant goals and policies, on balance, the proposed designation would effectively advance the goals and policies of the Comprehensive Plan.

The property is small, roughly the size of a typical single-dwelling residential lot, and comprises one residential lot plus the western 30 feet of another lot. One lot does not typically constitute a node, but the area is not within corridors or larger areas of Mixed Use – Dispersed designations, and therefore this designation is appropriate to be applied at this dispersed location. There are other small nodal applications of this designation to the east along NE Fremont St, notably at the Whole Foods Market two blocks to the east (this area includes four lots to the west of Whole Foods as well, two of which are developed with one-story historic storefront buildings), and at a four-corner commercial node at NE Fremont St and NE 24<sup>th</sup> Ave. As discussed above, the development standards of the corresponding base zones for this designation would result in development that is compatible with the surrounding residential neighborhood.

For the reasons set forth above and throughout these Findings and Conclusions, Council finds the proposal is equally as supportive of Goal 10.A and Policy 10.1 as the existing designation.

**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.*



**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.

The site is within the City’s Urban Services Boundary. The applicant proposes a Comprehensive Plan Map Amendment to the Mixed Use - Dispersed (MU-D) designation. Concurrent with this Amendment, the applicant proposes a quasi-judicial Zoning Map Amendment to apply the CM1 base zone to the site. As stated in Comprehensive Plan Policy 10.1, the CM1 base zone is a corresponding zone for MU-D. Therefore, the proposal is equally supportive of these policies.

See the findings for Zoning Code Section 33.855.050.A below for an analysis of the corresponding base zones. As discussed in the findings below for Zoning Code Section 33.855.050.B, adequate public services are available for the proposal.

For these reasons, Council finds the proposal is equally supportive of Policies 10.2 and 10.3.

**Summary for Zoning Code Section 33.810.050.A.1:** Based on the above findings, the proposal to apply the Mixed Use – Dispersed Comprehensive Plan Map designation is on balance equally or more supportive of the relevant goals and policies of the Comprehensive Plan than the current designation. Council finds the approval criteria in Zoning Code Section 33.810.050.A.1 are met.

**33.810.050.A - Approval Criteria for Comprehensive Plan Map Amendment (continued)**

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

**Findings:** As discussed above in the findings for 33.810.050.A.1, the proposal is found to be consistent with Statewide Land Use Planning Goals, and therefore this criterion is 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 by Metro, these size limits do not apply.*

**Findings:** The requested amendment is not from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation. Council finds that this criterion does not apply.

## **ZONING MAP AMENDMENT APPROVAL CRITERIA**

### **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.*

**Findings:** Figure 10-1 in the Comprehensive Plan shows designations and corresponding zones. The table shows the Mixed Use - Dispersed designation has two corresponding zones: Commercial Residential (CR), and Commercial/Mixed Use 1 (CM1).

To demonstrate that this criterion has been met, the applicant must show that the proposed zone is the **most** appropriate, taking into consideration both the purposes or characteristics of each zone and the zoning pattern of surrounding land. The applicant proposed the CM1 zone. The Hearings Officer concurred with the applicant that the CM1 zone is the most appropriate for the site considering both the purpose and characteristics of each zone as well as the surrounding zoning pattern. There was no testimony or evidence offered in opposition to this analysis or request. The City Council examined the characteristics of each zone against the site conditions and concurred with the recommendation of the Hearings Officer that the CM1 zone is the most appropriate implementing zone for the site.

Council makes the following further Findings and Conclusions under this criterion.

#### Zone Characteristics

Under the “purposes or characteristics of each zone” element, the two relevant zones share largely similar characteristic statements:

**Commercial Residential zone.** *The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential. The zone encourages the provision of small-scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.*

**Commercial/Mixed Use 1 zone.** *The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed-use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential uses. The size of commercial uses is limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.*

<b>CR Zone</b>	<b>CM1 Zone</b>
The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods.	The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas...

Council concludes that these statements are highly similar. Council finds that the site is not isolated from other CM1 zoned properties. The site is located just a block and half or 375 feet from a large CM1 zoned area that includes both a larger corner development and a shallow strip of storefronts that front NE Fremont in a configuration similar to the subject site. As evidenced in the zoning map that is made part of this record, the site is surrounded by lower-density housing zones, Open Space (OS) zoning for Irving Park across the street, and existing CM1 zoning less than a block and a half away. Council therefore finds that this site is not an isolated site with no other proximate commercial, open space or residential uses. Council does acknowledge that a mid-block site, not located on a corner in close proximity to other mixed uses may meet the definition of isolated, but that is not the case here.

Further, evidence presented by the applicant showed other CR zoned sites throughout the city. In contrast to this site, the CR zoned properties throughout the city are largely single lots that are truly surrounded by residential development. As depicted in the examples provided by the applicant, the vast majority of CR zoned sites are single lots located many blocks from commercially zoned areas generally, and CM1 zoned areas, specifically.

Comparatively, the applicant presented evidence of multiple smaller CM1 zoned lots, like the site proposed here, that are not grouped at an intersection and that are located close, although not directly adjacent to other CM1 zoned property. These examples are almost identical to the CM1 zoning pattern proposed here; that is, a CM1 property near other CM1 zoned properties surrounded by a park and low density residential. Therefore, Council finds that the site is not consistent with the description of a small and “isolated” site appropriate for the CR zone. Rather the site is more appropriately aligned with the CM1 description which is a “small scale zone intended for sites in dispersed mixed-use nodes within lower density residential areas.”

Turning to the term “node” as it is used above, Council finds in this case that this site is on a dominant corner across from Irving Park and sits as a convergence point to many forms of social interaction including sports fields, an off-leash dog area, tennis and basketball courts, picnic areas and a playground with a water feature. It is also a place where the Citywide Bike Map shows a convergence of three shared roadways from lower speed streets and active vehicular streets on two sides. Council therefore finds that with this combination of elements, the site can appropriately be considered to be within a “node.”

In sum, we find under this element, that the most appropriate zone considering the purpose or characteristics of each zone is the CM1 zone. The CM1 zone is a small-scale zone. This site is small

scale. This site is not isolated and is closely situated next to other CM1 zoning. This site is a “dispersed mixed-use node,” within “lower density residential areas,” consistent with the express description of the CM1 zone.

<b>CR Zone</b>	<b>CM1 Zone</b>
The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately zoned single-dwelling residential.	...as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant.

Under this next element, Council finds that the “as well as” clause before the reference to CM1 means that a site need not be on a neighborhood corridor to be zoned CM1. Similarly, while the CR characteristic indicates that zone is intended to be applied on local streets and neighborhood collectors, it also does not suggest that that all low-density commercial mix-use zones on neighborhood collectors must be zoned CR, and we find that is clearly not how commercial zones have been applied along NE Fremont. As described in the detail in the application submittal, there are many small and larger properties zoned CM1 along Fremont as a neighborhood collector, including the CM1 zoned properties just 375 feet to the east along Fremont that also include older commercial storefronts. Because this CM1 zoning was also adopted by the City Council, it was previously determined to be the most appropriate given the purposes or characteristics of the CM1 zone. We concur.

<b>CR Zone</b>	<b>CM1 Zone</b>
The zone encourages the provision of small scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local orientation, and to limit adverse impacts on surrounding residential areas.	The size of commercial uses is limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall.

As clarified in these sections, both zones allow limited retail and both zones are intended to limit or minimize impacts on surrounding residential uses. As a result, both zones have development standards that limit mass. As noted by the staff report, the FAR allowances in the CM1 zone generally create an opportunity for greater overall massing. However, based on the unique size and configuration of this site, the massing will remain compatible with and minimize impacts to the surrounding residential area. The site includes both an existing building and a vacant portion. Total floor area allowed by the CM1 designation is 8,775. Subtracting existing 2,550 square feet of floor area on the east side of the site, 6,225 square feet of development potential remains. As described by the applicant, factoring in the setbacks and height limits, the result is a small-scale mixed-use node on a street corner adjacent to a park, more consistent with CM1 zoning.

<b>CR Zone</b>	<b>CM1 Zone</b>
Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.	Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.

Council finds that the characteristic statement provides that CM1 zoning is appropriate within lower-density residential areas, which is equally reflected in both the CR and CM statements above. More importantly here, Council finds that the characteristics of the potential development is highly relevant here; characteristics, like height, mass, setbacks and uses. Thus, we find that a comparison of

characteristics between two zones is highly relevant to discern which zone is most appropriate for the site. For example, properties in the immediately adjacent R5 zone can be developed with multi-dwelling development up to 35 feet in height and with a 1.2:1 FAR. The height limit in the R2.5 zone located just one block to the west and in the CM1 zone just one and half blocks to the east is also 35 feet. The CM1 zone would permit 1.5:1 FAR and the same height of 35 feet fronting NE Fremont. In this case, the same 35-foot height limit in CM1 and modestly higher density (1.5 compared to 1.2 FAR on a small site) is compatible with the scale and characteristics of the adjacent residential areas and the commercial areas in close proximity.

As further context for this request to rezone the site to CM1 rather than CR, the applicant evaluated both CR and CM1 for their appropriateness on the site. As we stated above, this site is well-suited for a mixture of commercial and residential uses, both of which are permitted under CR and CM1 and both of which cater to small-scale, neighborhood-focused development. The primary differences between these zones are height and Floor Area Ratio (FAR).

Height is not a determining factor for this site. It is unlikely that any feasible development on this site would exceed the more restrictive 30-foot height limit allowed in a CR zone. Recognizing this, both the applicant and staff focused their evaluation criteria on massing and FAR as the primary determinants of suitability.

CR zoning is typically reserved for remote sites and many CR-zoned properties feature surface parking. An example of this is shown in the diagram on page 36 of the staff report. Surface parking is highly desirable in remote developments; however, as mentioned above, this site is far from remote. It has a Walk Score of 86 and is unusually narrow, making on-site parking and maneuvering infeasible.

Given these unique site conditions, the developable area is effectively the same for both zoning designations. After accounting for setbacks and the required community space for residential use, the applicant demonstrated that the building footprint for a new building is limited to approximately 2,700 square feet. Under CR zoning, with its 1:1 FAR, the total allowable development on the site is only 5,850 square feet. The CR zoning FAR limits for the site, minus existing development, would permit just one full floor and one-fifth of a second floor if building footprint is maximized. This creates a design tension: attempting to build a partial second floor over a narrow frontage leads to awkward proportions, especially on a corner lot. The alternative is to reduce the footprint further, which decreases the number of feasible residential units or results in excessively tall spaces.

Neither of these outcomes supports the purpose of Section 33.130.010, which states:

“The regulations promote uses and development that support healthy, complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design and facilitate the creation of great places and great streets.”

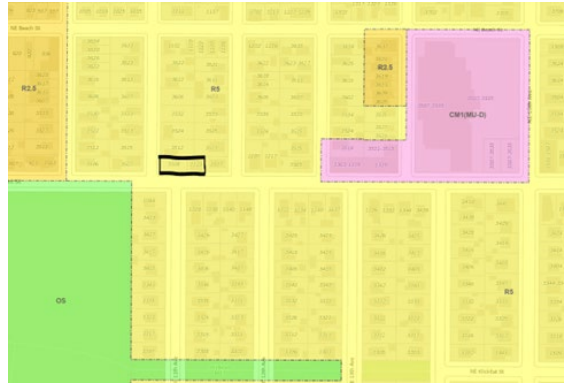
In contrast, the applicant demonstrated that the 1.5:1 FAR permitted under CM1 zoning allows for a complete two-story building. This avoids the faux parapet walls or excessively high ceilings associated with CR zoning. The massing for both zoning designations would likely be identical; however, CM1 zoning is significantly more efficient. Considering the unique characteristics of this site, CM1 zoning facilitates a more practical and visually appealing building from both street frontages.

Council finds that the CM1 zone permits a small-scale mixed-use development on the vacant parcel that is consistent with the Comprehensive Plan designation and is the most appropriate zone given the characteristics and purpose statement for CM1 zone.

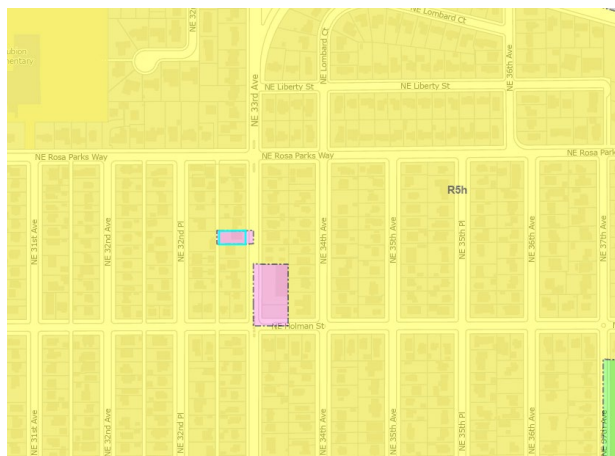
The next criteria relates to the existing zoning pattern in the area.

## Zoning Pattern

Council finds under the second element of the approval criterion, the CM1 zone is most appropriate given the zoning pattern in the area. As noted above, the subject site is just 375 feet west of a larger area zoned CM1. Therefore, the proposed CM1 zone is consistent with the established commercial zoning in the surrounding area.



The proximity of smaller CM1 properties to larger CM1 areas is a relevant factor in evaluating zoning designation patterns in the area. For example, like the subject site, 6401 NE 33<sup>rd</sup> Avenue is a single, 5,000 square foot lot zoned CM1 that, like the subject site, is surrounded entirely by R5 zoning. The lot is located mid-block along NE 33<sup>rd</sup> Avenue, which is not a neighborhood corridor, and the lot is not located near a city center. The lot, like the present site, is located in close proximity to two lots also zoned CM1, creating consistent zoning for commercial mixed-use lots within the surrounding area. There are other examples of smaller CM1 zoned properties that are not directly adjacent to a larger CM1 zone node but are within a block or two of other CM1 zoned properties, as here. Thus, the nearby and general zoning pattern in the area further supports the CM1 zone as the more appropriate and more consistent zoning choice given the zoning pattern of surrounding land.



Council considered whether the CM1 zoning at this corner would create a precedent or a pattern of requests to rezone to CM1 other sites that are not as proximate to other CM1 zoning or were not part of a pattern of CM1 zoning along a subject right of way. Council found that the subject site is a unique property with an existing residential use above a commercial storefront on the eastern portion of the site and a vacant section on the west. The CM1 zone here is consistent with the zoning pattern

in the area because it continues a fabric of CM1 that has been established along NE Fremont in close proximity to other neighborhood uses such as other commercial uses, churches, parks and residential areas. This is particularly true here where the site anchors an important corner across the street from Irving Park. Council finds that the CM1 zone is the most appropriate zone given both the characteristics statement and the zoning pattern on surrounding land.

**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.*

**Findings:** PP&D Water reviewed the proposal and concluded that PP&D Water “does not object to approval of the Comprehensive Plan and Zoning Map Amendments application.” PP&D Water indicated that adequate water service is available for the proposed development from the 8” cast iron water main in NE 11<sup>th</sup> Ave, and the 12” cast iron water main in NE Fremont St (Exhibit E.3).

The Fire Bureau indicated no issues regarding the approval of the proposal, and noted that all applicable Fire Code requirements shall apply at the time of permit review and development (Exhibit E.4). The Pre-Application Conference notes stated, “the Fire Bureau has no concerns with this proposal” (Exhibit G.3).

The Police Bureau reviewed the proposal and stated the following:

*The Police Bureau has reviewed this land use case and has no concerns with the proposal. The proposal was evaluated on whether police can provide adequate public safety services to the proposed map amendment and zoning change. The Police Bureau is currently able to serve the existing site and will be able to provide services after the proposed change. Police officers can reasonably access the site using the existing or proposed right of ways by foot and vehicle without restriction. (Exhibit E.7).*

For these reasons, Council finds this criterion is met.

- 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.*

**Findings:** The Bureau of Environmental Services (BES) reviewed the drainage report and geotechnical engineering report submitted by the applicant and prepared the following comments regarding both sanitary waste and stormwater waste disposal systems (Exhibit E.1).

**Sanitary System**

*For the zoning map amendment & comprehensive plan map amendment application to be approved, the applicant must show that the proposal complies with the public services approval criterion related to sanitary waste disposal (PCC 33.855.050.B.2.b).*



1. Existing Sanitary Infrastructure: According to available GIS data, the following sewer infrastructure is located in the vicinity of the project site:
  - a. Public 22-inch VSP combined sewer in NE Fremont St.
  - b. Public 10-inch CIPP combined sewer in NE 11<sup>th</sup> Ave.
2. Sanitary Infrastructure Capacity: BES has conducted modeling analysis and determined that the existing infrastructure has the capacity to manage the proposed zone change and comprehensive plan map amendment.
3. Service Availability: Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer.
  - a. Existing Development: According to City records, the existing structure at 1123 NE Fremont is currently connected to the combined sewer in NE Fremont St.
  - b. Proposed Development: Future development will be served by a new connection to the sewer in either NE 11<sup>th</sup> Ave or NE Fremont St within its frontage.
4. Connection Requirements: Connections to the City sewer system must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#), [PCC 17.32.090](#), administrative rules [ENB-4.07](#) and [ENB-4.17](#), and all other relevant City codes and rules. Sanitary sewage from private property must be separately conveyed to the property line and connected through individual laterals for discharge to the City separate sanitary or combined sewer. Per [ENB-4.07](#), sewer connection permits are required to make new connections to City mains and laterals, relocate or upsize existing laterals, and repair sewers in City right-of-way. The permittee is responsible for verifying the location, depth and size of an existing sewer lateral and for ensuring the lateral is clear of obstructions prior to connection.

Staff finds the applicant's proposed sanitary sewer service acceptable for the purpose of reviewing the zone map & comprehensive plan amendment application against the sanitary sewer disposal approval criterion.

### **Stormwater Management**

For the zoning map amendment & comprehensive plan map amendment application to be approved, the applicant must show that the proposal complies with the public services approval criterion related to stormwater disposal (PCC 33.855.050.B.2.b). The comments below are in response to this criterion.

1. Existing Stormwater Infrastructure: According to available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
  - a. There are no public storm-only sewers available to this property and a public storm main extension is not required. The combined sewer described above may provide the only offsite discharge location for stormwater from the development.
  - a. Public underground injection control (UIC) systems ("sumps") in NE 11<sup>th</sup> Avenue infiltrate stormwater runoff from the public right-of-way. Stormwater from private development cannot be discharged to public UICs.
2. General Stormwater Management Requirements: Development and redevelopment sites that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland's [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date. A fundamental evaluation factor in the SWMM is the Stormwater Infiltration and Discharge Hierarchy (Section 1.3.3), which sets the framework that will be used to determine when a project's stormwater runoff

*must be infiltrated onsite and when offsite discharge will be permitted, and the parameters that must be met for either scenario. If tested infiltration rates on a property are greater than or equal to 2 inches per hour, onsite infiltration will be required unless the site qualifies for the ecoroof exception per Section 3.2.1 or infiltration is determined infeasible based on site conditions described in Chapter 2 of the SWMM. Note that maximum building coverage allowed by the zoning code, including below grade development, does not exempt the applicant from stormwater requirements. Pollution reduction and flow control requirements must be met using vegetated facilities to the maximum extent feasible, though roof runoff and some paved impervious surfaces are exempt when discharging directly to a UIC (refer to Sections 1.3.2, 1.3.4, 3.2.4 and 4.2.2 of the SWMM).*

3. *Private Property Stormwater Management: Stormwater runoff from this project must comply with all applicable standards of the SWMM and the SCM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. Staff reviewed the project's Simplified Approach stormwater report (February 2024), which includes Falling Head infiltration test results of 30.6 inches per hour on this site. The applicant proposes to infiltrate runoff from the development onsite via a drywell that can meet minimum setbacks as established in the facility design standards and Table 2-1 of the SWMM. The applicant has demonstrated that the stormwater management system will be adequate under the proposed zone change and comprehensive plan amendment.*
4. *Public Right-of-Way Stormwater Management: Stormwater runoff from public right-of-way improvements as required by the City of Portland Bureau of Transportation (PBOT) must be managed according to the standards of the SWMM and the Sewer and Drainage Facilities Design Manual. There are no public right-of-way improvements that will trigger BES public stormwater drainage improvements.*

*Staff finds the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the zone map & comprehensive plan amendment application against the stormwater management approval criterion.*

Council accepts and concurs with these findings. For the reasons discussed above, Council finds this criterion is met.

- c. *Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.*

**Findings:** PP&D Transportation reviewed the application and submitted the following response (Exhibit E.2):

*As discussed by the applicant's traffic analysis, the maximum development of approximately 5,000 square feet of commercial (ITE Code 822- Strip Retail Plaza <40k), which assumes reasonable "worst-case scenario" base FAR would not cause any transportation facility to move out of compliance with City standards either under current conditions or projected 2040 conditions; the zone change is not projected to degrade any existing or planned transportation facility. The intersections nearby at NE 7th & Fremont, NE 11th & Fremont, and NE 15th & Fremont were analyzed by the consulting traffic engineer. For the 2040 planning horizon, there was no substantive difference in LOS, Delay, or V/C analysis between the existing zoning and the proposed zoning.*

*For the AM and PM peak hour the unsignalized intersection at NE 11th and Fremont is anticipated to continue to operate acceptably at LOS D and better. The signalized intersections at NE Fremont St. with NE 7th Ave and 15th Ave were found to operate acceptable at LOS C or better for the buildout conditions. The potential impacts associated with the proposed zone change are expected to be relatively low.*

*On street parking analysis is not required for zone changes. For comp plan amendments, parking analysis is only required if the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation which this proposal is not.*

*Based on the detailed analysis, the proposed Zone Change will not degrade the performance of any existing or planned transportation facility to less than acceptable performance measures.*

*Based on the above referenced analysis, PBOT and PP&D transportation staff have found the applicant has demonstrated compliance with the applicable transportation-related approval criteria. Transportation staff are therefore supportive of the proposed Comprehensive Plan/Zone Change with no recommended conditions of approval.*

Given PP&D Transportation's findings above, Council finds this criterion is met.

- 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.*

**Findings:** The site is within the Portland Public School District, which has not adopted a school facility plan. Therefore, compliance with this criterion is not required.

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

**Findings:** The proposal does not rezone property to the Institutional Residential base zone. This criterion is not applicable.

**C. When the requested zone is IR, Institutional Residential.** *In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.*

**Findings:** The proposal does not propose to rezone property to the Institutional Residential base zone. 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.*

**Findings:** The proposal does not propose to rezone property to the Campus Institutional base zones. This criterion is not applicable.

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

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

## **DEVELOPMENT STANDARDS**

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

## **CONCLUSIONS**

Proposals that seek to change a Comprehensive Plan Map and Zoning Map designation have a high bar for success; this is a rigorous and far-reaching land use review. The existing designations on properties are based on years-long legislative projects that include detailed analyses of most aspects of city life and functions, such land use patterns, community characteristics and aspirations, industry and business needs, and development forecasts. The threshold for approval is centered on striking a balance, in that the desired designation must be equally or more supportive of the relevant goals and policies of the 2035 Comprehensive Plan, Oregon Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, and the adopted area plans. Chapter 1, The Plan, provides guidance on what it means to strike a balance. A proposal may strike a balance and be approvable, for example, despite not meeting every goal and policy. What is important is to recognize that there are differences in proposals, site conditions, and facts. The particular policies that matter more will change from one decision to another.

The Zoning Map Amendment criteria focus on whether existing public infrastructure can serve the proposal, and whether the proposed base zone is the most appropriate corresponding zone based on the characteristics of the base zones and the zoning pattern of the surrounding land.

The proposal seeks to convert the designation of a small lot from residential to low-density mixed-use commercial. The proposal will encourage a greater variety of housing types and encourage a small scale neighborhood serving commercial node along NE Fremont across from Irving Park in the Sabin Neighborhood.

For this site, the Comprehensive Plan goals and policies that are most relevant are the Plan, Urban Form, Design and Development, Housing, Economic Development, and Land Use Designations and Zoning. Council finds that, on balance, the proposal to amend the Comprehensive Plan designation to Mixed Use – Dispersed is at least equally as supportive of the Comprehensive Plan as a whole as the current designation.

Regarding the Zoning Map Amendment, Council finds that the proposed CM1 zone is the “most appropriate” zoning designation for the site of the two corresponding zones.

A review of the proposal was conducted in part by the City’s service bureaus. The proposal meets the goals and criteria regarding adequate and available public services.

## **CITY COUNCIL FINDINGS AND FINAL DECISION**

It is the decision of the City Council to approve the Comprehensive Plan Map Amendment and the Zoning Map Amendment from Residential 5000 to Mixed Use Dispersed and from R5 to CM1, respectively.

**EXHIBITS** (not attached unless indicated)

- A. Applicant’s Statement:
  - 1. Original Narrative
  - 2. Stormwater Report and Utility Plan
  - 3. Transportation Impact Study
  - 4. Completeness Response Memo, October 25, 2024
  - 5. Property Report (“Trio”), 1123 NE Fremont St, October 25, 2024
  - 6. Property Report (“Trio”), 3508 NE 11<sup>th</sup> Ave, October 25, 2024
  - 7. Updated Narrative, October 25, 2024
  - 8. Applicant Email, November 1, 2024
- B. Zoning Map (attached):
  - 1. Existing Zoning
  - 2. Proposed Zoning
- C. Plans & Drawings: none
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant’s statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Environmental Services Review Section of Portland Permitting & Development
  - 2. Transportation Review Section of Portland Permitting & Development
  - 3. Water Review Section of Portland Permitting & Development
  - 4. Fire Bureau
  - 5. Site Development Review Section of Portland Permitting & Development
  - 6. Life Safety Plans Examiner of Portland Permitting & Development
  - 7. Police Bureau
  - 8. Tri-Met
- F. Letters:
  - 1. Kathleen McConnell, Chair, Sabin Community Association, November 18, 2024, in support
- G. Other:
  - 1. Original Land Use Application
  - 2. Completeness Memo, September 13, 2024
  - 3. Pre-Application Conference Summary Notes
  - 4. BPS email, December 4, 2024
  - 5. Property Line Adjustment PLA\_0785, with associated Adjustment decision notice
- H. Hearings Office Recommendation (January 13, 2025) and Exhibits:
  - 1. Land Use Intake Form
  - 2. 120-Day Extension Request Form
  - 3. Email chain with PP&D
  - 4. Hearings Office Notice of Hearing
  - 5. Zoom Land Use Hearing Participation Instructions
  - 6. Staff Report
  - 7. Applicant’s Response to Staff Report
  - 8. Staff Presentation
  - 9. Closing Record Form

10. New Evidence and Final Legal Argument
11. Recommendation of the Hearings Officer (January 13, 2025)

**Portland Permitting & Development is committed to providing equal access to information and hearings. To request an accommodation or alternative format of communication, please contact us at least five business days prior to the hearing at 503-823-7300 (TTY 503-823-6868).**