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## City of Portland, Oregon - Portland Permitting & Development

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | [www.portland.gov/ppd](http://www.portland.gov/ppd)

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# NOTICE OF A PUBLIC HEARING BEFORE THE PORTLAND CITY COUNCIL ON A COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT

**CASE FILE:** LU 24-073674 CP ZC

**WHEN:** Thursday, February 20, 2025, at 2:00 PM

Mailing Date: January 29, 2025

To: Interested Persons

From: Amanda Rhoads, City Planner, Portland Permitting & Development  
503-865-6514, [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@portlandoregon.gov)

The City Council will hold a public hearing to consider the Land Use Hearings Officer's recommendation on a Comprehensive Plan Map Amendment and Zoning Map Amendment proposal. You are invited to testify at the hearing.

This appeal hearing will have two options for participation:

- (1) Remote via the Zoom platform, or
- (2) In person at City Hall, 1221 SW Fourth Avenue, City Council Chambers-Second Floor Auditorium, Portland OR 97204

For instructions and to register to testify in person or remotely, please review the City Council agenda at <https://www.portland.gov/council/agenda>. The agenda will be available at 9am the Friday before the hearing.

**Details about the proposal, the Hearings Officer's recommendation, the City Council hearing process, and how to testify are provided below.**

This will be an evidentiary hearing, which allows for new evidence to be submitted to the City Council.

### GENERAL INFORMATION

**Applicant:** Derek Metson | Greenbox Architecture  
502 7th St #203 | Oregon City, OR 97045  
503-207-5537 | [info@greenboxpdx.com](mailto: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, 1123 NE FREMONT ST

**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 at Kathleen.mcconnell@gmail.com  
**Business District:** Soul District, contact John Washington 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 decision of the Hearings Officer can be appealed to City Council.

**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. No development is 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), 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; and
- 33.855.050 Approval Criteria for Base Changes.

## HEARINGS OFFICER RECOMMENDATION

On January 13, 2025, the Hearings Officer recommended approval of both requests.

The full recommendation is available on the PP&D website:

<https://www.portland.gov/ppd/zoning-land-use/news/2025/1/15/hearings-officer-recommendation-city-council-lu-24-073674-cp-zc>

## HEARING PROCESS

**Review of the case file:** If you are interested in viewing the file, the full case file and audio of the Hearings Officer hearing are available online:

<https://efiles.portlandoregon.gov/record/17084435/>.

**We are seeking your comments on this proposal.** The hearing will be held before the City Council. To comment, you may submit written comments in advance or testify during the hearing. A description of the City Council Hearing process is attached. **In your comments, please include your name and address; the case file number; and refer to the approval criteria (listed in the General Information section, above) that apply to your comments.**

- **Written Testimony:** Submit written testimony online at <https://www.portland.gov/auditor/council-clerk/lu-24-073674-cp-zc-written-testimony> or by mail to the Council Clerk, 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204. Written testimony will be distributed to the City Council and included in the public record if received before the record is closed. Due to legal and practical reasons, City Council members cannot accept electronic mail on cases under consideration by the Council. Questions may be submitted to the Council Clerk at (503) 823-4082 or [councilclerk@portlandoregon.gov](mailto:councilclerk@portlandoregon.gov).
- **In Person or Remote (Zoom) Testimony:** To register to testify, please review the City Council agenda at <https://www.portland.gov/council/agenda>. The agenda will be available at 9 am the Friday before the hearing.

**Oregon Land Use Board of Appeals (LUBA) Process:** City Council's decision is the final decision of the City. Any further appeal must be filed with the Oregon Land Use Board of Appeals (LUBA). Failure to raise an issue in a hearing, in person or by letter, by the close of the record or at the final hearing on the case or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the City Council, they may not be able to respond to the issue you are trying to raise. For more information, call the Auditor's Office at (503) 823-4086.

**Hearing Cancellation.** This public hearing will be cancelled due the inclement weather or other emergency. The hearing will be rescheduled for the earliest possible date and the new date will updated online at <https://www.portland.gov/council/agenda>. A renotification notice will not be sent.

**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).**

Attachments:

1. City Council Hearing Process
2. Existing Zoning Map
3. Proposed Zoning Map

**GENERAL EXPLANATION OF CITY COUNCIL  
HEARING PROCESS FOR AN EVIDENTIARY HEARING**

**1. SUBMISSION OF TESTIMONY**

- a. Testimony may be submitted online at <https://www.portland.gov/auditor/council-clerk/lu-24-073674-cp-zc-written-testimony> or in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

**2. HEARINGS PROCESS**

- a. The order of appearance and time allotments is generally as follows:

Staff Report	10 minutes
Applicant	10 minutes
Supporters of the Applicant	3 minutes each
Opponents of the Applicant	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	

- b. In-person and virtual testimony registration begins when the February 19-20, 2025 City Council agenda is published by 9:00 a.m. on Friday, February 14 at <https://www.portland.gov/council/agenda>. Registration for virtual testimony closes one hour prior to the Council meeting. In-person testifiers must sign up before the agenda item is heard.
- c. The applicant has the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's Recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

**Request interpretation or an accommodation online at <https://www.portland.gov/311/ada-request> or call 503-823-4000. Please make your request at least 5 days before the hearing.**



For Zoning Code in Effect Post October 1, 2022

# EXISTING ZONING



Site



Historic District

File No. LU 24 - 073674 CP ZC  
 1/4 Section 2631  
 Scale 1 inch = 200 feet  
 State ID 1N1E23CD 23900  
 Exhibit B.1 Aug 26, 2024



# EXHIBIT B



For Zoning Code in Effect Post October 1, 2022

# PROPOSED ZONING



-  Site
-  Historic District

File No. LU 24 - 073674 CP ZC  
1/4 Section 2631  
Scale 1 inch = 200 feet  
State ID 1N1E23CD 23900  
Exhibit B.2 Aug 26, 2024