

Comprehensive Plan Change and Zoning Map Amendment
Narrative

City PreApp File No.: ES 21-038774

Location: 5515 SE Milwaukie Avenue

Proposal: Request for Comprehensive Plan and Zoning Map amendments. The applicant is requesting to change the Comprehensive Plan designation on identified lots located west of SE Milwaukie Avenue from Mixed Use – Neighborhood and R5 – Residential 5,000 to Multi-Dwelling – Urban Center and the Comprehensive Plan designation on a lot located east of SE Milwaukie Avenue from R2.5 – Residential 2,500 to Multi-Dwelling – Corridor. The applicant is also requesting to change the Zoning Map designation on the lots located west of SE Milwaukie Avenue from Commercial Mixed Use 1 and Residential 5,000 zoning to the Residential Multi-Dwelling 4 designation and to change the Zoning Map designation on the lot located east of SE Milwaukie Avenue from Residential 2,500 to the Residential Multi-Dwelling 2 zoning designation. No specific development is proposed on any of the subject lots at this time.

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Introduction

The applicant is requesting a concurrent Comprehensive Plan amendment and zone change to change the Comprehensive Plan and zoning designation of the lots identified in the Zoning Study attached as Exhibit A (collectively the “Properties”). The request includes changing the Comprehensive Plan and zoning designations on six lots located west of SE Milwaukie Avenue (collectively the “West Property”). Three of the lots that make-up the West Property currently have a Mixed Use – Neighborhood (MU-N) Comprehensive Plan designation and are zoned Commercial Mixed-Use 1 (CM1).¹ The CM1 zoned lots include the Design Overlay zone (d) and there are areas of River Environmental (e), River General (g*) overlays near the northwest corner of those lots. The remaining three lots of the West Property have an R5-Residential 5,000 (R5) Comprehensive Plan and zoning designation.² The R5 zoned lots also have e, g* and Constrained Sites (z) overlays. The proposed amendment would apply the Multi-Dwelling – Urban Center (MD-U) Comprehensive Plan designation and the Residential Multi-Dwelling 4 (RM4) to the West Property so that the zoning on the West Property is consistent with the properties RM4 to the north along Milwaukie Avenue. The proposed consistency in zoning along that stretch of SE Milwaukie Avenue would 1) facilitate the development of a coherently designed residential community and streetscape on the west side of SE Milwaukie Avenue governed by a singular zone instead of three different zones with different development standards; 2) increase the available housing density in an area where housing is needed across income levels; and 3) consolidate development on the upland portions of the West Property to avoid greenway resources in the area currently zoned R5. The requested zoning consistency would reduce development costs, enhance community design, protect resources, and make the future development project more financially feasible to deliver housing units across income levels. The applicant is not proposing changes to the overlay zones.³

The request also includes changing the Comprehensive Plan and zoning designation of a single lot located east of SE Milwaukie Avenue on the northeast corner of SE Milwaukie Avenue and SE Ellis Street (the “East Property”).⁴ The East Property currently has a R2.5 – Residential 2,500 Comprehensive Plan and zoning designation. The proposed amendments would apply the Multi-Dwelling – Corridor (MD-C) Comprehensive Plan designation and the Residential Multi-Dwelling 2 (RM2) zone to the East Property. Consistent with other RM2 zones in the immediate vicinity of the East Property the applicant expects the d overlay zone to be added to the East Property through this rezone process. The RM2 zone is consistent with other nodes of RM2 zoning on the east side of SE Milwaukie Avenue and is an appropriate zone for the East Property given its size and location. The RM2 zone would allow increased residential density where housing is needed along the Milwaukie Avenue corridor, but development standards for the RM2 zone ensure that future development would be compatible with the surrounding single family residential uses and the other RM2 zoned properties in the surrounding area.

33.810.050 Comprehensive Plan Amendment 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:*
- 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;*

¹ Property IDs R122533, R122534, and R122535.

² Property IDs R122531, R122537, and R122538.

³ While not specifically proposing changes to the overlay zones, the z overlay only applies to single family residential zones. Therefore, if the requested zone change to RM4 is approved, the z overlay would no longer apply to the any portion of the West Property.

⁴ Property ID R218476.

As described above, the applicant is requesting a quasi-judicial amendment to the Comprehensive Plan Map to apply the MD-U Comprehensive Plan designation to the West Property. The description of the MD-U land use designation in the Comprehensive Plan provides:

[t]his designation is intended for the Central City, Gateway Regional Center, Town Centers, and transit station areas where a residential focus is desired and urban public services including access to high-capacity transit, very frequent bus service, or streetcar service are available or planned. This designation is intended to allow high-density multi-dwelling structures at an urban scale. Maximum density is based on a floor-area-ratio, not on a unit-per-square-foot basis. Minimum density is 43 units an acre. The corresponding zones are RM3 and RM4. This designation is accompanied by the Design overlay zone.

The current Comprehensive Plan designation for the portion of the West Property zoned CM1 is MU-N. The description of the MU-N land use designation in the Comprehensive Plan provides:

[t]his designation promotes mixed-use development in neighborhood centers and along neighborhood corridors to preserve or cultivate locally serving commercial areas with a storefront character. This designation is intended for areas where urban public services, generally including complete local street networks and access to frequent transit, are available or planned, and development constraints do not exist. Areas within this designation are generally pedestrian-oriented and are predominantly built at low- to mid-rise scale, often with buildings close to and oriented towards the sidewalk. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), and Commercial Employment (CE).

The current Comprehensive Plan designation for the portion of the West Property zoned R5 is R5. The description of the R5 land use designation in the Comprehensive Plan provides:

[t]his 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.

The applicant is also requesting to apply the MD-C Comprehensive Plan designation to the East Property. The description of the MD-C land use designation in the Comprehensive Plan provides:

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

The current Comprehensive Plan designation for the East Property is R2.5. The description of the R2.5 land use designation in the Comprehensive Plan provides:

[t]his designation allows a mix of housing types that are single-dwelling in character. This designation is intended for areas near, in, and along centers and corridors, near transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have

development constraints. This designation often serves as a transition between mixed use or multi-dwelling designations and lower density single dwelling designations. The maximum density is generally 17.4 units per acre. The corresponding zone is R2.5.

This approval criterion requires evaluation against relevant Portland 2035 Comprehensive Plan (“Comprehensive Plan”) policies in Chapters 1 through 10 (as also required by Policy 1.10), which in turn also requires consistency with Metro's Urban Growth Management Functional Plan (per PDX Policy 1.11), encompassing Metro Titles 1 through 14, and the Statewide Planning Goals.

The analysis following addresses this criterion's requirement to require evaluation against the relevant Comprehensive Plan policies in Chapters 1 through 10⁵, including addressing Metro policy and Statewide Planning Goals. Findings are provided under each applicable Policy.

The findings below, addressing the relevant Comprehensive Plan Goals and Policies, show that the requested MD-U and MD-C designations would, on balance, be equally or more supportive of the Comprehensive Plan than the existing MU-N, R5, and R2.5 designations.

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.*

1.10.c. Amendments to the Zoning Map are considered to be in compliance with the Comprehensive Plan if they are consistent with the Comprehensive Plan Map, the amendment is to a corresponding or allowed zone, and 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. See Policy 10.3 for additional guidance on Zoning Map amendments.

This policy is implemented by approval criterion A.1 for Comprehensive Plan Map Amendments in PCC 33.810.050.A.1. The findings above and below analyze compliance with PCC 33.810.050.A.1. The findings demonstrating compliance with the approval criterion also demonstrate that the proposal is consistent with Policy 1.10. The zoning map amendment approval criteria consistent with Policy 1.10.c, including the public services requirements, are also addressed below.

The proposal is equally or more supportive of Policy 1.10.

Policy 1.11 **Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary.**

Consistency with the relevant titles of Metro's Urban Growth Management Functional Plan (the “Functional Plan”) are addressed below. For the reasons set forth below, the proposal is consistent with the Functional Plan and is equally or more supportive of Policy 1.11.

Metro Chapter 3.07
Urban Growth Management Functional Plan

The full text of the Urban Growth Management Functional Plan is summarized by its requirements, updated June 2013:

⁵ There are approximately 633 Policies in the Comprehensive Plan. Not all policies are specifically addressed or need to be. Policies not specifically addressed have been evaluated and deemed not applicable or not relevant. {01169621;1}

Title 1 (Sections 3.07.110 – 3.07.120) – 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 3.07.12. 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 the Properties. However, the proposed MD-U and MD-C Comprehensive Plan designations and corresponding RM4 and RM2 zones proposed for the West Property and East Property respectively, would increase the housing capacity on the identified lots, thereby increasing the overall housing capacity of the City. As noted, the West Property is currently comprised of a mixed-use commercial zone, where multi-family residential development is allowed but at a lower density, and a single-family residential zone. The East Property is also currently comprised of a single-family residential zone. The proposed RM4 zone on the West Property would create the opportunity for a far more coherent and efficient multi-family residential development in conjunction with the area to the north already zoned RM4. This consistency in zoning would allow a level of residential density and efficiency on the site that is consistent with the Title 1 policy of maintaining or increasing housing capacity that also avoids or minimizes impacts on the resources and functional values in the River overlay areas on the western portions of the site. Similarly, the RM2 designation proposed for the East Property would allow a density of residential development that is consistent with the Title 1 policy, but that remains consistent with existing multi-family residential nodes east of SE Milwaukie Avenue and limits impacts on surrounding single family development.

For the reasons set forth above, the proposal is consistent with and furthers the goals of Title 1 by increasing the residential development capacity of a site within the Urban Growth Boundary and implementing multi-family designation consistent with the compact urban form.

The proposal is consistent with Metro Title 1.

Title 2 (Sections 3.07.210 – 3.07.220) – Regional Parking Policy is repealed.

Title 3 (Sections 3.07.310 – 3.07.360) – 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. The Properties are not located within the Special Flood Hazard Area. Therefore, the proposed Comprehensive Plan amendments are consistent with the flood management requirements of Title 3. The proposed amendments are also consistent with the Title 3 water quality provisions. As discussed in detail below, the western portion of the West Property includes general and environmental River overlays that are not proposed to be removed or changed. Therefore, future development on the West Property is expected to be concentrated on the eastern, upland portion of the site outside of the more steeply sloped overlay areas, thus providing water quality benefits for the Willamette River and habitat areas to the west. To the extent future development were proposed within the River overlay areas, the proposed development would be required to meet objective standards or obtain approval through River Review which is in turn consistent with Title 3 and resource and habitat protection and mitigation policies. Finally, upon redevelopment, stormwater management on the Properties would be required to meet the BES Stormwater Management Manual.

The proposal is consistent with Title 3.

Title 4 (Sections 3.07.410 – 3.07.450) – Industrial and Other Employment Areas provides and protects a supply of sites for employment by limiting types and scale of non-industrial uses in regionally significant industrial areas, industrial and employment areas. It also provides benefits of "clustering" to industries that operate more

productively and efficiently when in proximity to each other. It also protects the capacity and efficiency of the transportation system for movement of goods and services. It also encourages other types of employment in centers, corridors, station communities and main Streets.

Neither the current Comprehensive Plan designations nor the proposed designations are industrial designations. While the majority of the Properties are already residentially zoned, the portion of the West Property zoned CM1 has a commercial mixed-use Comprehensive Plan designation and zone that allows for commercial uses. However, the Properties are not identified as industrial or employment areas on the Metro's Title 4 Industrial and Other Employment Areas Map. Therefore, Title 4 is not applicable to this request.

Because the Proposal does not impact Title 4 industrial or employment lands, the proposal is consistent with Title 4.

Title 5 (Sections 3.07.510 – 3.07.540) - Neighbor Cities and Rural Reserves is repealed.

Title 6 (Sections 3.07.610 – 3.07.650) – 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.

The Properties are not located within a designated area on Metro's Title 6, Centers, Corridors, Station Communities and Main Streets Adopted Boundaries Map. The Properties are located in close proximity to a designated station community northeast of the Properties along SE 17th Avenue at SE Holgate. Additionally, consistent with Title 6, the City has adopted additional centers and corridors throughout the city through Chapter 3 of the 2035 Comprehensive Plan. SE Milwaukie Avenue is identified as a Neighborhood Corridor in the Comprehensive Plan. It connects the Central City center to the designated Sellwood/Moreland neighborhood center to the south. The higher density housing permitted in the proposed RM4 and RM2 zones is consistent with the goal of Title 6 to increase housing opportunities and activity along corridors and in close proximity to transit and city centers.

The proposal is consistent with Title 6.

Title 7 (Sections 3.07.710 – 3.07.750) – 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.

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-family developments with 20 or more dwelling units. The proposal to turn the existing patchwork of commercial and single-family residential lots west of SE Milwaukie Avenue into a unified, higher density multifamily zone would facilitate design and development of a larger, coherent multi-family development that would trigger IH affordable housing criteria. Therefore, applying the requested MD-U Comprehensive Plan designation and RM4 zone to the West Property are actions entirely consistent with the requirements of Title 7. Similarly, the proposed RM2 zone on the East Property would enable development of a moderate density, multi-family residential building that is consistent with the Title 7 goal of increasing housing opportunities and providing a diverse range of housing types while limiting impacts on the surrounding established residential areas.

The proposal is consistent with Title 7.

Title 8 (Sections 3.07.810 – 3.07.870) – 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.

The City is currently in compliance with both the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. The City will remain in compliance with respect to approval this request in line with the procedures which allow this request.

The proposal is consistent with Title 8.

Title 9 (Sections 3.07.910-3.07.920) – Performance Measures is repealed

Title 10 (Section 3.07.1010) – Definitions

Title 11 (Sections 3.07.1105 – 3.07.1140) – Planning for New Urban Areas guides planning of areas brought into the urban growth boundary for conversion from rural to urban use.

The Properties are currently within the Urban Growth Boundary and are not considered new urban areas subject to Title 11.

The proposal is consistent with Title 11.

Title 12 (Sections 3.07.1210 – 3.07.1240) – 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 noted above, the Properties are not located within either a Metro or City designated center. Therefore, the Title 12 provisions related to limiting the size of commercial uses in centers is not applicable to this request. The proposed Comprehensive Plan amendments and zone changes are consistent with the more broadly stated goal of protecting residential neighborhoods and providing adequate levels of service. As discussed in detail below, the proposed amendments satisfy the applicable zone change criteria at PCC 33.855.050.B related to adequate levels of public services. Additionally, development on the Properties under the proposed Comprehensive Plan and zoning designations would be required to meet development standards intended to protect adjacent residential uses and satisfy other code standards intended to protect the environment, such as the Stormwater Management Manual and other regulations that apply during building permit reviews.

Title 12 also requires the local government to make parks and greenspaces more accessible and to use land more efficiently. The Oaks Bottom Wildlife Refuge and associated trail are located west of the West Property. The proposed amendment would not impact the availability of the trail or open space to the surrounding neighborhood and would in fact, increase the number of residents with direct access to that natural area via the established trail system. The proposed amendments would also allow an appropriate level of residential density to be concentrated on the east side of the West Property to provide a greater buffer area between the development and the Oaks Bottom area.

The proposal is consistent with Title 12.

***Title 13 (Sections 3.07.1310 – 3.07.1370) – Nature in Neighborhoods** conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape.*

The stated purposes of Title 13 are to: (1) 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 (2) 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. To implement Title 13, Metro has adopted the Regionally Significant Fish and Wildlife Habitat Inventory Map (the "Metro Habitat Map") that maps and ranks both riparian habitat areas and upland habitat areas. The western portion of the West Property is included in the Metro Habitat Map and identified as a Class A upland wildlife habitat area. A strip of the West Property to the east of the Class A designation is identified as "areas where nearby activities have an impact on resources." The Metro Habitat Map also designates several bodies of water in the Oaks Bottom Wildlife Refuge located west of the West property as Class I riparian areas. However, there are no riparian areas located on the West Property. The East Property is not included in the habitat areas identified on the Metro Habitat Map.

Consistent with Title 13 implementation requirements, the City has adopted River overlay provisions that apply to the mapped riparian and upland habitat areas. Specifically, in this case, the western portion of the Western Property is mapped with both the River Environmental (e) overlay zone and the River General (g*) overlay zone and there are a few areas towards the center of the West Property that have either the e or the g* overlay. The eastern portion of the West Property does not have a River overlay designation. The applicant is not proposing any changes to the River overlay designations or location on the West Property. Any future development on the Western Property proposed within the River overlay area must either satisfy standards or be approved through a River Review. Therefore, future development on the West Property would be oriented on the eastern portion of the Property either completely outside of the River overlay areas or with limited disturbance in the River overlay that either satisfies the objective standards or receives River Review approval. One of the primary benefits of the requested Comprehensive Plan amendment and zone change is to apply a Comprehensive Plan designation and zone to the Western Property that permits needed residential development outside of the habitat areas identified on the Metro Habitat Map and the corresponding City overlays, but at a density that is generally consistent with that allowed in the current zone across the entirety of the West Property.

Title 13 is also implemented by the City through the City's Title 11 tree preservation provisions and the BES Stormwater Management Manual (SWMM). Future development must comply with both Portland City Code Title 11 and the SWMM which would eliminate or reduce the detrimental impact of stormwater runoff from the West Property on mapped riparian areas to the west. A Drainage Report for the Properties is attached as Exhibit B and demonstrates the feasibility of future development compliance with the SWMM.

Application of the City's River overlay zones, tree preservation standards, and stormwater water regulations to future development ensures that the proposed Comprehensive Plan amendment is consistent with Title 13.

***Title 14 (Sections 3.07.1405 –3.07.1465) – Urban Growth Boundary** prescribes criteria and procedures for amendments to the urban growth boundary to provide a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form.*

The Properties are already in the Urban Growth Boundary.

Summary: As discussed above, the requested MD-U and MD-C designations on the Properties are consistent with the Functional Plan and future development under the proposed RM4 and RM2 zoning designations and would comply with other City regulations adopted in compliance with the Functional Plan. The proposal supports a tight

Urban Growth Boundary by increasing the development capacity of underdeveloped and underutilized property inside the existing boundary.

Because the requested amendments are consistent with the Functional Plan and further the intent of the titles referenced above, the proposed Comprehensive Plan designations are more consistent with and more supportive of Policy 1.11 than the existing designations.

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.*

The proposed amendments are consistent with the relevant Statewide Planning Goals addressed below.⁶

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Under Goal 1, each local government must have a citizen involvement program that incorporates specific components related to citizen involvement, communication, citizen influence, technical information, feedback mechanisms, and financial support. The state has deemed the City's Comprehensive Plan to be consistent with the Goal 1 citizen involvement requirements. The procedural requirements of the zoning code, in turn, comply with the Comprehensive Plan.

Consistent with the procedural requirements of the Zoning Code, the City is processing this amendment as a Type III application. Citizen involvement is encouraged in a Type III process through a variety of means. The applicant has engaged and will continue to engage with members of the neighborhood association. Notice of the pre-application conference was provided to the public and the neighborhood association was invited to attend and participate in the pre-application conference. The neighborhood association and surrounding neighbors will be noticed with the opportunity to provide written comments to BDS staff prior to issuance of the staff report and will have an opportunity to provide written and oral comments during the public hearing phase of the process.

The requested amendment and the associated land use process required for the amendment are consistent with Statewide Planning Goal 1.

GOAL 2: LAND USE PLANNING

PART I -- PLANNING To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2, Part I requires that local land use decisions be consistent with the adopted comprehensive plan. As demonstrated through this narrative, the requested Comprehensive plan amendments and corresponding zone changes are consistent with the relevant policies of the Comprehensive Plan, as well as all applicable approval criteria. Therefore, the application is consistent with the planning requirements of Goal 2.

The Applicant is not requesting a goal exception, and therefore, the exception provisions of Part II are not applicable. The Guideline directions in Part II of the goal are only directly applicable to local governments applying the goals.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Pursuant to Goal 5, local governments must generally adopt programs that will protect natural resources and conserve, scenic, historic, and open space resources for present and future generations. The Comprehensive Plan

⁶ This narrative addresses the relevant Statewide Planning Goals. Several of the Statewide Planning goals only apply in locations or to land types that are not relevant to this review and therefore are not addressed in this narrative.

includes extensive goals, policies and objectives related to the protection of natural resources and the conservation of scenic, historic, and open space resources. As provided is the response to each relevant policy in this narrative, the requested Comprehensive Plan amendments are equally or more supportive of the comprehensive plan provisions related to Goal 5 resources than the current Comprehensive Plan designations and zones, and are therefore consistent with the general Goal 5 requirements related to natural resource protection and scenic, historic, and open space conservation.

Goal 5 also requires local governments to adopt resource inventories for a variety of natural resources, including wetlands, riparian areas, and wildlife habitat, and encourages local government to adopt inventories for historic resources, open space and scenic views and sites. The City has adopted the required inventories and has complied with the related planning and implementation provisions. Additionally, the Metro Nature in Neighborhoods program under Metro Title 13 addressed above, implements Statewide Planning Goal 5 pertaining to riparian areas and wildlife habitat in Metro's jurisdiction. Therefore, the River overlays that apply on the western portion of the West Property are consistent with both Metro Title 13 and Statewide Planning Goal 5. As discussed above, consistent with the Goal 5 objective of protecting natural resource areas, future development within the River overlay areas on the West Property would be required to comply with either standards or obtain River Review approval. There are no mapped Goal 5 resources on the East Property.

For these reasons, the proposed amendment is consistent with Statewide Planning Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 requires local government to develop plans that ensure discharges from developments not exceed the carrying capacity of air water and land resources, degrade the resources or threaten the availability of the resources. As demonstrated through this narrative, the requested amendments are equally or more supportive of the plans adopted by the City to protect air, water and land resources. Additionally, as discussed below, the Properties are served by an existing combined sanitary system in SE Milwaukie Avenue that has capacity for sewer according to BES modeling, but does not have capacity to take additional stormwater flows. Therefore, any future development would be required to meet the Stormwater Management Manual for stormwater infiltration. The Drainage Report attached as Exhibit B demonstrates the feasibility of on-site infiltration at the Property for future development permitted under the proposed zones. Finally, future development must comply with both local requirements for erosion and sediment control, and a 1200-C permit from DEQ would be required for construction activities. For these collective reasons, the requested amendment is consistent with Statewide Planning Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Goal 7 requires local governments to adopt comprehensive plans to reduce the risk to people and property from natural hazards, including landslides. As discussed above, the requested amendment is equally or more supportive of the applicable comprehensive plan policies, goals and objectives adopted by the City related to natural hazards. Western portions of the West Property are located within a landslide hazard area and the West Property is considered a steep slope area. A Report of Geotechnical Engineering Services (the "Geotech Report") was prepared by GeoDesign for the property directly north of the West Property that is already zoned RM4. The Geotech Report is included as an attachment to the Drainage Report. The applicant understands that additional geotechnical evaluation will be necessary prior to redevelopment of the Western Property. Therefore, future development must comply with the plans and regulations adopted by the City to protect people and property from natural hazards, and the requested amendment is consistent with Statewide Planning Goal 7.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 generally requires local governments to develop recreational plans that satisfy existing and future recreational needs through coordination and in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. The Properties are not designated as open space or other

recreational resource. Therefore, the requested amendment has no direct impact on Goal 8. The Oaks Bottom Wildlife Refuge is located west of the West Property in Open Space zoned land. However, the range of uses allowed within the proposed RM4 zone is entirely consistent with the neighboring open space. Additionally, as discussed above, the River overlays and steep slopes on the western portion of the West Property ensure that there would be an undeveloped buffer between future development on the West Property and the open space zone and wildlife refuge. Therefore, the requested amendment is consistent with Statewide Planning Goal 8.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Pursuant to Goal 9, local governments must adopt comprehensive plans and policies that contribute to a stable and healthy economy. Comprehensive Plans for urban areas must contain policies concerning economic development opportunities and provide for an adequate supply of sites of suitable sizes, types, locations and service levels for a variety of commercial uses. As discussed below, the requested amendment is equally or more supportive of the City's economic development policies than retention of the existing zone. The change in Comprehensive Plan designation and zone from a mixed-use commercial zone to the RM4 zone in the portion of the West Property currently zoned CM1 would reduce the amount of commercial and office use that could be developed on that portion of the West Property. However, both the RM4 zone proposed for the West Property and the RM2 zone proposed for the East Property allow limited commercial use that could contribute to the economic activities in the area consistent with Goal 9. Additionally, as discussed below, under the proposed amendment, future residents of development on the Properties would increase the customer base in the neighborhood and would, in turn, provide support to the retail and other commercial uses appropriately sited in the Sellwood/Mooreland Neighborhood Center to the south. Consequently, the requested amendment is consistent with Statewide Planning Goal 9.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Goal 10 requires local government to inventory buildable lands and encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of local households and allow for flexibility of housing location, type and density. Currently, there is not a sufficient supply of housing, and particularly affordable housing. The need for diverse housing types across all price ranges is addressed in the City's housing policies adopted in compliance with Goal 10. The proposed amendments would allow a greater density of residential units on the Properties and are therefore, as addressed in more detail below, more supportive of the local housing goals policies and objectives of the adopted Comprehensive Plan. Therefore, the requested amendment is consistent with Statewide Planning Goal 10.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 generally directs cities to develop and adopt public facilities plans to meet current and long-range needs. In this case, the subject Properties are located within a developed and centrally located urban area. As discussed in the zoning amendment standards narrative below, the Properties have or will have adequate public services to serve the full range of uses allowed within the MD-U Comprehensive Plan and RM4 zoning designation proposed for the West Property and the MD-C Comprehensive Plan and RM2 zoning designation proposed for the East Property. Therefore, the requested amendment is consistent with Statewide Planning Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Goal 12 sets forth the requirements local government transportation plans. The Oregon Transportation Planning Rule (TPR) implements Goal 12 and applies to amendments to acknowledged comprehensive plans. As discussed in the detail in the Transportation Study prepared by Kittelson & Associates attached as Exhibit C, the TPR established a two-step process for evaluating an amendment's impacts on the transportation system. The first step is to assess the trip generation potential for the site assuming a "reasonable worst-case" development scenario under the

existing and proposed zoning. If the development under the proposed zoning could increase the trip generation potential, additional operational analysis is required to assess whether the rezone will “significantly affect” the transportation system. In this case, Kittelson evaluated the reasonable worst-case development scenario for both the East Property and the West Property and concluded that the difference for each property under those scenarios would be less than 400 daily trips. Therefore, the proposed amendments do not exceed the established threshold for determining significance and additional traffic studies were not needed. PBOT reviewed and approved a scoping memo prepared prior to submittal of this application and agreed with Kittelson’s conclusions. Consequently, the proposed amendment is consistent with both Goal 12 and the implementing TPR.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Goal 13 generally requires a local government to manage land uses to maximize conservation of all forms of energy. One of the specific planning guidelines states that land use planning should seek to reuse vacant land to the extent possible. In this case, the proposed Comprehensive Plan changes and zoning amendments would facilitate redevelopment of an outdated office building on the West Property and a surface parking lot on the East Property. Facilitating redevelopment of the Properties is entirely consistent with Statewide Planning Goal 13.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goal 14 requires cities and Metro to establish urban growth boundaries (UGB). The Properties are centrally located within a UGB and are located within an established urban neighborhood. The requested amendments do not impact the UGB boundary and therefore Goal 14 is not directly applicable. However, the productive redevelopment of a surface parking lot and an underdeveloped commercial building with needed housing is generally consistent with efficient use of available land within the UGB. Therefore, the proposed amendments are consistent with Statewide Planning Goal 14 and the goal of efficient land uses within the UGB.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River Greenway.

Goal 15 requires local governments to establish boundaries within which special Greenway considerations shall be taken into account and to manage uses on lands within and near the Greenway to maintain the qualities of the Greenway. In compliance with Goal 15, the City adopted the River overlay zones which promote the protection, conservation, restoration, enhancement and maintenance of the economic, natural, scenic, historical, and recreational qualities of lands along the Central and South reaches of the Willamette River. There are three different River overlay zones, River General (g*), River Environmental (e), and River Recreational (r*). The West Property is not located within the 50-foot River setback and is separated from the Willamette River by the River setback, the established Greenway Trail and the Oaks Bottom Wildlife Refuge. However, because of the proximity to the river and the refuge, the western portion of the West Property is included in both the e and g* overlays and there are sections through the middle of the Property that include either the g* or the e overlay. The applicant is not proposing any changes to the overlay boundaries, and therefore future development on the West Property must comply with the River overlay use regulations and development standards. Furthermore, the proposed amendment to the West Property would allow the future developer to consolidate development on the upland portions of the West Property to avoid and/or minimize impacts to the Willamette River resources and qualities consistent with Goal 15. Therefore, the proposed amendment to the West Property is entirely consistent with Goal 15.

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.*

While not directly relevant, the requested Comprehensive Plan amendment is consistent with state and federal regulations. Coordination efforts are a requirement of the City and not individual applicants. Additionally, to the extent that a state or federal regulation applies directly to future development on the Properties, consistency with applicable regulations will be evaluated at that time.

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 zone change narrative below addresses the adequacy of urban public services to serve the full range of uses and development allowed in the proposed RM4 and RM2 zones to demonstrate compliance with PCC 33.855.050.B. As detailed in the narrative, the applicant has demonstrated that adequate public services are or will be available to serve future uses and development of the under the proposed zoning without the limiting conditions.

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.*

This policy requires coordination by the City rather than an applicant for a quasi-judicial amendment. Nonetheless, City bureaus reviewed and commented on the proposal as part of the pre-application review. The City bureaus will also review and comment on this application. Therefore, this application is equally supportive of the coordination policy.

Policies 1.16 and 1.17 are directives to the City and are not relevant to this application.

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.

The proposed Comprehensive Plan designations for both the West Property and the East Property are compatible with the land use pattern established by the existing Comprehensive Plan Map. The proposed MD-U Comprehensive Plan designation and the corresponding RM4 zone for the West Property are compatible with the MD-U Comprehensive Plan designation and RM4 zone that currently applies to the properties directly north of the West Property. The residential zone is also consistent with the single-family residential designations and zones that will continue to be located west of the southern portion of the West Property and across SE Milwaukie Avenue. Finally, the property to the south of the West Property will continue to have an MU-N Comprehensive Plan designation and CM1 zoning, which will provide an appropriate transition between the proposed multi-family designation of the West Property and the more intensive CM2 zone further south along SE Milwaukie Avenue.

The proposed MD-C Comprehensive Plan designation and corresponding RM2 zone for the East Property are also compatible with the land use pattern established by the existing Comprehensive Plan Map on the east side of SE Milwaukie Avenue. There are large areas of MD-C designated properties on the Comprehensive Plan that have a

corresponding RM2d zone both north and south of the East Property and east of SE Milwaukie Avenue. The area immediately surrounding the East Property has a R2.5 single-family Comprehensive Plan designation and zone. However, within that R2.5 area, there are several properties with a MD-C Comprehensive Plan designation and RM2 zoning designation. Specifically, the lots that make up the northeast corner of the block that the East Property is located on have a MD-C designation, and two individual lots on the block directly south of East Property also have a MD-C designation and are zoned RM2. Finally, the properties currently designated and zoned R2.5 along SE Milwaukie Avenue within the two blocks that include and are adjacent to the East Property are the only single-family zoned properties that front SE Milwaukie Avenue along its entire length from SE Nehalem Street to SE Gideon Street, a 2.5 mile stretch. Every other property that fronts SE Milwaukie Avenue has either a commercial designation or a multi-family designation. That established zoning pattern is entirely consistent with the importance of SE Milwaukie Avenue as a designated corridor. The East Property is the only large undeveloped property designated and zoned R2.5 that fronts SE Milwaukie. Therefore, the requested Comprehensive Plan amendment would allow it to be developed with a multi-family use compatible with and entirely consistent with the land use pattern established by the Comprehensive Plan.

The applicable adopted area specific plan for the Properties is Sellwood-Mooreland Neighborhood Plan (SMNP). As discussed below, under Policy 1.19, the proposed amendments are not in conflict with the SMNP.

For these reasons, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

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 [effective date of this 2035 Comp Plan] should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.

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

1.19.c. Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to [effective date of this 2035 Comp Plan] are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan. 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 SMNP is the neighborhood plan for the Properties and the surrounding neighborhood. The SMNP was adopted by the City of Portland in April of 1998⁷ and is identified on Figure 1-2. The community plan

⁷ Comprehensive Plan Figure 1-2 indicate that the effective date of the SMNP is 1997, but the SMNP itself is dated April 1998.

includes 18 neighborhoods in southwest Portland, including the Southwest Hills neighborhood. As demonstrated below, the requested amendments are consistent with the relevant SMNP policies and objectives.⁸

Sellwood-Mooreland Neighborhood Plan

Neighborhood Character and Identity

Policy I: Historic Preservation

Protect historic resources. Preserve the historic character of neighborhood areas recognized in this plan.

The development located on the Properties are not designated historic resources and the Properties are not located within a historic or conservation district. Additionally, the historic character of the northern edge of the Sellwood-Mooreland Neighborhood is a mix of single-family residential, multi-family residential, and commercial uses. Providing zoning that allows for development of additional multi-family development along the SE Milwaukie Avenue corridor is consistent with that character.

Neighborhood Form/Urban Design

Policy II: Sense of Place

Reinforce a distinctive sense of place by emphasizing neighborhood boundaries, connections, business districts, public open spaces, and focal points.

The Properties are located at the northern and western edges of the neighborhood. The proposed amendments would activate those integral edge areas. Given the location is the northern entry point to the neighborhood, the Properties also serve as part of the northern gateway to the neighborhood. The proposed amendments would facilitate redevelopment of an existing surface parking use and an aging office that contribute little to the important gateway area. The higher density residential uses would enhance the established character of a mixed-use village by increasing the variety of residential uses in the village area and improving the pedestrian environment along SE Milwaukie Avenue.

Community Identity

Policy III: Community Livability

Strengthen the sense of community and neighborhood identity.

The SMNP describes the neighborhood character as an urban village with a rich mixture of land use, a variety of housing types with a range of affordable housing, recreational activities and transportation alternatives. The proposed amendments would facilitate redevelopment of underutilized land with multi-family developments that would contribute to the variety of housing options within the neighborhood. The multi-family developments would almost certainly trigger the IH requirements that would contribute to additional affordable housing options in the neighborhood. The compatible zoning pattern proposed through these amendments acknowledges and celebrates the existing development and heritage of the neighborhood, while allowing new development that would attract new community members to the area. Finally, the applicant reached out to neighborhood leaders prior to the submittal of the application and will continue to communicate with the neighborhood through this process.

⁸ The policies and objectives that are not identified below are not applicable or relevant to this application. Additionally, the SMNP states, “[b]ecause all of the goals and policies of the Sellwood-Mooreland Neighborhood Plan are balancing policies, they must be considered against each other and weighed with the balancing policies of the Comprehensive Plan. They must all be considered, but do not have to be individually met.” Therefore, it is not necessary to meet every policy in the SMNP in order to be considered generally consistent with the plan as a whole.

Neighborhood Subareas

Policy IV: Subareas

Recognize and reinforce distinct neighborhood subareas, considering their unique strengths, character, challenges, and opportunities.

The West Property is located on the eastern edge of the City View subarea and the East Property is located on the western edge of the North End subarea. The relevant subarea policies for each property are addressed below.

Pedestrian-Oriented Commercial Areas – Milwaukie Avenue Commercial Areas

Policy VII: Balanced Growth

Preserve the health and vitality of neighborhood commercial areas and maintain the balance among residential, commercial and industrial interests.

The SE Milwaukie Avenue corridor that extends south of the Properties is primarily zoned commercial and includes a primary neighborhood village area near the intersection of SE Milwaukie Avenue and SE Bybee Boulevard. The requested amendments would allow multi-family development that would contribute to the vitality of the commercial area and contribute to the pedestrian oriented feel of SE Milwaukie through structures that meet the applicable development standards of the multi-family zones that require strong building edges close to the street and other pedestrian oriented building features. The requested higher-density designations also provide the desired balance between residential uses and near-by commercial areas within the corridor. Finally, both the RM4 and RM2 zones permit a limited amount of small retail and office uses along SE Milwaukie Avenue which further contributes to this policy supporting balanced growth.

North End

Policy X: North End – A New Neighborhood Center

Encourage the emergence of a new neighborhood center in the North End which will become the focal point for transit and pedestrian-oriented residential, commercial and employment uses.

The desired character statement for the North End states “[t]he outer edges of the area, along transit corridors, should be built more densely to create more substantial, well-designed buildings, with parking below ground or behind the building and pedestrian plazas or courtyards in front. The northern gateway into the North End should have a mixed-use, transit-oriented development, taking advantage of Willamette River and Oaks Bottom views and prominent location at the intersection of major transportation corridors.” The desired character statement also provides that the core of historic older homes should be protected, with only compatible infill allowed.

The proposed amendments place higher density residential opportunities along the outer edge of the North End at the northern gateway. The densities allowed under the proposed zones would facilitate higher density residential development that can support the commercial center to the south and attract additional retail and commercial businesses to extend to the north with the existing commercial areas along SE Milwaukie Avenue. Furthermore, both of the proposed zones permit small retail and office uses along SE Milwaukie Avenue which could contribute to the desired neighborhood center in the north end.

Residential Areas - City View

Policy XI: Residential Areas

Preserve the predominantly pedestrian scale and design of the neighborhood's residential areas, emphasizing the street as an important public space element.

The objectives for the residential areas include ensuring a mix of housing to serve the needed range of types, sizes and income levels that would accommodate a socially and economically diverse neighborhood population and to designate areas as appropriate locations for concentrating higher density residential development and mixed-use zones. While the neighborhood currently provides some multi-family housing opportunities, the neighborhood is dominated by single-family housing, particularly in the north end area. While a specific development is not proposed at this time, the proposed zones would facilitate multi-family development that triggers IH. The requested amendments are therefore in complete alignment with the objective of having a neighborhood that provides a mix of housing to serve the needed range of types, sizes and income levels to accommodate a diverse neighborhood. The SE Milwaukie Avenue corridor is an appropriate location for the requested higher density residential options that align with the neighborhood objective.

Environmental and Greenspaces

Policy XII: Environment and Greenspaces

Foster community care and respect for the environment.

The Properties are not located within an area designated as a Greenspace in the SMNP. However, The Willamette River Greenway and Oaks Bottom Wildlife Refuge are designated and are directly west of the West Property. The requested amendment for the West Property is consistent with the SMNP objective and policies aimed at protecting those important areas. The existing River overlays will remain on the western portion of the West Property, and applying a consistent, higher-density zone to the entirety of the West Property would allow future development to be clustered on the eastern, upland portion of the property. Any development proposed within the overlay areas would be subject to the River development standards or require approval through River Review which emphasizes avoidance of impacts and requires mitigation for any impacts that are approved. Therefore, development on the West Property under the proposed zone would be consistent with protection of the neighborhood greenspaces and wildlife habitat to the west. Additional residential density in the north end of the neighborhood near the established Oaks Bottom trail connecting the bluff to the Willamette River area is consistent with the SMNP objective for creating opportunities for interaction with the natural environment.

Transportation

Policy XIII: Transportation

Provide for the safe movement of people and goods, while preserving, enhancing or reclaiming the neighborhood's livability.

The Transportation section of the SMNP primarily addresses bridge crossings and light rail opportunities that are unrelated to the requested amendments. Nonetheless, the proposed amendments would have limited impact on vehicle traffic in the area when compared to the existing zoning and create an opportunity for enhanced transit and bicycle opportunities and pedestrian friendly development that would enhance the livability of the neighborhood. As detailed in the attached Kittelson Traffic Study, even under a worst-case development scenario, the proposed amendments would not generate motor vehicle trips that significantly affect the transportation system. Additionally, residents of future residential development on the Properties would be able to use existing nearby transit and both existing and planned pedestrian and bicycle routes.

Community Services

Policy XIV: Community Services

Enhance the Sellwood-Mooreland neighbor's sense of community.

The proposed amendments are consistent with this policy because they would provide opportunities for new residents that could participate in and contribute to the Sellwood-Mooreland community. The proposed zones allow multi-family development that would strengthen the residential element of the neighborhood. Both multi-family zones also allow small commercial uses close to SE Milwaukie Avenue that, if developed, would provide community goods and/or services within walking distance of the surrounding neighborhood residents.

Public Safety and Crime Prevention

Policy XV: Public Safety and Crime Prevention

Maintain a safe neighborhood for people and property

The proposed amendments are consistent with maintaining a safe neighborhood. Placing additional residents along a currently underdeveloped segment of SE Milwaukie Avenue would create activity in that area that is less conducive to criminal behavior than the existing surface parking area and aging office complex. Additionally, as noted in the pre-application conference response, the Fire Bureau has no concerns with the requested amendments and adequate fire and police services are available. Future development would be required to comply with the then current fire code.

For these collective reasons, the proposed amendments are entirely consistent with the SMNP and are equally or more supportive of policy 1.19 than the existing designations and zones.

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.

These goals generally support strong community involvement in the land use process. Consistent with these goals, as implemented through the policies below, the applicant has engaged with members of the neighborhood association and neighborhood and will continue to do so through this process. The applicant values the public nature of the process and has listened to the input from neighbors and neighborhood organizations. The neighborhood organization and individual neighbors have an opportunity to be active participants in this planning process. Additionally, consistent with the goals, staff will certainly have a clear and open process for providing documents to neighbors and answering questions via both the phone and email. While the neighborhood does not have a decision-making role in this process, the community involvement in the process is robust and the access to the process is consistent with both these Community Involvement Goals and the requirements of the applicable zoning code procedures.

Policies:

- 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.*

This policy requires the City to maintain partnerships and coordinate with the list of people and groups in subsections a through g. While not directly applicable to the applicant, the applicant in this case met with a representative of the Sellwood-Mooreland Improvement League (SMILE) before submission of the application. Additionally, this application is being processed as a Type III application with public notice, two public hearings and an opportunity for written comments. For these reasons, the request is equally supportive of this Community Involvement Policy as continued application of the conditions.

- 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.*

Once again, this policy is primarily directed at the City and directs the City to work with neighborhood associations and others and to facilitate communication and collaboration amongst those groups. However, the applicant in

this case met with a SMILE representative before submission of the application. Additionally, this application is being processed as a Type III application with public notice, two public hearings and an opportunity for written comments. For these reasons, the request is equally supportive of this Community Involvement Policy as continued application of the conditions.

Policies 2.3 through 2.5 apply primarily to City outreach to communities of color and low-income populations are not relevant to the requested amendment.

Policies 2.6 through 2.38 and Policy 2.41 are directives to the City related to community involvement and are not relevant to the requested amendment

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.*

As required by the planning and zoning code, notice of this application will be mailed to all property owners within 400 feet of the site, to the recognized organizations in which the Properties are located, and to all recognized organizations within 1000 feet of the Properties. In addition, the applicant will be required to post notice of the hearing on the site. Therefore, this request is consistent with codified notice requirements and is equally supportive of this notification policy.

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.*

Consistent with this policy, the City provides clear and easy access to information about quasi-judicial land use applications and the resulting process through multiple formats. As noted above, and required by the planning and zoning code, notice will be sent to neighboring landowners and the affected neighborhood organizations. The applicant will also be required to post the site with an approved posting board that provides information about the application and the hearing. The staff recommendation will also be sent to those who receive notice. The documents will provide telephone numbers, physical addresses and email addresses for staff. The documents will also provide the web addresses for accessing the City Code, the Comprehensive Plan, and the Statewide Planning Goals. For these reasons, the requested amendments are equally supportive of this policy.

CHAPTER 3: URBAN FORM

Goals:

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.

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.

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.

GOAL 3.E: Connected public realm and open spaces

A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.

GOAL 3.F: Employment districts

Portland supports job growth in a variety of employment districts to maintain a diverse economy.

GOAL 3.G: Nature in the city

A system of habitat corridors weaves nature into the city, enhances habitat connectivity, and preserves natural resources and the ecosystem services they provide.

The requested Comprehensive Plan amendments and corresponding zone changes are consistent with these Urban Form goals, as implemented through the policies below. The City has adopted centers and corridors throughout the city through Chapter 3, and SE Milwaukie Avenue is identified as a Neighborhood Corridor in the Comprehensive Plan. It serves as an important connection between the Central City center and the designated Sellwood/Moreland neighborhood center to the south. While there is currently no development proposed on the Properties, the higher density housing permitted in the proposed RM4 and RM2 zones is consistent with the goal of Title 6 to increase housing opportunities and activity along corridors and in close proximity to transit and city centers. Both the RM4 and RM2 zones also permit limited, small commercial uses consistent with the goal of providing an opportunity for local access to services and goods. Finally, the preservation of the g* and e River overlay zones on the western portion of the West Property is consistent with the nature of the city goals. While the exact future development that will occur on the Properties is unknown at this time, the requested amendments provide an opportunity for redevelopment that is more supportive of the Urban Form goals and policies than the existing uses.

Policies:

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.*

The Urban Design Framework (UDF) figures designate centers, districts, corridors, greenways, habitat corridors, and pattern areas city-wide. Under the Urban Design Framework maps, the Properties are not located in a designated center but are located in an inner neighborhood and are in, or are close to the edge of, the Inner Ring surrounding the Central City center. SE Milwaukie Avenue is a designated Neighborhood Corridor. The West Property is adjacent to the Oaks Bottom Wildlife Refuge, which is designated Open Space, identified as urban Habitat Corridor, and includes a mapped trail. As discussed below, the requested amendments which would facilitate productive redevelopment and increased residential densities on the Properties are consistent with, and supportive of, the applicable UDF designations for the Properties.

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.*

The Properties both have frontage along SE Milwaukie Avenue, a designated Neighborhood Corridor. The Comprehensive Plan includes the following description of Neighborhood Corridors:

Neighborhood Corridors are narrower main streets that connect neighborhoods with each other and to other parts of the city. They have transportation, land use, and design functions that are

important at a neighborhood or district level. They support neighborhood business districts and provide housing opportunities close to local services, amenities, and transit lines. They are streets that include a mix of commercial and higher-density housing development.

The requested amendments would allow higher density multi-family housing development along SE Milwaukie Avenue than currently allowed under the existing zoning designations, and are entirely consistent with the description of the Neighborhood Corridor. Encouraging higher density residential development along this critical inner neighborhood corridor contributes to a vibrant urban neighborhood where residents are close to the designated city centers both north and south of the Properties and have access to transit along SE Milwaukie Avenue and the nearby designated transit station area at SE 17th and SE Holgate. Therefore, the requested amendments are far more supportive of this policy than the current Comprehensive Plan and zone designations.

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.*

The requested amendments would facilitate the development of multi-family development on the Properties. While no development is proposed at this time, the proposed zoning designations are likely to lead to residential development that triggers the Inclusionary Housing provisions of the zoning code. This would in turn help encourage equitable access to housing opportunities that do not currently exist in the area. For these reasons, the requested amendments are more supportive of this policy than the current mixed use and single-family designations.

Policy 3.4 ***All ages and abilities.*** *Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.*

The opportunity to increased residential density along a designated Neighborhood Corridor in close proximity to commercial centers and transit opportunities is consistent with a built environment that prioritizes a safe and healthful environment for all ages and abilities. Additionally, the requested amendment on the West Property would allow development to be concentrated on the upland portion of the site away from steep slopes and away from designated open space and habitat areas. Therefore, the requested amendments are more supportive of this policy than the current Comprehensive Plan and zone designations.

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

SE Milwaukie Avenue is both a Neighborhood Corridor and a transit street. Placing increased residential opportunities along this important corridor supports energy and resource efficiency as future residents would be able to take advantage of transit service and pedestrian amenities to travel to and from the Properties. Additionally, as discussed in detail in the attached Kittelson Transportation Study, the proposed amendments will not significantly impact the surrounding transportation system and therefore they are consistent with transportation planning for the area. Finally, new development on the Properties would be required to comply with current development standards that support energy-efficient, resource-efficient, and sustainable development, and therefore, future buildings on the site are likely to be more energy and resource efficient than the existing older building on the West Property. For these reasons, the requested amendments are more supportive of this policy than the current Comprehensive Plan and zone designations.

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.*

The East Property is currently a surface parking lot and the West Property is underdeveloped with an aging office building. The proposed Comprehensive Plan designations and corresponding zones for the Properties would allow

for redevelopment of the properties with high to medium density residential uses. This redevelopment would allow for far more efficient use of land near the Central City and along a designated Neighborhood Corridor. Additionally, the consistent multi-family residential zoning on the West Property would allow focused and efficient development on the upland portions of the Property. Consistent zoning that allows a developer to cluster development outside of the wildlife corridor and the g* and e River overlay areas ensures the protection of the environmental qualities of the overlays and provides an effective buffer between development and the wildlife refuge area further west. Therefore, the requested amendments are far more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.7 ***Integrate nature.** Integrate nature and use green infrastructure throughout Portland.*

As noted above, the proposed consistency in zoning across the West Property allows for the concentration of development on the upland portion of the West Property to avoid and minimize impacts on the River overlay areas. Additionally, any new development on the Properties would be subject to code provisions that implement this policy, including the Title 11 urban forestry requirements related to tree protection, mitigation and planting. Any new development of the Properties would also be able to take advantage of green and energy efficient building options currently available. Therefore, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.8 ***Leadership and innovation in design.** Encourage high-performance design and development that demonstrates Portland's leadership in the design of the built environment, commitment to a more equitable city, and ability to experiment and generate innovative design solutions.*

New development on the Properties would be subject to the zoning and building code provisions that implement this policy. New development would also have the opportunity to provide high-performance and innovative design that is also in keeping with the existing neighborhood under the RM4 and RM2 development standards. Additionally, the West Property would continue to be in the Design overlay and new development would be subject to Design Review. The Design overlay would also be applied to the East Property along with the RM2 designation, consistent with other RM2 nodes in close proximity to the Property east of SE Milwaukie Avenue. Therefore, the requested amendments are more supportive of this policy than the current Comprehensive Plan and zone designations.

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 Sellwood-Mooreland neighborhood includes a mix of uses and housing types, but is dominated by single-family homes. The proposed amendments would result in new housing opportunities for future residents of the neighborhood and further expand the range of types of residential opportunities in the neighborhood. The density allowed under the proposed designations on both the West and East Properties would almost certainly result in residential development that trigger IH requirements and either provide or benefit affordable housing in the neighborhood. Impacts of development on the physical characteristics of the neighborhood would be appropriately controlled and limited by the development standards that are intended to minimize impacts on surrounding and established residential uses, including height limits and setback requirements. For these reasons, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.10 relates to rural and urbanizable land and is not relevant to this amendment.

Policy 3.11 addresses significant places and is not relevant to the subject site.

Policies 3.12 through 3.20 relate to centers in the UDF. The Properties are not located in a center and these policies are not relevant

Policies 3.21 through 3.26 relate to the Central City. The Properties are not located in the Central City and these policies are not relevant.

Policies 3.27 through 3.30 relate to Gateways. The Properties are not located in a Gateway area and these policies are not relevant.

Policies 3.31 through 3.34 relate to Town Centers. The Properties are not located in a Town Center and these policies are not relevant.

Policies 3.35 through 3.38 relate to Neighborhood Centers. The Properties are not located in a Neighborhood Center and these policies are not relevant.

Policy 3.39 through 3.43 relate to Inner Ring Districts. The Properties appear to be located just inside edge of the Inner Ring but are not located in an Inner Ring District and these policies are not directly relevant.

Policy 3.44 **Growth and mobility.** *Coordinate transportation and land use strategies along corridors to accommodate growth and mobility needs for people of all ages and abilities.*

The Properties are located along SE Milwaukie Avenue, a UDF designated Neighborhood Corridor. SE Milwaukie Avenue is also a transit access street, a major city walkway, and a city bikeway and it serves an important transportation function for the Sellwood-Mooreland neighborhood and the surrounding centers. Facilitating productive redevelopment of the Properties with multi-family development is supportive of the policies related to corridors. Increased density along this important corridor accommodates needed growth and provides needed housing. Future residents would be able to take advantage of the bus service along SE Milwaukie Avenue and the existing pedestrian and bike system. As provided in the Kittelson Transportation Study the proposed zones would result in the potential for some additional daily vehicle trips, but the level of increase would not significantly affect the surrounding transportation system. Therefore, the requested amendments are more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.45 **Connections.** *Improve corridors as multimodal connections providing transit, pedestrian, bicycle, and motor vehicle access and that serve the freight needs of centers and neighborhood business districts.*

SE Milwaukie Avenue is a designated Neighborhood Corridor that provides transit, pedestrian, bicycle and motor vehicle access. Redevelopment of the Properties with a medium- to high-density residential uses would be consistent with the existing transit, pedestrian and bicycle access provided along SE Milwaukie Avenue. Additionally, the Transportation System Plan includes plans for pedestrian and bicycle improvements along SE Ellis Street which borders the Properties to the south (SE 14th/15th Neighborhood Greenway - Project 70070.0). The redevelopment of the Properties could contribute to the timing and effectiveness of the identified improvements. For these reasons, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.46 **Design.** *Encourage street design that balances the important transportation functions of corridors with their roles as the setting for commercial activity and residential living.*

SE Milwaukie Avenue has a Neighborhood Corridor street design classification under the 2035 Transportation System Plan. As a Neighborhood Corridor it serves as an important connection between the central city and other city centers, including the Sellwood-Mooreland Center. The proposed amendments would allow higher density residential development appropriate in the corridor area and trigger street improvements consistent with the design designation to allow the corridor to fulfill the transportation functions and create consistency with the planned street design for the area. Therefore, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.47 ***Green infrastructure in corridors.** Enhance corridors with distinctive green infrastructure, including landscaped stormwater facilities, extensive tree plantings, and other landscaping that both provide environmental function and contribute to a quality pedestrian environment.*

The Properties are located along SE Milwaukie Avenue, a UDF designated Neighborhood Corridor. The existing building on the West Property was built in 1963, well before recent innovations in landscaped stormwater facilities, street tree requirements and other landscaping requirements that serve an environmental function and contribute to the pedestrian experience. Similarly, based upon aerial photos, the East Property has been a surface parking lot since at least 1975 and does not currently contribute green infrastructure to the corridor. Any new development on the Properties, however, would have to satisfy current stormwater, landscaping and urban forestry requirements that implement this policy. For these reasons, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policies 3.48 through 3.51 relate to Civic Corridors. The Properties are not located in a Civic Corridor and these policies are not relevant.

Policy 3.52 ***Neighborhood Corridors.** Enhance Neighborhood Corridors as important places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods.*

Consistent with this policy the proposed amendments would facilitate the development of quality multi-family housing along SE Milwaukie Avenue, a designated Neighborhood Corridor. Following the amendments, both properties would be within the d overlay and new development would be subject to design review. Through the design review process the City would evaluate the proposed design for compliance with applicable design guidelines which include a provision related to the quality and permanence of building materials, which in turn supports the policy calling for quality multi-family developments along corridors. The residents of future development under the proposed zones would add to the vibrance of the corridor and add to the neighborhood consumer base for the business district along SE Milwaukie. Additionally, the proposed RM2 and RM4 zones permit a limited amount of small commercial uses along SE Milwaukie Avenue which could contribute to business activities along the SE Milwaukie Avenue. However, the shift from the mixed use CM1 zone to the RM4 zone is consistent with the surrounding residential uses on this segment of the corridor. For these reasons, the requested amendments are more supportive of this policy than the current Comprehensive Plan and zone designations.

Policies 3.53 through 3.59 related to transit stations. The Properties are located less than a mile from an employment transit station, but are not located within the transit station boundaries. Therefore, these policies are not directly applicable.

Policies 3.60 through 3.63 relate to City Greenways. The Properties are not located in a City Greenway and these policies are not relevant.

Policy 3.64 ***Urban habitat corridors.** Establish a system of connected, well-functioning, and diverse habitat corridors that link habitats in Portland and the region, facilitate safe fish and wildlife access and movement through and between habitat areas, enhance the quality and connectivity of existing habitat corridors, and establish new habitat corridors in developed areas.*

Pursuant to Urban Form Figure 3-6 Urban Habitat Corridors, the western portion of the West Property appears to be located in an Existing/Enhanced Habitat Corridor that is consistent with the River overlay areas on the western portion of the West Property. Through these designations the City has fulfilled this policy by creating habitat corridor designations and connections between those corridors for wildlife movement. Nonetheless, under the existing split zoning it may be possible to develop single family homes within the designated habitat corridor area at some point in the future because the entirety of those lots are located within the overlay area. In contrast, the proposed amendment to provide a consistent zone across the West Property with allowed residential density commensurate with the size and location of the West Property would allow future development of the single site to be clustered on the eastern portion of the property. This would help protect the designated wildlife corridor and

facilitate the safe wildlife access and movement. Additionally, new development on the Properties would have to comply with existing landscape and tree standards which would provide habitat benefit to birds and other small wildlife within the adjacent habitat corridor. Therefore, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.65 **Habitat connection tools.** *Improve habitat corridors using a mix of tools including natural resource protection, property acquisition, natural resource restoration, tree planting and landscaping with native plants, and ecological design integrated with new development.*

As discussed above, the proposed amendment on the West Property is a tool that would allow development to be clustered on the eastern portion of the West Property to provide resource protection consistent with this policy. Additionally, future development on the Properties would be required to comply with existing landscaping, urban forestry, and resource protection provisions of the code intended to implement this policy. Future development would also be required to comply with the tree retention, mitigation and planting requirements of Title 11. For these reasons, the requested amendments are more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.66 **Connect habitat corridors.** *Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.*

The Figure 3-6 Urban Habitat Corridor map identifies both existing and future or potential habitat corridors. The West Property and surrounding area to the north and south is mapped as an existing habitat corridor. Therefore, this policy related to planned or future connections is not directly relevant.

Policy 3.67 **Employment Area geographies.** *Consider the land development and transportation needs of Portland's employment geographies when creating and amending land use plans and making infrastructure investments.*

The East Property and the western portion of the West Property currently have single-family residential designations and are not located within a designated Employment Area. The east portion of the West Property, which is zoned CM1 and has MU-N designation, appears to be at the far northern end of an Employment Area identified on Urban Form Figure 3-7 that runs along SE Milwaukie Avenue. The eastern portion of the West Property is currently developed with several one- to two-story office buildings and a large surface parking area. Those offices currently provide some employment opportunities. However, given the location at the far north end of the SE Milwaukie Avenue commercial node and surrounded by the open space wildlife area to the west and residential area to the east, the West Property is unlikely to support a robust commercial redevelopment. Additionally, the RM2 and RM4 zones allow a limited amount of small retail and office uses along SE Milwaukie Avenue. Therefore, the Properties could provide new employment opportunities in addition to the residential opportunities. Finally, the higher residential densities proposed for the Properties along SE Milwaukie Avenue would bring additional residents to the SE Milwaukie corridor and the neighborhood creating a larger customer base to support and strengthen the surrounding commercial and employment areas. For these reasons, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.68 relates to truck corridors and is not relevant.

Policies 3.69 through 3.81 relate to the Willamette and Columbia River and are not relevant.

Policy 3.82 **Willamette River Greenway.** *Maintain multi-objective plans and regulations to guide development, infrastructure investments, and natural resource protection and enhancement within and along the Willamette Greenway.*

The River overlay zone implements this policy by regulating development along the Central and South reaches of the Willamette River greenway area. The stated purpose of the overlay zone is to promote the protection, conservation, restoration, enhancement, and maintenance of the economic, natural, scenic, historical, and recreational qualities of land along those reaches of the river. The West Property is separated from the Willamette River by the Oaks Bottom Wildlife Refuge, but the western portion of the West Property has both g* and e River overlays and the central part of the property has areas of either g* or e overlay. Consolidating the West Property into a single multi-family zone allows future development at densities appropriate for the location to be clustered on the upland portion of the property outside of the River overlays. Any future development proposed within the River overlay areas would be required to either meet standards or obtain River Review approval which requires an alternatives analysis and mitigation for any adverse impacts that are unavoidable under the approved alternative. Therefore, future development on the West Property must be simultaneously consistent with this policy that prioritizes natural resource enhancement and protection along the river's greenway area and the corresponding River overlay provisions. Therefore, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policies 3.83 through 3.86 relate to the Central City and are not relevant.

Policy 3.87 ***Inner Neighborhoods main streets.*** *Maintain and enhance the Streetcar Era pattern of street-oriented buildings along Civic and Neighborhood corridors.*

The Properties are located in the Inner Neighborhoods pattern area of Figure 3-8. The Comprehensive Plan provides the following description of the Inner Neighborhoods pattern area:

The Inner Neighborhoods are characterized by a regular pattern of neighborhood business districts located along former streetcar streets interspersed with residential areas. This Pattern Area has a small block pattern with an interconnected street grid that make transit, walking, and bicycling attractive options. 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.

This policy and the other Inner Neighborhoods policies below express the overall design approach in the Inner Neighborhoods.

The proposed amendments would not alter the existing grid pattern of the surrounding streets. However, the amendments would facilitate redevelopment of the Properties with multi-family buildings that must meet the development standards of the RM4 and RM2 zones that implement this policy for street-oriented buildings along corridors such as SE Milwaukie Avenue through maximum setback and main entrance standards. New development under the proposed zones on the Properties would also require design review which includes guidelines consistent with street-oriented buildings along corridors. In contrast, the existing development on the West Property is inconsistent with this policy as it includes multiple office buildings centered around a surface parking area oriented towards SE Milwaukie Avenue. The East Property is currently a surface parking area that is also inconsistent with this policy. If the East Property were to be redeveloped under the existing zoning, it would be subject to single-family development standards. For these reasons, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.88 ***Inner Neighborhoods street patterns.*** *Preserve the area's urban fabric of compact blocks and its highly interconnected grid of streets.*

The proposed amendments would not affect the block structure or street grid in the area. Therefore, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

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.*

The East Property is currently developed with a surface parking lot and is therefore a highly underutilized site within the Inner Neighborhood along a Neighborhood Corridor. The East Property could be developed under the existing Comprehensive Plan and zoning designations with 4 dwelling units or potentially subdivided to allow for more dwelling units under the current code. However, even with those minimally increased densities, the single-family designation is not consistent with the property's location along a Neighborhood Corridor. Similarly, the West Property is developed with a one and two-story office building with a large surface parking area and is an underutilized site given its location along SE Milwaukie. The proposed amendment to apply a multi-family designation and zone would allow productive redevelopment of the property with needed housing. Therefore, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policy 3.90 ***Inner Neighborhoods active transportation.*** *Use the extensive street, sidewalk, and bikeway system and multiple connections to the Central City as a key part of Portland's active transportation system.*

As discussed above, SE Milwaukie Avenue is a Neighborhood Corridor, a transit access street, a major city walkway, and a city bikeway and it serves an important transportation function for the Sellwood-Mooreland neighborhood and the surrounding centers. Providing higher density housing along this active transportation corridor makes efficient use of the surrounding active transportation system in a manner entirely consistent with this policy. Therefore, the requested amendments are more supportive of this policy than the current Comprehensive Plan and zone designations.

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 proposed amendments would not alter the existing block, street, or lot patterns along SE Milwaukie Avenue are within the surrounding residential neighborhoods. Therefore, the requested amendments are equally or more supportive of this policy than the current Comprehensive Plan and zone designations.

Policies 3.92 through 3.97 relate to Eastern Neighborhoods and are not relevant.
Policies 3.98 through 3.102 relates to the Western Neighborhoods and are not relevant.

CHAPTER 4: DESIGN AND DEVELOPMENT

Goals:

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.

The requested Comprehensive Plan amendments and corresponding zone changes would facilitate new development on the Property consistent with this goal. As discussed extensively above, the Properties are located along SE Milwaukie Avenue, an important Neighborhood Corridor that links the Central City to the Sellwood-Mooreland Center. The requested MD-U Comprehensive Plan designation and corresponding RM4 zone for the West Property is consistent with the RM4 zoning on the property to the north and would contribute to a coherent design and streetscape for that stretch west of SE Milwaukie Avenue. The requested higher density multi-family residential designation is consistent with the physical, historic, and cultural qualities of its location west of SE Milwaukie Avenue, at the north end of SE Milwaukie Avenue within the Sellwood-Mooreland Neighborhood, and adjacent to existing RM4 zoning. The requested designation would also facilitate needed growth and change for the area by allowing coordinated development with the property to the north under a consistent RM4 zone. The requested MD-C Comprehensive Plan designation and corresponding RM2 zone proposed for the East Property is

consistent with the nodes of RM2 zoning east of SE Milwaukie Avenue and would both respond to and enhance the mix of residential uses on the east side of the corridor. The requested amendment for the East Property would also help accommodate appropriate growth and change by making a large lot that has been underdeveloped with a surface parking lot comply with the higher density zoning designations appropriate for the Neighborhood Corridor area. Finally, new development on the Properties would be subject to the RM4 and RM2 development standards that are specifically intended to result in structures that are compatible with the scale and characteristics of adjacent single-family residential areas. Therefore, the requested amendments are supportive of this goal as implemented through the design and development policies identified below.

Goal 4.B: Historic and cultural resources

Historic and cultural resources are identified, protected, and rehabilitated as integral parts of an urban environment that continues to evolve.

The Properties do not include any known historic or cultural resources. However, consistent with this goal, if historic or cultural resources were discovered during redevelopment of the Properties, the developer would be required to comply with applicable local and state laws intended to protect such resources.

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.

Redevelopment of the Properties following the requested amendments would be supportive of the goal for development that enhances human health and the environment as implemented through the relevant policies identified below. First, any future development would be required to comply with zoning and building code requirements intended to protect safety and livability for the future residents of the Properties, as well as the surrounding neighborhood. New development would also be required to comply with current code provisions intended to limit negative impacts on water, hydrology and air quality, and could take advantage of energy efficient development options to reduce carbon emissions and provide sustainable design. Notably, the requested amendment for the West Property would allow development at densities that would provide needed housing along a corridor for efficient development that aligns with both housing needs and the goals for air quality and energy efficient development, while avoiding or minimizing impacts on the River overlay areas on the western portion of the property that help protect habitat and water resources further west. Finally, new development would be required to satisfy landscaping and tree standards intended to integrate nature and the built environment. Therefore, the requested amendments are supportive of this goal as implemented through the design and development policies identified below.

Goal 4.D: Urban resilience

Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

Any new development on the site would be required to comply with the existing building code and the BES Stormwater Management Manual to provide long term resilience for the buildings. Allowing higher density residential uses on the Properties, development would have the necessary flexibility and resilience to adjust the changing demographics and needs of the neighborhood and the City. The requested amendments are supportive of this goal as implemented through the design and development policies identified below.

Policies:

Policy 4.1 *Pattern areas. Encourage building and site designs that respect the unique built natural, historic, and cultural characteristics of Portland’s five pattern areas described in Chapter 3: Urban Form.*

As addressed above, the Properties are located along a Neighborhood Corridor and are just inside or at the Inner Ring boundary and are in the Inner Neighborhood Pattern area. The West Property is located in a habitat corridor and is adjacent to a greenway. As detailed above, the requested amendments are equally or more supportive of the Urban Form policies for both the corridor and applicable pattern areas. Therefore, the proposed multi-family zones and associated development standards encourage building and site design that respects the importance of denser and efficient development along SE Milwaukie Avenue and adjacent to the river and habitat areas and are equally or more supportive of this policy than the existing designations.

Policy 4.2 **Community identity.** *Encourage the development of character-giving design features that are responsive to place and the cultures of communities.*

First, it is important to note that this policy requires the City to encourage development of identified design features. The policy does not require a specific design and does not relate to the uses allowed on a site. The design of any future redevelopment of the Properties would be guided by the development standards of the RM4 and RM2 zones as well as the applicable design guidelines in the design review process. The development standards provide transitions to ensure development that is compatible with the scale and characteristics of adjacent residentially zoned areas with less density. Therefore, any future development must be designed to be responsive to place and surrounding uses. Finally, as addressed above, the requested amendments are consistent with the neighborhood specific goals and policies of the SMNP. Therefore, the requested designations and subsequent development under those designations would be responsive to the policies important to the surrounding community. For these reasons, the requested amendments are equally or more supportive of this policy than continued application of the restrictive conditions.

Policy 4.3 **Site and context.** *Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.*

Once again, this policy requires the City to encourage the identified development rather than require a specific development or a specific footprint. In any case, the design of future development on the Properties would be guided by the development standards of the RM4 and RM2 zones, including height limitations, minimum setbacks, site coverage and landscaping, and pedestrian oriented development. Additionally, development on both Properties would be subject to Design Review which applies multiple guidelines related to site, context and the public realm. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.4 **Natural features and green infrastructure.** *Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.*

Future development on the Properties under the proposed designations would be required to implement the natural and green infrastructure in the building design to comply with existing capacity issues and to comply with the BES Stormwater Management Manual requirements for vegetated stormwater management systems. BES has indicated that there are capacity issues with the surrounding combined system. Therefore, it will be necessary to treat stormwater on-site. As discussed in detail in the attached Drainage Report, it is feasible to treat the drainage from both Properties through vegetated stormwater management systems prior to infiltration. Additionally, site redevelopment would be subject to the minimum landscaping and applicable outdoor area requirements of the RM4 and RM2 zones as well as the street tree and on-site tree preservation, protection and mitigation requirements of Title 11. These are features and infrastructure that are not provided with the existing uses of the Properties. Finally, development on the West Property would allow efficient redevelopment that protects the greenspace areas on the western portion of the property within the River overlay. For these reasons, the requested amendments are more supportive of this policy than the existing designations.

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.*

The requested amendments would facilitate future development of the Properties that would be subject to pedestrian development standards that encourage a safe, attractive, and usable circulation system in all developments. The developer would also need to demonstrate compliance with other code provisions intended to enhance the pedestrian experience along all frontages, including building length and façade articulation, minimum landscaping requirements, and Title 11 street tree requirements, among others. This would result in development that is far more pedestrian friendly than the existing office building with the large parking area fronting SE Milwaukie Avenue and the surface parking lot on the East Property. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

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.*

The requested amendments would facilitate future development at the Properties that would be subject to the pedestrian standards and other development standards and design guidelines that promote building and site designs that enhance the pedestrian experience. Specifically, the developer would need to demonstrate compliance with code provisions intended to enhance the pedestrian experience along the SE Milwaukie Avenue frontage, including main entrance requirements, pedestrian standards, building length and façade articulation standards, minimum landscaping requirements, and Title 11 street tree requirements, among others. The development must also be consistent with applicable design guidelines related to street orientation. For these reasons, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.7 ***Development and public spaces.** Guide development to help create high- quality public places and street environments while considering the role of adjacent development in framing, shaping, and activating the public space of streets and urban parks.*

Once again, the requested amendments would facilitate redevelopment that would be guided by the RM4 and RM2 development standards intended to implement this policy, including the pedestrian standards, main entrances, and street tree requirements of Title 11. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.8 ***Alleys.** Encourage the continued use of alleys for parking access, while preserving pedestrian access. Expand the number of alley-facing accessory dwelling units.*

There is an existing alley located north of the East Property. Under the proposed RM2 zone, a future developer would be required to take into consideration the alley in building and site design. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.9 relates to transitions to urban areas and is not relevant.

Policy 4.10 ***Design for active living.** Encourage development and building and site design that promotes a healthy level of physical activity in daily life.*

Redevelopment on the Properties in compliance with the above-referenced pedestrian related standards would promote a healthy level of activity in site residents and surrounding neighbors by creating a safe, attractive and enhanced pedestrian experience along SE Milwaukie Avenue and all other property frontages. Additionally, residents of future multi-family development on the Properties would have easy pedestrian access to the existing recreational trail system through the Oaks Bottom trailhead located just north of the Properties. Future residents would also be within walking distance of both the more intensive commercial area in the Sellwood-Mooreland

Center to the south and the transit station opportunities less than a mile to the northeast. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

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.*

The requested amendments would facilitate future redevelopment of the Properties that would be subject to the RM2 and RM4 building height, maximum density, outdoor area, and minimum landscaping standards. Those standards are intended to minimize impact on surrounding residential development and to create access to light and air for pedestrians, as well as residents and visitors of the site and surrounding residents, while still allowing an urban scale of development. The step-down height provisions for both zones, in particular, would provide additional light and air between future development and surrounding single-family residential uses. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

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.*

The requested amendments would facilitate future redevelopment of the Properties that would be subject to the RM2 and RM4 development standards that include stepdown height limits for multi-family development abutting or across the street from single-family zoning. The requested amendment for the West Property limits the surrounding single-family areas by creating consistent RM4 zoning across the West Property which is in turn consistent with the RM4 zoning to the north. Therefore, following the proposed amendments the West Property would abut R5 zoned properties to the west of the southern portion of the property. Therefore, any portion of future building within 25 feet of the lot line on that portion of the West Property would have a 35-foot height limit. The same 35-foot step-down height limit would apply to any portion of a building on the East Property abutting the R2.5 zone. The applicable stepdown heights minimize both solar access and privacy impacts on the abutting single-family areas. For these reasons, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.13 *Crime-preventive design. Encourage building, site, and public infrastructure design approaches that help prevent crime.*

The requested amendments would facilitate future redevelopment of the Properties that would be subject to applicable development standards, including ground floor and pedestrian standards that provide an active pedestrian experience, and views of the surrounding area from the building would help deter crime. In contrast, the existing surface parking area on the East Property with intermittent activity does little to deter crime. For these reasons, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.14 *Fire prevention and safety. Encourage building and site design that improves fire prevention, safety, and reduces seismic risks.*

The requested amendments would facilitate future redevelopment at the Properties that would be required to comply with current fire code and building code standards that encourage or require fire safety and prevention in building design. New structures would also be required to comply with current building code requirements for seismic risks specific to this region. In contrast, at the time the existing building was constructed on the West Property, the full scope of seismic risk in this region was not fully understood, and therefore, the building code requirements did not account for a subduction zone seismic event. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

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.

The north end of the Sellwood-Mooreland neighborhood is dominated by single-family homes. Consistent with this policy, 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. Locating the higher-density, multi-family uses along SE Milwaukie Avenue achieves the expansion of housing types and opportunity for more affordable options in an area that is consistent with the goals of the City and with established patterns. Specifically, the RM4 zone proposed on the West Property is consistent with the RM4 zoning to the north and is compatible with the commercial designations to the south along the corridor and the limited single-family residential area to the west and southwest that currently abuts the commercial zoning. The RM2 zone proposed on the East Property is similarly consistent with other RM2 nodes in the immediate area, with the multi-family residential designations along the SE Milwaukie Avenue corridor, and would be compatible with the general scale of surrounding single-family areas as a result of compliance with development standards intended to protect abutting and nearby single-family residential properties. For these reasons, the requested amendments are equally or more supportive of this policy than the existing designations.

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 facilitate future redevelopment at the Properties that would be required to comply with applicable development standards and be consistent with applicable design guidelines directed at being compatible with and complimenting existing development. As discussed above, the standards dictate maximum building height, massing and coverage, as well as required pedestrian oriented development. The RM2 zone characteristics states that development is intended to “integrate with residential neighborhood characteristics” and provide “transitions in scale and characteristics to lower-scale residential neighborhoods.” These development objectives are appropriately achieved through application of the RM2 development standards. The RM4 purpose statement does not directly reference the scale of surrounding residential areas. However, located on the west side of SE Milwaukie Avenue with RM4 zoning to the north, CM2 zoning to the south, and open space to the west, the West Property has limited areas that abut the R5 single-family zoning and development to the southwest of the Property. Nonetheless, the same development standards that limit massing and height, including step-down height, require future development to be designed in a way that compliments the scale of surrounding residential areas. Finally, the Properties would be subject to design review which allows for a range of architectural styles and expressions, but also requires a structure that is consistent with guidelines aimed at achieving this policy. Therefore, the requested amendments are more supportive of this policy than the existing designations.

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.*

While housing is permitted in both the existing CM1 and R2.5 zones on the Properties, there is currently not residential development on either the West Property or the East Property. Therefore, demolition of housing is not proposed or needed, and the requested amendments are equally or more supportive of this policy than existing designations.

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.*

The East Property is currently zoned R2.5. However, it is not developed with a single-family home. Additionally, the requested amendment would not impact the preservation of existing single-family homes near the East Property.

As discussed above, RM2 development standards are in place to make certain there is an appropriate transition from the single-family residential areas to higher density residential development along corridors. The West Property is not currently zoned for or developed with single-family homes. For these reasons, the requested amendments are equally or more supportive of this policy than the existing designations.

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.*

The requested amendments would facilitate redevelopment of the Properties that would be subject to current building code requirements related to healthy design and development and would be subject to applicable RM4 and RM2 development code provisions aimed at health and efficient residential design and development. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

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.*

As discussed in the Urban Form section above, the Property is not located within a UDF designated center. However, the Properties are located along a critical Neighborhood Corridor that connect two centers and residents would be within walking distance of the Sellwood-Mooreland Center to the south along the corridor. The proposed zones also allow a limited amount of small commercial uses and therefore, future development could provide a variety of goods and services within walking distance of many of the surrounding neighbors, as well as the new residents. Therefore, while the policy is not directly relevant, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.21 **Street environment.** *Encourage development in centers and corridors to include amenities that create a pedestrian-oriented environment and provide places for people to sit, spend time, and gather.*

The Properties are located along a designated Neighborhood Corridor, SE Milwaukie Avenue. The proposed amendments facilitate future development that would be subject to development standards and design guidelines consistent with the policy. In contrast, the existing aging office development on the West Property and the surface parking lot on the East Lot do not contribute to a pleasant pedestrian environment along the corridor. Additionally, while redevelopment of commercial or mixed-use development on the West Property under the existing designation and zoning would also be subject to current development standards and design guidelines, single family development on the East Property under the existing R2.5 zoning would not contribute to a pedestrian oriented environment along SE Milwaukie Avenue. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

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.*

The maximum building height within the RM2 zone is 45 feet, which is consistent with corridor development. The maximum building height on the West Property would be 75 feet. While a building of that height may typically be found on streets wider than that SE Milwaukie Avenue, the West Property is uniquely located directly south of a property zoned RM4 and adjacent to an expansive open space area at the far edge of the surrounding neighborhood. Therefore, additional height on the West Property is generally consistent with the policy and on balance equally or more supportive of the Comprehensive Plan as a whole.

Policy 4.23 **Design for pedestrian and bicycle access.** *Provide accessible sidewalks, high- quality bicycle access, and frequent street connections and crossings in centers and corridors.*

The requested amendments would facilitate redevelopment of the Properties that would be subject to current street and sidewalk standards and bicycle parking standards. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.24 **Drive-through facilities.** *Prohibit drive through facilities in the Central City, and limit new development of new ones in the Inner Ring Districts and centers in order to support a pedestrian-oriented environment.*

The site is not located within the Central City or within an Inner Ring District or center. Therefore, this policy is not directly relevant. Nonetheless, pursuant to the zoning code and consistent with the general policy supporting pedestrian-oriented development, new drive-through facilities would not be permitted on the Properties as part of future redevelopment. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.25 **Residential uses on busy streets.** *Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.*

The City has implemented this policy for the multi-family residential zones located along corridors by requiring a minimum front setback. Additionally, the Title 11 street tree requirements would apply to any redevelopment of the Properties. For these reasons, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.26 **Active gathering places.** *Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.*

This policy directs the City to provide public spaces along corridors. Therefore, it does not directly apply to private property. However, the proposed increased density along the SE Milwaukie Avenue Neighborhood Corridor is generally consistent with community activity in close proximity to public and active spaces because the corridor serves as an activity neighborhood amenity and community space. Therefore, to the extent this policy is relevant, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.27 **Protect defining features.** *Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources, through application of zoning, incentive programs, and regulatory tools.*

The proposed amendment for the West Property would help protect the natural features within the River overlay and the wildlife refuge directly west of the property by allowing development at needed densities to be clustered on the upland portion of the West Property. There are no designated landmarks or historic or cultural resources within the vicinity of the Properties. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.28 **Historic buildings in centers and corridors.** *Identify, protect, and encourage the use and rehabilitation of historic resources in centers and corridors.*

There are no known historic and cultural resources on or near the Properties. The existing building on the site is not a designated historic building. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.29 *Public art. Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.*

Under this policy, the City must encourage, rather than require public art. The City has implemented this policy in the certain zones outside of the Central City by allowing public art to satisfy certain development standards. While those development standards would not apply to the proposed zones, the design guidelines that would apply to redevelopment during design review include guidelines that encourage design elements that would reflect the history of the area and the neighborhood. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.30 *Scale transitions. Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.*

As detailed above, this policy is implemented through massing and height limits that apply to the proposed multi-family residential zones. Specifically, both the RM2 and RM4 zones include setback and height stepbacks intended to soften transitions and limit light and privacy impacts of taller multi-family structures. Additionally, the RM2 zone purpose statements specifically state that the zone is intended to provide transitions in scale and characteristics to lower-scale residential neighborhoods. The proposed RM4 zone on the West Property allows additional height, but also includes setbacks and stepdown heights identical to the RM2 zone to provide a transition that softens the differences in scale. Additionally, as noted above, the West Property is uniquely located adjacent to existing RM4 zoning and CM2 zoning, and the area of abutting single-family residential area is limited. Where the West Property abuts the R5 zone, the existing downward slope to the west would further protect the privacy of neighbors to the west and southwest because the change in grade would largely prevent views into those homes. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.31 *Land use transitions. Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned land.*

The proposed amendments do not apply commercial or employment zoning designations to the Properties. Small commercial uses would be permitted on both Properties. However, those uses must be in close proximity to the SE Milwaukie Avenue corridor and would be smaller and less intensive than the commercial uses permitted under the existing CM1 zone on the West Property. Therefore, the requested amendments are more supportive of this policy than the existing designations.

Policy 4.32 relates to properties on the industrial edge and is not relevant.

Policy 4.33 *Off-site impacts. Limit and mitigate public health impacts, such as odor, noise, glare, light pollution, air pollutants, and vibration that public facilities, land uses, or development may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas. Pay particular attention to limiting and mitigating impacts to under-served and under-represented communities.*

The proposed amendments would facilitate redevelopment of the Properties that would be subject to the current code requirements that protect all properties from public health impacts from odor, noise, glare and light pollution. Most notably, this includes the River overlay provisions that apply to the western and central portions of the West Property. Additionally, the proposed residential designation for the West Property has a lower likelihood of off-site impacts than the higher intensity commercial uses currently allowed on the West Property under the existing CM1 zone. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.34 ***Auto-oriented facilities, uses, and exterior displays.** Minimize the adverse impacts of highways, auto-oriented uses, vehicle areas, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.*

The City has implemented this policy through code provisions addressing each of the identified impacts. The Properties are not adjacent to a highway and drive-throughs would be prohibited. The location and impact of vehicle areas would be minimized by the parking and loading standards of the zoning code. Any signage related to redevelopment or reuse of the Properties would be subject to the City's sign code standards. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.35 ***Noise impacts.** Encourage building and landscape design and land use patterns that limit and/or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truckways, major city traffic streets, and other sources of noise.*

The Properties are not located in close proximity to major traffic routes or other sources of noise. Nonetheless, any future uses on the Properties would be subject to the noise provisions of the existing code. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.36 ***Air quality impacts.** Encourage building and landscape design and land use patterns that limit and/or mitigate negative air quality impacts to building users and residents, particularly in areas near freeways, regional truckways, high traffic streets, and other sources of air pollution.*

The Properties are not located in close proximity to major traffic routes or other point sources of air pollution. However, any new development on the Properties could take advantage of energy efficiency technologies that did not previously exist to limit the energy footprint of a new development. Additionally, developing higher density residential structures along a corridor with direct access to pedestrian, bicycle and transit opportunities is consistent with reducing reliance on auto travel that contributes to air pollution. Finally, the tree preservation and mitigation of Title 11 and landscaping requirements would help mitigate negative air quality impacts. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.37 relates to diesel emissions from truck traffic and is not relevant.

Policy 4.38 ***Light pollution.** Encourage lighting design and practices that reduce the negative impacts of light pollution, including sky glow, glare, energy waste, impacts to public health and safety, disruption of ecosystems, and hazards to wildlife.*

Any redevelopment at the Properties would be subject to the City's code requirements for light and glare on neighboring properties. Additionally, if River review is required on the West Property, the developer would need to address light impacts on the adjacent wildlife area. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policies 4.39 and 4.40 relate to airport noise and telecommunication facilities and are not relevant.

Policies 4.41 through 4.59 relate to scenic and historic resources that are not present on the Properties and are not relevant.

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.*

The existing building on the West Property does not have certified historic or cultural significance. Additionally, while the existing use would become nonconforming following the proposed amendment to the West Property, there would be no express requirement to demolish the building. However, in addition to being a nonconforming use, the building and site layout are nonconforming and at odds with current development standards, particularly

for buildings along corridors. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policies 4.61 through 4.72 are development specific policies and are not relevant because development is not proposed through this application.

Policy 4.73 **Design with nature.** *Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.*

Policy 4.74 **Flexible development options.** *Encourage flexibility in the division of land, the siting and design of buildings, and other improvements to reduce the impact of development on environmentally-sensitive areas and to retain healthy native and beneficial vegetation and trees*

Policy 4.75 **Low-impact development and best practices.** *Encourage use of low-impact development, habitat-friendly development, bird-friendly design, and green infrastructure.*

Policy 4.76 **Impervious surfaces.** *Limit use of and strive to reduce impervious surfaces and associated impacts on hydrologic function, air and water quality, habitat connectivity, tree canopy, and urban heat island effects.*

Policy 4.77 **Hazards to wildlife.** *Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife.*

These policies are not directly relevant because development is not proposed through this application. However, as discussed above, the proposed RM4 zone is suitable for the West Property in part because of the large swath of River g* and e overlay area that includes sensitive resource and habitat area. The higher density multi-family residential zone allows development at densities that could be spread across the Property if it were not for the overlays to be clustered in the upland area. It is likely that future development would avoid the overlay areas altogether, but if there were any development proposed within the overlay areas, the development would either have to satisfy standards or receive River Review approval, which applies approval criteria generally consistent with these policies. Therefore, the requested amendment to the West Property is equally or more supportive of this policy than the existing designations.

Policy 4.78 **Access to nature.** *Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:*

- *Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.*
- *Major topographic features such as the West Hills, Mt. Tabor, and the East Buttes.*
- *Natural areas such as Forest Park and Oaks Bottom.*

As noted, the Oaks Bottom Wildlife Refuge is direct west of the West Property and separates the West Property from the Willamette River further to the west.

Policy 4.79 **Natural hazards and climate change risks and impacts.** *Limit development in or near areas prone to natural hazards, using the most current hazard and climate change-related information and maps.*

Policy 4.80 **Geological hazards.** *Evaluate slope and soil characteristics, including liquefaction potential, landslide hazards, and other geologic hazards.*

Policy 4.81 ***Disaster-resilient development.** Encourage development and site- management approaches that reduce the risks and impacts of natural disasters or other major disturbances and that improve the ability of people, wildlife, natural systems, and property to withstand and recover from such events.*

The site is not prone to flooding or other natural hazards that could result from climate change. However, as discussed above, the West Property site is located on steep slopes and is within a potential landslide hazard area. Therefore, the City will require submittal of a geotechnical report at the time of plan review for any future development to ensure that any new building is constructed to account for the landslide hazards and is disaster resilient. Additionally, future development must comply with the Stormwater Management Manual for landslide hazard areas to confirm that the stormwater management approach is appropriate for the site. The attached Drainage Report and the GeoDesign Geotechnical Report cited in and attached to the Drainage Report demonstrate the feasibility of safe onsite disposal of stormwater with future development on the West Property. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 4.82 relates to the Portland harbor and is not relevant.

Policies 4.83 and 4.84 relate to heat islands and disaster recovery and are not relevant.

Policies 4.85 and 4.88 relate to food access, growing food and community gardens and are not relevant.

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.

The proposed amendments would facilitate development of medium-density multifamily housing and the East Property and higher density multifamily housing on the West Property. The proposed amendments would provide needed additional housing opportunities in the Sellwood-Moorland inner neighborhood. While the Sellwood-Mooreland neighborhood has some multi-family housing opportunities, the neighborhood is dominated by single family homes, many of which have 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 each property and at densities that would trigger the Inclusionary Housing provisions of the code to provide further increases in affordable housing options within the neighborhood. For these reasons, the request is more supportive of this goal as implemented through the policies addressed below than the existing designations.

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.

Consistent with this goal, the proposed amendments would facilitate development that provides an opportunity for multifamily housing that could benefit people who have previously been unable to afford housing in the neighborhood, including lower-income households, diverse families or older adults who are seeking a smaller dwelling size. For these reasons, the request is supportive of this goal as implemented through the policies addressed below.

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.

The proposed amendments facilitate the development of new housing in that would be safe and healthy housing on a designated corridor and transit street with existing bus service. The Properties also provide convenient access to safe existing and future bicycle and pedestrian routes that can safely connect residents to the centers to the

south and to a light rail transit station less than a mile northwest of the Properties. For these reasons, the request is supportive of this goal as implemented through the policies addressed below.

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.

Given the proposed zones and the size of the Properties, the proposed amendments facilitate the development of residential development on the site would trigger the IH provisions the code, which are intended to further the goal of providing an adequate supply of affordable housing. While no development is proposed at this time, the requested zones would also enable a future developer to provide affordable housing opportunities that exceed the IH minimum requirements. Therefore, the requested changes are far more supportive of the City's affordable housing goals, as implemented through the policies identified below, than the existing designations.

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.

New housing development on the site could provide resource-efficient and high-performance housing as envisioned by this goal, as implemented through the policies addressed below.

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).*

While housing is already permitted on both Properties, the requested amendments shift the focus of future development to multi-family housing opportunities. The increased capacity would help 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, no housing is currently developed on the Properties. Therefore, this request offers an opportunity to provide needed higher-density housing without demolishing existing housing supply. Therefore, the requested amendments are more supportive of this policy than the existing designations.

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.*

As discussed above, the requested amendments create additional housing potential and provide an opportunity to meet future demand for housing in this inner neighborhood. While the price point for any future housing at the Properties is not known, by providing an opportunity for multifamily housing in a neighborhood that is predominantly higher cost single family homes, the housing units are likely to be more accessible to low- or moderate-income households than the existing single-family housing supply in the neighborhood. Therefore, the requested amendments are more supportive of this policy 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.*

Once again, the Sellwood-Mooreland neighborhood is dominated by single-family homes. The multifamily unit housing type is prevalent in many Portland neighborhoods, but there is a scarcity of multifamily housing or mixed-use housing within the core of the Sellwood-Mooreland, particularly at the north end of the neighborhood. The

proposed multi-family Comprehensive Plan designations and zones ensures that a fuller range of housing types meeting the evolving needs of existing and future Portland and neighborhood households is available in the neighborhood. Therefore, the requested amendments are more supportive of this policy than the existing designations.

Policy 5.5 relates to housing in designated centers and is not relevant.

Policy 5.6 ***Middle housing.** Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.*

The requested amendments would facilitate the development of needed middle housing within the Inner Ring on a Neighborhood Corridor with transit service. While the current frequency of the transit service is not considered frequent, additional ridership along the corridor from additional residential density could result in increased transit frequency in this area. Additionally, the Properties are located less than a mile from the high-capacity transit station at SE 17th Avenue and SE Holgate. Finally, the proposed designation and corresponding RM4 zone for the West Property is consistent with the existing zone on the property directly north. Therefore, the requested amendment would allow the efficient development of a cohesive middle housing development along that stretch of the SE Milwaukie corridor to support this policy. For these reasons, the requested amendments are more supportive of this policy than the existing designations.

Policies 5.7 through 5.18 relate to housing design, housing stability and other housing issues that are not relevant to the requested amendment.

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

As noted above, the majority of housing opportunities in the Sellwood-Mooreland neighborhood are single-family homes. As existing residents age there is a scarcity of diverse housing opportunities that would allow them to transition out of a larger single-family house to a smaller, more convenient, and more affordable dwelling unit and stay in the Sellwood-Moorland neighborhood. The requested amendments would increase the range of housing options within the neighborhood and give older neighborhood residents additional options as their housing needs change. Therefore, the requested amendments are more supportive of this policy than the existing designations.

Policies 5.20 and 5.21 relates to high poverty and underserved areas and are not relevant to this request

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.*

Based upon Figure 5-1 it appears that the site is located in a medium to high opportunity area. Therefore, the proposed amendments to facilitate the additional housing opportunity at densities that would trigger IH is more supportive of this policy than the existing mixed-use commercial and single-family designations.

Policy 5.23 ***Higher-density housing.** Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.*

The Properties are not located in a designated center, but are in close proximity to a center as the Sellwood-Mooreland Center is approximately half a mile to the south along SE Milwaukie Avenue. The Properties are also within or at the edge of the City's Inner Ring and are located along a transit street that is a designated Neighborhood Corridor. This policy encourages the location of higher-density housing in and around centers but does not preclude higher density residential uses in other locations. The West Property in particular is uniquely located for higher density housing normally reserved for center areas. As discussed above, the proposed Comprehensive Plan designation and corresponding RM4 zoning on the West Property is located directly south of RM4 zoned property. Therefore, a consistent multi-family zone along that stretch of SE Milwaukie Avenue would create an opportunity for a cohesive development under a single set of standards. Additionally, the West Property and the existing RM4 property are located at the far northwest edge of the Sellwood-Mooreland neighborhood and adjacent to open space to the west and north where additional height and density would have reduced impacts on the surrounding neighborhood. Finally, as demonstrated in the Zoning Study attached as Exhibit A, the proposed designation would allow a density similar to what would be spread across the Property under the existing zones if not for the presence of the River overlay. Therefore, the proposed amendment to the West Property would allow an appropriate level of needed housing to be clustered in the upland portion of the site thereby preserving and protecting the resources and functional values on the western portion of the property and providing a buffer for the sensitive wildlife habitat and water resources west of the property boundary. For these reasons, the requested amendments are more supportive of this policy than the existing designations.

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 Properties are located within the Portland Public School district. The applicant supports City coordination with the school district on enrollment, financial stability, and student mobility to address the impact of implementing the City's housing policies on schools. However, while Portland Public Schools is developing a long-range facilities plan, the school district has not yet adopted a school facility plan that has been acknowledged by the Portland City Council. Therefore, this policy cannot be applied to this application. Furthermore, as discussed below, school district enrollment capacity is not an approval criterion for the zone change. The requested amendments are equally supportive of this policy as the existing designations.

Policy 5.26 *Regulated affordable housing target. Strive to produce and fund at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.*

This policy is primarily implemented through the City's IH program. IH requirements apply to buildings with 19 or more dwelling units. While no development is proposed with these amendment requests, the requested Comprehensive Plan designations and corresponding zones allow residential densities on both Properties that would almost certainly result in projects that trigger IH. In contrast, the existing R2.5 zone that applies to the East Property would not allow enough residential units to trigger the IH requirements, and while more than 19 dwelling units could be placed on the West Property, the likelihood of that outcome is diminished under the current Comprehensive Plan designation and CM1 zone. Therefore, the requested amendments are more supportive of this policy as than the existing designations.

Policy 5.25 and 5.27 through 5.51 relate to affordable housing, housing types and housing design issues that are not directly relevant to the requested amendment.

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.*

SE Milwaukie Avenue and the other streets surrounding the Properties have existing sidewalks on both sides of the street and any new development would be required to comply with both short-term and long-term minimum

bicycle parking standards. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policy 5.53 **Responding to social isolation.** *Encourage site designs and relationship to adjacent developments that reduce social isolation for groups that often experience it, such as older adults, people with disabilities, communities of color, and immigrant communities.*

The requested amendments facilitate the development of a coherent residential community within the resulting RM4 node that would include the West Property and the existing RM4 area to the north, as well as development of a complimentary multi-family project on the East Property. New multi-family residential development in the neighborhood could provide an opportunity for greater interaction between residents than currently exists with single-family homes. The small commercial uses permitted in the RM2 and RM4 zones could also result in development would provide a wide variety of goods or services that attracts neighbors to the Properties and provide a chance for interaction. For these reasons, the requested amendments are equally or more supportive of this policy as the existing designations.

Policy 5.54 relates to rental protection issues that are not relevant.

CHAPTER 6: ECONOMIC DEVELOPMENT

Goals:

Goal 6.A: Prosperity

Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse population. A strong economy that is keeping up with population growth and attracting resources and talent can:

- *Create opportunity for people to achieve their full potential.*
- *Improve public health.*
- *Support a healthy environment.*
- *Support the fiscal well-being of the city.*

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.

Goal 6.C: Business district vitality

Portland implements land use policy and investments to:

- *Ensure that commercial, institutional, and industrial districts support business retention and expansion.*
- *Encourage the growth of districts that support productive and creative synergies among local businesses.*
- *Provide convenient access to goods, services, and markets.*
- *Take advantage of our location and quality of life advantages as a gateway to world- class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River Basin, and a robust interconnected system of natural landscapes within the region's Urban Growth Boundary.*

The Properties are not located within a designated industrial or employment area, but SE Milwaukie Avenue is identified as a neighborhood business district. The amendment proposed for the West Property replaces a commercial designation with a multi-family designation. The West Property is currently developed as an office use and the existing Comprehensive Plan designation and corresponding CM1 zone that currently applies to the West Property allows retail, office and other commercial uses. Therefore, the existing zone could conceivably result in additional commercial development. However, the existing office building is aging and the location at the far northeast corner of the surrounding neighborhood is not well suited for a new, larger commercial development.

Additionally, the proposed RM4 zone allows 2,000 square foot commercial uses within 100 feet of the SE Milwaukie Avenue lot line up to a total combined floor area ratio of .4 to 1, and the proposed RM2 zone allows 1,000 square foot commercial uses up to a total combined floor area ratio of .25 to 1. Therefore, it is possible that future development on the Properties would include ground floor retail or office uses that serve the community and contribute to the economic growth of the City. Additionally, increased residential density that would be permitted on both the East Property and the West Property would attract additional residents that would contribute to the economic development of the City as both customers and employees. Therefore, the proposed amendment to the West Property is slightly less supportive of this goal than the existing commercial designation, but the proposed amendment to the East Property is more supportive of this goal than the existing single-family designation, as implemented through the policies addressed below.

Policies:

- Policy 6.1** ***Diverse and growing community.** Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.*
- Policy 6.2** ***Diverse and expanding economy.** Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.*
- Policy 6.3** ***Employment growth.** Strive to capture at least 25 percent of the seven- county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).*
- Policy 6.4** ***Fiscally-stable city.** Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.*
- Policy 6.5** ***Economic resilience.** Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.*

The West Property is currently developed with an aging office building that provides some economic benefit, but the Property is currently under-utilized. If the West Property were to be redeveloped under the existing CM1 zone it could provide business and employment growth through new commercial development or mixed-use development. However, there are limits to how supportive the existing CM1 designation on the West Property is of the policies referenced above. First, the West Property is located in an area that limits the feasibility of a robust or vibrant commercial use. It is located at the far northwestern edge of the surrounding neighborhood. The area to the west is open space, the areas south and east are predominantly low density, single family homes, and the property to the north is currently developed with aging office uses. The Property to the north is zoned high-density residential, RM4, but as an isolated RM4 node with significant River overlay area, the likelihood of residential development in the near term that would help support new commercial activity on the West Property without the requested amendment on the West Property is low. Second, the City Council made a policy decision not to require commercial development in the CM1 zone or in other Commercial/Mixed-Use zones. Therefore, economic and employment growth from commercial development at the West Property would not be guaranteed if the property were to be redeveloped at some point in the future. Under the proposed RM4 zone, future development of the West Property could still provide economic growth through the smaller commercial uses permitted in close proximity to SE Milwaukie Avenue and contribute to a balanced jobs-to-household ratio. Small commercial uses would also be permitted on the East Property under the RM2 zone, whereas the existing R2.5 zone on the East Property currently prohibits most commercial uses. Finally, the proposed amendments would increase the residential density potential on the Properties which could contribute to the vitality and success of the commercial nodes that are better placed for economic success along SE Milwaukie Avenue and within the Sellwood-Mooreland Center to the south. For these reasons, the proposed amendments are slightly less supportive of these economic policies when compared to the existing commercial designation on the West Property. However, on balance, the proposed amendments are still more supportive of the Comprehensive Plan as a whole.

Policy 6.6 relates to the City's support of renewable energy and is not relevant to this application.

Policy 6.7 **Competitive advantages.** *Maintain and strengthen the city's comparative economic advantages including access to a high-quality workforce, business diversity, competitive business climate, and multimodal transportation infrastructure.*

Policy 6.8 **Business environment.** *Use plans and investments to help create a positive business environment in the city and provide strategic assistance to retain, expand, and attract businesses.*

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

The existing development on the West Property contributes to the business environment and provides office space for small businesses. However, the existing buildings are aging and the overall development is nonconforming and fails to align with the majority of the goals and policies identified in the Comprehensive Plan. Therefore, for the reasons described above, the existing zoning on the West Property provides limited support to the policies related to business and small business development. In contrast, the requested amendments would result in new residential opportunities in the neighborhood that would be attractive to a workforce seeking housing in close proximity to nearby industrial/employment areas and commercial centers. Additionally, the small commercial spaces permitted within both the RM2 and RM4 zones could provide opportunities for small businesses. Therefore, the proposed amendments are slightly less supportive of these economic policies when compared to the existing commercial designation on the West Property. However, on balance, the proposed amendments are still more supportive of the Comprehensive Plan as a whole.

Policies 6.10 through 6.12 relate to specific business development issues that are not relevant.

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

While the existing CM1 zoned West Property is likely considered part of the City's employment land supply, the locational disadvantages identified above limit the viability of the property to fully meet the intended economic potential. Therefore, while the proposed amendments are slightly less supportive of this economic policy when compared to the existing commercial designation on the West Property, the West Property has locational limitations. On balance, the proposed amendments are still more supportive of the Comprehensive Plan as a whole.

Policies 6.14 to 6.16 relate to brownfield redevelopment, business incentives and the regulatory climate for business and are not relevant to this amendment.

Policy 6.17 **Short-term land supply.** *Provide for a competitive supply of development-ready sites with different site sizes and types, to meet five-year demand for employment growth in the Central City, industrial areas, campus institutions, and neighborhood business districts.*

SE Milwaukie Avenue is a designated business district on Figure 6-3, and as noted above, the existing CM1 zoned West Property is likely considered part of the City's employment land supply. However, the locational disadvantages for the West Property identified above limit the viability of the property to fully meet the intended economic potential, for both the short and long term. Therefore, while the proposed amendments are slightly less supportive of this economic policy when compared to the existing commercial designation on the West Property,

the West Property has locational limitations. On balance, the proposed amendments are still more supportive of the Comprehensive Plan as a whole.

Policies 6.18 through 6.61 include directives for the City to encourage economic development, industrial land issues, campus institution issues, and other economic policies that are not relevant.

Policy 6.62 **Neighborhood business districts.** *Provide for the growth, economic equity, and vitality of neighborhood business districts. See Figure 6-3 – Neighborhood Business Districts.*

Policy 6.63 **District function.** *Enhance the function of neighborhood business districts as a foundation of neighborhood livability.*

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.*

Pursuant to Figure 6-3, SE Milwaukie is a neighborhood business district. The description of neighborhood business districts in the Comprehensive Plan explains that the districts are commonly interspersed with multi-family housing. This is consistent with the zoning pattern along SE Milwaukie Avenue where the mapped business district includes both commercially zoned areas and multi-family zoned areas within the business district. For the reasons set forth above, the business capabilities of the West Property are limited under the CM1 zone. Additionally, the proposed RM2 and RM4 zones would allow development of small commercial spaces that would provide space for small businesses that can serve the neighborhood. Finally, increased residential densities on the East Property and the West Property is consistent with the synergies between concentrated housing and commercial growth in the SE Milwaukie Avenue business district. For these reasons, the proposed amendments are equally supportive of these policies as existing designations.

Policy 6.65 relates to home businesses and is not relevant for this application.

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.*

Specific development and uses are not proposed through this application. However, both the existing CM1 zone and the proposed RM2 and RM4 zones allow retail uses that could help meet the consumer needs of the surrounding community and residents by providing convenient access to goods and services. Therefore, the proposed amendments are equally supportive of this policy as existing designations.

Policies 6.68 and 6.69 apply to City investments and to nonconforming uses and are not relevant.

Policy 6.70 **Involuntary commercial displacement.** *Evaluate plans and investments for their impact on existing businesses.*

6.70.a. *Limit involuntary commercial displacement in areas at risk of gentrification, and incorporate tools to reduce the cost burden of rapid neighborhood change on small business owners vulnerable to displacement.*

6.70.b. *Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners.*

If the proposed amendments are approved, it is likely that the existing commercial building on the West Property would be replaced by residential or mixed-use development consistent with the proposed RM4 zoning designation. The building, originally built in 1963, is aging and does not utilize the full potential of the property. Additionally, it includes surface parking areas and setbacks that are in conflict with the current development standards creating a nonconforming development. While the proposed amendment to the West Property is unlikely to result in preservation of that existing commercial space, the proposed RM4 zone creates the possibility that new commercial space for small business owners could be created on the ground floor of a new residential structure. Therefore, the proposed amendments are equally supportive of this policy as existing designations.

Policy 6.71 to 6.73 relate to temporary markets, the City's economic development efforts, and designated centers and are not relevant to this application.

CHAPTER 7: ENVIRONMENT AND WATERSHED HEALTH

Goals:

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, and as detailed above, the western and central portions of the West Property have the River g* and/or e overlay designation. The applicant is not proposing changes to the overlays or the overlay boundaries. Therefore, one of the benefits of requested amendment for the West Property is that it creates an opportunity for a successful residential project with densities generally consistent with the current zoning concentrated or clustered on the upland portions of the property in locations that avoid and/or substantially minimize impacts on the resources in the River overlay areas and provides a vegetated buffer for the sensitive wildlife and river resources west of the property boundary. This approach is consistent with the goals for healthy watersheds and environment and resilience, while allowing residential densities in an inner neighborhood close to multi-modal transportation opportunities that help satisfy the climate goal and related policies. Therefore, the requested changes are more supportive of the City's environment and watershed health goals, as implemented through the policies identified below, than the existing designations.

Policies:

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

Any redevelopment of the Properties would be required to comply with current code provisions that have been adopted to implement this general environmental quality policy, a policy that was not in place when the existing building on the West Property was developed in 1963 or when the surface parking lot was located on the East

Property. The relevant provisions include, but are not limited to, the River overlay regulations, the BES Stormwater Management Manual, landscaping standards, energy efficiency programs, and the Urban Forestry requirements of Title 11. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 7.2 through 7.8 are directives to the City and are not relevant to this amendment request.

Policy 7.9 ***Habitat and biological communities.** Improve, or support efforts to improve, fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:*

- *Are rare or declining.*
- *Support at-risk plant and animal species and communities.*
- *Support recovery of species under the Endangered Species Act, and prevent new listings.*
- *Provide culturally important food sources, including those associated with Native American fishing rights.*

The western portion of the Western Property is mapped with both the River e overlay zone and the g* overlay zone and there are few areas towards the center of the West Property that have either the e or the g* overlay. These areas are steeply sloped and vegetated and provide existing habitat. The eastern proportion of the West Property is developed and does not have a River overlay designation. The applicant is not proposing any changes to the River overlay designations or boundaries on the West Property. Any future development on the Western Property proposed within the River overlay areas must either satisfy standards or be approved through a River Review. Therefore, future development on the West Property would be oriented on the eastern portion of the Property either completely outside of the River overlay areas or with limited disturbance in the River overlays that either satisfies the objective standards or receives River Review approval. The purpose of the e overlay, in particular, is to protect, conserve, and enhance important natural resource functions and values while allowing environmentally sensitive development. If unavoidable impacts from future development were approved through the standards or River Review, mitigation would be required to improve and enhance the resource area and values, including habitat values consistent with this policy. Additionally, any redevelopment of the Properties would require compliance with landscaping and tree protection and mitigation requirements consistent with the preservation and creation of small wildlife and bird habitat. Additional, redevelopment would require compliance with the current Stormwater Management Manual which protects the City waterways and fish habitat. For these reasons, the proposed amendments are equally or more supportive of this policy than existing designations.

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 western portion of the West Property appears to be located in an Existing/Enhanced Habitat Corridor that is consistent with the River overlay areas on the western portion of the West Property. Through these designations the City has fulfilled this policy by creating habitat corridor designations and connections between those corridors for wildlife movement. As discussed above, future development on the West Property would be subject to the River overlay requirements which would result in the avoidance or minimization on impacts to the designated corridor area. The habitat corridor area on the Property is also connected to the Oaks Bottom Wildlife Habitat area further west. The proposed amendments facilitate

efficient development of needed housing on the upland portions of the West Property consistent with this policy. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

- 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, protection, mitigation and street tree requirements. In the case of the West Property, they are also implemented through the tree preservation elements of the River overlay zone that apply to the West Property. Any redevelopment or reuse of the Properties under the proposed Comprehensive Plan designations and corresponding zones must comply with the applicable implementing code provisions. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 7.12 and 7.13 are general directives to the City related to invasive species and soils that Policies are not relevant to the requested amendment.

- Policy 7.14** **Natural hazards.** *Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.*

The West Property is located on steep slopes and is within a potential landslide hazard area. Therefore, the City will require submittal of a geotechnical report for the Property at the time of plan review for any future development to ensure that any new building is constructed to account for the landslide hazards and earthquake risks. Additionally, future development must comply with the Stormwater Management Manual for landslide hazard areas to confirm that the stormwater management approach is appropriate for the site. In preparing the attached Drainage Report which confirms the feasibility of on-site infiltration, DOWL reviewed and cites a Geotechnical Report prepared by GeoDesign that confirms that on-site infiltration is feasible given the site geology and infiltration rate. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Polices 7.15 through 7.18 are directives to the City that are not relevant to the requested amendment.

- Policy 7.19** **Natural resource protection.** *Protect the quantity, quality, and function of significant natural resources identified in the City’s natural resource inventory, including:*

- *Rivers, streams, sloughs, and drainageways.*
- *Floodplains.*
- *Riparian corridors.*

- *Wetlands.*
- *Groundwater.*
- *Native and other beneficial vegetation species and communities.*
- *Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.*
- *Other resources identified in natural resource inventories.*

This policy is implemented on the West Property through the River overlay areas on the western and central portions of the property. Those overlays include regulations designed to protect the quantity, quality and function of the significant habitat and riparian corridor areas identified on the West Property, as well as providing a buffer and additional protections for the riparian, wildlife habitat, and vegetation areas on the open space and river areas west of the West Property boundary. As detailed above, any future development on the West Property must comply with the River overlay regulations within the overlay areas of the property. There are no inventoried resource areas located on the East Property. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 7.20 through 7.26 are directives to the City or apply to future development that are not relevant to the requested amendments.

Policies 7.27 through 7.32 relate to aggregate resources and the Columbia River Watershed and are not relevant to the requested amendments.

Policy 7.33 **Fish habitat.** *Provide adequate intervals of ecologically-functional shallow- water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.*

Policy 7.34 **Stream connectivity.** *Improve stream connectivity between the Willamette River and its tributaries.*

Policy 7.35 **River bank conditions.** *Preserve existing river bank habitat and encourage the rehabilitation of river bank sections that have been significantly altered due to development with more fish and wildlife friendly riverbank conditions.*

Policy 7.36 **South Reach ecological complex.** *Enhance habitat quality and connections between Ross Island, Oaks Bottom, and riverfront parks and natural areas south of the Central City, to enhance the area as a functioning ecological complex.*

Policy 7.38 **Sensitive habitats.** *Protect and enhance grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the Pacific Flyway and the Willamette River corridor.*

Policy 7.39 **Riparian corridors.** *Increase the width and quality of vegetated riparian buffers along the Willamette River.*

Policy 7.40 **Connected upland and river habitats.** *Enhance habitat quality and connectivity between the Willamette riverfront, the Willamette's floodplain, and upland natural resource areas.*

The Properties are located within the Willamette River Watershed and the West Property includes River overlay zones intended to protect, conserve, restore, and enhance qualities of the Central and South reaches of the Willamette River. However, the Property is separated from the river itself by the Oaks Bottom Wildlife Refuge, the

greenway trail, and the river setback area. Any redevelopment of the West Property must comply with River overlay regulations which in turn contribute to sensitive habitat protection, river health, and fish habitat protection. The River overlay area also serves as vegetated buffer between both existing and new development on the upland area of the West Property and the resource areas west of the property boundary. The buffer further protects the resources in the wildlife refuge and maintains the connectivity between the Willamette River and the protected resource upland areas. Any future development at the Properties must also comply with the BES Stormwater Manual standards designed to protect nearby water bodies, which in turn protects the Willamette River tributaries and the Willamette River itself. In this way the proposed amendments are equally or more protective of the Willamette River Watershed policies than continued application of the conditions.

Policy 7.37 relates to contaminated sites, Policy 7.41 relates to river dependent and river related uses, Policy 7.42 relates to Forest Park, and Policies 7.43 through 7.49, 7.50 through 7.52, and 7.53 through 7.57 relate to the Fanno and Tryon Creek Watersheds, the Johnson Creek Watershed and the Columbia Slough Watershed respectively. These policies are not relevant to this application.

CHAPTER 8: PUBLIC FACILITIES AND SERVICES

Goals:

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.B: Multiple benefits

Public facility and service investments improve equitable service provision, support economic prosperity, and enhance human and environmental health.

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.D: Public rights-of-way

Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

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.

Goal 8.F: Flood management

Flood management systems and facilities support watershed health and manage flooding to reduce adverse impacts on Portlanders' health, safety, and property.

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.

Goal 8.H: Parks, natural areas, and recreation

All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

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.

Goal 8.J: Solid waste management

Residents and businesses have access to waste management services and are encouraged to be thoughtful consumers to minimize upstream impacts and avoid generating waste destined for the landfill. Solid waste — including food, yard debris, recyclables, electronics, and construction and demolition debris — is managed, recycled, and composted to ensure the highest and best use of materials.

Goal 8.K: School facilities

Public schools are honored places of learning as well as multifunctional neighborhood anchors serving Portlanders of all ages, abilities, and cultures.

Goal 8.L: Technology and communications

All Portland residences, businesses, and institutions have access to universal, affordable, and reliable state-of-the-art communication and technology services.

Goal 8.M: Energy infrastructure and services

Residents, businesses, and institutions are served by reliable energy infrastructure that provides efficient, low-carbon, affordable energy through decision-making based on integrated resource planning.

As discussed in detail below, the requested amendments comply with all zone change approval criteria related to adequate public services. The request is also consistent with these general public service and infrastructure goals as implemented to the relevant polices addressed below.

Policies:

Policies 8.1 and 8.2 related to urban service boundaries and rural facility needs and are not relevant to this amendment request located in the UGB.

Policies 8.3 through 8.27 are City directives for coordination and provision of services and are not relevant to the requested amendment.

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 Properties will be subject to System Development Charges to ensure that costs of constructing and providing public services are equitably shared by the property owner who benefits from the services. Neither the existing building on the West Property nor the operator of the surface parking lot on the East Property are currently contributing directly to public service costs. For these reasons, the proposed amendments are equally or more supportive of these policies than existing designations.

Policies 8.30 through 8.33 relate to public and private partnerships and large public facility projects that are not required for this site. Therefore, these policies are not relevant.

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 amendments would facilitate higher density multi-family 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 Properties could also take advantage of resource efficiency technologies to provide energy efficient development that reduces energy and resource use and waste. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 8.35 through 8.41 are directives to the City for public facility design that are not directly relevant to this request.

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

This policy directs the City to take action, specifically to improve rights-of-way for storm water facilities, and the policy is not directly relevant to this request. However, BES has indicated that its modeling shows that the combined sewers in the vicinity of the Properties do not have capacity to take additional stormwater flows from the Properties. Therefore, if future development were to result in increased stormwater flows to the area sewers, on-site infiltration would be necessary. The Drainage Report demonstrates that on-site infiltration would be feasible even under a very conservative assumption of on-site surface parking area and impervious areas. At the time of future development, the developer will have to develop a project specific stormwater management system that complies with the then-current Stormwater Management Manual. Therefore, to the extent this policy is relevant, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.43 **Trees in rights-of-way.** *Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.*

This policy is currently implemented through Title 11. Future redevelopment of the Properties would be required to comply with the Title 11 requirements for streets trees. As a result, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.44 relate to community use or commercial use of the right-of-way for festivals and is not relevant.

Policy 8.45 **Pedestrian amenities.** *Encourage facilities that enhance pedestrian enjoyment, such as transit shelters, garbage containers, benches, etc. in the right of way.*

Future redevelopment of the Properties would be subject to then applicable development standards and street design requirements related to pedestrian facilities. The properties would also require Design Review and compliance with standards related to the pedestrian realm. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.46 **Commercial uses.** *Accommodate allowable commercial uses of the rights-of- way for the purpose of enhancing commercial vitality, if the commercial uses can be integrated in ways that balance and minimize conflict with the other functions of the right-of-way. Restrict the size of signage in the right-of-way.*

As discussed above, small retail and commercial uses would be allowed in close proximity to SE Milwaukie Avenue on the Properties under the proposed designations and zones. Following redevelopment, any future commercial uses at the Properties could use the right-of-way to enhance commercial vitality along the sidewalk as allowed by the development standards. Future development would also be subject to the sign code limitations that implement the sign element of this policy. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.47 through 8.60 relate to right-of-way design and coordination at the time of development, undergrounding facilities, right-of-way vacations and rail right-of-way and are not relevant to the requested amendment.

Policies 8.53 through 8.60 relate to public access trails that are not relevant to the requested amendment or the subject site because it does not include a mapped public trail. While a mapped and existing trail is located west of the West Property boundary, the proposed amendments will not impact continued use and enjoyment of the trail.

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.*

There is a public 20-inch vitrified clay combined sewer in SE Milwaukie Avenue and an 8-inch concrete combined sewer in SE Ellis Street west of SE Milwaukie Avenue. Development is not proposed at this time, but future development will be connected to the existing sanitary system at the time of development through either existing laterals or through new connections depending on development needs. BES modeling indicates that the combined sewers do not have capacity to take additional stormwater flow in addition to sewer flows. Therefore, as discussed below, the attached Drainage Report indicates that on-site stormwater infiltration is feasible. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.62 and Policy 8.63 relate to City obligations for sewer overflows and are not relevant.

Policies 8.64 through 8.67 relate to private sewage treatment and include directive to the City related to public sewage treatment facilities. The policies are not relevant to the requested amendments.

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 8.71 **Green infrastructure.** *Promote the use of green infrastructure, such as natural areas, the urban forest, and landscaped stormwater facilities, to manage stormwater.*

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.*

These policies are implemented through the BES Stormwater Management Manual. The stormwater requirements are designed to protect natural systems, require the use of green infrastructure where feasible, and avoid or minimize the impact of stormwater discharge of water and habitat quality. As noted above, the Properties are currently served by a public 20-inch vitrified clay combined sewer in SE Milwaukie Avenue and an 8-inch concrete combined sewer in SE Ellis Street west of SE Milwaukie Avenue. However, BES modeling indicates that the combined sewers do not have capacity to take additional stormwater flow. The attached Drainage Report confirms that on-site infiltration is feasible. The report addresses both the West Property (Basin 1) and the East Property (Basin 2) and indicates that future projects on the Properties would be designed under Hierarchy Category 2. The

report makes an overly conservative assumption that 25% of the site area would be developed as surface parking lot with over 50 stalls generating more than 1,000 trips per day, thus requiring stormwater planters for treatment prior to discharge to a drywell. As noted, at the time of development, drywell placement would be coordinated with a geotechnical engineer and structural engineer to ensure slope stability, particularly on the West Property. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.74 and Policy 8.75 relate to City coordination for stormwater management and are not relevant. Policies 8.76 through 8.86 relate to floodplains and City directives related to water supply and water coordination. The policies are not relevant to the requested amendment.

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

The Fire Bureau provided no objections to the requested amendment, but noted that future development would be required to comply with applicable Fire Code requirements at the time of building permit review. The Applicant further understands that for any future development or use, the City will require testing of flows and pressure at nearby fire hydrant locations at the time of building permit. An existing fire hydrant is located at the southeast corner of the West Property, directly across the SE Milwaukie from the East Property. Another fire hydrant is currently located at the southeast corner of the intersection of SE Milwaukie Avenue and SE Harold Street, across SE Milwaukie from the northern portion of the West Property. The nearest fire station is located approximately 1 mile away at 2235 SE Bybee Boulevard. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.88 **Water pressure.** *Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.*

The Water Bureau confirmed that water is available to the Properties from a 10-inch cast iron water main in SE Milwaukie Avenue and a 6-inch cast iron water main in SE Ellis Street. The static water pressure is estimated as 64 to 80 psi at 95 feet in elevation. The Properties are currently served through four separate meters and services. Service needs for specific development proposed in the future will be evaluated at the time of permit review. The applicant further understands that for any future development, the City will require testing of flows and pressure of the nearby fire hydrants as part of permitting. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.89 **Water efficiency.** *Reduce the need for additional water facility capacity and maintain compliance with state water resource regulations by encouraging efficient use of water by customers within the city.*

While this policy relates to water efficiency by customers and is not directly applicable to this review, new development could provide water efficient fixtures as a benefit to residents and/or commercial uses on the site and in furtherance of this policy. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 8.90 and 8.91 include directives to the City related to service interruption and contracts that are not relevant to the requested amendment.

Policy 8.92 **Acquisition, development, and maintenance.** *Provide and maintain an adequate supply and variety of parkland and recreational facilities to serve the city's current and future population based on identified level-of-service standards and community needs.*

This policy directs the City to provide and maintain adequate parkland and is not directly relevant. However, the West Property is adjacent to the city-owned Oaks Bottom Wildlife Refuge, which includes a trail system which allows visitors to travel from the bluff to the greenway trail through the refuge. Future redevelopment of the West

Property would be primarily limited to the upland area on the eastern side of the Property due to the location of the River overlay, and would not interfere with the continued use and enjoyment of the trail system. Therefore, to the limited extent this policy is relevant, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 8.93 through 8.97 are directives to the City related to park and natural area acquisition and planning that are not relevant to the requested amendment on private property.

Policy 8.98 **Urban forest management.** *Manage urban trees as green infrastructure with associated ecological, community, and economic functions, through planning, planting, and maintenance activities, education, and regulation.*

This policy is largely implemented through Title 11 which requires the preservation, protection and replacement of urban trees. At the time of future redevelopment of the Properties, the developer would be required to provide a tree plan and comply with tree protection and planting requirements of Title 11. Future development on the West Property would also be required to comply with the tree preservation and mitigation requirements of the River Overlay if there were any proposed development within the overlay areas. Therefore, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 8.99 through 8.105 are directives to the City related to public recreation areas and emergency management coordination that are not relevant to the requested amendment.

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.*

This policy directs the City to improve and maintain the police force and is not directly relevant. However, the Properties are served by the Central Precinct of the Portland Police Bureau. The need for police services at the Properties would remain similar under both the existing CM1 and single-family residential designations and the proposed multi-family residential designations. Therefore, to the extent this policy is relevant, the proposed amendments are equally or more supportive of this policy than existing designations.

Policy 8.105 relates to the establishment of community safety services in centers and is not relevant to the requested amendment.

Policy 8.108 **Fire facilities.** *Improve and maintain fire facilities to serve designated land uses, ensure equitable and reliable response, and provide fire and life safety protection that meets or exceeds minimum established service levels.*

This policy directs the City to improve and maintain the fire facilities and is not directly relevant. However, as discussed above, the Fire Bureau provided no objections to the requested amendments, but noted that future development would be required to comply with applicable Fire Code requirements at the time of building permit review. The Applicant further understands that for any future development, the City will require testing of flows and pressure at nearby fire hydrant locations as part of permitting. Therefore, to the extent the policy is relevant, the proposed amendments are equally or more supportive of this policy than existing designations.

Policies 8.109 through 8.111 are City directives related to emergency preparedness and recovery that are not relevant to requested amendment.

Policy 8.112 related to City programs for waste management and is not relevant to the requested amendment.

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 Properties are located within the Portland Public School district and are served by Llewellyn Elementary School, Sellwood Middle School, and Cleveland High School. The requested amendments would increase the capacity for multi-family residential development on the Properties, and the applicant supports City coordination with the school district on enrollment, financial stability, and student mobility to address the impact of implementing the City's housing policies on schools. However, while Portland Public Schools is developing a long-range facilities plan, the school district has not yet adopted a school facility plan that meets the requirements of ORS 195 and has been acknowledged by the Portland City Council. Therefore, this policy cannot be applied to this application. Furthermore, as discussed below school district enrollment capacity is not an approval criterion for the zone change. The requested amendments are equally supportive of this policy as the existing designations.

Policies 8.114 through 8.124 relate to school and technology facilities and are not relevant to the requested amendment.

Policy 8.125 and 8.126 include directives to the City to promote energy efficient and coordinate with energy providers and it is not relevant to the requested amendment.

CHAPTER 9: TRANSPORTATION

Goals:

GOAL 9.A: Safety

The City achieves the standard of zero traffic-related fatalities and serious injuries. Transportation safety impacts the livability of a city and the comfort and security of those using City streets. Comprehensive efforts to improve transportation safety through equity, engineering, education, enforcement and evaluation will be used to eliminate traffic-related fatalities and serious injuries from Portland's transportation system.

Goal 9.B: Multiple goals

Portland's transportation system is funded and maintained to achieve multiple goals and measurable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

GOAL 9.C: Great places

Portland's transportation system enhances quality of life for all Portlanders, reinforces existing neighborhoods and great places, and helps make new great places in town centers, neighborhood centers and corridors, and civic corridors.

GOAL 9.D: Environmentally sustainable

The transportation system increasingly uses active transportation, renewable energy, or electricity from renewable sources, achieves adopted carbon reduction targets, and reduces air pollution, water pollution, noise, and Portlanders' reliance on private vehicles.

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.

GOAL 9.F: Positive health outcomes

The transportation system promotes positive health outcomes and minimizes negative impacts for all Portlanders by supporting active transportation, physical activity, and community and individual health.

GOAL 9.G: Opportunities for prosperity

The transportation system supports a strong and diverse economy, enhances the competitiveness of the city and region, and maintains Portland's role as a West Coast trade gateway and freight hub by providing efficient and reliable goods movement, multimodal access to employment areas and educational institutions, as well as enhanced freight access to industrial areas and intermodal freight facilities. The transportation system helps people

and businesses reduce spending and keep money in the local economy by providing affordable alternatives to driving.

GOAL 9.H: Cost effectiveness

The City analyzes and prioritizes capital and operating investments to cost effectively achieve the above goals while responsibly managing and protecting our past investments in existing assets.

The transportation goals are broad goals for the City’s transportation system. The transportation impacts of the proposed Comprehensive Plan amendments and corresponding zone changes are addressed in the attached Transportation Study and summarized in the responses to implementing policies identified below. Additionally, and as discussed under the implementing policies below, Comprehensive Plan designations and corresponding zones that facilitate increased residential density along SE Milwaukie Avenue are consistent with the City’s multi-modal goals and transportation priorities. The proposed amendments are supportive of these transportation goals as implemented through the policies addressed below.

Policies:

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

This policy directs the City to maintain and implement street design classifications and is not directly relevant to this request. However, SE Milwaukie Avenue has a Neighborhood Corridor street design classification. As described in the Transportation System Plan (TSP), Neighborhood Corridors primarily serve surrounding neighborhoods and are designed to emphasize multimodal mobility between activity centers. Neighborhood Corridors emphasize mobility for all modes between activity centers while also accommodating access to adjacent land uses along the corridor. The requested amendments to allow increased residential density on the Properties is consistent with the Neighborhood Corridor street design classification. Further, the proposed amendments do not require a change in the street classifications in the Transportation System Plan. Therefore, the proposed amendments are equally or more supportive on this policy than the existing designations.

Policy 9.2 ***Street policy classifications.** Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.*

9.2.a. *Designate district classifications that emphasize freight mobility and access in industrial and employment areas serving high levels of truck traffic and to accommodate the needs of intermodal freight movement.*

9.2.b. *Designate district classifications that give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway regional center, town centers, neighborhood centers, and transit station areas.*

9.2.c. *Designate district classifications that give priority to bicycle access and mobility in areas where high levels of bicycle activity exist or are planned, including Downtown, the River District, Lloyd District, Gateway Regional Center, town centers, neighborhood centers, and transit station areas.*

This policy directs the City to maintain and implement street policy classifications and is not directly relevant to this request. However, in compliance with the policy, SE Milwaukie Avenue was classified as a Transit Access Street through the 2035 planning process. This classification is consistent with the bus service provided along the street. SE Milwaukie Avenue is also classified as a City Bikeway, a Major City Walkway, and a Major Emergency Response Street. Finally, SE Milwaukie Avenue has the Neighborhood Collector street classification. Neighborhood Collectors are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Streets and to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors. The request to allow increased residential density on the Properties is consistent with and supportive of

the of SE Milwaukie Avenue street policy classifications and does not require a change in any of the street classifications in the Transportation System Plan.

Policy 9.3 **Transportation System Plan.** *Maintain and implement the Transportation System Plan (TSP) as the decision-making tool for transportation-related projects, policies, programs, and street design.*

This policy directs the City to maintain and implement the TSP as the decision-making tool for transportation-related projects, policies, programs, and street design and is not directly relevant to these requested amendments. However, as detailed through the policies addressed below, the request to allow increased residential density on the Properties is consistent with and supportive of the TSP as a whole and does not require any modifications to the street designations nor the future multimodal projects identified for implementation.

Policy 9.4 **Use of classifications.** *Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.*

The applicable street design and policy classifications are identified above. Consistent with the Transit Access street classification, TriMet provides bus service along SE Milwaukie Avenue with stops within approximately 500 to 1000 feet of the Properties both to the north and the south. Bus stops in close proximity to the Properties for different routes are also available to the east of the Properties on SE 17th Avenue. Future residents, employees, and/or customers would be able to travel to and from the Properties via the existing bus routes. While the adjacent bus routes do not currently qualify as frequent routes, future redevelopment of the Properties could help increase the demand for transit services in this area resulting in an increased frequency of bus trips. However, even if that were not the case, an opportunity for increased residential density on the Properties is entirely consistent with the transit classification. SE Milwaukie Avenue is also classified as a City Bikeway, a Neighborhood Collector, and has a Neighborhood Corridor street design classification. SE Ellis Street, located south of the Properties, is also a City Bikeway and is identified as part of the alignment of the SE 14th/15th Neighborhood Greenway, a project identified in the TSP. Allowing higher density residential uses and limited commercial uses on the Properties is supportive of the City Bikeway classifications and the Neighborhood Collector classification. Finally, redevelopment of the Properties could also further contribute to the Neighborhood Corridor design features of the site at the SE Milwaukie Avenue frontage. For these reasons, the proposed amendments are equally or more supportive on this policy than the existing designations.

Policy 9.5 **Mode share goals and Vehicle Miles Travelled (VMT) reduction.** *Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.*

The requested amendments to allow increased residential density at the Properties with the possibility for small new commercial uses near SE Milwaukie Avenue are consistent with the policy for VMT reduction. Increased residential development in this inner neighborhood in close proximity to both bus and light rail transit opportunities, City Bikeways, and a Major City Walkway increases the likelihood of residents using low-carbon transportation modes. If future development under the proposed zones were to include new, small commercial uses, goods and services provided would be within walking distance of many neighboring residents and on-site residents. This would help further VMT reduction goals. Even if redevelopment were limited to residential uses only, the residents of the site would have direct and easy access to the surrounding bus routes and a relatively short walk or bike ride to the Max station at SE 17th and Holgate. Finally, the TSP includes plans for a Neighborhood Greenway along SE Ellis which contribute to the safe and convenient bicycle routes available to future residents. These collective alternative transportation options would help the City achieve the identified targets. Therefore, the proposed amendments are equally or more supportive on this policy than the existing designations.

Policy 9.6 *Transportation strategy for people movement. Implement a prioritization of modes for people movement by making transportation system decisions according to the following ordered list:*

1. *Walking*
2. *Bicycling*
3. *Transit*
4. *Taxi / commercial transit / shared vehicles*
5. *Zero emission vehicles*
6. *Other single-occupant vehicles*

When implementing this prioritization, ensure that:

- *The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users higher on the ordered list.*
- *All users' needs are balanced with the intent of optimizing the right of way for multiple modes on the same street.*
- *When necessary to ensure safety, accommodate some users on parallel streets as part of a multi-street corridor.*
- *Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.*
- *Policy-based rationale is provided if modes lower in the ordered list are prioritized.*

The requested amendments are supportive of this transportation hierarchy. SE Milwaukie Avenue is a City Walkway that provides an active pedestrian corridor to the Sellwood-Mooreland center to the south. There is also an established network of pedestrian sidewalks and trails in the vicinity that would allow future residents to easily and safely walk to destinations in the neighborhood under the first priority. Residents of future multi-family development on the Properties could take advantage of the City Bikeway or nearby transit options along under the second and third priorities. If small commercial uses were developed, customers would also be able to walk or take transit to the site. Finally, increased residential densities would increase the likelihood of shared vehicle options under the fourth priority. For these reasons, the requested amendments are consistent with the people movement priorities and are equally or more supportive of this policy than existing designations.

Policies 9.7 through 9.10 are transportation related directives to the City that are not relevant to the requested amendment.

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

As demonstrated through this narrative, the proposed amendments to allow additional residential density on the Properties are consistent with the adopted Comprehensive Plan and the UDF designations. As discussed in detail in the Chapter 3 section above, most significantly, SE Milwaukie Avenue is a designated Neighborhood Corridor. As described in Comprehensive Plan, Chapter 3, Neighborhood Corridors have transportation, land use, and design functions that are important at a neighborhood or district level. They support neighborhood business districts and provide housing opportunities close to local services, amenities, and transit lines. They are streets that include a mix of commercial and higher-density housing development. Therefore, the proposed amendments to allow higher-density, multi-family residential development on the Properties located along a corridor that provides a critical connection between the Central City to the Sellwood-Mooreland Center helps implement the UDF consistent with this policy. A change that facilitates additional residential density is also consistent with the existing TSP designations of SE Milwaukie Avenue as a City Bikeway and a Major City Walkway, as well as the long-range plans for a Neighborhood Greenway along SE Ellis just south of the Properties. No adverse impacts to TSP projects are anticipated. Finally, as detailed in the attached Transportation Study prepared by Kittelson, based on a review of the reasonable worst case scenarios under the existing and proposed zoning for the Properties, the estimated vehicular trip increase for the requested amendments is less than 400 daily trips. The daily increase, combined with the measured traffic volumes on SE Milwaukie does not meet the state or City criteria for a "significant effect" on the transportation system. Kittelson also confirmed that the Properties are well served by

transit, bikeways, and pedestrian systems and that the proposed amendments will not result in adverse impacts on those established systems. For these reasons, and as further detailed in the Kittelson report and the UDF related narrative above, the proposed amendments equally or better meet this policy than the existing designations.

Policy 9.12 ***Growth strategy.** Use street design and policy classifications to support Goals 3A-3G in Chapter 3: Urban Form. Consider the different design contexts and transportation functions in Town Centers, Neighborhood Centers, Neighborhood Corridors, Employment Areas, Freight Corridors, Civic Corridors, Transit Station Areas, and Greenways.*

SE Milwaukie is a designated Neighborhood Corridor. As detailed in the Chapter 3 findings above, the proposed amendments to the Comprehensive Plan and corresponding zoning changes are entirely consistent with the Neighborhood Corridor designation. As noted above, Neighborhood Corridors are important neighborhood and district streets intended to include higher-density housing along with commercial development. Therefore, the requested amendment for the West Property from the CM1 zone to the RM4 zone is equally consistent with the Neighborhood Corridor designation and this policy, and the requested amendment for the East Property from a single-family residential designation to a higher medium-density designation implemented through the RM2 zone is far more consistent with the Neighborhood Corridor designation and this policy.

Policy 9.13 ***Development and street design.** Evaluate adjacent land uses to help inform street classifications in framing, shaping, and activating the public space of streets. Guide development and land use to create the kinds of places and street environments intended for different types of streets.*

As noted above, SE Milwaukie Avenue has a Neighborhood Corridor street design classification. As described in the TSP, Neighborhood Corridors primarily serve surrounding neighborhoods and are designed to emphasize multimodal mobility between activity centers. Neighborhood Corridors emphasize mobility for all modes between activity centers while also accommodating access to adjacent land uses along the corridor. The requested amendments to allow increased residential density on the Properties is consistent with the Neighborhood Corridor street design classification. Furthermore, the existing street frontage is not consistent with the street design classification. However, the proposed amendments would facilitate redevelopment on the Properties that would require reconstruction of the SE Milwaukie frontage to include tree wells and other design elements necessary to comply with the design classification. Therefore, the proposed amendments are equally or more supportive of this policy than the existing designations.

Policies 9.14 through 9.16 relate to street repurposing and design and are not relevant to the requested amendment.

Policy 9.17 ***Pedestrian transportation.** Encourage walking as the most attractive mode of transportation for most short trips, within neighborhoods and to centers, corridors, and major destinations, and as a means for accessing transit.*

SE Milwaukie Avenue is designated as a Major City Walkway and the Properties are well served by a network of established streets with sidewalks throughout the surrounding neighborhood. The edge of the Sellwood-Mooreland Center is approximately a mile south of the Properties, and therefore, within walking distance. Additionally, residents of the Properties would also have a shorter walk to additional goods and services along SE Milwaukie because of the mix of Commercial uses and zoning all along that important corridor. Existing uses within walking distance include bars and restaurants, as well as a mix of other retail and office uses. Multiple transit options can also be accessed by walking from the Properties, including the bus stops located within 2 blocks of the Properties along SE Milwaukie Avenue and along SE 17th Avenue, and the MAX Orange line available at the SE 17th and Holgate Boulevard MAX Station that is just over a quarter of a mile from the Properties. The variety of pedestrian transportation opportunities from the Property supports increasing the residential density permitted on the Properties, and for these reasons, the proposed amendments are more supportive of this policy than the existing designations.

Policy 9.18 **Pedestrian networks.** *Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.*

Policy 9.19 **Pedestrian safety and accessibility.** *Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.*

The Properties are currently well served by a network of sidewalks. However, neither the existing building on the West Property nor the surface parking lot on the East Property provide a high-quality pedestrian environment. The requested amendments would facilitate redevelopment of the Properties and provide an opportunity for new buildings that would be required to comply with current development standards and design guidelines intended to improve the quality of the pedestrian network. Additionally, new development would trigger sidewalk and corner ramp improvements that would further improve the quality of the pedestrian environment. Therefore, the proposed amendments are more supportive of this policy than the existing designations.

Policy 9.20 **Bicycle transportation.** *Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.*

Policy 9.21 **Accessible bicycle system.** *Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.*

As noted above, SE Milwaukie Avenue is classified as a City Bikeway under the TSP and it connects to the City's extensive bicycle network which allows easy and safe bicycle travel up to and well beyond 3 miles. Additionally, the TSP includes plans for the SE 14th/15th Neighborhood Greenway along SE Ellis Street just south of the Properties. The purpose of the Neighborhood Greenway is to provide a dedicated route that would allow both pedestrian and cyclists to travel safely and comfortably along the greenway route. Redevelopment of the Properties with higher density residential uses could contribute to the timing and effectiveness of the identified improvements. Therefore, the requested amendments are more supportive of these policies than the existing designations.

Policy 9.22 **Public transportation.** *Coordinate with public transit agencies to create conditions that make transit the preferred mode of travel for trips that are not made by walking or bicycling.*

This policy requires City coordination and is not directly relevant to this request. However, SE Milwaukie Avenue is a Transit Access Street, and the Properties are well served by transit opportunities that support the requested amendments to allow increased residential density on the Properties. Stops for both the 19 Bus Line and the 70 Bus Line are located a maximum of two blocks from the Properties. Additional details on the bus routes are provide in the Kittelson Transportation Report. Additionally, the MAX Station at SE 17th and Holgate Boulevard, which provides access to the Orange MAX Line, is located less than one mile from the Properties and is easily accessible by foot or bicycle. Therefore, to the extent this policy is relevant, the requested amendments are more supportive of this policy than continued application of the restrictive conditions.

Policy 9.23 **Transportation to job centers.** *Promote and enhance transit to be more convenient and economical than the automobile for people travelling more than three miles to and from the Central City and Gateway. Enhance regional access to the Central City and access from Portland to other regional job centers.*

First, the Properties are not located more than three miles from the Central City. Second, this policy directs the City to promote and enhance transit. Therefore, this policy is not directly relevant to this application. Nonetheless, and as noted above, SE Milwaukie Avenue is a Transit Access Street and Bus Line 19 provides service from a stop two blocks from the Properties to the City Center. The Orange MAX line also provides service to the Central City and can be accessed through a MAX Station located less than a mile from the Properties. Therefore, to the extent this policy is relevant, the requested amendments are equally or more supportive of the policy than the existing designations.

Policies 9.24 through 9.29 are City directives related to transit services that are not relevant to the requested amendment.

Policies 9.30 through 9.37 relate to the City's freight system and heliport system and are not relevant to the requested amendment.

Policy 9.38 ***Automobile transportation.** Maintain acceptable levels of mobility and access for private automobiles while reducing overall vehicle miles traveled (VMT) and negative impacts of private automobiles on the environment and human health.*

As detailed in the attached Kittelson Transportation Study and discussed below, the daily increase in vehicle trips potentially created by the proposed amendments under a worst-case scenario will not significantly affect the transportation system or the levels of mobility. Furthermore, and as discussed through this narrative, allowing additional residential densities on the Properties would further the goal of reducing overall VMT by placing residents in close proximity to the full spectrum of multi-modal transportation options. Therefore, the requested amendments are more supportive of this policy than the existing designations.

Policies 9.39 and 9.40 are City directives related to automobile efficiency and emergency response that are not relevant to the requested amendment.

Policies 9.41 through 9.44 relate to airports and are not relevant to the requested amendment.

Policies 9.45 through 9.54 are City directives related to traffic management and coordination that are not relevant to the requested amendment.

Policy 9.55 ***Parking management.** Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.*

The City has adopted parking maximums and minimums in furtherance of this policy. Any redevelopment following removal of the overly restrictive conditions would be required to satisfy applicable parking maximums and minimums set forth in the zoning code for the proposed uses. Furthermore, the proposed amendment for the East Property would facilitate the redevelopment of an existing surface parking lot that currently provides additional parking supply for surrounding uses. Therefore, the requested amendments are more supportive of this policy than the existing designations.

Policies 9.56 and 9.57 relate to on-street parking and are not relevant to the subject site or the requested amendment.

Policy 9.58 ***Off-street parking.** Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand. Strive to provide adequate but not excessive off-street parking where needed, consistent with the preceding practices.*

Consistent with the response above, the City has adopted parking maximums and minimums in furtherance of this policy. Any redevelopment of the Properties would be required to satisfy applicable parking maximums and minimums set forth the zoning code for the proposed uses. In contrast, the East Property is a surface parking lot and a large percentage of the existing development on the West Property is occupied by surface parking area. Therefore, the requested amendments are equally or more supportive of this policy than the existing designations.

Policies 9.59 and 9.60 relate to shared parking and parking costs that are not relevant to the requested amendment.

Policy 9.61 ***Bicycle parking.** Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.*

To implement this policy, the City has adopted minimum long-term and short-term bicycle parking standards that are based upon the specific use of the site. Any redevelopment of the Properties must satisfy the applicable minimum bicycle parking standards. Therefore, the request to remove the use and development conditions is equally or more supportive of this policy than continued application of the restrictive conditions.

Policy 9.62 requires government coordination on parking that is not relevant to the requested amendment.

Policy 9.63 ***New development impacts.** Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand management, transportation system analysis, and system and local impact mitigation improvements and fees.*

This policy calls for City actions to prevent, reduce and mitigate the impacts of new development on the system, and the City has implemented this policy through transportation related code provisions that would largely apply at the time of future development. However, consistent with the general intent of this policy and as required by the City code and state law, the applicant assessed the expected impact from the requested amendments on the surrounding transportation system. Specifically, as described in the Kittelson Transportation Study, Kittelson conducted a trip generation comparison by evaluating the trip generation potential of the Properties assuming a reasonable worst-case development scenario under the existing zoning designations, evaluating the reasonable worst-case development scenarios for the proposed zoning designations, and comparing the two for both the weekday AM and PM peak hours and total trips.

As discussed in the Transportation Study, for the West Property, Kittelson evaluated a mixed retail/office use worst-case development scenario and a mixed retail/residential use worst-case development scenario under the existing CM1 zone in comparison to a mixed residential/small retail worst case development scenario under the proposed RM4 zone. Note that Kittelson was consistent and conservative in assuming that under all of the West Property scenarios there would be no development in the River overlay areas. Therefore, it was not necessary to evaluate the development scenarios for the existing R5 zone, which is located entirely within the River overlay. As provided in Table 1 and Table 2 of the Traffic Study, while the RM4 zoning scenario resulted in more daily trips than the existing zoning scenarios, in both cases the increase was less than 400. Additionally, there were minimal increases in weekday am peak hour trips under the proposed zone when compared to both existing zone scenarios, and a decrease in total weekday pm peak hour trip under the proposed zone when compared to a retail/office mix for the existing and a very minimal increase when compared to the retail/residential mix. For the East Property, Kittelson evaluated single family home development, taking into consideration current zoning code provisions that include Residential Infill densities, under the existing R2.5 zone in comparison to a mixed residential/small retail worst case development scenario under the proposed RM2 zone. As provided in Table 3 the proposed zoning scenario resulted in just 212 additional daily trips, 11 additional am peak hour trips, and 18 additional pm peak hour trips. Kittelson also evaluated the City's traffic counting database to determine existing traffic levels on surrounding streets. Based upon the evaluations, Kittelson concluded that there are no significant effects associated with the zone change applying either the Transportation Planning Rule (TPR) criteria or the City's criterion. Therefore, the proposed amendments equally support this policy when compared to the existing designations.

Policies 9.64 through 9.67 are City directives related to transportation education and programs that are not relevant to the requested amendment.

CHAPTER 10: LAND USE DESIGNATIONS AND ZONING

Goals:

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.

As demonstrated through this narrative, the requested Comprehensive Plan designations and corresponding zones equally or better support the vast majority of the goals and policies of the Comprehensive Plan. The only exceptions relate to economic policies as a result of the proposed change of the West Property from a commercial focused designation to a residentially focused designation. However, even in that case, the difference in support is narrowed by a number of locational factors and by the fact that small retail uses are permitted in both the RM4 and RM2 zones. In any case, when taking into consideration all relevant policies, on balance, the proposed designations are equally or more supportive of the Comprehensive Plan as a whole than the existing designation in furtherance of this goal and in compliance with the approval criterion at PCC 33.810.0650.A.1.

Policies:

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.*

The City applied the R5 and MU-N Comprehensive Plan designations to the West Property and the R2.5 Comprehensive Plan designation to the East Property. However, for the collective reasons described above, those designations do not best advance the Comprehensive Plan goals and policies. Instead, and again for the collective reasons set forth above, the MD-U designation best advances the Comprehensive Plan goals and policies when considered as whole for the West Property and the MD-C designation best advances the Comprehensive Plan goals and policies when considered as whole for the East Property.

The description of the MD-U designation in the Comprehensive Plan provides:

[t]his designation is intended for the Central City, Gateway Regional Center, Town Centers, and transit station areas where a residential focus is desired and urban public services including access to high-capacity transit, very frequent bus service, or streetcar service are available or planned. This designation is intended to allow high-density multi-dwelling structures at an urban scale. Maximum density is based on a floor-area-ratio, not on a unit-per-square-foot basis. Minimum density is 43 units an acre. The corresponding zones are RM3 and RM4. This designation is accompanied by the Design overlay zone.

The West Property is not located in the Central City, a Gateway Regional Center, a Town Center, or a transit station area. However, the description does not say that the MD-U designation can only be applied in those areas. As detailed above, there are several locational and situational factors that support the conclusion that the MD-U is the designation that best advances the Comprehensive Plan factors on the West Property. Those factors include, but are not limited to:

- Providing zoning consistent with the property to the north. The West Property is located south of an existing MD-U/RM4 property that also has a significant swath of River overlay and therefore limited redevelopment potential as a standalone development area. Applying a consistent zone across both properties would allow a future developer to coherently design a residential community and streetscape that is governed by a singular zone instead of three different zones. The zoning consistency would reduce

development costs, enhance community design, and make the project more financially feasible to deliver housing units across income levels.

- Providing a zone that make it feasible to redevelop the property with needed housing clustered on the upland portion of the property with minimal to no impacts on the sensitive resource area within the River overlay zones. The densities allowed in the RM4 zone are commensurate with the densities that would be allowed under the existing combined CM1/R5 zones if those units were spread across the entirety of the West Property and were not limited by the River overlays.
- The West Property is located at the far northwest edge of the Sellwood-Mooreland neighborhood with RM4 zoning to the north, open space and a small area of R5 to the west, mixed-use commercial designations to the south, and a mix of residential densities across SE Milwaukie to the east. Impact from the additional density permitted in the MD-U designation and corresponding RM4 zone would be minimized by development standards intended to protect nearby single-family zones, including setbacks, stepdown height limits, and landscaping, as well as compliance with design review guidelines that take into consideration the context of surrounding areas.
- The West Property is within easy biking and walking distance of high-capacity transit and has convenient access to bus service. It is also located in a neighborhood in need of additional housing types and affordable housing options.

The description of the MD-C designation in the Comprehensive Plan provides:

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

The East Property is located along a designated Neighborhood Corridor and near a transit station area. It is surrounded by a complete local street network and in close proximity to transit opportunities and other multi-modal transportation options. The East Property is currently a surface parking lot and the proposed amendment is consistent with the established zoning pattern as the corresponding RM2 zone is already exists in larger areas and on smaller isolated lots on the east side of SE Milwaukie Avenue and in the immediate vicinity of the East Parcel. For these reasons and for the collective reasons set forth under each relevant goal and policy above, the MD-C is the designation that best advances the Comprehensive Plan factors on the East Property.

For the reasons set forth above, and throughout this narrative, the requested amendments are more supportive of this policy than the existing designations.

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.*

In compliance with this policy the City applied base zones that corresponded to the Comprehensive Plan designations for the Properties. However, the applicant is requesting changes to the Comprehensive Plan

designations which in turn require changes to the base zone. As described below and in support of this policy, the proposed base zones for the Properties correspond to the proposed Comprehensive Plan designations.

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.

This application includes a quasi-judicial Zoning Map amendment request to apply the RM4 zone to the West Property and the RM2 zone to the East Property, both of which correspond to the respective Comprehensive Plan designations identified above. This policy has been codified through the Zoning Map Amendment approval criteria at PCC 33.855, which are addressed below.

Policy 10.4 relates to amending the zoning code and is not relevant to the requested amendment.

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

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

As discussed above, in the findings for 33.810.050.A.1, the requested amendments are consistent with applicable Statewide Planning Goals. 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:*

The Properties are not located in an Industrial Sanctuary or in a Mixed Employment Comprehensive Plan Map designation. Therefore, the criteria under this subsection are not applicable to the requested amendments.

33.855.50 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.*

The MD-U Comprehensive Plan designation proposed for the West Property has two corresponding zones, RM3 and RM4. Pursuant to PCC 33.120.030.C, the RM3 zone has the following characteristics:

The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

Pursuant to PCC 33.120.030.C, the RM4 zone has the following characteristics:

The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

As discussed above, the property directly north of the West Property is zoned RM4. The consistency in zoning would facilitate redevelopment of a coherently designed residential community and streetscape governed by a singular zone. In contrast there is no RM3 zoning in the vicinity of the West Property. For this reason and for others described under Comprehensive Plan Policy 10.1, the RM4 zone is the most appropriate taking into consideration zoning pattern. The West Property is also near both the SE 17th and Holgate station area and the Sellwood-Mooreland center, and the strong building orientation to the street is appropriate for the West Property given the large area of River overlay zones that occupy the western and central portion of the West Property. For these reasons and other set forth in the Comprehensive Plan section of the narrative above, the proposed RM4 zone is the most appropriate zone for the West Property.

The only corresponding zone for the MD-C Comprehensive Plan designation proposed for the East Property is the RM2 zone.

For these reasons, the requested zone changes meet this approval criterion.

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.*

The Water Bureau confirmed that water is available to the Properties from a 10-inch cast iron water main in SE Milwaukie Avenue and a 6-inch cast iron water main in SE Ellis Street. The static water pressure is estimated at 64 to 80 psi at 95 feet in elevation. These existing water sources provide sufficient supply and capacity, and are capable of supporting the uses allowed in the RM4 and RM2 zones. The Properties are currently served through four separate meters and services. Service needs for specific development proposed in the future will be evaluated at the time of permit review.

The Fire Bureau provided no objections to the requested amendment, but noted that future development would be required to comply with applicable Fire Code requirements at the time of building permit review, including but not limited to, testing of flows and pressure at nearby fire hydrant locations. An existing fire hydrant is located at the southeast corner of the West Property, directly across SE Milwaukie from the East Property. Another fire hydrant is currently located at the southeast corner of the intersection of SE Milwaukie Avenue and SE Harold Street, across SE Milwaukie from the northern portion of the West Property. The nearest fire station is located approximately 1 mile away at 2235 SE Bybee Boulevard. The Properties are served by the Central Precinct of the Portland Police Bureau. The need for police services at the Properties would remain similar under both the existing CM1 and single-family residential designations and the proposed multi-family residential designations. Therefore, fire and police protection are capable of supporting the uses allowed in both the RM4 and RM2 zones.

For these reasons, the requested zone changes meet this approval criterion.

- 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.*

There is a public 20-inch vitrified clay combined sewer in SE Milwaukie Avenue and an 8-inch concrete combined sewer in SE Ellis Street west of SE Milwaukie Avenue. Development is not proposed at this time, but future development will be connected to the existing sanitary system at the time of development through either existing laterals or through new connections depending on development needs.

The applicant understands that the modeling conducted by BES did not identify an issue with the acceptability of sanitary waste disposal, but did reveal that the combined sewers do not have capacity to take additional stormwater flow in addition to sewer flows. However, the attached Drainage Report prepared by DOWL confirms that on-site infiltration that satisfies the BES Stormwater Management Manual is feasible. The report addresses both the West Property (Basin 1) and the East Property (Basin 2) and indicates that future projects on the Properties would be designed under Hierarchy Category 2. The report makes an overly conservative assumption that 25% of the site area would be developed as surface parking lot with over 50 stalls generating more than 1,000 trips per day, thus requiring stormwater planters for treatment prior to discharge to a drywell. As noted, at the time of development drywell placement would be coordinated with a geotechnical engineer and structural engineer to ensure slope stability, particularly on the West Property.

For these reasons the sanitary waste disposal and stormwater disposal systems will be made acceptable to BES, and 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.*

The Kittelson Transportation Study attached as Exhibit C confirms that the transportation system facilities are currently capable of supporting the uses allowed by the RM4 and RM2 zones. Kittelson conducted a trip generation comparison by evaluating the trip generation potential of the Properties assuming a reasonable worst-case development scenario under the existing zoning designations, evaluating the reasonable worst-case development scenarios for the proposed zoning designations, and comparing the two for both the weekday AM and PM peak hours and total trips.

As discussed in the Transportation Study, for the West Property, Kittelson evaluated a mixed retail/office use worst-case development scenario and a mixed retail/residential use worst-case development scenario under the existing CM1 zone in comparison to a mixed residential/small retail worst case development scenario under the proposed RM4 zone. Note that Kittelson was consistent and conservative in assuming that under all of the West Property scenarios there would be no development in the River overlay areas. Therefore, it was not necessary to evaluate the development scenarios for the existing R5 zone, which is located entirely within the River overlay. As provided in Table 1 and Table 2 of the Traffic Study, while the RM4 zoning scenario resulted in more daily trips than the existing zoning scenarios, in both cases the increase was less than 400. Additionally, there were minimal increases in weekday am peak hour trips under the proposed zone when compared to both existing zone scenarios, and a decrease in total weekday pm peak hour trip under the proposed zone when compared to a retail/office mix for the existing and a very minimal increase when compared to the retail/residential mix. For the East Property, Kittelson evaluated single family home development, taking into consideration current zoning code provisions that include Residential Infill densities, under the existing R2.5 zone in comparison to a mixed residential/small retail worst case development scenario under the proposed RM2 zone. As provided in Table 3 the proposed zoning scenario resulted in just 212 additional daily trips, 11 additional am peak hour trips, and 18 additional pm peak hour trips. Kittelson also evaluated the City's traffic counting database to determine existing traffic levels on surrounding streets. Based upon the evaluations, Kittelson concluded that there are no significant effects on the transportation system associated with the zone change. The evaluation of the effects satisfies both this approval criterion and the state's Transportation Planning Rule.

The Kittelson Transportation Study also evaluates the impacts of the proposed zone changes on the other transportation system facilities in addition to the vehicle trip analysis, including the transit network, the bicycle network, and the pedestrian network, and evaluates impacts on TSP projects. As detailed in the Transportation, in each instance, Kittelson concluded that the public services for each element of the transportation system are capable of supporting the uses allowed in the RM4 and RM2 zones.

For these reasons, and as further detailed in the Transportation Study, the requested zone changes meet this approval criterion.

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.

The Properties are located in the Portland Public School District. Portland Public has not yet adopted a school facility plan that has been acknowledged by the City of Portland. Therefore, this criterion is not applicable.

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.

This application does not include a request to rezone the Properties to the IR zone. Therefore, 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.

This application does not include a request to rezone the Properties to the IR zone. Therefore, 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.*

This application does not include a request to rezone the Properties to a CI zone. Therefore, this criterion is not applicable.

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

The Properties are located within the City's boundary of incorporation. This criterion is met.

Conclusion

For the reasons set forth above, the applicant respectfully requests: 1) a Comprehensive Plan Amendments to apply the MD-U Comprehensive Plan designation to the West Property and the MD-C Comprehensive Plan designation to the East Property; and 2) a concurrent and corresponding Zoning Map Amendment to apply the RM4 zone to the West Property and the RM2 zone to the East Property.