



City of Portland
Bureau of Development Services

Staff Presentation to the
City Council

Appeal of a
Type III Conditional Use Review
Type III Central City Parking Review

LU 11-124052 CU PR
4310 SW Macadam Avenue

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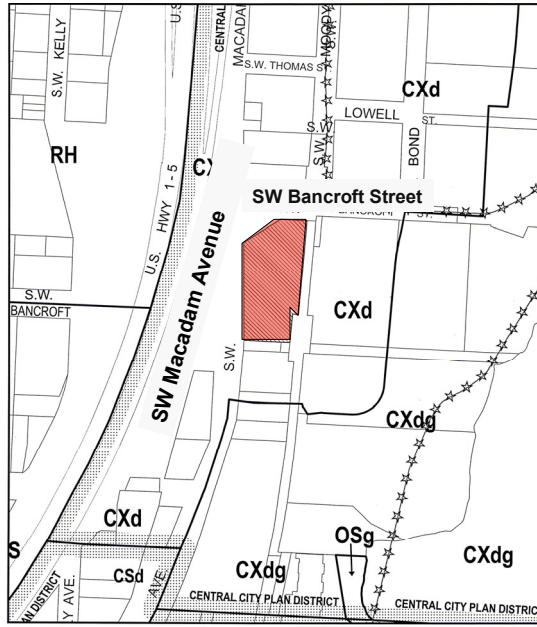
Project Summary

- Type III Conditional Use Review to locate a Detention Facility on the site.
- Facility to be operated by the United States Immigration and Customs Enforcement (ICE) agency in a 5,198 square foot space within the expanded 114,279 square foot building.
- Facility to consist of four holding cells and support space.
- Approximately 10-15 detainees processed daily, with no detainee held for more than 12 hours, and no detainee held overnight.
- Type III Central City Parking Review to allow 106 accessory parking spaces.



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Zoning Map



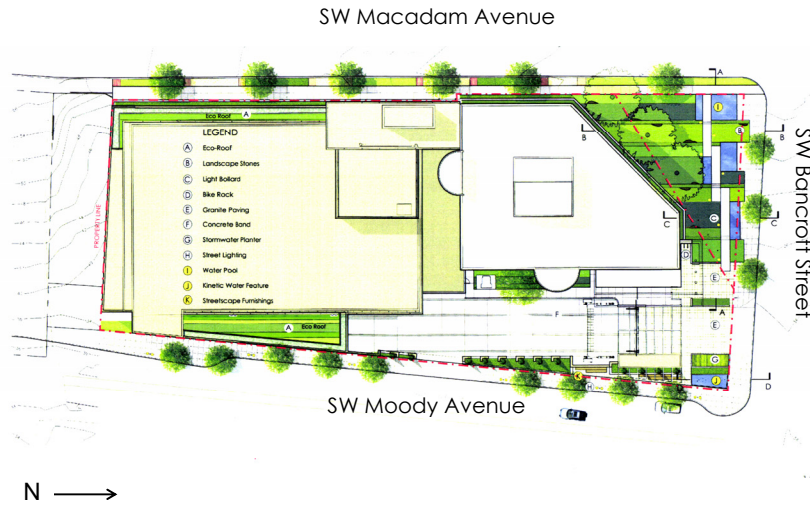
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Site and Vicinity



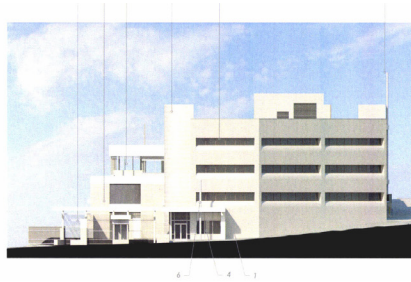
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Proposed Site Plan: Full Build Out

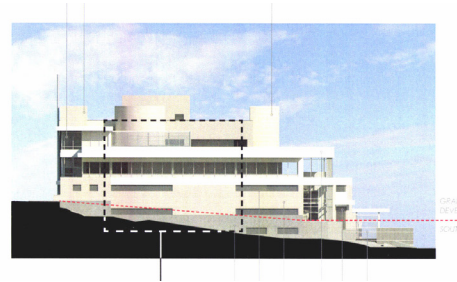


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Proposed Building Elevations



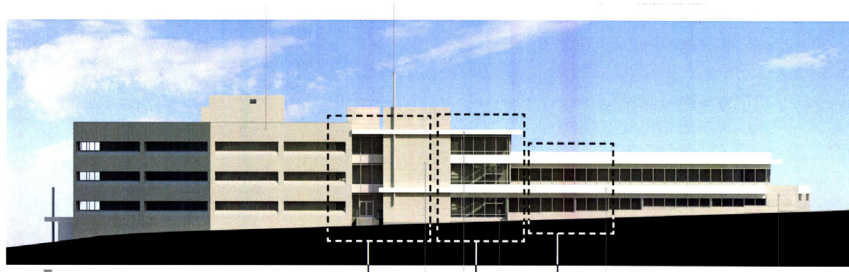
North Elevation



South Elevation

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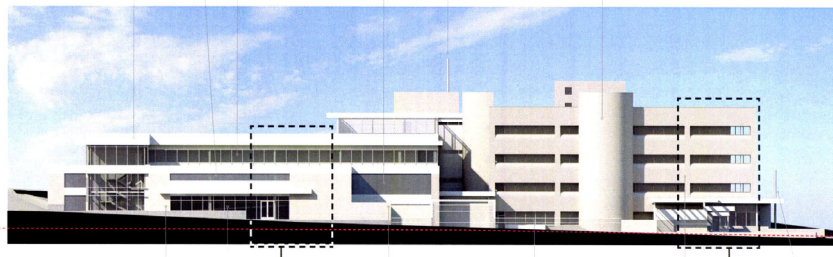
Proposed Building Elevations



West Elevation

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Proposed Building Elevations



East Elevation

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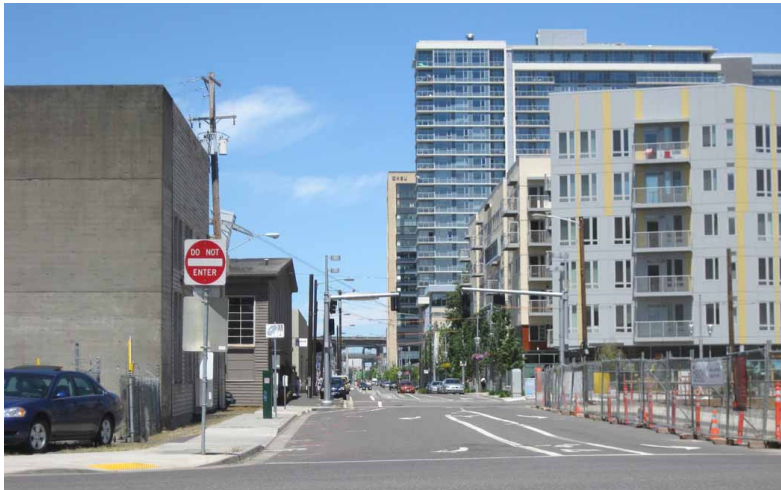
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Conditional Use Approval Criteria
33.815.205 Detention Facilities

A. Appearance. The appearance of the facility is consistent with the intent of the zone, and with the character of the surrounding uses and development.

- *Portland Design Commission and Portland City Council previously determined the proposal met the "Central City Fundamental Design Guidelines" and the "South Waterfront Design Guidelines."*
- *No changes to the building exterior or site are proposed as part of Conditional Use Review.*

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Conditional Use Approval Criteria
33.815.205 Detention Facilities

B. Safety. The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents.

- *Applicant provided Security Plan that describes how the facility will operate on a daily basis.*
- *Security Plan includes details on:*
 1. *Detainee Transportation;*
 2. *Facility Security; and*
 3. *Facility Design.*

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Conditional Use Approval Criteria

33.815.205 Detention Facilities

C. Public Services.

1. The use is in conformance with the street designations identified in the Transportation Element of the Comprehensive Plan.
2. The transportation system is capable of supporting the use in addition to existing uses.
3. Public services for water supply, police and fire protection are capable of serving the use, and proposed sanitary waste and stormwater disposal systems are acceptable.
 - *Vehicle Trips: Proposed facility versus allowed development;*
 - *Queuing of vehicles; and*
 - *Impacts to on-street parking.*

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Central City Parking Review Approval Criteria

33.808.100

- The proposal will not by itself or in combination with other parking facilities in the area significantly lessen the overall character of the area.
 - *1998 Central City Plan;*
 - *2003 South Waterfront Plan;*
 - *2009 South Waterfront District Street Plan; and*
 - *Central Commercial (CX) Zoning Map Designation*
- The transportation system is capable of supporting the proposed parking facility in combination with other parking facilities in the area.
- A parking management plan supports alternatives to the single-occupant vehicle.

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Hearings Officer Decision

Denial of the Conditional Use to allow a 5,198 square foot Detention Facility at the site; and

Approval of the Central City Parking Review to allow a 106-space parking facility.

Basis for Denial of the Conditional Use Review

- Insufficient evidence in the record demonstrating that release of detainees at the site will not pose an unreasonable safety threat to nearby residents and uses.

Appeal Statement

Appellant

- Rodney Grinberg with Lindquist Development Company

Basis For Appeal

- The Hearings Officer erred in determining that as a result of the release of some detainees at the site the Conditional Use "Safety" approval criterion is not met.
- There was no evidence in the record to support this conclusion. The evidence supports a conclusion that the direct release of detainees does not pose an unreasonable public safety threat.
 - *Amend Security Plan to specify factors used to determine which detainees will be released.*
 - *Amend Security Plan to specify how released detainees will be transported from the site.*