

CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



RECOMMENDATION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 14-104931 CP ZC (HO 4140002)

Applicant: Rich Attridge
City Of Portland Office Of Finance And Management
1120 SW 5th Avenue, Room 1204
Portland, OR 97204

Applicant's Representative: Beverly Bookin
The Bookin Group LLC
813 SW Alder Street, Suite 320
Portland, OR 97205

Hearings Officer: Kenneth D. Helm

Bureau of Development Services (BDS) Staff Representatives: Sylvia Cate and Matt Wickstrom

Site Address: 2730 SW Multnomah Boulevard

Legal Description: BLOCK 6&7&9 TL 6900, RYAN PL

Tax Account No.: R734301810

State ID No.: 1S1E20DA 06900

Quarter Section: 3826

Neighborhood: Multnomah

Business District: Multnomah Village

District Neighborhood Coalition: Southwest Neighborhoods Inc.

Existing Zoning: R1 (Residential 1,000)

Proposed Zoning: EG2 (General Employment 2)

Land Use Review: Type III, CP ZC (Comprehensive Plan Map and Zoning Map Amendment)

Public Hearing: The hearing was opened at 1:29 p.m. on March 31, 2014 in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:05 p.m. The record was closed at that time.

Testified at the Hearing:

Sylvia Cate
Bob Haley
Carmen Merlo
Beverly Bookin
Moses Ross

Proposal:

The applicant requests to change the Comprehensive Plan Map and Zoning Map designations for the now-vacant SFC Jerome F. Sears US Army Reserve Center site from R1 (Residential 1,000) to EG2 (General Employment 2). In 2012, the City of Portland acquired the site for use as an Auxiliary Emergency Operations Center on Portland's west side to augment the City's primary emergency management facility in southeast Portland. Emergency management services are classified by the Portland Zoning Code as a Basic Utility, an allowed use in the EG2 zone. The City has completed a four-phase master plan to show how emergency services can begin to occupy the property. This involves first phasing in simple upgrades such as meeting the Americans with Disabilities Act (ADA) standard, then adding roadway de-icing and fueling facilities, and finally large-scale building upgrades to meet "Essential Facility" seismic requirements. Analysis of impacts was based on the four-phase master plan, although some elements of the master plan may be subject to change based on availability of funding and other considerations.

Relevant Approval Criteria:

- 33.810.050 Comprehensive Plan Map Amendments
- 33.855.050 Zoning Map Amendment

HEARINGS OFFICER'S OVERVIEW OF ISSUES AND RELEVANT APPROVAL CRITERIA:

A public hearing was held on March 31, 2014. The Hearings Officer notified all present of their rights under ORS 197.763, and did not have any *ex parte* contacts to report.

BDS Staff provided a PowerPoint overview of the application. The primary reason for the requested zone change is to allow both the emergency operations facility and a fueling station to serve emergency vehicles. The EG-2 zone allows for both uses.

Bob Haley of the Portland Bureau of Transportation summarized the traffic and transportation safety issues connected with the application. The proposed use will generate just a small fraction of the vehicle trips that would otherwise be allowed to serve the 172 allowed dwelling units that could be allowed under the existing R-1 zoning. His conclusion was that the proposal would not bring significant traffic impacts to the vicinity.

Beverly Bookin, the applicant's planning consultant, clarified that the proposal is a phased plan that will occur over time and specific components will need development permits in the future. She also explained that a stormwater management plan will be required and provided in the future.

Moses Ross, representing the Multnomah Neighborhood Association, testified that the association voted in favor of the proposal.

No party testified in opposition to the application. The applicant waived the right to a final argument and the record closed on March 31, 2014.

One party, Mr. James Peterson, filed two written comments in opposition to the proposal. The second submission of March 31, 2014 summarizes the prior submission of March 10, 2014. Exhibit H.5. On the issue of notice, Mr. Peterson's two letters demonstrate that he had ample time to present his comments to staff and the Hearings Officer. If he was entitled to notice, any failure by BDS Staff to provide notice did not adversely affect his ability to comment on the application. The Hearings Officer finds the Mr. Peterson's substantial rights were not prejudiced.

As to his other arguments that the EG-2 zone is not appropriate, his comments merely offer an alternative rather than providing evidence that the EG-2 cannot be applied. For this reason, the Hearings Officer finds that his argument does not address the applicable code criteria. The other issues raised in the letter are not relevant for the same reason.

Since none of the testimony or evidence submitted at the March 31, 2014 hearing, or into the record generally, warrants a change in the BDS Staff findings below, the Hearings Officer adopts the balance of the BDS Staff report as his own by this reference. The Hearings Officer recommends that the City Council approve the application with conditions as set forth by BDS Staff.

II. ANALYSIS

Background: In September 2012, the City of Portland completed the acquisition of the now-vacant SFC Jerome F. Sears US Army Reserve Center (USAR) at 2730 SW Multnomah Boulevard via the Base Realignment and Closure Programs for Emergency Management Use Program. The City acquired the site for use as an Auxiliary Emergency Operations Center (AEOC) on Portland's west side to augment the City's primary facility, the Emergency Coordination Center, in southeast Portland and other eastside City facilities. The terms of the transfer of the property from the Army to the City through the Federal Emergency Management Agency require that the City use the property "primarily for the purpose of providing emergency management services" in perpetuity.

The City has acquired the property because the Portland Bureau of Emergency Management (PBEM) has identified the City's vulnerability to seismic hazards that would likely compromise the structural integrity of the bridges across the Willamette River. The loss of some or all of these bridges would severely inhibit the provision of emergency response on the west side in a timely and effective manner. PBEM concluded that there is a "compelling public safety need for a west side operations center," a conclusion with which the City Council concurred. It was based on this analysis that the City acquired the USAR Center for this purpose.

Site and Vicinity: The 3.96 acre site is located on the north side of SW Multnomah Boulevard between SW 25th and SW 28th Avenues. It is developed with a long two-story brick building (Sears Hall) fronting on SW Multnomah Boulevard. There is a large paved parking area as well as a maintenance shop and a storage building. The remainder of the site is planted with grass. SW Barbur Boulevard lies about two blocks to the east and Interstate 5 lies one block further east. The rear yards of homes fronting on SW Hume Street are located across Multnomah Boulevard from the site. There is also a mix of commercial, office and operational facilities uses to the east. Multi-dwelling development is located to the west of the site and single-dwelling residential development is located to the north. SW 27th Avenue dead ends along the north property line.

Zoning:

Existing Zoning: Comprehensive Plan designation of Medium Density Multi-Dwelling and the implementing zone of Residential 1,000 (R1).

Proposed Zoning: Comprehensive Plan designation of Mixed Employment and the implementing zone of General Employment 2 (EG2).

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Request for Response" was mailed February 18, 2014. The following Bureaus have responded with no issues or concerns:

The Police Bureau responded that the Bureau is capable of serving the proposed change at this time. The response includes a request that "as development progresses at this site, the Portland Police Bureau recommends that on-site person and the developer work with Central Precinct Commander Robert Day on any previous safety issues or concerns." A recommended condition of approval is included with this land use review to address this request. Please see Exhibit E-1 for additional details.

The Fire Bureau responded with no concerns, stating that the applicant shall note that all applicable Fire Code requirements will apply at the time of building permit review and development. Please See Exhibit E-2 for additional details.

The Bureau of Environmental Services responded with comments regarding adequacy of services and recommends a condition of approval that impervious surface area be limited to 80%, the amount allowed under current zoning. Please see Exhibit E-3 for additional details.

The Bureau of Transportation Engineering and Development responded with an analysis of the proposal and submitted findings and comments regarding compliance with Goal 6, the State Transportation Planning Rule, and adequacy of the transportation system. The Bureau recommended a condition of approval to prohibit Retail Sales and Service uses at the site. Please see Exhibit E-4 for additional details.

The Oregon Department of Transportation responded with a summary of the Transportation Impact Analysis and agreed with the condition of approval to prohibit Retail Sales and Service uses at the site. Please see Exhibit E-5 for additional details.

The Water Bureau responded with no concerns. Please see Exhibit E-6 for additional details.

The Site Development Section of the Bureau of Development Services responded with geotechnical information. The response states that Site Development has no concerns with the proposal. Please see Exhibit E-7 for additional details.

The Life Safety Section of the Bureau of Development Services responded with building code information. Please see Exhibit E-8 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 11, 2014. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- One response came from the owner of a property across SW Multnomah Boulevard from the site. The respondent states that the proposed EG2 zoning is inconsistent with the surrounding residential zoning and the Southwest Community Plan. The response also states that the design standards associated with the EG1 (General Employment 1) zone would be more fitting in terms of the pedestrian and transit street classifications of the site. The neighbor suggests that a large buffer zone be included along all property lines which abut the residential zone. The respondent also states that he did not receive a Notice of Proposal in the mail (Exhibit F-1).

Staff response: The Portland Zoning Code provides descriptions of the EG1 and EG2 zones. The EG1 zone is applied in areas that have smaller lots and a grid block pattern. Sites generally have high building coverages and building are usually close to the street. The EG2 is applied in areas that have larger lots and an irregular or large block pattern. The area is less developed with sites having medium and low building coverages and buildings which are usually set back from the street. The size of the site, surrounding block pattern as well the existing and planned development of the site are much more consistent with the intended characteristics of the EG2 zone. This information is also addressed in the findings below. On-site pedestrian standards are the same in the EG1 and EG2 zone. Bureau of Transportation requirements for the public sidewalk/bicycle improvements in the right-of-way are tied to Title 17 requirements, not the zoning along the street. The proposed development plan includes landscape screening along all properties lines shared with

residential uses as well as screening along SW Multnomah Boulevard as required by the Portland Zoning Code. Consistency with the Policies and Objectives of the Southwest Community Plan is addressed under Goal 10 Plan Review and Administration. The email was received on March 11, 2014, the same day the Notice of Proposal was mailed. The respondent was included on the mailing list (Exhibit D-5).

- One response was sent by the Multnomah Neighborhood Association (MNA) in May 2013. The letter expresses the MNA support for the proposed change to zoning. The response also includes two questions/concerns; one about a six foot wall along SW Multnomah Boulevard which is no longer shown on the proposal; the other about crosswalk improvements at SW 25th Avenue and SW Multnomah Boulevard (Exhibit F-2).

Staff response: As noted under the Goal 6 findings for Transit Access Streets, the applicant and PBOT are in discussions about how best to facilitate pedestrian crossings here given that the intersection does not meet the requirements for a traffic signal.

ZONING CODE APPROVAL CRITERIA

33.810.050 Approval Criteria (Comprehensive Plan Map Amendments)

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

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

Findings: The following analysis includes an assessment of the Comprehensive Plan goals, policies and objectives relevant to this proposal. Based on this analysis, it is determined that on balance the proposed designation is equally or more supportive of the Comprehensive Plan than the old designation. Therefore, this criterion is met.

Comprehensive Plan Goals and Policies

Goal 1 Metropolitan Coordination: *This goal seeks to ensure that the Comprehensive Plan is coordinated with federal and state law, and supports goals, objectives, and plans adopted by the Metropolitan Service District.*

Findings: The Urban Growth Management Functional Plan was approved November 21, 1996, by the Metro Council and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. Local jurisdictions must address the Functional Plan when Comprehensive Plan Map Amendments are proposed through the

quasi-judicial or legislative processes. The *Urban Growth Management Functional Plan* is Section 3.07 of the Metro Code.

The City of Portland's Comprehensive Plan and the implementing Zoning regulations of PCC Title 33 are either in compliance with, or are not inconsistent with, the applicable Metro Titles. The proposal is consistent with the Metro Titles that are applicable

The 14 Metro Titles in that section are summarized and addressed below.

Urban Growth Management Functional Plan

Title 1 Housing Capacity. This title calls for compact urban form and a "fair-share" approach to meeting the regional housing needs. It is accomplished by requiring each city and county to maintain or increase its housing capacity. This requirement is generally implemented through city-wide analysis based on calculated capacities from land use designations.

Findings: The requested amendment changes the housing capacity of the site. The Comprehensive Plan designation of Medium Density Multi-Dwelling and implementing zone of Residential 1,000 (R1) allows a maximum of 172 dwelling units at this site. The Comprehensive Plan designation of Mixed Employment and enabling zone of General Employment 2 (EG2) limits household living uses by requiring approval through a Conditional Use Review. Therefore, there is no guarantee of housing in the proposed zone. To address the issue of lost housing capacity, the applicant conducted research and identified four recently completed affordable housing projects in non-residential zones. One such identified project, a 180-unit building in downtown Portland, required a 60-year covenant to ensure it remains affordable. This covenant also ensures that the residential use remains for an extended period of time. The applicant's research shows that in Portland increases in housing capacity occur in non-residential zones as well as in zones where residential development is required. Therefore, the loss of housing capacity on this site to non-residential development does not preclude maintaining or increasing housing capacity within the City.

Title 2 Regional Parking Policy. This title was repealed and transferred to the Regional Transportation Functional Plan.

Title 3 Water Quality and Flood Management. This title protects the beneficial water uses, functions, and values of resources by limiting or mitigating the impact of development activities on these areas.

Findings: Compliance with this title is achieved in this area through the review of development against the current Stormwater Manual regulations at time of building permit. The Bureau of Environmental Services provided comments and a

recommended condition of approval. This information is addressed below under Approval Criteria for Base Zone Changes and is included as Exhibit E-3.

Title 4 Industrial and Other Employment Areas. This title seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas. The title also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. It further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

Findings: The site is not located in a Regionally Significant Industrial Area. It also is not "clustered" around other industries; however, the function of the proposed Auxiliary Emergency Operations Center (AEOC) is not dependant on locating near other employment or industrial uses. In fact, the provision of emergency services by the AEOC is more effective from a location on a main street, categorized as a Major Emergency Response Route, with access to a network of integrated transportation facilities as well as employment, industrial and residential uses on Portland's west side.

Title 5 Neighbor Cities and Rural Reserves. This title defines Metro policy with regard to areas outside the Metro urban growth boundary.

Findings: The proposal is within the urban growth boundary and has no impact on neighboring cities or rural reserves; therefore, this title is not applicable.

Title 6 Centers, Corridors, Station Communities and Main Streets. The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principle centers of urban life in the region. This title calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

Findings: The proposed development for this site is a significant City of Portland investment to provide better emergency management and operations services on Portland's west side especially in the event of a catastrophic event which restricts access from Portland's primary emergency management facility in southeast. The project does not include any high capacity transit line as nearby Barbur Boulevard is the subject of planning efforts in that regard; however, significant bicycle and pedestrian improvements along Multnomah Boulevard are underway.

Title 7 Housing Choice. This title calls for the establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress toward increasing the supply of affordable housing.

Findings: This proposal decreases the likelihood that affordable housing would be developed at this site by applying the Mixed Employment and EG2 Comprehensive Plan Map and Zoning Map designations. However, the proposed development at the site will provide improved emergency operations service in west Portland. In addition, the applicant's analysis identified a number of affordable housing projects in west Portland on sites where housing was not required. To ensure that a comparable supply of affordable housing is maintained as could be constructed on this site, a covenant which restricts redevelopment to affordable housing has been placed on one of those sites. It is also important to note that the Multnomah Neighborhood Association has been engaged in different redevelopment/reuse scenarios for this site and while a proposal to redevelop the site for affordable housing was opposed, the neighborhood association has provided a letter of support for the proposed AEOC (Exhibit F-2).

Title 8 Compliance Procedures. This title outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.

Findings: This proposal meets this title by fulfilling the notice requirements for Type III land use reviews, as outlined in Portland Zoning Code, section 33.810, Comprehensive Plan Map Amendments. In addition to notifying the affected neighborhood associations and property owners within a 400-foot radius of the site, a Notice of Proposal has also been sent to Metro and to the Department of Land Conservation and Development. The applicant has also voluntarily met with interested neighbors and the neighborhood association on several occasions.

Title 9 Performance Measures. Title 9 was repealed.

Title 10 Definitions. This title defines the words and terms used in the *Urban Growth Management Functional Plan*.

Title 11 Planning for New Urban Areas. This title guides planning for areas brought into the Urban Growth Boundary for conversion from rural to urban use.

Findings: The requested proposal has no impact on, and is not inconsistent with, Titles 9, 10 and 11.

Title 12 Protection of Residential Neighborhoods. The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of service.

Findings: The proposed Comprehensive Plan Map and Zoning Map designations and accompanying proposed use at the site will provide an improved level of emergency operations services on Portland's west side, especially in the event of a catastrophic event which limits access from Portland's primary emergency management facility in southeast. The proposed fueling station, de-icing facilities and other site improvements will be reviewed for compliance with applicable City and State regulations to ensure compliance.

Title 13 Nature in Neighborhoods. The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Findings: The site is not designated with either Environmental Conservation or Environmental Protection Overlay Zones and therefore has not been identified as having any particular resource value.

Title 14 Urban Growth Boundary. This title prescribes criteria and procedures for amendments to the urban growth boundary.

Findings: This site is already located within the Urban Growth Boundary.

Goal 2 Urban Development: *This goal calls for the maintenance of the City's role as a regional employment, population, and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.*

Findings: The proposal is consistent with the following applicable policies: Policy 2.1, *Population Growth*, Policy 2.2, *Urban Diversity*, Policy 2.19, *Infill and Redevelopment*, Policy 2.23, *Buffering*.

Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 2, **Urban Development** of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 2.1 Population Growth. Allow for population growth within the existing city boundary by providing land use opportunities that will accommodate the projected increases in city households by the year 2000.

Findings: The requested Comprehensive Plan Map and Zoning Map amendment changes the designation from residential to mixed employment for the purpose of locating an Auxiliary Emergency Operations Center (AEOC) at the site. This use will provide an improved level of emergency operations services on Portland's west side, especially in the event of a catastrophic event which limits access from Portland's

primary emergency management facility in southeast. Locating the AEOC at this site is supportive of the policy for increased population growth because the use provides a crucial emergency service on Portland's west side where a significant amount of the city's population growth is anticipated.

Policy 2.2 Urban Diversity. *Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population.*

Findings: The proposal changes the Comprehensive Plan Map and Zoning Map designations of the site from residential to employment. This allows the site to be used for employment opportunities such as the proposed AEOC.

Policy 2.19 Infill and Redevelopment. *Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, at transit stations, along Main Streets, and as neighborhood infill in existing residential, commercial and industrial areas.*

Findings: The site is located on SW Multnomah Boulevard which is a designated City Corridor (see finding related to Policy 6.11.F). The previous use of the site was a US Army National Guard armory and training facility. The site has been vacant since late 2011 when these functions were consolidated in a facility in Clackamas County. As a condition of acquiring the property from the Base Realignment and Closure Programs for an emergency management use, the City is required to operate the facility as an AEOC in perpetuity. The proposed full build-out of the site ensures that it will be fully utilized for activities that provide for the public safety, security and welfare of residents and employment uses in the immediate area as well as Portland's entire west side both for more typical winter emergencies as well as a catastrophic event such as an earthquake. By providing the public facilities and services needed to insure the livability of City residents and employment uses this policy is fulfilled.

Goal 3 Neighborhoods: *This goal seeks to preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses. The goal also seeks to ensure the City's residential quality and economic vitality.*

Findings: The proposal is consistent with Policy 3.5, Neighborhood Involvement. The applicant has engaged the Multnomah Neighborhood Association (MNA) in many discussions concerning the redevelopment and reuse of the site for an AEOC as well as the necessary Comprehensive Plan Map and Zoning Map Amendments from medium density residential to mixed employment (R1 to EG2). As shown in Exhibit F-2, the MNA has provided a letter of support for the proposed zoning as well as the proposed use. The applicant has also satisfied requirements addressing the loss of potential

housing units on the site. For further details, see findings on page 25 titled "gaining potential housing units" below.

Goal 4 Housing: *This goal seeks to further Portland as the center of the region's housing market by providing housing of different types, tenures, densities, sizes, costs and locations.*

Findings: The proposal is consistent with Policy 4.2, Maintain Housing Potential. Because of the proposal's consistency with this Policy, the proposal, on balance, is supportive of Goal 4, **Housing**, of the Comprehensive Plan. A detailed analysis of the applicable policy follows, below.

Policy 4.2, Maintain Housing Potential. Retain housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use. When considering requests for amendments to the Comprehensive Plan Map, require that any loss of potential housing units be replaced.

Objectives:

- A. *Allow the replacement of housing potential to be accomplished by such means as: 1) rezoning (and redesignating) existing commercial, employment, or industrial lands to residential; 2) rezoning (and redesignating) lower density residential land to higher density residential land; and 3) rezoning to the CM zone; or 4) building residential units on the site or in a commercial or employment zone if there is a long term guarantee that housing will remain on the site.*

Findings: As noted above under the Housing Capacity finding for the Urban Growth Management Functional Plan, the applicant satisfies the 172-unit housing replacement requirement by citing a 180-unit affordable housing project in downtown Portland (the Harris Building). The project was constructed in the Central Commercial (CX) zone where housing is allowed but not required. The project received State income tax credits and as a result was required to encumber the site with a 60-year covenant guaranteeing that the housing will remain affordable over that period of time. This 60-year period significantly exceeds the long-term (25-year period) required by the Portland Zoning Code.

Goal 5 Economic Development: *This goal seeks to foster a strong and diverse economy that provides a full range of employment and economic choices.*

Findings: The proposal is consistent with Policy 5.1 Urban Development and Revitalization. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 5, **Economic Development** of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 5.1 Urban Development and Revitalization. Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.

Findings: The proposed Comprehensive Plan Map and Zoning Map Amendments and subsequent reuse of the former US Army National Guard armory as an Auxiliary Emergency Operations Center is consistent with Economic Development policy.

Goal 6 Transportation: *This goal seeks to provide for and protect the public's interest and investment in the public right-of-way and transportation system by encouraging the development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies.*

Findings: Portland Transportation has reviewed the proposal for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. PBOT staff concurs with the applicant's findings and has no objection to the proposal subject to a condition of approval that disallows Retail Sales and Service uses on the site. Because of the proposal's consistency with these Policies, the proposal, on balance is supportive of Goal 6, **Transportation** of the Comprehensive Plan. The following analysis is excerpted from PBOT's formal response, contained in the record as Exhibit E-4:

Policies and Objectives:

6.1 Coordination. *Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.*

Finding: Because the site is within a limited access/exit interchange with I-5, the applicant coordinated the work scope for the required Transportation Impact Analysis (TIA) with both PBOT and the Oregon Department of Transportation (ODOT). Although the policy is more related to overall City transportation planning, the coordination for this Comprehensive Plan/Zone Change request has been undertaken in the spirit of this policy.

6.5 Traffic Classification Descriptions. *Maintain a system of traffic streets that support the movement of motor vehicles for regional, interregional, inter-district, and local trips as shown. For each type of traffic classification, the majority of motor vehicle trips on a street should conform to its classification description.*

Finding: The major street abutting the site, SW Multnomah Boulevard, is classified as a District Collector, Transit Access Street, City Bikeway, City Walkway, Truck Access Street, Major Emergency Response Route, and Community Corridor in the City's

Transportation System Plan (TSP). The minor street abutting the site, SW 25th Avenue is classified as a Local Service Street. See specific compliance below.

Objectives:

D. District Collectors. *District Collectors are intended to serve as distributors of traffic from Major City Traffic Streets to streets of the same or lower classification. District Collectors serve trips that both start and end within a district.*

Finding: As SW Multnomah Boulevard is classified as a District Collector, compliance to the following applicable policies is demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

- *Land Use/Development. District Collectors generally connect town centers, corridors, main streets, and neighborhoods to nearby regional centers and other major destinations. Land uses that attract trips from the surrounding neighborhoods or from throughout the district should be encouraged to locate on District Collectors. Regional attractors of traffic should be discouraged from locating on District Collectors.*

Finding: Although it will serve the entire west side as well as the immediate neighborhood, the proposed AEOC will not be a regional traffic attractor. It in fact will have a relatively low level of traffic given the nature and intensity of uses/activities on the site. This policy is met.

- *Connections. District Collectors should connect to Major City Traffic Streets, other collectors, and local streets and, where necessary, to Regional Trafficways.*

Finding: SW Multnomah Boulevard meets this requirement as it connects to SW Barbur Boulevard (Highway 99) and terminates in a limited-access interchange with I-5. This is one of the reasons that the AEOC is well located in that it has access to major regional trafficways, access necessary in the more routing winter storm-related emergencies and the more atypical major natural disasters, including major storms and earthquakes. This policy is met.

- *On-Street Parking. Removal of on-street parking and right-of-way acquisition should be discouraged on District Collectors, except at specific problem locations to accommodate the equally important functions of traffic movement and vehicle access to abutting properties.*

Finding: There is no on-street parking along the site's SW Multnomah Boulevard frontage, so this policy does not apply. Moreover, even at full build-out, the parking and fleet storage requirements of the site will be relatively modest and can be accommodated on site.

E. Local Service Traffic Streets. *Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses.*

Finding: As SW 25th Avenue is classified as a Local Service Street for all transportation modes, compliance to the following applicable policies apply is demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

- *Land Use/Development. Discourage auto-oriented land uses from using Local Service Traffic Streets as their primary access.*

Finding: The proposed Sears AEOC will take its primary access from SW Multnomah Boulevard, a designated District Collector. This policy is met.

- *Classification. Streets not classified as Regional Trafficways, Major City Traffic Streets, District Collectors, or Neighborhood Collectors are classified as Local Service Traffic Streets.*

Finding: SW 25th Avenue is not classified for heavier traffic implying that it is appropriately classified as a Local Service Street. This policy is met.

- *Connections. Local Service Traffic Streets should connect neighborhoods, provide local circulation, and provide access to nearby centers, corridors, station areas, and main streets.*

Finding: At this time, SW 25th Avenue is not fully improved between SW Multnomah Boulevard and SW Moss Street one block to the north. Given the nature of the AEOC in terms of its public benefit and low traffic impact, the applicant is in discussions with PBOT about the timing and/or deferment of improvements. This policy is met.

- *Function. Local Service Traffic Streets provide local circulation for traffic, pedestrians, and bicyclists and (except in special circumstances) should provide on-street parking. In some instances where vehicle speeds and volumes are very low....Local Service Traffic Streets may accommodate both vehicles and pedestrians and bicyclists in a shared space.*

Finding: As noted above, the applicant contends that there is not sufficient basis for requiring the applicant to improve SW 25th Avenue along its entire length from SW Multnomah Boulevard to SW Moss Street as a condition of this Comprehensive Plan/Zone Change application but is willing to agree to a condition of approval that it contribute its proportionate share of costs at such time that this roadway segment is improved. This policy will be met at a later date.

6.6 Transit Classification Descriptions. *Maintain a system of transit streets that supports the movement of transit vehicles for regional, interregional, inter-district, and local trips.*

Finding: As SW Multnomah Boulevard is classified as a Transit Access Street, compliance to the following applicable policies is demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

Objectives:

C. Transit Access Streets. *Transit Access Streets are intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas.*

Finding: As SW Multnomah Boulevard is classified as a Transit Access Street, the following policies apply, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

- *Land Use. Encourage pedestrian- and transit-oriented development in commercial, institutional and mixed-use areas along Transit Access Streets.*

Finding: At full redevelopment, the AEOC will not be a transit-supportive use given its nature and purpose. This policy does not apply.

- *Access to Transit. Provide safe and convenient pedestrian and bicycle access to transfer points and stops and along Transit Access Streets.*

Finding: It should be noted that there is currently no bus service on SW Multnomah Boulevard and the nearest bus access is on SW Barbur Boulevard (#12) and SW Capitol Highway (#44), which are 0.3 and 0.4 miles distant from the site, respectively. The SW Multnomah Boulevard Capital Improvement Project, the eastern portion of which including the Sears site is now underway, includes the upgrading of sidewalks, bicycle lanes and stormwater improvements along a lengthy portion of the corridor and would be occurring regardless of the reuse of the Sears site. In addition, the project includes a self-activated pedestrian crossing at the corner of SW Multnomah Boulevard/SW 25th Avenue at the Sears' site southeast corner. This provides a safe pedestrian crossing from the north side of SW Multnomah Boulevard to the south side and then up to SW Barbur Avenue to facilitate pedestrian and transit trips. This policy is met.

- *Transfer Points. Provide bus shelters, safe and convenient pedestrian crossings, and transit information at transfer points.*

Finding: There currently is an inadequate pedestrian crossing on SW Multnomah Boulevard from SW 25th Street, which is immediately adjacent to the site. Per the determination of off-site improvements related to this Comprehensive Plan/Zone Change application, the applicant and PBOT are in discussions about how best to facilitate pedestrian crossings here given that the intersection does not meet warrants for a traffic signal. This policy will be met if feasible.

- *Improvements. Employ transit-preferential measures at specific intersections to facilitate bus operations where there are significant bus delays. Applicable preferential treatments include signal priority, queue jump lanes, and curb extensions.*

Finding: This policy does not apply to the intersection of SW Multnomah Boulevard/SW 25th Avenue or to the Comprehensive Plan/Zone Change application, as there is no transit service on SW Multnomah Boulevard.

6.9 Freight Classification Descriptions. *Designate a system of truck streets, railroad lines, and intermodal freight facilities that support local, national, and international distribution of goods and services.*

- E. Truck Access Streets.** *Truck Access Streets are intended to serve as an access and circulation route for delivery of goods and services to neighborhood-serving commercial and employment uses.*

Finding: As SW Multnomah Boulevard is classified as a Truck Access Street, compliance to the following applicable policies is demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

Objectives:

- *Land Use. Support locating commercial land uses that generate lower volumes of truck trips on Truck Access Streets.*

Finding: The proposed use is not a commercial use. As such, it is primarily truck- and heavy vehicle-oriented requiring adequate access to SW Multnomah Boulevard and to the major west side transportation system beyond. This policy does not apply.

- *Function. Truck Access Streets should provide access and circulation to land uses within a Transportation District. Non-local truck trips are discouraged from using Truck Access Streets.*

Finding: Because of the proposed use of the site as an AEOC in perpetuity, it is critical that adequate truck access be maintained along SW Multnomah Boulevard and to nearby major streets and regional trafficways. This is so that de-icing trucks have access to the west side transportation system during winter storm events and access for all sorts of vehicles and equipment in the case of the atypical major natural disaster. This is another reason why the Sears site is an appropriate location for a facility of this type. This policy is met.

- *Connections. Truck Access Streets should distribute truck trips from Major Truck Streets to neighborhood-serving destinations.*

Finding: As a Truck Access Street, SW Multnomah Boulevard fulfills this requirement. Given the nature of this facility, adequate truck and heavy equipment access to the west side roadway system is a key requirement, which is why this is the appropriate location for a facility of this type. This policy is met.

- *Design. Design Truck Access Streets to accommodate truck needs in balance with other modal needs of the street.*

Finding: As noted in the TIA prepared for this land use application, there is adequate truck access to and from the site via SW Multnomah Boulevard. This policy is met.

6.10 Emergency Response Classification Descriptions. *Emergency Response Streets are intended to provide a network of streets to facilitate prompt emergency response.*

Objectives:

Major Emergency Response Streets. *Major Emergency Response Streets are intended to serve primarily the longer, most direct legs of emergency response trips.*

Finding: As SW Multnomah Boulevard is classified as a Major Emergency Response Route, compliance to the following applicable policies is demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

Objectives:

- *Improvements. Design treatments on Major Emergency Response Streets should enhance mobility for emergency response vehicles by employing preferential or priority treatments.*

Finding: One of the compelling reasons for selecting the site for the AEOC on Portland's west side is that SW Multnomah Boulevard is designated as a Major Emergency Response Route. This insures that during typical winter emergencies and more atypical major natural disasters that trucks, heavy equipment and personnel will have good access to the west side transportation system in an efficient and timely manner. This policy is met.

- *Traffic Slowing. Major Emergency Response Routes are not eligible for traffic slowing devices in the future. Existing traffic slowing devices may remain and be replaced if necessary.*

Finding: The re-use of the Sears site for Portland's west side AEOC will not result in the need for traffic-slowing devices. However, a discussion is now underway about a self-activated pedestrian crossing system at SW Multnomah Boulevard/SW 25th Avenue in absence of a traffic signal, for which there are inadequate warrants. Such a system could be disabled during an emergency so as not to slow the movement of emergency vehicles from the Sears site. This policy is met.

6.11 Street Design Classification Descriptions. *Street Design Classification Descriptions identify the preferred modal emphasis and design treatments for regionally significant streets and special design treatments for locally significant streets.*

Objectives:

F. Community Corridors. *Community Corridors are designed to include special amenities to balance motor vehicle traffic with public transportation, bicycle travel, and pedestrian travel.*

Finding: As SW Multnomah Boulevard is classified as a Community Corridor, compliance to the following applicable policies is demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

- *Land Use. Community Corridors are located along transit corridors and between segments of Community Main Streets. Commercial and multifamily development should be oriented to the street where the street also has a transit designation.*

Finding: Development on the Sears site is pre-existing and most proposed redevelopment is related to on-site improvements such as a roadway de-icing facility, City fueling station and new employee/visitor parking lot. This policy does not apply.

- *Lanes. Community Corridors typically have two travel lanes, usually with on-street parking.*

Finding: There is no on-street parking along the street frontage of the Sears site on SW Multnomah Boulevard. There also will be adequate on-street parking for the proposed use at full development. This policy does not apply.

- *Design Elements. Community Corridor design shall consider the need for the following: moderate vehicle speeds; the use of medians and curb extensions to enhance pedestrian crossing and to manage motor vehicle access; combined driveways; on-street parking; buffered sidewalks with pedestrian amenities such as special lighting and special crossing amenities tied to major transit stops; landscape strips, street trees, or other design features that create a pedestrian buffer between curb and sidewalk; improved pedestrian crossings at intersections; striped bikeways or wide outside lanes; and usually narrower motor vehicle lane widths than Regional Corridors.*

Finding: Some of these elements will be accomplished under the proposed SW Multnomah Boulevard Capital Improvement Project now underway between SW 22nd and SW 40th Avenues. This project is independent of the re-use of the Sears site for Portland's west side AEOC. This policy does not apply to this project per se.

6.14 Emergency Response. *Provide a network of emergency response streets that facilitates prompt response to emergencies.*

Finding: As SW Multnomah Boulevard is classified as a Major Emergency Response Route, compliance to the following applicable policies is demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

Objectives:

A. *Use the emergency response classification system to determine whether traffic-slowing devices can be employed.*

Finding: As noted above, no traffic-slowing devices are proposed on SW Multnomah Boulevard because of its function as a Major Emergency Response Route, a major reason why the establishment of Portland's west side AEOC at the Sears location is so appropriate. This policy is met.

B. *Use the emergency response classification system to guide the routing of emergency response vehicles.*

Finding: Because SW Multnomah Boulevard is a Major Emergency Response Route, it is a suitable location for the establishment of Portland's west side AEOC, which will dispatch trucks, other heavy equipment and personnel to various west side locations in the event of winter storm emergencies and other more atypical major natural disasters. Southwest Multnomah Boulevard is the gateway to the rest of the west side of Portland via SW Barbur Boulevard, I-5 and other major Portland streets. This policy is met.

C. *Use the emergency response classification system to help site future fire stations.*

Finding: The AEOC is not a fire station. This policy does not apply.

The major street abutting the site, SW Multnomah Boulevard, is classified as a District Collector, Transit Access Street, City Bikeway, City Walkway, Truck Access Street, Major Emergency Response Route, and Community Corridor in the City's Transportation System Plan (TSP). The minor street abutting the site, SW 25th Avenue is classified as a Local Service Street. See specific compliance below.

6.18 Adequacy of Transportation Facilities. *Ensure that amendments to the Comprehensive Plan (including goal exceptions and map amendments), zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities.*

Finding: As required in an application for a Comprehensive Plan/Zone Change application, the applicant has submitted a Transportation Impact Analysis (TIA) featuring a scope of work approved by both PBOT and ODOT that demonstrates that the site at full redevelopment will not have an adverse impact on the surrounding transportation system. Because the US Army has transferred the Sears facility via the Federal Emergency Management Agency (FEMA) on the condition that it be used for an emergency operations center in perpetuity, a case could be made that the TIA only project the maximum transportation impacts for this use, i.e., Public Safety Facility with accessory Office and Industrial Service uses, rather than the most intense uses in the EG2 zone. As it happens, all of the allowed uses in the EG2 zone would generate significantly less traffic than the by-right development of a 172-unit residential complex (1,166 weekly trips). The one exception would be a retail use limited to 60,000 gsf that would generate more than twice the traffic of the by-right residential development. For this reason, the applicant requests the Comprehensive Plan/Zone Change application for all uses in the EG2 zone with the exception of retail uses, and is willing to accept a condition to this effect. Even though there is little likelihood of the site transitioning to another use, this approach provides necessary flexibility. This policy is met.

6.41 Southwest Transportation District. *Address outstanding transportation issues in the Southwest District through studies and multi-modal improvements, and use the transportation policy and objectives in the Southwest Community Plan to evaluate potential changes to the street system.*

Objectives:

- D. Evaluate the transportation impacts on adjacent neighborhoods when considering increases in development potential of large new or redeveloping areas, and include mitigation measures in development plans.*

Finding: This generally applies to the proposed up-zoning of properties and districts within the boundaries of the Southwest Portland Community Plan. In this case, the OMF is requesting the quasi-judicial up-zoning of the 3.96-acre Sears site from R1 to EG2 to permit the range of industrial service uses related to the conversion of this vacant US Army facility to the City's west side AEOC. As it happens, the maximum redevelopment and reuse of the site will actually be less intense than a 172-unit high-density residential project that would be allowed by right in the existing underlying R1 zone. The adequacy of the site to accommodate the proposed use has been demonstrated in the TIA submitted with application. This policy is met as it applies to this site.

The Oregon Department of Transportation reviewed the proposal for potential impacts on ODOT facilities and provided the following comments:

The site of this proposed land use action is in the vicinity of Barbur Blvd. ODOT has permitting authority for this facility

and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. The applicant proposes to change the Comprehensive Map and Zoning Map designation from R1 Residential to EG2 General Employment.

ODOT has reviewed the Transportation Impact Analysis prepared by Landcaster Engineering dated December 30th, 2013. The analysis was prepared to address the Transportation Planning Rule (OAR 660-012-0060). The analysis shows that the amendment has the potential to have a significant effect on the planned transportation system under section 1 subsection C which states "Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan." In order to ensure that the amendments would not have a significant effect on transportation facilities, the applicant recommends that a condition be placed on the proposed amendments to "disallow retail uses but allow other allowed and conditional uses."

To ensure that the proposed amendments would not have a significant effect on State highway facilities, ODOT recommends the city place a condition on the Comprehensive Plan and Zoning Map for this parcel to not allow retail uses.

Goal 7 Energy: *This goal seeks to promote a sustainable energy future by increasing energy efficiency throughout the City by 10 percent by the year 2000.*

Findings: The proposed Comprehensive Plan Map and Zoning Map amendment has no consequences related to energy use at this site. However, it is important to note that the City of Portland Green Building Policy requires incorporating green building practices into the design, construction, remodeling and operation of all City-owned facilities. The intent of these practices is to provide environmental benefits, create local jobs, improve employee health, productivity and the quality of workspace, and generate lifecycle financial savings for the City. The applicant notes that Office of Management and Finance staff will direct the architectural team undertaking full renovation of the Sears site in the building renovation phase to use all appropriate energy-efficient and green features that are functionally and economically feasible to accomplish this policy. Although this goal does not apply, its intent will be recognized through City of Portland Green Building policy and renovation efforts.

Goal 8 Environment: *This policy seeks to maintain and improve the quality of Portland's air, water and land resources, and protect neighborhoods from detrimental noise pollution.*

Findings: The proposal has no impact on any air, water or land resources on the site, nor are there any such resources in proximity to the site. Future development will be

subject to the city's noise regulations that protect neighborhoods from detrimental noise levels. This goal is not applicable to the proposal.

Goal 9 Citizen Involvement: *This policy seeks to improve the method for citizen involvement in the on-going land use decision-making process, and providing opportunities for citizen involvement in the implementation, review and amendment of the adopted Comprehensive Plan.*

Findings: The proposal is consistent with Policy 9.1, Citizen Involvement Coordination and Policy 9.3, Comprehensive Plan Map Amendment. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 9, **Citizen Involvement**, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 9.1 Citizen Involvement Coordination. Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations.

Policy 9.3 Comprehensive Plan Amendment. Allow for the review and amendment of the Comprehensive Plan which ensures citizen involvement opportunities for the city's residents, businesses and organizations.

Findings: The Portland Zoning Code requires notification of public hearings for the proposed quasi-judicial Comprehensive Plan Map and Zoning Map Amendments. Notification of this proposal was sent to property owners within 400 feet of the site as well as to the Multnomah Neighborhood Association (MNA). The Office of Management and Finance has met with the MNA on several occasions to discuss the proposed map amendments as evidenced in the MNA letter of support (Exhibit F-2).

Goal 10 Plan Review and Administration: *This policy calls for periodic reviews of the Comprehensive Plan to ensure that it remains an up to date and workable framework for land use development.*

Findings: The proposal is consistent with Policies 10.4, 10.8, and 10.9. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 10, **Plan Review and Administration**, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 10.4 The Comprehensive Plan Map is the official long-range planning guide for uses and development in the city. The Comprehensive Plan Map uses the designations listed below. The designations state the type of area each is intended for, general uses and development types desired, and the corresponding zone or zones which implement the designation. Comprehensive Plan Map designations are shown on the Official Zoning Maps.

(19) Mixed Employment

This designation is intended for areas where a wide variety of employment opportunities are encouraged in an industrial-type setting. Industrial uses are allowed with few limitations. Commercial uses are allowed, but are limited in intensity so as to not overburden public services and to maintain adequate industrial development opportunities. Residential development is restricted to prevent conflicts with other uses. The corresponding zones are General Employment 1 (EG1) and General Employment 2 (EG2).

Findings: The site meets the Mixed Employment definition as well as the corresponding zone characteristics for the EG2 zone as outlined in the Portland Zoning Code.

Policy 10.7 Amendments to the Comprehensive Plan Map. (See below)

Policy 10.8 Zone changes. Base zone changes with a Comprehensive Plan Map designation must be to the corresponding zone stated in the designation. When a zone has more than one corresponding zone, the most appropriate zone will be applied based on the purpose of the zone, and the zoning and general land uses of surrounding lands.

Policy 10.9 Land Use Approval Criteria and Decisions. The approval criteria that are stated with a specific land use review reflect the findings that must be made to approve the request.

Findings: The proposed Comprehensive Plan Map amendment from Medium Density Residential to Mixed Employment is combined with a Zoning Map Amendment to place the corresponding zone of EG2 on the site. These policies and objectives are implemented through this land use review, and are specifically addressed in findings for conformance with the approval criteria for the proposed Zone Map Amendment, 33.855.050.A-C, following this section on the proposed Comprehensive Plan Map Amendment. To the extent that applicable approval criteria of 33.855.050.A-C contained in this recommendation are met, these policies and objectives are also met.

Policy 10.7 Amendments to the Comprehensive Plan Map. Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. The applicant must show the requested change is:

- 1. Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies;*

This recommendation includes findings for all relevant Goals and policies, found in the Comprehensive Plan. Overall, the findings indicate that the proposed amendments are consistent with and supportive of the Comprehensive Plan Goals and Policies.

2. *Compatible with the land use pattern established by the Comprehensive Plan Map;*

The large irregular shape of the site as well as its intended utilization for activities that will provide for the public safety, security and welfare of residents in the immediate area as well as Portland's entire west side both for more typical winter emergencies as well as catastrophic events ensures that the proposed Comprehensive Plan Map and Zoning Map Amendments are compatible with the land use pattern established by the Comprehensive Plan Map.

3. *Consistent with the Statewide Land Use Planning Goals;*

The State Land Conservation and Development Commission (LCDC) has acknowledged the City's Comprehensive Plan. The City goals mentioned in LCDC and Comprehensive Plan Considerations are comparable to the statewide planning goals in that City Goal 1 is the equivalent of State Goal 2 (Land Use Planning); City Goal 2 addresses the issues of State Goal 14 (Urbanization); and City Goal 3 deals with local issues of neighborhoods. The following city and state goals are similar: City Goal 4—State Goal 10 (Housing); City Goal 5—State Goal 9 (Economic Development); City Goal 6—State Goal 12 (Transportation); City Goal 7—State Goal 13 (Energy Conservation); City Goal 8—State Goals 5, 6 and 7 (Environmental Impacts); and City Goal 9—State Goal 1 (Citizen Involvement). City Goal 10 addresses city plan amendments and rezoning, and City Goal 11 is similar to State Goal 11 (Public Facilities and Services). Other statewide goals related to coastal areas do not specifically apply to the City of Portland.

For quasi-judicial plan amendments, compliance with the City's plan goals, as discussed here, show compliance with applicable state goals. The analysis in this report indicates that all of the City goals and policies are supported by the proposal. Consequently, the proposal is consistent with all applicable statewide goals.

4. *Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.*

Findings: The subject site is located within the boundaries of the Southwest Community Plan. The Transportation Element of the Comprehensive Plan is discussed in response to Goal 6, above. Following is a discussion of the applicable Policies and Objectives from the Southwest Community Plan. The proposal relates to objectives found in the **Land Use and Urban Form, Public Facilities, Citizen Involvement, Public Safety, and Transportation** policies of the Southwest Community Plan and is on-balance consistent with the overall policies found in the plan. A detailed analysis of the applicable policies and objectives follows, below.

- **Land Use and Urban Form** – *Enhance Southwest Portland's sense of place as a community and a collection of distinct neighborhoods. Encourage the*

realization of compact, transit and pedestrian-friendly, mixed-use centers while responding to the need for a range of housing types and prices.

Community-wide Objectives

3. Ensure that zoning designations represent densities that are likely to be achieved.

a. Focus new housing and employment opportunities in "mixed use areas" in Southwest Portland: in town centers, main streets and at designated corridors.

Findings: The Comprehensive Plan Map and Zoning Map Amendment and subsequent development of an Auxiliary Emergency Operations Center (AEOC) will provide an employment opportunity along SW Multnomah Boulevard, a mixed use area and designated Main Street.

b. Encourage redevelopment that has clear public benefits, fewer adverse consequences, minimal environmental limitations and adequate infrastructure.

Findings: The Comprehensive Plan Map and Zoning Map Amendments and subsequent establishment of the AEOC at this location encourages redevelopment that has a clear public benefit by developing this emergency services infrastructure. In fact, emergency services are a type of public "infrastructure."

8. Support efficient utilization of public lands for achieving compatible multiple objectives, where appropriate

Findings: The proposed Comprehensive Plan Map and Zoning Map Amendment is consistent with this objective in that it provides for the effective utilization of public property that was formerly vacant.

Main Street Objectives

1. Respect the planned density, design, scale and character of the contiguous neighborhood when increasing residential and employment density within main streets.

Findings: The proposed Comprehensive Plan Map and Zoning Map Amendment is consistent with this objective because the intended use of the site increases employment density in the area. The proposed full build-out as currently envisioned will not result in an employment capacity significantly

different from other allowed uses and employment densities along SW Multnomah Boulevard. SW Multnomah Boulevard is also designated as a Major Emergency Response Route.

- **Public Facilities** – *Ensure adequate public facilities for both existing and new development through equitable funding mechanism.*

Objectives

1. *Evaluate current deficiencies in public facilities.*
2. *Develop a long-range plan and strategies to improve public facilities consistent with Southwest Community Plan objectives.*
3. *Ensure that the provision of new public facilities maintains or enhances the functions of existing public facilities.*

Findings: The proposed Comprehensive Plan Map and Zoning Map Amendments support these objectives because the subsequent use of the site as an Auxiliary Emergency Operations Center (AEOC) through a four-phase redevelopment addresses a shortfall and potential pitfall in the manner in which emergency management is addressed in Portland. Use of the site will provide for the public safety, security and welfare of the residents in the immediate area as well as the whole west side of Portland both for more typical winter emergencies as well as in the event of a catastrophic disaster such as an earthquake.

- **Citizen Involvement** – *Ensure that the policies and objectives of the Southwest Community Plan are used to guide the collaborative actions of the city and Southwest citizens for the next 20 years. Involve citizens integrally in the Southwest Community Plan for concept through evaluation and revision*

Objectives

4. *Identify, strengthen, and use communication links between the Planning Commission, City Council, city staff, and citizens throughout the creation, development, and implementation of the Southwest Community Plan. Ensure that citizens receive responses from policymakers, including the rationale for decisions.*

Findings: Citizen and neighborhood involvement is discussed above under Goal 9 Citizen Involvement. It is important to note that Commissioner Steve Novick also attended the most recent meeting with the neighborhood association.

- **Public Safety** – *Enhance the level of community responsibility for a secure and safe living environment through shared efforts of residents, public agencies,*

institutions, and businesses. Maintain a high level of public safety and security for residents, employees and businesses.

Objectives

- 1. Ensure coordinated, prompt, adequate, effective, and efficient police and fire protection and emergency response in Southwest Portland.*

Findings: As mentioned previously the proposed Comprehensive Plan Map and Zoning Map Amendment and subsequent reuse of the site for an Auxiliary Emergency Operations Center provides for the public safety, security and welfare of residents in the immediate area as well as west Portland both for more typical winter emergencies as well as in the event of a catastrophic disaster such as an earthquake. Because of the risk of bridge failures on the Willamette River due to a major natural disaster, the City has identified the west side of Portland vulnerable if all of its emergency services and public works assets are located on the east side. These services are currently primarily centered at the City's Emergency Coordination Center in the Lents neighborhood and other eastside locations. Using the Sears US Army armory for this function is a good fit, given the availability of the site, suitability for the variety of emergency and support services required, and good access to the regional transportation system via SW Barbur Boulevard and Interstate 5.

- 2. Consider topography, accessibility, and Southwest community needs in the siting and design of new public safety facilities.*

Findings: According to the applicant, "the Sears site is a relatively stable site from the seismic perspective although Sears Hall will have to be renovated extensively to comply fully with current seismic standards in the Building Code. Given its other attributes – availability, potential re-use of existing facilities, site size and configuration and access to the regional transportation system – the site is an appropriate location for the proposed AEOC on Portland's west side."

- 4. Inform and encourage participation by the community in fire prevention, landslide, and flood risk prevention, and emergency-preparedness programs.*

Findings: The applicant's submittal states that "even in Phase 1, when minimal upgrades to Sears Hall are envisioned, the building will provide space in the auditorium for medium- and large-sized meetings associated with emergency preparedness and the Neighborhood Emergency Team Program in fulfillment of this objective."

- 6. Encourage the development of street patterns and standards that provide adequate emergency vehicle access and quick-response times. Ensure adequate ingress and egress especially to public safety facilities, which*

should have alternate routes in the event that disaster blocks primary access routes.

Findings: As noted above, SW Multnomah Boulevard is classified as a Major Emergency Response Route. The applicant states that this is one reason the site was selected for Portland's west side AEOC. In addition to the close proximity of the site to SW Barbur Boulevard and Interstate 5.

- **Transportation** – *Provide a balanced, multimodal transportation system in Southwest Portland that encourages increases in transit use and pedestrian accessibility and connectivity, discourages non-local traffic in residential areas, manages congestion, and focuses on improving and maintaining arterial and local streets.*

12. Analyze potential transportation impacts and require appropriate mitigation measures for new development consistent with review processes and provisions of the City Code.

Findings: As part of the application for a Comprehensive Plan Map and Zoning Map Amendment, a Transportation Impact Analysis (TIA) must be submitted to demonstrate that the new use on the site will not have undue adverse impacts and/or that these can be mitigated to the greatest extent practical. The TIA for this application, demonstrates adequate transportation capacity at full build-out for all four phases. The TIA analysis for the proposed Public Safety Facility with accessory Industrial Service uses, is included as Exhibit G-2.

18. Take into consideration the existing condition of streets in the vicinity of a site, as well as their planned function, when considering quasi-judicial land use changes that rely on adequacy of services as an approval criterion.

Findings: The required TIA includes an analysis of existing conditions and planned improvements to provide the "background" assumptions to which the traffic attributed to the use is added. Because this is an application for a Comprehensive Plan Map and Zoning Map Amendment, the required analysis of the site's contribution to the background traffic level must extend out 25 years. This analysis has been completed to the satisfaction of the Portland Bureau of Transportation and is included in Exhibit E-4.

Goal 11 Public Facilities: *This goal seeks to provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.*

Findings: The proposal is consistent with Goal 11. Agency responses to this proposal indicate that either adequate public facilities and services exist or can be reasonably

made available as discussed in Exhibits E-2 through E-6. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 11, **Public Facilities** of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Policy 11.6 Public Facilities System Plan. Develop and maintain a coordinated Public Facilities System Plan that provides a framework for the provision of urban public facilities and services within Portland's Urban Services Boundary. This plan will be consistent with the designated land uses and density of the applicable plan. A 20-year time schedule should, if practical, be established as part of the Public Facilities System Plan to address vacant, buildable land, and the cost to increase facilities to meet projected population growth. This schedule, if developed, becomes the basis for the capital improvement program and future upzoning. The Transportation System Plan, when adopted, becomes the Public Facility System Plan for transportation.

Findings: Resolution No. 36863 adopted by City Council on May 25, 2011, cites Portland's vulnerability to a seismic hazard and the City's compelling public safety need for a west side operations center (Exhibit G-4). It states that:

- No public work emergency response vehicles, equipment or supplies are located on the west side of the river leaving the entire west side of Portland vulnerable during a significant event.
- With the exception of the (basement) garage on 1st/Jefferson – there is no other fueling station located on the west side.
- No west side location to perform repair and maintenance on city vehicles during an emergency.
- No west side location to store deicing equipment – which is primarily used for west side operations in the NW and SW Hills.
- No alternate/back-up location for the Portland Bureau of Transportation's primary incident Command Post.

Goal 12 Urban Design: *This goal seeks to enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by building quality private developments and public improvements for future generations.*

Findings: The proposal has no impact on urban design. Future development on the site will need to meet Portland Zoning Code requirements including landscape screening. This goal is not applicable to the proposal.

2. When the requested amendment is:

- From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or

- o From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

The requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained. The method for calculating potential housing units is specified in subparagraph A.2.a, below; potential housing units may be gained as specified in subparagraph A.2.b, below.

- a. Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used.

Finding: The site is 3.96 acres and is currently located in the R1 zone which has a maximum housing density of 1 unit per 1,000 square feet of site area, or 43.56 units/acre. Thus the total housing potential on this site is a maximum of 172 units ($3.96 \times 43.56 = 172.49$). Since the fraction is less than .5, density is rounded down to the next whole number.

- b. Gaining potential housing units. Potential housing units may be gained through any of the following means:

- 4. Building residential units on the site or in a commercial or employment zone off site. When this option is used to mitigate for lost housing potential in an RX, RH, or R1 zone, only the number of units required by the minimum density regulations of the zone are required to be built to mitigate for the lost housing potential; or
- 6. In commercial and employment zones, residential units that are required, such as by a housing requirement of a plan district, are not credited as mitigating for the loss of potential units.
- 7. When housing units in commercial or employment zones are used to mitigate for lost housing potential, a covenant must be included that guarantees that the site will remain in housing for the credited number of units for at least 25 years.

Findings: The 'no net loss' criterion requires the replacement of the housing or protection of already developed housing that has been constructed in a nonresidential zone. At the direction of BDS staff, the applicant undertook research to identify several recently-constructed housing projects undertaken in non-residential CX and EX zones where the inclusion of housing was not mandated by the underlying zoning/plan designations. The table below summarizes information about four such west side Portland projects, for a total of about 490 units:

POTENTIAL SITES TO MEET THE "NO NET HOUSING LOSS" REQUIREMENT

POTENTIAL SITES	#	ZONE	ADDRESS	TAX ASSESSOR ACCOUNT	YEAR BUILT
Richard L. Harris Building	180	CX	8 NW 8th Avenue	R140523	2004
Macdonald West	42	CX	121 NW 6th Avenue	R140485	2012
The Morrison	140	CX	1959 SW Morrison Street	R601674	2007
Bud Clark Commons	130	CX	655 NW Hoyt Street	R643100	2011
Total	492				

Since all of these projects are for “affordable housing,” they have been built using State and Federal tax credits, many of which typically require a covenant to guarantee the housing will be retained for use by low-income households for 60 years; these covenants “run with the land” and, thus, are recorded as a restrictive covenant against the property’s deed at Multnomah County. The 60-year requirement significantly exceeds the 25-year covenant required to obtain credit for the “no net housing loss” requirement. At 180 units, Central City Concern’s Richard L. Harris Building at 8 NW 6th Avenue is the “best fit” as it contains eight more units than the would-be up to 172 units permitted by right on the Sears site. A copy of the 60-year covenant for the Harris Building is contained in Exhibit H-5. This approval criterion is met.

33.855.050 Approval Criteria for Base Zone changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. 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 of each zone and the zoning pattern of surrounding land.

Findings: Under the provisions of Portland Comprehensive Plan, the Mixed Employment plan designation has two companion zoning districts, General Employment 1 (EG1) and General Employment 2 (EG2). As noted in the Zoning Code, these zones:

...allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses.....The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas. (Section 33.140.030.A)

General Employment 1 (EG1) sites:

...generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverage and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.

General Employment 2 (EG2) sites:

...have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverage and buildings which are usually set back from the street...

There are several factors that dictate the choice of EG2 over EG1 for the re-zoning of the subject property:

- The site size is 3.96 acres, which falls into the EG2 category of “larger” sites.
- The surrounding industrial/commercial uses to the north, northeast and east also are on larger lots. As a result, there is not a grid-block pattern in the immediate vicinity.
- The site currently does not have a “high” building coverage and at even at full redevelopment the site will retain extensive open space to be used for fleet vehicle and material storage and operations staging. This development pattern is more characteristic of the description of the EG2 zone.

Therefore, the EG2 zone is more appropriate to implement the Mixed Employment designation. This criterion is met.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Finding: This provision is not applicable as there is no Buffer overlay on the site.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: The zone change request is not from a higher density residential zone to a lower density residential zone, or from the CM zone to the CS zone. Therefore, this criterion is not applicable.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.

Findings: The purpose of this criterion is to indicate that the adequacy test only applies to the property under consideration for the Comprehensive Plan Map and Zoning Map Amendment. Generally, the test applies to any of the range of uses permitted in the underlying zone as once rezoned, the use can be changed to another by-right use without review. Thus, the testing of adequacy is based on the most intense use allowed in the requested zone.

In this case, the City is bound by a requirement that the site be used for an emergency operations center, classified in the Portland Zoning Code as a Public Safety Facility with accessory Office and Industrial Service uses, in perpetuity or else the site will revert back to the US Army. This being the case, the applicant has undertaken the analysis related to the sufficiency of public services based on the proposed full building-out of the site for this use, as shown in the four-phase master plan (Exhibit H-1).

As noted in the applicant's submittal and the Water Bureau response, there is adequate water capacity to accommodate the proposed use at full build-out. In order to ascertain sewer and stormwater capacity and to ensure no additional impacts beyond what would be allowed today, the Bureau of Environmental Services (BES) included a condition of approval limiting impervious surface on the site to 80% (the maximum allowed in the R1 zone). With this condition, were the applicant to request additional impervious area, such as up to 85 percent as allowed in the EG2 zone, approval through an Adjustment Review would be required. This will allow BES to evaluate the proposal against the Stormwater Management Manual.

The assumption that the site will be dedicated as an emergency operations facility also has been taken into consideration in the transportation analysis. The applicant's traffic engineer has undertaken the analysis to show that all uses allowed by right in the EG2 zone, including the Auxiliary Emergency Operations Center (AEOC), will generate significantly fewer trips, 376 – 662 trips weekly, than the 1,166 weekly trips associated with a 172-unit residential project allowed by right in the current R1 zone. Of these, the AEOC is on the lower end, 376 trips. Only a 60,000 square foot retail use would generate more than twice that of the by-right residential development. This being the case, the applicant's consulting traffic engineer recommends that the proposed zone change be approved conditionally, to prohibit retail uses but allow other allowed uses. With the mentioned conditions of approval, this criterion is met.

2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.

- a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.

Findings: As indicated in the bureau responses below and with a condition of approval related to security measures, this criterion is met.

Water Bureau: The Water Bureau stated no concern with the proposed Comprehensive Plan Map and Zoning Map Amendment. Information was provided concerning the 4" meter service and the estimated static water pressure range for this location of 61 psi to 76 psi at the existing service elevation of 467 feet (Exhibit E-6).

Police Bureau: The Police Bureau responded that the fuel station phase of the proposal will have an entrance off of SW Multnomah Boulevard with a secondary entrance off of SW 25th Avenue. The response notes that both entrances will be secured after hours, but accessible via security access key pads. A staff member of the Strategic Services Division as well as the Central Precinct Commander reviewed the proposal, specifically the four-phase build-out. It was determined that the Police Bureau is capable of serving a use allowed by the proposed change to the Comprehensive Plan Map and Zoning Map, specifically an Auxiliary Emergency Operations Center. To ensure that development occurs in a manner which allows the Police Bureau to properly serve the site, one condition of approval was requested. Please see Exhibit E-1. The condition reads:

As development progresses at this site, the Portland Police Bureau recommends that on-site persons and the developer work with Central Precinct Commander Robert Day on any public service safety issues or concerns. Compliance with this condition is demonstrated through the Police Bureau's building permit review of the de-icing facility and fueling station.

Fire Bureau: The Fire Bureau responded with no concerns about the proposed Comprehensive Plan Map and Zoning Map Amendment stating that the applicant shall note that all applicable Fire Code requirements will apply at the time of permit review and development on this proposed lot (Exhibit E-2).

- b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.

Findings: The Bureau of Environmental Services responded with the following information (Exhibit E-3):

BES reviewed information provided by the applicant for the requested Comprehensive Plan Map and concurrent Zoning Map Amendment Review to change the current designations for the now-vacant SFC Jerome F. Sears US Army Reserve Center site from R1 (Residential 1,000) to EG2 (General Employment 2). Based on the information provided, BES has determined the following:

- *BES Land Use Approval Criteria for Sanitary Waste Disposal Systems (PCC 33.855.050.B.2, 33.855.060.B, and the Comprehensive Plan Goals 11C and 11D):* BES has determined that the sanitary sewer system currently has capacity to serve the sanitary disposal needs of this site under the proposed EG2 zoning. Therefore, **BES is satisfied that sanitary waste disposal approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment have been met.**
- *BES Land Use Approval Criteria for Stormwater Disposal Systems (PCC 33.855.050.B.2, 33.855.060.B, and the Comprehensive Plan Goals 11C and 11D):* BES reviewed conceptual stormwater management plans provided and required a condition of land use review approval that ensures BES have the opportunity to review any proposed development of the site that causes impervious area to increase from what is allowed under the current R1 zoning (80%) in order to confirm the public storm system has capacity to handle the additional flows. Based on this information, **BES is satisfied that stormwater disposal system approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment can be met.**

A. SANITARY SERVICE

Summary - Sanitary Waste Disposal System: There is an existing public sanitary sewer available to serve this site, which is proposed to change zoning from R1 to EG2. BES approval criterion for the Zoning Map Amendment indicates that the proposed sanitary waste disposal system is or will be made acceptable to BES. The City's Comprehensive Plan Map Amendment has goals related to adequacy of public services. In order to ensure this project can meet BES land use approval criteria, the applicant has submitted a conceptual site utility plan. A public sanitary sewer is located in SW Multnomah Blvd and has capacity to serve the sanitary waste disposal needs of this site under the proposed EG2 zoning. BES has determined that the information submitted is sufficient to demonstrate that a proposed sanitary waste disposal system can or will be made acceptable to BES. **Based on the information provided, BES is satisfied that sanitary**

waste disposal approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment have been met.

B. STORMWATER MANAGEMENT

Summary - Stormwater Disposal System: BES approval criterion for the Zoning Map Amendment indicates that the proposed stormwater disposal system is or will be made acceptable to BES. The City's Comprehensive Plan Map Amendment has goals related to adequacy of public services. The applicant provided information for conceptual development of a parking lot on the western portion of this site. The proposed conceptual stormwater management plan (which includes the use of a flow-through planter with discharge to the storm system located on the eastern portion of this site that connects to the BES-maintained storm system that runs east) is acceptable for the purposes of land use review. In order to meet BES adequacy of public services approval criteria, BES required a condition of land use review approval that ensures BES have the opportunity to review any proposed development of the site that causes impervious area to increase from what is allowed under the current R1 zoning (80%) in order to confirm the public storm system has capacity to handle the additional flows. Proposed impervious area will be assessed by BDS at the time of building permit review to determine whether BES review is triggered and additional information (as determined by BES) will be required for the review. **Based on the information that has been provided and the condition of land use approval that will be included in the decision, BES is satisfied that stormwater disposal approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment have been met.**

1. Existing Stormwater Infrastructure:

- a. There is a 15-inch concrete public storm-only sewer (BES project #1974) that transitions to a 27-inch concrete public storm-only sewer (BES project #3277) located in SW 25th Avenue. The 27-inch storm sewer runs east along the north side of SW Multnomah Blvd within a sewer easement granted to the City of Portland. The storm sewer runs east for approximately 400 feet before turning and running southwest, where it eventually discharges to a drainageway/surface water body.
- b. City mapping records indicate there is a 15-inch private storm sewer within an easement located on the east side of this site, near the intersection of SW 25th Avenue and SW Multnomah Blvd. City records indicate the easement is between the City of Portland and the United States of America, Department of the Army (for use in connection with the US Army Reserve Center). **BES recommends the applicant coordinate with the necessary City and**

Federal representatives to resolve any possible issues related to the storm sewer, sewer easement, and the City acquiring this site.

If development of this site causes impervious area to increase from what is allowed under the current R1 zoning (80%), then BES must have the opportunity to assess the proposal to ensure that the public storm sewer system has capacity to handle the additional flows. The applicant will be required to make any necessary storm sewer infrastructure improvements, as determined by BES.

Proposed impervious area will be assessed by BDS at the time of permit review to determine whether the 80% coverage allowed under the current R1 zoning is exceeded and whether a subsequent land use review is triggered. Note that the applicant may be required to provide engineering calculations, including a capacity analysis of the stormwater disposal system available to this site, to assist with BES's assessment.

- c. **BES has reviewed the stormwater report from PBS Engineering + Environmental dated December 27, 2013. The report includes Presumptive Approach infiltration test results of 0.033 of an inch per hour. For future development of this site the applicant proposes off-site discharge to the public storm sewer system that outfalls to a drainageway to the east after treatment in a vegetated flow-through planter sized per the Presumptive Approach. BES has the following comments, which would apply when future development of this site is reviewed at the time of building permit review:**

- (1) For discharge to a storm-only system that discharges to a surface water body, vegetated flow-through facilities must be sized for both pollution reduction and flow control and sized to control the post-development flows from the 5-, 10-, and 25-year, 24-hour peak flows to the predevelopment 5-, 10-, and 25-year, 24-hour levels (refer to section 1.3.2 Flow and Volume Control of the SWMM). This was not included in the stormwater calculations provided. However, BES has determined that sufficient area is available on the site to modify stormwater management facilities proposed for future development of this site and meet both pollution reduction and flow control requirements. Stormwater calculations will need to be modified accordingly at the time of building permit review.**
- (2) Sufficient area is available on this site for modifications to the proposed stormwater management facility and a condition of approval that ensures BES review for adequacy of public services for future development of the site will be included in the land use decision. Therefore, BES has no objections to the applicant's**

conceptual stormwater management approach for future development of this site for the purposes of land use review and the Comprehensive Plan/Zone Map Amendment proposal to change from R1 to EG2 zoning.

C. CONDITIONS OF APPROVAL

In order to meet BES stormwater disposal system approval criteria for the Zoning Map Amendment and adequacy of public services goals of the Comprehensive Plan Map Amendment, BES recommends the following information be included in a condition of land use approval:

1. If development of the site causes impervious area to increase from what is allowed under the current R1 zoning (80%), then BES must have the opportunity to assess the proposal to ensure that the public storm sewer system has capacity to handle the additional flows.

Note that proposed impervious area will be assessed by BDS at the time of building permit review. In order for BES to assess the project, additional information, including a stormwater report and calculations and any other information as determined by BES, will be required. The applicant will be required to make any necessary storm sewer infrastructure improvements, as determined by BES.

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

Findings: The Bureau of Transportation Engineering and Development responded with the following information (Exhibit E-4):

- *A Transportation Impact Analysis (TIA) has been prepared for the project using a work scope and methodology approved in advance by both PBOT and the Oregon Department of Transportation (ODOT).*

Finding: A TIA for this proposal was prepared by Kittelson & Associates. The analysis documents that all use categories allowed by right in the EG2 zone, including the proposed AEOC, will generate significantly less traffic than the 1,166 weekly trips allowed by right with the development of the most intense use in the underlying R1 zone, a 172-unit residential project. The sole exception is Retail Sales, which would generate more than twice the weekly trips (2,562) even with the limitation on size of 60,000 gsf. As noted throughout this application, the applicant's intent is to devote

the site to the AEOC in perpetuity as required by the terms of acquisition from the US Army via FEMA, but the fact that other EG2 uses also would fall significantly below the traffic level of the current allowed use provides a "safety valve" in case the use of the site changes, however unlikely. As a result, the applicant's consulting traffic engineer documents that the Comprehensive Plan/Zone Change request is justified with the condition that retail uses are prohibited. With this condition, this criterion is met.

- *Improvements that connect SW 25th Avenue to SW Moss Street will be required; a four foot dedication along the site's SW 25th Avenue frontage will be required.*

Finding: With regard to the proposed PBOT requirements to upgrade SW 25th Avenue fully from SW Multnomah Boulevard to SW Moss Street noted in the PAC Notes (Appendix A), the applicant is in the process of discussing this requirement with PBOT about the extent and timing of these possible improvements. Rather than undertake such improvements as a condition of approval of this Comprehensive Plan/Zone Change request, the applicant requests a condition of approval that should these improvements be undertaken at a later date, the City will fund its proportionate share. As a condition of approval of the building permit for Phase 1, the applicant will be required to dedicate 4-feet along the approximately 150-feet of SW 25th frontage and construct a standard sidewalk corridor. This criterion can be met.

- *PBOT requirements for improvements in the public right-of-way will require stormwater improvements in the public right-of-way.*

Finding: As noted above, the applicant is having a discussion with PBOT about the extent and timing of improvements on SW 25th Avenue. These stormwater improvements will be incorporated into the upgrade of SW 25th Avenue when and if this project is undertaken. This criterion can be met.

- *Coordination with the City's SW Multnomah Boulevard capital improvement project is requested.*

Finding: As the property owner, OMF will cooperate with PBOT on the SW Multnomah Boulevard Capital Improvement Project (#T00245), the eastern portion of which between SW 22nd and SW 40th Avenues currently is under design for construction scheduled to begin in 2014. As proposed, this project involves the rebuilding of the sidewalk along the Sears' frontage and other improvements for curb, stormwater, bicycle lanes and improved roadways. This phase also includes installation of a pedestrian-activated rapid-flash beacon on SW Multnomah Boulevard at SW 25th Avenue at the southeast corner of the site, to provide safe pedestrian access to transit facilities on SW Barbur Boulevard. These improvements would otherwise have fallen to the applicant as part of its Title 17 obligations. This criterion will be met.

Based on the foregoing summary of transportation-related analysis and technical analysis contained in the TIA, the applicant has demonstrated that there is sufficient transportation capacity to support the full development of the site for its permanently dedicated use as an AEOC. There is also capacity to accommodate all other allowed uses in the EG2 zone, with the exception of retail uses, on the remote chance that the City decommissions the AEOC and the site reverts to another owner.

State Transportation Planning Rule

Section 660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

Finding: As noted in the TIA (Appendix C):

In this instance, subsections (A) and (B) are not triggered, since the proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

Subsection (C) has the potential to be triggered, causing a significant effect, if the site were redeveloped with a retail land use that would normally be permitted in the EG2 zone. Consistent with 660-012-0060(1)(c), Both PBOT and ODOT recommend that the proposed zone change be conditioned to disallow retail uses. This will effectively limit the trip generation of the site to avoid a potential "significant effect" on the transportation system.

Based on this analysis, the TPR does not apply.

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

Findings: The applicant is not requesting IR (Institutional Residential) zoning; therefore this criterion does not apply.

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

Findings: The applicant is not requesting IR (Institutional Residential) zoning; therefore this criterion does not apply.

III. CONCLUSIONS

The applicant requests a Comprehensive Plan Map Amendment and concurrent Zoning Map Amendment to change the current designation and zoning on a 3.96 acre site from the Medium Density Multi-Dwelling (Comprehensive Plan Map designation) and R1, Residential 1,000, (Zoning Map designation) to Mixed Employment (Comprehensive Plan Map designation) and EG2, General Employment 2, (Zoning Map designation).

The intended use of the site is for an Auxiliary Emergency Operations Center (AEOC) to supplement the primary emergency management facility in southeast Portland and to address a compelling public safety need on Portland's west side.

With conditions of approval prohibiting Retail Sales and Service uses at the site, limiting impervious surface area to the amount allowed under the previous R1 zoning and requiring coordination with the Police Bureau about security measures, the proposal is found to be, on balance, supportive of the Comprehensive Plan Goals and Policies, and meets all the applicable approval criteria for the requested zone change.

Therefore staff recommends approval of the requested Comprehensive Plan Map Amendment and the concurrent Zoning Map Amendment.

IV. RECOMMENDATION

Approval of

- A Comprehensive Plan Map Amendment to change the designation on the subject site from Medium Density Multi-Dwelling to Mixed Employment.

- A Zoning Map Amendment to change the zoning on the subject site from R1, Residential 1,000, to EG2, General Employment 2

subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-104931 CP_ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Prior to the construction of proposed fuel station, the applicant will meet with a representative of the Police Bureau on the AEOC site to discuss potential safety and security measures, and based on this consultation and input from other City bureaus using the facility, the applicant will design appropriate security features and submit this security plan at time of Building Permit review for this facility for review by the Police Bureau.
- C. Retail Sales and Services uses are prohibited.
- D. No more than 80% of the site may be impervious. Any request to exceed 80% impervious surface area will be reviewed through a Type II Adjustment Review so that the Bureau of Environmental Services may review the proposal to ensure that the public storm sewer has capacity to handle the additional flows.



Kenneth D. Helm, Hearings Officer

April 28, 2014

Date

Application Determined Complete: January 31, 2014
Report to Hearings Officer: March 21, 2014
Recommendation Mailed: April 29, 2014

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate

how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Development Services representative listed in this Recommendation (503-823-7700).

The decision of City Council, and any conditions of approval associated with it, is final. The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and
- a notice of intent to appeal be filed with LUBA within 21 days after City Council's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County

Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

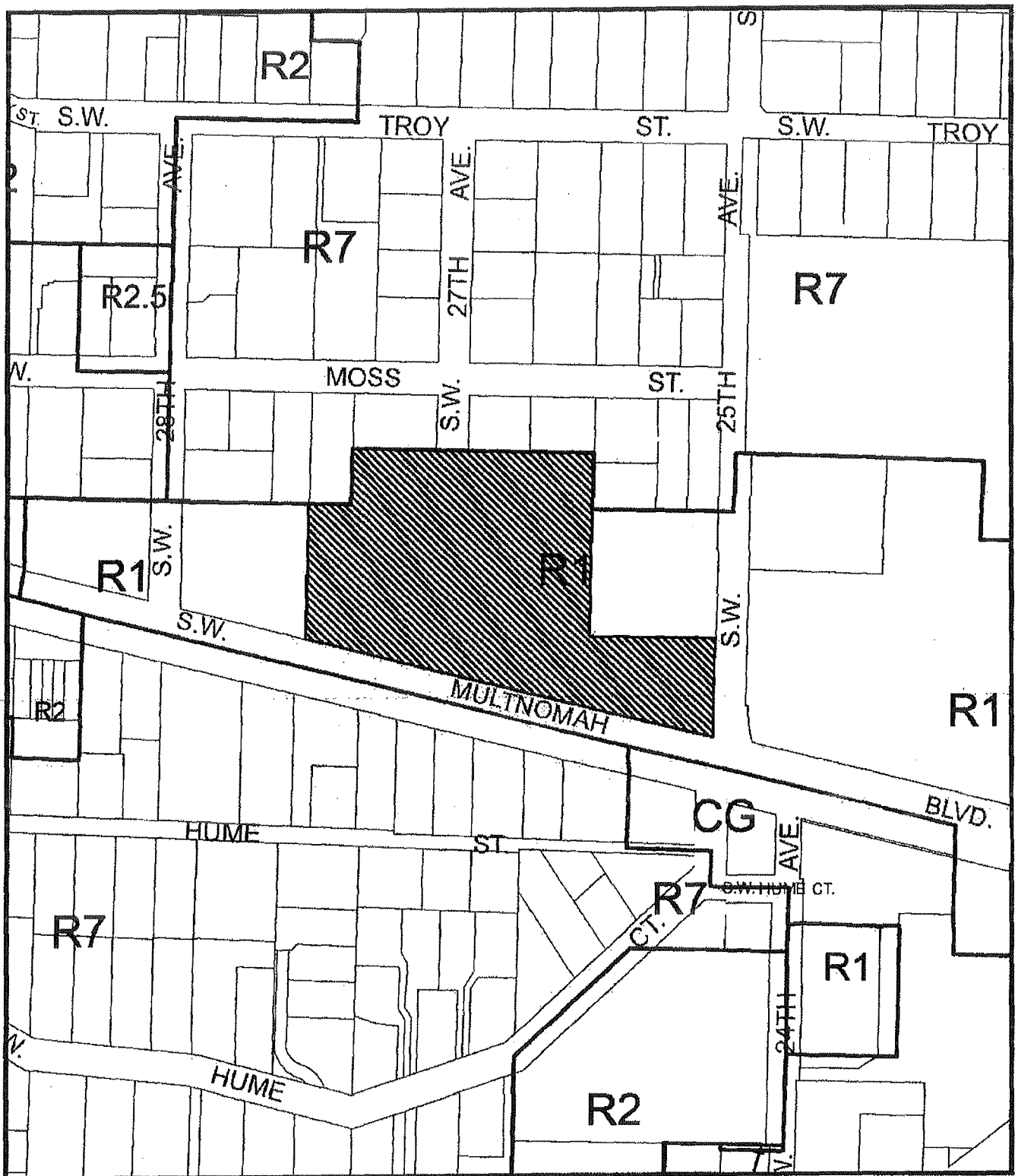
Expiration of approval. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

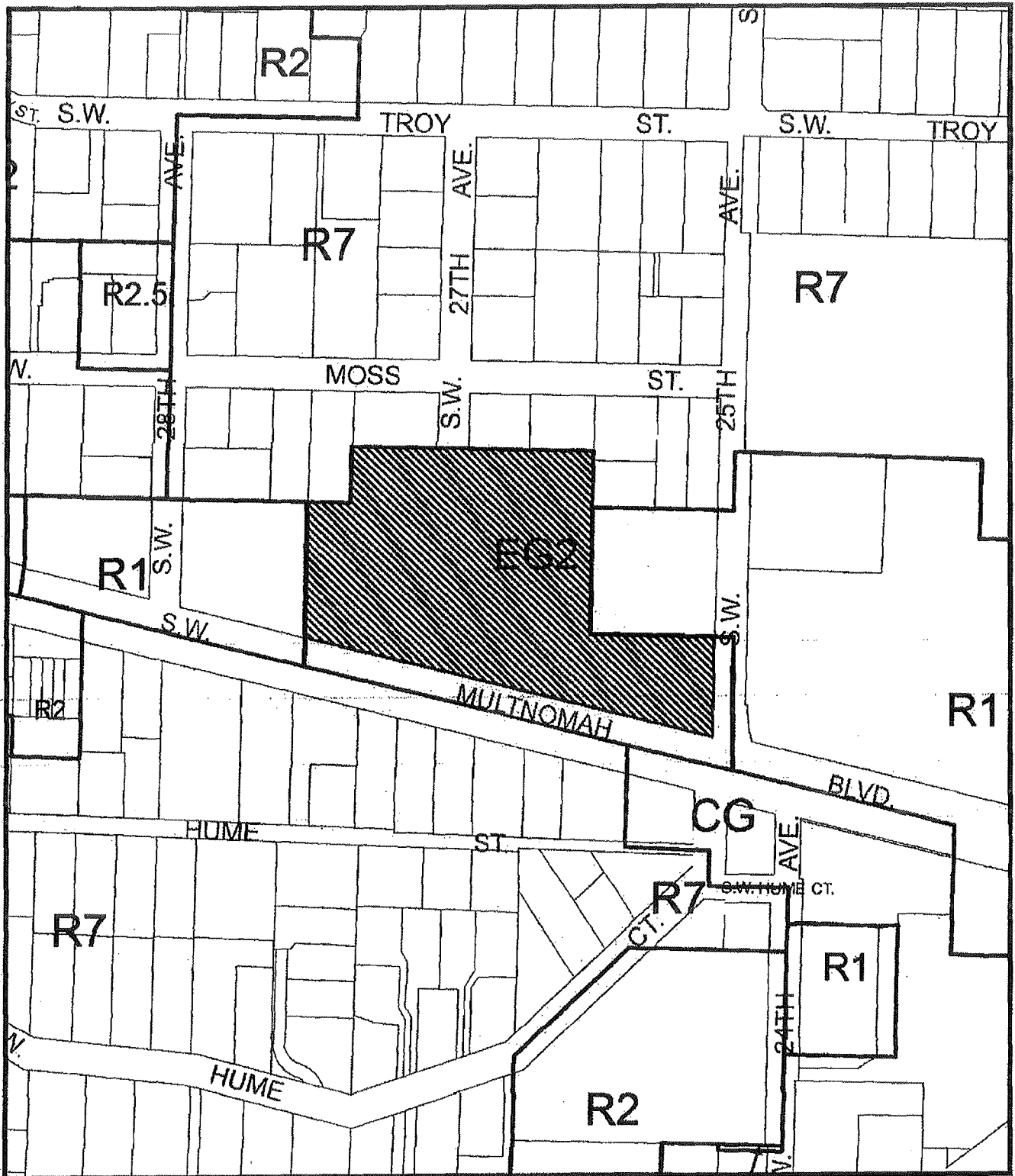
- A. Applicant's Submittal
- B. Zoning Map (**attached**)
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
 - 7. DLCD notice
- E. Agency Responses
 - 1. Police Bureau
 - 2. Fire Prevention Division
 - 3. Bureau of Environmental Services
 - 4. Bureau of Transportation Engineering and Development Review
 - 5. Oregon Department of Transportation
 - 6. Water Bureau
 - 7. Site Development Review Section of Bureau of Development Services
 - 8. Life Safety Section of Bureau of Development Services
- F. Letters
 - 1. James F. Peterson, March 11, 2014, opposition to proposal, questions about zoning proposed
 - 2. Multnomah Neighborhood Association, May 10, 2013, letter of support
- G. Other
 - 1. Original LUR Application
 - 2. Transportation Impact Analysis
 - 3. Stormwater Report
 - 4. Resolution No. 36863 adopted by City Council on May 25, 2011
 - 5. Covenant documenting replacement density
- H. Received in the Hearings Office
 - 1. Request for Land Use Hearing Reschedule - Wickstrom, Matt
 - 2. Request to Reschedule - Poelwijk, Yvonne
 - 3. Hearing Notice - Wickstrom, Matt
 - 4. 3/23/14 Letter - Booth, Mark
 - 5. 3/31/13 Fax - Peterson, James F.
 - 6. PowerPoint Presentation - Cate, Sylvia
 - 7. Record Closing Information - Hearings Office



ZONING EXISTING



File No. LU 14-104931 CP,ZC
 1/4 Section 3826
 Scale 1 inch = 200 feet
 State_Id 1S1E20DA 6900
 Exhibit B.1 (Jan 15, 2014)



ZONING PROPOSED

 Site



NORTH

File No. LU 14-104931 CP,ZC
 1/4 Section 3826
 Scale 1 inch = 200 feet
 State_Id 1S1E20DA 6900
 Exhibit B.2 (Jan 15,2014)