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MEMORANDUM

DATE: May 28, 2014

TO: Portland City Council

FROM: Beverly Bookin, AICP, on Behalf of the Office of Management and Finance

SUBJECT: PROPOSED ADDITIONAL CONDITION OF APPROVAL FOR THE SEARS SITE
COMPREHENSIVE PLAN/ZONE CHANGE AMENDMENT (LU 14-104931)

Introduction. The purpose of this memorandum is to propose an additional condition of approval for the Sears Comprehensive Plan/Zone Change Amendment (LU 14-104931) to address the last-minute request by the Multnomah Neighborhood Association (MNA) to change the proposed zone from General Employment 2 (EG2) to General Employment 1 (EG1) because the former has no height limit and the latter has a height limit of 45'.

Discussion. At the direction of the Portland City Council, the Office of Management and Finance (OMF) and Portland Office of Emergency Management (POEM) have pursued a Comprehensive Plan/Zone Change Amendment for the vacated Sears US Army Reserve Center at 2730 SW Multnomah Boulevard. The City has acquired the site for use as its Auxiliary Emergency Operations Center (AEOC) on Portland's west side to augment its primary facility, the Emergency Coordination Center (ECC) in southeast Portland. As a stipulation of the transfer of the facility from the US Army, the City has agreed to operate an emergency operations center at this location in perpetuity.

Classified as a Public Safety Facility within the Basic Utility use classification, the AEOC is allowed as a conditional use in the existing R1 zone. However, several of the proposed accessory uses – free-standing offices, roadway de-icing facility, outdoor fleet and material storage, on-site maintenance and fueling station – are industrial service uses and not permitted in the R1 zone. The best fit for a facility with this range of uses outside the Central City is the General Employment 2 (EG2) zone, as proposed by the Bureau of Development Services (BDS).

The Multnomah Neighborhood Association (MNA) has been an enthusiastic supporter of the AEOC since its inception, despite the continued objections of one neighbor, James Peterson, who lobbied for the zone to be changed to EG1 for a variety of reasons. At the 3/31/14 public hearing before the Hearings Officer, MNA Chair Moses Ross testified in glowing terms about the proposed project, including the proposed zoning designation. Apparently, at MNA's 4/8/14 meeting, Mr. Peterson made a motion that MNA go on record to oppose the current proposal for EG2 – supported by both BDS staff and the Hearings Officer in his 4/28/14 Recommendation – and request a change to EG1 based solely on the height issue.

In response, BDS Planners Sylvia Cate and Matt Wickstrom prepared a memorandum on 5/20/14 that compares the development standards of both zones and outlines the lengthy and significant unintended consequences of this 11th-hour change. When the Applicant shared this memorandum with Mr. Ross, he admitted that he and his neighbors had no idea that their support of Mr. Peterson's position would be so problematic and directly contradict their previously strong support. The Applicant understands that Mr. Ross will be testifying at today's hearing to confirm these events.

To the extent that imposition of some maximum height has merit, there is no need to change the zoning designation but simply adopt an additional condition of approval on the adoption of the EG2 zone that accomplishes this purpose. This is the same as the recommended Condition C that "Retail Sales and Services uses are prohibited" in the unlikely event that the AEOC is relocated to another site and the site turns over to other uses.

Given MNA's concern, the Applicant proposes a limit of 75' with a provision that permits consideration of increasing the height above 75' through a Type II Adjustment, based on the following considerations:

Proposed Condition of Approval for the Sears Site (LU 14-104931)(5/28/14)

- *Unlike a private owner, the City needs the maximum flexibility on the site given that the intent is to use it for an AOEC and related essential services in perpetuity, designed to protect the public health and safety in the event of major events/disasters. A 45' height limit is too limiting to provide this needed flexibility.*
- *It is the City's intent is to use two-story Sears Hall in perpetuity barring an unfortunate circumstance – fire, storm damage, earthquake damage – that requires the building to be demolished. It would be at that time that OMF/POEM would have to evaluate the size and function of a replacement building. Otherwise, there is no room on the site for a second building given other functions proposed, e.g., fuel station.*
- *Buildings designed to serve essential services must be built to a special standard that require an unusual floor-to-floor spacing of 15', to permit for inter-floor communications and building "hardening". This compares to 10'-12' for other residential and commercial construction. Thus, although a 45' height limitation would permit a four-story structure (excluding roof-top mechanical) for typical residential/commercial purposes, it is only three stories for a building providing public essential services. To provide maximum flexibility in the unlikely scenario where Sears Hall must be replaced, the Applicant asks for a height standard that would permit construction of up to five stories.*

Proposed Condition of Approval. *Based on the foregoing analysis, the Applicant proposes the following additional Condition of Approval for LU 14-104931:*

"New buildings are limited to a maximum of five stories for a maximum height of 75'. The Applicant may request to increase the maximum height by means of a Type II Adjustment. This maximum height does not apply to free-standing communication towers that are regulated by Chapter 33.274, Radio Frequency Transmission Facilities."