



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

www.portlandonline.com/auditor/hearings

DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 09-106787 CUMS (HO 4090006)

Applicant: Martha Stiven
Stiven Planning and Deveopment Services, LLC
148 B Avenue, Suite 100
Lake Oswego, OR 97034

Owner Representative: Dana White
Providence Health System Oregon
4706 NE Glisan St Ste 101
Portland, OR 97213

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Matt Wickstrom

Site Address: 4805 NE GLISAN ST (The Providence Health System facilities)

Legal Description: LOT 12 BLOCK 1, BELGRADE; LOT 13 BLOCK 1, BELGRADE; LOT 12 BLOCK 2, BELGRADE; LOT 13-18 BLOCK 2, BELGRADE; EXC PT IN HWY-INC PT VAC ST LOT 5&6 BLOCK 1, CENTER ADD; TL 3400 LOT 2&3&4 BLOCK 1, CENTER ADD; TL 3500 BLOCK 2, CENTER ADD; TL 3200 LOT 2-6 BLOCK 1, CENTER ADD; BLOCK 3 LOT 1-7 INC PT VAC ST LOT 20-26 EXC PT IN ST, CENTER ADD; BLOCK 3 LOT 8-13 INC PT VAC ST LOT 15-19, CENTER ADD; BLOCK 5 LOT 1 EXC PT IN STS E 1/2 OF LOT 2 EXC PT IN ST, CENTER ADD; EXC PT IN E GLISAN ST LOT 3 BLOCK 5, CENTER ADD; EXC PT IN E GLISAN ST LOT 1&2 BLOCK 6, CENTER ADD; BLOCK 6 LOT 3-5 EXC PT IN ST LOT 6 EXC PT IN STS, CENTER ADD; EXC PT IN ST LOT 6 BLOCK 6, CANCEL INTO R130648 / CENTER ADD; N 34' OF E 30' OF LOT 11 BLOCK 6 N 34' OF LOT 12 BLOCK 6, CENTER ADD; EXC PT IN ST LOT 1 BLOCK 2, CENTER ADD ANX; LOT 2 BLOCK 2, CENTER ADD ANX; LOT 3 BLOCK 2, CENTER ADD ANX; EXC PT IN E GLISAN ST LOT 7-9 BLOCK 2, CENTER ADD ANX; EXC PT IN E GLISAN ST LOT 10 BLOCK 2, CENTER ADD ANX; EXC PT IN ST LOT 11 BLOCK 2 EXC PT IN

STS LOT 12 BLOCK 2, CENTER ADD ANX; LOT 1 EXC PT IN ST LOT 2, FOSTER; BLOCK 4 LOT 1-4, MAPLE HILL PL; BLOCK 4 LOT 6, MAPLE HILL PL; BLOCK 4 LOT 5, MAPLE HILL PL; W 50.69' OF LOT 2 BLOCK 3 E 15.31' OF LOT 3 BLOCK 3, NORTH LAURELHURST; LOT 17&18 BLOCK 3, NORTH LAURELHURST; TL 17200 1.85 ACRES, SECTION 31 1 N 2 E; TL 4200 1.80 ACRES, SECTION 31 1 N 2 E; TL 4100 9.54 ACRES, SECTION 31 1 N 2 E; TL 4000 0.23 ACRES, SECTION 31 1 N 2 E; TL 2800 3.53 ACRES, SECTION 31 1 N 2 E; TL 3600 0.41 ACRES, SECTION 31 1 N 2 E; TL 17100 0.02 ACRES, SECTION 31 1 N 2 E; TL 4300 0.27 ACRES, SECTION 31 1 N 2 E; LOT 21, FOSTER

Tax Account No.: R063800120, R063800130, R063800320, R063800330, R145800010, R145800030, R145800070, R145800090, R145800270, R145800340, R145800700, R145800730, R145800830, R145800850, R145800880, R145800960, R146000290, R146000310, R146000330, R146000410, R146000470, R146000490, R293500010, R533200340, R533200380, R533200420, R612100700, R612100910, R942310070, R942312630, R942310140, R942311020, R942311320, R942312620, R942312700, R146000390, R145800720, R942310090, R293500410

State ID No.: 1N2E31BB 00800, 1N2E31BB 00900, 1N2E31BB 02700, 1N2E31BB 02900, 1N2E31BD 03300, 1N2E31BD 03400, 1N2E31BD 03500, 1N2E31BD 03200, 1N2E31BD 03800, 1N2E31BD 03700, 1N2E31DB 21400, 1N2E31DB 21600, 1N2E31DB 11200, 1N2E31DB 11300, 1N2E31DB 11400, 1N2E31DB 11900, 1N2E31AC 06300, 1N2E31AC 06200, 1N2E31AC 05900, 1N2E31AC 05700, 1N2E31AC 06000, 1N2E31AC 06100, 1N2E31CA 17900, 1N2E31CB 00100, 1N2E31CB 00200, 1N2E31CB 01800, 1N2E31BC 05100, 1N2E31BC 06000, 1N2E31BA 17200, 1N2E31BD 04200, 1N2E31BD 04100, 1N2E31BD 04000, 1N2E31BB 02800, 1N2E31BD 03600, 1N2E31BA 17100, 1N2E31AC 05600, 1N2E31DB 21500, 1N2E31BD 04300, 1N2E31CA 15900

Quarter Section: 2935

Neighborhood: North Tabor

Neighborhoods within 1,000 feet of the site: Hollywood; Laurelhurst; Rose City Park

Business Districts within 1,000 feet of the site: Hollywood Boosters

District Coalition: Southeast Uplift

District Coalition within 1,000 feet of the site: Central Northeast Neighbors

Plan District: A portion of the site is within the Hollywood Plan District - Subdistrict A

Zoning: R1, R5, CO2, CN2, CXd, EG2 (Multi-Dwelling Residential 1,000, Single-Dwelling Residential 5,000, Office Commercial 2, Neighborhood Commercial 2, Central Commercial with a Design overlay and General Employment 2 base zoning)

Land Use Review: Type III, Conditional Use Master Plan Amendment Review (CUMS)

BDS Staff Recommendation to Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 9:00 a.m. on April 14, 2009 in the 3rd floor hearing room, 1900 SW 4th Avenue, and was closed at 9:55 a.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed at the end of the hearing.

Testified at the Hearing:

Matt Wickstrom, BDS Staff Representative

Marty Stiven, Stiven Planning & Development, 148 B Avenue, Ste. 100, Lake Oswego, OR 97034

Julia Kuhn, Kittelson & Associates, 610 SW Alder, Ste. 700, Portland OR 97205

Michael Robinson, 1120 NW Couch St., 10th floor, Portland OR 97209

Kurt Kruger, PBOT Rep., 1120 SW 5th Ave., Portland OR 97204

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated April 1, 2009, and to issue the following approval subject to two minor changes that were agreed to by the City and applicant:

Minor changes to Staff Report and Recommendation to the Hearings Officer (Exhibit I.2):

- Page 14, Tentative Staff Recommendation condition B add, prior to the word "alternative" in the last paragraph the word "Future." The sentence should read "Future alternative signal modifications..."
- Page 17, Exhibits, add following exhibit H the word "Hearings Officer decision only)". Exhibit H should read "LU 02-120615 CU MS AD (Hearings Officer decision only)"

Subject to the above two minor modifications the Hearings Officer approves the application as follows:

Approval of a Conditional Use Master Plan review to allow Conditions B below to supercede Condition E of LU 02-120615 CU MS AD subject to the following conditions (A and B). No other conditions of LU 02-120615 CU MS AD are superceded and all other prior conditions remain applicable.

- A. As part of the building permit application submittal, the following development-related condition (B) 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 09-106787 CUMS ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Until such time as Providence Portland Medical Center provides financial assurances to Portland Transportation for City Engineer approved traffic signal/phasing modifications along the subject NE Glisan corridor, and signal hardware installation at the NE Glisan/NE 60th and the NE Glisan/I-84 ramp intersections, the addition of new Hospital and/or Medical Office Building (MOB) floor area at the Providence Portland Medical Center site is limited to one of the following three levels of development:
- 332,225 square feet of Hospital + 83,000 square feet of Medical Office Building; or
 - 0 square feet of Hospital + 160,000 square feet of Medical Office Building; or
 - The point at which the number of trips estimated to be generated by the new floor area will exceed 460 p.m. peak hour trips. The following formula in italics below will be used to determine when this threshold has been reached:
$$[(\text{Total added square feet of Hospital}/1000) * 0.665] + [(\text{Total added square feet of MOB}/1000) * 2.88] > 460$$

Future alternative signal modifications may be deemed acceptable by the City Engineer provided that the intersection of NE Glisan and NE 60th, and all the other NE Glisan corridor study intersections, can be shown to operate at acceptable levels-of-service.

Basis for the Decision: BDS Staff Report in LU 09-106787 CU MS, Exhibits A-1 through I-4, and the hearing testimony from those listed above.

Gregory J. Frank, Hearings Officer

Date

Application Deemed Complete:	February 23, 2009
Report to the Hearings Officer:	April 3, 2009
Decision Mailed:	April 16, 2009
Last Date to Appeal:	4:30 p.m., April 30, 2009
Effective Date (if no appeal):	May 1, 2009

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.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER’S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (823-7526). Until 3:00 p.m., Monday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., file the appeal at the Reception Desk on the 5th Floor. **An appeal fee of \$9,066.50 will be charged (one-half of the application fee for this case).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood Associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood Associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

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 this approval. Conditional Use Master Plans and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remain in effect until:

- All development allowed by the plan is completed; or
- The plan is amended or superceded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

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 Statement and Original Land Use Application
 - 1. Supplemental Submittal dated February 17, 2009
- B. Zoning Map
- C. Plans & 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
- E. Agency Responses:
 - 1. Bureau of Police
 - 2. Portland Water Bureau
 - 3. Development Review Section of Portland Transportation
 - 4. Summary Sheet of Agency Responses
- F. Letters: None received
- G. Site History Research
- H. LU 02-120615 CU MS AD (Hearings Officer decision only)
- I. Received in Hearings Office:
 - 1. Hearing notice - Wickstrom, Matt
 - 2. Staff report - Wickstrom, Matt (**attached**)
 - 3. Letter - Weaver, Marilyn
 - 4. Powerpoint - Wickstrom, Matt



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 09-106787 CUMS
PC # 08-146269

REVIEW BY: Hearings Officer

WHEN: Tuesday, April 14, 2009 at 9:00 AM

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: MATT WICKSTROM / WICKSTROMM@CI.PORTLAND.OR.US

GENERAL INFORMATION

Applicant: Martha Stiven
Stiven Planning and Development Services, LLC
148 B Avenue, Suite 100
Lake Oswego, OR 97034

Owner Representative: Dana White
Providence Health System Oregon
4706 NE Glisan St Ste 101
Portland, OR 97213

Site Address: 4805 NE GLISAN ST (The Providence Health System facilities)

Legal Description: LOT 12 BLOCK 1, BELGRADE; LOT 13 BLOCK 1, BELGRADE; LOT 12 BLOCK 2, BELGRADE; LOT 13-18 BLOCK 2, BELGRADE; EXC PT IN HWY-INC PT VAC ST LOT 5&6 BLOCK 1, CENTER ADD; TL 3400 LOT 2&3&4 BLOCK 1, CENTER ADD; TL 3500 BLOCK 2, CENTER ADD; TL 3200 LOT 2-6 BLOCK 1, CENTER ADD; BLOCK 3 LOT 1-7 INC PT VAC ST LOT 20-26 EXC PT IN ST, CENTER ADD; BLOCK 3 LOT 8-13 INC PT VAC ST LOT 15-19, CENTER ADD; BLOCK 5 LOT 1 EXC PT IN STS E 1/2 OF LOT 2 EXC PT IN ST, CENTER ADD; EXC PT IN E GLISAN ST LOT 3 BLOCK 5, CENTER ADD; EXC PT IN E GLISAN ST LOT 1&2 BLOCK 6, CENTER ADD; BLOCK 6 LOT 3-5 EXC PT IN ST LOT 6 EXC PT IN STS, CENTER ADD; EXC PT IN ST LOT 6 BLOCK 6, CANCEL INTO R130648 / CENTER ADD; N 34' OF E 30' OF LOT 11 BLOCK 6 N 34' OF LOT 12 BLOCK 6, CENTER ADD; EXC PT IN ST LOT 1 BLOCK 2, CENTER ADD ANX; LOT 2 BLOCK 2, CENTER ADD ANX; LOT 3 BLOCK 2, CENTER ADD ANX; EXC PT IN E GLISAN ST LOT 7-9 BLOCK 2, CENTER ADD ANX; EXC PT IN E GLISAN ST LOT 10 BLOCK 2, CENTER

ADD ANX; EXC PT IN ST LOT 11 BLOCK 2 EXC PT IN STS LOT 12 BLOCK 2, CENTER ADD ANX; LOT 1 EXC PT IN ST LOT 2, FOSTER; BLOCK 4 LOT 1-4, MAPLE HILL PL; BLOCK 4 LOT 6, MAPLE HILL PL; BLOCK 4 LOT 5, MAPLE HILL PL; W 50.69' OF LOT 2 BLOCK 3 E 15.31' OF LOT 3 BLOCK 3, NORTH LAURELHURST; LOT 17&18 BLOCK 3, NORTH LAURELHURST; TL 17200 1.85 ACRES, SECTION 31 1N 2E; TL 4200 1.80 ACRES, SECTION 31 1 N 2 E; TL 4100 9.54 ACRES, SECTION 31 1 N 2 E; TL 4000 0.23 ACRES, SECTION 31 1 N 2 E; TL 2800 3.53 ACRES, SECTION 31 1N 2E; TL 3600 0.41 ACRES, SECTION 31 1N 2E; TL 17100 0.02 ACRES, SECTION 31 1 N 2 E; TL 4300 0.27 ACRES, SECTION 31 1 N 2 E; LOT 21, FOSTER

Tax Account No.:

R063800120, R063800130, R063800320, R063800330, R145800010, R145800030, R145800070, R145800090, R145800270, R145800340, R145800700, R145800730, R145800830, R145800850, R145800880, R145800960, R146000290, R146000310, R146000330, R146000410, R146000470, R146000490, R293500010, R533200340, R533200380, R533200420, R612100700, R612100910, R942310070, R942312630, R942310140, R942311020, R942311320, R942312620, R942312700, R146000390, R145800720, R942310090, R293500410

State ID No.:

1N2E31BB 00800, 1N2E31BB 00900, 1N2E31BB 02700, 1N2E31BB 02900, 1N2E31BD 03300, 1N2E31BD 03400, 1N2E31BD 03500, 1N2E31BD 03200, 1N2E31BD 03800, 1N2E31BD 03700, 1N2E31DB 21400, 1N2E31DB 21600, 1N2E31DB 11200, 1N2E31DB 11300, 1N2E31DB 11400, 1N2E31DB 11900, 1N2E31AC 06300, 1N2E31AC 06200, 1N2E31AC 05900, 1N2E31AC 05700, 1N2E31AC 06000, 1N2E31AC 06100, 1N2E31CA 17900, 1N2E31CB 00100, 1N2E31CB 00200, 1N2E31CB 01800, 1N2E31BC 05100, 1N2E31BC 06000, 1N2E31BA 17200, 1N2E31BD 04200, 1N2E31BD 04100, 1N2E31BD 04000, 1N2E31BB 02800, 1N2E31BD 03600, 1N2E31BA 17100, 1N2E31AC 05600, 1N2E31DB 21500, 1N2E31BD 04300, 1N2E31CA 15900

Quarter Section:

2935

Neighborhood:

North Tabor, contract Sean Besso at 503-806-9014

Neighborhoods within 1,000 feet of the site:

Hollywood, contact Trudi Rahija at 503-281-5504
Laurelhurst, contact Gary Naylor at 503-232-3398
Rose City Park, contact Kelly Davis at 503-288-7765

Business Districts within 1,000 feet of the site:

Hollywood Boosters, contact Jeffrey Baird at 503-249-8787

District Coalition:

Southeast Uplift, contact 503-232-0010

District Coalition within 1,000 feet of the site:

Central Northeast Neighbors, contact Alison Stoll at 503-823-3156

Plan District:

A portion of the site is within the Hollywood Plan District - Subdistrict A

Zoning:

R1, R5, CO2, CN2, CXd, EG2 (Multi-Dwelling Residential 1,000, Single-Dwelling Residential 5,000, Office Commercial 2, Neighborhood

Commercial 2, Central Commercial with a Design overlay and General Employment 2 base zoning)

Case Type: CUMS (Conditional Use Master Plan Amendment Review)
Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the review body can be appealed to City Council.

Proposal:

The applicant proposes a Type III Conditional Use Master Plan Amendment to modify a condition of approval required by the Conditional Use Master Plan decision of LU 02-120615 CU MS AD for Providence Medical Center. The condition of approval required additional right-of-way dedication and improvements to add a westbound right-turn lane on NE Glisan Avenue at NE 60th Avenue prior to further expansion of the hospital or related medical office building uses. Providence is approaching the threshold of development which requires the completion of this condition of approval, in fact, the top 3 floors of the completed Cancer Center cannot be occupied until this condition is satisfied. However, Providence has not been able to acquire the property necessary to complete this condition of approval and expand the right-of-way. As a result, Providence proposes an alternate set of improvements to satisfy the intent of the condition of approval and mitigate for impacts related to the growth of the hospital. The applicant proposes to modify Condition E of LU 02-120615 CU MS AD by eliminating the required right-of-way dedication and westbound right-turn lane components and to instead require traffic signal modifications at NE 60th Avenue and NE Glisan Street which include increased traffic signal cycle lengths and modified traffic signal phasing.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the criteria of Title 33. The relevant criteria are:

- 33.820.050 – Conditional Use Master Plan Approval Criteria
- 33.815.105 – Institutional and Other Uses in R zones

ANALYSIS

Site and Vicinity: For the purposes of this review two site areas exist, the Master Plan site and the Project site. The Master Plan site represents the boundaries of the Providence Health System master plan boundary. The Master Plan site occupies multiple parcels over an area of approximately 25 acres, with the core of activities situated between NE 47th and NE 53rd Avenues, NE Glisan Street, and the I-84 (Banfield) Freeway. The Master Plan site also includes several parcels on the south side of NE Glisan Street between NE 45th and NE 55th Avenues and west of NE 45th Avenue. Providence also owns several properties near the site north of I-84, but which are not included within the Master Plan boundary. The Providence Health System master plan boundary is not impacted by this proposal and the project is located outside of the Master Plan site.

The Project site area is located at the intersection of NE 60th Avenue and NE Glisan Street. NE 60th Avenue is 3 lanes wide and NE Glisan Street is five lanes wide. Both the north and south bound lanes of NE 60th Avenue and the east and west bound lanes of NE Glisan Street have left turn lanes. All lanes are signalized. For the purposes of this review, the vicinity is defined as the area within 400 feet of the intersection. In the immediate vicinity, the northwest corner of the intersection is developed with a single-story retail use, the northeast corner with a service station and the southwest and southeast corners are developed with two-story mixed use buildings. Development to the north and west of the immediate intersection is composed of mixed-use commercial buildings and multi-dwelling residential structures while development to the east and

south of the intersection is primarily single-dwelling residential structures and low intensity retail.

Zoning: The Master Plan site area has many different zoning designations. These include R1, R5, CO2, CN2, CXd, EG2 (Multi-Dwelling Residential 1,000, Single-Dwelling Residential 5,000, Office Commercial 2, Neighborhood Commercial 2, Central Commercial with a Design overlay and General Employment 2 base zoning). However, for the purposes of this review and because the Master Plan site area is not impacted by this proposal only the zoning of the Project site area is described here.

The Project site (the intersection of NE Glisan Street and NE 60th Avenue) is zoned CN2 (Neighborhood Commercial 2). The CN2 zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Development is expected to be predominantly auto accommodating, except where the site is adjacent to a transit street. It is important to note that the Portland Zoning Code generally does not apply in the public right-of-way.

Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review.

Land Use History: City records indicate several prior land use reviews for the site, going back as far as 1939, when the original Providence Hospital building was constructed. The most recent land use cases include the following:

- *LUR 96-00400 UD* - Use Determination allowing the establishment of a Crisis Triage Center at Providence to be operated by Multnomah County;
- *LUR 95-00894 MS CU AD* - Previous Providence Master Plan, approved with conditions in 1996;
- *LUR 95-00865 VA* - Approved Street Vacation request for NE Irving Street between NE 49th and NE 52nd Avenues; and
- *LU 02-120615 CU MS AD* - Current Master Plan for Providence. Case was approved with modifications by City Council after a neighborhood appeal. Master Plan includes various projects over a 10-year period, with several adjustments to development standards.
- *LU 04-064294 AD* - Adjustment approved to increase the height of the “North Tower” building (the building that is the subject of this sign review) for a mechanical equipment and elevator penthouse, and screening.
- *LU 07-132791 AD* - Adjustment approved to increase area of a sign affixed to the east wall of the new Cancer Center building and oriented only to west-bound motorists on the I-84 freeway from the maximum allowed 50 square-feet to 101 square-feet.

Agency Review: A “Request for Response” was mailed **February 27, 2009**. The following Bureaus have responded:

- The Police Bureau responded that the Strategic Services Division and the Southeast Present Commander reviewed the proposal and found that the “Bureau is capable of serving the proposed use at this time” (Exhibit E-1)
- The Water Bureau responded with information about water services and stated no objections to the proposal (Exhibit E-2).
- Portland Transportation/Development Review reviewed the application 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. Concerning the Title 33 approval criteria, the reviewer specifically evaluated the proposal based on the “street capacity, level-of-service, and other performance measures” component of 33.815.105.D.2. The response notes that “all other approval criteria evaluation factors listed were satisfied with the 02-120615 CU MS AD land use case and will remain unchanged with the subject amendment”. For further information see Criterion D.2 of 33.815.105 Institutional and

Other Uses in R Zones below (Exhibit E-3).

- The Site Development and Life Safety sections of BDS as well as the Fire Bureau, the Bureau of Environmental Services and the Parks Bureau all responded with no concerns (Exhibit E-4).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 16, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

Staff received two phone calls from neighbors following the mailing of the March 16, 2009 Notice of Proposal. Both neighbors pointed out that the neighborhood associations identified as within the proposal area were incomplete and should have included the Rose City Park and North Tabor neighborhood associations as well as the Southeast Uplift Neighborhood Program. The notice correctly listed the Hollywood Neighborhood Association and Central Neighbors Northeast. Based on this information, staff examined the mailing list and determined that all of these organizations were mailed the Notice of Proposal, they just weren't explicitly listed on the notice, and therefore notification was not in conflict with the requirements of the Portland Zoning Code. To help resolve this issue, the Notice of Proposal was posted under all three neighborhood associations on the BDS website. This Staff Recommendation lists all neighborhood associations and district coalition offices.

ZONING CODE APPROVAL CRITERIA

As previously stated, requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review. Therefore, the proposal to modify Condition E of LU 02-120615 CU MS AD is subject to the approval criteria for Conditional Use Master Plans and the approval criteria for Institutional and Other Uses in R zones.

Conditional Use Master Plans

33.820.050 Approval Criteria

Requests for conditional use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A.** The master plan contains the components required by 33.820.070;

Findings: This criterion is evaluated below under 33.820.070 Components of a Master Plan and is found to be met. This criterion is met.

- B.** The proposed uses and possible future uses in the master plan comply with the applicable conditional use approval criteria; and

Findings: This criterion is evaluated below under 33.815.105 Institutional and Other Uses in R Zones and is found to be met. This criterion is met.

- C.** The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

Findings: No changes to the use or possible future uses are proposed as part of this land use review. The only changes proposed relate to the timing and functioning of traffic signals along the NE Glisan corridor at the intersection of NE Glisan Street and NE 60th Avenue, an area outside of the Providence Health Systems Master Plan boundary, and a related condition of approval of LU 02-120615 CU MS AD. This criterion is met.

33.820.070 Components of a Master Plan

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

- A. Boundaries of the use.** The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

Findings: No changes to the master plan boundary are proposed as part of this land use review. This condition is not applicable.

- B. General statement.** The master plan must include a narrative that addresses the following items:

1. A description in general terms of the use's expansion plans for the duration of the master plan;

Findings: The original narrative for the Providence Health System Master Plan (LU 02-120615 CU MS AD) included this information and the applicant does not propose any changes. This criterion is not applicable.

2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and

Findings: The original narrative for the Providence Health System Master Plan (LU 02-120615 CU MS AD) included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at the NE Glisan Street and NE 60th Avenue intersection in lieu of installing a right turn lane will not impact this criterion. Furthermore, this intersection is located outside of the Master Plan boundary and the proposal only pertains to a very specific component of the approved Master Plan and will not impact the use or intensity of activities in the area. This criterion is not applicable.

3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

Findings: The original explanation for the Providence Health System Master Plan (LU 02-120615 CU MS AD) included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue in lieu of installing a right turn lane will not impact this criterion. This criterion is not applicable.

- C. Uses and functions.** The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.

Findings: The original description for the Providence Health System Master Plan (LU 02-120615 CU MS AD) included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at the NE Glisan Street and NE 60th Avenue intersection in lieu of installing a right turn lane will not impact this criterion. Furthermore, this intersection is located outside of the Master Plan boundary and the proposal only pertains to a very specific component of the approved Master Plan and will not impact the use or intensity of activities in the area. This criterion is not applicable.

D. Site plan. The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, open areas, and other required items. This information must cover the following:

1. All existing improvements that will remain after development of the proposed use;

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue in lieu of installing a right turn lane will not impact this criterion. This criterion is not applicable.

2. All improvements planned in conjunction with the proposed use; and

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue in lieu of installing a right turn lane will not impact this criterion. This criterion is not applicable.

3. Conceptual plans for possible future uses.

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue in lieu of installing a right turn lane will not impact this criterion. This criterion is not applicable.

4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:

- a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at the NE Glisan Street and NE 60th Avenue intersection in lieu of installing a right turn lane will not impact this criterion. Furthermore, the NE Glisan Street and NE 60th Avenue

intersection is located outside of the Master Plan boundary and the proposal only pertains to a very specific component of the approved Master Plan and will not impact the use or intensity of activities in the area. This criterion is not applicable.

- b. Adjacent developments and the proposed development.

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue will not impact this criterion. This criterion is not applicable.

- E. Development standards.** The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements and the requirements of Chapters 32.32 and 32.34 of the Sign Code. These may be such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. This criterion is not applicable.

- F. Phasing of development.** The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. The applicant's proposal retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at the NE Glisan Street and NE 60th Avenue intersection in lieu of installing a right turn lane will not impact this criterion. Furthermore, this intersection is located outside of the Master Plan boundary and the proposal only pertains to a very specific condition of approval of the approved Master Plan and will not impact the phasing of development. This criterion is not applicable.

- G. Transportation and parking.** The master plan must include information on the following items for each phase.

1. Projected transportation impacts. These include the expected number of trips (peak, events, and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.

Findings: Condition E of 02-120615 CU MS AD was applied to mitigate for additional vehicle trips associated with the expansion of the Portland Providence Health System facilities. In lieu of this condition, the applicant has proposed to retime traffic signals along the NE Glisan corridor, to modify the functioning of the traffic signal at NE

Glisan Street and NE 60th Avenue and to install new signal hardware at the intersection of NE Glisan Street and the I-84 ramp as well as at NE Glisan Street and NE 60th Avenue. This proposal and the related traffic analysis was forwarded to Portland Transportation for review. Findings under 33.8815.D.2 below indicate that Portland Transportation found this proposal acceptable and that level of service standards will still be in accordance with standards. This criterion is met.

2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at the NE Glisan Street and NE 60th Avenue intersection in lieu of installing a right turn lane will not impact this criterion. Furthermore, this intersection is located outside of the Master Plan boundary and the proposal only pertains to a very specific condition of approval of the approved Master Plan and will not impact parking conditions. This criterion is not applicable.

- H. Street vacations.** The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations that might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any changes. This criterion is not applicable.

- I. Adjustments.** The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) submittal included this information and the applicant does not propose any additional Adjustments. This criterion is not applicable.

- J. Other discretionary reviews.** When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.

Findings: No other discretionary reviews are proposed as part of this land use review. This criterion is not applicable.

- K. Review procedures.** The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

Findings: The original Providence Health System Master Plan (LU 02-120615 CU MS AD) decision included this information and no changes to possible future uses are proposed at this time. This criterion is not applicable.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and

Findings: The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue in lieu of installing a right turn lane as conditioned in LU 02-120615 CU MS AD will not impact this criterion. The number, size, and location of other uses not in the Household Living category in the residential area will not change as a result of this proposal. Regardless, 02-120615 CU MS AD identified the residential area as:

Beginning at the center of NE 47th, immediately south of the Banfield Freeway, and following the south line of the Banfield Freeway east until NE 56th Avenue. Then, south along NE 56th to NE Everett. West along NE Everett (including residences on both sides of street) to NE 47th. South on NE 47th to NE Davis. West along NE Davis to NE 43rd. North along NE 43rd to NE Laurelhurst. East on NE Laurelhurst to NE 44th. North on NE 44th to the Banfield Freeway and the along the south side of the Banfield to NE 47th Avenue, the beginning point of this description. This "residential area" description includes residences on both sides of all streets mentioned.

The north boundary of the "residential area" used for analysis in 33.815.105 is the Banfield Freeway. There are no residential areas which are immediately impacted by this application immediately to the north of the Banfield Freeway excepting east of NE 53rd.

This criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue in lieu of installing a right turn lane as conditioned in LU 02-120615 CU MS AD will not impact this criterion. The intensity and scale of the use and of existing Household Living uses and other uses will not change as a result of this proposal. This criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: No scenic resources are located within the Project site area. Therefore, this criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or

Findings: The applicant's proposal to retime traffic signals along the NE Glisan corridor and to modify the functioning of the traffic signal at NE Glisan Street and NE 60th Avenue in lieu of installing a right turn lane as conditioned in LU 02-120615 CU MS AD will not impact this criterion or the physical compatibility of development within the Master Plan boundary and adjacent residential development. This criterion is not applicable.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: The applicant's proposal will not impact this criterion or the need to mitigate for differences in the physical development of the Providence Health System facilities and surrounding development. This criterion is not applicable.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: The Development Review section of Portland Transportation reviewed the applicant's proposal to alter the function of the turn signal operations at NE Glisan Street and NE 60th Avenue, to retime the lights within the NE Glisan Street corridor between NE 47th Avenue and NE 74th Avenue and to install new traffic controllers at the NE Glisan Street/I-84 ramp intersection and the NE Glisan Street/NE 60th Avenue intersection. The Portland Transportation response states that positive benefits of these improvements include reduced queuing lengths which can result in a reduction to noise. Impacts related to glare from lights, late-night operations, odors, and litter are not expected to result from this proposal. This criterion is met.

2. Privacy and safety issues.

Findings: The proposal will not result in any changes to privacy. The Bureau of Police reviewed the proposal and did not state any objections or concerns related to safety. This criterion is met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;

Findings: The Development Review Section of Portland Transportation (PBOT) reviewed the proposal for conformance with the street designations of the Transportation Element of the Comprehensive Plan and did not state that the proposal lacked conformance with these policies. This criterion is met.

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: The Development Review Section of Portland Transportation reviewed the proposal to modify Condition E of LU 02-120615 CU MS AD which required right-of-way acquisition and street improvements to add a westbound right-turn lane on NE Glisan Avenue at NE 60th Avenue. In lieu of this condition the proposal suggests implementing a flashing yellow arrow at the NE Glisan Street and NE 60th Avenue intersection, retiming the signals of the NE Glisan Street corridor between NE 47th Avenue and NE 74th Avenue and installing new traffic controllers at both the NE Glisan Street/I-84 ramp intersection and the NE Glisan Street /NE 60th Avenue intersection.

In response to this proposal, the PBOT reviewer examined Portland Policy Document TRN -10.27 "Traffic Capacity Analysis for Land Use Case Reviews" which addresses the City's level-of-service performance standards:

For traffic impact studies required in the course of land use review or development, the following standards apply:

1. *For signalized intersections, adequate level of service is LOS D, based on a weighted average of vehicle delay for the intersection.*
2. *For stop-controlled intersections, adequate level of service is LOS E, based on individual vehicle movement.*

The response states that the industry standard is to measure street capacity and level-of-service (LOS) only at intersections during the critical time period, such as AM or PM peak hour. Although capacity is a part of the LOS, the City of Portland's performance standards are defined only by LOS, which is defined by average vehicle delay. The City does not have performance standards for any of the other evaluation factors listed in the approval criterion so therefore the response focuses on LOS. The response also notes that although the original build out year of the 2002 Master Plan was 2012, the traffic analysis assumed a more generous, longer term build out year of 2018 which allows consideration of LOS further into the future.

The Portland Transportation reviewer agreed with the traffic analysis which found that implementing a flashing yellow arrow at the NE Glisan Street and NE 60th Avenue intersection and retiming the signals of the NE Glisan Street corridor between NE 47th Avenue and NE 74th Avenue will reduce queue lengths at the intersection of NE Glisan and 60th. The reviewer also agreed that the longer cycle length will better accommodate north-south pedestrian crossings of NE Glisan Street within the coordinated timing plan for the NE Glisan corridor. In addition, the reviewer agreed that the analysis showed an overall reduction in delay and vehicle queue lengths in the PM peak hour along the NE Glisan corridor with the increased cycle length.

The reviewer notes that as demonstrated in the traffic analysis, with the proposed signal hardware and operation changes described above, the intersection of NE 60th Avenue and NE Glisan Street will operate at an acceptable level of service during the critical weekday PM peak hour through the year 2018. In addition, all other NE Glisan Street intersections that were studied for the original conditional use master plan, and

were previously found to operate at acceptable levels-of-service, will continue to operate at acceptable levels-of-service in 2018.

Based on this information and analysis, the reviewer recommended allowing a new condition of approval to supercede the previous Condition E of LU 02-120615 CU MS AD. This new condition removes mention of the westbound left turn lane from NE Glisan Street to NE 60th Avenue and reads:

Until such time as Providence Portland Medical Center provides financial assurances to Portland Transportation for City Engineer approved traffic signal/phasing modifications along the subject NE Glisan corridor, and signal hardware installation at the NE Glisan/NE 60th and the NE Glisan/I-84 ramp intersections, the addition of new Hospital and/or Medical Office Building (MOB) floor area at the Providence Portland Medical Center site is limited to one of the following three levels of development:

- 332,225 square feet of Hospital + 83,000 square feet of Medical Office Building; or
- 0 square feet of Hospital + 160,000 square feet of Medical Office Building; or
- The point at which the number of trips estimated to be generated by the new floor area will exceed 460 p.m. peak hour trips. The following formula in italics below will be used to determine when this threshold has been reached:

$$[(\text{Total added square feet of Hospital}/1000) * 0.665] + [(\text{Total added square feet of MOB}/1000) * 2.88] > 460$$

In the response, the reviewer suggests that if in the future Portland Transportation deems the signal improvements listed above infeasible or unacceptable, Providence Health Systems should be allowed to submit alternative signal/intersection improvements to the City Engineer for review. Portland Transportation will consider alternative signal mitigations provided that the intersection of NE Glisan and NE 60th, and all the other NE Glisan corridor study intersections, can be shown to operate at acceptable levels-of-service. Allowing for this Portland Transportation evaluation ensures that the intent of the approval criterion will be met in the future even if the specific proposal suggested by the applicant as part of this land use review is modified. Therefore, staff recommends an additional statement to be contained within the condition of approval described above as part of this Conditional Use Master Plan Amendment which reads:

Alternative signal modifications may be deemed acceptable by the City Engineer provided that the intersection of NE Glisan and NE 60th, and all the other NE Glisan corridor study intersections, can be shown to operate at acceptable levels-of-service as determined by Portland Transportation.

Based on this information including the recommended conditions of approval above, this criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The response from the Portland Bureau of Police states that the Bureau “is capable of serving the proposed use at this time”. The response from the Water Bureau notes no concerns with the proposal as it relates to water service. The Fire

Bureau and the Bureau of Environmental Services responded with “no concerns”. Based on this information, this criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: There are no community plans or area plans adopted by the City Council at the site. This criterion is not applicable.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant proposes to amend a condition of approval from a previous Conditional Use Master Plan (LU 02-120615 CU MS AD) which approved various projects over a 10-year period of time at the Providence Portland Medical Center facility. The condition of approval required the installation of a westbound right-turn lane on NE Glisan Avenue at NE 60th Avenue. In lieu of this condition, the applicant proposes instead to retime traffic signals along the NE Glisan corridor between NE 47th Avenue and NE 74th Avenue, to implement a flashing yellow light at the intersection of NE Glisan Street and NE 60th Avenue and to install new traffic controllers at both the NE Glisan Street and I-84 ramp intersection and the NE Glisan Street and NE 60th Avenue intersection. As noted in this report, the Portland Transportation reviewer found that the traffic signal improvements proposed as part of this land use review will reduce queue lengths at the intersection of NE Glisan and 60th, improve north-south pedestrian crossings of NE Glisan Street, and reduce vehicle queue lengths in the PM peak hour along the NE Glisan corridor. The reviewer notes that the NE Glisan Street and NE 60th Avenue intersection as well as the other NE Glisan intersections studied as part of the original review will all operate at a successful level of service through 2018. With approval requiring that Condition E of LU 02-120615 CU MS AD be superceded by Condition B below, the request meets the applicable approval criterion and should be approved.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Conditional Use Master Plan review to allow Conditions B below to supercede Condition E of LU 02-120615 CU MS AD subject to the following conditions (A and B). No other conditions of LU 02-120615 CU MS AD are superceded and all other prior conditions remain applicable.

- A. As part of the building permit application submittal, the following development-related condition (B) 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 09-106787 CUMS ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Until such time as Providence Portland Medical Center provides financial assurances to Portland Transportation for City Engineer approved traffic signal/phasing modifications along the subject NE Glisan corridor, and signal hardware installation at the NE Glisan/NE 60th and

the NE Glisan/I-84 ramp intersections, the addition of new Hospital and/or Medical Office Building (MOB) floor area at the Providence Portland Medical Center site is limited to one of the following three levels of development:

- 332,225 square feet of Hospital + 83,000 square feet of Medical Office Building; or
- 0 square feet of Hospital + 160,000 square feet of Medical Office Building; or
- The point at which the number of trips estimated to be generated by the new floor area will exceed 460 p.m. peak hour trips. The following formula in italics below will be used to determine when this threshold has been reached:

*$[(\text{Total added square feet of Hospital}/1000) * 0.665] + [(\text{Total added square feet of MOB}/1000) * 2.88] > 460$*

Alternative signal modifications may be deemed acceptable by the City Engineer provided that the intersection of NE Glisan and NE 60th, and all the other NE Glisan corridor study intersections, can be shown to operate at acceptable levels-of-service.

Procedural Information. The application for this land use review was submitted on February 5, 2009, and was determined to be complete on Feb 23, 2009.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 5, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 23, 2009.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, 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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this

recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the hearing. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$ 9,066.50 will be charged (one-half of the application fee for this case).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

BDS may also grant fee waivers to low income applicants appealing a land use decision on their primary residence that they own in whole or in part. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Individuals requesting fee waivers must submit documentation certifying their annual gross income and household size (copies of tax returns or documentation of public assistance is acceptable). Fee waivers for low-income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval.

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 this approval. Conditional Use Master Plans and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remain in effect until:

- All development allowed by the plan is completed; or
- The plan is amended or superceded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

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.

Planner's Name: Matt Wickstrom

Date: April 1, 2009

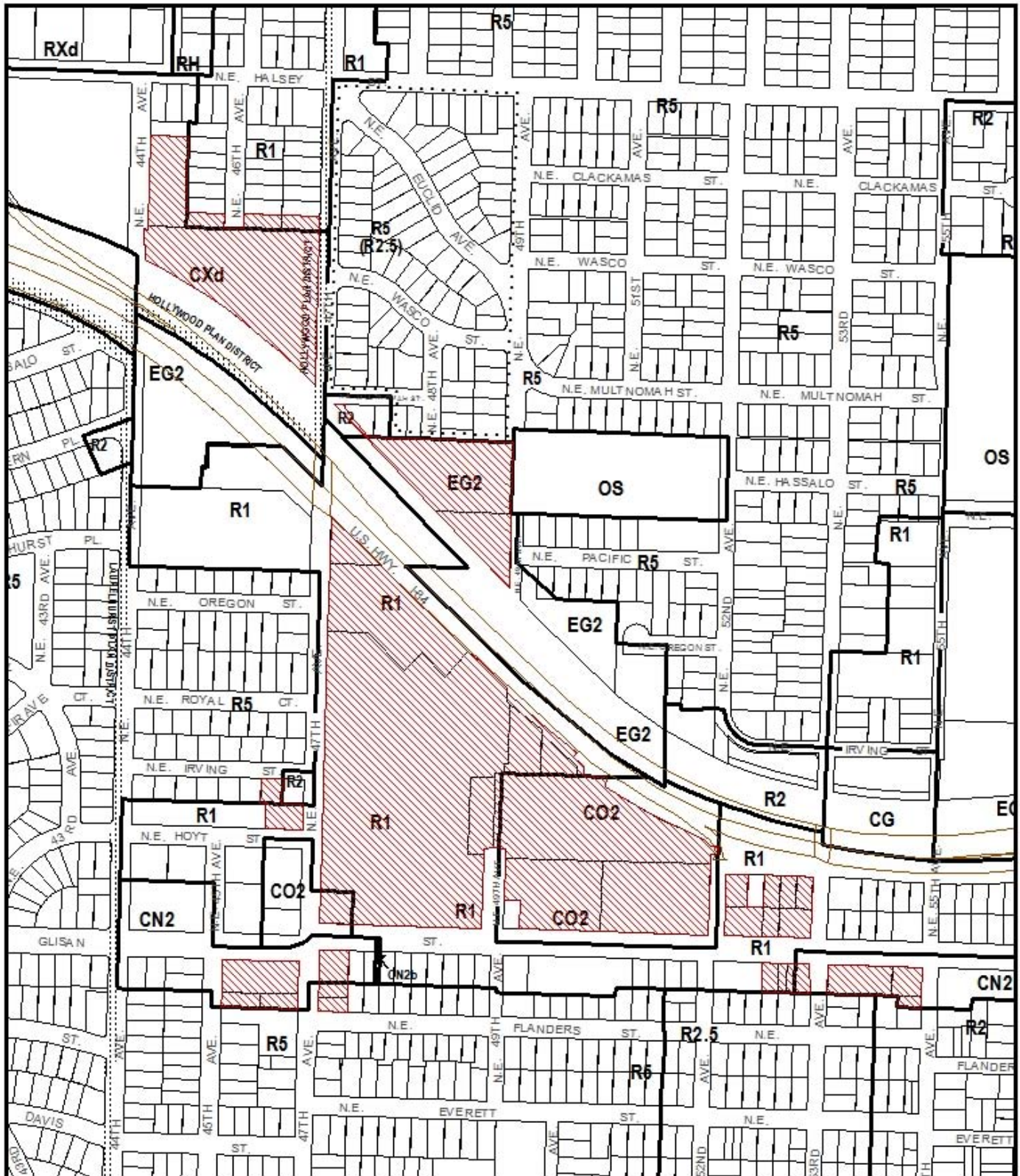
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original Land Use Application
 - 1. Supplemental Submittal dated February 17, 2009
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
- 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
 - 7. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Police

2. Portland Water Bureau
 3. Development Review Section of Portland Transportation
 4. Summary Sheet of Agency Responses
- F. Letters: None received
- G. Site History Research
- H. LU 02-120615 CU MS AD

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site



NORTH

File No. LU 09-106787 CUMS
 1/4 Section 2935,2936,3035,3036
 Scale 1 inch = 400 feet
 State_Id 1N2E31BD 3700
 Exhibit B (Feb 06,2009)

69-106787 CU MS

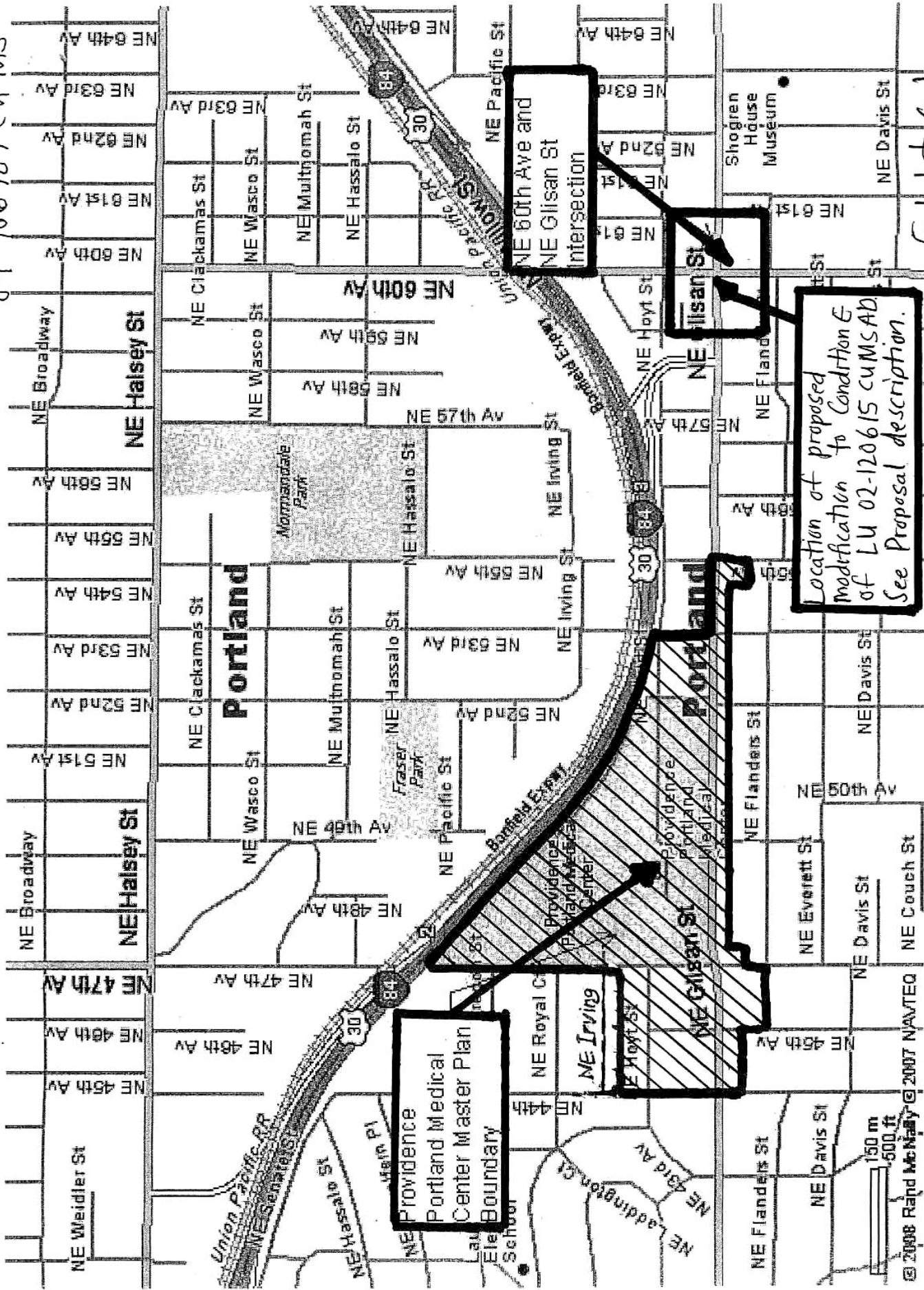


Exhibit C-1

Location of proposed
modification to Condition E
of LU 02-120615 cuMSAB.
See Proposal description.