

# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

1900 SW 4<sup>th</sup> Avenue, Room 3100

Portland, OR 97201

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

web: [www.portlandoregon.gov/auditor/hearings](http://www.portlandoregon.gov/auditor/hearings)



## RECOMMENDATION OF THE HEARINGS OFFICER

**File No.:** LU 13-146707 CP ZC  
HO 4130017

**Applicant:** Larry Hill  
Legacy Health System  
2801 N Gantenbein Avenue, Suite 1009  
Portland, OR 97227

**Traffic Consultant:** Julia Kuhn  
Kittelson & Associates, Inc.  
610 SW Alder Street, Suite 700  
Portland, OR 97205

**Applicant's Representative:** Thomasina Gabriele  
Gabriele Development Services  
2424 NW Northrup Street  
Portland, OR 97209

**Hearings Officer:** Kenneth D. Helm

**Bureau of Development Services (BDS) Representative:** Sylvia Cate

**Site Address:** Paved lot on N Kerby Avenue near N Stanton Street

**Legal Description:** BLOCK 1 LOT 1-9 TL 700, ABENDS ADD

**Tax Account No.:** R000600010

**State ID No.:** 1N1E27AC 00700

**Quarter Section:** 2730

**Neighborhood:** Eliot

**Business District:** North-Northeast Business Association

**District Coalition:** NE Coalition of Neighborhoods

**Existing Zoning:** IG1, General Industrial 1

**Proposed Zoning:** IRd, Institutional Residential with Design overlay

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

**Public Hearing:** The hearing was opened at 1:29 p.m. on August 12, 2013, in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 1:47 p.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:**

--Sylvia Cate

--Thomasina Gabriele

**Proposal:** Legacy Emanuel recently purchased this parcel from the City of Portland and requests that it be rezoned to IRd, consistent with the approved Impact Mitigation Plan under which the Legacy Emanuel medical campus operates. This requested zone is also consistent with the IRd zone that covers Legacy Emanuel's medical campus. No development is proposed.

**Approval Criteria:** In order to be approved, this proposal must comply with the criteria of Title 33, the Planning and Zoning Code. The applicable criteria are:

**33.810.050 Comprehensive Plan Map Amendments**

**33.855.050 Zoning Map Amendments**

The above criteria also include, by reference, applicable portions of the *Portland Comprehensive Plan* (goals and policies), State Land Use Goals, and the *Metro Urban Growth Management Functional Plan* (titles).

**Hearings Officer's Recommendation:** It is the recommendation of the Hearings Officer that the City Council adopt the facts, findings, and conclusions of the Bureau of Development Services in its Staff Report and Recommendation to the Hearings Officer dated August 2, 2013, as supplemented by the two memoranda dated August 6, 2013 which revise the August 2, 2013 Staff Report. Exhibits H.5 and H.6. The two memoranda correct a scrivener's error and provide additional findings without changing the Staff recommendation. The applicant agreed to the recommended conditions of approval. There was no written or oral testimony opposing the application.

**Approval** of a Comprehensive Plan Map Amendment to change the designation of the site from Industrial Sanctuary (IS) to Institutional Campus (IC); and

**Approval** of a Zoning Map Amendment to change the zoning on the site from General Industrial 1 zone (IG1) to Institutional Residential with a Design Overlay zone (IRd).

- A. As part of the building permit application submittal, the following development-related conditions (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 13-146707 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Because a lease agreement between the City of Portland and Legacy Emanuel will allow an Industrial Service use to continue on the site until December 31, 2014, the Comprehensive Plan Map Amendment and concurrent Zone Map Amendment will become effective on January 1, 2015.

**Basis for the Decision:** BDS Staff Report in LU 13-146707 CP ZC, Exhibits A.1 through H.8, and the hearing testimony from those listed above.



---

Kenneth D. Helm, Hearings Officer

8-14-13

---

Date

**Application Determined Complete:** May 22, 2013  
**Report to Hearings Officer:** August 2, 2013  
**Recommendation Mailed:** August 16, 2013

**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.

- *Unless appealed*, The final decision may be recorded on or after the day following the last day to appeal.
- 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.

If the Zone change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

**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
  - 1. Application Narrative
  - 2. Transportation Memo: Kittelson & Associates
- B. Zoning Maps
  - 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
- E. Agency Responses
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Police Bureau
  - 6. Site Development Review Section of Bureau of Development Services
  - 7. Bureau of Parks, Forestry Division
- F. Letters
  - 1. Eliot Neighborhood Association Land Use Committee, M. Warwick, July 18, 2013 in support with one concern
- G. Other
  - 1. Original LUR Application
  - 2. Site History Research
  - 3. Pre Application Conference Notes
- H. Received in the Hearings Office
  - 1. Request for Reschedule – Sylvia Cate
  - 2. Request for Reschedule – Sylvia Cate
  - 3. Notice of Public Hearing – Sylvia Cate
  - 4. Staff Report – Sylvia Cate (**attached**)
  - 5. 8/6/13 Memo – Sylvia Cate (**attached**)
  - 6. 8/6/13 Memo 2 – Sylvia Cate (**attached**)
  - 7. PowerPoint Presentation – Sylvia Cate
  - 8. Record Closing Information – Hearings Office



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER**

**CASE FILE:** LU 13-146707 CP ZC  
PC # 13-104971

**REVIEW BY:** Hearings Officer

**WHEN:** August 12, 2013 at 1:30 PM

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

**BUREAU OF DEVELOPMENT SERVICES STAFF:** SYLVIA CATE / [SYLVIA.CATE@PORTLANDOREGON.GOV](mailto:SYLVIA.CATE@PORTLANDOREGON.GOV)

**GENERAL INFORMATION**

**Applicant:** Larry Hill  
Legacy Health System  
2801 N Gantenbein Ave Suite 1009  
Portland, OR 97227

**Traffic Consultant:** Julia Kuhn, Traffic Engineer  
Kittelson & Associates, Inc  
610 SW Alder St Suite 700  
Portland, OR 97205

**Representative:** Thomasina Gabriele, Land Use Consultant  
Gabriele Development Services  
2424 NW Northrup St  
Portland OR 97209

**Site Address:** Paved lot on N Kerby Avenue near N Stanton St

**Legal Description:** BLOCK 1 LOT 1-9 TL 700, ABENDS ADD  
**Tax Account No.:** R000600010  
**State ID No.:** 1N1E27AC 00700  
**Quarter Section:** 2730

**Neighborhood:** Eliot, contact Mike Warwick at 503-284-7010.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** NE Coalition of Neighborhoods, Shoshana Cohen, contact 503-388-5004.

**Existing Zoning:** IG1, General Industrial 1  
**Proposed Zoning:** IRd, Institutional Residential with Design overlay

**Case Type:** CP ZC, Comprehensive Plan Map Amendment and Zone Map Amendment  
**Procedure:** Type III, with a public hearing before the Hearings Officer. The Hearings Officer will make a recommendation to City Council, who makes the final decision in this matter.

**Proposal:** Legacy Emanuel recently purchased this parcel from the City of Portland and requests that it be rezoned to IRd, consistent with the approved Impact Mitigation Plan under which the Legacy Emanuel medical campus operates. This requested zone is also consistent with the IRd zone that covers Legacy Emanuel's medical campus. No development is proposed.

**Approval Criteria:**

In order to be approved, this proposal must comply with the criteria of Title 33, the Planning and Zoning Code. The applicable criteria are:

**33.810.050 Comprehensive Plan Map Amendments**

**33.855.050 Zoning Map Amendments**

The above criteria also include, by reference, applicable portions of the *Portland Comprehensive Plan* (goals and policies), *State Land Use Goals*, and the *Metro Urban Growth Management Functional Plan* (titles).

## **ANALYSIS**

**Site and Vicinity:** The site for this requested Comprehensive Plan Map amendment and concurrent zone change consists of one parcel approximately 29,340 square feet in area and is within the approved Impact Mitigation Boundary for the Emanuel/Legacy campus, as established by approval of an Impact Mitigation Plan via Case File 94-00855 IM. It is developed as a paved area for vehicle staging in association with the City's "Stanton Yard" maintenance complex, directly across N Kerby Avenue from the site.

The immediately surrounding area to the east consists of the rest of the Emanuel Hospital campus which is developed with hospital facilities and associated parking. Future development within the hospital campus is regulated by the approved Impact Mitigation Plan. Immediately west of the site are parcels zoned IG1, above these parcels are elevated I-5 ramps and roadways.

The site was owned by the City of Portland, but recently was sold to Emanuel with an agreement that the industrial use, i.e. storage and staging of vehicles requiring maintenance by the City would remain until December 31, 2014. Because this industrial use is prohibited in the IRd zone, Emanuel requests that the Comprehensive Plan Map Amendment and Zone Map Amendment not take effect until January 1, 2015. Further discussion regarding this delay in the effective date can be found below, in this report.

**Zoning:**

Existing Zoning: Comprehensive Plan designation of Industrial Sanctuary and the enabling zone of General Industrial 1 [IG1] zone.

Proposed Zoning: Institutional Campus Comprehensive Plan designation and the enabling zoning of IRd; Institutional Residential with Design overlay.

*The Institutional Residential [IR] Zone* is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be



located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. IR zones will be used to implement the Comprehensive Plan's Institutional Campus designation. The IR zone will be applied only when it is accompanied by the "d" Design Review overlay zone.

*The Design Overlay Zone* promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

*The General Industrial zones* are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. 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 areas. The General Industrial 1 [IG1] areas generally have smaller lots and a grid block pattern. The area is mostly developed with sites having high building coverages and with buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

**Land Use History:** The Emanuel Hospital facility has occupied the current campus location since circa 1915. City records indicate a significant number of prior land use reviews associated with the Legacy/Emanuel Campus, with the earliest land use review approving the facility as a conditional use in 1973 [Case File No. CU 078-73].

For purposes of this review, there are two land use reviews that are relevant to the current proposal:

- Case File LUR 94-00855 IMP approved the Legacy Emanuel Impact Mitigation Plan
- Case File LU 03-110857 CP ZC approved a Comprehensive Plan Map Amendment and Zone change to rezone the subject site of this review from IRd to IG1.

During the review and approval of the Emanuel IMP, the hearings officer made findings that under 33.848.050 B, *Institutional campus boundary*, the zoning code allows for an institution to draw a boundary that includes properties not currently owned, but may be acquired in the future. However, the Hearings Officer also noted in the findings that:

*The City-owned property included within the boundary is also identified as being within the IR zoned area. This is not allowable under the Code. A removal of the IR base zone designation for any property not under control of the institution should be initiated by the Bureau of Planning.*

The zoning code, at 33.848.070.B, *Institutional campus boundary*, states [emphasis added]:

*The Impact Mitigation Plan must delineate the ultimate area and boundaries of the institution's campus. The proposed boundary may include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.*

Subsequent to the hearings officer's decision, Legacy Health Systems made a request to the Bureau of Planning to correct the zoning error as identified by the IMP decision. The Bureau of Planning responded that the IRd zoning was not in error, and noted that the IRd zoning was developed during the Albina Community Plan process in the early nineties... and noted further that the Eliot Neighborhood Plan, adopted in October 1993, called for the hospital's campus expansion to move west.

Because the subject site was under the ownership of the City at that time and used as a storage and staging area for vehicles and heavy equipment requiring maintenance or repair [a prohibited use in the IRd zone], the City of Portland requested a Comprehensive Plan Map amendment and concurrent zone change to rezone the subject site back to IG1, which was approved via Case File LU 03-110897 CP ZC.

The subject site remains within the Impact Mitigation Boundary, thus now that the site is under control of Legacy/Emanuel, the medical campus will have additional land area for expansion as envisioned by the approved IMP, the Albina Community Plan and the Eliot Neighborhood Plan. Future development and uses on the site may require amendments to the existing approved IMP, or other land use reviews, depending on what is proposed.

The current proposal is to amend the Comprehensive Plan Map and rezone the site back to IRd, because the City of Portland has sold the site to Legacy/Emanuel. Through a lease agreement as part of the realty transaction, the Portland Bureau of Maintenance will continue to use the site for equipment and vehicle parking/storage until December 31, 2014. The applicant notes that by submitting the zoning proposal now, it allows Legacy to begin to plan and design future facilities with certainty so that the parcel can be developed as part of the Emanuel Campus. However, because of the short-term lease agreement with the Bureau of Maintenance, the applicant also requests that the proposed Comprehensive Plan Map amendment and concurrent zone change take effect on January 1, 2015, the day after the industrial service use by the Bureau of Maintenance vacates the premises. Because of the lease agreement, the Hearings Officer will note that a condition of approval is recommended to delay the effective date of the proposed amendment and zone change until the lease agreement expires.

**Agency Review:** A "Request for Response" was mailed July 16, 2013. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The *Bureau of Environmental Services* responded that services are available and future development is subject to the Stormwater Management Manual at time of building permit review.

The *Bureau of Transportation Engineering* responded with no objections, and provided an analysis of the request and compliance with Goal 6. Please see Exhibit E-2 for additional details.

The *Water Bureau* responded that water service is available to serve the site.

The *Police Bureau* responded that services are available to serve the site.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 18, 2013.

One written response has been received from the Eliot Neighborhood Association Land Use Committee in response to the proposal. The ENA-LUC states that they support the zone change itself as requested, but notes a concern that the applicant has included in the realty transaction a clause that will allow use of an unrelated site on the Emanuel Campus for 'emergency' vehicle storage. The letter notes that the campus is out of compliance in regard to the unrelated site, the 'Hill Block' bounded by N. Vancouver, Williams, Russell and Knott.

Staff comment: Legacy/Emanuel has applied for a design review, case file 13-118225 DZ for the "Hill Block." That case is currently on hold with a full 120-day waiver to allow Emanuel to revise the proposal. The applicant has been informed that the portion of their proposal in that application, to use the area for the City to store 'emergency' vehicles, is a prohibited Industrial Service use in the IRd zone by the Portland Zoning Code.

## 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 designations are 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 proposal is consistent with Policy 1.5, Compliance with Future Metro Planning Efforts. Because of the proposal's consistency with this Policy, the proposal, on balance, is supportive of Goal 1, **Metropolitan Coordination** of the Comprehensive Plan. A detailed analysis of the applicable policy follows, below.

*Policy 1.5. Compliance with Future Metro Planning Efforts. Review and update Portland's Comprehensive Plan to comply with the regional Framework Plan adopted by Metro.*

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.

On balance, the requested Comprehensive Plan Map Amendments will have little or no effect on the intent of these titles, or the intent of these titles will be met through compliance with other applicable City regulations.

*Title 1 Requirements for Housing and Employment Accommodation.* This title requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is generally implemented through city-wide analysis based on calculated capacities from land use designations.

Comment:

*Requested Amendment from [IS] to [IC]*

The requested amendment will not significantly change the residential development capacity of this area of the site.

The existing zoning (IG1) prohibits residential uses except in the form of a houseboat or houseboat moorage. Given the location of these parcels, with no river frontage, there is no reasonable possibility of residential uses or development on the subject parcel.

The proposed zoning, IRd, is a mixed use zone that *allows, but doesn't require* residential development on the site with specific density limits. Table 120-3 notes that maximum density for the IR zone is limited to an FAR of 2 to 1, with three footnotes further increasing or limiting maximum density. Footnote 3 notes that density may be increased if development is utilizing the regulations of Chapter 33.229, Elderly and Disabled High Density Housing; density may be increased if the site is within areas shown on Maps 120-2 through 120-28; and finally maximum density is limited to an adjacent density level of a residential zone when the IR residential development is located within 150 feet of another residential zone. The nearest residential zone to any portion of the subject parcel proposed to be rezoned is 1,180 feet away. Given that none of the foot notes apply, the potential allowed residential density would be at the FAR ratio of 2 to 1.

However, it is important to note that the subject parcel lies within an approved Impact Mitigation Boundary and is part of an approved Impact Mitigation Plan for the Emanuel campus. No residential development has been proposed as part of that approved Impact Mitigation Plan, nor is any proposed as part of this request. As noted under Land Use History of this decision, the original application of the IR zoning during the Albina Community Plan process was done because of the existing institutional campus. Thus, the proposed zoning does not result in a net loss of land available for residential development.

*Title 2 Regional Parking Policy.* This title regulates the amount of parking permitted by use for jurisdictions in the region.

Comment:

*Requested Amendment from [IS] to [IC]*

The requested amendment will not have a significant impact on the amount of parking allowed under the requested zone. Currently, the parcel is occupied by an Industrial use [parking and storage of vehicles and heavy equipment needing maintenance and repair] associated with the City of Portland's maintenance facility directly across N Kerby Avenue from the site. As part of the terms of the realty transaction between the City and Legacy/Emanuel, this Industrial use will continue until December 31, 2014; consequently the applicant requests that the proposed zone change does not become effective until January 1, 2015.

However, once the requested zone change becomes effective, the subject site will be under the control of Legacy/Emanuel and subject to the approved IMP plan for the

campus. The IMP approval does not allow new surface parking lots within 50 feet of a public street. There is no proposed future development for the site, but when development is proposed, it will be subject to the parking limitations of the Portland Zoning Code as well as the approved IMP which includes both traffic and parking related mitigation measures. This level of review is consistent with the intent of this title to encourage compact development that uses land efficiently and that promotes alternative modes of transportation.

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

*Comment:* 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. There is no proposed development associated with the zoning request.

*Title 4 Retail in Employment and Industrial Areas.* This title limits retail development within Employment and Industrial areas to those uses that are supportive of the area and do not draw from a larger market area extending beyond the Employment or Industrial area.

*Comment:* There are Retail Restrictions in Industrial and Employment Areas imposed by Title 33, Portland Zoning Code, in compliance with Title 4, which prohibits retail uses in excess of 60,000 square feet in areas shown as Industrial Areas on the Title 4 Map. The proposed IRd zone also limits retail uses in that they must be primary or accessory uses in an approved IMP, or obtain Conditional Use approval. Within the Legacy/Emanuel IMP approval, small accessory retail uses customary to hospital facilities, such as a cafe or bank branch/ATM that serve hospital employees and visitors are allowed.

The Legacy/Emanuel IMP provides for retail sales and services that are accessible to neighborhood residents as a means to promote commercial revitalization. The IMP limits the location of such retail uses to specific streets: Williams, Vancouver, and Russell. Therefore, retail uses will be limited by both the proposed IRd zone as well as the approved IMP for the Emanuel campus.

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

*Comment:* 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 Regional Accessibility.* This title recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept. This title also seeks to focus development in concentrated activity centers to encourage use of alternative modes of transportation in order to avoid unacceptable levels of congestion.

*Comment:* The site is located north of downtown Portland. The existing development on the site is a paved area/parking lot. The site is in close proximity to I-5 and is accessible from a fully developed city street grid with connections to the Interstate and to pedestrian and bike facilities in the immediate area. The proposed zoning will have no negative impact on the existing transportation facilities.

*Title 7 Affordable Housing.* This title works with Title 1 to require cities and counties to accommodate development at higher densities in locations supportive of the transit system. Title 7 identifies tools for improving the availability of sufficient housing affordable to households of all income levels.

*Comment:* The requested Comprehensive Plan Map amendment involves zones that do not require residential development. Residential development is allowed through an amendment to the existing Impact Mitigation Plan, but such development is not part of the Emanuel campus plans nor is proposed as part of this zoning request.

The proposal does not result in a net decrease of land available for residential development, nor does it have any impact on the availability of a range of affordable housing in the area.

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

*Comment:* This proposal meets this title by fulfilling the notice requirements for Type III land use reviews, as outlined in the Portland Zoning Code section 33.810, Comprehensive Plan Map Amendments. Specifically, in addition to notifying the affected neighborhood associations, district coalition and property owners within a 400-foot radius of the site, the City has mailed a notice of the proposal to Metro and to the Department of Land Conservation and Development.

*Title 9 Performance Measures.* This title establishes performance measures designed to monitor progress in implementation of the functional plan.

*Comment:* The performance measures established by this title are not applicable to the requested Comprehensive Plan Map amendments.

*Title 10 Functional Plan Definitions.* This title defines language used in the functional plan.

*Comment:* The functional plan definitions are not applicable to the requested Comprehensive Plan Map amendments.

*Title 11 Urban Growth Boundary Amendment Urban Reserve Plan Requirements.* This title requires all territory added to the Urban Growth Boundary to be included within a city or county's comprehensive plan prior to urbanization.

*Comment:* The proposal does not add territory to the Urban Growth Boundary; therefore, this title is not applicable.

- **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 2.11, *Commercial Centers*, Policy 2.14, *Industrial Sanctuaries*, Policy 2.19, *Infill and Redevelopment*, Policy 2.26, *Albina Community Plan*.

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.*

*Comment:* The requested Comprehensive Plan Map amendment involves zones that do not require residential development. Residential development can be allowed through an amendment of the prior approved Impact Mitigation Plan for the Emanuel Hospital Campus, but it is important to note that such development is not currently part of the approved IMP, nor is such development proposed as part of this zoning request. The potential for residential development is limited in this case by an FAR of 2 to 1 in the IRd zone. Thus the proposal does not prohibit future residential development and does not result in a net decrease in land available for residential development, nor does it have any impact on the availability of a range of affordable housing in the area.

*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.*

*Comment:* As stated above, the proposed amendment neither increases nor decreases the land available for residential development. The proposal does not affect the range of living environments available in Portland. The proposed zone change would be consistent with the existing approved Legacy/Emanuel IMP, which is more appropriate than the IG1 zoning that currently exists. The proposed change will also provide additional land area in the Emanuel campus that is currently vacant and has development potential for uses allowed in the IRd zone and under the existing IMP, thus providing a potential increase in future employment opportunities.

*Policy 2.11 Commercial Centers. Expand the role of major established commercial centers which are well served by transit.*

*Comment:* The proposed zone change to IRd allows the subject site to once again be a viable property within the approved IMP for the Legacy/Emanuel campus. Located near downtown, the campus is an established medical center which includes hospital services, medical offices, health education and health services. Although not a commercial center per se, the campus provides a significant activity and business node that is governed by an approved IMP that will allow the medical activities to grow and expand within the approved IMP boundary, while applying identified mitigation measures to ensure continued compatibility with the immediately surrounding neighborhood adjacent to the IMP boundary. The applicant notes that the IMP was developed in conjunction with the Albina Community Plan which in turn increased the zoning of lands near the campus to allow for medium and high density multi dwelling development and uses.

*Policy 2.14. Industrial Sanctuary. Provide industrial sanctuaries. Encourage the growth of industrial activities in the city by preserving industrial land primarily for manufacturing purposes.*

*Comment:* The proposed Comprehensive Plan Map amendment from Industrial Sanctuary and Zoning Map amendment from IG1 to Institutional Campus and IRd will remove approximately 29,340 square feet from the industrial sanctuary. However, this

parcel was previously designated as Institutional Campus [IC] when the Emanuel IMP was approved in 1995. Subsequent to that action, the previous owner and Legacy requested the parcel be rezoned back to IG1 in 2003 to be consistent with the ownership by the City of Portland Maintenance Bureau and the current use of parking and storage of vehicles and equipment for repair and maintenance. This type of industrial use is prohibited in the IRd zone. The City has since sold this property to Legacy, and thus the request to rezone the land back to IRd. The subject site is limited in size, surrounded on three sides by IC/IRd zoned land and is located within the Impact Mitigation Plan boundary and campus of Legacy/Emanuel. Given the relatively small size, ownership and location of the site significantly impinges on the viability of this parcel for industrial uses or development.

*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.*

*Comment:* The subject parcel will complete the western edge of the Emanuel campus along N. Kerby and provides land to infill with hospital related development as governed by the approved IMP. Expansion of hospital and health services will respond to the growing demand for health services. Future development will also provide employment opportunities.

*Policy 2.26. Albina Community Plan. Promote the economic vitality, historic character and livability of inner north and inner northeast Portland by including the Albina Community Plan as a part of this Comprehensive Plan.*

*Comment:* The proposed Comprehensive Plan Map and Zoning Map amendments will result in the appropriate zoning for the site and once again will be included within the approved Impact Mitigation Plan for Emanuel Hospital. Although there is no development proposed at this time, the result of the proposed change in zoning will provide additional site area for the Legacy/Emanuel campus to expand and provide additional health care services for the neighborhood residents as well as the Portland region in an efficient manner.

The approved IMP includes design guidelines and specific mitigation measures to ensure that all future development is attractive and occurs when appropriate mitigation can be implemented in tandem with new construction. The requested change in zoning will have no impact on the land use pattern in the area that affects dependence on single occupancy vehicle trips. The Emanuel campus is well served by transit, transportation routes and a pedestrian network of sidewalks. Bicycle facilities in the immediate area are being developed or improved. The approved IMP includes a robust Transportation Demand Management Plan [TDM] that includes transit pass subsidies, bike facilities and carpool programs for employees. With approval of the proposed zone change, the site will be subject to the requirements and limitations of the approved IMP for the campus.

Specific applicable Policies within the Albina Community Plan are discussed in more detail below.

**Albina Community Plan**  
***Policy Area I: Land Use***  
***Policy A: Land Use***



*Encourage residential, recreational, economic and institutional developments that reinforce Plan Area neighborhoods; increase the attractiveness of Albina to residents, institutions, businesses and visitors; and create a land use pattern that will reduce dependence on the automobile.*

*Comment:* The proposal is for a comprehensive plan map amendment and zone change from industrial to institutional. There is no development proposed as part of this application. However, the proposal will result in the site re-integrating into the Legacy/Emanuel campus with the appropriate zone consistent with the approved IMP for the campus. Future development will provide expanded medical services as well as an expanded job base, increasing the attractiveness of Albina as a viable residential and economic neighborhood.

***Policy Area III: Business Growth and Development***

***Policy B: Commercial, Institutional and Employment Centers***

*Recruit, retain, and encourage expansion of economic activities and institutions which enhance neighborhood livability. Conserve community assets and resources. Use public programs and resources to encourage more efficient design and utilization in the Albina Community's commercial, institutional and industrial centers.*

*Comment:* The proposal is a benefit for both neighborhood livability and for institutional centers. The neighborhood, the hospital, and the industrial district will get a clearer demarcation between the hospital and the industrial area of Lower Albina. This proposal reunites the site within the campus of Legacy/Emanuel, making it available for future expansion of medical and health care services within the campus. This in turn brings additional surety within the Lower Albina district and makes this area more viable for development of compatible activities in proximity of the campus. This proposal, initiated by Legacy Emanuel, helps the institution by appropriately rezoning the site within the approved IMP boundary and enabling a realty transaction between the City and Legacy, thereby further conserving a valuable community institutional center.

▪ **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, and Policy 3.6, Neighborhood Plan. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 3, **Neighborhoods**, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

*Policy 3.5 Neighborhood Involvement. Provide for the involvement of neighborhood residents and businesses in decisions affecting their neighborhood.*

*Comment:* The site lies within the Eliot Neighborhood. The Neighborhood Association has been provided with several opportunities to be involved in this amendment request. The affected neighborhood association was notified of the Pre-Application Conference held on February 13, 2013 at which the applicants' proposal was discussed among the involved City bureaus. The applicant notes that following the communication guidelines contained in the approved IMP, Legacy sent advance notice via email on December 26, 2012 to the Eliot and Boise Land Use Committees as well

as the North/Northeast Neighborhood Business Association that Legacy/Emanuel was moving forward with the application with a Pre Application Conference and subsequent submittal.

The President of the Emanuel campus and Legacy Emanuel's Neighborhood liaison met with the Eliot Neighborhood Association's Land Use Committee to discuss the overall vision for the campus and the rezoning of the subject site. The City has prepared and mailed notices to the public regarding the Pre-Application Conference and the public hearing before the City's Hearings Officer for the rezoning request. Neighbors have opportunities to comment during the land use review process, and the public hearings before the Hearings Officer and City Council as part of the process for this proposal. The site has been posted with required notice since July 10, 2013 with information and the time certain for the scheduled public hearing before the Hearings Officer on August 12, 2013. As of the publication date of the Staff report one email was received, from the Eliot Neighborhood Land Use chair, stating no opposition to the proposal. A more detailed discussion of the letter is found above, in this report, under "Neighborhood Review."

*Policy 3.6 Neighborhood Plan. Maintain and enforce neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council.*

*Comment:* The site area for the proposal falls within the boundaries of the Eliot Neighborhood. This neighborhood has an adopted Neighborhood Plan, which includes narrative noting that:

*Legacy Emanuel Hospital and Health Center is "an important and recognizable feature of the Eliot Neighborhood." According to the Eliot Neighborhood Plan's vision, "The Emanuel Campus forms an effective buffer between the industrial uses in the Lower Albina District and the residential areas east of the Williams/Vancouver District." Imagining the future, the vision predicts hospital expansion to the west, toward the freeway. The proposal does not include hospital expansion, but it maintains the campus as a buffer zone between the industrial areas to the west and the neighborhoods to the east, and follows the outline described in the plan.*

Specific applicable Policies are discussed below, in further detail.

***Albina Community Plan Policy C: Community Services and Institutions***

*Recognize that businesses and institutions are key participants in community affairs with the Neighborhood. Ensure that they are informed of opportunities to be actively involved in setting neighborhood priorities. Recognize that these businesses and institutions make significant contributions to the neighborhood's livability.*

*Comment:* Legacy Emanuel established a program of community involvement as part of its Impact Mitigation Plan in 1995. This proposal is in line with that plan and does not make any substantial land use changes that will impact the surrounding neighborhood. Emanuel has discussed these plans with the Eliot Neighborhood Association and received feedback from them on this proposal, to which the land use committee had no immediate objections. As described earlier, the proposal proposes to rezone an industrially-zoned parcel within the Lower Albina district and within the Emanuel IMP boundary, which will make the site viable for the Emanuel campus to expand medical and health care services. The proposal will help the institution by

restoring the western edge of the campus to all IRd zoning, and brings surety as to what can be developed on the site that is consistent with the approved IMP.

***Albina Community Plan Policy 14: Emanuel Hospital and Health Center Campus***

*Support the growth of the Emanuel Hospital and Health Center Campus as a major medical center in Portland and a major employer in the Eliot Neighborhood.*

*Comment:* The proposal does not change land uses in a way that will alter the development potential of the Emanuel campus. Legacy Emanuel's Impact Mitigation Plan continues to be the template for the growth of the institution. The proposal is in support of the approved IMP and will rezone the parcel to the appropriate zoning within the IMP boundary.

- **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 4.8, 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 4.8, 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.*

*Comment:* There will be no loss of long term potential housing units. The existing IG1 zone does not allow residential development, the proposed IRd zone *allows, but doesn't require* the development of housing. The applicant notes that in conjunction with the Albina Plan, lands nearby the Emanuel campus were rezoned for high density housing so that the campus could develop and expand within the IMP boundary with no net housing loss.

- **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, and Policy 5.2 Community Based Economic Development. 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.*

*Comment:* Less than one acre of land will be converted from an industrial plan designation to institutional as a result of this proposal. Each designation encourages employment opportunities within the city, though any change to such a small amount of land will have a negligible effect on job creation. The change will increase the supply of IRd zoned land within the approved IMP boundary for the Emanuel campus, but the

size of the change is unlikely to have a significant effect on the overall inventory of industrially zoned lands.

*Policy 5.3 Community Based Economic Development. Support community-based economic development initiatives consistent with the Comprehensive Plan and compatible with neighborhood livability.*

*Comment:* The proposed zoning will allow further development of a major employer consistent with the vision in the Eliot Neighborhood Plan and the Albina Community Plan. Future development on the subject site and within the IMP boundary is governed by the approved IMP for the Legacy/Emanuel campus, which includes mitigation measures to ensure neighborhood compatibility.

- **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. The following analysis is excerpted from PBOT's formal response, contained in the record at Exhibit E-2:

Portland Transportation reviewed the proposal and found it to be consistent with the policies of Goal 6. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 6, **Transportation**, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

Portland Transportation reviewed the amendment request for conformance with the applicable Comprehensive Plan policies, and more specifically, for the potential impacts on the public right-of-way, traffic and transportation services. Portland Transportation also reviewed the proposal for conformance with street designations and Title 17. Portland Transportation provides the following assessment of the proposal:

#### **Conformance with Transportation Policies**

Comprehensive Plan Map Amendments must be reviewed against applicable Transportation Policies in the Transportation System Plan. The application was submitted after December 14, 2002, however, the applicant submitted a narrative addressing the policies of the Transportation Element of the Comprehensive Plan in place prior to December 14, 2002. On December 14, 2002, these policies were superseded by policies in the newly adopted Transportation System Plan (TSP). The narrative appears to provide the information necessary to show that the application complies with the policies of the TSP.

#### **Policies 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, and 6.11      Classification Descriptions**

N Kerby Avenue is classified in the Transportation System Plan as a Neighborhood Collector Street for Traffic, a Minor Truck Street, and a Local Service Street for all other modes. N Kerby is also located within the Eliot Pedestrian District. N Stanton and N Graham are both designated as Local Service Streets for all modes. The designation of N Kerby as a Minor Truck Street is consistent with the existing industrial comprehensive plan and zoning designations to the lands along the west side of N Kerby; it will not be impacted by the proposed institutional comprehensive plan designation and requested IRd zoning.

#### **Policy 6.18 Adequacy of Transportation Facilities**

**Comment:** Key intersections in the area include N Kerby/N Russell and N Cook/I-405 off-ramp. Both of these intersections are unsignalized. To meet the City of Portland's standards for adequacy of services for a Comprehensive Plan Amendment, unsignalized intersections must be shown to operate at a level of service of E or better within a 20 year time horizon. The zoning map approval criteria states that services are deemed adequate if the development proposed is mitigated through an approved impact mitigation plan.

#### **Policy 6.20 Connectivity**

**Comment:** Except for the Emmanuel Hospital site, existing streets are connected in a grid pattern. This is consistent with the intent of the policy.

#### **Policy 6.22 Pedestrian Transportation**

**Comment:** Existing sidewalks on N Kerby conform with the guidelines in the Portland Pedestrian Design Guide for Pedestrian Districts, meeting the intent of this policy.

#### **Policy 6.23 Bicycle Transportation**

**Comment:** Streets surrounding the site are designated as Local Service Streets for bicycle travel. The width and design of the existing streets is appropriate for this designation.

#### **Policies 6.25, 6.26 and 6.27 On and Off-Street Parking Management**

**Comment:** Approval of the proposed changes will allow continued operation of the City of Portland Bureau of General Services parking lot as a conforming use until January 1, 2015, which is the date the applicant requests that the IRd zoning becomes effective.

#### **Policy 6.28 Travel Management**

**Comment:** The property that is subject to this amendment is owned by Legacy Health System and will be leased back to the City of Portland until December 31, 2014. Both of these institutions have well developed and long-standing Transportation Demand Management policies and programs that meet the intent of this policy.

#### **Policy 6.30 Truck Movement**

**Comment:** N Kerby is designated as a Minor Truck Street, a street designation compatible with the proposed Institutional Campus designation.

#### **Policy 6.35 Northeast Transportation District**

**Comment:** None of the specific objectives of the Northeast Transportation District policy appear to be applicable to this specific request.

PBOT Summary: Based on this analysis and recommendation, the proposed amendments are supportive of Goal 6. Portland Transportation recommends approval of the Comprehensive Plan Map and Zoning Map amendments.

- **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 amendment and zone change has no consequences related to energy use or conservation. Future development will be required to comply with all applicable codes, which includes a number of requirements for energy efficiency in new construction. No development is proposed at this time. Therefore, this Goal is not applicable to this request.

- **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 subject parcels, nor are there any such resources in proximity to the subject parcels. Any future development that might occur on the site would be subject to the city's noise regulations that protect neighborhoods from detrimental noise levels. Therefore 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.*

*Comment:* The land use review process requires citizen involvement through mailed requests for responses, posting of the site, mailed notifications of public hearing, and public hearings before the Hearings Officer and City Council. Citizen involvement efforts related to this case are detailed in response to Policy 3.5.

- **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, 10.7, 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.*

(13) Institutional Campus

*This designation is intended for large institutional campuses that serve a population from a larger area than the neighborhood or neighborhoods in which the campus is located. Institutions eligible for the institutional campus designation include medical centers, colleges, schools and universities. Uses allowed within an area with the institutional campus designation are those that are part of the institution, accessory to the institution and/or are associated with the mission of the campus. The designation, in concert with an approved impact mitigation plan, is intended to foster the growth of the institution while ensuring the continued livability of surrounding residential neighborhoods and the viability of nearby business areas. A key aspect of the institutional campus designation is the establishment of a campus growth boundary as part of the impact mitigation plan. The area carrying an institutional campus designation reflects the maximum area that the institution is allowed to develop on under the City's Comprehensive Plan. ... The corresponding zone is IR (Institutional Residential).*

*Comment: The site meets the Institutional Campus definition. The site is located within the approved Emanuel IMP boundary, and will provide additional land area within the approved boundary for expansion of the Emanuel medical center and health services campus as governed by the approved IMP. The site is now owned by the applicant.*

*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.*

*Comment: The proposed Comprehensive Plan Map amendment from Industrial Sanctuary to Institutional Campus is combined with a Zoning Map amendment request to place the corresponding zone of IRd 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 Comprehensive Plan has established a pattern of Industrial and Institutional Campus designations surrounding the site area. The proposed designation of Institutional Campus (with IRd1 zoning) is consistent with the adjacent properties, all of which have the Institutional Campus Comprehensive Plan Map designation. The proposed designation creates a new pattern in the area, although a relatively modest change, that will allow the subject site to rejoin the Emanuel campus, with future development governed by the approved IMP.

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.

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

The subject site is located within the boundaries of the Eliot Neighborhood Plan, and the Albina Community Plan, both adopted by City Council. A discussion of how the requested amendments are consistent with the relevant policies of these plans is detailed earlier in this recommendation in response to Policy 3.9. The Transportation Element of the Comprehensive Plan is discussed in response to Goal 6, above.

- **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-1 through E-5. 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 11.2 Orderly Land Development. Urban development should occur only where urban public facilities and services exist or can be reasonably made available.*



Comment:

Requested Amendment from IG1 (IS) to IRd (IC): The proposed change in zoning from Industrial to Institutional Campus is consistent with this goal, as services are available, or will be made available at time of building permits for new development when it occurs in the future. In addition, it will place IRd zoning on a parcel within the approved IMP boundary of the Legacy/Emanuel campus, and future development will be subject to compliance with the approved IMP plan.

- **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 is consistent with Goal 12, which is intended to enhance Portland's identity as a livable city with attractive amenities creating an urban dynamic through quality projects. Because of the proposal's consistency with these Policies, the proposal, on balance, is supportive of Goal 12, **Urban Design** of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

*Policy 12.2 Enhancing Variety. Promote the development of areas of special identity and urban character. Portland is a city built from the aggregation of formerly independent settlements. The City's residential, commercial and industrial areas should have attractive identities that enhance the urbanity of the City.*

Comment:

The intent of the proposal is to amend existing zoning on the site to IRd now that Legacy/Emanuel have ownership. The site will be subject to the approved Emanuel IMP for future development. The proposal would result in a more logical and stronger demarcation of both the industrial area and the identity of the overall Emanuel Campus. Both the industrial area and the hospital are significant employment centers in this area, and are both areas with special identity and character.

*Policy 12.4 Provide for Pedestrians. Portland is experienced most intimately by pedestrians. Recognize that auto, transit and bicycle users are pedestrians at either end of every trip and that Portland's citizens and visitors experience the City as pedestrians. Provide for a pleasant, rich and diverse experience for pedestrians. Ensure that those traveling on foot have comfortable, safe and attractive pathways that connect Portland's neighborhoods, parks, water features, transit facilities, commercial districts, employment centers and attractions.*

Comment: The site is located on the western edge of the Legacy/Emanuel Campus and is across N. Kerby from an existing industrial area. This general area is only several hundred feet from a major interstate freeway. North Kerby Avenue has sidewalks on both sides of the street including along the frontage of the subject site. The approved Emanuel IMP includes a number of requirements and conditions pertaining to pedestrian connections through out the campus as well as requirements when new development is proposed. This zoning request will maintain existing pedestrian connections in their current form. In this way the quality of the pedestrian environment is maintained.

*Policy 12.6 Preserve Neighborhoods. Preserve and support the qualities of individual neighborhoods that help to make them attractive places. Encourage neighborhoods to express their design values in neighborhood and community planning projects. Seek*

*ways to respect and strengthen neighborhood values in new development projects that implement this Comprehensive Plan.*

*Comment:* Part of the definable quality of this part of the Eliot neighborhood is the industrial character of Lower Albina. The change in comprehensive plan map designation for the site will strengthen the character of both the Industrial and Institutional zoning by making the boundary between institutional uses and industrial uses more logical, and completing the western edge of the existing campus. No new development is proposed as part of this application, but any future development will be subject to the approved Emanuel IMP.

*12.7 Design Quality. Enhance Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. Encourage the design of the built environment to meet standards of excellence while fostering the creativity of architects and designers. Establish design review in areas that are important to Portland's identity, setting, history and to the enhancement of its character.*

*Comment:* The IRd zoning requested will be consistent with the approved Emanuel IMP. Any future development on this parcel will require a Design Review process using the Design Review standards and guidelines established within the approved IMP.

2. When the requested amendment is from a residential designation to a commercial, employment or industrial designation, or from the urban commercial designation to another commercial, employment, or industrial designation, or to IR Institutional Residential from another residential or the mixed commercial zone, the requested designation will not result in a net loss of potential housing units.

**Findings:** The requested amendments do not involve a change from a residential designation to a commercial, employment or industrial designation, or from the urban commercial designation to another commercial, employment, or industrial designation, or to IR Institutional Residential from another residential or the mixed commercial zone. Therefore, this criterion is not applicable.

### **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:** The proposed Comprehensive Plan Map amendment from Industrial Sanctuary to Institutional Campus involves only one corresponding zone: Institutional Residential [IR]. This criterion is not applicable.

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.

**Findings:** The site area is currently zoned IG1, with an Industrial Sanctuary designation, but with no Buffer overlay. Therefore, this criterion is not applicable.

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.
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.
  - 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.
  - 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:** While the criteria of B.2.a, b, and c are not applicable because B.3 is in this instance, adequacy of services has been documented by the applicant and the responses from the city service agencies, as well as documented within the approved IMP.

The subject site is being rezoned to IR, Institutional Residential. Please see the findings below.

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 subject site was included within the approved Emanuel IMP boundary and IMP approval in 1994. In 2003, the subject site was rezoned to IG1 via case file

03-110857 CP ZC, and the site complied with 33.855.050.B.1 – 2. Now, the subject site is proposed to be rezoned to IRd and will be subject to the approved Impact Mitigation Plan that governs the Emanuel Campus. This criterion is met.

- 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, Legacy Emanuel, has purchased the subject site from the City of Portland. As part of the realty transaction, Emanuel has leased the site to the City of Portland Bureau of Maintenance to use the property for the storage and parking of vehicles and heavy equipment requiring maintenance or repair. This lease to the City for an Industrial Service use expires on December 31, 2014. As noted earlier in this report, because of this lease agreement, the applicant requests that the Comprehensive Plan amendment and associated zoning change become effective on January 1, 2015.

## PLANS AND POLICIES

The following area plans are applicable to this proposal:

*The Metro Urban Growth Management Functional Plan* is applicable, and is discussed earlier in this recommendation in response to Comprehensive Plan Goal 1, Metropolitan Coordination.

The site falls within the boundaries of the *Eliot Neighborhood Plan*, and the *Albina Community Plan*. Both of these plans are discussed in detail earlier in this recommendation in response to Comprehensive Plan Goal 3, Neighborhoods.

The *Transportation Element of the Comprehensive Plan* is discussed earlier in this recommendation in response to Comprehensive Plan Goal 6, Transportation.

## 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

Legacy Emanuel recently purchased this parcel from the City of Portland and requests that it be rezoned to IRd, consistent with the approved Impact Mitigation Plan under which the Legacy Emanuel medical campus operates. This requested zone is also consistent with the IRd zone that covers Legacy Emanuel's medical campus. No development is proposed. All applicable approval criteria are met, and on balance, all of the Comprehensive Plan Goals and Policies are met. Because of a lease agreement between the former owner, City of Portland Bureau of Maintenance and Legacy Emanuel that allows BOM to use the site for storage and parking of vehicles and equipment needing repair until December 31, 2014, the applicant requests a condition of approval that the requested amendment of the Comprehensive Plan and associated Zone Map Amendment to take effect on January 1, 2015.

## **TENTATIVE STAFF RECOMMENDATION**

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

**Approval** of a Comprehensive Plan Map Amendment to change the designation of the site from Industrial Sanctuary (IS) to Institutional Campus (IC); and

**Approval** of a Zoning Map Amendment to change the zoning on the site from General Industrial 1 zone (IG1) to Institutional Residential with a Design Overlay zone (IRd).

- A. As part of the building permit application submittal, the following development-related conditions (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 13-146707 CP ZC ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Because a lease agreement between the City of Portland and Legacy Emanuel will allow an Industrial Service use to continue on the site until December 31, 2014, the Comprehensive Plan Map Amendment and concurrent Zone Map Amendment will become effective on January 1, 2015.

**Procedural Information.** The application for this land use review was submitted on May 2, 2013, and was determined to be complete on May 22, 2013.

*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 May 2, 2013.

**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.** This report is a recommendation by the Bureau of Development Services to the Land Use Hearings Officer. The Land Use Hearings Office may adopt, modify, or reject this recommendation. The Hearings Officer will make a recommendation to the City Council

within 17 days of the close of the record. 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.

You may review the file on this case at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Your comments to the Hearings Office should be mailed c/o Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100 Portland, OR 97201 or FAX your comments to (503) 823-4347.

**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. 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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call 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.

- *Unless appealed,* The final decision may be recorded on or after the day following the last day to appeal.
- 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.

If the Zone change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

**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: Sylvia Cate

Date: August 2, 2013

**EXHIBITS**

**NOT ATTACHED UNLESS INDICATED**




- A. Applicant's Statement:
  - 1. Application Narrative
  - 2. Transportation Memo: Kittelson & Associates
- B. Zoning Maps (attached):
  - 1. Existing Zoning
  - 2. Proposed Zoning
- 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
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Police Bureau
  - 6. Site Development Review Section of Bureau of Development Services
  - 7. Bureau of Parks, Forestry Division
- F. Letters:
  - 1. Eliot Neighborhood Association Land Use Committee, M. Warwick, July 18, 2013 in support with one concern
- G. Other:
  - 1. Original LUR Application
  - 2. Site History Research
  - 3. Pre Application Conference Notes

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

ZONING  
EXISTING



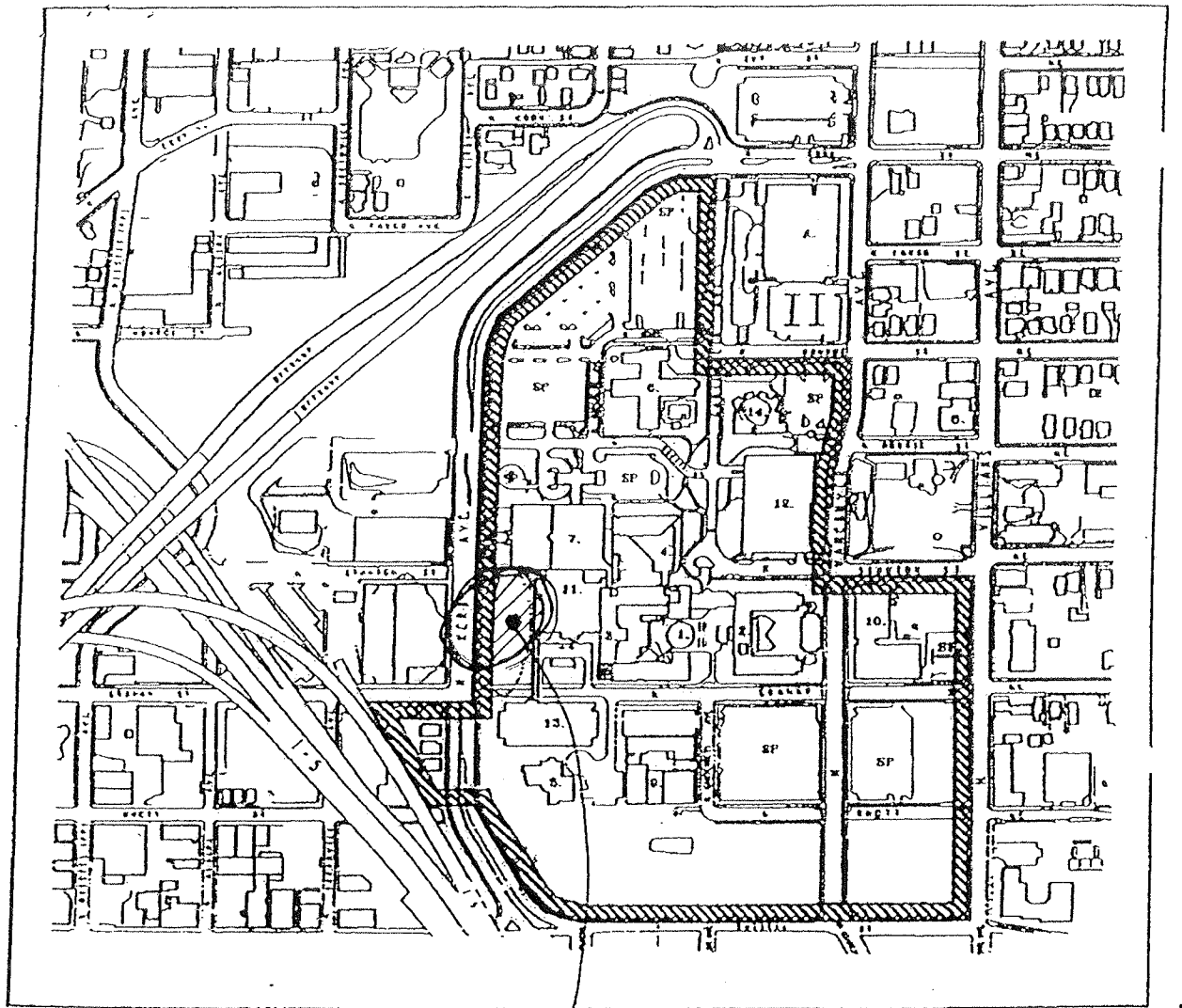
NORTH

-  Site  
 Also Owned  
 Historic Landmark

File No. LU 13-146707 CP,ZC  
1/4 Section 2730  
Scale 1 inch = 400 feet  
State\_Id 1N1E27AC 700  
Exhibit B (May 06,2013)



Exhibit B (May 06, 2013)



SITE PLAN

SITE FOR CP ZC

Emanuel Campus Boundary

EXHIBIT C-1



**City of Portland, Oregon**  
**Bureau of Development Services**

**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
www.portlandoregon.gov/bds

**MEMO**

**Date:** August 6, 2013  
**To:** Gregory Frank, Hearings Officer  
**From:** Sylvia Cate, Senior Planner, Bureau of Development Services  
Phone number 503 823 7771  
**Re:** LU 13-146707 CP ZC

This Memo serves to update and correct the Staff Report and Recommendation to the Hearings Officer in the above referenced land use application.

There are two corrections, a scrivener's error, and an omissions this memo seeks to correct.

- The first is found on page 7, within the 'comments' below Title 4. The first sentence needs to be corrected.

The published Staff Report reads:

*Comment:* There are Retail Restrictions in Industrial and Employment Areas imposed by Title 33, Portland Zoning Code, in compliance with Title 4, which prohibits retail uses in excess of 60,000 square feet in areas shown as Industrial Areas on the Title 4 Map.

The Staff Report should be corrected to read:

*Comment:* There are Retail Restrictions in Industrial and Employment Areas imposed by Title 33, Portland Zoning Code, in compliance with Title 4, which prohibits retail uses in excess of **20,000** square feet in areas shown as Industrial Areas on the Title 4 Map.

- In addition, the Staff Report inadvertently did not include the following criterion and associated findings, which follow:

**ADDENDUM TO STAFF REPORT**

**Criterion 33.810.050.A.3.**

3. When the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation, in order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must also be met:
  - a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;
  - b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;

CITY OF PORTLAND  
HEARINGS OFFICE  
Exhibit #H-5  
Case # 4130017  
Bureau Case # 13-146707 CP ZC

- c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;
- d. The site does not have direct access to special industrial services such as multimodal freight movement facilities;
- e. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;
- f. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and
- g. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:
  - (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
  - (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;
  - (3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
  - (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;
  - (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

**Findings:** The subject site is not designated by Metro as Regionally Significant Industrial Land [RSIL]. The subject site is 29,340 square feet, less than one acre in size. The site was originally included and reviewed as part of the Emanuel IMP, and as such services are available. There are no transportation concerns or issues per PBOT review and response. The zoning pattern will be more consistent as a result of the proposal, with N Kerby separating the Industrial area and Industrial zoned lands from the Legacy Emanuel Campus.

cc: Hearings Officer  
Case File LU 13-146707 CP ZC  
Tom Armstrong, Bureau of Planning and Sustainability  
Ted Reid, Metro

Attn: Email from Ted Reid, Metro



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
www.portlandoregon.gov/bds

**MEMO 2**

AUG 06 2013

**Date:** August 6, 2013  
**To:** Gregory Frank, Hearings Officer  
**From:** Sylvia Cate, Senior Planner, Bureau of Development Services  
Phone number 503 823 7771  
**Re:** LU 13-146707 CP ZC

HEARINGS OFFICE

This Memo serves to update and **further correct** the Staff Report and Recommendation to the Hearings Officer in the above referenced land use application.

In response to an additional email from Metro, City staff offers the following additional commentary under Metro's Title 4 of the Functional Plan. The comments begin on page 7 of the published Staff Report and Recommendation to the Hearings Officer.

***Title 4 - Industrial and Other Employment Areas***

This Title limits type and density of uses in areas on the 2040 Growth Concept Map designated as Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas.

*Comment:* There are Retail Restrictions in Industrial and Employment Areas imposed by Title 33, Portland Zoning Code, in compliance with Title 4, which prohibit retail uses in excess of 20,000 square feet in areas shown as Industrial Areas on the Title 4 Map. The proposed IRd zone also limits retail uses in that they must be primary or accessory uses in an approved IMP, or obtain Conditional Use approval. Within the Legacy/Emanuel IMP approval, small accessory retail uses customary to hospital facilities, such as a cafe or bank branch/ATM that serve hospital employees and visitors are allowed.

The Legacy/Emanuel IMP provides for retail sales and services that are accessible to neighborhood residents as a means to promote commercial revitalization. The IMP limits the location of such retail uses to specific streets: Williams, Vancouver, and Russell. Therefore, retail uses will be limited by both the proposed IRd zone as well as the approved IMP for the Emanuel campus.

After publication of the Staff Report and Recommendation to the Hearings Officer, Metro noted that addressing criterion 33.810.050.A.3. is insufficient in addressing all of the applicable components of Title 4. Metro staff noted in the attached email that the request for IRd zoning does not comply with the Title 4 Industrial designation, and therefore the proposal requires additional findings as follows:

They are as follows (from Metro Code 3.07.450 C):

*"A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:*

1. *The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;*

CITY OF PORTLAND  
HEARINGS OFFICE  
Exhibit #H-6  
Case # 4130017

2. *The amendment will not reduce the employment capacity of the city or county;*
  3. *If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;*
  4. *The amendment would not allow uses that would reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the Regional Transportation Plan below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;*
  5. *The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and*
  6. *If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less."*
- (1) The subject site is not surrounded by land designated on Metro's Industrial Areas map as Industrial. The Hearings Officer will note that the site is within the approved Emanuel IMP boundary, and is surrounded on three sides with abutting parcels also within the IMP boundary, and all zoned IRd. All of the nearby lands zoned Industrial are along the west side of N Kerby. The subject site has frontage along the east side of N Kerby.
  - (2) The proposal will not reduce employment capacity because the site will once again be governed by the approved Emanuel Impact Mitigation Plan and thus be eligible for redevelopment and expansion of the Legacy Emmanuel Medical Campus. The amendment will not reduce employment capacity and in fact will most likely increase employment capacity due to the requested zone of IRd which will allow uses related to Emanuel Hospital.
  - (3) The subject site is not mapped as a Regionally Significant Industrial Area.
  - (4) The amendment will allow uses as approved through the Emanuel Impact Mitigation Plan, which addresses all transportation impacts. The site has no frontage on any designated Freight Route. The nearest such designated route is Interstate-5 Highway.
  - (5) The amendment will not reduce the significance of the Central City or any Regional or Town Centers. The Emanuel medical center has occupied this campus since 1915 and is a recognized and significant institution within the Eliot Neighborhood and is included in the adopted Eliot Neighborhood Plan.
  - (6) The site is not mapped as a Regionally Significant Industrial Area.

cc: Hearings Officer  
Case File LU 13-146707 CP ZC  
Tom Armstrong, Bureau of Planning and Sustainability  
Ted Reid, Metro

Attn: Second Email from Ted Reid, Metro

**Cate, Sylvia**

**From:** Ted Reid [Ted.Reid@oregonmetro.gov]

**Sent:** Monday, August 05, 2013 4:53 PM

**To:** Cate, Sylvia

**Cc:** Armstrong, Tom; Roger Alfred

**Subject:** Legacy Emanuel property in Title 4 Industrial Area (local file number LU 13-146707 CP ZC)

Hello Sylvia,

I got a notice for proposed comprehensive plan map and zoning map changes for a property on the western edge of the Legacy Emanuel campus and wanted to alert you to some applicable regional regulations. Feel free to contact me if you have any questions about this.

The subject property is designated as an Industrial Area under Title 4 of the Urban Growth Management Functional Plan. The City's staff report mentions Title 4, but mistakenly refers to a 60,000 square foot limit on retail commercial uses. That is the limitation for Title 4 Employment Areas. Title 4 Industrial Areas have a stricter standard that is specified in Metro Code Section 3.07.430 A:

*"Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project..."*

Because the proposed zoning and comprehensive plan designations do not appear to comply with the Title 4 Industrial designation, we will need the City to demonstrate that several criteria are met in order for us to remove the Title 4 designation from the property. Metro Code 3.07.450 C lays out those criteria. You can find the Functional Plan here: [http://library.oregonmetro.gov/files/03.07\\_maps\\_-\\_title\\_4\\_updated\\_6\\_14\\_eff\\_011812.final.pdf](http://library.oregonmetro.gov/files/03.07_maps_-_title_4_updated_6_14_eff_011812.final.pdf)

Please also note 3.07.450 E, which describes how the city should request a Title 4 Map amendment.

Thank you,

Ted

Ted Reid  
Senior Regional Planner  
Metro  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1768  
ted.reid@oregonmetro.gov  
www.oregonmetro.gov

Metro | Making a great place

Cate, Sylvia

**From:** Ted Reid [Ted.Reid@oregonmetro.gov]  
**Sent:** Tuesday, August 06, 2013 10:48 AM  
**To:** Cate, Sylvia  
**Cc:** Armstrong, Tom; Roger Alfred  
**Subject:** RE: Addendum to Staff Report LU 13-146707 CP ZC

Hi Sylvia,

Thanks for following up. There are still some Title 4 map amendment criteria that the City will need to address since the City's proposed IG zone does not comply with the Title 4 Industrial designation. They are as follows (from Metro Code 3.07.450 C):

*"A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:*

- 1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;*
- 2. The amendment will not reduce the employment capacity of the city or county;*
- 3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;*
- 4. The amendment would not allow uses that would reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the Regional Transportation Plan below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;*
- 5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and*
- 6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less."*

Again, feel free to contact me with any questions.

Thanks,  
Ted

Ted Reid  
Senior Regional Planner

8/6/2013



Metro  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1768  
ted.reid@oregonmetro.gov  
www.oregonmetro.gov

Metro | Making a great place

---

**From:** Cate, Sylvia [mailto:Sylvia.Cate@portlandoregon.gov]  
**Sent:** Tuesday, August 06, 2013 10:31 AM  
**To:** Ted Reid  
**Cc:** Armstrong, Tom; Roger Alfred  
**Subject:** Addendum to Staff Report LU 13-146707 CP ZC

Ted,

Thanks for your email. I've amended to the Staff Report. Please see attached. We will post this on the website with the Staff Report. Let me know if you have any questions.

Sylvia Cate, Senior Planner  
Land Use Services  
Bureau of Development Services