

April 3, 2012

Mr. Douglas Hardy
Bureau of Development Services
Land Use Services Division
1900 S.W. Fourth Avenue, Suite 5000
Portland, Or 97201

Land Use Hearings Officer
1900 S.W. Fourth Avenue, Suite 3100
Portland, Or 97201

Subject: Case File LU 11-183413 MS AD

Dear Mr. Hardy and Hearings Officer:

This is a joint letter from the Laurelhurst Neighborhood Association (LNA) and the North Tabor Neighborhood Association (NTNA) commenting on our issues with this Conditional Use Master Plan (CUMP) application submitted by Providence Portland Medical Center (PPMC). Before getting into the specific issues, you should be aware we are currently negotiating a new Good Neighbor Agreement (GNA) with PPMC. We have a GNA under the existing CUMP. In fact in approving that CUMP, the City Council made having a GNA a condition of approval. Another condition of approval was that PPMC operate a 24 hour telephone hotline that neighbors can call to report parking problems. That GNA has served us well as a communication and problem solving mechanism over the last decade. We very strongly recommend having a new GNA and this telephone hotline be conditions of approval if this application is approved.

While we have some particular issues with the proposal, our neighborhood associations do not generally oppose the overall CUMP. Our issues follow and will be expressed in conjunction with the relevant approval criteria. It is our understanding that in this quasi-judicial hearings process the burden of proof is on the applicant to demonstrate all the relevant approval criteria have been met or can be met subject to appropriate conditions of approval. And if any aspect of this proposal cannot meet this requirement, it must be denied. It is with that understanding we make this case in opposition to certain aspects of this proposal.

The first issue is the adjustment for a reduction of the minimum building setback from 27.5 feet to 10 feet in the R1 zone along Hoyt Street to accommodate the west MOB/ASC Building (Building 10). While the eastern half of the subject property is zoned CO2, permitting the proposed building (with approval of a maximum height adjustment) to have a 10 foot building setback along Hoyt Street, the remainder of the block west to 44th Avenue is zoned R1 with a 45 foot maximum building height for non-institutional uses. Further it is developed with multi-family residential buildings less than 45 feet in height.

Adjustments approval criterion 33.805.040 A. requires that granting the adjustment will equally or better meet the purpose of the regulation to be modified. Chapter 33.120.220A. states the purpose of setbacks in the R1 and other multi-family zones. The minimum building setback for institutional uses in the R1 zone of 1 foot back for every 2 feet of building height, 27.5 feet in this case, is intended to mitigate the greater height, up to 75 feet, these buildings are permitted to have in the R1 zone. In our judgment reducing this area for mitigation by 17.5 feet does not even equally meet the setback purpose of promoting a reasonable physical relationship between this up to 65 foot high building and the multi-family residential properties to the north and west. The subject building would instead have an elevated, abrupt, close to the public right-of-way appearance that is too out of character with the multi-family residential properties on the block to be considered as promoting a reasonable physical relationship. The greater R1 setback requirement for institutional uses also provides some mitigation, from the building scale, for the privacy of neighboring properties, the loss of 17.5 feet for mitigation measures does not even equally meet this setback purpose.

This greater setback requirement for institutional uses is a front yard in this case promoting a more open, visually pleasing area. It provides the opportunity for additional landscaping and other amenities to mitigate the visual impact of this building scale on the multi-family residential properties to the north and west. Losing this 17.5 foot width for mitigation purposes does not even equally meet this purpose.

Adjustments approval criterion 33.805.040 B. requires that in residential zones like R1 the proposal will not significantly detract from the livability or appearance of the residential area. A dictionary definition of significant is “having or likely to have influence or effect.” For the reasons previously discussed, it is our judgment the impact of this lesser building setback will have an influence and effect on the multi-family residential area to the north and west. It is our judgment the impact of having this lesser building setback rises to the level of distracting from the livability and appearance of this residential neighborhood.

Now the applicant states concentration of Building 10 in the east half of the subject property allows a building setback from 45th Avenue of approximately 60 feet. The application depicts the building only as a three-dimensional envelope. The applicant states that in order to achieve the building size needed this setback adjustment is required but does not really demonstrate why this is the case. Again this is a proposed building envelope. It is not a building plan. Why cannot this building envelope be reconfigured to meet the 27.5 foot setback requirement along Hoyt Street and meet the same or a greater setback along 45th Avenue? On balance we think this would be less intrusive on the multi-family residential neighborhood. And for the above reasons, it is our judgment approval criteria 33.805.040 A. and B. have not been met.

The second issue is the adjustment for an increase in the maximum building height from 45 feet to 55 feet to accommodate the same Building 10. While the average building height would be 55 feet, it will be 65 feet along Hoyt Street due the significant decrease in the elevation of the subject property from south to north.

Adjustments approval criterion 33.805.040 A. requires granting the adjustment will equally or better meet the purpose of the regulation to be modified. Chapter 33.130.210 A. identifies the purpose for height limits in the CO2 and other commercial zones. It states light, air and the potential for privacy are intended to be preserved in adjacent residential areas, in this case to the north and west. Again, for the reasons previously discussed, we think the 10 foot building setback which is generally permitted in this zone too reduces the light, air and potential for privacy from a 65 foot high building which is intended to be preserved. The proposed building simply has too great an impact with so small a setback.

However Adjustments approval criterion 33.805.040 E. states any impacts resulting from the adjustment are mitigated to the extent practical. We think imposing the same institutional uses setback of 27.5 feet is a practical method of sufficiently mitigating the impact of this building. It would also result in a uniform building front and front yard along Hoyt Street. Subject to this greater than generally required setback being a condition of approval, it is our judgment the proposed height adjustment could meet approval criteria 33.805.040 A. and E.

The third issue is the proposed pedestrian bridge (skybridge) over 47th Avenue connecting Building 10 with the Ambulatory Services Building in the Main Campus. First some questions. Apparently the Hearings Officer reviews this proposal through this CUMP process and by some method advises the City Engineer on the separately required Encroachment Permit. What is that method? Is this skybridge considered part of a building? It obviously does not meet building setback requirements. The applicant has not addressed any of the Conditional Use and Adjustments approval criteria for it. Does the separate Encroachment Permit preempt the CUMP Process? It is hard for the neighborhood to address such a phantom through this process or have we missed something?

The applicant briefly states the skybridge will allow staff, patients and visitors to walk between the medical offices and the hospital in a dry, weather protected environment. The application also notes this will allow safe street crossings and reduce conflicts between pedestrians and vehicles at the Glisan Street and 47th Avenue intersection. The applicant’s Transportation Impact Analysis (TIA) identifies this intersection as having the highest number of recorded accidents from 2005 through 2009 within the PPMC Growth Boundary. However it states that based on a review of the crash records no safety mitigations are recommended at this time. We do not know the number of unrecorded accidents. Anyway there is still the indication the applicant has pedestrian safety concerns at this intersection. We think this concern needs to be examined thoroughly as part of this CUMP process. Assuming more of the pedestrian-vehicle conflicts result from this CUMP process, we think the applicant should have some responsibility toward correcting the problem rather than escaping some of it through construction of the skybridge. So we think it appropriate there be a condition that any specific pedestrian safety improvement techniques be constructed prior to construction of the skybridge.

The fourth issue is the potential for a right-in-right-out driveway access on 47th Avenue serving Building 10. The TIA cautions the design of the access point would need to ensure the vehicle movements are effectively restricted to right-in-right-out only given the queuing that can occur during some peak periods, even today, at the Glisan Street and 47th Avenue signalized intersection. The TIA assesses the possibility of this access using a program to estimate year 2021 queuing during the weekday a.m. and p.m. peak hours. It states this queuing extends north beyond Hoyt Street. It further states there is sufficient pavement width and length on 47th Avenue to accommodate this queuing with a southbound left turn lane extending north beyond Hoyt Street. Additionally within that area it states bicyclists would have to share the road with motorists and parking would have to be restricted. That means bicyclists would lose the current bicycle lane. The TIA also concludes that the potential for the right-in-right-out access should be evaluated at the time of building permit application to ensure proposed access operations will not conflict with potential queues from the traffic signal.

Conditional Use approval criterion 33.815.105 D.2. requires the transportation system is capable of supporting the proposal in addition to the existing uses in the area. Some of the listed evaluation factors in this criterion are street capacity, level of service, other performance measures, connectivity, neighborhood impacts, impacts on pedestrian and bicycle circulation, and safety for all modes. The TIA indicates this criterion can be met with the previously mentioned street improvements but cautions there should be a future evaluation to ensure there are no conflicts. Looking at these evaluation factors, we do not think this less than certain statement and the potential street improvement options offered are enough to make the required finding in this hearing process that the transportation system is capable of supporting the proposed access. Delaying such a determination until the building permit application is just not the same as making the necessary finding in the CUMP process. Even a condition of approval requiring this determination prior to construction of Building 10 is not a substitute for this required finding.

Additionally Comprehensive Plan Transportation Policy 6.4 states for Conditional Uses and Master Plans Policies 6.1 through 6.29 are mandatory approval criteria. Policy 6.6, Urban Form, states new development should be served by streets providing safe and convenient pedestrian, bicycle and vehicle access. The before mentioned lack of certainty makes for a finding this criterion may be met rather than the required will be met. Also, even if the street improvements identified in the TIA were constructed, the loss of the existing bicycle lane for a sharing of the road with motorists is inconsistent with, at this location is moving in the opposite direction of, the prescriptions in Policy 6.12, Bicycle Transportation, of implementing a bikeway network, encouraging bicycle use and making bicycling safer.

In summary it is our judgment the above approval criteria have not been met for the proposed right-in-right-out access serving Building 10 even if some type of physical barrier is required to prevent any left turns.

The fifth issue is the existing transportation impacts and the additional impacts resulting from the implementation of the proposed Master Plan at the intersection of Glisan Street and 47th Avenue. The TIA identifies the existing traffic and estimated year 2021 traffic conditions at this intersection at level of service (LOS) C for both the weekday a.m. and p.m. peak hour. The Bureau of Transportation staff will review the TIA calculations for LOS and the critical volume-to capacity ratio (V/C) to insure there is an acceptable level of traffic service at this intersection. Again the TIA concludes no traffic safety mitigations are recommended at this time.

While not a professional analysis, neighbors have submitted a lot of anecdotal evidence about traffic congestion at this intersection with motorists avoiding it over the years with cut-through traffic on the local streets, neighborhood streets, north of Glisan Street. Neighbors also avoid this intersection by using local streets. The neighbors are also concerned about the number of traffic accidents at this intersection, some of which may go unreported. Traffic safety for vehicles is a concern but also the safety of pedestrians and bicyclists. And there is some importance to the fact that, unlike the authors of the TIA, the neighbors live near this intersection and have experienced these impacts over the years. Now it should be noted that the TIA does not supply any data on and analysis of the impacts of the existing cut-through traffic and that resulting from the development permitted through the proposed Master Plan. We think such information is needed in analyzing the transportation impacts of this intersection on the neighborhood. Cut-through traffic within this neighborhood affects more than the LOS and V/C at the intersection.

Again Conditional Use approval criterion 33.815.105 D.2. with its evaluation factors applies. We note the TIA identifies a continued LOS C in year 2021, but does show the current V/C increasing from .61 to .73 during the weekday a.m. peak hour and .72 to .82 during the p.m. peak hour. These calculations will be reviewed but beyond that we think the increased traffic and traffic circulation generated through implementation of the proposed Master Plan, including the before mentioned right-in-right-out access, will further compromise street capacity, increase negative cut-through traffic, negatively impact bicyclists in particular and reduce the safety for all modes of transportation. Again we remember that among other reasons the applicant advocates the skybridge as a safe street crossing that reduces conflicts between pedestrians and vehicles at this intersection. For the above reasons it is our judgment approval criterion 33.815.105 D.2. is not met as it has not been shown to the extent required that the transportation system affecting the performance of this intersection is capable of supporting the additional traffic and traffic movements resulting from implementation of the proposed Master Plan. It is further our judgment it has not been shown that Comprehensive Plan Policies 6.6 and 6.12 will be met for the same reasons.

The sixth issue is the existing transportation impacts and those resulting from implementation of the proposed Master Plan at the intersection of Glisan Street and 49th Avenue. The TIA identifies a current LOS D during the weekday a.m. peak hour and LOS B during the p.m. peak hour which is considered acceptable although the neighbors perceive it as congestion. Again these calculations will be reviewed. Apparently with construction of the TIA recommended protected/permissive phasing for the eastbound left-turn movement at that signalized intersection the year 2021 weekday a.m. peak hour traffic is reduced to LOS C with the p.m. peak hour traffic also at LOS C. We are in favor of reducing the traffic at this intersection as soon as possible through this intersection improvement rather than have it constructed sometime in the future prior to construction of the Professional Plaza East Medical Office Building (Building 3). The concerns we have heard about this intersection are less than Glisan Street at 47th Avenue. Assuming the TIA calculations are correct, in our judgment a necessary condition of approval to meet the already discussed Conditional Use and Comprehensive Plan approval criteria is this intersection improvement be constructed prior to construction of Building 3 although we favor an earlier construction time.

The seventh issue is the additional traffic resulting from the proposed Master Plan and its impact on neighborhood walkability. Again neighbors have submitted anecdotal evidence citing existing pedestrian difficulty and safety crossing 47th Avenue south of the freeway overpass to the intersection with Glisan Street. And, again, among other reasons the applicant advocates the skybridge as a safe street crossing that reduces conflicts between pedestrians and vehicles at that intersection.

Of note is the fact walkability scores for our adjacent neighborhood ranks near the highest for the Portland area (see walkscore.com). Yet the Master Plan makes no provision for improving the off-campus, local pedestrian network that increases the opportunities for walking to local shopping and the services and employment dominated by the Providence Medical Center. Planning and completing such a pedestrian network is called for in Policy 6.11, Pedestrian Transportation, and in our judgment the applicant has not shown this policy has been met.

The eighth issue is the Transportation Demand Management Program proposed by the applicant. One of the TIA findings states the 256,000 square feet of net building space proposed in the Master Plan is estimated to generate 200 weekday a.m. peak hour trips and 195 weekday p.m. peak hour trips assuming no additional reduction in campus related Single Occupancy Vehicle (SOV) trips during the next 10 years and the traditional model of health care remains. But the TIA further states this is a conservative analysis of the traffic impacts because PPMC is not proposing any new licensed hospital beds. So it states the actual number of weekday a.m. and p.m. peak hour trips will not increase as predicted. Whatever the number of trips, the larger number will be significant and the impacts will be greater. Therefore we think strengthening the proposed TDMP is vital.

Conditional Use approval criteria 33.815.105 D.2. lists adequate transportation demand management strategies as an evaluation factor in determining the capability of the transportation system in supporting the proposal in addition to the existing uses in the area. As said earlier, Comprehensive Plan Policy 6.4 states Policies 6.1 through 6.29 are mandatory approval criteria for Conditional Uses and Master Plans. We do not think the proposed TDMP contains an aggressive enough overall strategy to be considered adequate, especially with the increased traffic generation expected.

Here are some measures we think need to be included to strengthen the TDMP. The first six were actually submitted by TIA author Kittelson & Associates, Inc. in a February 1, 2012 memorandum to the applicant. These were identified as additional measures that may help to lessen and/or delay the need for new parking supply to be provided on-campus. This memorandum with these additional measures were not included in the proposed TDMP. They read as follows:

- Providing an on-campus TDM and parking coordinator;
- Instituting parking fees for employees;
- Employing options to “spread the peak demand”;
- Provide additional Zipcars on or near campus;
- Providing monthly stipends to employees who use active modes of transportation for commuting (i.e., non-vehicular);
- Expand the supply of bike parking.

Additionally in the latest draft Good Neighbor Agreement proposed by the applicant is language stating the TDMP shall develop and include provisions addressing the following:

- Sufficient availability of “car-sharing” infrastructure on the PPMC campus and express support of employee use of “car-sharing” services;
- A comprehensive pedestrian access strategy;
- A comprehensive strategy to reduce vehicle trips. A multi-outlet strategy for publicizing the vehicle trip alternatives to customers, patients and employees throughout the PPMC campus. This strategy shall include at a minimum employee instructions, website development and prominent notice of “alternatives to vehicle access” to customers, patients and visitors.

It should be noted that in our LNA-NTNA response to this GNA language, we added “and safety” between access and strategy in the second provision. We also said we would like to have all these provisions in the TDMP in the CUMP application.

Comprehensive Plan Policy 6.13, Transportation Demand Management, requires the use of transportation demand management techniques to mitigate the impact of development generated traffic. We think the above listed measures and provisions or similar techniques are needed to strengthen the proposed TDMP in order to hopefully, sufficiently mitigate the impact of the additional traffic generated, especially single occupancy vehicle traffic. And one effective measure in particular, as noted in a letter submitted into this record by Constance Beaumont, is the need for employee parking fees. She relates the observation of author Donald Shoup in “The High Cost of Free Parking” that:

“Free” parking seriously skews travel choices toward solo driving and away from other forms of travel.... Free parking is an invitation to drive wherever we go.... [I]t strongly affects trip generation, mode choice, urban design, and urban form.

We think another missing technique in the proposed TDMP is a specific measure to lower the single occupancy vehicle rate, a goal for a reduced rate. In our response to PPMC’s latest GNA draft, we identified a goal of reducing single occupancy vehicle trips to 53 percent in the next ten years. This reduction in PPMC’s present single occupancy vehicle rate is similar to that in other transportation demand management programs we have reviewed.

It is our judgment that without the above type of strengthening language, the proposed TDMP is not aggressive enough to meet the requirement in Policy 6.13. It is our judgment the above type of language is needed to meet Policy 6.7, Public Transit, to enhance access along main streets and transit corridors. In this case Glisan Street which is classified as a transit access street. It is also our judgment the above type of language is needed to meet Policy 6.14, Parking Management, which refers to managing parking, to take into account transportation capacity, to reducing parking spaces per capita in the metropolitan area and through the land use process include restrictions on the development of new parking spaces. And it is our judgment the above type of language is needed to meet Policy 6.17, Institutional Parking, which encourages institutions to regulate parking facilities and use demand management to minimize the amount of employee parking required.

In conclusion, again it is our understanding that the burden of proof is on the applicant to demonstrate all of these relevant approval criteria, and any others, are met regarding these eight issues. We have stated our judgment when the applicant has not met this burden of proof, and when these approval criteria have not been met. Therefore, it is our judgment the aspects of this Conditional Use Master Plan application we have analyzed and shown not to meet all these relevant approval criteria must be denied. The fact we have not analyzed other aspects of the CUMP does not mean we have made any determination on their consistency with the approval criteria. Lastly, this is the official response of the NTNA and LNA to this CUMP application.

Respectfully submitted,

Zach Michaud and Judy Kennedy representing North Tabor Neighborhood Association

Gary Naylor, Jim Edelson and Don Gardner representing Laurelhurst Neighborhood Association