

May 24, 2012

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

Subject: Case File LU 11-183413 MS AD

Dear Hearings Officer:

Thank you for leaving the written record open for a generous period of time for all of us to submit additional testimony. Importantly for our two neighborhood associations, providing an opportunity to correct our assumption the Comprehensive Plan Transportation Policies addressed in the application were current Plan policies.

On the other hand, we were disappointed the Hearings Officer will not conduct a field investigation of the application site. Unfortunately the exparte contact requirements are apparently so cumbersome they effectively prevent such a practical step. Especially with an application of this magnitude, the visual aids in the hearing room, while helpful, are not an adequate substitute for an on-the-ground understanding of the site. Our concern is the Hearings Officer, or any decision maker, will make a less informed decision without a site investigation in this particular case.

After listening to the staff presentation and the applicant's testimony, the thing we were persuaded of was the need for this response starting with relevant criterion 33.815.105D.2. This approval criterion appears to essentially pull together an outline, in the form of evaluation factors, of the language in the since replaced Comprehensive Plan Policies we incorrectly cited as approval criteria because they were relied upon by the applicant in the Modification to Providence Portland Medical Center Conditional Use Master Plan dated February 21, 2012. Now, under Land Use and Transportation Facilities, Policy 6.18 in the Comprehensive Plan, titled Adequacy of Transportation Facilities, is applicable. Therefore we need to add to our analysis in the April 3, 2012 joint letter.

First, regarding the proposed right-in-right-out driveway access on 47<sup>th</sup> Avenue, we are transferring our comments on the particular concerns reflected in Policies 6.6 and 6.12 onto our judgment as to why approval criterion 33.815.105D.2. has not been met. Further, regarding Policy 6.18 (if it can be used as an approval criterion), for the reasons we have previously raised, we do not think the applicant's impact mitigation plan for this access has been shown to be consistent with the identified functions and capacity of the transportation facilities at this location and, therefore, with this policy.

Second, regarding the intersection of 47<sup>th</sup> Avenue and Glisan Street, we think consistency with Policy 6.18 needs to be demonstrated and, again, for the reasons we have previously raised, it has not been shown the transportation impacts resulting from this Master Plan do not further degrade the identified function and capacity of the transportation facilities at and around this location. In our judgment this policy has not been met.

Third, regarding neighborhood walkability, approval criterion 33.815.105D.2. is applicable. The application makes no provision for improving the off-campus, local pedestrian network. Neighbors have cited the existing pedestrian difficulty and lack of safety crossing 47<sup>th</sup> Avenue south of the freeway overpass to the intersection with Glisan Street. The applicant also indicates this in stating one reason for the identified skybridge is to allow safe street crossings and reduce conflicts between pedestrians and motorists at the Glisan Street and 47<sup>th</sup> Avenue intersection. And we know this proposal will generate a significant amount of additional traffic. The applicant has not demonstrated that proposing no pedestrian improvements results in a transportation system capable of supporting this proposal in addition to the existing uses when it comes to the impacts and safety for pedestrians as required by this approval criterion.

Fourth, regarding the Transportation Demand Management Program, again approval criterion 33.815.105D.2. essentially pulls together in the form of evaluation factors, an outline of the language in the replaced Comprehensive Plan Transportation Policies we incorrectly cited as approval criteria. And again we are transferring our comments on the concerns reflected in these replaced policies, in this case Policies 6.7,

6.13, 6.14 and 6.17 for consideration under the 33.815.105D.2. evaluation factor prescribing adequate transportation demand management strategies. And with respect to Policy 6.18, we think the proposed Transportation Demand Management Program represents a type of impact mitigation plan and is not aggressive enough to sufficiently mitigate, to reduce, the additional traffic generated by this proposal to the extent consistent with the identified function and capacity of the affected transportation facilities.

Now onto the Adjustments for Building 10 in the West Campus. The applicant's representative basically portrayed it as a relatively small departure from the existing medical office building on the property. Also that it will be oriented to the greatest extent possible to the Main Campus. Unfortunately the Hearings Officer will not be able to personally see the character of the impacted area. Anyway, here is what we know. We note that on page 26 of the application it is stated the proposed height is 65 feet for the West MOB/ASC (Building 10). Very importantly approval of the 55 foot height Adjustment means this building can have a height of 65 feet along Hoyt Street where its impact is greatest on the multi-family residential uses to the north and west. And that 65 foot high building can have only a 10 foot property line setback along Hoyt Street with approval of the Adjustment from 27.5 feet which otherwise could govern the setback of the building along all of Hoyt Street. At the hearing, the applicant's representative stated the existing medical office building is approximately 46 feet high along Hoyt Street and we estimate it is set back roughly 25 feet from the right-of-way. Proposed Building 10 is a significant departure from the existing building with significantly greater impact on those multi-family uses. And to portray Building 10 as being consistent with the overall concept of the existing Conditional Use Master Plan is we think beyond discretion. In addition the applicant's representative emphasized the greater building setback along 45<sup>th</sup> Avenue balanced the impact from the Adjustments. We disagree with that proposition but also want to point out staff recommended condition B will actually permit the building to be moved up to 10 feet closer to 45<sup>th</sup> Avenue than identified in the application. This soft condition needs amending to permit no movement of Building 10 closer to 45<sup>th</sup> Avenue.

Speaking of soft conditions, another regarding the TDM is Condition J. It requires the applicant to only consider opportunities to enhance the proposed TDM measures. Yes the applicant shall consult with PBOT to identify such measures but there is no requirement the applicant implement any such measures. This directory rather than mandatory language certainly leaves the appearance the City staff cannot require the applicant to do anything to enhance the proposed Transportation Demand Management Program even though staff seems to have concern about the sufficiency of the Program. Specifically, on page 33 of the Staff Report and Recommendation it reads, "Providence should continue to enhance and monitor its TDM program as part of the Master Plan buildout." Yet there is scant evidence or commitment beyond a modest bike notation to enhance, improve or set a goal for reduced single occupancy vehicle trips in the CUMP. The only firm commitment in the CUMP is the "evaluation" of a bike-share program. In combination with the City staff's concern, this manifest absence of TDMP enhancements only supports our position the Program language is insufficient and needs to be strengthened now as part of this land use hearing in order to be consistent with the approval criterion regarding "adequate TDM strategies." The only identifiable reason we have found in the record for PPMC to resist enhancements of their TDMP is a statement in the February 1, 2012 Kittelson & Associates memorandum that states, "Each of these has an associated cost and/or policy implication for the PPMC administration and need to be considered carefully prior to implementation. The trade-offs need to be balanced against the various "costs" of providing more parking." This is not a justification for failure to meet an approval criterion. And there is no analysis provided in the record that TDMP enhancement measures would cost more than the price per each new constructed parking space. Further there is no discussion in the record about the impacts of increased traffic generation in lieu of TDMP enhancements on our neighborhoods.

This is a continuation of our joint North Tabor-Laurelhurst Neighborhood Association letter on the application. Again thank you for this opportunity for a further response. And we appreciate having yet another opportunity for rebuttal testimony.

Respectfully submitted,

Zach Michaud and Judy Kennedy representing North Tabor Neighborhood Association

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