



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

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**Date:** March 2, 2012  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 11-196222 DZM –BUILDING AND SITE REMODEL**

#### **GENERAL INFORMATION**

**Applicant:** Kaiser Foundation Health (owner)  
500 NE Multnomah St #100  
Portland, OR 97232-2099  
  
Plan Of The Northwest (owner)  
500 NE Multnomah St #100  
Portland, OR 97232-2099

**Representative:** Carol Goss, 503-228-5617  
Soderstrom Architects  
1200 NW Naito Parkwat, Suite 410  
Portland, OR 97209

**Site Address:** 1700 NE 102<sup>nd</sup> AVENUE

**Legal Description:** LOT 7&8 TL 7000, HOUGHTON ADD  
**Tax Account No.:** R403900160  
**State ID No.:** 1N2E27CC 07000  
**Quarter Section:** 2841  
**Neighborhood:** Parkrose Heights, contact Pete Natwick at 503-493-3612.  
**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.  
**Plan District:** Gateway  
**Zoning:** CXd – Storefront Commercial zone with a Design overlay  
**Case Type:** DZM – Design Review with modifications  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant seeks Design Review to remodel a vacant 32,186 SF retail building for a Kaiser medical clinic with associated site improvements. Alterations include:

**Building:**

- Add entry new entry vestibule on west façade.
- Remove loading bay and dock at southwest corner of building and infill with new floor area.
- Reclad the west and south exterior facades with brick veneer, aluminum composite panels and plaster.
- New aluminum storefront glazing, metal canopies and light fixtures along the west and south facades.
- Four new building wall signs:
  - 2'(h) x 41' (l) on west façade
  - 3' (h) x 3" (l) on west façade
  - 4'-1" (h) x 4'-1" (l) on south façade
  - 2' (h) x 27' (l) on south facade
- Addition of 3 light monitors on the roof as well as 6 new rooftop mechanical units (4 heat pumps and 2 recovery ventilators, 5'-4" and 6'-5" in height).

**Site:**

- Two new monument signs each with an overall height of 10' and a base of 6' (h) x 7'-3" (l) x 1'-2" (d).
- Remove some existing trees and provide new landscaping throughout the parking area and site.
- Provide new driveway and vehicle access to 103<sup>rd</sup> Avenue.
- Provide new pedestrian connections from Weidler and 102<sup>nd</sup> through parking area to new entry vestibule.
- Relocate loading spaces near southeast end of parking lot to service area and add trash enclosure.
- Glass and metal drop off canopy and rest stop covers through site along pedestrian walkways.
- Several new walls throughout the site:
  - 6'-0" to 8'-0" tall wall along northern property line adjacent to building.
  - 3'-0" tall retaining wall at northeast portion of site near the end of 103<sup>rd</sup> Avenue.
  - 8'-0" tall wall near loading area.
- 8 short-term bike parking racks and 8 long-term bike parking storage lockers.
- New pole lights in the parking area and bollard lights along pedestrian walkways.

The value of the project triggers nonconforming upgrades to the site per Section 33.258.070.D. All of the applicable upgrades are proposed to be met in the above-mentioned improvements.

**Modification requests [PZC 33.825.040]:**

1. Increase the amount of street-facing wall area not within the required 10'-0" maximum setback along Weidler Street (33.130.215.C.2.d(3);
2. Not provide a hard-surfaced area between the building/exterior improvement and the street lot line along Weidler, an Enhanced Pedestrian Street, to be used for pedestrians or pedestrian-oriented accessory activities (33.526.260.B.2.b); and
3. Provide an 8'-0" tall wall in lieu of 5' deep landscape planter to L3 standard along the north property line abutting a residential "R" zone (33.130.215.B2.a).

Exterior building and site alterations proposed within the Gateway Design District require Design Review.

**Relevant Approval Criteria:**

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

- Gateway Regional Center Design Guidelines
- Modifications Through Design Review – Section 33.825.040

**ANALYSIS**

**Site and Vicinity:** The 119,953 SF property sits at the northeast intersection of NE 102<sup>nd</sup> and NE Weidler within the Gateway Plan District. A large on-ramp for vehicles on 102<sup>nd</sup> to turn left onto Weidler is located immediately southwest of the site and 103<sup>rd</sup> Street, which provides access to three single family residences, abuts the eastern side of the property. NE 102<sup>nd</sup> has been designated a Major City Traffic Street, a Major Transit Priority Street, City Bikeway and City Walkway. Weidler has been designated as a Transit Access Street, City Bikeway and City Walkway.

The site is currently developed with a 32,000 SF building that has remained unoccupied for some time (prior Circuit City). The concrete building has few windows, several service bays on the west elevation and a large loading dock and bay at the southwest corner of the building and site. The property currently maintains access from driveways on 102<sup>nd</sup> and Weidler. The site is improved with a large parking lot and landscaping that sits between the building and both abutting streets to the west and south.

**Zoning:** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside; and provide opportunities for more intense mixed-use development around the light rail stations.

**Land Use History:** City records indicate there are no prior land use reviews relevant to the current development or use of this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 19, 2012**. The following Bureaus have provided responses with no objections to the proposal:

- Bureau of Environmental Services (Exhibit E-1)
- Bureau of Transportation Engineering and Development Review (Exhibit E-2)
- Water Bureau (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Life Safety Review Section of BDS (Exhibit E-5)

The following Bureaus responded with no concern:

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 19, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **(1) Chapter 33.825 Design Review**

#### **Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### **Section 33.825.055 Design Review Approval Criteria**

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Gateway Regional Center Design Guidelines.

#### **Gateway Regional Center Design Guidelines**

The Gateway Regional Center is the City of Portland’s only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland’s Central City.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

#### **Gateway Regional Center Design Goals**

Ten goals for design review in the Gateway Regional Center have been established to enhance the area’s design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.

4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

**A1. Strengthen Relationships Between Buildings and the Street.** Integrate building setback areas with adjacent streets.

**A2. Enhance Visual and Physical Connections.** Enhance visual and physical connections between buildings and adjacent sidewalks. Orient semi-public building spaces to the sidewalk and street.

**Findings:** The current concrete building has little glazing or connection with the street given its considerable distance from both abutting rights-of way. Although the remodel does not affect the building's location, it will significantly improve its visual and physical relationship to the abutting sidewalks and streets. New storefront systems along the west façade will provide more transparency into and out of the building. A new entry vestibule that consists of a wall of glass that extends above the height of the building and includes a tower creates an inviting and prominent entry that, given its height, is clearly visible from both 102<sup>nd</sup> and Weilder. Removal of the large loading dock and concrete ramp along the south side of the building will eliminate a large and unsightly pedestrian barrier. A smaller scale service area with landscaping and service doors with overhead canopies will vastly improve the south end of the building and site.

New pedestrian connections through the parking lot from both 102<sup>nd</sup> and Weilder that lead to the grander entry are proposed that include a series of covered rest areas with benches and steel and glass canopies that complement those on the building. These walkways and rest areas meander through large landscape areas that create open space areas of respite for patients and visitors. Light bollards located along the walkways and two monument signs that compliment the building wall signs located near the site's access points further strengthen the physical connections to the building.

*These guidelines are therefore met.*

**A3. Integrate Building Mechanical Equipment and Service Areas.** Incorporate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

**Findings:** The proposal includes 4 heat pumps and 2 recovery ventilators. The units are grouped into two areas and centrally located on the northern and southern portions of the roof. The 5'-4" and 6'-5" tall mechanical units will be setback at least 40' from the closest roof edge. The visual impact of the units will be further reduced along the pedestrian environment given the building's 210' and 108' setback from the abutting streets.

The remodel includes removing a large loading bay and dock on the southwest corner of the building and the associated concrete ramp with retaining walls that project into the parking area. The new tenant has demonstrated they will not have the need for such a large loading area for semi-trucks and trailers. Therefore, the loading area will be much smaller and relocated to the east and at grade with only double doors for loading service needs. A new trash and recycling enclosure will be adjacent to the loading area combining the building's service needs into one central area. The new service doors and metal canopy on the south façade will be a vast improvement over the large bay with roll-up doors and concrete ramp. The trash enclosure will incorporate brick veneer found on the building and architectural metal screen panels on the doors. A landscape planter along the east side of the service area will be densely landscaped with trees and tall shrubs to reduce the impacts along 103<sup>rd</sup> and the neighboring residences. A brick wall will also be located west of the loading area at the back of the internal walkway with benches and a large landscape planter. Incorporating building elements and materials and introducing considerable landscaping help to screen and reduce the impacts of the service area on the pedestrian environment.

*This guideline is therefore met.*

**B1. Convey Design Quality and Building Permanence.** Use design principles and building materials that convey quality and permanence.

**B2. Integrate Ground-Level Building Elements.** Integrate the different ground-level building elements with the building's architecture.

**B3. Design for Coherency.** Integrate the different parts of a building to achieve a coherent design.

**Findings:** The remodel consists of new exterior finishes and details that are high-quality and convey a sense of permanence. The south and west facades will be resurfaced with a brick veneer on the majority of the facades. Precast concrete panels and sills will extend up the base by 2'-6". A new aluminum storefront system along these elevations, aluminum composite panels and steel and glass canopies are durable finishes that update this simple concrete building.

The introduction of new materials and storefront assist in breaking down the mass of the "big-box" building that currently has little glazing or character. The exterior elements, new storefronts, metal canopies, glass entry vestibule tower feature, roof monitors with clerestory windows, and signage together reduce the visual scale of the building and provide definition to this unadorned structure. These new building features and materials work together to create a coherent building design.

The site features proposed also respond to the materials and building elements. Freestanding steel and glass canopies that match the canopies on the building are located throughout the site, specifically along the walkways and at the pedestrian entrance on Weidler. Metal bollard lights, parking lot luminaires, and the two free-standing signs all comprised of metal which complements the accent material and associated elements on the building. The trash enclosure and screen wall at the south end of the building and site are both clad with brick veneer to match the building's new exterior finish.

*These guidelines are therefore met.*

**B5. Integrate Roofs, Rooftop Lighting, and Signs.** Integrate rooftop components, functions and related screening elements with the building's architecture. Integrate

exterior lighting, signs and any related structural equipment at or near the roof with the building's architecture. Orient lighting to highlight the building's architecture.

**Findings:** The proposal includes removing at least 15 existing rooftop mechanical units and installing 4 heat pumps and 2 recovery ventilators. The units are grouped by 3 and centrally located on the northern and southern portions of the roof. The 5'-4" and 6'-5" tall mechanical units will be setback at least 40' from the closest roof edge and the considerable building setback from both abutting street will further reduce the visual impacts. Three roof monitors with clerestory windows would align east to west on the northern portion of the roof. The organization and alignment of these rooftop features are well integrated onto this flat roof as they respond to the simple, rectilinear nature of the building.

The building signage consists of 2 individual logos on the entry tower and 2 name and logo signs above the canopies near the roof edge on the west and south, street-facing elevations. The logo signs have been integrated into the tower element while the name signs are appropriately scaled and located on the building façade between the flat steel canopies and roof edge. The 2' tall letter height on the west elevation and 1'-8" letter height on the south are suitable given the building's distance from the adjacent streets and the scale of the façade elements. *These guidelines are therefore met.*

**B6. Integrate Ecological / Sustainable Concepts.** Integrate ecological/sustainable features or concepts with site and development designs.

**Findings:** The proposal incorporates several ecological and sustainable concepts. Two new infiltration planters are proposed to handle the stormwater run-off from the new and replaced impervious surfaces for the service area south of the building and patio area east of the building. Since infiltration rates of the soil are low these planter will improve the water quality and reduce the flow of the stormwater before entering existing drywells on site. Three new roof monitors that contain clerestory windows and new storefront and entry vestibule glazing will help with energy regulation within the building that currently has few penetrations for sunlight. *This guideline is therefore met.*

**C1. Provide Opportunities for Active Uses at Major Street intersections.**

Integrate flexible, active-use space opportunities at building corners facing major street intersections. Locate access to the upper floors of buildings at these intersections toward the middle of the block.

**C2. Enhance Gateway Locations.** Enhance transitions at gateway locations.

**Findings:** The building is located a considerable distance from both abutting streets, approximately 108' from Weidler and 210' from 102<sup>nd</sup> with a parking lot between. Although the property has frontage on both of these intersecting streets a large traffic circle is located at the southwest corner of the site creating a through lot that does not have any of its property at the corner. The center of the traffic circle is developed with a "Windscape", a kinetic sculptural art piece, within a large stormwater infiltration basin. This piece helps to accentuate this identified gateway location at 102<sup>nd</sup> and Weidler. The proposed landscaping throughout the site will serve a backdrop enhancing this existing gateway element. *This guideline is therefore met.*

**C4. Develop Complementary Parking Areas.** Develop, orient and screen parking area to complement adjacent buildings and the pedestrian environment.

**Findings:** The new tenant will be utilizing the existing parking lot situated between the building and both abutting streets (102<sup>nd</sup> and Weidler). Minor changes to the interior layout are proposed that provide a service area along the south side of the building and a pedestrian connection from 102<sup>nd</sup> to the building's main entrance. The changes are limited to removal of several spaces at the southern end and shifting of spaces and drive aisles at the northern end. Landscaping for the parking area, both perimeter and interior, is proposed that will meet the screening requirements and considerably improve the site and soften the impacts of the large parking area given its location abutting the sidewalk and adjacent properties. Walkways that connect the main entrance to the sidewalks on both 102<sup>nd</sup> and Weidler are proposed that meander through diversely landscaped areas in the parking lot. These areas include steel and glass shelters with benches for patients and visitors to stop and rest. These features and the variety of landscaping throughout the parking lot provide interest and enhance the experience along the pedestrian environment. A 5'-0" deep planter along the east side of the service area comprised of trees, groundcover and tall, dense shrubs (Hinoki Cypress and Blue Girl Meserve Hybrid Holly) will reduce visual and noise impacts from the service area on the adjacent three residences across 103<sup>rd</sup> Place. *This guideline is therefore met.*

## **(2) Modifications Through Design Review**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

### **Modification #1 - Increase the amount of street-facing wall area not within the required 10'-0" maximum setback along Weidler Street (33.130.215.C.2.d(3);**

*Purpose Statement:* The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

*Standard:* 33.130.215.C.2.d(3), Where the site is adjacent to two or more intersecting transit streets, Standard 2 (100 percent of the length of the ground level street-facing façade of the building must be within the maximum setback) must be met on the frontage of the street with the highest transit classification and Standard 1 (At least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback) must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose on which street to meet the standard.



- A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The maximum building setbacks along transit streets promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape as well as create an environment that is inviting to pedestrians and transit users. The 10'-0" maximum building setback applies to both 102<sup>nd</sup> and Weidler since they are designated Major Transit Priority and Transit Access Streets, respectively. The maximum setback applies to 100% of the façade on 102<sup>nd</sup> since it is a higher transit street classification than Weidler, where the standard only applies to 50% of the façade. The new entry vestibule adds additional floor beyond the footprint of the existing building, approximately 13'-0" from west façade. While this floor area comes closer to meeting the maximum setback on 102<sup>nd</sup> it is further from the existing building façade along Weidler.

The modification to allow 390 SF of new floor area outside the 10'-0" maximum setback on Weidler will better meet Design Guideline A1 (Strengthen Relationships Between Buildings and the Street and A2 (Enhance Visual and Physical Connections). Given the building's greater distance from 102<sup>nd</sup> (210') and location of "front" of the building, the new entry feature is more appropriately placed, and will have greater impact on, the west façade. A stronger connection to Weidler is created with the steel and glass entry canopy proposed on the new walkway where it meets the sidewalk on Weidler. At this location, these improvements are more oriented towards the pedestrian and transit users and enhance the streetscape by becoming part of the built environment, thus meeting the purpose of the standard.

*This modification therefore merits approval.*

**Modification #2 - Not provide a hard-surfaced area between the building/exterior improvement and the street lot along Weidler, an Enhanced Pedestrian Street, to be used for pedestrians or pedestrian-oriented accessory activities (33.526.260.B.2.b); and**

*Purpose Statement:* These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.

*Standard:* For development on sites abutting an Enhanced Pedestrian Street (Weidler), the area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one or these amenities must be provided for each 100 square feet of pedestrian use area in the setback.

- A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The purpose of the standard is to ensure the areas between the building and the street are convenient, active, pleasant environments with pedestrian amenities. The standard applies to several streets within the Gateway Plan District designated as Enhanced Pedestrian Streets, including Weidler, Halsey, Burnside, and Glisan. The standard is intended for buildings built close to the sidewalk with the area between them to

act like an extension of the sidewalk. The existing building was constructed in 1995, one year prior to the adoption of the Gateway Plan District and this specific regulation. The large building setback from Weidler (108') and parking area between the street and the building conflicts with the standard as the site was designed primarily for vehicles and not for pedestrians.

Several pedestrian oriented site features have been incorporated that meet the purpose of the standard as well as Design Guideline A1 (Strengthen Relationships Between Buildings and the Street and A2 (Enhance Visual and Physical Connections). A 6'-0" wide pedestrian connection has been added from the sidewalk on Weidler to the building's main entry. The path widens to 12'-0" and contains brick pavers as it crosses the parking area and is lined with bollard lights. The walkway extends to a large landscape area with several benches and covers that provide a convenient and pleasant area to stop and rest. The new steel and glass canopy where the walkway meets the sidewalk on Weidler strengthens the pedestrian connection and compliments the canopies found throughout the site and on the building.

*This modification therefore merits approval.*

**Modification #3 - Provide an 8'-0" tall wall in lieu of 5' deep landscape planter to L3 standard along the north property line abutting a residential "R" zone (33.130.215.B2.a).**

*Purpose Statement:* The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

*Standard:* The required minimum building setbacks along a lot line abutting an R-zoned lot, except RX, are stated in Table 130-4. Minimum required building setbacks must include a 5-foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** Required building setbacks and landscaping along lot lines abutting residential zones promote compatibility between commercial and residential zones by reducing visual, noise and lighting impacts as well as providing privacy between users. The existing building is setback 7'-0" from the northern property line that abuts adjacent R1 residentially zoned property currently occupied by a long-term acute care hospital. The northern building is approximately 56'-0" from the shared property line and is the "back-of-house" service area for the tenant. There is a considerable amount of landscaping on the northern property along this common lot line and some on the subject site within the required landscape setback. The applicant prefers a solid wall rather than adding additional landscaping in this already heavily landscaped area that may not be viable given the maturity of the landscaping on the northern property. The proposed solid wall meets the purpose of that L3 standard in that it provides at least a 6'-0" tall screen to reduce visual impacts between the adjacent uses yet is not too tall (8'-0") that it would obstruct light or air between the buildings, especially given the distance between the buildings. The modification also better meets Design Guideline C4 (Develop Complementary Parking Areas) in that the solid wall would better screen the parking area on the subject site and service

areas on the northern lot that would reduce the impacts for the users on both properties and better complement the adjacent building.

*This modification therefore merits approval.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The project provides a more pedestrian-scaled and oriented building and site as well as incorporates new materials and building elements that break down the mass of the large boxy building that results in a cohesive composition. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a building remodel with site improvements within the Gateway Plan District that includes the following specific signage:

- Four new building wall signs:
  - 2'(h) x 41' (l) on west façade
  - 3' (h) x 3" (l) on west façade
  - 4'-1" (h) x 4'-1" (l) on south façade
  - 2' (h) x 27' (l) on south facade
- Two monument signs each with an overall height of 10' and a base of 6' (h) x 7'-3" (l) x 1'-2" (d) .

Approval for the following Modification requests:

1. Increase the amount of street-facing wall area not within the required 10'-0" maximum setback along Weidler Street (33.130.215.C.2.d(3);
2. Not provide a hard-surfaced area between the building/exterior improvement and the street lot along Weidler, an Enhanced Pedestrian Street, to be used for pedestrians or pedestrian-oriented accessory activities (33.526.260.B.2.b); and
3. Provide an 8'-0" tall wall in lieu of 5' deep landscape planter to L3 standard along the north property line abutting a residential "R" zone (33.130.215.B2.a).

Per the approved site plans, Exhibits C-1 through C-34, signed and dated 2/29/2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.34. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-196222 DZM. No field changes allowed."

**Staff Planner: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on February 29, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 2, 2012**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on November 23, 2011, and was determined to be complete on **January 13, 2012**.

*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 November 23, 2011.

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

**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 decision 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.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 16, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**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 **March 19, 2012 – (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 this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and

- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

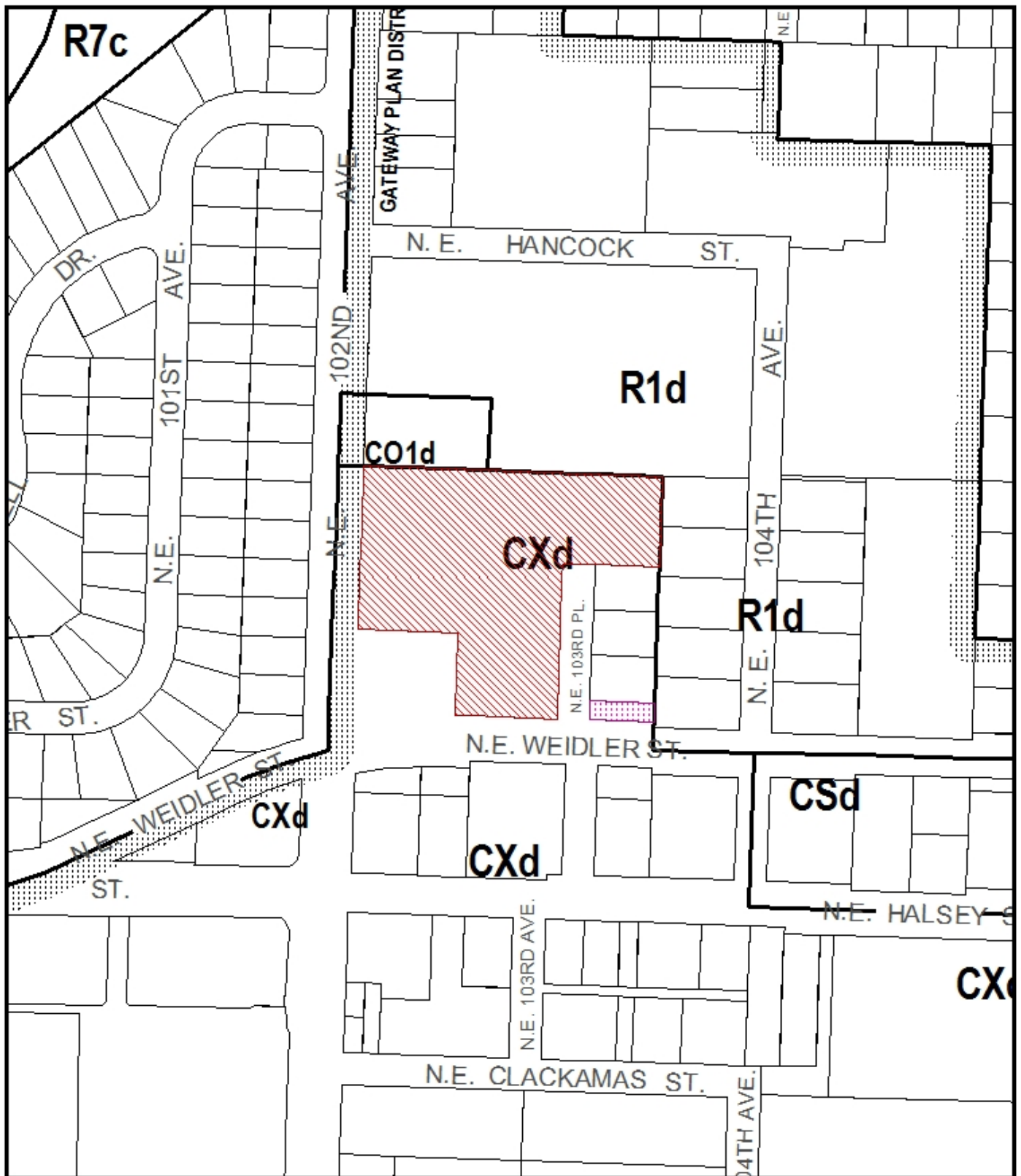
- A. Applicant's Statement
  1. Photos
  2. Site context photos and maps
  3. Project Summary & Responses to Approval Criteria
  4. Responses to Staff Issues and Revisions
  5. Traffic Analysis
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Site Details
  3. Site Details
  4. Tree Preservation Plan
  5. Irrigation Plan
  6. Landscape Plan
  7. Roof Plan, Demolition Roof Plan, Mechanical Roof Plan
  8. Building Elevations (attached)
  9. Building Sections
  10. Wall Sections
  11. Building Wall Sign Details
  12. Electrical Schedule
  13. Electrical Overall Site Plan
  14. Photometric Plan for Site Lighting
  15. Grading Plan
  16. Utility Plan
  17. Existing Conditions Plan
  18. Site Sections, Details, and Retaining Wall Details
  19. Monument and Building Sign Details
  20. Exterior finishes, colors and details
  21. Material Joint Sections
  22. Metal Roof Installation Details
  23. Wall section w/ canopy, storefront, exterior finish & water collection trough
  24. Canopy Section & Detail
  25. Canopy Manufacturer Examples
  26. Parking Lot Luminaire Details
  27. Building Light Fixture Details
  28. Bollard Details
  29. Bike Locker Detail
  30. Bench Detail
  31. Rooftop Mechanical Cutsheets
  32. Tree Species Index
  33. Storefront Glazing (Solarban) Details
  34. Enlarge Plan of Entry Canopy on Weidler
- D. Notification information:
  1. Mailing list
  2. 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. Life Safety Review Section of BDS

F. Correspondence: none.

G. Other:

1. Original LU Application
2. Site History Research
3. Incomplete Letter dated December 7, 2011
4. Early Assistance Meeting Summary Letter
5. Outstanding Issues email dated January 18, 2012

**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

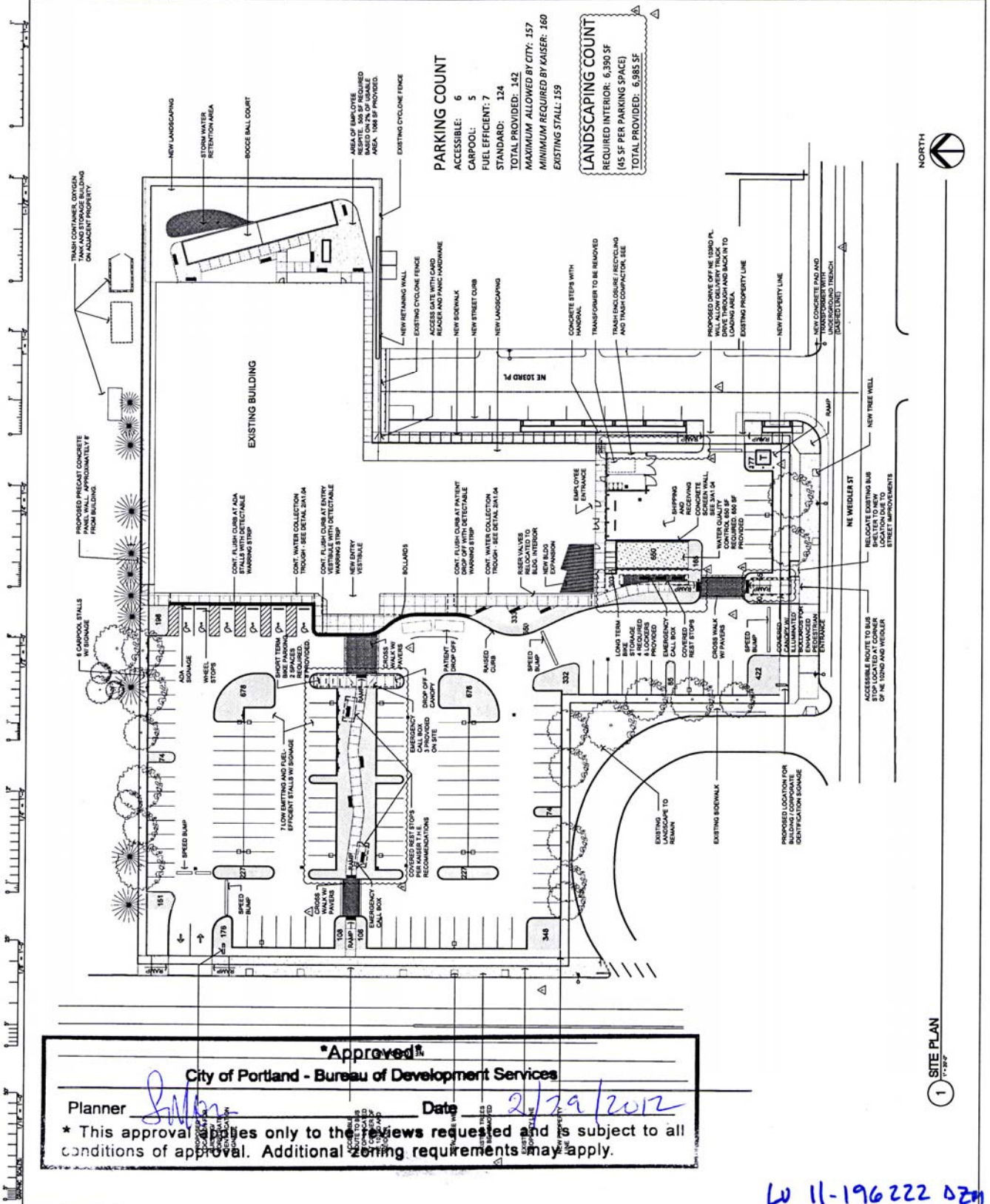
-  Site
-  Also Owned



This site lies within the:  
GATEWAY PLAN DISTRICT

File No.	LU 11-196222 DZ
1/4 Section	2841
Scale	1 inch = 200 feet
State_Id	1N2E27CC 7000
Exhibit	B (Nov 29, 2011)





W 11-196222 DZM  
EX. C-1



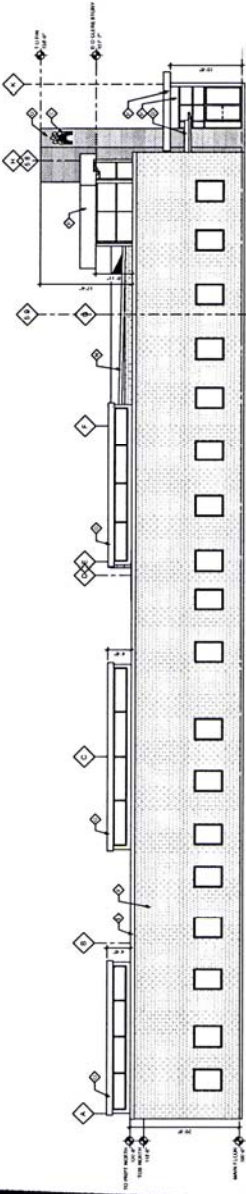
Kaiser Permanente  
National Facilities Services  
500 NE Multnomah Street, 12th Floor  
Portland, OR 97232-2099

ROBERTSON ARCHITECTS P.C.  
1000 NE Oregon Street, Suite 200  
Portland, OR 97232-2099

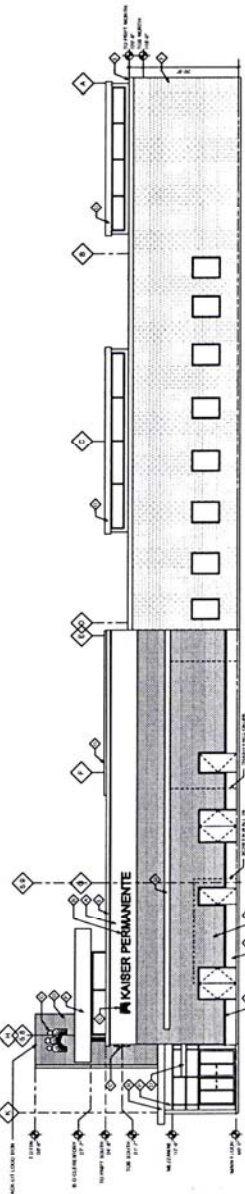
1700 NE 103rd Avenue  
Portland, OR 97220  
New Facility  
A1130467M  
SSSAM 11055

A3.01

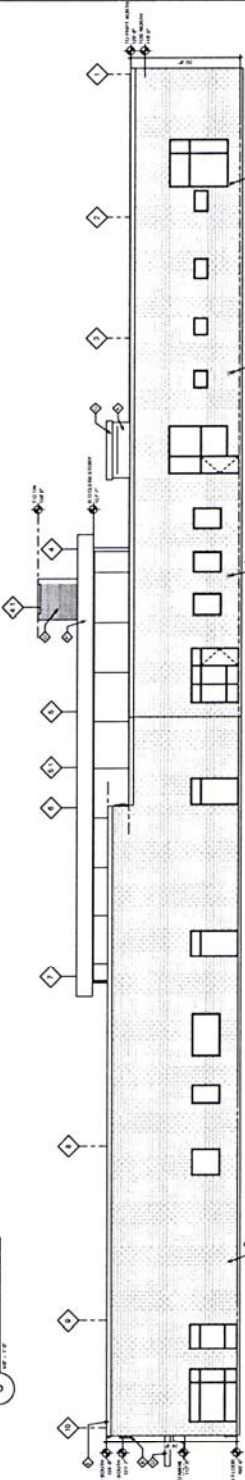
ITEM	REMARKS
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2	EXISTING EXTERIOR FINISHES
3	EXISTING EXTERIOR FINISHES
4	EXISTING EXTERIOR FINISHES
5	EXISTING EXTERIOR FINISHES
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30	EXISTING EXTERIOR FINISHES



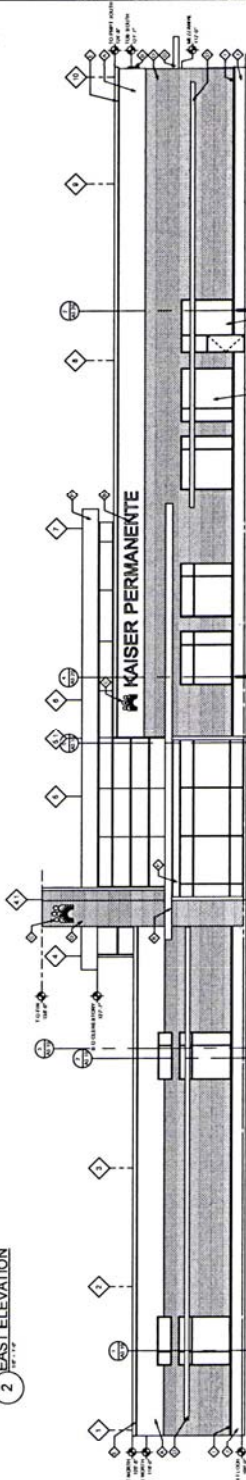
1 NORTH ELEVATION



3 SOUTH ELEVATION



2 EAST ELEVATION



4 WEST ELEVATION

\*Approved\*

City of Portland - Bureau of Development Services

Planner

Date

2/29/2012

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 11-196222 DZM  
EX. E-8

SEE LARGE EX-C-8 FOR SIGN SIZES.