



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 17, 2008
To: Interested Person
From: Shawn Wood, 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 08-121294 DZM, Medical Office Remodel/Addition

GENERAL INFORMATION

Applicant: Lisa Christie (Architect)
Prototype Architecture
1207 NE Fremont St
Portland, OR 97212

TB & CB LLC (Owner)
1410 NE 106th Ave
Portland, OR 97220

Site Address: 1410 NE 106TH AVE

Legal Description: N 37.5' OF LOT 11 LOT 12, IDA ADD
Tax Account No.: R412400480
State ID No.: 1N2E34BB 00200
Quarter Section: 2941

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
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: Central Commercial with Design Overlay (CXd)

Case Type: Design Review with a Modification (DZM)
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant requests design review approval for a remodel and addition to an existing building. The remodel and addition includes a new ADA ramp, new lighting, new siding (stucco

and cedar rainscreen), new aluminum windows, doors, and garage door, and associated landscaping.

The existing structure does not currently meet the ground floor window requirement and the proposed alterations do not move closer to conformance with the standard. As such a modification through design review is requested to reduce the required window area to 20% (25% required) of the street-facing façade and reduce the window length to 20% of the wall length (50% required).

Exterior alterations in a design review overlay require design review.

Relevant Approval Criteria:

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

- 33.825 Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The 13,720 square-foot site is located within the Gateway Plan District and is currently developed with a 3,807 square-foot, one-story building, constructed in 1954. The property fronts onto NE 106th Avenue, which is designated as a Local Service Bikeway and Local Service Walkway.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The design (d) 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 12, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Transportation Engineering & Development; and
- Urban Forestry Division of Portland Parks & Recreation.

The Bureau of Environmental Services responded with the following comment:

BES Summary of Response: BES does not support the proposal at this time. Please note the BDS Site Development comments, dated 6/3/08, and see the BES comments below. Additional, clarifying information regarding both the existing and proposed stormwater management system for this site is necessary.

Sanitary Services

1. There is a City-owned 8-inch PVC sanitary gravity main (BES as-built 4569).

2. The submitted site plan, attached to the Notice of Type II Proposal in Your Neighborhood, shows a new trash enclosure that will have a roof and sit on a slab with curb. The new drainage from the slab will go to the sanitary system. Please see comments from BES Source Control, included below.
3. City plumbing records include two permits. A permit from 1978 is for the installation of a drywell. A permit from 1995 is to install a portion of the sanitary gravity main in NE 106th Avenue. There is a lateral from the sanitary gravity main to the property.

Stormwater Management & Water Resources

The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland's Stormwater Management Manual current at the time of building plan review. For all projects, the Stormwater Destination/Disposal (SWMM) Hierarchy must be addressed (pages 1-18 and 1-19 of the SWMM). Free CD-ROM discs of the 2004 Stormwater Management Manual are available at the City of Portland Development Services Center, 1900 SW 4th Avenue or on the internet at www.portlandonline.com/bes/. The applicant may contact BES with questions or more information.

1. There is no City-owned storm-only main in the area.
2. The submitted site plan, attached to the Notice of Type II Proposal in Your Neighborhood, shows that there is an existing drywell to remain. According to the site plan, the drywell capacity will accommodate both existing and new impervious parking lot and building area run-off. According to the plan, parking lot run-off will be treated prior to entering the drywell. Another plan, the Landscape Plan, was not attached to the Notice of Type II, but it was in the case file. That plan includes a description of the existing drywell. It states, "The existing drywell currently infiltrates from an existing roof and parking lot with an impervious area of 7241 sq. ft. via a buried pipe beneath the driveway. The existing catch basin will be replaced by a Contech Stormfilter Catch Basin. The Santa Barbara Urban Hydrograph method with a Type 1A 24-hour storm using City of Portland design storms were used to generate calculations to size the catch basin for treating the water quality storm and to check for capacity to pass the 25-year peak flow." This same site plan shows a proposed vegetated infiltration basin in the portion of the property by the new parking lot. A disposal point for the vegetated infiltration basin is not shown.
3. **The SWMM requires that stormwater be managed on-site through surface infiltration facilities to the maximum extent practicable.** Where approved by BDS Site Development, roof runoff may be managed in drywells or soakage trenches, and surface (i.e. parking lot, driveway and other ground-level impervious area) runoff must be managed in surface infiltration facilities. Pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on site. A disposal location for stormwater must be identified for any size development. PLEASE NOTE: Constraints based on small lot size is not considered a basis for waiving any requirements of the 2004 SWMM.
4. BDS Site Development has approved on-site disposal of stormwater, based on the comments dated 6/3/08. BDS Site Development comments included a request for clarity from the applicant regarding the existing drywell. Please note that all drywells, soakage trenches and sumps are classified as Underground Injection Controls (UICs), and must also be registered and approved by DEQ before construction. Surface infiltration facilities, such as swales, planters, and pervious pavements, are not classified as UICs. For information regarding DEQ's regulations for UICs please refer to DEQ's website at www.deq.state.or.us/wq/uic/uic.htm or contact the DEQ UIC program at 503-229-5945, and for copies of applications and forms call 503-229-5189. The applicant may also refer to the City of Portland SWMM for general information regarding UICs.

5. If infiltration is not feasible, BES will require the development to meet the SWMM's flow control requirements prior to off-site disposal. The 2004 SWMM requires that on-site retention must be used to the maximum extent practicable, and any flows that go off-site must be detained to limit 25-year post-development peak runoff rate to the 10-year pre-development peak rate. Please refer to the SWMM for the definition of "pre-" and "post-development".
6. In summary, BES requests clarification of the existing and proposed stormwater management system. For all projects, the Stormwater Destination/Disposal Hierarchy in the SWMM must be addressed. As noted in #3 above, surface infiltration facilities must be used to the maximum extent practicable. The submitted site plans include a vegetated infiltration basin and a drywell/storm filter catch basin. As noted by BDS Site Development, to clarify the proposal, please provide information regarding disposal for the vegetated infiltration basin (will it go to a drywell or infiltrate entirely on the site). Also, please identify if the new landscaping relates to Section 33.258.070 in the Zoning Code, and will be used for stormwater management as required by Section 1.8 of SWMM. Will all stormwater remain on-site?

Conditions of Approval

BES has no conditions of approval at this time.

Additional Information

1. BES sewage system connection fees are assessed at the time of building plans review and change every fiscal year beginning July 1st. For additional information on these fees, please call Development Assistance at 503-823-7761.
2. Clean River Rewards, Portland's stormwater discount program, arrived in Fall 2006. The program offers discounts up to 100% of the City's on-site stormwater management charge to ratepayers who manage stormwater runoff on their property. The discount is calculated on a sliding scale for how much and how well properties manage stormwater on-site. To qualify, you will need to register your property and describe how you manage stormwater runoff. The Bureau of Environmental Services is offering workshops to ratepayers who want to learn more about stormwater management, and want to get the most out of the stormwater discount program. To learn more about the program and discounts, go to www.cleanriverrewards.com.

Source Control

3. To comply with the City's Extra Strength Sewerage Charge (ESSC) Program, facilities that have a likelihood of having high strength wastewater shall provide a structure for sampling. Facilities with high strength waste can include, but are not limited to; food processors, hotels, supermarkets, commercial kitchens, breweries, bakeries, restaurants, or any facility that may contain those operations.

ESSC sampling points are typically installed downstream of grease treatment structures, and are placed in the sanitary waste line at a location that accounts for all discharge flows from the activity areas subject to the ESSC program requirements.

A plumbing clean-out on the waste line may accommodate sampling needs; however, the location of the clean-out needs to be out of the way of traffic or standard operations of the facility, and in a space that measures 3' W X 3' L X 3' H. If this does not suit your development, alternatives can be discussed and a structural manhole or vault may be necessary. For assistance please contact the Pollution Prevention Group at 503-823-7885.

4. If a water feature is proposed, there are different requirements due to the varying nature of the designs. In general, if the water is treated versus untreated water (i.e. chlorine) the

wastewater must discharge to the sanitary waste line. If the source of the feed water to the fountain is rainwater or groundwater then a meter is required to the City sanitary sewer system.

Building Permit Issues

1. When over 500 feet of impervious area is added or redeveloped, building plans must include a detailed site utility plan which shows proposed and existing sanitary connections, and existing and proposed stormwater management systems that meet the requirements of the SWMM in effect at the time of permit submittal.

Source Control

2. This facility is in a grease management area. If any food service establishments will be included in the building they will be required to install grease management devices.
3. The pertinent design requirements of the SWMM Chapter 4 are briefly described as follows (please read Chapter 4 of the SWMM to help recognize any requirements we may have overlooked).
 - Solid waste and recycling areas require pavement underneath the receptacles, protection from stormwater/rainwater through berming or grading (hydraulic isolation), a structural cover that is relative in size to the perimeter of the trash/recycling area, and a sanitary (waste line) drain inside the bermed/graded area. Depending on where the area is located, a planning/design review may be required. If the covered area is large, a structural engineering review may be required for the structural cover.
 - Catch basins located in covered parking areas are required to discharge to the sanitary sewer. Trench drains or catch basins located at the entrance into the parking structure may discharge to the storm sewer system.”

Please see Exhibit E.1 for additional details.

The Site Development Section of the Bureau of Development Services responded with the following comment:

“Site Development has not received sufficient information to determine whether the proposed site design will comply with the requirements of the *Stormwater Management Manual*.

Stormwater treatment and disposal. Stormwater facilities that meet required sizing and setback requirements must be integrated into the design of the proposed development in accordance with the *Stormwater Management Manual*. To review the *Stormwater Management Manual*, please visit the Bureau of Environmental Services (BES) web site at <http://www.portlandonline.com/bes>.

Site Development has reviewed the information about the proposed stormwater facilities, shown on the applicant's Landscape Plan, and determined that the following additional information is needed in order to demonstrate that the stormwater requirements can be met:

The proposed vegetated infiltration basin is sized appropriately for stormwater treatment and detention, but not for disposal. The applicant should either:

- provide an overflow to a drywell [which will require Underground Injection Control (UIC) registration with the Oregon Department of Environmental Quality (DEQ)]; or
- provide the results of an infiltration test and stormwater design as a shallow surface infiltration facility per Section 2.2.2 of the city's *Stormwater Management Manual*.

If disposal of treated stormwater utilizing on-site drywells or soakage trenches is proposed, those facilities may not be located any closer than 10 feet to any structures and 5 feet to any property lines, as measured from the middle of the facility.

Site Development requests confirmation on whether this proposal triggers nonconforming upgrades to the parking and vehicle areas under section 33.258.070. If a nonconforming parking and vehicle area upgrade is required, then the new landscape areas must be used for stormwater treatment and retention to the maximum extent possible. Since site topography was not included with the submittal, it is difficult to evaluate whether landscaping could be used for this purpose.

If all stormwater from the new building area A and parking area B can be directed into the vegetated infiltration basin, the stormwater catch basin replacement on the existing driveway may not be mandatory under city codes. If DEQ requires the catch basin replacement to retrofit the existing drywell, Site Development would have no objection. The applicant should clarify if DEQ is requiring a change to the existing drywell.”

Please see Exhibit E.2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 12, 2008**. One written response was received from Arlene Kimura, Land Use Chair of the Hazelwood Neighborhood Association. In her initial response to the Notice of Proposal, Ms. Kimura stated that the neighborhood association felt that the applicants should bring the proposal closer to the ground floor window standard. However, after further communication with the applicant, another response was received from Ms. Kimura stating that the neighborhood association is not opposed to the approval of the modification to the ground floor window standard.

ZONING CODE APPROVAL CRITERIA

➤ **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.

A Pedestrian Emphasis

- 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 for A1 and A2: The proposed alterations to the existing building will strengthen the connection between the structure and the adjacent sidewalk. The building will retain its orientation to 106th Avenue with the front door facing the street, and a covered porch will highlight its main entrance. Additional landscaping, as well as a new stair, ADA ramp, and bike parking will be incorporated into the front setback, strengthening the site's relationship to the pedestrian environment. New, large windows at the public waiting room will provide a greater visual connection between the building's interior activities and the sidewalk environment. *Therefore, these guidelines are 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 building's mechanical equipment and service areas will be sited in a manner that will not detract from the pedestrian environment. An air conditioning condenser will be located at the rear of the building (east side) and will be screened with landscaping. In addition, there is a single curbcut on the site, which allows access to the parking area that will remain. *Therefore, this guideline is met.*

B Development Design

- 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 for B1, B2, and B3: The proposal presents a quality and coherent design solution to this renovation. While the existing building will remain, the cladding system will be updated to convey a high level of craftsmanship, durability, and permanence. The building's exterior walls will be completely re-clad with a cedar rainscreen system and a high-quality, integral-color, 3-coat stucco system. The new windows will be bronze anodized aluminum. Additionally, the wood window and door trim, soffits, fascias, gutters, and downspouts will all be painted to compliment the color of the cedar and stucco. The proposed roofing system consists of 50-year architectural asphalt composition shingles. The addition of high-quality materials to this existing building indicates a long-term investment and commitment to the quality of the building.

Currently, the building contains a number of differing types and sizes of windows. The proposed design achieves a consistent window patterning and rhythm, which also expresses the building's interior uses. Large windows at the waiting room area indicate the semi-public function at this location, and the horizontal windows placed along the remaining façade areas suggest the more private interior spaces (exam rooms). In addition, while the building is only one story, the proposed design expresses a base, a middle, and a top: the concrete foundation wall defines the base; the middle is set apart by cedar siding, and the top is distinguished by a row of horizontal windows.

Finally, the proposal is attentive to the importance of pedestrian-scaled details. The covered porch at the building's main entry creates a human-scaled transition zone between the sidewalk and the building. Also, exterior lighting will be located along the front walkway and ramp, adding to the safety and vibrancy of the pedestrian environment. *Therefore, these guidelines are met.*

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

Findings: The project is defined by the adaptive reuse of a former residential structure into a medical office, which captures the embodied energy in the existing building. In addition, the proposal states that the materials removed from the building will be recycled. Furthermore, a vegetated infiltration basin is proposed at the rear of the building. *Therefore, this guideline is met.*

C Context Enhancement

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

Findings: There is currently a surface parking area at the southern portion of the site, accessed from 106th Avenue via a single curb cut. There is existing landscaping at the edge of the parking area that will be preserved, and additional trees will be planted at the periphery of the parking area in order to meet current standards. The existing and proposed landscaping will sufficiently screen the parking area, mitigating any potential negative impacts on surrounding properties and the pedestrian environment. *Therefore, this guideline is met.*

➤ **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.

The following modifications are requested:

- 1) **33.130.230 Ground Floor Windows:** In CX zones all exterior walls at the ground level, which face a street lot line must have windows that cover at least 50 percent of the length and 25 percent of the ground level wall area. In addition, the bottom of the windows must be no more than 4 feet above the adjacent exterior grade. The existing structure does not currently meet the ground floor window requirement and the proposed alterations do not move closer to conformance with the standard. As such, a modification through design review is requested to reduce the required window area to 20 percent (25 percent required) of the street-facing façade and reduce the window length to 20 percent of the wall length (50 percent required).

Purpose: *In the C zones, blank walls on the ground level of buildings are limited in order to:*

- *Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like façades at street level; and*
- *Avoid a monotonous pedestrian environment.*

Findings: While the proposal does not meet the ground floor window standard, additional elements have been incorporated into the project that better meet the purpose of the standard, as well as applicable design guidelines. However, it is important to note that there are several site-related issues that also drive this modification. The proposal involves the renovation of an existing building and the building's ground floor is at 30" above the adjacent grade. If the 4-foot sill requirement were met, the new windows would have interior sills of 18 inches or less. Because the windows provided don't meet the sill height threshold, they technically don't meet the standard. However, when evaluating the overall length of windows (without regard for sill height), it exceeds the requirement of 50%. In addition, the existing building is set back 20-30 feet from the adjacent sidewalk. The proposal responds to this site limitation by providing a richly landscaped front setback, which also includes a new stair, ADA ramp, and bike parking. These proposed plans for the front setback better match the residential/non-retail character of this particular street, and will add diversity and vibrancy to the pedestrian experience along this site, better meeting the purpose of the standard than ground floor windows set back 20-30 feet from the sidewalk. In addition, the concentration of the large expanse of windows planned at the building's entry and waiting room will encourage surveillance opportunities at the street level and better meet design guideline A1 *Strengthen Relationships Between Buildings and the Street*. Because the building was originally built as a residential structure, and is located on a street within the district that is more residential in character, the proposed treatment of the front setback is appropriate and consistent with adjacent properties.

Therefore, the approval criteria are met.

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 proposed alterations to the existing building will respect neighborhood context, enhance its vitality, and result in an improved experience for the pedestrian. Furthermore, the proposed modification to ground-floor windows will result in a façade that focuses window area to the public portion of the building while still meeting the spirit of the length requirement. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new ADA ramp, new lighting, new siding (stucco and cedar rainscreen), new aluminum windows, doors, and garage door, and associated landscaping.

Approval of a **Modification Through Design Review** to reduce the required ground-floor window area to 20% (25% required) of the street-facing façade and reduce the window length to 20% of the wall length (50%) required.

Approvals per the approved plans, Exhibits C.1 through C.15, signed and dated June 13, 2008, 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.15. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-121294 DZM. No field changes allowed."

Decision rendered by:  on (June 13, 2008)

By authority of the Director of the Bureau of Development Services

Decision mailed: June 17, 2008

Staff Planner: Shawn Wood

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 April 10, 2008, and was determined to be complete on May 6, 2008.

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 April 10, 2008.

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 July 1, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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.

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 **July 2, 2008 – (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.

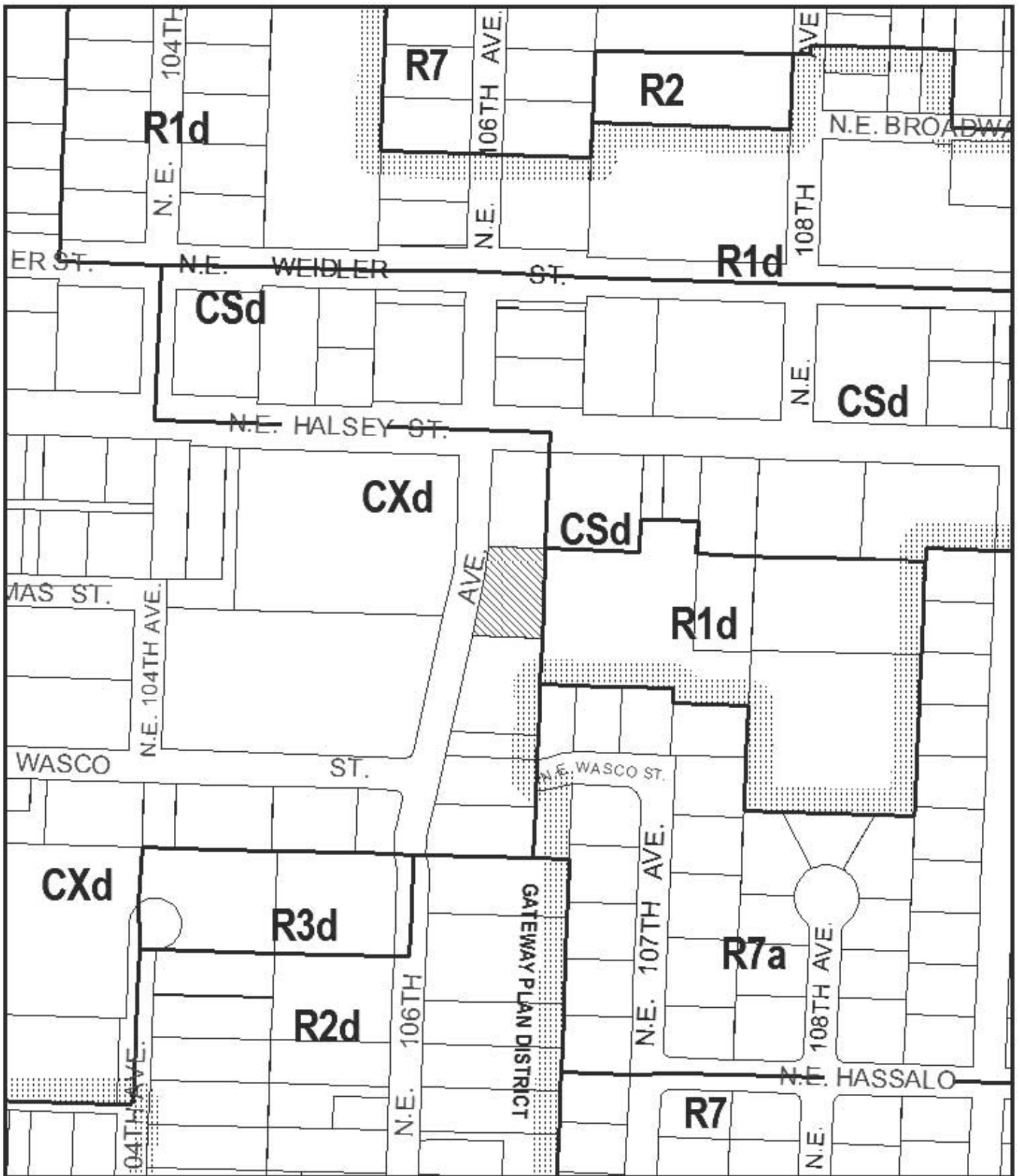
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan/Planting Plan (attached)
 2. Site Demolition Plan
 3. South and West Elevations (attached)
 4. North and East Elevations (attached)
 5. West Elevation with Landscaping (attached)
 6. Control Joint Detail
 7. Wall Sections

8. Railing, Lighting, Planting Details
 9. Lighting Cutsheet 1
 10. Lighting Cutsheet 2
 11. Lighting Cutsheet 3
 12. Lighting Cutsheet 4
 13. Lighting Custheet 5
 14. Garage Door Custheet
 15. Mechanical Unit Cutsheet
 16. Window Cutsheet
 17. Railing Details
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Site Development Review Section of BDS
- F. Correspondence:
1. Arlene Kimura, 6/3/08, Does not support modification to ground-floor windows.
 2. Arlene Kimura, 6/4/08, Supports modification to ground-floor windows.
- G. Other:
1. Original LU Application
 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



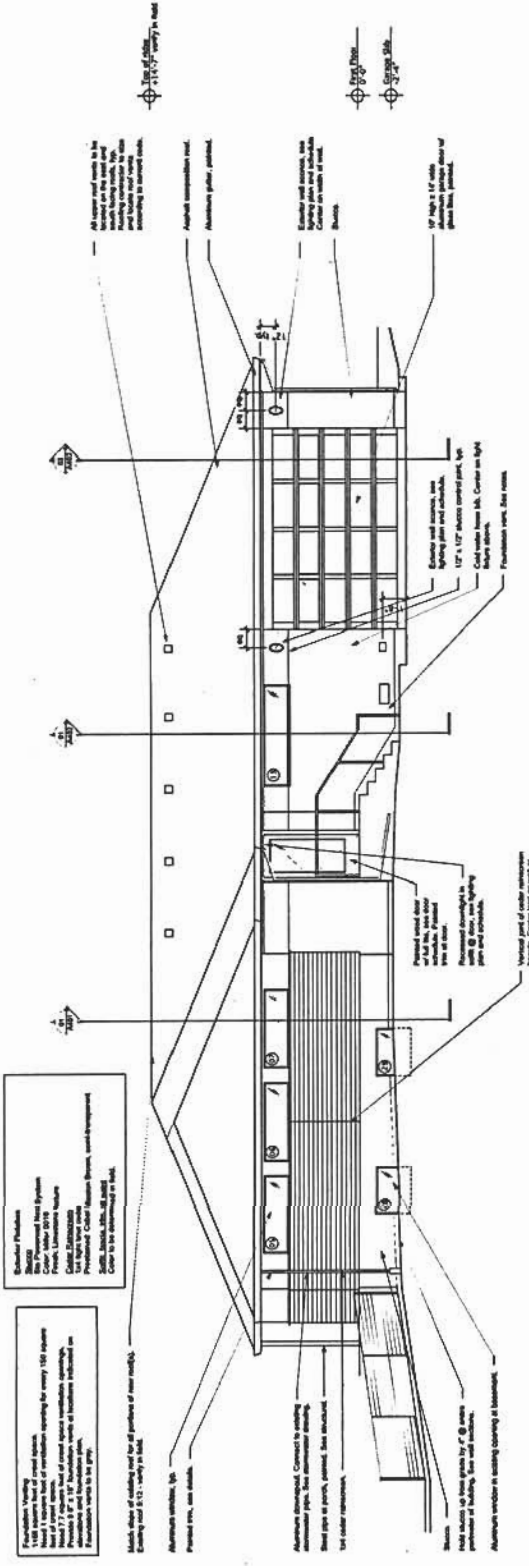
ZONING

 Site



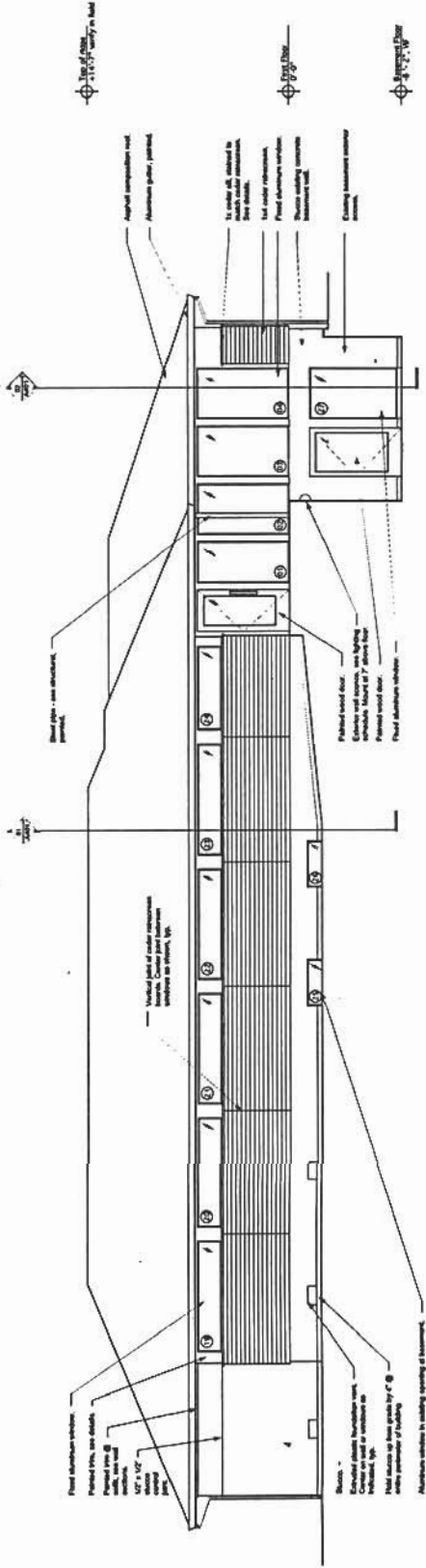
This site lies within the:
GATEWAY PLAN DISTRICT

| | |
|-------------|-------------------|
| File No. | LU 08-121294 DZM |
| 1/4 Section | 2941 |
| Scale | 1 inch = 200 feet |
| State_Id | 1N2E34BB 200 |
| Exhibit | B (Apr 14, 2008) |



01 | south elevation

1/4" = 1'-0"



02 | west elevation

1/4" = 1'-0"

Approved
City of Portland - Bureau of Development Services

Planner *Sharon Wood* Date **6.13.08**

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



PROLOG ARCHITECTURE, LLC
 1000 NE AVENUE
 PORTLAND, OREGON 97232
 503.241.1111



Bridge City Family Medical Clinic
 1000 NE AVENUE
 PORTLAND, OREGON 97232

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 PERMISSION.

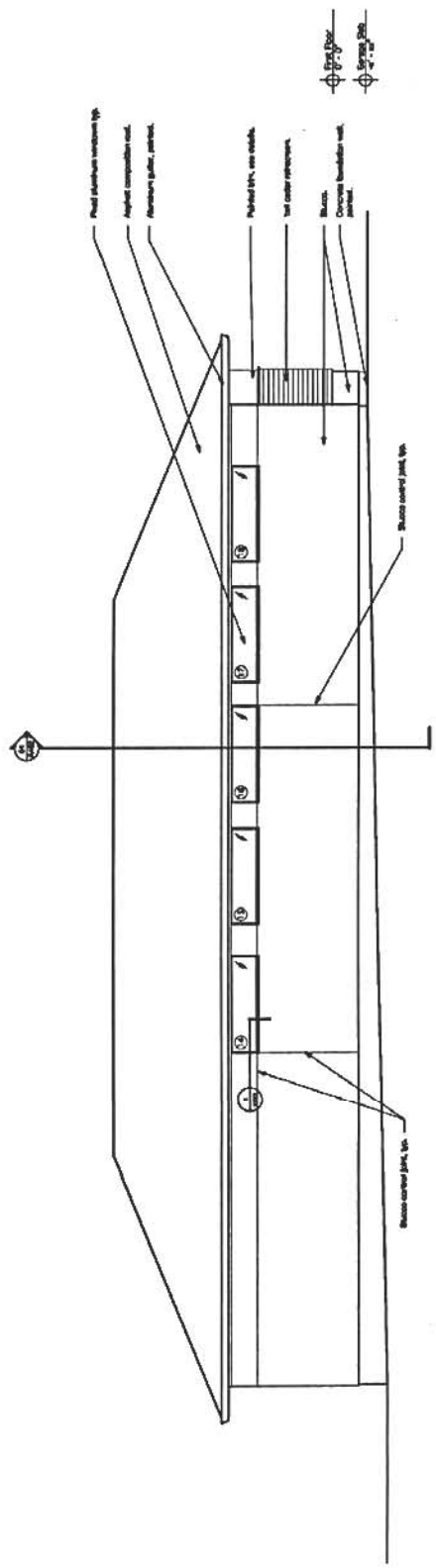
Drawing Name:
 BRIDGE CITY
 ELEVATIONS

Scale: 1/4" = 1'-0"

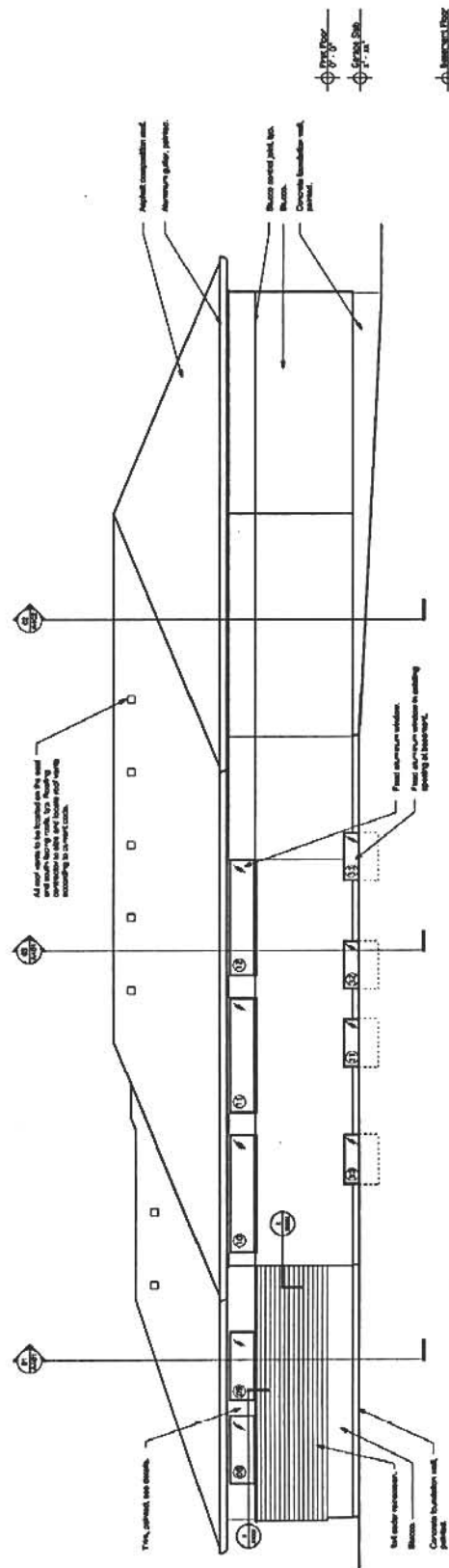
Date: May 3, 2008

Drawing Number:

A3.02



01 | north elevation
 1/4" = 1'-0"



02 | east elevation
 1/4" = 1'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner John Wood Date 6.13.08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

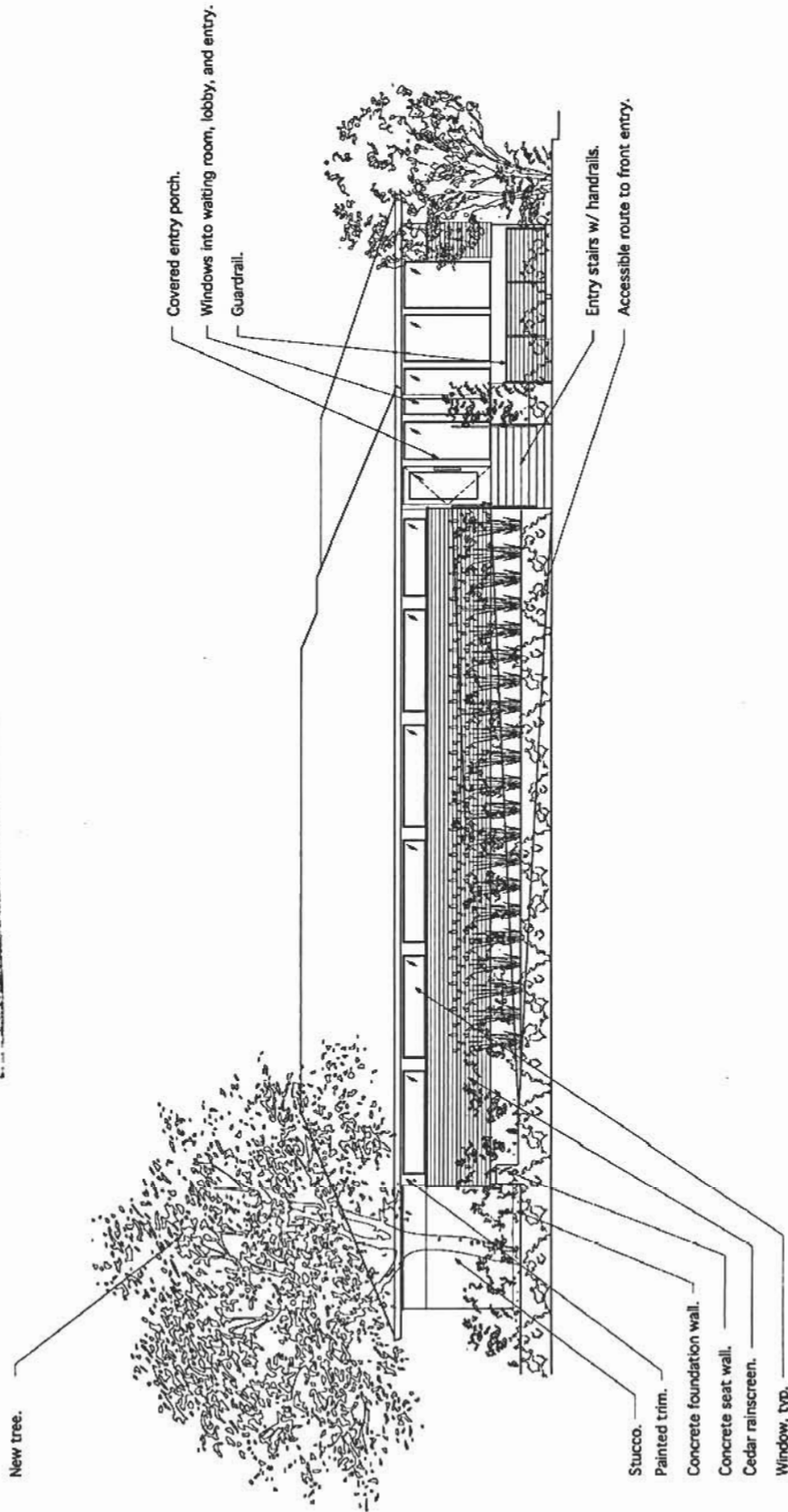
EXHIBIT C.4

Approved

City of Portland - Bureau of Development Services

Planner *Shirley* Date **6.13.08**

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



West Elevation

Scale: 1/4" = 1'-0"

Bridge City Family Medical Clinic
1410 NE 106th Avenue
Portland, Oregon 97220

prototype architecture llc
1207 northeast fremont street
portland, oregon 97212

EXHIBIT C.5