



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

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

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER IN UNCONTESTED CASE

File No.: LU 13-165072 CU
HO 4130023

Applicant: Shawn Nguy
Pacland
6400 SE Lake Road, Suite 300
Portland, OR 97222

Owner: Tom Moyer Theatres, LLC
805 SW Broadway #2020
Portland, OR 97205-3360

Representative: Kristie Boegler, Consultant
Tritek Construction, Inc.
4374 Contractors Common, Suite A
Livermore, CA 94551

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Representative: Sylvia Cate

Site Address: 12518 NE Airport Way

Legal Description: LOT 1&2 TL 1100, SMP BUSINESS PARK

Tax Account No.: R776720050, R776720050

State ID No.: 1N2E14C 01100, 1N2E14C 01100

Quarter Section: 2443

Neighborhood: Argay

Business District: Columbia Corridor Association, Parkrose Business Association

District Coalition: East Portland Neighborhood Office

Plan District: Columbia South Shore - Industrial Business Opportunity

Zoning: IG2hx: General Industrial 2 with Aircraft Noise and Aircraft Landing overlay zones

Land Use Review: Type III, Conditional Use (CU)

BDS Staff Recommendation to Hearings Officer: Approval

Public Hearing: The hearing was opened at 9:02 a.m. on September 9, 2013, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 9:30 a.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed at the end of the hearing.

Testified at the Hearing:

Sylvia Cate
Shawn Nguy

Proposal:

Concentra medical offices have operated at this location under a Conditional Use approved in 2001 [case file no. LU 01-008111 CU/LUR 01-00714 CU]. Concentra offers a wide array of occupational medical services for the employees in the industrial area. Besides providing urgent care for industrial accidents or injuries, Concentra provides rehabilitation services, including physical therapy, immunizations and drug testing for the industrial area. This office use currently occupies 6,840 square feet; however, the applicant requests conditional use approval to expand to 10,419 square feet. The site has one office and two retail uses. Because office and retail uses are regulated in the IG2 zone to a maximum total of four retail or office uses, with a combined maximum of 12,000 square feet, the request to expand the medical office use triggers a Type III Conditional Use review. Attached to this Notice is a zoning map and a site plan depicting the proposal.

Approval Criteria:

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

- 33.815.125, *Specified Uses in Industrial Zones*

Hearings Officer Decision: It is the decision of the Hearings Officer to adopt and incorporate into this decision the facts, findings, and conclusions of the Bureau of Development Services in their Staff Report and Recommendation to the Hearings Officer dated August 30, 2013, and to issue the following approval:

Approval of:

- A Conditional Use to expand the floor area of an existing medical office use to 10, 419 Square Feet, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-165072 CU."

NOTE TO APPLICANT: NO BUILDING PERMITS WILL BE ISSUED UNTIL THE WATER BUREAU IS SATISFIED THAT WATER SERVICE ISSUES ARE RESOLVED.

Basis for the decision: BDS Staff Report in LU 13-165072 CU, Exhibits A.1 through H.4, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

9/10/13

Date

Application Determined Complete:	July 26, 2013
Report to Hearings Officer:	August 29, 2013
Decision Mailed:	September 11, 2013
Last Date to Appeal:	4:30 p.m., September 25, 2013
Effective Date (if no appeal):	September 26, 2013 Decision may be recorded on this date.

Conditions of Approval. This project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of the decision. ANY APPEAL OF THE HEARINGS OFFICER'S DECISION MUST BE FILED AT 1900 SW 4TH AVENUE, PORTLAND, OR 97201 (503-823-7526). Until 3:00 p.m., Tuesday through Friday, file the appeal at the Development Services Center on the first floor. Between 3:00 p.m. and 4:30 p.m., and on Mondays, the appeal must be submitted at the Reception Desk on the 5th Floor. **An appeal fee of \$2,000 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000).** Information and assistance in filing an appeal can be obtained from the Bureau of Development Services at the Development Services Center.

Who can appeal: You may appeal the decision only if you wrote a letter which is received before the close of the record on hearing or if you testified at the hearing, or if you are the property owner or applicant. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after the day following the last day to appeal. The Hearings Officer's decision will note these dates.
- 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. Project Narrative
 - 2. Transportation Impact Study, Lancaster Engineering
- B. Zoning Map
- C. Plans and Drawings
 - 1. Site Plan
 - 2. Floor Area Detailed Layout
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
- F. Letters: *None received at time of publication of staff report*
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
- H. Received in the Hearings Office
 - 1. Hearing Notice – Sylvia Cate
 - 2. Staff Report (**attached**) – Sylvia Cate
 - 3. PowerPoint Presentation – Sylvia Cate
 - 4. Record Closing Information – Hearings Office



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 13-165072 CU
 PC # 13-115903
 REVIEW BY: Hearings Officer
 WHEN: September 9, 2013 at 9:00 AM
 WHERE: 1900 SW Fourth Ave., Suite 3000
 Portland, OR 97201

It is important to submit all evidence to the Hearings Officer. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: SYLVIA CATE / SYLVIA.CATE@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Shawn Nguy, Main Contact
 Pacland
 6400 SE Lake Road
 Suite 300
 Portland, OR 97222

Owner: Tom Moyer Theatres LLC
 805 SW Broadway #2020
 Portland, OR 97205-3360

Representative: Kristie Boegler, Consultant
 Tritex Construction Inc
 4374 Contractors Common Suite A
 Livermore, CA 94551

Site Address: 12518 NE Airport Way

Legal Description: LOT 1&2 TL 1100, SMP BUSINESS PARK
Tax Account No.: R776720050, R776720050
State ID No.: 1N2E14C 01100, 1N2E14C 01100
Quarter Section: 2443

Neighborhood: Argay, contact Troy Palmquist at 503-256-5445.
Business District: Columbia Corridor Association, contact Peter Livingston at 503-796-2892.
 Parkrose Business Association, contact David Ableidinger at 503-258-2607.

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

RECEIVED
 AUG 29 2013
 HEARINGS OFFICE

Plan District: Columbia South Shore - Industrial Business Opportunity

Zoning: IG2hx: General Industrial 2 with Aircraft Noise and Aircraft Landing overlay zones

Case Type: CU: Conditional Use

Procedure: Type III, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal:

Concentra medical offices have operated at this location under a Conditional Use approved in 2001 [case file no. LU 01-008111 CU/LUR 01-00714 CU]. Concentra offers a wide array of occupational medical services for the employees in the industrial area. Besides providing urgent care for industrial accidents or injuries, Concentra provides rehabilitation services, including physical therapy, immunizations and drug testing for the industrial area. This office use currently occupies 6,840 square feet; however, the applicant requests conditional use approval to expand to 10,419 square feet. The site has one office and two retail uses. Because office and retail uses are regulated in the IG2 zone to a maximum total of four retail or office uses, with a combined maximum of 12,000 square feet, the request to expand the medical office use triggers a Type III Conditional Use review. Attached to this Notice is a zoning map and a site plan depicting the proposal.

Approval Criteria:

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

- 33.815.125, *Specified Uses in Industrial Zones*

ANALYSIS

Site and Vicinity: The site is approximately 6.44 acres in area and is developed with four buildings: two buildings have office, retail, and Industrial Service tenants, the other two buildings are drive through restaurants. The site is located at the southeast corner of the intersection of NE 122nd and NE Airport Way. The flex-space building in which the clinic is proposed to expand is approximately 47,682 square feet in area. The site is centrally located in the Columbia South Shore Plan District, an industrial and employment area east of the Portland International Airport. Industrial zoning and uses are to the north, east and south, while a mixture of industrial and employment zoning are directly west. Both frontage streets, NE Airport Way and NE 122nd Avenue are designated Major City Traffic Streets, Minor Transit Streets, City Bikeways and City Walkways.

Zoning: The site is zoned IG2hx, General Industrial 2 with an Aircraft Landing and Airport Noise overlay zones. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

The Portland International Airport Noise Impact overlay zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center that is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development.

Land Use History: City records indicate that prior land use reviews include Case File LUR 01-00714 CU, which approved, with no conditions, a 5,340 square-foot outpatient occupational health clinic. As a conditional use, the clinic was allowed to expand, by right, an additional 1300 square feet in 2012, for a current total of 6,840 square feet.

Agency Review: A "Request for Response" was mailed July 29, 2013. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
 - Bureau of Transportation Engineering
 - Fire Bureau
 - Site Development Section of BDS
 - Bureau of Parks-Forestry Division
- Water Bureau has responded, stating that The Water Bureau cannot at this time approve of this Land Use Review for Conditional Use. The Water Bureau further notes that the applicant must comply with all Water Bureau requirements and obtain a separate water service for development on Tax Lot ID No. 1N2E14C 1101. Once a separate service is obtained [or the alternative of completing a tax lot consolidation] the Water Bureau will note no objections to the conditional use. The full response of the Water Bureau is found at Exhibit E-3 in the record for this review.

Staff comment: The applicant is aware of this response and is actively engaged in resolving the issue. However, at time of publication of this Staff Report and Recommendation, the Water Bureau has informed staff that the water service issue is not yet resolved. Staff also notes that the response states that: *the Water Bureau will not sign off on any future building permits for this site until this issue is resolved.* **Staff further notes that the applicable approval criteria for this review does not include a criterion requiring an analysis of 'adequacy of public services' and therefore has no nexus to deny or recommend a condition of approval that the applicant must resolve the issue before any building permit can be issued.**

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 16, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement;

Findings: The applicant submitted a Transportation Impact Study [TIS] prepared by Lancaster Engineering. Portland Transportation has reviewed the information and notes the following:

IMPACTS ON TRUCK AND FREIGHT MOVEMENT

Site trips from the proposed medical office expansion will have a negligible effect on the operation of local roadways and intersections. Due to the low number of site trips, the level of impact to all users, including truck and freight movement will be negligible and undetectable. Within the subject property there will be a slight increase in parking maneuvers, however these occur almost exclusively within the commercially-oriented areas at the west and north sides of the site, while truck circulation occurs primarily in the rear of the buildings at the south and east sides of the site.

Since the north and west sides of the site already serve much larger commercial traffic volumes associated with the Starbucks and Jack in the Box businesses, the addition of trips from the Concentra expansion will not meaningfully affect the mixture of freight vs. passenger vehicles within the portion of the site that serves Concentra.

Based on the analysis, the proposed site use will not negatively impact truck and freight movement either within the site or in the surrounding community.

IMPACTS ON NEARBY INDUSTRIAL FIRMS

No adverse impacts are anticipated on nearby industrial firms since traffic levels and site culture will not be meaningfully affected upon completion of the proposed medical office expansion.

Based on the above analysis, staff concludes that this criterion is met.

- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: The clinic serves industrial companies in the immediate area. The applicant submitted a Transportation Impact Study [TIS] prepared by Lancaster Engineering. Portland Transportation has reviewed the information and concludes that the transportation system can accommodate the transportation demands associated with an increase in floor area. Portland Transportation noted the following in their response:

STREET CLASSIFICATION AND CONFIGURATION

At this location, NE 122nd Avenue is classified as a District Collector, Community Transit Street, City Bikeway, City Walkway, Priority Truck Street in a Freight District, and a Major Emergency Response Street in the City's Transportation System Plan.

According to City database sources, the site's frontage is improved with a 0-6-3 sidewalk configuration. For a site located in the IG zone district along a City Walkway (classification) street, the Pedestrian Design Guide recommends a 12-ft pedestrian corridor (0.5-ft curb/4-ft furnishing zone/6-ft/sidewalk/1.5-ft setback to the property line).

1. Dedications and frontage improvements required as conditions of approval of Public Works Panel Appeal 12-219956

At this location, NE Airport Way is classified as a District Collector, Community Transit Street, City Bikeway, City Walkway, Priority Truck Street in a Freight District, and a Major Emergency Response Street in the City's Transportation System Plan.

According to City database sources, the site's frontage is improved with a 0-6-0 sidewalk configuration. For a site located in the IG zone district along a City Walkway (classification) street, the Pedestrian Design Guide recommends a 12-ft pedestrian corridor (0.5-ft curb/4-ft furnishing zone/6-ft/sidewalk/1.5-ft setback to the property line).

2. Dedications and frontage improvements required as conditions of approval of Public Works Panel Appeal 12-219956

The applicant has provided a Transportation Impact Study prepared by Lancaster Engineering and supporting narrative documenting that adequate transportation facilities exist to serve the proposed development in addition to existing uses in the area. Transportation staff has reviewed the TIA and concurs with those findings.

SUMMARY

1. Concentra Medical Centers has proposed to add approximately 5,000 square feet of floor area to their existing medical office building located at 12518 NE Airport Way in Portland, Oregon. The existing medical center is located within an industrial area, and the proposed expansion will convert 5,000 square feet of existing industrial space to medical office use.
2. The proposed medical office expansion is projected to result in a net increase of 8 trips during the morning peak hour, with 6 entering and 2 exiting the site. During the evening peak hour, an increase of 13 trips is expected, with 4 entering and 9 exiting the site. A weekday increase of 146 trips is expected with half entering and half exiting.
3. Pedestrian and bicycle facilities in the site vicinity are adequate to serve the needs of the proposed site use as well as the surrounding communities.
4. Based on the crash data, no significant crash hazards are evident in the site vicinity. No safety mitigation is proposed.
5. The area streets and intersections currently operate acceptably and are projected to continue to operate acceptably in the future either with or without the addition of site trips from the proposed medical office expansion. No operational mitigations are recommended.
6. Adequate off-street parking is available within the subject property to serve existing site users in addition to the projected parking demand associated with the medical office expansion. No parking mitigations are recommended.
7. Based on the detailed analysis of the evaluation factors described in City of Portland Code section 33.815.125 subsections A and B, the proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area.
8. Although not needed to maintain acceptable conditions in the site vicinity, Concentra Medical Centers has committed to implementing Transportation Demand Management Strategies in order to assist in reducing traffic congestion, maintaining a healthy environment and enhancing quality of life in Portland. Bicycle parking will be provided within the site, and Concentra will participate in the City of Portland's "Smart Trips" program to encourage alternative transportation choices.

TRIP GENERATION

To estimate the number of trips that could be generated by the proposed medical office expansion, trip rates for the proposed medical office use and the existing industrial park use were examined. Since the proposed medical office expansion will replace existing industrial space, the expected trips for 5,000 square feet of industrial park use were subtracted from the medical office trips in order to determine the net increase in site traffic that could be expected upon completion of the expansion.

The trip rates used for the analysis were taken from the manual *TRIP GENERATION, Eighth Edition*, published by the Institute of Transportation Engineers (ITE). Land uses 130, *Industrial Park*, and 720, *Medical-Dental Office Building* were used. The trip rates are based on the gross floor area and were calculated for 5,000 square feet.

The trip generation calculations show that the proposed development will generate a net increase of 8 trips during the morning peak hour, with 6 entering and 2 exiting the site. During the evening peak hour, an increase of 13 trips is expected, with 4 entering and 9 exiting the site. A weekday increase of 146 trips is expected with half entering and half exiting.

The table below shows the projected increase in site trips during the morning and evening peak hours.

TRIP GENERATION SUMMARY
Concentra Medical Office Expansion

	sf	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Medical-Dental Office Trips	5,000	9	3	12	5	12	17
(Less Existing Industrial Trips)	(5,000)	(3)	(1)	(4)	(1)	(3)	(4)
Net Increase in Site Trips		6	2	8	4	9	13

Because both industrial site uses and medical office uses are typically origins or destination for trips, no reduction was taken for pass-by trips. Also, for a conservative analysis no reduction was made for transit use.

PEDESTRIAN AND BICYCLE FACILITIES

Existing sidewalks are in place on both sides of the two roadways adjacent to the subject property. Marked crosswalks are in place for all approaches to the signalized intersection at Airport Way and 122nd Avenue. A marked sidewalk is also in place extending from NE 122nd Avenue adjacent to the south side of the Starbucks to the front of the Concentra building. Safe, continuous pedestrian paths are provided within the site.

NE Airport Way and NE 122nd Avenue are both designated as City Bikeways and City Walkways, with continuous bike lanes and sidewalks in place on both sides of the roadway in the site vicinity.

The pedestrian and bicycle facilities provided in the site vicinity are adequate to support the proposed medical office expansion in addition to existing uses in the site vicinity.

CAPACITY ANALYSIS

To determine the level of service at the study intersection, a capacity analysis was conducted. The analysis was conducted according to the signalized intersection analysis methodologies in the 2000 *HIGHWAY CAPACITY MANUAL* (HCM) published by the Transportation Research Board. Level of service can range from A, which indicates little or no delay, to F, which indicates a significant amount of congestion and delay. PBOT operational standards require level of service D or better at signalized intersections. Detailed level of service descriptions are included in the appendix to this report.

The intersection of NE Airport Way at NE 122nd Avenue currently operates at level of service B during the morning peak hour and level of service C during the evening peak hour. Under year 2013 traffic conditions, the intersection is projected to continue to operate at level of service B during the morning peak hour and level of service C during the evening peak hour either with or without the addition of site trips from the proposed medical office expansion.

The results of the capacity analysis, along with the Levels of Service (LOS) and delay are shown in the following table. Detailed capacity analysis results are included in the appendix to this report.

LEVEL OF SERVICE SUMMARY

	AM Peak Hour			Evening Peak Hour		
	<u>LOS</u>	<u>Delay</u>	<u>V/C</u>	<u>LOS</u>	<u>Delay</u>	<u>V/C</u>
<i>NE Airport Way at NE 122nd Avenue</i>						
Existing Conditions	B	19	0.48	C	22	0.56
2013 Background	B	19	0.49	C	22	0.58
2013 Background + Site	B	19	0.49	C	22	0.59

LOS = Level of Service

Delay = Average Delay per Vehicle in Seconds

V/C = Volume-to-Capacity ratio

As shown in the table above, the intersection currently operates acceptably during the peak hours and will continue to operate acceptably with the addition of site trips from the proposed medical office expansion. Based on the analysis, no operational mitigations are necessary or recommended.

PARKING IMPACTS

In order to determine the potential parking impacts of the proposed medical office expansion, observations were conducted to establish existing parking levels. Additional future parking demands were determined based on data from the manual *PARKING GENERATION, Fourth Edition*, published by the Institute of Transportation Engineers.

Parking observations were made at 15-minute intervals between the hours of 10:30 AM and 2:00 PM, in order to capture the peak parking demand periods for all of the existing uses within the subject property. The peak parking demand was observed at 12:15 PM and consisted of 93 total vehicles parked.

The available parking supply within the subject property consists of 171 marked spaces, including 6 reserved handicap accessible spaces. In addition to the marked spaces, some vehicles were observed to park in unmarked spaces behind the buildings. These vehicles appear to have opted to park in unmarked spaces that are located closer to their building entry in lieu of the more distant marked spaces which were also available. Some delivery trucks were also observed to park along the east property line in unmarked spaces while eating.

Under peak parking demand, there were a total of 78 marked spaces available within the site. Of the 102 parking spaces located on the west side of the site where staff and clients of Concentra would likely park, 56 spaces were utilized, leaving 46 available spaces within the west portion of the site.

The average peak parking generation rate for a medical/dental office use is 3.2 vehicles per thousand square feet of gross floor area. The 85th percentile peak parking demand is 4.27 vehicles per thousand square feet of gross floor area. This indicates that under typical conditions the additional 5,000 square feet of medical office would be expected to result in utilization of 16 additional parking spaces. If demand at this site is particularly high, the increase in parking utilization may be as high as 22 spaces.

Since the number of available parking spaces is well in excess of both the typical peak parking demand and a high estimate of potential peak parking demand, it can be concluded that there is adequate parking within the site to accommodate the proposed site use.

Since parking demands can be met within the site, it is also projected that the proposed development will result in no impacts to parking within facilities outside the site boundary. On-site parking is adequate, and no mitigations are recommended.

NEIGHBORHOOD IMPACTS

The proposed medical office expansion is a use similar to an existing use within the subject property. The volume of traffic generated by the proposed expansion will have a negligible impact on traffic operations and safety within the site vicinity. Since adequate parking is available within the site, there are no significant impacts projected for existing uses within the site and in the surrounding community.

PEDESTRIAN, BICYCLE AND TRANSIT CIRCULATION IMPACTS

The proposed medical office expansion will also have no significant impact on pedestrian, bicycle or transit facilities or users in the site vicinity. The existing facilities for these alternate travel modes are adequate to serve the site under existing conditions and will remain adequate upon with the addition of site trips from the proposed site use.

ACCESS RESTRICTIONS AND CONNECTIVITY

The proposed medical office expansion will not change the location or function of site access or circulation within the site for freight, passenger vehicles, pedestrians, bicycles and transit users. Connectivity within the site and access to the adjacent street system and community are adequate under existing conditions and will remain adequate upon completion of the proposed development.

TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

Since the proposed development will have very little impact on operation of existing facilities in the site vicinity and all area streets and intersections currently operate very well, Transportation Demand Management (TDM) strategies are not needed to maintain acceptable operation in the site vicinity. Nevertheless, implementation of TDM measures results in reduced congestion, reduced pollution and increased quality of life.

Concentra Medical Centers has committed to promoting TDM through providing bicycle parking within the subject property and participating in the City of Portland's "Smart Trips" program, which encourages alternative transportation choices by providing information and advice to assist with carpooling, transit use, biking and walking.

CONCLUSIONS

Pedestrian and bicycle facilities in the site vicinity are adequate to serve the needs of the proposed site use as well as the surrounding communities.

Based on the crash data, no significant crash hazards are evident in the site vicinity. No safety mitigation is proposed.

The area streets and intersections currently operate acceptably and are projected to continue to operate acceptably in the future either with or without the addition of site trips from the proposed medical office expansion. No operational mitigations are recommended.

Adequate off-street parking is available within the subject property to serve existing site users in addition to the projected parking demand associated with the medical office expansion. No parking mitigations are recommended.

Based on the detailed analysis of the evaluation factors described in City of Portland Code section 33.815.125 subsections A and B, the proposed use will not have significant adverse effects on

nearby industrial firms, and on truck and freight movement. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

Although not needed to maintain acceptable conditions in the site vicinity, Concentra Medical Centers has committed to implementing Transportation Demand Management Strategies in order to assist in reducing traffic congestion, maintaining a healthy environment and enhancing quality of life in Portland. Bicycle parking will be provided within the site, and Concentra will participate in the City of Portland's "Smart Trips" program to encourage alternative transportation choices.

For all of the above reasons, this criterion is met.

- C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes;

Findings: The overall character of the area is established by the purpose statement of the Columbia South Shore Plan District. The District regulations encourage the development of the Columbia South Shore as an industrial employment center that is intended to attract a diversity of employment opportunities.

The proposed expansion of the occupational health clinic will be consistent with this overall character as the medical clinic provides occupational and emergency medical services to the employment base of the industrial district. These services provide an essential service that further strengthens the surrounding industrial district as an employment center with diverse employment opportunities and services.

An analysis by the applicant of existing uses and businesses within 1,000 feet of the site demonstrates that approximately 90% of the lands are occupied with industrial uses, 6% commercial, and 4% institutional [Kaiser, Adventist Health and Red Cross]. There are other medical offices and services within 1,000 feet of the site, however these are located west of NE 122nd Avenue. Within the commercial use category, approximately 0.5% are classified as medical office uses.

The clinic is located within a flex space building with a number of other Industrial Service tenants. No exterior changes to the building are proposed, the requested expansion of floor area will be completely within the existing building. The use is existing, therefore the proposed expansion will not result in an increase in non-industrial uses, but will result in an expansion in floor area in order to provide adequate space to deliver medical services appropriately. For these reasons, this criterion is met.

- D. The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and

Findings: Concentra has been in this location for over 10 years. Concentra has offered occupational medical services to the local industrial firms in the area, including urgent care for work-related injury and illness treatment, specialist services, physical and occupational therapy rehabilitation services, x-rays, physicals, OSHA and DOT exams, hearing and respirator programs, records management, drug testing and screening, vision and pulmonary testing, certified medical review officer services, vaccinations, immigration exams, onsite medical services, mobile health units and background checks. The demand for these services by industrial firms has resulted in a need to expand the floor area of the medical office use in order to better assist industrial businesses and to increase urgent care capability with enhanced patient care and support.

The applicant notes that patient loads at the medical offices have increased, as well as staffing. A new service, offering specialized hand therapy, has increased the need for additional floor area so that both equipment and patients have adequate space and privacy for health care. The applicant notes that the volume of patients at this office requires additional treatment tables and other medical equipment, none of which can be accommodated without additional floor area.

The proposed expansion is within the building that currently houses Concentra, into an area that has been vacant for over 10 years. The demand for services Concentra provides to industry is increasing, resulting in the proposed expansion. By allowing the expansion [instead of relocation] these services will remain in close proximity to the industrial businesses in the area, thus reducing downtime and other costs associated with transporting employees for medical treatment and health care. For these reasons this criterion is met.

E. City-designated scenic resources are preserved.

Findings: The site has frontage along a portion of NE Airport Way, which is identified as an area within a designated View Corridor. The associated regulations to protect the View Corridor are shown on Map 515-3, which calls out a maximum height limit of 100 feet for any building. All buildings on the site are below 100 feet in height, and no exterior development is proposed for the medical office. Therefore, designated scenic resources are preserved. This criterion is 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

Concentra medical offices have operated at this location under a Conditional Use approved in 2001 [case file no. LU 01-008111 CU/LUR 01-00714 CU]. Concentra offers a wide array of occupational medical services for the employees in the industrial area. Besides providing urgent care for industrial accidents or injuries, Concentra provides rehabilitation services, including physical therapy, immunizations and drug testing for the industrial area. The applicant has requested the expansion of floor area in order to accommodate additional medical equipment and to better serve the patients of the clinic.

This office use currently occupies 6,840 square feet; however, the applicant requests conditional use approval to expand to 10,419 square feet. The site has one office and two retail uses. Because office and retail uses are regulated in the IG2 zone to a maximum total of four retail or office uses, with a combined maximum of 12,000 square feet, the request to expand the medical office use triggers a Type III Conditional Use review.

The proposal meets all of the applicable approval criteria and therefore should be approved.

TENTATIVE STAFF RECOMMENDATION

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

Approval of:

- A Conditional Use to expand the floor area of an existing medical office use to 10, 419 Square Feet, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-165072 CU."

NOTE TO APPLICANT: NO BUILDING PERMITS WILL BE ISSUED UNTIL THE WATER BUREAU IS SATISFIED THAT WATER SERVICE ISSUES ARE RESOLVED.

Procedural Information. The application for this land use review was submitted on June 6, 2013, and was determined to be complete on July 26, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 6, 2013.

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. Unless further extended by the applicant, **the 120 days will expire on: October 24, 2013.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$2,000.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after the day following the last day to appeal. The Hearings Officer's decision will note these dates.
- 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.

Planner's Name: Sylvia Cate

Date: August 30, 2013

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Project Narrative
 - 2. Transportation Impact Study, Lancaster Engineering
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Floor Area Detailed Layout
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of Bureau of Development Services
 - 6. Bureau of Parks, Forestry Division
- F. Letters: *None received at time of publication of staff report*
- G. Other:
 - 1. Original LUR Application
 - 2. Site History Research

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).

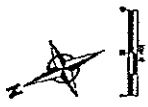
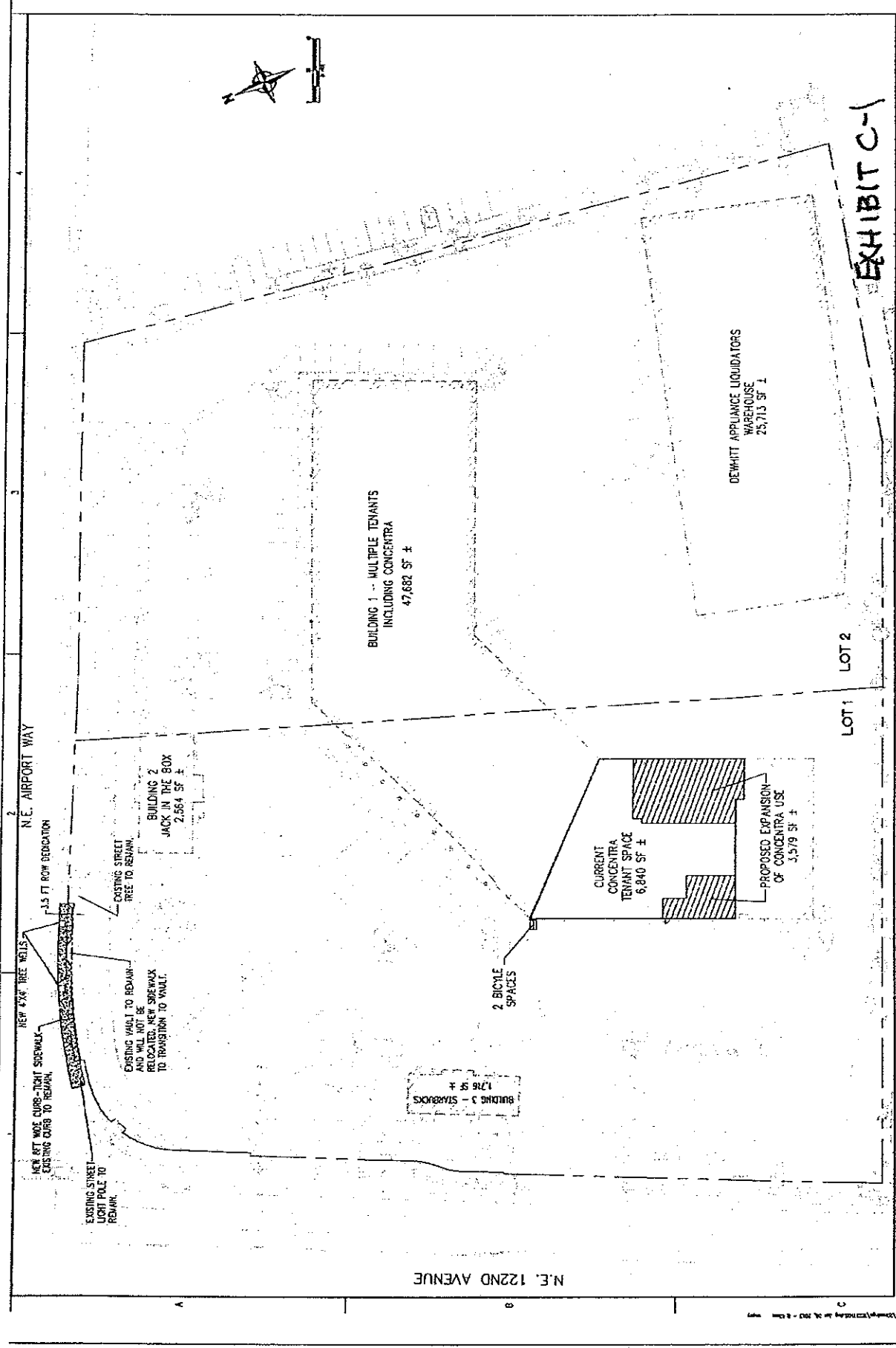


EXHIBIT C-1

C-10
 SITE AND FRONTAGE
 IMPROVEMENT PLAN

CONCENTRA URGENT CARE
 12518 NE AIRPORT WAY, SUITE 110
 PORTLAND, OREGON 97230

PLANNING
 LAND
 2000 NE LAKE DRIVE, SUITE 100
 PORTLAND, OREGON 97232
 503.251.1234
 WWW.PLANLAND.COM

PREPARED BY
 DATE
 CHECKED BY
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PROJECT NO.
 SHEET NO.

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FLOOR PLAN

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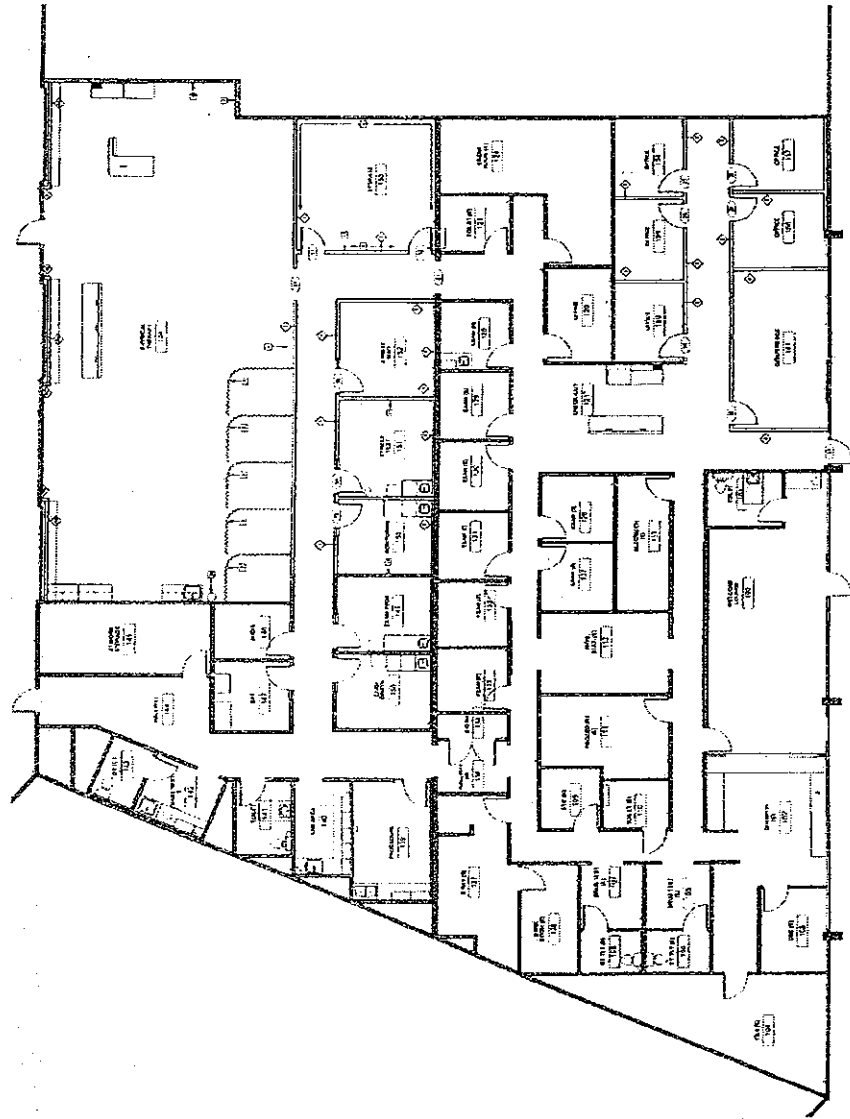
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