



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

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Date: January 17, 2017
To: Interested Person
From: Benjamin Nielsen, 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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-133349 DZM - ASIAN HEALTH & SERVICE CENTER

GENERAL INFORMATION

Applicant/ Representative: Lee Jorgensen, Holst Architecture
110 SE 8th Ave
Portland, OR 97214

Owner: Portland Development Commission / City of Portland
222 NW 5th Ave
Portland, OR 97209-3812

Site Address: 9035 SE FOSTER RD

Legal Description: BLOCK 3 TL 8000, BERNHARDT PK
Tax Account No.: R072400860
State ID No.: 1S2E16CA 08000
Quarter Section: 3639

Neighborhood: Lents, contact Judy Low at pmsi_92@hotmail.com.
Business District: Foster Area, contact Kristin O'Neill at 503-724-2692.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: None
Other Designations: Outer Southeast Community Plan Area; Lents Pedestrian District

Zoning: EXd – Central Employment with Design Overlay

Case Type: DZM – Design Review with Modifications
Procedure: Type II – an administrative decision with appeal to the Design Commission.

PROPOSAL:

The applicant requests Design Review for a new three-story commercial office and community service building on the north side of SE Foster Road in the Lents neighborhood. A ground floor lobby fronts SE Foster Road and wraps around the southwest corner of the building with additional access from the parking lot to the north. The existing surface parking lot behind the proposed building will be retained but reconfigured.

The applicant had also requested four Modifications to zoning code development standards, though with site design revisions, only three are now necessary:

1. 33.140.215.C.1.e.(5) – Maximum Building Setbacks – One transit street and one intersecting non-transit street. The Modification is requested to reduce the percentage of building frontage required within the maximum building setback of 10’ along SE 91st Avenue from a minimum of 50% to 0%.
2. 33.140.275.C.1.b – Fences – Location and Heights. The Modification is requested to allow fences that are more than 50% site-obscuring to be 5’ tall, rather than the required maximum 3.5’ tall within 10 feet of the street lot line along SE 91st Avenue.
3. 33.266.130.C.3.b – On-site Locations of Vehicle Areas – Frontage Limitation. The Modification is requested to allow more than 50% of the frontage along SE 91st Avenue to be used for vehicle area.

The previous fourth Modification request to reduce the size of the ‘Standard A’ loading space is no longer needed as one full-size ‘Standard A’ space is now shown on the site plan.

Design Review is required for proposed new development and for requested Modifications on sites within the design overlay zone.

RELEVANT APPROVAL CRITERIA:

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

- 33.825 Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject site lies along the north side of SE Foster Road [*Major City Traffic Street, Major Transit Priority Street, Regional Main Street, Local Service Walkway, City Bikeway, Major Emergency Response Street*] in the Lents Town Center area of southeast Portland. The subject site is currently vacant along SE Foster Rd and has a parking lot constructed in the rear that is shared with an adjacent two-story mixed-use development immediately to the west. Both the existing building and the proposed building will share a private driveway entrance that is designed like a street and which separates the two parcels.

The subject site also lies along the west side of SE 91st Ave [*local service all modes*]. A small, single-story commercial building lies at the corner of the intersection of SE Foster Rd and SE 91st Ave, and the subject site wraps around its west and north sides. The existing parking lot occupies the entire frontage along SE 91st Ave. SE 91st Ave also currently hosts the neighborhood farmers’ market one day each week during the summer months.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate that relevant prior land use reviews include the following:

- EA 15-257306 APPT – Early Assistance appointment to discuss a new 3-story office building with community gathering spaces and at-grade parking.
- LU 06-114991 DZM – Design Review approval of two, two-story mixed-use buildings fronting SE Foster Rd with an 86-space parking lot to the rear that has access via SE Reedway St, SE 91st Ave, and SE Foster Rd. A Modification was approved to waive the building area requirement (33.140.215 & 33.266.130.C.3.b) along SE 91st Ave or SE Reedway St.
- LUR 01-00394 SU – Creation of a 9-lot subdivision with mixed-use development and Modification to reduce the setback requirement.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 19, 2016**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS

The Bureau of Environmental Services responded with no objections and with comments about sanitary service and stormwater management requirements at permitting. Please see Exhibit E-1 for additional details.

The Bureau of Transportation Engineering responded with no objections to the design review as long as one ‘Standard A’ loading space was provided. Please see Exhibit E-2 for additional details.

The applicant revised the design to provide one ‘Standard A’ loading space on site, and the Modification to reduce the size of the loading space is no longer needed.

The Water Bureau responded with no objections and with information about available water service. Please see Exhibit E-3 for additional details.

The Fire Bureau responded with comments stating that a building permit is required and all applicable fire codes must be met at the time of permit. Please see Exhibit E-4 for additional details.

The Life Safety Section of the Bureau of Development Services responded with a comment that stated that a building permit had already been applied for. Please see Exhibit E-5 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 19, 2016. A total of five written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Nick Christensen, via email, August 23, 2016. Request for copies of any feedback received on the proposal to date.

Staff forwarded comments from PBOT to Mr. Christensen.

- John Skourtes, manager of Lents Town Center I, via email, September 6, 2016. Email in opposition to the proposal based on covenants, conditions, and restrictions that apply to the subject site, including opposition to any changes to the parking lot configuration.

Staff forwarded the comments to the applicant, replied to Mr. Skourtes with a detailed email, and spoke with him on several occasions while he and the applicants worked out an acceptable site plan arrangement that is now shown in the exhibited site plan. During the process, staff forwarded copies of both site plan options that were studied by the applicant. Ultimately, a revised site design was prepared by the applicants that satisfied Mr. Skourtes' concerns, as confirmed via telephone with staff.

- Nick Christensen, via email, September 27, 2016 and October 3, 2016. Request for information about any feedback received on the proposal to date.

Staff forwarded comments from the Fire Bureau, PBOT, Portland Water Bureau, Mr. Skourtes, and Ms. Potter.

- Cora Potter, Land Use Chair, Lents Neighborhood Association, via email, October 3, 2016. Email in favor of the proposal and stating general neighborhood support for the project.

Staff forwarded this email to the applicant and responded to Ms. Potter thanking her for comments on behalf of the LNA.

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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P1 & D7: The proposed building is located along the south edge of the site along SE Foster Rd, filling a gap in the frontage along SE Foster and helping to build up this street edge. It is oriented towards SE Foster as well, with its lobby entry and commercial shell space entry being oriented towards the street as well as large areas of glazing, bringing additional pedestrian activity to the street. This also helps to fulfill the desired Lents Town Center character. The three-story building also has a scale and massing that are compatible with the adjacent two-story mixed-use building to the west as well as other buildings of similar scale on the same block. Several other buildings of similar—and even slightly larger—scale have also recently been approved in close proximity in the Lents Town Center

Therefore, these guidelines are met.

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

E2. Stopping Places. New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

Findings for E1 & E2: The proposed building is placed on a part of a larger site that already has a fairly-extensive internal pedestrian network. A street-like driveway provides access to the interior of the site for pedestrians as well as cars. The mixed-use building to the west of the subject site has a sidewalk that runs along its entire north side and connects to the driveway and another sidewalk that connects to SE Reedway St to the north, helping to provide permeability to the atypically large block. The proposed building will connect to this existing system and extend a new sidewalk along its north side, as well, connecting through an “entry garden” space to SE 91st Ave on the east side of the site. This entry garden area is partially-screened from the adjacent parking lot by site landscaping and a 5’-tall brick screen, providing some physical buffer for pedestrians from the parking area.

This same entry garden also provides a well-landscaped stopping place off of SE 91st Ave, which currently serves as a street for the neighborhood farmers market on Sundays during the summer. The building is also setback 3’ from SE Foster Rd with an extension of the public sidewalk. This setback is also underneath the large metal solar screen set in front of the building (described below in Findings for D8). Both features help to identify it as a stopping place just off the main, public sidewalk.

Therefore, these guidelines are met.

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings for E3, E4, E5, & D2: The ground floor of the proposed building is composed primarily of brick and clear storefront glazing, differentiating the ground level from the upper stories which are defined largely by the use of Equitone fiber cement panels. Main entries to both the lobby and a commercial shell space face the sidewalk on SE Foster Rd, and canopies are proposed at each entry to provide shelter from the rain and sun and to identify the main entries. A large, open metal sunscreen structure stretches across the south, street-facing façade, providing additional shelter from the sun to the building and pedestrians. The regular rhythm of the sunscreen structure touching down on the extension of the sidewalk beyond the sunscreen provides additional interest to pedestrians and also creates an arcade, of sorts, along SE Foster Rd.

The main entrance to the building is located at the southwest corner of the structure, facing SE Foster Rd, and therefore, oriented to the transit street. A large lobby lies along the west side of the building, and glazing wraps the corner here, helping to activate the intersection of SE Foster Rd with the street-like parking lot driveway.

Therefore, these guidelines are met.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 & D3: As described above, the ground floor entrances to both the commercial shell space and the main lobby entrance face SE Foster Rd and open onto an extension of the sidewalk, since the building is set back 3' from the street lot line. This extra space along the sidewalk, along with the addition of the sunscreen arcade, create a unique outdoor area along SE Foster Rd.

Another useful outdoor area is created along the east side of the site along SE 91st Ave. This "entry garden" utilizes a variety of ground covers, shrubs, and trees, to create a useful, peaceful stopping place along SE 91st Ave and to provide screening to the parking area. Additional landscaping is placed along the edges of the parking area and in the middle of the parking area, which not only helps to meet design standards requirements, but also softens the vehicle area, adding pedestrian interest and providing stormwater facilities.

Therefore, these guidelines are met.

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: The configuration of the existing parking lot will change with the new development, adding more spaces for cars; however, the parking area will remain integrated with the overall site design. The parking lot is located on the interior of the site, screened from SE Foster Rd by the new building and from SE 91st Ave by an open brick screen and landscaping. Some parking is also provided in a tuck-under parking area along the north side of the building, further reducing impacts on pedestrians and the community. The ceiling in this area will be white-colored, and the area will be well-lit with linear LED down lights, recessed in the ceiling.

Therefore, this guideline is met.

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: The proposed building sits up close to the street edge along SE Foster Rd, and with its high levels of transparency along the ground floor here, with active interior uses, brings life and “eyes on the street” along this busy thoroughfare. Soffit and site lighting in the parking area help to provide illumination behind the building to pedestrians using this space and to those passing on SE 91st Ave. Upper story windows and a terrace area at the third floor provide additional eyes on the street. Long-term bicycle parking, shown on the exterior of the north side of the building, will be well-lit, but will also need to be either in view of security cameras or near a security guard or attendant in order to meet development standards (zoning code section 33.266.220.B.2.d), so this area will have additional protection against crime.

Therefore, this guideline is met.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings: The proposed building incorporates subtle references to traditional Asian architecture while at the same time manifesting a modern, tripartite form and a scale that integrates well with development in the Lents Town Center. The building is a relatively simple trapezoidal mass, detailed with well-integrated materials and components that form a cohesive composition, and that consist of the following:

- The base is composed of brick and an aluminum storefront system with clear glazing. The mortar used for the light-colored brick will match the brick color, causing it to have a monolithic, but textured, appearance, echoing the cladding used on the upper stories, described below. The storefront system is darker with clear glazing, providing contrast to the brick. The storefront system also rests on a darker-colored architectural, cast-in-place concrete stem wall, providing for additional durability and architectural integration of the system.
- Upper stories are clad with Equitone fiber cement panel rainscreen. Prefinished rivets, colored to match the Equitone panels, are used to attach the panels to the rainscreen system. Three different colors and textures of Equitone panels are proposed. The primary panel is a light-gray with a subtle texture on the surface. Accent panels below the windows are a slightly darker gray with a more-subtle texture. And the flat cornice is clad with yet darker gray panels with the same texturing as the primary panels. All have integral color, and details provided indicate the installation will be of high quality.
- A prefinished aluminum sunscreen attached to color-matched steel columns on the south façade place the most-ornamented face of the building towards SE Foster Rd and creates a distinctive visual presence for this new building in the Lents Town Center. The sunscreen is placed in front of large areas of glazing on the upper stories on this very prominent façade. It is composed of repeated, rectilinear modules that consist of a prefinished aluminum frame, which is divided into three vertical parts, and horizontal, prefinished aluminum “aerofins”. Two of these modules are stacked one atop the other in each bay of the sunscreen system, with the lower module set back 4” behind the upper module, providing additional layering to the south-facing façade. The repetition and patterning of the sunscreen also complement the

patterning of the Equitone fiber cement panels and glazing around the rest of the building.

- Dark-colored steel canopies interrupt the base of the aluminum sunscreen in two locations on the south facade, providing clear identification of the main lobby entrance and the main entrance to the commercial shell space. The underside of the canopies incorporate a tongue-and-groove cedar ceiling, which reflects the exposed tongue-and-groove decking material used on the underside of the projecting roof overhang on the south elevation of the building.
- The vertical sunscreen system is also complemented by a large, glazed volume at the southwest corner of the building, which also serves to demarcate the lobby and vertical public circulation system. This glazed corner also helps to anchor the eastern corner of the private drive into the site, reflecting in exterior function (though not form) the prominent southeastern corner of the adjacent development to the west. Fritted glazing is proposed on the upper stories of this glazed mass, helping to both provide sunshading and also echoing the more-prominent aluminum sunscreen adjacent. This glazed volume is composed of an aluminum curtain wall system on the upper stories, rather than the typical aluminum storefront system found along the ground floor, providing for greater resilience and durability of the system.
- On the northeast corner of the third story of the building, a covered roof terrace is provided. This terrace is a continuous indoor/outdoor terrace, divided by sliding, folding wood storefront doors on its eastern side. The same wood storefront system turns the corner and continues along the north side of the terrace, though here it is fixed. The roof over this area is clad in tongue-and-groove cedar paneling that matches the wood used at the canopies on the ground floor. A simple glazed guardrail with a stainless steel cap is placed along the edge of the terrace. Together with the landscaped entry garden at grade below, this terrace faces SE 91st Ave, and the combination of these elements create a unique, but integrated, moment in the expression of the east façade.
- Mechanical units for the building are placed on the roof. Several of these are located in the middle of the roof, rendering them essentially invisible from the street or other portions of the site, below. Several other units are placed in a mechanical “well” with a continuous parapet surrounding them, extending an additional 3’-6” above the lower roof parapet on the north side of the building. This parapet screen is clad in the same Equitone fiber cement panel material used elsewhere on the building, ensuring that it will be integrated into the overall composition of the building.
- Lighting, too, is well-integrated into the overall design. Recessed linear LED lights provide integrated illumination in the tuck-under parking area at the north side of the building. A simple wall-mounted downlight provides illumination near the entry door off the entry garden. Recessed LED can lights provide illumination at the building entries along SE Foster Rd and the rear building entry off the tuck-under parking area. Simple, square-shaped bollard fixtures provide illumination along the private sidewalk on the west side of the building and at the entry garden. Pole-mounted down lights provide additional illumination in the parking area behind the building.

Taken all together, these elements create a unified composition made up of durable materials that are sensitive to both the neighborhood context and the cultural context that forms the basis of the design concept.

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.

Modification #1: 33.140.215.C.1.e.(5) – Maximum Building Setbacks – One transit street and one intersecting non-transit street. The Modification is requested to reduce the percentage of building frontage required within the maximum building setback of 10' along SE 91st Avenue from a minimum of 50% to 0% of the length of the ground level street-facing facade.

Purpose Statement: The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

Standard: 33.140.215.C.1.e.(5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:

- Standard 2 must be met on the frontage of the transit street,
- Standard 1 must be met on the intersecting non-transit street.

33.140.215.C.1.c Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:

- (1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
- (2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

Findings: The proposed design at the northeast corner of the building—the only part of the east façade that directly faces SE 91st Ave—incorporates a landscaped entry garden set between the sidewalk and the building. Glazing at the ground level looks out onto this space, and a glazed door provides access to and from this garden space. A 5'-tall brick screen provides some physical buffer for pedestrians from the parking area and extends along the rest of the sidewalk along SE 91st Ave, providing a defined edge along the parking lot in lieu of a building. This same entry garden provides a well-landscaped stopping place off of SE 91st Ave, which currently serves as a street for the neighborhood farmers market on Sundays during the summer, better meeting Guidelines E2 – Stopping Places and E3 – The Sidewalk Level of Buildings.

Additionally, due to the existing single-story building at the corner of SE Foster Rd and SE 91st Ave, it is not possible to construct the building up to the SE 91st Ave frontage for much of the site, and it would be difficult and awkward to extend the building up to SE 91st Ave for just a small portion of the building. The building is best placed close to the street along SE Foster Rd, which has higher transit and pedestrian classifications. The simplicity of the building form and the location on the site are also integral in creating a cohesive design that is respectful of the existing development in the neighborhood. This better meets Guidelines P1 – Plan Area Character and D7 – Blending into the Neighborhood.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The maximum setback standard is intended to promote an environment that is attractive and inviting to pedestrians and transit users, and the incorporation of the landscaped entry garden and landscaped brick screen along SE 91st Ave is consistent with that purpose, especially given other site constraints.

Therefore, this Modification merits approval.

Modification #2: 33.140.275.C.1.b – Fences – Location and Heights. The Modification is requested to allow fences that are more than 50% site-obscuring to be 5' tall, rather than the required maximum 3.5' tall within 10 feet of the street lot line along SE 91st Avenue.

Purpose Statement: The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

Standard: 33.140.275.C.1.b. EG2, EX and IG2 zones. In EG2, EX and IG2 zones, within 10 feet of a street lot line, fences that meet the following standards are allowed:

- (1) Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high;
- (2) Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: The modification to increase the allowed opacity of the proposed brick screen wall helps the fence to limit the visibility of the adjacent on-site parking area. The 28% open, 5' tall screen wall uses the same brick material found on the ground floor of the proposed building, better integrating the screen wall into the proposed design, thus better meeting Guideline D8 – Interest, Quality, and Composition. Additionally, the taller fence provides better definition to the sidewalk edge along the parking area, helping integrate the site better with the adjacent neighborhood and better meeting goals for bringing more-urban development to the Lents Town Center, better meeting Guidelines P1 – Plan Area Character, E3 – The Sidewalk Level of Buildings, and D7 – Blending into the Neighborhood. Together with the proposed landscaping, the screen wall helps integrate the parking area better into the site while still maintaining views into the parking area, creating a balance between meeting Guidelines D4 – Parking Areas and Garages and D5 – Crime Prevention.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The fence standards are intended to promote the positive benefits of fences without negatively impacting the community or endangering safety. The proposed brick

screen wall still retains 28% transparency, allowing views into the parking area through the wall, and the height is limited to 5', allowing views over the wall as well. Together, both allow views between the sidewalk and parking area to be maintained while providing additional screening desired to better integrate the parking area into the community.

Therefore, this Modification merits approval.

Modification #3: 33.266.130.C.3.b – On-site Locations of Vehicle Areas – Frontage Limitation. The Modification is requested to allow more than 50% of the frontage along SE 91st Avenue to be used for vehicle area.

Purpose Statement: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: 33.266.130.C.3.b. The standard of this paragraph applies outside the Central City plan district in the RH, RX, IR, CN, CO, CG, CX, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: The proposed modification to allow more than 50% of the street frontage along SE 91st Ave to be used for vehicle area allows the majority of the building massing to be placed along the street with the higher transit and pedestrian classification—i.e., SE Foster Rd. This helps to complete a desired urban edge in the Lents Town Center and fills in a vacant lot with new commercial development along SE Foster Rd, better meeting Guidelines P1 – Plan Area Character, E3 – The Sidewalk Level of Buildings, D4 – Parking Areas and Garages, and D7 – Blending into the Neighborhood.

The expanse of the parking area along SE 91st Ave is mitigated through the provision of a 5'-tall brick screen wall and additional landscaping exceeding the L2 standard minimums required. The screen wall helps to create more of a sense of enclosure along SE 91st Ave than would otherwise be required with standard parking lot screening, and, together with the placement of a landscaped entry garden along SE 91st Ave, establishes a stopping place along SE 91st Ave, which may serve patrons of the weekly farmers market currently held on SE 91st Ave. These design elements help the proposal to better meet Guidelines E2 – Stopping Places, D1 – Outdoor Areas, and D4 – Parking Areas and Garages.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The vehicle areas standards are intended to create an environment that is inviting to pedestrians and transit users, improve and soften the appearance of parking areas, and reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones. The proposed placement of the building along SE Foster Rd better reduces the visual impact of the parking area from the street and sidewalk along SE Foster Rd, which has higher pedestrian, transit and traffic classifications. The proposed brick screen wall and additional landscaping also help to reduce the visual impact of the parking area from the street and sidewalk along SE 91st Ave and from future residential uses that may develop across that street, meeting the purpose of the standard.

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed new three-story commercial office and community service development in the Lents Town Center area will help to complete the north side street-edge of SE Foster Rd, an important main street through the town center. With this development, the pedestrian experience along SE Foster Rd will improve and the existing parking lot on the northern portion of the site will be better screened from SE Foster and from SE 91st Ave. Additionally, the proposed building is well-composed, using high-quality detailing and durable materials. The building's ground floor uses, its massing, and its placement on the site will help to meet the desired character for the Lents Town Center area.

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 proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

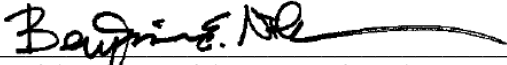
Approval of three-story commercial office and community service building on the north side of SE Foster Road in the Lents neighborhood, and approval of three Modifications to zoning code development standards, as follows:

1. 33.140.215.C.1.e.(5) – Maximum Building Setbacks – One transit street and one intersecting non-transit street. The Modification is requested to reduce the percentage of building frontage required within the maximum building setback of 10' along SE 91st Avenue from a minimum of 50% to 0%;
2. 33.140.275.C.1.b – Fences – Location and Heights. The Modification is requested to allow fences that are more than 50% site-obscuring to be 5' tall, rather than the required maximum 3.5' tall within 10 feet of the street lot line along SE 91st Avenue; and,
3. 33.266.130.C.3.b – On-site Locations of Vehicle Areas – Frontage Limitation. The Modification is requested to allow more than 50% of the frontage along SE 91st Avenue to be used for vehicle area;

And per the approved site plans, Exhibits C.6 through C.57, signed and dated 01/09/2017, 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.6-C.57. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-133349 DZM. No field changes allowed."

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on January 9, 2017.**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 17, 2017

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 March 10, 2016, and was determined to be complete on August 15, 2016.

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 March 10, 2016.

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 waived the 120-day review period, as stated with Exhibit G-6. **The review period will expire on: August 15, 2017.**

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 January 31, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **February 1, 2017 – (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.

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 Submittals

1. Original Narrative, dated 03/09/2016
2. Original Drawing Package, dated 03/09/2016
3. Preliminary Stormwater Drainage Report, dated 02/2016
4. Revised Narrative, dated 07/14/2016
5. Revised Drawing Package, dated 07/14/2016
6. Brick Screen Concept, dated 08/11/2016
7. Narrative for Additional Modifications, dated 08/15/2016
8. Equitone Details & Photos, received 09/02/2016
9. Revised Drawing Package, dated 09/16/2016
10. Revised Narrative, dated 11/08/2016, received 11/14/2016
11. Revised Drawing Package, dated 11/08/2016, received 11/14/2016
12. Revised Preliminary Stormwater Drainage Report, dated 11/13/2016, received 11/14/2016

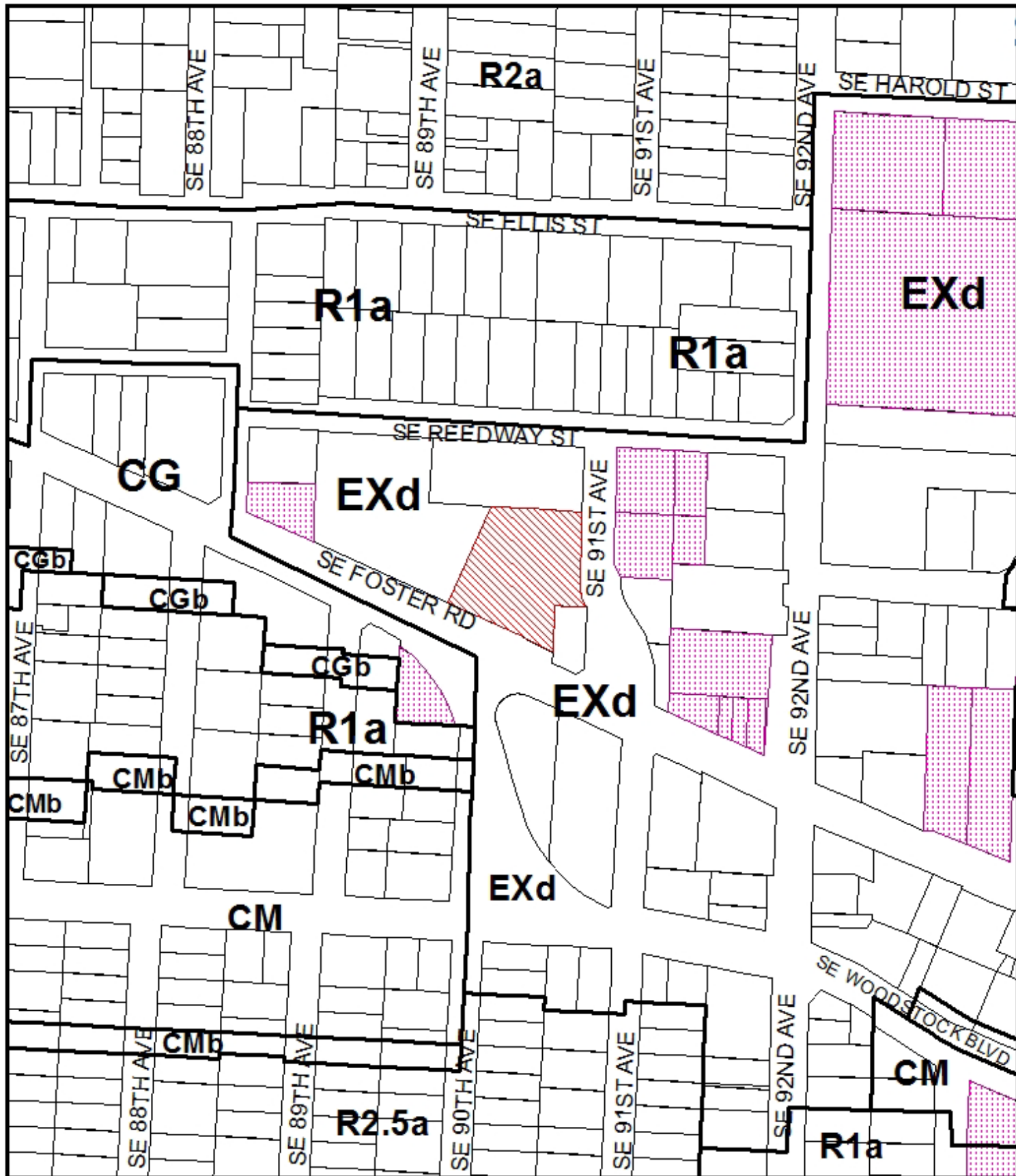
B. Zoning Map (attached)

C. Plans/Drawings:

- 1-5. *Not used.*
6. Zoning Map and Site Photos (for reference only)
7. Context Photos (for reference only)
8. Existing Conditions (for reference only)
9. Aerial Rendering (for reference only)
10. Site Plan (attached)
11. Site Sections
- 12-13. *Not used.*
14. Rendering – Perspective looking Northeast from SE Foster (for reference only)
15. Rendering – Perspective looking Northwest from SE Foster (for reference only)
16. Rendering – Perspective from SE 91st Ave (for reference only)
17. Rendering – Perspective from North Parking Lot (for reference only)
18. Level 1 Floor Plan (attached)
19. Level 2 Floor Plan
20. Level 3 Floor Plan
21. Roof Plan
22. Exterior Elevations – West and South (attached)
23. Exterior Elevations – East and North (attached)
24. Primary Materials
25. Primary Materials (for reference only)
26. Wall Section
27. Exterior Details
28. Wall Section
29. Exterior Details



30. Wall Section
 31. Exterior Details
 32. Enlarged Elevation
 33. Exterior Details
 34. Wall Section
 35. Exterior Details
 36. Wall Section
 37. Exterior Details
 38. Roof Screening
 39. Roof Details
 40. Night Rendering (for reference only)
 41. Site Lighting
 - 42-43. *Not used.*
 44. [Civil] Site Plan
 45. Utility Plan
 46. Landscape Plan
 47. Plant Specs
 48. Landscape Plantings (for reference only)
 49. Site Furnishings
 - 50-51. *Not used.*
 52. Site Screen
 53. Site Screen Details
 54. Local Exposed Fastener Precedents (for reference only)
 55. Equitone Precedents (for reference only)
 56. Equitone Fastener Details
 57. Material Cutsheets
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Life Safety Section of BDS
- F. Correspondence:
1. Nick Christensen, 08/23/2016, request for copies of feedback received
 2. John Skourtes, 09/06/2016, opposition to proposal and to changes to parking lot
 3. Nick Christensen, 09/27/2016 & 10/03/2016, questions about additional feedback received
 4. Cora Potter, 10/03/2016, statement of neighborhood organization support
- G. Other:
1. Original LU Application
 2. Incomplete Application Letter
 3. Applicant's Response to Incomplete Application Letter
 4. Planner follow-up email regarding drawing revisions, dated 07/25/2016
 5. Email to John Skourtes, dated 09/07/2016
 6. Signed 120-day Review Period Extension Form
 7. Email to Nick Christensen, dated 10/03/2016
 8. Email to John Skourtes, dated 10/04/2016
 9. Email to John Skourtes, dated 10/12/2016
 10. Email from Lee Jorgensen, dated 10/12/2016
 11. Email to John Skourtes, dated 10/19/2016

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



-  Site
-  Also Owned Parcels

File No.	LU 16-133349 DZM
1/4 Section	3639
Scale	1 inch = 200 feet
State Id	1S2E16CA 8000
Exhibit	B (Mar 10, 2016)

HOLST

Approved
 Bureau of Development Services
 City of Portland
 Planner *[Signature]*
 Date 01/01/2017

This approval applies only to the conditions of approval shown on this plan. Any other conditions of approval may apply. Additional zoning requirements may apply.

ASIAN HEALTH & SERVICE CENTER



- PLAN LEGEND**
- MISC LOBBY/RR
 - CIRCULATION
 - CLINIC
 - NON-LEASABLE
 - SHELL (TENANT TBD)

DESIGN REVIEW

05/17/2016
 07/14/2016 Revised
 11/09/2016 Reviewed
 1/11/16-13/2016 DIM

LEVEL 1 FLOOR PLAN

Level 1 Floor Plan

Sheet
 161014
 C.18



HOLST

ASIAN HEALTH & SERVICE CENTER

MATERIALS

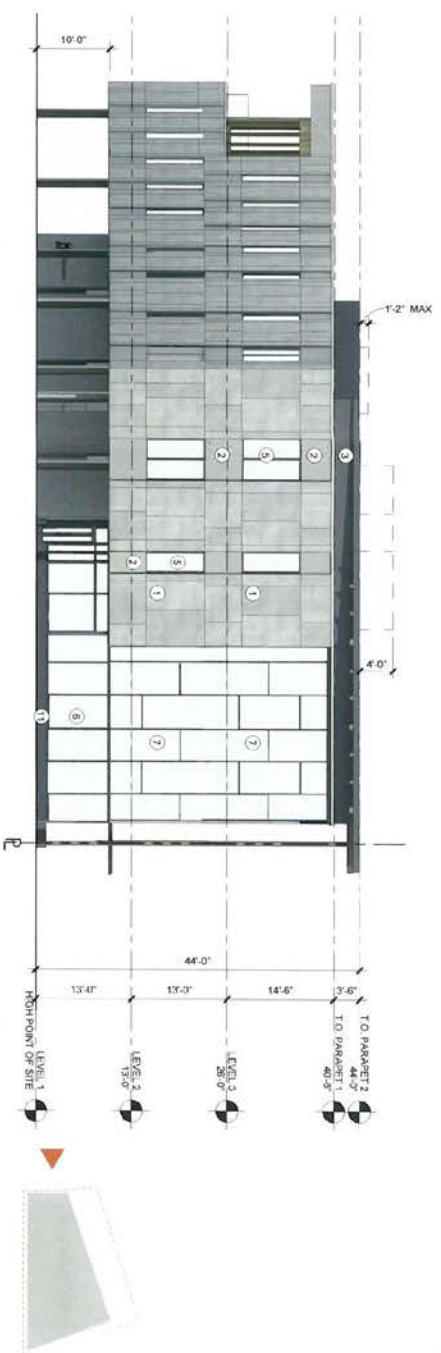
- 1 EQUITONE 1, CEMENTITIOUS PANEL - Materia MA200
- 2 EQUITONE 2, CEMENTITIOUS PANEL - Materia N250
- 3 EQUITONE 3, CEMENTITIOUS PANEL - Materia MA400
- 4 BRICK VENEER w/ MORTAR TO MATCH
- 5 VINYL WINDOW
- 6 ALUMINUM STOREFRONT
- 7 ALUMINUM FRAME CURTAIN WALL
- 8 WOOD STOREFRONT
- 9 FRAMELESS GLASS GUARDRAIL SYSTEM
- 10 STEEL WIDE FLANGE COLUMN, PAINTED
- 11 ARCHITECTURAL CONCRETE STEM WALL

EX-GROUND STORY WINDOW REQUIREMENTS

SE FOSTER

Building Wall Length	146'-3"
Window Length Provided	118'-2" (81%)
Window Length Required	73'-2" (50%)
Building Wall Area	1316 SF
Window Area Provided	886 SF (67%)
Window Area Required	323 SF (25%)

2. West Elevation



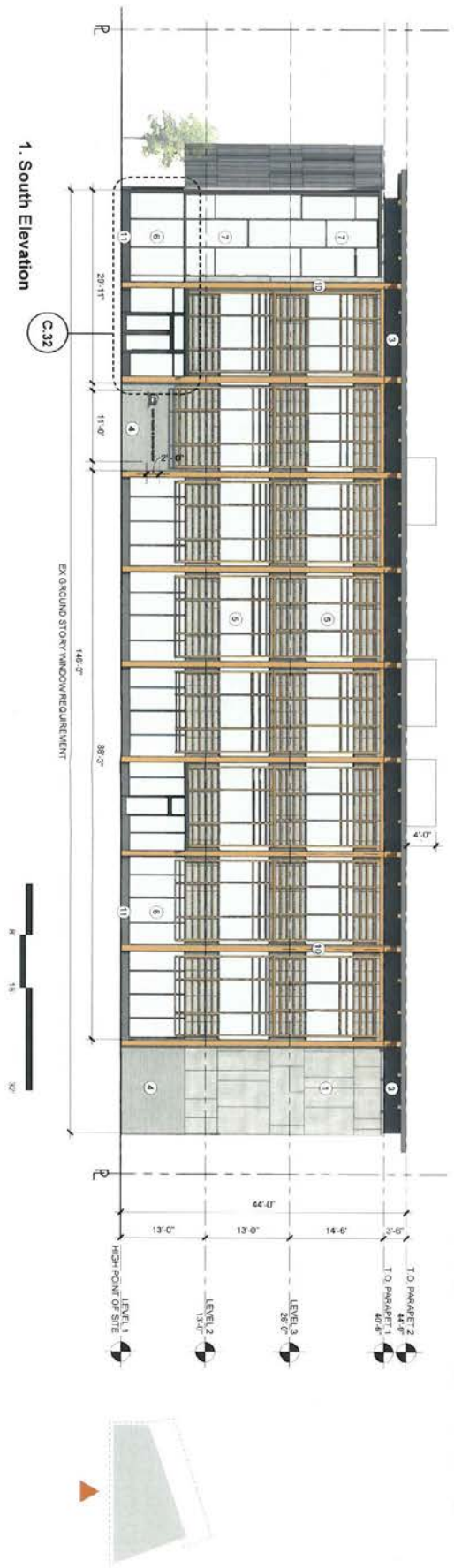
Approved
 City of Portland
 Bureau of Development Services
 Planner *Beyonce S. Hill*
 Date 01/09/2017
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

DESIGN REVIEW
 02.17.2016
 03.11.2016
 11.06.2016 Revised
 LL 16 032849 02M

EXTERIOR ELEVATIONS

Sheet
EX
C.22

1. South Elevation



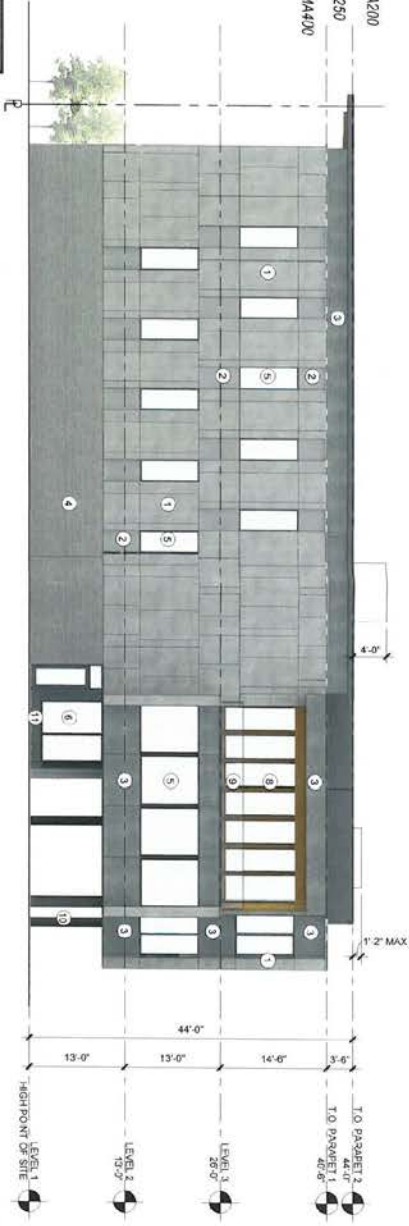
MATERIALS

- ① EQUITONE 1, CEMENTITIOUS PANEL - Material M4200
- ② EQUITONE 2, CEMENTITIOUS PANEL - Material M250
- ③ EQUITONE 3, CEMENTITIOUS PANEL - Material M4400
- ④ BRICK VENEER W/ MORTAR TO MATCH
- ⑤ VINYL WINDOW
- ⑥ ALUMINUM STOREFRONT
- ⑦ ALUMINUM FRAME CURTAIN WALL
- ⑧ WOOD STOREFRONT
- ⑨ FRAMELESS GLASS GUARDRAIL SYSTEM
- ⑩ STEEL WIDE FLANGE COLUMN, PAINTED
- ⑪ ARCHITECTURAL CONCRETE STEW WALL

Approved
 City of Portland
 Bureau of Development Services
 Planner *Brian Swan*
 Date *01/09/2017*

* This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning restrictions apply to this project.

2. East Elevation



1. North Elevation

