



**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:** The applicants seek design review approval for a project in the Hollywood Plan District that includes a new six-story office building, related parking structure, surface parking, and a public plaza. The proposed office building will front onto NE Halsey Street and provide for a mix of uses, including a café, conference center, and credit union at the ground floor. The upper floors of the building will be dedicated for general office space. In addition, the project incorporates sustainable development practices and the applicants will be pursuing Silver LEED Certification for the building.

A street vacation of the existing leg of NE 44<sup>th</sup> Avenue between NE Halsey and the Banfield Expressway is under way. The street will become a private driveway, in its existing location, except towards the north end of the site will curve to align with the southern end of NE 45<sup>th</sup> Avenue across Halsey. A signalized intersection is proposed here (subject to PDOT approval). A connection to a potential Sullivan's Gulch Trail (envisioned along the light rail line next to the freeway, but not formally adopted or required) is accommodated by an 8-foot wide pedestrian pathway along the driveway. Along Halsey, a significant width along the north frontage is being dedicated to the city in order to allow Halsey to be widened. The street in this area will have two travel lanes, a bike lane, sidewalk, and on-street parking.

The proposed 10,183-sf public plaza will be located to the east of the office building, along NE Halsey Street, and will contain a water feature, public seating, a concrete, grass seeded terrace, and several large metal sculptures. The surface parking lot will be located behind the office building and will contain 83 parking spaces. The parking structure will also be located behind the office building, on the southeast portion of the site and will have 615 parking spaces on six tiers (including the roof), two of which will be underground. In addition, 111 parking spaces will be located at the basement level of the office building. Access to both the surface parking area and the structured parking will be via the driveway (vacated NE 44<sup>th</sup> Avenue) located to the east of the proposed building and public plaza. The parking meets the maximum allowed in the Hollywood District for office uses.

The primary building, located along Halsey Street, is to be mainly glass at the base. Upper levels are to be finished in brick, and metal and glass at the top. The applicants are proposing to use the open space bonus option (33.536.250.F.6) available for CX-zoned properties in the Hollywood Plan District in order to construct a six-story office building with a height of 100 feet. The base zone standards for the CX zone allow maximum building heights of 75 feet.

The primary pedestrian access to the building occurs at the southeast corner into the lobby, or at tenant entries at the northwest corner. Public access to the café, on the northeast corner, is also provided, and from Halsey one may enter directly into a credit union space or into the Providence employment center space. Vehicular access into the site is from the realigned driveway. There are two options to enter the parking structure, from the circular turnaround south of the building or from the surface parking lot in the southeast corner of the site. Loading also occurs from the circular turnaround. Entry into the parking under the office building occurs from the lower level of the parking structure.

**Modification Requested:** 33.266.130.G.2. Parking area setbacks and perimeter landscaping, requires 5 feet of L2 perimeter landscaping for parking areas and driveways that abut a lot line. The applicants request a modification to allow zero setback or landscaping along two driveway areas that abut the southern edge of the site.

**Relevant Approval Criteria:**

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

- Ch. 33.420, Design Overlay Zone
- Ch. 33.825, Design Review
- 33.825.040, Modifications That Will Better Meet Design Review Requirements

- Ch. 33.536, Hollywood Plan District
- Community Design Guidelines

## ANALYSIS

**Site and Vicinity:** The site is located in Subdistrict A of the Hollywood Plan District and is currently developed with a 107,002-square-foot building (the Davis Business Center), which was originally constructed in 1946. The remainder of the site consists of surface parking. The site is bounded by NE Halsey Street to the north, NE 44<sup>th</sup> Avenue (street vacation pending) to the east, the MAX line and Banfield Freeway (I-84) to the south, and the offramp from I-84 curving down to align with NE 43<sup>rd</sup> Avenue to the west.

Objectives of the plan district include strengthening Hollywood's role as a commercial and residential center, and promoting the use of light rail, bus transit, and walking. Commercial activities and multi-family housing characterize the immediate vicinity, however there are a number of single-family homes to the east of the site. The Hollywood Transit Center is located one block to the west of the site at NE 42<sup>nd</sup> and Halsey, with MAX station access via a stair from the Transit Center.

Portland's Transportation System Plan classifies NE Halsey Street as a Neighborhood Collector Street, Major Transit Priority Street, City Bikeway, and Community Main Street. NE 43<sup>rd</sup> Avenue is classified as a Major City Traffic Street, Local Service Bikeway, and Urban Throughway, but offramps from freeways are not considered streets and code standards applying specifically to streets would therefore not apply. NE 46<sup>th</sup> Avenue is classified as a Local Service Bikeway. The MAX light rail line is located to the south of the site and is designated as a Regional Transitway. The site is within the Hollywood Pedestrian District.

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

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- LUR 92-009759 AD (reference file #92-00640): Approval of an increase in the front building setback along NE Halsey to 50 feet and an increase in the industrial size limitation to 19,000 square feet, subject to the following conditions: The north façade of the addition will be tiled as similar as possible to the existing historically ranked building; the existing parking/loading area in front of the addition will be removed and replaced with at least L1 level of landscaping; and one deciduous tree (at least 2 ¾ inch in caliper and 10 feet tall) will be planted and maintained on-site along the Halsey frontage.
- LU 07-142132 VA: Pending street vacation review of R/W #6861, NE 44th Ave South of NE Halsey Street.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 20, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Water Bureau; and
- Urban Forestry Division of Portland Parks & Recreation.

- **The Bureau of Environmental Services** responded with the following comments.

*Please see Exhibit E.1 for additional details.*

#### **Sanitary Services**

1. All pipes in the vicinity of the project area have insufficient capacity to convey future combined sanitary and stormwater flows during the 25-year storm regardless of the line discharge is directed. **It will be required that stormwater be controlled on site to the maximum extent possible.**
2. There are three public combination gravity sewer mains adjacent to the subject site. Not all of the gravity mains are available to meet the sanitary disposal needs of future development at this site (please see Stormwater Management & Water Resources section, below, for discussion on capacity and related stormwater detention requirements).
  - a. There is a public 14" CSP combination gravity main in NE Halsey St. (BES as-built 2-1523). This main is not available.
  - b. There is a public 8" CSP combination gravity main in NE 44<sup>th</sup> Avenue (BES as-built #0524). **This is the preferred main to use for sanitary service.**
  - c. There is a public 48" CSP combination gravity main in the right-of-way of I-84. (BES as-built id#2-0598). The combination gravity main is within an easement (id# 1957).
3. The submitted site plans do not show the proposed sanitary connections.

#### **Stormwater Management & Water Resources**

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

1. The applicant's preliminary stormwater calculations and site plan propose on-site stormwater infiltration and detention with a combination of vegetated surface infiltration facilities and private drywells. Overflow to the public system is proposed. The applicant's preliminary calculations indicate the facilities are sized to detain the 100-year storm event. BES does not agree with the flow rates determined by the applicant for the 100-year event. **The flow rates and corresponding detention volumes are acceptable because the required detention volume is determined by the runoff from the post developed 25-year event being released at an undeveloped 10-year event flow rate.**
2. All pipes in the vicinity of the project area have insufficient capacity to convey future combined sanitary and stormwater flows during the 25-year storm. Regardless of the line discharge is directed. **It will be required that stormwater be controlled on site to the maximum extent possible.**
3. There is no City-owned storm-only gravity main in NE Halsey St., NE 44<sup>th</sup> Avenue, or in the I-84 right-of-way.
4. Please note that stormwater runoff from any new or redeveloped impervious surface area must be managed according to the requirements of the City of Portland Stormwater Management Manual (SWMM) that is current when the building plans are submitted for permit review. Please be aware of the following general information.
  - **The SWMM requires that stormwater be managed on-site through surface infiltration facilities to the maximum extent practicable.**
  - The submitted preliminary site plans show the proposed stormwater management systems. The applicant proposes stormwater management on-site with overflow to the public combined sewer in NE 44<sup>th</sup> AVE. Proposed on site stormwater management includes infiltration with surface vegetated facilities and infiltration drywells at various locations around the site. Water quality will be provided with the vegetated facilities and a storm filter for a portion of the parking where vegetated facilities are not feasible

(see site plans sheet C7.0 & C7.1). The impervious area along Halsey will be managed with a flow through planter.” **BES accepts this conceptual proposal for stormwater management.**

- A valid disposal point is required for any new or redeveloped impervious area (see the SWMM’s Destination/Disposal Hierarchy, Section 1.4). The Site Development Section of the Bureau of Development Services shall determine approval of any on-site disposal system. Please consult the response from BDS Site Development for submittal requirements regarding on-site infiltration. BES accepts the disposal of stormwater from the impervious area along Halsey to the combined sewer in Halsey.
  - Currently the street and surrounding area is served by a public combination sewer, which carries both stormwater and sanitary discharges. Combined sewers overflow frequently during rain events, discharging sewage and polluted stormwater directly to the Willamette River. The City is working to reduce the volume and velocity of stormwater in the combined system to help alleviate this problem and improve the health of the river. For this reason, stormwater shall be managed on-site to the maximum extent practicable according to the requirements of the SWMM. If on-site storm water disposal is not approved by BDS, new connections or additional stormwater disposal to the combination system will be restricted through the requirements of SWMM. Please be aware that disposal of storm water to the combination system may require additional detention. A backflow device may need to be installed.
  - Improvements or new construction that creates or replaces more than 500 square feet of impervious area are subject to the pollution reduction and flow control requirements of the SWMM. Please see below for more information.
  - Please consult the SWMM for various examples of how stormwater can be managed.
5. Please note that any proposed public street improvements (required by the Portland Office of Transportation) will require public drainage improvements pursuant to the standards of the SWMM and Sewer Design Manual as approved by BES.
- a. If street improvements are required, this project will need to follow the SWMM Destination/Disposal Hierarchy. Per the 2004 Hierarchy, a surface infiltration facility is required to the maximum extent practicable to meet applicable pollution reduction/flow control requirements (refer to Section 1.4 of the 2004 SWMM).
  - b. Details regarding street improvement requirements shall be determined at the time of the Portland Office of Transportation’s Pre-design Meeting.
  - c. Additional dedication to accommodate stormwater management facilities may be required for this project and must be shown on the Final Plat.
  - d. Storm sewer waivers will be required with all street waivers.

#### **Conditions of Approval**

1. Stormwater and sanitary sewage from the site (private property) shall not be directed to the combined sewer in NE Halsey ST.
2. Sanitary sewer connections must have backflow devices due to periodic sewer surcharging.
3. Stormwater from the Halsey ST **right-of-way** can be directed to the combined sewer in NE Halsey ST after treatment and flow control is provided in a flow through stormwater planter. The planter needs to be sized for the impervious area it serves per the requirements of the SWMM. A location for the planter is proposed at the west end of the improvements proposed for NE Halsey. This location meets the conceptual requirements. No preliminary calculations have been provided to determine if adequate area is set aside for the necessary size of the planter. A rough estimate of the planter size results in a planter 12’ x 80’. This results in the curb extension needing to extend further to the east than proposed on the site plan. A pre-design meeting for the improvements to Halsey Street has occurred. A joint public works permit with PDOT & BES will be required to construct these improvements.
4. Stormwater from the site (private property) shall be directed to the combined sewer in NE 44<sup>th</sup> AVE or the Sullivan’s Gulch trunk line along the south side of the site (pending approval by BES Development Engineering). Direct connection to the Sullivan’s Gulch

trunk line other than through the public sewer in NE 44<sup>th</sup> AVE is not authorized as of the date of this response.

5. The public sewer in NE 44<sup>th</sup> AVE, for its full length to the point where it discharges to the trunk line, does not have capacity to serve the expected discharge rate for this site. This sewer will need to be replaced with a sewer with capacity for this site and combined sewer flows from the basin the sewer serves. Reconstruction of this sewer must be performed through the public works permit process. The design flow rate for this sewer will depend on the portion of the site that might be discharged to the Sullivan's Gulch Trunk Line. That information is not available as of the date of this response. If NE 44<sup>th</sup> AVE is vacated as proposed the possibility exists that portions of this sewer could be constructed as a privately owned and maintained sewer. The specific details to make this decision are beyond the scope of this response.
6. On-site stormwater management (primarily flow control) must meet the requirements of the SWMM for discharge to combined sewers. The flow rate from the post developed site during a 25-year event must be controlled to the flow rate for a 10-year event falling on the site in an undeveloped condition. The applicant's proposed flow control by onsite infiltration and detention with vegetated facilities, dry wells, and rock trenches meets this requirement.

#### **Additional Information**

1. If commercial tenants have food prep activity areas, the Pollution Prevention Group highly recommends the removal of all food/garbage disposals and the installation of grease management devices where appropriate. These steps will help reduce the extra strength sewer charges this facility may incur in the near future. Additionally, by reducing the amount of food wastes, grease and solids that are rinsed down the drain, this facility's potential to cause an obstruction in the main sewer line will be reduced and unnecessary repair costs avoided.

#### **Future Building Permit Application Requirements**

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

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

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

3. Construction activities will require DEQ oversight and a 1200-C Permit because the proposed development exceeds 1 acre in disturbance area. Contact DEQ as soon as possible to avoid possible delays. The plans will not be approved until a 1200C permit is issued for the project. DEQ's contact for 1200-C Construction Permits is Dennis Jurries at 503-229-5937. The application and information about the 1200 C permit can be found on the DEQ webpage:

<http://www.deq.state.or.us/wq/stormwater/construction.htm>

If this is a multi-phased development and a 1200-C permit has been issued for all phases, please provide that information as well at the time of building permit application.

4. Stormwater in this area drains to a combined sewer. Please have your construction contractor contact us prior to site development. During construction, any groundwater or precipitation water from the site that must be disposed to a City sewer for development purposes requires pre-authorization through our batch discharge program. All batch discharge applications will go through an evaluation process and approval before a discharge to the City sewer system will be approved. Fees are assessed for temporary construction discharges to the City's sewer system, please access the website at <http://www.portlandonline.com/shared/cfm/image.cfm?id=19063> for current rates. Please note that combined sewer discharges will incur the sanitary sewer rate. Please contact Brett Hulstrom at 503-823-7807 for further information. For more information regarding our program for construction and groundwater discharges, please reference the web site at <http://www.portlandonline.com/shared/cfm/image.cfm?id=121289>.
5. The proposed area for development is next to a contaminated site with groundwater and soil contamination. Therefore, sampling data will be required to screen for any contaminants that may be present on this property. Those requirements can be found in chapter 4 of the stormwater management manual. In addition, if on-site infiltration facilities are proposed, then sampling data will be required to be obtained in those areas. BES will work with DEQ and assess if the facilities will further move plumes of contamination or carry contamination off-site to a waterway. In some instances, BES will require an impervious liner be placed in the infiltration facilities to further protect the city's sewer system, waterways, and groundwater from contaminants. DEQ is the authority regarding clean-up or potential clean-up sites, so they must provide approval of the proposal. Please call with any questions regarding the requirements.
6. The pertinent design requirements of the Stormwater Management Manual (SWMM) Chapter 4 are briefly described as follows (please read chapter 4 of the SWMM to help identify any requirements we may have overlooked). The Stormwater Management Manual is available on the Internet at: <http://www.portlandonline.com/bes/index.cfm?c=35117>:
  - Solid waste and recycling areas require pavement underneath the receptacles, protection from stormwater/rainwater through berming or grading (hydraulic isolation), a structural cover that is relative in size to the perimeter of the trash/recycling area, and a sanitary (waste line) drain inside the bermed/graded area. Depending on where the area is located, a planning/design review may be required. If the covered area is large, a structural engineering review may be required for the structural cover.
  - Catch basins located in covered parking areas are required to discharge to the sanitary sewer. Trench drains or catch basins located at the entrance into the parking structure may discharge to the storm sewer system.
  - Loading docks (material transfer areas) require protection from stormwater/rainwater within the first 3 feet of the dock face (hydraulic isolation). This area cannot accept stormwater run-on and must be plumbed to the sanitary sewer."
- The **Site Development Section of the Bureau of Development Services** responded with the following comments. Please see Exhibit E.2 for additional details.
 

**“Stormwater treatment and disposal.** Stormwater facilities designed in accordance with the Stormwater Management Manual that meet required sizing and setback requirements must be integrated into the design of the proposed development.

At the time of building permit review, this project must comply with the stormwater destination and disposal hierarchy. To summarize, the applicant must, in order, address the possibility of using on-site infiltration with a surface infiltration facility, on-site

infiltration with a public infiltration sump, private drywell or soakage trench, off-site flow to a drainageway, river or storm-only pipe, and off-site flow to a combined sewer. The hierarchy is found on pages 1-18 and 1-19 of the Stormwater Management Manual. To review the Stormwater Management Manual, please visit the Bureau of Environmental Services (BES) web site at <http://www.portlandonline.com/bes>.

Site Development has approved on-site infiltration of stormwater for recent development in the vicinity of this project.

The stormwater hierarchy requires the applicant to use vegetated surface infiltration facilities, unless they are technically infeasible. To evaluate this Design Review, Site Development will require a stormwater report addressing the hierarchy. The results of infiltration testing performed by a geotechnical engineer must be included in the report. Supporting calculations must be provided to substantiate that the conceptual stormwater treatment and disposal facilities for the proposed design are feasible.

The applicant is advised that drywells or soakage trenches must be registered as Underground Injection Control Facilities with the Oregon Department of Environmental Quality."

Site Development cannot support this Design Review unless sufficient, acceptable information is provided to demonstrate that stormwater requirements can be met.

**Grading and utility plan.** Site Development will require a preliminary grading and utility plan to evaluate this Design Review.

Please direct questions regarding these requirements to Mike Ebeling, (503) 823-7247."

- The **Portland Fire & Rescue** responded with the following comment. Please see Exhibit E.3 for additional details.

"The Fire Code does not have a conflict with the landscape planting. NOTE: a complete Fire Bureau review will occur when development plans have been submitted for this project. The applicant is required to meet all Fire Code requirements at time of development and permit review."

- The **Bureau of Transportation Engineering & Development** responded with the following comment. Please see Exhibit E.4 for additional details.  
"Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. There are no transportation related approval criteria for the subject Design Review.

**The following comments are provided to aid the applicant in future building permitting phases of the development.**

- 1) ODOT submitted comments for the subject Design Review related to a traffic study that the applicant completed for the proposed traffic signal on Halsey. ODOT's comments are not relevant to the Design Review because there are no transportation approval criteria for a Design Review. PDOT will be using these comments for the proposed Halsey traffic signal installation/implementation. The traffic study was completed for purposes of evaluating the proposed signal; the traffic study was not a requirement of the Design Review.
- 2) The applicant is proposing development along NE Halsey Street. The NE Halsey Street site frontage will be constructed through a permit process controlled by the City of Portland Office of Transportation. The applicant's Engineers attended an Early Assistance Pre-Design meeting with PDOT and BES on March 13<sup>th</sup>. A financial guarantee and contract for the required street improvements must be in place prior to release of the building permit. The right-of-way dedication must also be complete prior to release of the building permit.

**NE Halsey Street** – Designated in the City’s Transportation System Plan (TSP) as a Neighborhood Collector, Major Transit Priority Street, City Walkway in a Pedestrian District, City Bikeway, Truck Access Street, and a Community Main Street.

**Curb Location:** Widen the two adjacent through travel lanes from the existing 9-foot width to a width of 10 feet. Accommodate a 5-foot bike lane. The proposed parking lane will need to be 8’ wide.

**Sidewalk Corridor:** Required minimum 15-foot sidewalk corridor consisting of a 0.5-foot curb, 4-foot wide planter or tree pits, 8-foot sidewalk, and 2.5-foot frontage zone.

**Right-of-way Dedication:** The applicant will be required to dedicate right-of-way along the Halsey frontage to accommodate the roadway widening and to accommodate the entire sidewalk corridor within public right-of-way.

- 3) The applicant is proposing to vacate the existing NE 44th Avenue right-of-way, convert the roadway to a private street, and reconstruct the private street at Halsey to align with NE 45th Avenue. The private street will be overlaid with a pedestrian and bicycle access easement to provide connectivity to the future Sullivan’s Gulch Trail. The current proposed design of the private street, including 8-foot wide sidewalks, is acceptable to PDOT to accommodate connectivity to the future Sullivan’s Gulch Trail. The street vacation received a positive recommendation from the Planning Commission at a hearing on February 26th. The street vacation is tentatively scheduled to go to City Council for a public hearing in June.
- 4) The applicant has proposed to signalize the realigned intersection of the subject private street/NE Halsey Street/ NE 45th Avenue in order to maintain acceptable traffic operations at the subject intersection with development of the site. Signalization of this intersection and related Halsey street improvements will be required as a condition of the building permit. The signal installation will be reviewed through a permit process controlled by the City of Portland Office of Transportation. PDOT met with the applicant’s Civil and Traffic Engineers on March 13<sup>th</sup> at an Early Assistance Pre-Design meeting to discuss required street improvements and the signal installation on Halsey. PDOT Signals is requiring as a condition of the signal installation that Providence pay to replace/upgrade the signal interconnect cable between the signals at 39<sup>th</sup> and 47<sup>th</sup>. The new signal interconnect will allow PDOT to optimize the signal timing on this portion of the Halsey corridor. The applicant’s traffic consultants (Kittelson) will provide PDOT Signals with a proposed timing plan for Halsey. PDOT will evaluate the proposed timing plan, work with ODOT on the timing related to the freeway ramps, and retime the Halsey signals as needed with the new signal installation.
- 5) The proposed building footing encroachment into the NE Halsey Street right-of-way (as proposed by the applicant at a January 28, 2008 meeting) is acceptable to PDOT. The footing is proposed to encroach approximately 4.5 feet into the NE Halsey Street right-of-way at a depth of 8 to 11 feet below the proposed grade of the NE Halsey Street sidewalk. PDOT will issue an encroachment permit for the subject footing as part of the building permit review. There is no requirement for a lease agreement or major encroachment review for the subject footing encroachment.
- 6) All utility vaults must be located outside of the proposed 8-foot wide sidewalk area along the NE Halsey Street frontage. Utility vaults should be placed on site or in the furnishing zone, located between the sidewalk and the curb.
- 7) Driveways and Curb Cuts (Section 17.28) Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.
- 8) Transportation System Development Charges (Chapter 17.15) System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhower at 503-823-7080.”

- The **Life Safety (Building Code) Section of the Bureau of Development Services** responded with the following comment. Please see Exhibit E.5 for additional details. "A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances."
- The **Oregon State Department of Transportation** responded with the following comments. Please see Exhibit E.6 for additional details. "ODOT has contracted with DKS Associates to handle some of our development review traffic analysis and evaluation; these remarks are from their review. In addition, please note the recommendation below from Mary Jensvold of our traffic section that the analysis be expanded to add the intersections of Sandy/39<sup>th</sup> and the I-84 EB off-ramp at Halsey."

**Neighborhood Review:** A "Notice of Proposal in Your Neighborhood" was mailed on **March 20, 2008**. Four written responses were received from either the Neighborhood Association or notified property owners in response to the proposal. One additional response was received on April 21, 2008, after the comment period had ended (end of business day, April 10, 2008). The applicants did not want additional comments to be considered in the decision if received after the comment period, so this additional comment is in the case file as **Exhibit F.5 (not considered)**.

A response was received on March 23, 2008 from Linda Kluver (**Exhibit F.1**). Ms. Kluver is concerned with the balance between residential quality of the area and the growth of businesses, such as the "Providence/Davis Business." Ms. Kluver is also concerned that the project has progressed "beyond the point of public input." The response states that when the parking structure, accessed on 45<sup>th</sup> Avenue, was developed three residences on 46<sup>th</sup> were bought, which has "ended a neighborhood coherence now lost in rentals." Ms. Kluver also takes issue with the effects of new development on traffic flow along Halsey. Ms. Kluver believes that the proposal is "not a graceful blend but overshadowing of inner city residential and business architecture with a 6 storey [sic] business center juxtaposing out of an area that has one to two storey [sic] residences." Ms. Kluver states that her main concerns are with the "scale and traffic flow diversion of the easement/development along 45<sup>th</sup> Ave." A later email was also received from Linda Kluver on April 9, 2008 referencing an article in the *Hollywood Star*, which stated that the project was moving forward. Ms. Kluver was under the impression that a decision on the proposal had been made before the April 10, 2008 comment period was over. The planner assigned to this case responded to Ms. Kluver's email to assure her that her March 23, 2008 response was not disregarded and that a decision on the proposal had not been made.

A response was received on April 3, 2008 from Tamara DeRidder, Co-Chair of the Rose City Park Land Use Committee (**Exhibit F.2**). Ms. DeRidder questions the materials, colors, façade treatments, and window treatments proposed for the parking structure. In her response, she requested that additional materials be submitted by the applicants, including elevations and perspectives of the proposal from the west and southwest, façade details of the parking structure, and façade and window details for the proposed office building. Ms. DeRidder suggests that non-reflective glazing and façade treatments be used on the west and south elevations of the proposed structures. In addition, she suggests that the applicants perform a "Reflecting Impact Study" and a "Heat Island Study" to measure the potential impacts of reflecting light and solar heat from the proposed structures on vehicles using the off-ramp. Ms. DeRidder also asks that trees be planted along the west and south areas of the structures. The response states that the proposed design for building's north elevation remains a "blank flat box front for the entire 6-story height". Ms. DeRidder also asked for additional clarification on applicable code standards and design guidelines.

A response was received from Gary Naylor of the Laurelhurst Neighborhood Association on April 8, 2008 (**Exhibit F.3**). The response states that the neighborhood association has consistently advocated for the proposed Sullivan's Gulch Trail. The neighborhood association recommends that public access across the vacated NE 44<sup>th</sup> Avenue be a condition of approval in this decision to insure that the proposal does not hinder the

construction of the proposed trail. In addition, the neighborhood association also recommends language that will maintain the availability of land inside the south property frontage for the proposed trail. The neighborhood association asks that the city upgrade the traffic infrastructure in the area of the proposal to maintain an acceptable level of service and safety. The response also requests that a July 21, 2007 letter regarding the vacation of NE 44<sup>th</sup> Avenue be entered into the record, and is therefore attached to this exhibit.

On April 10, 2008, a response was received from the Rose City Park Neighborhood Association (**Exhibit F.4**). The detailed response includes a number of images and maps. While generally supportive, the response listed concerns with the larger implications of the proposal. These include:

1. The proposal should have been studied as part of a Master Plan, not continued incremental development of an institutional campus.
2. A "Good Neighbor" Agreement between Providence and both the Hollywood and Rose City Neighborhoods would allow more opportunity for a positive long-term relationship.
3. A future master planning effort should still include this site.
4. Construction of this proposal should not preclude future development options that may be a part of a larger master plan, such as access to a future Sullivan's Gulch Trail, and an additional entrance and exit from this site from NE 47<sup>th</sup> Avenue.

Some additional points were listed in the response as recommendations. These are:

1. The entire "9.51 acre site needs to be consolidated to remedy landlocked parcels... and then reviewed as a Super-block", with the entire site reviewed under design review.
2. The Providence parking lot "at 4835 NE Pacific and containing 1.85 acres" should be included in the review.
3. All of the properties owned by Providence north of I-84 "that are contiguous or linked through usage should be included in a master plan study for future development of this institutional campus area."
4. "Expand Providence shuttle service to include employees and clients in the North Campus site, including the Providence Office Park."
5. "Increase pedestrian scale amenities and wind-baffling designs along the Halsey St. frontage, including, but not limited to, arcade awnings, planters, pedestrian amenities, and large scale street trees, in compliance with the code."
6. The off-ramp area at NE 43<sup>rd</sup> Avenue should be studied to ensure that glare and heat will not build up at this intersection. Add "tall stature trees" at the western and southern perimeter of the site.
7. Develop a north campus master plan for all Providence-owned properties north of I-84. Include a Good Neighbor agreement and a Traffic impact study.

**Staff note:** *Issues raised by the responses summarized above are listed below, with staff comments following in italics. Addition information related to the Approval Criteria is detailed on the following pages.*

Loss of residences on 46<sup>th</sup> Avenue, destabilization

- *The uses proposed on the site are allowed by the zoning code and are likely to benefit the residential uses nearby. Mixed-use areas in general provide a higher level of activity. The CX designation on the site means that the Hollywood Plan (as part of the Comprehensive Plan) envisions this specific area as part of a commercial-use or a dense mixed-use environment, rather than single-family dwellings.*

Increased traffic flow along Halsey as well as along 45<sup>th</sup> Avenue

- *PDOT has replied to this proposal and notes only that the new intersection and signal are proposed "in order to maintain acceptable traffic operations at the subject intersection with development of the site." Due to the uses that are allowed by right in this zone, the possibility of increased traffic is deemed within acceptable levels and capacities for the surrounding streets.*

Scale of 6-story building in the area

- *This site is along the I-84 freeway and is therefore a commercial "edge" to the larger neighborhood. The site also should be able to accommodate a fairly dense pattern of*

*development, due to its zoning and its location along several bus lines and light rail. The CX zone is described as the most "urban and intense" zone, with development "intended to be very intense with high building coverage, large buildings, and buildings placed close together." See also Findings for Guidelines P1 and D7.*

Façade treatments proposed for the parking structure causing heat gain and reflectivity issues to surrounding rights-of-way

- *The parking garage does not have glazing except at the two end stair towers. Please see Findings under Guideline E5.*

Design concerns and pedestrian amenities for office structure at street edge (Halsey)

- *The applicant has reworked aspects of the north façade design, and these are addressed under Findings specific to pedestrian environment (E1, E3) and Community Plan Area character (P1).*

Public access ensured across the vacated NE 44<sup>th</sup> Avenue and inside the south property frontage for the future Sullivan's Gulch trail

- *The proposal includes a public easement for the width of the vacated street, including the sidewalk areas of this right-of-way. The applicant has indicated their willingness to construct and maintain a trail where it would be on the southern edge of their property, but the future trail at this southern location does depend on adjacent property owners' agreements as well, including ODOT, Union Pacific Rail, and the owners of the "24 Hour Fitness" building and garage. There are no requirements at this time for a trail alignment at any areas of the site, so the public easement across the vacated street and the stated intent of the owner are taken in good faith that they will be a collaborative partner in making a viable Sullivan's Gulch Trail happen.*

Traffic infrastructure needing to be upgraded

- *PDOT is requiring a new signal to be installed at the realigned intersection. Other street improvements and dedications are also being required as a condition of building permit.*

Master plan recommendations

- *The requirements for a Master Plan are typically triggered when there is a Conditional Use on a large (over 500,000 sf) site, and the use is expanding. At this site, no Conditional Use review is required because office uses are allowed by right in the CX zone. A Master Plan may be proposed voluntarily, but is not required by Title 33 for this proposal.*

Increased site area as part of design review/Superblock regulations

- *The site is currently only the large parcel between Halsey, I-84, 43<sup>rd</sup>, and 44<sup>th</sup>, plus the three smaller parcels south of Halsey and east of 44<sup>th</sup> Avenue. The ownership of these four parcels is different from that of Providence parcels nearby, so there is no requirement that the site be expanded to include other parcels for the purpose of the design review. The Superblock regulations are not applicable as the amount of vacated street area, even including the new vacation of NE 44<sup>th</sup>, is under 5,000 sf. The site would not therefore be considered a Superblock.*

Good Neighbor Agreement recommendation

- *The code does not require such an agreement, because the uses proposed are allowed by right. However, if the parties in question decide to pursue a Good Neighbor Agreement, the city would encourage a collaborative effort.*

## **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. Community Plan Area Character.** Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions;

**Findings:** The site is located at the southern edge of the Hollywood Plan District, within "Subdistrict A" (designated as the commercial core of Hollywood). The 6-story office structure is a more urban building than most of the existing nearby commercial structures, not only because of its scale, but because of its high-quality finishes, public amenities, and its location holding the edge of the street along Halsey. The MAX stop and transit center so close to the site do create an expectation that future development will increase the density and the urban infrastructure in this commercial core area of Hollywood. Nearby developments include the three-story office and retail complex (including the 24-Hour Fitness) with its associated five-story garage; a three-story Providence office development, and an eight-story residential apartment building. The office building now proposed will help to delineate the southern commercial edge of Hollywood by creating a sense of enclosure along Halsey Street and by creating a buffer to the sprawling freeway to the south. The building therefore will help to contain and define the edge of the district.

Particular to the design of the buildings, the use of brick is similar to that used at the Providence buildings to the east of the site. The office building has a ground floor that is generous in height and which incorporates a storefront glazing, providing an urban feel which is conducive to a pleasant and inviting pedestrian environment. Further, the use of refined detailing and other pedestrian amenities such as a variety of rain protected-areas around the building will enhance the sense of community identity at this location. Finally, the open space being developed will be a destination for many local residents, and will likely be a desirable location for people working or living in the district. *This guideline is therefore met.*

**P3. Gateways.** Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans

**Findings:** The site is not designated a Gateway site for the Hollywood District; however, due to the location of the property it provides a first glimpse of the district for drivers coming off the Banfield. For this reason, the site does have Gateway-like characteristics. As vehicles follow the curve of the off-ramp towards NE Halsey, the garage wall will echo the same shape. The curving wall will contrast with a series of metal vertical pieces which will provide a smaller-scale rhythm and depth to the wall, and which may ultimately support climbing plants. This curving wall provides an introduction to the

more active, urban "bar" building along Halsey. A driver will therefore have a sense of arrival into the Hollywood District. *This guideline is therefore 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 and E2:** The proposal will dramatically improve the conditions along NE Halsey for the site's frontage. Not only will a significant (approximately 12 feet) dedication enable Halsey to have a full sidewalk including street trees, but also a new bike lane and on-street parking will help to buffer pedestrians from traffic on Halsey. The proposal includes an open plaza area along Halsey just east of the building, where a variety of seating will be installed as well as a stormwater-charged water feature and metal sculptures. A boardwalk through this space, and a concrete pathway following the alignment of the driveway as it extends south toward the freeway, will give pedestrians various options to move through the site. A full-width public easement over the vacated NE 44<sup>th</sup> Avenue right-of-way will ensure neighborhood pedestrian/bicycle access through this alignment to a future Sullivan's Gulch trail at the southern edge of the site, if adjacent property owners will also provide access. *These guidelines are therefore 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.

**Findings for E3 and E4:** The applicant has worked to balance the need to firmly establish the visual presence and definition of the building's primary entrances with the need to visually break and open up the long façade of the office building to the neighborhood. The resulting design recognizes the hierarchy of the east façade of the building as being primary (it fronts the public open area and at the ground floor has primary entries to the lobby and the café use, which is open to the public). The Halsey Street façade of the building steps in for six bays, creating an arcade which pedestrians may walk along under cover. Double doors are centered within the glass storefront of each bay, and some of these open to publicly accessible spaces such as the credit union and the employment center. At the east end of the Halsey façade, pedestrians will be able to see the large projecting glass canopy, signaling a more significant public entry or space at this end. The canopies occur at both east corners of the building, where the café space and the lobby are located.

The building façade does incorporate features that create a sense of visual interest to the pedestrian environment, such as the storefront glazing along the street; the layering of various materials including brick, metal panel, and glass; and the use of canopies and inset wall areas. *These guidelines are therefore met.*

**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.

**Findings:** Exterior building materials have been selected in part to minimize glare and reflection, while providing a layered wall design which will create shadow lines and a visual richness of depth during sunny days. Specifically, the office building fronts west with a short façade incorporating a brick finish and slightly inset windows. At the glassier 5<sup>th</sup> and 6<sup>th</sup> levels, the central bay is set back, shaded by the cornice above. The

south elevation of the office building incorporates similar design features and materials, and due to its orientation not facing any street and a significant distance from the freeway, glare even less likely to be a concern at this façade.

The garage building will be open to the air, with glazing only occurring in the two end stair towers. Scarlet Oak trees are to be planted between the garage and the ramp, and at the west end of the building. Eventually, the metal cable screen across the parking garage exterior will also serve as a support for climbing plants, providing further benefits in cooling and softening this curving building wall.

At the south side of the office building, a roofed loading area has been designed to reduce glare and to create some visual interest for those looking down on it. A pattern using different types of ballast has been proposed.

The office building also provides rain protection over a number of areas around it. Projecting corner canopies define the NE and SE entries, while the central ground-floor area of the north building sets back in an arcade, allowing for pedestrians to walk along under cover. *This guideline is therefore 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 and D3:** The development proposed on the site consists of an office building along the north edge; an open landscaped plaza area immediately east of the building; a parking structure at the southwest edge; and surface parking at the remainder. The plaza area as well as the parking lot are well-connected to the public sidewalks by way of pedestrian pathways. In the future, the surface parking area could be redeveloped with a building fronting the vacated street alignment, which would preserve the driveway and north-south walkway as a viable connection to a future Sullivan's Gulch Trail. At this time, both the public open space as well as the surface parking lot are to be landscaped with trees, shrubs, and grasses, which will offer a variety of textures and colors.

The open space has multiple elements which will enhance not only the site, but also the entire vicinity of the site, by creating a gathering point and a destination for those who want a pleasant spot to sit and eat lunch or to converse out of doors. The open space features include metal art sculptures, a water feature, a boardwalk, and a variety of seating. *These guidelines are therefore met.*

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

**Findings:** There are two main entries to the office uses within the building, one of which occurs at the southeast corner of the building (the closest point to the other Providence developments to the east) and the other at the northwest corner of the building, closest to the MAX station and transit center. The applicants have worked to accommodate the need to most efficiently meet the needs of their "internal" foot-traffic, which they believe will be significant, with the need to open to the neighborhood and not present a closed-campus feeling to the street. Their solution to this dilemma is to open up the most public portions of the building, and those uses that actually may have some opportunities to open to the community, towards the north side of the building. Although the lobby entry occurs at the southeast corner, it is balanced by the café entrance, at the northeast corner, with a strong design attention to the entire east façade and its relationship to the open space. The Halsey side of the building also presents an employment center and a credit union towards the commercial district. *This guideline is therefore 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 proposed parking count on the site does not exceed the maximum number allowed by code for office uses, but the number proposed is the maximum limit. While the site's proximity to light rail, as well as other economic factors, may reduce the future demand for parking on this site, the parking that is currently proposed is well-integrated into the site.

The below-grade level beneath the office building accommodates 111 of the parking spaces, and another 615 total are to be within the structured parking garage. Only 83 of the parking spaces will be surface parking. These surface spaces will be screened from views from the west and north because of the location of the office building.

The surface parking will be interspersed with areas of landscaping, so looking down from above, the area will offer some greenery and shade. *This guideline is therefore 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 office building and the parking garage have openings to every side, so that people within these structures will be able to see out towards various areas of the site. The building is likely to be well-lit, mostly by the spill of light from the interior of the building, but also from ground-level downlight fixtures incorporated into portions of the façade elements. *This guideline is therefore met.*

**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.

**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 for D7 and D8:** The proposed buildings are both using high-quality materials and detailing. The office building, in particular, incorporates a brick which will visually tie in to the other Providence developments nearby. The curving parking structure is also anchored at both ends by a brick stair tower, providing a material relationship between the two buildings. The office building's storefront design and bay rhythm strongly echo that of the development to the west, and allow for future flexibility in uses within the building. The shift in the materials at the upper two levels also help to make a connection to the other retail and office structures which do exist adjacent to the site, since those buildings are similar in height to the height of the brick wall treatment. *These guidelines are therefore met.*

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

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

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

The following modification is requested:

- 1] 33.266.130.G.2. Parking area setbacks and perimeter landscaping, requires 5 feet of L2 perimeter landscaping for parking areas and driveways that abut a lot line. The applicants request a modification to allow zero setback or landscaping along two driveway areas that abut the southern edge of the site.

**Purpose:** *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.*

**Findings:**

**A. The resulting development will better meet the applicable design guidelines, and**

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

**Finding:** *The purpose of the setback and landscaping standards for parking and loading areas, identified above in Section 33.266.130.A, promote vehicle areas which are safe and attractive for motorists and pedestrians. 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 fire access is located at the south end of the site, away from NE Halsey Street, and is located between the parking garage's southern exterior, and the property to the south of the site, which includes the railroad right-of-way and the I-84 Freeway. The proposal is consistent with the purpose of the setback and landscaping standards for the following reasons:

1. There is inadequate room for both the required fire access to the parking garage and the setback area. According to the Fire Marshall, the fire access must be a minimum of 20 feet in width.
2. The setback and landscape area along the fire access and the southern property line, are not visible from the parking area.

3. The area between the fire access and the southern property line will not be visible from the sidewalks along either NE Halsey Street or along the site driveway. The fire access may be visible from the I-84 Freeway and/or the off-ramp, neither of which are identified as areas that need screening. A proposed fence along the southern property line will prevent access to the railroad right-of-way.
4. The proposed fire access is not adjacent to a residential zone.
5. The landscape buffer and the setback are not needed to direct traffic in the parking area. The access will be used for emergency access for the parking garage only, and access by pedestrians and non-emergency vehicles will be prevented through the use of barricades.
6. Neither the fire access land nor the parking garage require the shade and cooling effects that would be provided by a landscaped setback area.
7. Although the landscaped setback is not proposed, the site still meets the requirements for stormwater management. The landscaped setback is only absent from 90 – 100 feet of the southern boundary. If landscaped, the setback area represents only 450 – 500 square feet of additional landscaped area which is minimal compared to the 203,497 square foot site area.

For these reasons, the site still meets the overall purpose of the setback and landscaping standards. *Therefore, the approval criteria are met.*

## **DEVELOPMENT STANDARDS**

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

## **CONCLUSIONS**

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value.

The Providence Office Park II, incorporates design features to enhance the character of the area by providing: 1) a parking structure is concealed from the NE Halsey Street frontage by being located to the south of the office building and by being shorter in height; 2) a variety of building materials, with differentiation between the sections of the building face along NE Halsey Street create a feeling of a variety of storefronts, even though the building is single tenant; 3) at the east end of the site and facing NE Halsey Street, is the pedestrian plaza area for use by the public and the building occupants that will create an urban park feel, consistent with the areas desire to encourage pedestrian access; and 4) the outdoor plaza provides an active gathering place and provides the greenery called for by the Hollywood and Sandy Plan vision.

The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a new six-story office building, related parking structure, surface parking, and a public plaza. Approval includes:

- 239,012 SF office building;
- 809 total parking spaces [111 below grade, 615 parking structure, and 83 surface]
- 10,183-sf public plaza will be located to the east of the office building, along NE Halsey Street, and will contain a water feature, public seating, a concrete, grass seeded terrace, and several large metal sculptures; and
- An 8-foot wide pedestrian pathway along the driveway has been provided to allow for a connection to a potential Sullivan's Gulch Trail at the south end of the site.

Approval of Modification to 33.266.130.G.2. Parking area setbacks and perimeter landscaping, to waive the 5 foot setback of L2 perimeter landscaping for parking areas and driveways that abut a lot line at the southern edge of the site facing the railroad ROW.

Approval per Exhibits C.1 through C.34, signed and dated May 9, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B1-B6) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-113391 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Comply with the Bureau of Environmental Conditions of Approval:
  1. Stormwater and sanitary sewage from the site (private property) shall not be directed to the combined sewer in NE Halsey ST.
  2. Sanitary sewer connections must have backflow devices due to periodic sewer surcharging.
  3. Stormwater from the Halsey ST **right-of-way** can be directed to the combined sewer in NE Halsey ST after treatment and flow control is provided in a flow through stormwater planter. The planter needs to be sized for the impervious area it serves per the requirements of the SWMM. A location for the planter is proposed at the west end of the improvements proposed for NE Halsey. This location meets the conceptual requirements. No preliminary calculations have been provided to determine if adequate area is set aside for the necessary size of the planter. A rough estimate of the planter size results in a planter 12' x 80'. This results in the curb extension needing to extend further to the east than proposed on the site plan. A pre-design meeting for the improvements to Halsey Street has occurred. A joint public works permit with PDOT & BES will be required to construct these improvements.
  4. Stormwater from the site (private property) shall be directed to the combined sewer in NE 44<sup>th</sup> AVE or the Sullivan's Gulch trunk line along the south side of the site (pending approval by BES Development Engineering). Direct connection to the Sullivan's Gulch trunk line other than through the public sewer in NE 44<sup>th</sup> AVE is not authorized as of the date of this response.
  5. The public sewer in NE 44<sup>th</sup> AVE, for its full length to the point where it discharges to the trunk line, does not have capacity to serve the expected discharge rate for this site. This sewer will need to be replaced with a sewer with capacity for this site and combined sewer flows from the basin the sewer serves. Reconstruction of this sewer must be performed through the public works permit process. The design flow rate for

this sewer will depend on the portion of the site that might be discharged to the Sullivan's Gulch Trunk Line. That information is not available as of the date of this response. If NE 44<sup>th</sup> AVE is vacated as proposed the possibility exists that portions of this sewer could be constructed as a privately owned and maintained sewer. The specific details to make this decision are beyond the scope of this response.

6. On-site stormwater management (primarily flow control) must meet the requirements of the SWMM for discharge to combined sewers. The flow rate from the post developed site during a 25-year event must be controlled to the flow rate for a 10-year event falling on the site in an undeveloped condition. The applicant's proposed flow control by onsite infiltration and detention with vegetated facilities, dry wells, and rock trenches meets this requirement. Should the stormwater facilities need to be enlarged, no additional Design Review will be required.

**Decision rendered by:**  **on May 9, 2008**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: May 14, 2008**

**Staff Planner: Tim Heron**

**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 5, 2008, and was determined to be complete on **March 18, 2008**.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 5, 2008.

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

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

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

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

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

use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 28, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor.

**An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

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

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

**Recording the final decision.**

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

- *Unless appealed,* The final decision may be recorded on or after **May 29, 2008 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun. Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

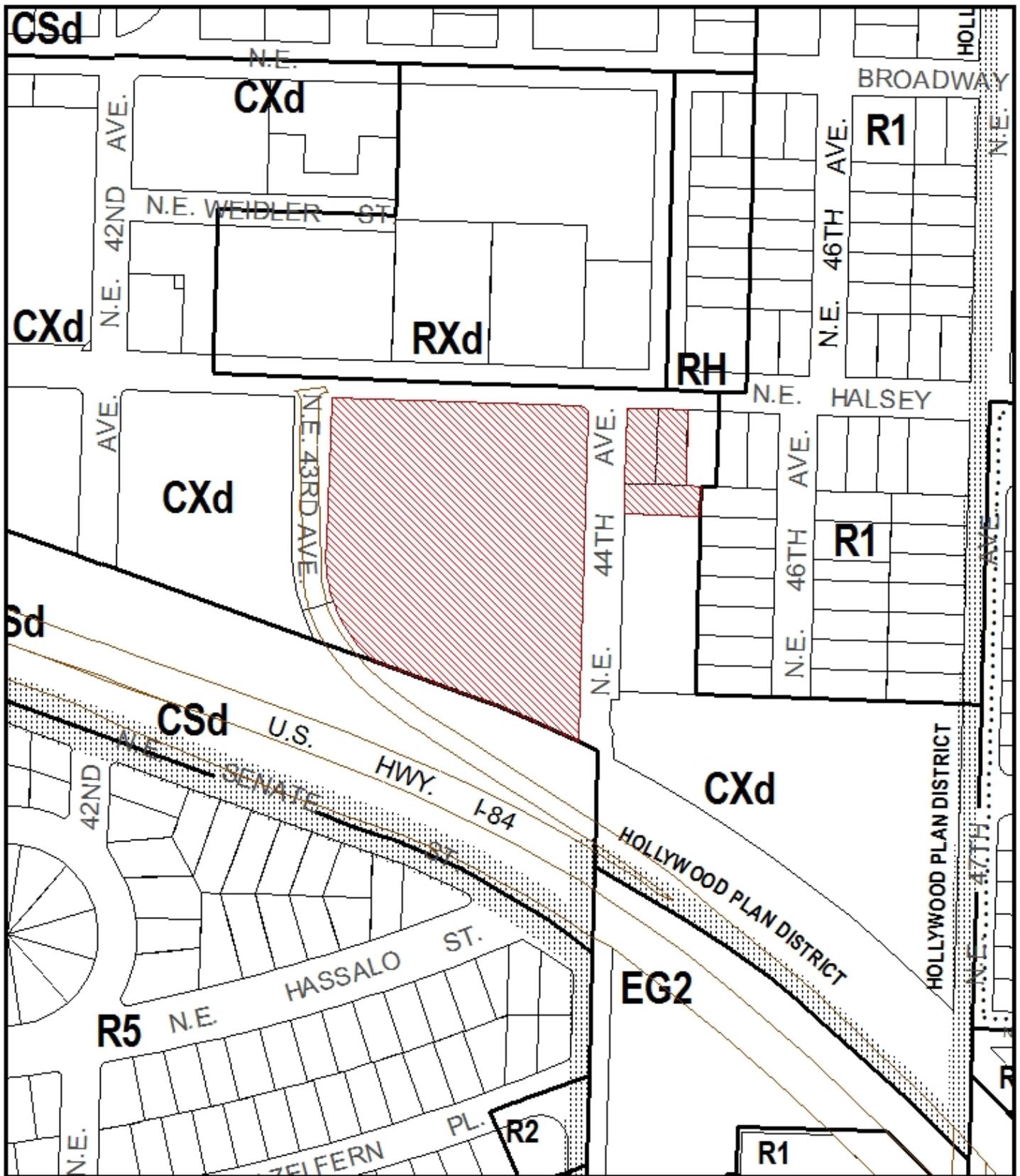
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. - 34. Site Plan, Elevations, Sections, Details, Landscape Plan (some attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Site Development Review Section of BDS
  - 3. Fire Bureau
  - 4. Bureau of Transportation Engineering and Development Review
  - 5. Life Safety Division of BDS
- F. Correspondence:
  - 1. Linda Kluver, 3/23/08 and 4/8/08, concerns with proposal and process
  - 2. Tamara DeRidder/Rose City Park Land Use Committee, 4/3/08, concerns with proposal and with amount of information in the case file
  - 3. Gary Naylor/Laurelhurst NA, 4/8/08, specific recommendations and advocacy of Sullivans Gulch Trail alignment, some traffic concerns
  - 4. Rose City Park NA, 4/10/08, concerns with proposal
  - 5. Hollywood NA, 4/21/08, (not considered)
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

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



# ZONING



Site



NORTH

This site lies within the:  
HOLLYWOOD PLAN DISTRICT

File No.	LU 08-113391 DZM
1/4 Section	2935
Scale	1 inch = 200 feet
State_Id	1N2E31BB 3400
Exhibit	B (Mar 10, 2008)





PROVIDENCE OFFICE: 1000 1<sup>st</sup> AVENUE, SUITE 1000  
 PORTLAND, OREGON 97208  
 PHONE: 503.253.3000  
 FAX: 503.253.3000



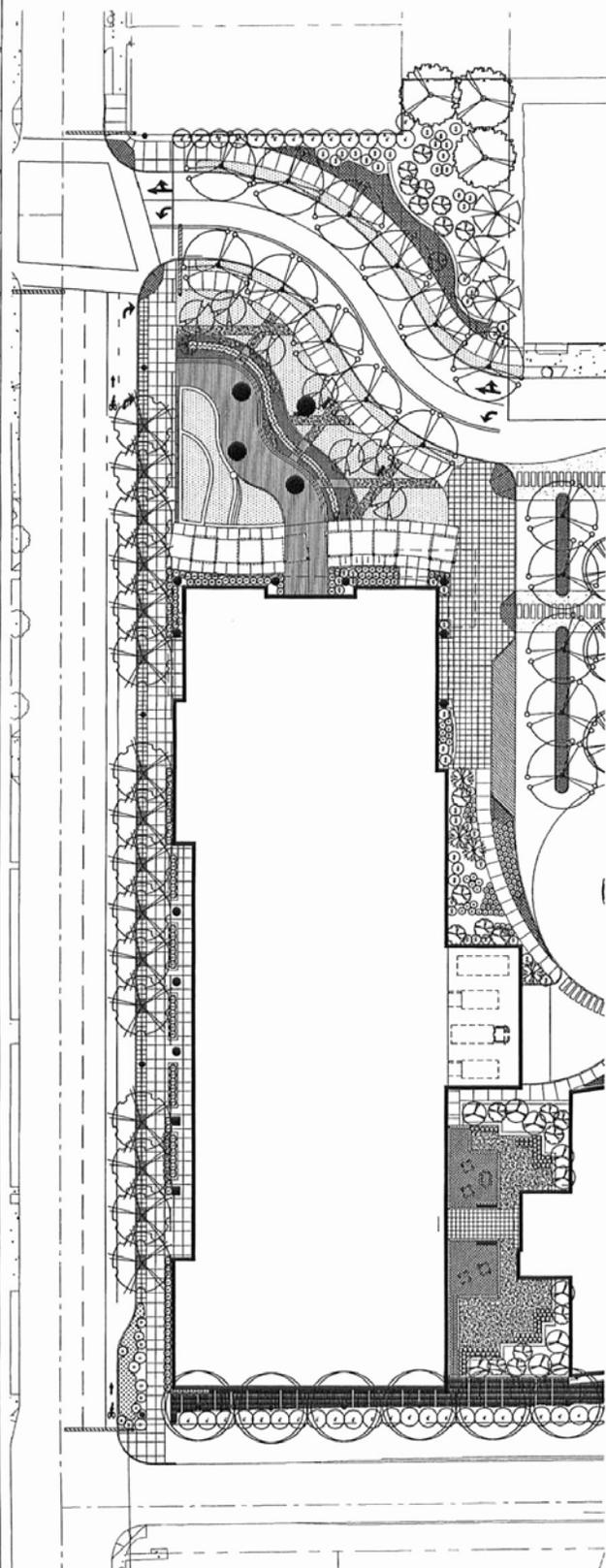
WALLA WALLA COMMUNITY COLLEGE  
 1100 N. COMMUNITY COLLEGE BLVD.  
 WALLA WALLA, WA 99157  
 PHONE: 509.325.3000  
 FAX: 509.325.3000

ION R. JURGENS & ASSOCIATES, INC.  
 ARCHITECTURE & PLANNING  
 1000 N. COMMUNITY COLLEGE BLVD., SUITE 1000  
 WALLA WALLA, WA 99157  
 PHONE: 509.325.3000  
 FAX: 509.325.3000

DATE: 05/11/11  
 DRAWING NO.: 11-0001  
 PROJECT NO.: 11-0001  
 SHEET NO.: 11-0001  
 SCALE: 1" = 20'

LA1.1  
 DESIGN REVIEW

C-5



Planting Plan-North  
 Scale: 1" = 20'

WATER QUALITY PLANTING					
ABBR.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY
	JUNCUS EFFUSUS	COMMON RUSH	1 GAL	24" O.C.	35% xx SQFT
	CAREX OBNOBVA	SLOUGH SEDGE	1 GAL	24" O.C.	65% xx SQFT
NOTE: DISTRIBUTE SPECIES IN PERCENTAGES AS LISTED					

GROUNDCOVER SCHEDULE					
ABBR.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY
	ARCTOSTAPHYLOS UVA-OSI 'WACHSUNGESSETTS'	KINNECKINICK	1 GAL	24" O.C.	xx SQFT
	RUBUS PENTALOBUS 'BERNARD CARPET'	CREEPING RUBUS	4"	12" O.C.	xx SQFT
	TURF GRASS	LAWN - HYDRASEED			xx SQFT

TREE SCHEDULE				
SYMB.	BOTANICAL NAME	COMMON NAME	SIZE	QTY
⊕	ALNUS RUBRA	OREGON ALBER	3" CALIPER	X
⊕	ACER CIRCINATUM	VINE MAPLE	5-6"	
⊕	CALOCERUS DECURBENS	INCENSE CEDAR	6-8"	
⊕	CERCIDIPHYLLUM JAPONICUM	KATSURRA	2-1/2" CALIPER	
⊕	CHAMAECYPARIS NOOTKATENSIS 'PENDULA'	WEeping ALASKA YELLOW CEDAR	5-6"	
⊕	CHAMAECYPARIS NOOTKATENSIS	ALASKA YELLOW CEDAR	6-8"	
⊕	CHAMAECYPARIS ORTUSA 'GRACILIS'	SLERKER HINGKI CYPRESS	2" CALIPER	
⊕	CERCIS CANADENSIS	EASTERN REDBUD	2" CALIPER	
⊕	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	4-5"	
⊕	QUERCUS RUBRA	SCARLET OAK	2" CALIPER	
⊕	ULMUS PARVIFOLIA 'ALLEE'	ALLEE ELM	3" CALIPER	
⊕	ZELKOVA SERRATA 'SCHMIDTLOW'	WIRELESS ZELKOVA	2" CALIPER	

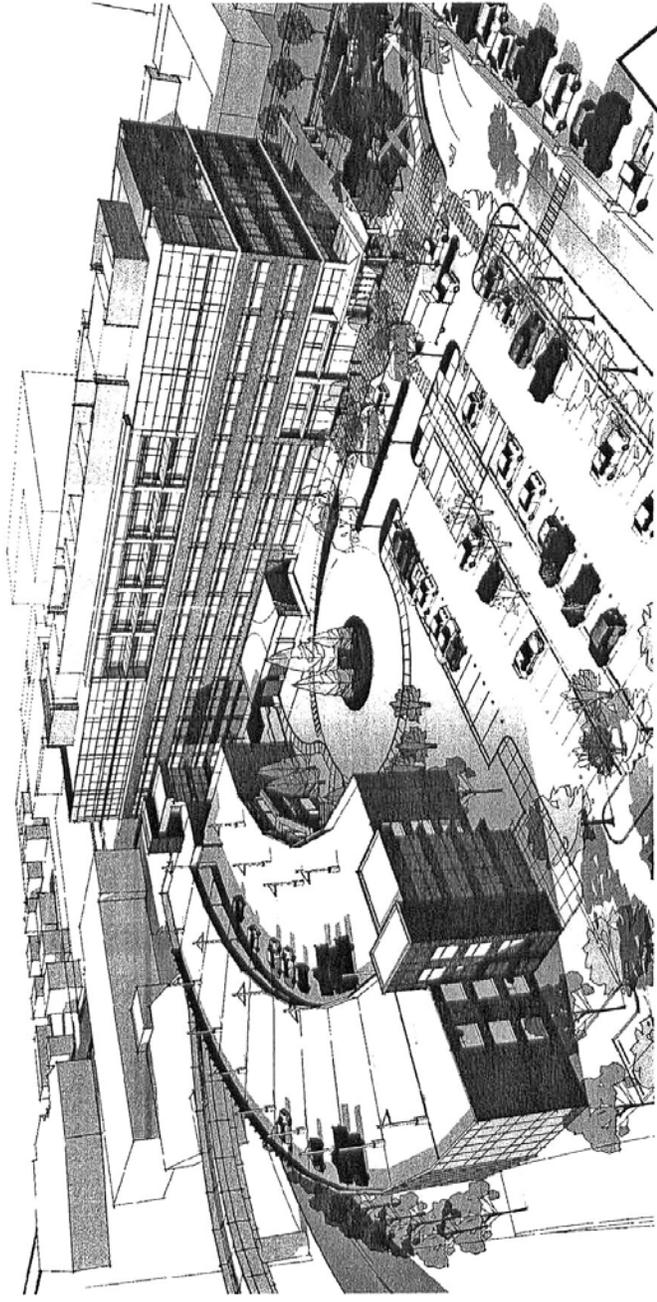
SHRUB SCHEDULE					
ABBR.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY
D	CORNUS SERICEA 'ISANTIT'	TSANTIT DOGWOOD	5 GAL	PER PLAN	X
E	CLEMATIS ARMANDII	EVERGREEN CLEMATIS	1 GAL	PER PLAN	X
F	FESTUCA 'ELIJAH BLUE'	ELIJAH BLUE FESCUE	1 GAL	PER PLAN	X
G	GALANTHERA SHALLOW	SALAL	1 GAL	PER PLAN	X
H	HYDRANGEA QUERCIFOLIA 'SNOWLACE'	SNOWLAKE HYDRANGEA	1 GAL	PER PLAN	X
I	ILEX CERATA 'CONDEA'	CONVEY JAPANESE HOLLY	5 GAL	PER PLAN	X
J	JASMINUM INDIGLORUM	WINTER JASMINE	1 GAL	PER PLAN	X
K	CORNUS SERICEA 'YELSETT'	KELSETT DOGWOOD	1 GAL	PER PLAN	X
L	PENISETUM 'LITTLE BURN'	DWARF FOUNTAIN GRASS	1 GAL	PER PLAN	X
M	MAHONIA AQUIFOLIUM 'COMPACTUM'	COMPACT MAHONIA	5 GAL	PER PLAN	X
N	PRUNUS LUSTANICA	PORTUGAL LAUREL	5-6"	PER PLAN	X
PL	RUBUS SANGUINEL	FLOWERING CURRANT	1 GAL	PER PLAN	X
R	RHOENDOZON NORTHERN LIGHTS	NORTHERN LIGHTS AZALEA	5 GAL	PER PLAN	X
SN	SARCOCOCCA HOOPERIANA	HIMALAYAN SARCOCOCCA	1 GAL	PER PLAN	X
V	VIBURNUM DAVDOI	DAVID VIBURNUM	3 GAL	PER PLAN	X
VO	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	3 GAL	PER PLAN	X
VT	VIBURNUM TINUS 'SPRING BOUQUET'	LAURISTINUS	5 GAL	PER PLAN	X
NOTE: PLANT QUANTITY PROVIDED FOR REFERENCE ONLY. CONTRACTOR TO VERIFY PLANT QUANTITY.					

City of Portland - Bureau of Development Services  
 Approved\* Date 5.9.8  
 Planner  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10

SOUTHEAST VIEW FROM ABOVE



**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner \_\_\_\_\_ Date **5-9-8**  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NORTHEAST VIEW FROM STREET

