



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

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**Date:** June 11, 2009  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Christine.Caruso@ci.portland.or.us](mailto:Christine.Caruso@ci.portland.or.us)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

### **CASE FILE NUMBER: LU 08-182312 DZ** **3839 NE BROADWAY KEYBANK HOLLYWOOD**

#### **GENERAL INFORMATION**

**Applicant:** Patrick Flanagan  
Key Bank  
10888 SE Main St.  
Milwaukie, OR 97222

**Representative:** Garrett Stephenson  
Group Mackenzie  
1515 SE Water Ave., Ste 100  
Portland, OR 97214

**Site Address:** 3839 NE BROADWAY

**Legal Description:** BLOCK 40 LOT 7&8 LOT 9&10 EXC PT IN ST LOT 11&12,  
ROSSMERE

**Tax Account No.:** R729805250

**State ID No.:** 1N1E25DD 08500

**Quarter Section:** 2834

**Neighborhood:** Hollywood, contact Doug Hamilton at 503-249-5839

**Business District:** Hollywood Boosters, contact Jan Tolman at 503-281-5497

**District Coalition:** Central Northeast Neighbors, contact Alison Stoll at 503-823-3156

**Plan District:** Hollywood - Subdistrict B

**Other:** Hollywood Pedestrian District

**Zoning:** CSd, Commercial Storefront with Design Overlay

**Case Type:** DZ, Design Review

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

**Proposal:** The applicant seeks Design Review approval for exterior alterations to the "Pagoda Building", a former Chinese restaurant located on the southeast corner of NE Broadway Street

and NE 39<sup>th</sup> Avenue, just north of Sandy Boulevard in the Hollywood Plan District-Subdistrict B. The existing building will be re-clad in a combination of stone tile along the base, insulated stucco on the walls above, and metal accent bands. A number of existing openings along both streets that are currently covered will be opened up for new windows and doors. Existing storage sheds attached to the north façade as well as the rooftop pagoda structure will be removed. The southeast building corner will feature a new two-story tile-roofed square tower with integral signage, LED accent lighting, large fabric canopies, and a street-facing entrance. New fabric canopies and sconce lighting will be added to both street-facing facades. Mechanical equipment will be placed on the roof as well as behind a screen wall near the north building wall and bicycle parking area. The existing parking lot will be renovated with new perimeter and interior landscaping, vegetated stormwater facilities, bike racks and storage lockers, entry/exit signage, and an enclosed trash area. Sidewalk dedications will be made and sidewalks will be upgraded to city standards. The existing freestanding sign will remain on site but is not part of this application.

Exterior alterations to existing buildings with a design overlay in the Hollywood Plan District require design review.

**Relevant Approval Criteria:**

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

- 33.825 Design Review
- Community Design Guidelines

## ANALYSIS

**Site and Vicinity:** The site is a 24,829 square foot property with frontage along NE Broadway Boulevard and NE 38<sup>th</sup> and NE 39<sup>th</sup> Avenues. The site is developed with the 4,715 square foot single-story Pagoda Restaurant building, which occupies the southeast corner of the site. The remainder of the site is used for surface parking. Surrounding development south and east of the property is primarily defined by commercial, retail, and restaurant uses along NE Broadway Street and NE Sandy Boulevard. Low-density multi-dwelling residential development predominates northwest of the site. The site is located near the western edge of the Hollywood District, which has long served as a center of activity for Portland's inner and central northeast neighborhoods such as Laurelhurst, Alameda, Beaumont-Wilshire, and Rose City Park.

NE Broadway is classified as a Major City Traffic Street, Major Transit Priority Street, and Local Service Bikeway in the Portland Transportation System Plan. Adjacent to the site, NE 39<sup>th</sup> Avenue is classified as a Neighborhood Collector, Local Service Transit Street, and City Bikeway. NE 38<sup>th</sup> Avenue is classified as a Local Service Traffic Street, Local Service Transit Street, and Local Service Bikeway. The site is also within the Hollywood Pedestrian District.

**Zoning:** The Commercial Storefront (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service, and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Design (d) overlay zone 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 must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

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

- VZ 146-72: Approval of a variance request to reduce the west front yard from the required 15 feet to zero for the construction of a sign.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 1, 2009**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Water Bureau (*see Exhibit E-6*)

The Life Safety Review Section of BDS responded with the following comment: *Please see Exhibit E-1 for additional details*

1. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 7:30 AM and 4:00 PM Monday, Wednesday, Thursday and Friday, and 7:30 AM - 3:00 PM on Tuesday (no appointment is necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.
2. A separate Mechanical Permit is required for the work proposed. OMSC 106.1
3. Alterations to the building exterior envelope shall meet the prescriptive requirements Energy Code. Exception: When up to 25 percent of the glazing in any one wall is being replaced, it may be replaced with glazing with a U-factor and shading coefficient equal or better than the existing glazing. OSSC 1312.3.2

The Bureau of Parks Urban Forestry responded with the following comment: *Please see Exhibit E-2 for additional details.*

1. Protect existing street trees.

The Bureau of Environmental Services responded with the following comment: *Please see Exhibit E-3 for additional details.*

1. At the time of building permit, the applicant will need to identify an appropriate discharge point pursuant to the requirements if the current Stormwater Management Manual.
2. Building plans for this project must include a detailed site utility plan, which shows proposed and existing sanitary connections and stormwater management that meets the requirements of the Stormwater Management Manual in effect at the time of permit submittal.
3. The property will have to use the Presumptive Approach for infiltration tests and the Presumptive Approach Calculator (PAC) for the design of the stormwater facilities. Please refer to the 2008 SWMM Appendix D for the submittal requirements.
4. Separate permitting fees and SDC's will be incurred for each new sewer connection. Fees change every fiscal year beginning July 1st. For additional information on these fees, please contact Development Assistance at 503.823.7761.
5. SWMM Chapter 4 Requirements: Design requirements from Chapter 4 of the SWMM (Source Controls) that may be pertinent to this project are briefly described as follows with the corresponding Chapter 4 section noted. BES recommends the applicant review Chapter 4 to help recognize other requirements that may apply to this project at the building permit review stage.
  - a. Solid Waste and Recycling (Section 4.5): Solid waste (including grease bins/drums/boxes) and recycling (plastic, paper, glass, etc.) areas require a structural cover with a paved surface beneath the receptacles, a bermed or graded isolated area beneath the cover to protect from stormwater run-on, and a drain to the sanitary sewer within the isolated covered area.
  - b. Loading Docks (Section 4.6): Loading docks (material transfer areas) must be isolated from stormwater run-on. The first 3 feet of the dock face must be isolated through grading, berms or drains, and that area must discharge to the sanitary sewer.

The Bureau of Transportation Engineering responded with the following comment: *Please see Exhibit E-4 for additional details.*

1. NE Broadway - Dedicate 3-ft and construct a 15-ft wide sidewalk corridor consisting of the existing curb, 4-ft wide furnishing zone, 8-ft wide pedestrian through zone, and a 2.5-ft frontage zone.
2. NE 39th Avenue - Dedicate 8.5-ft and construct a 15-ft wide sidewalk corridor consisting of the existing curb, 4-ft wide furnishing zone, 8-ft wide pedestrian through zone, and a 2.5-ft frontage zone
3. NE 38th Avenue - No dedications needed. Repair and replace any broken or damaged sidewalks.
4. Street trees and street lighting will be required as needed.
5. The above street improvements must be constructed under a separate street job permit to City standards per the requirements of the City Engineer. The dedications and a financial guarantee will be a condition of building permit approval.
6. The dedications and street improvements identified in this report will be conditions of building permit approval. The dedications are not required along the segments of frontage where the existing building will be retained. Dedications will be along frontages adjacent to parking and driveway areas.

The Site Development Section of BDS responded with the following comment: *Please see Exhibit E-5 for additional details.*

1. Site Development has no objection to the requested land use review. However, Site Development has not received sufficient information to determine if the proposal will conform to requirements for stormwater services. In order to meet these requirements, this may necessitate changes to the site plan, which could have a bearing on the pending land use review.
2. A conceptual stormwater plan, submitted via email on May 19, 2009, shows “rain gardens” are proposed in four areas around the perimeter of the parking lot to manage four basin areas within the parking lot. All stormwater facilities must be designed in accordance with the SWMM and must meet specific setback requirements from adjacent structures and property lines, and/or be lined to protect neighboring lots and rights-of-way. The plantings in the facilities must meet the planting requirements for the parking lot landscaping and for the SWMM.
3. The applicant may want to consider enlarging the width of the planters in accordance with the following *Portland Zoning Code Section, 33.266.130. F.4*, which states: *A portion of a standard parking space may be landscaped instead of paved, as follows:*
  - a. *As shown in Figure 266-3, up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped area;*

The State Historic Preservation Office responded with the following comment: *Please see Exhibits E-7 and E-8 for additional details.*

1. The Pagoda Building would be difficult to nominate as a landmark under Criterion A, B or C due to extensive alterations to the original 1930's structure.
2. We have reviewed the materials submitted on the project referenced above (Key Bank Lease Space tenant Improvement at 3839 NE Broadway), and we concur with a determination of No Historic Properties Affected for this undertaking.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 1, 2009. Six (6) comments were received from notified property owners in response to the proposal:

1. Mary Wohler, 1777 NE 39<sup>th</sup> Ave, January 9, 2009 – would like the building saved.
2. Vanessa Nix, January 9, 2009 – would like the building saved.
3. Gardner, January 13, 2009 – would like the building designated as a landmark and saved.
4. Chris Stoeger, 2214 NE 39<sup>th</sup> St, January 22, 2009 – would like the pagoda exterior to remain intact.
5. Cathy Galbraith, Bosco-Milligan Foundation, 701 SE Grand Ave, May 19, 2009 – believes the proposal does not meet various criteria of the adopted Hollywood-Sandy Plan, the Comprehensive Plan, and the Design Guidelines and therefore, should not be approved.

6. Marci Holcomb, Mid-Century Modern League, 3146 NE 108<sup>th</sup>, May 20, 2009 – believes the proposal does not meet various criteria of the adopted Hollywood-Sandy Plan, the Comprehensive Plan, and the Design Guidelines and therefore, should not be approved.

**Applicant Response:** *The approval criteria for this Type II Design Review are those found in the Community Design Guidelines, all of which have been sufficiently addressed in our application and subsequent submittals. In this case, no applicable criteria require an evaluation of the proposal against Plan policies or guidelines. The Hollywood and Sandy Plan, its attachments, policy documents, or studies do not constitute or contain applicable approval criteria, nor does the City of Portland Comprehensive Plan or the Oregon Statewide Planning Goals. All of these important documents informed the creation of the Community Design Guidelines, which should be acknowledged as the only applicable criteria for this land use decision. KeyBank has gone to great lengths to create a design that meets the Portland Personality Guidelines, even if it does not propose to preserve all elements of the building.*

*Based on our meetings with the Hollywood Neighborhood Association and staff, neon elements, metal and stone trim, and additional signage were proposed. Preservation of the Pagoda feature on top of the building is prohibitively costly as it would trigger the reinforcement of significant structural upgrades. KeyBank also carefully considered intact removal of the pagoda element and even commissioned a structural engineer to study the viability of removing it. Unfortunately, preservation of the Pagoda element is very difficult in the context of this adaptive reuse project. KeyBank has therefore submitted a design that is intended to acknowledge the style, if not capture the essence, of the existing building while still ensuring that it will be suitable for its proposed purpose.*

**Staff Response:** *The “Pagoda Building”, while a notable Hollywood District structure, is not a registered historic landmark and may be redeveloped through regular review and permitting processes. The restaurant exterior has been extensively remodeled, covered in ceramic tile, and is missing many of the original decorative wood elements. Numerous window openings were also filled in along both street frontages, turning the building away from the pedestrian district, toward the parking lot. The property owner and neighborhood association have explored several options for saving or relocating the pagoda feature, none of which have proved viable at this time. Staff believes that the applicable review criteria have been met as described in the complete findings below.*

## **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 (d) overlay zoning; 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.

**Findings:** The site is located within the Hollywood Plan District, at the intersection of several major traffic and transit streets namely NE Broadway and NE 39<sup>th</sup> Avenue, and is just north of NE Sandy Boulevard, a designated enhanced pedestrian street. The site plays an important role in this area as a transitional location between less concentrated commercial and industrial activity to the west, the commercial core of the Hollywood District and Sandy Boulevard to the south and east, and the residential areas to the north. The proposed “Pagoda Building” renovations will enhance this location while responding to the desired characteristics of the Hollywood Plan District. Those positive and contributory upgrades include: the installation of perimeter and interior parking lot landscaping that buffers pedestrians from vehicles, provides shade, and treats stormwater; on-site bicycle parking to encourage non-vehicular trips by customers and employees; the addition of a distinct corner entry tower that mimics the height and scale of the existing pagoda; the use of district-appropriate materials such as masonry along the building base, stucco on the walls, tile at the roof, and fabric awnings; and the creation of articulated building elements such as cornices, window and masonry ledges, and parapet banding.

Even though the site is not within the designated Hollywood Bright Lights District (concentrated along NE Sandy Boulevard) new accent lighting is provided so that the building remains a distinct, recognizable element of the Hollywood Plan District through the use of thin LED bands around the tower, illuminated logo signage on the tower, and by two illuminated multi-colored panels with the word “HOLLYWOOD” on the south and east tower faces. Wall washers are also provided at regular spaces along both NE Broadway and NE 39<sup>th</sup> street frontages, giving the building a distinctive look. The reinstallation of windows in formerly boarded up openings along NE Broadway and NE 39<sup>th</sup>, the addition of corner canopies at the main entrance, new street-facing fabric awnings along both frontages, and the widening of surrounding sidewalks, enhances the pedestrian realm, re-engages the building with the street and the nearby commercial center, and allows visibility into the active ground floor areas as encouraged by plan district goals and objectives. The building will also make a positive contribution to the sense of place and identity of the area by reinvigorating a vacant commercial building with a new business that serves the neighborhood. *This guideline is therefore met.*

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

**Findings:** *The Hollywood and Sandy Plan* identifies the area of Sandy Boulevard and 39<sup>th</sup> Avenue as a major district gateway to the Hollywood Town Center. Structures in the gateway area should “enhance the entrance” into the town center. The existing building was remodeled many years ago and turned its back on the nearby gateway by one entrance, which is on the west façade on the parking lot edge. While not in the gateway itself, the Pagoda building is a notable structure that provides a visual marker at the edge of the Hollywood commercial core. The proposed new two-story corner entrance with accent lighting, canopies, wall washers, and additional windows on the east and south façades will retain the building's visual prominence at this edge of the district and will help to orient the

building more to its surroundings rather than to the parking lot, enabling the site to better fulfill its function near a designated gateway. *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.

**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.

**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 for E1, E3 and E5:** The proposal enhances the area's pedestrian network, which links the residential neighborhoods to the north with the commercial areas to the east, west and south. Sidewalks around the building will be upgraded to conform to the Bureau of Transportation's standards. A five-foot-wide landscaping strip will buffer pedestrians from the parking lot. New windows will be added to what are currently blank walls on the south and east façades, increasing pedestrians' sense of security along the streets. The new canopies and lights will add pleasure and comfort to the pedestrian experience. The proposal will make a positive contribution to the pedestrian network. The new metal-frame and fabric canopies and wall-mounted light fixtures will add to the sense of urban enclosure and differentiate the street-level façade and the canopies will protect pedestrians from the effects of adverse weather. *These guidelines are therefore met.*

**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.

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

**Findings for E4 and D2:** The new corner entrance, highlighted with the two-story tower element, accent lighting, canopies, storefront entry and windows, will activate the intersection at NE Broadway and NE 39<sup>th</sup> Avenue, which has two underdeveloped edges characterized by the surface parking lot. The corner will benefit from the energy created by pedestrians interacting as they enter and exit the bank. Vibrant red fabric awnings, the lighted tower element, and glass storefront systems make the building's main entrances prominent and interesting. This renovated corner entrance will be accessible and convenient for all users. *These guidelines are 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 parking lot will be completely reconfigured to provide pedestrian connections to all street frontages. The walkways around the building will be widened to provide small outdoor areas for customers and employees. A larger paved area at the northwest corner of the building provides bicycle parking. The site's appearance will also be strengthened by landscape features which include new perimeter plantings at the sidewalks, new interior parking lot landscaping including trees, a new landscaped buffer between the parking lot and adjacent residential properties to the north, and new vegetated stormwater facilities. All existing street trees except one will remain and several new street trees will be provided. These landscape features are appropriately

placed to enhance the design of the building and the site. *These guidelines are 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 existing surface parking lot will be enhanced through the addition of a variety of landscape and non-landscape features, including new perimeter plantings at the sidewalks, a new landscaped buffer between the parking lot and adjacent residential properties to the north, new vegetated stormwater facilities, a screened and covered trash enclosure placed away from the street, new on-site bicycle parking racks and lockers, and upgraded pedestrian walkways. These improvements will soften the appearance of the parking lot, buffer pedestrians from vehicle areas, provide locations for bicycles, and help minimize the parking lot's negative impacts on the surrounding area. *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 reinstalled windows on NE Broadway and NE 39<sup>th</sup> and the reconfigured corner entrance will increase the building's orientation to and create a stronger presence on the street. The ATM and Night Deposit on the west façade will have new night lighting to provide security for customers. New wall washers spaced equally along both the south and west facades will provide additional pedestrian lighting along the sidewalks. *This guideline is therefore met.*

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**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 D6, D7 and D8:** The additions to the building – insulated stucco rainscreen system, contrasting stone base color, metal trim bands, aluminum storefront systems and windows, fabric canopies, and lighting – are of long-lasting quality and are appropriately scaled and proportioned for the existing building. All of these materials are present in the surrounding commercial areas. These additions, particularly the corner accent lighting and canopies, return the currently closed-up, auto-oriented facades back toward the district. The building will form a cohesive composition that is interesting to view. *These guidelines are therefore 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 proposed renovation of the Pagoda restaurant into a bank branch creates an architecturally integrated design through the use of durable, quality materials; activates the pedestrian environment by opening closed windows, turning the building away from the parking lot back toward the sidewalk, and providing landscape buffers around the site; reinforces the important southeast corner of the site with a new two-story building element, accent lighting, a street-facing entry and deep canopies; softens the impact of the parking lot with interior and perimeter landscaping as well as stormwater treatment facilities; and blends into the Hollywood Plan District by using building materials found in the area, providing distinct building lighting, and providing a space for a neighborhood-serving business. 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 will enhance the site's appearance and result in a more pleasant experience for pedestrians in the area. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of Design Review in the Hollywood Plan District for the exterior renovation of the "Pagoda Building" including:

- New exterior skin comprised of insulated stucco, metal accent bands, and a stone veneer base;
- New aluminum windows and storefront in existing structural openings on NE Broadway and NE 39<sup>th</sup>;
- ATM with Night Drop and one illuminated KeyBank logo sign on the west façade;
- New square southeast corner entry tower with tile rooftop accents, insulated stucco walls, metal accent bands, and LED accent lighting around the tower;
- Two illuminated logo signs and two illuminated "Hollywood" signs at the top of the tower, facing NE Broadway and NE 39<sup>th</sup>;
- New red fabric awnings and corner canopies on the three street-facing frontages;
- Reconfigured parking lot including landscaping, entry/exit signage, striping;
- New rooftop mechanical units and new on-site mechanical units near the north side of the building behind a screen; and
- On-site bike storage lockers, bike racks, and a covered trash enclosure;

Approved per the approved site plans, Exhibits C-1 through C-17 signed and dated May 27, 2009 and June 9, 2009 subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.17. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-182312 DZ. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:** Chris Caruso **on June 9, 2009**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: June 11, 2009**

**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 December 8, 2008, and was determined to be complete on **April 27, 2009**.

*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 December 8, 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 waive or extend the 120-day review period for two weeks. Unless further extended by the applicant, **the 120 days will expire on: September 11, 2009.**

**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 June 25, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](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 **June 26, 2009 – (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.

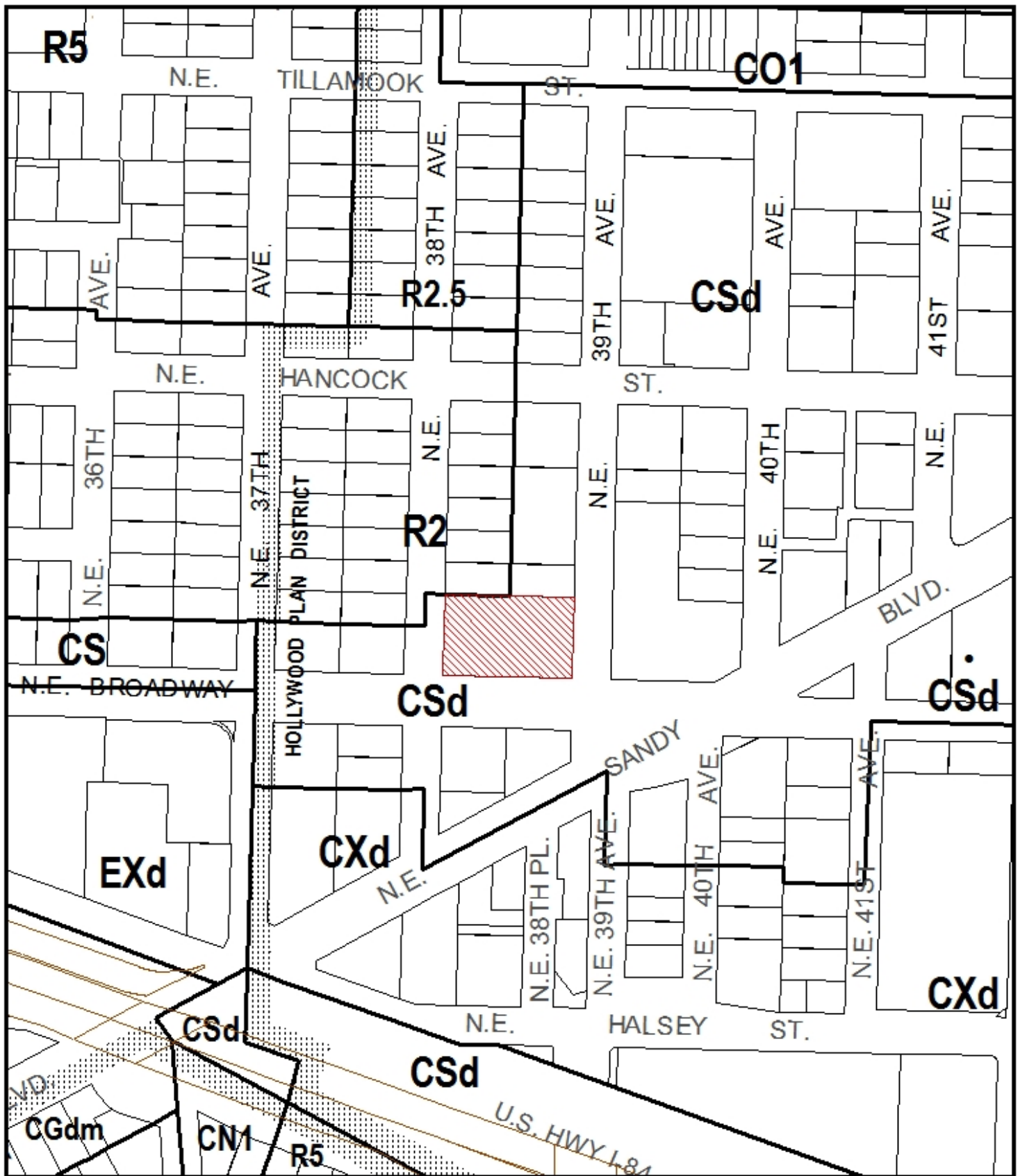
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statements
  - 1. Project Summary
  - 2. Neighborhood Meeting Minutes, January 19, 2009
  - 3. Completeness Response, April 22, 2009
  - 4. Email regarding mechanical equipment locations, May 7, 2009
  - 5. Applicant's rebuttal statement, May 21, 2009
  - 6. 120-Day Waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Planting Plan (attached)
  - 3. Floor Plan
  - 4. Roof Plan
  - 5. Elevations (attached)
  - 6. Elevations (attached)
  - 7. Colored Elevations
  - 8. Colored Elevations
  - 9. Night Lighting renderings
  - 10. Night Lighting renderings
  - 11. Wall Sections & Details
  - 12. Wall Sections & Details
  - 13. Details
  - 14. Stormwater Site Plan
  - 15. Stone details
  - 16. Light Fixture cutsheets
  - 17. Site Photometrics
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2. Bureau of Parks Urban Forestry
  - 3. Bureau of Environmental Services
  - 4. Bureau of Environmental Services
  - 5. Bureau of Transportation Engineering and Development Review
  - 6. Water Bureau
  - 7. Fire Bureau
  - 8. Site Development Review Section of BDS
  - 9. Oregon State Historic Preservation Office
  - 10. Oregon State Preservation Office
- F. Correspondence:
  - 1. Mary Wohler, January 12, 2009, would like the pagoda building preserved.
  - 2. Vanessa Nix, January 9, 2009, would like the pagoda building preserved.
  - 3. Kattie Gardner, January 13, 2009, would like the pagoda building preserved.
  - 4. Chris Stoeger, January 22, 2009, would like to pagoda building preserved.
  - 5. Cathy Galbraith, Bosco-Milligan Foundation, May 19, 2009, opposed to the project.
  - 6. Marci Holcomb, Mid-Century Modern League, May 20, 2009, opposed to the project.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter, December 18, 2009
  - 4. Freestanding sign design options
  - 5. Email dated May 5, 2009 outlining building sign size options with Option 1 selected
  - 6. Full-sized elevation & detail drawing set



# ZONING



Site



Historic Landmark

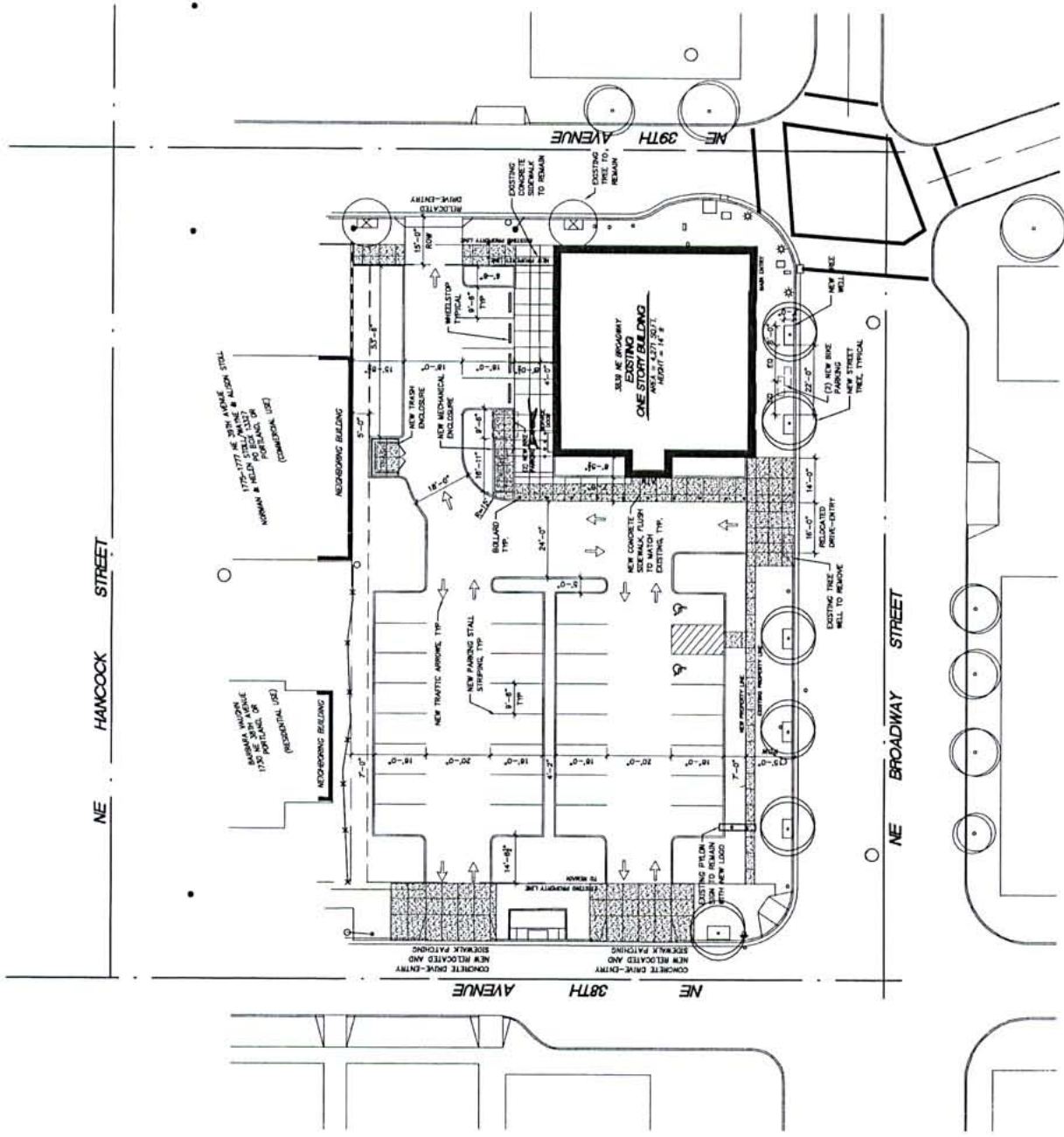


NORTH

This site lies within the:  
HOLLYWOOD PLAN DISTRICT

File No.	LU 08-182312 DZ
1/4 Section	2834
Scale	1 inch = 200 feet
State_Id	1N1E25DD 8500
Exhibit	B (Dec 12, 2008)

Approved  
 City of Portland - Bureau of Development Services  
 Planner: *Ch. Carson*  
 Date: 5/27/09  
 \* This approval applies only to the reviews requested on this application.  
 conditions of approval. Additional zoning requirements may apply.



1  
 PROPOSED SITE PLAN  
 1"=20'-0"  
 X1.1



# PLANT MATERIAL SCHEDULE

SYMBOL	KEY	BOTANICAL NAME - COMMON NAME	SIZE / SPACING
○		TREES	
○		EXISTING TREE TO REMAIN	
○		CALOCEDRUS DECURRENS INCENSE CEDAR	2" CAL B&B
○		CHAMPECARIS MOOREIENSIS 'PENDULA' WEEPING ALASKA CEDAR	2" CAL B&B
○		ACER CIRCINATUM VINE MAPLE	2" CAL B&B
○		ACER RUBRUM 'ARMSTRONG' ARMSTRONG RED MAPLE	2" CAL B&B
○		FRAXINUS PENNSYLVANICA 'MARSHALL' MARSHALL GREEN ASH	2" CAL B&B
○		PRUNUS SEROTINA 'YAMAZAKI' KWANZAN FLOWERING CHERRY	2" CAL B&B
○		ZELKOVA SERRATA 'MUSASHINO' MUSASHINO COLUMNAR ZELKOVA	2" CAL B&B
○		SHRUBS/VINES	
○		ILEX CRETATA JAPANESE HOLLY	2 GAL CONT AS SHOWN
○		MAGNOLIA AQUIFOLIUM OREGON GRAPE	2 GAL CONT AS SHOWN
○		NANINDA DOMESTICA 'FIRE POWER' FIRE POWER HEAVENLY BAMBOO	2 GAL CONT AS SHOWN
○		OSMANTHUS DELAVAYI DELAVAY OSMANTHUS	1 GAL CONT 30" O.C.
○		VIBURNUM TINUS 'SPRING BOUQUET' COMPACT SPRING BOUQUET LAURUSTINUS	1 GAL CONT AS SHOWN
○		GROUNDCOVER	
○		MAHONIA REPENS CREEPING OREGON GRAPE	1 GAL CONT 24" O.C.
○		HELIOTRICHON SEMPERVIRENS BLUE OAT GRASS	2 GAL CONT 24" O.C.
○		FRAGRARIA CHILDENSIS BEACH STRAWBERRY	1 GAL CONT AS SHOWN
○		JUNCUS PATENS GROOVED RUSH	1 GAL CONT 18" O.C.
○		SPERBERIA + BUNALICA 'LIMBOLING' LIMBOLING SPIREA	2 GAL CONT 24" O.C.

603.224.9580  
 Portland OR  
 Landscape Architecture  
 Civil Engineering  
 Structural Engineering  
 Transportation Planning  
 Interior Design  
 Land Use Planning  
 Seattle WA  
 206.749.9893

**KeyBank**  
**VOCON.**  
 3142 PROSPECT AVENUE E  
 CLEVELAND, OH 44115  
**Project**  
**KEYBANK**  
**HOLLYWOOD BRANCH**  
 3809 NE BROADWAY  
 PORTLAND, OR 97232

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REVISIONS:  
 NO. REVISION DESCRIPTION DATE  
 1. REVISION DESCRIPTION DATE  
 2. REVISION DESCRIPTION DATE

SHEET TITLE:  
**PLANTING PLAN**

LU 08-182312 DZ

DRAWN BY: JH/TES  
 CHECKED BY: DJJ  
 SHEET:

**L2.1**

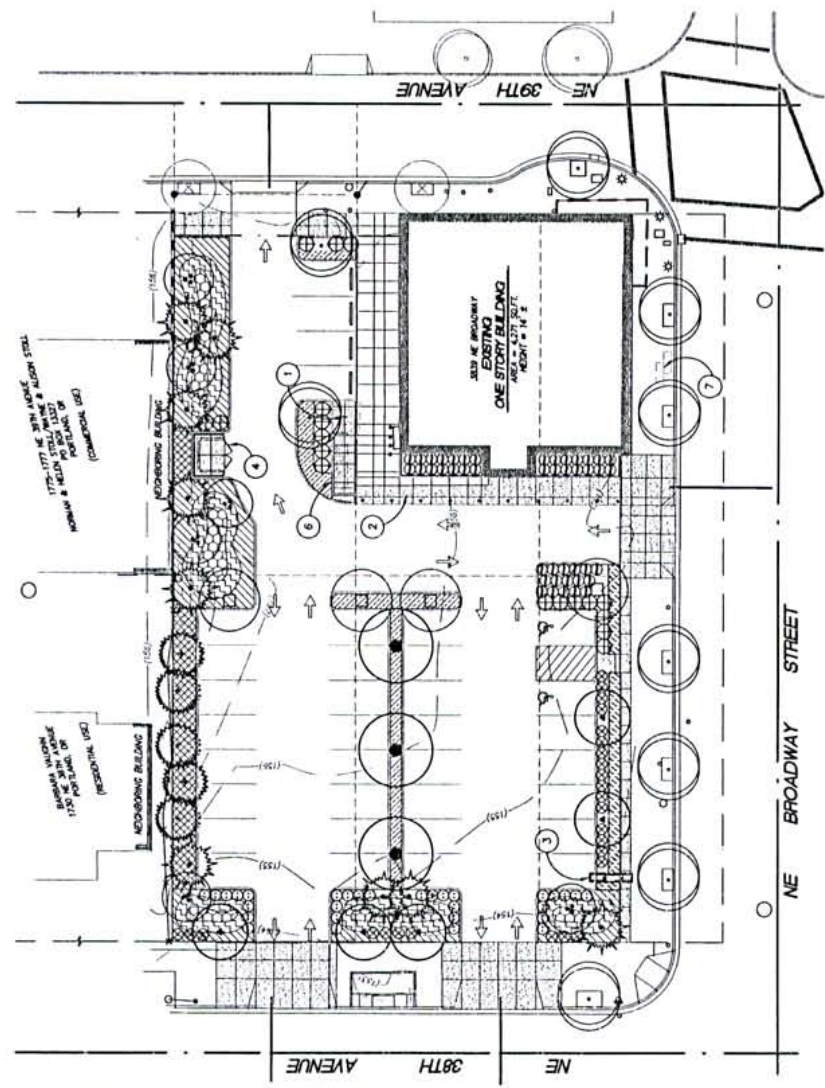
JOB NO. 2080292.00

## GENERAL PLAN NOTES

- ALL NEW LANDSCAPE AREAS SHALL BE IRRIGATED WITH A FULLY AUTOMATIC SPRINKLER AND IRRIGATION SYSTEM WITH AN AUTOMATIC RAIN SHUT OFF CONTROLLER PROVIDING 100% COVERAGE.
- ALL PLANTED AREAS ADJACENT TO THE BUILDING SHALL BE PROVIDED WITH AN AUTOMATIC INLINE DRIP SYSTEM.

## KEY NOTES

ITEM	NOTE	REFERENCE
1	BIKE PARKING W/ 6'x8' SHELTER BY AMERICAN BUILDING PRODUCTS	SEE ARCHITECTURE
2	SIDEWALK	SEE ARCHITECTURE
3	EXISTING PYLON SIGN	SEE SIGNAGE PLAN
4	TRASH ENCLOSURE	SEE ARCHITECTURE
5	SITE LIGHTING	SEE ELECTRICAL
6	OMI MESH SCREEN WALL	SEE ARCHITECTURE
7	BIKE RACK • RIGHT-OF-WAY	SEE ARCHITECTURE



1 LANDSCAPE PLAN  
 1"=20'-0"

Approved by: *Chin Chen* Date: 5/27/09  
 City of Portland - Bureau of Development Services  
 \* This plan is subject to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

## LANDSCAPE CALCULATIONS

TOTAL SITE AREA: 24,829 SF  
 LANDSCAPE AREA REQUIRED: 3,643 SF OR 15%  
 TOTAL LANDSCAPE AREA: 4,076 SF OR 15%  
 SCREENING PROVIDED: NORTH PROPERTY:  
 LINE 1X, HIGH SCREEN  
 SCREENING PROVIDED: EAST, SOUTH, & WEST  
 PROPERTY LINE: L2, LOW SCREEN  
 INTERIOR PARKING LOT PLANTING:  
 3 SMALL TREES REQUIRED: 3 SF  
 AREA PROVIDED: 1,575 SF  
 TREES REQUIRED: 9 LARGE, 9 SMALL  
 TREES PROVIDED: 5 LARGE, 9 SMALL

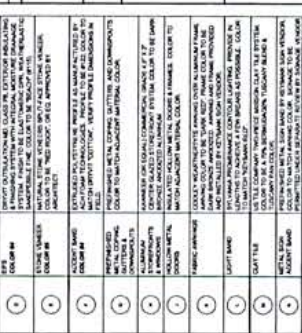
THE CITY OF PORTLAND, OREGON, IS A MAJORING PART IN THE PLANNING AND DESIGN OF THIS PROJECT.

DESIGN REVIEW SUBMITTAL - 12/08/08







[illegible]

NOISE ALL EXTERIOR  
ELECT & MECH. OUTLETS  
& PLATES SHALL MATCH  
ADJACENT MATERIAL  
COLOR

RECEIVED  
JUN 09 2009  
City of Portland - Bureau of Development Services  
Date 6/9/09  
Approved\*  
to the reviews requested and to subject  
to the following conditions: the zoning requirements may apply