

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

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

**Date:** April 1, 2010

**To:** Interested Person

**From:** Chris Caruso, Land Use Services

503-823-5747 / 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 09-161976 DZ PROVIDENCE OFFICE PARK SIGNS

### GENERAL INFORMATION

**Applicant:** Michael Robinson

Perkins Coie

1120 NW Couch St., 10th Fl.

Portland, OR 97209

**Owner:** Andrew Davis

Davis Business Center, LLC 11623 SW Riverwood Rd Portland, OR 97215

**Representatives:** Dana White

Providence Health System Oregon

1235 NE 47th Ave., Ste 160

Portland, OR 97213

Tom Wesel, Architect

Jon R. Jurgens & Associates

15455 NW Greenbrier Parkway, Suite 260

Beaverton, OR 97006

Site Address: 4400 NE HALSEY ST

**Legal Description:** BLOCK 46 LOT 7-9 TL 10100, LAURELHURST; INC PT VAC ST LOT 1

EXC PT IN ST, PARTITION PLAT 2008-148

**Tax Account No.:** R479108060, R649885890

**State ID No.:** 1N2E31BB 10100, 1N2E31BB 03401

Quarter Section: 2935

**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 A

**Zoning:** CXd, Central Commercial 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 two building signs and one monument sign at the Providence Office Park at 4400 NE Halsey Street in the Hollywood Plan District. One wall sign will be centered near the top of the Providence Office Building 2 east façade. The second wall sign will be placed near the top of the far northern corner of the Providence Office Building 2 west facade. The two wall signs will consist of:

■ The word "Providence" spelled out of 5" deep internally illuminated white acrylic letters that measure 21'-6" long x 28" tall, a 5" deep internally illuminated white cross shape measuring 2'-10" wide x 3'-10" tall, all mounted on a 3" deep x 17" tall metal raceway that will be painted to match the adjacent wall surface. Total sign area for each sign is below the 97.5 SF.

The monument sign will be located directly to the west of the main access drive, perpendicular to the sidewalk on NE Halsey Street and will consist of:

- A 12'-0" long x 3'-3" wide x 2'-10" tall concrete base and seat wall with integral uplighting;
- A 9'-3" long x 5'-9.5" tall x 7.5" wide brick and concrete element, with brick to match the new buildings on the site, that contains 38.54 SF of sign area per side; and
- 1" thick black and white non-internally illuminated letters and cruciform shape.

Design review is required for signs larger than 32 square feet in area within design zones.

**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:

■ 33.825 Design Review

Community Design Guidelines

### **ANALYSIS**

**Site:** The site is located in Subdistrict A of the Hollywood Plan District and is currently developed with the Davis Business Center and the recently constructed Providence Building 2 and parking structure. 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 off-ramps from freeways are not considered streets and code standards applying specifically to streets do not apply. NE 46<sup>th</sup> Avenue is classified as a Local Service Bikeway. The MAX lightrail 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 <u>Central Commercial (CX) zone</u> 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 <u>design (d) overlay zone</u> 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:
LU 08-113391 DZM – Approval of a new six-story office building, related parking structure, surface parking, and a public plaza.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 8, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Water Bureau
- Fire Bureau

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 8, 2010**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1. James Anderson, 4341 NE Halsey #16, Portland, OR 97213 does not want to have the signs be lighted due to possibility of glare into nearby residential units.
- 2. Hollywood Neighborhood Association expressing concerns of neighborhood regarding potential impacts of the illuminated building signs as well as impacts of traffic to and from the site and parking on neighborhood streets; would like to encourage Providence to consider participating in the development of the Sullivan's Gulch Trail; would like to work on a Good Neighbor Agreement with Providence.

Staff Response: Neither of the wall signs directly face the possibly affected residences and Providence purposefully did not place illuminated parapet signs facing NE Halsey Street so as to not affect residences directly across the street with nighttime illumination. The proposed signs will not visually dominate the skyline as described in the findings below. This proposal has no impact on available on-site or area parking or traffic.

### ZONING CODE APPROVAL CRITERIA

### Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

### Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

### **Community Design Guidelines**

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

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

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions. **D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

**Findings for P1 & D7:** The Hollywood Plan District is characterized by a combination of historic buildings and new development that provide a quality pedestrian environment. The area is also known for its lively arts and entertainment activities. With Condition of Approval C for maximum sign lettering of 28" and internal individual lettering illumination, the two proposed wall signs will provide some interest at the top of the building's exterior walls which face the freeway to the south-southeast and the freeway ramp to the west. The monument sign is pedestrian-scaled and set back from the public right-of-way to not dominate or interfere with the pedestrian experience along NE Halsey within the Hollywood Pedestrian District.

Both of the wall signs' rectangular metal panel cabinet raceways will be painted to match the brick color of the building per Condition of Approval B which helps to blend this electrical necessity with the building exterior, making it less visually obtrusive. The individual plex-face lettering and logos will be internally illuminated to provide an interesting highlight on these sections of building wall. The wall signs' modest sizes will not dominate the Portland skyline. The monument sign lettering is externally illuminated from in-ground light fixtures to allow the sign to blend into the street environment along NE Halsey. With Conditions of Approval B and C, these guidelines are 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.
- **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 & D8:** The east-facing sign's location in the center of the building façade and Condition of Approval C which limits lettering size to 28" maximum allows this sign to be contained between vertical panel joint lines, integrating it into the overall design and reinforces its subordinate relationship to the building architecture. The west-facing sign is also located within the upper decorative bands of the building and also does not interfere with or overwhelm the panel system layout on this façade due to its location and Condition of Approval C limiting lettering heights to 28" maximum. The quality, long lasting metal material and articulated lettering and logos, bring a level of detail to the signage that compliments the articulation of the building design and other buildings in the area.

Condition of Approval B requires that the raceways be painted to match the adjacent building surface, allowing these elements to blend into the architecture and not be visually obtrusive.

The monument sign incorporates high quality materials such as brick, cast-in-place concrete, and metal, all of which are used on the newly constructed buildings so that the monument sign blends into the overall design aesthetic of the Providence campus. With Conditions of Approval B and C, 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 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 new wall signs and new monument sign respect the proportions and design of the new buildings, utilize materials found in the overall campus design, are made of high-quality durable materials, and will not dominate the Portland skyline or the pedestrian environment. The proposal meets the applicable design guidelines and therefore warrants approval.

### ADMINISTRATIVE DECISION

Design Review approval of two building signs and one monument sign at the Providence Office Park at 4400 NE Halsey Street in the Hollywood Plan District to include the following:

- 1. Two wall signs, each 97.50 SF in area consisting of -
  - One wall sign centered near the top of the Providence Office Building 2 east façade;
  - One wall sign placed near the top of the far northern corner of the Providence Office Building 2 west façade; both with
  - The word "Providence" spelled out of 5" deep internally illuminated white acrylic letters that measure 21'-6" long x 28" tall, a 5" deep internally illuminated white cross shape measuring 2'-10" wide x 3'-10" tall, and a 3" deep x 17" tall metal raceway that will be painted to match the adjacent wall surface.
- 2. One monument sign located directly to the west of the main access drive, perpendicular to the sidewalk on NE Halsey Street consisting of -
  - A 12'-0" long x 3'-3" wide x 2'-10" tall concrete base and seat wall with integral uplighting;
  - A 9'-3" long x 5'-9.5" tall x 7.5" wide brick and concrete element, with brick to match the new buildings on the site, that contains 38.54 SF of sign area per side; and
  - 1" thick black and white non-internally illuminated letters and cruciform shape.

Approved per the approved site plans, Exhibits C-1 through C-11 signed and dated April 1, 2010, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 10-107625 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. Exposed raceways are painted to match the building's wall surface directly behind the raceways.
- C. The maximum height for all sign lettering is 28".

Staff Planner: Chris Caruso

Decision rendered by: Chris Caruse on March 30, 2010

By authority of the Director of the Bureau of Development Services

Decision mailed: April 1, 2010

**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 October 2, 2009, and was determined to be complete on **March 3, 2010**.

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 October 2, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 1, 2010.** 

### 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 April 15, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 April 16, 2010 (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:

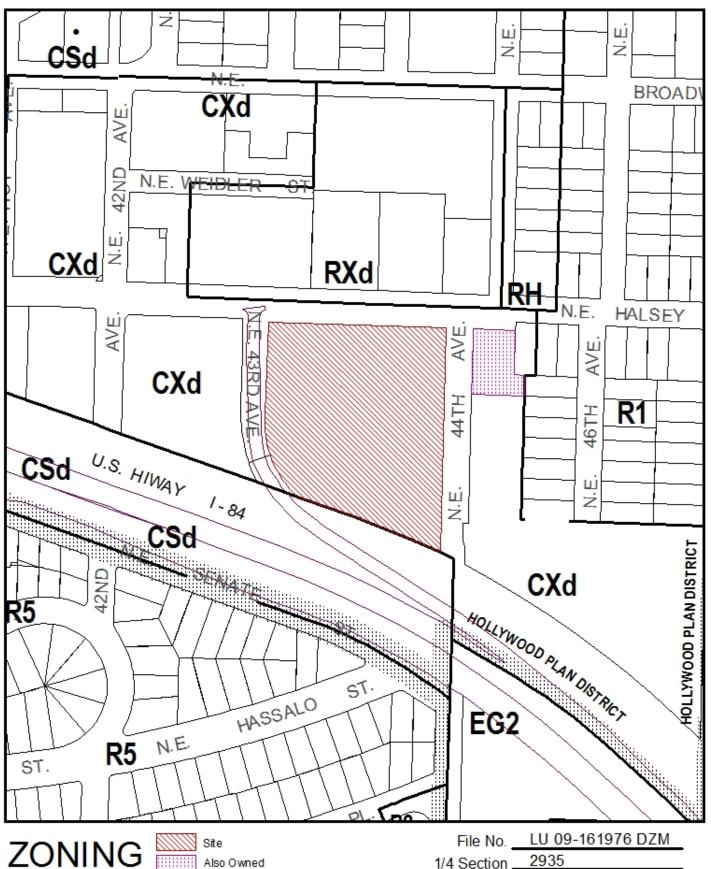
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

### **EXHIBITS**

### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  - 1. Design Review Narrative
  - 2. March 2, 2010 transmittal
  - 3. February 11, 2010 transmittal
  - 4. January 29, 2010 transmittal
  - 5. October 1, 2009 transmittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Monument Site Plan
  - 3. Monument Sign Details
  - 4. Monument Sign Details (attached)
  - 5. Monument Sign rendering
  - 6. East Elevation (attached)
  - 7. Enlarged East Elevation
  - 8. Parapet Sign Details
  - 9. Parapet Sign Details
  - 10. West Elevation (attached)
  - 11. Enlarged West Elevation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: no concerns
- F. Correspondence:
  - 1. James Anderson, March 24, 2010 does not want the signs to be illuminated.
  - 2. Hollywood Neighborhood Association, March 25, 2010 expressing concerns of the neighborhood about parking, traffic, building lighting, construction activity, the Sullivan's Gulch Trail, and Good Neighbor Agreement
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter

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



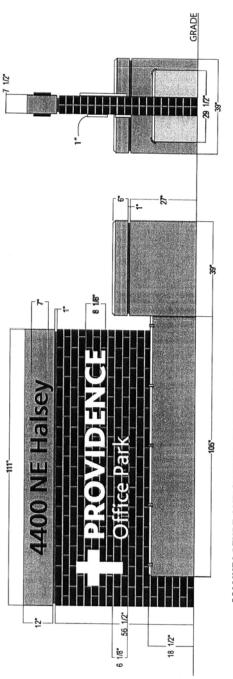
NORTH

This site lies within the: HOLLYWOOD PLAN DISTRICT

Also Owned

File No. 2935 1/4 Section 1 inch = 200 feet Scale 1N2E31BB 3401 State\_Id В (Oct 05,2009) Exhibit.

Scale 1/2"= 1'-0"



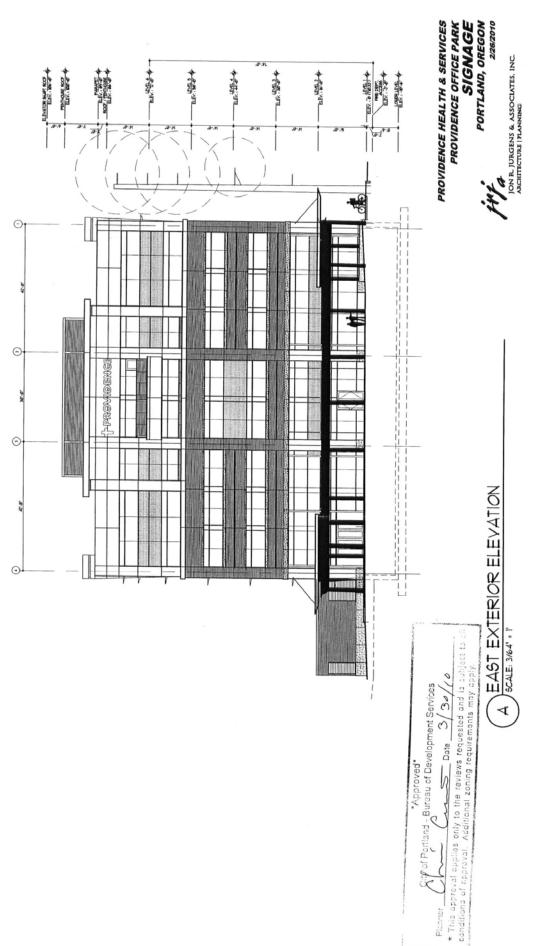
# MANUFACTURE AND INSTALL (1) NEW D/F NON-ILLUMINATED MONUMENT DISPLAY

MONUMENT: BRICK TO MATCH BUILDING - CEMENT TOP CAP
 LETTERS: FCO CLEAR ACRYIC LETTERS PAINTED WHITE AND SATIN BLACK
 BASE: PRECAST CEMENT BASE WITH SKATEBOARD DETERRENTS
 - CUT RECESS IN PRECAST TO ACCOMODATE UPLIGHTING AND PROWIDE GRAIF TO COVER

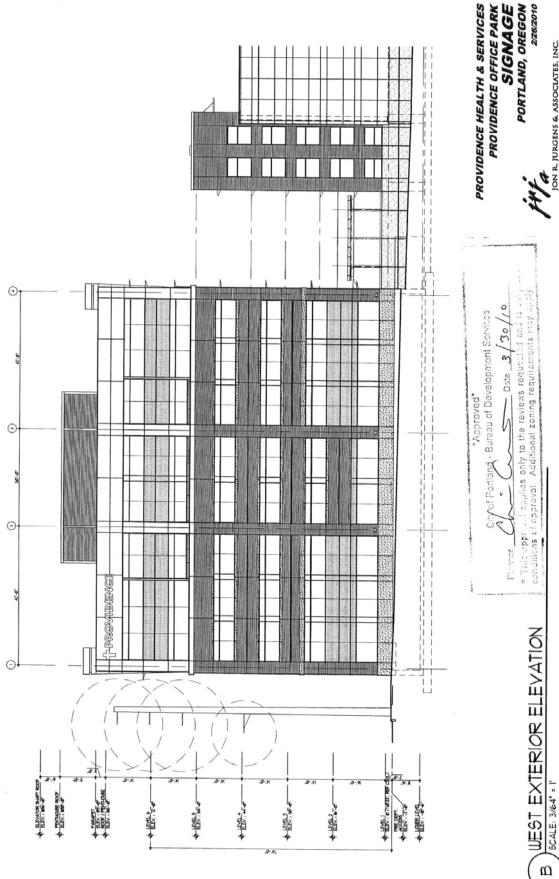
Date 3/30/10 Bity of Portland - Bureau of Development Services \* This opproval applies only to the reviews requirementations of approval. Additional zoning requirem

PATHWAY DESIGN

10-220 provofficepark7.ai - provofficepark.plt



LWO9-141974 DZ EXH. C-6 EXHIBITS



PROVIDENCE HEALTH & SERVICES

JON R. JURGENS & ASSOCIATES, INC.

LU OG-141974 DZ EXH. C-10 EXHIBIT 4