



# 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: December 3, 2010

To: Interested Person

From: Chris Caruso, Land Use Services

503-823-5747 / Christine.Caruso@portlandoregon.gov

# 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 10-176399 DZ PROVIDENCE GARAGE ADDITION

#### GENERAL INFORMATION

**Applicant:** Dana White

Providence Health & Services Oregon

1235 NE 47th Ave, Suite 160

Portland, OR 97213

**Owner:** Andrew J Davis

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

**Representatives:** Marty Stiven

Stiven Planning & Development Services, LLC

300 Oswego Pointe, Suite 200 Lake Oswego, OR 97034

Michael C. Robinson Perkins Coie, LLP

1120 NW Couch St., 10th Floor

Portland, OR 97209

Tom Wesel

Jon R. Jurgens & Associates

15455 NW Greenbrier Parkway, Suite 260

Beaverton, OR 97006

Site Address: 4400 NE HALSEY ST

Legal Description: INC PT VAC ST LOT 1 EXC PT IN ST, PARTITION PLAT 2008-148

**Tax Account No.:** R649885890 **State ID No.:** 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:** DZM, Design Review with requests for Modifications

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

Commission.

**Proposal:** The applicant seeks design review approval for a 2-level addition to the recently completed Providence Office Park parking garage. This would add 211 additional parking spaces to the garage for a total of 815 spaces in this structure and 974 spaces on the site. A traffic study is not required for this proposal by the Portland Bureau of Transportation and the total number of parking spaces allowed on this site per the Portland Zoning Code is 1,030 based on square footage of constructed office space.

The new parking structure levels will feature metal panel cladding to match the existing garage walls, a metal parapet cap along the curved freeway-facing wall, a vertical metal picket safety fence around the northern facade, perforated metal vehicle headlight screens mounted on the exterior of the cable railings, vertical wire mesh plant trellises with irrigated concrete planters at each bay of each floor that match the existing ones, and light poles that are pulled away from the building edge toward the drive aisles. New concrete planters will be added at each floor of the north and east end of the curved garage wall. The headlight screening on the new upper levels will be installed on the lower floors in the future as funds allow.

Design Review is required for exterior alterations to buildings in the Hollywood Plan District.

#### 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 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 off-ramp 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 would therefore 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 10-107625 DZM Approval of new laboratory/office building known as POP3;
- LU 09-161976 DZ Approved building and monument signs;
- LU 08-113391 DZM Approved six-story office building, related parking structure, surface parking, and public plaza;
- LU 07-142132 VA Pending street vacation review of R/W #6861, NE 44th Ave South of NE Halsey Street;
- LUR 92-009759 AD (reference file #92-00640) Approved increase in the front building setback along NE Halsey and increase in the industrial size limitation.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **November 4, 2010**. The following Bureaus have responded with no issues or concerns:

- Life Safety Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Fire Bureau (Exhibit E-3)
- Bureau of Environmental Services (Exhibit E-4)
- Bureau of Transportation Engineering
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on November 4, 2010. One written responses has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Doug Hamilton, Hollywood Neighborhood Association – in support of the proposal.

#### 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;
- **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 site is located at the southern edge of the Hollywood Plan District, within "Subdistrict A" (designated as the commercial core of Hollywood). The proposed addition to the existing parking garage makes it a more urban building than most of the existing nearby commercial structures because of its scale, quality finishes, and location along the curving edge of the freeway. The nearby MAX stop and transit center create an expectation that new development will increase the density and 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; an older three-story Providence office development, and an eight-story residential apartment building. The addition of two new floors to the existing Providence parking garage will help delineate the southern commercial edge of Hollywood by creating a buffer to the sprawling freeway to the south.

The new addition will be finished in the same brick and metal panel motif already established on the site, allowing the parking structure to blend into the existing built environment. The top of the garage that faces the freeway and outer neighborhoods to the south, east and west will be finished with metal panels and parapet coping. This treatment gives the garage a more solid building-like appearance, in contrast to other more open garages, and allows the garage to better blend into the surrounding neighborhood. *These guidelines are 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 Freeway. For this reason, the site does have Gateway-like characteristics. The addition of two levels to the existing curved parking garage will further echo the curving freeway edge at this location. The curving walls will contrast with a series of vertical tower ends which provide a smaller-scale rhythm and depth to the garage. A driver will therefore have a sense of arrival into the Hollywood District. *This quideline is 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:** The new parking garage levels will be clad in the same material present on the existing garage walls which includes brick and metal panels. These materials were selected in part to minimize glare and reflection, while providing a layered wall design which will create shadow lines and a visual richness during sunny days. The proposed headlight screens will be fabricated out of unpolished perforated metal and will decrease nighttime glare from vehicle headlights. Scarlet Oak trees have been planted between the garage and the freeway ramp, and also at the west end of the building. Metal trellises have also been provided at each floor of each garage wall opening along the south façade. These will serve as a support for climbing plants that will aid in cooling and softening this curving building wall. Existing glass canopies across the main garage entries will remain in place to provide weather protection for pedestrians entering and exiting the garage. 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 increased parking count does not exceed the maximum number allowed by code for office uses and can be increased with the construction of additional office space on the site. 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 overall development. The addition of two new floors on top of the existing garage allows the site's landscaping and plaza areas to remain, offering greenery and shade for pedestrians and the community. *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 parking garage will continue to have openings on every side, so that people in the garage will be able to see out towards various areas of the site. The inner north top of the garage will be topped with an open picket security fence, allowing unobstructed views to the interior of the site. The garage will be lit on the interior as well as at the top level with lighting suitable for this type of use. *This guideline is therefore met.* 

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

**Findings:** The proposed garage addition will use the same exterior finishes already on the building walls, which includes brick, cable railings, metal trellises, perforated metal screens, and flat metal wall panels, all of which are high-quality, durable materials used throughout the Portland urban area. The curved south wall of the parking structure will remain anchored at both ends by brick stair towers that provide a material relationship between the buildings on the site. The newly raised garage top will be finished with a metal panel parapet along the south wall to create a more finished building composition. *This guideline is 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 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 2-level addition to the recently completed Providence Office Park parking garage in the Hollywood Plan District to include the following:

- 211 additional parking spaces on the two new parking levels;
- Metal panel exterior wall finish to match the existing garage walls;
- Metal top wall and parapet cap along the curved freeway-facing wall, finishes to match existing parking garage office buildings;
- Vertical metal picket safety fence around the northern top façade;
- Perforated metal vehicle headlight screens mounted on the exterior of the cable railings;
- Vertical wire mesh plant trellises with irrigated concrete planters at each bay of each new floor that match existing trellises and planters on lower floors;
- Light poles that are pulled away from the building edge toward the drive aisles;
- New concrete planters on each existing floor at the north and east end of the curved garage wall; and
- Headlight screening approved for future installation on the lower floors.

Approved, per the approved site plans, Exhibits C-1 through C-28 signed and dated November 30, 2010, subject to the following conditions (A-B):

- 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.28. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-176399 DZ. No field changes allowed."
- B. The final Certificate of Occupancy for the parking garage addition cannot be approved before a temporary Certificate of Occupancy for the laboratory building, permit number 10-181444-CO.

Staff Planner: Chris Caruso

Decision rendered by: Caruse on November 30, 2010.

By authority of the Director of the Bureau of Development Services

Decision mailed: December 3, 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 September 16, 2010, and was determined to be complete on **October 28, 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 September 16, 2010.

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: February 25, 2011.** 

### 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 December 17, 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 **December 20, 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

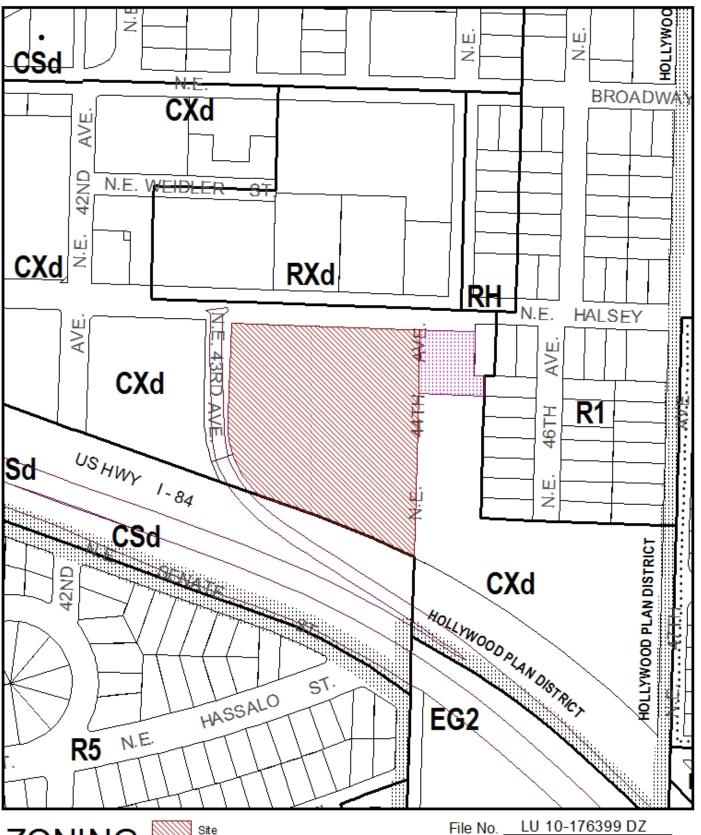
• All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  - 1. Project Narrative
  - 2. Site Photos
  - 3. Transmittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Circulation Plan
  - 3. Lower Tier 2 Floor Plan
  - 4. Lower Tier 1 Floor Plan
  - 5. Tier 1 Floor Plan
  - 6. Tier 2 Floor Plan
  - 7. Tier 3 Floor Plan
  - 8. Tier 4 Floor Plan
  - 9. Tier 5 Floor Plan
  - 10. Tier 6 Floor Plan
  - 11. Tier 7 Floor Plan
  - 12. Exterior Elevations (attached)
  - 13. North Elevation
  - 14. Exterior Elevations (attached)
  - 15. Building Sections
  - 16. Wall Section @ Outside Grid AA
  - 17. Wall Section @ Outside Grid AA
  - 18. Wall Section @ Inner Grid GG
  - 19. Wall Section @ North Side
  - 20. Wall Section @ South Side
  - 21. Enlarged Exterior Elevations
  - 22. Enlarged Exterior Elevations
  - 23. Rendering 1
  - 24. Rendering 2
  - 25. Rendering 3
  - 26. Rendering 4
  - 27. Rendering 5
  - 28. Light Fixture Specifications
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2. Water Bureau
  - 3. Fire Bureau
  - 4. Bureau of Environmental Services
- F. Correspondence:
  - 1. Doug Hamilton, Hollywood Neighborhood Association, 29 November 2010, in support.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter
  - 4. Site Photos

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



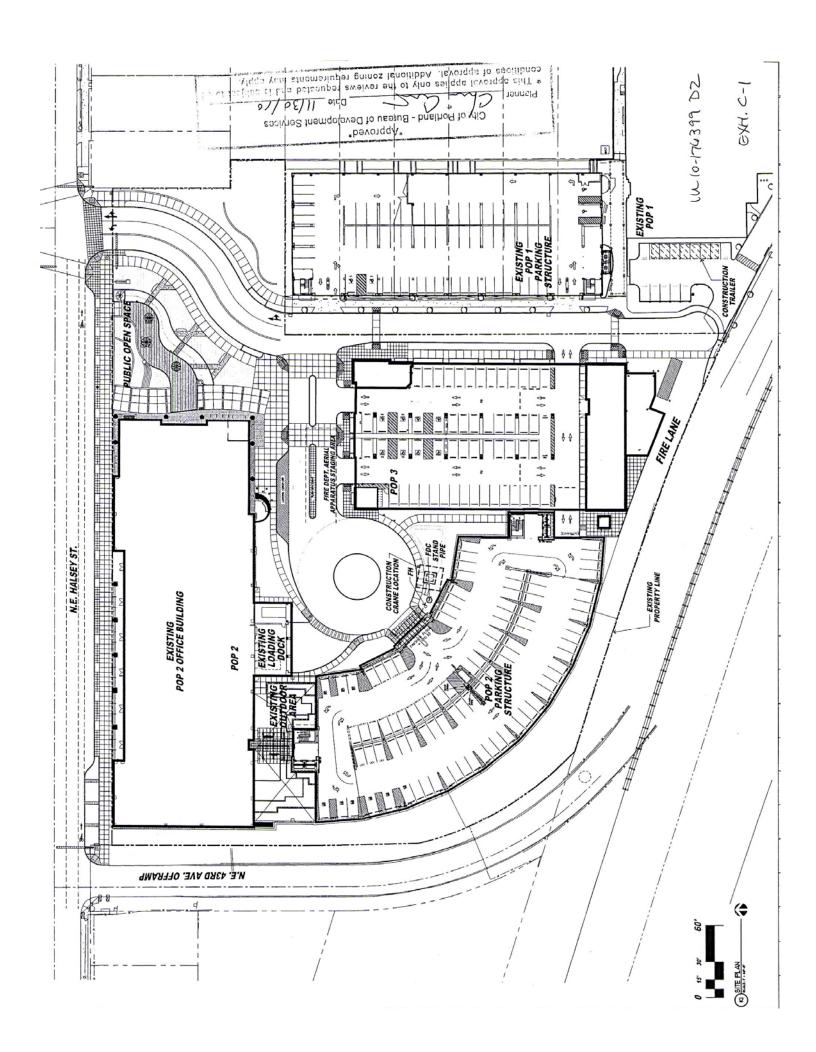
ZONING



1/4 Section 2935
Scale 1 inch = 200 feet
State\_Id 1N2E31BB 3401
Exhibit B (Sep 23,2010)



This site lies within the: HOLLYWOOD PLAN DISTRICT



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EXT. C-12

