



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



Type III Decision Appeal Form

LU Number: LU 20-176578 DZ

FOR INTAKE, STAFF USE ONLY

Date/Time Received 12/18/20 4:29pm

Received By Emily Wilson

Appeal Deadline Date 12/18/20

☐ Entered in Appeal Log

☐ Notice to Auditor

☐ Notice to Dev. Review

☒ Action Attached fee waiver, copy of decision, narrative, supporting documentation

Fee Amount \$5,000

☒ [N] Fee Waived

Bill # 4767853

☒ [Y] [X] Unincorporated MC

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS 1000 SW Broadway DEADLINE OF APPEAL 12/18/2020

Name Walter Weyler, DNA Board Chair

Address 1221 SW 10th Ave. City Portland State/Zip Code 97205

Day Phone 503-490-3907 Email walter_weyler@sequenceusa.com

Interest in proposal (applicant, neighbor, etc.) Downtown Neighborhood Association

Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. 825 Zoning Code Section 33. 825 . 055

Zoning Code Section 33. 825 . 010 Zoning Code Section 33. .

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

See Attachment 1 and Attachment 2 (Attachments) incorporated herein by reference

Appellant's Signature

Walter E. Weyler

FILE THE APPEAL - Si

- ☒ This completed appeal form
- ☒ A copy of the Type III Decision being appealed
- ☒ An appeal fee as follows:
 - ☐ Appeal fee as stated in the Decision, payable to City of Portland
 - ☒ Fee waiver for ONI Recognized Organizations approved (see instructions under Appeals Fees A on back)
 - ☐ Fee waiver request letter for low income individual is signed and attached
 - ☐ Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

The City must receive the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee (or fee waiver request as applicable) at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

The Portland City Council will hold a hearing on this appeal. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

Type III Appeal Hearing Procedure

A Type III Decision may be appealed only by the applicant, the owner, or those who have testified in writing or orally at the hearing, provided that the testimony was directed to a specific approval criterion, or procedural error made. It must be filed with the accompanying fee by the deadline listed in the decision. The appeal request must be submitted on the Type III Appeal Form provided by the City and it must include a statement indicating which of the applicable approval criteria the decision violated (33.730.030) or what procedural errors were made. If the decision was to deny the proposal, the appeal must use the same form and address how the proposal meets all the approval criteria. There is no local Type III Appeal for cases in unincorporated Multnomah County.

Appeal Hearings for Type III Decisions are scheduled by the City Auditor at least 21 days after the appeal is filed and the public notice of the appeal has been mailed.

Appellants should be prepared to make a presentation to the City Council at the hearing. In addition, all interested persons will be able to testify orally, or in writing. The City Council may choose to limit the length of the testimony. Prior to the appeal hearing, the City Council will receive the written case record, including the appeal statement. The City Council may adopt, modify, or overturn the decision of the review body based on the information presented at the hearing or in the case record.

Appeal Fees

In order for an appeal to be valid, it must be submitted prior to the appeal deadline as stated in the decision and it must be accompanied by the required appeal fee or an approved fee waiver. The fee to appeal a decision is one-half of the original Bureau of Development Services Land Use Services application fee. The fee amount is listed in the decision. The fee may be waived as follows:

Fee Waivers (33.750.050)

The director may waive required fees for Office of Neighborhood Involvement (ONI) Recognized Organizations and for low-income applicants when certain requirements are met. The decision of the director is final.

A. ONI Recognized Organizations Fee Waiver

Neighborhood or business organizations recognized by the City of Portland Office of Neighborhood Involvement (ONI) or Multnomah County are eligible to apply for an appeal fee waiver if they meet certain meeting and voting requirements.

These requirements are listed in the Type III Appeal Fee Waiver Request for Organizations form and instruction sheet available from the Bureau of Development Services Development Services Center, 1st floor, 1900 SW 4th, Portland, OR 97201. Recognized organizations must complete the Type III Appeal Fee Waiver Request for Organizations form and submit it prior to the appeal deadline to be considered for a fee waiver.

B. Low Income Fee Waiver

The appeal fee may be waived for an individual who is an applicant in a land use review for their personal residence, in which they have an ownership interest, and the individual is appealing the decision of their land use review application. In addition, the appeal fee may be waived for an individual residing in a dwelling unit, for at least 60 days, that is located within the required notification area. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

Information is subject to change



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue - Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



Type III Decision Appeal Fee Waiver Request for Organizations

FOR INTAKE, STAFF USE ONLY		<input type="checkbox"/> Directors Approval Letter Requested
LU Number: <u>LU 20-176578 DZ</u>		<input type="checkbox"/> Waiver Approved by Director
Date/Time Received <u>12/18/20 4:29pm</u>		<input type="checkbox"/> Waiver Denied
Received By <u>Emily Wilson</u>	Date waiver Approved/Denied: _____	

APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

This form is to request a waiver for the fee charged for an appeal. To file an appeal, a separate form must be completed.

Development Site Address or Location 1000 SW Broadway Ave. Portland OR

File Number LU 20-176578 DZ Appeal Deadline Date 12/18/2020

Organization and Appeal Information

Organization Name Downtown Neighborhood Association
 Person Authorized by the Organization to file the Appeal Walter Weyler, DNA Board Chair
 Street Address 1221 SW 10th Ave.
 City Portland State OR Zip Code 97205
 Day Phone 503-490-3907 FAX _____ email walter_weyler@sequenceusa.com

By signing this form, the organization confirms that:

- ☒ yes ☐ no The organization testified orally or in writing at the hearing, and the testimony was directed to a specific approval criterion;
☒ yes ☐ no The appeal is being made on behalf of the recognized organization, and not on behalf of an individual; and
☒ yes ☐ no The vote to appeal was done in accordance with the organization's bylaws.

Name/Title Walter Weyler, DNA Board Chair

Signature/Date Walter E. Weyler 12/18/2020

Please complete all of the information requested below.

See reverse side for additional information on fee waiver requirements.

Date of meeting when the vote to appeal the land use decision was taken : <u>12/15</u>
The decision to appeal was made by a vote of (check one of the following): <input type="checkbox"/> The general membership in a meeting of the organization as listed above. <input checked="" type="checkbox"/> The board in a meeting of the organization as listed above. <input type="checkbox"/> The land use subcommittee in a meeting of the organization as listed above.
Please include at least one of the following: <input type="checkbox"/> A copy of the minutes from the meeting when the vote to appeal was taken. <input checked="" type="checkbox"/> Vote results to appeal - Number of YES votes to appeal <u>11</u> Number of NO votes to appeal <u>- 0 -</u>

To request a waiver of an appeal fee for a land use review take:

☒ This completed fee waiver request form and any supplemental information necessary to qualify for a fee waiver.

The City must receive the appeal fee waiver request and the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee waiver application at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

Information about Type III Appeal Fee Waiver Requests for Organizations

The following information will help neighborhood, community, business and industrial associations and other organizations that are recognized or listed in the Office of Neighborhood Involvement Directory to apply for fee waivers when appealing a City land use review decision. The Portland Zoning Code, the Office of Neighborhood Involvement and the Oregon statutes, which regulate public meetings and public records, all describe requirements that associations and organizations must meet when requesting a fee waiver from the City for a land use appeal.

In order for an appeal to be valid, it must be accompanied by the required appeal fee or a waiver request that was approved before the appeal deadline as stated in the specific land use decision (Section 33.730.020 of the Portland Zoning Code). The Bureau of Development Services Director may waive a land use review appeal fee for a recognized organization under certain circumstances (Section 33.750.050). A recognized organization is one that is listed by the Office of Neighborhood Involvement (Portland Zoning Code Chapter 33.910).

Because the City understands that the timelines for appeals are short, we will allow the waiver and appeal to be submitted at the same time. However, if the request for a fee waiver is denied, the appeal may be invalid because the deadline passed and the fee did not accompany the appeal. Within 48 hours of receiving the fee waiver request, the Bureau of Development Services Director, or the Director's delegate, will notify the organization's contact person as to whether the request for a fee waiver is approved, or if additional information is needed to make a decision on the fee waiver request. The Director's decision to waive an appeal fee is final.

Zoning Code Requirements

The Portland Zoning Code states that the appeal fee may be waived for a recognized organization if all of the following conditions are met:

1. The recognized organization has standing to appeal. This applies only to appeals of a Type III land use review, and means that the recognized organization testified, either orally or in writing, at the initial evidentiary hearing;
2. The appeal is being made on the behalf of the recognized organization; and
3. The appeal contains the signature of the chairperson or the other person authorized by the organization, confirming the vote to appeal was done in accordance with the organization's bylaws.

Applicant contact

While it is not a requirement of the Zoning Code, you are encouraged to notify the applicant or their representative prior to the meeting where an appeal of the City's decision will be discussed and voted on. This gives the applicant, or their representative, an opportunity to attend the meeting and participate in the discussion.

Where to obtain the Type III Decision Appeal Fee Waiver Requests and Appeal Forms

To file an appeal, a separate form must be completed and submitted. Both the Appeal Fee Waiver Form and Appeal Form are available from the Bureau of Development Services, Development Services Center, 1st floor, 1900 SW Fourth Avenue, Portland, OR 97201.



December 18, 2020

APPEAL to FINAL FINDINGS and DECISION by the DESIGN COMMISSION NOVEMBER 19, 2020

CASE FILE NUMBER: LU 20-176578 DZ

PC # 20-124250

1000 SW BROADWAY

FOLLOWING IS RESPONSE PER THE APPEAL FORM:

Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

ZONING CODE SECTION 33.825: DESIGN REVIEW

ZONING CODE SECTION 33.825.010: PURPOSE OF DESIGN REVIEW

ZONING CODE SECTION 33.825.055: DESIGN REVIEW APPROVAL PROCESS

CENTRAL CITY FUNDAMENTAL DESIGN GUIDELINES

CENTRAL CITY PLAN, URBAN DESIGN GOALS, DISTRICT POLICY DOWNTOWN 5.DT-4.a

In compliance with the required design review and approval process the BDS Staff and Design Commission have considered all guidelines and have addressed only those guidelines considered applicable to this project. The relevant guidelines have been grouped and evaluated according to

- Context
- Public Realm
- Quality and Permanence (not relevant for appeal)

CONTEXT: (including only Guidelines relevant to appeal)

- A2: Emphasize Portland Themes.
- A4: Use Unifying Elements.
- A5: Enhance, Embellish, and Identify Areas.
- A6: Reuse/Rehabilitate/Restore Buildings and/or Building Elements
- C3: Respect architectural Integrity
- C4: Complement the Context of Existing Buildings

PUBLIC REALM: (including only Guidelines relevant to appeal)

- B2: Protect the Pedestrian:
 - B4: Provide Stopping and Viewing Places:
 - C7: Design Corners that Build Active Intersections
-



The Downtown Neighborhood Association (hereinafter “DNA”) appeals the findings and approvals contained in the “Final Findings and Decision by the Design Commission Rendered on November 19, 2020” concerning the One Thousand Broadway Building proposal. A discussion of the disputed approvals for the BROADWAY sign removal and mature tree removal follows.

I. THE BROADWAY SIGN.

The DNA agrees with the recommendation and decision to relocate the storefront to the back face of the existing building columns. However, the DNA continues to advocate retention of the vertical BROADWAY sign and pedestal at the corner of SW Broadway and SW Main St. and appeals the decision to allow removal of this significant architectural element.

Although the BDS Design Commission has reportedly considered compliance with the above identified Design Guidelines in the review and approval process (with the exception of the CC2035 Policy reference, above and on p.3 A2, below), DNA review of the analyses presented in each section relevant to this appeal (CONTEXT/ PUBLIC REALM/) of the FINAL DECISION by the Design Commission demonstrates that:

- required evaluation of retention of the sign versus removal was not considered;
- compliance with the Design Guidelines of removal of the sign was not analyzed nor discussed; and
- compliance with the Design Guidelines by retention of the sign was not reviewed nor discussed.

In fact, the only reference to the signage, retention or removal, within the Final Decision document is the support by the BDS STAFF to retain the sign, see Context, Findings: Page 5.

Sadly, the iconic vertical blade ‘BROADWAY’ sign is proposed to be removed and not retained. However, clearly stated in the Final Findings is that *“Staff would support the retention of this character-defining sign, as a reminder of the Broadway theater district.”* Like the DNA, Staff would like to preserve the heritage and enhance the character of this special historic portion of downtown, but since the sign lacks historic designation, Staff mistakenly lamented that Staff *“cannot require it to be preserved.”* The DNA disagrees.

A. COMPLIANCE

Justification by the Commission and Staff for approval of the removal of the BROADWAY sign is limited to the apparent absence of historic designation with no other analysis for retention found within the guidelines. However, to be approved, this proposal must comply with all relevant approval criteria of Title 33, Portland Zoning Code, which are the Central City Fundamental Design Guidelines. Compliance with the Guidelines is not limited to mere historic designation, but rather requires compliance with both the letter and the *intent* of the Guidelines.

The Design Commission has failed to retain the BROADWAY sign in spite of support of the BDS Staff to retain it. This decision should be reversed.



B. RELEVANT APPROVAL CRITERIA

Removal of the BROADWAY sign fails to comply with the relevant approval criteria. The relevant approval criteria fall in two categories: **Context and Public Realm**.

CONTEXT:

A2. Emphasize Portland Themes. *When provided, integrate Portland-related themes with the development's overall design concept.*

- As stated by the BDS Staff, retention of this character-defining sign would harken and stand as a constant reminder of the Broadway theater district. See attached photos.
- DNA NOTE: It is important to remember that retaining this BROADWAY sign would honor policy intentions as expressed in CC2035 Urban Design Downtown Policy 5.DT-4.a: *"Reinforce Broadway as a Portland theater and bright lights district."* (CC2035 Vol. 1, p.70, effective July 9, 2018)

A4. Use Unifying Elements. *Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.*

- The BROADWAY sign is a consistent architectural element and compatible with the historic PORTLAND sign immediately across the street. The combination of these two signs, each naming an earlier theater, helps unify and connect the two buildings, forms a gate, and maintains the historic imagery along SW Broadway. See attached photos.

A5. Enhance, Embellish, and Identify Areas. *Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.*

- The existing and earlier BROADWAY signs have been present at this corner location since the opening of the original Broadway Theater in 1926. Although the existing sign is not the original, it is similar in design, contains the same name, and maintains continuity of the historic and cultural identity of the neighborhood.
- In 1991 installation of the existing BROADWAY sign was approved. A review of the Notice Of Administrative Decision And Report On Sign Adjustment shows the approval for construction of the existing BROADWAY sign in excess of the allowed height of 20 feet, included the following three arguments and FINDINGS:



1.

- **Broadway. Guideline A:** Provide opportunities for the development of large bright and flamboyant signs which exhibit exceptional graphic design and sign craftsmanship and which enhance the Broadway environment.
- **Findings:** This sign will be large, and bright. It complements the bright lights effect reinforced by the "Portland" sign across Broadway and its architecture reflects the "traffic" gates at Broadway and Main.

2.

- **Findings:** The background to the Broadway design subdistrict states that "The special atmosphere of this district is enhanced when new development and signage expresses an outward vitality or contributes toward an exciting display of Downtown splendor and liveliness." The marquee-sized sign reinforces the dynamic Performing Arts Center Broadway node.

The sign represents an updating of the 1920's dynamism of Broadway. This sign is one of the "bonuses" associated with the project which led the Council to approve the project in 1985.

3.

- c. The adjustment will allow a unique sign of exceptional design or style which will enhance the area or which will be a visible landmark; or

- **Findings:** The sign is exceptional in extending the architectural vocabulary of the Main Street "gates." This

compatibility will help bridge Broadway and add excitement to three of the four corners of the intersection.

- Consideration of these conditions has not changed and the original justification for the sign remains.



- Retention of the BROADWAY sign is supportive of the stated intentions of the relevant approval criteria and is compliant with the applicable Design Guidelines.

A6. Reuse/Rehabilitate/Restore Buildings. *Where practical, reuse, rehabilitate, and restore buildings and/or building elements.*

- To retain the sign is to reuse, rehabilitate and restore a significant architectural building element as stipulated by this guideline.
- Removal of the sign is an intentional, aggressive action that erases the city's cultural heritage and denies an opportunity to maintain its imagery and continuity with the past. The proposed removal of the BROADWAY sign fails to comply with Guideline A6.
- To remove the sign is *contradictory* to and a *rejection* of letter and intent of the Design Guideline A6.
- Removal of the sign *fails to comply* with the letter and intent of the Design Guidelines A6.

C3. Respect Architectural Integrity. *Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.*

- Removal of the BROADWAY sign demonstrates a lack of respect for the significant architectural element and imagery of the street, present at this location for nearly 100 years.
- Removal of the sign fails to comply with the intent of the Design Guidelines C3.

C4. Complement the Context of Existing Buildings. *Complement the context of existing buildings by using and adding to the local design vocabulary.*

- Retention of the BROADWAY sign will complement the existing context of the corner, will retain its relationship to the neighboring PORTLAND sign and its imagery, and maintain the symmetrical gateway view along the street, as stipulated by the Design Guideline C4. In fact, the removal of the BROADWAY sign diminishes the iconic value and context of the PORTLAND sign.
- Removal of the sign fails to maintain these qualities and does not comply with the intent of the Design Guidelines, C4.



PUBLIC REALM:

The review and approval process by the BDS staff and Design Commission is limited to a consideration of the merits of the proposed relocation of the storefront windows but does not consider or include review the impact of the removal of the BROADWAY sign or the removal of the mature trees along Broadway. Without this analysis in the Final Decision document, approval of either sign removal or tree removal should not be an automatic approval.

Again, retention of the sign is supportive of and in compliance with the letter and the intent of referenced guidelines, B2, B4 and C7.

B2. Protect the Pedestrian. *Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.*

The presence of the iconic BROADWAY sign provides and maintains:

- Integrated historic identification of this corner,
- Signage and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian, and
- Signage that demonstrates public and cultural events and contributes to the vitality and livability of the city.

Retention of the BROADWAY sign is supportive of and in compliance with the letter and intent of Design Guideline B2.

B4. Provide Stopping and Viewing Places. *Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.*

- Retention of the sign and pedestal provides a safe, comfortable place where people can stop, view, socialize and rest. The area between the sign pedestal and the building overhang provides a sheltered, protective, gathering space along the active corner.
- The pedestal is entirely within the property lines of the subject property and also in alignment with the other columns of the building along the sidewalks; thus, the pedestal does not conflict with pedestrian and other uses of the sidewalk.

Retention of the BROADWAY sign is supportive of and in compliance with the letter and intent of Design Guideline B4.



C7. Design Corners that Build Active Intersections. *Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs, and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.*

- Retention of the BROADWAY sign, marquee and pedestal continue to maintain, identify, and highlight this important urban corner. This is supportive of and in compliance with Design Guideline C7.

COMPLIANCE with Public Realm: It is thus apparent that retention of the BROADWAY sign, marquee and pedestal are supportive of and in compliance with the Public Realm Design Guidelines, B2, B4 and C7. The additional guidelines cited by the Design Commission in the Final Decision document to review the proposed removal and relocation of the storefront are not applicable to the BROADWAY sign. (C8, C9)

II. TREES.

The DNA appeals the *apparent* approval of a proposal that removes mature trees without demonstrable and unavoidable need to do so.

The original proposal for remodel of 1000 Broadway included the removal of 7 mature trees and their replacement with younger immature trees. In its letter to Staff and the Design Commission, the DNA expressed concern regarding removal and replacement of the trees with a preference for retention. See the accompanying copy of the DNA letter, dated November 6, 2020. The Final Findings and Decision by the Design Commission, however, ignores this request and does not include analyses, findings or conclusions supporting the proposed tree removal and replacement.

The absence of recommendations by the BDS staff, references to Title 11, and the lack of any required findings or supporting data in the Review and Approval by the Design Commission justifying the removal and replacement of the seven mature trees along SW Broadway and SW Salmon appear to be a procedural omission or error. Without justification, the existing trees should be protected and remain in place. Mature trees are highly valued in the Downtown area's canopy for their positive impacts on heat island, air quality, and human health. It takes decades for an immature tree to have a similar impact.

III. CONCLUSIONS.

Review of the Final Findings And Decision By The Design Commission rendered on November 19, 2020 demonstrates that:

1. BDS Staff is supportive of retention of the BROADWAY sign, marquee, and pedestal. However, they apparently mistakenly believed that only historic designation would require retention of this iconic sign. Thus, both Staff and the Design Commission failed to analyze the proposed removal in the context of the Central City Fundamental Design Guidelines.



2. The Final Findings and Decision by the Design Commission failed to include Review, Analyses, Findings, and Conclusions as to whether the proposed removal of the Broadway sign, marquee and pedestal complies with those applicable Design Guidelines.

3. However, review performed by the DNA demonstrates that REMOVAL of the sign, marquee and pedestal:

- Does not comply with the letter and intent of the Design Guidelines and is not in compliance with the specific applicable approval criteria.
- Fails to conserve and enhance the recognized special design values of this site and area,
- Fails to ensure the conservation, enhancement, and continued vitality of this identified scenic, architectural, and cultural values of this design district and area,
- Is not in compliance with Chapter 33.825 Design Review, Section 33.825 Purpose of Design review, Section 33.825.055 Design Review Approval Criteria and the Central City Design Guidelines and Design Goals.

4. As specified by the DNA herein, RETENTION of the existing sign, marquee and pedestal complies with and demonstrates the letter and intent of the Design Guidelines and complies with the specific applicable criteria.

5. The absence of recommendations by the BDS Staff and the lack of any required findings in the Review and Approval by the Design Commission justifying the removal and replacement of the seven mature trees along SW Broadway and SW Salmon appears to be a procedural error that would instead require that the existing trees be protected and remain in place, following guidance by Title 11.

PURPOSE OF DESIGN REVIEW

Portland's design review process was created to ensure that despite development, we conserve and enhance the recognized special design values of a site or area. Design review should be 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 must also ensure that certain types of development will be compatible with the neighborhood and enhance the area and will be of a high design quality.

Compliance with the stated Purpose of Design Review requires retention of the BROADWAY sign, marquee, and pedestal as well as the retention of the mature trees.



ATTACHMENTS:

Attached are the following supporting documents:

1. Completed appeal form.
2. Copy of the Type III Final Findings and Decision by The Design Commission, NOVEMBER 19, 2020 of LU 20-176578 DZ, 1000 SW Broadway
3. Fee waiver request FORM and letter for Unincorporated Multnomah County recognized organizations
4. NOTICE OF ADMINISTRATIVE DECISION AND REPORT ON SIGN ADJUSTMENT - FILE NUMBER LUR 91-00227 AD
5. Letter of the Land Use Transportation Committee (LUT) of the Downtown Neighborhood Association (DNA), November 3, 2020, to City Staff and the Design Commission. Case File: LU20-176578 DZ,
6. PHOTOGRAPHS



BROADWAY THEATER 1929

NOTE: CORNER BLADE SIGN AT SW BROADWAY AND SW MAIN ST.



PORTLAND THEATER DISTRICT 1948

SW BROADWAY AVE. at SW MAIN ST.

BROADWAY and PARMOUNT SIGNAGE FORMS GATEWAY to the THEATER DISTRICT

The PARAMOUNT sign has since been restored to the original PORTLAND THEATER sign

These two signs are the remaining symbols and identity of the historic theater district



PORTLAND THEATER DISTRICT 1948

SW BROADWAY AVE. at SW MAIN ST.

BROADWAY and PARMOUNT SIGNAGE FORMS GATEWAY to the THEATER DISTRICT

The PARAMOUNT sign has since been restored to the original PORTLAND THEATER sign

These two signs are the remaining symbols and identity of the historic theater district



SW BROADWAY AVE. at SW MAIN ST. DECEMBER 2020

BROADWAY and PARMOUNT SIGNAGE FORMS GATEWAY to the THEATER DISTRICT

The Portland sign has since been restored to as original PORTLAND THEATER sign

These two signs are the remaining symbols and identity of the historic theater district



SW BROADWAY AVE. at SW MAIN ST. DECEMBER 2020
BROADWAY THEATER SIGNAGE, MARQUEE and PEDESTAL



FILE COPY

Accepted **JUN 5 1991**

CITY OF Recorded **JUN 5 1991**

PORTLAND, OREGON

BUREAU OF PLANNING

Gretchen Kafoury, Commissioner
Robert E. Stacey, Jr., Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
Telephone: (503) 796-7700
FAX: (503) 796-3156

**NOTICE OF
ADMINISTRATIVE DECISION AND REPORT
ON
SIGN ADJUSTMENT (Type II Procedure)**

I. FACTS

File Number: LUR 91-00227AD

Representative: BOOR/A Architects (226-1575)
720 S.W. Washington St.
Suite 800
Portland, Or. 97205

Owner(s)/Applicant(s): One Thousand Broadway Bldg. Ltd. Partnership
c/o Christopher Endon
900 N. Tomahawk Island Dr.
Portland, Or. 97219

Land-Use Review: Sign Adjustment (Type II Procedure)
Approval criteria are listed in 33.286.240

Location: 1000 SW Broadway

Neighborhood: Downtown Community Association

Legal Description: Lots 5, 6, 7, and 8, Block 182, Portland
Also Owns: None.

Quarter Section: 3029.5

Zones/Designations: CX d

Description of Plan: Theater freestanding sign for 1000 Broadway.
This sign has been reviewed in conjunction with
theater building (DZ 32-89). An adjustment is
required to exceed the height limits of the CX
zone. The code limit is 20 ft.; the proposed sign is
58 ft. in height. The site is within the Broadway
"bright lights" design district.

II. DECISION

Approval.

Decision Rendered By Douglas J. Warren on: May 2, 1991

Application Complete: April 19, 1991

Staff Planner: Mark Bello

Appeal Fee: \$125

Decision Filed: May 2, 1991

Decision Mailed: MAY 2, 1991

Last Day to Appeal: May 16, 1991

Approval terminates three years after the final decision is recorded, if no building permit was issued, if the approved activity has not commenced, or if the land division was not recorded (33.730.130). "Final decision" includes any appeal to a court of higher jurisdiction. The decision must be recorded with the County Recorder by the City Auditor [33.730.120]. A fee per page will be charged. Appeal information is attached. If not appealed, the decision is final on the next day following the last day to appeal.

Attachments to Applicant's Copy:

1. Criteria, Findings and Conclusions
2. Appeal Information

Attachments to Public Copy:

1. Zoning Map
2. Appeal Information
3. Criteria

Copies:

1. Applicant/owners and representative
2. Office of the City Auditor
3. Bureau of Buildings
4. Land-Use Permit Section, Permit Center (with copy of site plan, if approved)
5. Downtown Community Association
6. District Office

MB

(MB Disk 3)

**REPORT OF ADMINISTRATIVE DECISION
FINDINGS AND CONCLUSIONS
ON
CASE FILE: LUR 91-0027AD,
LOCATION: 1000 Broadway
(Items I and II are in Decision)**

III. APPLICABLE CRITERIA AND FINDINGS

A. CODE CONSIDERATIONS

The 1000 Broadway project contains four movie theaters. A new theater marquee/freestanding sign is being proposed.

In October, 1985 the City Council approved the mixed use 1000 Broadway project - office/restaurant/theater. On July 19, 1991 the Design Commission approved the design (DZ 32-89). At that point the marquee/freestanding sign was approved by the Design Commission. But as the applicant did not apply for a sign adjustment, that final request is before the city now.

The Design Commission reviewed the design and location and general dimensions of the sign, but the height exceeds the code limit - 58 ft. vs. the code 20' height limit (code Table 286-1). The necessary adjustment is addressed in section C.

The project meets all other zoning code criteria.

B. DESIGN CONSIDERATIONS:

Downtown Design Guidelines

The following guideline regarding bright lights on Broadway was included in the Downtown Design Guidelines at the time of adoption of the Central City Guidelines and remains in effect:

- **Broadway. Guideline A:** Provide opportunities for the development of large bright and flamboyant signs which exhibit exceptional graphic design and sign craftsmanship and which enhance the Broadway environment.
- **Findings:** This sign will be large, and bright. It complements the bright lights effect reinforced by the "Portland" sign across Broadway and its architecture reflects the "traffic" gates at Broadway and Main.

33.286.240—Sign Adjustments: The approval criteria for signs are stated in Chapter 33.286, Signs.

- A. **Purpose:** Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs which enhance the overall character of an area or allow for mitigation of unusual site conditions.
- B. **Procedures:** The adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign adjustments. However, the approval criteria of this section supersede those of Chapter 33.805.
- C. **Approval Criteria:** Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph 1 or 2 below are met. The criteria of paragraph 1 - area enhancement are met.
1. **Area Enhancement:** The applicant must meet criteria "a" and "b" and either "c" or "d".
- a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign which will be inconsistent with the objectives of a specific plan district or design district; and
- **Findings:** The background to the Broadway design subdistrict states that "The special atmosphere of this district is enhanced when new development and signage expresses an outward vitality or contributes toward an exciting display of Downtown splendor and liveliness." The marquee-sized sign reinforces the dynamic Performing Arts Center Broadway node.
- The sign represents an updating of the 1920's dynamism of Broadway. This sign is one of the "bonuses" associated with the project which led the Council to approve the project in 1985.
- b. The sign will not create a traffic or safety hazard; and
- **Findings:** Traffic will not be affected by this sign; it will function the same as elsewhere along Broadway.
- c. The adjustment will allow a unique sign of exceptional design or style which will enhance the area or which will be a visible landmark; or
- **Findings:** The sign is exceptional in extending the architectural vocabulary of the Main Street "gates." This

compatibility will help bridge Broadway and add excitement to three of the four corners of the intersection.

- d. The adjustment will allow a sign that is more consistent with the architecture and development of the site.
 - **Findings:** Both sign and building architecture were designed together. The sign reinforces the street view into the interior of the building.
2. **Site Difficulties:** (These criteria are not required to be met.) If there are unusual site factors which preclude an allowed sign from being visible to the street immediately in front of the site, an adjustment will be granted to achieve the visibility standards of Subparagraph d below. This adjustment is not intended to be used to make signs visible to other streets or to freeways. Site difficulties may include the sign face being blocked due to topography of the site, existing development or landscaping on the site, or from abutting development or landscaping. This set of adjustment criteria is generally intended for freestanding and projecting signs and allows greater flexibility in placement of the sign. The adjustment will be approved if all of the following criteria are found to be met:
 - a. There is no reasonable place on the site for an allowed sign without an adjustment to achieve the visibility standards of Subparagraph d below;
 - b. If the proposed sign extends into the right-of-way, the sign will not create a traffic or safety hazard;
 - c. Of potential adjustments to meet the visibility standard of Subparagraph d, the request is the most consistent with the surrounding development and sign patterns; and
 - d. The adjustment is the minimum needed for a sign to meet the following visibility standards:

Posted Road Speed

35 mph or less
40 - 50 mph
55 mph or more

**Visibility To Travel Lanes On The
Street In Front Of The Site**

200 feet
300 feet
400 feet

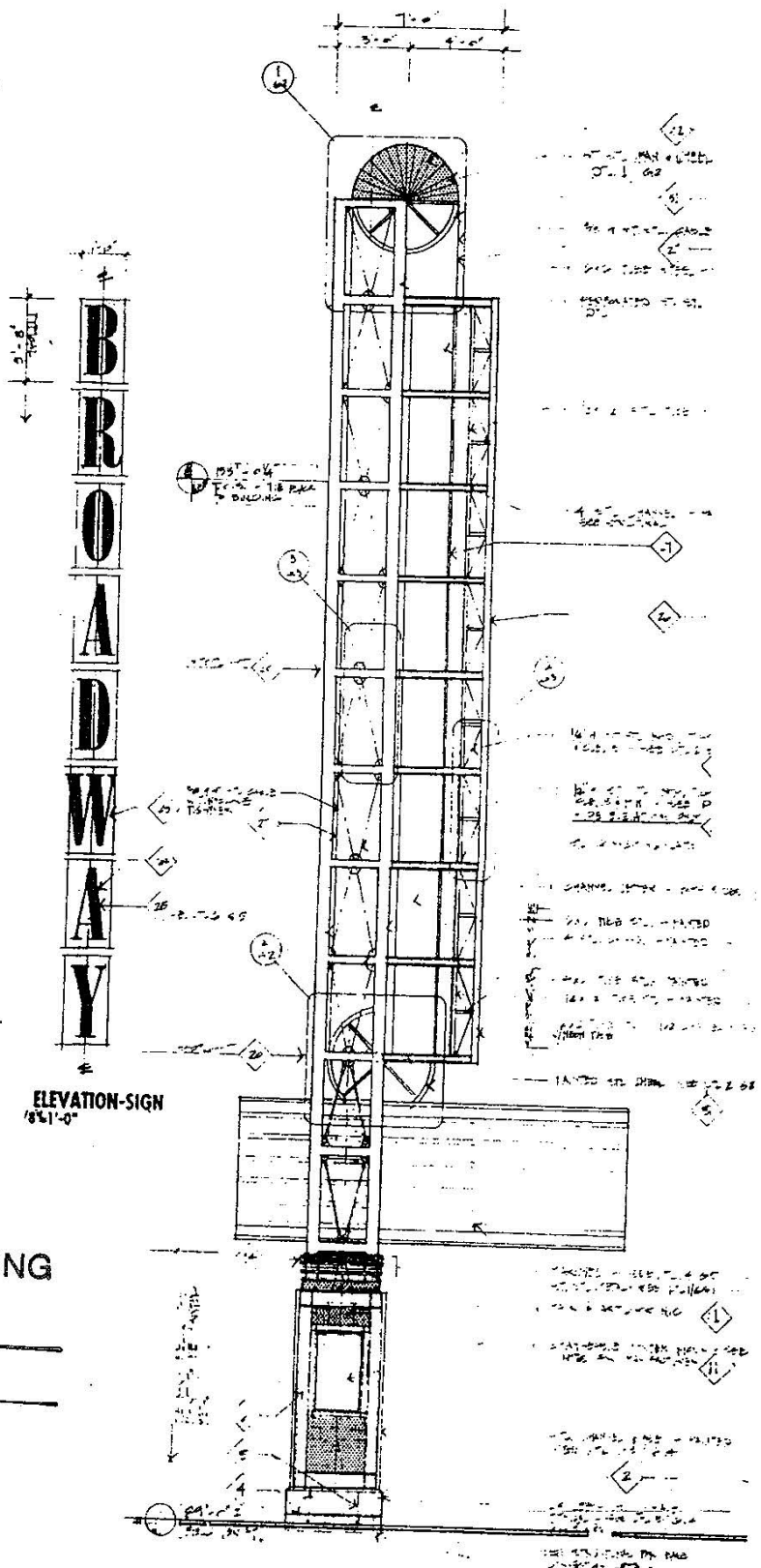
IV. CONCLUSIONS

The proposal meets the design guidelines and adjustment criteria as outlined above. This decision and notice are required strictly due to the sequence of building design, theater leasing and final marquee design.

=====

MB
May 2, 1991
(MBDisk3)

LUR 91-00227AD

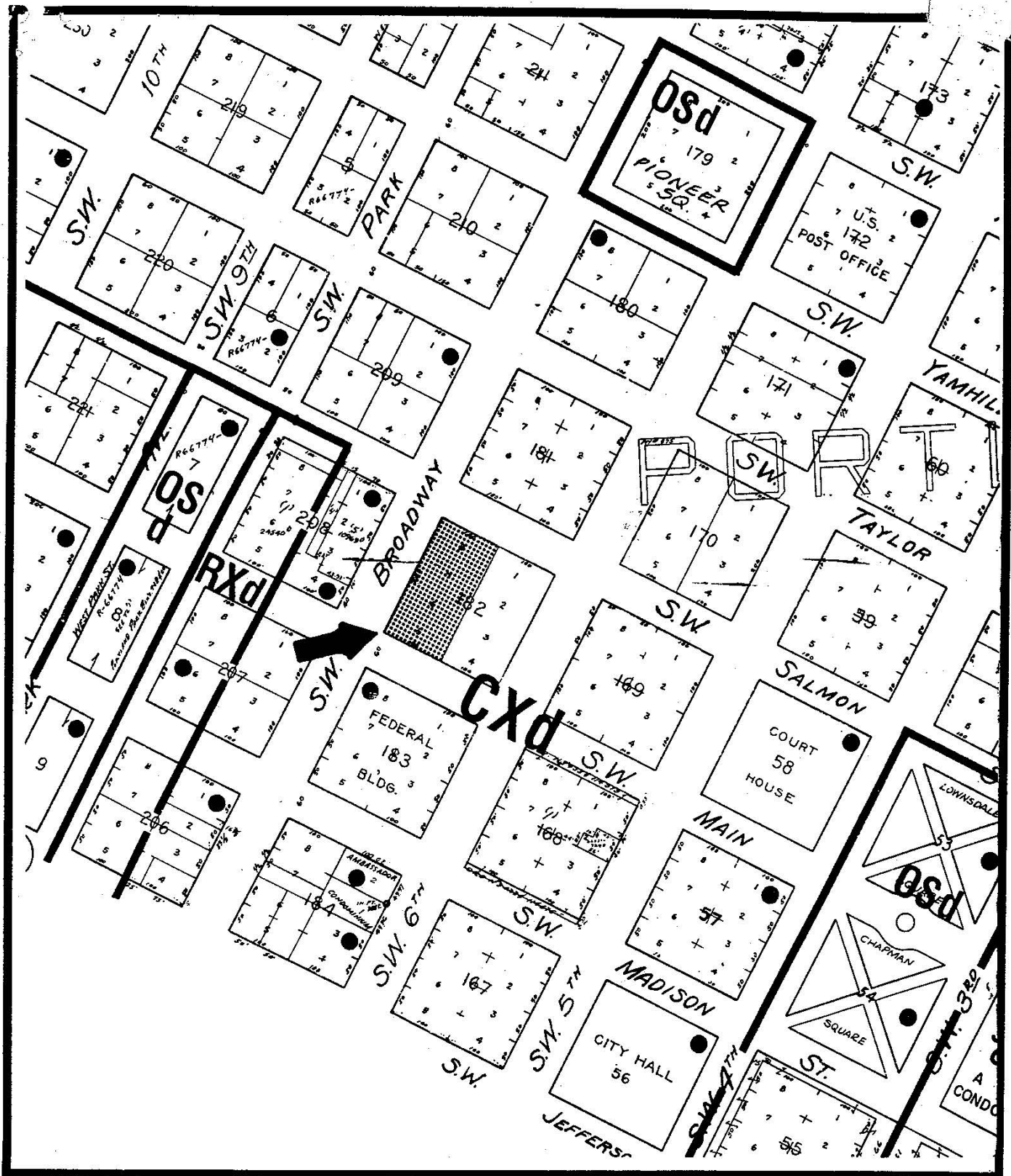


APPROVED BY
BUREAU OF PLANNING
CITY OF PORTLAND

BY MD

DATE 5/2/91

2 ELEVATION-SIDE
3/8" 1'-0"



Zoning



File No. UR 91-00227 AD
 1/4 Section 3029.5
 Scale 1" = 200'
 Request _____
 Exhibit _____

Portland Bureau of Planning
Current Planning Section
1120 SW Fifth Avenue
Portland, Oregon 97204-1966
Telephone: (503) 796-7700

p.c.

EXPLANATION OF DECISION PACKET

(Second Notice – Type II Procedure)

You have previously received information regarding this proposal. State law requires that we now provide you with a notice of the Planning Director's decision. A copy of the "Administrative Decision" is enclosed.

The owner, applicant, the neighborhood association(s) and owners of property who received notice of the request have a right to appeal this decision within 14 days after the mailing date shown on the last page of the decision. If not appealed, the decision will be final on the day following the 14-day appeal period. If appealed, the case will be scheduled for a public hearing before the Land-Use Hearings Officer or the appropriate committee or commission (review body). You will be notified of that hearing date. If you are the appellant, you or a representative should plan to attend the hearing to present written or oral testimony.

The fee to appeal this case is one-half of the original application fee, also shown on the decision. The fee may be waived if the appeal is filed (1) by a neighborhood, community, business or industrial association, or organization recognized by the Office of Neighborhood Associations, under the conditions required in 33.750.050.A; (2) if the application fee has been waived for a low-income individual, under the conditions of 33.750.050.B; (3) for a city bureau; or (4) for nonprofit organizations that directly serve low-income individuals, under the conditions of 33.750.050.C. An appeal must be filed on forms provided by the Bureau of Planning, Land-Use Permits Section at the Permit Center, First Floor, Portland Building, 1120 SW Fifth Avenue, Portland 97204-1966. Staff at the Permit Center can answer questions, help you with the necessary forms, and determine whether you qualify for a waiver.

Also enclosed with this notice is a copy of the criteria used by staff to evaluate this request. Your appeal must state how you believe the decision is not consistent with this criteria. Be specific on the points you raise; this is necessary should you choose to appeal the review body's decision to the state Land Use Board of Appeals (LUBA).

For information on this case, please contact either the Permit Center staff (796-7526) or the case planner shown on the attached decision (796-7700). The file is available for examination at the Planning Bureau, 10th Floor, Portland Building, 1120 SW Fifth Avenue.

Enclosures:

1. Applicable Criteria
2. Administrative Decision

Form 1-11-91:HT



November 5, 2020

Hannah Bryant, Land Use Services

Hannah.Bryant@portlandoregon.gov

For the Design Commission, hearing on Nov 19, 2020

Subject: 1000 SW Broadway

Case File: LU20-176578 DZ

Pre-App: # 20-124250

Dear Ms. Bryant and Commissioners,

On November 3, 2020, the Downtown Neighborhood Association (DNA) Land Use Transportation Committee (LUT) reviewed the proposed revisions to the subject property to enclose the open arcade at the street level and incorporate its space into the ground floor. The proposal will remove the existing ground floor storefront and install a new storefront and new entrances between and behind the existing pillars. We received an excellent, thorough presentation by LRS Architects on November 3, 2020.

The DNA LUT wishes to convey support for the project and express appreciation of the owner's commitment to the continued activity in and development of downtown Portland. Although we are in support of the project, we suggest further consideration of the following elements of the proposed improvements:

1. Signage: It appears that the existing *BROADWAY* sign on the SW corner is a remnant and/or echo of an earlier time when this neighborhood was the movie theater district and Broadway was full of neon signs. City code still allows this Downtown street to have signage of this sort. Just across Broadway is the replica of the historic *PORTLAND* sign on the Schnitzer Theater, another historic nod to the original Portland Theater District. As a result, after much discussion at our meeting, we strongly suggest this *BROADWAY* sign merits recognition and preservation. The DNA LUT defers to Staff and the Commission on whether that means including the column base supporting the vertical sign or not. The applicant mentioned in the presentation that the column base supporting the vertical sign and marquee obstructs pedestrian use of the sidewalk area below the sign. The Design Commission may want to visit the site to confirm that. With more research, it should be determined if the metal frame surrounding the sign and the supporting base are part of the original sign or not. The vertical signage could be supported above from the building and the use of the sidewalk restored if necessary. It is also noted that the vertical sign is already attached to and supported laterally at the face of the building and stone facade.
2. Fenestration, store front, of proposed restaurant space: It is understood that the retail space at the SW corner is to be developed as a restaurant space. We would support consideration of the installation of operable windows along the adjacent sidewalk space so the outside could seasonally be brought inside, especially during COVID. The new storefront windows are reportedly to be set at the back face of the existing columns. These columns are approximately two feet in depth. This recessed dimension would comfortably accommodate a counter and stools or small tables and chairs between the restaurant and sidewalk at the



outside face of the columns. This feature would support the restaurant, engage and encourage pedestrian connection with the restaurant, and limit the encroachment upon the sidewalk.

3. Fenestration, storefront, Safety: In consideration of the increased demonstrations and associated vandalism we recommend installation of the highest quality of laminated safety glass to prevent collapse of the glazing in the event of breakage. This feature will both prevent access to the interior spaces and protect the public.
4. Canopy weather protection: We appreciate the inclusion of the overhead canopy and weather protection for pedestrians along the exterior face of the building. We recommend that such canopies extend at least four feet horizontally out from the face of the building, if possible, without encroaching on the existing tree canopy. In addition, we recommend that the canopies extend in a *continuous* horizontal manner rather than interrupted and discontinuous at the columns, as proposed. These breaks compromise the much-needed weather protection for pedestrians and will further protect the recommended open storefront connection between the restaurant space and the sidewalk. LRS indicated that they had not included the canopies at the column spaces in order to avoid structural support at and penetration of the stone facade. However, we believe that glazing of the canopy system can easily span horizontally the width of the columns and thus limit structural connection to the cladding material of the beams extending between the stone clad columns.
5. Trees: The proposal indicates that the relatively mature trees on SW Broadway are to be removed and replaced. Although sidewalk removal and replacement are apparently required to support the improvement program, it is not understood why the existing trees cannot be protected, maintained and saved. Although limited overhead construction is required to install the new canopies, this work is significantly removed horizontally and could be performed without danger to the trees. Although effort and expense will be incurred to protect and save the mature trees, it is expected that this expense would not exceed the cost of removal and replacement of the existing trees. We recommend that this option be explored. The DNA is aware that the Downtown canopy is well below the recommended tree inventory canopy levels for good health and sustainability, and therefore, place a high value on the retention of *mature* trees.

The DNA thanks you for your service and providing the DNA the opportunity to participate in the public review process.

Sincerely,

Walter Weyler
DNA Board Chair,

Wendy Rahm
Chair, DNA LUT Committee

CC: Jason Tand, jtand@lrsarchitects.com



Original BROADWAY THEATER sign at the corner of SW Broadway Avenue and SW Main Street, circa 1950.

The Broadway closed in early 1988, and was demolished later that year, making way for a high-rise office building that would house the four-screen Regal Broadway Metroplex in its basement. That theater, which featured recreations of the neon signs of other long-gone Portland movie theaters in its lobby, became an important venue during the annual Portland International Film Festival, though it languished at other times of the year, a second thought for moviegoers after newer theaters in the Fox Tower and Pioneer Place opened nearby. The Broadway Metroplex continued operating until 2011, and now sits vacant. Its plush theater seats were removed and transferred to the Hollywood Theatre the following year. May 17, 2019; Posted Feb 23, 2017 **By Grant Butler | The Oregonian/OregonLive** May 17, 2019; Posted Feb 23, 2017