

City of Portland Bureau of Development Services

Land Use Services Division

Date: August 11, 2008

To: Interested Person

From: Chris Beanes, Land Use Services 503-823-7983 / chris.beanes@ci.portland.or.us

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

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

CASE FILE NUMBER: LU 08-110490 HDZ, E-TRADE SIGNAGE AND AWNINGS

Applicant:	Bruce Wood, 503-546-2321 Fifth & Washington LLC 1000 SW Broadway Suite 960 Portland OR 97205
Representative:	Phillip Chubb, Architect, 503-222-1661 Fletcher Farr Ayotte Inc. 520 SW Yamhill , Suite 900 Portland, OR, 97204
Site Address: Legal Description:	SWETLAND BLDG HISTORIC LANDMARK LAND ONLY W 1/2 OF LOT 7&8 BLOCK 63, PORTLAND; IMPS ONLY W 1/2 OF LOT 7&8 BLOCK 63, PORTLAND
Tax Account No.:	R667707430, R667707431
State ID No.:	1N1E34CD 09500, 1N1E34CD 09500A1
Quarter Section:	3029
Neighborhood:	Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District:	Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.
District Coalition:	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District:	Central City - Downtown
Zoning:	CXd, Central Commercial with design overlay
Case Type:	HDZ, Historic Design Review
Procedure:	Type II, an administrative decision with appeal to the Landmarks
	Commission.

Proposal:

The applicant proposes new signage and awnings for the Swetland Building, located at the corner of SW 5th Avenue and Washington Street. Signage and awnings proposed includes the following:

- An internally illuminated 3'-0" logo blade sign perpendicular to the SW Washington (north elevation) street facing façade with acrylic face and duranodic finish;
- 2 fascia-mounted internally illuminated raceway signs one on Washington Street and one on SW 5th Avenue each approximately 18'-0" long by 11" high and 9" deep with fabricated acrylic channel letters;
- 2-5"x 8'-6" awning valance signs; and
- A simple shed style awning with a 4'-0" projection for each bay along both street frontages.

Because the proposal is for alterations to a Historic Landmark, Historic Design Review is required.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- 33.846.060 G. (1-10) Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject 5,000 square foot lot, situated on a prominent corner along the transit mall at the intersection of SW 5th Avenue and Washington Street lies within the core of the downtown commercial retail district. The lot is flat, with a north-south dimension of 100 feet while the east-west dimension is 50 feet.

The Swetland Building, built in 1907, was nominated to National Register Historic status in 2007. The seven story steel-frame building is a prime example of the Commercial Style, with emphasis of retail on the ground floor, while offices occupied the remainder of the building. Notable amongst the architectural features are the brick façade, sheet-metal cornice, and voussoirs and bracketed cornice above the sixth floor windows.

The building is essentially intact above the ground floor, while the ground floor has undergone multiple changes over time, most recently a glass storefront with stucco covering the transom and belt course. Originally, the ground floor contained 6 storefronts, each with its own entry along the SW 5th side. Along SW Washington Street, there were originally 3 storefronts. Transom windows existed above the storefronts, while a belt course separates the ground floor from upper floors.

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

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

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

- LU 06-152846 DZ: Approval for storefront alteration to the Swetland Building.
- LU 07-152089 HDZ: Approval of eyebolt connection related to the reconstruction of the Transit Mall.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 8, 2008**. Contacted bureaus responded with no concerns with the proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 8, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Because the proposal is for new signs on a Historic Landmark in the Central City Plan District, both Historic Design Review criteria and the Central City Fundamental Design Guidelines must be met.

I. Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1-10. In addition, because the site is located within the Central City Plan District, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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

G. Approval criteria based on the Standards of the Secretary of the Interior:

- **1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- **2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Findings for 1 and 2: The fascia signage proposed includes a raceway, which will be attached to the building wall. The attachment method will be 3/8" Hilti epoxy anchor bolts which will be screwed into the grout lines, thus avoiding damage to the brick. Elements of the proposal includes modern materials and technology, no false historic features are proposed. *Therefore these criterion are met.*

- **3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- **4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- **5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for 3, 4, and 5: No elements of the proposal will alter features that have acquired significance over time. The affected storefront has been altered continuously

Page 4

over time and lost its integrity as noted by the State Historic Preservation Office (Exhibit G.4). *Therefore these criterion are met.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No archeological resources are to be affected by the proposal. *Therefore this criterion is met.*

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

Findings: No building addition is proposed. The awnings will be a simple shed design and will compliment and highlight the bay and pilaster locations. *Therefore this guideline is met.*

- **8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- **9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- **10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 8, 9. and 10: As stated, the awnings will be located within bays, emphasizing the verticality of the pilasters and will not obscure the transom band above the storefront. The addition of awnings will provide human scale to the ground floor of the building, and is in keeping with an established pattern of pedestrian protection along sidewalks downtown. *Therefore these criterion are met.*

II. 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 Central City Fundamental Design Guidelines.

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

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality,** addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis,** addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design,** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas,** provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- 7. Provide for the humanization of the Central City through promotion of the arts;
- 8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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

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.

Findings: Unifying features include simple shed awnings which are located below the transom band, thus allowing light to the interior space. The awnings will be located between pilasters and implied glazed storefront columns. In addition, the banding around the logo signage will be include a dark duranodic finish which will match the storefront finish. Projecting marquee signage and awnings for pedestrian protection are commonly found in the downtown core and other historic landmarks. *Therefore these guidelines are met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

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.

Findings for B1 and B2: Awnings proposed will allow for weather protection as well as reinforcement of the pedestrian scale along the ground floor of the building. Signage proposed will blend with the existing architecture of the building including the cabinet finish for the logo sign, paint color for the raceway matching the frieze, and placement of signage within architectural bands for a consistent identity. *Thus, these guidelines are met.*

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.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C3 and C5: Signage proposed will be located above the transom, and centralized on bays and entryway. The blade signage will be located along the intersection pilaster, consistent with the height of pilaster sconce lighting, thus preserving the main façade along SW 5th Avenue. The awnings will be located within existing bays and will allow for the transom band to be exposed, thus highlighting a commonly obscured architectural feature in buildings downtown. *Therefore these guidelines are met.*

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings: Signage proposed for the fascia will be composed of 2 sets of fabricated channel letters mounted to a raceway. The 2 fascia identity signs are to be placed along SW Washington Street and SW 5th Avenues, above the transom. The signage will be internally lit by LED lights and the exposed raceway will be painted to match the building façade. Structural issues along the fascia band and behind the brick frieze prevented alternative solutions (Exhibit G.3) such as remote-mounted raceway to hide mechanical service and reducing overall depth. In addition, the applicant has reduced the depth of the raceway to 9 inches off of the fascia wall to minimize structural components being exposed. Use of the raceway allows less damage to the fascia band due to less penetration points to the wall, as opposed to a pin-mounted proposal, with multiple penetration points. The marquee sign proposed will incorporate a similar finish as the storefront, thus tying the two together for greater consistency. No electrical conduit will be exposed. *Therefore this guideline is met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed signage and awnings will create a consistent identity and help anchor the ground floor of the Swetland Building. The awnings will provide pedestrian protection and human scale to the building, while the signage will provide visual interest along the street and sidewalk. The proposal merits Historic Design Review approval.

ADMINISTRATIVE DECISION

Approval of:

- (1) 9 square foot internally illuminated 3'-0" diameter logo blade sign perpendicular to the SW Washington (north elevation) street facing façade with acrylic face and duranodic finish;
- (2) Approximately 17.8 square foot fascia-mounted internally illuminated raceway signs one on Washington Street and one on SW 5th Avenue each approximately 18'-0" long by 11" high and 9" deep with fabricated acrylic channel letters;
- (2) Approximately 21 square foot 2-5"x 8'-6" awning valance signs; and

Approval per the approved site plans, Exhibits C-1 through C-5, signed and dated August 11, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 08-110490 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Raceway signage attachment bolts to the building frieze must be located in existing grout line locations (between bricks) in order to avoid damage to the historic material.

Decision rendered by:

_ on August 7, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: August 11, 2008

Staff Planner: Chris Beanes

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 February 21, 2008, and was determined to be complete on **June 30, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 21, 2008.

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

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 25, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

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

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 Landmarks 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 Landmarks 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 August 26, 2008 - (the day following the last day to appeal).

• A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

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

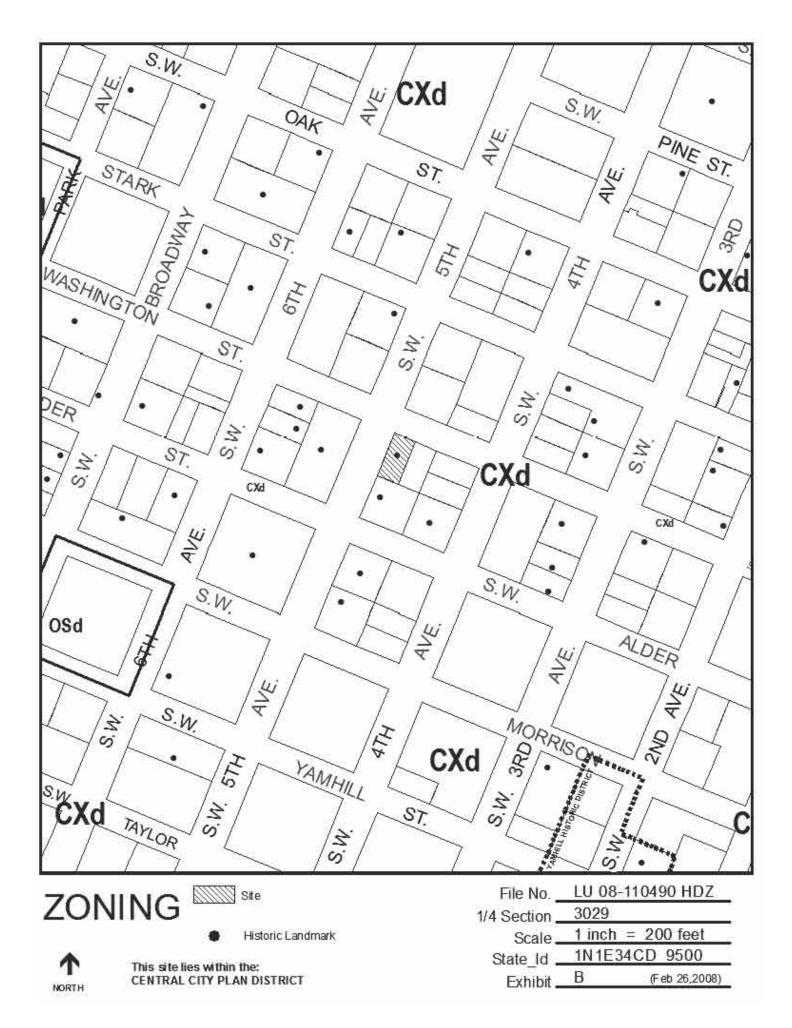
EXHIBITS

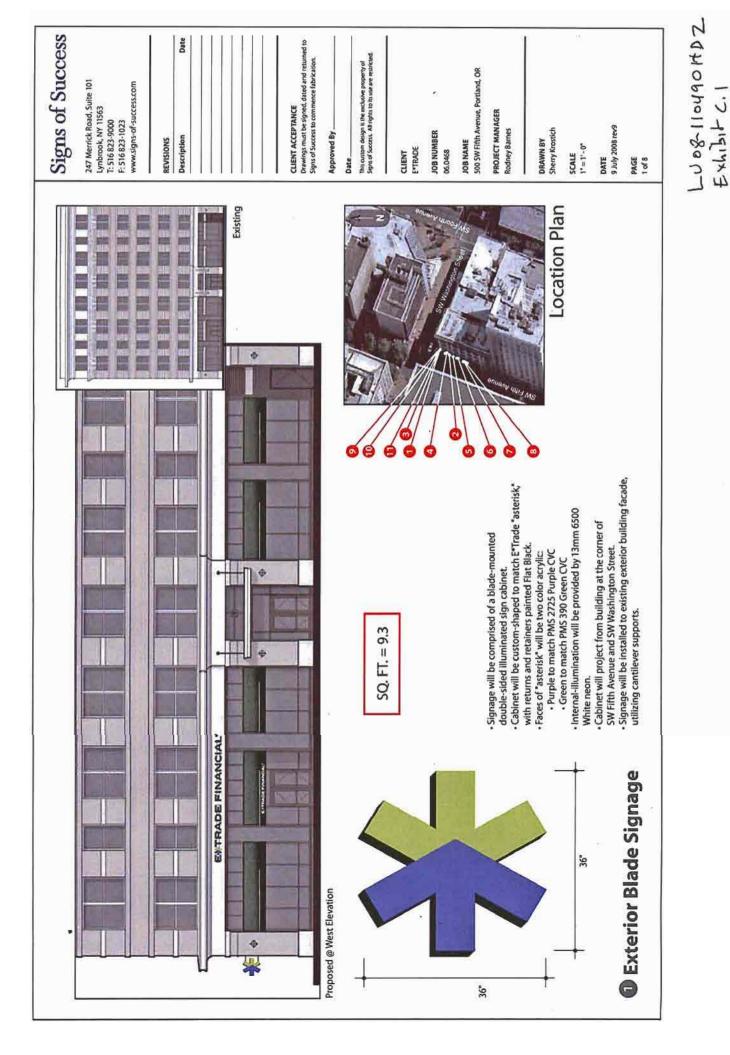
NOT ATTACHED UNLESS INDICATED

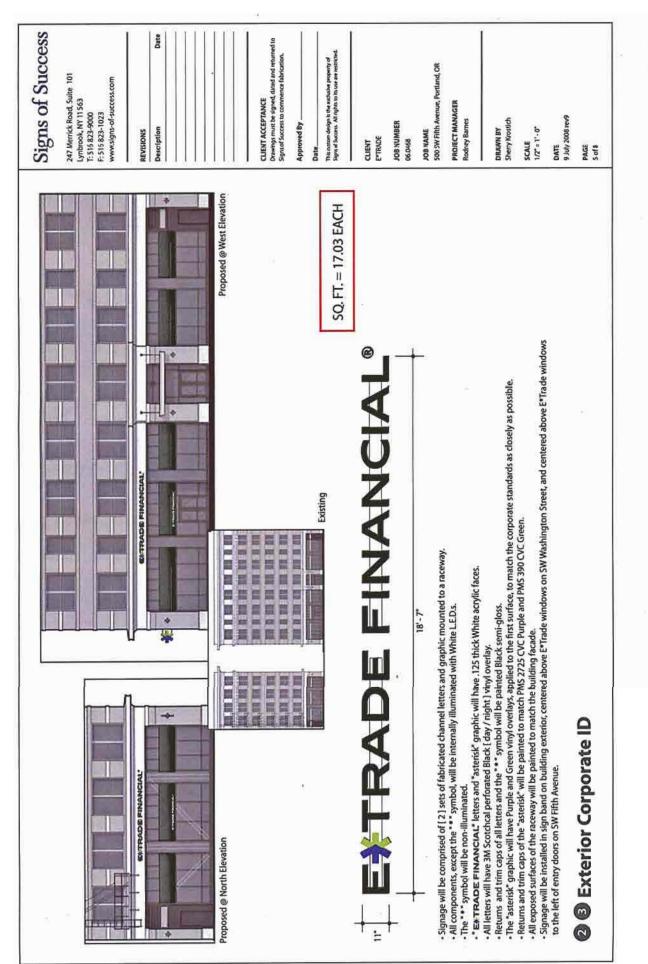
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Location Plan (attached)
 - 2. North and West Signage Elevation (attached)
 - 3. Sign Details (attached)
 - 4. Sign Details (attached)
 - 5. Awning Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Building Section Detail-Frieze

- 4. Amendment Sheet, Joy Sears, State Historic Preservation Office (SHPO), 3/25/08.
- 5. Incomplete Letter, dated March 4, 2008

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







LU08-110490 HDZ Exhibit C. 2

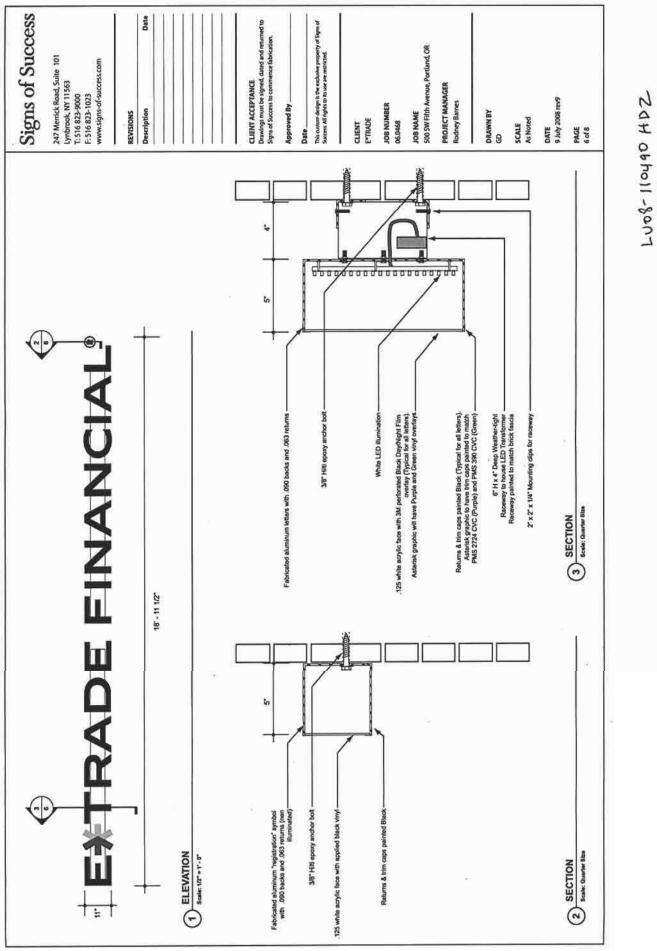
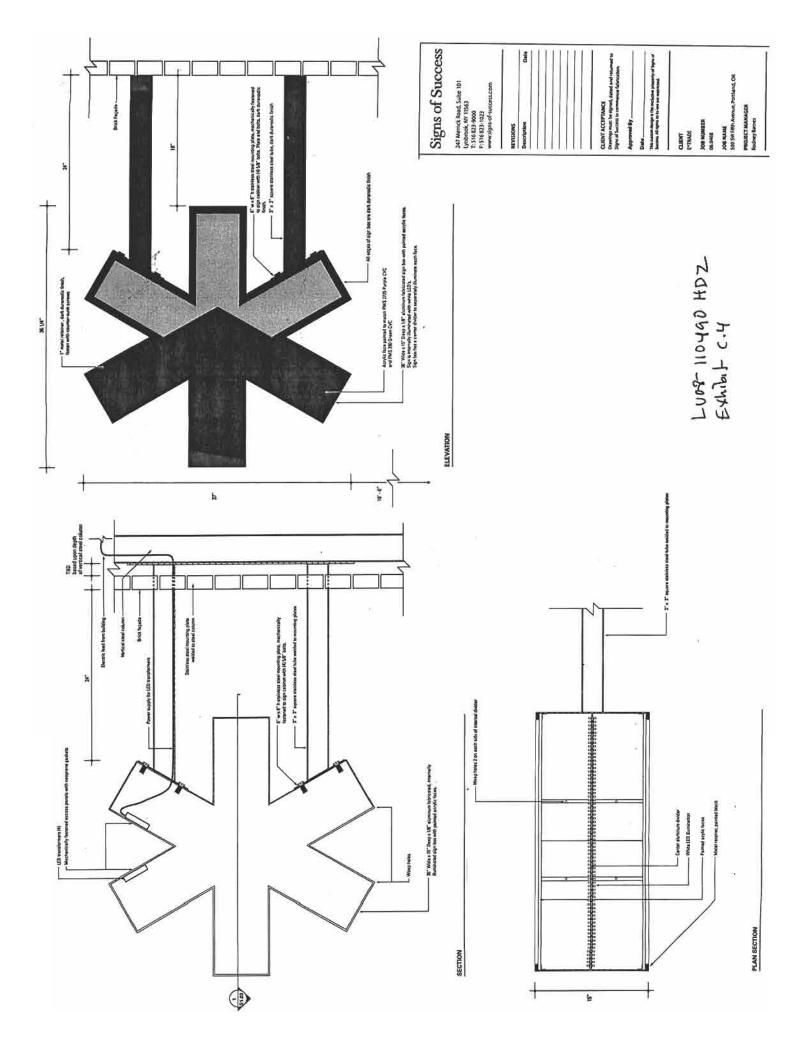
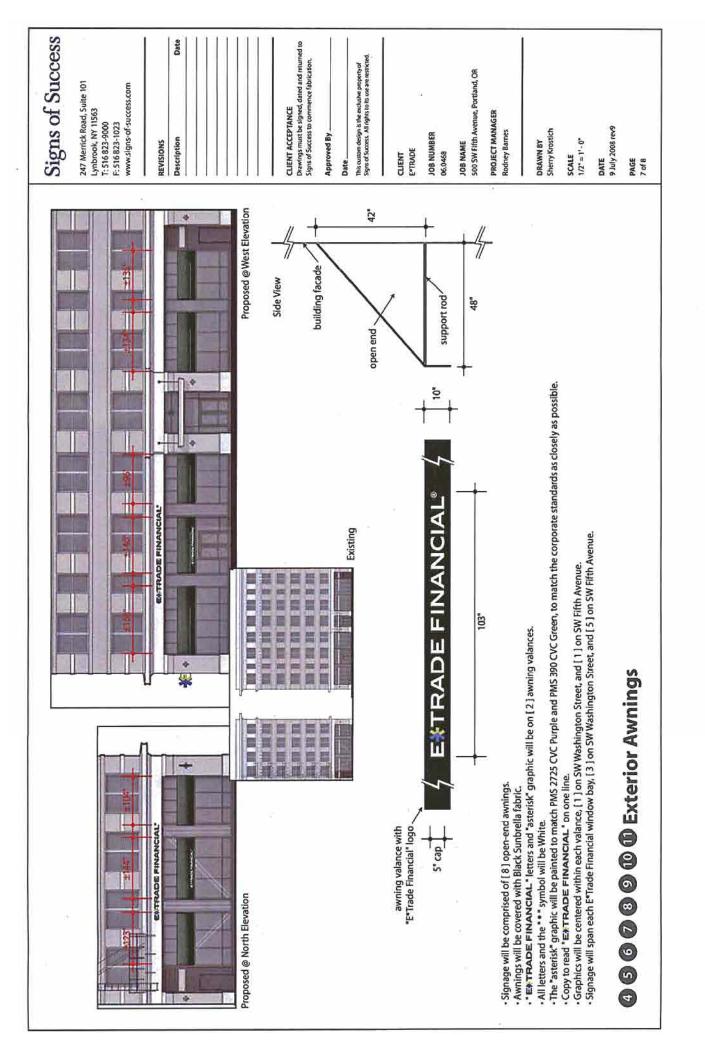


Exhibit C.3





Exhibitcs

LUR-110490 HDZ