

FROM CONCEPT TO CONSTRUCTION

Date: March 2, 2012

To: Interested Person

From: Kara Fioravanti, Land Use Services 503-823-5892 / Kara.Fioravanti@portlandoregon.gov

NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-202974 HDZ - NEW SIGNS

GENERAL INFORMATION

Applicant:	$14^{\rm th}$ & Everett RPO LLC 1140 SW $11^{\rm th}$ Avenue #400 / Portland, OR 97205-2490
Representative:	Ramsay Signs 1960 SW 74 th Avenue / Portland, OR 97206
Site Address:	1417 NW EVERETT STREET
Legal Description:	BLOCK 97 LOT 1-8 HISTORIC PROPERTY 10 YR 2011 POTENTIAL ADDITIONAL TAX, COUCHS ADD
Tax Account No.:	R180208950
State ID No.:	1N1E33DA 01900 Quarter Section: 3028
Neighborhood:	Pearl District, contact Patricia Gardner at 503-228-3273.
Business District:	Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition:	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District:	Central City - River District
Other Designations:	Historic Landmark
Zoning:	EXd, Central Employment with design overlay
Case Type:	HDZ, Historic Design Review
Procedure:	Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant seeks Historic Design Review approval for 2 news signs at a ground level tenant entry at the south elevation of this Landmark building. The 2 proposed signs are the same: 6"-wide x 7'-tall individual $\frac{1}{2}$ " thick metal letters. The signs will be attached to the building walls at the tenant's recessed main entry. The applicant also seeks Historic Design Review approval for a revision to the previously approved Vestas canopy sign at the south elevation. The revised design is for internally illuminated 14" to 18"-tall letters atop the canopy.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are: 33.846.080, Central City Fundamental Design Guidelines, River District Design Guidelines.

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. This application was submitted on December 20, 2011 and determined to be complete on **January 10, 2012.**

ANALYSIS

Site and Vicinity: The subject property, listed on the National Register of Historic Places on September 3, 2001, was originally known as the Meier & Frank Delivery Depot. The 4-story warehouse building was designed in the "Half Modern' style by the firm of Sutton & Whitney. It is significant for its architectural design and for its association with Meier & Frank.

The 4-story full block reinforced concrete building was completed 1927 as a delivery warehouse for the Meier & Frank Department Store. At the time of construction, this area was dominated by light industrial uses. While the Meier & Frank Delivery Depot is not atypical, the area contained a large number of unreinforced masonry warehouses built in the 1910s frequently on quarter block parcels.

The Meier & Frank Delivery Depot has a primary façade facing south on Everett with similar yet secondary facades on 14th Avenue, 15th Avenue and Flanders Street. The warehouse, dedicated to customer deliveries, worked in concert with the downtown store and a second stock receiving warehouse located just north at 1415 NW Hoyt Street.

Zoning: The Central Employment (EX) zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial, business, and service uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay Zone (d) promotes the conservation, enhancement, and continued vitality of areas of the city with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved though 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill developments will be compatible with the neighborhood and enhance the area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate that prior land use reviews include the following:
<u>LUR 93-010491 CU AD</u> (reference file #93-00492): Conditional Use approval of 36 structured parking spaces and 8 surface short-term surface parking spaces.

- 2. <u>LUR 00-007322 DZM</u> (reference file #00-00767): Design Review approval of building renovations with modifications to Ground Floor Window and Loading standards. The work proposed was approved, but never started. This review has expired.
- 3. <u>LU 08-108590 HDZM AD</u>: Type III Historic Design Review approval to redevelop the historic Meier & Frank Delivery Depot Building. The proposal included extensive building renovations: a penthouse addition, the replacement of all of the building's original windows, storefront infill at multiple locations at the ground level, new doorways, lowered sills at the north façade, a new garage opening at the west façade, new glass and steel canopies at the north and south building elevations, and non-standard improvements within the right-of-way. An Adjustment request to reduce the required number of on-site loading spaces from two to one was approved. Modifications to the Ground Floor Window standard and the size of the loading space were also appproved.
- 4. <u>LU 08-109173 PR:</u> Approval of a Central City Parking Review to include parking in the existing warehouse building. The proposal is to convert a portion of the ground level and the entire 2nd level of the existing warehouse building to parking. The proposed parking layout includes approximately 240 parking spaces. Parking entry and exit will be from a new garage door at NW 15th Avenue.
- <u>LU 08-152355 HDZ/ LU 09-159668 HDZM</u>: The 2008 Type II Historic Design Review was the original submission to review the revisions to the Type III decision (LU 08-108590 HDZM, AD). The 2009 Type II replaced the 2008 case because the 2008 case was about to expire. The 2009 review approved several design revisions (including a substantial redesign of the penthouse) to the previously approved Type III decision.
- 6. <u>LU 11-110115 HDZ</u>: Approval of Historic Design Review for design revisions to previously approved Historic Design Reviews (LU 08-108590 HDZM, AD and LU 09-159668 HDZM) that allowed exterior alterations to the existing Historic Landmark.
- 7. <u>LU 11-156697 HDZ</u>: Approval of Historic Design Review for new signs. (This current pending application revises the canopy sign approved through LU 11-156697 HDZ).

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **January 26**, **2012**. The following Bureaus have responded with no issues or concerns about the proposal: Site Development, Life Safety, Fire, Bureau of Environmental Services, Portland Transportation, and Forestry.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 26, 2012**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

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 and the River District, the relevant approval criteria are the Central City Fundamental Design Guidelines and the River District Design Guidelines.

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 character will be avoided.

Findings: The project adds wall signs to the building face in select locations. The proposed work does not alter any specific character-defining elements or affect the overall sense of building design. Attention has been paid to minimize points of attachment to the concrete, which was repaired, patched and painted as part of the larger rehabilitation project. The canopy sign will be attached to a new canopy. This guideline is therefore met.

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: The proposed signs are both compatible and non-historic. The design, materials and locations of the sign are clearly modern. Their placement does not undermine the building's overall design or perception of its history as a warehouse. This guideline is therefore met.

3. Historic changes: Most properties change over time. These changes that have acquired historic significance will be preserved.

Findings: The building's historic significance relates to its original design and associations. Changes to the building's exterior over time have been limited and none have been identified as being significant. Regardless, the proposed signs do not affect any areas where the building's exterior has been modified over time. This guideline is therefore met.

4. Historic features: Generally, deteriorated historic features will be repaired rather than replaced, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missed features must be substantiated by documentary, physical, or pictorial evidence.

Findings: The project does not affect existing or historic features. This guideline is therefore met.

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: Existing historic materials are protected. The wall signs will be attached through the reinforced concrete skin. This skin has been inspected, repaired, patched and painted as part of the larger rehabilitation project. The proposed signs do not involve the use of any chemical or physical treatments that could cause damage to historic materials. The canopy sign will be attached to a new canopy. This guideline is therefore met.

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

Findings: The site is absent of any archaeological resources. This guideline is not applicable.

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: The proposed wall signs will have minimal points of attachment at the building face. These points of attachment are located in areas that are devoid of any particular design features that characterize the building. The proposed signs are of new materials and technology, clearly distinctive from the building's historic era. This guideline is therefore 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.

Findings: The proposed signs are limited features to the building face. In massing, size, scale and design, they support and respect the historic definition of the building. This guideline is therefore met.

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; and

Findings: The proposed work involves only minimal construction and no changes in form, or fundamental design. The wall signs will be attached through the reinforced concrete skin which as part of this rehabilitation has been patched and repainted. In the event that the signs are removed, the points of attachment to the building can be similarly patched and repainted so that the historic design appeared unimpaired. The canopy sign will be attached to a new canopy. This guideline is therefore met.

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. When practical, compatibility will be pursued on all three levels.

Findings: The proposed signs are compatibly sized and located so as to support the historic design as well as the overall ambiance of the surrounding properties. This guideline is therefore met.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

- 1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
- 2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
- 3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
- 4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;

- 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.

- B1-1 Provide Human Scale to Buildings along Walkways.
- B2 Protect the Pedestrian.
- C1-2 Integrate Signs and Awnings.
- C2 Promote Quality and Permanence in Development.
- C3 Respect Architectural Integrity.
- C13 Integrate Signs.

Findings: The proposal, with regard to scale and location, respects the design of the historic building. It is supportive and complementary of the half-modern style while clearly distinguishable from the historic fabric. Illumination is LED halo-illumination, which is subtle – design considerations that will downplay the signage on this important Landmark structure. The only illuminated ground level sign is above the entry to mark the main entrance for employees and visitors. All signs are modestly sized with regard to overall size, height and thickness. Moreover, the signs are sized and located to not interfere with important architectural features of the building. A condition of approval will not allow any conduit to be seen for the illuminated canopy sign in order to ensure an integrated and well-thought out execution of the installation. And, finally, the lighting and materials proposed are of a high-quality for permanence and compatibility. These guidelines are therefore met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The approval criteria are met.

ADMINISTRATIVE DECISION

Approval of historic design review for the following signs:

- **Tenant entry wall signs, south elevation** Two (2) total. The proposed signs consist of 6"-wide x 7'-tall individual ½" thick metal letters. The signs will be attached to the building walls at the tenant's recessed main entry. These signs will not be illuminated.
- Main entry canopy sign, south elevation One (1) total. This sign is 18"-tall and 8'-8" long. This sign consists of metal letters painted dark blue, set above the canopy, pin mounted and backed with a white acrylic panel. The sign will be illuminated with LED to create a halo effect.

Approval per the approved plans, Exhibits C-1 through C-3, signed and dated February 27, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four 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 11-202974 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The conduit for the illuminated canopy sign cannot be visible.
- C. No field changes allowed.

Decision rendered by:

Staff Planner: Kara Fioravanti

on February 27, 2012

By authority of the Director of the Bureau of Development Services

Decision mailed March 2, 2012

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on December 20, 2011, and was determined to be complete on **January 10, 2012.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 20, 2011.

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: May 11, 2012.**

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. **This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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 <u>www.portlandonline.com</u>.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **March 5, 2012.** 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.

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, permitees 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 for 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. Site Plan (attached)
 - 2. Sign at south tenant entry (attached)

- 3. Sign at south main entry canopy (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none received
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).







1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

