

City of Portland, Oregon Bureau of Development Services

Land Use Services

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FROM CONCEPT TO CONSTRUCTION

Date:Thursday, April 18, 2013To:Interested PersonFrom:Kate Marcello, Land Use Services
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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 the version located on the BDS website, via this link: <u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. Click on the district coalition and then scroll to the relevant neighborhood and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 13-123011 DZ Two New Signs at Parapet of ODS Tower GENERAL INFORMATION

Applicant:	Garrett Gibson, Ramsay Signs Inc. 9160 SE 74th Ave Portland, OR 97206 (503) 777-4555
Owner:	Morrison Street CF LLC 825 NE Multnomah St #1275 Portland, OR 97232
Site Address:	601 SW 2 nd Avenue
Legal Description: Tax Account No.: State ID No.:	BLOCK 20 LOT 1-4 EXC PT IN ST & LOT 5-8, PORTLAND R667703200 1S1E03BA 05000
Quarter Section:	3129
Neighborhood:	Portland Downtown, contact Jennifer Geske at 503-750-9843
District Coalition: Plan District:	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212 Central City - Downtown
Zoning:	Central Commercial (CX) base zone; Design (d) overlay zone
Case Type:	Design Review (DZ)
Procedure:	Type II (an administrative decision, with appeal to the Design Commission)

Proposal: The applicant requests Design Review approval to remove two existing wall-mounted parapet signs and replace them with two new wall-mounted signs. Each new sign is approximately 87 square feet in area. The illuminated area of each sign is about 56 square feet.

Each sign consists of channel letters installed on an aluminum panel 15'-8" long x 3'-8" tall x 0'-2" thick, which will be attached to the building wall. An angled decorative element, which is part of each sign, will be installed on the building wall, right above the aluminum panel. The returns and backs of the channel letters are fabricated from aluminum. The faces of the letters are white acrylic with vinyl application. The letters and the decorative element are internally illuminated by white light-emitting diodes (LEDs).

Because the proposal is for non-exempt exterior alterations to an existing building on a site with design overlay zoning in the Central City Plan District, Design Review is required prior to the issuance of building permits.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 (Portland Zoning Code). The relevant criteria are the *Central City Fundamental Design Guidelines*. The proposal must also comply with Title 32 (Portland Sign Code).

ANALYSIS

I. Site and Vicinity: The subject building occupies the entire block bounded by SW 2nd Avenue, SW Alder Street, SW 3rd Avenue, and SW Morrison Street in downtown Portland. The building was constructed in 1998. It contains six levels of structured parking, 17 stories of office space, and ground-floor retail. The main entrance to the building is located on SW 2nd Avenue, where a large art installation is located. The installation was designed by American artist Judy Pfaff, and it consists of two western red cedar trees with bronze, copper, steel, and acrylic. The trees are attached to the building façade.

The Metropolitan Area Express (MAX) light-rail line abuts the site on SW Morrison Street. On this part of Morrison, there is only one lane for automobile traffic. SW Alder Street, which abuts the site to the north, provides direct access to the Morrison Bridge. The bridge is located just northeast of the site. In the vicinity of the site, there is a mixture of uses, including offices large and small, retail, restaurants, and structured and surface parking. Tom McCall Waterfront Park, which is parallel to the Willamette River, is located two blocks to the east.

II. Zoning:

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

The <u>Design (d) overlay zone</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

III. Land Use History: City records indicate the following prior land use reviews since 1996:

LUR 96-00621 PR:

Approval of Central City Parking Review for surface parking lot with 54 parking stalls. LUR 96-00880 PR:

- Approval of Central City Parking Review for parking associated with new office tower approved via LUR 96-01017 DZ.
- <u>LUR 96-01017 DZ</u>: Design Review approval of new office building with six stories of structured parking, 17 stories of offices, and ground-floor retail. Three Modifications approved as part of this Design Review.
- <u>LUR 99-00256 DZ</u>: Design Review approval of 28 exterior light fixtures.
 LU 04-038529 DZ:
 - Design Review approval of storefront alterations at ground-floor tenant space located at southeast corner of building.

IV. Public Notice: A Notice of Proposal in Your Neighborhood was mailed on March 21, 2013.

Neighborhood Review: No written comments in response to the proposal have been received from the neighborhood association (Portland Downtown Neighborhood Association) or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825: Design Review

Section 33.825.010: Purpose of Design Review

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

Section 33.825.055: Design Review Approval Criteria

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

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

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 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 has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts 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 that is safe, humane and prosperous; and
- 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.

C4. Complement the Context of Existing Buildings.

Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4 and C4: In the downtown area, parapet signage on office buildings is generally modest in size and illumination. Such signage is also characterized by thoughtful location that considers adjacent architectural features and the overall design of the subject building. These principles prevent visual clutter and allow the buildings themselves to retain their role as the primary feature of the downtown skyline. The proposed signs are consistent with these principles. Each proposed sign is approximately 87 square feet in area, and the illuminated area of each one is about 56 square feet. The signs will be located on the tallest portion of the building, near the upper edge of the parapet, several feet away from existing windows. Each sign will be located about 1'-6" away from the adjacent vertical edge of the building. The bottom edge of the aluminum background panel of each sign will align with an existing horizontal line in the granite veneer of the building façade. Thus the proposed signs use the local design vocabulary for parapet signs, unifying them with other parapet signs in the area. *Therefore these guidelines are met.*

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

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.

C12. Integrate Exterior Lighting.

Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

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 for C2, C3, C5, C12, and C13: The proposed signs respect the character of the subject building and allow it to remain a coherent composition in the following ways:

- The signs will be located on "blank" portions of the granite veneer façade, several feet away from existing curtain-wall glazing, which is the primary architectural feature of the building's upper floors.
- The bottom edge of the aluminum background panel of each sign will align with an existing horizontal line in the granite veneer of the building façade.
- The aluminum background panels will be painted to match the building façade. This allows the channel letters to appear as individually articulated design elements, minimizing the overall mass of each sign. In addition, the angled decorative element that is part of each sign will be installed directly on the building façade with two-inch spacers. This installation method will give these elements individual articulation as well.
- Each sign will be located about 1'-6" away from the adjacent vertical edge of the building, preserving the visually clean lines of the building façade.
- At about 87 square feet in area 56 square feet of which is illuminated each sign is modestly sized for a parapet sign. This size ensures that the signs will successfully communicate the identity of the building's primary office tenant without creating visual clutter or obtrusion in the downtown skyline. To ensure that the area of illumination is

not enlarged at a future date, a condition of approval is included, limiting the illuminated area of each sign to 56 square feet.

All of the materials for the new signs are appropriately durable for parapet signage. Each sign is comprised of channel letters with aluminum returns and backs. The faces of the letters are white acrylic with vinyl application. Each letter is internally illuminated by white LED's. The letters are mounted on an aluminum panel about 0'-2" thick, which is painted to match the building façade. The angled decorative element that is part of each sign will be made of the same material and have the same illumination method as the letters. These elements will be installed on the building façade with metal spacers.

The LED lighting is integrated with the signage by virtue of its location within the signage itself. The lighting will allow for building identification during nighttime hours without creating obtrusion in the downtown skyline.

With the condition of approval that the illuminated area of each sign not exceed 56 square feet, these guidelines are 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 signs are sized and located appropriately for the subject building and for downtown parapet signage in general. The signs will communicate the identity of the building's primary office tenant without creating visual clutter or obtrusion in the downtown skyline. The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two new parapet signs, each about 87 square feet in area with an illuminated area of about 56 square feet, at the ODS Tower in the Downtown Subdistrict of the Central City Plan District.

Approval per the approved plans and drawings, Exhibits C-1 through C-5, signed and dated April 16, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions 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 13-123011 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The illuminated area of each new sign shall not exceed 56 square feet.

Staff Planner: Kate Marcello

Decision mailed: Thursday, April 18, 2013

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 March 5, 2013, and was determined to be complete on March 19, 2013.

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 March 5, 2013.

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 extended by the applicant, **the 120 days will expire on July 17, 2013.**

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on Thursday, May 2, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <u>www.portlandonline.com</u>.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after Friday, May 3, 2013.
- 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.

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/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site Plan (attached)
 - 2. East Façade Sign Enlarged Elevations and 3-D Rendering
 - 3. West Façade Sign Enlarged Elevations and 3-D Rendering
 - 4. Enlarged Elevation of Sign, Nighttime Rendering, Section Drawing, Notes
 - 5. Detailed Section Drawing
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Response: None received.
- F. Correspondence: None received.
- G. Other
 - 1. Original Land Use Review Application
 - 2. Originally Submitted Plans and Drawings

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).







