



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 8, 2014  
**To:** Interested Person  
**From:** Amanda Rhoads, 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 <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition 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 14-110829 DZM – MODA CENTER RESTAURANT SIGN**

#### **GENERAL INFORMATION**

**Applicant:** Dan Osterman  
Tube Art Architectural & Electrical Display  
4243-A SE International Way  
Milwaukie, OR 97222

**Owner Rep:** Scott Sisson  
Portland Arena Management, LLC  
One Center Court St, Suite 150  
Portland, OR 97227

**Site Address:** 1 CENTER COURT ST

**Legal Description:** BLOCK 5&6&12&14 TL 1400 LAND ONLY SEE R638903 (R553000701) FOR IMPS, MC MILLENS ADD; BLOCK 14-17&22-24 TL 4200 LAND ONLY SEE R215948 (R55300-1201)FOR IMPS, MC MILLENS ADD; BLOCK 14-17&22-24 TL 4200 IMPS ONLY SEE R215947 (R55300-1200)FOR LAND, MC MILLENS ADD

**Tax Account No.:** R553000700, R553001200, R553001201

**State ID No.:** 1N1E34AB 01400, 1N1E34AA 04200, 1N1E34AA 04200A1

**Quarter Section:** 2930

**Neighborhood:** Lloyd District Community, contact Michael Jones at 503-265-1568.

**Business District:** Lloyd District Community Association, contact Gary Warren at 503-234-8271.

**District Coalition:** None

**Plan District:** Central City - Lloyd District

**Zoning:** CXd – Central Commercial with a “d” Design Overlay Zone

**Case Type:** DZM – Design Review with a Modification

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

**Proposal:**

The applicant has requested Design Review for a new single-face, halo-illuminated wall sign on the annex building on the Moda Center site. The sign will announce a new restaurant in an

existing vacant space at the south end of the building. The sign is proposed to be 100 square feet with dimensions of 16 feet 8 inches wide by 6 feet tall, made from an aluminum sheet with routed-out graphics. White LEDs will be mounted to the back of the face, shining onto the wall, and will illuminate the wall behind the letters and at the perimeter with a white wash. It is proposed to be mounted on the sign tower at the southeast corner of the building, 8 inches down from the top of the parapet. The sign will face the pedestrian corridor between the annex building and the Moda Center itself.

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.

One **Modification** is requested as part of this Design Review. This Modification request has to do with the maximum size allocation for all signs on a site. The size allocation equals one square foot per one foot of primary building wall if a freestanding sign is also on the same street frontage, or 1.5 square feet per one foot of primary building wall if there is no freestanding sign on the same street frontage. Primary Building Wall is defined as “[a]ny exterior building wall that faces a street and contains a public entrance to the occupant’s premises or tenant space.”

The only wall of the building in question that both has a public entrance and faces a street is the southern wall, which faces N. Interstate Ave. There is no freestanding sign on Interstate, meaning the building qualifies for 1.5 square feet per one lineal foot of primary building wall. The total lineal feet of primary building wall equals 114.25 feet, so the total number of square feet available for signs on the Annex Building is 171.375 square feet.

The building already has 456.625 square feet of signage, so it is already over its maximum. The proposal requests an additional 100 square feet of signs, bringing the building total to 556.625 square feet. Therefore, a Modification is required to allow the site to exceed the maximum size allocation.

**Relevant Approval Criteria:**

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

- 33.825.040 Modifications That Will Better Meet Design Review Regulations
- Central City Fundamental Design Guidelines
- Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan

<b>General comments regarding signs subject to Design Review:</b>
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- “Signs not visible from a right-of-way or another property” are not subject to Title 32 and Design Review (32.12.020).
- Temporary signs (banners, balloon signs, fascia signs, freestanding signs, and portable signs) are allowed in accordance with 32.32.030 K. If the applicant chooses to install temporary signs as allowed by this Section of the Sign Code, the temporary signs are not subject to permanent sign regulations, including Design Review.
- 32.38.010 C. states, “Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title, applications for adjustments, design review, and historic design review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.” For the purposes of this design review, the content of all proposed signs is not being reviewed. This design review is only considering the design details of proposed signage including, color, typeface, materials, location, attachments, lighting.

**ANALYSIS**

**Site and Vicinity:** The site is a large superblock located in Portland’s Lloyd Subdistrict of the Central City Plan District. The irregularly shaped lot is located on the east side of the Willamette River and is part of the Rose Quarter sports complex, bounded by N Broadway and N Weidler to the north, and NE Multnomah Streets, and North Williams, North Larrabee, North Wheeler, and Interstate Avenues on the other sides. The site is a visually prominent gateway to the Lloyd District to the east, downtown Portland to the west, and the Eliot Neighborhood to the north. Characterized by a mixture of uses, the immediate vicinity includes parking, semi-industrial, entertainment, and commercial ventures. The Moda Center is one of only a handful of sites classified as a Major Event Entertainment use in the city of Portland.

The site is located within the Lloyd Pedestrian District. N. Wheeler Ave. is designated a Central City Transit/Pedestrian Street, a Transit Access Street, a Traffic Access Street, and a City Bikeway. The other nearby streets do not pass directly by this portion of the site. The site is also adjacent to the MAX Light Rail along its southern and western edges.

**Zoning:** The Central Commercial (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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate that prior land use reviews of the Arena Annex Building include the following:

- LU 13-209088 DZ approved exterior changes to the Arena Annex Building, including removal of entry canopy and associated stanchions on east side (approved in 1996); removal of barrier system (approved in 1996); addition of new main entrance at southeast corner of building; and replacement of two bays of storefront with overhead roll-up glass panel doors with metal awnings overhead.
- LU 96-013482 DZ (LUR 96-00595 DZ) approved minor modifications to a tenant space in the Arena Annex Building: adding a door opening and defining an outside dining area with glass and metal partitions with intermittent planters.
- LU 96-013375 DZ (LUR 96-00488 DZ) approved the addition of an awning entry canopy and four associated stanchions on the east side of the building.
- LU 95-012602 DZ (LUR 95-00709 DZ) approved tenant build-out of an existing space in the Arena Annex Building, including addition of signage; an exterior serving counter with recessed storefront doors; a demarcated area for outdoor seating; and a glass backlit vertical water feature on the building.
- LU 95-012367 DZ (LUR 95-00474 DZ) approved tenant build-out of an existing space in the Arena Annex Building, including two 150-foot signs; installation of awnings and a glass seating area separation wall on the south end of the building; installation of two sets of awnings, an entry canopy with signage and a “barn-style” pair of entry doors on the east elevation.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 4, 2014**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

- Life Safety (Building Code) Plans Examiner
- Bureau of Transportation
- Bureau of Parks-Forestry Division

**Neighborhood Review:** 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 33.825, Design Review**

#### **Section 33.825.010 Purpose**

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 and Lloyd District Special Design Guidelines.

### **Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan and Central City Fundamental Design Guidelines**

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon.

With the Oregon Convention Center, the District now serves as the “front door for Oregon and our city.” The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of Design Review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

The Central City Fundamental Design Guidelines and the Lloyd 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.

#### **Lloyd District Design Goals**

The following goals and objectives define the urban design vision for new development and other improvements in the Lloyd District

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve the safety, convenience, pleasure, and comfort of pedestrians.

#### **Central City Plan Design Goals**

This set of goals was developed to guide development throughout the Central City. They apply within the Lloyd 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. Central City and Lloyd District Guidelines are addressed concurrently.*

**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.

**A5-1. Develop Identifying Features.** Encourage the inclusion of features in the design of projects that give projects identity and a sense of place or significance within the District.

**Findings for A5 & A5-1:** This Major Event Entertainment site is designed to host large events generally of a spectator nature. Restaurants are an accessory use of Major Event Entertainment uses. The proposed sign will advertise a new restaurant on the site in the annex building. While understated in nature, the sign will contribute to the excitement and sense of "happening" on the site. It will also act as a wayfinding tool to direct people to the new main entrance under the sign tower.

The tower where the sign is proposed was designed to host signage for the building and serves as a natural area for identifying the purpose of the building. This new simple sign reflects the clean and simple design recently approved for the tenant improvements.  
*These guidelines are met.*

**A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

**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.

**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.

**Findings for A8, B1 & C7:** The proposed sign highlights the new building main entrance at the southeast corner of the building, which strengthens the building's purpose and identity and connects it better to the pedestrian plaza to the east. The proposed sign is simple but well-lit and detailed in a manner that contributes to the energy and excitement of the pedestrian plaza. It is particularly appropriate to the level and type of public activity

anticipated here. *These guidelines are met.*

**B5. Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

**Findings:** The new main entrance faces the pedestrian plaza and enhances the east-west connection across the plaza between the Moda Center and the annex building at the south end of the site. The sign is oriented toward the pedestrian plaza and is located on a distinctive element of the building which is designed for signage facing the pedestrian plaza. This sign increases the energy of the pedestrian area by enhancing connections between the buildings and pedestrianway through the site. *This guideline is met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings for C2:** All elements of the sign are designed to be of a high commercial quality, intended to be permanent rather than temporary or transitional in nature and visible from a variety of vantage points. *This guideline is met.*

**C10-3. Use Light Colors.** The use of light color values is preferred for the predominant exterior building materials. Darker value materials should be used to accent or articulate the design.

**Findings for C10-3:** The dark color of the sign provides a counterpoint which accents the light colors used in the cement panels on the building. *This guideline is 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.

**Findings for C3:** The sign is aligned on the sign tower to maximize visibility from the pedestrian plaza; therefore, it is oriented near the top left corner of the tower. However, it is located fully in the sign area and not along the 5-foot-wide vertical strip with the different material on the south side of the tower. The sign will be located 8 inches off the top and 8 inches in from the vertical band. At night, the visibility of the sign will be enhanced with the halo-illumination light treatment. *This guideline is met.*

**C1-2. Integrate Signs.**

Carefully place signs and sign supports on and for buildings to integrate with the scale, color and articulation of the building design. Avoid large, excessively illuminated or freestanding signs that contribute to visual clutter.

Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/architect. Submit a master signage program as a part of every Design Review application.

Incorporate signage that compliments and supports the pedestrian scale and use of the Broadway/Weidler Corridor and Holladay Street. While recognizing the dimensional provisions in the Code, size and scale of signs should be moderated in these pedestrian-oriented areas.

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

**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 C1-2, C4 & C13:** The sign will be placed in an area originally designated for sign treatment, so the sign will not conflict with the integrity of the building design. The proposed sign will not be excessive and will contribute to the pedestrian atmosphere created. The simple sign treatment is consistent with the design changes recently approved for tenant improvements for the space. *These guidelines are met.*

**33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The proposal does not meet some of the sign regulations of the Sign Code Manual, Title 32. The regulations of Title 32 not met must be approved through the Modification Process.

32.10.020 Purpose Statement of all Title 32 regulations noted above:

*These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs and awnings have the following specific objectives:*

- *To ensure that signs and awnings are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;*
- *To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;*
- *To reflect and support the desired character and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;*
- *To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area; and*
- *To ensure that the constitutionally guaranteed right of free speech is protected.*

*The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.*

A Modification to 32.32.020 and Table 32.32-2 is requested to allow the site to exceed the maximum size allocation for the building.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** Given the large size of this superblock development, the scale and capacity of the building, and its designation as a Major Event Entertainment venue, it is reasonable to allow more sign area on this structure than allowed by code. Title 32, Portland's Sign Code, already makes certain allowances for the Major Event Entertainment use around moving signs, recognizing that the needs might well be different for this use than others.

The annex building is oriented to the pedestrian path between the annex building and the Moda Center. The proposed sign is designed for visibility on this pedestrian way. The restaurant the sign will be identifying will be a destination for people who come onto the Moda Center site.

Because of this inward orientation, the annex building has minimal street frontage. The right-of-way that makes up the pedestrian path between the two buildings is not

considered a “street” by the Zoning Code; however, almost all signage on the building is oriented to this center path. On the other hand, the amount of signage for which the building is eligible is determined by the street frontage on the south side of the building; however, there is no existing or proposed sign area on that façade. If the east wall instead were able to be used to calculate sign area, the site would not exceed its sign size allocation. Since this is not the case, a Modification is required, but given the context, the Modification is justifiable.

The following relevant design guidelines are better met by allowing the building to have additional sign area:

- A5, Enhance, Embellish and Identify Areas; and A5-1, Develop Identifying Features. The proposed sign would provide both wayfinding and identification for a new restaurant, with the sign located in roughly the same space as a previous sign. The number of tenants on the building and the way sign area is determined on this building both contribute to the importance of this Modification to properly identify the use and integrate the building with the pedestrian plaza adjacent.
- B5, Make Plazas, Parks and Open Spaces Successful. The new sign will identify a new restaurant adjacent to the pedestrian plaza onsite. It will be located above a new main entrance to the restaurant and will face the plaza. This orientation to the plaza and the wayfinding service the sign will provide will help to integrate the building with the pedestrian realm and energize the successful plaza further.
- C1-2, Integrate Signs, C13 Integrate Signs and C3, Respect Architectural Integrity. C1-2 calls for signs that “integrate with the scale, color and articulation of the building design.” The new sign does this thoughtfully, and works within the design context of the building. The proposed sign will be located on an architectural element that was designed for signage and has been without signage since the previous restaurant closed.

Given the existing definitions that end up limiting the sign area for this building; the scale of the buildings on the site; and the moderate scale of the requested sign, this criterion is met.

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. Each purpose statement will be addressed separately.*

- *To ensure that signs and awnings are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;*

**Findings:** The sign is designed from quality materials for permanence. The Modification to overall size allocation of the building’s signs does not impact the safety or quality of the proposed sign.

- *To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;*

**Findings:** The proposed sign faces inward into the site and will not be visible from adjacent properties. The proposed sign enables the new restaurant in the annex building to the Moda Center to advertise itself.

- *To reflect and support the desired character and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;*

**Findings:** The site’s use is Major Event Entertainment. The desired character is one that creates a celebratory environment while highlighting the pedestrian scale. The proposed sign contributes to an attractive environment by defining the south end of



the annex building and reinforcing a connection between the new main entrance at the southeast corner of the building with the pedestrian plaza. The sign also continues the simple design elements created by the tenant improvement projects approved in 2013.

- *To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area; and*

**Findings:** As discussed above, the site and the buildings on the site are large in scale and designed for large spectator events with thousands of people flocking to the site. Given this context, the signage on the Annex Building is reserved overall. This new restaurant requests only one 100-square-foot sign, placed on an architectural element designed for signage, facing an internal pedestrian plaza. The signs on the Annex Building in general are only minimally visible from surrounding streets. The new sign will serve as identification for a new restaurant but is understated and will not dominate views or the site.

- *To ensure that the constitutionally guaranteed right of free speech is protected.*

**Findings:** This review does not include a review of content. As per Sign Code Section 32.38.010.C, this design review is only considering the design details of proposed signage including, color, typeface, materials, location, attachments, lighting. The Modification request does not impinge on free speech rights granted by the Constitution of Oregon or the United States.

This criterion 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 proposal adds visual interest and wayfinding to the existing annex building on the Moda Center site. The sign will serve to delineate and activate the human scale adjacent to the pedestrian level and surrounding plazas and walkways. The changes that have been made to the proposal over the course of this review process have been positive. What has resulted is a proposal that is fully consistent with the applicable approval criteria.

The site is comprised of more than 15 typical city blocks, can serve thousands of patrons at one time, and hosts a variety of events each year. The very nature of this facility as a civic landmark justifies its need for a signage allowance that matches its scale. Title 32 understands these needs and allows Modifications to certain development standards by virtue of its Major Event Entertainment status. The application requests a Modification to development standards to allow additional sign area; all approval criteria are met with the proposal.

In summary, the proposal will contribute to the pedestrian scale of the site and will identify a new use in the annex building. The package meets the design guidelines and should be approved. The Modification requested better meets the design guidelines and address the purpose of the sign regulations and should be approved.

## ADMINISTRATIVE DECISION

Approval of a new 100-square-foot sign with dimensions 16 feet 8 inches wide by 6 feet tall for a new restaurant located in the southern portion of the Moda Center Annex Building in the Lloyd Subdistrict of the Central City Plan District; and

Approval of a Modification to 32.32.020 to allow the overall sign allocation for the building to be increased from 171.325 square feet to 556.625 square feet; and

Approval is per Exhibits C.1 through C.3, signed and dated April 4, 2014, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-110829 DZM."

**Staff Planner: Amanda Rhoads**

**Decision rendered by:** Kimberly Tallant **on (April 4, 2014.)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 8, 2014**

**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 January 28, 2014, and was determined to be complete on February 28, 2014.

*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 January 28, 2014.

*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: June 29, 2014.**

**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 April 22, 2014** 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 [www.portlandonline.com](http://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 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **April 23, 2014 (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.

**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:

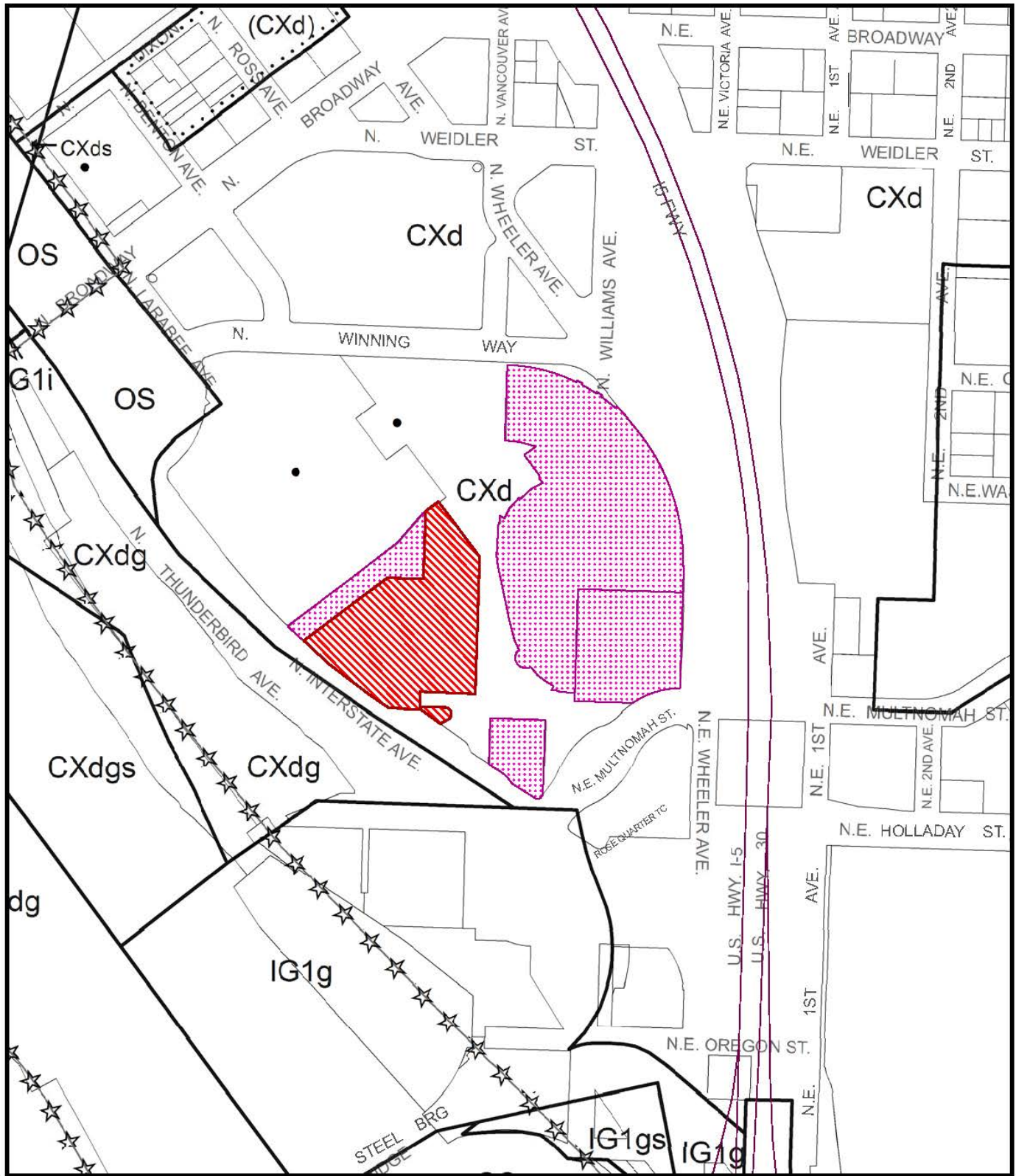
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submission, January 28, 2014
  - 2. Revised Submission, February 21, 2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. East Elevation (attached)
  - 3. Sign Design (attached)
  - 4. South Elevation
  - 5. First Floor Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety (Building Code) Plans Examiner
- F. Correspondence: none received
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter, February 6, 2014

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



# ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**LLOYD DISTRICT**

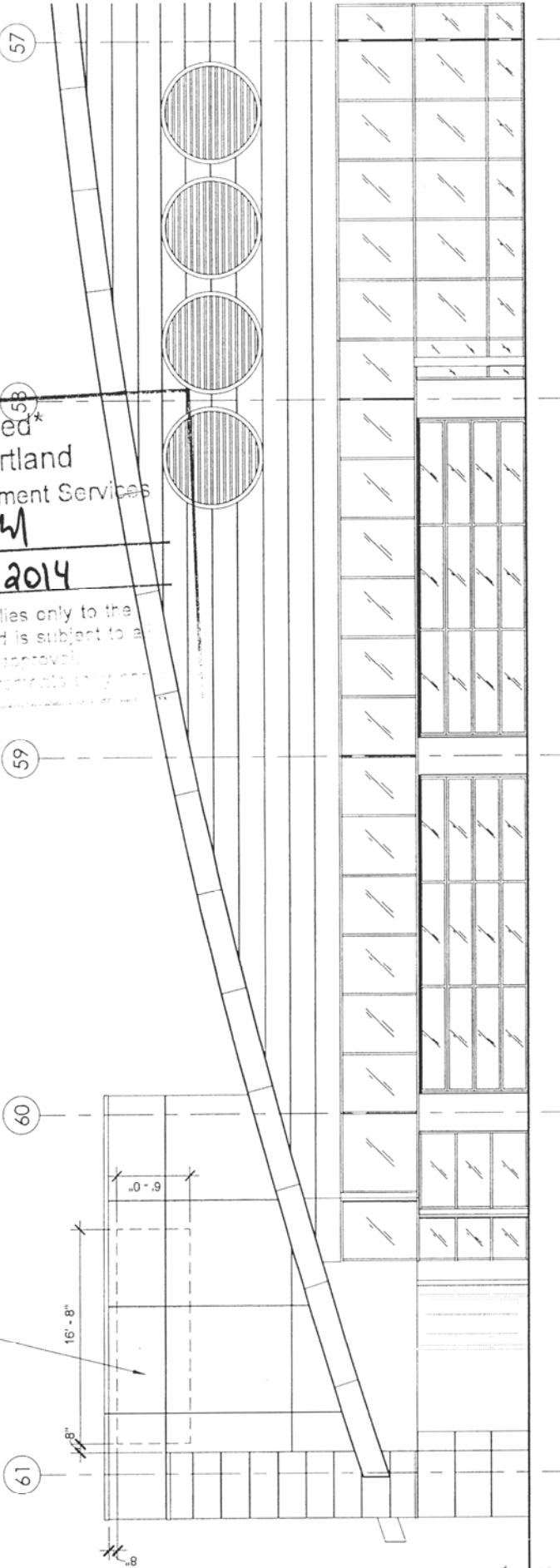
File No. LU 14-110829 DZM  
 1/4 Section 2930  
 Scale 1 inch = 300 feet  
 State\_Id 1N1E34AB 1400  
 Exhibit B (Feb 06, 2014)



PROPOSED SIGNAGE CALCULATION  
 456.625 SF (EXISTING SIGNAGE AREA)  
 100 SF (PROPOSED SIGNAGE AREA)  
 556.625 SF (TOTAL SIGNAGE AREA)  
 -171.375 SF (ALLOWABLE SIGNAGE AREA)  
 +385.25 SF (OVER ALLOWED AREA)

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner Ad M  
 Date April 4, 2014  
 This approval applies only to the  
 follows requested and is subject to all  
 conditions of approval.

PROPOSED SIGNAGE LOCATION



CASE NO. 14-110829 02  
 EXHIBIT C.2

1 EAST ELEVATION - NEW CONSTRUCTION



**TUBE ART GROUP**  
 Attention: Office  
 1400 N.W. 12th Street, Suite 100  
 Miami, FL 33136  
 Tel: 305.551.1133  
 Fax: 305.551.2654  
 Fax: 305.551.9393

This proposal is subject to approval by the City of Portland Development Services Bureau. It is not to be construed as a contract. It is not to be used without permission of Tube Art Group.

152760  
 123102  
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 JACK BERRY  
 TONY MAXWELL  
 02/24/2014  
 02/24/2014  
 02/24/2014  
 02/24/2014

1 Approved  
 1 Approved with Changes Made

Comments:  
 Date:  
 Approved by:  
 Date:

Dr. Jack  
 Mike Center  
 Portland, OR

This drawing is the property of Tube Art Group. It is not to be reproduced, copied, or used in any way without the written permission of Tube Art Group. Tube Art Group is not responsible for any damage to property or injury to persons resulting from the use of this drawing.



1 Elevation View - Illuminated Wall Sign  
 Scale: 1/4" = 1'-0"  
 100 S&E FL



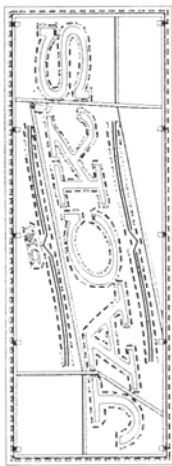
3 Night View - Illuminated Wall Sign  
 Scale: 1/4" = 1'-0"

**Manufacture and install one (1) single face halo illuminated wall sign**

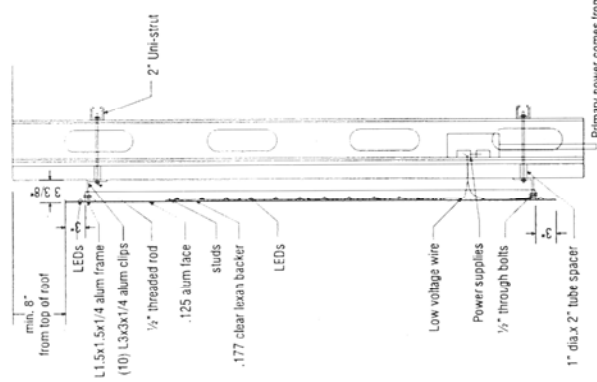
Frame: L1.5x1.5x1/4 aluminum, open back, attached to wall with L3x3x1/4 aluminum clips.  
 Face: .125 aluminum, routed out graphics, backed with .177 clear lexan behind letters and graphics.  
 Illumination: GE Teira Max 7100K White LEDs, mounted to back of face shining onto wall. Illuminates wall behind letters and at perimeter with white wash. LEDs are IP 66 UL rated. Power supplies will need to be mounted behind wall. Verified that there is access panel in ceiling behind wall.  
 Installation: Attach to Drivit wall surface with 1/2" threaded rods, tube spacers, and Uni-strut behind wall. Attach frame to clips with 1/2" through bolts.

**\*Approved\***  
**City of Portland**  
 Bureau of Development Services  
 Planner And M  
 Date April 4, 2014

\* This approval applies only to the revisions requested and is subject to all conditions of approval. Any final zoning requirements may apply.



2 Section View - LED Pattern  
 Scale: 1/4" = 1'-0"



4 Section View - Illuminated Wall Sign  
 Scale: 3/4" = 1'-0"

CASE NO. Lu 14-110824 02m  
 EXHIBIT C.3