

To:



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: December 19, 2016

Interested Person Mark Moffett, Land Use Services From:

503-823-7806 / Mark.Walhood@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision.

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 16-258075 AD

GENERAL INFORMATION

Applicant: Cyndi Kracke

Security Signs

2424 SE Holgate Blvd Portland, OR 97202

Run Our Dream LLC **Property Owner:**

> 1157 Federal Ave E Seattle, WA 98102-4314

Site Address: 2815 SW BARBUR BLVD

Legal Description: BLOCK 74&75 TL 2300, CARUTHERS ADD

Tax Account No.: R140907550 State ID No.: 1S1E09AA 02300

Quarter Section: 3328

Neighborhood: South Portland NA, contact Jim Gardner at 503-227-2096.

Business District: South Portland Business Association, contact Kevin Countryman at

503-750-2984.

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

CN2d (Neighborhood Commercial 2 base zone with Design overlay Zoning:

zone), R1d (Multi-Dwelling Residential 1,000 with Design overlay)

Case Type: **AD** (Sign Code Adjustment)

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

Commission.

PROPOSAL: The applicant is in the process of working with Under Armour, a sports apparel company, to design and develop building signage for a new office building in the former Metro YMCA Building next to Duniway Park. The proposed fascia sign would be located on the east

façade facing SW Barbur Boulevard, approximately in the same location as a large back-lit "Y" sign was back before the YMCA closed down. The proposed fascia sign is in the form of a graphic element consisting of two interlocked U-shape elements (the Under Armour logo). With outside dimensions of 11 feet 3.33 inches wide by 6 feet 7.75 inches tall, the sign measures 74.95 square feet in size. The sign design includes a shallow metal cabinet with interior illumination, solid metal sides, and a white translucent polycarbonate face which illuminates at night.

Sign Code regulations of the CN2 base zone limit the maximum size of any one individual fascia sign to no more than 50 square feet (32.32.020/Table 2). As proposed, the sign measures 74.95 square feet. Therefore, the applicant has requested an Adjustment to increase the size of the proposed Under Armour fascia sign from 50 to 74.95 square feet.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 32, Signs and Related Regulations. The relevant criteria are found at **32.38.030.C** – Sign Code Adjustment Review Approval Criteria.

ANALYSIS

Site and Vicinity: This 74,590 square foot site has frontage on SW Barbur Boulevard at the intersection with SW Hooker Street. The site is directly south of Duniway Park, and is developed with a former YMCA health club which was originally built in the 1970's. The site backs up to the steep slopes of the west hills just behind the building, which rise up west of the site towards Terwilliger Boulevard and the Oregon Health Sciences University. The site is presently under construction, as the former health club building is being converted into office space.

The surrounding area is primarily residential in character, with properties south of the site west of Barbur including homes, apartment buildings, and smaller residential duplex and triplex structures. East of Barbur the neighborhood is also primarily housing, with some interspersed commercial, light industrial and institutional uses. Lair Hill Park is located diagonally across the street from the site on the opposite intersection of SW Barbur and Hooker.

The City of Portland Transportation System Plan (TSP) designates SW Barbur Boulevard as a Regional Transitway and Major Transit Priority Street, City Bikeway and City Walkway. Southwest Hooker Street is a Local Service street for all modes in the TSP.

Zoning: The majority of the site is located in the Neighborhood Commercial 2 (CN2) zone. The CN2 zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Development is expected to be predominantly auto accommodating, except where the site is adjacent to a transit street or in a Pedestrian District.

A small area of land in the southeast corner of the site is located in the Residential 1,000 (R1) zone. The R1 zone is a medium density multi-dwelling zone. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Design or "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. At this site within the Terwilliger Parkway Design District, Design Review is not required if the proposal, like the sign at question in this Sign Adjustment case, is not visible from SW Terwilliger Boulevard.

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

CU 087-75: Conditional use approval for the Metro Family YMCA;

DZ 29-75: Design review approval for the Metro Family YMCA;

VZ 223-75: Variance approval to reduce the east front yard from the required 10' to 2'.

CU 052-82: Conditional use approval for a sign;

LU 04-044850 DZ: Design review approval for a new arch-shaped, translucent fiberglass-reinforced panel roof system;

IQ 15-171319 ZE: Zoning Map Error request: change R1d to CN2d; no action yet taken; LU 15-205150 DZM: Design review and modification approval for exterior alterations and renovations to the existing building, involving conversion of the health club to office space; LU 16-185068 DZM: Design review and modifications for vertical expansion of previously-approved office conversion project with a new upper floor. Decision of approval is pending, following Design Commission support of the project at the final December 1, 2016 hearing; LU 16-186417 CP ZC: Comprehensive Plan Amendment and Zone Change Review, currently under consideration, to allow the zoning on the site to change from CN2 to CS. First hearing will be scheduled with the Hearings Officer in early 2017.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 8, 2016**. The following Bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and responded without objection to the requested Sign Adjustment. This project creates or redevelops less than 500 square feet of impervious surface, and therefore the pollution reduction and flow control requirements of the City of Portland Stormwater Management Manual are not triggered. Exhibit E.1 contains staff contact and additional information.

The *Development Review Section of Portland Transportation* (PBOT) has reviewed the proposal and responded that there are no transportation-related approval criteria for this Sign Adjustment. If the scope of work remains the same during the building permit process, PBOT will have no requirements or concerns. Exhibit E.2 contains staff contact information.

The Life Safety Section of the Bureau of Development Services has reviewed the proposal and provided standard comments regarding permitting and applicable Building Codes, but no comments or concerns specifically regarding the proposed sign. A separate Sign Permit will be required for the project, and the proposal must be designed to meet all applicable Building Codes and ordinances. Exhibit E.3 contains staff contact and additional information.

The following bureaus have responded to the proposal without comment or concern:

- The Water Bureau (Exhibit E.4);
- The Fire Bureau (Exhibit E.5); and
- The Site Development Section of the Bureau of Development Services (Exhibit E.6).

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the mailed Notice of Proposal.

ZONING CODE APPROVAL CRITERIA

Title 32.38.030.C Sign Code Adjustment Approval Criteria

A. Purpose. Sign Adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.

- **B. Procedures**. The Adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign Adjustments. However, the approval criteria of this section are used, rather than of those of Chapter 33.805 of the Zoning Code.
- **C. Approval criteria**. Sign Adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or C.2, below are met.
 - 1. Area enhancement. The applicant must meet criteria C.1.a. and b. and either C.1.c. or d.
 - a. The Adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and

Findings: The applicant has requested an Adjustment to allow the proposed fascia sign to be just under 50% larger than the maximum allowable sign size under the Sign Code. With a sign of 74.95 square feet, the sign exceeds the maximum standard by only 24.95 square feet.

Street-level sign clutter

There is no other proposed signage at the site, other than simple address number lettering. The modern building design at the site presents one long, massive rectangular wall to the primary frontage on SW Barbur Boulevard, curving westwards as the building façade turns to face Duniway Park. This east façade has over 15,000 square feet of wall area, and the proposed sign occupies less than 0.5% of this wall plane. The modern rectilinear design of the building originally had a much taller three-story back-lit "Y" sign in this same location, installed at the time of the original Metro Family YMCA construction. In the context of the existing building scale, and with approximately 400 lineal feet of frontage along SW Barbur including only one fascia sign on the building, the proposal will not significantly increase or lead to street level sign clutter.

Adversely dominating the visual image of the area

As discussed under the findings above for sign clutter, the proposed sign is proportionally appropriate for the large building on which it is located, and will not create street-level sign clutter. The visual image of the area in the immediate vicinity is one of both large and small buildings nestling up against the steeply-sloping, forested hillsides between Barbur and Terwilliger Boulevards. The proposed sign is appropriately scaled for the building on which it is located, and the sign itself is of a simple, modest design that will not include flashing or colorful lights, but rather a simple internally-lit white logo. The overall visual image of the area will continue to be one of buildings up against a hillside, and the sign will not adversely dominate of alter this overall visual image of the area.

Plan district or design district objectives

The sign is not located in any plan district boundary. The sign is located in the Terwilliger Parkway Corridor design district, where the "d" or Design overlay zone is applied. However, the proposed sign will not be visible from SW Terwilliger Boulevard, and therefore is exempt from the Design Review requirement for projects in this design district. No changes to the wooded, sylvan character of SW Terwilliger Boulevard will result from the proposed sign size Adjustment.

Based on the above findings, this criterion is met.

b. The sign will not create a traffic or safety hazard; and

Findings: As stated above, the proposed sign is modestly-scaled in the context of the large building upon which it is located. The proposed sign is also significantly smaller than the original "Y" sign that was located in the same area of wall when the Metro Family YMCA was originally constructed. The simple logo sign on the building wall in this location is not likely to be visually prominent for passing motorists. Portland Transportation has reviewed the sign and responded without concerns or objections. Therefore, this criterion is met.

- c. The Adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
- d. The Adjustment will allow a sign that is more consistent with the architecture and development of the site.

Findings for d: The proposed sign is of an appropriate size for the large, rectilinear and modern building on the property. The building was originally designed with a much larger "Y" sign in the same location as the proposed sign. Occupying less than 0.5% of the east elevation wall plane, and with over 400 lineal feet of street frontage along SW Barbur, the modest sign as proposed is more consistent with the architecture and development of the site than would be a smaller sign of only 50 square feet, which would feel overwhelmed by the large, spare street-facing façade.

Therefore, the proposed sign area Adjustment will allow a sign that is more consistent with the architecture and development of the site. This criterion is met.

2. Site difficulties.

Findings: The applicant is pursuing the Sign Adjustment criterion identified under Paragraph C.1 versus C.2. The applicant has not demonstrated or argued that site difficulties preclude the site from being visible. Therefore, this criterion does not apply.

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 applicant has proposed a modest sign on the former Metro Family YMCA, which is being converted to office use for a sports apparel company. The proposed sign is significantly smaller than the much larger back-lit "Y" sign which used to occupy the same location on the east façade, and is in context with the massive building scale and lengthy street frontage. Because the proposal does not lead to street-level sign clutter or adversely dominate the visual image of the area, the request is able to meet the relevant criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an **Adjustment** to the maximum sign size limits in the Portland Sign Code, increasing the maximum size of a fascia sign on the building at 2815 SW Barbur Boulevard from 50 to 74.95 square feet (32.32.020/Table 2), per the approved plans and drawings, Exhibits C.1 through C.9, all signed and dated December 14, 2016, and subject to the following condition:

A. As part of the Sign Permit application submittal, all permit drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-258075 AD. No field changes allowed."

Staff Planner: Mark Moffett

Decision rendered by: ______ on December 14, 2016.

By authority of the Director of the Bureau of Development Services

Decision mailed: December 19, 2016

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 October 13, 2016, and was determined to be complete on November 3, 2016.

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 October 13, 2016.

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 March 2, 2017.**

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 January 3nd, 2017** (the appeal period would normally end on January 2nd, but must be extended by 24 hours due to the New Years Day Holiday) at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk

of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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.

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 January 4rd, 2017 (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:

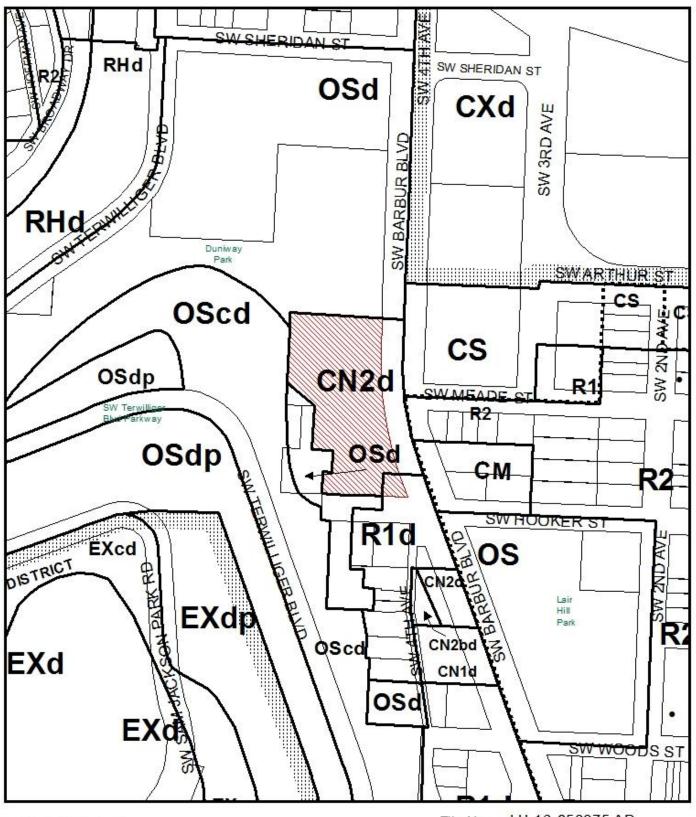
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. East Elevations (attached)
 - 3. Sign Elevation and Section Details (attached)
 - 4. Exploded Sign Details with mounting, illumination and materials details (attached)
 - 5. Color photo renderings
 - 6. Large, scalable east elevations
 - 7. Large, scalable sign elevation and section details
 - 8. Large, scalable exploded sign details with mounting, etc.
 - 9. Large/scalable site plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Development Review Section of Portland Transportation
 - 3. Life Safety Section of the Bureau of Development Services
 - 4. Water Bureau
 - 5. Fire Bureau
 - 6. Site Development Section of the Bureau of Development Services
- F. Correspondence (none received at time of decision mailing)
- G. Other:
 - 1. Original application form and receipt

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

Historic Landmark

File No. LU 16-258075 AD

1/4 Section 3328

Scale 1 inch = 200 feet

State_Id 1S1E09AA 2300

Exhibit B (Oct 24, 2016)



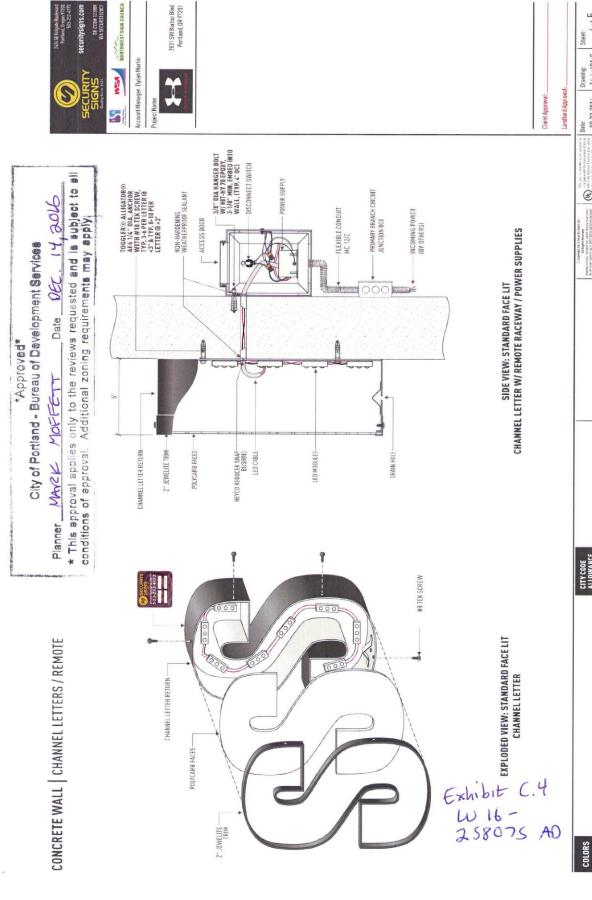
16-258075

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EXTERIOR | BUILDING IDENTIFICATION

LU16-258075DZM

LU16-258075DZM



4 of 5 Drawing: 16-jw181r2 Date: 09.22.2016 (b) six is obselled strategered best offer an action file