



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

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

To: February 20, 2009

To: Interested Person

From: Breah Pike-Salas, Land Use Services

503-823-6825 / Breah.Pike-Salas@ci.portland.or.us

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

The Bureau of Development Services has denied a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-159043 HDZ, SMART PARK GARAGE SIGN

GENERAL INFORMATION

Owner: City of Portland

1120 SW 5th Ave #1204 Portland, OR 97204

Applicant: Dan Osterman, Tube Art Displays Inc

4243-A SE International Wy Milwaukie OR, 97222

503.653.1133

Consultant: Todd Pierce, Pictoform

1288 Vernon Dr

Vancouver Bc, V6a 4c9

Site Address: 33 NW DAVIS ST

Legal Description: TL 100 BLOCK 7 ALSO SEE -0031, COUCHS ADD

Tax Account No.: R180200030

State ID No.: 1N1E34DB 00100

Quarter Section: 3030

Neighborhood: Old Town-China Town, contact Carol McCreary at 503-984-4081. **Business District:** Old Town Chinatown Business Association, contact Dorian Yee at

503-224-7066.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - River District

Zoning: CXd, Central Commercial Zone with a Design Overlay

Case Type: HDZ, Historic Design Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal: The applicant seeks historic design review approval for a new double face non-illuminated projecting sign located on the south side of the Smart Park Garage along the N.W. Davis Street frontage. The proposed sign will be located at the midpoint of the building between the 2^{nd} and 3^{rd} floors above existing awnings and will replace a non-permitted sign currently in this location. The proposed sign measures 3'-11.5" in width by 5'-0" in height and is 2" thick.

New signs located on a building in a historic district require Historic Design Review.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Skidmore/Old Town Design Guidelines
- River District Design Guidelines
- 33.846 Historic Reviews

ANALYSIS

Site and Vicinity: The site is located within the River District Sub-district of the Central City Plan District. The site is developed with a parking garage in the Skidmore/ Old Town Historic District. The garage is brick with a stucco finish and has cast iron detailing. The site is located on the façade fronting NW Davis Street and First Avenue. First Avenue is the location of the Max light rail, and NW Davis is classified as a Local Service Bikeway. The site is located in the North of Burnside Pedestrian District.

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.

The <u>Historic Resource Protection overlay zone</u> is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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

DZ 29-82 /HLDZ 38-82: Design Review denial to develop the site with a mixed-use structure containing retail commercial, office and residential use.

HL 17-87: Design Review approval of final materials and details for a four-story, 410-space public parking structure with a rooftop public helistop.

CU 42-87: Conditional Use approval of a four-story, 410-space public parking structure with a rooftop public helistop.

LUR 94-00689 DZ: Design Review approval for the addition of awnings with signage for the Smart Park Garage.

LUR 95-00794 DZ: Temporary installation of Smart Park banners. This application is pending.

LUR 98-00109 PR: Approval for the addition of 51 visitor parking spaces, through restriping and valet services, for a total of 461 parking spaces in the Old Towne Garage.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **November 26, 2008**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 26, 2008**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

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

Findings: The site is located within the Skidmore/Old Town Historic District. Therefore, the proposal requires historic design review approval. The relevant approval criteria are the Skidmore/Old Town Design Guidelines. The site is also located within the River District and the Central City Plan District, the relevant approval criteria are also the River District Design Guidelines and the Central City Fundamental Design Guidelines.

I. Skidmore/Old Town Design Guidelines

Approval criteria:

- I. Color. The colors used in alterations or additions within the District shall be visually compatible with the traditional architectural character of the historic buildings within the area.
- J. Signs. Exterior building signage should be visually compatible with the traditional architectural character of the historic buildings in the District. A variety in signage is encouraged, incorporating excellence in graphic design and lettering, careful color coordination with the building, good mounting, readability, and materials, all of which are compatible with and sensitive to the character of the building.

Lighting may also be permissible which is creative without being overwhelming. Sign design should be done in an "identification" sense rather than an "advertising" sense.

Findings for I and J: Signs in the Skidmore/Old Town Historic District are encouraged to be visually compatible with the architectural character of its building. The newly proposed sign is a non-illuminated simple rectangular shape which is visually compatible with the rectangular shape and simple architectural characteristics of the parking garage. The Skidmore/Old Town Historic District Guidelines emphasize the

use of neutral colors such as brown and greens for the district. Colors were carefully selected in the design of this new sign so as to provide a cohesiveness between it and other accessory elements of the building such as the awnings located at the entrance off N.W. Davis Street. Due to the simple design with careful color placement, the new sign will blend with the existing architecture and enhance the identification of the building while being sensitive to the historic neutral colors in the Skidmore/Old Town District. *Therefore, these guidelines are met.*

II. River District Design Guidelines and Central City Fundamental Design Guidelines

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

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

River District Design Goals

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

Central City Fundamental Design Goals

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

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

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

A5. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local

character within the right-of-way. Embellish an area by integrating elements in new development that building on the area's character. Identify an area's special features or qualities by integrating them into new development.

- **A5-1. Reinforce Distinct Areas.** Enhance the qualities that make each area distinctive within the River District, using the following "Area Design Guidelines" (A5-1-1-A5-1-8).
- A5-1-5. Use the Skidmore / Old Town Historic District Design Guidelines for projects located within the Historic District to reinforce the identity of the district.
- **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.
- **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 A4, A5, A5-1, A5-1-5, C3, C5, and C13:

The new Smart Park sign will consist of a rectangular shaped double faced, non-illuminated projecting sign. This new identifier maintains the style and design of the architectural character found in the Smart Park parking garage.

The proposed blade sign consists of a 2" thick, 5' tall by 3'-10" wide aluminum rectangle with applied vinyl graphics located just above existing awnings and projecting a total of 4' over the right of way. This new sign is strategically designed to blend with existing architecture, as well as accessory elements such as the awnings located on the subject building by the use of color and its placement on the building centered at an architectural column and placed above existing awnings. A common visual link can be established between the new sign and the existing structure.

Respect to and compatibility with the character of the existing architecture is successfully accomplished by this new sign retaining the simplistic blade style design that complements existing architecture. By incorporating the sign design as a simple rectangular flat blade sign, coherency is achieved. This proposal utilizes a durable building material such as aluminum that promotes permanence and long-lasting quality.

As a result of the careful design and placement of this proposed sign above existing awnings, the Portland skyline will not be visually impacted.

These guidelines are met.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Finding: The existing building continues to be used for vehicular parking and will not change as a result of this approval. The new sign is proposed to be located within an architectural column respecting the architectural lines of the buildings. *This guideline is met.*

B1. Reinforce and Enhance the Pedestrian System.

Maintain a convenient access route for pedestrian travel where a public right-of-way exists or have 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 rights-of-way system through superblocks or other large blocks.

Finding: The existing entrance into the Smart Park garage will remain from N.W. Davis Street. Proposed signage mounted on the existing architectural column of the building

and projecting a maximum of 4' over the sidewalk improves the identification of the building for pedestrians along N.W. Davis Street. *This quideline is met.*

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Finding: Pedestrian experiences at the sidewalk adjacent to the Smart Park garage will have an added element of visual interest with this proposal. The simplistic design of the sign centered at an existing column of the building adjacent to N.W. Davis Street are of a human scale and are in direct proportion with the existing columns, relating to the architecture of the building. Therefore, the new sign will not detract from the pedestrian experience, but rather enhance the sidewalk level of the building. *Therefore, this guideline is met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The historic 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 new signage contributes to the overall sign program for the Smart Park garage. The proposal meets the applicable design guidelines and approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a non-illuminated aluminum blade sign, 2" thick, 5' tall by 3'-10" wide, per the approved plans, Exhibits C-1 through C-5, signed and dated February 13, 2009, subject to the following conditions:

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 and C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-159043 HDZ. No field changes allowed."

Decision rendered by:

_ on February 13, 2009.

By authority of the Director of the Bureau of Development Services

Decision mailed: February 20, 2009.

Staff Planner: Breah Pike-Salas

Procedural Information. The application for this land use review was submitted on August 29, 2008, and was determined to be complete on **November 19, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the

application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on August 29, 2008.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case the applicant waive the 120-day review period.

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

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

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

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

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

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **February 23, 2009**. 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 503-823-7967.

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.

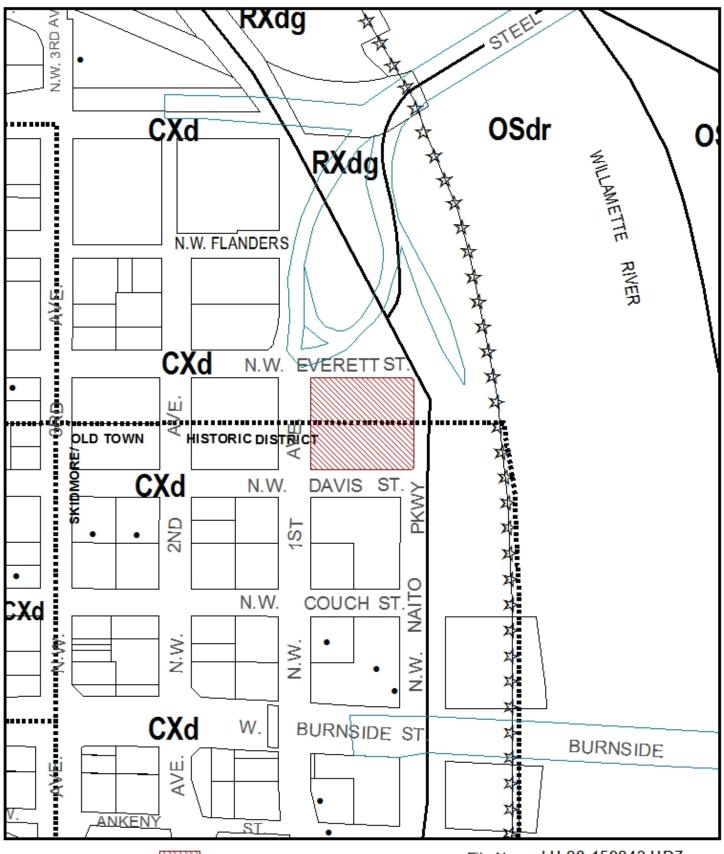
Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Plan (attached)
 - 3. Sign Detail (attached)
 - 4. Sign Mounting Detail (attached)
 - 5. Sign Mounting Detail (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING



Historic Landmark



This site lies within the: CENTRAL CITY PLAN DISTRICT File No. LU 08-159043 HDZ

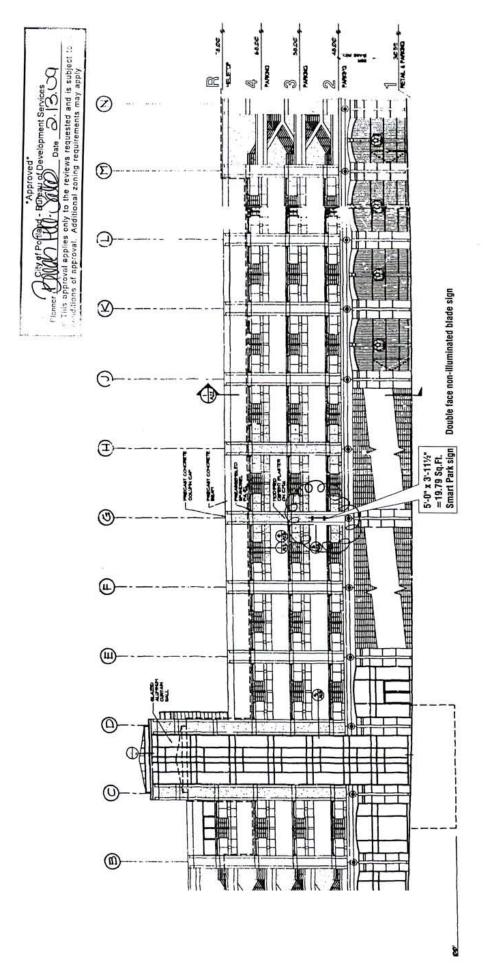
1/4 Section 3030

Scale 1 inch = 200 feet

State_Id N1E34DB 100

Exhibit B (Sep 03,2008)

LU 08-159043 HDZ Exhibit C-1



Smart Park NW Naito Pkwy & Davis St., Portland, OR CUSTOMER SIGNATURE LANDLORD SIGNATURE [] Approved |] Approved D A 1 E 1140

November 10, 2008

Allan Conant Garrett Mattimoe

February 09, 2009 RVISIONS

REVISIONS

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Colors on print do not accurately depict specified colors.

GUSTOWER NUMBER DRAWN BY 108395 Smart Park permitting R1 108395 GUOTE NUMBER Architectural & Electrical Displays 4243-A SE International Way Portion of 9722 Portion 0 B 9722 F EL 503-659-9181 **TubeArt**

O Scale: 1/16" = 1' - 0"

CASE NO. US: 1590-13HOZ EXHIBIT C-2

This original arthorit is protected whom freeder Copyright Laws. Make no reproduction of this design concept without permission from Indext. Colors no print do not accurately depict specified colors.

Smart Park

NW Naito Pkwy & Davis St., Portland, OR

CUSTOMER SIGNATURE LANDLORD SIGNATURE DATE DATE

[] Approved | REVISIONS November 10, 2008 0 A 1 E February 09, 2009 REVISIONS

This approval applies only to the reviews requested and is subject to additional zoning requirements may apply. City of Poffahd - Bergalu of Development Services

One (1) Double Faced Non-Illuminated Blade-sign, vinyl on both sides

2 x 2 Aluminum tube frame painted semi-gloss silver.

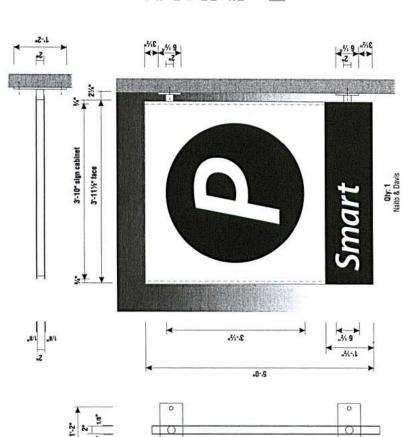
First and Second Sides: . 125 Aluminum faces pre-painted white, with 3M red, black, and white vinyl applied to first surface, vinyl to wrap around edges.

Faces to oversize sign frame on sides, faces to be flush with sign frame at top and bottom. Faces to be VHBd to frame.

2" dia. x. 250 Round support tubes welded to ½" x 6" x 14" mounting plate and painted semI-gloss silver. Mounting hardware to be determined.

5-0" x 3-111/2" = 19.79 Sq.Ft.

3M Cardinal Red



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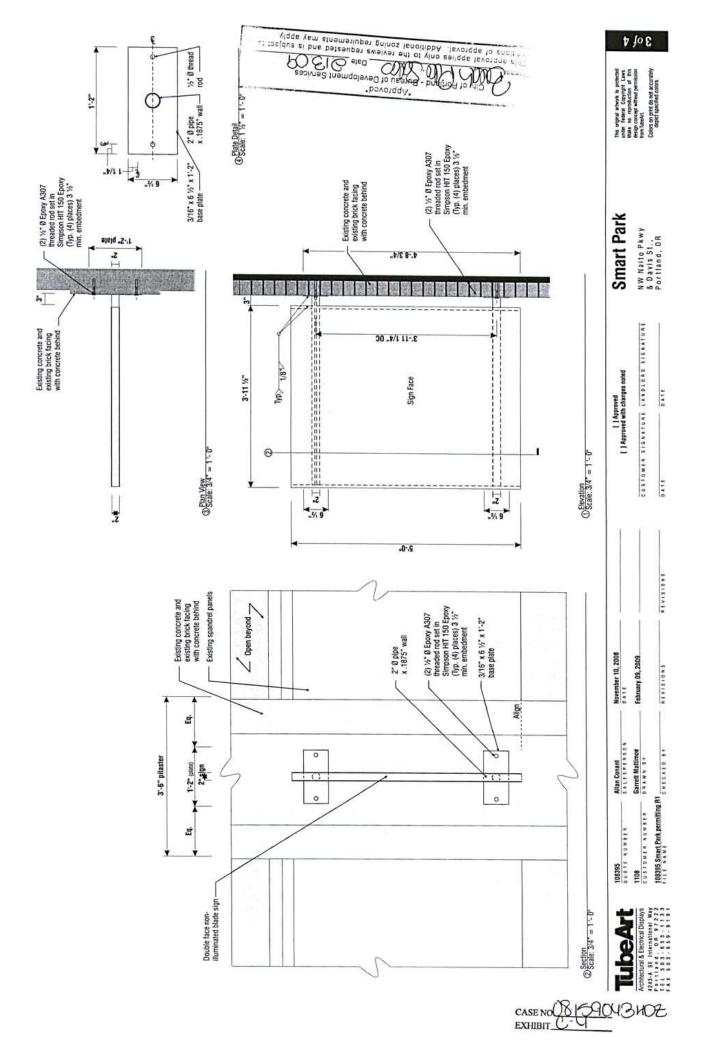
| 108395 | Allah Corant | 008395 | Allah Corant | 008395 | Allah Corant | 008395 | Corant | Allah Corant | 008395 | Corant | Allah Corant | 008395 | Corant | Corant

Elevation Scale: 3/4" = 1' -0"

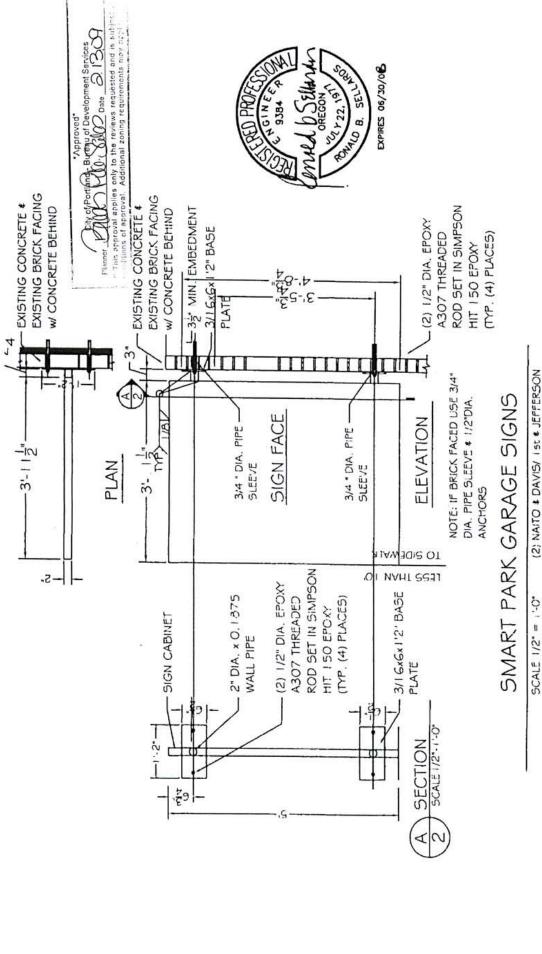
End View*

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CASE NO 08 159043 HOZ EXHIBIT <u>C-3</u>







Smart Park

[] Approved |] Approved []

November 10, 2008

Allan Conant

108395 0 U O T E N U M S E R

TubeArt

108395 Smart Park permitting R1

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NW Naito Pkwy & Davis St., Portland, OR

3140 REVISIONS February 09, 2009 REVISIONS

CUSTOMER SIGNATURE LANDLORD SIGNATURE 3140

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CASE NO ON 159043402 EXHIBIT C 5 EXHIBIT.