



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

Date: May 3, 2011

To: Interested Person

From: Tim Heron, Land Use Services

503-823-7726 / Tim.Heron@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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-117728 DZ RUTHS CHRIS PROJECTING SIGNS

GENERAL INFORMATION

Applicant: Harsch Investment Realty

1121 SW Salmon St Portland, OR 97205

LLC Series E

1121 SW Salmon St Portland, OR 97205

Representative: Terry Brown, Ramsay Sign Co

9160 SE 74th Ave Portland OR 97206

Site Address: 851 SW 6TH AVE

Legal Description: BLOCK 180 LOT 3-6, PORTLAND

Tax Account No.: R667718490 **State ID No.:** 1S1E03BB 02200

Quarter Section: 3129

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843. **District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown

Zoning: CXd, Central Commercial with design overlay **Case Type:** DZM, Design Review with a Modification request

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

Commission.

Proposal:

The applicant requests a Modification through Design Review approval for two 30 SF signs to project beyond the allowed 1'-0" maximum from the face of the existing building. The two projecting signs' edges will be 2'-6" away from the face of the building wall in order to be extend beyond the building's 2'-0" deep projecting bay windows.

The total sign projection into the ROW will be 4'-6" from the face of the building, and the signs will be approximately 15'-0" clear from the sidewalk grade.

Modification requested through Design Review:

• **32.32.030 Additional Standards in All Zones, E.5.b.** Placement. The edge of the projecting sign may not be more than 1 foot from the building wall.

Because the proposal is for two new signs projecting more than 1'-0" from the face of the building, a Modification through Design Review is required.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- 33.825.040 Modifications that will better meet Design Review

ANALYSIS

Site and Vicinity: The 20,000 square foot site is bounded by SW Broadway to the west, SW Taylor to the south, and SW 6th to the east, the remaining portion of the block includes two office towers, most notably the Jackson Tower to the north. The site lies within the Downtown Pedestrian District. Traffic Access Streets run along SW Taylor Street and SW Broadway Avenue and SW 6th Avenue is designated a Regional Transitway/Major Transit Priority Street.

The site is geographically located at the center of the Central Business District. There are projects underway nearby including Park Block 5, west of the site, and the just-approved Park Avenue Tower. As such, the pedestrian vitality of the vicinity will increase, as other retailers locate in this burgeoning retail district.

The 16-story 228,928 square foot Pacific First Center was built in 1981, the architect of note is Skidmore, Owings, and Merrill. Distinctive features of the building include a six-story grand entry lobby off of Southwest 6th Avenue, which has recently undergone a major renovation. Other distinctive features of the building include a stair-step massing pattern from the SW Broadway façade. The concrete slab, glass and aluminum structure conveys a smooth appearance, with distinct score lines delineating building floors. Window systems are horizontally oriented, with vertical bands punctuating the window treatment.

Zoning: The <u>Central Commercial Zone (CX)</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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay Zone [d] 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.

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

- 1. DZ 17-77 (reference file #: LU 77-004443) Incomplete application.
- 2. <u>CU 95-78</u>(reference file #: LU 78-003456) Approval for a 19-story office building with drive-in banking, underground parking and retail.
- 3. <u>CU 39-79</u> (reference file # LU 78-003457) Denial of a proposal to construct a below-grade parking facility and drive-in banking facility. On appeal to City Council, the Council upheld the denial of the drive-in facility but approved, with conditions, the parking facility.
- 4. <u>DZ 9-79</u> (reference file #: LU 79-005192) Design Review approval for construction of a new building.
- 5. <u>DZ 18-79</u> (reference file #: LU 79-005192) Denial overturned in appeal to City Council for a proposal to paint the building dark brown.
- 6. <u>VZ 251-81</u> (reference file #: LU 81-034706 and -034707) Approval of a FAR increase in order to add office space within the mezzanine.
- 7. <u>DZ 50-83 & DZ 60-84</u> (reference file #: LU 83-004843 &-004844) Approval for new canopy and signage.
- 8. <u>LUR 92-00830 DZ (reference file #: LU 92-009949)</u> Proposal for a screen wall around existing garage exhausts on Broadway: it was approved with conditions in 1992.
- 9. <u>LUR 93-00596 DZ</u> (reference file # LU 93-010595) Approval for new awnings, signs, and entrance enhancements (with conditions).
- 10. <u>LU 00-0061 DZ</u> (reference file #: LU 00-006616) Approval for installation of 5 new mechanical units on existing deck area.
- 11. <u>LU 00-00733 DZ</u> (reference file #: LU 00-007288) Proposal to install 3 new mechanical units on existing deck, 7th floor.
- 12. <u>LUR 00-00802 DZ</u> (reference file #: LU 00-007357) application for wireless antennae withdrawn.
- 13. <u>LU 07-185615 DZ</u> Design Commission approval for Approval for the renovation of the existing 16-story building including:
 - repainting of the tower white as indicated on plans;
 - Stone cladding along the first four stories of the SW Broadway façade, continuing onto the Taylor Street façade for two bays;
 - the SW 6th Avenue façade to include stone cladding at the entry bay, with the remaining base painted an accent color;
 - 8"x2" rectangular metal tube sections at 1'-0" on center will be attached to the taller tower element from the top of the tower to the base, terminating at the canopy;
 - Infill of existing 580 square foot courtyard off Broadway (resultant overall square footage added is 1,740 square feet);
 - Screened mechanical equipment to be placed on the 4th floor of the newly added bay.
- 14. <u>LU 10-202982 AD</u> approval for Adjustment to modify depth of existing loading dock.
- 15. <u>LU 11-117728 DZ</u> Current Design Review for a Modification request to extend the projecting signs beyond the face of the existing bay windows.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed April 4, 2011.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 4**, **2011**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

DESIGN REVIEW (33.825) 33.825.010 Purpose

Design Review ensures:

• That development conserves and enhances the recognized special design values of a site or area;

- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the Central City Plan District, the applicable approval criteria are listed in Chapter 33.510, and applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. The Central City Fundamental Design Guidelines 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.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River 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.

Modification Requests (33.825)

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.

Modification Request: 32.32.030 Additional Standards in All Zones, E.5.b. Placement. The edge of the projecting sign may not be more than 1 foot from the building wall.

The applicant requests a Modification through Design Review approval for two 30 SF signs to project beyond the allowed 1'-0" maximum from the face of the existing building. The two projecting signs' edges will be 2'-6" away from the face of the building wall in order to be extend beyond the building's 2'-0" deep projecting bay windows.

The total sign projection into the ROW will be 4'-6" from the face of the building, and the signs will be approximately 15'-0" clear from the sidewalk grade.

33. 32.32.030 Additional Standards in All zones (Signs & Projecting Canopies):

Purpose Statement: 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:

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

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

Findings: The proposal to project the signs further than one foot is due to an existing condition of projecting bay windows along the SW Broadway and SW Taylor Street frontage. The existing bay windows that flank both sides of the proposed sign locations project 2'-0" out from the face of the building. The two 30 SF signs [not specifically subject to this review due to their 30 SF area], are located on-center with the structural columns between

the bay windows at the second floor level – both a logical and aesthetically appropriate location for projecting blade signs along this SW Broadway corridor.

While the signs project 2'-6" from the face of the building, the sign area projects only 6-inches from the face of the 2'-0" projecting bay windows, for a total sign face projection of 4'-6" from the face of the building – a modest and reasonable projection to allow for adequate blade sign visibility and otherwise a typical projection from the face of the building wall. Not allowing the additional 2'-0" projection from the face of the building to "clear" the projecting bay windows would effectively screen the signs from view at the oblique street level, rendering them ineffective at this desired height and placement for signage at SW Broadway Street.

The sign locations are fully integrated into the design of the building by their placement and reinforces the presence of the entryways and restaurant frontage along the street. The additional projection does not interfere with transportation movement or clearance from utilities in the ROW.

Due to the well-integrated design of the signs' placement, the modest project in consideration of the projecting bay windows, the applicable design guidelines A5 Enhance Embellish and Identify Area, B1. Reinforce and Enhance the Pedestrian System, C3. Respect Architectural Integrity, C10 Integrate Encroachments, C13 Integrate Signs, and the purpose of the standard, are equally or better met.

Therefore, this modification merits approval.

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.

ADMINISTRATIVE DECISION

Approval of Modification through Design Review to 32.32.030.E.5.b. Placement to allow two 30 SF projecting signs to project 2'-6" from the face of the existing building.

Approval per Exhibits C-1 through C-5, signed and dated April 29, 2011, 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-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-117728 DZM. No field changes allowed."

Staff Planner: Tim Heron

Decision rendered by:

By authority of the Director of the Bureau of Development Services

On April 29, 2011

Decision mailed: May 3, 2011

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

Procedural Information. The application for this land use review was submitted on March 3, 2011, and was determined to be complete on **April 4, 2011**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 3, 2011.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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 May 17, 2011** 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.

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

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

Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after May 18, 2011 (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

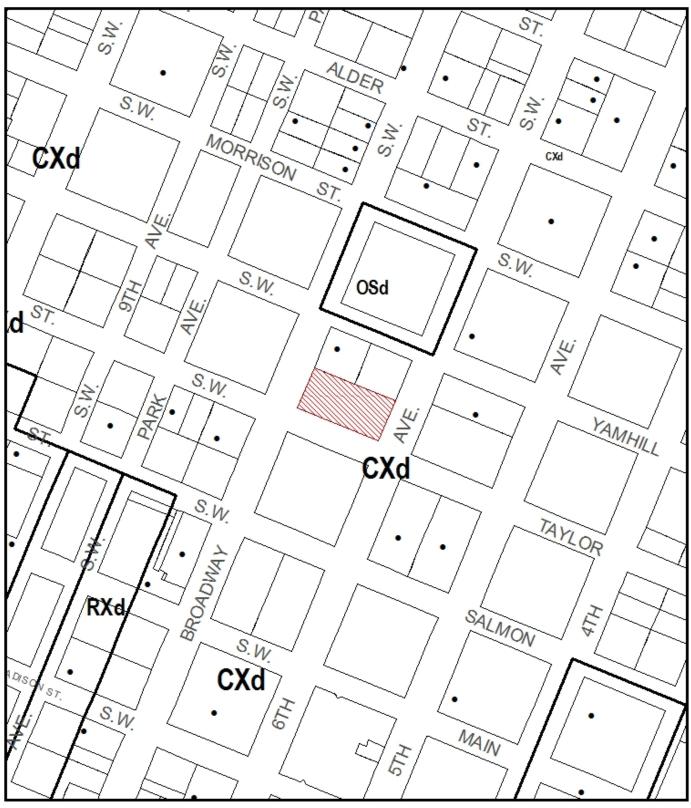
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Partial South Elevation (attached)
 - 3. Partial West Elevation (attached)
 - 4. Enlarged Blade Sign Details
 - 5. Blade Sign Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



ZONING



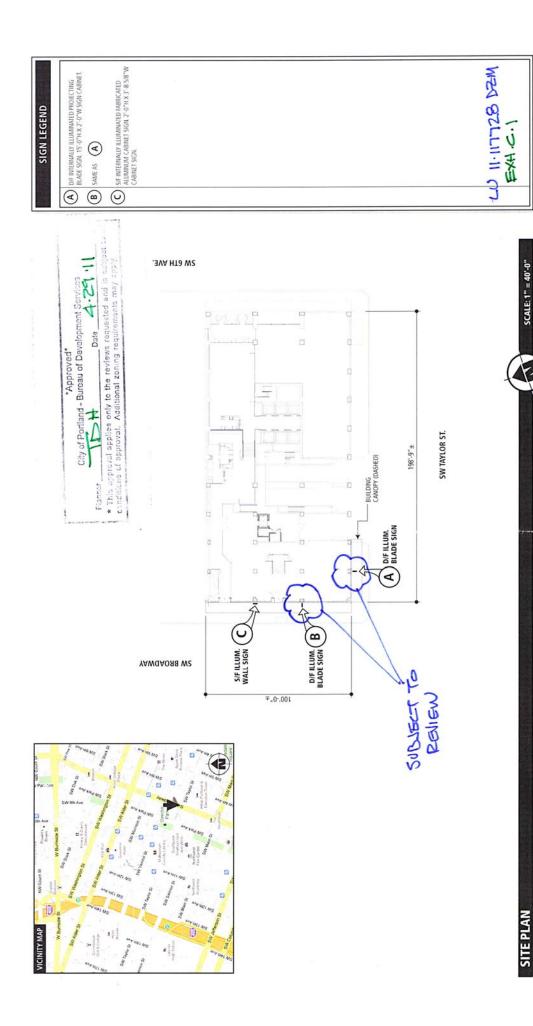
Historic Landmark

↑ NORTH

This site lies within the: CENTRAL CITY PLAN DISTRICT File No. <u>LU 11-117728 DZM</u>
1/4 Section <u>3129</u>

Scale 1 inch = 200 feet State Id 1S1E03BB 2200

State_Id ____1S1E03BB_2200 Exhibit ____B (Apr 05,2011)





Planter Date 4.27.11
*This approval applies only to the reviews requested and in autijudical caldillans of approval. Additional zoning requirements may apply. *Approved*
City of Portland - Bureau of Development SerVisional Se A) SEE SHEET 4 FOR SIGN SPECIFICATIONS 5.-6" 12,-0,, 2IGN CAB. .0-.0 D/F ILLUM. BLADE SIGN
SEE SHEET 4 FOR
SIGN SPECIFICATIONS 4 15'-10" AFF **⊕** 0.-0" AFF

MED 827711.11 6J

五×4.0.7

SCALE: 3/32" = 1'-0"

PARTIAL SOUTH ELEVATION (SW TAYLOR STREET)

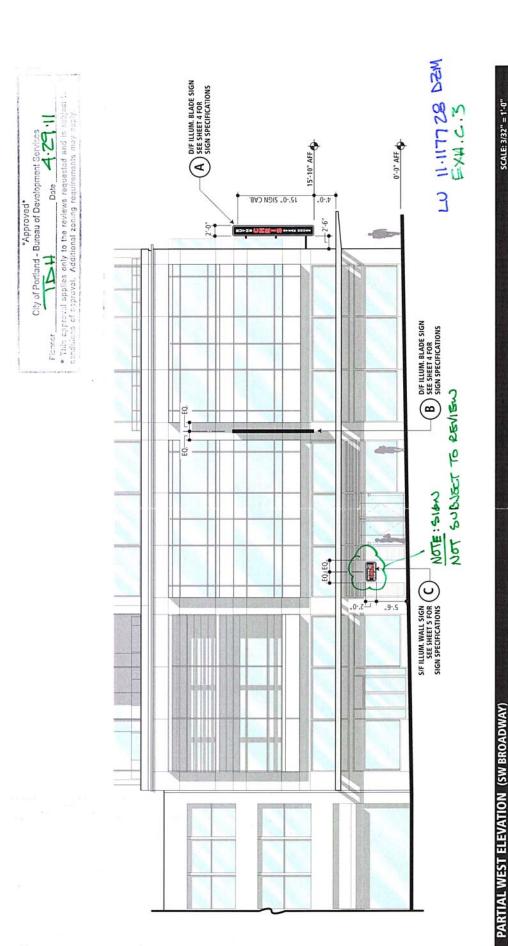
ORIGINAL CONCEPT
This design is the exclusive property of Integrated Sign Associates and cannot be reproduced in whole or in part without her prior written consent. INTEGRATED SIGN

Ruth's Chris Steak House APORESS 860 SW Broadway

3/32" = 1'-0" DESIGNER Oscar López INTEGRATED SIGN ASSOCIATES • 1160 PIONEER WAY, SUITE M, EL CAJON CALIFORNIA 92020 • p:619.579.2229 • f:619.579.7651 October 6, 2010 Portland, OR 97204

Aaron Clippinger

www.isasign.com . info@isasign.com



15692-10r6 www.isasign.com . info@isasign.com [AM]r2 revise blade sign [TA]r3 remove sign "C" [OL]r4_increased sz of wall cabinet 3/32" = 1°-0" ossanas Oscar López INTEGRATED SIGN ASSOCIATES • 1160 PIONEER WAY, SUITE M, EL CAJON, CALIFORNIA 92020 • p:619.27229 • f:619.579.7651 October 6, 2010 Aaron Clippinger Portland, OR 97204 Ruth's Chris Steak House Address 860 SW Broadway CUSTOMER APPROVAL INTEGRATED SIGN