



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 9, 2013  
**To:** Interested Person  
**From:** Mark Bello, Land Use Services  
503-823-7810 / [Mark.Bello@portlandoregon.gov](mailto:Mark.Bello@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 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 12-214842 DZ**

#### **NEW SIGN FOR RIVERPLACE ATHLETIC CLUB**

#### **GENERAL INFORMATION**

**Applicant:** Connie Guffey / Plumb Signs Inc  
909 S 28th Street / Tacoma WA 98409

**Owner:** Sam Adams / Oregon Athletic Club  
0150 SW Montgomery St / Portland OR 92701

**Site Address:** 0150 SW MONTGOMERY ST

**Legal Description:** BLOCK 104&105 TL 1000, PORTLAND  
**Tax Account No.:** R667709440  
**State ID No.:** 1S1E03CA 01000  
**Quarter Section:** 3229  
**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.  
**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - Downtown  
**Zoning:** CXdg, Central Commercial with Design and Greenway Overlays  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

#### **Proposal:**

The applicant proposes to replace three existing exposed neon signs with three new signs similar in shape but illuminated by "low impact internally illuminated LED".

A wall sign that replaces the existing wall sign on SW Harbor Way (west elevation) will be vertically centered in the horizontal band above the windows in the same area as before. The sign is 13'-4" wide and 3'-8" high or approximately 49 sq. ft. in area. This sign is similar to the existing sign in that it is of aluminum construction with channel lettering and logo on raceways. It is also LED internally illuminated.

A second monument sign is proposed and is exempt from design review as it is less than 32 sq. ft. in area (approximately 25 sq. ft. in area). The sign was originally described in the public notice because it was previously proposed to be 35 sq. ft. in area. It replaces an existing monument sign of similar dimensions and same location. It may be located in an easement granted to the City of Portland and the response from BES regarding the easement is included in the Agency Response section below.

A third wall sign is proposed and is exempt from design review as it is less than 32 sq. ft. in area (approximately 5.4 sq. ft. in area).

Because the proposal is for exterior alterations in a design overlay zone, design review is required.

## ANALYSIS

**Site and Vicinity:** The site is an irregular parcel, elongated in the north-south direction and occupied by the two story River Place Athletic Club. Building massing includes a central flat-roofed section flanked by three taller pitched roof elements covering parts of the facility that are rounded or ovoid in plan.

To the west and south, the property is bounded by a broad swath of public right-of-way, about 400' wide at the narrowest point. This area includes SW Naito Parkway, the connector between SW Harrison Street and SW River Parkway, and SW Harbor Way, as well as substantial plantings of mature trees and grass. Beyond the open right-of-way area, the west side of SW Naito is occupied by 2-6 story office buildings and surface parking.

**Zoning:** CXdg, Central Commercial, with Design and Greenway Overlays

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

- LU 97-014100, approving enclosure of an existing deck.
- LU 97-00763 DZ and LU 98-00274 DZ, approving removal of “tiffany” lights and installation of white neon tube lighting.
- LU 05-129602 DZ, approving the addition of two pair of French doors, multi-sliding doors, and patio improvements.
- LU 08-112793 DZ, approving installation of rooftop mechanical equipment.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 18, 2008**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Transportation Engineering and Development Review
2. Water Bureau
3. Fire Bureau
4. Site Development Review Section of BDS
5. Bureau of Parks, Forestry Division

- Site Development, BDS
- Life Safety, BDS

BES notes that the existing monument sign and its proposed replacement may be located in a sewer easement granted to the City.

“BES understands the applicant will not be providing additional information showing the location of the sign in relation to the sewer easement granted to the City of Portland located on this site. Based on surface observations (the location of a sewer manhole), it appears the existing concrete sign base may be located within the sewer easement area. The BES Maintenance section has determined that no additional information is required at this time and the sign can remain in its current location. However, be aware of the following if, in the future, removal of the sign is necessary due to maintenance activities:

“The Owners will indemnify, defend, and hold the City harmless against all claims arising directly or indirectly from (a) the presence of the Facilities; (b) damage to the Facilities by the City’s work on the City’s Sewers; (c) the failure of the City’s Sewers; (d) the City’s work within the areas encompassed by the Easements; (e) work performed within the Easements by third parties; and (f) the presence of contaminants within the areas encompassed by the Easements; except to the extent that such claims arise from the negligence or intentional wrongful acts of the City or its officers, employees, or agents.”

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 23, 2013. 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 of Design Review**

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

#### **Section 33.825.055 Design Review Approval Criteria**

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

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

### **Central City Fundamental Design Guidelines**

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines 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 is 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.

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

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

**Findings:** The proposed wall sign replaces the existing wall sign on SW Harbor Way and is similar to the existing sign in that it is of aluminum construction with channel lettering and logo on raceways. The sign features 5” pre-finished white aluminum returns and 1” black aluminum trim cap. The letters are constructed of white plex. The sign is dissimilar in that the white LED lighting replaces the former neon. The LED provides a quality lighting option. *This guideline is therefore met.*

**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 C5 and C13:** The wall sign replaces an existing wall sign. The sign conforms to the building’s original design concept like the original. It is located on the long west elevation of the building and takes up only 13’-4” of the 400’-0” long wall. The sign will be vertically centered in the horizontal band at the top of the building in the same area as before. In order to integrate the wall sign and properly center it, dimensions have been reduced in height from 5’-0” to 3’-8” and reduced in length from 17’-9” to 13’-4”. *These guidelines are therefore 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. All elements of the proposal are well integrated design features of high-quality that satisfy desired development characteristics. These signs are replacement signs; the primary difference from the existing signage is a change to LED lighting. Applicable design guidelines are met. Therefore, the proposal warrants approval.

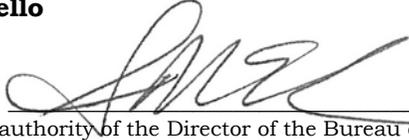
## ADMINISTRATIVE DECISION

Approval of a LED internally-illuminated wall sign, in the Central City Plan District, 13’-4” wide and 3’-8” high, approximately 49 sq. ft. in area, which will be vertically centered in the horizontal band above the windows in the approximate same area as the existing sign.

Per the approved site plans, Exhibits C-1 through C-2, signed and dated April 5, 2013, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-214842 DZ . No field changes allowed."

**Staff Planner: Mark Bello**

**Decision rendered by:**  **on April 5, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 9, 2013**

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

**Procedural Information.** The application for this land use review was submitted on December 12, 2012, and was determined to be complete on January 16, 2013.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on December 12, 2012.

*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: May 15, 2013.**

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

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

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

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

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 23, 2013** at 1900 SW

Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [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 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 **April 24, 2013.**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

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

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

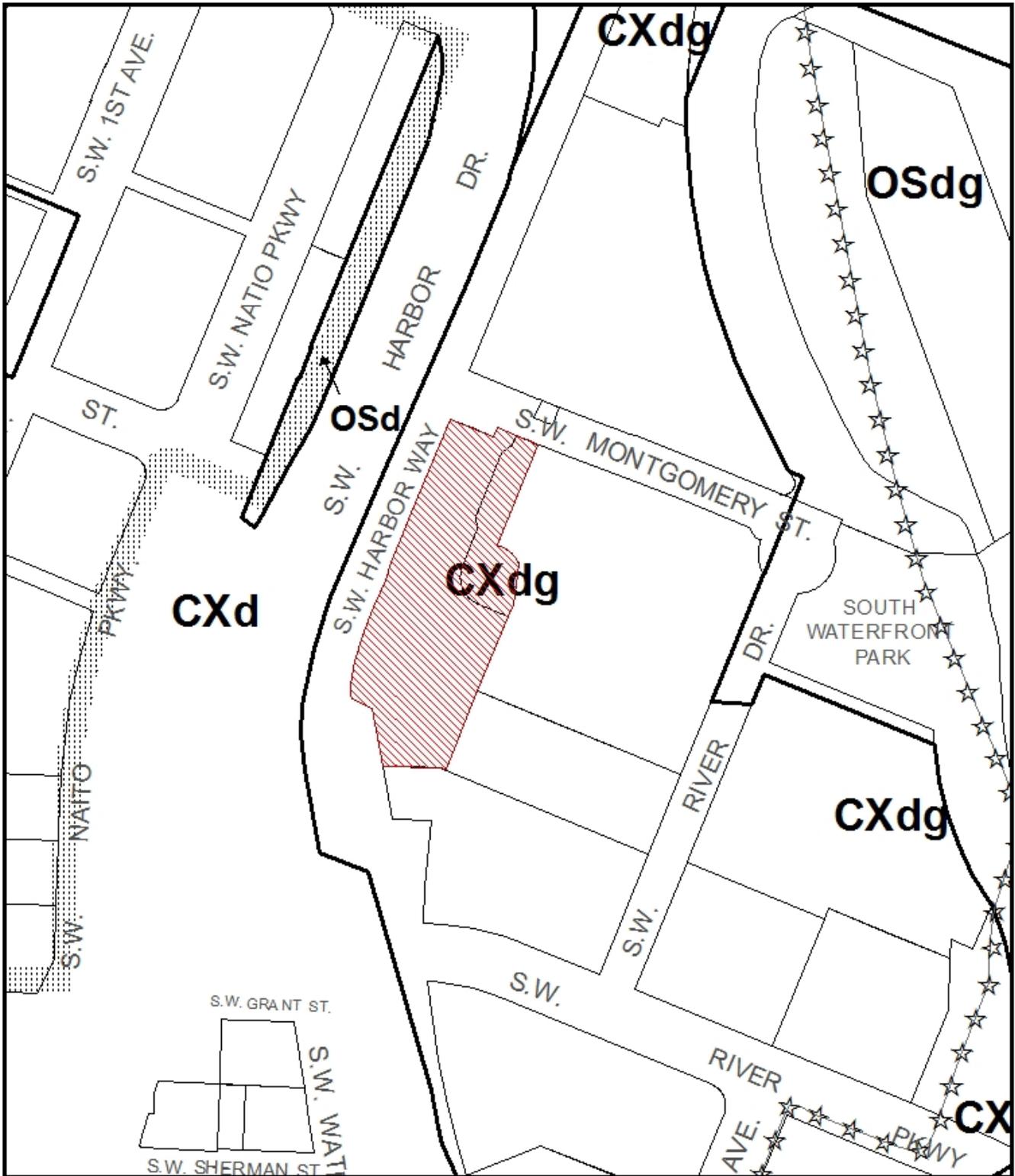
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation Wall Sign (attached)
  - 3. Monument Sign (attached)
  - 4. Photos
  - 5. West Elevation
  - 6. Exempt Projecting Sign
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
    - 1.1 February 14, 2013
    - 1.2 March 20, 2013
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety, BDS
- F. Correspondence: (none)
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter December 21, 2013

**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



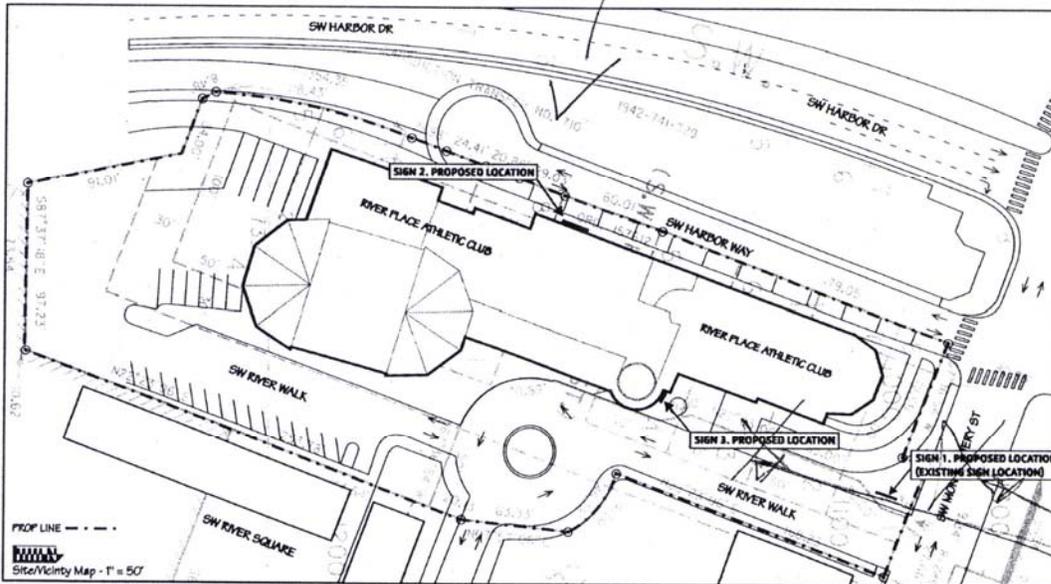
This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 12-214842 DZ
1/4 Section	3229
Scale	1 inch = 200 feet
State_Id	1S1E03CA 1000
Exhibit	B (Dec 13, 2012)

**\*Approved\***  
**City of Portland**  
 Bureau of Development Services

Planner MB  
 Date 4/5/13

\* This approval applies only to the  
 levels requested and is subject to all  
 conditions of approval.  
 Additional city requirements may apply



*EXEMPT*

CASE NO. 12-214842  
 EXHIBIT C1

