

## City of Portland, Oregon

### **Bureau of Development Services**

#### **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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

**Date:** January 23, 2014 **To:** Interested Person

**From:** Mark Walhood, City Planner

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 reasons for the decision are included in the version located on the BDS website <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 13-226163 DZ – RESIDENCE INN SIGNS GENERAL INFORMATION

**Applicant:** Jaylene Paulus / Integrity Signs Oregon LLC

P.O. Box 88 / Hubbard, OR 97032

**Property Owner:** Pearl Hotel Investors LLC

1308 NW Everett St / Portland, OR 97209-2629

**Interested Party:** Danielle Almand / Coast Sign Inc.

1909 East Ray Rd #9-128 / Chandler, AZ 85225

**Site Address:** 1150 NW 9TH AVE

Legal Description: LOT 4, STATION PLACE Tax Account No.: R793100200

State ID No.: 1N1E34BB 01304 Quarter Section: 2929

**Neighborhood:** Pearl District, contact Patricia Gardner at 503-243-2628.

Business District: Pearl District Business Association, Adele Nofield at 503-223-0070.

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

Zoning: EXd (Central Employment base zone with Design overlay zone),

Central City plan district/River District Subdistrict

Case Type: DZ (Design Review)

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

Commission.

**REVISED Proposal:** In response to staff concerns about the size and placement of the smaller sign facing towards the SE, the applicant has removed this sign from the application and will be installing a sign in that location which is under 32 square feet, and therefore exempt from Design Review. With this change, the decision on the application will only address the single new sign proposed facing west onto NW 9<sup>th</sup> Avenue.

The applicant has proposed the installation of one new parapet sign on the Marriott Residence Inn, a hotel now under construction in the Pearl District. Signs over 32 square feet must receive approval through Design Review. The sign would be located on the uppermost portion of the exterior façade, between the top floor windows and the parapet. The sign is proposed along the south edge of the NW 9th Avenue façade.

The 9<sup>th</sup> Avenue sign is 2'-5" tall by 26'-8" wide, for a total of 64.42 square feet. The sign includes a flush mounted painted aluminum backer panel/raceway with applied metal channel letters. The channel letters have colored acrylic and vinyl face materials with internal LED illumination at night. The backer panel/raceway is  $2^{3}$ 4" thick, and the letters are 3" thick, for a total projection from the wall of  $5^{3}$ 4".

Signs over 32 square feet in a Design overlay zone require Design Review. Given the limited project valuation of \$7,300, the request is processed as a Type II procedure.

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

- The Central City Fundamental Design Guidelines; and
- The River District Design Guidelines.

#### ANALYSIS

**Site and Vicinity:** The site is a trapezoidal parcel of just over one acre, with 47,704 square feet of land. The site is bound by public rights-of-way in NW 9<sup>th</sup> Avenue, NW Mashall and Northrup Streets, and NW Station Way. Directly east of the site is the fenced Union Station rail yards on the opposite side of NW Station Way. The block directly south of the site includes the ZIBA headquarters office building, the Station Place parking garage, and a senior housing tower. Directly west of the site, on the opposite side of NW 9<sup>th</sup> Avenue, are a collection of mixed-use condominium and apartment buildings with some ground floor retail uses. A six story new hotel on the site is in the final stages of construction.

The site is within and on the eastern edge of the northern portion of the Pearl District, a vibrant urban neighborhood of high-density housing developments, retail uses and restaurants, and newer public parks. The waterfront area is accessed from NW 9<sup>th</sup> Avenue as it curves to the northeast one block north of site and joins NW Naito Parkway. The abutting public streets are improved with paved two-way roadways, curbing, paved public sidewalks and street trees.

**Zoning:** The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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.

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

The applicant has indicated the intention to use some of the Station Place Parking Garage for the hotel use. As discussed with the applicant at and following the Pre-Application Conference, this use of parking for hotel uses on Lot 4 of the Station Place subdivision will require an amendment to the original Central City Parking Review for the garage (LUR 01-00406 PR).

**Land Use History:** City records indicate several prior land use reviews for the site, the majority of which relate to the site layout prior to a 2001 Subdivision that divided one larger parcel into eight lots and an interconnected street grid, and which have no bearing on current application. The relevant land use history for this site includes the following:

- *LUR 01-00281 MS SU*. Approval of a Central City Master Plan and an 8-lot subdivision with public streets, subject to conditions of approval. Relevant conditions of approval for this lot applied a 7.9:1 FAR for development, limited uses to residential, and required a specific open area along the NW Marshall frontage;
- LUR 01-00406 PR. Approval of a Central City Parking Review for the Station Place Garage, subject to specific numbers and types of parking for individual lots in the Station Place Subdivision. No parking of any type was provided for Lot 4, so any use of the garage for hotel parking associated with this site will trigger a Type III Central City Parking Review;
- LU 12-111904 DZ MS AD. Approved Design Review, Central City Master Plan Amendment, and loading-related Adjustment for the new six-story hotel presently under construction on the site; and
- LU 12-120659 DZ. Approved follow-up Type II Design Review for minor changes to the approved hotel design, including revisions to the rooftop screening and equipment, loading door, courtyard features, lighting, windows and electrical equipment.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **December 5, 2013**. The following Bureaus have responded:

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and responded with standard comments indicating that a building permit (including sign and/or electrical permit) is required, and that the proposal must be designed to meet all applicable building codes and ordinances. No concerns or objections regarding the requested Design Review were raised on the comment letter. Exhibit E.1 contains staff contact and additional information.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 5, 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 and River District Guidelines.

#### River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a

significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong 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 Plan 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.

- **C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- **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.
- **C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.
- **C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.
- **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 C2, C5, C7, C8 & C13:** The proposed parapet sign is constructed of durable metal-framed raceway elements, as well as metal-framed individual channel letters containing the colored acrylic sign faces. These are materials which have a reasonable longevity and durability which will hold up over time. All electrical connections are contained within the sign structure itself and travel directly through-wall to an interior power source, out of view from the exterior. The sign is under 65 square feet, and minor revisions to the placement since the initial application have placed the individual signs in a location more compatible with the architectural element they sit within: the A sign facing 9<sup>th</sup> has had it's south edge aligned with the south end of the first window below, and is somewhat smaller than originally proposed.

The sign is located near two prominent building corners, but is not of such a size that it will have dramatic skyline impacts. The sign is distinct from the smaller directional and blade signs used elsewhere on the building at street level. With a minimal 5 ¾" projection from the building face, interior electrical connections, durable materials, limited size, and intentional placement in relation to the building architecture, the sign itself is successfully integrated with the overall design concept. To ensure that the visible backer panels are painted to match the adjacent brick and visually disappear as much as possible, which appears to be the intent on the drawings but is not specifically called out, a condition of approval will require that the backer panels of the sign be painted to match the adjacent light-colored brick.

With the two noted conditions of approval regarding a maximum width for the sign and a matching paint treatment for the backer panel as discussed above, these guidelines can be 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. In the revised application, one parapet sign is proposed on the west façade of the recently-approved and under-construction Marriott Residence Inn. A condition of approval ensures that the visible backer panel on the sign be painted to match the light brick color on which it is mounted, which appears to be the intention of the designer but which is not clearly noted on the submitted drawings. With a condition of approval ensuring the backer panel disappears against the building wall as much as possible, the request is able to meet the applicable design guidelines and should be approved.

#### ADMINISTRATIVE DECISION

**Approval** of **Design Review** for a new parapet sign on the Residence Inn at 1150 NW 9<sup>th</sup> Avenue, in the River District Subdistrict of the Central City, including the following specific elements:

- One parapet/fascia sign facing NW 9<sup>th</sup> Avenue (Sign A) that is 2'-5" tall by 26'-8" wide, for a total of 64.42 square feet; and
- Sign details include a flush-mounted painted aluminum backer panel/raceway with applied metal channel letters having colored acrylic and vinyl face materials with internal LED illumination, all electrical connections concealed from view on the exterior

facades and running directly into the building, and a maximum total projection from the building wall of 5  $\frac{3}{4}$ ".

The above approval is granted based on the approved drawings and details, Exhibits C.1 through C.4, all signed and dated January 10, 2014, and subject to the following conditions:

- A. As part of the permit submittal documents, all the drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-226163 DZ."
- B. The backer panel for the sign must be painted a light color to match the adjacent brick field, reducing the visual impact of the sign on the brick wall background.

Staff Planner: Mark Walhood

Decision rendered by: \_\_\_\_\_\_\_ / Mully / Mull on January 10, 2014

By authority of the Director of the Bureau of Development Services

Decision mailed: January 23, 2014.

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

**Procedural Information.** The application for this land use review was submitted on November 8, 2013, and was determined to be complete on November 27, 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 November 8, 2013.

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 27, 2014.** 

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

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

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

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

use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on February 6, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 February 7, 2014.
- 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:

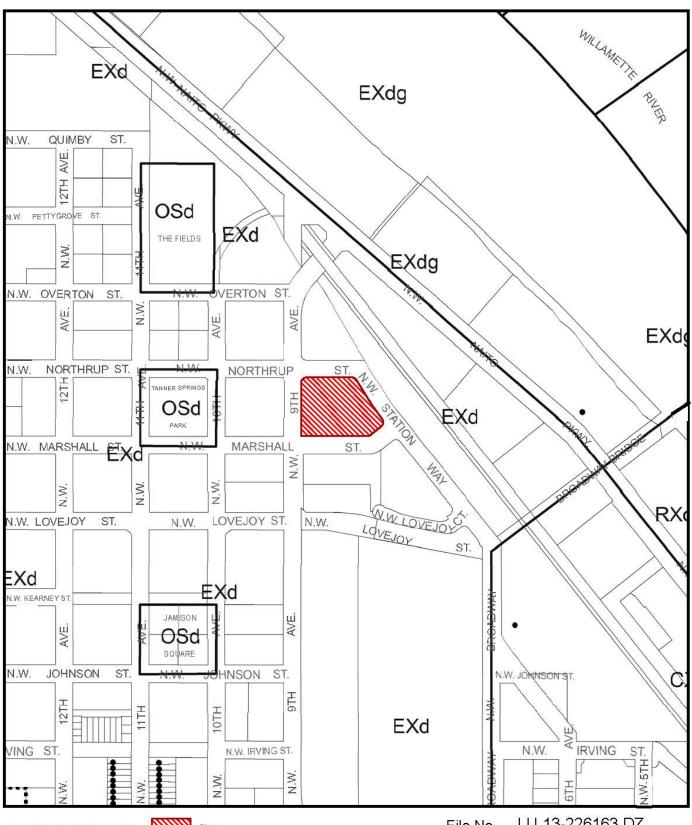
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  - 1. Original application narrative
  - 2. Original plan set reference only/not approved
  - 3. First revised plan set, rec'd. 11/27/13 reference only/not approved
  - 4. E-mail cover letter received with final revised plan set, rec'd. 12/9/13
  - 5. Request from applicant to remove 'B' sign, with attached sheets for the removed Sign B
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation with Parapet Sign A (attached)
  - 3. Parapet Sign A Detail Sheet (attached)
  - 4. Large/Scalable Plan set 3 pages total
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Section of the Bureau of Development Services
- F. Correspondence (none received at time of decision mailing)
- G. Other:
  - 1. Original LU application form and receipt
  - 2. Incomplete letter from staff to applicant, sent 11/22/13

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



This site lies within the: CENTRAL CITY PLAN DISTRICT RIVER DISTRICT - NORTH PEARL File No. LU 13-226163 DZ

1/4 Section 2929

Scale 1 inch = 300 feet

State\_Id 1N1E34BB 1304

Exhibit B (Nov 13,2013)

