



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: November 17, 2008
To: Interested Person
From: Abigail Fowle, Land Use Services
503-823-0624 / FowleA@ci.portland.or.us

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 08-161487 DZM **PENDLETON BUILDING SIGNAGE AND CANOPY**

GENERAL INFORMATION

Applicant: Pendleton Woolen Mills Inc., Owner
PO Box 3030
Portland, OR 97208-3030

Representative: Steve Kaiser, Contact 503-297-2580
Formwest Architecture Inc.
PO Box 12174
Portland, OR 97212

Site Address: 220-224 NW Broadway Ave

Legal Description: LOT 1&4&5&8 BLOCK 46 EXC PT IN ST LOT 2&3&6&7 BLOCK 46,
COUCHS ADD

Tax Account No.: R180203930
State ID No.: 1N1E34CA 06300
Quarter Section: 3029
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 with design overlay
Case Type: DZM, Design Review w/ Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant seeks Design Review approval for new signage and a new entry canopy on the Pendleton Woolen Mills Building. The project includes:

- New entry canopy over the public entry to the Pendleton Home Store on the NW Broadway Avenue. The canopy will be approximately 17 feet wide by 6 feet deep. The canopy will consist of bracket supported painted steel structure with translucent glazing.
- Projecting, illuminated metal cabinet sign with pushed through acrylic letters at the corner of NW Broadway Avenue and NW Davis Street. Attached below the cabinet is a non-illuminated metal blade sign. The total area of the sign is 49 sq. ft.
- Painted wall sign (150 sq. ft. in area) along the NW 6th Avenue facade.

Exterior alterations and signage greater than 32 square feet on existing development in a Design Overlay Zone require Design Review.

Modifications requested through Historic Design Review:

- 1) 32.32.030.C.1.b, Maximum Sign Face Area in the Right-of-Way, requires a maximum sign face area in the right-of-way of no more than 30 sq. ft. for projecting signs. The applicant is proposing a projecting corner sign that is 49 sq. ft.
- 2) 32.32.020.A (Table 32.32-2), General Standards & Sign Features, requires a maximum area per sign of 100 sq. ft. The applicant is proposing a painted wall sign on east façade that is 150 sq. ft.

Relevant Approval Criteria:

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

- 33. 825 Design Review
- *River District Design Guidelines*
- *Central City Fundamental Design Guidelines*

ANALYSIS

Site and Vicinity: The full-block site is bound NW Everett Street to the north, NW 6th Avenue to the east, NW Davis Street to the south, and NW Broadway to the west. The northwest corner of the block contains a four-story brick structure that was constructed in 1917 as an auto building. This structure was modified in the 1980s and a poured-in-place concrete building was constructed at this time that encompasses the rest of the block. The alterations proposed in this application will occur at the east elevation, west elevation, and southwest building corner of the poured-in-place concrete structure.

The site is further defined by its location in the River District Subdistrict of the Central City Plan District. The site also falls within the boundaries of the Union Station Special Design Area within the River District. The Union Station area anchors the Central City's transportation center and links the River District with the downtown core.

Portland's *Transportation System Plan* classifies this area along NW Broadway as a Traffic Access Street, City Bikeway, City Walkway, and Community Main Street. NW 6th Avenue is a Community Main Street, Central City Transit/Pedestrian Street, Local Service Bikeway, and Regional Transitway/Major Transit Priority Street. NW Davis Street is a Local Service Bikeway and the site is within the North of Burnside Pedestrian District.

Zoning: The Central Commercial (CX) zone 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 design (d) overlay zone 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:

- LUR 91-008788 DZ (reference file #91-00533): Design Review approval of two new retail entrances along Broadway.
- LUR 95-012477 DZ (reference file #95-00584): Design Review approval for the installation of a new recessed door entrance.
- LUR 95-012712 DZ (reference file #95-00819): Design Review approval for revisions to the a recessed door entrance.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 20, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review, *please see Exhibit E.2 for additional details*;
- Site Development Section of the Bureau of Development Services;

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comments:

“A separate Sign Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances... The vertical clearance from the public right-of-way to the lowest part of an awning, including valances, shall be 7 feet minimum... Awnings, canopies, marquees and signs with less than 15 feet clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building.”

Please see Exhibit E.1 for additional details.

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **October 20, 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

I. 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 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 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.

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 build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1-7. Reinforce the Identity of the Union Station area.

A5-3. Emphasize NW Broadway's Bright Lights.

Findings for A4, A5, A5-1, A5-1-7 and A5-3: The proposal includes three components: a new steel and glass canopy over a retail entrance along the building's Broadway (west) elevation; a 49 square-foot projecting sign mounted at the building's southwest corner; and a 150 square-foot painted wall sign at the building's 6th Avenue (east) elevation.

The new canopy is of a generous size and will project 6'-3" from the face of the building, bringing a prominence to the retail entry and maintaining the pedestrian-oriented character of the district. The new corner sign is 16'-9" tall, by 2'-11" wide, and is internally illuminated. The main element of the proposed sign is a 10" wide aluminum cabinet with ½" clear acrylic push through lettering, adding articulation depth to the sign face. This new sign is visually interesting, well detailed and comprised of human scaled elements, enhancing the NW Broadway Bright Lights District without adversely impacting the pedestrian environment. The new painted wall sign measures 22" tall by 82' wide and is centered on the length of the east building wall. The sign will be painted within the area of the concrete "parapet", approximately 18' above the base of this façade. The sign's linear nature compliments the horizontal detailing at this façade and recalls the district's industrial signage tradition.

Together, these components present a unified design that is consistent with the character of the district. In general, the new canopy and signage bring prominence and visual interest to a fairly nondescript building, helping to reinforce NW Broadway Avenue as main thoroughfare and connector to the Union Station area. *Therefore, 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 has 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 right-of-way system through superblocks or other large blocks.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

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.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings B1, B1-1, B2 and B6: The proposed canopy at the building's NW Broadway Avenue elevation, as well as the projecting corner sign at Broadway and Davis, will reinforce and enhance the pedestrian environment in these areas. The proposed canopy will highlight the building entrance for pedestrians and contribute to a sense of urban enclosure along this building façade. The projecting corner sign will be mounted at the building's second level, and has been carefully designed and detailed to create elements of a human scale, helping to relate to the pedestrian environment and minimize its impact. In addition, this corner sign will add another layer of legibility to the building façade by identifying the retail use housed within the ground floor of the building. *Therefore, these guidelines are met.*

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

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.

C4. Complement the Context of Existing Buildings. Complement the context of existing

buildings by using and adding to the local design vocabulary.

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.

C1-2. Integrate Signs and Awnings. Integrate signs and awnings to be complementary and respectful of a building's architecture.

Findings for C2, C3, C4, C5, C13, and C1-2: The proposal consists of high-quality materials, including glass and metal, which will promote the building's long-lasting contribution to the district. In addition, the proposal is respectful of the building's scale and detailing as well as the character of the district. The corner sign is vertically oriented and integrated with the architecture of the existing building. Measuring 16'-9" tall, 2'-11" wide, and 0'-10" deep, the corner sign is appropriately scaled for the building and is supportive of the signage character along NW Broadway Avenue. Moreover, the sign's relatively narrow depth ensures that it will not dominate the building or the pedestrian realm. While the total area of the sign is 49 square feet, it is separated into two cabinets, helping to decrease the visual impacts a more solid sign on the building. In addition, the sign's minimal internal illumination will allow for sufficient identification at night without negatively impacting the city's skyline.

The painted wall sign at the building's east elevation measures 22" tall by 82' wide and is centered on the length of the building wall. The sign will be painted within the area of the concrete "parapet", approximately 18' above the base of this façade. The placement and scale of this sign will help to define the building's sidewalk level and will add a unifying element to this façade that is consistent with its horizontal detailing.

The metal and glass canopy proposed at NW Broadway Avenue will create a more urban storefront character to this elevation. The canopy will extend 17' across the main retail entrance bay and its brackets will be centered on the pilasters to either side of the bay. The canopy will project 6'-3" from the face of the building, a generous depth consistent with the pedestrian-oriented character of the district. The careful dimensioning and placement of the new canopy corresponds successfully to the existing architectural features of the building. Additionally, the scale and detailing of the proposed steel and glass canopy are well suited for the rectangular proportions of the subject building.

The proposal successfully employs the area's local design vocabulary, respects the integrity of the existing building, and strengthens the building's connection to its surroundings. *Therefore, these guidelines are met.*

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.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

Findings for C7, C8 and C10: The proposed corner sign will contribute to an active, pedestrian-oriented intersection at NW Broadway Avenue and NW Davis Street. The

sign will be mounted at the building's second level, creating a more distinct sidewalk level. While the overall sign size is 49 square feet, the sign itself consists of smaller scale elements, such as the pushed through acrylic letters, metal bracket elements, a recessed cabinet, and a lower blade type of element. Together these elements bring visual interest and human scale to the sign, helping to enhance and correspond to the pedestrian environment. The new steel and glass canopy above the Broadway retail entrance bay will further define the entrance and ground level of the building. Lastly, the painted wall sign at the building's one-story east elevation brings visual interest to a plain and heavy concrete façade, further helping to distinguish the sidewalk level of the building. *Therefore, these guidelines are met.*

II. 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.

The following modifications are requested:

- 1. 32.32.030.C.1.b, Maximum Sign Face Area in the Right-of-Way,** requires a maximum sign face area in the right-of-way of no more than 30 sq. ft. for projecting signs. The applicant is proposing a projecting corner sign that is 49 sq. ft.

Purpose: *The regulations contained in Chapters 32.30 through 32.38 are land use regulations which work in combination with Title 33, Planning and Zoning, to implement Portland's Comprehensive Plan. The standards contained in Chapters 32.32 through 32.34 encourage signs to be compatible with the distinct character of specific areas of the city by regulating the size, placement, and features of signs by base zone, overlay zone, and plan district. Chapter 32.34 includes standards that encourage signs that further the objectives of certain land use categories.*

Findings: The intent of this standard is to encourage signs that are compatible with the design character of distinct areas of the city. While the 49 square-foot projecting corner sign that is proposed exceeds the standard, it is compatible with the distinctive signage character along NW Broadway Avenue by adding a quality element that provides visual interest and activity to this Bright Lights District.

The new projecting sign is vertically oriented and overall measures 16'-9" tall, by 2'-11" wide. Within this dimension, the sign consists of two elements: a larger 10" thick illuminated metal cabinet, measuring 42.7 square feet, and a smaller 2" thick non-illuminated blade, measuring 4 square feet. The primary aluminum cabinet incorporates ½" clear acrylic push through lettering. Metal brackets will extend from the building to this portion of the sign, allowing the sign to sit at a comfortable distance (0'-9") from the building wall. The bracket elements appear to carry through the sign cabinet with faux cap type elements along the outer edge of the sign, bringing texture and a sense of scale to the sign. Additionally, the cabinet edges are recessed from the metal sign face, further adding depth and articulation. This portion of the sign will be illuminated with internal LED lights, which is sufficient to provide sign identification and visual interest without adverse effects

on the surrounding area or the skyline. The small blade sign element will sit below the main cabinet sign and will be attached to the primary sign with square steel tube supports. This secondary sign consists of a 2"-deep painted aluminum cabinet with white vinyl letters.

While the overall sign area exceeds what is allowed, the various elements of the sign described above are of a human scale and create a well-articulated and visually interesting sign. Therefore, the sign brings visual interest to the pedestrian environment without adversely impacting it. In addition, the proportions of the overall sign and where it attaches to the building corresponds successfully with the horizontal architectural patterning on the building and is also well sized for the scale of the building. The projecting sign will therefore enhance the character of this street corner and contribute to the desired signage character along NW Broadway Avenue. Thus, the sign better meets Central City Fundamental Design Guidelines B2 - Protect the Pedestrian, C10 - Integrate Encroachments, and C13 - Integrate Signs and River District Design Guidelines C1-2 - Integrate Signs and Awnings, and A5-3 - Emphasize NW Broadway Bright Lights. The proposed 49 square-foot sign is compatible with the purpose of the standard being modified and better meets the applicable design guidelines. *The approval criteria are therefore met.*

- 2. 32.32.020.A (Table 32.32-2), General Standards & Sign Features**, requires a maximum area per sign of 100 sq. ft. The applicant is proposing a painted wall sign on east façade that is 150 sq. ft.

Purpose: *The regulations contained in Chapters 32.30 through 32.38 are land use regulations which work in combination with Title 33, Planning and Zoning, to implement Portland's Comprehensive Plan. The standards contained in Chapters 32.32 through 32.34 encourage signs to be compatible with the distinct character of specific areas of the city by regulating the size, placement, and features of signs by base zone, overlay zone, and plan district. Chapter 32.34 includes standards that encourage signs that further the objectives of certain land use categories.*

Findings: The new wall sign on the east elevation merits approval based on its successful placement on the building and relationship to the existing architecture, as well as based on its simple painted wall sign character. The 150 square-foot painted wall sign is located on the one-story portion of the existing building. The sign measures 82'-0" in length and 1'-10" in height and sits along the building's flat masonry parapet. The existing building at this location is a non-descript, concrete structure with repeating concrete pilasters that define window bays along the full length of the façade. The sign itself has been carefully placed and sized to fit comfortably within the parapet band and also correspond successfully with the vertical and horizontal patterning of this facade. The 82'-0" length makes up a little over a third of the east building wall length, and this long dimension enhances the horizontal character of this façade. Because it is a painted, non-illuminated element, the sign itself does not add any bulk or glare to the building and surrounding environment. The sign also helps to break up this long building wall and brings visual interest to the inactive façade. Because of these characteristics, Central City Fundamental Design Guidelines C5 - Design for Coherency, C13 - Integrate Signs and River District Design Guidelines C1-2 - Integrate Signs and Awnings are better met. Additionally, painted wall signs on a concrete wall surface is a common element in this historically industrial area of the city. Thus, the sign will add to the tradition of painted wall signs within the district, meeting the purpose of the standard. *The approval criteria 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. The proposed canopy and signage will enhance both the existing building and the District. The Modifications to sign size are appropriate to the NW Broadway Bright Lights District and the painted wall sign character in the District. The proposal meets the applicable design guidelines and approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

- Approval of Design Review for a new metal and glass canopy for the retail entrance, a new 49 square foot projecting corner sign, and a 150 square foot painted wall sign.
- Approval of a Modification to Maximum Sign Face Area in the Right-of-Way to allow a 49 square foot projecting sign and a Modification to General Standards & Sign Features to allow a 150 square foot wall sign.
- Approval per the approved plans, Exhibits C.1 through C.8, signed and dated November 13, 2008, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-161487 DZM. No field changes allowed."

Decision rendered by:  on November 13, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: November 17, 2008

Staff Planner: Abigail Fowle

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 September 10, 2008, and was determined to be complete on **October 16, 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 September 10, 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 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 December 1, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 **December 2, 2008 – (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.

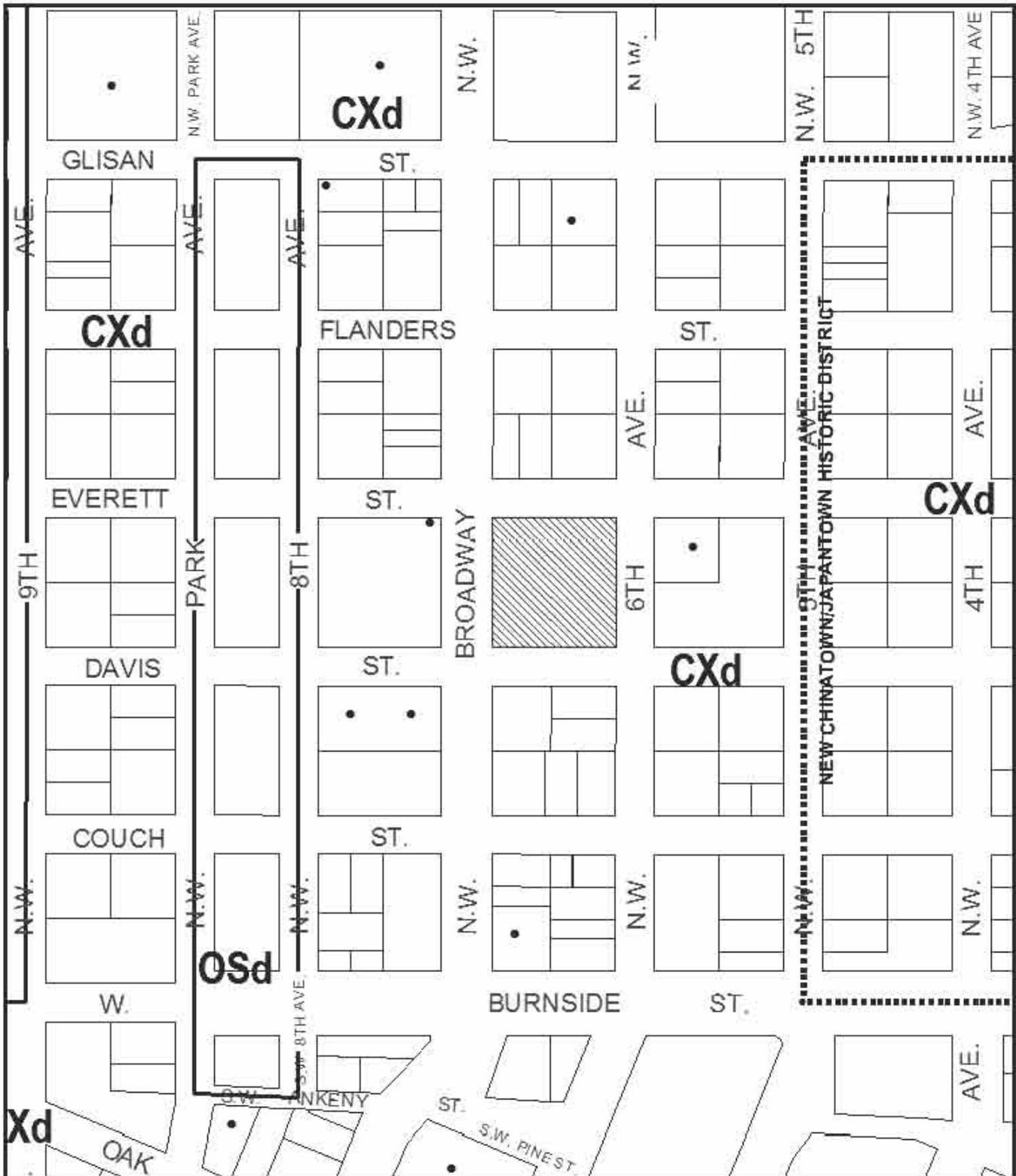
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations (attached)
 3. Partial West Elevation (attached)
 4. Detail – Painted Wall Sign
 5. Canopy Elevations & Details (attached)

6. Canopy Elevations & Details
 7. Canopy Details
 8. Projecting Sign Elevations & Details (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Section, BDS
 2. Bureau of Transportation Engineering and Development Review
- F. Correspondence: none
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Incomplete Letter
 4. Historic Resource Inventory
 5. Site Photos

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



Site

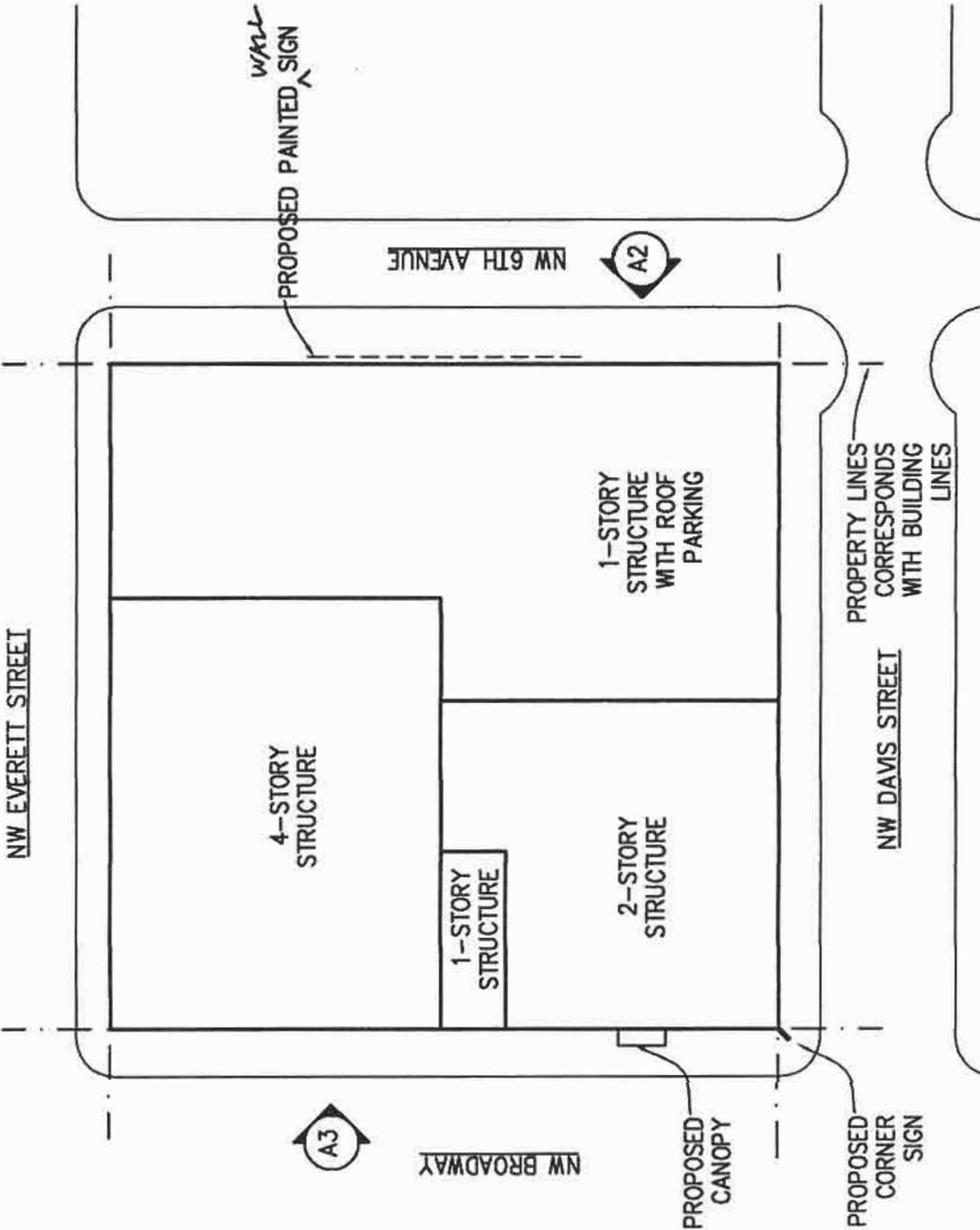


Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-161487 DZM
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CA 6300
Exhibit	B (Oct 16, 2008)



NW EVERETT STREET

NW 6TH AVENUE

4-STORY STRUCTURE

1-STORY STRUCTURE

2-STORY STRUCTURE

1-STORY STRUCTURE WITH ROOF PARKING

PROPERTY LINES CORRESPONDS WITH BUILDING LINES

NW DAVIS STREET

NW BROADWAY

PROPOSED CANOPY

PROPOSED CORNER SIGN

A3

A2

Approved

City of Portland - Bureau of Development Services

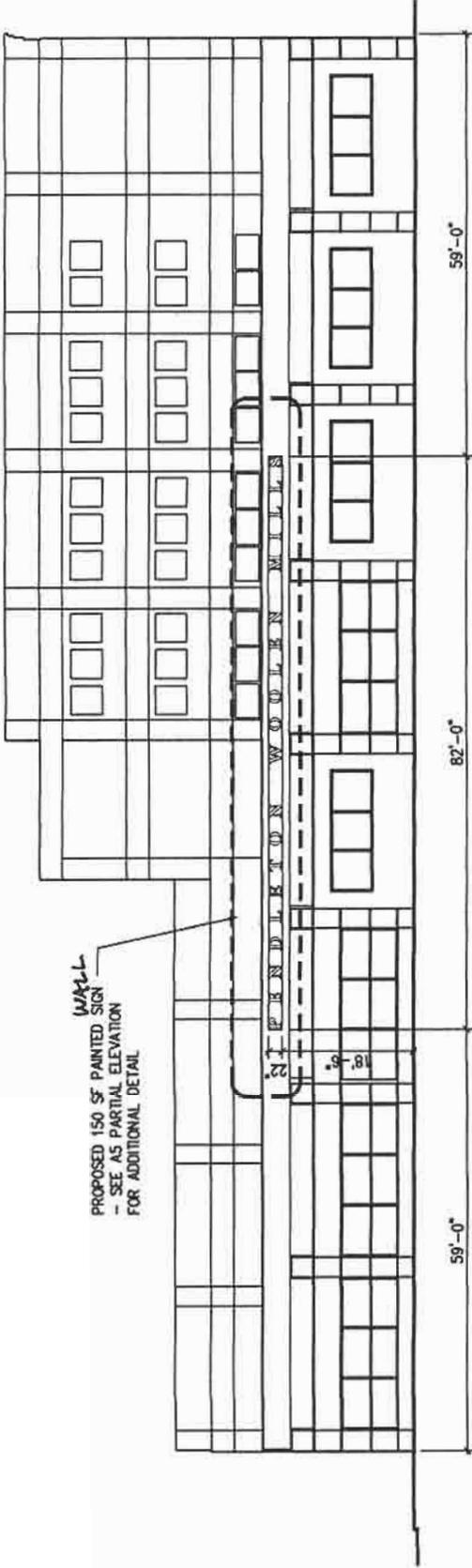
Planner Angela T. R. Date 11/13/08

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

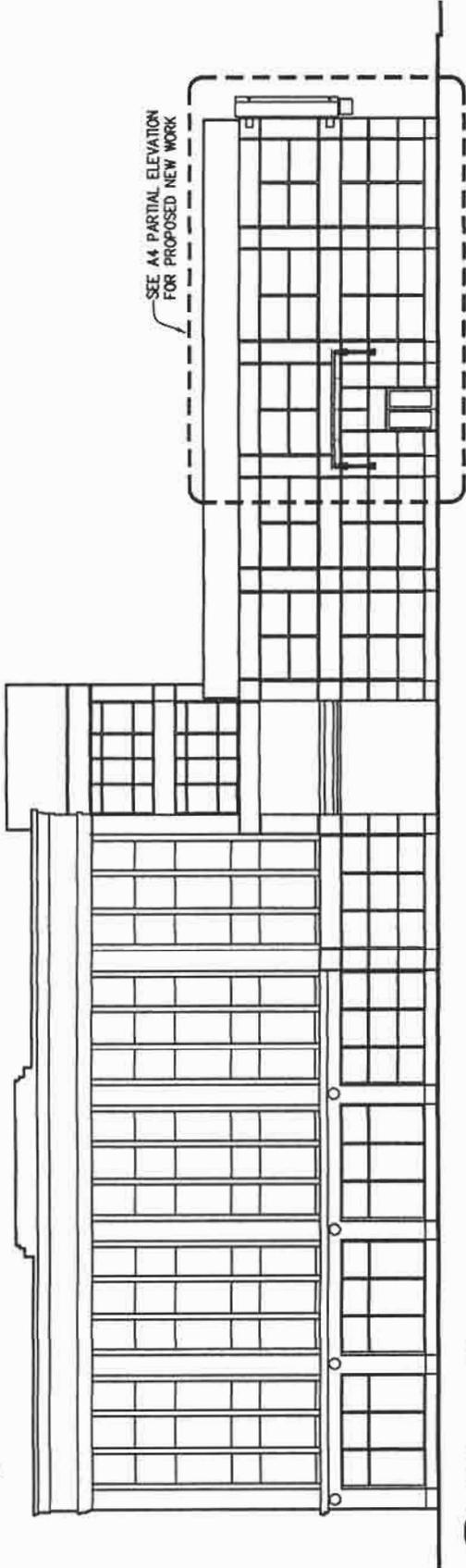
A1 Site Plan

1" = 50'-0"

U 08-161487 DZH
Eyn. C.1



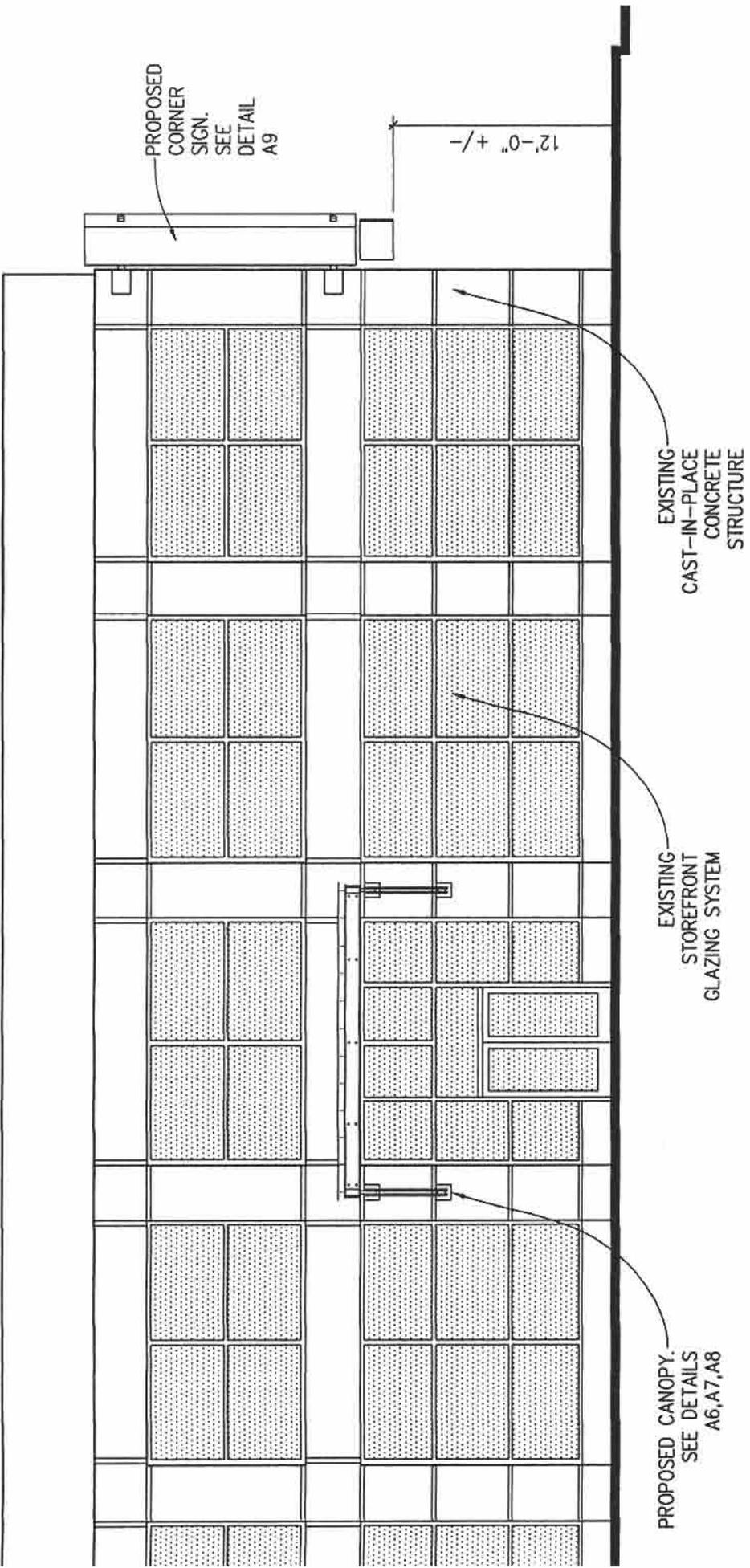
A2 East Elevation
1/16" = 1' - 0"



A3 West Elevation
1/16" = 1' - 0"

Approved
 City of Portland - Bureau of Development Services
 Planner: *Soyail T. F.* Date: *11/13/08*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-161 487 D2M
Exh. C.2



A4 Partial West Elevation

3/16" = 1' - 0"

Approved
 City of Portland - Bureau of Development Services
 Planner: *Michael P.* Date: *11/13/08*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

LU 08-161487 DZM
Exn.C.3

