



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

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: July 2, 2009
To: Interested Person
From: Dave Skilton, Land Use Services (503-823-0660)
dave.skilton@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 09-132081 DZM – TWO ILLUMINATED PROJECTING SIGNS

GENERAL INFORMATION

Applicant: Michael Mcmenamin, Owner
430 N Killingsworth Street
Portland, OR 97217-2441

Representative: Blaine Burris, Architect (503-952-1324)
Ankrom Moisan Associated Architects
6720 SW Macadam, Suite 100
Portland, OR 97219

Site Address: 1201-1217 SW Stark Street

Legal Description: E 100' N OF STARK ST BLOCK 107, COUCHS ADD
Tax Account No.: R180210030
State ID No.: 1N1E33DD 00400
Quarter Section: 3028

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Lisa Frisch at 503-552-6740.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - West End
Other Designations: Listing in the National Register of Historic Places is pending.

Zoning: EXd, Central Employment with Design Overlay

Case Type: DZM, Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

Applicant is seeking Design Review approval for a proposal to install two similar, vertically-oriented, illuminated, projecting blade signs, one each on the SW Stark and SW Burnside facades of the building. The proposed signs are modeled closely on a historic sign that was once installed on the SW Stark Street façade, and each has a face area of 64 square feet. A nomination to the National Register of Historic Places for the building is pending. Design Review is required because the site is within the Central City Plan District – West End Subdistrict, and has Design Overlay zoning.

Modifications:

Two modifications of 32.32.030 C. 1. b. Maximum Sign Face Area in the Right-of-Way are requested because the proposed replications of a historic sign exceed the 30 square feet of sign face area allowed outright as a projection into the right-of-way.

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:

- 33.810 Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The subject building occupies the easterly 90% of a small, right triangular block created by the seam between the original river-oriented plats of Portland and the compass-oriented Couch Additions to the north. Its neighbor to the west, occupying the acute point of the triangle, is the Historic Landmark Flatiron Building. Although the building, dating from 1911, has been boarded up for at least fifteen years, it retains most of its original design characteristics, and the applicant is concurrently seeking listing in the National Register of Historic Places.

The neighborhood around the site, especially to the south of W Burnside Street, includes many buildings dating to the early decades of the twentieth century, a number of which are already designated as landmarks by virtue of listing in the National Register of Historic Places. The cohesiveness of this area relies heavily on the relative uniformity of materials, scale, and character of these buildings. The eventual listing of this building will strengthen what is a small *de facto* historic district.

Zoning Central Employment (Ex). This 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 development standards are intended to allow new development which is similar in character to existing development.

Design Overlay (d). The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards 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:

- LU 08-172070 DZ, approving new operable storefronts, transom windows, awnings, and ventilation louvers.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 9, 2009**. The following Bureaus have responded with no issues or concerns:

- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 9, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) Design Review

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 are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City’s districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City’s districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;

7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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

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.

Findings for A6 and C3: The larger project with which this review is associated will be a Certified Historic Rehabilitation meeting the Secretary of the Interior's Standards for the Treatment of Historic Property. Concurrent with this Design Review process it has received preliminary approval by the National Park Service and the State Historic Preservation Office. There are no additions proposed. With the exception of the appropriately detailed ground floor alterations, the building exterior is essentially intact original fabric that will be retained and refreshed. The proposed signs are based on a photograph of a sign historically located on the building in the SW Stark Street location. *These Guidelines are therefore met.*

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: The two proposed signs are based closely on a historic photograph of a sign that originally occupied the proposed SW Stark Street location for the new installation. They are similar in size, location, mounting, design, and lighting. As such the signs are intrinsically integrated with the building's overall design concept. The signs will be mounted at the second story level of a four story building and will have no impact on the skyline. *This Guideline is therefore met.*

(2) Modifications

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.

32.10.020 Purpose.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification,

communication and advertising. The regulations for signs and awnings have the following specific objectives:

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

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

32.32.030 C. 1. b. Maximum sign face area in the right-of-way. No more than 30 square feet of a projecting sign face may extend into a right-of-way.

A. *Better meets design guidelines.* *The resulting development will better meet the applicable design guidelines; and*

Findings: At 64 square feet, each proposed projecting sign is slightly more than twice the size allowed outright by the Sign Code. However, the extra area of the signs is mitigated by five factors: their modest size relative to the large respective building faces they occupy; their irregular outline which reduces actual as opposed to measured area; their slender proportions and vertical orientation; the fact that they use neon illumination; and the fact that they replicate a known historic sign which once hung on this building. Guideline C13 Integrate Signs is better met by these signs than it would be by smaller signs because they replicate an actual original sign and will be mounted at the same height, in the same manner, and in one case in the same location. Guidelines A6 Rehabilitate/Reuse/Restore Buildings and C3 Respect Architectural Integrity are better met because the anticipated landmark designation for the property is best supported by the use of a sign form known to have been attached to this building historically. *This Criterion is therefore met.*

B. *Purpose of the standard.* *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The proposed signs are engineered to meet applicable loading for their size and location, and will be installed in a manner respectful of the historic materials of the building. One sign will occupy the known historic location of the sign on which it is modeled and the other will be placed at a similar height and projection on the opposite side of the building. This approach will support the historic rehabilitation project that is currently under way for the building. *This Criterion is 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 two proposed signs, in combination with approved earlier work to rehabilitate the exterior of the building, are included in applications for the Special Assessment of Historic Property and Certified Historic Rehabilitation programs pending with the State Historic Preservation Office and the National Park Service. The hearing of the National Register nomination, a step required for completion of the process, was favorably completed on June 26, 2009. Although technically reviewed only under the Central City Fundamental Design Guidelines, the applicant has taken care to ensure that the proposal would have passed muster under 33.846.060 Historic Design Review. The overall project will greatly improve the appearance of the building and the signs will contribute to an enlivened streetscape without any impact on the skyline.

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 proposal meets the applicable design guidelines and modification requirements and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review in the Central City Plan Area for two, similar, vertically-oriented, illuminated, projecting blade signs, each 64 square feet in face area, one on the SW Stark façade and one on the W Burnside facade of the building;

Approval of modifications to 33.825.040 Modifications That Will Better Meet Design Review Requirements for two projecting signs greater than 30 square feet; and

Approval under the Central City Fundamental Design Guidelines, per Exhibits C-1 through C-5, signed and dated July 1, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-132081 DZM. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on July 1, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 1, 2009

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 May 29, 2009, and was determined to be complete on **June 5, 2009**.

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 May 29, 2009.

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 July 16, 2009** 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 **July 17, 2009 – (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:

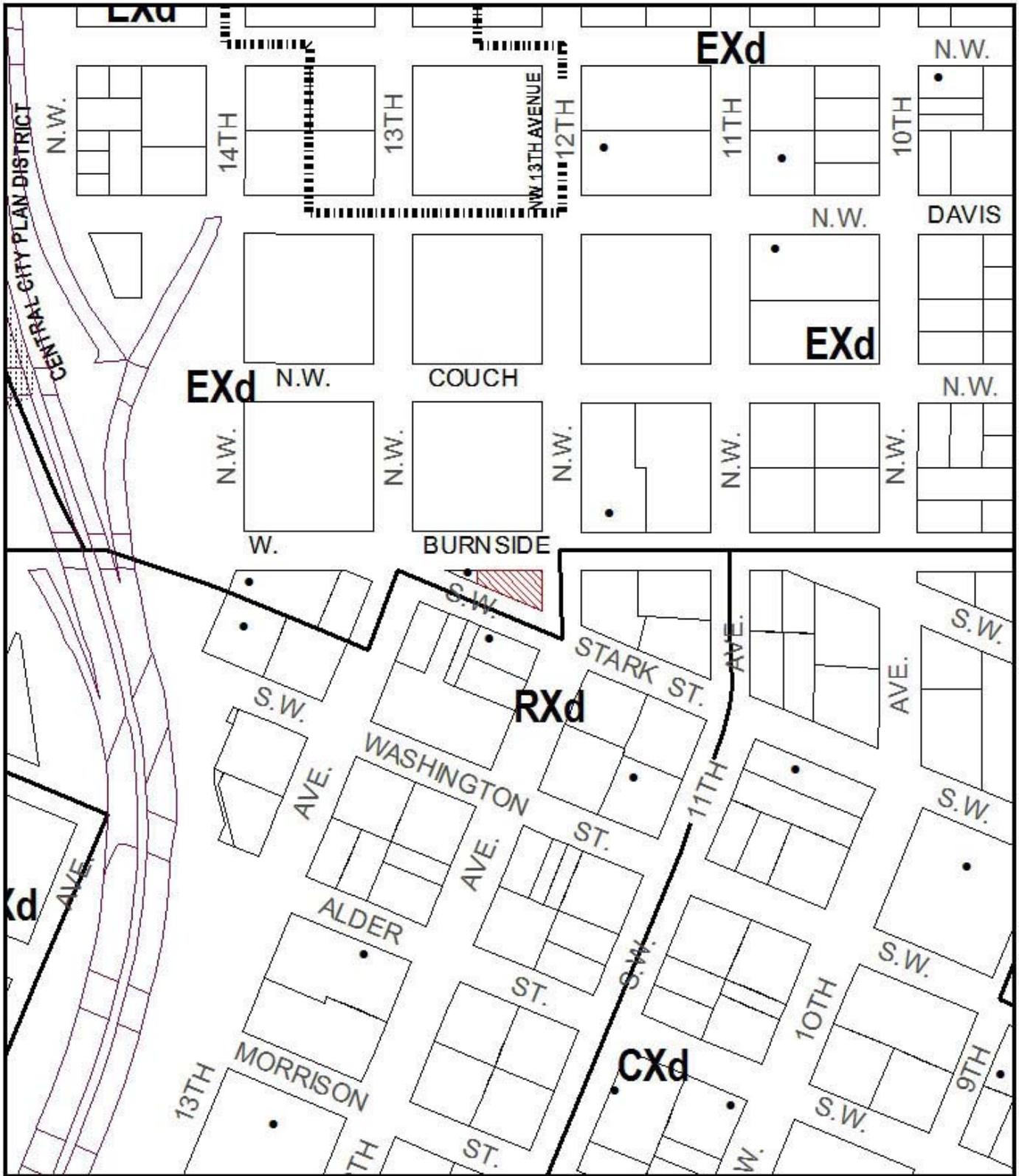
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and Elevations (attached)
 - 2. Side Elevation – SW Stark (attached)
 - 3. Side Elevation – W Burnside (attached)
 - 4. Detailed Elevation and Night Rendering
 - 5. Sign Section and Mounting Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of the Bureau of Development Services
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site

 Historic Landmark

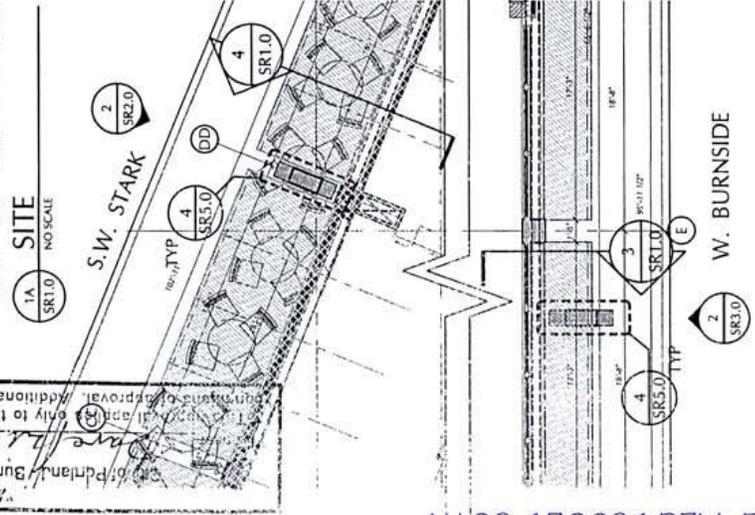
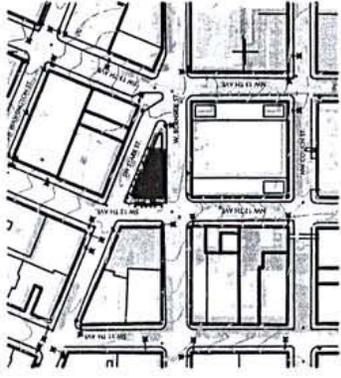
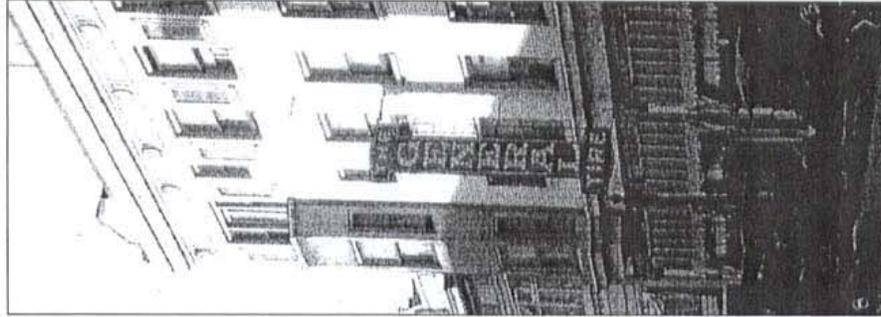


This site lies within the:
CENTRAL CITY PLAN DISTRICT

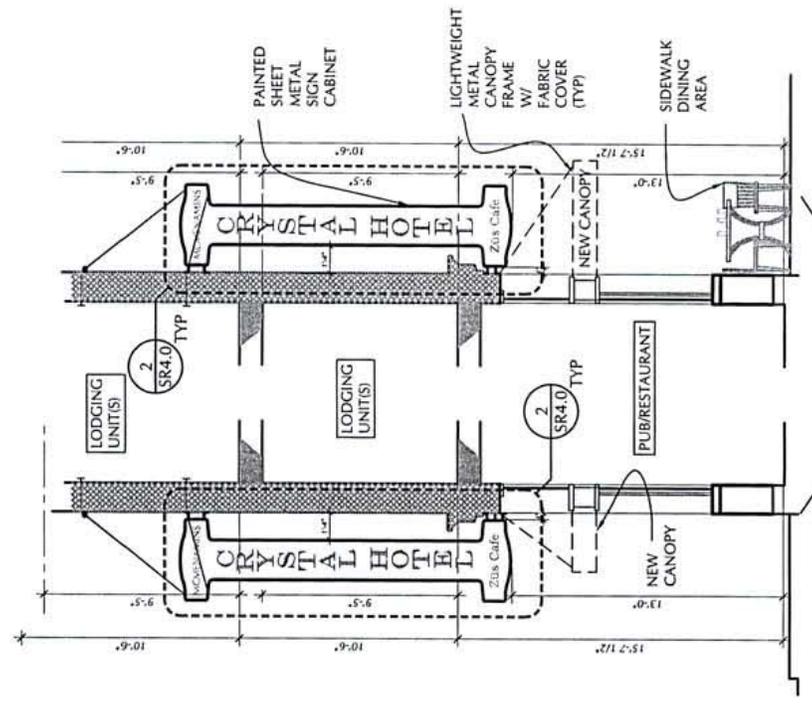
File No.	<u>LU 09-132081 DZM</u>
1/4 Section	<u>3028</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33DD 400</u>
Exhibit	<u>B (Jul 1, 2009)</u>

AS A CRITICAL PART OF THE PROJECT TO RENOVATE THE (NOW NAMED) CRYSTAL HOTEL, WE ARE BRINGING BACK THE BLADE SIGN ON SW STARK ST. SEEN PICTURED BELOW IN THIS PHOTO FROM 1925. THE COPY WILL BE (OF COURSE) ALTERED TO REFLECT THE CURRENT OWNERS INTERESTS - SHOWN IN SECTION(S) 3-4/SR1.0 (BELOW).

IN ADDITION WE'D LIKE TO ADD A SIMILAR BLADE SIGN ON THE BURNSIDE FACADE AS WELL. THE ORIGINAL SIGN ON SW STARK ST. WILL, NATURALLY, CONTRIBUTE TO THE LIVELINESS AND VISUAL DISCOURSE ON THAT STREET. SO TO, WILL W BURNSIDE'S STREET LIFE BENEFIT FROM THIS SIGN'S CONTRIBUTION, ESPECIALLY WITH IT'S SWIFTER AUTO-CENTERED PACE. THE SIGN WILL SERVE TO SIGNAL THAT THIS IS A MORE LIVELY URBAN AREA. AND THIS WILL ENCOURAGE A SLOWING OF TRAFFIC, AND IN TURN, THE CARS ALONG BURNSIDE WILL INTERACT BETTER WITH IT'S BUSINESS-AT-STREET-LEVEL PACE. THIS WILL BE IN SHARP CONTRAST TO THE NOW DESOLATE AND PERFUNCTIONARY NATURE THAT CHARACTERIZES THIS PORTION OF W BURNSIDE.



Approved
 City of Portland, Bureau of Development Services
 Date 7/1/9
 Additional zoning requirements may apply.

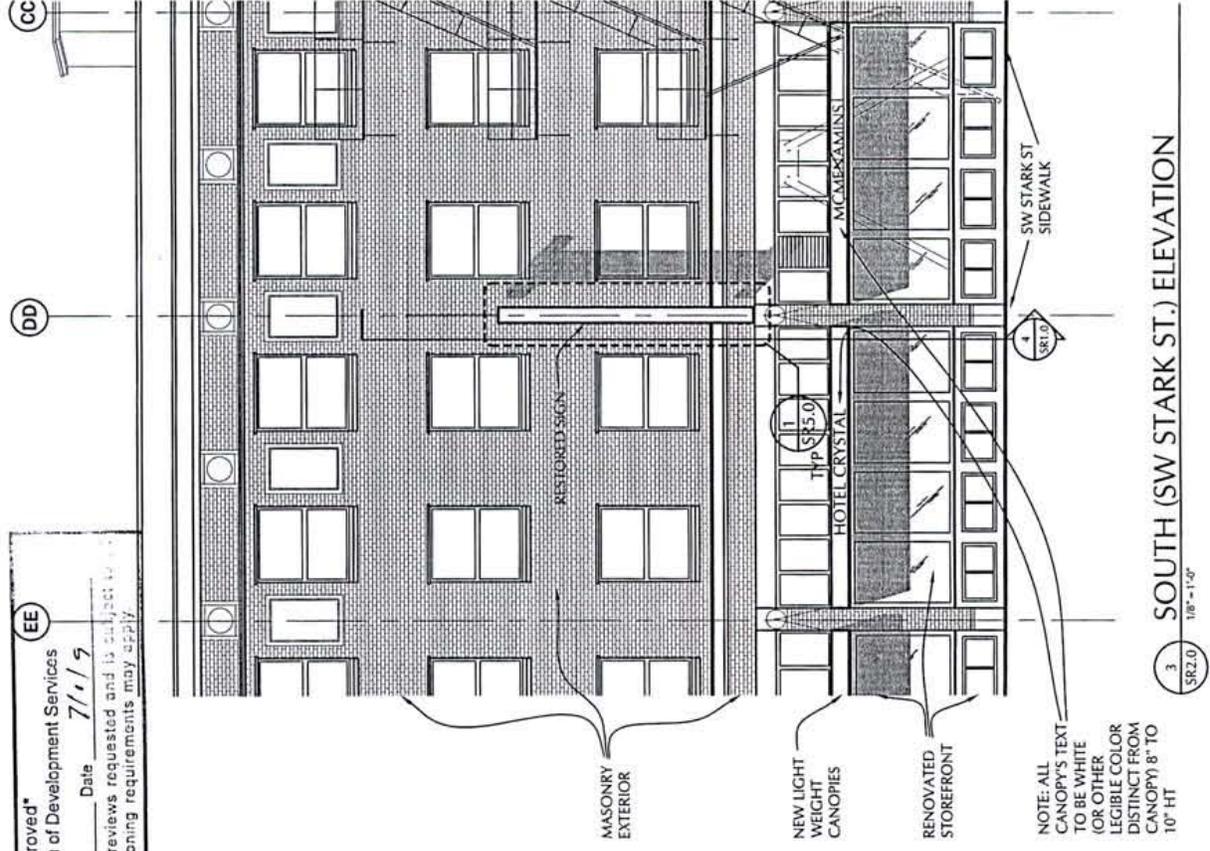


SECTION @ W BURNSIDE
 3 SR1.0 3/16" = 1"0"

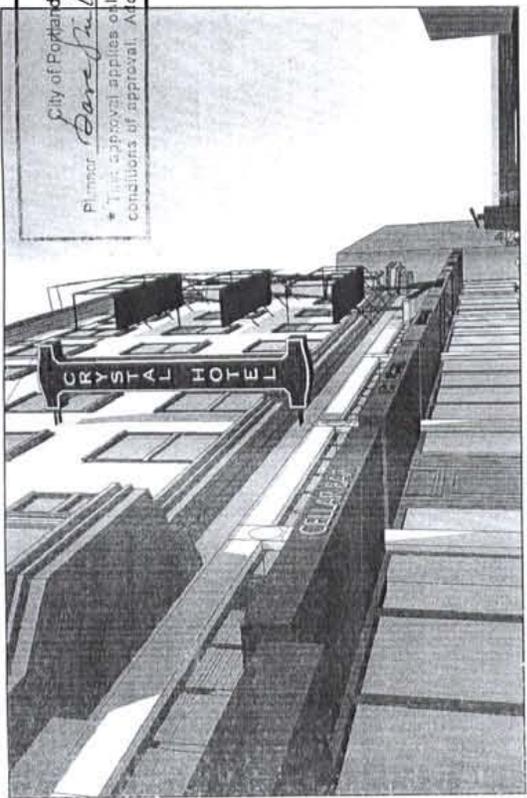
SECTIONS @ SW STARK ST.
 4 SR1.0 3/16" = 1"0"

PHOTO c 1925
 2 SR1.0 NO SCALE

SIGN POSITION(S) IN PLAN
 1 SR1.0 1/8" = 1"0"

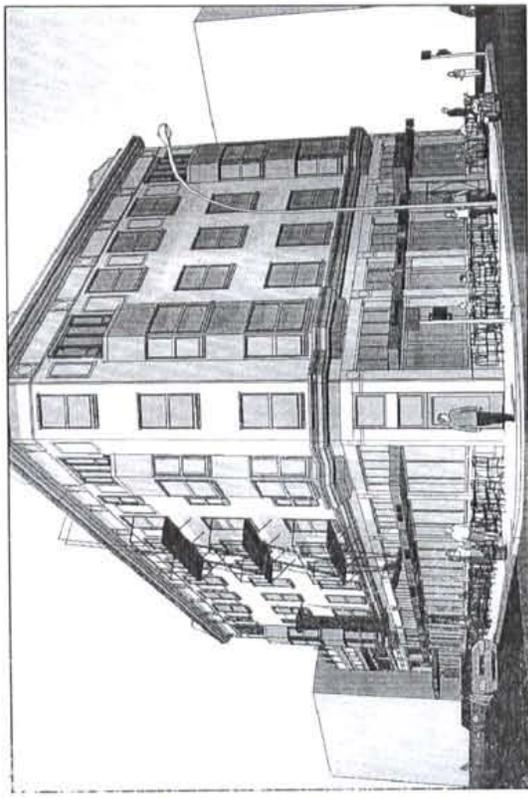


EE
 Approved
 City of Portland - Bureau of Development Services
 Planner: *Barefoot* Date: *7/1/9*
 *This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.



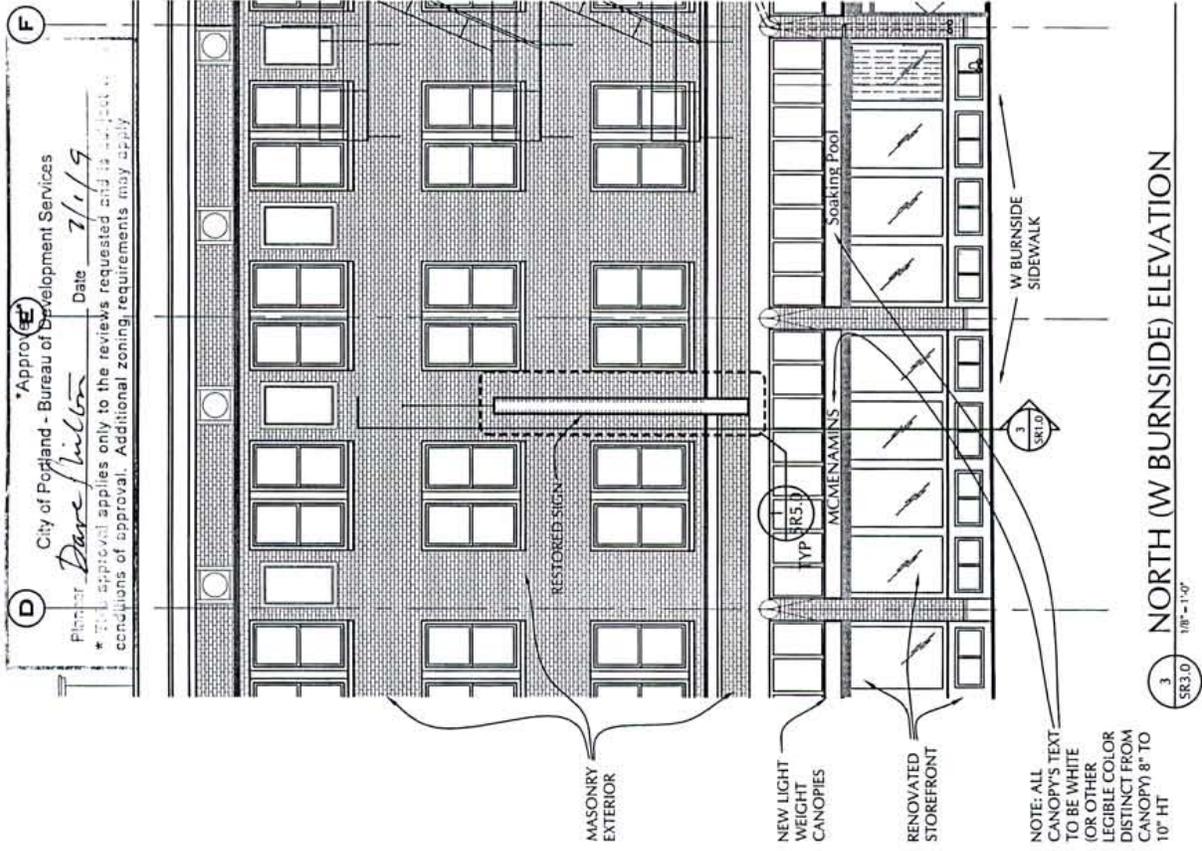
1 VIEW FROM SW STARK ST.
 NO SCALE

SR2.0



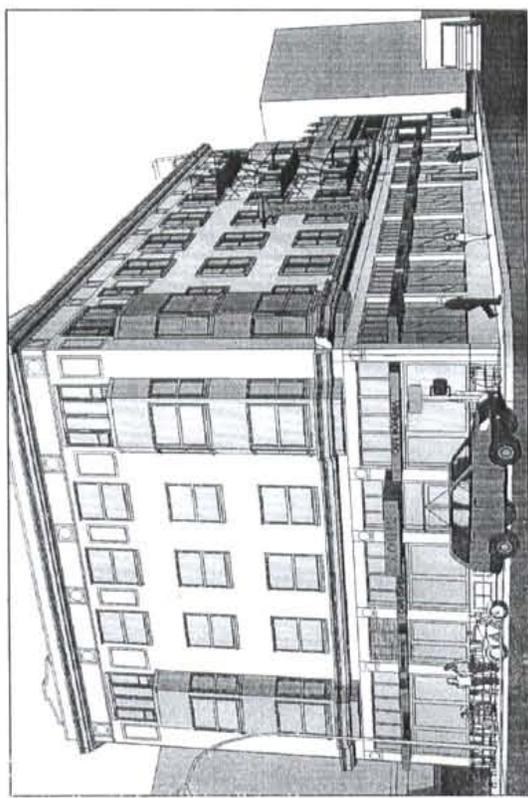
2 VIEW FROM SW STARK & SW 12TH AVE.
 NO SCALE

SR2.0



1 VIEW FROM W BURNSIDE
 NO SCALE

SR3.0



2 VIEW FROM SW 12TH AVE. & W BURNSIDE
 NO SCALE

SR3.0