



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

Ted Wheeler, Mayor
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Date: October 1, 2019
To: Interested Person
From: Amanda Rhoads, Land Use Services
 503-823-7837 / Amanda.Rhoads@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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-177414 AD
NEW FREESTANDING SIGN IN SOUTH PARK BLOCKS

GENERAL INFORMATION

Applicant: Matthew Leavitt | Hacker Architects | 503.972.5312
 1615 SE 3rd Ave, 5th Floor | Portland OR 97209

Owner: City of Portland
 1120 SW 5th Ave #1302 | Portland, OR 97204

Representative: Cameron Patterson | Portland State University
 1825 SW Broadway, PO Box 751 | Portland OR 97207

Site Address: South Park Blocks adjacent to Neuberger Hall

Legal Description: PORTLAND PARK BLKS BLOCK 13&14 TL 3500, PORTLAND; BLOCK 15-17 TL 6400 PORTLAND PARK BLKS, PORTLAND; BLOCK 18 PORTLAND PARK BLKS, PORTLAND

Tax Account No.: R667743780, R667743820, R667743860
State ID No.: 1S1E04AD 07500, 1S1E04DA 06400, 1S1E04DA 07800
Quarter Section: 3228
Neighborhood: Portland Downtown, contact Wendy Rahm at wwrahm@aol.com
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - University District/South Downtown Subdistrict
Zoning: OSd – Open Space base zone with “d” Design Overlay zoning
 CXd – Central Commercial base zone with “d” Design Overlay zoning

Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:
 Portland State University proposes a new, 30-square-foot freestanding sign on the west side of the remodeled Neuberger Hall. The 8-foot tall by 4.5-foot wide sign will advertise the public art

museum within Neuberger Hall. However, it is proposed to be located in the section of the City-owned South Park Blocks that is managed by Portland State University. Because of its size, the sign under review is exempt from Design Review, but as proposed will require three Adjustments to Sign Code standards:

- **32.32.030.F:** Locating a freestanding sign in a location that is not on an arterial street frontage;
- **32.32.010.A and Table 1:** Exceeding the maximum sign face area by 20 square feet (Adjustment from 10 square feet to 30 square feet);
- **32.32.010.A and Table 1:** Allowing a freestanding sign instead of a monument sign for this Open Space-zoned property.

The fascia-mounted signs on Neuberger Hall shown in some exhibits are not proposed at this time.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 32. The relevant criteria are:

- Portland City Code Section 32.38.030.C – Sign Adjustment Approval Criteria

ANALYSIS

Site and Vicinity: The full site is the nine parcels that comprise the South Park Blocks; for this review, the three southernmost parcels totaling 5 acres that abut Portland State University were the focus. These parcels also include several vacated rights-of-way between Portland State buildings west of SW Broadway from SW Hall St to SW Mill St, and the vacated SW Park Ave from north of SW College St and south of SW Market St. The Park Ave vacation was for the purpose of eliminating vehicular traffic and creating continuous, public, pedestrian walkways for the Portland State University campus.

The site is a portion of a public park adjacent to institutional and residential development owned by Portland State University. The Park Blocks have a unique, half-block pattern that was incorporated into the original plat of downtown Portland and was intended to create a “green belt”, or linear connection [from NW Hoyt St. to SW Jackson St.] between the downtown areas that are both north and south of Burnside Street. Most of the two dozen Park Blocks are publicly owned; a few of the Park Blocks are privately owned and are developed with buildings. The public Park Blocks create a mall of landscaped, open space that is devoted to pedestrians and contrasts with the institutional and residential buildings that face the mall.

The subject site is owned by the City of Portland and is administered and maintained by the Portland Parks and Recreation Dept.

Zoning: The Open Space (OS) zone is intended to preserve public and private open, natural, and improved park and recreation areas identified in the Comprehensive Plan. These areas serve many functions including: providing opportunities for outdoor recreation; providing contrasts to the built environment; preserving scenic qualities; protecting sensitive or fragile environmental areas; preserving the capacity and water quality of the stormwater drainage system; and providing pedestrian and bicycle transportation connections.

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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the University District/South Downtown Subdistrict of this plan district.

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

LU 09-117080 DZ - Design Review approval for exterior alterations to the PSU Campus Skybridge network, within and adjacent to both SW Montgomery and SW Harrison Streets.

LU 08-125750 DZ – Design Review approval for improvements to formerly vacated rights of way between Cramer, Smith, and Neuburger Halls on the PSU campus. The improvements include: Revisions to the loading dock (wall removal and new roll-up door), traffic control at SW Broadway, paving, lighting, landscape improvements, grading, information kiosk, smokers kiosk, benches, bike canopy, bike racks, emergency call station, and new ceiling treatments under pedestrian bridges.

LU 00-006915 CU DZ (LUR 00-00360 CU DZ) – Conditional Use and Design Review approval to install new tracks, new paving treatments, a new loading platform, and two new utility poles along the vacated portion of SW Mill St. (from SW 9th Ave. to SW Broadway – the South Park Blocks) for the Portland Central City Streetcar –Phase I alignment (a Basic Utility use), and to operate streetcar vehicles on the alignment.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 27, 2019**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.1);
- Site Development Section of BDS (Exhibit E.2); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.3).

Neighborhood Review: No written responses were received from either the Neighborhood Association or notified residents in response to the proposal.

ZONING CODE APPROVAL CRITERIA

32.38.030.C Adjustment Review

Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2, below are met.

C.1 Area enhancement. *The applicant must meet criteria C.1.a and b, and either c. or d.*

- a. *The Adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and*

Findings: The proposed sign faces into the South Park Blocks. A sign inventory conducted by the applicant shows that the Park Blocks do not have many freestanding signs in the area of PSU (Exhibit A.6). They include two monument signs announcing the PSU campus, made from stone with metal pin-mounted letters; and two “wayfinding kiosks” with campus maps. These two signs are roughly the same size and shape as the proposed sign, with similar dark metal framing.

The proposed sign is placed in a similar location as these other wayfinding signs, being located within several feet of the building’s wall on the north end of a PSU building facing the park. This placement of the sign close to the buildings, the use of dark framing for the sign, and repeating the basic design of the two other signs similarly placed results in an environment that is not cluttered by signs. No streets are in the area, so none will be affected by the placement of this sign. In the park-like and university setting, the 8-foot-tall sign will not dominate the visual image of the area, instead tying closely to the existing institutional use of the area.

The Central City Plan District is guided by the adopted Central City 2035 Plan that was adopted by City Council. The Central City 2035 Goals and Policies were likewise adopted by City Council and went into effect July 2018. Several of the policies relate to the broader development; none of them address signs specifically.

POLICY 1.UD-1 Portland State University. Support the continued success and growth of Portland State University. Specifically, encourage new university development and partnerships with public and private development in the district to promote a vibrant and diverse neighborhood.

POLICY 2.UD-3 Evening and weekend activity. Encourage the development of uses that are active in the evenings and on weekends such as restaurants, galleries, retail stores and performance spaces. Provide a safe and secure 24-hour environment, particularly in car-free pedestrian areas including the PSU campus, South Auditorium and RiverPlace Esplanade.

The sign’s stated purpose is to advertise a public-private partnership that is resulting in the Jordan Schnitzer Museum of Art at Portland State University, which is located within the newly remodeled Neuberger Hall. Locating an art museum that is open to the public within a remodeled PSU building will contribute to a vibrant and diverse neighborhood, and create an active evening/weekend use. The proposed sign will ensure people accessing the building from the Park Blocks side will be notified of the museum as well.

POLICY 5.UD-1 Portland State University character. Encourage the continued development of a pedestrian-oriented, predominantly university campus environment centered on the South Park Blocks...

At 8 feet tall, the sign is of a pedestrian scale, designed to be readable to passers-by. The organization of the sign, with a permanent area at the top with the name of the PSU art museum and a cabinet below with the opportunity for rotating posters to advertise exhibits or events, is designed for pedestrians who will walk directly up to the sign to glean information. Other, similarly-scaled signs that face the South Park Blocks have pedestrian-oriented campus maps; the proposed sign similarly targets pedestrians on the South Park Blocks with a sign that will promote a PSU institution.

The site is also in the Central City Design District. The Central City Fundamental Design Guidelines reflect the design goals for the area. One design

guideline is specific to signs: C.13 Integrate Signs. The guideline primarily address building-mounted signs, discussing the skyline and integrating signs on buildings with the architecture. The guideline also states signs should not create visual clutter at the pedestrian level. In this case, as discussed above, the sign is focused for pedestrians, but will have an unobtrusive presence. Primarily it will be visible at short distances, designed to be read close-up. The sign is small compared to the building overall, and its location close to the main entrance/building wall plus dark color will ensure it will be integrated with the architecture and not stand out. The proposed sign is consistent with the Central City Fundamental Design Guideline regarding signs.

For these reasons, Criterion C.1.a is found to be met.

- b. *The sign will not create a traffic or safety hazard; and*

Findings: The proposed sign does not abut a street, but instead is placed within a public park adjacent to an existing building. The sign is 8 feet tall and placed approximately 6-8 feet from the building wall. It is located between a landscaped area with stormwater planter and the main building entry on the west side, so it will not impede pedestrian traffic. Criterion C.1.b is met by the proposal.

- c. *The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or*
 d. *The adjustment will allow a sign that is more consistent with the architecture and development of the site.*

Findings: The applicant must demonstrate either c. or d. is met. As discussed above, the proposed sign is similar in form, color, and construction to two other freestanding cabinet signs for the PSU campus on the South Park Blocks. Further, the applicant has provided information on two precedent signs further to the north but still on the South Park Blocks, as shown in Exhibit C.3. These two signs, located at the Portland Museum of Art and the Oregon Historical Society, are of similar height and width as the proposed sign, and have the same organization where the institution name is at the top, with the area below available for rotating posters about exhibitions and events. The proposed sign is similarly configured, with the name of the PSU art museum at the top, then a cabinet area below that can host more detailed information for pedestrians to read. The repeating of these basic elements along the South Park Blocks on signs serving different institutions creates a common “language” of information-sharing with pedestrians by institutions that line the Blocks. The sign is not only consistent with the development on the site but with the larger area of the South Park Blocks and surrounding institutions. For this reason, Criterion D is met.



Proposed sign next to new Neuberger Hall west side entrance.

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 requirements of Title 11 can be met, and 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 proposed sign will not cause street-level sign clutter, will not adversely dominate the visual image of the area, and will not cause traffic or safety impacts. Approval of the Adjustment will allow signage that is consistent with the development on the site and consistent with the Central City design district. Since the applicant has demonstrated that the approval criteria are met, the Adjustment must be approved.

ADMINISTRATIVE DECISION

Approval of three Sign Adjustments for a new 30-square-foot freestanding cabinet sign in the Central City Plan District, University District/South Downtown Subdistrict:

- **32.32.030.F:** Locate a freestanding sign in a location that is not on an arterial street frontage;
- **32.32.010.A and Table 1:** Exceed the maximum sign face area by 20 square feet (Adjustment from 10 square feet to 30 square feet);
- **32.32.010.A and Table 1:** Allow a freestanding sign instead of a monument sign for this Open Space-zoned property.

Approval is per the approved plans, Exhibits C.1 through C.4, signed and dated September 26, 2019, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 19-177414 AD."

Staff Planner: Amanda Rhoads



Decision rendered by: _____ **on September 26, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 1

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 June 12, 2019, and was determined to be complete on August 20, 2019.

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 June 12, 2019.

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: December 18, 2019.**

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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 15, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee 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 Adjustment Committee 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **October 15, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

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

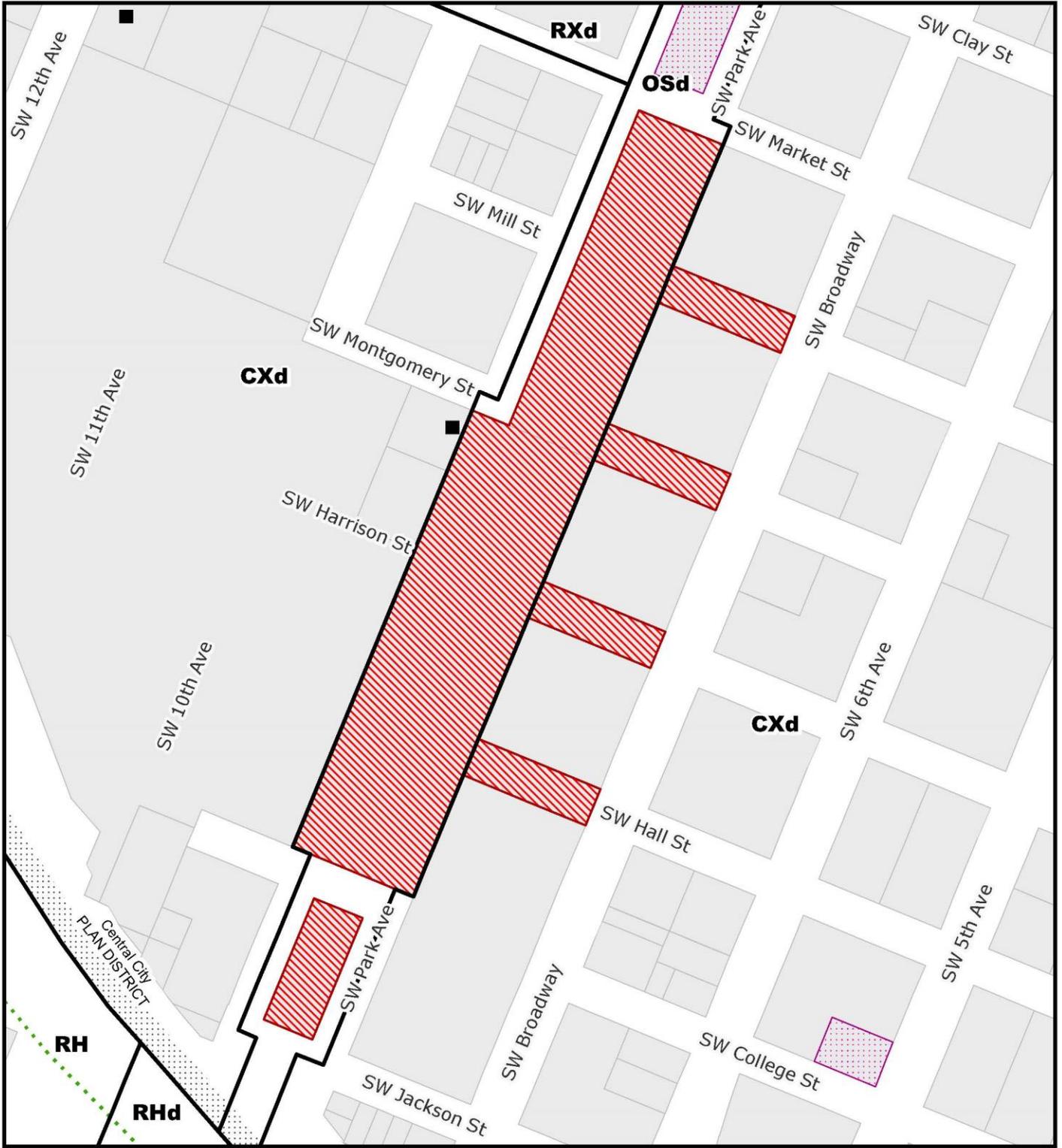
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant Narrative (superseded by Exhibit A.3)
 2. Original Plan Set
 3. Revised Applicant Narrative, August 6, 2019
 4. Copy of PSU and City of Portland Park Blocks Management Agreement, submitted August 6, 2019
 5. Summary of Proposal and Site Plan, August 6, 2019
 6. Sign Inventory, August 6, 2019
 7. Renderings, August 6, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Detailed Site Plan (attached)
 3. Sign Details (attached)
 4. West Building Elevation (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Fire Bureau
 2. Site Development Review Section of BDS
 3. Life Safety (Building Code) Plans Examiner
- F. Correspondence: none received
- G. Other:
 1. Original Land Use Application and Receipt
 2. Incomplete Letter, June 28, 2019
 3. Additional Receipt, August 16, 2019
 4. Refund Request Form, September 17, 2019

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

CENTRAL CITY PLAN DISTRICT
 UNIVERSITY DISTRICT/SOUTH
 DOWNTOWN SUB DISTRICT



-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Recreational Trails

File No.	LU 19-177414 AD
1/4 Section	3228,3128
Scale	1 inch = 200 feet
State ID	1S1E04AD 07500
Exhibit	B Aug 22, 2019

RECEIVED
AUG 06 2019
BDS
DOCUMENT SERVICES

SOUTH PARK BLOCKS
SITE BOUNDARY

AREA OF SIGN INVENTORY

PROPOSED SIGN LOCATION

Neuberger
Hall

PRECEDENT 1
LOCATIONS REF C.6

SIGN PRECEDENT 2
LOCATION REF C.6

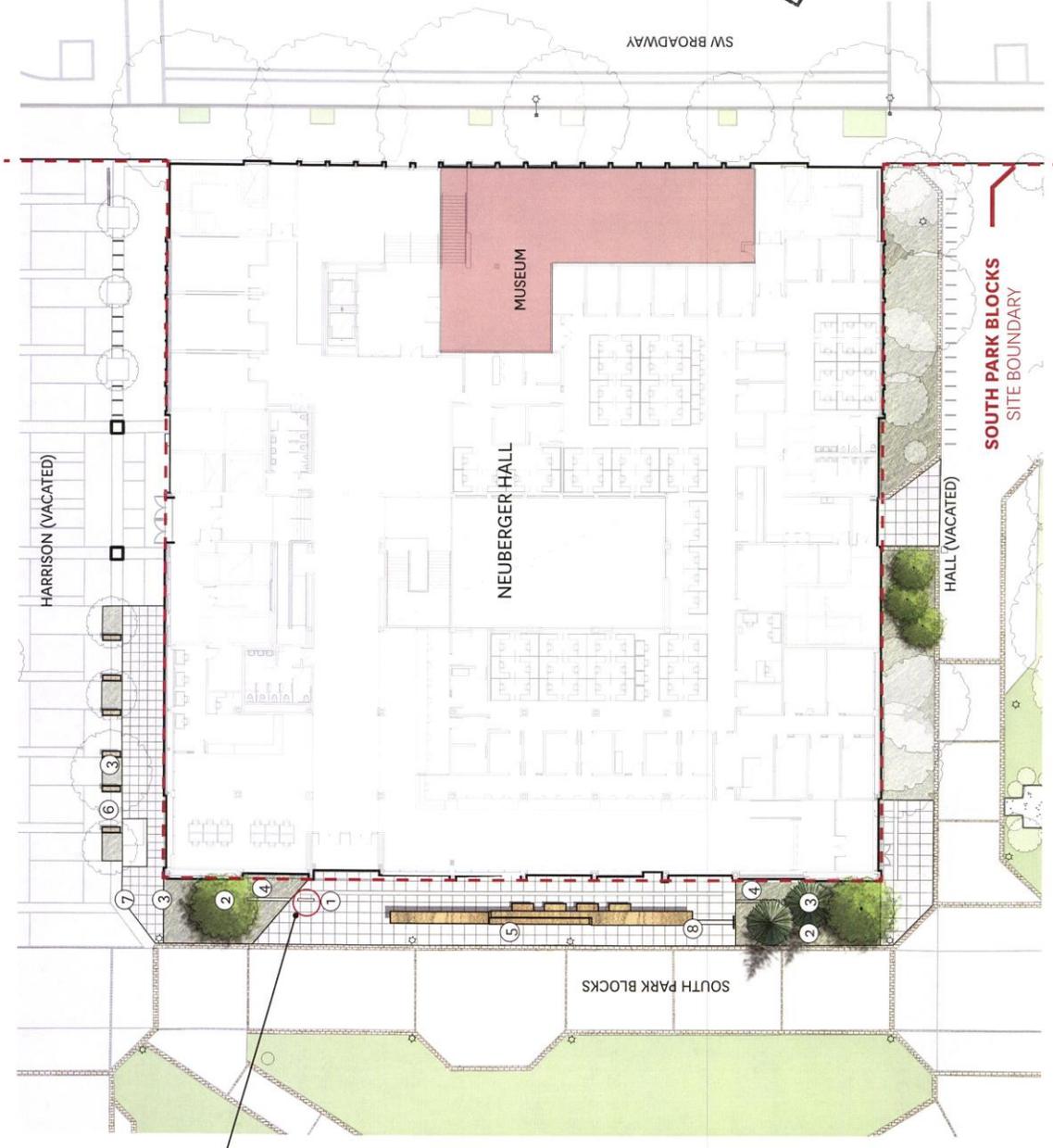
Approved
City of Portland - Bureau of Development Services
Planner AMM Date 9/26/19
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Site Plan

SCALE : 1" = 300'

CASE NO. LU 19-177414
EXHIBIT C.1



KEY

- ① Museum Sign
- ② Proposed Trees
- ③ Refurbished Planting Area
- ④ Vegetated Stormwater Area
- ⑤ "Social Jetty"
- ⑥ Bench
- ⑦ Scored Concrete Paving
- ⑧ Steps w/ Handrails

PROPOSED SIGN

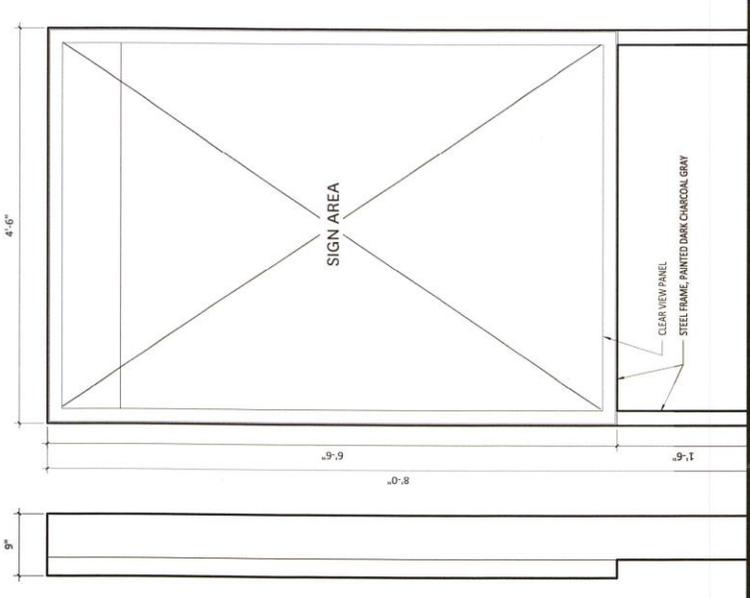
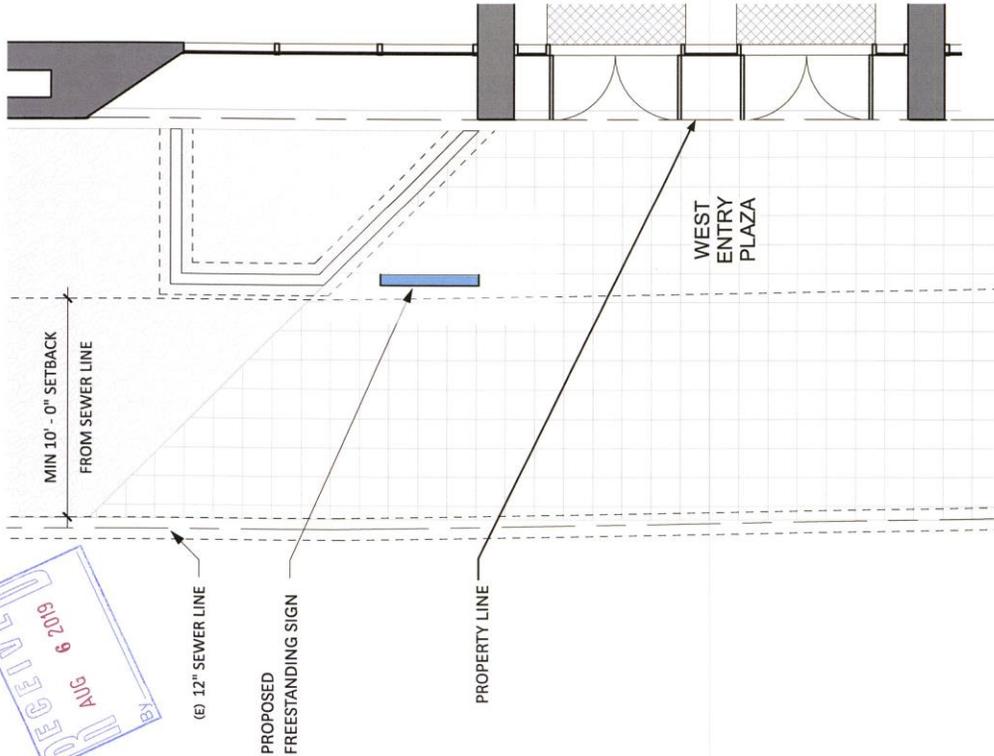
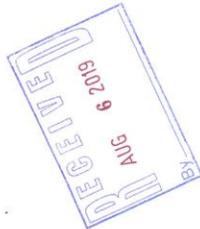
RECEIVED
AUG 6 2019
BY

City of Portland - Bureau of Development Services
 Approved
 Date: 9/26/19
 Planner: AM/ML
 * This approval applies only to the review requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. LU 19 - 177419 AD
 EXHIBIT C-8



SITE PLAN



ELEVATION
3/4" = 1' - 0"



PRECEDENT 1 - Freestanding Sign

DIMENSIONS
OVERALL
 HEIGHT: 75"
 WIDTH: 34 1/2"
 DEPTH: 8"
CABINET:
 HEIGHT: 64"
 WIDTH: 34"

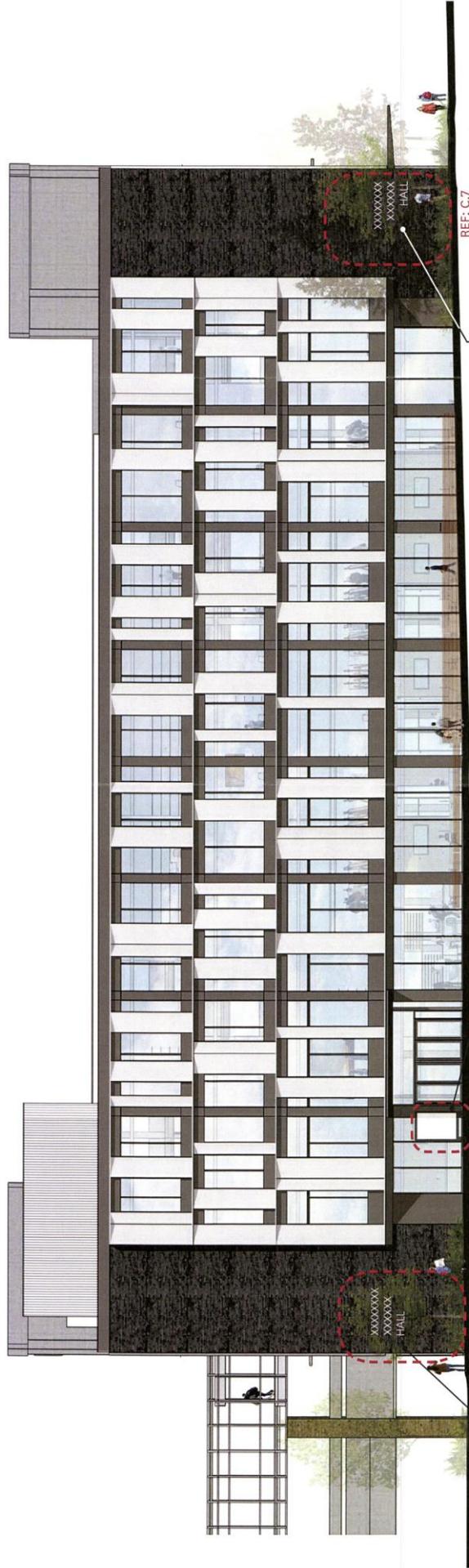


PRECEDENT 2 - Freestanding Sign

DIMENSIONS
OVERALL
 HEIGHT: 86"
 WIDTH: 40"
 DEPTH: 10"
CABINET:
 HEIGHT: 64"
 WIDTH: 34"

Approved
 City of Portland - Bureau of Development Services
 Planner: *AMM* Date: *9/26/19*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. LU 19-177-414 AD
 EXHIBIT C-3
 Exhibit **C.6**



REF: C.7

REF: C.6

REF: C.7

PROPOSED BUILDING SIGN
Under sign request
not proposed

PROPOSED FREESTANDING SIGN

PROPOSED BUILDING SIGN
Under sign request
not proposed

01 WEST ELEVATION
SCALE : 1/16" = 1'-0"

01

CASE NO. LA 19-17714 AD
EXHIBIT C.4

Approved
City of Portland - Bureau of Development Services

Planner MM Date 9/26/19

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

BUILDING ELEVATION - WEST