



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

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**Date:** October 19, 2020  
**To:** Interested Person  
**From:** Hannah Bryant, Land Use Services  
503-865-6520 / Hannah.Bryant@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 20-161899 DZ – ILLUMINATED SIGN IN SOUTH WATERFRONT**

#### **GENERAL INFORMATION**

**Applicant:** Chris Brown | Ramsay Signs  
9160 SE 74th Avenue  
Portland, OR 97206

**Owner:** 650 Gaines LLC  
6400 South Fiddlers Green Circle #1200  
Greenwood Village, CO 80111

**Site Address:** 0650 S GAINES ST

**Legal Description:** BLOCK 158 TL 900, CARUTHERS ADD  
**Tax Account No.:** R140914860  
**State ID No.:** 1S1E10DB 00900  
**Quarter Section:** 3429, 3430  
**Neighborhood:** South Portland, contact Jim Gardner at [contact@southportlandna.org](mailto:contact@southportlandna.org)  
**Business District:** South Portland, contact at [info@southportlanddba.com](mailto:info@southportlanddba.com)  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.  
**Plan District:** Central City - South Waterfront  
**Other Designations:** None  
**Zoning:** CXd – *Central Commercial with a Design Overlay*  
**Case Type:** DZ – *Design Review*  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**  
The applicant seeks Design Review approval for one new sign on a mixed-use building in South Waterfront.

- 49.5 square foot Parapet Sign – mounted to the west side of the building parapet facing I-5, this sign is approximately 215 feet above the sidewalk. It is proposed to be internally illuminated channel letters with a white acrylic face.

Design Review is required for signs over 32 square feet on sites with the ‘d’ (Design) overlay.

**Relevant Approval Criteria:**

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

- *Central City Fundamental Design Guidelines*

## ANALYSIS

**Site and Vicinity:** The South Waterfront Block 39 Mixed-Use Development Project is in the South Waterfront subdistrict of Portland’s Central City. The full-block site is bound by South Gaines Street to the north, South Moody Avenue to the West, South Bond Avenue to the East and South Lane to the south.

The South Waterfront subdistrict, which is the subject of the South Waterfront Plan [adopted 11-13-02], is a low-lying narrow stretch of land bounded on the east by the Willamette River and by the I-5 freeway on the west. Consisting of about 130 acres of land and 6,500 linear feet of riverfront, this area has seen significant transformation from isolated, underutilized industrial areas to a vibrant neighborhood of mixed-use buildings, medical buildings and increasing connectivity with the rest of the city.

**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. 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 South Waterfront Subdistrict of this plan district.

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

- PC 7550 approved adopted zoning changes recommended by the Macadam Corridor Study.
- LUR 01-00521 GW approved with conditions the construction of the West Side Combined Sewer Outfall Tunnel and Pipeline Project.
- DA 05-109260 involved design advice request for potential development of Block 39 with a 23-story apartment tower located on a five-story podium occupying the full block site.
- LU 05-164915 DZ approved a 22-story residential apartment tower and four modifications to development standards.

- LU 07-107538 DZ approved additional and reconfigured rooftop mechanical units.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **September 17, 2020**. The following Bureaus have responded with no issues or concerns:

- Life Safety Section of BDS (exhibit E.1)
- Fire Bureau
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on September 17, 2020. A total of one written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

- Gurdian, Silvio. September 19, 2020. Mr. Gurdian is concerned about the impacts of illuminated signs on neighborhood residences and the sky.

**Staff Response:** *Staff shares Mr. Gurdian’s concerns about the impacts of illuminated signage, and notes that due to Staff comments, the proposed signage of the original proposal was significantly reduced in size and quantity prior to issuing the Public Notice. The original submittal included a parapet sign of 80.5-square feet (the current proposal is 49.5-square feet) and included a 60sf internally illuminated sign at the pedestrian level (current proposal has deleted that sign). The original proposal would have required a Modification to overall building sign allocation to allow more than 135 square feet of signage in excess of that allowed by code. The current proposal does not require a Modification. Therefore, Staff determined that the current proposal meets the guidelines and, due to its west-facing frontage, limited size and height, will not unduly impact residents or the night sky.*

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

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

#### Section 33.825.055 Design Review Approval Criteria

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

**Findings:** The site is designated with a design (d) overlay zone; 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 the South Waterfront Design Guidelines, and the South Waterfront Greenway Design Guidelines for sites with a greenway [g] overlay zone.

### 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.

### **South Waterfront Design Goals**

The South Waterfront Design Guidelines and the Greenway Design Guidelines for the South Waterfront supplement the Central City Fundamental Design Guidelines. These two sets of guidelines add layers of specificity to the fundamentals, addressing design issues unique to South Waterfront and its greenway.

The South Waterfront Design Guidelines apply to all development proposals in South Waterfront within the design overlay zone, identified on zoning maps with the lowercase letter “d”. These guidelines primarily focus on the design characteristics of buildings in the area, including those along Macadam Avenue, at the western edge, to those facing the greenway and river.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase “g”. These design guidelines focus on the area roughly between the facades of buildings facing the river and the water’s edge.

### **South Waterfront Design Guidelines and Central City Fundamental Design Guidelines**

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront 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.

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

**A2. Emphasize Portland Themes.** When provided, integrate Portland-related themes with the development’s overall design concept.

**B2-1. Incorporate Outdoor Lighting That Responds to Different Uses.** Place and direct exterior lighting to ensure that the ground level of the building and associated outdoor spaces are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas. When appropriate, integrate specialty lighting within activity nodes at interfaces of accessways and the greenway.

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building’s overall design concept. Use exterior lighting to highlight the building’s architecture, being sensitive to its impacts on the skyline at night.

**Findings for A2, B2-1 and C12:** The proposal is for one internally illuminated parapet sign. The sole sign is on the west façade of the rooftop parapet, facing the I-5 freeway. It faces away from all neighboring residential buildings and at approximately 215 feet above grade, the single new sign will not impact the pedestrian realm. Extant lighting at the pedestrian realm is sufficient to provide safe lighting and does not require supplemental illumination.

Consistent with Portland sign code limitations and design guidelines, the signage is limited in scale and limited to the singular façade facing the freeway. It faces away from the river and will not have a significant impact on the Portland skyline at night. Portland code limits the size of signage, and the Design Guidelines further reinforce the City’s values in limiting nighttime illumination and sign size to reinforce our pedestrian-focused urban design and not reinforcing the auto-oriented design elements of previous eras.

*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.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**C13. Integrate Signs.** Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

**Findings for C2, C3, C5 and C13:** The proposal for a single, 49.5-square foot, high-quality, internally-illuminated sign at the parapet of this 22-building provides building identification consistent with nearby buildings in size and scale, but with reduced visual impact due to the building's height and the parapet location of the sign. Further, while a box encompassing all the sign elements totals 49.5 square feet, the actual illuminated surface area is only 32.42 square feet. This discrepancy is due to the Portland Sign Code (Title 32) definition of sign area which is calculated based on the maximum height by the maximum widths of the glyphs.

To ensure that the sign does not dominate the Portland skyline, and that it is proportional to its parapet location, a Condition of Approval states that the illuminated area of a sign at this location shall not exceed 32.5 square feet.

*With the Condition of Approval that the illuminated area of the sign shall not exceed 32.5 square feet, these guidelines are 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 proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of one internally illuminated 49.5-square foot parapet sign per the approved site plans, Exhibits C-1 through C-3, signed and dated October 14, 2020 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 20-161899 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the

permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

C. Total illuminated surface area shall not exceed 32.5 square feet.

D. No field changes allowed.

**Staff Planner: Hannah Bryant**

**Decision rendered by:**  **on October 14, 2020**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: October 19, 2020**

**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 29, 2020, and was determined to be complete on September 7, 2020.

*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 29, 2020.

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: January 5, 2021.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at [www.portlandoregon.gov/bds/45477](http://www.portlandoregon.gov/bds/45477).

Appeals must be received by 4:30 PM on November 2, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged.

Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 2, 2020** 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:

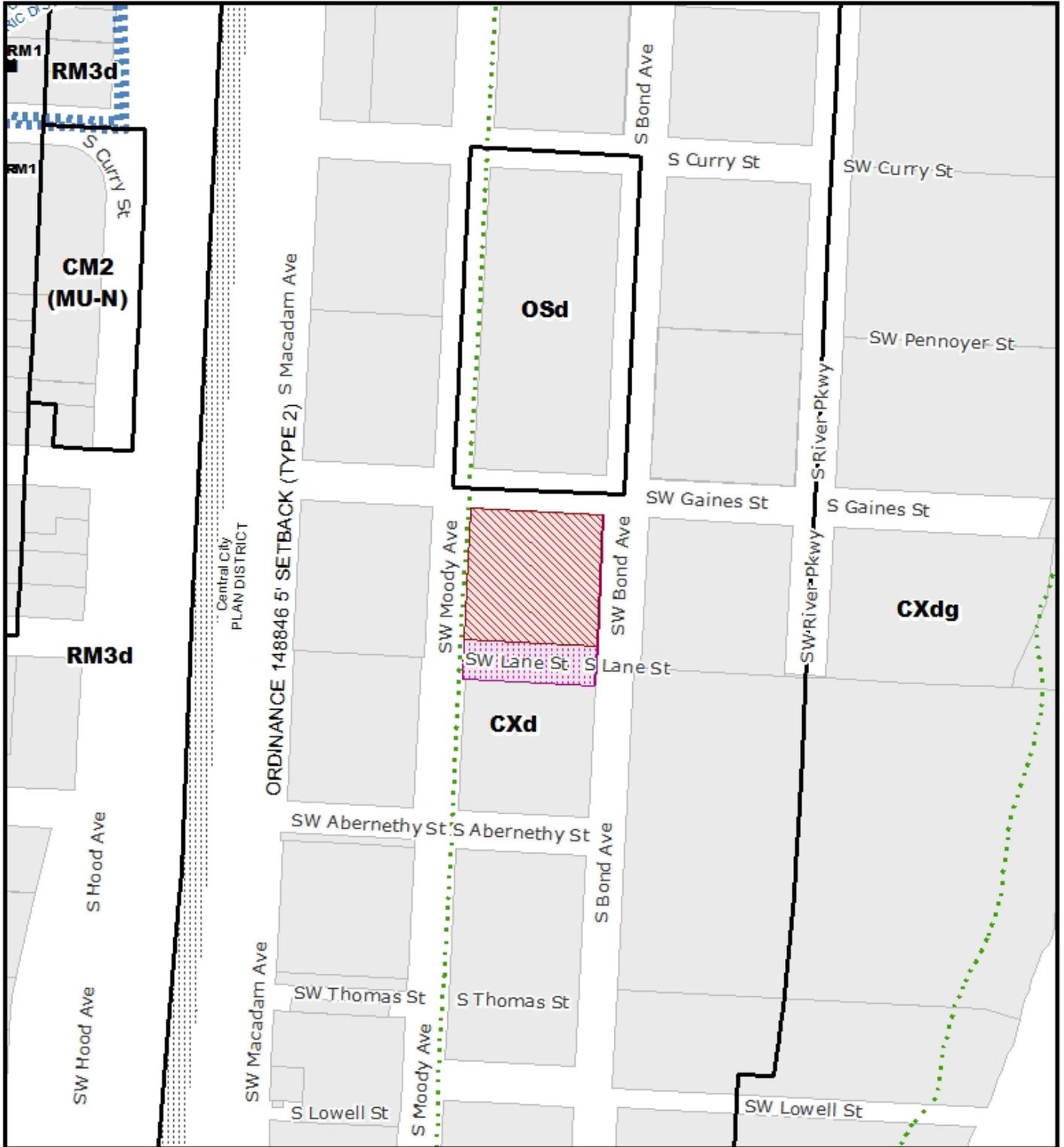
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Original Submittal
  - 2. Request to Remain Incomplete, August 12, 2020
  - 3. Revised Submittal
  - 4. Email from Applicant re: Illumination Area, October 6, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Sign Details
  - 3. West Elevation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety
- F. Correspondence:
  - 1. Gurdian, Silvio. September 19, 2020. Mr. Gurdian is concerned about the impacts of illuminated signs on neighborhood residences and the sky.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter, July 13, 2020
  - 3. Email to Applicant, July 27, 2020
  - 4. Email to Applicant, August 11, 2020

**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

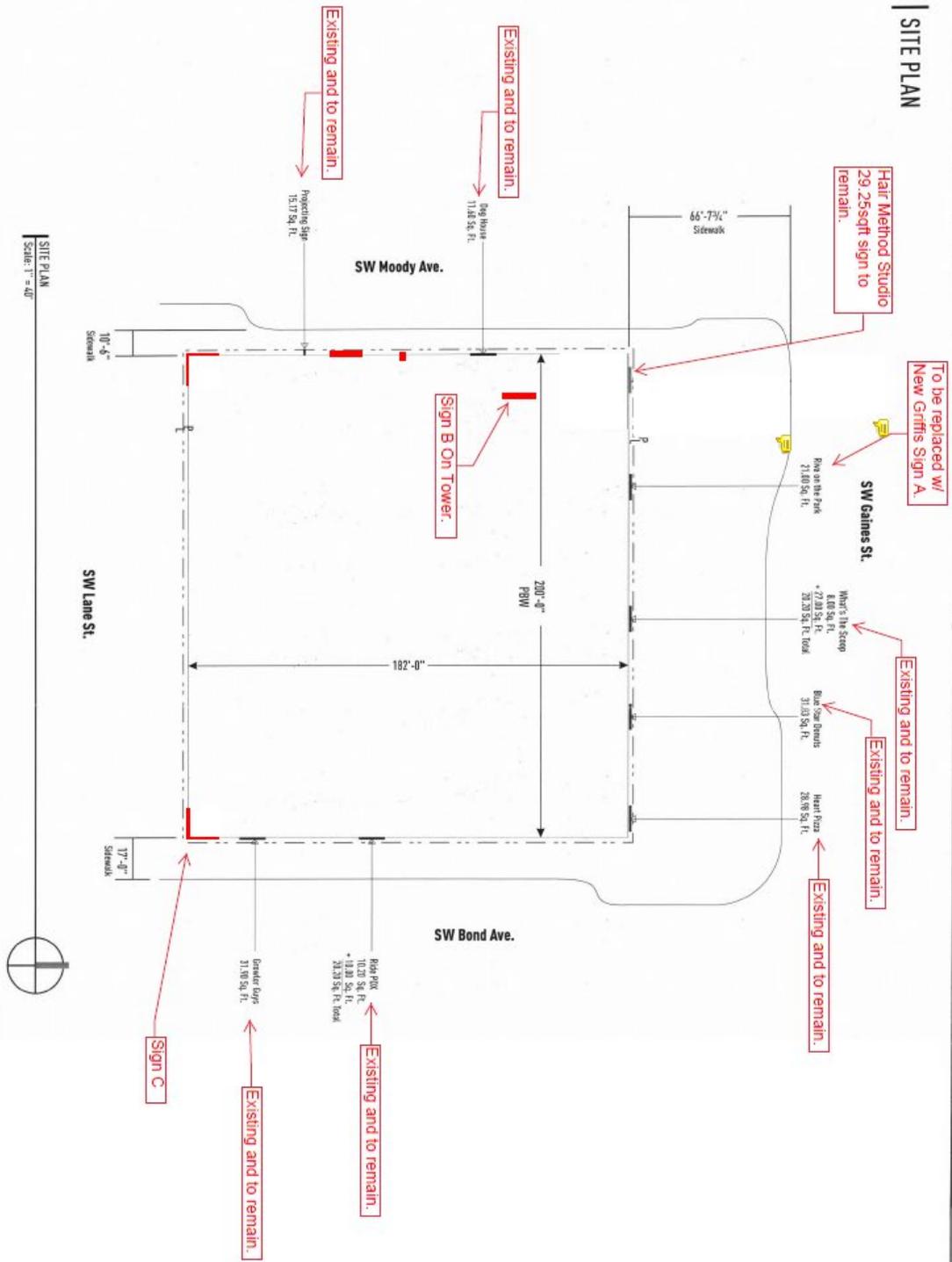
CENTRAL CITY PLAN DISTRICT  
SOUTH WATERFRONT SUB DISTRICT



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

File No.	LU 20 - 161899 DZ
1/4 Section	3429,3430
Scale	1 inch = 200 feet
State ID	1S1E10DB 900
Exhibit	B Sep 08, 2020

# EXTERIOR SITE PLAN



SITE PLAN  
Scale: 1" = 40'