



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

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Date: January 14, 2022
To: Interested Person
From: Tim Heron, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved 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 21-105573 DZM – NEW SIGNAGE

GENERAL INFORMATION

Applicant: Chris Slovick, Ramsay Signs, cslovick@ramsaysigns.com
Darin Hauser
9160 SE 74th Ave
Portland OR 97206

Owner: Athena Entertainment LLC
17 SW 2nd Ave #202
Portland, OR 97204

Site Address: 5 NW 5TH AVE
Legal Description: BLOCK 41 LOT 1 EXC PT IN ST, COUCHS ADD
Tax Account No.: R180203360,
State ID No.: 1N1E34CA 11400
Quarter Section: 3029
Neighborhood: Old Town Community Association, contact Jonathan Cohen at treasure@pdxoldtown.org or Mary-Rain O'Meara at secretary@pdxoldtown.org

Business District: Old Town Community Association, contact at chair@PDXoldtown.org, Downtown Retail Council, contact at LFRisch@portlandalliance.com
Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

District Coalition:
Plan District: Central City - Old Town/Chinatown
Zoning: CXd, Central Commercial with design overlay
Case Type: DZM, Design Review with Modification request
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Design Review and Modification approval to install two single sided sign cabinets at 503 West Burnside/ 5 NW 5th Avenue. Both signs are existing from the previous location of Mary's Club at 129 SW Broadway, will be refurbished in-kind, and relocated as a part of this proposal. One sign (2'- 6" x 18', 45 SF) is a interior-illuminated reader board; the second sign is (3' - 5" x 18', 62.5 SF) is an illuminated neon "Mary's Dine & Dance" sign cabinet.

As the two signs are located in close proximity, a Modification through Design Review is requested for signage greater than 100 SF Portland Sign Code 32.32.020, Table 2, a total of 115 SF.

Because the proposal is for signage greater than 32 SF, Design Review is required. Because the two signs are adjacent to each other and the total sign area is greater than 100 SF, a Modification through Design Review is required.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- 33.825.040.A-C Modifications Considered through Design Review

ANALYSIS

Site and Vicinity: The site includes the southern 1/8th block bounded by W Burnside Street and NW 5th Avenue. The site contains one three-story building, total 8,700 SF, and was constructed in 1910.

The site borders West Burnside Street, which was envisioned as a “wide, gracious boulevard” by Portland planners in the City Beautiful movement in the early 1900s. In 1931, the street was widened to accommodate increased auto traffic, which has affected the pedestrian environment along the street. Currently there is emphasis on transforming Burnside into a pedestrian-friendly commercial boulevard with strong north-south pedestrian connections across the street. The site also fronts on NW 5th Avenue, which is part of the downtown transit mall. Several bus lines also front of the site.

According to the *City of Portland Transportation System Plan*, West Burnside Street and NW 5th Avenue are designated City Traffic Street, Major Transit Priority Street, and City Walkway. The site is located 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 and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

Land Use History: City records indicate no prior relevant land use reviews.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 17, 2021**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 17, 2021**. No written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

DESIGN REVIEW (33.825)

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the

Central City as a whole;

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

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

A4. Use Unifying Elements.

C2. Promote Quality and Permanence in Development.

C3. Respect Architectural Integrity.

C5. Design for Coherency.

Findings: The proposal relocates existing signage that will be refurbished from the original location of Mary's Club since 1954 at 129 NW Broadway to their new location at 503 West Burnside. The two signs, one (2'- 6" x 18', 45 SF) is the interior-illuminated reader board; the second sign (3' - 5" x 18', 62.5 SF) is the illuminated neon "Mary's Dine & Dance" sign cabinet, will be refinished and repainted, with new aluminum as needed, new electrical components and new installation hardware. All components are high-quality materials that create a sense of permanence.

The new signage will reconnect the business with the surrounding neighborhood that is continually improving in its quality and presence. The many nearby restaurants, retail shops, art galleries, and offices successfully incorporate modern materials and design principles with the context and form of brick storefront and light-industrial buildings from the early 20th century. The proposal will continue this practice and enable Mary's Dine and Dance Club to again contribute to the design cohesion of the neighborhood. *These guidelines are therefore met.*

A5. Enhance, Embellish, and Identify Areas.

A5-1. Reinforce Distinct Areas.

A5-1-4. Enhance West Burnside Street.

Findings: The signage is supportive of the pedestrian character desired for West Burnside and the surrounding area. Signage helps announce entry and provide information on events, giving the sense that the building is active inside. Overall, the proposal will reinforce the human-scaled, diverse character desired for the transit mall, West Burnside, and the River District. *These guidelines are therefore met.*

A6. Reuse/Rehabilitate/Restore Buildings.

Findings: The proposal will help to rehabilitate the buildings, allowing for their continued successful re-use. *This guideline is therefore met.*

A8. Contribute to a Vibrant Streetscape.

B1. Reinforce and Enhance the Pedestrian System.

B1-1. Provide Human Scale to Buildings along Walkways.

C1. Enhance View Opportunities.

C8. Differentiate the Sidewalk-Level of Buildings.

Findings: The refurbished signage at this location will communicate to passersby the presence of an active use, thus developing a visual connection between the sidewalk and the interior of the Mary's Club. *These guidelines are therefore met.*

C1-2. Integrate Signs and Awnings.

C12. Integrate Exterior Lighting.

C13. Integrate Signs.

D3. Broadway Unique Sign District

Findings: West Burnside, beginning with the White Stag (now “Made in Oregon”) sign above the foot of the Burnside Bridge, has traditionally been a brightly lit boulevard leading west to “auto row”, a small district of automobile dealerships and services to the west of downtown. Signs on both Broadway and Burnside have historically been larger, brighter, and more flamboyant than those found in the rest of downtown. The vital and festive atmosphere in this area has been maintained through the development of new signs that reflect the area’s roots as an entertainment district.

The Portland Design Commission has identified portions of these two streets as the Broadway Unique Sign District, affording opportunities for signs that contribute to the Broadway entertainment atmosphere, yet may be at variance with the regulations regarding signs contained in the Portland Zoning Code.

The refurbished signage is consistent in size and the marquee lettering is appropriate for the entertainment district and the business venue, allowing for positive identification of Mary’s Club without detracting from the architectural features or integrity of the building. Neither the signs nor the light fixtures will have a negative effect on the Portland skyline. *These guidelines are therefore met.*

Section 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. The review body may not consider modifications to standards for which adjustments are prohibited. 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 other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) 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;
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested; and
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

The following modification is requested:

- Modification through Design Review is requested for signage greater than 100 SF Portland Sign Code 32.32.020, Table 2, a total of 115 SF.

Purpose of the standard for which a modification is requested: *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.*

Findings: The modification will enable the proposal to better meet design guidelines A8 – *Contribute to a Vibrant Streetscape*, C1-2 – *Integrate Signs and Awnings*, C5 – *Design for Coherency*, C13 – *Integrate Signs and Awnings*, and D3 – *Broadway Unique Sign District*.

A modification is triggered because the two signs - one 45 SF and the other 62.5 SF – are located too close together to be measured as separate signs per the Title 32. Therefore, the sign area is determined by the maximum width and maximum height of the two signs combined, which includes approximately 8 SF spacing between the two signs, totaling 115

SF, which is greater than the maximum allowed 100 SF sign area for this Pedestrian District.

As noted above, West Burnside, beginning with the White Stag (now “Made in Oregon”) sign above the foot of the Burnside Bridge, has traditionally been a brightly lit boulevard leading west to “auto row”, a small district of automobile dealerships and services to the west of downtown. Signs on both Broadway and Burnside have historically been larger, brighter, and more flamboyant than those found in the rest of downtown. The vital and festive atmosphere in this area has been maintained through the development of new signs that reflect the area’s roots as an entertainment district.

The Portland Design Commission has identified portions of these two streets as the Broadway Unique Sign District, affording opportunities for signs that contribute to the Broad-way entertainment atmosphere, yet may be at variance with the regulations regarding signs contained in the Portland Zoning Code.

The new signage at this location will work in conjunction with the existing vertically oriented Roseland Theater sign and marquee sign around the corner of W Burnside and NW 6th Avenue, reinforcing the identity of this block’s West Burnside Street frontage as entertainment venues. The signage will give passersby a sense of the activity occurring within the building and announce the presence of an active ground-floor use. It will also indicate to patrons the location of the entrance to the building at West Burnside and NW 5th Avenue. The refurbished signage, relocated from the original Mary’s Club at 129 SW Broadway which opened in 1954, will contribute to an enhanced sense of identity for the new location of Mary’s Cub at 503 West Burnside.

The signage is consistent with the purpose of the standard and the character of entertainment venues as large, inviting marquee announcements are appropriate to communicate events, invite patrons and provide a sense of entry. The refurbishment of existing signage from the original Mary’s Club location, relocated in a similar side-by-side fashion and visually re-anchoring one of the longest running businesses in the City of Portland, appropriately mitigates the standard’s intent to allow an additional 15 SF above the otherwise allowed 100 SF maximum sign area. The signs will not have a negative effect on the Portland skyline by virtue of their pedestrian focused location and alignment with the storefront transom area.

The refurbished signage is consistent in size and the marquee lettering is appropriate for the entertainment district and the business venue, allowing for positive identification of Mary’s Club without detracting from the architectural features or integrity of the building. *The approval criteria 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 refurbished signs meet the applicable design guidelines and modification approval criteria and will be a welcoming addition to the Broadway Unique Sign District. Therefore, the proposal warrants approval.

ADMINISTRATIVE DECISION

Approval to install two single sided refurbished sign cabinets at 503 West Burnside/ 5 NW 5th Avenue. Approval includes two signs: 1) An interior-illuminated reader board (2'- 6" x 18', 45 SF); and 2) An illuminated neon "Mary's Dine & Dance" sign cabinet (3' - 5" x 18', 62.5 SF).

Approval also includes a Modification through Design Review is requested for signage greater than 100 SF Portland Sign Code 32.32.020, Table 2, a total of 115 SF.

Approval per Exhibits C-1 through C-3, signed and dated January 12, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four 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 21-105573 DZM." 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. No field changes allowed.

Staff Planner: Tim Heron



Decision rendered by: _____ **on January 12, 2022**
By authority of the Director of the Bureau of Development Services

Decision mailed January 14, 2022

Procedural Information. The application for this land use review was submitted on November 12, 2021, and was determined to be complete on **December 15, 2021**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 12, 2021.

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: April 14, 2022.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

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 **January 14, 2022** 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 for 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. Original Submittal
 - 2. Revised submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan/ Elevation (attached)
 - 2. Sections Drawings (attached)
 - 3. Elevation/ Rendering (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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).