



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

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Date: 12/28/22
To: Interested Person
From: Staci Monroe, 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 22-197343 DZM – NEW SIGN

GENERAL INFORMATION

Applicant: Chris Slovick & Jeff Mickel | Ramsay Signs Inc
9160 SE 74th Avenue | Portland OR 97206
cslovick@ramsaysigns.com | jmickel@ramsaysigns.com

Owner: Lucille Solomon & Robert D Solomon Trust
9 Mountain View Lane | Lake Oswego, OR 97035

Site Address: 219 SW BROADWAY

Legal Description: BLOCK 85 LOT 8&9 TL 700, PORTLAND
Tax Account No.: R667708730
State ID No.: 1N1E34CC 00700
Quarter Section: 3029
Neighborhood: Portland Downtown, contact Marian DeBardelaben at debardelabenmarian@gmail.com

Business District: Downtown Retail Council, contact at info@portlandalliance.com
District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

Plan District: Central City - Downtown
Other Designations: none
Zoning: CXd – Central Commercial zone with a Design Overlay
Case Type: DZM – Design Review with Modifications
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks Design Review approval for alterations to the building at 219 SW Broadway in the Downtown area of the Central City Plan District. The applicant proposes to refurbish and modify the larger of the two projecting wall signs currently located at the

second and third stories of the building. The alterations include removing the neon, adding internal illumination, adding a leaf image at the top and altering the text. The resulting sign dimensions will be 22'-6" high and 5'-0" wide, totaling 125 SF in size. The sign will be attached to the wall with two mounting arms and brackets that utilize the existing holes in the brick mortar of the current sign.

The following two Modifications are also requested:

- **33.32.020, Table 2.** The code allows 1.5 SF of signage per 1' of linear building length and a maximum sign size of 100 SF. For this 50' frontage, the code allows 75 SF of signage. The new projecting sign is 125 SF, exceeding both allowances.
- **32.32.030 C.1.b.** Sign area projecting into the right-of-way is limited to 30 SF. The proposed projecting sign is fully in the right-of-way and is 125 SF, exceeding this allowance.

Because this proposal is for exterior alterations in a design district and the sign exceeds 32 SF in size, 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 below and can be found as portland.gov/bps/planning/design-guideline-documents:

- Central City Fundamental Design Guidelines
- Section 33.85.040 – Modification Through Design Review

ANALYSIS

Site and Vicinity: The building is located on the west side of SW Broadway, just north of SW Ankeny Street where SW Broadway curves and is highly visible due to the curve. The building is four-stories in height and is designed in Twentieth Century Classical style. The brick-faced commercial building with sheet metal cornice originally provided a background to a large projecting sign for the DC Wax company, but that sign has been removed. The building was also altered with the addition of glazed ceramic tile and awnings at the ground floor. However, the proposed projecting sign will be located at the middle three floors which retain the classic composition of one over one windows separated by pilasters.

The building is flanked by other commercial buildings, two-stories high to the north and six stories high to the south. Other nearby buildings are varied in style and height.

SW Broadway is the most significant north-south shopping street in Downtown Portland. Portland's Transportation System Plan classifies the streets as a Traffic Access Street, Local Service Transit Street south of Ankeny and a Major City Bikeway and Walkway. The site is within the Downtown Pedestrian District. The Max Light rail is one block away running along the SW 6th and 5th Avenue couplet.

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 Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;

- Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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 Downtown Subdistrict of this plan district.

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

- LU 11-143063 DZM – Design Review and Modification approval for two new signs.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 6, 2022**. Given the small scope of the proposal no City Bureaus provided comments.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 6, 2022**. 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

Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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 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 all of the 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.

A4. Use Unifying Elements

A5. Enhance, Embellish, and Identify Areas.

C4. Complement the Context of Existing Buildings.

D3. Broadway Unique Sign District.

Findings for A4, A5, C4 & D3: SW Broadway has been downtown Portland’s principal entertainment and shopping street since the turn of the 20th century, with movie and live theaters, department stores, hotels, and restaurants located along the street from West Burnside to SW Madison Street. According to the Central City Fundamental Design Guidelines, signs on Broadway “have historically been larger, brighter, and more flamboyant than those found in the rest of downtown.” These signs help to maintain the “festive atmosphere” of Broadway. Signs range from vintage, such as the Portland sign at the Arlene Schnitzer concert hall at SW Madison Street, to more recent signs such as the Nordstrom and Pop Art signs to the south along SW Broadway. The Saucebox sign is located close by, to the east, across SW Broadway. Vintage area photographs show many signs, such as the former DC Wax sign at this site, which unified, identified and brightened this stretch of downtown street.

Like the DC Wax sign, formerly attached to the building and the Outdoor Store sign being refurbished, the new sign will also complement this “bright lights” heritage. The sign is particularly welcome in the context of the surrounding street grid that curves just north of the building and so makes this building a focus of attention.

These guidelines are therefore met.

C2. Promote Quality and Permanence in Development

C3. Respect Architectural Integrity

C5. Design for Coherency

C13. Integrate Signs

Findings for C2, C3, C5 & C13: The proposal addresses these guidelines as follows:

- The location of the sign is well integrated with the building’s façade composition; vertically aligned within the middle three floors of the building, above the ground floor and below the cornice.
- The cabinet sign is fabricated aluminum with recessed screws. The existing Outdoor Store aluminum cabinet sign will be refurbished to remove the neon and replace with internally illuminated push-through acrylic lettering. The leaf added to the top will be of similar materials and construction. With these materials and design, the sign will be well-crafted and of durable materials.
- The sign will be affixed to the building with two 4” square steel brackets attached to 10” square steel face plates and utilize the existing penetrations in the façade so as not to create additional holes in the material. The mounting elements are appropriately sized for the large scale of the sign.

These guidelines are therefore met.

- B1. Reinforce and Enhance the Pedestrian System.**
- B2. Protect the Pedestrian.**
- C8. Differentiate the Sidewalk-Level of Buildings.**
- C10. Integrate Encroachments.**

Findings for B1, B2, C8 & C10: The proposal addresses these guidelines as follows:

- The sign enhances the pedestrian environment by contributing to the desired “bright lights” character of Broadway.
- The sign will project no more than 5’-6” into the right-of-way and it is slender in profile with the face of the cabinet 1’-6” at its widest.
- The aluminum cabinet is appropriately sized and located on the building to add interest to the pedestrian environment without being obtrusive or overbearing.
- The applicant is retaining the awnings, so the sidewalk level of the building façade will continue to be easily differentiated from a distance. Underneath the awnings, the pedestrian will continue to enjoy weather protection.

These guidelines are therefore met.

[2] MODIFICATION REQUESTS – CHAPTER 33.825

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; 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.
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

The following two Modifications are requested:

- **33.32.020, Table 2.** The code allows 1.5 SF of signage per 1’ of linear building length and a maximum sign size of 100 SF. For this 50’ frontage, the code allows 75 SF of signage. The new projecting sign is 125 SF, exceeding both allowances.
- **32.32.030 C.1.b.** Sign area projecting into the right-of-way is limited to 30 SF. The proposed projecting sign is fully in the right-of-way and is 125 SF, exceeding this allowance.

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.

Findings: As described above, the area and projection are part of a design that furthers the objectives of a bright lights district on Broadway. Also, the sign will pose no threat to public safety or nuisance to nearby properties as it will be well-constructed and at the second story of the building.

The thoughtful design and appropriate placement on the building adds to the positive attributes of a bright lights district for all modes of travel, including pedestrians. The sign is located mid-façade, positioned away from adjacent buildings and complements the architecture of the building and the surrounding context. There are no impacts that result from the large scale of the sign therefore no mitigation is necessary.

These approval criteria are therefore met for both requested modifications.

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 design review process implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a Design Review for a new 125 SF projecting sign.

Approval of two Modifications:

- **33.32.020, Table 2.** The code allows 1.5 SF of signage per 1' of linear building length and a maximum sign size of 100 SF. For this 50' frontage, the code allows 75 SF of signage. The new projecting sign is 125 SF, exceeding both allowances.
- **33.32.030 C.1.b.** Sign area projecting into the right-of-way is limited to 30 SF. The proposed projecting sign is fully in the right-of-way and is 125 SF, exceeding this allowance.

Per the approved site plans, Exhibits C-1 through C-2, signed and dated 12/22/22, 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 22-197343 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 Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on 12/22/22**
By authority of the Director of the Bureau of Development Services

Decision mailed 12/28/22

Procedural Information. The application for this land use review was submitted on October 26, 2022, and was determined to be complete on December 2, 2022.

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 October 26, 2022.

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 extended by the applicant, **the 120 days will expire on 4/1/23.**

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 **12/28/22** 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. Project description and approval criteria responses
 - 2. Original drawings
 - 3. Structural calculations
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan & building elevation (attached)
 - 2. Enlarged sign elevations and details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated 11/8/22

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).