

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

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

**Date:** June 11, 2015

To: Interested Person

From: Grace Jeffreys, Land Use Services 503-823-7840 / Grace.Jeffreys@portlandoregon.gov

# NOTICE OF A *REVISED* TYPE Ix 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, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 14-254689 HR

BLADE SIGNS TO THE CONVENTION PLAZA BUILDING

# **GENERAL INFORMATION**

Applicants:	Brenden Hyde, Circle Triangle Square 821 NW Flanders #240, Portland OR 97209
	Vibrant Table Group 2236 SE Belmont St, Portland, OR 97214
Owner:	Bridgehead Development LLC 1001 SE Water Ave #120, Portland, OR 97214-2147
Site Address:	123 NE 3RD AVE
Legal Description:	BLOCK 68 INC PT VAC ST LOT 1&8 LOT 2&3&6&7 INC PT VAC ST LOT 4&5; HISTORIC PROPERTY; POTENTIAL ADDITIONAL TAX, EAST PORTLAND
Tax Account No.:	R226504340
State ID No.: Quarter Section:	1N1E34DA 02800 3030
Neighborhood:	Kerns, contact Steve Russell at 503-784-8785.
Business District:	Central Eastside Industrial Council, contact Peter Fry at 503-274- 2744.
District Coalition: Plan District:	Southeast Uplift, contact Bob Kellett at 503-232-0010.
	Central City - Central Eastside Historic Landmark: the building, Ira F. Powers Warehouse and Factory, is a recently designated Historic Landmark.

Zoning:	Central Employment (EX) base zone; General Industrial 1 (IG1) base zone; Design (d) overlay zone; Scenic (s) overlay zone
Case Type:	Historic Resource Review (HR)
Procedure:	Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** On March 6, 2015, Historic Resource Approval was granted for two 36" x 56" exterior blade signs on the NE 3<sup>rd</sup> Avenue façade of the Convention Plaza building, a structure listed on the National Register of Historic Places. The applicant revised the two proposed signs to a reduced size of 24" x 36" each. Materials are powder-coated aluminum frames with continuous welded mounting brackets, and powder-coated aluminum face panels with painted acrylic graphics, fixed to frames with counter-sunk screws. Historic Resource Review is required because the proposal is to add signs to a historic building.

#### Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Other Approval Criteria Section 33.846.060.G
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan

## ANALYSIS

**Site and Vicinity:** The subject site includes an existing 5-story, 96,000 SF building that was constructed in 1925 as a warehouse for Powers Furniture and later converted to a commercial office building in the 1950's for which it was used as such until 2007. The building construction is a combination of concrete exterior bearing walls, concrete post and beam and heavy timber wood structure. The existing building anchors the east side of the 57,534 SF site with a surface parking area, 48 stalls, on the west half and landscaped areas to the north and south of the building.

The building is part of the Burnside Bridgehead redevelopment area; in 2010, the Portland Development Commission generated a Framework Plan for this key site. The site sits at the intersection of the Willamette River and Burnside Street and stands at the threshold of becoming a vibrant center of life and commerce and a critical link between the Eastside and the Westside of Portland's Central City. Beginning on the northern edge of the Burnside Bridge the 4.04 acre site is geographically and historically connected to the major commercial and industrial arterial for the region, the Willamette River. The surrounding vicinity includes light industrial, restaurants, start-up businesses, and extensive infrastructural investments of the East Burnside/Couch couplet and Streetcar Loop were completed over the last several years.

The renovation of this landmark building was the first piece of the significant redevelopment aspirations. Recently the subject building was nominated as a Historic Landmark by the National Park Service. It is designated as the "Ira F. Powers Warehouse and Factory" (Powers Warehouse).

**Zoning:** The <u>Central Employment</u> (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The <u>General Industrial 1</u> (IG1) zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The intent is to promote viable and attractive industrial areas. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly

developed with sites having high building coverage and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas. Minimum lot area is 10,000 square feet.

The <u>Design Overlay Zone</u> "d" 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 <u>Scenic Resource Zone</u> "s" overlay is intended to protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan; enhance the appearance of Portland to make it a better place to live and work; create attractive entrance ways to Portland and its districts; improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and implement the scenic resource policies and objectives of Portland's Comprehensive Plan. The purposes of the Scenic Recourse zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

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

- <u>LU 06-103735 ZC</u> Hearings Officer approval to change the zoning from IG1, General Industrial to EXd, Central Employment with a d, Design Overlay Zone. Conditions of Approval A-D placed significant limitations/requirements on future redevelopment regarding use restrictions.
- <u>EA 10-182952 DA</u> Voluntary Design Advice Request with the Design Commission to gain input on the proposed reuse of the Convention Plaza building and associated NE Couch plaza improvements.
- <u>LU 10-195642 DZM</u> Design Review that approved the renovation of the Powers Warehouse and the improvements to the Couch Street plaza and the existing adjacent parking lot.
- <u>LU 12-148844 DZHDZ</u> Revision to the site work (DZ) including Revise the grading of the west surface parking area; Revise the storm water planter to a storm water basin; Complete redesign of the vacated NE Couch Street plaza. This was also a revision (HDZ) to the Historic Landmark: Removal of 4 canopies at the 2<sup>nd</sup> floor (NE 3<sup>rd</sup> Avenue) and 1 canopy at the 1<sup>st</sup> floor (south elevation); Redesign the main entry at NE 3<sup>rd</sup> Avenue; roof deck with a vitrine (sunken stair well); Construct a new raised walk along the West entries with a guard rail and access stairs.
- <u>LU 14-146782 HR</u> Historic Resource Review approval to replace a transom with a new louvered vent on a structure listed in the National Register of Historic Places.
- <u>LU 14-254689</u> On March 6, 2015, Historic Resource Review approval was granted for two 36" x 56" blade signs. This decision is superseded by this new decision dated June 11, 2015.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **January 23**, **2015**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **January 23, 2015**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

### ZONING CODE APPROVAL CRITERIA

<u>Chapter 33.846.060, Historic Reviews</u> Purpose of Historic Resource Review Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### Historic Resource Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is a designated Historic Landmark. Therefore the proposal requires historic resource review approval. The relevant approval criteria are listed in *33.846.060 G. 1.-10.* In addition, because the site is located within the Central City, the relevant approval criteria are the *Central City Fundamental Design Guidelines*. Additionally, the site is located in the Central Eastside Sub district; therefore the *Central Eastside District of the Central City Plan Guidelines* also apply.

#### **G.** Other Approval Criteria:

**1. Historic character.** The historic character of the property will be retained and preserved.

**Findings for 1:** The signs are designed and placed to best retain and preserve the historic character of the property. The scale, proportions, dimensions and the mounting method of the proposed signs are all congruent and compatible with the historic character of the building and the existing signage on the building, and similar to other signs in the immediate vicinity. The signs are to be installed in harmonious locations that align with the architectural features of the façade, centered on the visual vertical columns separating the first floor windows. Installation of the signs will retain and preserve the property's historic significance. *This criterion is met.* 

**2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

**Findings for 2:** The lettering style is visually compatible with the limited existing signage (street numbers over the main entrance) on NE 3rd Avenue and creates a historic connection to this existing signage. The black powder-coated aluminum frames and simple design of the signage refers to the existing street number signage (color and material) and the black metal window and door framing, and is compatible with the historic landmark, but does not create a false sense of historic development or contain conjectural features.

This criterion is met.

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

**Findings for 7:** The vertical blade design of the signs and the offset design of the frames and brackets require modest attachments to the building wall, resulting in minimal alterations to the building fabric, and therefore maintain the fabric of the historic facade. The new signage is offset from the face of the building by the brackets and frames, physically differentiating the new signs from the historic landmark. *This criterion is met.* 

**8.** Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**Findings for 8:** The proposed signs are compatible with the building's current architectural features. The signs will be installed centered on vertical columns separating the first floor windows of the façade, and are consistent with structural and architectural lines and rhythms that have been established by the existing building façade. The blade style design and the powder-coated aluminum frames which offset the signs from the building's façade maintain the architectural integrity of this historic landmark building.

This criterion is met.

**9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings for 9:** The mounting brackets of the vertical blade signs require modest attachment to the facade, allowing minimal alterations to the building fabric. This approach results in an alteration to the facade that can be restored easily in the future by removing the brackets and filling in the fixing holes. Additionally, because the face plates are screw fixed into the frames, the signage can easily be changed for a new tenant without removing the mounting brackets from the face of the landmark building. *This criterion is met.* 

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 10:** The proposed signs are compatible with the existing and original treatments of the building. The scale of the signs along NE 3rd Avenue is modest and the placement on vertical elements complements the rhythm of the building façade. The black powder-coated frames are visually consistent with the existing street number signage (color and material), and the black metal window and door framing, and are compatible with the original building's composition. *This criterion is met.* 

## <u>Central City Fundamental Design Guidelines and Central Eastside Design</u> <u>Guidelines:</u>

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

**A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**C8.** Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**Findings for A4, B2 and C8:** The proposed new tenant signs are features that signify business spaces, and help connect the building to the surrounding area. Located 8 feet above the sidewalk, the proposed signs will not physically impact the pedestrian environment. The top of the proposed signs are approximately aligned with the first floor window head level, and will help differentiate the sidewalk level of the building

from the middle and top of the building, provide way-finding information for pedestrians, and offering interest and diversity in a manner that contributes to the pedestrian environment and experience. *These guidelines are therefore 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.

### Findings for C2, C3, and C5:

The proposal includes signage comprised of tubular frames with continuous welded brackets, and removable 1/8" thick face panels, all powder-coated aluminum. Powder-coated aluminum is durable and provides a sense of permanence. The removable face panels are screw fixed to the frames, and face tapped so hardware is flush. The tenant graphics and lettering on the face panels are painted acrylic taped and glued to the face panels. To respect the integrity of the building, these tenant specific panels are easily removable without affecting the historical resource. Additionally, the choice of a blade sign design minimizes contact with the building fabric, and the location on vertical building elements reinforces the rhythm of the building, successfully incorporating new signage system while respecting the original character and architectural integrity of the building. The style and material of the signs are consistent with the character of the building and result in a coherent composition. *These guidelines are therefore met.* 

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

#### C1-2. Integrate Signs.

**b.** Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code.

**Findings for C13 and C1-2.b:** The signs and their support frames are designed and placed to integrate with the overall character of the historic property. The size, placement and design are subordinate to the historic landmark. The signs are modest in size and are to be positioned to align with the architectural features of the façade, and the vertical columns separating the first floor windows. The top of the signs are located to approximately align with the head of the windows of the first floor, so the signs will have no presence on the city's skyline. *This criterion is 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 proposal is for the modest addition of two powder-coated aluminum and painted acrylic blade signs to an existing Landmark building to indicate business locations. This review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, historic, architectural, or cultural value. The proposed blade signs will be of quality materials, detailed to have minimal impact on the structure, and

Page 7

designed to integrate with the architecture of the Landmark building, and meets the approval criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

*Revised* approval of Historic Resource Review to add two new 24" x 36" blade signs to a structure listed in the National Register of Historic Places.

Approved per the approved site plans, Exhibits C-1, and C.4 through C-8, signed and dated June 9, 2015, 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, and C.4 through C-8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-254689 HR. No field changes allowed"

Staff Planner: Grace Jeffreys **Decision rendered by:** on June 9, 2015 By authority of the Director of the Bureau of Development Services

#### Decision mailed (within 5 days of dec.) June 11, 2015

**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 December 30, 2014, and was determined to be complete on **January 16, 2015**.

*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 **December 30, 2014.** 

*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. On March 16, 2015, the applicant requested review of a revised proposal, Exhibit G.3, and on May 29, 2015 applicant submitted final drawings, see Exhibit G.4. This request extended the review period by 74 days. Unless further extended by the applicant, **the 120 days will expire on: July 29, 2015**.

#### 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 <u>www.portlandonline.com</u>.

#### Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **June 11, 2015.** The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

**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, permitees must demonstrate compliance with:

• All conditions imposed herein;

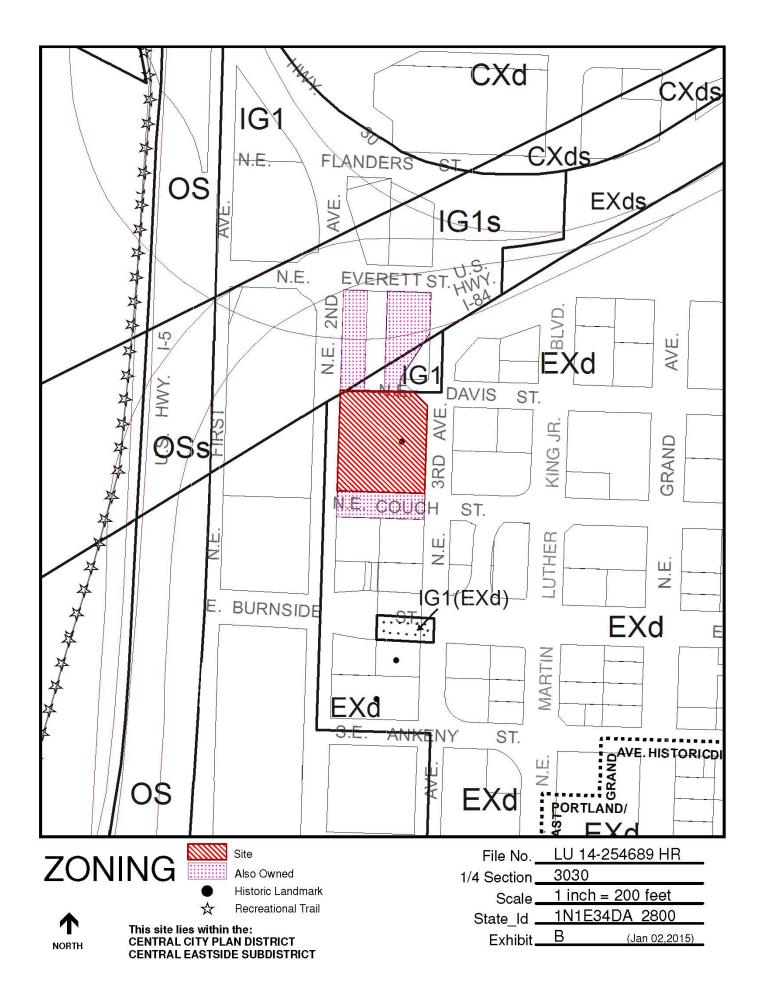
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

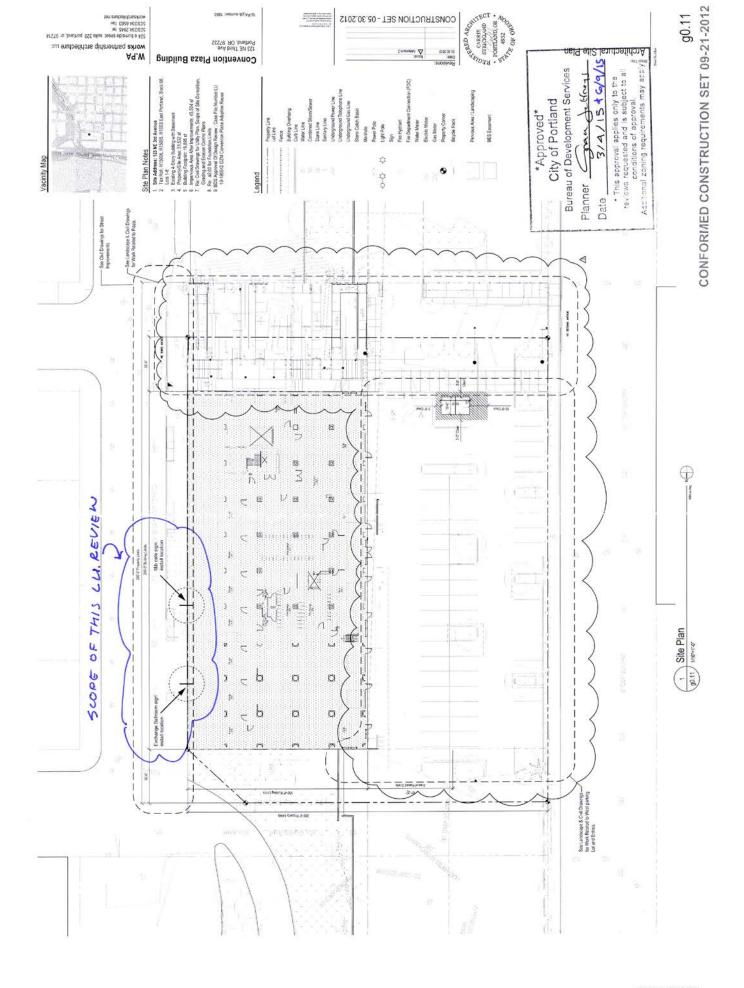
#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Original Narrative, 1/30/2014
  - 2. Applicants email confirming fixings method, 1/16/2015.
  - 3. Revised narrative submitted with re-notification, 3/16/2015
  - 4. Examples submitted, 4/2/2015.
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. East Elevations, from previous approval, not approved.
  - 3. Sign Details, from previous approval, <u>not approved.</u>
  - 4. East Elevations (attached)
  - 5. Sign Details (attached)
  - 6. Street Illustration
  - 7. Elevation Illustration of sign B
  - 8. Elevation Illustration of sign A
- D. Notification information:
  - 1. Mailing list, 1/23/2015
  - 2. Mailed notice, 1/23/2015
  - 3. Decision Mailing List, 3/6/2015
  - 4. Mailed Decision, 3/6/2015
- E. Agency Responses: None received.
- F. Correspondence: None received.
- G. Other:
  - 1. Original Land Use Application, 12/30/14
  - 2. Site Visit Photographs
  - 3. Re-notification Land Use Application, 3/16/2015
  - 4. Email with revised signage, 5/29/2015

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).





EXM.C.1

