



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

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Date: March 19, 2009
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 approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 09-102626 HDZ – HISTORIC
DESIGN REVIEW FOR NEW SIGNAGE**

GENERAL INFORMATION

Applicant: Tad Raines (503) 228-3273
Chesshir Architecture, P.C.
415 NW 11th Avenue
Portland, Oregon 97209

Tenant: Brooklyn Industries
43 Hall Street, 6th Floor Suite A15
Brooklyn, New York 11205

Property Owner: Garry J Vallaster
2746 NE 24th Avenue
Portland, Oregon 97212

Site Address: 733 NW 23RD AVE

Legal Description: LOT 1 BLOCK 7, KINGS 2ND ADD
Tax Account No.: R452301100
State ID No.: 1N1E33BC 07200
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Kay Wolfe at 503-227-0898.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Zoning: CS – Commercial Storefront zone with Historic Resource Protection Overlay (Historic Alphabet District)
Case Type: HDZ – Historic Design Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant has proposed a new exterior sign package for a pending tenant in the building at 735 NW 23rd Avenue at Johnson Street. The new signs include individual pin-mounted black laser cut metal letters on both street-facing facades (north and east), as well as one on the south façade. Four slender spot light fixtures are proposed above each of the three store name (Brooklyn Industries) signs, casting light down onto the letters. Individual letters are 1'-0" tall, and each sign is 17'-6" wide, or 17.5 square feet. A fifth sign is also proposed on the north façade, featuring an image of a rooftop water tank, also in pin-mounted black laser cut metal, and featuring a single spot light fixture above. The pin-mounted 'water tank sign' is 6'-0" tall by approximately 3'-3" wide, for a sign area of approximately 19.5 square feet. In all, four new signs totaling 72 square feet are proposed.

Because the site is located within the Alphabet Historic District, the new exterior sign package requires a Type I Historic Design Review (33.846.060.B.4.e).

Relevant Approval Criteria:

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

- ☐ The *Community Design Guidelines*
- ☐ The *Historic Alphabet District Community Design Guidelines Addendum*.

ANALYSIS

Site and Vicinity: The subject property is the Morris Glicksman Building, completed in 1972. It occupies a 50' x 100' lot facing NW 23rd Avenue on the southwestern corner of the intersection with NW Johnson Street. It is counted as a non-contributing resource in the Alphabet Historic District. NW 23rd is commercial in use and character, but the rear of the subject property abuts a residentially zoned (R1) area.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas that are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Historic Resource Overlay Zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 3, 2009**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division
- Plan Review Section of BDS (refer to Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 3, 2009**. One written response has been received from a notified property owner in response to the proposal.

- Leland Stapleton, February 6, 2009, states signage does not meet the Community Design Guidelines, is too large, is out of character with the building and branding is not desirable in the historic district.

Staff's Response: As discussed in the findings below, staff concludes the proposed signage meets the applicable approval criteria.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design 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 located within the Alphabet Historic District. Therefore the proposal requires Historic Design Review approval. The applicable design guidelines are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c]

Historic Alphabet District - Community Design Guidelines Addendum

These guidelines were adopted on September 5, 2000 and were developed to work with the Community Design Guidelines to provide a set of guidelines specific to the district.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other transportation systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has only addressed those considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are addressed concurrently.

Historic Alphabet District Approval Criteria

3. 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. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings: The proposed signage on the non-contributing structure is in keeping with the modernist aesthetic of the building. The building was constructed in 1972 with a boxy mass and relief provided by two storefronts that break down the façade into smaller planes. The signage placement is appropriately located within each of the individual wall planes and proportionately sized for each façade. The metal signage

material complements the simple exterior of the building consisting of stucco, aluminum (storefront) and Douglas Fir ship lap siding. Similar types of pin-mounted, externally illuminated signage can be found on adjacent properties as well as throughout the surrounding area thus maintaining compatibility with the character of the Alphabet Historic District. *Therefore this guideline is met.*

Community Design Guidelines

P1. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions;

Findings: Because of its age, the existing building is listed as a non-contributing resource in the Alphabet Historic District. However, it does share desired characteristics with the earlier commercial buildings in the area, including build-out to the front and side property lines, a single story and large storefront windows on both street façades. Building signage found on the commercial structures in the district consists of high quality durable materials which are externally illuminated. The proposed signage maintains all these qualities. *Therefore this guideline is met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings: The original commercial character of the simple modernist building is maintained and respected with the proposed signage. The slenderness and horizontality of the signs that result from 1'-0" letter height allow the boxy character of the building to continue. The signs within the storefronts are balanced within each bay and located just above the glazing allowing the reclaimed Douglas Fir ship lap siding above, which is the only material and design detail on the building, to remain prominent. The metal 'water tower' logo sign on north elevation is also appropriately located and sized within the center of the wall plane creating a balanced façade. The metal signs and external lighting complement the aluminum material on the storefronts. The pin-mounted letters results in a clean application that is straightforward and in line with the simple character of the building. *Therefore this guideline is met.*

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings: The metal material of the pin-mounted signs and light fixtures is a durable substance that maintains a high quality appearance for a long time. The location of the signs, each within an individual wall plane, provides for coherency throughout the simple façade. Both the pin-mounted letters that sit off the building's surface and external illumination provide shadow and depth to the signs creating interest and texture on the flat façade. *Therefore this guideline 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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed signage is appropriate for this non-contributing, modern building and

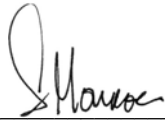
compliments other signage within the historic district. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of 5 signs per the approved site plans, Exhibits C-1 through C-2, signed and dated 3/17/09, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-102626 HDZ."

Staff Planner: Staci Monroe

Decision rendered by:  **on March 17, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) March 19, 2009

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 January 15, 2009, and was determined to be complete on January 29, 2009.

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 January 15, 2009.

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.

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

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 **March 19, 2009**. 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 503-823-7967.

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:

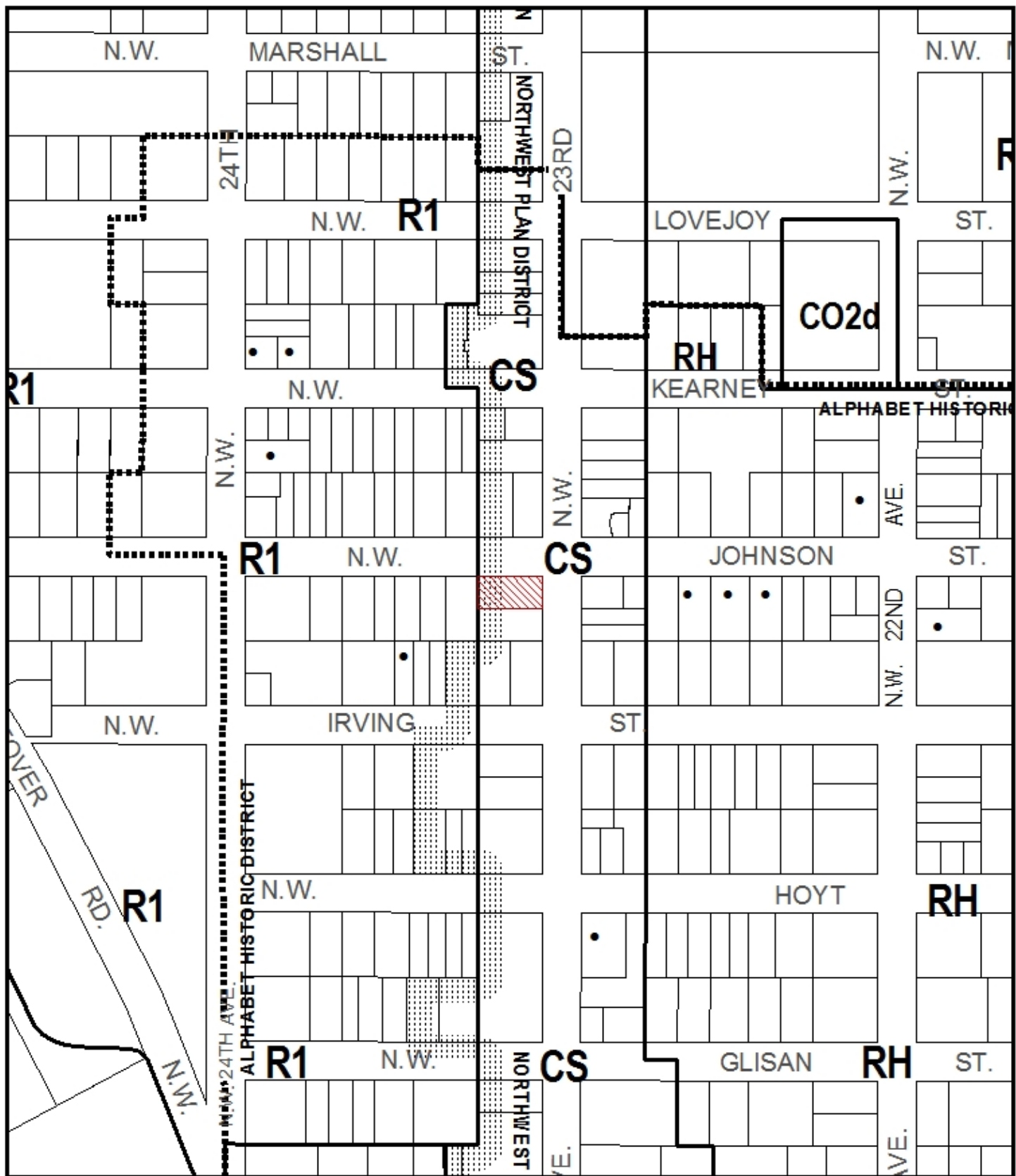
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan, Building Elevations & Signage Details (attached)
 - 2. Lighting Cut Sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS
- F. Correspondence:
 - 1. Leland Stapleton, February 6, 2009, states signage does not meet the Community Design Guidelines, is too large, is out of character with the building and branding is not desirable in the historic district.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site

 Historic Landmark



This site lies within the:
ALPHABET HISTORIC DISTRICT HISTORIC DISTRICT

File No. LU 09-102626 HDZ
1/4 Section 2927
Scale 1 inch = 200 feet
State_Id 1N1E33BC 7200
Exhibit B (Jan 20,2009)

