



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

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**Date:** August 19, 2010  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services  
503-823-0660 / [dave.skilton@ci.portland.or.us](mailto:dave.skilton@ci.portland.or.us)

## **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 10-139862 HDZ – BLADE SIGN**

#### **GENERAL INFORMATION**

**Applicant:** Water Avenue Properties LLC  
421 SW Hall Street  
Portland, OR 97201

**Site Address:** 1028-1036 SE Water Avenue

**Legal Description:** BLOCK 16 LOT 3&4 HISTORIC PROPERTY 15 YR 2005 POTENTIAL ADDITIONAL TAX, EAST PORTLAND

**Tax Account No.:** R226500920

**State ID No.:** 1S1E03AD 01200

**Quarter Section:** 3130

**Neighborhood:** Buckman, contact Susan Lindsay at 503-725-8257.

**Business District:** Central Eastside Industrial Council, contact Juliana Lukasik at 503-287-5886.

**District Coalition:** Southeast Uplift, contact Leah Hyman at 503-232-0010.

**Plan District:** Central City - Central Eastside

**Other Designations:** Portland Historic Landmark pursuant to listing in the National Register of Historic Places, as the Auto Freight Terminal Service Station, on June 30, 2010.

**Zoning:** IG1, General Industrial 1, with Historic Resource Protection Overlay

**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 is seeking Historic Design Review approval to install a 2' x 4' x 2" painted, metal, hanging blade sign, 8'-6" above the sidewalk on the SE Taylor Street facade. Historic Design Review is required because the building is a Portland Historic Landmark and the proposal is for a non-exempt exterior alteration.

**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:

- 33.846.060 G – Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** Built in 1930 as a supporting adjunct to the Auto Freight Transport Building across SE Water Street to the west, the Auto Freight Terminal Service Station is a utilitarian concrete structure which functioned as a vehicle repair and storage facility in the 1930s. The complex is listed in the National Register of Historic Places under Eligibility Criterion “A” for its association with early Twentieth Century trends in commerce and transportation. The building’s very plain exterior defines its historic character, that of a servant building in support of the movement of freight by motor vehicle.

The area known today as the Central Eastside was, up until its 1892 annexation into Portland proper, the working waterfront of the separate City of East Portland. This area developed independently before the Steel Bridge was constructed allowing train traffic on the main Southern Pacific Railroad line to reach the west bank of the Willamette River. Unlike the downtown side of the river, it combined access to river, road, and rail transport systems. Long after the annexation, and indeed throughout the Twentieth Century, industrial and transportation-related uses have dominated the area. This historic character is reflected by the presence of many small scale industrial sites and rail spurs throughout the neighborhood. The current zoning also encourages the continuation of the historic pattern.

**Zoning:** The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. 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.

The Historic Resource Protection chapter protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. 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.

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

- LU 09-172611 HDZ, approving a new entry and new awnings.

**Public Notice:** A Notice of Proposal in your Neighborhood was mailed on **June 21, 2010**.

**Agency Review:** None of the notified Bureaus responded with issues or concerns about the proposal.

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## 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 a designated Historic Landmark within the Central City Plan District but without the Design Overlay, and the proposal is for non-exempt exterior alteration. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10.

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

#### G. Other Approval Criteria

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

1. **Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings:** Because the proposed sign is small, non-illuminated, and located on the minor street-facing side of the building, it will have virtually no effect on the historic character of the building. *This criterion is therefore 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:** Although signs of the type were commonly in use during the historic period, the addition of a simple suspended blade sign is unlikely to create the false impression of historic development. The sign will be discernibly modern upon close inspection, its compatible character and installation will help it blend with the building. *This criterion is therefore met.*

3. **Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

**Findings:** The installation of a new blade sign will not effect any changes made over time. *This criterion is therefore not relevant.*

4. **Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

**Findings:** No replacement of deteriorated or missing features is proposed. *This criterion is therefore not relevant.*

- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

**Findings:** No chemical or physical treatments are proposed. *This criterion is therefore not relevant.*

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

**Findings:** No ground-disturbing activity is proposed. *This criterion is therefore not relevant.*

- 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:** The small, non-illuminated, blade sign will be attached to the concrete wall of the building using a proprietary anchoring system. Because concrete is fully and easily repairable in kind, should the sign be removed in the future, the holes can be easily and effectively repaired. *This criterion is therefore 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:** The building is of a plain and utilitarian character, without significant ornamentation, and the proposed sign shares these qualities. *This criterion is therefore 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:** No additions or adjacent new construction is proposed. *This criterion is therefore not relevant.*

- 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:** The sign is compatible with the Auto Freight Terminal Service Station and the larger Auto Freight Transport complex by virtue of its small size, secondary location, blade sign type, and utilitarian materials. *This criterion is therefore 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

This proposal, to provide modest, straightforward signage for a small retail shop in an otherwise nondescript setting, serves the tenant's needs while respecting the historic character of the building. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review guidelines and therefore warrants approval.


## ADMINISTRATIVE DECISION

Approval of an eight square foot, painted, metal, hanging blade sign on the Historic Landmark Auto Freight Terminal Service Station Building;

Approval per Exhibits C-1 through C-5, signed and dated August 16, 2010, subject to the following condition:

- 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 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-139862 HDZ."

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on August 16, 2010.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 19, 2010**

**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 May 20, 2010, and was determined to be complete on **June 17, 2010**.

*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 May 20, 2010.

*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 waived the 120-day review period, as stated with Exhibit A-2.

**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 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](http://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 **August 19, 2010**. 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:

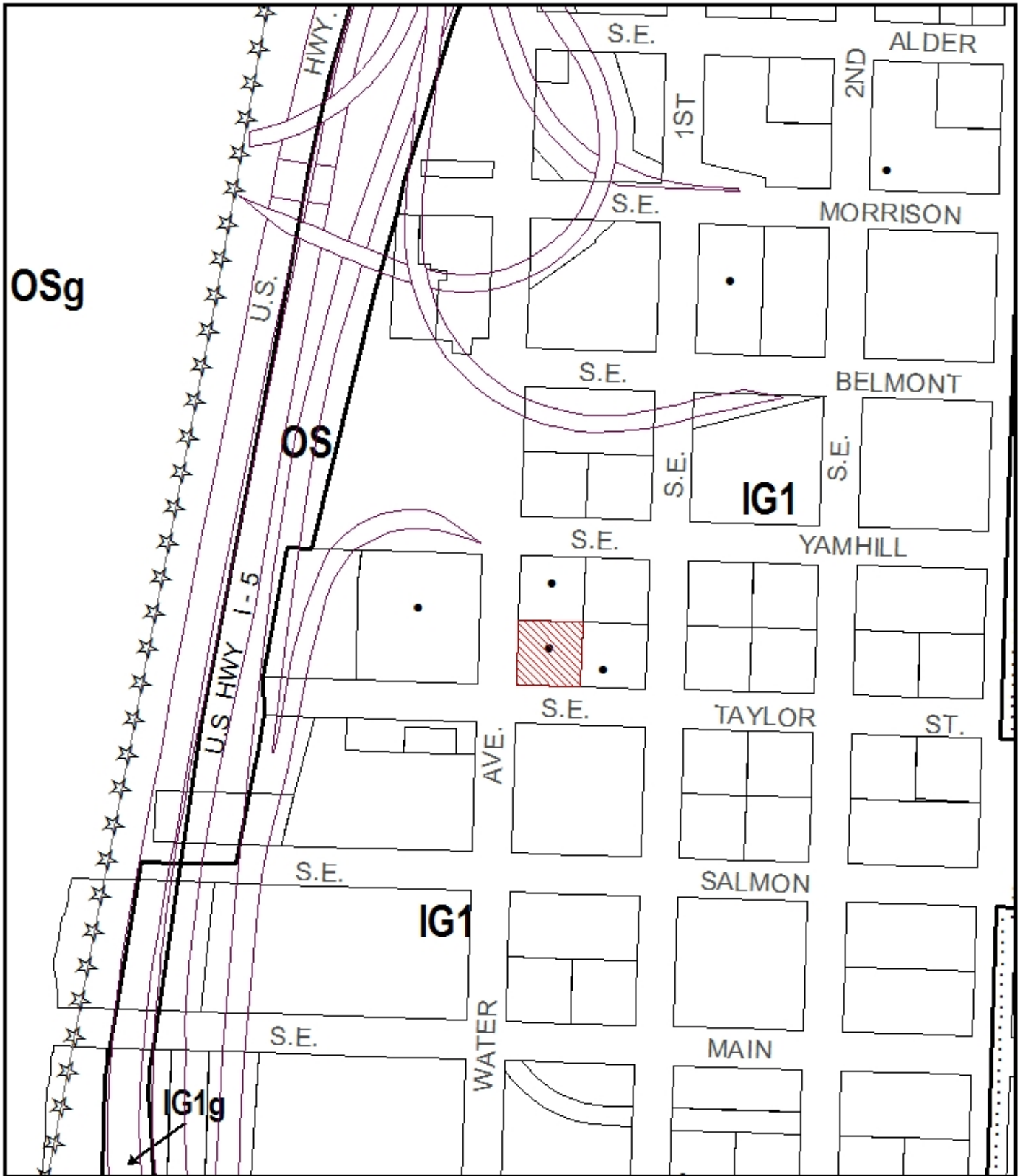
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Materials
  - 1. Case Statement
  - 2. Request for Extension of 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations (attached)
  - 3. Sign and Mounting Details
  - 4. Sign Elevation
  - 5. Photo-simulation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Water Bureau
- F. Correspondence: none
- 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. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 10-139862 HDZ
1/4 Section	3130
Scale	1 inch = 200 feet
State_Id	1S1E03AD 1200
Exhibit	B (May 21,2010)



\*Approved\*

City of Portland - Bureau of Development Services

Planner

*Dave Shilton*

Date

*8.16.10*

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

*SE Water St.*

*4'-0"*  
*sign*  
*7'-0"*

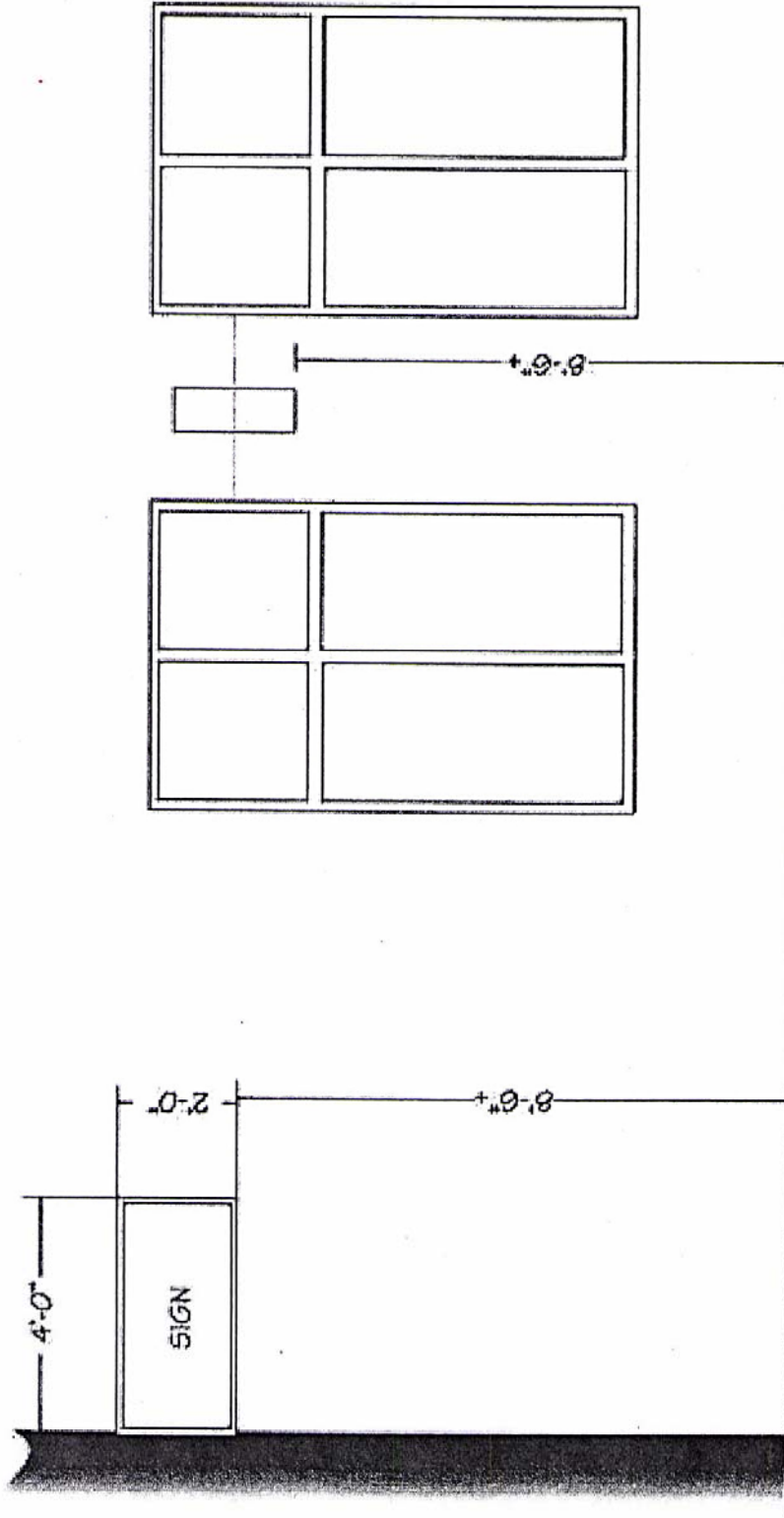
*SE Taylor*

ADDRESS \_\_\_\_\_



NORTH

EXHIBIT C-1 |  
LU10-139862 HDZ



LU 10-139862 HDZ EXHIBIT C-2

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Dave Guller* Date *8.16.10*  
 \* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



PO Box 6437 Portland Or 97228

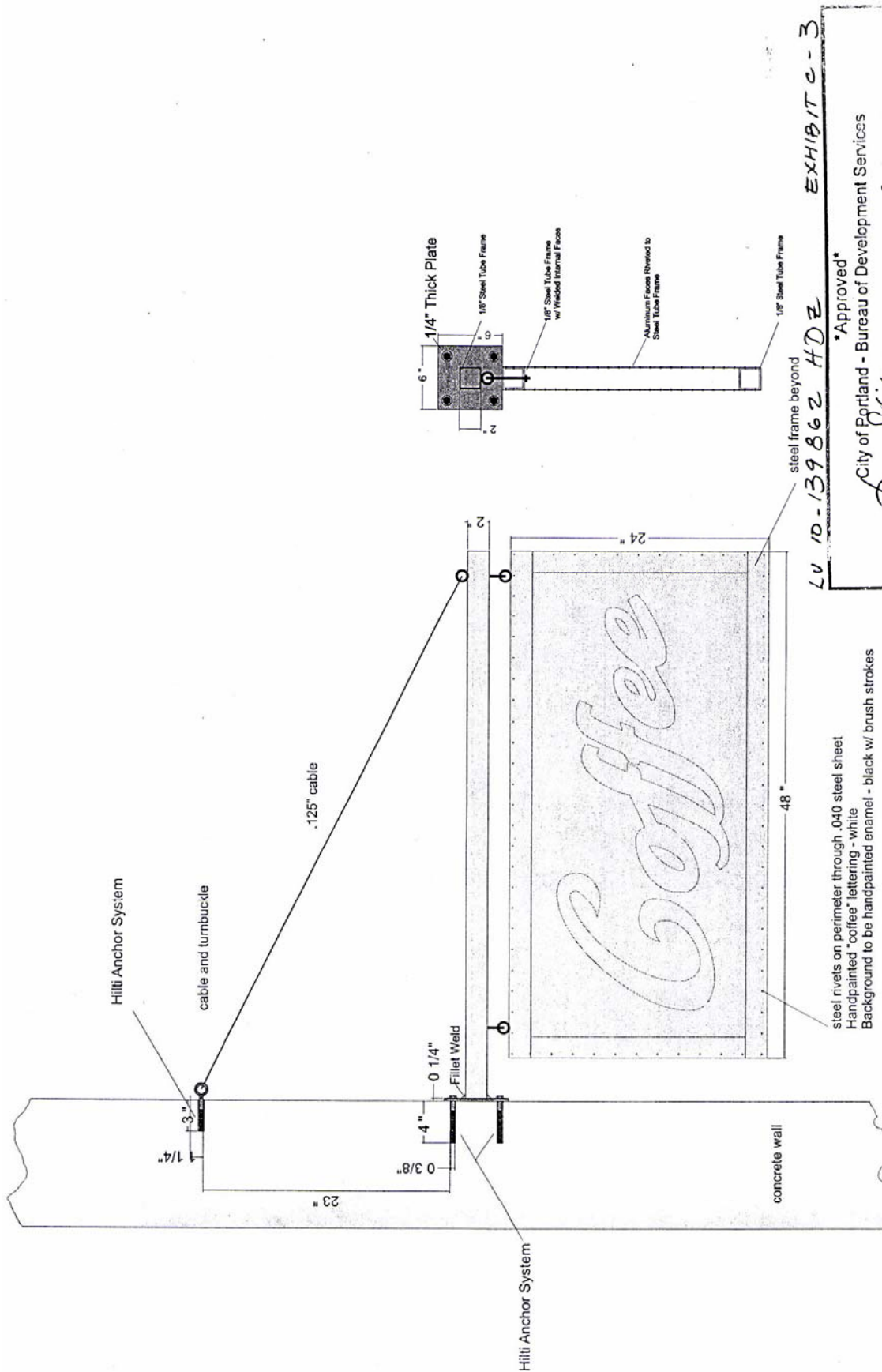
info@aztechsigns.com

213 NW 10th Ave Portland Or 97209

Phone: 503-224-2742

www.aztechsigns.com

Fax 503-224-2606



LV 10-139862 HDZ EXHIBIT C-3  
 Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *Doree Fulton* Date 8.16.10  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



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