



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

FROM CONCEPT TO CONSTRUCTION

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Date: March 27, 2014
To: Interested Person
From: Kate Marcello, Land Use Services
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NOTICE OF A TYPE Ix 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 the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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 14-108546 HR

New Blade Sign on Commercial Building

GENERAL INFORMATION

Applicant: Melissa Hayden, Security Signs | 503-546-7114
2424 SE Holgate Blvd | Portland, OR 97202

Tenant: Nels Lewis, Parklane Mattresses | 503-612-8442
10360 SW Spokane Ct | Tualatin, OR 97062

Owners: Terrance J. Hughes and Roderick A. Brackenbury
5734 NE 32nd Ave | Portland, OR 97211-6834

Site Address: 1817 NE Broadway

Legal Description: BLOCK 12 LOT 3 EXC PT IN ST, JOHN IRVINGS 1ST ADD
Tax Account No.: R430303420
State ID No.: 1N1E26DC 04900
Quarter Section: 2832
Neighborhood: Irvington; contact Dean Gisvold at 503-284-3885
Business District: NE Broadway BA; Murray Koodish at info@nebroadway.com
District Coalition: NE Coalition of Neighborhoods; Claire Adamsick at 503-388-9030
Other Designations: Non-contributing Resource in Irvington Historic District
Zoning: Storefront Commercial (CS) base zone; Historic Resource Protection overlay zone (due to location in Irvington Historic District)

Case Type: Historic Resource Review (HR)
Procedure: Type Ix, which is an administrative decision, with appeal to the Oregon Land Use Board of Appeals (LUBA)

Proposal: The applicant requests Historic Resource Review approval for a new blade sign on the front façade of the existing building located at 1817 NE Broadway, which is designated as a Non-Contributing Resource in the Irvington Historic District. The building was constructed in 2002.

The proposed sign has 4.69 square feet of sign area on each side. The sign is comprised of a fabricated aluminum cabinet with aluminum sign faces that are backed with push-through

clear acrylic. The signage lettering and decorative angled elements on each sign face consist of push-through acrylic with applied black vinyl and diffuser vinyl. The proposed sign is internally illuminated with light-emitting diodes (LEDs). The sign would be attached to the building façade with two metal square tubes and a mounting plate with lag bolts.

Because this is a proposal for non-exempt exterior alterations to an existing building in a designated Historic District, Historic Resource Review is required prior to the issuance of permits.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 (Portland Zoning Code). The relevant criteria are 33.846.060.G: *Other Approval Criteria*.

The proposal must also comply with the regulations of Title 32 (Sign Code).

ANALYSIS

I. Site and Vicinity: The subject building was constructed in 2002. It is one story tall and contains a restaurant and one retail space. The building is clad in brick. The storefront system is metal, with a metal canopy above each storefront bay, and tile cladding along the base of the building. There are brick-clad pilasters, each with a concrete base. The building takes design cues from the Mediterranean revival and Art Deco styles. The building is classified as a Non-contributing Resource in the Irvington Historic District.

The building is located on the commercial corridor of NE Broadway. The immediate vicinity contains a mixture of older houses converted for retail use, older mixed-use buildings with retail at the ground floor and residential units or offices at the upper floor(s), and one-story commercial buildings constructed around the middle of the 20th century.

II. Zoning:

Base Zone: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

Overlay Zone: The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

III. Land Use History: City records indicate one prior land use review at the subject site. LU 99-00905 AD (reference file number LU 017310 AD) granted approval of an Adjustment to reduce required perimeter landscaping along the east side of the driveway, from five feet of L2 landscaping to one foot of L2 landscaping, with groundcover only. (The requirement for landscaping was associated with construction of the building.)

IV. Public Notice: A *Notice of Proposal in Your Neighborhood* was mailed on February 18, 2014.

Agency Review: No City bureaus responded with comments or objections to the proposal.

Neighborhood Review: One written comment in response to the proposal has been received. The comment was received, via e-mail, from Dean Gisvold, chairperson of the Land Use Committee of the Irvington Community Association. Mr. Gisvold states that the land use committee “does not have any significant objection to the sign as proposed.” Mr. Gisvold also states in part that “the sign is already up and being used by the business.”

Staff response: After receiving Mr. Gisvold’s e-mail, Staff contacted the applicant to inquire about the proposed sign already being installed. The applicant clarified that the proposed sign has not been installed; rather, an existing under-canopy sign located on the building has been re-surfaced for use by the new retail tenant. Re-surfacing of this existing sign does not require Historic Resource Review per 33.445.320.B.2 of the Zoning Code. Staff has communicated this information to Mr. Gisvold.

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/Conservation Landmark. 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 applicable to this proposal.

33.846.060 G - Other Approval Criteria

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.

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.

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 1, 8, and 10: The new sign is compatible with the architecture of the subject building. The new sign is a vertically oriented projecting sign, which is the same signage type as the two most prominent existing signs on the building. The sign is located equidistant between the lower edge of the existing transom windows and the existing decorative concrete vertical projection of the pilaster where it will be installed. The new sign is also centered above the existing wall sconce on the pilaster. These characteristics achieve visual balance and preserve the design coherency of the building. Lastly, the outer edge of the sign features decorative elements – vertical black push-through acrylic stripes – that ensure visual interest regardless of vantage point, which is the same condition as the existing projecting signs on the building.

By definition, non-contributing resources do not, on balance, add to the significant character of a historic district. Whereas the building has an architecturally coherent design that draws upon Mediterranean revival and Art Deco styles, the building is unrelated to the context for which the Irvington Historic District is recognized. The proposed sign exhibits traditional characteristics for signage on a storefront commercial building, including location on a pilaster adjacent to an entrance, projection over the sidewalk, and humanly scaled size and proportions. The subtle illumination of the push-through acrylic letters only – as opposed to illumination of the entire cabinet – also contributes to the new sign’s compatibility with the historic district. The electrical conduit for the new sign will not be exposed, and all penetrations into the building façade, for the attachment arms, will be located in the mortar instead of the brick. These characteristics, which eliminate the clutter sometimes associated with building signage, ensure that the sign will not negatively impact the historic district.

With the conditions of approval that there be no exposed electrical conduit, and that all penetrations for the attachment arms be located in the mortar instead of the brick, these criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The new sign, to be located on a non-contributing resource, does not adversely affect the significant character of the Irvington Historic District. The sign is also compatible with the architecture of the subject building. The proposal meets the applicable Historic Resource Review approval criteria and therefore warrants approval.


ADMINISTRATIVE DECISION

Approval of one new projecting sign with 4.69 square feet of sign area, located on a non-contributing resource in the Irvington Historic District.

Approval per the approved plans and drawings, Exhibits C-1 through C-5, signed and dated March 25, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition 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 14-108546 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. There shall be no exposed electrical conduit.
- C. Penetrations in the building façade for the attachment arms shall be located in the mortar, not the brick.
- D. No field changes allowed.

Staff Planner: Kate Marcello

Decision rendered by:  **on March 25, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed March 27, 2014

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 22, 2014, and was determined to be complete on February 12, 2014.

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 22, 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. Unless extended by the applicant, **the 120 days will expire on June 12, 2014.**

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 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 28, 2014**.

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, 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

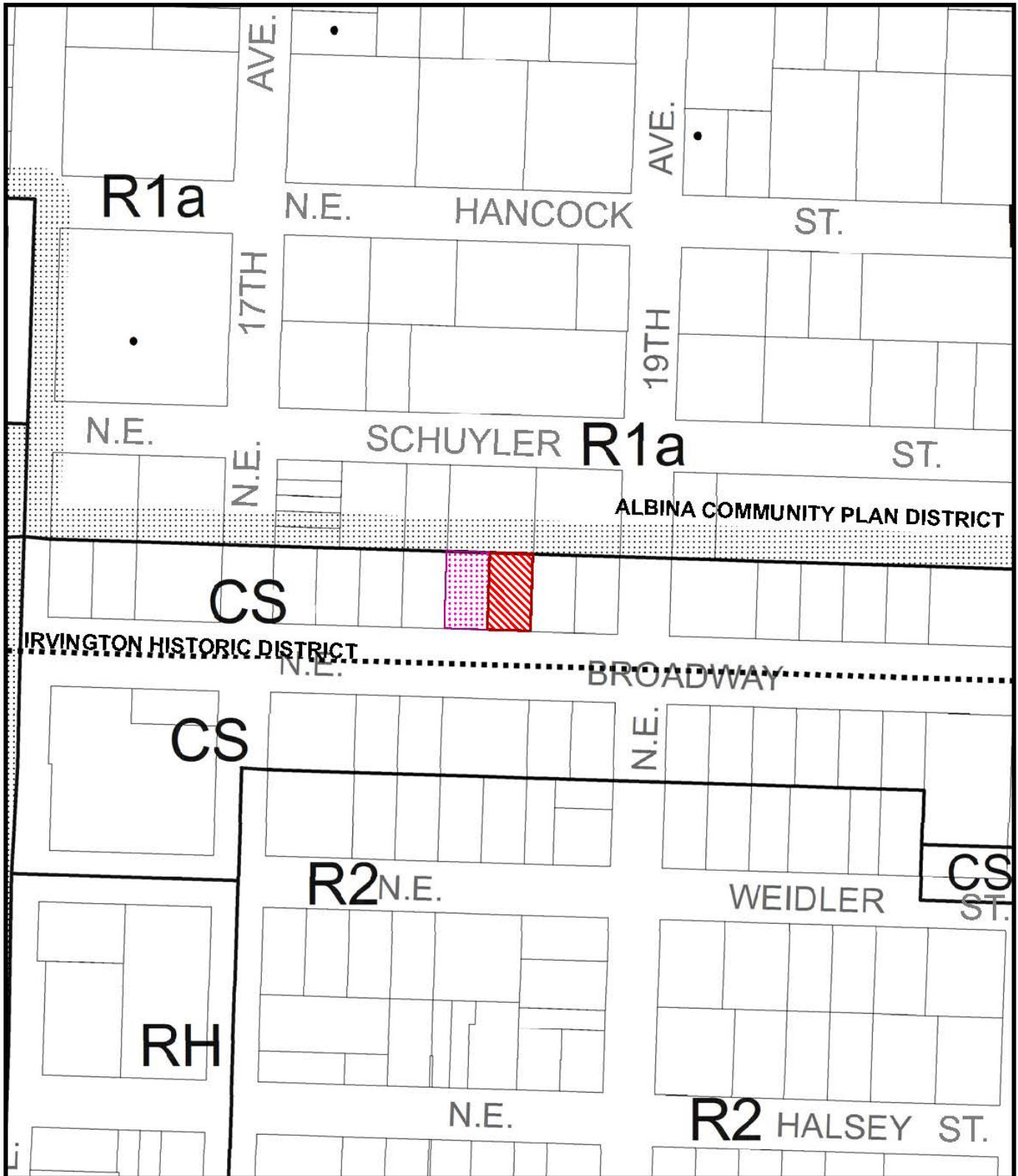
- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site Plan (attached)
 - 2. Building Elevation Drawing and Photographic Simulation of Sign on Building
 - 3. Enlarged Elevation Drawing and Enlarged Photographic Simulation of Sign on Building (partially attached)
 - 4. Detailed Drawing of Sign, Specifications, and Night View of Sign (attached)
 - 5. Engineering Details for Sign
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Response: None received.
- F. Correspondence

1. Dean Gisvold, received 19 March 2014, with no objections to proposal

G. Other

1. Original Land Use Review Application
2. Site Visit Photographs
3. Originally Submitted Plans and Drawings (superseded)

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
-  Also Owned
-  Historic Landmark



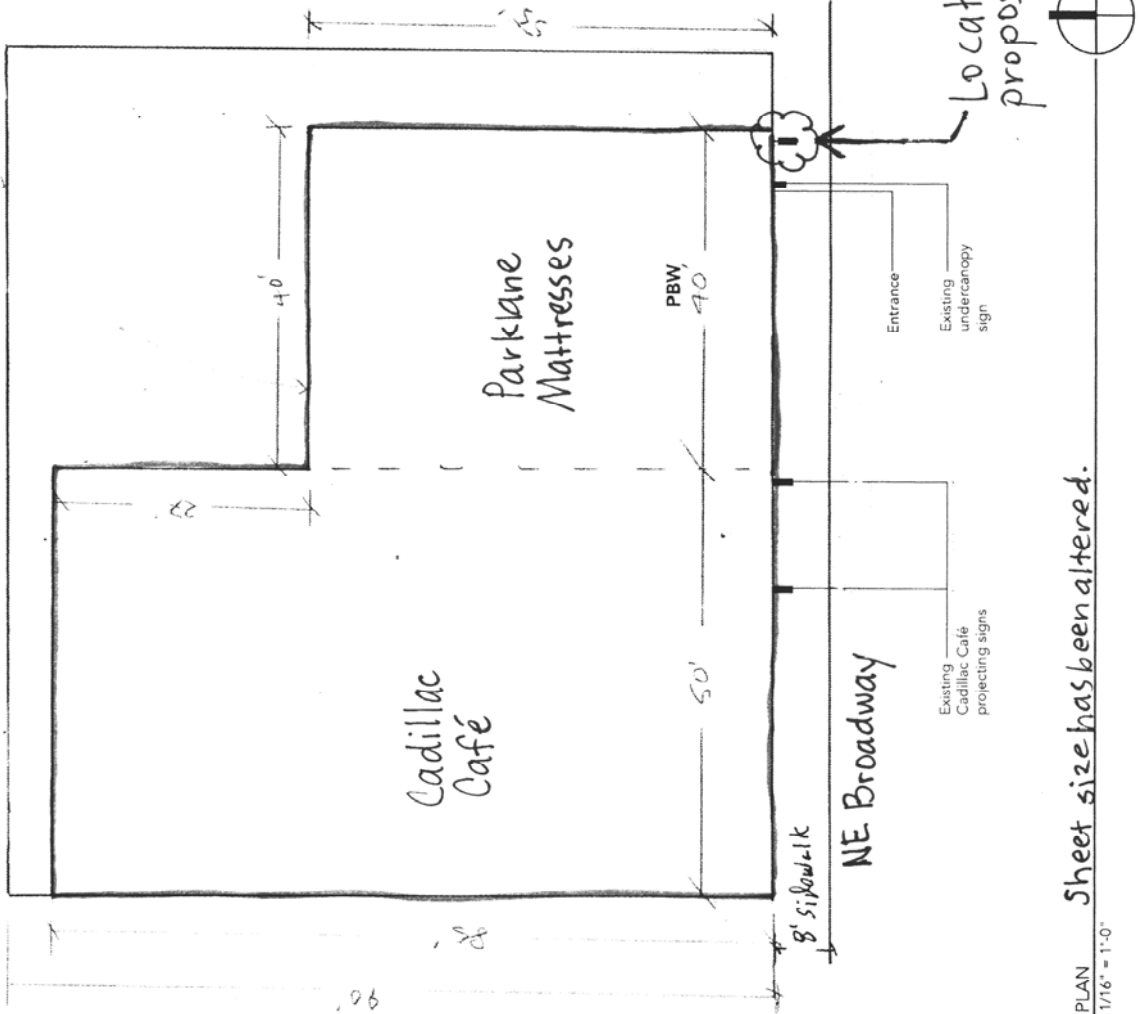
This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-108546 HR
 1/4 Section 2832
 Scale 1 inch = 150 feet
 State_Id 1N1E26DC 4900
 Exhibit B (Jan 28, 2014)

Site Plan

Conditions of approval:

- No exposed electrical conduit.
- Penetrations for attachment arms to be located in mortar, not brick.



Approved
 City of Portland
 Bureau of Development Services
 Planner *Kathleen*
 Date *March 25, 2014*
 * This approval applies only to the review requests of this project subject to all conditions of approval.
 Additional zoning requirements may apply.

SITE PLAN
 Scale: 1/16" = 1'-0"
 Sheet size has been altered.

Case Number:

LU 14-108546 HR

Exhibit C-1


Conditions of approval:
 • No exposed electrical conduit.
 • Penetrations for attachment arms to be located in mortar, not brick.

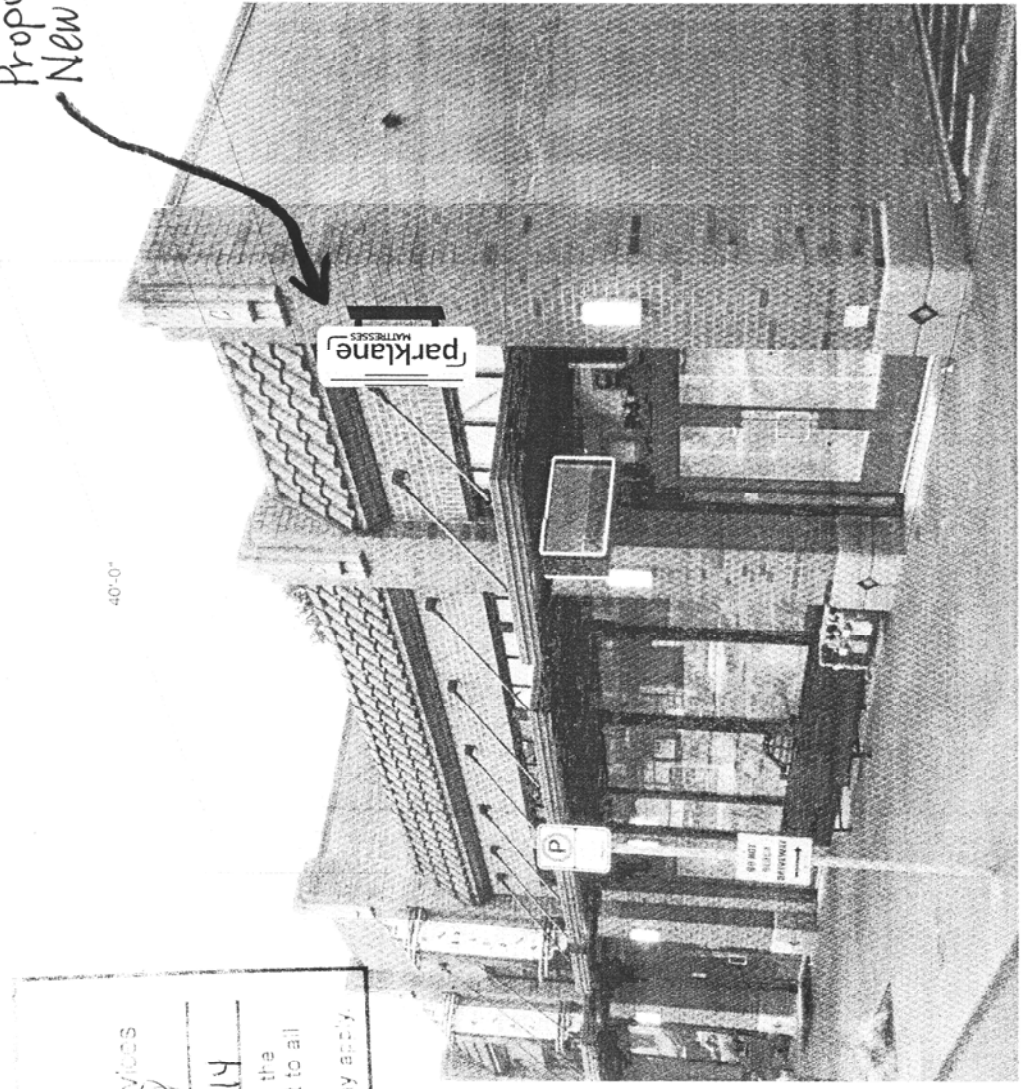
Photo Simulation

Proposed
New Sign

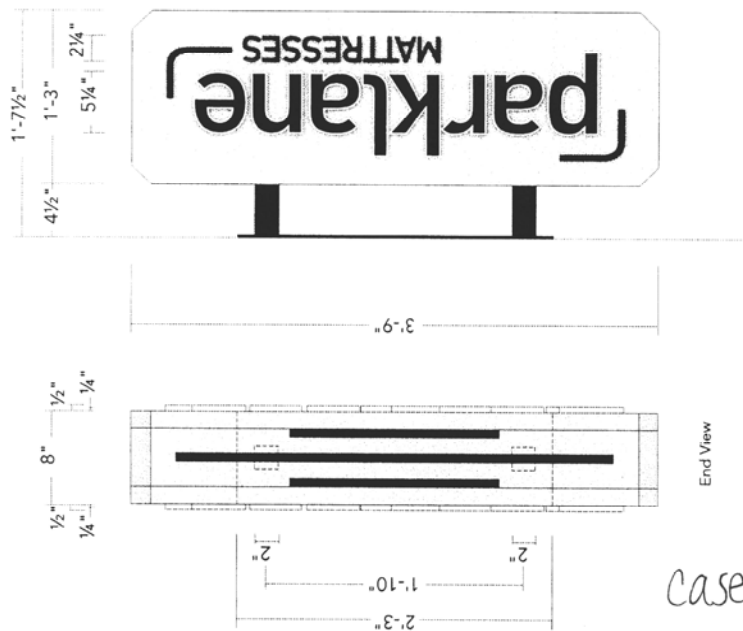
Approved
 City of Portland
 Bureau of Development Services
 Planner *Kate L...*
 Date March 25, 2014
 • This approval applies only to the revisions listed and is subject to all conditions of approval.
 Additional zoning requirements may apply.

(Existing)

 SECURITY SIGNS 2445 NE Oregon Street Portland, OR 97232 503.282.4172 Fax: 503.240.1861 www.securitysigns.com <small>© Copyright 2014 Security Signs, Inc. All Rights Reserved.</small>	 	PROJECT MANAGER Dennis Brockmann DESIGNER A. Rossi PROJECT NAME 1815 NE Broadway St. Portland, OR 97232 	PAGE DESCRIPTION Photo Inlay REVISIONS 1/2/13 Updated 12/12/13 Updated 12/23/13 Updated 1/13/14 Updated 1/14/14 Updated	APPROVALS Client Signature Landlora Signature	DATE: 1/17/14 PAGE #: 2 of 4 DRAWING #: 13-ar637r4
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Signage Drawings



End View

A PROJECTING DISPLAY — 4.69 Sq. Ft.
 Scale: 1" = 1'-0"

Sheet size has been altered.

Case Number: LU 14-108546 HR
 Exhibit C-4

Projecting Display

Internally Illuminated.
 Manufacture and install one (1) D/F projecting display.

Display

Construction: Fabricated aluminum.

Cabinet Color: Paint to match Matthews 6013 'Bewitching'.

Stripes on cabinet end painted to match Satin Black, street side only.

Retainer: 1 1/2", Painted to match cabinet.

Faces: .090 Aluminum, full bleed, routed and backed with push thru clear acrylic.

'Parklane' & Mattress Corners — 3/4" Push thru clear acrylic, 3M 230-22 Black vinyl applied to first surface, diffuser vinyl applied to second surface.

'Mattresses' — 1/2" Push thru clear acrylic, 3M 230-22 Black vinyl applied to first surface, diffuser vinyl applied to second surface.

Illumination: White LED's.

Installation

Wall Type: Masonry.

Supports: Two (2) 2 x 2 x .187 sq. tube painted Satin Black.

Mounting: Plate mount with 3/8" shielded lag bolts, minimum of four, pre-painted Satin Black.

Conditions of approval:

- No exposed electrical conduit.
- Penetrations for attachment arms to be located in mortar, not brick.

- Colors
- Clear Acrylic
 - 3M 230-22 Black
 - Matthews 6013 'Bewitching'
 - Satin Black



Night View

City of Portland
 Planning & Development Services
 Planner: [Signature]
 Date: March 25, 2014

* This approval is valid only to the extent that the project is subject to all applicable zoning requirements. Additional zoning requirements may apply.