



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** February 6, 2014  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@portlandoregon.gov

## **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 <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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 13-239327 HR - PAINTED WALL SIGN**

#### **GENERAL INFORMATION**

**Applicant:** Geoff Smoke  
2550 New Nicolai / Portland, OR 97210

**Owner:** Neustader Building LLC  
35393 Highway 19 / Kimberly, OR 97848-6217

**Site Address:** 1108 SE Grand Avenue

**Legal Description:** BLOCK 128 LOT 1&2 EXC PT IN ST LOT 5-8, HAWTHORNE PK  
**Tax Account No.:** R366700020  
**State ID No.:** 1S1E02BC 01900 **Quarter Section:** 3131  
**Neighborhood:** Buckman, contact Matthew Kirkpatrick at 503-236-6350.  
**Business District:** Central Eastside Industrial Council, Peter Fry at 503-274-1415.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Plan District:** Central City - Central Eastside  
**Other Designations:** Contributing resource in the East Portland Grand Avenue Historic District, which was listed in the National Register of Historic Places on March 4, 1991.

**Zoning:** EXd, Central Employment with Historic Resource and Design overlays  
**Case Type:** HR, Historic Resource Review  
**Procedure:** Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant is seeking Historic Resource Review approval for a painted wall sign, 79.625 square feet in face area, on a previously painted exposed brick masonry party wall. Historic Resource Review is required because the proposal is for a non-exempt sign in a historic district.

#### **Approval Criteria:**

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

- East Portland Grand Avenue Historic District Guidelines
- Central City Fundamental Design Guidelines – Central Eastside

## ANALYSIS

**Site and Vicinity:** The subject property, a three story, red brick Commercial Style building, was originally developed as a shirt factory by the Neustader family. It was built in 1902 and retains sufficient historic integrity to be evaluated as a contributing resource in the East Portland Grand Avenue Historic District.

The East Portland Grand Avenue Historic District is significant for its association with broad patterns of historic development, especially as it relates to commerce and transportation. This area, stretching north-south along SE Grand Avenue parallel to the Willamette River was, until consolidation with Portland in 1893, the core of a separate community known as East Portland. The National Register nomination document also notes that in the years from approximately 1915 to 1930 this locale developed a concentration of automotive businesses, with building adapted or designed to support it.

**Zoning:** The Central Employment (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 development standards are intended to allow new development which is similar in character to existing development.

The Historic Resource Protection Overlay 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.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate no relevant prior land use reviews for this site.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed December 26, 2013.

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

**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

### **33.846.060 - Historic Resource Review**

#### **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 Resource 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 East Portland Grand Avenue Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Design Guidelines - East Portland Grand Avenue Historic Design Zone*. Because the site is within the *Central City Plan District*, the *Central City Fundamental Design Guidelines* are also approval criteria.

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

### **Design Guidelines - East Portland Grand Avenue Historic Design Zone**

**Introduction: Signs, Lighting, Etc.** All exterior signs are reviewed. Signs and exterior lighting must meet all applicable provisions of the City of Portland's ordinances and codes. Large creative signs and lighting may be permissible when they do not negatively impact the adjacent historic buildings or the District.

#### **A6-1n. Signs, Lighting, Etc.**

1. Exterior building signs and lighting and other site embellishments, such as flagpoles, fences, walls and landscaping features, should be visually compatible in size, scale, proportion, color and materials with the character of the building and District.
2. A variety of signs within the District are encouraged. Signs should incorporate excellence in design, color coordination with the building, and mounting which does not distract from the building's design. Large signs that are creative yet compatible with the building and the District are encouraged, particularly on simple concrete buildings.
3. Plastic signs and back lit plastic signs are generally not acceptable.

**Findings for A6-1n:** The proposed painted wall sign, approximately 80 square feet in face area, is to be located 26' feet above grade 9.5 below the parapet, and 6.5 in from the building corner, on a previously painted brick party wall facing a parking lot in the same ownership. Historically, painted wall signs were a prominent aspect of the East Portland Grand Avenue Historic District. The area was originally dominated by auto-related, warehouse, and light-industrial uses which favored larger, more aggressive advertising than might be encountered elsewhere. Signs were also often painted directly on exposed party walls. These facts support the approvability of the proposal, but by way of contrast, for example, an internally illuminated cabinet or stretched vinyl sign of the same size or oriented differently on the building wall might not be. *This guideline is met.*

### **Central City Fundamental Design Guidelines**

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**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.

**Findings for A6 and C13:** The proposed sign will help to continue the usefulness of the building without any adverse effect on its historic character, thus meeting the commonly understood meaning of the term "rehabilitation" in a historic context. *These guidelines 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 purpose of the Historic Resource 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 Resource Review criteria and therefore warrants approval.

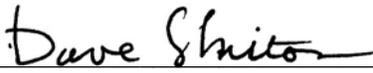
## ADMINISTRATIVE DECISION

Approval of a painted wall sign, 79.625 square feet in face area, on a contributing resource in the East Portland Grand Avenue Historic District;

Approval is per Exhibits C-1 through C-3, signed and dated February 4, 2014, 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-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-239327 HR."

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on February 4, 2014.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: February 6, 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 December 17, 2013, and was determined to be complete on December 23, 2013.

*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 17, 2013.

*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. 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](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 **February 7, 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:

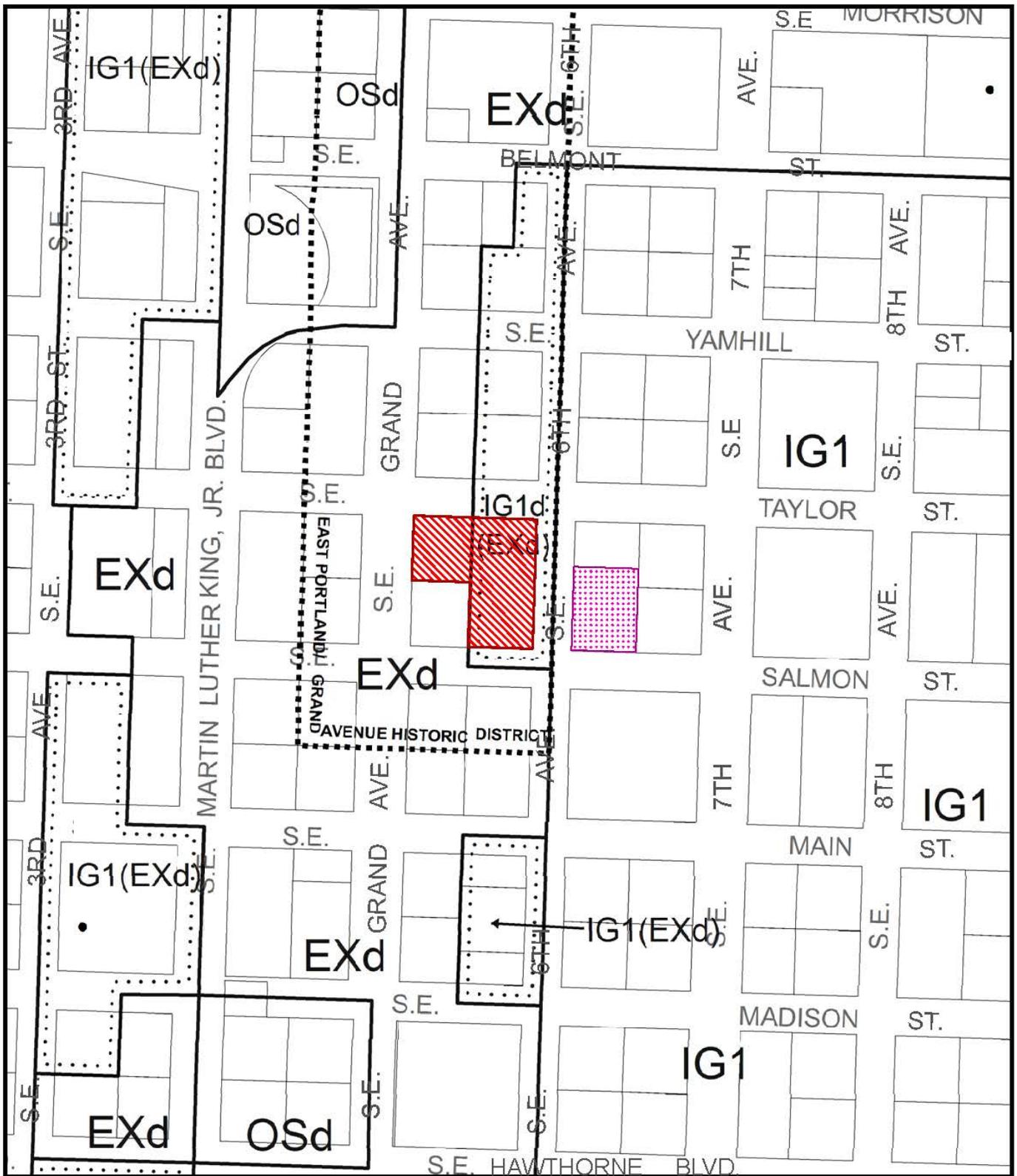
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevation (attached)
  - 3. Sign Detail
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application

**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

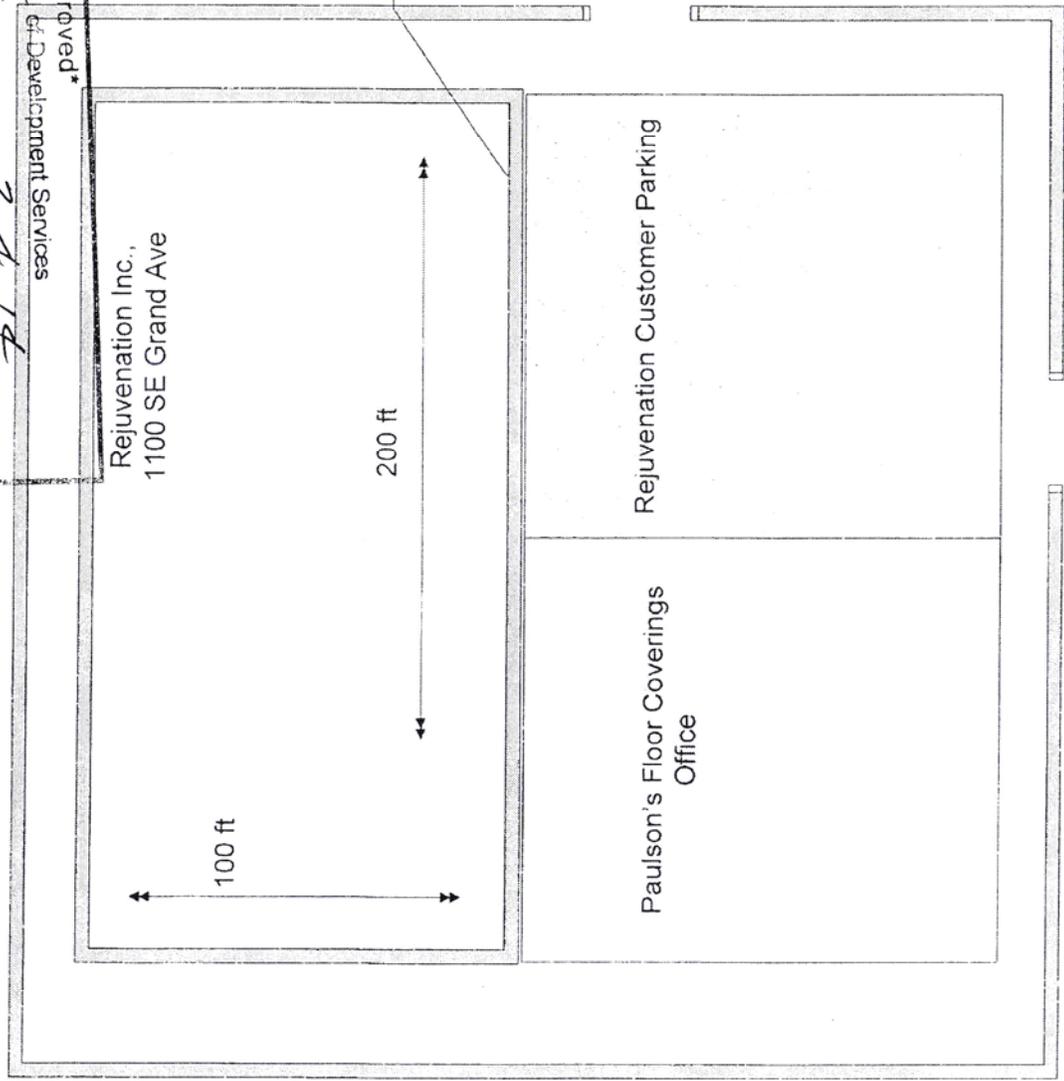


This site lies within the:  
**EAST PORTLAND / GRAND AVE HISTORIC DISTRICT**  
**CENTRAL CITY PLAN DISTRICT**  
**CENTRAL EASTSIDE**

File No. LU 13-239327 HR  
 1/4 Section 3131  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E02BC 1900  
 Exhibit B (Dec 19, 2013)

Planner *Dave Puelan*  
City of Portland - Bureau of Development Services  
Date 2.4.14  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SE Taylor St



SE Grand Ave

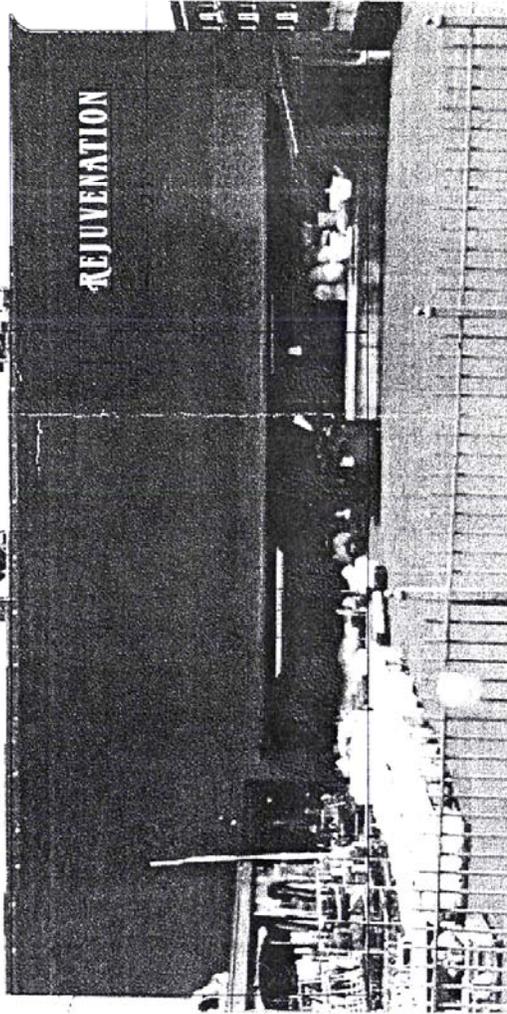
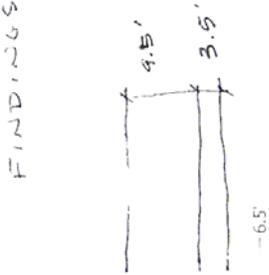
SE 6<sup>th</sup> Ave

SE Salmon St

1-2

22.75' x 6.5'

SEE STAMPED EXHIBIT AND FINDINGS.



City of Portland, Bureau of Development Services  
 Date 2.4.14  
 Bare Studio  
 requested and in regard to  
 items may apply.

ITEM # : North Elevation Grand	REV 0
DESCRIPTION: Sign North Elevation Grand Shop	
DESIGNED BY: 99.9999	DATE: 02/12/13
CLASSIFIED: UNCLASSIFIED	EXEMPTED
APPROVED BY: [Signature]	DATE: 02/12/13
MATERIAL DESCRIPTION	
WEIGHT lbs (kg) : 0.000 (0mass)	
SCALE: 1" = 1'-0"	DATE: 02/12/13
SHEET # OF: 001	B

C-3