



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: August 4, 2014
To: Interested Person
From: Kara Fioravanti, 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 <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. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-160297 HR NEW SIGN

GENERAL INFORMATION

Applicant: Elizabeth Nathan | Eb And Bean LLC
1425 NE Broadway | Portland, OR 97232

Site Address: 1421-1441 NE BROADWAY STREET

Legal Description: BLOCK 232 LOT 5 EXC PT IN ST LOT 6, HOLLADAYS ADD
Tax Account No.: R396216590, R396216590, R396216590
State ID No.: 1N1E26DC 12800, 1N1E26DC 12800, 1N1E26DC 12800
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Northeast Broadway BA, Murray Koodish at info@nebroadway.com.
District Coalition: NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.
Plan District: Central City - Lloyd District
Other Designations: Listed on the National Register of Historic Places as the Olsen & Weygandt Building, Irvington Historic District

Zoning: CXd: Central Commercial (CX) base zone; Design (d) 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: The applicant requests Historic Design Review approval to install a 29 inch by 29 inch (29" x 29") aluminum blade sign with digitally printed letters on matte vinyl, on a building listed in the National Register of Historic Places and also located in the Irvington Historic District. The proposed blade sign will be hung from an existing sign support structure that matches other sign support structures on the building. Historic Resource Review approval is required for non-exempt alterations on a Historic Landmark and for properties within the Irvington Historic District.

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 Lloyd District of the Central City

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

ANALYSIS

Site and Vicinity: The site is a unit within the greater structure historically recognized as the Olsen & Weygandt Building, and more commonly known today as the Ron Paul Building. Constructed in 1927, it is a single story masonry building in the commercial style with Mediterranean overtones in the use of arcuated leaded transoms and tile parapets. The building was designed and built by Snashall and Shipley for C.W. Olsen and Lisle Weygandt and stands as the only known example of their work.

The building is representative of a type which typified strip –style commercial structures in the City of Portland during the late 1920’s and early 1930’s. In comparing this building with others in the city, it is one of the best remaining examples available. Further details include clay tile parapets, pre-cast concrete ornaments and ceramic tile bulkheads.

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.

Zoning:

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay Zone “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 Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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:

- LUR 91-00531 DZ was a Design Review regarding approval of renovation of all doors, windows and awnings on the building.
- LUR 99-00429 HDZ was a Historic Design Review regarding the installation of 24.5 square feet of single faced/internally illuminated storefront wall sign to the building.
- LUR 04-005380 HDZ was a Historic Design Review regarding the approval of an eight foot (8’) projecting sign on a historic landmark.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **June 16, 2014**. No City bureaus/departments provided a response to the proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 16, 2014**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal. The comment was received, via e-mail, from Dean Gisvold, chairperson of the Land Use Committee of the Irvington Community Association. Mr. Gisvold commented that the ICA Land Use Committee prefers the color palette shape and size of the Birkenstock sign (which is also located on the building) with the property and would prefer that it were used as an acceptable precedent in this instance rather than the Pure Salon sign. The Pure Salon sign is rectangular, and of greater contrast to the building than the Birkenstock sign. Mr. Gisvold states an importance in the overall harmony in these elements, shape, size and color, of the signs on the building moving forward.

Staff response: Staff has concluded the proposed blade sign meets the applicable approval criteria. The Findings below incorporate responses to the issues raised in the neighborhood review.

ZONING CODE APPROVAL CRITERIA

Title 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 and it is located in the Irvington Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. Additionally, because the site is located in the Central City Plan District and the Lloyd Subdistrict the Central City Fundamental Guidelines and the Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan also apply.

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

I 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.

Findings: The proposed new sign is not affecting the historical character of the property. Through thoughtful, preemptive design the property provides an existing location and sign support for the proposed blade sign. This location, above the existing historic awning, ensures that historic materials are not removed and that alterations of features contributing to the historic character of the property. *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: The proposed new sign will not impact the historical materials that characterize the property. The new sign will be located on existing supports and hardware designed for signage and so allowing no direct, physical, connection to the property. The consistency of the existing sign supports/hardware, including their the material, color and spacing, in slight contrast to the subtle unique identity created by the variety of the individual signs helps to strengthen and clarify the new and the old on this landmark building. *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: The new sign is compatible with, and not detracting to, the architecture of the subject building. The proposed sign is consistent with the massing, size and scale of the other signs existing on the property. The proposed sign also continues the rhythm established by the existing signs on the property helping to complete the sequence. *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: Due to existing signage hardware the form and integrity of the existing property will not be impacted. The historic resource (the building) will be unimpaired with the addition of the proposed sign. *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: The proposed sign has been designed to be compatible with the original resource, adjacent properties as well as the district as a whole. As mentioned previously, the sign is consistent with nearby signs (those also located on the same property) in massing, size, and scale. The new sign is also consistent with the existing tone established by the other signs, specifically meaning that the new sign will be aligned with the existing signs and will not be illuminated. *This criterion is met.*

II Central City Fundamental Design Guidelines and Special Design Guidelines for the Design Zone of the Lloyd District of the Central City

- 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.

Findings: The location of the proposed sign, consistent with existing signage on the building, is located approximately thirteen feet (13') above the sidewalk and approx. three feet (3') above the existing awning, ensuring a safe environment for pedestrians. *This criterion is met*

- 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.

Findings for: The proposed sign does not negatively impact the architectural integrity of the building. Being consistent with the existing signs regarding massing, scale and size the proposed sign is an unobtrusive aesthetic element to the property. *This criterion is met*

C1-2. Integrate Signs. Carefully place signs and sign supports on and for buildings to integrate with the scale, color and articulation of the building design. Avoid large, excessively illuminated or freestanding signs that contribute to visual clutter. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/architect. Submit a master signage program as a part of every Design Review application. Incorporate signage that compliments and supports the pedestrian scale and use of the Broadway/Weidler Corridor and Holladay Street. While recognizing the dimensional provisions in the Code, size and scale of signs should be moderated in these pedestrian-oriented areas.

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 C1-2 & C13: The proposed sign location is pre-established with supporting hardware affixed to the building specifically for the proposed sign. This is consistent with other existing signage on the site. The supports and the proposed sign integrate well with the building's design in terms of scale, color and articulation. *This criterion is met*

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 C5: The proposed sign supports a coherent composition on this landmark property. The 29" x 29" aluminum blade sign is consistent with other existing signage while also fulfilling the rhythm established by these signs on the building facade. *This criterion is met*

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 C8: The proposed sign will be located consistent with the other existing signs on the site, above the existing awning and well out of the pedestrian/sidewalk – level of the property. *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 proposed new sign does not adversely affect the significant character of the Irvington Historic District. The sign is also compatible and does not deter from the architecture of the subject building. The consistency of the existing sign supports/hardware, including their the material, color and spacing, in slight contrast to the subtle unique identity created by the variety of the individual signs helps to strengthen and clarify the new and the old on this landmark building. The proposal meets the applicable Historic Resource Review approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review to install a 29" x 29" aluminum blade sign with digitally printed letters on matte vinyl, on a building listed in the National Register of Historic Places.

Approval per the approved plans, elevations and renderings, Exhibits C-1 through C-3, signed and dated July 31, 2014 at the Olsen & Weygandt Building (aka the Ron Paul Building) in the Irvington Historic District and Lloyd Subdistrict of the Central City Plan District, 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-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-160297 HR. No field changes allowed."

Staff Planner: Kara Fioravanti

Decision rendered by:  **on July 31, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed August 4, 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 May 22, 2014, and was determined to be complete on June 11, 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 May 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 further extended by the applicant, **the 120 days will expire on: 10.08.2014.**

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 **August 4, 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.

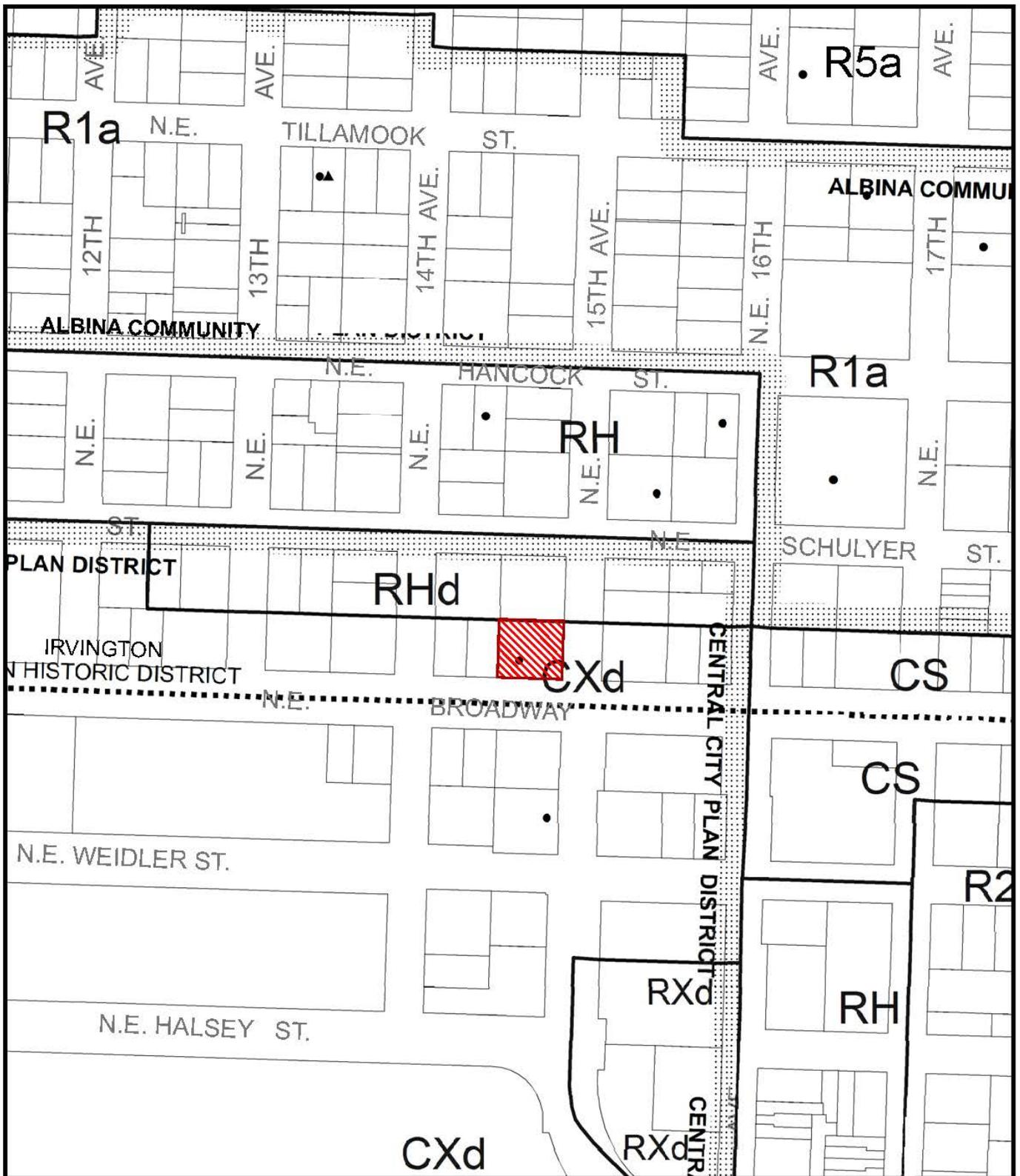
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site Plan
 2. Enlarged plan and elevation (attached)
 3. Sign details (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
None received
- F. Correspondence:
1. Gisvold, 7-16-14
- G. Other:
1. Original LU Application
 2. Photo of existing conditions

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

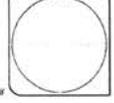


Historic Landmark

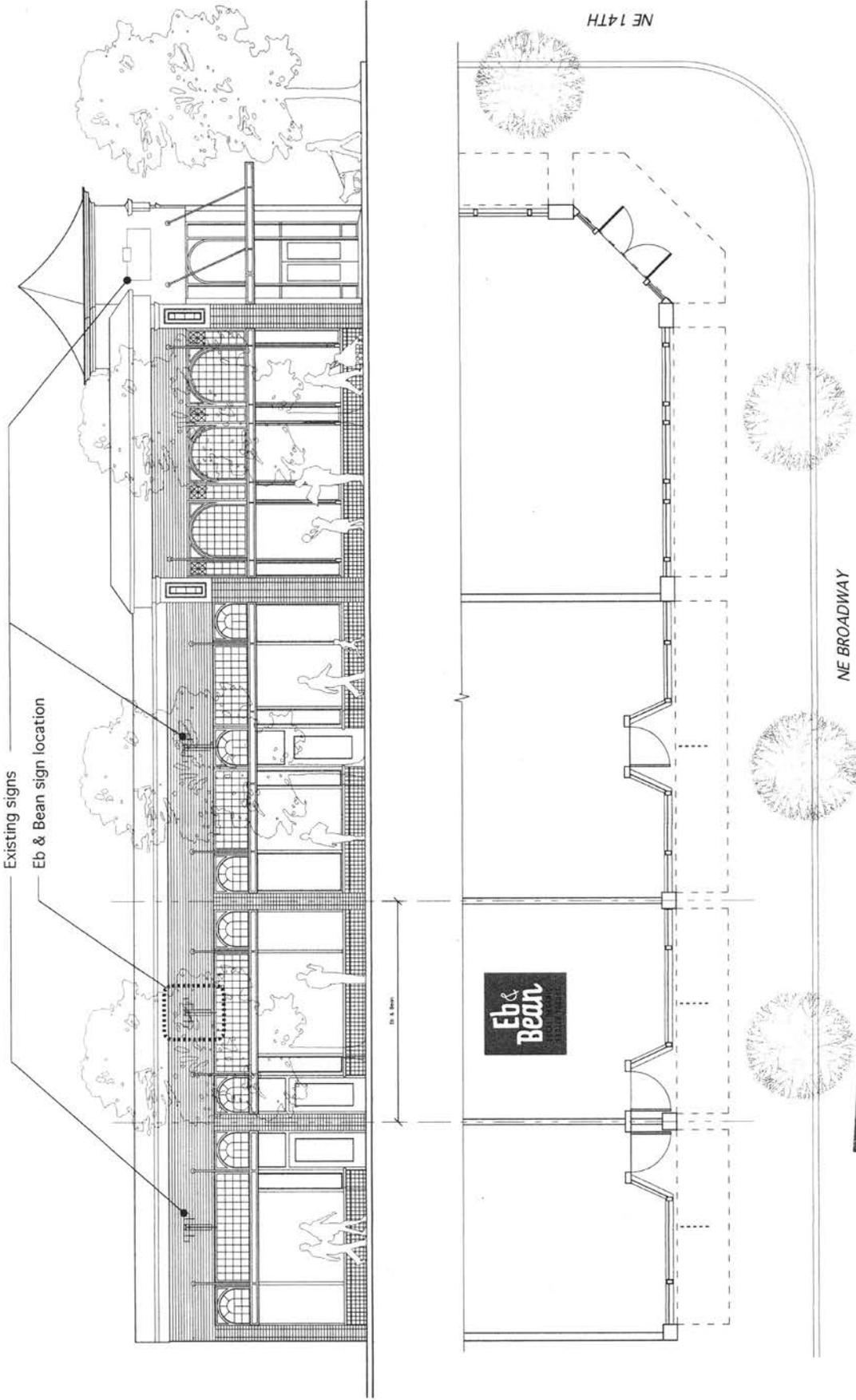
This site lies within the:
IRVINGTON HISTORIC DISTRICT
CENTRAL CITY PLAN DISTRICT



File No. LU 14-160297 HR
 1/4 Section 2832
 Scale 1 inch = 200 feet
 State_Id 1N1E26DC 12800
 Exhibit B (May 28, 2014)



Scale
1/8" = 1'-0"
unless otherwise noted



1 PLAN and ELEVATION

Approved

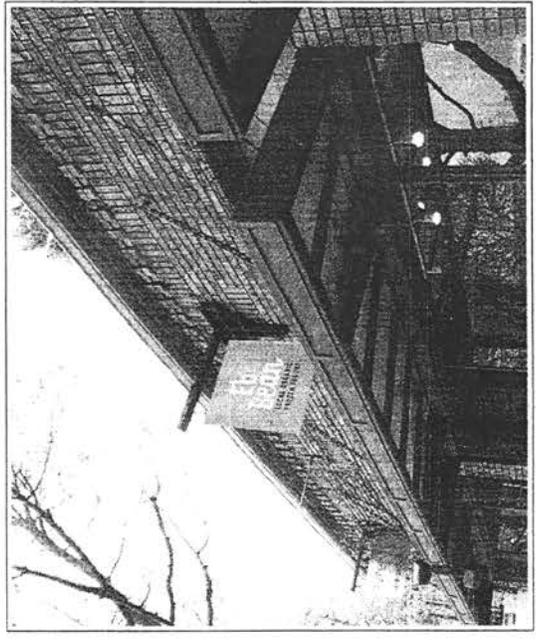
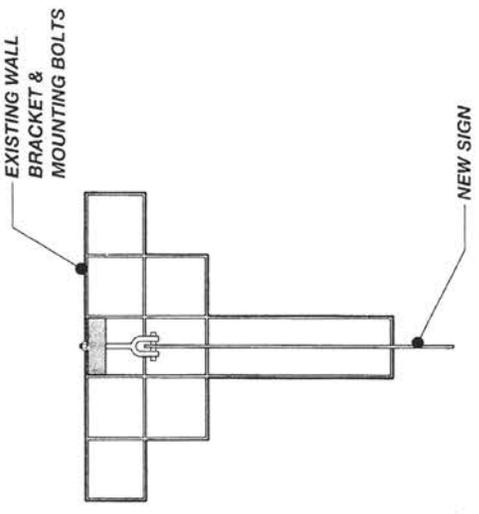
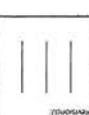
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date 7-31-14

[Handwritten note:] This approval applies only to the stated and is subject to all local approvals.

SCALE: 1/8" = 1'-0"

The Architectural Specifications Or Other Documents Are Non-Transferable Shall Not Be Used By The Owner Or Others On Another Project Except By Agreement In Writing And With Appropriate Compensation To The Architect.

W 14 -160297 HK
EXHC.2



29" x 29"
Aluminum panel with digital print on matte vinyl, applied to both sides.

Front view
Turquoise background with white and grey lettering applied directly to the front and back surface.

Side view
Panel is 1/8" in thickness.

Approved
City of Portland
Bureau of Development Services
Planner [Signature]
Date 07-31-14

EXHC.3
14-160297