



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: August 31, 2018
To: Interested Person
From: Hannah Bryant, Land Use Services
503-823-5353 / Hannah.Bryant@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 mailed copy of this document is only a summary of the decision. 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 18-175238 HR – SIGNS AT GAS STATION IN HISTORIC DISTRICT

GENERAL INFORMATION

Applicant: Brian Myers | Double R Products
901 NW E Street | Grants Pass, OR 97526
541-476-1387

Owner: Isaac Dewik | H & I LLC
7008 SW Capitol Hill Road | Portland, OR 97219
503-267-3424

Site Address: **1525 SE Ladd Avenue**

Legal Description: BLOCK 12 N OF SE CLAY ST LOT 1-3 LAND ONLY, LADDS ADD
Tax Account No.: R463302460
State ID No.: 1S1E02CA 04200
Quarter Section: 3231
Neighborhood: Hosford-Abernethy, contact chair@handpdx.org.
Business District: Hawthorne Blvd. Bus. Assoc., contact Greg Moon at gmoon@westernseminary.edu
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Other Designations: Non-contributing Resource in the Ladd's Addition Historic District

Zoning: **CS** – Commercial Storefront with a Historic Resource Protection Overlay
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 seeks Historic Resource Review for a proposal to:

- Change the freestanding sign style from manual insert numbers to LED numbers, with an 18” reduction in sign area height. Previous sign area was 94.6 square feet, and the new proposed sign area is 85.5 square feet.
- New internally illuminated signage on all sides of the canopy over the gas pumps to replace existing internally illuminated vinyl panels. New signs are 21 square feet each on South and North Elevation, and 3.8 square feet each on East and West Elevations. Signs of this size have been previously approved, but were removed and replaced with colored panels by a previous owner.

Historic Resource Review is required for signs in a Historic District.

Relevant Approval Criteria:

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

- *Ladd’s Addition Conservation District Guidelines*

ANALYSIS

Site and Vicinity: The site is located on the northwest corner of the Ladd’s Addition Historic District. The site is a triangular property, 7,047 square feet in size, surrounded by streets. It has frontage on SE Clay Street, SE 12th Avenue and SE Ladd Avenue. As indicated above, the structure is considered non-contributing for the district, primarily because it was built in 1941 as a commercial structure, outside the period of significance.

Ladd’s Addition is Portland’s oldest planned residential community (1891) and one of the oldest in the western United States. Ladd’s radial street plan marked a dramatic break in Portland’s typical grid street pattern. With a formal symmetry echoing Renaissance cities and gardens, the radial streets converge at five formal gardens, which are the showpieces of the community. Parking strips are lines with mature street trees, green archways of elms and maples. The architectural character of Ladd’s Addition was established in the three decades following the turn of the century. Although the individual structures represent a variety of styles, including Bungalow, Mission, Tudor and Colonial Revival, they have a continuity of materials, scale, detailing, orientation and setback which creates a sense of architectural uniformity.

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

The Historic Resource 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.

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the community. Parking strips are lines with mature street trees, green archways of elms and maples. The architectural character of Ladd's Addition was established in the three decades following the turn of the century. Although the individual structures represent a variety of styles, including Bungalow, Mission, Tudor and Colonial Revival, they have a continuity of materials, scale, detailing, orientation and setback which creates a sense of architectural uniformity.

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

- LU 92-009615 – Approval of a new canopy at the existing service station.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **July 30, 2018**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety (Exhibit E.1)
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **July 30, 2018**. Thirty-three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Bikle, Alene – Wrote in support of the signage change.
2. Bikle, Bruce – Wrote in support of the signage change.
3. Brandt, Judith – Supports the signage change.
4. Delaney, Lisa – Supports the signage change.
5. Deming, Toby - Supports the signage change.
6. Dobrof, Susan – Supports the signage change.
7. Dodge, Susan – Wrote in support of the proposal.
8. Faulkner, Tony – Wrote in support of the sign change.
9. Harrigan, Julie - Supports the signage change.
10. Haslacher, Lori – Wrote in support of the signage change.
11. Jackson, Kelly - Supports the signage change.
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16. Kuhhausen, Marilyn – Supports the signage proposed.
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19. Meyer, Annie - Supports the signage change.
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25. Radmacher, Jonathan – Supports the change in signage.
26. Rees, Judith - Supports the signage change.
27. Romano, Judy - Supports the signage change.
28. Tolmach, Andrew - Supports the signage change.
29. Trachtenberg, Robert – Wrote in support of the proposal.
30. Ungar, Steven – Supports the signage change.
31. Walsh, Jen – Supports the signage change.
32. Weber-Welch, Amanda – Wrote in support for the signage change.
33. Yukas, Amy – Wrote in support for a signage change.

ZONING CODE APPROVAL CRITERIA

Chapter 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 Ladd's Addition Historic District and the proposal is for a non-exempt treatment not requiring a new foundation. Therefore, Historic Resource Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – Exterior Rehabilitation*.

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

Ladd's Addition Conservation District Guidelines – Exterior Rehabilitation

8. Color. Restoration of original colors, or colors appropriate to the style and era of the building, is encouraged.

Findings: The proposal is to replace existing, contemporary vinyl signs with new signs that reflect the new branding of the service station. For a non-contributing building of this era and use, the proposal is appropriate with how the building has repeatedly replaced signage to reflect new ownership and branding. *Therefore, this guideline is met.*

9. Signs. Whenever possible retention or restoration of original pre-1940 signs is encouraged. For commercial buildings, wall signs, window signs, canopy, and projecting signs attached to the building are encouraged; freestanding signs are discouraged. Sign materials and design and letters appropriate to pre-1940 buildings, such as painted wood and neon are encouraged. Plastic sign faces are discouraged. Signs should not be the dominant feature of a building or site.

Findings: The building was constructed after the period of significance, and there are not any original signs remaining on the property. The sign materials and design are typical of contemporary gas stations. For this use, on a non-contributing property, faux-historic signs would not be appropriate. To imbue the property with a historic basis that it does not have may diminish the clarity and clear historic significance of surrounding contributing resources. Therefore, the non-historic signs serve to differentiate this site and its auto-oriented, commercial uses from the contributing properties in the primarily residential, pedestrian-oriented historic district. *Therefore, this guideline is met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and 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

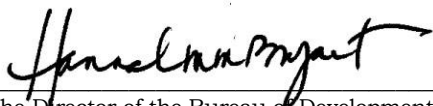
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of four new canopy signs and revisions to an existing freestanding sign, per the approved site plans, Exhibits C-1 through C-3, signed and dated August 29, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 18-175238 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on August 29, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed August 31, 2018

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, 2018, and was determined to be complete on July 24, 2018.

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, 2018.

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: November 21, 2018.**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **September 4, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

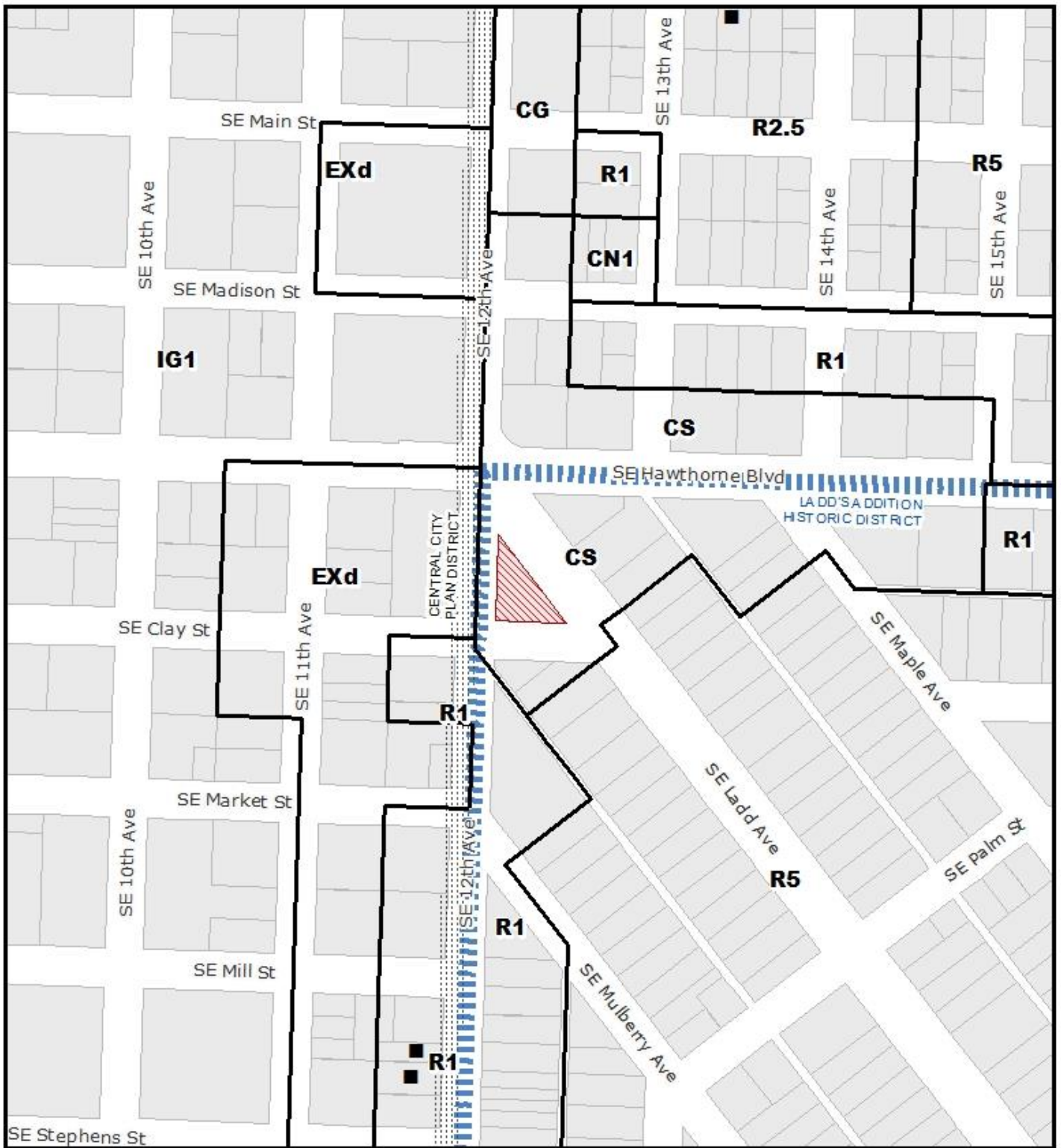
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Enlarged Renderings
 - 3. Previous Sign Permits
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Pumping Station Canopy Signage
 - 3. Freestanding Sign
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety
- F. Correspondence:
 - 1. Bikle, Alene, August 20, 2018 – Wrote in support of the signage change.
 - 2. Bikle, Bruce, August 19, 2018 – Wrote in support of the signage change.
 - 3. Brandt, Judith, August 20, 2018 – Supports the signage change.
 - 4. Delaney, Lisa, August 20, 2018 – Supports the signage change.
 - 5. Deming, Toby, August 19, 2018 - Supports the signage change.
 - 6. Dobrof, Susan, August 19, 2018 – Supports the signage change.
 - 7. Dodge, Susan, August 6, 2018 – Letter of support for the proposal and appreciation for the property owner's contributions to the neighborhood.
 - 8. Faulkner, Tony, August 20, 2018 – Wrote in support of the sign change.
 - 9. Harrigan, Julie, August 19, 2018 - Supports the signage change.
 - 10. Haslacher, Lori, August 19, 2018 – Wrote in support of the signage change.
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 - 25. Radmacher, Jonathan, August 20, 2018 – Supports the change in signage.
 - 26. Rees, Judith, August 19, 2018 - Supports the signage change.
 - 27. Romano, Judy, August 19, 2018 - Supports the signage change.
 - 28. Tolmach, Andrew, August 19, 2018 - Supports the signage change.
 - 29. Trachtenberg, Robert, August 5, 2018 – Letter of support for the proposal and appreciation for the generosity of the property owner.
 - 30. Ungar, Steven, August 19, 2018 – Supports the signage change.
 - 31. Walsh, Jen, August 19, 2018 – Supports the signage change.
 - 32. Weber-Welch, Amanda, August 19, 2018 – Wrote in support for the signage change.
 - 33. Yukas, Amy, August 20, 2018 – Wrote in support for a signage change.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated June 7, 2018

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



THIS SITE LIES WITHIN THE:
LADD'S ADDITION HISTORIC DISTRICT



Site



Historic Landmark

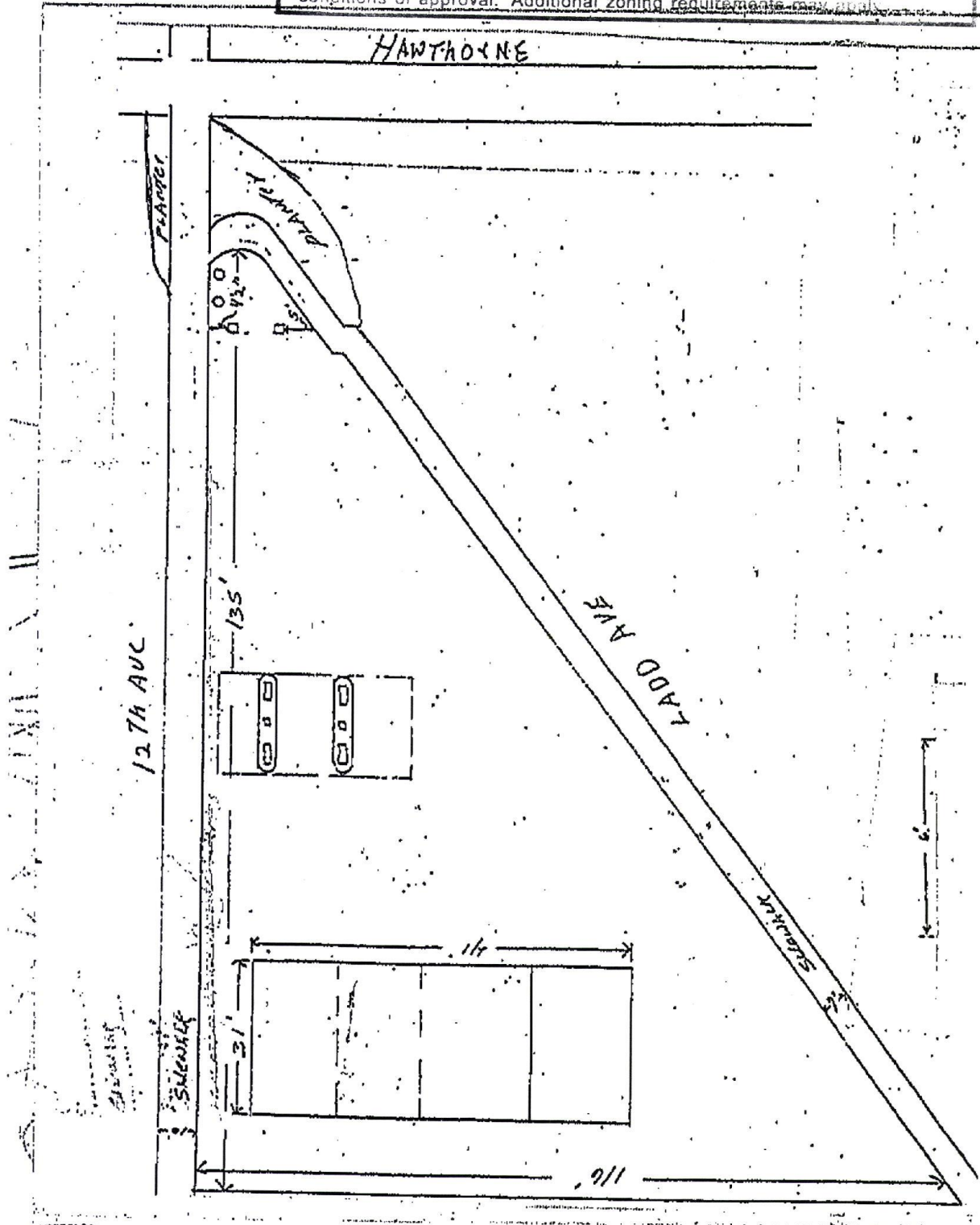
File No.	LU 18-175238 HR
1/4 Section	3231
Scale	1 inch = 200 feet
State ID	1S1E02CA 4200
Exhibit	B May 24, 2018

Approved

City of Portland - Bureau of Development Services

Planner *J. Bryant* Date *8-29-2018*

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



LU 18-175238 HR **C1**