



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

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**Date:** July 1, 2019  
**To:** Interested Person  
**From:** Hannah Bryant, 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 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 19-163359 HR – STOREFRONT SIGN IN IRVINGTON**

#### **GENERAL INFORMATION**

**Applicant:** Dorjee Nepali | Lungta Gifts  
2239 NE Broadway  
Portland, OR 97232

**Owner:** Karen Schaad | K-D Schaad Properties LLC  
5402 NE Mason St  
Portland, OR 97218

**Site Address:** **2233 NE BROADWAY**

**Legal Description:** BLOCK 9 LOT 5 EXC PT IN ST, JOHN IRVINGS 1ST ADD  
**Tax Account No.:** R430302450  
**State ID No.:** 1N1E26DD 03400  
**Quarter Section:** 2832  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** Northeast Broadway Business Association, contact Michael Chronister at 503-288-1500.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.  
**Plan District:** None  
**Other Designations:** Contributing Resource in Irvington Historic District.  
**Zoning:** CM2 – Commercial Mixed-Use 2  
**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 approval for a new storefront sign in the Irvington Historic District. The subject property was originally a single-family four-square residence, constructed in 1907. A commercial storefront was later added onto the front. That storefront is the location of the proposed sign. The sign is proposed to be mounted in a recessed doorway, above the primary entrance to a commercial storefront facing NE Broadway. The 12" by 66" sign is proposed to be printed on ACM panel. It is non-illuminated and not projecting. Historic Resource Review is required for non-exempt exterior alterations in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- 33.846.060.G – *Other Approval Criteria*

**ANALYSIS**

**Site and Vicinity:** Constructed in 1907 as a single-dwelling residence in the Foursquare style, this 2.5 story property is a Contributing Resource in the Irvington Historic District. It was later converted to a duplex, and finally, a commercial space was added to the front, at the sidewalk level. The sign proposed will be located above the entrance to the non-historic commercial addition to the Contributing Resource.

The site is in the narrow swath of CM2 zone along NE Broadway street. It borders R2a (a medium-density multi-dwelling residential zone) to the north. The Irvington Historic District line runs down the center of NE Broadway. Therefore, the commercial properties across NE Broadway from this site are not in the Historic District. The property to the west of this is not a contributing resource, nor is the parking lot or modern commercial building two parcels to the east. All other properties on this block, including all the properties fronting NE Schuyler Street, are contributing resources.

Northeast Broadway is a Major Transit Priority Street, a Major City Traffic Street, a Major City Bikeway, a City Walkway, a Major Emergency Response Street, and a Regional Main Street.

**Zoning:** The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle-class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival

modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**Land Use History:** City records indicate one prior land use review for this site:

- LU 03-155641 AD – This parcel was one of three adjacent parcels. One of the other parcels had proposed new two-story development. The Adjustment Review approved changes to the parking lot landscaping on the surface parking three parcels east of this building.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **May 22, 2019**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety (exhibit E.1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 22, 2019**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Gisvold, Dean. June 16, 2019. The ICA Land Use Committee does not object to this application.

## 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 within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*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.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 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.
- 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.
- 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.
- 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, 2, 3, 4, 5, 7, 8, 9 and 10:** The proposal is for a single, non-illuminated, wall-mounted sign to be located above the recessed primary entrance of a non-significant addition to a historic resource. The 5.5 square foot ACM panel sign is a durable, high-quality material.

The subject property was originally constructed in 1907, as a single-family residence set up above the street. At a later date, a basement-level addition was added off the front, creating a commercial storefront at street level. The commercial addition does not match the original resource in material, proportions or architectural detailing. While these basement-level commercial additions to single-dwelling structures are common on NE Broadway, they are not character-defining features of either the primary resource or the District. Therefore, the addition of a discreet, well-crafted sign on this addition does not impact the resource, its materials, integrity, or features.

The sign's location, flush to the wall above the single-entry door, at the back of a recessed entry bay, is consistent with the pedestrian scale of this streetcar era commercial corridor. The sign may be easily removed or replaced in the future without any impact to the primary resource or the Historic District. *Therefore, 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 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 a 5.5 square foot, non-illuminated ACM sign above the recessed primary entrance, per the approved site plans, Exhibits C-1 through C-3, signed and dated June 27, 2019, 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 19-163359 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 June 27, 2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed July 1, 2019**

**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 10, 2019 and was determined to be complete on May 17, 2019.

*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 10, 2019.

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: September 14, 2019.**

**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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after July 1, 2019 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:

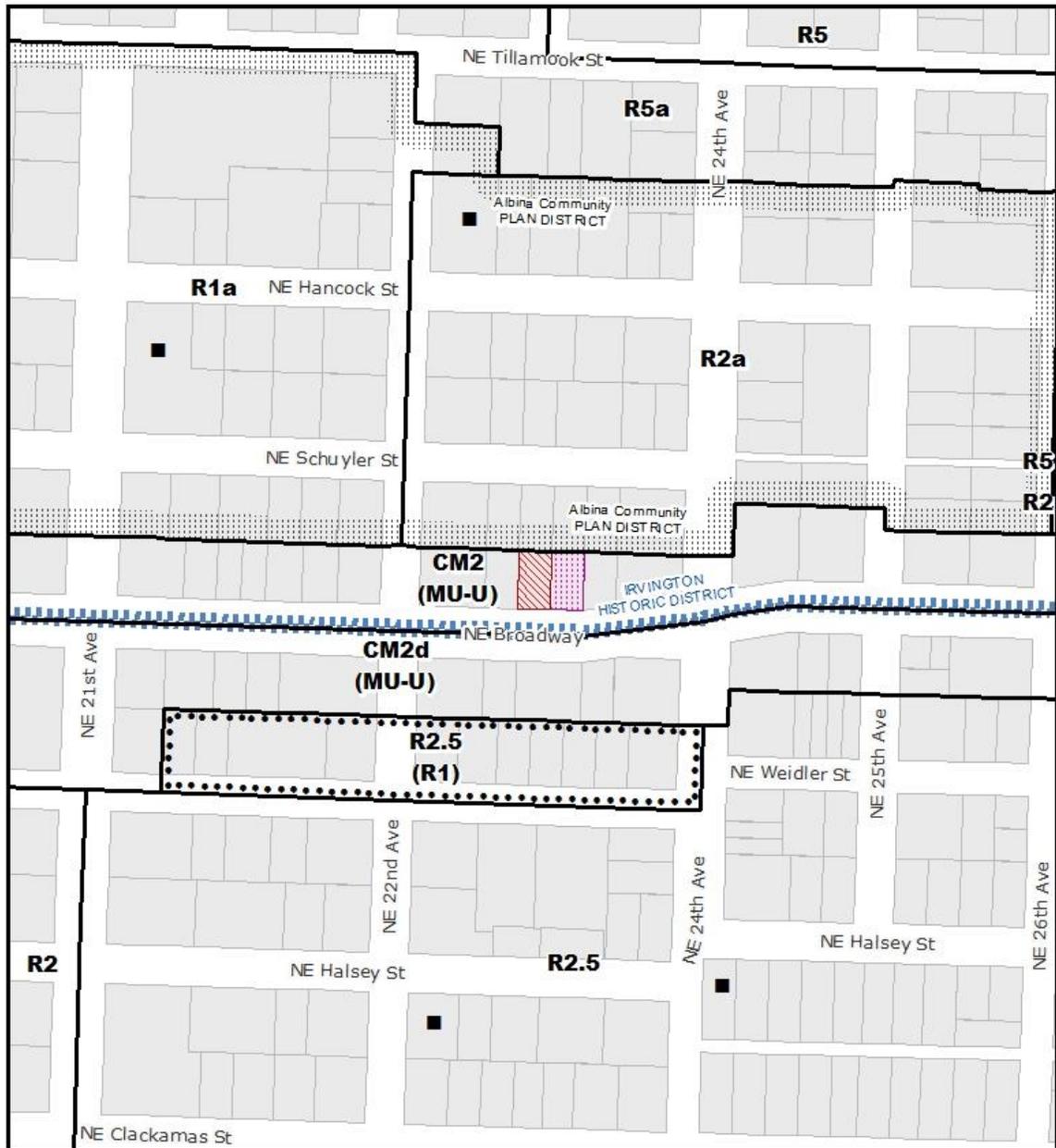
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Submittal
  - 2. Site Photo
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Site Elevation
  - 3. Sign Location
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety
- F. Correspondence
  - 1. Gisvold, Dean. June 16, 2019. The ICA Land Use Committee does not object to this application
- 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).**

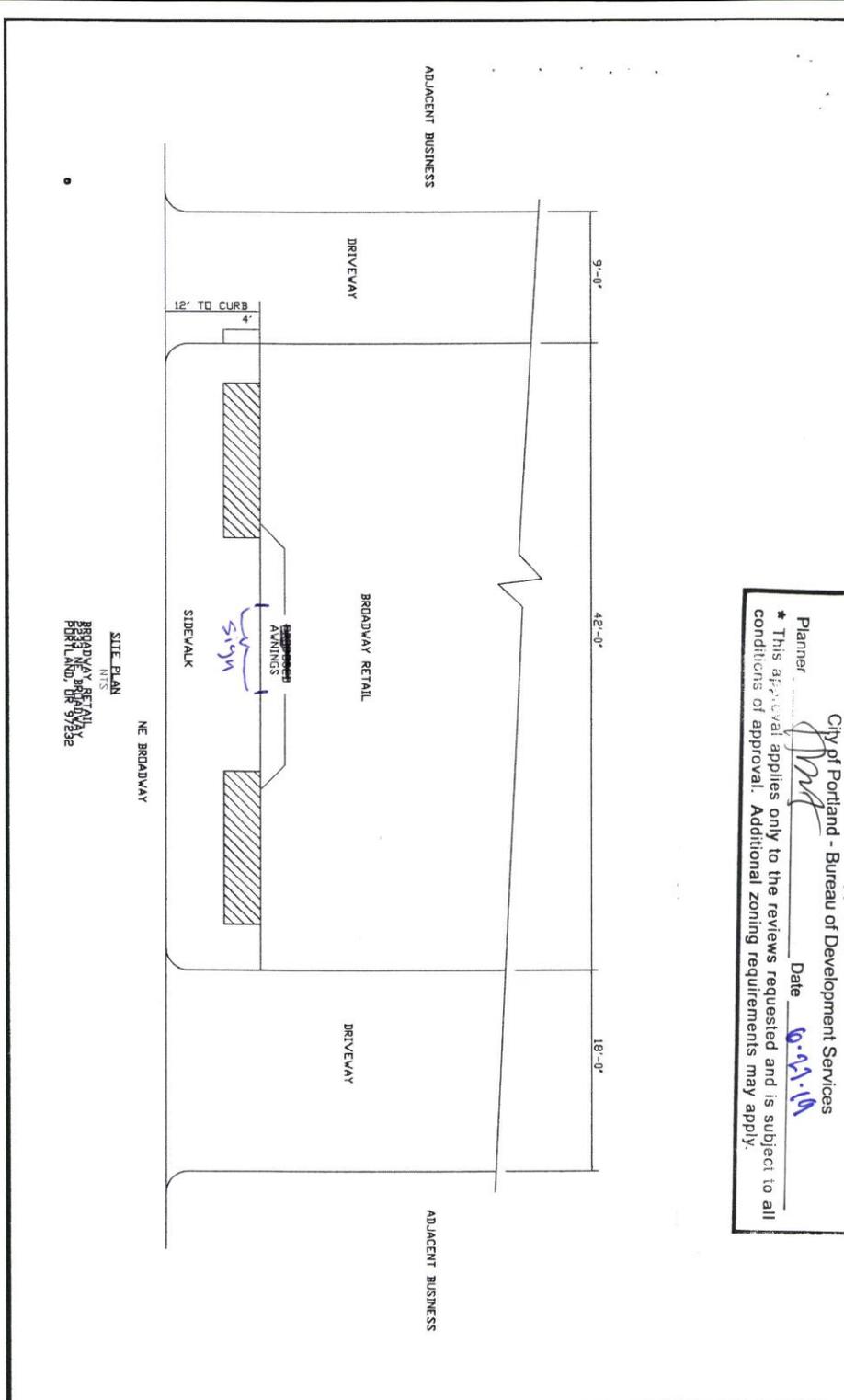


**ZONING**   
 NORTH  
 THIS SITE LIES WITHIN THE:  
 IRVINGTON HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 19-163359 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DD 3400
Exhibit	B May 15, 2019

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner MM Date 6-21-18  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SITE PLAN  
 11/15  
 BUREAU OF DEVELOPMENT SERVICES  
 PORTLAND, OR 97232

LU 19 - 163359 HR

C-1