



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

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Date: October 6, 2021
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 21-050110 HR – NEW SIGN IN ALPHABET HISTORIC DISTRICT

GENERAL INFORMATION

Applicant: Andrew Boyter | Malaya Signs
7625 NE MLK Blvd
Portland, Oregon 97211
andrew@malayasigns.com

Representative: Christopher Armour | Ethan Allen
25 Lake Avenue Eext
Danbury, CT 06813

Owner/Agent: Jack Birnbach | Maxeda LLC
Po Box 231033
Tigard, OR 97281

Site Address: 315 NW 23RD AVE

Legal Description: BLOCK 6 LOT 2&3, MEADS ADD
Tax Account No.: R556500570
State ID No.: 1N1E33CB 02500
Quarter Section: 3027
Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Other Designations: *Non-Contributing Building in the Alphabet Historic District*
Zoning: CM2 (MU-U)m – *Commercial Mixed-Use 2 w/ a Centers Main Street overlay and 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 approval for two new signs to be installed at the ground level of a non-contributing building in the Alphabet Historic District. The proposed signs are:

- A six (6) square foot non-illuminated aluminum projecting blade sign mounted with eight (8) feet of clearance above the sidewalk. Proposed letters are individual acrylic, face mounted.
- An approximately twelve (12) square foot wall-mounted sign above the primary entrance. Proposed letters are ¼” thick black aluminum individual glyphs, mounted directly to the stucco exterior façade.

Historic Resource Review is required for non-exempt exterior alterations in the 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:

- *Community Design Guidelines*
- *Historic Alphabet District Addendum to the Community Design Guidelines*

ANALYSIS

Site and Vicinity: Located at the northwest corner of NW Everett Street and NW 23rd Avenue, the subject building is a non-contributing building in the Alphabet Historic District. Constructed in 1995, the Neo-Classical Revival one-story building is known as the Max Birnback Building.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century, mostly middle class, housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g., Tudor, Spanish Colonial, Byzantine, Jacobean, etc. and this is especially the case in the immediate vicinity of the proposed new development. The area is characterized by a grid of narrower, more tree-lined, east-west residential streets, named alphabetically after prominent Portlanders of the day, which are crossed by generally more robust north-south avenues. Two of these, NW 21st Avenue and NW 23rd Avenue are low-scale business corridors featuring a mix of purpose-built commercial structures and converted houses.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area’s role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area’s parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild’s Lake Industrial Sanctuary.

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 Centers Main Street “m” overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

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 no prior land use reviews for this development.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **August 20, 2021**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety (exhibit E.1)
- Urban Forestry (exhibit E.2)
- Portland Bureau of Transportation (exhibit E.3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 20, 2021**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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 Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

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

Historic Alphabet District - Community Design Guidelines Addendum

- 1. Historic Changes.** Most properties change over time; those changes that have acquired historic significance will be preserved.
- 2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials

they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

3. 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. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings for 1, 2, and 3: The two proposed signs are intended to replace all existing signage for this ground level tenant space. While the applicant originally proposed an internally illuminated, 38-square foot wall mounted sign in addition to a 6-square foot non-illuminated projecting sign, after a thorough context study of other large retailer signs in the Alphabet Historic District, the applicant has reduced the scale and eliminated the internal illumination. The final proposal is for a 12-square foot wall-mounted sign comprised of ¼” thick aluminum individually mounted letters and a 6-square foot, aluminum projecting sign suspended from a simple black bracket. The materials, craftsmanship, lack of illumination and pedestrian-orientation are consistent with other signage in the Alphabet Historic District.

While the subject property was constructed in 1957 and is thus a non-contributing building within the Alphabet Historic District, the signs will maintain the typical pattern of signage along this busy pedestrian street and enhance the compatibility of the building with its surrounding context. The proposal will not change any details that have acquired historic significance or damage any historic materials.

Therefore, these guidelines are met.

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area’s desired characteristics and traditions.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for P1 and P2: The site is located within the Northwest Plan District. This plan district is comprised of numerous distinct neighborhoods and strives to maintain the distinguishing characteristics of each urban character area. Development in this plan district should contribute to maintaining its architectural scale and its fine-grain pattern of development. On a streetcar main street, such as NW 23rd, characteristic elements of commercial buildings include large storefront windows, entrances at the sidewalk level, and street blocks lined by several small storefronts or tenant spaces, providing a diversity of activities and visual experiences. The development on this site maintains those characteristic elements. The two proposed signs enhance the fine-grain patterning of the district through their limited sign areas, the individually cut letters and their locations just above the pedestrian realm.

Therefore, these guidelines are met.

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to

buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

Findings for E1, E3, D2, D6, D7 and D8: The proposed signs will be located just above the tenant main entrance (wall mounted individual letters) and near the building corner, closest to the intersection of NW Everett Street and NW 23rd Avenue. Both signs are proposed to be located just above the pedestrian realm, ensuring that they are highly visible to patrons walking down this busy pedestrian main street and help to link destinations along the corridor. The fine-grained signage contributes the vibrancy of the district, adding visual interest that is compatible in scale, details, material proportion and character with both the existing building and the surrounding Historic District.

The larger, wall-mounted main entrance sign will be constructed from individual ¼” thick black aluminum letters. Each letter will be mounted to the exterior stucco wall of this non-contributing building. The non-contributing nature of the building and the existing stucco façade facilitate the future removal and repair of any holes caused by this signage installation without compromising historic materials. The smaller, projecting sign is proposed to be individual ½” acrylic letters mounted to an aluminum sheet suspended from a simple black bracket. The depth of individual letter mounted to the sign surface provides an additional richness consistent with the fine-grained architecture of the Alphabet Historic District.

Therefore, 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 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

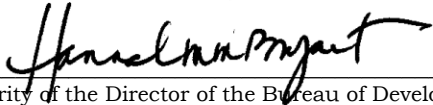
Approval of a twelve-square foot wall-mounted sign and a six-square foot projecting sign per the approved site plans, Exhibits C-1 through C-6, signed and dated October 1, 2021, subject to the following conditions:

- 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 21-050110 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 October 1, 2021**
By authority of the Director of the Bureau of Development Services

Decision mailed October 6, 2021

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 21, 2021 and was determined to be complete on August 10, 2021.

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 21, 2021.

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: December 8, 2021.**

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 **October 6, 2021** 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 Narrative
 - 2. Original Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Projecting Sign Elevations
 - 3. Projecting Sign Details
 - 4. Projecting Sign Height
 - 5. Wall Mounted Sign Elevation
 - 6. Building Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety
 - 2. Urban Forestry
 - 3. Portland Bureau of Transportation
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated June 11, 2021

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).