



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

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Date: August 5, 2022
To: Interested Person
From: Hillary Adam, Land Use Services
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NOTICE OF A TYPE I 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 22-155791 HR – MEET FRESH SIGNS

GENERAL INFORMATION

Applicant: Jack Bailey jbailey@tubear.com / 503-803-9301
Tube Art Group
4243-A SE International Way
Milwaukie, OR 97222

Owner: Lot-94 LLC
920 SW 6th Ave #223
Portland, OR 97204

Site Address: 230 SW ASH ST

Legal Description: BLOCK 31 LOT 1&2&7&8 POTENTIAL ADDITIONAL TAX, PORTLAND
Tax Account No.: R667704600
State ID No.: 1N1E34CD 02400
Quarter Section: 3029

Neighborhood: Old Town Community Association, contact Jonathan Cohen at treasure@pdxoldtown.org or Mary-Rain O'Meara at secretary@pdxoldtown.org

Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com & Old Town Community Association, contact at chair@PDXoldtown.org

District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

Plan District: Central City - Old Town/Chinatown
Other Designations: Noncontributing resource in the Skidmore/Old Town Historic District

Zoning: CXd – Central Commercial with Design and Historic Resource overlays
Case Type: HR – Historic Resource Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes two new signs on a noncontributing resource in the Skidmore Old Town Historic District in the Central City Plan District. The halo-illuminated signs are proposed to be primarily composed of aluminum and acrylic, measured at 2'-8" high x 11'-3" long for a total of 30 square feet each, and mounted to the canopies at the east and north facades.

Historic Resource Review is required because the proposal is for new non-exempt signage in a historic district.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are:

- Skidmore/ Old Town Historic District Design Guidelines
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a new 6-story brick building, built in 2019, containing ground floor retail with residential apartments above. The new building, known as 230 Ash, has a landmark building immediately to the south and faces landmark buildings across every frontage. The site is bound by SW Ash Street to the north, SW 3rd Avenue to the west, and SW Second Avenue to the east and is located within the Skidmore/Old Town Historic District, which is a National Historic Landmark.

The District was listed in the National Register of Historic Places on December 6, 1975 and was registered as a National Historic Landmark on May 5, 1977. Most recently, on October 6, 2008, the Secretary of the Interior accepted a revised and more detailed nomination document. The District is significant for its collection of late nineteenth and early twentieth century commercial buildings, and especially those with cast iron façade systems in the Italianate style. The National Register definition of a Historic District is "a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history."

From its earliest consideration in the mid-1970s, the Skidmore/Old Town National Landmark Historic District has been recognized as fragile in terms of its continuity of historic fabric. Over half of the buildings once standing in the area were demolished between 1925 and 1975. This places a special responsibility on new development to provide a supportive background matrix for the remaining historic structures.

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 ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;

- Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region’s current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Skidmore/Old Town subdistrict of this plan district.

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

- LU 16-274674 HRM – Historic Resource Review approval for a new 6-story mixed-use building with Modifications
- LU 18-272146 HRM – Historic Resource Review approval for changes to the approved land use review for a new building with Modification to reduce the bicycle parking standards.
- LU 19-247109 HR – Historic Resource Review approval for one new non0illuminated 10.8 square foot aluminum sign.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **July 15, 2022**. No Bureaus have responded with no issues or concerns about the proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **July 15, 2022**. 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, Historic Reviews

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 Skidmore/Old Town Historic District. Therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are the Skidmore/Old Town Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

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

Central City Fundamental Design Guidelines and Skidmore/Old Town Historic District Design Guidelines

The Skidmore/Old Town Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. In addition, the Skidmore/Old Town Historic District has been identified as a National Landmark, of which there is only one other in Portland, Pioneer Courthouse. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Skidmore/Old Town Historic District.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City’s districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City’s districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

Skidmore/Old Town Historic District Design Guidelines

A1.b. Reinforce Pedestrian Scale and Orientation in the District.

Findings: Based on the way signs are measured per Title 32, the total area of the sign is 30 square feet; however, the height of the tallest letters is less than 2’-0” which is comparable to other contemporary signs in the district. Two signs are proposed near the corner of the building, each to be attached to the front face of the metal canopies at a clearance of 8’-6” above the sidewalk. The signs are low enough to engage pedestrians but not so large that they would be imposing. *This guideline is met.*

A4. Select Historically Compatible, High Quality Materials with Finishes and Colors that are Appropriate to the District.

Findings: The signs are proposed to be constructed primarily of 26 gauge aluminum returns with acrylic letters 3/16” in thickness. Some aspects of the signs are noted to be painted though others indicate the use of vinyl, which has a greater tendency than paint to peel away over time and not be maintained. In contrast, painted surfaces are easier to maintain as they can be touched up in place rather than requiring of site manufacture of new vinyl and possibly requiring removal and replacement of the signs. As such, a condition has been added requiring all elements indicated as vinyl to be produced with paint applied to those surfaces.

With the condition that all elements indicated as vinyl shall be produced with paint applied to those surfaces instead, this guideline is met.

A6. Integrate Signage in a Manner that Contributes to the Character of the Building and the District.

Findings: The proposed signs are mounted to the canopies at this retail location thus utilizing this element, which is repeated across the building, to mark this specific space. Locating the signs above the storefronts allows passersby to have clear views into the space, allowing more engagement between the interior and exterior, and ensuring the vibrancy of the district is maximized. The signs will be illuminated, encouraging this vibrancy during both day and night. *This guideline is met.*

Central City Fundamental Design Guidelines

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

Findings for A4 and A5: The proposed signs will help inform potential customers of a new business within this retail space, thus allowing for activation of this new building in the oldest part of the city. The proposed signs utilize illumination which is common and appropriate for this part of the city which is often active in the nighttime hours. The halo lighting with aluminum channel letters is a newer construction method for signage in the Skidmore Old Town Historic District but is still fairly common in this district and in the Central City, generally. *These guidelines are met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

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.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

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.

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 C2, C5, C7, C8, and C13: The proposal consists of two matching signs to be located near the northeast corner of the building. The two signs draw pedestrian attention toward the corner retail space, helping to activate this corner with pedestrian activity as well as the visual activation of the signs themselves. The signs will be illuminated thus encouraging this activation during the day and at night. The signs are located at the front edge of the canopy, just above the pedestrian realm, helping to distinguish between the more public space of the retail establishment and the private space of the residences above.

Integrating the signs into the canopies, rather than on the windows or at the brick pilasters, ensures the building façade will remain orderly and uncluttered with open

storefronts allowing clear views between the interior and exterior of the building. The signs are generally of quality materials in aluminum and acrylic, and a condition has been added that all elements indicated as vinyl shall be produced with paint applied to those surfaces. Electrical service for the sign is noted to be routed through the mounting tubes to the raceways, where electrical service will be located; however, no note or drawing is included indicating the path of conduit from the electrical service located within the raceway to the building. As such, a condition has been added that new conduit shall remain hidden from public view by routing along the top of the canopy and/or painted to match and shall not be attached to the exterior face of the building.

With the conditions that all elements indicated as vinyl shall be produced with paint applied to those surfaces instead and that new conduit shall remain hidden from public view by routing along the top of the canopy and/or painted to match and shall not be attached to the exterior face of the building, 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 two new signs on a noncontributing resource in the Skidmore Old Town Historic District in the Central City Plan District. The halo-illuminated signs are proposed to be primarily composed of aluminum and acrylic, measured at 2'-8" high x 11'-3" long for a total of 30 square feet each, and mounted to the canopies at the east and north facades.

This approval is per the approved site plans, Exhibits C-1 through C-5, signed and dated August 1, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 22-155791 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.
- D. All elements indicated as vinyl shall be produced with paint applied to those surfaces instead.

- E. New conduit shall remain hidden from public view by routing along the top of the canopy and/or painted to match and shall not be attached to the exterior face of the building.

Staff Planner: Hillary Adam

Decision rendered by:  **on August 1, 2022**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 5, 2022

Procedural Information. The application for this land use review was submitted on June 23, 2022 and was determined to be complete on July 11, 2022.

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 June 23, 2022.

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 8, 2022.**

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 **August 5, 2022** 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. Narrative
 2. Original Drawings
 3. Completeness Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Details and Photo Simulation (attached)
 3. Illuminated Rendering
 4. North Elevation
 5. East Elevation
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 1. Original LU Application
 2. Incomplete Letter, dated July 7, 2022

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).