



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

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Date: March 8, 2021
To: Interested Person
From: Tanya Paglia, 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 20-226407 HR – INSTALLATION OF ILLUMINATED PROJECTING SIGN

GENERAL INFORMATION

Applicant: Dan Culnane | Image King Signs
4051 W 1st Ave | Eugene, OR 97402
dan@imagekingsigns.com

Owner: BZB Properties LLC
819 SE Morrison St #110 | Portland, OR 97214

Site Address: 333 NE RUSSELL ST

Legal Description: BLOCK 17 LOT 14 EXC PT IN ST S 1' 5" OF LOT 15 EXC PT IN ST, ALBINA

Tax Account No.: R009605910
State ID No.: 1N1E27AD 17800
Quarter Section: 2730

Neighborhood: Eliot, contact Jonathan Konkol at info@eliotneighborhood.org or Brad Baker at lutcchair@eliotneighborhood.org

Business District: Soul District Business Association, contact at Info@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at jessica@necoalition.org

Plan District: Albina Community
Other Designations: Contributing Resource in the Eliot Conservation District

Zoning: **CM3dm** – Commercial/Mixed Use 3 with Design Overlay and Centers Main Street Overlay Zone

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 is seeking Historic Resource Review approval for installation of a new 16 SF LED illuminated, projecting sign located on the southeast corner of a contributing resource in the Eliot Conservation District. The sign will be attached to the building's east façade using existing hardware on the building and will project out 4'-6" from the building. The sign will consist of an aluminum sign cabinet with white acrylic faces with translucent vinyl graphics with LED illumination. The proposed sign dimensions are: 4'-0" wide, 4'-0" tall, and 6" deep with a 6" offset from building.

Historic Resource Review is required for non-exempt exterior alterations to a building in the Eliot Conservation District.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject two-story building is located at the intersection of NE Martin Luther King Jr Blvd and NE Russell St in the Albina Community Plan District. It was built in 1909 in the "streetcar era commercial" style and is a contributing resource in the Eliot Conservation District. Its historic name is the *East Side Medical Building* and functioned as a retail and office building when first constructed. The building features tan brick and a metal cornice with modillions and brackets below the parapet. It also features a dentilated metal belt course between the first and second floors and a bracketed pediment over its NE MLK Jr Blvd entrance. Numerous contributing residential structures are in the vicinity of the site, predominantly westward on NE Rodney Ave and southward oriented to NE Tillamook St. The development context jumps up in scale on the mixed-use, multi-modal corridor NE Martin Luther King Jr Blvd.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. 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 six 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, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The 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.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard..

The Eliot Conservation District denotes an area with common historic values significant to the neighborhood and seeks to contribute to the preservation of significant features of Portland's development history. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to historic design review.

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

- **LUR 92-009561 DZ (Ref #: LUR 92-00442):** Design Review approval to remodel building and Modification to reduce the width of the parking aisle from the required 24' to 22'.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **January 25, 2021**. The following three Bureaus, Divisions and/or Sections responded with no objections and one of these included written comments found in Exhibit E1:

- Life Safety Division of the Bureau of Development Services (Exhibit E-1)
- Fire Bureau
- Site Development Review Section of the Bureau of Development Services

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 25, 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 Eliot Conservation 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*.

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

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.

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

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 P1, P2, E4, D6, D7, and D8: The proposed sign to be located in the southeast corner of the *East Side Medical Building*, a contributing resource in the Eliot Conservation District. is appropriate for the scale of the two-story masonry building and the NE Martin Luther King Jr Blvd and NE Russell St intersection. The proposal to install a new 16 SF LED illuminated, projecting sign at the intersection will not detract from the historic character of the Eliot Conservation District or the architectural integrity of the 100+ year old subject building. The proposed sign respects the building's architecture, sitting 18'-8" above the sidewalk, above the tall ground floor in a natural sign area aligned with the datum of second floor windows. The sign will be attached to the building’s east façade using existing hardware on the building and will project out 4'-6" from the building. The sign design and placement are congruous with the building and creates a coherent composition.

The sign’s proposed materials and structure will maintain the quality and permanence found in the contributing building. The sign does not produce a negative effect to the pedestrian environment in the adjacent sidewalk rights-of-way and adds visual interest to the new building, both day and night. The sign is a design element that highlights the building's SE corner. As a higher on the building visible element, the sign compliments lower level canopy signage, and helps identify the area, acting as a wayfinding landmark that highlights the building’s corner and points people to the business which is set-back along Russell St, a bit back from the busy intersection.

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 proposed sign is of a scale and placement that is proportional to- and integrated with- the building and congruous with the neighborhood. It will enhance the sense of place and add visual interest to the pedestrian realm. 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 to install a new 16 SF LED illuminated, projecting sign on the southeast corner of the *East Side Medical Building*, a contributing resource in the Eliot Conservation District, per the approved site plans, Exhibits C-1 through C-4, signed and dated 3/2/2021, 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 20-226407 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: Tanya Paglia



Decision rendered by: _____ **on March 2, 2021**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 8, 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 December 21, 2020, and was determined to be complete on January 19, 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 December 21, 2020.

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: 5/19/2021.**

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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 **3/8/2021** 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:

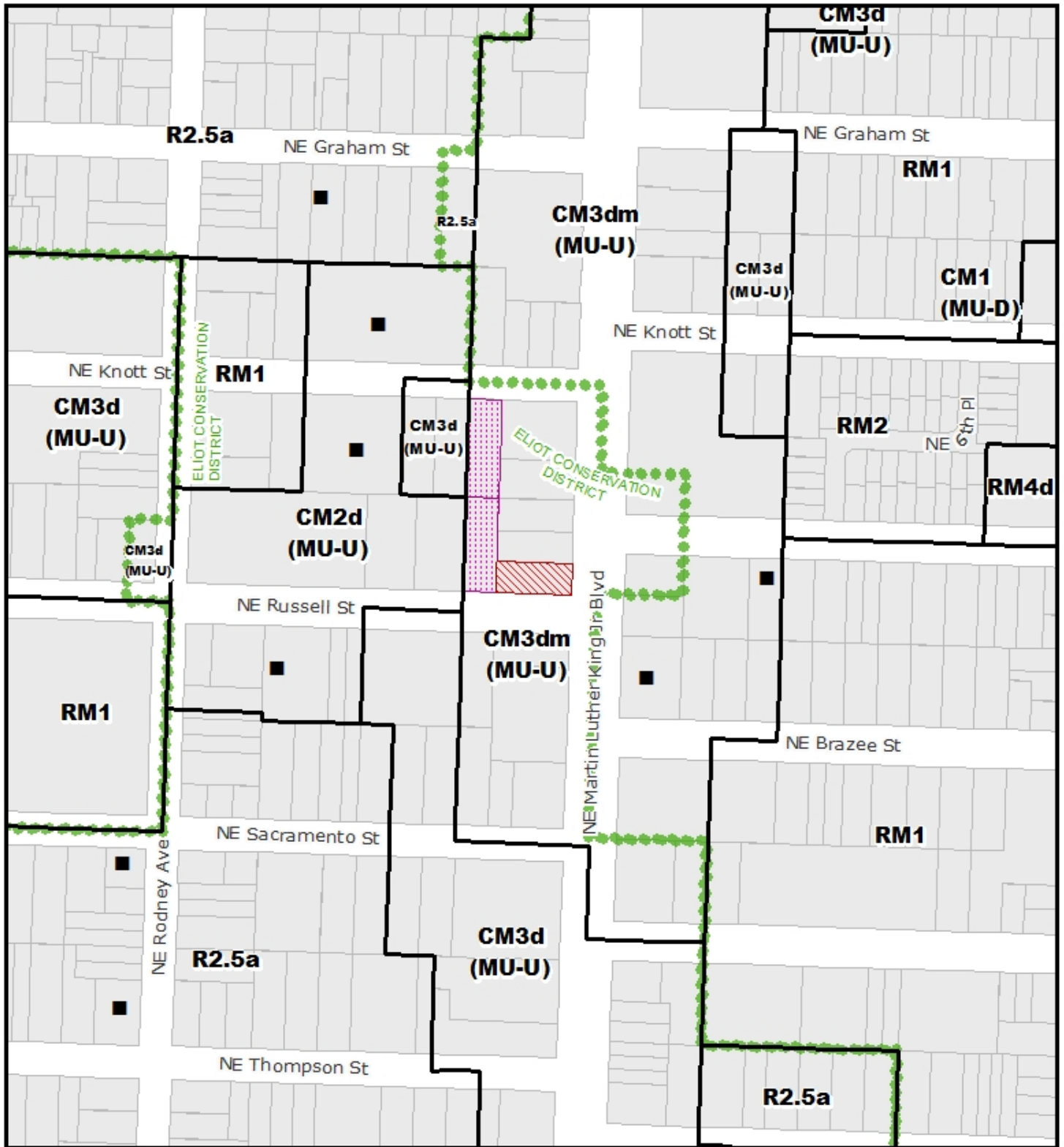
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Previous sign permit (10-161464 SG)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. East and South Elevations (attached)
 - 3. Blade Elevations and Section
 - 4. Photosimulations with height measurements
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of the Bureau of Development Services
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record

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).



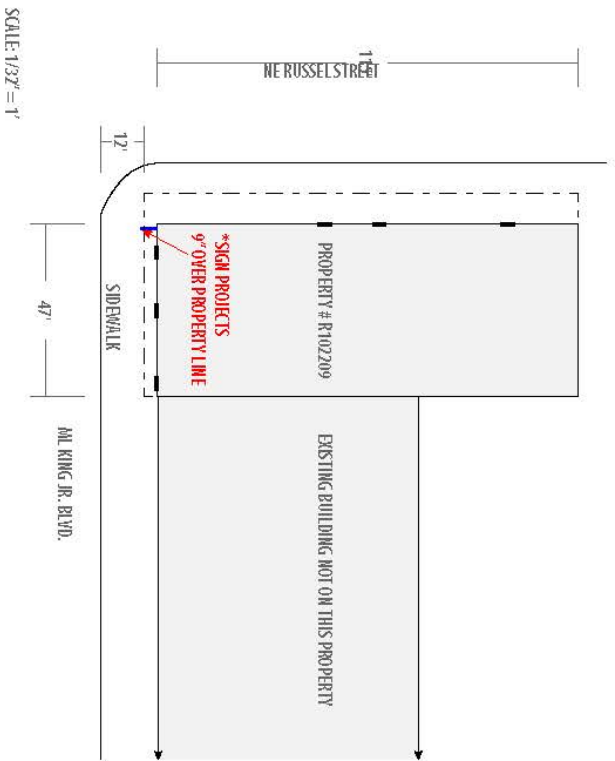
ZONING

ALBINA COMMUNITY PLAN DISTRICT
ELIOT CONSERVATION DISTRICT



-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 20 - 226407 HR
1/4 Section	2730
Scale	1 inch = 200 feet
State ID	1N1E27AD 17800
Exhibit	B Dec 22, 2020

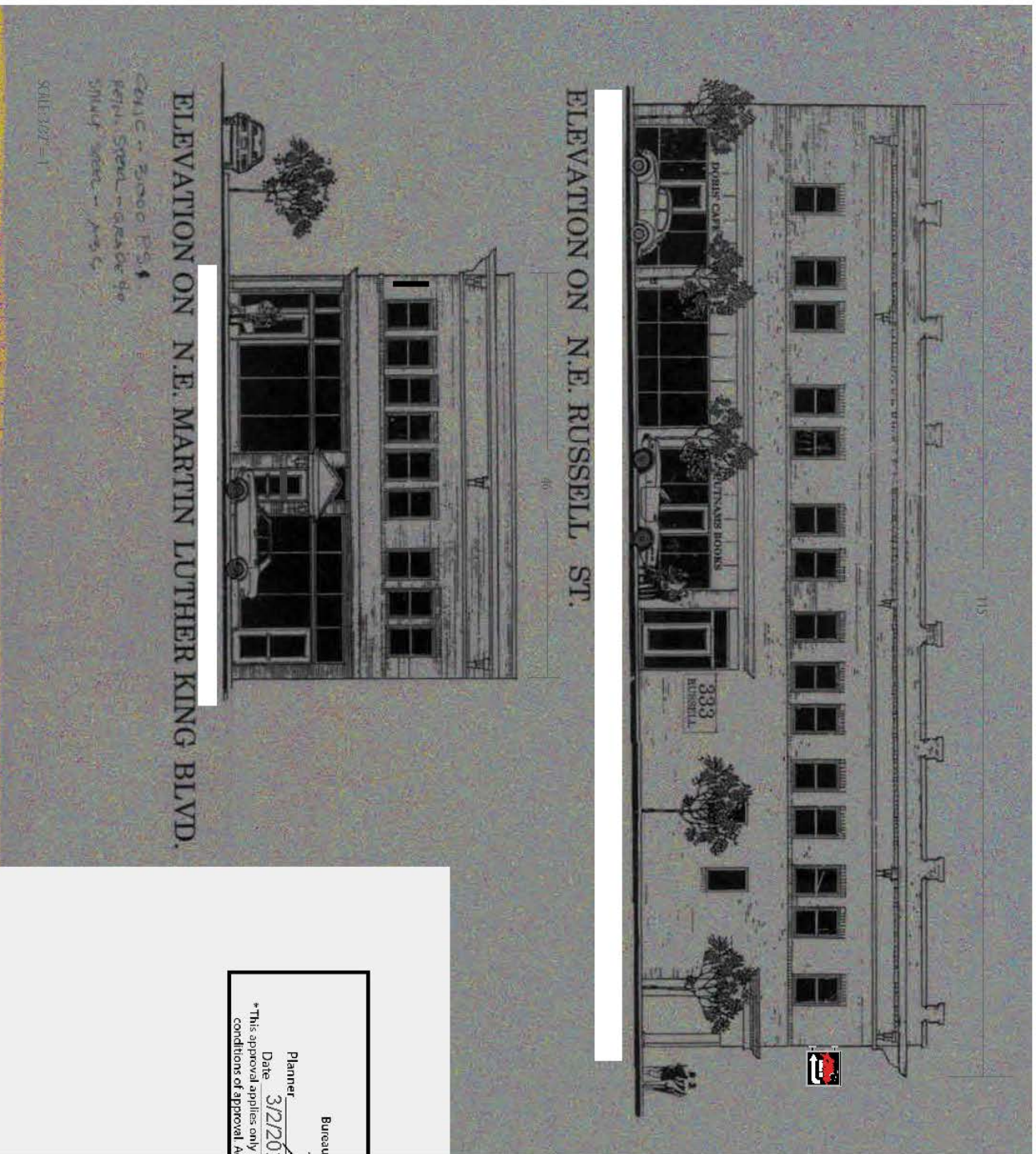


- - - PUBLIC ENTRANCE
- - - PROPERTY LINE
- █ PROPOSED SIGN



Approved
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: 3/22/2021
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

	4051 W. 1st Ave. Eugene, OR 97402 541.484.1482	Project: Killer Burger	Address: 325 NE Russel St, Portland	Scale: 1/32" = 1'	J/O# 15302	Designer: D. Culhane	Sales Rep: MD	Date: 12.8.2020
	<p style="text-align: center;">Exhibit C-1 LU 20-226407 HR</p>							



ELEVATION ON N.E. RUSSELL ST.

ELEVATION ON N.E. MARTIN LUTHER KING BLVD.

SCALE: 3/27 = 1

Approved
 City of Portland
 Bureau of Development Services
 Planner: *Jenny Taylor*
 Date: 3/22/2021
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-2

LU 20-226407 HR