



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
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www.portland.gov/bds

Date: November 2, 2022
To: Interested Person
From: Megan Sita Walker, Land Use Services
503-865-6515 / MeganSita.Walker@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved 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 22-132403 HR - SIGNAGE

GENERAL INFORMATION

Applicant: Andrew and Stephen Boyter | Malaya Signs
11716 NE Sumner St
Portland, OR 97220
(503) 430-9046

Tenant: Shawn Borton | Expensify
401 SW 5th Ave
Portland, OR 97204

Owner: 401 SW 5th LLC
88 Kearny St #1600
San Francisco, CA 94108-5543

Site Address: 401 SW 5TH AVE

Legal Description: BLOCK 175 LOT 1&2, PORTLAND
Tax Account No.: R667717880
State ID No.: 1N1E34CD 06900
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Marian DeBardelaben at debardelabenmarian@gmail.com

Business District: Downtown Retail Council, contact at info@portlandalliance.com

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

Plan District: Central City - Downtown
Other Designations: Individually listed Historic Landmark on the National Register of Historic Places

Zoning: CXd – Central Commercial with Design and Historic Resource Protection 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 is seeking Historic Resource Review approval for proposed alterations to the First National Bank Building, an Individually listed Historic Landmark in the Downtown Subdistrict of the Central City Plan District. The proposal includes the installation of two (2) 25 SF signs located above each of the two (2) primary building entries of the resource on SW 5th Avenue and on SW Harvey Milk Street. Both proposed signs consist of 3/8-inch individual pin-mounted brass letters mounted 1-1/2-inch from an aluminum backer panel with a 25 SF face area. The area where copy is proposed is limited to 6.35 SF per sign.

Historic Resource Review is required for non-exempt exterior alterations to a designated Historic Landmark.

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:

- Portland Zoning Code, Section 33.846.060.G *Other Approval Criteria*
- *Central City Fundamental Design Guidelines*

ANALYSIS**Site and Vicinity:**

The subject building, designed by the Boston firm of Coolidge & Shattuck and constructed in 1916, was the second home of the First National Bank of Oregon. The institution had become the first federally chartered bank west of the Rocky Mountains in 1865. Mimicking a Doric temple in form the building shares many style and detail characteristics with the Lincoln Memorial in Washington DC, with which it is contemporaneous.

SW 5th Avenue is, and was historically, the financial district of Portland. Several other historic bank buildings face the street in this vicinity, as do modern representations. Today this street is also the southbound leg of the transit corridor through downtown, with both dedicated light rail and bus lanes at this location. The entire area is a pedestrian district.

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.

Land Use History: City records indicate the following prior land use reviews for this site:

- HL 58-82 – Historic Review approval for a cornice alteration.
- HL 34-88 - Historic Review approval for signage.
- LUR 92-00258 - Historic Review approval for signage.
- LU 10-117466 HDZ - Historic Review approval for the addition of exterior lighting.
- LU 17-117466 HDZ - Historic Review approval for two signs.
- LU 20-225931 HR - Historic Review approval for alterations to existing building entries.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **July 15, 2022**. No Responses were received.

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.

Procedural Note: This land use review was deemed complete on July 6, 2022, and a notice was mailed on July 15, 2022. The public comment period closed on July 29, 2022, and a decision was due to be mailed on August 5, 2022. However, on July 29th the applicant informed staff that the proposal was subject to change and on August 2, 2022, confirmed that the case was on-hold to incorporate changes to the design into the current review. The applicant provided extensions to the land use review timeline on August 2, 2022. Based on the extensions, a decision was due to be mailed on November 23, 2022. The applicant provided additional information on October 18, 2022, and staff prepared the Notice of Decision for a November 2, 2022, mail date.

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 a designated Historic Landmark. Therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

G. Other Approval Criteria:

1. Historic character. The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.

- 2. Record of its time.** The landmark or contributing 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 resources 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 historic feature 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.

Findings for 1, 2, 3, 4 and 5: Previous signs have been located at both locations placed within and connected to the same sign boards over the years. By locating the signs in these established locations, the historic character of the landmark structure will be acknowledged, maintained and preserved. Locating the proposed signs on the existing sign boards allows for the continued used of the unique landmark structure and the installation of new signs without the need for additional drilling or attachment of any kind into the existing marble structure. Thus, limiting impact on historic material and respecting the historic character of the resource.

These guidelines are met.

- 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 7, 8, 9 and 10: Both signs are to be located on existing sign boards in areas where prior signs were installed, ensuring that they can be removed in the future without damaging historic material of the landmark building. This ensures compatibility in that the proposal is consistent with both sign locations and sizes as they historically appeared on the landmark structure.

The facades of the resource employ a high level of craft, detail, and significant visual interest. While the proposal is for the installation of two (2) 25 SF signs – the dimensions of the existing sign boards that are located above each of the two (2) primary building entries of the resource – the proposed copy of the signs is limited to 6.35 SF per sign.

The proposed copy area of the signs (6.35sf) consisting of 3/8-inch individual pin-mounted brass letters mounted 1-1/2-inch from an aluminum backer panel is appropriately scaled for pedestrian oriented signage on the resource. The proposed signs will be externally illuminated by existing integrated light fixtures. The scale of proposed copy area, the use of durable materials of adequate thickness and quality

detailing, and the reuse of existing integrated light fixtures to illuminate the signage, ensures that the proposed signs successfully relate to and are compatible with the architecturally significant detailing of the resource and form a coherent composition. To ensure that the proposed copy area continues to be appropriately scaled to the related to the intricate detailing of the resource and remains pedestrian oriented, staff has added Condition of Approval 'C'.

As conditioned for the sign copy area to remain at 6.35 SF per sign, these guidelines are met.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

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.

- A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings: The placement of the proposed signs is consistent with the locations of previous signs on the landmark building. In addition, the signs reuse of existing sign boards results in no need for additional holes, drilling or attachments directly to the resource.

This guideline is met.

- C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- 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.

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, C3 and C5: The proposed signs are constructed of quality materials that lend to the continued permanence of the landmark structure. The signs are constructed of individually mounted 3/8-inch brass letters standing 1-1/2-inch from an aluminum backer panel and will be illuminated by existing well integrated light fixtures. The signs respect the architectural integrity of the landmark building through their mass, scale, material construction and location on 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 successfully addressed the applicable Historic Resource Review criteria and therefore warrants approval.

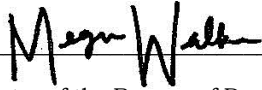
ADMINISTRATIVE DECISION

Approval of exterior alterations to the Individually listed Historic Landmark First National Bank Building located in the Downtown Subdistrict of the Central City Plan District to include the installation of two (2) 25 SF signs located above each of the two (2) primary building entries of the resource on SW 5th Avenue and on SW Harvey Milk Street. Both proposed signs consist of 3/8-inch individual pin-mounted brass letters mounted 1-1/2-inch from an aluminum backer panel with a 25 SF face area. The area where copy is proposed is limited to 6.35 SF per sign.

Approved site plans, Exhibits C-1 through C-7, signed and dated October 31, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 22-132403 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. The copy area of the proposed signs shall remain 6.35sf per sign as shown on Exhibit C-5.
- D. No field changes allowed.

Staff Planner: Megan Sita Walker

Decision rendered by:  **on October 31, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed November 2, 2022

Procedural Information. The application for this land use review was submitted on April 14, 2022, and was determined to be complete on July 6, 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 April 14, 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 requested that the 120-day review period be extended (See Exhibit A-8). Unless further extended by the applicant, **the 120 days will expire on: February 1, 2023.**

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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee is required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 **November 2, 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:

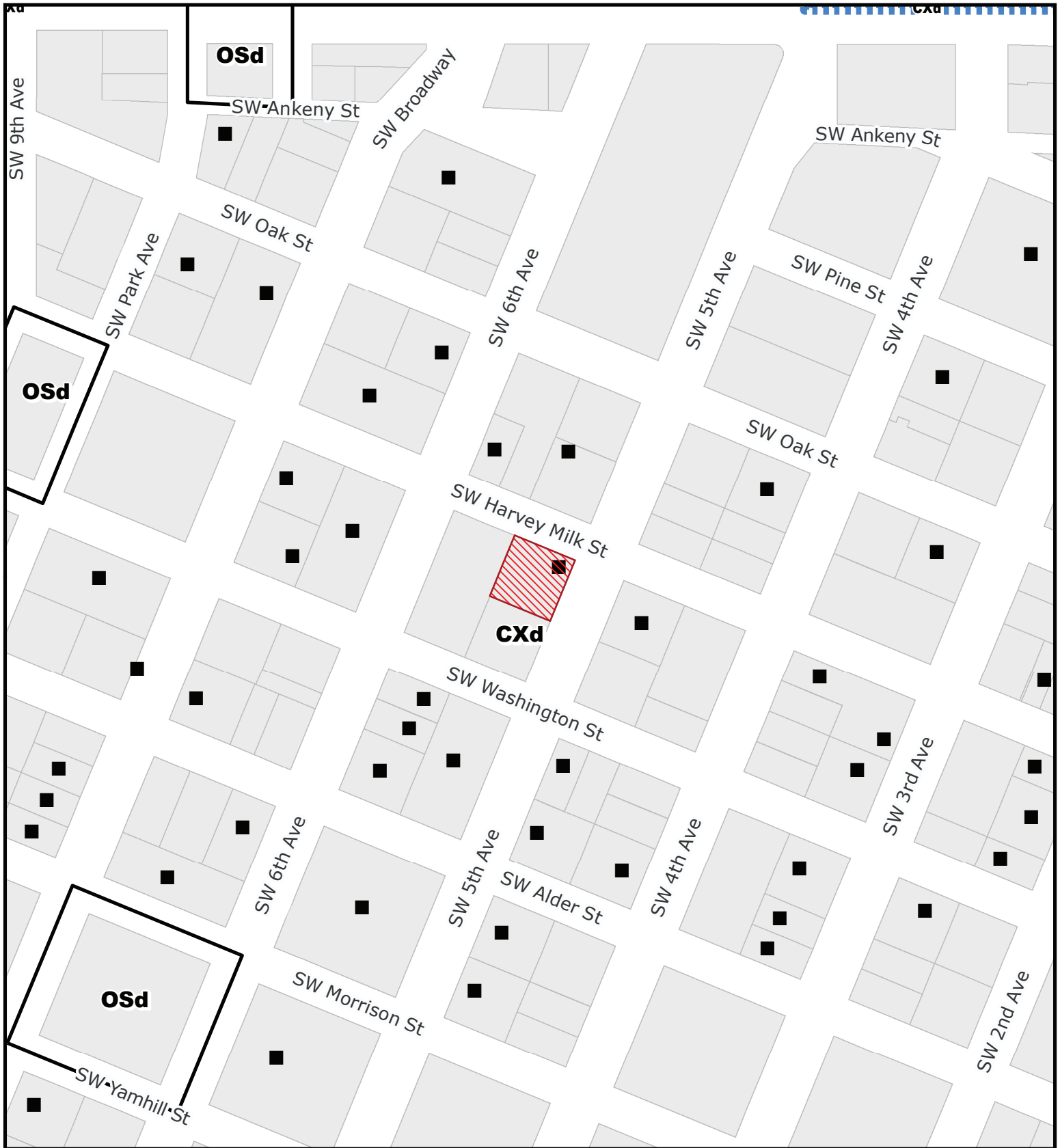
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Project Description and Narrative
 2. Original Drawing Packet
 3. Updated Elevations & Photos – May 24, 2022
 4. Updated Drawings – June 3, 2022
 5. Confirming Incomplete Status – June 9, 2022
 6. Updated Drawings – July 6, 2022
 7. Request for case to be placed on-hold – August 2, 2022
 8. Extension to the 120-day review period - August 2, 2022
 9. Updated logo – October 18, 2022
- B. Zoning Map (attached)
- C. Plans & Drawings
 1. Site Plan (attached)
 2. East Elevation
 3. Enlarged Proposed East Elevation (attached)
 4. North Elevation
 5. Enlarged Proposed North Elevation (attached)
 6. Enlarged Elevation - Sign
 7. Section Detail
- D. Notification information:
 1. Mailed notice
 2. Mailing list
- E. Agency Responses: none
- F. Letters: none
- G. Other
 1. Original and Updated LUR Application
 2. Incomplete Letter
 3. Email correspondence between staff and the applicant

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



For Zoning Code in effect Post August 1, 2021

CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUB DISTRICT

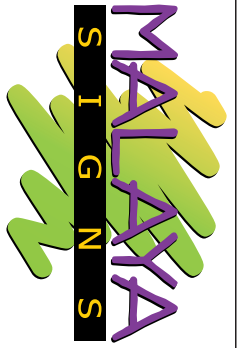


Site



Historic Landmark

File No.	LU 22 - 132403 HR
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CD 6900
Exhibit	B Apr 14, 2022



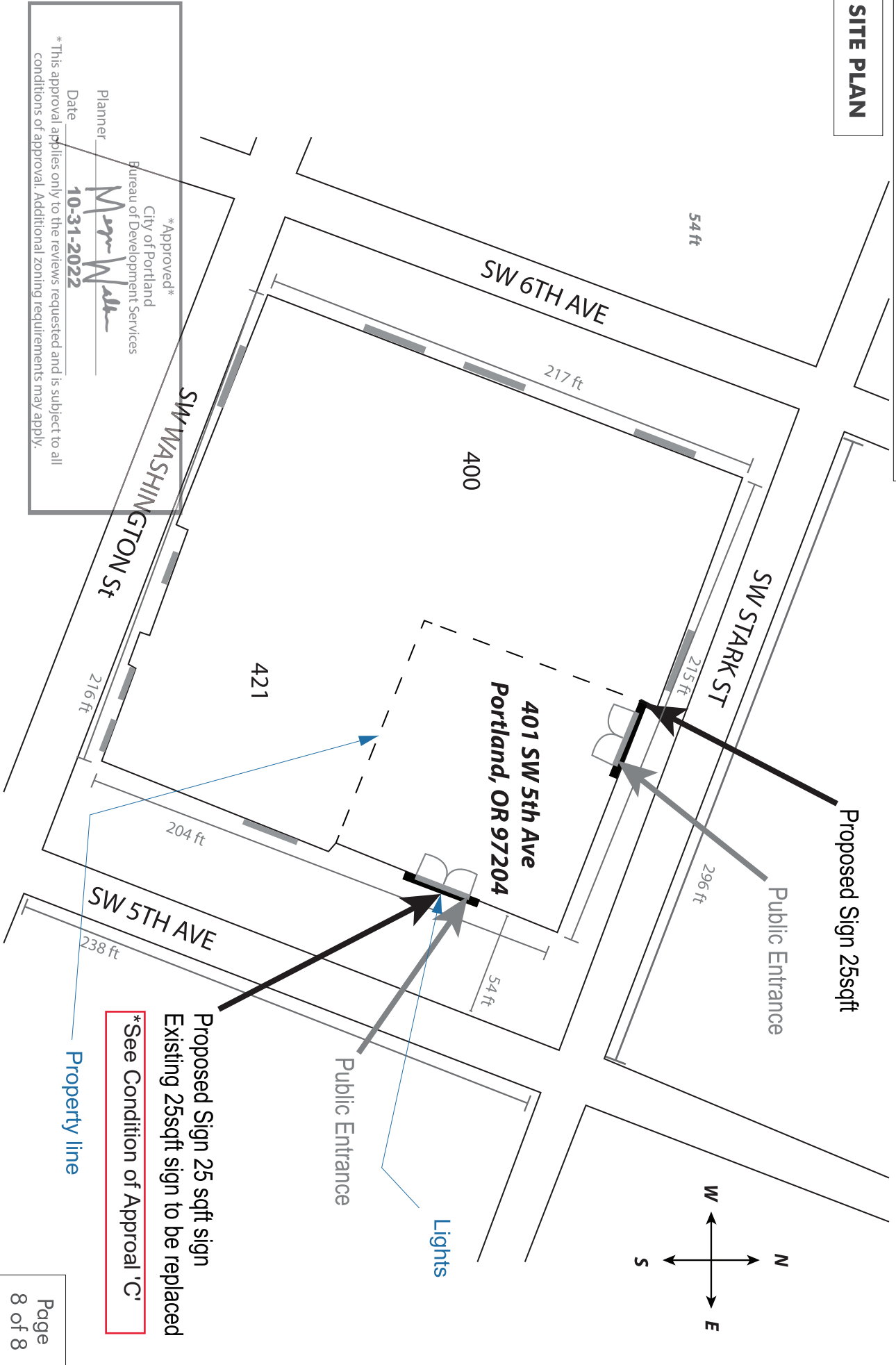
11716 NE Summer St
 Portland, OR 97211
 P) 503.517.0990
 F) 503.200.1217
www.malayyaisigns.com
 OR CCB 213108 CLS51
 WA Malayas*847R9

*** Approved per Conditions 'B' - 'D'***

ABOVE DOOR SIGN PROPOSAL
 Client: Expensify, Inc.
 Contact: Niki
 Address: 401 SW 5th Ave, Portland, OR 97204
 Date: 3/31/22

Project Manager: Stephen Boyer
 Designer: Dustin Zarracina
 Order Number: 27438

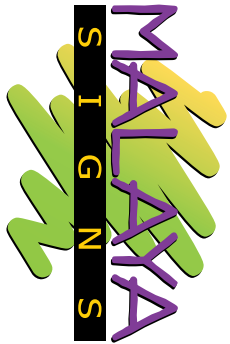
SITE PLAN



* Approved*
 City of Portland
 Bureau of Development Services
 Planner: *Morgan W. Allen*
 Date: **10-31-2022**

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

Proposed Sign 25 sqft sign
 Existing 25sqft sign to be replaced
 *See Condition of Approval 'C'



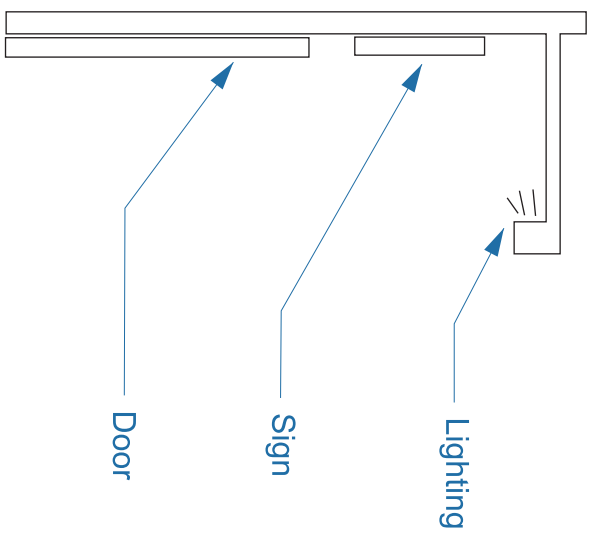
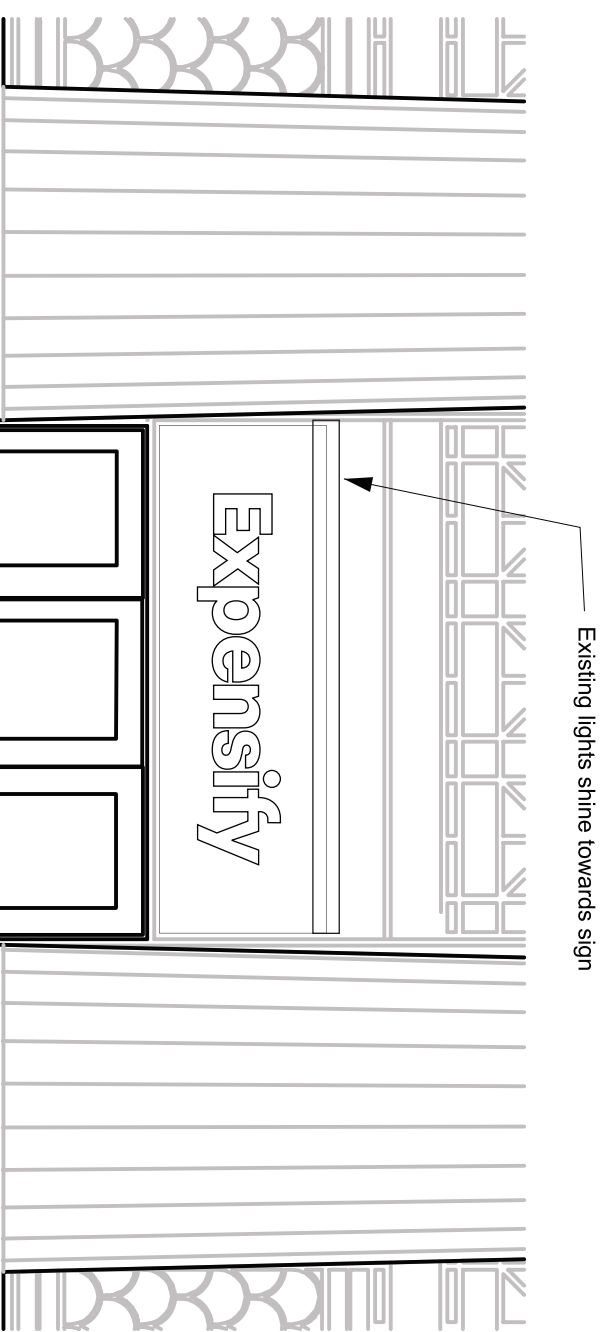
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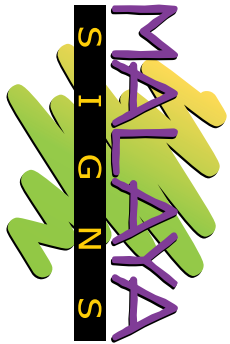
DETAIL

*** Approved per Conditions 'B' - 'D'***



* Approved by
 City of Portland
 Bureau of Development Services
 Planner *Morgan Williams*
 Date **10-31-2022**

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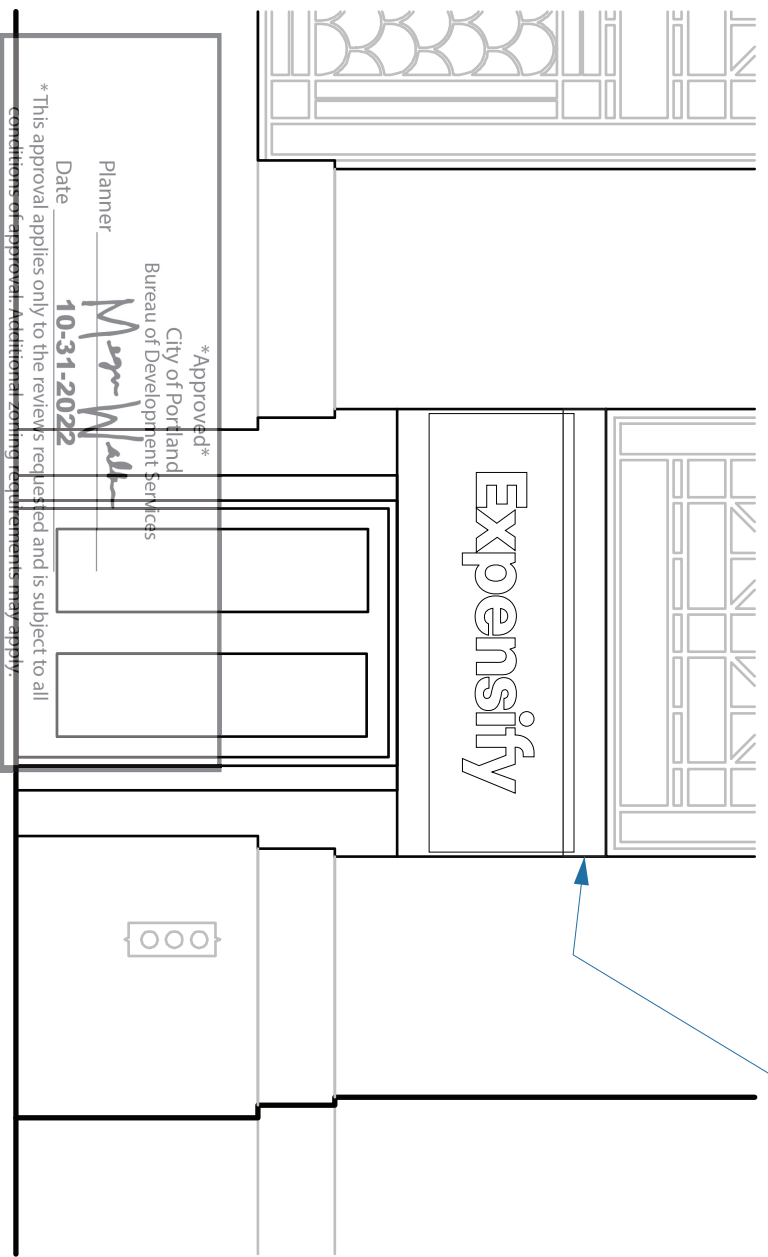
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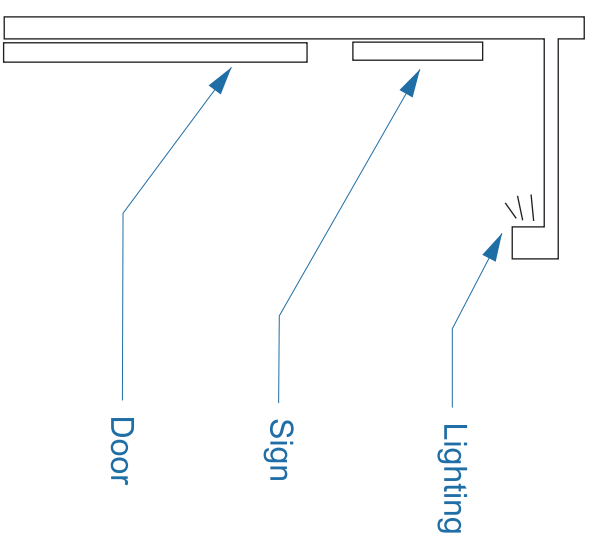
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 Order Number: 27438

*** Approved per Conditions 'B' - 'D'***

DETAIL



Existing Lighting



Door

Sign

Lighting

Approved
 City of Portland
 Bureau of Development Services
 Planner *Morgan Waller*
 Date **10-31-2022**

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