

Ann Machado - Proposed mural for 90 Congress Street - Permit #2014-00654

From: Ann Machado
To: Lauren Reiter; nreiter@juno.com
Date: 4/23/2014 8:40 AM
Subject: Proposed mural for 90 Congress Street - Permit #2014-00654
Attachments: Section 14-526(d)(8)(iv) - sign waiver criteria.pdf

Lauren & Neil,

Marge and I have reviewed the information provided on 4/21/14 about the proposed mural on the side of the building at 90 Congress Street. As the mural now stands, zoning cannot approve it.

You have applied to have the mural using section 14-370.7(c) Works of art containing signage. This section states that "Decorative murals, outdoor paintings...that contain any commercial message, trademark or symbol are permitted in all zones except residential zones, provided that such commercial message, trademark or symbol does not comprise more than ten (10) percent of the total area of the artwork". The proposed mural is 650 square feet. There are two areas that contain a commercial message. The Vinoteca section is 14 square feet and the word Lolita (the name of the restaurant) is 195 square feet. The total square footage of the commercial messages is 209 square feet. This is 32% of the area of the mural which exceeds the 10% allowed by the ordinance.

Section 14-369.5, Table 2.13 Multi-tenant Lots, Building Signs, b. Individual business signs, Alternative 1 outlines the number of signs and maximum square footage of signage allowed for a multi-tenant property in the B-1 zone. The tenant frontage is less than 150 feet, so the maximum area of all signs cannot exceed 150 square feet. The actual area of signage allowed is based on the linear feet of the building front times 1.5 square feet. This table also states that the number of permitted per business is one except if an individual tenant front on more than one street. 90 Congress Street only fronts on one street (Congress) so there can only be one building sign. The proposed "mural" on the side wall is a second sign because the commercial area is over 10 percent of the total square footage. The proposed sign on the front of the building is 13.7 square feet which meets the criteria of Table 2.13. The commercial message on the side wall does not meet the criteria of Table 2.13 or section 14-370.7(c) so it cannot be approved.

You need to amend your application to meet the requirements of the ordinance or you can file an appeal with the Planning Authority under section 14-368.5(g). The Planning Authority reviews the appeal request based on the standards outlined in section 14-526(d)(8) which I have attached. The fee to appeal is \$75. You can email me the request to appeal. Your request should explain how you are meeting the standards in section 14-526(d)(8). You can also email any other pertinent information you want to include. The planner will have access to all the information including the drawings and pictures that have been submitted so far. You can either mail a check for the fee or provide your credit card information,once the appeal request has been received.

Please let me know if you have any questions.

Ann Machado

Ann Machado
Zoning Specialist
Planning & Urban Development
Portland City Hall
(207) 874-8709