



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: August 7, 2012

To: Interested Person

From: Dave Skilton, Land Use Services 503-823-0660

dave.skilton@portlandoregon.gov

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 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 it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-155462 HDZ – Two Signs

GENERAL INFORMATION

Applicant: New Riley House

421 SW 6th Avenue #500 Portland, OR 97204-1620

Representative: Joe Pinzone 503-445-7360

SERA Architects 338 NW 5th Avenue Portland, OR 97209

Site Address: 421-439 NW 3rd Avenue

Legal Description: BLOCK 25 LOT 5&8 LAND & IMPS SEE R140390 (R180201711) FOR

BILLBOARD, COUCHS ADD

Tax Account No.: R180201710 **State ID No.:** 1N1E34CA 00300

Quarter Section: 2929

Neighborhood: Old Town-China Town, contact Paul Verhoeven at 503-222-6072 ext. 12.

Business District: Old Town Chinatown Business Association, contact Dorian Yee at

503-224-7006.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - River District

Other Designations: Non-contributing resource in the Portland New Chinatown Japantown

Historic District, which was listed in the National register of Historic

Places on November 21, 1989

Zoning: CXd, Central Commercial with Historic Resource Protection and

Design overlays

Case Type: HDZ, Historic Design Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Design review approval for a proposal to install two identical externally illuminated signs on the entry canopies of the subject building. The signs are each approximately 10 square feet in face area. Historic Design Review is required because the proposal is for signs in a historic district.

Relevant Approval Criteria:

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

• Central City Fundamental Design Guidelines – River District

ANALYSIS

Site and Vicinity: The subject site lies within the Portland New Chinatown/Japantown Historic District, which was listed in the National Register of Historic Places on November 21, 1989. The Portland Skidmore-Old Town Historic District, listed on the National Register of Historic Places on Dec 6, 1975 and as a National Historic Landmark on May 5, 1977, overlaps the southeastern corner of the district. The shared area is the eastern half of the blocks bounded by Burnside, Third, Davis, and Fourth, plus the southeastern quarter of the block bounded by Davis, Third, Everett, and Fourth.

Located on the west side of the Willamette River, the district lies in an older commercial, industrial, and transportation center, between NW Glisan and W Burnside, streets that connect respectively to the Steel and Burnside Bridges. NW Fourth Avenue forms the north-south spine of the district, with the centerlines of NW Fifth Avenue and NW Third Avenue forming the western and eastern boundaries respectively.

The majority of buildings within the district historically housed commercial, warehouse and light industrial uses; however, some buildings also included residential units on the upper floors. At the time of the district's nomination to the National Register, there were 45 buildings, two features and five vacant properties within the district. There are buildings by notable Portland architects within the district which date from the historic period, 1880-1943. There are 14 buildings dating from the first period of significance (1880-1909), 15 buildings dating from the second period (1910-1943), 9 historic non-contributing buildings, 4 compatible noncontributing buildings, 3 non-compatible non-contributing buildings, and 5 vacant lots. There are also two features [not building structures] within the district, the Simon Building facade, dating from the primary period, and the Chinatown Gateway, constructed after the historic period. There are also two features within the district, the Simon Building facade, dating from the primary period, and the Chinatown Gateway, constructed after the historic period. The district is significant under criterion A for its historical associations and American History, and C for its design and construction. The district's areas of significance noted in the National Register nomination are Asian Ethnic Heritage, Industry, Commerce and Architecture.

According to the National Register nomination "The Chinatown Historic District is nationally significant under Criterion A for its history as the largest and most intact Chinatown in Oregon. It is locally significant as the largest remaining and most viable example of the Chinese ethnic community in Portland. As the City of Portland developed into a major seaport and railroad center, the use of this area changed from residential to commercial and industrial. Chinatown was the major Chinese immigration center in the state and represents the Chinese who lived and worked in the area. The Chinatown Historic District portrays the traditional nature of Chinese social, political, cultural, and economic organizations. The majority of the buildings in the district were designed and built by some of Portland's best architects and builders of the period 1880-1943. The last date marks the year that Chinese were allowed to become naturalized citizens, and granted the right to vote and legally own land in the United States."

Zoning: The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

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 Historic Resource Protection chapter 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 Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate the following land use cases for the site:

- LU 09-1171259 DM, approving demolition of the contributing Kiernan Building.
- LU 10-152663 HDZ, approving new construction of a five story building.

Public Notice: A Notice of Proposal in your Neighborhood was mailed on **July 3, 2012**.

Agency Review: None

Neighborhood Review: 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 Design Review

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design 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 New Chinatown/Japantown Historic District and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the *River District Design Guidelines* and the *Central City Fundamental Design Guidelines*.

Staff has considered all guidelines and addressed only those applicable to this proposal. The <u>Central City Fundamental Design Guidelines</u> and the <u>River District Design Guidelines</u> are considered concurrently.

<u>Central City Fundamental Design Guidelines</u> <u>River District Design Guidelines</u>

- **C1-2. Integrate Signs and Awnings.** Integrate signs and awnings to be complementary and respectful of a building's architecture. This guideline may be accomplished by:
- a. Placing signs and awnings to fit with and respect a building's architecture;
- **b.** Avoiding large, excessively illuminated or freestanding signs that contribute to visual clutter: or
- **c.** Integrating with a building's design, an exterior sign program/system for flexible sidewalk level space that accommodates changing tenants.
- **D4. New China/Japantown Unique Sign District.** Provide opportunities for the development of suitably ornate signs, using motifs, symbols, bright colors, and celebrative forms that add to the atmosphere and character of New China/Japantown. Size and place signs and their structural support systems so that significant architectural or historical features of the building are not concealed or disfigured. Ensure that all signs receive proper maintenance.

Findings: The purpose of this Historic Design Review case is to evaluate the impact of the two proposed signs on the listed resource, which is the New Chinatown Japantown Historic District, not the subject property. Notwithstanding the fact that large, exuberant, illuminated signs are encouraged in this district, the proposed signs are appropriate because their modest size, locations at main entries, durable materials, and thorough integration with the entry canopies, make them well suited to their wayfinding purpose. *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 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 signs will not have any adverse effect on the character of the New Chinatown Japantown Historic District. The purpose of the Historic Design 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 Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two externally illuminated signs, each 10 square feet in face area, on a non-contributing building in the New Chinatown Japantown Historic District;

Approval is per Exhibits C-1 through C-3, signed and dated August 2, 2012, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-155462 HDZ."

Staff Planner: Dave Skilton

Decision rendered by: Dave Shito on August 2, 2012.

By authority of the Director of the Bureau of Development Services

Decision mailed: August 7, 2012

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 June 27, 2012, and was determined to be complete on June 29, 2012.

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 27, 2012.

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.

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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 must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **August 8, 2012.** The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 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, permitees must demonstrate compliance with:

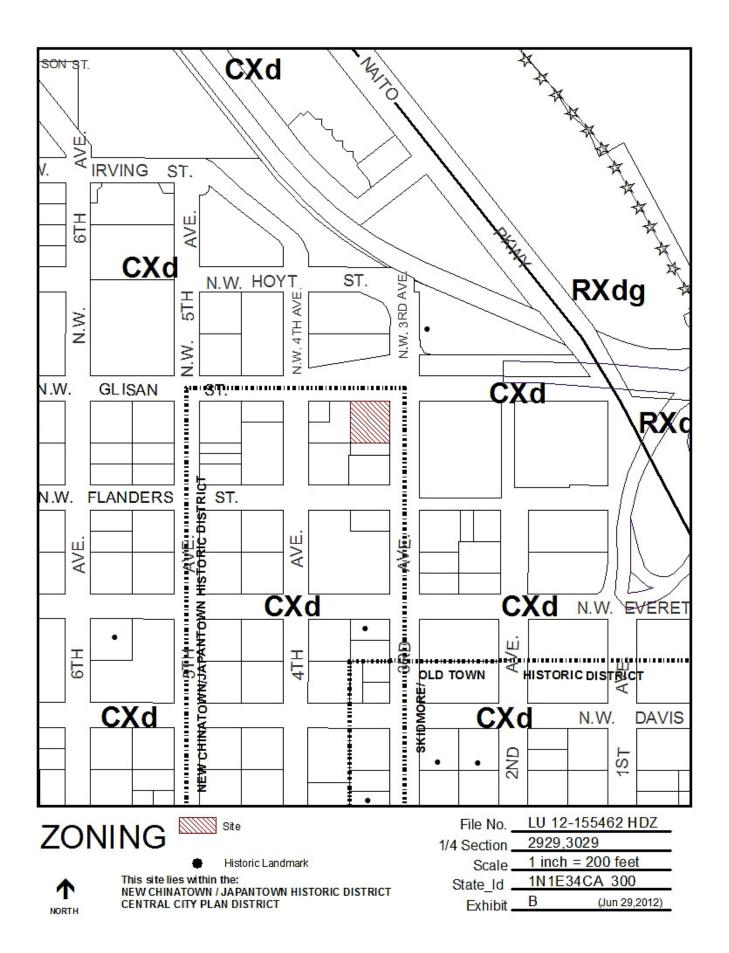
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Sign Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).



DATE: 05/24/12

City of Pogland - Bureau of Development Services
Planner Part Services

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

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