



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 30, 2014  
**To:** Interested Person  
**From:** Jennifer Kenny, Land Use Services  
503-823-7011 / [Jennifer.Kenny@portlandoregon.gov](mailto:Jennifer.Kenny@portlandoregon.gov)

## **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 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 13-239233 HR – NEW SIGN**

#### **GENERAL INFORMATION**

**Applicant:** Yen Pham/ 6606 SE 93rd Ave / Portland, OR 97266  
**Site Address:** 202 NW 21ST AVE  
**Legal Description:** S 100' OF N 200' OF W 100' OF BLOCK 30, KINGS 2ND ADD  
**Tax Account No.:** R452305010, R452305010  
**State ID No.:** 1N1E33CA 13000, 1N1E33CA 13000  
**Quarter Section:** 3027  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Northwest  
**Other Designations:** Alphabet Historic District  
**Zoning:** CS, Storefront Commercial  
**Case Type:** 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 a new sign on a non-contributing property within the Alphabet Historic District. The sign will be 9'-6" x 2'-8" with acrylic lettering applied to a metal panel, framed with a 1" thick and 4" wide wood border that is stained, and affixed to the wall directly above the main entrance to the nail salon. Historic Resource Review is required because the proposal is for non-exempt exterior alterations in a historic district.

#### **Relevant Approval Criteria:**

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

- Community Design Guidelines
- Historic Alphabet District Community Design Guidelines Addendum

## ANALYSIS

**Site and Vicinity:** The subject property is a non-contributing building within the Alphabet Historic District, and located along a commercial stretch of 21<sup>st</sup> Avenue with a mix of restaurants, personal services and retail.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19<sup>th</sup> and early 20<sup>th</sup> century, mostly middle class, housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, Jacobean, etc,

The area is characterized by a grid of narrower, more tree-lined, east-west residential streets, named alphabetically after prominent Portlanders of the day, which are crossed by generally more robust north-south avenues. Two of these, NW 21<sup>st</sup> Avenue and NW 23<sup>rd</sup> Avenue are low-scale business corridors featuring a mix of purpose-built commercial structures and converted houses.

**Zoning:** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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

- LU 11-191268 - Exterior Storefront Alterations

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **March 17, 2014**. No responses were received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 17, 2014**. 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 Alphabet Historic 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* and the *Historic Alphabet District Community Design Guidelines Addendum*.

#### **Historic Alphabet District - Community Design Guidelines Addendum**

These guidelines were adopted on September 5, 2000 and were developed to work with the Community Design Guidelines to provide a set of guidelines specific to the district.

### **Community Design Guidelines**

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland’s urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other transportation systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland’s urban design framework and the users of the city.

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

### **Historic Alphabet District - Community Design Guidelines Addendum**

**1. Historic Changes.** Most properties change over time; those changes that have acquired historic significance will be preserved.

**2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

**3. 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. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

**Findings for 1, 2 and 3:** Installing the new signage will show the historic changes to the building while preserving the original character of the storefront. The design for the sign is a metal panel with wood trim, which is a compatible material with the historic character of the district, yet distinguishable as new by the inclusion of modern materials. The sign will be of a similar design and installed in a similar location to that of nearby businesses, thus maintaining the character of the building, neighboring properties and the district as a whole. *These guidelines are therefore met.*

### **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.

**Findings for P1 and P2:** The sign will enhance the commercial character of the area and building by its location within the traditional signage band, thus preserving the storefront design. The proposed sign maintains the pedestrian scale of the district by its small size, and reflects the materials, bright colors, and size of other nearby commercial signs. *These guidelines are therefore met.*

**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 6, 7 and 8:** The subject building was designed with a sign band area that runs along the street-facing frontage, above the doors. Adjacent businesses have signs of similar style and size so the proposed sign will blend well with the existing character of the building. No changes will be made to the original storefront.

The sign will create visual interest with bright colors similar to neighboring signs, and with its letter style.

The design, material and colors will be done to compliment the existing sign area. The sign letters will be relatively small, with just enough area to be visible but not to be obstructive or oversized for the area. The sign style is very common in commercial areas and fits well in the district. These *guidelines are therefore 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 proposal reflects the scale and materials of surrounding commercial businesses within the District. 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

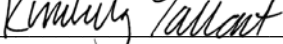
Approval of a non-illuminated 26 SF sign on a non-contributing structure in the Alphabet Historic District. Approval includes:

- 9'-6" x 2'-8" sign
- Acrylic lettering that is 14" x 17" tall
- A metal panel, framed with a 1" thick and 4" wide wood border that is stained
- Wood mount at exterior wall painted to match the building

Approval per the approved site plans, Exhibits C-1 through C-3 signed and dated April 28, 2014, 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-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-239233 HR."

**Staff Planner: Jennifer Kenny**

**Decision rendered by:**  **on April 28, 2014.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed April 30, 2014.**

**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 17, 2013, and was determined to be complete on **March 10, 2014**.

*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 17, 2013.

*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: August 28, 2014**.

**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](http://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 **April 30, 2014**.

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, permittees must demonstrate compliance with:

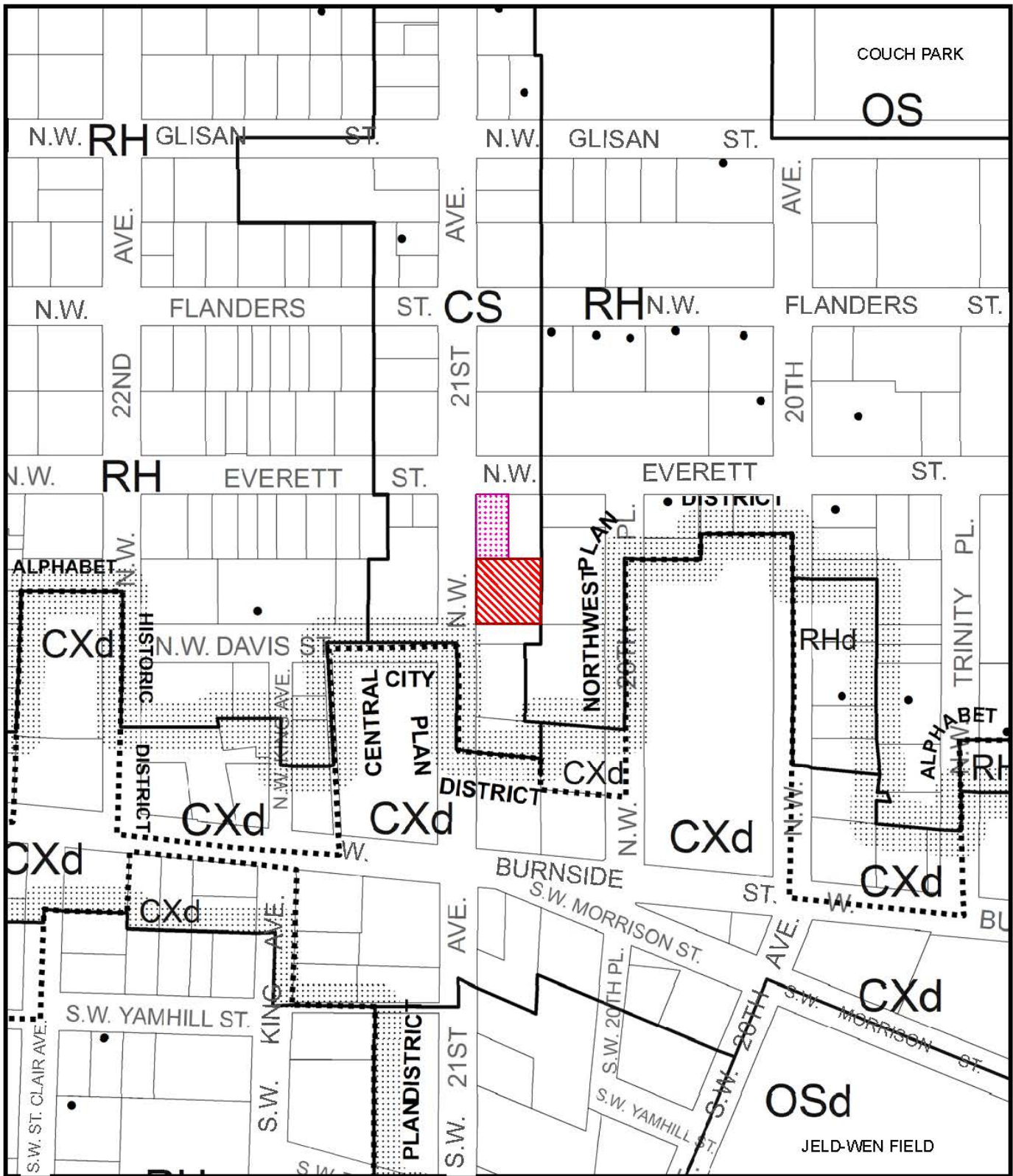
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Photo-simulated and Hand Drawn Elevations (attached)
  - 3. Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
  - Original LU Application

**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

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
**ALPHABET HISTORIC DISTRICT**  
**NORTHWEST PLAN DISTRICT**

File No.	LU 13-239233 HR
1/4 Section	3027
Scale	1 inch = 200 feet
State_Id	1N1E33CA 13000
Exhibit	B (Dec 19, 2013)

PROPOSAL FOR BUSINESS SIGN TO BE PLACED



THIS BANNER SIGN NOT APPROVED

EXHIBIT C-2a  
LV 13 - 239 233 MR

MANI & PEDI SALON  
202 NW 21st AVE  
PORTLAND, OR



EXHIBIT C-2b

BUSINESS SIGN IS MADE AT

Approved: 13-239233 HR  
Bureau of Development Services

Planner: Jenny Gmy Date: 4/28/14

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

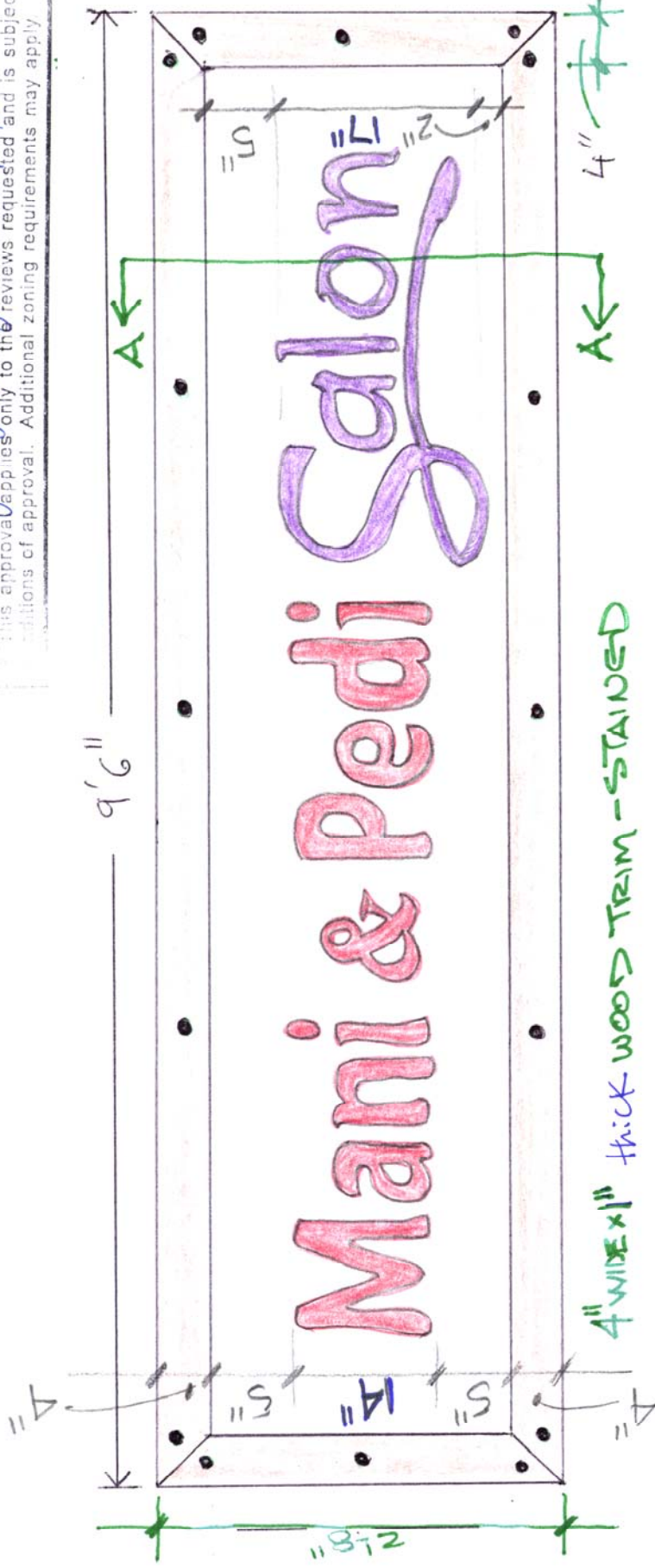
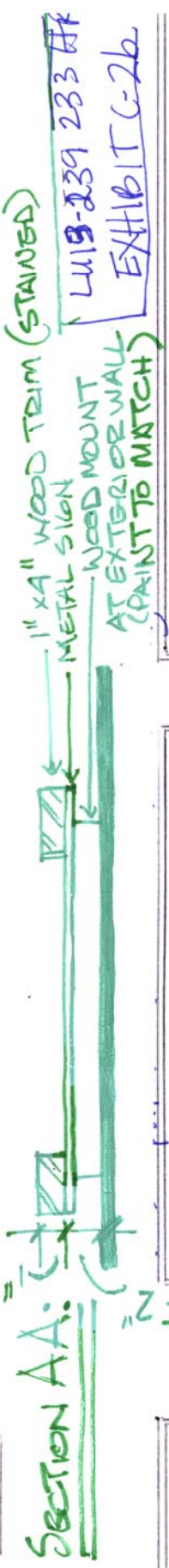


FIG. A : THE BUSINESS SIGN OF MANI & PEDI SALON



DATE: FEB. 12, 2014  
 OWNER: STUART BINGHAM  
 TENANT: YEN PHAM

BUS. ADD. 202 NW 21ST AVE  
 PORTLAND, OR  
 CONTACT: 503-841-9903

SCALE  
 1" = 1'

13-239233 HR  
EXHIBIT C-2b