



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

Ted Wheeler, Mayor
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Date: April 2, 2020
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 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 20-116501 HRM – SIGN REVISIONS

GENERAL INFORMATION

Applicant: Seth Moran
MFA - Michael Flowers Architect
107 SE Washington St #227
Portland, OR 97214

Owner: 625 NW 21st LLC
116 NE 6th Ave #400
Portland, OR 97232-2904

Owner Representative: Megan Crosby,
Urban Development + Partners
116 NE 6th Ave
Portland OR 97232

Site Address: 2112 NW IRVING ST

Legal Description: BLOCK 11 LOT 1-3 TL 8700, KINGS 2ND ADD; LOT 2, CANCEL INTO R198492 / PARTITION PLAT 1992-112; LOT 3, CANCEL INTO R198492 / PARTITION PLAT 1992-112

Tax Account No.: R452301770, R649726700, R649726720
State ID No.: 1N1E33BD 08700, 1N1E33BD 08900, 1N1E33BD 08800
Quarter Section: 2927

Neighborhood: Northwest District, contact Greg Theisen at planning@northwestdistrictassociation.org.

Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.

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

Plan District: Northwest
Other Designations: Non-contributing resource in the Alphabet Historic District

Zoning:	RH, CM2(MU-U) m – High Density Residential, Commercial/Mixed-Use 2 with Historic Resource Protection overlay and Centers Main Street overlay
Case Type:	HRM – Historic Resource Review with Modification request
Procedure:	Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes one new sign and revisions to previously approved signage in the Alphabet Historic District. The previously approved retail signs were constructed of ipé and mounted to the pilasters. The proposed signs are to be of similar design but will be constructed of aluminum with vinyl lettering attached to aluminum plates to be inserted into the frames and will be mounted to the underside of the canopies. One new sign will be mounted to the southernmost pilaster on NW 21st Avenue.

A Modification is requested to:

1. 32.32.030.E.1 to allow a sign to be attached to a primary building wall that is not the primary building wall for the tenant space it signifies.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the Alphabet 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
- 33.846.070 Modifications Considered During Historic Resource Review

ANALYSIS

Site and Vicinity: The subject property is located at the southwest corner of NW 21st Avenue and NW Irving Street. The site was recently redeveloped with a 4-story mixed use building, including ground floor commercial space, residential units above, and below-grade parking garage. The block contains a couple of 3-story brick apartment buildings and other wood-framed and brick residences.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th 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. and this is especially the case in the immediate vicinity of the proposed new development. 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 21st Avenue and NW 23rd Avenue are low-scale business corridors featuring a mix of purpose-built commercial structures and converted houses.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no

minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. 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 four 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, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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 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 Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

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

- LU 17-186829 HR - Approval of design revisions to LU 15-182060 HRM.
- LU 15-182060 HRM – Approval of a 4-story mixed use building to include 10,722 sq. ft. of commercial space, 57 residential units, a 60-vehicle below-grade garage, and signage.
- EA 15-137440 PC – Pre-Application Conference for the removal of an existing one-story building and proposal of a mixed-use building with underground parking.
- EA 15-137430 DAR – Design Advice Request for the removal of an existing one-story building and proposal of a mixed-use building with underground parking.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 26, 2020**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Fire Bureau
- Site Development Section of BDS
- Life Safety Division of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 26, 2020**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) 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*.

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: The subject property is a recently constructed mixed-use building that has not acquired historic significance. Signage for ground floor tenants was approved in the original land use review (LU 15-182060 HRMAD). The applicant now desires to revise the ground floor tenant signage from pilaster-mounted ipé (wood) frames to canopy-mounted aluminum frames and to gain approval for one new pilaster-mounted sign. The proposed design of the revised signs matches the design of the previously approved signs with the exception of the primary material and mounting method. As such, the signs are differentiated from old in that they are associated in age with this contemporary building. They are also compatible with the building, adjacent properties, and the historic district in the simplicity of the design and construction. *These guidelines are 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: Blade signage, attached to pilasters and at the underside of canopies, is common in the Alphabet Historic District. These signs are typically relatively small signs that allow the tenant to advertise their presence without overwhelming the public realm or the historic buildings to which they are often attached. The proposed signs continue this pattern and will enhance the streetscape, allowing pedestrians and other passersby to understand what commercial options are available to them, thus adding vibrancy to the district. *These guidelines are 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 D6, D7, and D8: The revised signs will be constructed of aluminum and attached to the underside of the canopies which are constructed of metal with wood soffits. The revision to canopy-mounted signs will result in a more coherent expression for the NW 21st Avenue-fronting tenants as two blade signs were previously approved at the underside of canopies at the entries and two were approved to be mounted to pilasters a short distance from the entries. The new sign proposed to be mounted to the pilaster is different from the rest and is currently proposed to advertise a tenant at the rear of the building which does not have street frontage and therefore does not have a canopy to which a sign can be mounted. The proposed material for the signs is aluminum and will be durable and easily maintainable. *These guidelines are met.*

(2) 33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
 1. The resulting development will meet the purpose of the standard being modified; or
 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

Modification #1: 32.32.030.E.1 to allow a sign to be attached to a primary building wall that is not the primary building wall for the tenant space it signifies.

Purpose Statement: The standards contained in Chapter 32.32 encourage signs to be compatible with the district character of specific areas of the city by regulating the size, placement, and features of signs of base zones, overlay zone, and plan district.

Standard: 33.32.030.E.1 – Placement. Signs attached to buildings that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a

secondary building wall or on another structure. They may not be placed on another primary building wall.

Findings: The proposed sign, to be located on the east street-facing façade is consistent with the district character of small retail signs attached to street-facing façades of buildings in the district. The total amount of sign square footage previously approved and proposed for the building is well under the total square footage of sign area allowed for the NW 21st Avenue façade. While the standard at question implies that the tenant space which this sign signifies has no rights to signage along the street frontage, staff notes that following approval of the sign, the copy on the sign can be changed at any time in the future without review as this would constitute a copy change and BDS does not review content. Staff finds that the proposed size and placement of the sign is appropriate within this historic district and therefore meets the purpose of the standard. Because of this same reason, staff also finds that the proposed design of the sign is complementary to the other signs proposed, therefore guidelines D7 *Blending into the Neighborhood* and D8 *Interest, Quality, and Composition* are better met by the proposal. *Therefore this Modification merits approval.*

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 meets the applicable Historic Resource Review criteria and Modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of one new sign and revisions to previously approved signage in the Alphabet Historic District. The previously approved retail signs were constructed of ipé and mounted to the pilasters. The proposed signs are to be of similar design but will be constructed of aluminum with vinyl lettering attached to aluminum plates to be inserted into the frames and will be mounted to the underside of the canopies. One new sign will be mounted to the southernmost pilaster on NW 21st Avenue.

A Modification is requested to:


1. 32.32.030.E.1 to allow a sign to be attached to a primary building wall that is not the primary building wall for the tenant space it signifies.

This approval is per the approved plans, Exhibits C-1 through C-3 (attached) 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 20-116501 HRM." 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: Hillary Adam

Decision rendered by:  **on March 30, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 2, 2020

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 February 10, 2020, and was determined to be complete on February 24, 2020.

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 February 10, 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: June 23, 2020.**

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 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 **April 2, 2020** 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:

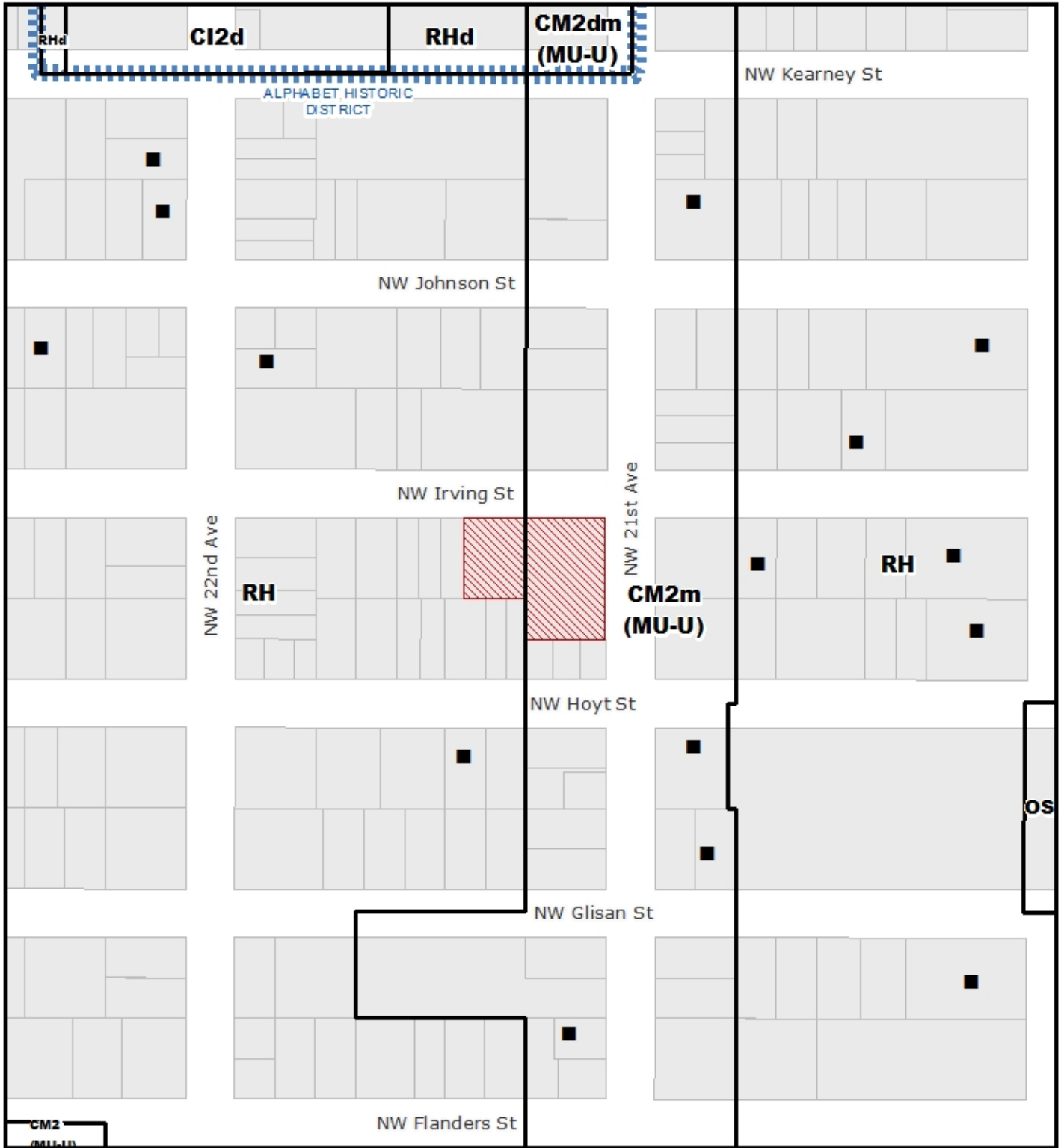
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative and Drawing Package
 2. Checksheet for 19-166271 SG
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevation
 3. Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Fire Bureau
 4. Site Development Review Section of BDS
 5. Life Safety Division of BDS
 6. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
 1. 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 
 NORTH
 NORTHWEST PLAN DISTRICT
 ALPHABET HISTORIC DISTRICT

 Site
 Historic Landmark

File No. LU 20 - 116501 HRM
 1/4 Section 2927
 Scale 1 inch = 163 feet
 State ID 1N1E33BD 8700
 Exhibit B Feb 13, 2020

