



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

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Date: December 14, 2010
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 this notice. 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 10-136780 HDZ – NEW AWNING
GENERAL INFORMATION

Applicant: Jo Anne Hong, Owner 2615 SE 73rd Ave Portland, OR 97206-1130	Representative: Kurt Huffman 510-229-8755 HFL Project, LLC 1215 SW Alder Street Portland, OR 97205
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Site Address: 102-112 NW 4th Avenue

Legal Description: BLOCK 28 LOT 2 S 20' OF LOT 3, COUCHS ADD
Tax Account No.: R180202130
State ID No.: 1N1E34CA 07900
Quarter Section: 3029
Neighborhood: Old Town-China Town, contact Paul Verhoeven at 503-222-6027.
Business District: Old Town Chinatown Business Association, contact Dorian Yee at 503-224-7066.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - River District
Other Designations: Contributing resource in the Portland New Chinatown/Japantown Historic District, listed in the National Register of Historic Places on November 21, 1989.

Zoning: CXd, Central Commercial with Historic Resource Protection and Design overlay zoning.
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 a new, flat, fabric awning, 20' x 4.5', between the storefront and transom elements of the southerly, ground floor, building bay. Historic Design Review is required because the proposal is for a non-exempt exterior alteration in a historic district.

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:

- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property, identified in the National Register nomination as the Hung Far Low building after a long-standing Chinese restaurant housed there, was completed in 1916 to a design by the prominent local firm of Whitehouse and Fouilhoux. It is a two story brick structure of a utilitarian character. As with many structures in the New Chinatown/Japantown Historic District, its historic significance relates primarily to its role within the Chinese and Japanese immigrant communities.

The district is significant under Eligibility Criterion “A” for its association with late Nineteenth and early Twentieth Century commerce; under Criterion “B” for its association with Chinese and Japanese immigrants after the displacement of the original Chinatown; and under Criterion “C” for some of its architectural expressions.

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 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.

The Historic Resource Protection Zone 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.

Public Notice: A Notice of Proposal in your Neighborhood was mailed on **November 9, 2010**.

Agency Review: None of the notified Bureaus has responded with issues or concerns about the proposal.

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, Historic Reviews****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 exterior alteration. Therefore the proposal requires Historic Design Review approval. The relevant approval criteria are the Central City Fundamental Design Guidelines and the River District Design Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

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 addressed only those applicable to this proposal.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

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.

Findings for B6 & C1-2: The proposed black, fabric awning is designed to provide weather protection at the tenant entry and will do so effectively because of its 4'-6" depth and full-bay, 20'-2.25", width. It will also provide some shade. The awning will be integrated with the building's architecture because it will be installed within the storefront opening at the sides and top. Penetrations at masonry will be into the mortar joints only. The awning's simple design is in keeping with the straightforward commercial character of the building and the New Chinatown/Japantown Historic 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

This straightforward proposal will satisfy shelter requirements of value to both the business owner and the public. 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 guidelines and therefore warrants approval.

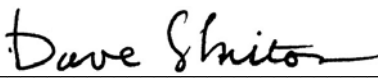
ADMINISTRATIVE DECISION

Approval of an exterior alteration, addition of a new awning, on a contributing resource in the New Chinatown/Japantown Historic District;

Approval per Exhibits C-1 through C-4, signed and dated December 10, 2010, 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-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-136780 HDZ."

Staff Planner: Dave Skilton

Decision rendered by:  **on December 10, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 14, 2010

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 May 12, 2010, and was determined to be complete on **November 5, 2010**.

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 May 12, 2010.

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 **December 15, 2010**. 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 503-823-7967.

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.

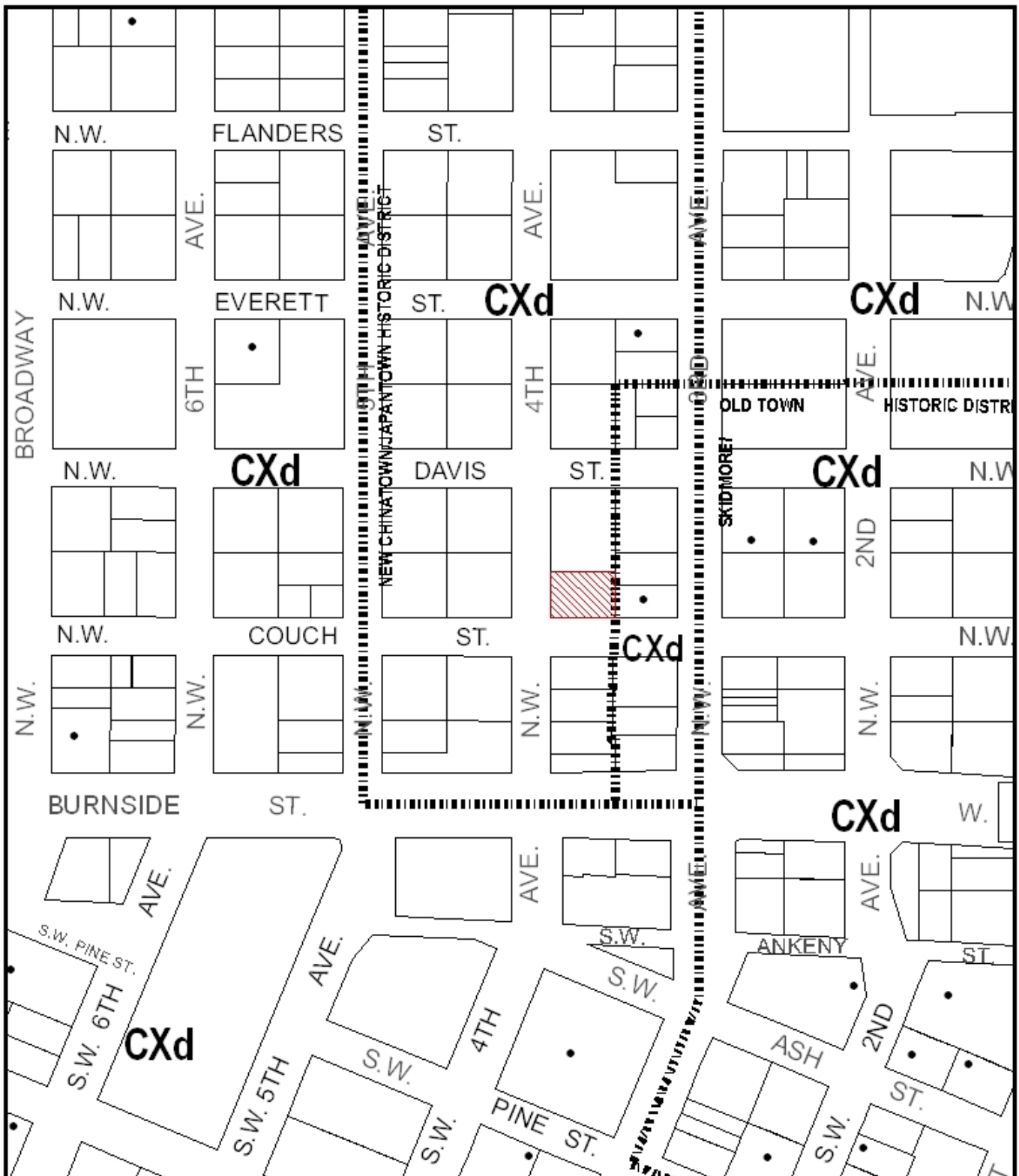
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Entry Plan (attached)
 - 3. Section at Awning (attached)
 - 4. Elevation at Awning (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Fire Bureau
 - 3. Life Safety Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research



ZONING



Site



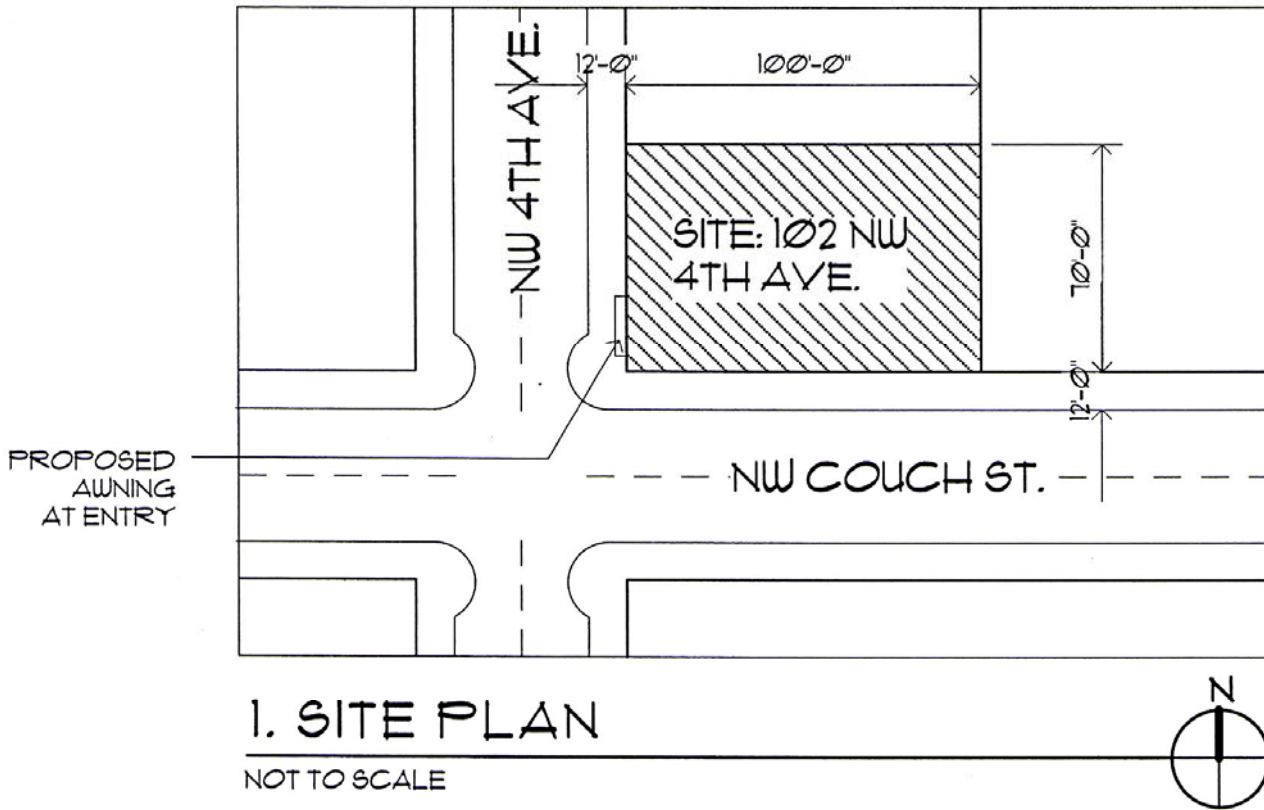
Historic Landmark

This site lies within the:
NEW CHINATOWN / JAPANTOWN HISTORIC DISTRICT
CENTRAL CITY PLAN DISTRICT



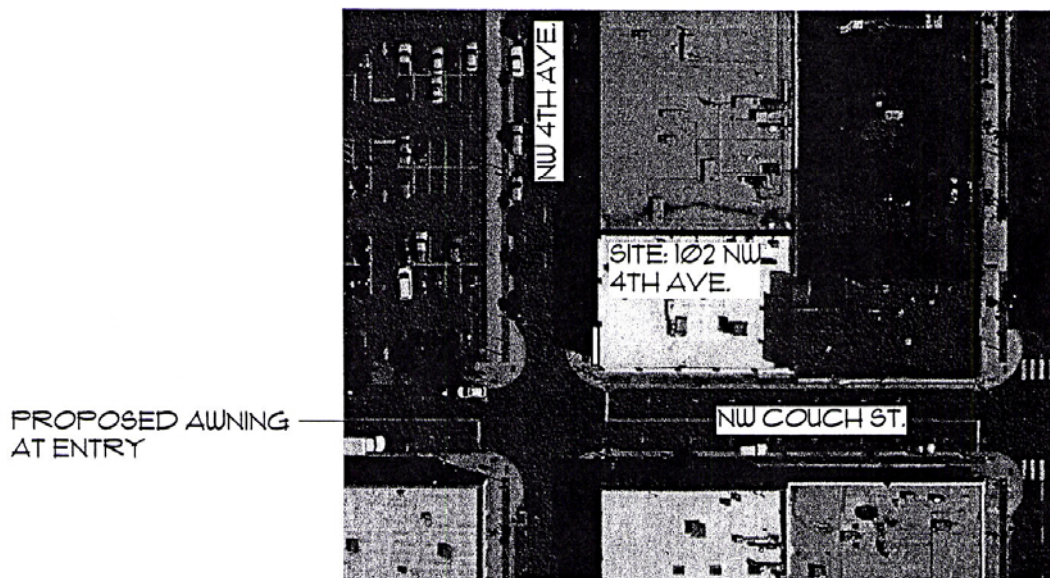
NORTH

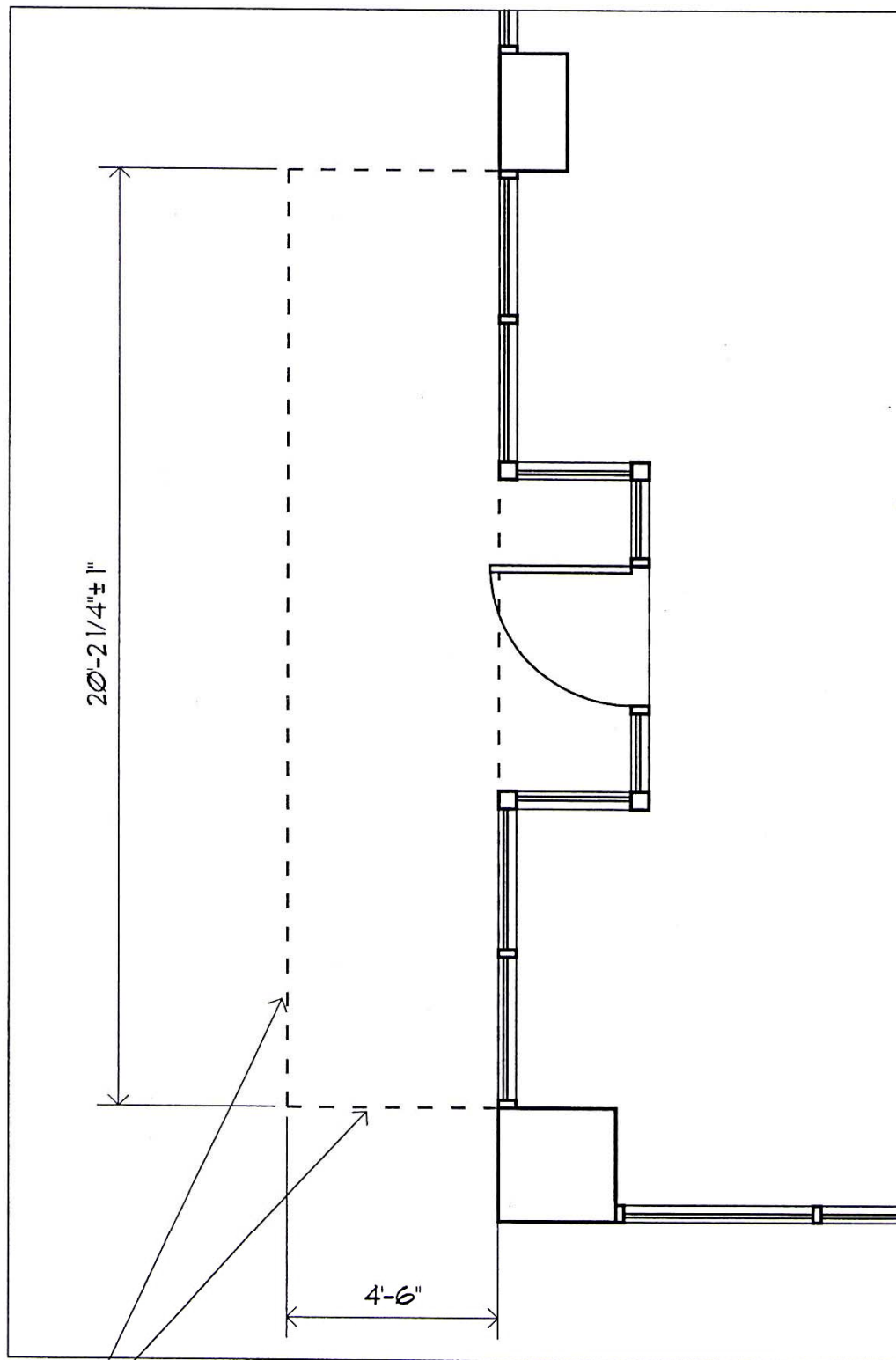
File No.	LU 10-136780 HDZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CA 7900
Exhibit	B (May 13, 2010)



Approved
 City of Portland - Bureau of Development Services
 Planner *Dave Shultz* Date *12-10-10*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

C-1





OUTLINE OF FABRIC COVERED AWNING ABOVE

Approved
 City of Portland - Bureau of Development Services
 Planner Dave Skilton Date 12-10-10
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

C-2

3. GROUND FLOOR PLAN

SCALE = 1/4" = 1' - 0"



SUNBRELLA
BLACK FABRIC

1" DIA. TUBE

Ø 1/4"x2"x3"
ALUM. PLATE

2"x2"x1/8" SQ.
ALUM. TUBE TYP.
ALL FRAME

DETAIL A

Ø 1/4"x2"x3"
ALUM. PLATE

6"x6"x3/8"
ALUM. PLATE
(4) 3/8"x5"
LAG SCREWS
INTO GROUT

3/8" BOLT

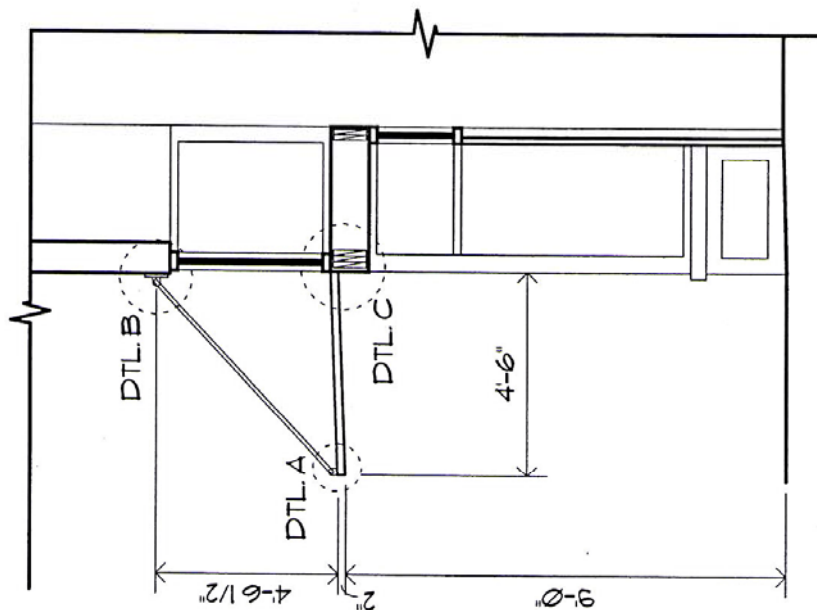
DETAIL B

SUNBRELLA
BLACK FABRIC

2"x2"x1/8" SQ.
ALUM. TUBE TYP.
ALL FRAME

Ø STEEL CLIP
1/4"x2"x3"

DETAIL C



ALL ALUMINUM POWDER COAT TO MATCH (E)
STOREFRONT BRONZE TONE WINDOW FRAMES

4. SECTION AT AWNING

SCALE = 1/4" = 1'-0"

Approved

City of Portland - Bureau of Development Services

Planner *Dave Fultz* Date *12-10-10*

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

C-3

1" DIA. TUBE
SUNBRELLA
BLACK FABRIC
Ø 1/4"x2"x3"
ALUM. PLATE
2"x2"x1/8" SQ.
ALUM. TUBE TYP.
ALL FRAME

DETAIL A

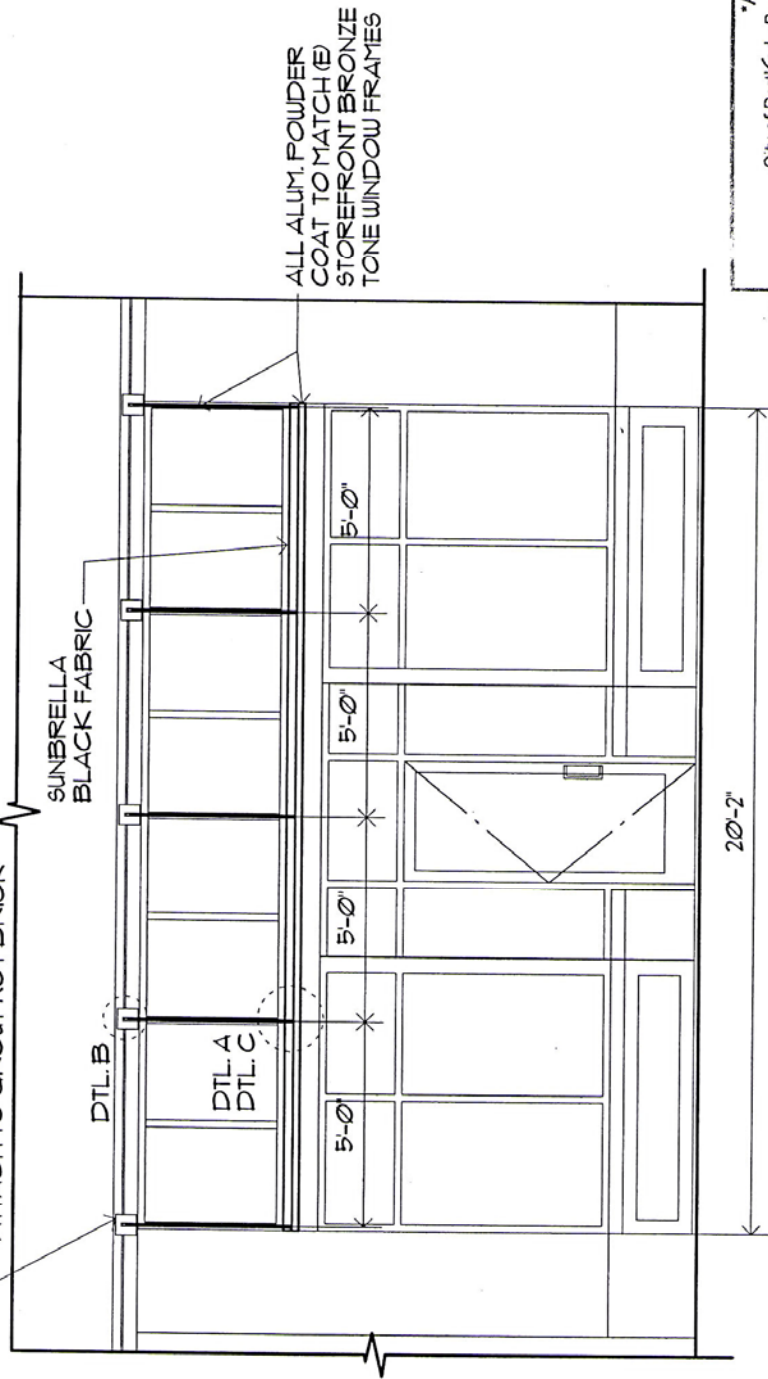
6"x6"x3/8"
ALUM. PLATE
(4) 3/8"x5"
LAG SCREWS
INTO GROUT
Ø 1/4"x2"x3"
ALUM. PLATE
3/8" BOLT

DETAIL B

2"x2"x1/8" SQ.
ALUM. TUBE TYP.
ALL FRAME
SUNBRELLA
BLACK FABRIC
Ø STEEL CLIP
1/4"x2"x3"

DETAIL C

ALIGN RODS TO (B) WINDOW MULLIONS
ATTACH TO GROUT NOT BRICK



5. ELEVATION AT AWNING

SCALE = 1/4" = 1'-0"

Approved

City of Portland - Bureau of Development Services

Planner: *Dave Fulton* Date: *12-10-10*

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

C-4