



# City of Portland, Oregon

# **Bureau of Development Services**

# **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

**Date:** March 8, 2013

**To:** Interested Person

**From:** Hillary Adam, Land Use Services

503-823-3581 / Hillary.Adam@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 <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 13-102220 HDZ – NEW SIGNAGE

# **GENERAL INFORMATION**

**Applicant:** Joe Pinzone, Applicant

John Smith, Applicant

Sera Architects 338 NW 5th Ave Portland, OR 97209

New Riley House, Owner 421 SW 6th Ave #500 Portland, OR 97204-1620

Site Address: 433 NW 3RD AVE

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

BILLBOARD, COUCHS ADD

**Tax Account No.:** R180201710, R180201710, R180201710

**State ID No.:** 1N1E34CA 00300, 1N1E34CA 00300, 1N1E34CA 00300

Quarter Section: 2929

**Neighborhood:** Old Town-China Town, contact Paul Verhoeven at 503-222-6072. **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 New Chinatown/Japantown Historic

District, listed in the National Register of Historic Places on November

21, 1989.

**Zoning:** CXd – Central Commercial with Design overlay

**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 proposes the installation of one new corner-projecting sign measuring 5'-5" (w)  $\times$  3'-1" (h)  $\times$  0'-10" (d), located approximately 9'-10" above the sidewalk to be aligned with the building's transom windows, and mounted through the brick with tube steel supports attached to the steel structure beyond.

Historic design review is required because the proposal is for a new sign in the New Chinatown/Japantown 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:

- Central City Fundamental Design Guidelines
- River District Design Guidelines

## **ANALYSIS**

**Site and Vicinity:** The subject property is located at the southwest corner of the intersection of NW 3<sup>rd</sup> Avenue and NW Glisan Street, at the bottom of the west-bound off ramp of the Steel Bridge. The site is the former location of the Kiernan Building, which marked the northeast corner of the New Chinatown/Japantown Historic District. Though the Kiernan Building was demolished in 2011, the historic district boundary still includes this corner. The existing building is a four-story residential and social services building constructed in 2012.

To the west of the building, at the northwest corner of the block is the 3-story Blanchet House, which has operated from this location since 1952. Constructed in 1905, the building originally operated as a hotel with ground floor retail. The rest of the block is occupied by surface parking, all the previously-existing buildings having been removed prior to 1989, when the district was listed in the National Register.

The property lies within the North of Burnside Pedestrian District. NW 3<sup>rd</sup> Avenue and NW Glisan Street are City Bikeways. NW Glisan Street to the north of the property is partially divided with the westbound branch, which extends from the offramp of the Steel Bridge, designated a Transit Access Street and a Central City Transit/Pedestrian Street.

**Zoning:** The <u>Central Commercial</u> (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 "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The <u>Historic Resource Protection</u> 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.

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

- DZ 100-87 Design Review Approval for a storefront remodel;
- EA 09-143556 DAR Design Advice Request for a new 3-story residential and social services building;
- LU 09-171259 DM Type IV Demolition Review Approval of the existing contributing resource, the Kiernan Building, after a replacement building design is approved;
- LU 10-152663 HDZ Design Review Approval for a new four-story building with a one story section at the southwest corner, and a partial eco-roof;
- LU 12-155462 HDZ Historic Design Review approval of two 10 sq. ft. externally-illuminated signs.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **January 28, 2013**. The following Bureaus have responded with no issues or concerns about the proposal:

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

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **January 28, 2013**. 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> River District Design Guidelines

**A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**Findings:** The proposed signage utilizes the same font as the existing signage at the entry canopies. In addition, the proposed signage includes a "watermark" in a pattern also present of the building's balconies, which will unify the sign graphically with the building. *This guideline is met.* 

- **A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.
- **A5-1. Reinforce Distinct Areas.** Enhance the qualities that make each area distinctive within the River District, using the following "Area Design Guidelines" (A5-1-1 A5-1-5). **A5-1-3. Reinforce the Identity of Chinatown.** This guideline may be accomplished by:
- 1) Emphasizing the Asian ambiance of Chinatown with visual and cultural design features that relate to, and are appropriate to, the District's ethnic history and character.
- 2) Using ornate signs that enhance the ethnic character of the District.
  - **Findings for A5, A5-1 & A5-1-3:** The proposed sign is modest, yet provides interest through its dark gray watermark background, white LED-illuminated acrylic pushthrough lettering and white neon tubing near the recessed edges. The watermark is a subdued Oriental motif, which is also the same pattern found on the building's balconies. In addition, though the sign may be seem large, it is located at a fairly large intersection at the base of the Steel Bridge and this sign will help identify the area, and its long-tenured institution, the Blanchet House. *These quidelines are met.*
- **B1.** Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.
- **B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:
- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.
  - **Findings for B1 & B1-1:** The proposed sign will be located approximately 10 feet above the sidewalk, allowing clear passage of pedestrians below. The proposed sign will help identify the building's use and will add interest to the pedestrian environment through its use of design details such as the watermark, recessed edges and neon lighting. *These guidelines are met.*
- **C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings:** The proposed sign is to be constructed of aluminum, with push-through LED-illuminated acrylic lettering and white neon lighting at the perimeter. The materials and the design of the proposed sign will promote a sense of quality and permanence at this location. It will be attached to a steel plate directly mounted to the steel structure hidden beneath the brick veneer column. This attachment will promote a sense of permanence as the sign will be directly connected to the substructure of the building. *This guideline is met.* 

- **C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **C5. Design for Coherency.** Integrate the different building and design elements including,

but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings for C3 and C5:** The proposed sign responds directly to the building's architecture, its vertical dimension designed to be equal to that of the transom windows of the storefronts, with which it is aligned. The sign is also relatively simple with clean lines, yet with extra flourishes, such as the watermark and neon lighting at the recessed edges, to add interest. In addition, the font on the proposed signage matches that of existing signage on the building. *This guideline is met*.

**C4.** Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings:** There are many projecting blade signs along NW 3<sup>rd</sup> Avenue and in the New Chinatown/Japantown Historic District, as well as a prevalence of neon lighting. The proposed sign highlights this northeast corner of the district, but does so in a modest way with light-handed gestures toward the ethnic history of the district as well as the signage traditions of the area, through the inclusion of the watermark and neon, respectively. *This guideline is met.* 

- **C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.
- **C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.
- **C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings for C7, C8, and C10:** The proposed sign will provide additional interest and energy, through its design and use of neon and LED lighting to this already active intersection. Though the sign is large enough to be seen by passing vehicles, the placement of the sign beneath the balconies, at the level of the storefront transoms, and its corner orientation is specifically designed for the benefit of pedestrians. In addition, it will have a slim profile and will be located high enough to not be overwhelming to the pedestrian environment. *These quidelines are met.* 

**C13. Integrate Signs.** Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

**Findings:** The sign and its structure will be integrated with the existing, through its attachment to the building's substructure, and through its overall design with the watermark and scaled response to the building's architecture. The sign will not have any effect on the city's skyline as it is to be placed approximately 10 feet above the sidewalk. With the condition of approval that all conduit is to be contained within the sign structure and remain completely hidden from view, this quideline is met.

**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:** Though the subject property is located within the New Chinatown/ Japantown Historic District, it is not included in the New China/Japantown Unique Sign District. The sign responds to the character of the district and the design elements of the existing building, but does so in a modest way, as opposed to what might be encouraged if the building was located in the unique sign district. *This guideline is 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 sign presents a cohesive and integrated design with regard to the building, in that it will be equal in height as the transoms with which it will be aligned, and will repeat the pattern of the balconies through the use of a watermark on the sign background. The width of the sign supports the LED illumination for the push-through lettering, but is visually reduced by the incorporation of recessed edges with neon tube lighting at the perimeter. In addition, the sign will be mounted to the substructure of the building, adding to its sense of permanence. 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 new signage in the New Chinatown/Japantown Historic District, including:

• Installation of one new corner-projecting sign measuring 5'-5" (w) x 3'-1" (h) x 0'-10" (d), for a total of 16.7 square feet, located approximately 9'-10" above the sidewalk to be aligned with the building's transom windows, and mounted through the brick with tube steel supports attached to the steel structure beyond.

This approval is per the approved site plans, Exhibits C-1 through C-3, signed and dated February 28, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) 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 13-102220 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All conduit for the lighting mounted within the proposed signage shall be routed through the sign structure and/or the sign attachment structure and remain completely hidden from view. This condition must be bubbled on the permit drawings.

Staff Planner: Hillary Adam

Decision rendered by: \_\_\_\_\_\_ on March 4, 2013.

By authority of the Director of the Bureau of Development Services

Decision mailed: March 8, 2013

**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 January 8, 2013, and was determined to be complete on January 24, 2013.

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 January 8, 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.

## 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

# 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 **March 11, 2013.** 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:

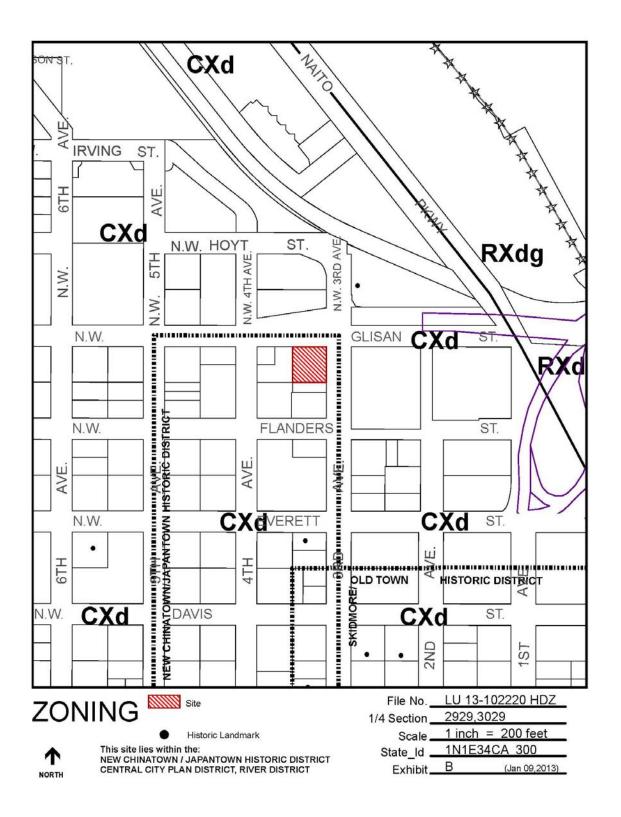
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

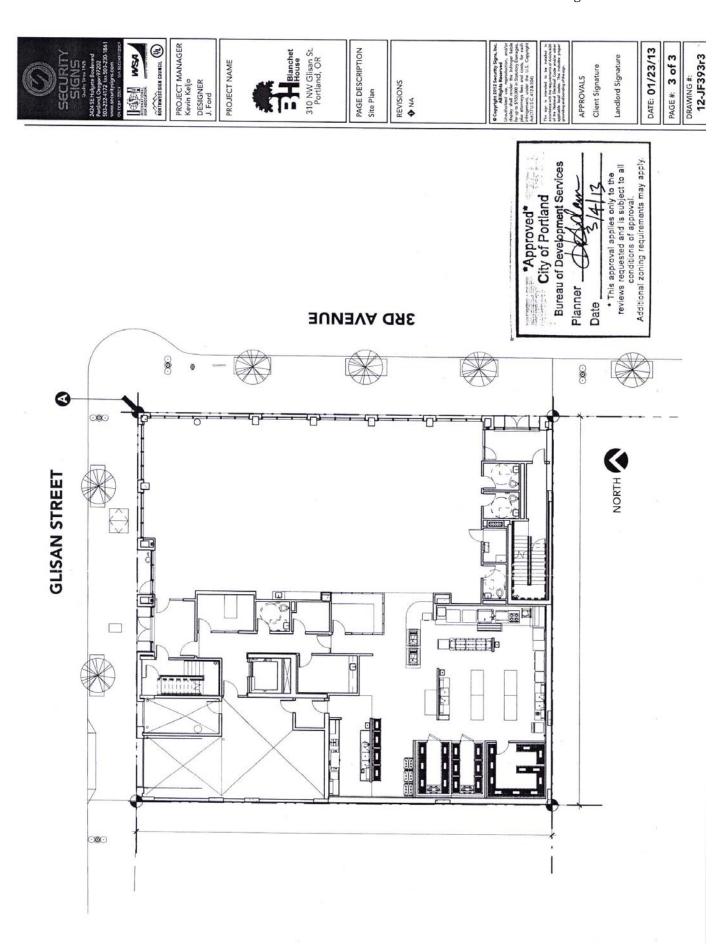
#### **EXHIBITS**

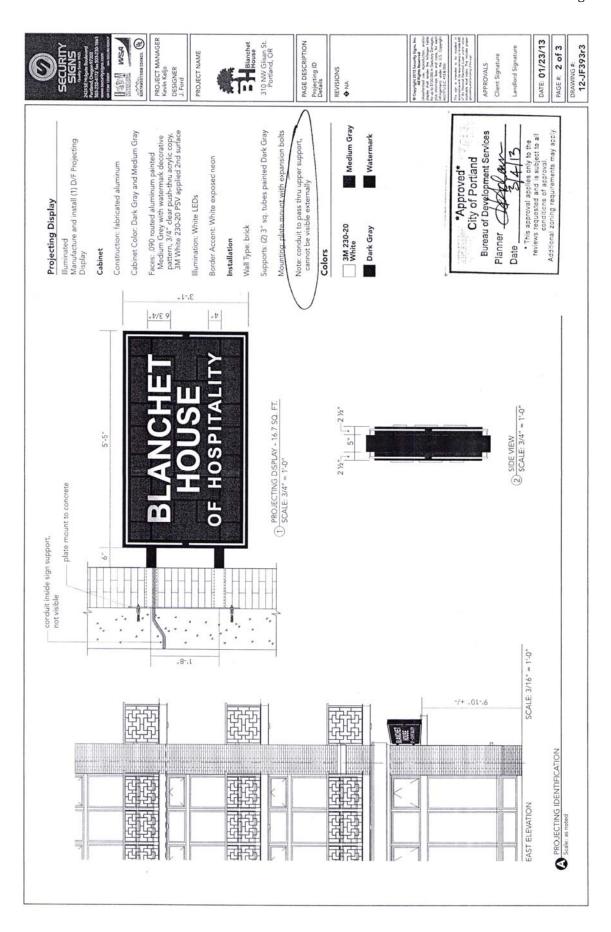
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Sign Details (attached)
  - 3. Rendering
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Division of BDS
  - 2. Water Bureau
- 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).







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