



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: May 2, 2008
To: Interested Person
From: Suzanne Savin, Land Use Services
503-823-5888 / Suzanne.Savin@ci.portland.or.us

NOTICE OF A TYPE II 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 and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-116521 AD

GENERAL INFORMATION

Applicant: Melissa Hayden
Security Signs
2424 SE Holgate Blvd
Portland, OR 97202

Owner: Northwest Restaurants Oregon, Inc
17331 135th Ave NE #B
Woodinville, WA 98072

Site Address: 14515 SE DIVISION ST

Legal Description: TL 5700 0.28 ACRES, SECTION 01 1S 2E
Tax Account No.: R992011090
State ID No.: 1S2E01CC 05700
Quarter Section: 3345

Neighborhood: Centennial, contact Louise Cody at 503-252-4302.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: None

Zoning: CN2 (Neighborhood Commercial 2)

Case Type: AD (Adjustment Review)
Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal:
The site contains an existing fast food restaurant, associated parking, and a free-standing sign.

In the CN2 zone, the size allocation for wall signs is 1 square foot per 1 foot of primary building wall, if a freestanding sign is also on the same frontage (Portland Sign Code Section 32.32.020 and Table 32.32-2). The primary building wall is the south building wall of the structure, which is approximately 36 feet in length. Therefore, the maximum allowed wall sign size allocation for this building is 36 square feet. The applicant recently obtained approved sign permits to place two signs, together totaling approximately 35 square feet in area, on the south wall of the building. With approval of those signs, the maximum allowed wall sign size allocation of 36 square feet for the building was reached.

However, the applicant plans to locate a wall sign on the east wall of the building, above the second entrance to the building. The proposed wall sign will be approximately 7 feet, 1 inch in height and 5 feet, 1 inch in length, and will have an approximate size of 35.82 square feet. The applicant requests an Adjustment to Section 32.32.020 and Table 32.32-2, to allow the proposed 35.82 square foot sign to be placed on the east wall of the building, which will increase the wall sign size allocation for the building to approximately 71 square feet.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Section 32.38.030.C (Adjustment Review) of the City of Portland Sign Code.

ANALYSIS

Site and Vicinity: The site is located on the northeast corner of SE Division Street and SE 145th Avenue, and is approximately 12,004 square feet in size. The site is developed with a fast-food restaurant, a free-standing sign, and associated surface parking.

To the immediate north of the site is a CN2-zoned lot under separate ownership that contains additional surface parking. Further north, on the east and west sides of SE 145th Avenue, are properties developed with detached single-dwelling residences and multi-dwelling structures. To the east, southeast, and south of the site, on the north and south sides of SE Division Street are CG-zoned properties ranging from approximately 8,600 to 425,000 square feet in size, developed with retail establishments including a restaurant/tavern, a video store, and a grocery store. To the west and southwest of the site, on the north and south sides of SE Division Street, are CG-zoned properties ranging from approximately 10,000 to 90,000 square feet in size, developed with retail establishments including a laundromat, a gas station, a vehicle oil-change business, and a pet supply store.

Zoning: The site is zoned Neighborhood Commercial 2 (CN2). The CN2 zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The development standards reflect that the site will generally be surrounded by more spread out residential development.

Land Use History: City records indicate that the site was subject to prior Multnomah County land use reviews, which include the following:

MCF 3-87: An exception for a smaller number of parking spaces, which was approved with conditions.

MCF 13-87: A request to create a drive-through window at an existing restaurant. No conditions of approval in the file.

MCF 16-87: A request for reduction in front yard landscaping, which was approved with conditions.

MCF 87-10-02: Unspecified remodel work, which was approved with conditions.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **April 8, 2008**. The following Bureaus have responded with no issues or concerns:

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

The Life/Safety Plan Review Section of BDS responded that a separate building permit is required for the work proposed. (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 8, 2008. One written response was received from the Centennial Community Association in response to the proposal. The response stated that the association was not taking a position on the sign adjustment.

ZONING CODE APPROVAL CRITERIA

32.38.030.A. Adjustment Review – Purpose.

Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.

32.38.030.C Approval Criteria.

Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2, below are met.

1. Area enhancement. The applicant must meet criteria C.1.a & b. and either C.1.c. or d.
 - a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and

Findings: The site is not within a plan district or design district. The applicant states that the proposed sign will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area, for the following reasons:

- The proposed sign is demure and blends well with the other signage in the area;
- The proposed sign’s location on the east wall of the building, set back from Division Street, does not directly face oncoming traffic;
- The proposed sign is intended as a marker to show the location of the entrance from the parking lot;
- The proposed sign for the east wall and the approved and installed signs on the building’s south wall are in proportion to the building’s façade and are organized to keep passersby from being overwhelmed by signage;
- The closest neighboring business to the east, Duke’s Bar and Grill, has 75 square feet of wall signage, which is more than the amount of wall signage that is being requested for the site;
- The closest fast-food restaurant to the east (approximately 784 feet east, at the southeast corner of SE Division and SE 148th Avenue) has 128 square

feet of wall signage on its building, which is double the amount of wall signage that is being requested for the site.

Staff concurs that the proposed sign does not directly face Division Street as do the recently installed signs on the building's south wall, and that the proposed sign will be set back at least 20 feet from the Division Street right-of-way. However, as substantiated by a staff site visit, the proposed sign's location will not merely be visible to customers within the site's parking lot; it will also be readily visible to westbound vehicles approaching the site. Due to its visibility, the proposed sign has the potential to increase the street level sign clutter.

The Duke's Bar and Grill property, abutting the site to the east, has a much longer south building wall facing SE Division Street than does the building on the subject site. The Duke's Bar and Grill south building wall is approximately 130 feet in length. Therefore, that establishment is allowed to have approximately 130 square feet of wall sign area, under the sign code regulations. Therefore, the fact that the subject site's proposed total wall sign area of approximately 71 square feet is less than the Duke's Bar and Grill total wall sign area, is not relevant to this criterion.

The amount of wall signage on the fast-food restaurant to the east, at the southeast corner of SE Division and SE 148th Avenue, is also not relevant to this criterion – because that site is at least 700 feet east of the subject site.

The properties that are closest to the subject site are the Duke's Bar and Grill property to the east (described above), a multi-tenant strip mall on the west side of SE 145th Avenue, a video store on the south side of SE Division Street, and a gas station on the south side of SE Division Street. These nearby properties are characterized by wall signage that does not appear to exceed the total wall sign size allocation in the sign code regulations.

Staff agrees that signage above the east wall's pedestrian entrance is appropriate to identify the entrance and should be allowed. However, Staff finds that the size of the proposed sign, at 35.82 square feet in area, will significantly increase street level sign clutter for the following reasons:

- The square footage of the proposed sign, in combination with the wall sign area on the south wall, will result in the building having approximately 71 square feet of wall sign area, which is a total wall sign size allocation that is twice as large as allowed by the sign code regulations.
- The proposed sign (along with the existing freestanding sign and south wall signs) will be readily visible to westbound traffic approaching the site.
- The square footage of the proposed sign is larger than the combined square footage of both of the signs on the building's south wall.
- The properties immediately surrounding the site are characterized by wall signage that does not appear to exceed the total wall sign size allocation in the sign code regulations.
- The size of the proposed sign is in excess of the size needed to identify the location of the east entrance from the parking lot.

On the other hand, Staff finds that a sign on the east wall above the pedestrian entrance can be approved, if its size is reduced to be consistent with the installed sign over the south wall pedestrian entrance, which is 28.41 square feet in size. Decreasing the proposed sign's square footage to approximately 28.5 square feet will reduce its visual impact and its effect on street level sign clutter, and allow it to be more in proportion to the signage over the south entrance.

In addition, decreasing the proposed sign's square footage to 28.5 square feet will allow the sign to be more in proportion to the wall signs mounted on the Duke's Bar and Grill building, on the adjacent property to the east. According to information submitted by the applicant, the Duke's Bar and Grill wall signs are each between 24 to 27 square feet in size.

Therefore, a condition of approval is warranted, limiting the sign size over the east pedestrian entrance to a maximum of 28.5 square feet. With compliance with this condition of approval, this criterion will be met.

- b. The sign will not create a traffic or safety hazard; and

Findings: Portland Transportation has indicated that they have no concerns with the proposed sign from a traffic safety standpoint. This criterion is met.

- c. The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
- d. The adjustment will allow a sign that is more consistent with the architecture and development of the site.

Findings: The applicant has noted that the building has two pedestrian entrances: one on the south wall facing SE Division Street, and one on the east wall, facing the surface parking area. The applicant has already obtained an approved sign permit for a sign over the south wall entrance, which will identify its location for pedestrians on Division Street.

However, many of the business' customers will be arriving by car and parking in the surface parking lot. Allowance of a sign over the building's east entrance will identify its location for these customers, and will allow a sign that is more consistent with the development of the site.

With compliance with the condition requiring the sign over the east entrance to be a maximum of 28.5 square feet in size (consistent with the size of the sign over the south entrance), this criterion will be 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 purpose of the regulation is met, with compliance with a condition of approval limiting the maximum size of the proposed sign on the east wall.

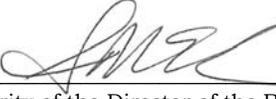
The building has two main entrances (on the south wall and east wall), and the applicant has received sign permit approval to place identifying signage above the south entrance. The proposed signage above the east entrance will identify its location from the adjacent parking lot, and will allow a sign that is more consistent with the development of the site. The applicant's proposed sign size of 35.82 square feet will significantly increase street level sign clutter. However, a reduction in the size of the sign to 28.5 square feet (consistent with the size of the sign above the south entrance, and consistent with the size of wall signage on the abutting building to the east) will identify the east entrance without significantly increasing

street level sign clutter. With compliance with a condition limiting the maximum size of the proposed sign to 28.5 square feet, the proposal will comply with the approval criteria for sign adjustments. Approval of sign permits is still required, after the decision is final and has been recorded with Multnomah County.

ADMINISTRATIVE DECISION

Approval of an Adjustment to Section 32.32.020 and Table 32.32-2, to allow a 28.5 square foot sign to be placed on the east wall of the building, per the approved plans and elevations, Exhibits C-1 through C-3, signed and dated April 30, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (Condition B) must be noted on each of the 4 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 08-116521 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The sign on the east building wall is limited to a maximum of 28.5 square feet in size.

Decision rendered by:  on April 30, 2008.
By authority of the Director of the Bureau of Development Services

Decision mailed: May 2, 2008

Staff Planner: Suzanne Savin

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 March 19, 2008, and was determined to be complete on April 4, 2008.

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 March 19, 2008.

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.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 16, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **May 19, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

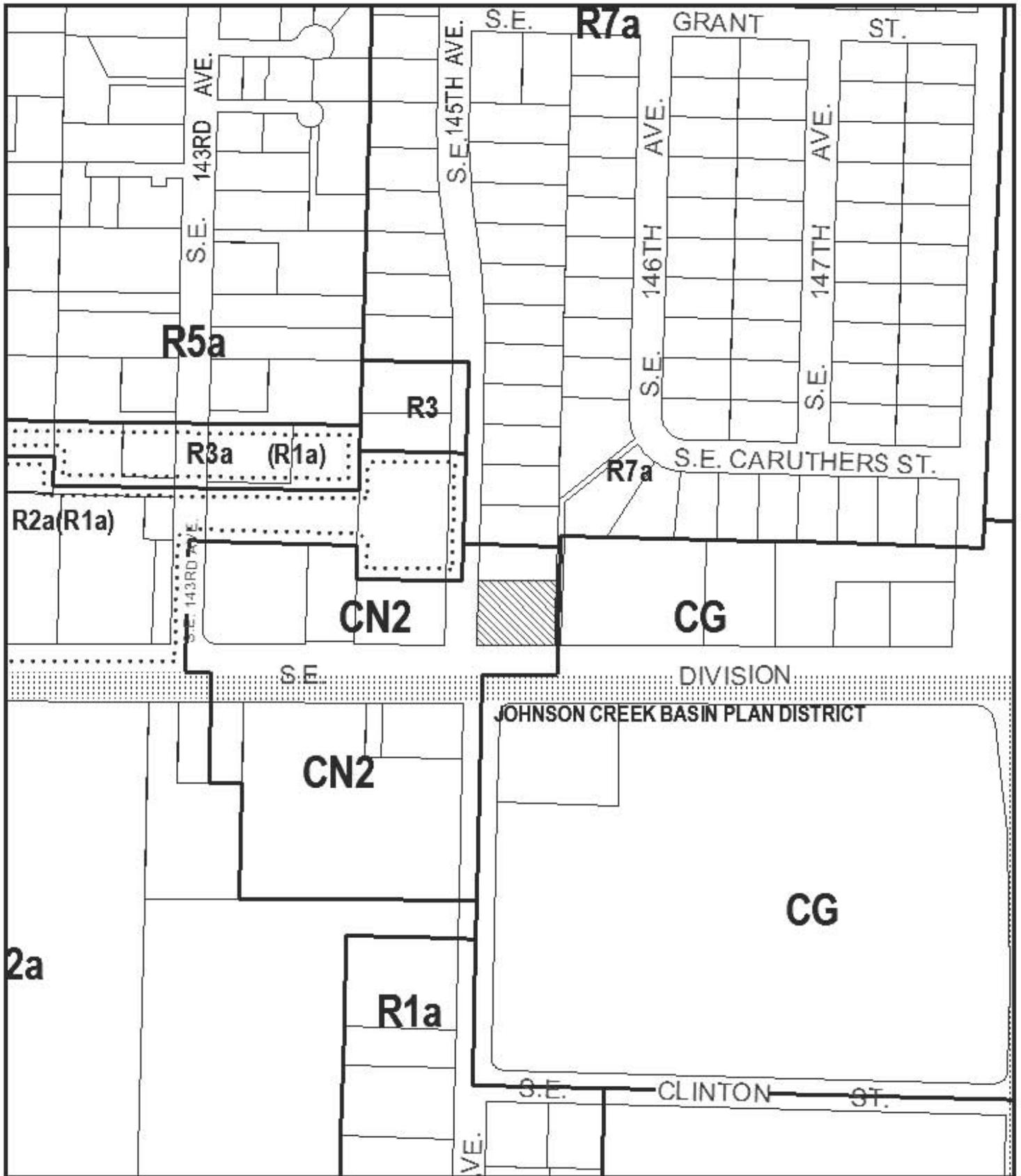
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Plan Detail (attached)
 - 3. Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life/Safety Plan Review Section of BDS
 - 2. "No concerns" responses from the Bureau of Environmental Services, Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Site Development Review Section of BDS, Bureau of Parks- Forestry Division
- F. Correspondence:
 - 1. Louise Cody, Land Use Chair of the Centennial Community Association, April 29, 2008, responded that the association is not taking a position on the sign adjustment.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site



NORTH

File No.	<u>LU 08-116521 AD</u>
1/4 Section	<u>3345</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E01CC 5700</u>
Exhibit	<u>B</u> (Mar 25, 2008)

Exhibit C-1

Approved subject to conditions, including Condition B, which limits size of proposed sign to a maximum of 28.5 square feet.

Approved
City of Portland - Bureau of Development Services
Form: *Signage* Date: *April 30, 2008*
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Property Line



Scale:

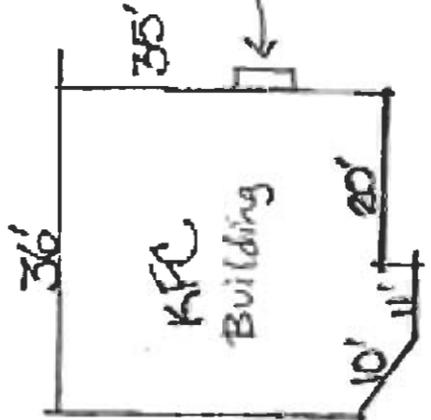


Site Plan

LU 08-116521 AD

Parking Area

Approximate location of Proposed Sign



Free-standing sign

SE Division Street

SE 145th Avenue

155'

120'

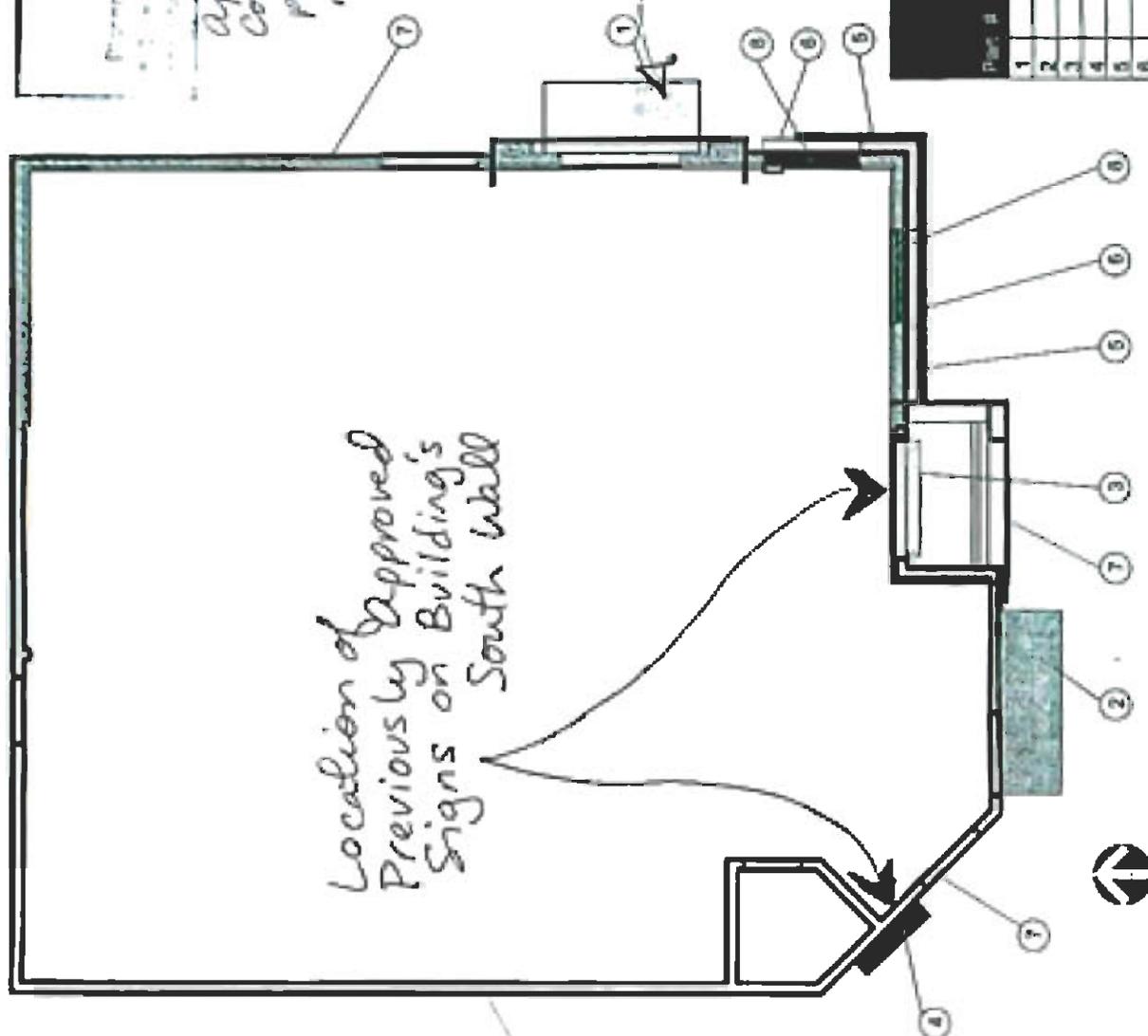
Approved*
 City of Portland - Bureau of Development Services
 From: Suzanne Davis Date: April 30, 2008
 *Approval for use only to the reviewer requesting and is subject to
 conditions of approval. Additional zoning requirements may apply.

Approval subject to conditions including
 Condition B, which limits the size of the
 proposed sign on the east wall to a
 maximum of 28.5 square feet.

Exhibit C-2

Location of Approved
 Signs on Building's
 South Wall

Proposed
 Sign
 Location



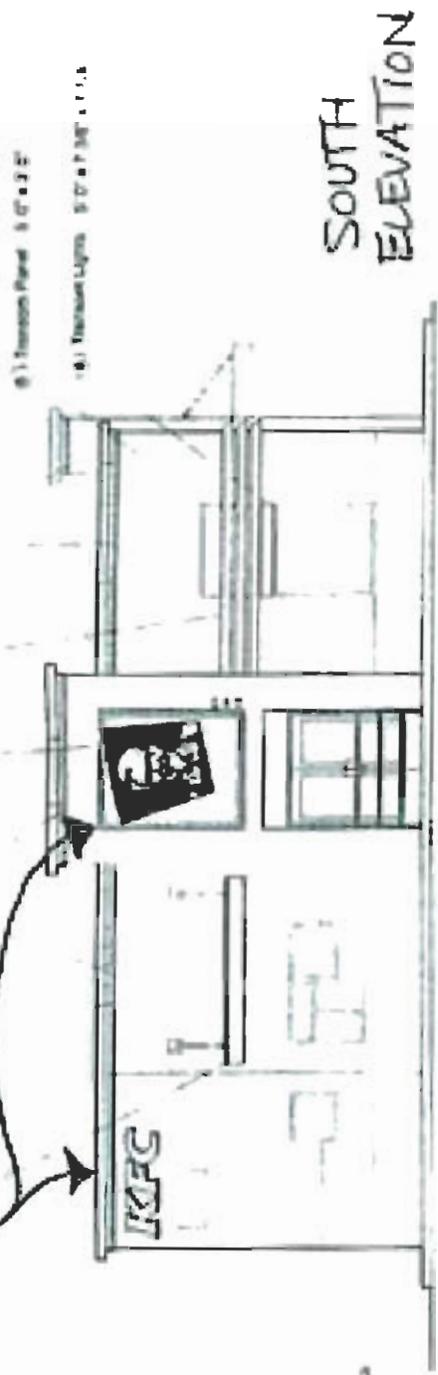
Part #	Item Description	Square Feet	Size	QTY	Color
1	Canopy - Entry		10' 0" x 4' 0" x 1'	1	KFC White MP 49615
2	Canopy - Drive Thru		10' 0" x 2' 0" x 1'	1	KFC White MP 49615
3	Sign - Busset	28.41	5' 6" x 5' 2"	1	
4	Sign - KFC	10.5	6' 0" x 1' 8"	1	
5	Lower		TBD	1	KFC White MP 49615
6	Transom Lights		5' 0" x 7' 3/8" x 7' 1/4"	2	KFC White MP 49615
7	LED Strip			TBD	RED
8	Transom Panel		5' 0" x 3' 0"	2	KFC White MP 49615
9	Mag		7' 1" x 5' 1"	1	

Site Plan Detail

Plot Plan
 1/8" = 1'

LW 08-116521 AD

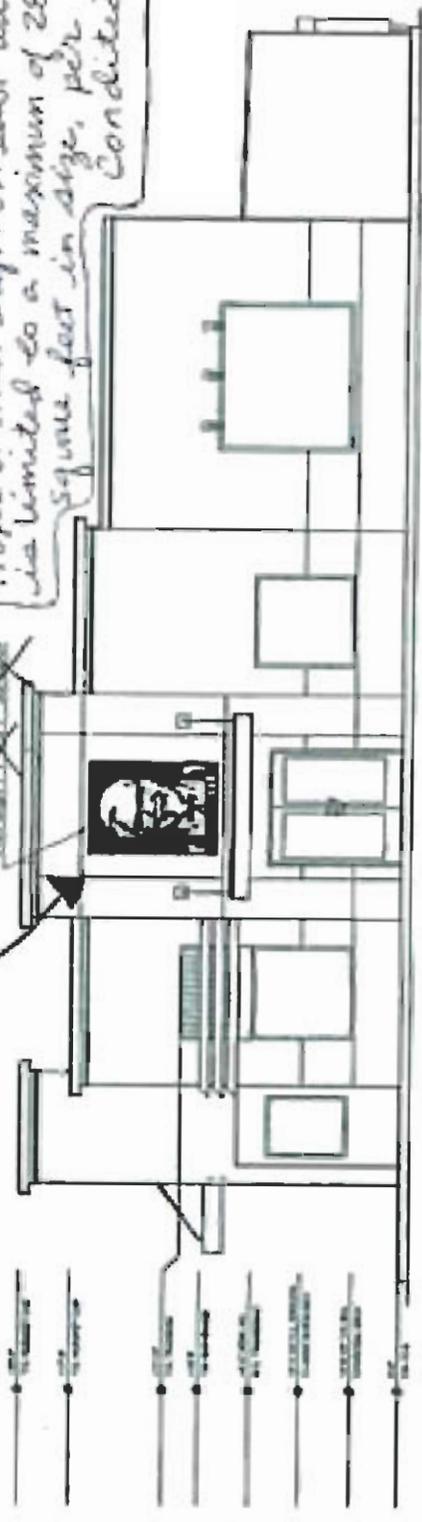
Previously approved signs for south wall



Proposed sign: Subject of Adjustment Request

Proposed wall sign on east wall is limited to a maximum of 28.5 square feet in size, per Condition B

~~Maximum 28.5 sq ft~~



Approved subject to conditions, including Condition B, which limits the size of the proposed sign on the east wall to a maximum of 28.5 square feet.

Approved
City of Portland - Bureau of Development Services
Pam Ferguson-Sparrin Date April 30, 2008
This approval is only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Elevations

LU 08-116521 AD