



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
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FAX: 503-823-5630
www.portlandonline.com/bds

Date: August 1, 2008
To: Interested Person
From: Noelle Elliott, Land Use Services
503-823-7812 / Noelle.Elliott@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 08-133831 DZ – SIGNAGE AT 10542
SE WASHINGTON ST**

GENERAL INFORMATION

Applicant: Union Pacific Land Resources Corp
P O Box 2500
Broomfield, CO 80038-9905

Michael Nell, Big Lots Stores, Inc.
300 Phillipi Rd.
Columbus OH 43228

Representative: Steve Walker, Ramsay Signs, 503-777-4555
9160 SE 74th Ave.
Portland, OR 97206

Site Address: 10522-10542 SE Washington St

Legal Description: TL 1100 10.47 ACRES LAND ONLY SEE R589267 FOR IMPS,
SECTION 03 1S 2E

Tax Account No.: R992032580
State ID No.: 1S2E03BB 01100
Quarter Section: 3141
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
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: Gateway
Zoning: CXd: Central Commercial zone with a design overlay
Case Type: DZ: Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks design review approval to install a new 77 SF sign on the multi-tenant commercial building at 10542 SE Washington St, part of the Mall 205 complex. The sign is formed by individually mounted dimensional letters that together measure 3'-10" tall, 20'-0" wide, and 0'-7" deep. The letters are constructed of acrylic-faced aluminum cabinet, and are internally illuminated. The wall sign will be placed on a vertical band above a covered colonnade-like element that spans the 390'-0" long building, and is centered above two of the three doors that access the individual tenant space. All electrical conduit will be completely hidden from the exterior.

Because the proposal is to a site with a design overlay zone, and exterior alterations are proposed, Design Review is required.

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:

- Chapter 33.825 Design Review
- Gateway Design Guidelines

ANALYSIS

Site and Vicinity: The subject property, the Plaza 205 Shopping Center, is 456,209 square feet in size and bordered by SE Washington Street to the north and by SE 103rd Drive to the west and south. SE 103rd Drive merges with SE 102nd and becomes SE Cherry Blossom Drive near the south end of the site. SE Washington is classified as Major City Traffic Street, a Transit Access Street, and a City Bike and Walkway. SE 103rd and SE Cherry Blossom Drive are designated as District Collector Streets, Community Transit Streets, and City Bike and Walkways. The site is located within the Gateway Pedestrian District. The property is developed with various retail and service buildings. The specific building under review is located at the west side of the site, close to the intersection of SE Morrison Court and SE 103rd Drive.

The vicinity includes the Adventist Medical Center and associated professional offices, apartment complexes, a small shopping center, and commercial development to the west and north of the site. The I-205 freeway is nearby to the west. Most development in the area is served by surface parking and buildings vary from older one-two stories in height, to more recently constructed 4-6 story residential buildings. The site is within the Gateway Plan District, which encourages attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop.

Zoning: The 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.

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.

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

- 14-82 PRE Construction of health spa.
- 78-06-20 DR Approval of retail.
- 78-05-12 DR Approval of retail stores.
- 83-05-06 DR Approval of retail.
- 91-00843 AD Sign Adjustment approval.
- 01-00712 DZ AD Design Review for façade renovation of existing building; Adjustment to FAR.

- 01-00713 DZ Design Review for multi-tenant retail use modification to setback requirement.
- 02-123660 DZ Design Review approval of alterations to previously approved project (LUR 01-00712 DZ AD).
- 02-123671 DZM Design Review for building with modification to setback requirements of tower.
- 02-146925 DZ Design Review approval for a new corner sign for the Old Chicago restaurant.
- 03-102577 DZ Design Review approval for a new freestanding sign.
- 03-173256 DZ Design Review approval for exterior alterations to Bally's Fitness Center.
- 04-065196 DZ Design Review for new signage for Bally's Fitness (Incomplete Application).
- 04-084744 DZ Approval of a minor change to storefront.

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

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 8, 2008. 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 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Gateway Regional Center Design Guidelines.

Gateway Regional Center Design Guidelines

The Gateway Regional Center is the City of Portland's only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland's Central City.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

Gateway Regional Center Design Goals

Ten goals for design review in the Gateway Regional Center have been established to enhance the area's design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.
4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

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

B Development Design

B1. Convey Design Quality and Building Permanence. Use design principles and building materials that convey quality and permanence.

B2. Integrate Ground-Level Building Elements. Integrate the different ground-level building elements with the building's architecture.

B3. Design for Coherency. Integrate the different parts of a building to achieve a coherent design.

Findings for B1, B2 and B3: The proposed sign is constructed of durable materials and designed to complement the multi-tenant building. The 0'-7" deep by 3'-10" tall individually mounted metal cabinet letters are centered within a signage area that signifies entry at the northeast corner of the building, and forms the end of five sequential retail entries facing an associated parking lot and SE Washington St. The scale of the signage corresponds to the neighboring signs to the west, with ample room between the new sign and the façade elements. The 20'-0" wide sign is narrower than its neighbors, and reflects the generous scale of the building's architectural components, as reflected in the 6'-0" wide columns that flank the 34'-0" wide surround that highlights the tenant entry. The sign is internally illuminated with LED lights visible through an acrylic face, matching the fabrication style of neighboring signs. All electrical conduit is hidden from view behind the individual cabinets, and each cabinet is attached directly to the façade with lag bolts anchored to the wall. The addition of the new sign complements the building by residing in a space designed specifically for signage, and reinforcing the rhythm established by adjacent tenant signs. *These guidelines are therefore met.*

B5. Integrate Roofs, Rooftop Lighting, and Signs. Integrate rooftop components, functions and related screening elements with the building's architecture. Integrate exterior lighting, signs and any related structural equipment at or near the roof with the building's architecture. Orient lighting to highlight the building's architecture.

Findings: The addition of a new sign to the north façade of the building complements the building's architecture and the site's urban and suburban relationships by announcing the retail entry to the street, adjacent bus stop, and associated parking lot. The proposed sign is centered above the main entry to the tenant space and scaled to relate to the building's existing signage and architectural design. The sign's 20'-0" wide by 3'-10" tall proportion relates to the proportion and scale of the façade above the tenant's primary entry doors. The sign further corresponds to existing signage that marks neighboring tenant spaces, and is narrower than majority of the building's existing signs. The sign presents a minimal impact on the façade by incorporating individually mounted metal cabinets that are attached directly to the building face, and hide all associated electrical conduit and fasteners. *Therefore, with the condition of approval that all associated electrical conduit and electrical boxes are hidden from the exterior, 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 signage for the multi-tenant commercial building at 10542 SE Washington St within the Mall 205 complex is appropriately designed to integrate with the building's architecture and existing tenant signage. The sign is composed of durable individually mounted aluminum cabinet letters that are adhered directly to the wall, with all electrical conduit and fasteners hidden from view. The proportion and scale of the new sign corresponds to the building's architecture, and reflects similarly scaled signage that exists on the building further to the west.

ADMINISTRATIVE DECISION

Approval of an aluminum cabinet sign composed of individual letters pin-mounted to the facade, measuring 20'-0" wide, 3'-10" tall and 0'-7" deep, per the approved drawings, Exhibits C-1 through C-3, signed and dated July 30, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related 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 08-133831 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All associated electrical conduit and electrical boxes must be hidden from the exterior.

Decision rendered by: _____ **on July 30, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 1, 2008

Staff Planner: Noelle Elliott

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 June 3, 2008, and was determined to be complete on **July 2, 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 June 3, 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 waived the 120-day review period, as stated with Exhibit A-4.

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 15, 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. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. 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 Design Commission 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 Design Commission 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 **August 18, 2008 – (the first workday 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;

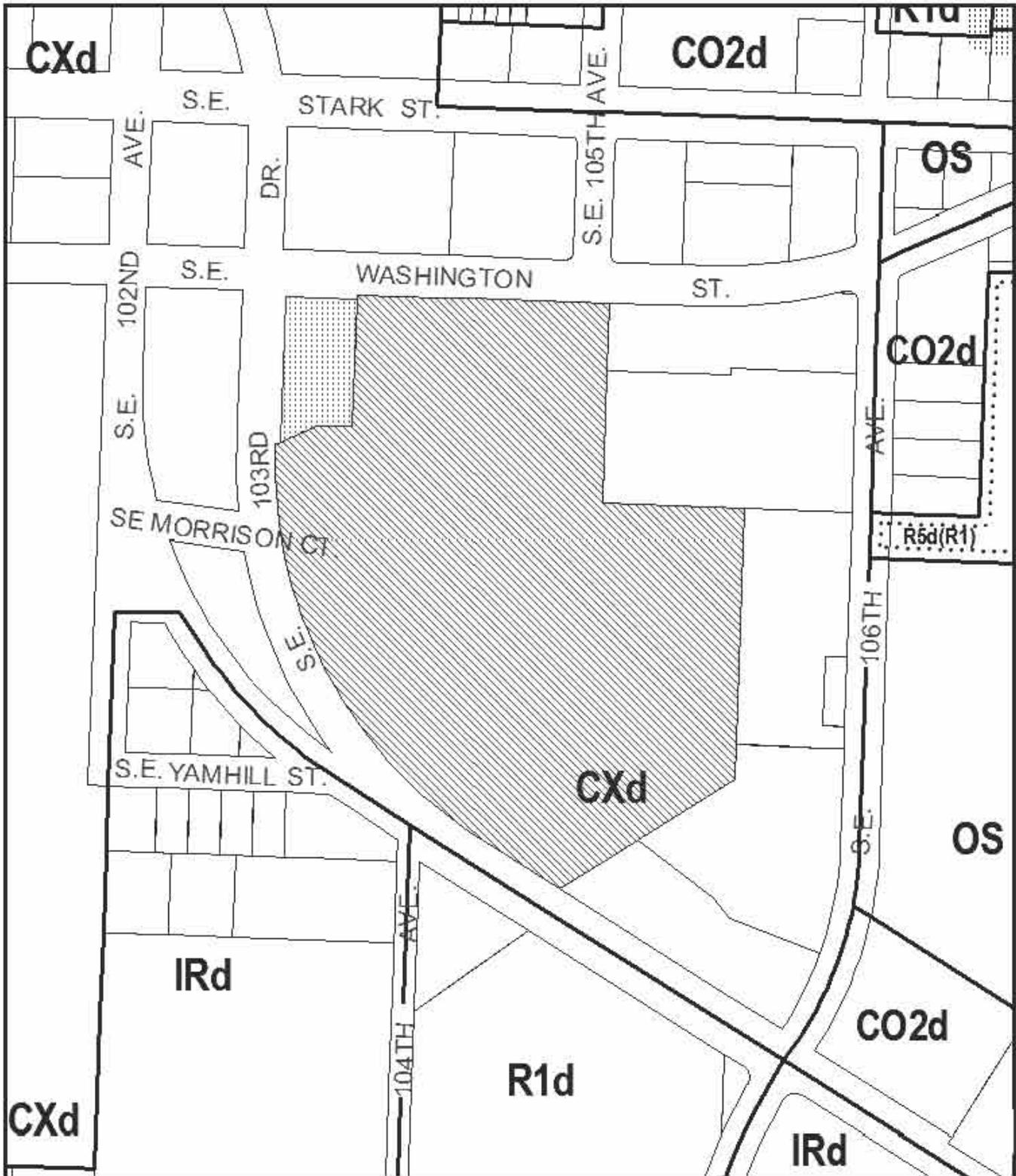
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Statement & Drawings
 - 2. Additional Information
 - 3. Site Photos
 - 4. Letter putting the application on hold
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Elevation (facing SW Washington St)
 - 3. Sign Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- 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

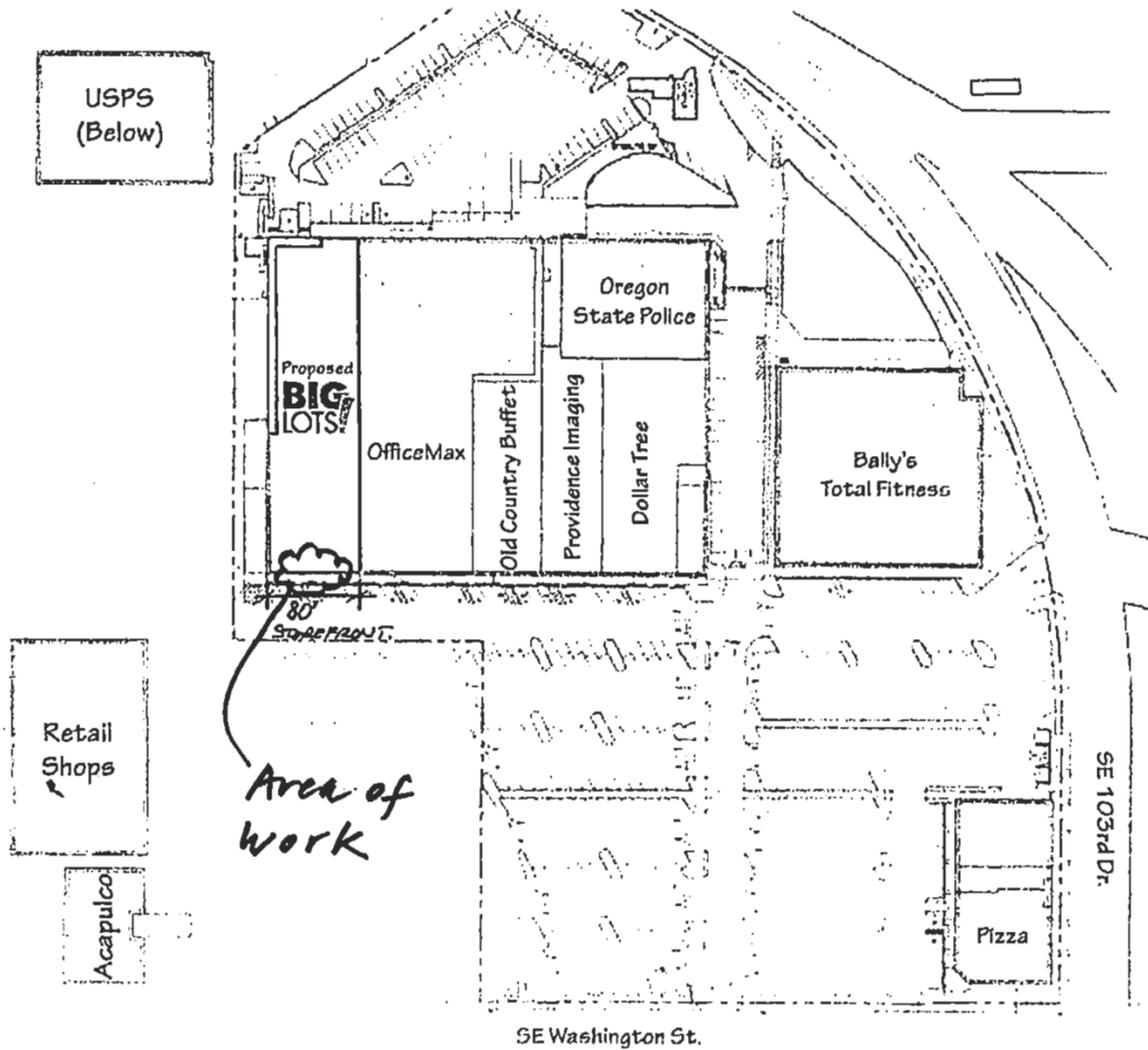
-  Site
-  Also Owned



This site lies within the:
GATEWAY PLAN DISTRICT

File No.	LU 08-133831 DZ
1/4 Section	3141
Scale	1 inch = 200 feet
State_Id	1S2E03BB 1100
Exhibit	B (Jun 06,2008)

Plaza 205
Portland, OR

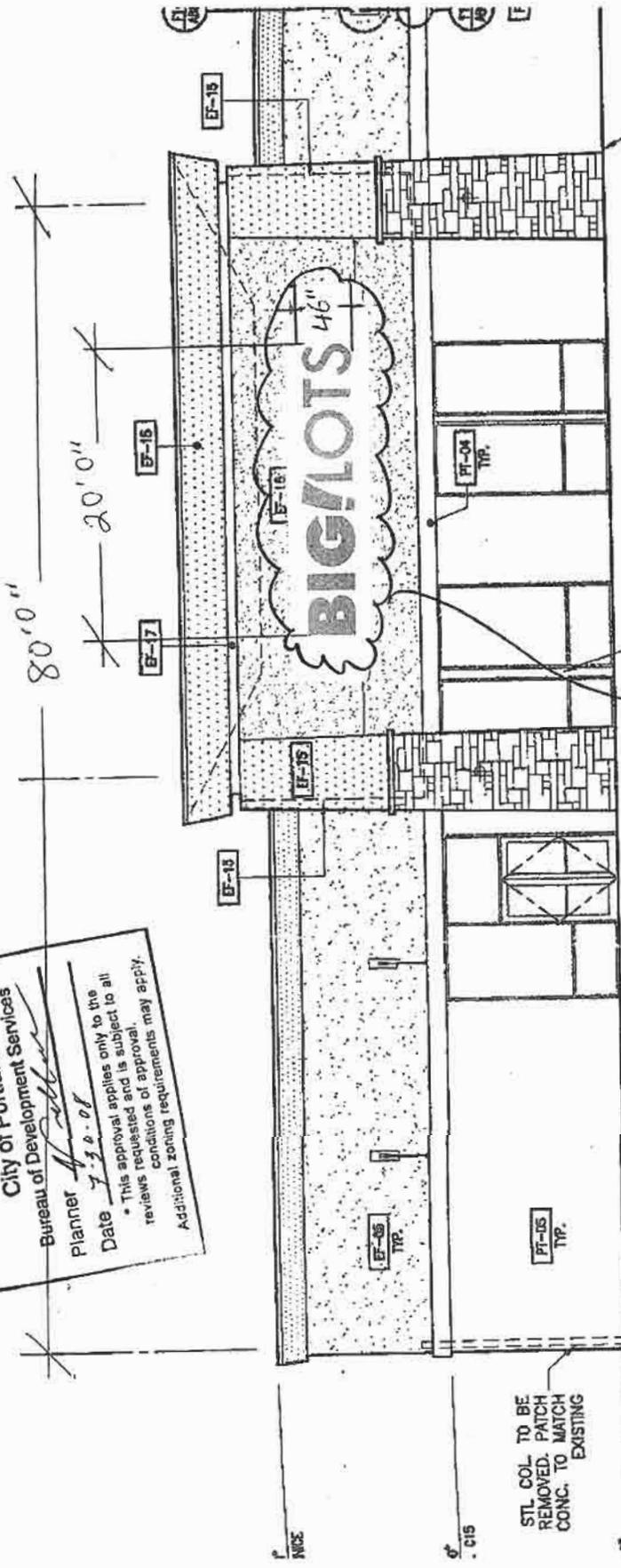


Last Updated 9/26/2007

Approved
City of Portland
Bureau of Development Services
Planner [Signature]
Date 7-30-08
• This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

LW08-133831D2
Exhibit C.1

Approved
 City of Portland
 Bureau of Development Services
 Planner *A. P. ...*
 Date *7.30.08*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SITE
BIG LOTS
 10308 SE Washington Street
 Portland City, OR. 97216

ELEVATION
 1/8" = 1'-0"

LK 08-133831 D2
Exhibit C.2

BIG!LOTS

SPECS

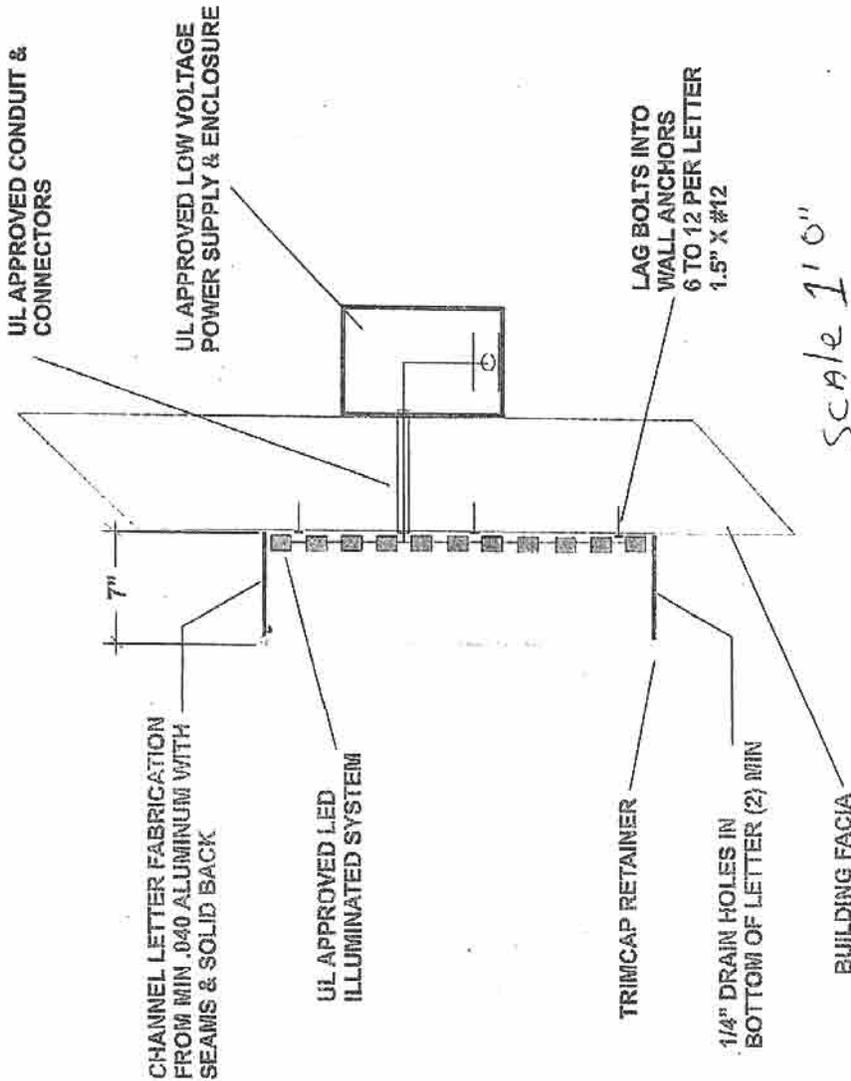
BIG!LOTS letter faces are #2119 RH Orange
! is outlined in White Vinyl #02

7" 063 Returns in Black

Jewelite Trim Cap #021 C. Orange

All letters are UL #E105944(S) Approved

All letters illuminated W/Gel-Core Leds



TYPICAL STANDARD CHANNEL LETTER SECTION DETAIL (INTERNALLY ILLUMINATED)

UL LISTING E105944(S)

Best Sign Products

"A Sign of Quality"

2121 So. Susan, Unit 1
Santa Ana, Ca. 92704
(714) 546-9710

SC-522888 LICENSED-SIGNED-RS,2010

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SIGNATURE(S) _____ DATE _____

Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date 7-30-08

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

LW 08-133831 DZ
Exhibit C.3