



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 24, 2013
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@portlandoregon.gov

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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 13-187319 DZ - NEW WALL SIGN

GENERAL INFORMATION

Applicant: Garrett Gibson / Ramsay Signs Inc.
9160 SE 74th Ave / Portland, OR 97206-9345

Owner: M & T Partners Inc.
15350 SW Sequoia Pkwy #300 / Tigard, OR 97224-7175

Site Address: 9908-9924 NE HALSEY STREET

Legal Description: LOT 1, PARTITION PLAT 1992-124
Tax Account No.: R649727400, R649727400, R649727400, R649727400
State ID No.: 1N2E33AA 01000, 1N2E33AA 01000, 1N2E33AA 01000, 1N2E33AA 01000

Quarter Section: 2940

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.

Business District: Gateway Area Business Association, Fred Sanchez at 503-256-3910.

District Coalition: East Portland Neighborhood Office, Richard Bixby at 503-823-4550.

Plan District: Gateway

Zoning: CXd – Central Commercial zone with Design overlay
DZ – Design Review

Case Type: DZ – Design Review

Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval for a new internally-illuminated wall sign on the north façade of the subject building in the Gateway Plan District. The 60 SF sign would be attached to the decorative metal railing along the top of the building replacing the existing tenant's sign. The 3'-6" tall x 16'-11" long sign would consist of 5" deep channel letters comprised of an aluminum frame and acrylic face attached to a metal raceway with a bronze finish.

The 60 SF sign is well under the allowed signage for this tenant space (130 SF allowed) and for the building (560 SF allowed) based on the 560' of primary building wall. With this new sign the total signage provided on the building would be 518.5 SF.

Exterior signs that exceed 32 SF in size require Design Review per Section 33.420.041.F.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 of the Portland Zoning Code. The relevant criteria are:

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a strip mall development, constructed in 1982. It is bordered by NE Halsey Street to the north and NE 99th Avenue to the west. To the east and south are other private strip mall developments, to the east of which is 102nd Avenue and to the south, NE Pacific Street. To the northwest of the subject property is the interchange of I-84 and I-205, as well as the off-ramp for I-84, which connects to NE 99th and NE Halsey. NE Halsey and NE 102nd Avenue are Major Transit Priority Streets. In addition, NE Halsey is a Major City Traffic Street, a Truck Access Street, and a City Bikeway and NE 102nd is a District Collector Street. To the west and southwest of the property are medical offices, a parking garage and a MAX station and to the north, across NE Halsey Street, are single family dwellings. The tenant space under review is at the south end of the subject building with its main entrance facing north and approximately 482' from NE Halsey. The site is located with the Gateway Pedestrian District.

The Gateway Regional Center is characterized primarily by its post-World War II auto-oriented suburban development. Commercial development is typically low-density with surface parking between the buildings and the streets. Residential developments include post-war single-dwelling houses or later multi-dwelling developments. The Gateway Regional Center was established as an Urban Renewal Area in 2001 and in 2004, the City adopted a new plan for the area, which envisions a much denser pedestrian-oriented pattern of redevelopment, and included significant rezoning as well as design guidelines.

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 "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.

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

- LU 82-020806 (ref. file: #MCF 82-10-06) - Approval to construct the existing Fred Meyer store, now on a separate parcel;
- MP 98-90 – Tentative Approval of a minor partition, creating three parcels and separating the subject property from the larger parent parcel extending to NE 102nd Avenue.
- LUR 92-00140 MP – Tentative Approval of a minor land division, creating three parcels, including the subject property, a 2nd narrow east-west strip parcel at the south end of the subject property, and a 3rd large parcel south of the 2nd parcel and north of NE Pacific Street.
- LU 12-204201 DZ – A 2012 Design Review approval for a new building wall sign.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 26, 2013**. Given the type of proposal no bureau responses were provided.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 26, 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 33.825 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.

Findings: The proposed signage replaces an existing sign of similar construction, location and size. The new signage is constructed with individually mounted aluminum frame and acrylic face lettering with internal LED illumination attached to a metal raceway with a bronze finish. The 5" thick letters will be clean-mounted to the raceway and the decorative metal railing above the building with no visible conduit. *This guideline is met.*

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

Findings: The new signage is of similar construction (internally-illuminated and individually mounted channel letters), similar location (on the upper decorative metal railing along the top of the building) and of comparable size as other tenant signs on the building and adjacent properties and will present a coherent image for the entire development. The 3'-6" tall x 16'-11" length of the sign is appropriately scaled to fit within the decorative railing it is attached to. Although large for its location in a pedestrian district (60 SF) it responds to the reality that the sign is over 400' feet away from NE Halsey Avenue, a major automobile route. This large setback will reduce its effect on pedestrians along this right-of-way. *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 will present a friendly image to pedestrians in the area without sacrificing its desire to communicate its presence to automobile traffic. It will be constructed of durable quality materials and is in keeping with other signage on the building and on adjacent properties. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed design meets the approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a 60 SF internally-illuminated wall sign (3'-6" tall x 16'-11" long) with 5" deep individually mounted channel letters comprised of an aluminum frame and acrylic face attached to a metal raceway with a bronze finish on the north façade of the subject building in the Gateway Plan District.

Per the approved site plans, Exhibits C-1 through C-4, signed and dated 10/21/13, subject to the following conditions:

- 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-C.4. The sheets on which this information appears

must be labeled, "Proposal and design as approved in Case File # LU 13-187319 DZ. No field changes allowed."

Staff Planner: Staci Monroe



Decision rendered by: _____ **on October 21, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 24, 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 July 31, 2013, and was determined to be complete on September 23, 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 July 31, 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.

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 November 7, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing

the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 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.

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 775 Summer St. NE, Suite 330, 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 **November 8, 2013**.
- 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.

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;

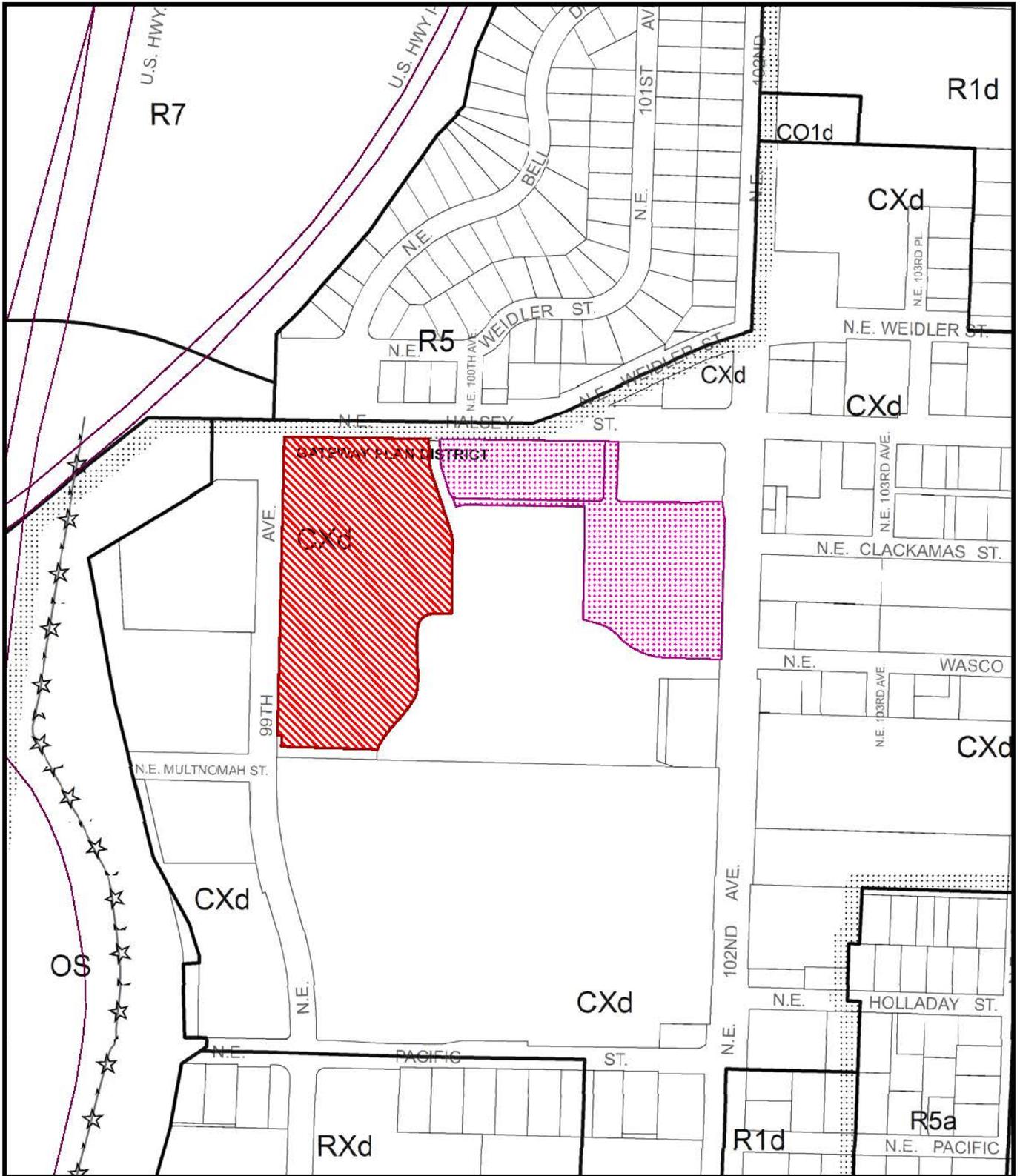
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Responses to the Approval Criteria
 - 2. Total Sign Area for Building – Existing & Proposed
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Building Footprint (attached)
 - 3. Sign Elevations (attached)
 - 4. Sign Attachment Detail (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None.
- F. Correspondence: None.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Aerial Photo

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Also Owned



This site lies within the:
GATEWAY PLAN DISTRICT

File No. LU 13-187319 DZ
 1/4 Section 2940
 Scale 1 inch = 300 feet
 State_Id 1N2E33AA 1000
 Exhibit B (Aug 06, 2013)

PROJECT 9932 NE Halsey St. Portland, OR 97220

DATE

NE Halsey St.

NE 99th Ave.

NE 102nd Ave

Proposed Sign

Approved

City of Portland - Bureau of Development Services

Planner *[Signature]*

Date 10/21/13

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

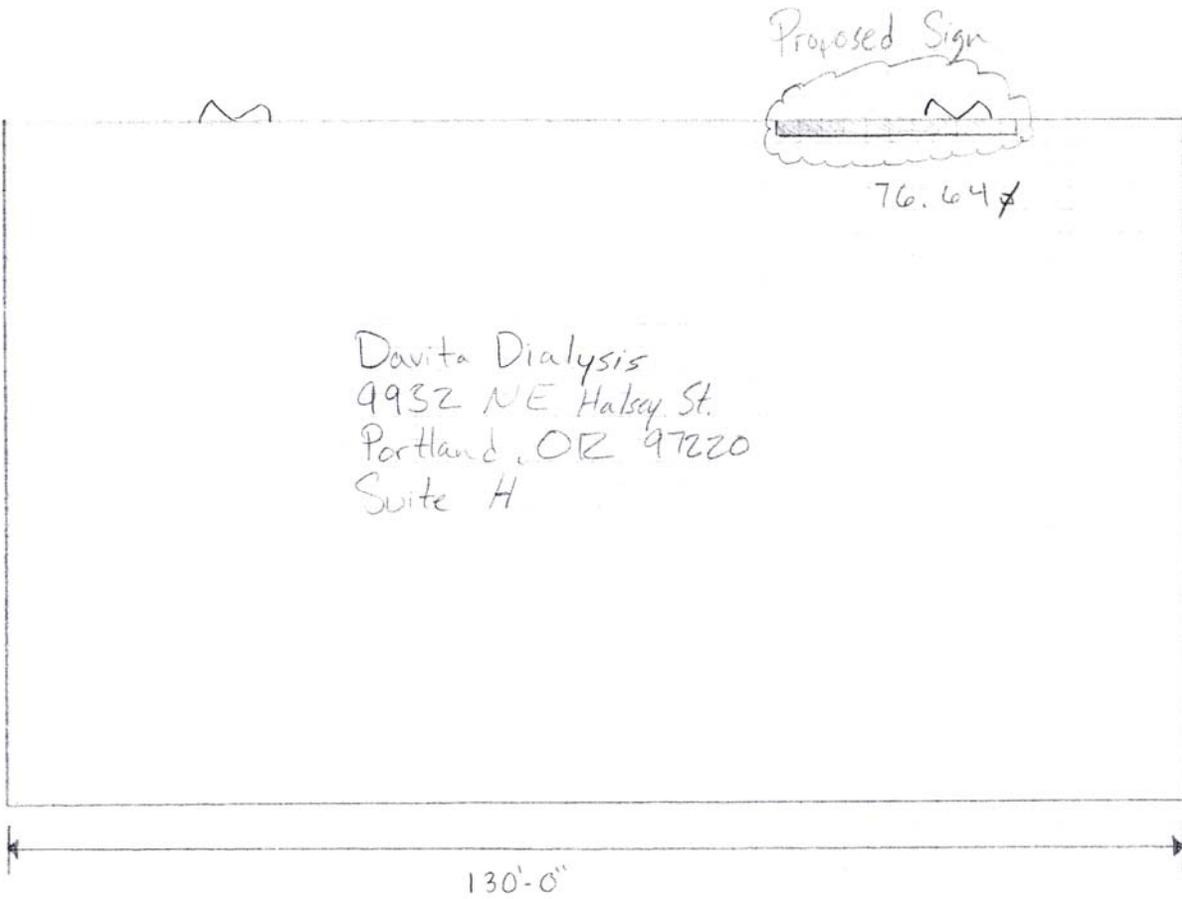
Scale
1/8" = 25'-0"
LN

EX. C-1

13-1873190Z

PROJECT 9932 NE Halscy St, Suite H Portland, OR 97220

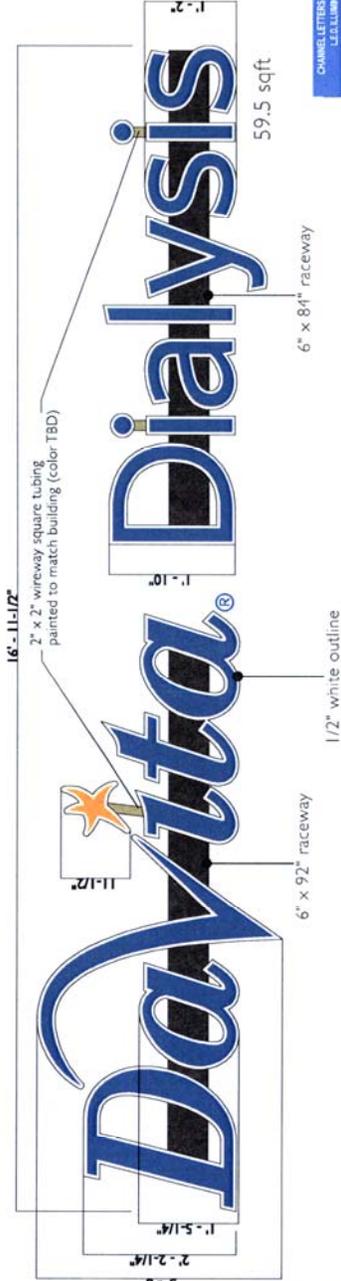
DATE July 30, 2013



Approved
City of Portland - Bureau of Development Services
Planner S Miller Date 10/21/13
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

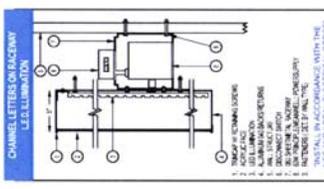
EX. C-2
W13-187319 02

Approved
 City of Portland - Bureau of Development Services
 Planner Shan Date 10/21/13
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



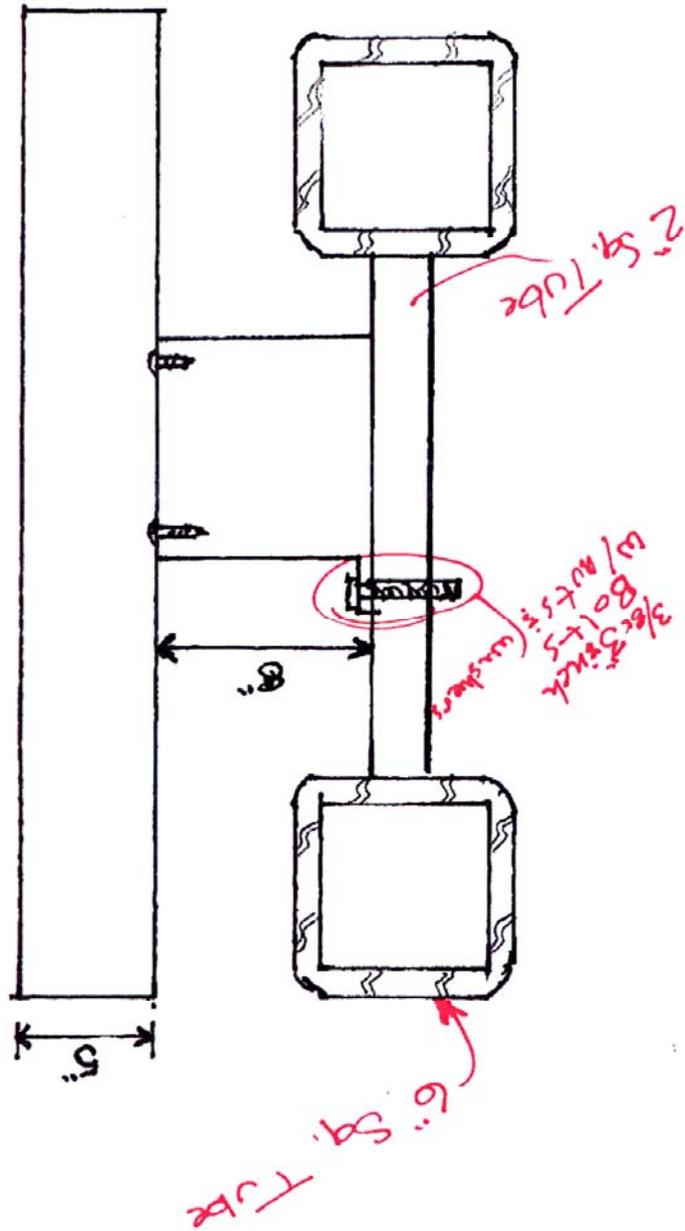
front illuminated pan channel letters
 letter height: 11-1/2" to 42" pan channels
 return depth: 5" deep
 face color: pre-painted .040 white standard coil
 vinyl type: dark blue & sunflower yellow trans vinyl
 trim color: 1" white trim
 sign illumination: single stroke white leds
 mounting type: (2) 6" custom painted raceways mounted to square tubing structure
 power supplies: 60 watt power supplies - to suit led footage

- sign colors
- white returns/trim cap
 - #7328 white plex
 - 230-36 dark blue
 - 318255 sunflower
 - raceway color duranodic bronze



THIS DESIGN IS THE PROPERTY OF BSCS AND IS LOANED TO YOU FOR YOUR USE ONLY. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF BSCS.		CLIENT DD - PORTLAND W/O.# JOB ELEC. PCL. SIGN ADDRESS DATE 09/01/13 9932 N.E. HALSEY ST. SALES REP KENNY PARKER PORTLAND, OR 97220 DESIGNER BICO ARAGON EMAIL KENNY@BSCSIGNS.COM	
ARTWORK PHASE <input checked="" type="checkbox"/> CONCEPTUAL # <input type="checkbox"/> REVISION # <input type="checkbox"/> FINAL ARTWORK <input type="checkbox"/> PRODUCTION <input type="checkbox"/> SHOP DRAWING		CLIENT APPROVAL DESIGN APPROVAL TO MFR. INITIALS: DATE: INITIALS: DATE: PRODUCTION APPROVAL TO MFR. INITIALS: DATE: INITIALS: DATE:	
bcsigns 303-464-0644 FAX: 303-464-0608		DO NOT MANUFACTURE WITHOUT APPROVALS THE BOXES ABOVE MUST BE INITIALED AND DATED PRIOR TO MANUFACTURING	

W13-187319 02
 EX-C-3



Approved

City of Portland - Bureau of Development Services

Planner Smler Date 10/21/13

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

LU 13-187319 02
 EX-C-4