

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868 FAX: 503-823-5630

www.portlandonline.com/bds

Date: August 5, 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 08-137794 AD

GENERAL INFORMATION

Applicant: Cheri Fletcher-Powell

ES&A Sign And Awning 1210 Oak Patch Rd Eugene, OR 97402

Owner: 7-Eleven Inc

2711 N Haskell Ave Dallas, TX 75204

Also Notify: Ryan Mitchell

7-Eleven Corporation (North Pacific Division)

20819 72nd Avenue South, #800

Kent WA 98032

Site Address: 6117 N LOMBARD ST

Legal Description: LOT 11-14 BLOCK 5, WILLUMBIA

Tax Account No.: R918001060 **State ID No.:** 1N1E07AC 13400

Quarter Section: 2124

Neighborhood: Portsmouth, contact Matthew Denton at 503-866-2185.

Business District: North Portland Business Assoc, contact Steve Weir at 503-283-3883. **District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at

503-823-4099.

Plan District: None

Zoning: CSj (Storefront Commercial, with Main Street Node Overlay Zone)

Case Type: AD (Adjustment Review)

Procedure: Type II, administrative decision with appeal to Adjustment Committee.

Proposal:

The site contains a convenience store with a wall sign, a free-standing sign, and surface parking. The property owner plans to replace the convenience store's existing 144 square foot wall sign, which is 4 feet in height by 36 feet in length and is located on the convenience store's south wall. The wall sign is illuminated with external down-lighting.

The replacement wall sign will consist of internally illuminated cabinets with a total area of 141 square feet (3 feet in height by 47 feet in length).

For signs attached to buildings within the CS zone, Section 32.32.020 and Table 32.32-2 of the Sign Code allow a maximum size allocation of 1 square foot per 1 foot of primary building wall if a free-standing sign is also on the same street frontage, and a maximum area per sign of 100 square feet. The Sign Code defines a primary building wall as any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. For this convenience store, the primary building wall is the store's south wall, which is 58 feet in length. Therefore, for this store, the Sign Code allows a maximum size allocation of approximately 58 square feet for a wall sign.

The applicant requests approval of an Adjustment to Section 32.32.020 and Table 32.32-2, to allow the sign area of the replacement sign to be approximately 141 square feet, rather than complying with the maximum size allocation of approximately 58 square feet, and the maximum area per sign of 100 square feet.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are the Adjustment Review approval criteria of Title 32 (City of Portland Sign Code), Section 32.38.030.C.

ANALYSIS

Site and Vicinity: The site is located on the northwest corner of N. Lombard Street and N. Wall Avenue, and is approximately 10,000 square feet in size. The site is developed with a convenience store, a free-standing sign, and a surface parking area for the convenience store. To the north of the site are R2 and R2.5-zoned properties developed with multi-dwelling structures and single-dwelling residences. To the northeast of the site are R2.5 zoned properties developed with multi-dwelling structures and single-dwelling residences. To the east of the site are CSj zoned properties developed with an auto service center and its associated surface parking area. To the southeast of the site are R1jm zoned properties developed with multi-dwelling structures. To the south of the site are CSj zoned properties developed with an office building and its surface parking area. To the east of the site are CSj and CG zoned properties developed with multi-dwelling structures, and a retail establishment and its parking area.

Zoning: The site is zoned CSj, Storefront Commercial with Main Street Node Overlay Zone. The Storefront Commercial zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The regulations associated with the Main Street Node Overlay Zone (designated with the letter "j") encourage a mix of residential, commercial, and employment opportunities within identified centers of activity along identified main streets. The zone allows for efficient use of land at

increased densities for the mutual reinforcement of public investments and private development. Allowing additional height and floor area for all uses encourages transit-supportive densities and a mix of uses and activities.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 10, 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 and the proposal must be designed to meet all applicable building codes and ordinances. (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 10, 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

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 Adjustment Review

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 subject property is not within a plan district or design district. The applicant states that the proposed increase in signage will not significantly increase or lead to street level clutter or adversely dominate the visual image of the area. The existing sign on the south elevation is approximately 144 square feet in size. The applicant is proposing to replace the existing sign with a new sign that will be slightly smaller in area, at approximately 141 square feet in size.

Although the proposed area of the replacement sign exceeds the Sign Code allowance for wall sign area and maximum sign size, it constitutes a slight reduction in sign area and sign size, when compared with the existing sign that it will replace. The existing sign is illuminated by external down-lighting, and the replacement sign will be internally illuminated. The applicant states that the internal illumination of the proposed replacement sign is similar in lighting effect and intensity to the down-lighting of the existing sign.

The south building wall on which the replacement sign will be mounted, does not directly face any residential uses. The properties directly south of the site, on the south side of N. Lombard Street, are zoned CSj and are developed with a real estate office building and its surface parking area. The closest residential uses to the building's south wall are a multi-dwelling building on the property abutting the site to the west (6123 – 6129 N. Lombard Street), and a multi-dwelling building to the southeast of the site (6030 N. Lombard Street).

The multi-dwelling building at 6123 – 6129 N. Lombard Street is located adjacent to the side property line that it shares with the subject site, so it is in close proximity to the 7-11 building; the two buildings have a separation distance of approximately 15 feet, according to GIS aerial photo information. A portion of the east wall of the multi-dwelling building extends further south than the south wall of the 7-11 building, and therefore the proposed replacement sign on the 7-11 building's south wall will be visible from some of the east-facing windows of the multi-dwelling building. However, the area of replacement sign will be similar and slightly smaller than the size of the existing 7-11 wall sign. Because the replacement sign will similar in square footage and illumination intensity to the sign it will replace, the replacement sign will not adversely dominate the visual image of the area, when viewed from the building at 6123 – 6129 N. Lombard Street.

The building at 6030 N. Lombard Street is approximately 180 feet southeast of the south wall of the 7-11 building. Therefore, due to this significant separation distance, the 7-11 replacement sign will not adversely dominate the visual image of the area, when viewed from the building at 6030 N. Lombard Street.

In addition, the south building wall on which the replacement sign will be mounted, has a significant setback distance of at least 40 feet from the street that it faces (N. Lombard Street), and from the pedestrian and vehicle traffic along that street. For these reasons, the proposed replacement sign on the store's south elevation will not significantly increase or lead to street level sign clutter, or adversely dominate the visual image of the area.

This criterion is met.

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

Findings: The applicant notes that the proposed signage consists of a wall sign that is illuminated, but does not flash, scroll, or rotate on the storefront. The sign is static illumination that is lit only during nighttime hours and the lighting is concealed behind the sign faces. The end result, per the applicant, is a lighting effect and intensity that is almost the same as the existing storefront down-lighting. Furthermore, the applicant notes that the proposed illuminated storefront signage is relative in lumen intensity to the lighted pole sign on site, which does not create a traffic or safety hazard. In addition, the Bureau of Transportation (PDOT) has responded that they have no concerns with the requested adjustment for the replacement wall sign.

On the basis of the above information, Staff concurs with the applicant's findings.

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 states that the adjustment will allow a sign that is more consistent with the architecture and development of the site. The proposed signage is consistent with what exists at the site now, with the exception that the type of lighting will be internal rather than external. In addition, the applicant notes that approval of the adjustment will allow the wall signage to match the existing internally illuminated pole sign and its graphics. Staff concurs with the applicant's findings.

This criterion 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 purpose of the regulation is met. The proposed replacement wall sign on the south elevation will have a wall sign area of approximately 141 square feet, which exceeds the maximum wall sign size allocation of 58 square feet and the maximum area per sign of 100 square feet. However, the proposed replacement wall sign will have a smaller sign area than the existing wall sign that it will replace. In addition, there are mitigating site factors, which include the fact that the south wall of the building on which the sign will be mounted has a setback of at least 40 feet from the south property line and the street, and the south wall of the building does not directly face any residential uses. As a result, the proposed sign element will comply with the approval criteria for sign adjustments, and the requested Adjustment can be approved. 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 Portland Sign Code Section 32.32.020 and Table 32.32-2, to allow the sign area of the replacement wall sign on the south elevation to be approximately 141 square feet in size, per the approved plans, Exhibits C-1 through C-2, signed and dated August 1, 2008, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-137794 AD. No field changes allowed."

Decision rendered by:

__ on August 1, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: August 5, 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 June 16, 2008, and was determined to be complete on June 30, 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 16, 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 requested that the 120-day review period be extended for a period of 7days (from June 30, 2008 to July 7, 2008), as stated with Exhibit A-2.

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 August 19, 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 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 August 20, 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

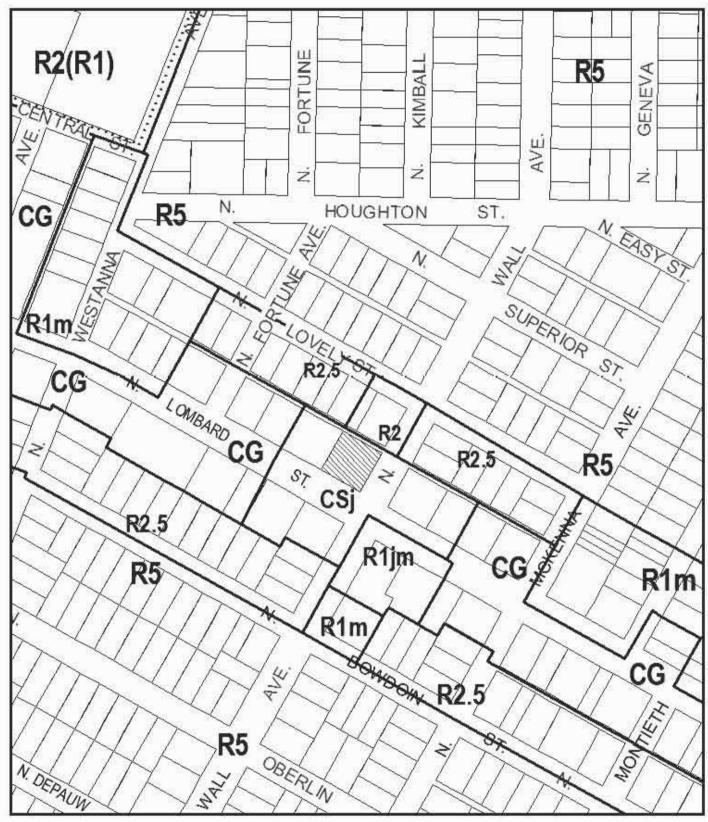
• All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Narrative
 - 2. Applicant's Request to Stop the 120-Day Clock from June 30, 2008 to July 7, 2008
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. South Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life/Safety Plan Review Section of BDS
 - "No concerns" responses from 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. No correspondence submitted
- 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



File No. LU 08-137794 AD

1/4 Section 2124

Scale 1 inch = 200 feet

State Id 1N1E07AC 13400



Exhibit B (Jun 19,2008)

Site Plan for: 7-Eleven #16155 6117 N. Lombard Portland, OR 97203

Scale: 1/2" = 20'

LU 08 - 137794 AD

N

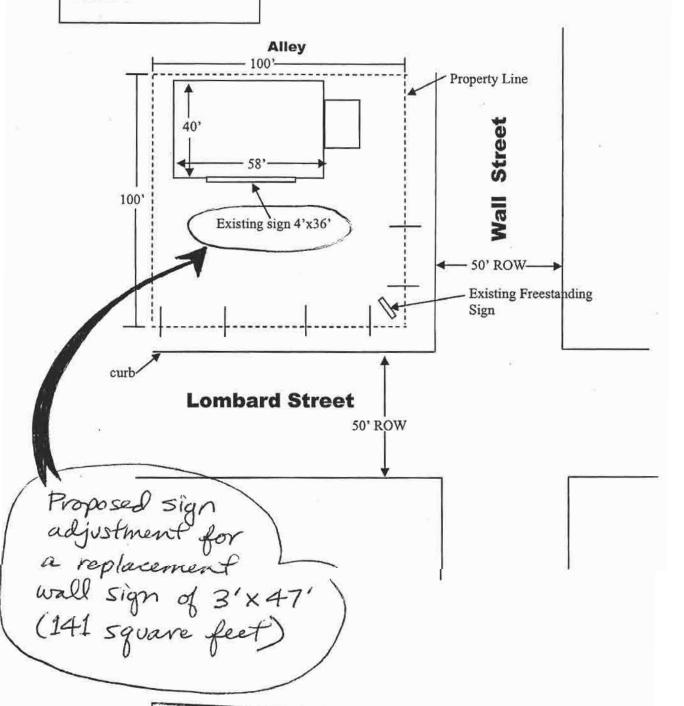


Exhibit C-1

