



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: February 2, 2016
To: Interested Person
From: Puja Bhutani, Land Use Services
503-823-7226 / Puja.Bhutani@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 mailed copy of this document is only a summary of the decision. 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 15-254027 DZ – REPLACEMENT CABINET SIGNS

GENERAL INFORMATION

Applicant: George I Hansen
17107 S. Cliff View Drive
ORegon City, OR 97045-7427

Jessica Kosmas,
Ramsay Signs Inc
9160 SE 74th Avenue
Portland, OR 97206-9345

Site Address: 10428 SE STARK STREET

Legal Description: TL 1300 0.82 ACRES, SECTION 03 1S 2E
Tax Account No.: R992032920
State ID No.: 1S2E03BB 01300
Quarter Section: 3141
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429. Mill Park, contact Chris Piekarski at mill.park.pdx.chair@gmail.com
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 Plan District
Other Designations:
Zoning: CXd- Central Commercial with design overlay
Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is proposing to replace the cabinets on the two existing freestanding pylon signs fronting SE Stark Street and SE Washington Street. The replacement cabinets will be very similar to the existing. The existing sign poles are being retained and will be repainted.

Design review is required because the proposal is for a non- exempt exterior alteration of a structure within the central commercial design overlay zone.

Relevant Approval Criteria:

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

- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is about 35,719 square feet in area. It is located at the southwest corner of SE Stark Street and SE 105th Avenue in the Hazelwood neighborhood. The one story building is about 4,648 square feet in area and has large paved parking lots to the east and south. The subject signs are located along the SE Stark and SE Washington Street frontages. Portland's Transportation System Plan (TSP) classifies SE Stark Street and SE Washington as a Major City Traffic Street, Transit Access Street, and City Bikeway.

The surrounding area contains a wide variety of uses such as restaurants, large-format retailers, medical offices, large apartment complexes, single-family houses, retirement homes for the elderly, and institutional uses such as a school, a police precinct, a hospital, parks, and a community recreation center.

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 there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **December 17, 2015**. No comments were required.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 17, 2015. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Arlene Kimura, Land Use Committee Chair, Hazelwood Neighborhood Association, 12/21/2015, submitted a letter of no objection to the proposal.
2. George Hansen, 12/23/2015, submitted a letter recommending approval of 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.

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 applicant is proposing to replace the cabinets on the two existing freestanding pylon signs fronting SE Stark Street and SE Washington Street. The subject signs are appropriately located along the SE Stark and SE Washington Street frontages, which are classified as Major City Traffic Street, Transit Access Street, and City Bikeway. The signs, therefore, help identify the main entrances to the business from the major thoroughfares. The cabinet signs include an aluminum frame; flex face with translucent graphics, and internal LED lighting. The cabinets will be mounted on existing sign poles, which are being retained and repainted. The replacement cabinets will be very similar in size and shape and color to the existing signs, and specifically, will not be as high as the existing signage. There will be negligible change in their appearance, location and orientation. *These criteria are therefore 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 signs employ durable materials, are very similar in size, shape and color to the existing signs, and indicate the entrances to the business from major city streets, contributing to the design coherency of the building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the proposal to replace the cabinets on the two existing freestanding pylon signs fronting SE Stark Street and SE Washington Street. The existing sign poles are being retained and will be repainted. Approved per the approved site plans, Exhibits C-1 through C-7, signed and dated January 28, 2016, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-254027 DZ. No field changes allowed."

Staff Planner: Puja Bhutani

Decision rendered by:  **on (January 28, 2016.)**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 2, 2016

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 October 21, 2015, and was determined to be complete on December 8, 2015.

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 October 21, 2015.

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 February 16, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 97301-1283, 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 **February 17, 2016 – (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.

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:

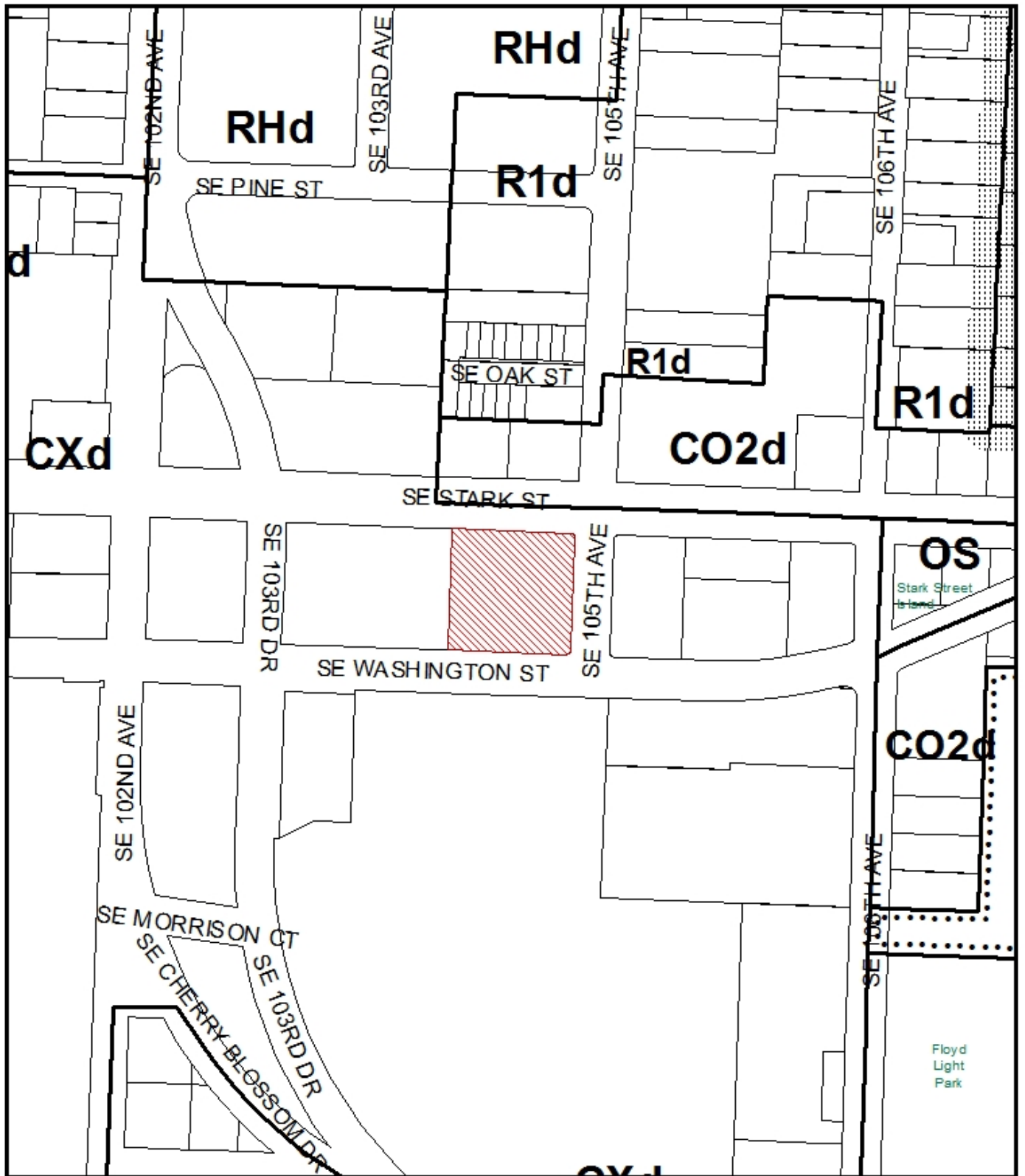
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS


NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Original Narrative
 - 2. Original plan sets before revisions- NOT APPROVED/ reference only.
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Aerial Site Plan
 - 3. Sign A details
 - 4. Sign B details
 - 5. Sign C details (attached)
 - 6. Sign A height
 - 7. Sign B height
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were required.
- F. Correspondence:
 - 1. Arlene Kimura, Land Use Committee Chair, Hazelwood Neighborhood Association, 12/21/2015, submitted a letter of no objection to the proposal.
 - 2. George Hansen, 12/23/2015, submitted a letter recommending approval of the proposal.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter from staff to applicant, sent 11/10/15

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



This site lies within the:
GATEWAY PLAN DISTRICT

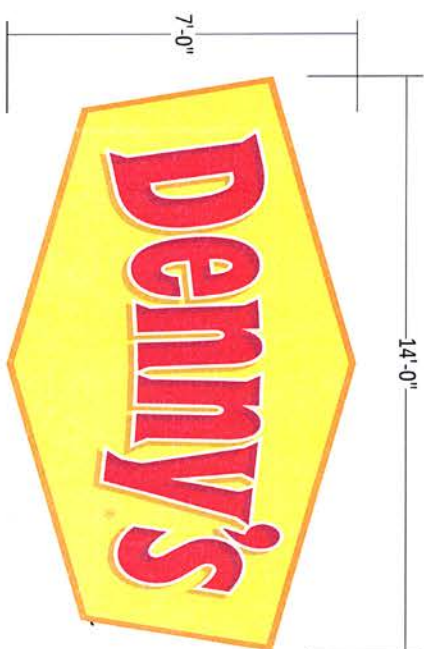
File No.	<u>LU 15-254027 DZ</u>
1/4 Section	<u>3141</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E03BB 1300</u>
Exhibit	<u>B (Oct 26, 2015)</u>

Portland, OR



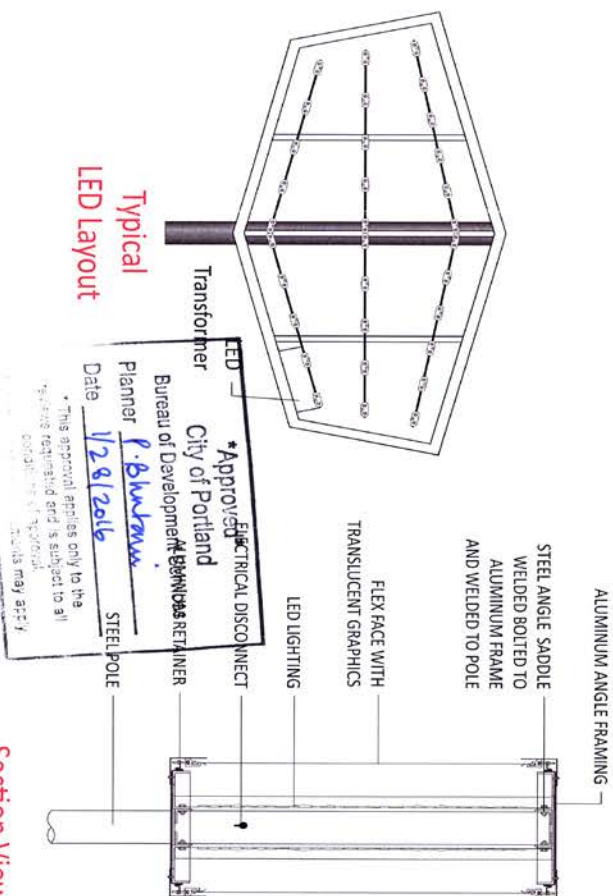
Existing Pylon

SIZE: 8'-7" x 14'-10"



A SCOPE OF WORK FOR SERVICING (1) EXISTING D/F DENNY'S PYLON CABINET

- Remove existing Denny's cabinet.
- Install new 7'-0" x 14'-0" D/F Denny's FDS
- Paint pole SW 2007 Nightscap



Typical LED Layout

Section View

EXHIBIT C3



PROJECT INFORMATION

Client: DENNY'S
 City & State: Portland, OR
 Drawing #: Denny-Portland 9.15.15
 Scale: AS NOTED
 Designer: GP
 Project Manager: DT

REVISIONS

12.2.15 Add detail - IH

CLIENT APPROVAL

APPROVED
 APPROVED AS NOTED
 REVISE & RESUBMIT
 NAME:
 DATE:



FRANCHISE SIGNS INTERNATIONAL

Main Office
 1101 A W. Melinda Lane
 Phoenix, Arizona 85027
 PHONE: 623.792.3061
 FAX: 623.792.3063

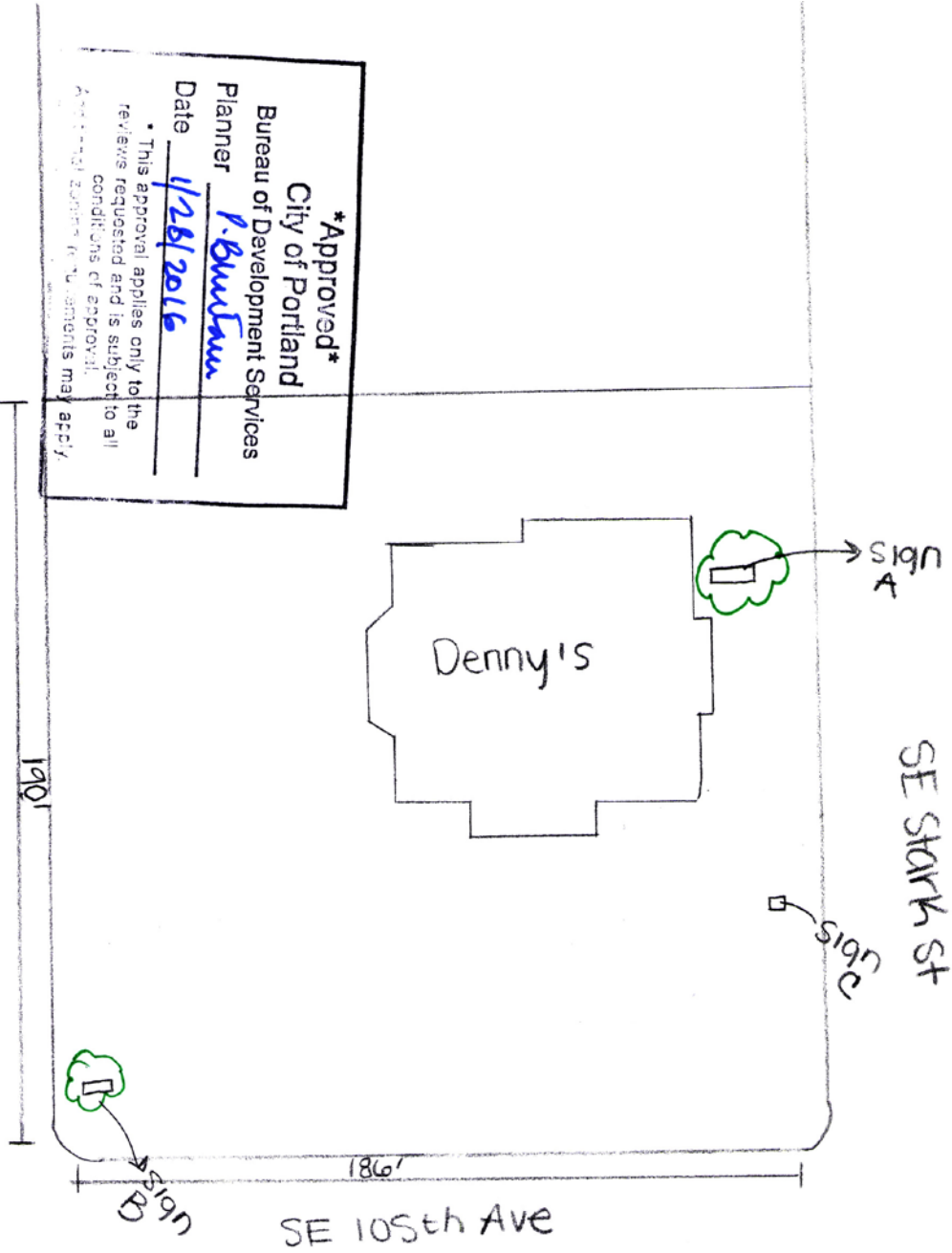
PAGE SIZE: 11x17

Pylon Cabinet

2 of 4

Approved
 City of Portland
 Bureau of Development Services
 Planner P. Burlew
 Date 1/28/2016

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



1/8" = 5.00'

N →

EXHIBIT C1
 LW15-254027DZ