



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

Ted Wheeler, Mayor
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Date: February 6, 2019
To: Interested Person
From: Emily Hays, Land Use Services
503-823-5676 / Emily.Hays@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 18-242396 DZ – NEW SIGNS

GENERAL INFORMATION

Applicant: John Graf | O.C. Signs
402 Beaver Creek Road, Suite 106 | Oregon City, OR 97045
john@ocsigns.net

Owner: FMK Properties-Sandy LLC
PO Box 14746 | Portland, OR 97293-0746

Site Address: **4547 NE Sandy Boulevard**

Legal Description: BLOCK 29 LOT 5-7 LOT 8 EXC PT IN ST E 12' OF LOT 9, ROSE CITY PK

Tax Account No.: R723101760
State ID No.: 1N2E30CB 14700
Quarter Section: 2835

Neighborhood: Grant Park, contact Ken Peterson at gpnalanduse@gmail.com,
Hollywood, contact Doug Hamilton at hamiltonpdx@gmail.com.

Business District: Hollywood Boosters, contact hollywoodboosters@gmail.com.

District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780.

Plan District: Hollywood - Subdistrict B

Other Designations: None

Zoning: **CM1d,m** – Commercial/Mixed-Use 1 with Design Overlay and Main Streets Overlay

Case Type: **DZ** – Design Review

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

Proposal:

The applicant is seeking Design Review approval for two new signs, one on each street facing elevation of an existing building. The signs are identical at 48.9 SF, constructed of dimensional vinyl, and stud mounted with silicone and adhesive to the painted stucco wall. The existing monument sign will remain; the 3/16" lexan will be replaced to reflect the new tenant.

Design Review is required for new signs over 32 SF in the design overlay zone.

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:

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The site is located in Subdistrict B of the Hollywood Plan District. The Hollywood District is a neighborhood known for its architecturally diverse buildings, most notably the Hollywood Theatre, from which the neighborhood gets its name. Immediately north of the project site are distinctive neighborhoods of single family residences; south and west along Sandy Boulevard are predominately low to mid-scale retail and commercial spaces. While new developments and better utilization of land is encouraged, respecting important historical context is vital to ensuring that the character of the district is maintained. The site is bordered by Sandy Boulevard to the south and NE 46th Avenue to the east.

Sandy Blvd is designated an Enhanced Pedestrian Street, a Major City Traffic Street, a Major Transit Priority Street, a City Bikeway, and a Regional Main Street. The site is located within the Hollywood Pedestrian District.

Zoning: The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential uses. The size of commercial uses is limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.

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.

The Centers Main Street "m" overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

The Hollywood Plan District provides for an urban level of mixed-use development including commercial, office, housing, and recreation. Specific objectives of the plan district include strengthening Hollywood's role as a commercial and residential center, and promoting the use of light rail, bus transit, and walking. These regulations: enhance business and economic

vitality; promote housing and mixed-use development; discourage auto-oriented uses and developments and direct the placement of auto-oriented uses and developments away from the area of most intense activity; reinforce the connection between the Hollywood Transit Center and the business core of the Hollywood District; enhance the pedestrian experience; and enhance the character of buildings in the plan district. The site is within Subdistrict B of this plan district.

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 10, 2019**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau, *See Exhibit E-1*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 10, 2019. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Demaris & Tony Martinez, January 14, 2019 wrote with objections to the proposal based on the size of the signs. *See Exhibit F-1*
- Antonio Martinez, January 14, 2019 wrote with objections to the proposal based on the size of the signs. *See Exhibit F-2*

Staff Response: The applicant is not requesting a modification to increase the sign area above the allowances of Title 32. The proposed signs are smaller than both the maximum allowance and the previous tenant’s wall signs. Additional information is contained below in the findings section of this report.

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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland’s urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland’s urban design framework and the users of the city.

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

- P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.
- D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.
- D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.
- D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for P1, D6, D7 & D8: The Hollywood Plan District is characterized by a combination of historic buildings and new development that provide a quality pedestrian environment

Two new signs are proposed, with one on each street facing elevation of the existing auto service building. The signs are identical at 48.9 SF, constructed of dimensional vinyl, and stud mounted with silicone and adhesive to the painted stucco wall. The simple, one-story structure has a substantial painted stucco band above the header height of the service doors on the west facade and the storefront on the south. The signs are vertically centered within this band and indicate person door entrances on each elevation. The signs are compatible with the scale, color, and character of the use housed within the existing building. The new elements add to an eclectic vocabulary of distinctive signs in the area. *These guidelines 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 requirements of Title 11 can be met, and 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 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 proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

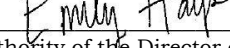
Approval of Design Review for two new signs, one on each street facing elevation of an existing building. The signs are identical at 48.9 SF, constructed of dimensional vinyl, and stud mounted with silicone and adhesive to the painted stucco wall

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated February 1, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 18-242396 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Emily Hays

Decision rendered by:  **on February 1, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 6, 2019

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 September 24, 2018, and was determined to be complete on January 7, 2019.

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 September 24, 2018.

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. Unless further extended by the applicant, **the 120 days will expire on: May 7, 2019.**

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 20, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **February 21, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

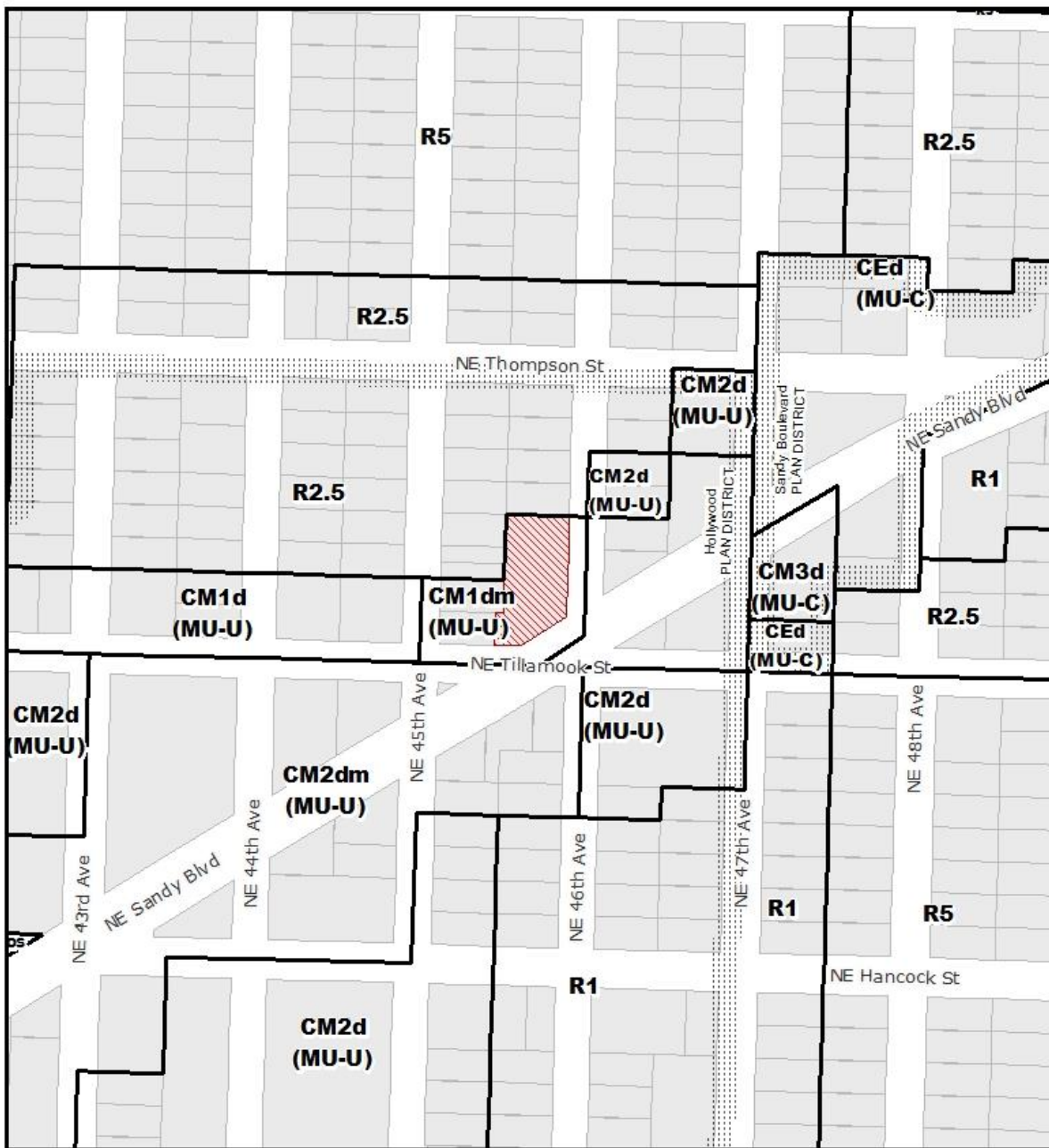
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Proposal & Site Photos
 - 2. Store Branding Guide
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Sign Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
- F. Correspondence:
 - 1. Demaris & Tony Martinez, January 14, 2019, opposition.
 - 2. Antonio Martinez, January 30, 2019, opposition.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Issues to Consider
 - 4. Email Correspondence

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  NORTH

THIS SITE LIES WITHIN THE:
HOLLYWOOD PLAN DISTRICT
SUBDISTRICT B SUBDISTRICT

 Site

File No.	LU 18-242396 DZ
1/4 Section	2835
Scale	1 inch = 200 feet
State ID	1N2E30CB 14700
Exhibit	B Sep 28, 2018



TUBE ART GROUP

Portland Office
4255-A SE International Way
Milwaukie, OR 97222
503.653.1133
800.562.3894
Fax 503.657.9191

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3729
Customer Number
327014
Quote Number
327014 Tire Factory Paint 5x2
File Name

Allen Conant
Salesperson

Tom Maxwell
Drawn By

**

Checked By
September 1, 2015
Date
September 2, 2015
September 10, 2015

Revisions
1. Approved
1.1 Approved With Changes Noted

Customer Signature
Date
Leadcraft Signature
Date

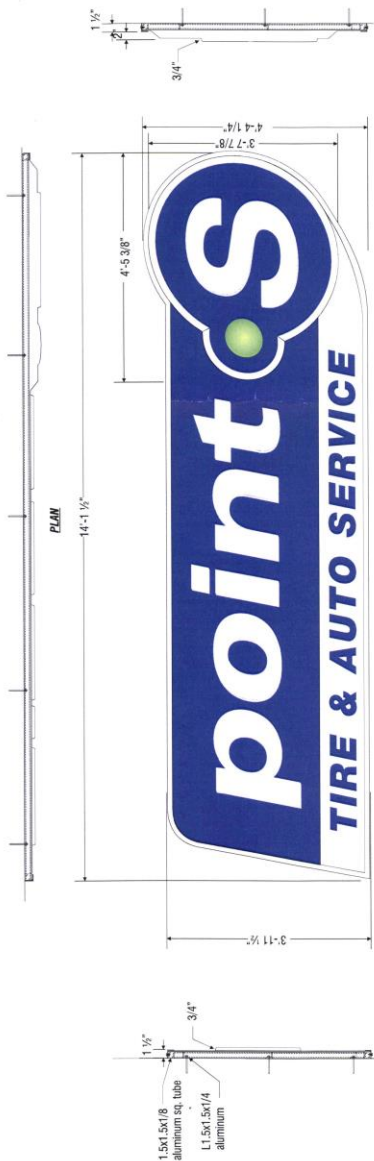


Tire Factory paint S
Vacuum L Locations
Portland, OR

This drawing is intended to provide a reasonable representation of the final appearance of the sign. The manufacturer of the sign is responsible for ensuring that the materials used are of the highest quality and that the sign is installed correctly. Colors on glass may not accurately represent specific colors.

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EXHIBIT C-3



PSNLR14

Manufacture and install one (1) non-illuminated aluminum frame with vacuum formed logo face and retainer

Frame: 1.5x1.5x1/8 aluminum sq. tube, formed to match perimeter shape of sign face, with vertical and horizontal 1.5x1.5x1/4 aluminum members as required. Raw aluminum finish.
Face: Formed and embossed clear polycarbonate formed face, 4 levels, 3630-157 Cobalt Blue vinyl and digitally printed translucent PMS 361C Green vinyl applied second surface.
Retainer: 1.5x1.5x1/8 aluminum retainers, .125 fabricator weld on edge retainers for round cabinet section. Paint Matthews Sain White.
Installation: Attach wall anchors through aluminum horizontals on inside back of frame. Attach retainers with paint matched pan head screws into nutssets in frame.

- PMS 361C Green from 20% to 80%
- Dot PMS Yellow Full Tone 60%
- Digitally printed translucent vinyl, applied second surface in domed area
- 3M 3630-157 Cobalt Blue (PMS 661C) Translucent vinyl
- Matthews White Translucent
- Matthews Paint Sain White Opaque (cabinet/retainers)

* Approved*
City of Portland
Bureau of Development Services
Planner Emma Holly
Date 2/11/17
* This approval applies only to the review packages and is subject to all conditions of approval.
Additional zoning requirements may apply.