



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

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Date: August 1, 2019
To: Interested Person
From: Hannah Bryant, Land Use Services
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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 19-126974 DZ - SIGN IN GATEWAY PEDESTRIAN DISTRICT

GENERAL INFORMATION

Applicant: Chris Brown | Vancouver Sign Group
2600 NE Andresen Rd #50
Vancouver, WA 98661

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

Site Address: **9908-9924 NE HALSEY ST**

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, contact at info@gabanet.com
District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-6694.

Plan District: Gateway
Other Designations: None
Zoning: CXd, Central Commercial with a Design Overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant seeks Design Review for a 41 square foot sign in the Gateway Pedestrian District. The proposed sign is internally illuminated, with a white autoglas sign face and an aluminum

cabinet. It is proposed to replace an existing sign at this store location. Signs in excess of 32 square feet require Design Review in Gateway.

Design Review is required for non-exempt exterior alterations in Gateway.

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 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 offramp for I-84, which connects to NE 99th and NE Halsey. NE Halsey is a Transit Access Street. In addition, NE Halsey is a Major City Traffic Street, and a Major City Bikeway and NE 99th is a City Bikeway. 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 site is located within 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.

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside;

and provide opportunities for more intense mixed-use development around the light rail stations.

Land Use History: City records indicate there are prior land use reviews for this site. Below is a list of relevant Land Use reviews for this site:

- 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 – Design Review approval to replace a 123.5 square foot internally illuminated sign with a 99.9 square foot internally illuminated, individual channel-letter sign.
- LU 13-187319 DZ – Design Review approval for a new 60 square foot, internally illuminated, channel letter sign to replace a sign of comparable size, construction and location.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 12, 2019**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 12, 2019. 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.

A Pedestrian Emphasis

A1. Strengthen Relationships Between Buildings and the Street. Integrate building setback areas with adjacent streets.

Findings for A1: While the location of this storefront is not adjacent to the right-of-way, the inclusion of this site within the Gateway Pedestrian District, and the introduction of the Gateway Design Guidelines in this area, are indicative of the neighborhood's desire to move toward a more human-scaled, pedestrian-oriented development pattern. The introduction of the Gateway Regional Center Design Guidelines states, "Gateway's transition from its current suburban form to an active, urban, pedestrian-oriented environment will not happen overnight. The design guidelines in this document are intended to work together, in conjunction with other tools, to help shape new sites and buildings as they redevelop one proposal at a time."

Further, Portland's Title 32 Sign Code specifically states that when the posted speed of adjacent roads is 35 mph or less, signage is only expected to be visible for 200 feet. This site has a freestanding sign with individual tenant signs at the entrance to the site on NE Halsey. Therefore, with adjacent street speeds of 20 and 25mph, and a freestanding sign on NE Halsey, large signage over the tenant entrance is not necessary to meet the visibility standards of Title 32.

Previous Design Reviews have approved signs larger than the one proposed in this application, however, the previous approvals have been for proposals that reduced the size from the sign they replaced. This is consistent with the purpose of the Gateway Design Guidelines in helping to create a more urban, pedestrian-oriented environment one proposal at a time. *Therefore, with Condition of Approval C, that the proposed sign shall be a maximum of 32 square feet to respond to the pedestrian scale of this Pedestrian District site and to strengthen the relationship between the buildings and the street, this guideline is met.*

B Development Design

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

Findings for B1: This guideline directs the applicant to employ a palette of materials to convey a high level of craftsmanship and attention to detail, and to make design decisions involving the building's exterior that increase the building's 'visual texture.' The goal of this sign proposal is to replicate and replace an existing flat panel, internally-illuminated sign at a larger scale. The flat signage does not demonstrate craftsmanship or visually interesting detailing to contribute to the building's visual texture. *Therefore, with the Condition of Approval C, that the proposed sign shall be a maximum of 32 square feet, to limit the impact of a sign that lacks visual detailing, this guideline is met.*

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

Findings for B2: The sign is proposed to be mounted to the existing horizontal frame structure that is integrated into the building's architecture as an intended location for signage. The existing sign spans from the top to the bottom rail of the integrated sign structure. The proposed sign hangs below the bottom rail and does not relate to the horizontal or vertical structure of the existing frame. *Therefore, with Condition of Approval C, that the proposed sign shall be a maximum of 32 square feet to integrate the sign size within the intended sign area demarcated by the red horizontal datum lines, this guideline is not met.*

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

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 for B3 and B5: The sign is proposed to be mounted to an existing horizontal frame structure that is integrated into the building's architecture as an intended location for signage. Replacing signs at this location does not reduce the coherency of the building's design. Because the exterior structure is clearly intended as a sign location, a sign at this location is integrated with the building's architecture. *Therefore, these guidelines are 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. It was introduced in this location to transition the development pattern away from its historic suburban, auto-oriented typology toward an active, urban, pedestrian-oriented environment. Recognizing that this change may take many years, each review should move the development

pattern closer toward those goals. The proposal to enlarge an existing sign indicates an auto-oriented response and did not introduce rich detailing or craftsmanship to contribute to the pedestrian realm. The Condition of Approval ensures that the scale of the sign remains proportional to the pedestrian scale and the level of craft and detailing proposed by the applicant. With the Condition of Approval, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new internally illuminated sign, per the approved site plans, Exhibits C-1 through C-5, signed and dated July 30, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 19-126974 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. The proposed sign shall be a maximum of 32 square feet.
- D. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  on July 29, 2019
By authority of the Director of the Bureau of Development Services

Decision mailed: August 1, 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 March 1, 2019 and was determined to be complete on June 5, 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 March 1, 2019.

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: October 3, 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 August 15, 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 **August 16, 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.

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:

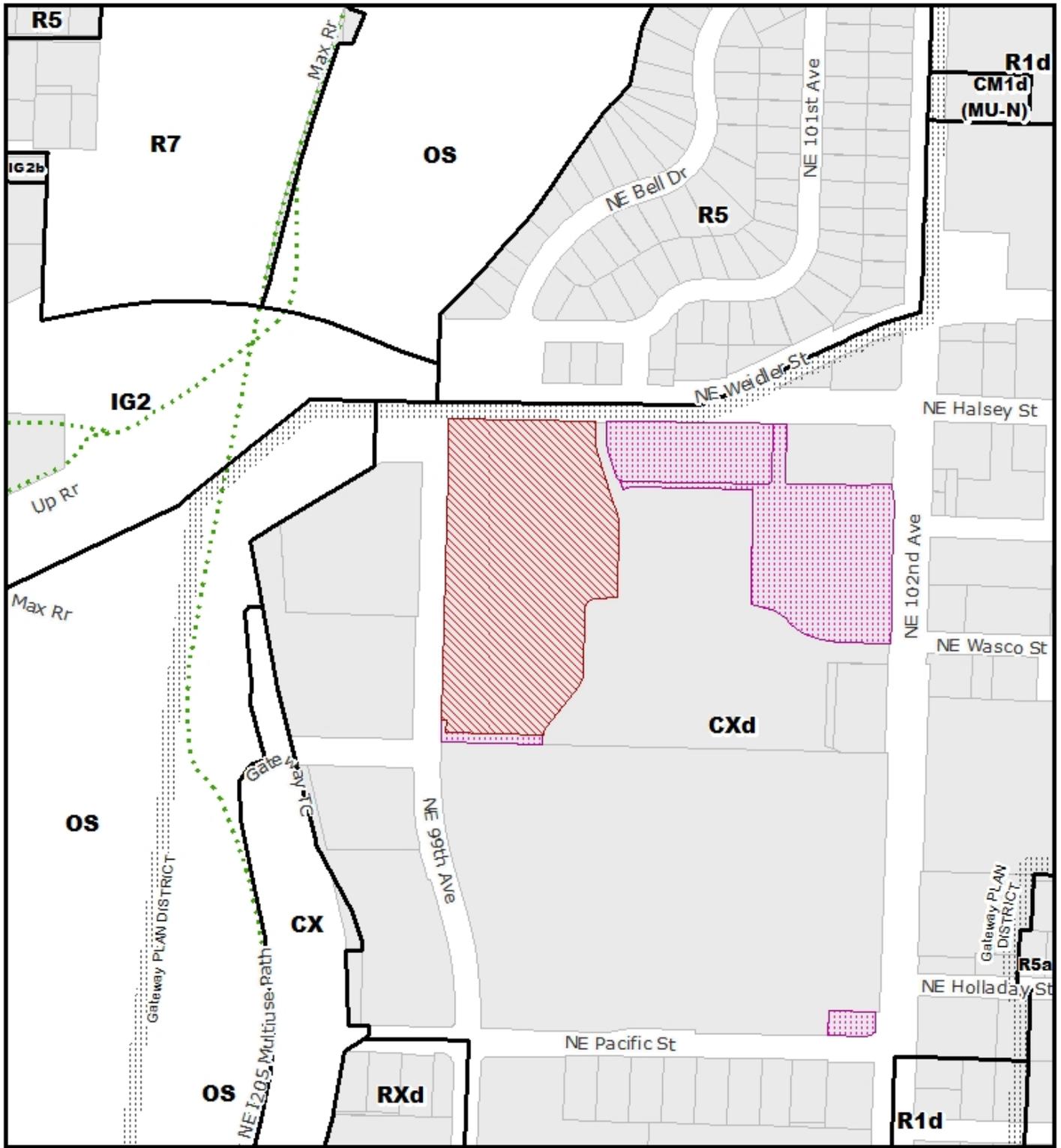
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Response to Guidelines
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Sign Details
 - 3. Storefront Elevation
 - 4. Sign Survey Photos
 - 5. Sign Survey Plan
- 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 dated March 15, 2019

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



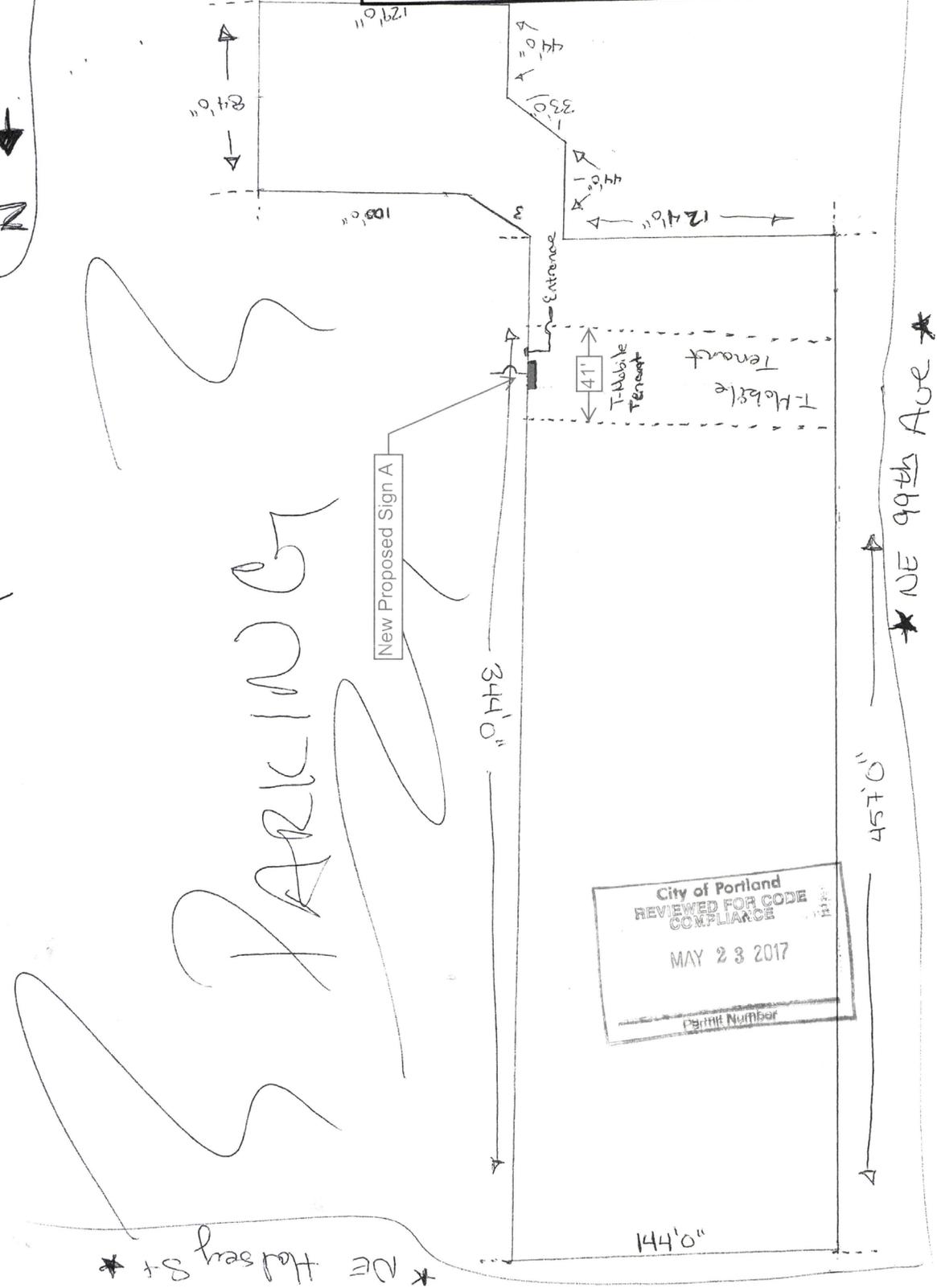
THIS SITE LIES WITHIN THE:
GATEWAY PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Recreational Trails

File No.	LU 19-126974 DZ
1/4 Section	2940
Scale	1 inch = 300 feet
State ID	1N2E33AA 1000
Exhibit	B Mar 06, 2019

Site Map

Scale = 8 1/2" = 100'0"



City of Portland
 REVIEWED FOR CODE
 COMPLIANCE
 MAY 23 2017
 Permit Number

Approved
 City of Portland - Bureau of Development Services
 Planner: *[Signature]*
 Date: 7.29.17
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

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