



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

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Date: March 24, 2022
To: Interested Person
From: David Besley, 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 21-111682 AD

GENERAL INFORMATION

Applicants: Steve Woodrum, Advanced Electric Signs
1550 Down River Drive
Woodland WA 98674
Phone: 360.225.6826
Email: woody@advancedelectricsign.com

Edge Management
2233 NW 23rd Ave #100
Portland, OR 97210-2334

Owner: Prime 205 LLC
2233 NW 23rd Ave #100
Portland, OR 97210-2334

Site Address: 1010 SE 96TH AVE

Legal Description: LOT 2, PARTITION PLAT 2007-104
Tax Account No.: R649874140
State ID No.: 1S2E04A 01603
Quarter Section: 3140

Neighborhood: Hazelwood, contact Arlene Kimura at arlene.kimura@gmail.com
Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com
District Coalition: East Portland Community Office, contact at info@eastportland.org

Plan District: Gateway

Zoning: CXd (Central Commercial with a Design Overlay Zone)

Case Type: AD (Adjustment Review)

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

Proposal:

T-Mobile is proposing to replace two existing illuminated fascia signs (30 square feet each) on the west and north facades of the building to reflect new branding. The primary building wall for this tenant space is 28.6 feet; therefore, the guaranteed signage allowed is 32 square feet (Section 32.32.020, Table 2). The replacement illuminated signs are proposed to be 30.4 square feet each. This would result in a total sign area of 60.8 square feet, which is over the signage allotment by 28.8 square feet. An Adjustment is therefore requested to increase the sign allowance from 32 square feet to 60.8 square feet.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 32. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria 1.a. through 1.d. of Section 32.38.030.C, Adjustment Criteria, have been met.

ANALYSIS

Site and Vicinity: The subject property is located within Mall 205, which is anchored by a Target approximately 100 feet to the east. This shopping mall “pad” building is surrounded by parking areas in all directions. Access to the site is provided by two driveways along SE 96th Avenue. The property consists of a 15,550 sq.ft. multi-tenant retail building (not including basement area). Approximately 800 sq.ft. at the northwest corner of the building is the subject tenant space, T-Mobile, which has a pedestrian entrance at the north façade.

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 Design overlay zone is applied to this zone. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

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.

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:

LU 05-174348 DZ: previous auto repair shop received design review approval to convert he auto shop into a multi-tenant retail building with associated parking and plaza space

LU 11-119012 DZ: Design Review approval for exterior alterations to a commercial building at Mall 205 in the Gateway Plan District for a new credit union branch to include the following:

- Removal of six exterior doors, three on the west and three on the east elevation;
- Removal of two sections of storefront, one on the west and one on the east elevation;
- Installation of three glazed entry doors, two on the west and one on the east elevation;
- Installation of eight glazed storefront and spandrel panel sections, three on the west and five on the east elevation;
- Storefront mullions match the existing system in material, color, and dimensions;
- One new 2-bicycle rack to match existing rack;
- ATM and Night Deposit with spandrel glazing; and
- Three exhaust fans and one condensing unit on the roof, painted to match existing rooftop equipment.

LU 11-134768 DZ: Approval of design review for a new sign at the Unitus Community Credit Union at Mall 205 in the Gateway Plan District to include the following:

- 81 square feet total sign area;
- Located below the curved eave entry overhang; and
- Individually-mounted, internally illuminated 5” deep acrylic letters and logo elements.

With the condition that the maximum height for any single sign letter is 30”

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 21, 2022**. The following Bureaus have responded as follows:

- The Life Safety Review Section of the Bureau of Development Services (BDS) responded with no concerns regarding the Adjustment review, and noted that a separate Sign Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances (Exhibit E.1).

The following Bureaus have responded with no concerns (Exhibit E.2):

- The Site Development Review Section of BDS; and
- The Fire Bureau.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

The Title 32 Sign Code Adjustments are subject to the approval criteria from Sign Code Section 32.38.030.C.1.

SIGN CODE ADJUSTMENTS

Title 32.38.030.C Adjustment Approval Criteria

- A. 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.
- B. Procedures.** The Adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign Adjustments. However, the approval criteria of this section are used, rather than of those of Chapter 33.805 of the Zoning Code.
- C. Approval criteria.** Sign Adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or C.2, below are met.

1. Area enhancement. The applicant must meet criteria C.1.a. and 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 applicant has requested an Adjustment to the Sign Code standard, to increase the sign allowance from 32 square feet to 60.8 sq.ft. to replace two existing illuminated fascia signs (30 sq.ft. each; 60 sq.ft. total) on the west and north facades of the building to reflect new branding.

The adjacent properties are commercially zoned and include “big box” and multiple-tenant retail buildings, are primarily accessible via SE 96th Street, and have wall-mounted signs. The proposed west and north-facing wall-mounted signs will be relatively low profile and discreet compared to the numerous commercial signs in the area, which are commonly larger in order to be visible to fast-moving vehicle traffic from Hwy 205 to the west and SE Washington Street to the north. It is common for corner buildings of strip malls to have signs on each façade; this includes the southernmost tenant within the same building (Mall 205), which has a wall-mounted sign on the west, south, and east facades. Furthermore, no additional signs are proposed and each replacement sign will only be .4 square feet larger than the existing sign it is replacing. The proposed signs will not adversely dominate the visual image of the area; therefore, this criterion is met.

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

Findings: The proposed signs will be located over 70 feet from the closest public street (SE 96th Avenue). In addition, the proposed signs will be replacing existing signs, in the same location, and approximately the same size. The proposal will not create a traffic or safety hazard; therefore, 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 for d: The commercial development in this area is characterized by large scale retail uses, surface parking lots, and both freestanding and wall-mounted signs. The proposed size, location, and total number of signs is compatible with the existing development; therefore, this criterion is met. (Since C.1.d is found to be met, C.1.c does not need to be addressed.)

2. Site difficulties.

Findings: The applicant is pursuing the Sign Adjustment criterion identified under Paragraph C.1 versus C.2. Therefore, this criterion does not apply.

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 sign permit must demonstrate that all development standards of Title 32 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a sign permit.

CONCLUSIONS

T-Mobile is requesting an Adjustment to increase the sign allowance from 32 square feet to 60.8 square feet to replace two existing illuminated fascia signs (30 square feet each) on the west and north facades of the building to reflect new branding. The adjacent properties are commercially zoned and include “big box” and multiple-tenant retail buildings, are primarily accessible via SE 96th Street, and have wall-mounted signs. The proposed west and north-facing wall-mounted signs will be relatively low profile and discreet compared to the numerous commercial signs in the area. It is common for corner buildings of strip malls to have signs on each façade, including the southern tenant of the same building. The proposed signs will not adversely dominate the visual image of the area. The proposed signs will be replacing existing signs, in the same location, and approximately the same size. The proposal will not create a traffic or safety hazard. The proposal meets the applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the sign allowance from 32 square feet to 60.8 square feet (Section 32.32.020), per the approved plans, Exhibits C-1 through C-2, signed and dated March 17, 2022, subject to the following condition:

- A. As part of the sign permit application submittal, each of the 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 21-111682 AD. No field changes allowed."

Staff Planner: David Besley



Decision rendered by: _____ **on March 17, 2022.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 24, 2022

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 December 3, 2021, and was determined to be complete on January 19, 2022.

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 December 3, 2021.

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 19, 2022.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at https://www.portland.gov/sites/default/files/2020/lu_type2_2x_appeal_form_071116.pdf. Appeals must be received **by 4:30 PM on April 7, 2022. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 **April 7, 2022** 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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation/Sign Detail Drawings (attached)
 - 3. Elevation – Existing signage
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
 - 2. Bureaus responding with “no concerns” (Fire Bureau and Site Development Review Section of BDS)
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application and Receipt
 - 2. Incomplete letter from staff to applicant, sent December 29, 2021

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).