



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

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Date: 9/8/2022
To: Interested Person
From: Tanya Paglia, Land Use Services
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NOTICE OF A TYPE I 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 22-145031 DZM – ILLUMINATED WALL SIGNS

GENERAL INFORMATION

Applicants: Chris Slovick and Darin Hauer | Ramsay Signs Inc
9160 SE 74th Avenue | Portland OR 97206
cslovick@ramsaysigns.com

Owner: Arcadia LLC
7235 SW Stephen Ln | Portland, OR 97225

Site Address: 10228 NE HALSEY ST
Tax Account No.: R673900010
State ID No.: 1N2E34BB 02300
Quarter Section: 2941

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 design overlay
Case Type: DZM, Design Review with Modification
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

Design Review approval is requested for two new illuminated wall signs on a building located in the Gateway Plan District: a “cleanme” corner wall sign at the corner of NE Halsey and NE 102nd Avenue, replacing the “Zips dry cleaning” signage that will be 84.23 SF and a “cleanme” wall sign on the north elevation facing NE Halsey that will be 84.23 SF. The

proposed signs are 5” deep aluminum black channel letters with white acrylic faces and internal LED illumination mounted flush to the surface of the building façade.

Modification requests [PZC 33.825.040]:

1. Increase the Size Allocation of the Sign Code *Standards in the Commercial/Mixed Use, Campus Institution 2, Employment, and Industrial Zones* above the 1-1/2 SF of signage allowed per 1’ of primary building wall such that the Cleanme cleaner tenant allocation increases from the allowed 120 SF of sign area to the 185.12 SF proposed and the combined site signage increases to a total of 245.20 SF when the Sprint business’ 60.08 SF of signage is included (Portland Sign Code 32.32.020).

Because the proposal is for signage greater than 32 SF in a design overlay zone, Design Review is required.

Note: An existing wall sign on the north elevation will be refaced when the other sign work takes place, but will not undergo design review as it is 16.66 SF which is exempt from Design Review (per 33.420.045 *Items Exempt From Design Review and Design Standards; B.6, signs with a sign face area of 32 SF or less*)

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
- 33.825.040 Modifications that will better meet Design Review Requirements

ANALYSIS

Site and Vicinity: The existing auto-oriented building is a single-story, multi-tenant retail building that fronts extensive surface parking areas. It is located in the Gateway Pedestrian District. Surrounding development is similar large, single-story retail buildings surrounded by surface parking.

The Hazelwood Neighborhood is among the largest neighborhoods in Portland, and the third most populated. It includes most of the Gateway Urban Renewal Area, the Mall 205 Shopping Center and the Gateway Transit Center. While traditionally auto-oriented, the Mall 205 area is beginning to experience redevelopment, with recent proposals including housing and office space.

NE 102nd Avenue is Major Emergency Response Street, a Major Truck Street, a Local Service Walkway, a Neighborhood Main Street, a Major Transit Priority Street, a Major City Bikeway, and has a Greenscape Overlay. NE Halsey Street is a Major Emergency Response Street, a Major Truck Street, a Local Service Walkway, a Neighborhood Main Street, a Transit Access Street, a City Bikeway, and has a Greenscape Overlay.

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 ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city’s evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and

- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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 that prior land use reviews include the following:

- LU 19-230587 DZ – Design Review approval for a new sign at the corner of NE Halsey and NE 102nd Ave.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **July 8, 2022**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **July 8, 2022**. 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 implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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.

A2. Enhance Visual and Physical Connections. Enhance visual and physical connections between buildings and adjacent sidewalks. Orient semi-public building spaces to the sidewalk and street.

B Development Design

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

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 A1, A2, B1, B3, and B5: The two illuminated wall signs proposed for a single-story building located in the Gateway Plan District are simple and respect the building's architecture. They will be congruous additions to this commercial building sitting at the intersection of NE Halsey and NE 102nd Ave. The proposed signs are appropriate for the scale of the building and are well integrated with its design.

The subject building has three clearly defined sign locations. These are distinctive architectural features designed as gable-end elements, located at the top of the building where they maximize visibility. The on-center placement of the signs within these architectural features respects the overall coherency of the building. The channel letters and logo that make up each of the signs are sized to leave generous blank space around them. Thus, so they don't feel crowded within the gable-ends. At the same time, they are not sized so small that the gable ends will feel over-sized and empty. The signs are thus proportionately appropriate within the gable-ends. The design will allow the architectural features to read clearly around the signs. Their proposed materials and structure will maintain the quality and permanence found in the building. The flush-mounted signage, with the electrical raceway remotely located behind the gable wall, is particularly helpful in integrating the sign on the building façade, and not set off the face of the building were a face-mounted raceway provided.

The relatively large size of the signs is appropriate for the building's location in a commercial area at the intersection of two wide, busy roads. A corner wall sign at the chamfered corner of the building facing NE Halsey and NE 102nd Ave will contribute towards the immediate environment of a large, very busy, car-centric intersection

replacing an existing sign in the same location. A wall sign on the north elevation facing NE Halsey will replace another existing sign that is very hard to see from both a pedestrian and vehicle standpoint due to a large street tree. A larger sign along Halsey will draw more attention to the dry-cleaning business' Halsey entrance and the larger sign at the corner will make it more visible from the intersection for traffic heading South on 102nd Ave.

Despite the fairly large size of the signs' overall dimensions, the lettering and logo of the signs are more modest than what appears to be the case when the signs' measurements include the blank space around the letters and logo. *While the sign height overall is measured as 7'-1 ½", the height of the lettering within the sign is significantly smaller at 1'-2" and 1'-11" and the logo is 3'-6 ½". The letters and logo are thus surrounded by a good amount of white space, creating a sign that does not read as large as its overall dimensions would suggest because the actual messaging does not occupy the full 7'-1 ½" height and 11'-10" width.*

Overall, the signs will not produce a negative effect on the pedestrian environment and will add visual interest to the building, both day and night. In adding wayfinding and visual interest for people on foot, the new signs will enhance the pedestrian-oriented character of the building, making it a more visible "landmark" to the pedestrian as well as being visible to street traffic on the wide adjacent roads.

With the following Conditions of Approval, these guidelines are met:

- *There shall be no exposed conduit; and*
- *The height of the lettering within the sign shall not exceed 1'-11" in and the height of the logo shall not exceed 3'-6 ½".*

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

Modification #1: Increase the Size Allocation of the Sign Code Standards in the Commercial/Mixed Use, Campus Institution 2, Employment, and Industrial Zones above the 1-1/2 SF of signage allowed per 1' of primary building wall such that the Cleanme cleaner tenant allocation increases from the allowed 120 SF of sign area to the 185.12 SF proposed and the combined site signage increases to a total of 245.20 SF when the Sprint business' 60.08 SF of signage is included (Portland Sign Code 32.32.020).

Purpose Statement. The regulations contained in Chapters 32.30 through 32.38 are land use regulations which work in combination with Title 33, Planning and Zoning, to implement Portland's Comprehensive Plan. The standards contained in Chapters 32.32 through 32.34 encourage signs to be compatible with the distinct character of specific

areas of the city by regulating the size, placement, and features of signs by base zone, overlay zone, and plan district.

Standard: 32.32.020, for signs attached to buildings, the maximum size allocation for a building located in the CX zone is 1-1/2 sq. ft. per 1 ft. of primary bldg. wall if there is no freestanding sign on the same street frontage.

- A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*
- C. Mitigation of impacts.** *Any impacts resulting from the modifications are mitigated to the extent practical.*

Findings for Modification #1: The increase in sign area will not negatively impact the property or its surrounding neighborhood. The Modification request to the size allocation standard in the Sign Code will allow the dry-cleaner's tenant allocation for the building to increase to an amount that will allow the two new proposed signs while also allowing other tenant signage on the building to remain. The Modification allows an increase in size allocation above the 1-1/2 SF of signage per 1' of primary building wall allowed, which will provide a larger signage allowance for the site to accommodate the two new signs.

On balance, the requested modification meets the purpose of the standard in allowing legible signs which promote successful sign communication that are compatible with the character of the area where the building is located. The adjacent roads are busy, auto-intensive streets where larger scale signage is appropriate and fits with the immediate commercial context of the area. A number of buildings in the immediate area have similarly scaled illuminated signs. The proposed signs are designed to complement the building so as not to detract from the pedestrian environment. The Modification allows them to be scaled appropriately for the scale of the architectural features of the building within which they are located. The increase above the standard being modified will allow for adequate advertising in this busy commercial zone without visually dominating the area. Overall, the proposed work will not visually detract from the aesthetic of the neighborhood.

In the context of the neighborhood and the building's architecture, the proposal better meets the design review approval criteria than would signage that stayed within the allowed limits. The scale and proportion of the signs are in keeping with the size of the building and its architectural features. Smaller signage would be less proportional with the scale of the gable-end architectural features of the building and would thus be less cohesive. The signage is well-proportioned and well-located on the building. The signs will add to local identity of the area by making the building a recognizable wayfinding landmark that highlights the intersection. Overall, the additions will complement the building's architecture and increase its visibility to pedestrians. The proposed design will allow the predominant architectural feature of the building, the modern-style gable expression above the storefront, to be respected, while still clearly identifying the tenant with the new signage. The proposal thus meets the following applicable Gateway Regional Center Design Guidelines better than compliance with the provisions of Title 32 Sign Code would: A2. Enhance Visual and Physical Connections, B3. Design for Coherency, B5. Integrate Roofs, Rooftop Lighting, and Signs.

Therefore this Modification merits approval.

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 proposed signs are designed to be well integrated with the building as well as the neighborhood. The addition of signs identifying the building occupant will strengthen the relationship of the building with the neighborhood and enhance the visual interest of the streetscape while bringing a greater sense of identity to the area. The proposed signs do not produce a negative effect to the pedestrian environment in the adjacent sidewalk rights-of-way and adds visual interest to the building, both day and night. The design review process implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two new illuminated wall signs on a building located in the Gateway Plan District.

Approval of the following Modification requests:

1. Increase the Size Allocation of the Sign Code *Standards in the Commercial/Mixed Use, Campus Institution 2, Employment, and Industrial Zones* above the 1-1/2 SF of signage allowed per 1' of primary building wall such that the Cleanme cleaner tenant allocation increases from the allowed 120 SF of sign area to the 185.12 SF proposed and the combined site signage increases to a total of 245.20 SF when the Sprint business' 60.08 SF of signage is included (Portland Sign Code 32.32.020).

Approvals per Exhibits C-1 through C-3, signed and dated 9/2/2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the four 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 22-145031 DZM." 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.
- D. There shall be no exposed conduit.
- E. The height of the lettering within the sign shall not exceed 1'-11" in and the height of the logo shall not exceed 3-6 1/2".

Staff Planner: Tanya Paglia



Decision rendered by: _____ **on 9/2/2022**

By authority of the Director of the Bureau of Development Services

Decision mailed: 9/8/2022

Procedural Information. The application for this land use review was submitted on May 20, 2022, and was determined to be complete on July 5, 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 May 20, 2022.

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: 11/2/2022.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

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 **9/8/2022** 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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's original project narrative
 - 2. Original plan set – NOT APPROVED/reference only
 - 3. Applicant's revised project narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North (Halsey) Elevation, Sign Elevation, and Section (attached)
 - 3. Chamfered Corner Elevation, Sign Elevation, and Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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).