



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

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 10, 2012  
**To:** Interested Person  
**From:** Sheila Frugoli, Land Use Services  
503-823-7817 / [Sheila.Frugoli@portlandoregon.gov](mailto:Sheila.Frugoli@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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 12-117686 AD**

#### **GENERAL INFORMATION**

**Applicant:** Terry Brown  
Ramsay Sign Co  
9160 SE 74th Ave  
Portland OR 97206

**Owner:** Concept Real Estate-Two LLC  
829 SE 9th Ave #201  
Portland, OR 97214-2260

**Site Address:** 14701 SE DIVISION ST

**Legal Description:** TL 5600 0.58 ACRES, SECTION 01 1S 2E  
**Tax Account No.:** R992011430  
**State ID No.:** 1S2E01CD 05600  
**Quarter Section:** 3345

**Neighborhood:** Centennial, contact Louise Cody at 503-252-4302.  
**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.  
Midway, contact Bill Dayton at 503-252-2017.

**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Plan District:** None  
**Zoning:** CG, General Commerical

**Case Type:** AD, Sign Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:** The applicant is requesting a Sign Adjustment to increase the allowed total sign area from 54.8 square feet to 139 square feet. The signs are proposed on the new Key Bank

branch bank at SE 148<sup>th</sup> and SE Division. The bank will have a freestanding monument sign near the driveway off SE 148<sup>th</sup> Avenue and wall signs on the south, east and west sides of the building. See the enclosed site plan and exterior elevations.

*Note: The notice that was mailed on March 15, 2012 stated the proposed total sign area is 132.59. The application did not initially include the 3 small signs that will be located on the north side of the building, over the drive-through lanes. With the additional 3 signs, the request is to allow 138.59 square feet of total wall sign area.*

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 32. The relevant criteria are 32.38.030, Sign Adjustment Review.

**ANALYSIS**

**Site and Vicinity:** The site is an 'L' shaped parcel, approximately 42,600 square feet in area. The site abuts commercial uses on the west and east sides of the property. A large full service grocery store is located south of the site, across SE Division Street. To the north, the area is developed with single dwelling residences.

**Zoning:** The site is zoned CG, General Commercial. The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market.

**Land Use History:** City records indicate there are prior land use reviews for this site:

- LU 06-127744 CU: A wireless telecommunications facility was approved at the site.
- LU 11-147500 AD: An Adjustment to: (1) exceed the maximum number of parking spaces allowed, from 19 to 26 spaces, (2) exceed the 10-foot maximum Transit Street setback required for structures located along transit streets, (3) allow 55 percent of the Transit Street frontage to be used for vehicle area; [33.266.130.C.3] and (4) waive the requirement for a designated and direct pedestrian connection between the main entrance of the bank building and SE 148<sup>th</sup> Avenue. All 4 Adjustments were approved for the proposed new branch bank.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 15, 2012**. The following Bureaus have responded with no issues or concerns:

- Portland Bureau of Transportation
- Bureau of Parks – City Forestry
- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 15, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.38.030.A Adjustment Review - 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.

### 32.38.030.C Adjustment Review

Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1., below are met.

1. Area enhancement. The applicant must meet criteria C.1.a & 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:** As noted in the proposal description, the applicant wishes to install wall signs on a new branch bank with drive-through teller windows and an ATM. The building permits for the new building are currently under review. The proposed wall signs, combined, will be approximately 139 square feet in area. This area is larger than the allowed 54.8 square feet, which is based upon the length of building wall that faces the street (SE Division Street). The proposed sign attached to the south wall which faces SE Division will be less than 42 square feet in area. The site will have a 75 square foot freestanding sign mounted on a 13 foot tall pole at the western edge of the site. The freestanding sign is allowed in addition to the wall signs. These two signs, and two small directional signs, that will be oriented to SE Division will not significantly increase or lead to street-level sign clutter or dominate the visual image of the area.

The subject property is not within a design district or plan district. The properties at the commercial node on SE Division, approximately between 143<sup>rd</sup> and 148<sup>th</sup> Avenues, are comprised of a variety of commercial businesses. There are a variety of signs that follow the diverse development pattern and architecture. The proposed wall signs will not dominate the visual image of the area.

For the reasons stated above, this approval criterion is met.

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

**Findings:** The proposed wall signs will be illuminated with low-level LED lighting. Each, respectively, will be modest in size. Their visibility from SE Division will not cause traffic or other safety hazards. 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:** The adjustment will result in signage that is consistent with the building's architecture, as required by Criterion d above. The building will have wall articulation and varied height. The building will have storefront-like windows and awnings on the east and south sides of the building. The signs on the west and north sides will match the signs on the other two sides. The proposed wall signs are in scale with the awning and respective facades. The signs do not dominate the facades and their low profile

design style compliments the architecture of the building. Therefore, this criterion is met.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed signs will not adversely impact the character of the area and will not create visual clutter at this Division Street commercial node. The street facing signs are relatively small and will fit the architecture of the building. Because the applicant has demonstrated that the approval criteria have been met, the Adjustment should be approved.

## ADMINISTRATIVE DECISION

Approval of a sign Adjustment to increase the allowed sign area from 54.8 square feet to 139 square feet for the installation of multiple wall signs, none larger than 42 square feet, on the building, per the approved plans, Exhibits C.1 through C.5, signed and dated April 6, 2012, subject to the following condition:

- A. As part of the sign permit application submittal, each of the required plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-117686 AD."

**Staff Planner: Sheila Frugoli**

**Decision rendered by:**  **on April 6, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 10, 2012**

**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 2, 2012, and was determined to be complete on **March 15, 2012**.

*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 2, 2012.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 24, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://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 Adjustment Committee 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 25, 2012 (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Proposed Site Plan (attached)
  - 2. Proposed Front (South) Elevation (attached)
  - 3. Proposed Right Side (East) Elevation (attached)
  - 4. Proposed Left Side (West) Elevation (attached)
  - 5. Proposed Rear (North) Elevation (attached)
  - 6. Proposed Freestanding Monument Sign and Details
  - 7. Proposed Directional Signs
  - 8. Proposed Freestanding Pole Sign and Details

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

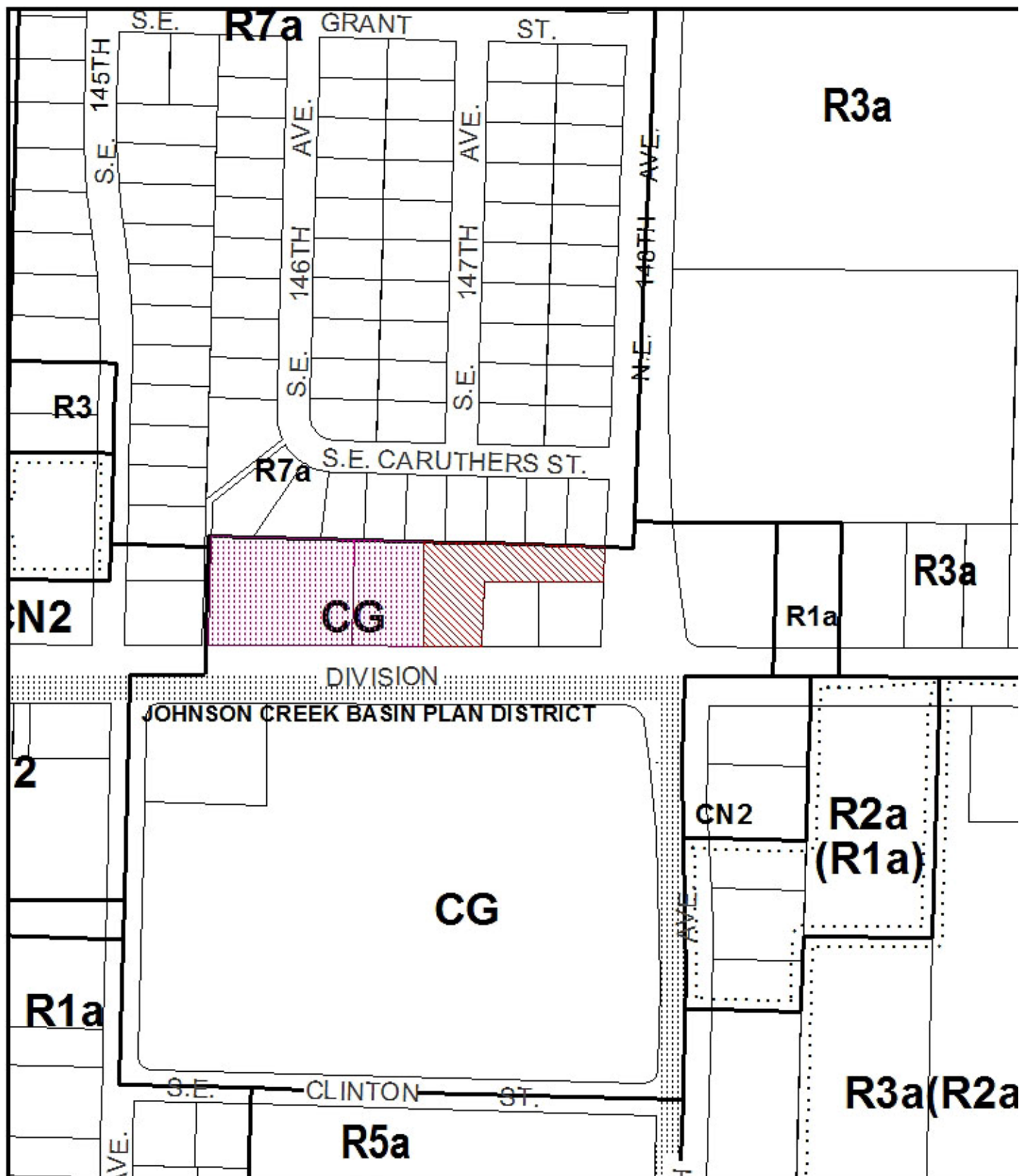
1. Water Bureau – No Concerns
2. TRACS Print-out: Bureau Response of “No Concern” from Fire Bureau, PBOT, BES, Site Development Review Section of BDS and Bureau of Parks, Forestry Division

F. Correspondence: NONE

G. Other:

1. Original LU Application
2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

- Site
- Also Owned



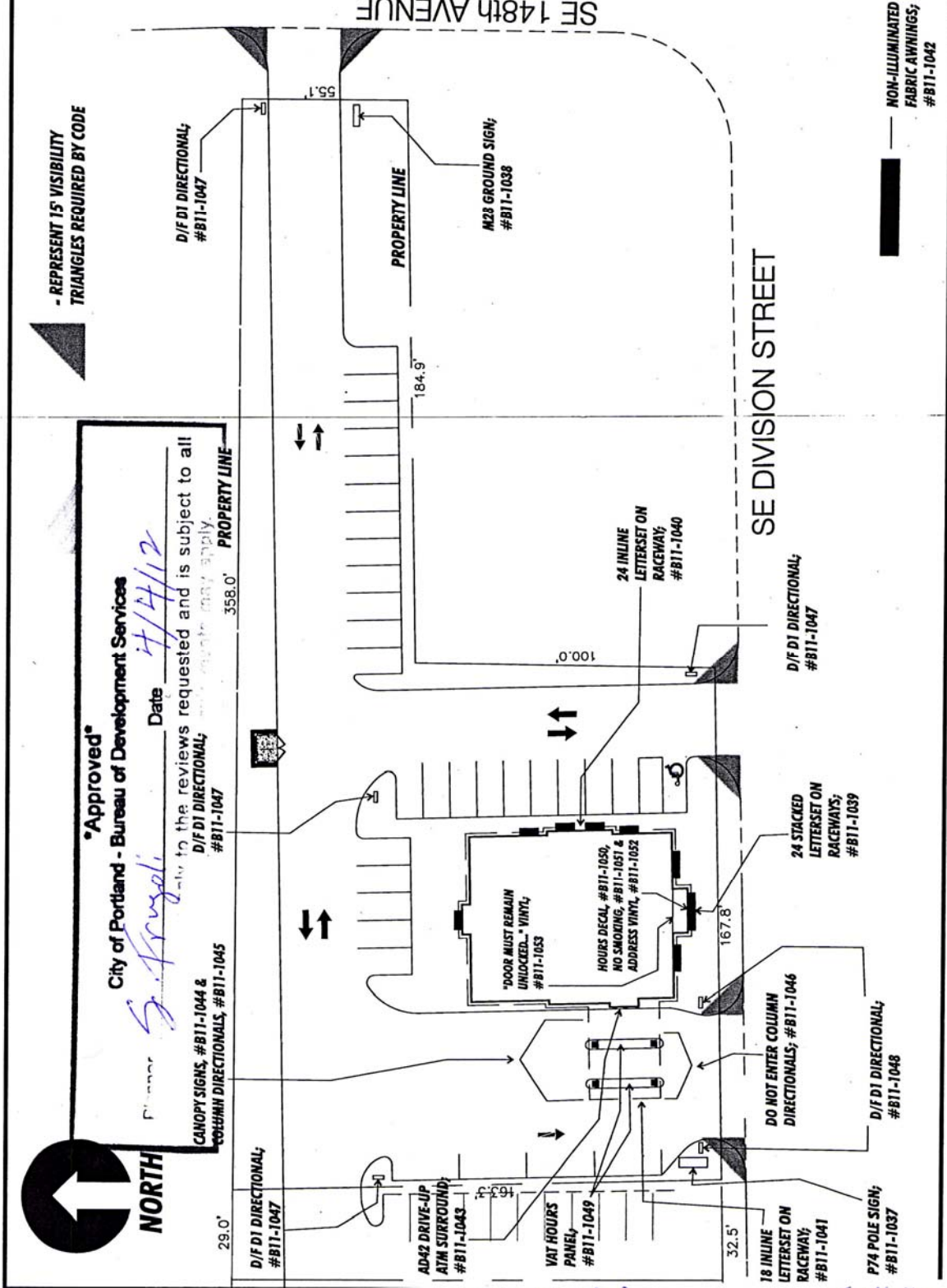
NORTH

|             |                   |
|-------------|-------------------|
| File No.    | LU 12-117686 AD   |
| 1/4 Section | 3345              |
| Scale       | 1 inch = 200 feet |
| State_Id    | 1S2E01CD 5600     |
| Exhibit     | B (Mar 06, 2012)  |



**Brilliant Electric Sign Co., Ltd.**  
4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216) 741-3800

NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.



LU 12-117686 AD

Exhibit C.1

|              |  |  |  |          |   |            |         |          |         |            |          |
|--------------|--|--|--|----------|---|------------|---------|----------|---------|------------|----------|
| COMPANY NAME |  | KeyBank                                    |  | SALESMAN | H | DATE       | 3-20-11 | REVISION | 8-30-11 | DESIGN NO. | B11-1039 |
| LOCATION     |  | 14701 SE Division Street, Portland, Oregon |  |          |   |            |         |          |         |            |          |
| DESIGNER     |  | DM   |  | SCALE    |   | 1/2"=1'-0" |         |          |         |            |          |
| FILE NAME    |  | Key ore\14701 se division street           |  |          |   |            |         |          |         |            |          |

**Brilliant Electric Sign Co., Ltd.**  
 4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216) 741-3800

NOTE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING, CREATED BY BRILLIANT SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE. IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU. IT IS NOT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.

**NOTES:**  
 INDIVIDUAL LED LOGO & LETTERS WITH PLASTIC FACES AND JEWELITE TRIM, MOUNTED ON FABRICATED ALUMINUM RACEWAYS HOUSING POWER SUPPLIES.  
 LOGO FACE TO BE WHITE #2447 PLEXIGLAS WITH FIRST SURFACE APPLIED 3M RED TRANSLUCENT VINYL TO MATCH PMS #1795C. LOGO TRIM AND RETURNS TO BE RED TO MATCH PMS #1795C. LOGO ILLUMINATION BY GE LUMINATION RED LEDS.  
 LETTER FACES TO BE WHITE #2447 PLEXIGLAS WITH FIRST SURFACE APPLIED 3M BLACK PERFORATED DUO-FILM. TRIM AND RETURNS TO BE WHITE.  
 LETTER ILLUMINATION BY GE LUMINATION WHITE LEDS. GE LUMINATION POWER SUPPLIES TO BE LOCATED IN RACEWAYS; RACEWAYS TO BE PAINTED TO MATCH FASCIA.

RATED 120 VOLTS

LETTERS TO BE BUILT TO U.L. SPECS, BE U.L. LISTED, AND CARRY U.L. LABELS.

24 STACKED RACEWAY

FRONT (SOUTH) ELEVATION SCALE 1/8" = 1'-0"

Planner S. Frugal  
 and is subject to all  
 4/6/12  
 apply.

LU-12-117686 AD

Exhibit C.2

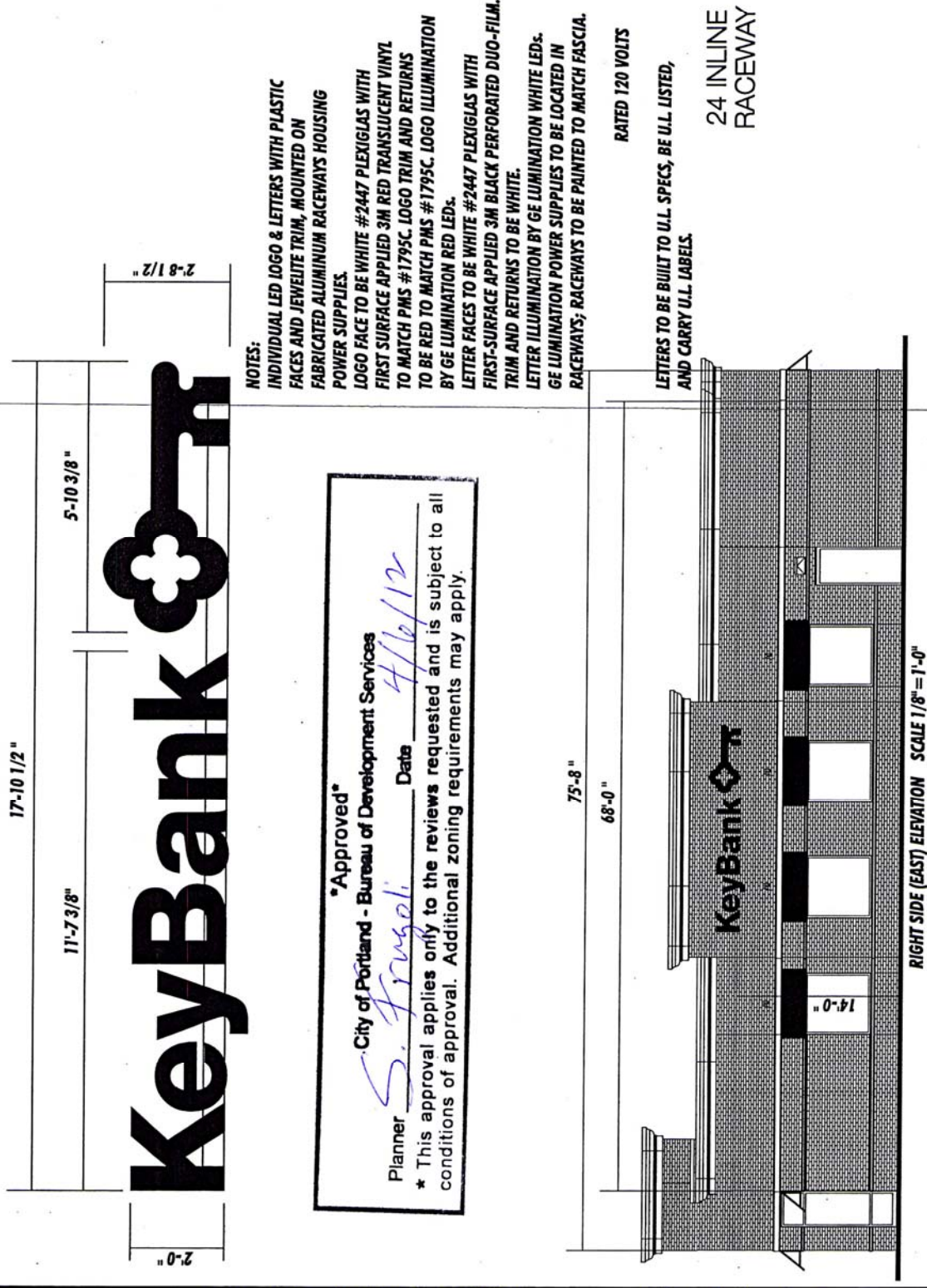


|              |                          |          |         |          |              |            |  |
|--------------|--------------------------|----------|---------|----------|--------------|------------|--|
| COMPANY NAME | KeyBank                  | DESIGNER | DM      | SCALE    | 1/2" = 1'-0" | LOCATION   | 14701 SE Division Street, Portland, Oregon |
| SALESMAN     | H                        | DATE     | 3-20-11 | REVISION | 8-30-11      | DESIGN NO. | B11-1040                                   |
| FILE NAME    | 14701 SE Division Street |          |         |          |              |            |  |
| COPYRIGHT    | © 2011                   |          |         |          |              |            |  |

NOTE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING, CREATED BY BRILLIANT SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE. IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU. IT IS NOT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

Brilliant Electric Sign Co., Ltd.  
4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216) 741-3800

NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.



12-117686 AD

Exhibit C.3

|              |  |  |    |          |            |      |         |          |         |            |          |             |      |           |                                  |
|--------------|--|--|----|----------|------------|------|---------|----------|---------|------------|----------|-------------|------|-----------|----------------------------------|
| COMPANY NAME |  | KeyBank                                    |    | SALESMAN | H          | DATE | 3-20-11 | REVISION | 8-30-11 | DESIGN NO. | B11-1041 | COPYRIGHT © | 2011 | FILE NAME | KeyBank\14701 se division street |
| LOCATION     |  | 14701 SE Division Street, Portland, Oregon |    |          |            |      |         |          |         |            |          |             |      |           |                                  |
|              |  | DESIGNER                                   | DM | SCALE    | 1/2"=1'-0" |      |         |          |         |            |          |             |      |           |                                  |

**Brilliant Electric Sign Co., Ltd.**  
4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216) 741-3800

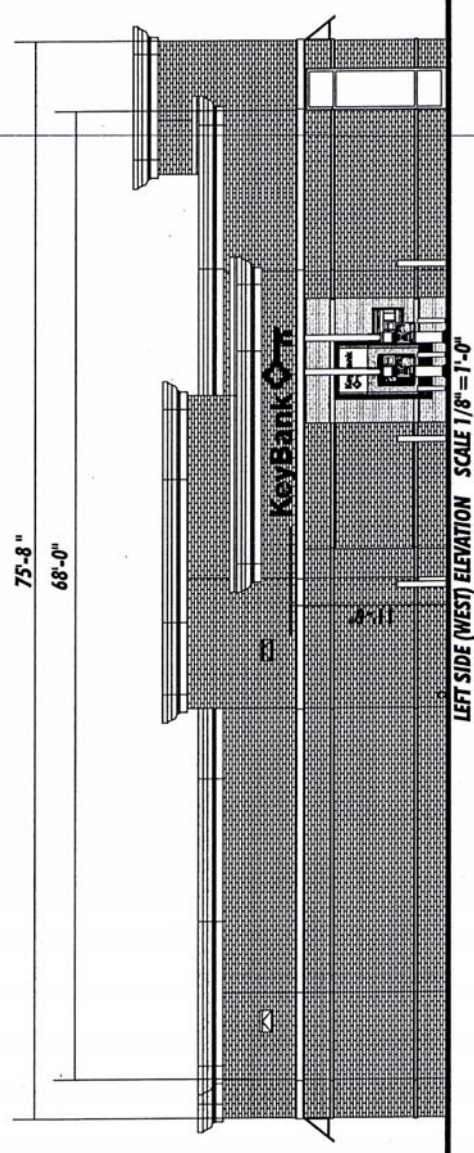
NOTE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING. CREATED BY BRILLIANT SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE. IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU. IT IS NOT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.

**NOTES:**  
INDIVIDUAL LED LOGO & LETTERS WITH PLASTIC FACES AND JEWELITE TRIM, MOUNTED ON FABRICATED ALUMINUM RACEWAYS HOUSING POWER SUPPLIES.  
LOGO FACE TO BE WHITE #2447 PLEXIGLAS WITH FIRST SURFACE APPLIED 3M RED TRANSLUCENT VINYL TO MATCH PMS #1795C. LOGO TRIM AND RETURNS TO BE RED TO MATCH PMS #1795C. LOGO ILLUMINATION BY GE LUMINATION RED LEDS.  
LETTER FACES TO BE WHITE #2447 PLEXIGLAS WITH FIRST-SURFACE APPLIED 3M BLACK PERFORATED DUO-FILM. TRIM AND RETURNS TO BE WHITE.  
LETTER ILLUMINATION BY GE LUMINATION WHITE LEDS. GE LUMINATION POWER SUPPLIES TO BE LOCATED IN RACEWAYS; RACEWAYS TO BE PAINTED TO MATCH FASCIA.  
RATED 120 VOLTS  
LETTERS TO BE BUILT TO U.L. SPECS, BE U.L. LISTED, AND CARRY U.L. LABELS.  
18 INLINE RACEWAY



\*Approved\*  
City of Portland - Bureau of Development Services  
Planner *S. Frugal* Date *4/6/12*  
This plan is valid only to the reviews indicated.



Lu 12-117686 AD Exhibit C. 4



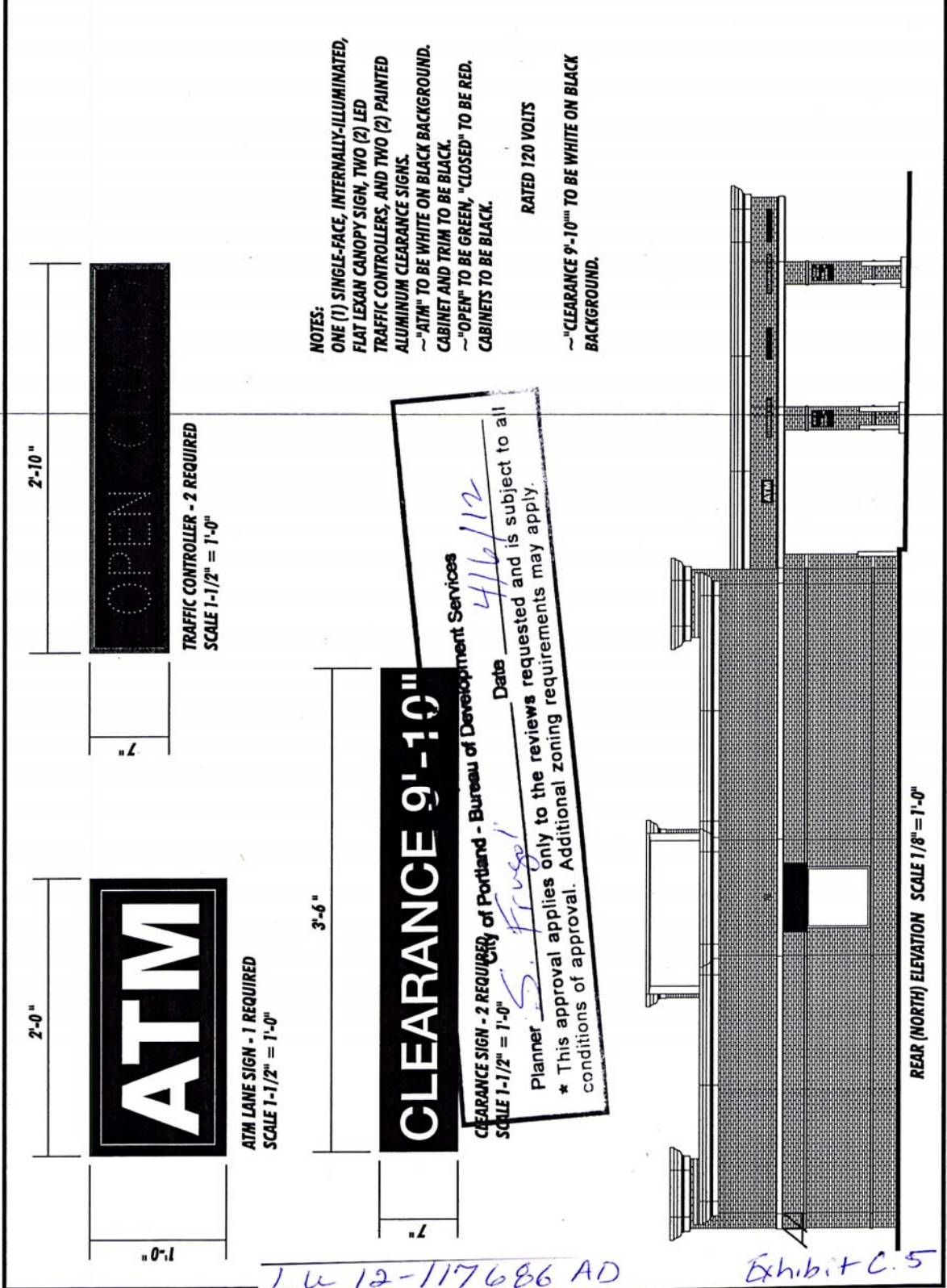
|              |          |          |         |          |                |           |  |
|--------------|----------|----------|---------|----------|----------------|-----------|--|
| COMPANY NAME | KeyBank  | DESIGNER | DM      | SCALE    | 1-1/2" = 1'-0" | LOCATION  | 14701 SE Division Street, Portland, Oregon |
| DESIGN NO.   | B11-1044 | DATE     | 3-20-11 | REVISION | 8-30-11        | FILE NAME | f:\key ore\14701 se division street        |
| COPYRIGHT ©  | 2011     |          |         |          |                |           |  |

NOTE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING, CREATED BY BRILLIANT SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE. IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU. IT IS NOT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216)741-3800

**Brilliant Electric Sign Co., Ltd.**

NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.



LW 12-117686 AD

Exhibit C.5