



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: April 25, 2014
To: Interested Person
From: Jennifer Kenny, Land Use Services
503-823-7011 / Jennifer.Kenny@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 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 14-108533 DZ - NEW SIGNS

GENERAL INFORMATION

Applicant: Jaylene Paulus / Integrity Signs Of Oregon
PO Box 88 / Hubbard, OR 97032

Owner: Thomas Spear / Property Mgmt Assoc Inc
6011 Bristol Pkwy / Culver City, CA 90230

Owner: Fred Meyer Stores Inc.
1014 Vine St.
Cincinnati, OH 45202

Site Address: 5035 SE 82ND AVE

Legal Description: N 198' OF S 398' OF LOT 24 EXC PT IN STS, MARYSVILLE
Tax Account No.: R543501460
State ID No.: 1S2E17AD 00500
Quarter Section: 3538
Neighborhood: Foster-Powell, contact Aaron Sorenson.
Business District: Eighty-Second Ave of Roses Business Association, contact Frank Harris at 503-774-2832.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: Foster-Powell
Zoning: EXd, Central Employment zone (EX) with a Design (d) overlay
Case Type: Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission

Proposal: The applicant is seeking Design Review approval for two new signs on an existing building located within the Foster-Powell Neighborhood. The sign facing Mitchell Street is proposed to be 131.58 SF and the second sign, facing the rear parking lot, is proposed to be 58.14 SF. The maximum allowed size is 200 SF per sign. Both signs will include illuminated acrylic letters on an aluminum panel and a plastic sign cabinet below with vinyl graphics.

A third sign, located on a pole facing 82nd Avenue, is exempt from review because it is considered a "copy change," meaning that the applicant is replacing an old sign with a new one

of the same size and in the same location.

Design Review approval is required because the site is within a Design Overlay District.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

■ Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property was built in 1969, and is a large commercial space that formerly housed a home improvement store. It is located on a commercial strip along SE 82nd Avenue, marked by large retailers and auto-oriented development. The wider area is a mix of commercial and residential, and is a well-established neighborhood.

Zoning: The Central Employment Zone (EX), implements the map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the city that have predominantly industrial type development. The intent of the zone is to allow industrial, business, and service uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay Zone (d) promotes the conservation, enhancement, and continued vitality of areas of the city with special scenic, architectural, or cultural value. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed March 21, 2014. No written responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 21, 2014. 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: Community Design Guidelines.

Community Design Guidelines

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

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

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P1 and D7: SE 82nd is a major commercial corridor with a variety of services, restaurants and retail businesses. While it is largely automobile-oriented, it is flanked by neighborhoods and included in the Foster-Powell Neighborhood Plan. The Plan calls for a balance of pedestrian scale development along the corridor. The proposed signs are sized for pedestrians and drivers, and are similar in scale and construction to nearby commercial signs, many of which use cabinets and channel letter signs. Therefore, the signs blend with the existing character and respond to the neighborhood's desire for a more walkable area, as described in the Foster-Powell Neighborhood Plan. *These guidelines are therefore met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6 and D8: The subject property was designed for commercial use and the scale, materials and location of the proposed signs are comparable to earlier signs, thus maintaining the character of the original commercial design. The signs feature the same bright colors and the same materials to maintain visual interest and a cohesive composition. *These guidelines are therefore met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

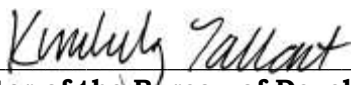
Approval of Design Review for two new signs on the building at 5035 SE 82nd Avenue, in the Foster-Powell Plan District, including the following specific elements:

- One fascia sign facing Mitchell Street (Sign A) that is 5'-1" tall, and 25'-8" wide, for a total of 131.58 square feet, with letters no taller than 3',
- One fascia sign facing the rear parking lot (Sign C) that is 3'-4 5/8" tall, and 17'-1" wide, for a total of 58.14 square feet, with letters no taller than 2'; and
- Sign details include a flush-mounted cabinet, 6" deep with applied vinyl graphics, and, acrylic channel letters on a flat aluminum panel, internally illuminated and placed above the cabinet sign.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated 4/21/14, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 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.C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-108533 DZ. No field changes allowed."

Staff Planner: Jennifer Kenny

Decision rendered by:  **on April 21, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 25, 2014

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 January 22, 2014, and was determined to be complete on **March 14, 2014.**

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 January 22, 2014.

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: August 17, 2014.**

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 May 9, 2014** 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.

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 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 May 12, 2014. 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.

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:

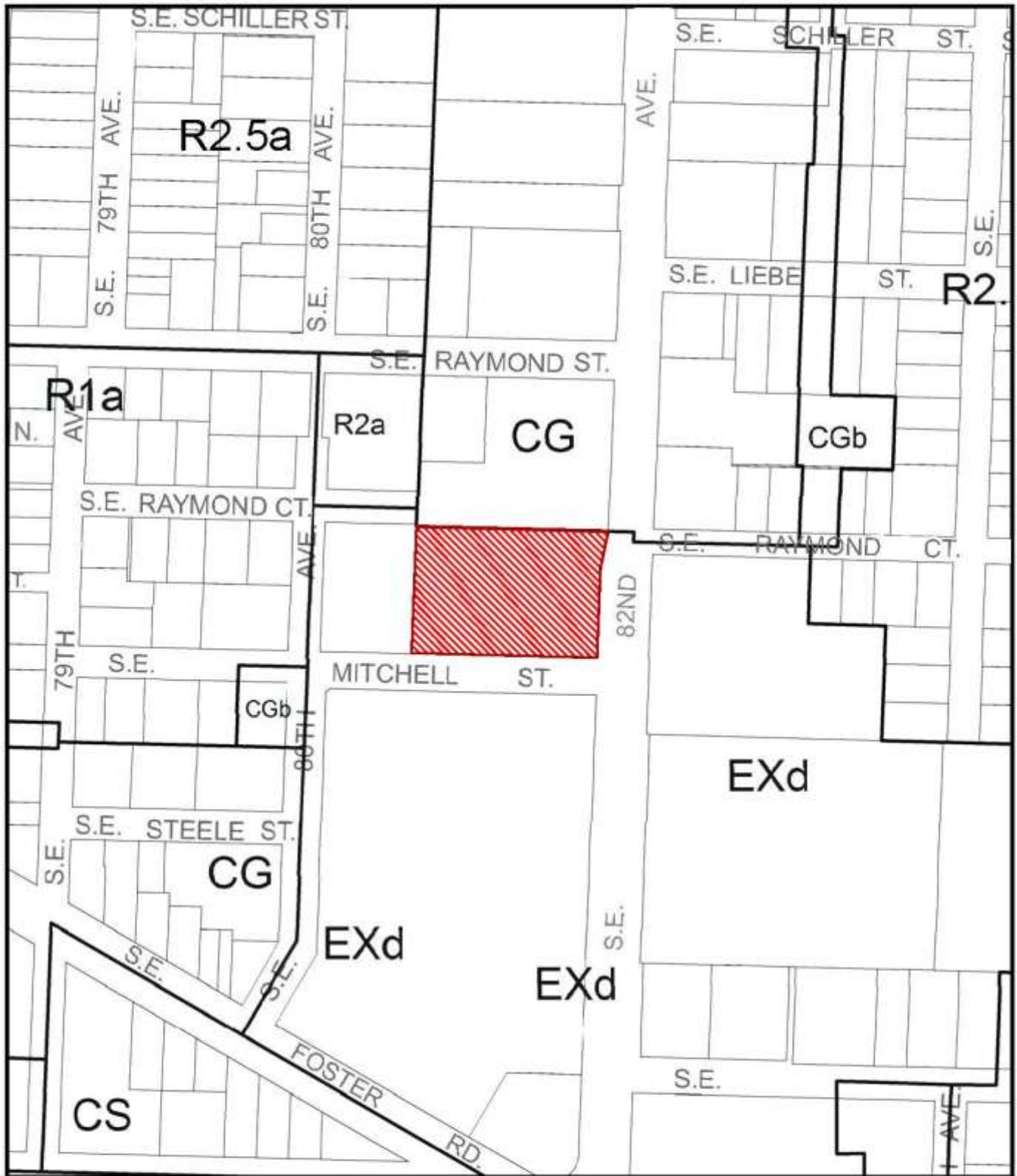
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No written responses were received.
- F. Correspondence: No written responses were received.
- G. Other:
 - 1. Original LU Application

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



NORTH

File No. LU 14-108533 DZM
1/4 Section 3538,3539
Scale 1 inch = 200 feet
State_Id 1S2E17AD 500
Exhibit B (Jan 28,2014)

Approved

City of Portland - Bureau of Development Services

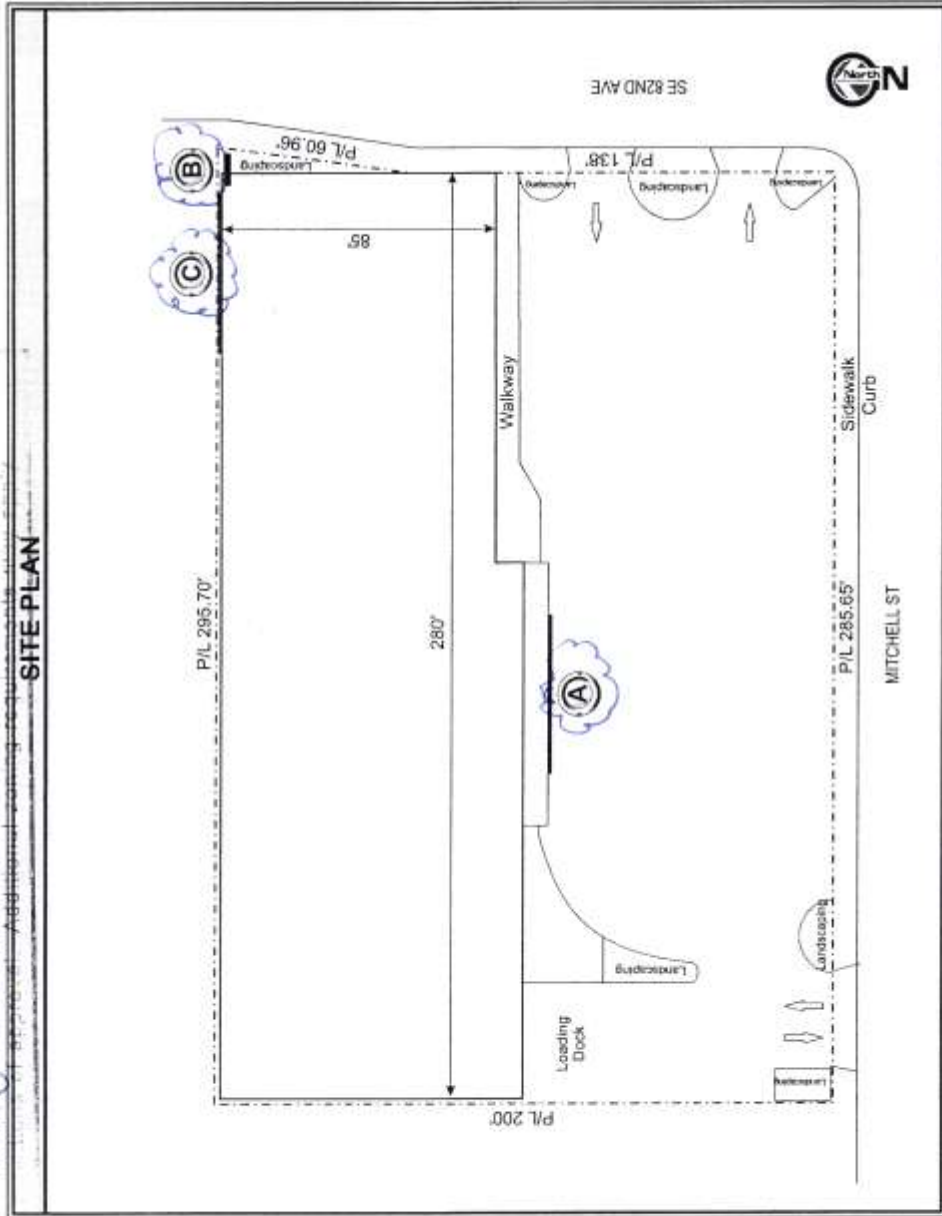
January 14, 2014 Date *4/21/14*

This proposal applies only to the reviews requested and is subject to change without notice. Additional zoning requirements may apply.

SITE PLAN

SIGNAGE SPECIFICATIONS	
(A)	HARBOR FREIGHT WITAG LINE CABINET Manufacture and install (1) Set of Channel Letters
(B)	PYLON REFACE (FLEX FACE) REFACE EXISTING DIF PYLON
(C)	HARBOR FREIGHT WITAG LINE CABINET Manufacture and install (1) Set of Channel Letters

CLOUD = AREA OF WORK



**COAST SIGN
INCORPORATED**
1400 West Broadway St., Anaheim, CA 92802
(714) 530-7144 Fax: (714) 530-3447

Date: 09-05-13
Scale: NTS
City: WA
State: WA
City: SEAS
State: OR
Client: [blank]
Drawn: [blank]

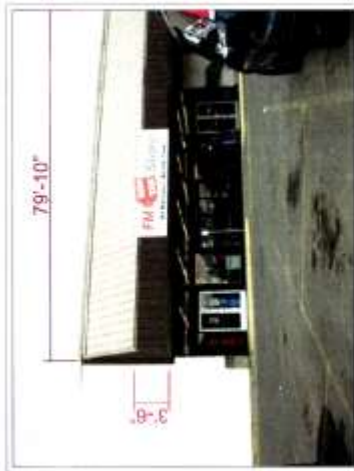
This is an original landscape design prepared by Coast Sign, Inc. It is submitted for your personal use in conjunction with a project being planned for you by Coast Sign, Inc. It is not to be reproduced, copied, or otherwise used without the written permission of Coast Sign, Inc.

No.	Original	Date	Revision Notes
1	AE	02-08-13	Name to Publisher
2	AE	03-11-13	Name to Publisher
3	AE	03-11-13	Name to Publisher
4	AE	03-11-13	Name to Publisher
5	AE	03-11-13	Name to Publisher
6	AE	03-11-13	Name to Publisher
7	AE	03-11-13	Name to Publisher
8	AE	03-11-13	Name to Publisher
9	AE	03-11-13	Name to Publisher
10	AE	03-11-13	Name to Publisher
11	AE	03-11-13	Name to Publisher
12	AE	03-11-13	Name to Publisher

DESIGN DRAWING 1 of 7
Revision Number:
DEV-HBFT-00004-R13
File Location:
W:\Accounts\Drawings

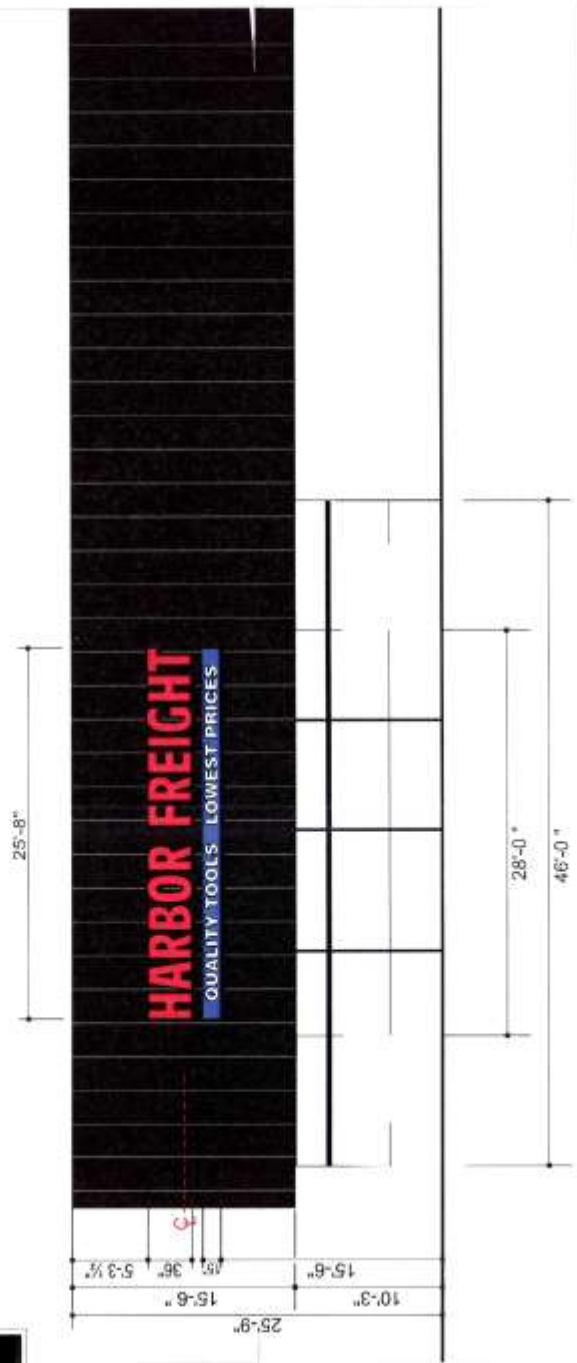
LU14-108533 DZ

EXHIBIT C-1



EXISTING PHOTO

SCOPE:
INSTALL (1) SETS OF CHANNEL LETTERS AND
LOWER TAG LINE CASINET TO EXISTING BUILDING FASCIA.



FRONT ELEVATION

Scale: 1/8" = 1'-0"



Client:	09-05-13
Scale:	1/8" = 1'-0"
Drawn:	WA
Sales:	WA

Project Name:	Harbor Freight Tools
Address:	8005 SE 60th
City/State:	Portland, OR
Client Approval:	

This is an original unaltered drawing created by Coast Sign, Inc. Its reproduction for any purpose without the written consent of Coast Sign, Inc. is prohibited. This drawing is not to be reproduced, copied, or distributed to any firm or corporation for any purpose without the written consent of Coast Sign, Inc.

No.	Designer	Date	Revision Notes
1	JV	3-15-14	Scale is 1/8" = 1'-0"
2	JV	4-11-14	Scale is 1/8" = 1'-0"
3	JV	4-11-14	Scale is 1/8" = 1'-0"
4	JV	4-11-14	Scale is 1/8" = 1'-0"

DESIGN DRAWING	2 of 7
Record Number	DEV-HBFT-00004-R15
File Location	W:\Asst\HBFT\Drawings

Approved:
City of Portland - Bureau of Development Services
Date 4/21/14
This document applies only to the reviews requested and is subject to change without notice. Additional zoning requirements may apply.

LU14-105533 DZ
EXHIBIT C-2a.

Approved

City of Portland Bureau of Development Services

Date 4/21/14



EXISTING PHOTO

SCOPE:
INSTALL (1) SETS OF CHANNEL LETTERS TO EXISTING
BUILDING FASCIA.



EAST ELEVATION

Scale: nts

COAST SIGN INCORPORATED 1800 West Broadway St., Anaheim, CA 92802 (714) 220-8164 FAX: (714) 220-1887		Date: 05-05-13 Scale: Drawn: JWS Scale: 1/8"=1'-0"	Project Name: Harbor Freight Tools Address: 5005 SE Blvd City/State: Portland, OR Client Approval:	This is an optional conditional drawing created by Coast Sign, Inc. It is submitted for your personal use in connection with a project being planned for you by Coast Sign, Inc. Area shall not be reproduced, used, or modified in any form or used by any individual or organization without written permission.	No. Designer Date 13 JWS 5-7-13 14 JWS 4-21-14 15 JWS 4-21-14 16 JWS 4-21-14 17 JWS 4-21-14	Revision Notes 1. Update to final plan 2. Update to final plan 3. Update to final plan 4. Update to final plan	DESIGN DRAWING 4 of 7 Request Number DEV-HBFT-00004-R15 File Location W:\Account\Drawings
--	--	---	---	--	--	--	---

LU14-108533 DZ

EXHIBIT C-26