



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: June 23, 2010
To: Interested Person
From: Sylvia Cate, Land Use Services
503-823-7771 / scate@ci.portland.or.us

**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 10-136182 AD

GENERAL INFORMATION

Applicant: Eastport Plaza Shopping Center L P
200 South Los Robles Ave Ste 510
Pasadena, Ca 91101

Allen Moore and Tom Gaebler, Designers
Bill Moore & Associates
P O Box 6153
Albany Ca 94706

Representative: Cheri Fletcher-Powell, main contact
ES&A Sign And Awning Co
89975 Prairie Road
Eugene OR 97402

Site Address: 3908 SE 82ND AVE
Legal Description: LOT 4&A TL 107 SPLIT MAP R153338 (R232700350), EASTPORT
PLAZA NO 2
Tax Account No.: R232700400
State ID No.: 1S2E09CC 00107
Quarter Section: 3439

Neighborhood: Lents, contact David Hyde at 503-772-1376.
Business District: Eighty-Second Avenue, contact Ken Turner at 503-484-6225.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Zoning: CG: General Commercial
Case Type: AD: Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

A new tenant, Ross Dress for Less, is planning a new store opening at the Eastport Plaza in late summer. The new store will occupy space adjacent to the Joanne Superstore. The Ross Dress for Less store proposes a sign program for the new space to consist of one main storefront sign that will be illuminated channel letters: ROSS Dress for Less, that will be 212 square feet in area. In addition, the store proposes two separate non-illuminated oval logo plaques on the same façade, each 8 square feet in area. An additional set of channel letters: ROSS, is proposed for the rear [east] elevation, that will measure 64 square feet. The total signage package is 292 square feet. Title 32, Sign Code, regulations limit the total signage area sign to a maximum of 200 square feet.

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 C 1 a, b and either c or d; or C 2 a, b, c and d

ANALYSIS

Site and Vicinity: The storefront for this review is one of several retail commercial buildings developed within the 43 acre Eastport Plaza Shopping Center. It is bounded by SE 82nd on the west, Holgate on the south, Bush Street on the north and Marshall High School and SE 87th Avenue on the east. Across SE Bush Street from the shopping center are lots and parcels zoned R2a, that are developed with apartments and single dwelling homes. SE 82nd is classified as a Major City Traffic Street, a Major City Transit Street, a City Walkway and Major Truck Street. SE Holgate is designated as a Neighborhood Collector, Minor Transit, City Bikeway, and City Walkway. Immediately south, across Holgate Boulevard, are properties zoned R2.5 from SE 83rd east to SE 85th Avenue. These properties are developed with single-dwelling homes. From SE 83rd west to SE 82nd Avenue are properties zoned General Commercial, as are the properties to the west of the site, across SE 82nd. These properties are developed with commercial and retail uses. Kitty-corner from the site, at SE Holgate and SE 82nd is a parcel zoned OS, Open Space, which is a cemetery.

Zoning: 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. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances. This proposal has no impact on the buffer zone.

Land Use History: City records indicate prior land use reviews and history as follows:

The Eastport Plaza Shopping Center was originally constructed in 1960, while still under Multnomah County jurisdiction. The first major expansion was in 1979 with the construction of the GI Joe's store (ZC 26-78). The majority of the existing shopping center was annexed into the City of Portland in 1962. The City of Portland's land use actions have included File Nos. 7012-PA, 7802PA/ADJ 1-88, and 7861-PA; Annexation File No. 7254-A; LUR 92-00484 CP ZC

AD; and Ordinance Nos. 150936, 154519, 160770, 161478, and 164055. A complete summary of each of these land use actions, can be found in the Final Decision of LUR 95-00944 CP ZC AD, which approved the master plan. In 2002 Case File 02-00037 AD approved three adjustments, one to allow a new building to meet a zero foot Transit Street setback, and two related to signage on the site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 3, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 3, 2010. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

32.38.030 Sign Adjustment Review

- 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 2, below are met.

1. Area Enhancement: Not applicable for this proposal as the applicant has chosen to address the Site Difficulties criteria below.

1. Area Enhancement: The applicant must meet criteria *a* and *b* and either *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 which will be inconsistent with the objectives of a specific plan district or design district; and

Findings: The site does not lie within a specific plan district or design district, but is located within a significant shopping area, the Eastport Shopping Plaza. The Eastport Plaza has an overall plaza signage program that strongly identifies the main entrance into the plaza [at the corner of SE 82nd and SE Holgate].

The building subject to this review is set back from the SE 82nd street frontage approximately 650 feet, and from the SE Bush frontage approximately 225 feet. Given these distances, the proposal will not contribute to street level sign clutter. In addition, because the building is within the interior of the shopping plaza and located so far from public rights of way, the proposed signage will not adversely dominate the area. The proposed sign design and typography is simple, clean and bold. There is nothing about the sign that would contribute to visual clutter. The increase in sign area is consistent

with the overall size of the store and will not visually dominate the immediately surrounding area. Given the context of the subject building with other buildings and signage within the shopping center, the modest increase in overall size of signage is consistent with the architecture and layout of the shopping mall. Therefore, this criterion is met.

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

Findings: No aspect of the sign would contribute to any traffic or safety hazard. The sign is simple and bold and although the request is for an increase in overall sign area, the sign will still be proportional and consistent with the scale of the retail building. This criterion is met.

c. The adjustment will allow a unique sign of exceptional design or style which will enhance the area or which will be a visible landmark; or

Findings: The applicant has chosen to address subsection d. below. Thus, this criterion is not applicable.

d. The adjustment will allow a sign that is more consistent with the architecture and development of the site.

Findings: The installation of the requested signage will not have any adverse impact on the property or surrounding neighborhood conversely, the signage is sized to properly fit in the allocated area and present the company name in proportion to the size of the store and the entrance. In addition, the sign will emphasize the main entrance to the store and thus provide a distinctive statement within the architectural context of the shopping center and a storefront that would otherwise appear to be a non-distinctive 'big box.' For these reasons, this criterion is met.

2. Site Difficulties: Not applicable for this proposal as the applicant has chosen to address the Area Enhancement criteria above.

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 proposal meets all of the applicable approval criteria and therefore should be approved.

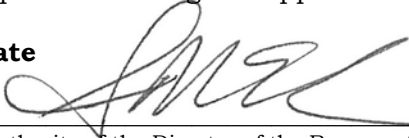
ADMINISTRATIVE DECISION

Approval of:

- An Adjustment to allow a signage package 292 square feet in total area, consisting of a main façade sign, two logo plaques on the same façade, and a set of channel letters for the rear [east] façade, per the approved site plans, Exhibits C-1 through C-3, signed and dated June 21, 2010, subject to the following conditions:
 - 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.XX. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-136182 AD."

Staff Planner: Sylvia Cate

Decision rendered by:  **on June 21, 2010**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 23, 2010

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 May 10, 2010, and was determined to be complete on June 1, 2010.

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 10, 2010.

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 July 7, 2010** 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income

individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 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 **July 8, 2010 – (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:

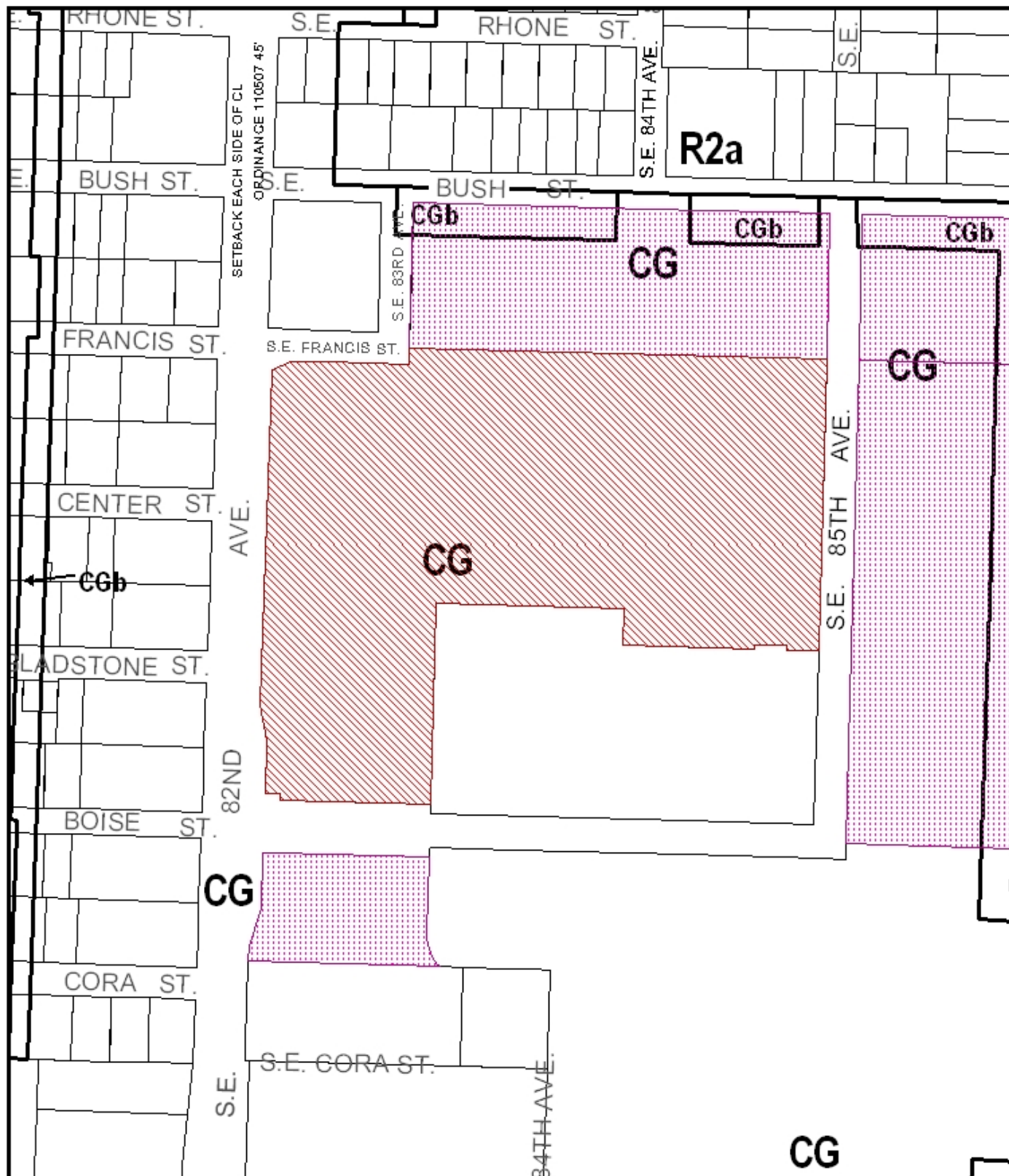
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front elevation
 - 3. Rear elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: none received
- 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



File No. LU 10-136182 AD
 1/4 Section 3439
 Scale 1 inch = 200 feet
 State_Id 1S2E09CC 107
 Exhibit B (May 10, 2010)



bma
1057 Solano Ave.
P.O. Box 6153
Albany, CA 94706-0153
510/526-0296 fax 526-6092
www.billmoore.com

LU10-136182 AD



... zonal zoning ...

GENERAL NOTES:

ROSS' CONTRACTOR TO FURNISH ADEQUATE ACCESS BEHIND LOGO LETTERS FOR INSTALLATION AND MAINTENANCE, PER ARTICLE 600 OF THE 2005 N.E.C.

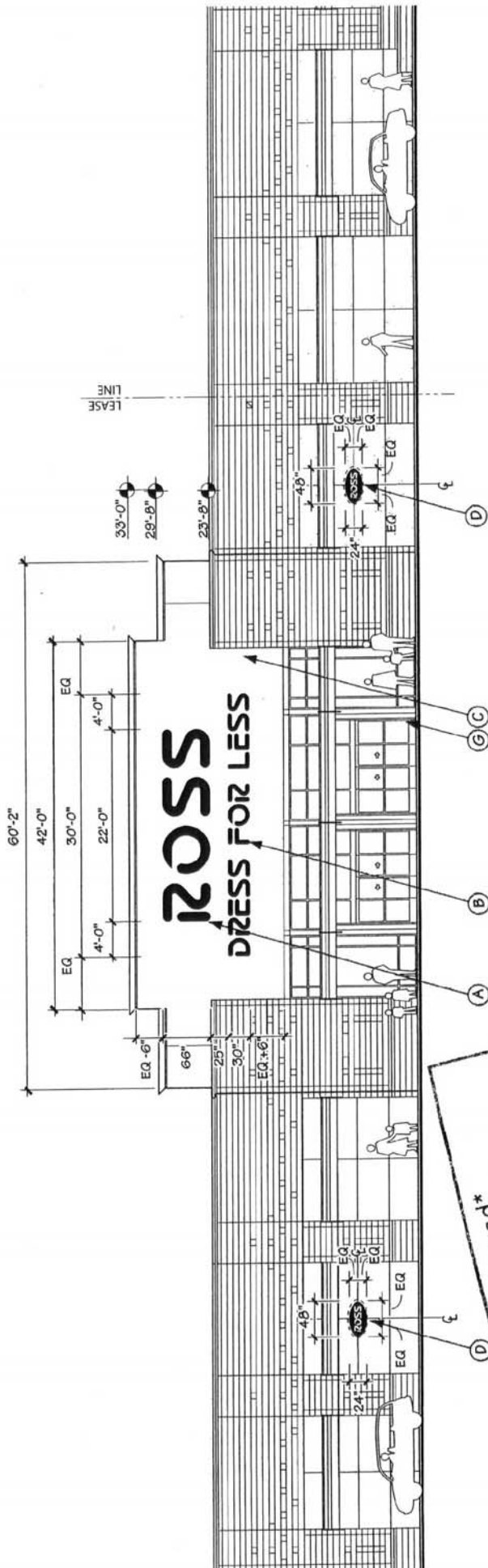
ROSS' CONTRACTOR TO SUPPLY THREE (3) 20 AMP 120V ISOLATED SIGN CIRCUITS (DIRECTLY CONNECTED TO ELECTRICAL PANEL WITH NO COMMON GROUNDS OR COMMON NEUTRALS, WITH # 10 WIRE MIN.) AND WATERPROOF JUNCTION BOXES TO AREA BEHIND SIGN LETTERS CONNECTED TO THE ENERGY MANAGEMENT SYSTEM.

ROSS' CONTRACTOR TO PROVIDE 5/8" THICK PLYWOOD BACKING BEHIND STUCCO WALL SYSTEM FOR SIGN AND BANNER SUPPORT.

THE IMMEDIATE BACKGROUND FOR THE "ROSS DRESS FOR LESS" SIGN(S) LETTERS IS TO BE FREE OF JOINTS & REVEALS, AND OF A LIGHT COLOR (MINIMUM 86% L.V.) TO PROVIDE HIGH CONTRAST AND VISIBILITY FOR THE SIGN. THE BASE BUILDING COLOR IS TO HAVE A MINIMUM L.V. OF 75%.

- (A) 3/8" INDIVIDUAL "ROSS" PAN CHANNEL LETTER-LOK LOGO LETTERS:
FACES: TUF-GLAS 5G 21210-E4 MATTE BLUE
RETURNS: 8"D ALUM. W/ WHITE FINISH
TRIM CAP: 2" WHITE JEWELITE
LETTER BACKS: ALUMINUM
NEON: FOUR-TUBE 15MM EGL E40 BLUE
MOUNTING: 1/4"-20 GALV THRU BOLTS
PEG OFF: 1/2" SPACERS
- (B) 3/8" INDIVIDUAL "DPL" LOGO LETTERS:
ALL CALLOUTS SAME AS "ROSS" EXCEPT:
RETURNS: 5"D ALUM. W/ WHITE FINISH
TRIM CAP: 1" WHITE JEWELITE
NEON: TWO-TUBE 15MM EGL E40 BLUE

- (C) STUCCO SIGN FASCIA BY LANDLORD (SEE NOTES) & DOORS
- (D) 24" H X 48" W X 1" D SINTRA OVAL "ROSS" LOGO WALL PLAQUE
TWO (2) REQUIRED AS SHOWN (SEE SHEET EL FOR DETAILS)
IF BACKGROUND IS UNEVEN
DRESS SURFACE 2" BEYOND & BEHIND
ROSS OVAL WALL PLAQUE SO THAT
PLAQUE SITS FLUSH AGAINST WALL
- (E) NOT APPLICABLE
- (F) NOT APPLICABLE
- (G) CLEAR ANODIZED ALUMINUM STOREFRONT & DOORS
- (H) NOT APPLICABLE
- (I) NOT APPLICABLE
- (J) THREADED EYE-BOLTS SPACED 3'-9" X 2'-0", FOR BANNER ATTACHMENT



1 STOREFRONT • WEST • SE 82ND. AVENUE • ELEVATION
SCALE: 3/32" = 1'-0"

Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date *6/27/20*
This approval applies only to the project as shown and is subject to change. This approval is not valid without the review and approval of the City of Portland. Additional zoning requirements may apply.

bma
1057 Solano Ave.
P.O. Box 6153
Albany, CA 94706-0153
510.526.0246 fax 526-0092
www.bamarc.com

ROSS
DRESS FOR LESS

#1380 EAST PORTLAND
Eastport Plaza Shopping Center
3900 Southeast 82nd. Ave (@ SE Holgate Blvd.)
Portland, OR 97266

SHEET S1
drawn 08/07/09
667/307 del UC, per signing 08/22/09
E.J. stucco, delete bnr bolts 08/25/10
move right plac, per arch 02/25/10

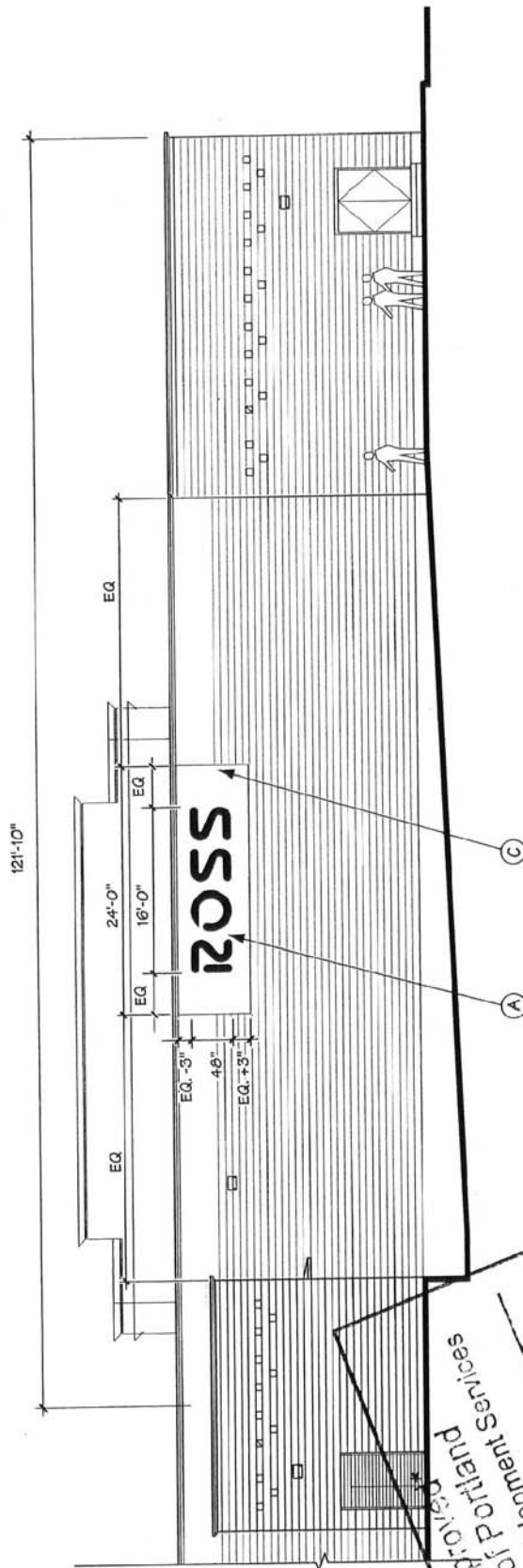
Exhibit C-2
LU10-136182 AD

GENERAL NOTES:
ROSS' CONTRACTOR TO FURNISH ADEQUATE ACCESS BEHIND LOGO LETTERS FOR INSTALLATION AND MAINTENANCE, PER ARTICLE 600 OF THE 2005 N.E.C.
ROSS' CONTRACTOR TO SUPPLY ONE (1) 20 AMP 120V ISOLATED SIGN CIRCUIT (DIRECTLY CONNECTED TO ELECTRICAL PANEL WITH NO COMMON GROUNDS OR COMMON NEUTRALS, WITH #10 WIRE MIN.) AND JUNCTION BOX TO AREA BEHIND SIGN LETTERS CONNECTED TO THE ENERGY MANAGEMENT SYSTEM.
ROSS' CONTRACTOR TO PROVIDE AT LEAST 1/2" THICK PLYWOOD BACKING BEHIND ALL E.L.F.s. WALL SYSTEMS FOR SIGN AND BANNER SUPPORT.
BACKGROUND FOR THE "ROSS" SIGN(6) LETTERS IS TO BE FREE OF JOINTS & REVEALS, AND OF A LIGHT COLOR (MINIMUM 80% L.R.V.) TO PROVIDE HIGH CONTRAST AND VISIBILITY FOR THE SIGN. THE BASE BUILDING COLOR IS TO HAVE A MINIMUM L.R.V. OF 55%.

- (A) 48"H. INDIVIDUAL "ROSS" PAN CHANNEL
LETTER-LOK LOGO LETTERS;
FACES: TUF-GLAS SG 21210-E4 MATTE BLUE
RETURNS: 8"D ALUM. W/ WHITE FINISH
TRIM CAP: 2" WHITE JEWELITE
LETTER BACKS: ALUMINUM
NEON: FOUR-TUBE 15MM EGL E40 BLUE
MOUNTING: 1/4"-20 GALV. THRU BOLTS
PEG OFF: 1/2" SPACERS

(B) NOT APPLICABLE

(C) SIGN FASCIA (SEE NOTES)



1 REAR • EAST • ELEVATION

SCALE: 3/32" = 1'-0"

ROSS
DRESS FOR LESS

#1380 EAST PORTLAND
Eastport Plaza Shopping Center
3900 Southeast 82nd. Ave (@ SE Holgate Blvd.)
Portland, OR 97266

drawn 08/12/09
48" per 8/26 sign mfg.
was 53, add sign depth.
E.L.
08/27/09
09/22/09

SHEET
S2

1057 Lodi Ave.
P.O. Box 0153
Albany, CA 94706-0153
916/526-0296 fax 526-0072
www.billmoore.com

bma
bill moore & associates

* Approved
City of Portland
Bureau of Development Services
Data
Planner
This approval applies only to the
projected and is subject to all
relieve zoning requirements may be
relieve zoning requirements may be

Exhibit C-3
LU10-136182 (A)