



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

Date: March 29, 2012
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@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 12-103190 DZM GENTLE DENTAL SIGNS

GENERAL INFORMATION

Applicant: Terry Brown/Ramsay Sign Co.
9160 SE 74th Ave/Portland, OR 97206

Owner: HDC Properties LLC
101 SW Main St #825/Portland, OR 97204-3216

Site Address: 1422 N LOMBARD ST

Tax Account No.: R443600010
State ID No.: 1N1E15BB 10700
Quarter Section: 2329
Neighborhood: Arbor Lodge, contact Chris Duffy at 971-506-0541.
Business District: North Portland Business Assoc, contact Jim Schaller at 503-517-9915.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: North Interstate
Zoning: CXd, Central Commercial with design overlay
Case Type: DZM, Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks design review approval for three new internally illuminated acrylic and metal signs made up of individually-mounted letters and symbols on the exterior of an existing commercial building within the North Interstate Plan District. The three signs are 39 SF in area each.

One Modification is requested to Title 32 Sign Code to allow the three signs for the Gentle Dental tenant space on the building that would then exceed total sign area which is capped at 185 SF per the Primary Building Wall measurements. The existing eight other tenant signs total 213.6 SF in area. Adding the three proposed signs would increase this building sign total to 330.6 SF, over the 185 SF maximum allowed, thereby requiring the Modification.

Design review is required for signs that are greater than 32 square feet in area. Modification review is required for signs that cannot meet the standards of Title 32 Sign Code.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant criteria are:

- 33.825 Design Review
- 33.825.040 Modifications
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject retail space is a separately owned site adjacent to the larger Fred Meyer site and is located at the southeast corner of the intersection of N Interstate Avenue and N Lombard Street. Development on the site includes the 11,000 square-foot retail structure in the northwest corner of the site which contains four retail spaces including the proposed Gentle Dental. There are entrances to these shops on both the street side facing Lombard Street, and internally, facing the Fred Meyer store and parking lot. The site is located within the recently designated North Interstate Plan District which also changed the site's zoning from CG, General Commercial to CX, Central Commercial.

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 "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 06-124008 AD: Approval of an Adjustment to allow two signs for the Cingular store.
- LU 05-170524 AD: Approval of an Adjustment to increase the maximum allowed sign area for Panda Express from 37 to 96 SF.
- LU 05-146070 AD: Approval of an Adjustment to increase the maximum allowed sign area for Perfect Look Salon from 32 to 62 SF.
- LU 04-055041 AD: Approval of an Adjustment to allow signs on both sides of the tenant spaces for Hollywood Video and Game Crazy, increasing allowed sign area from 106 to 294 SF.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 16, 2012**.

The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E-1)
- Bureau of Transportation Engineering
- Fire Bureau
- Bureau of Environmental Services
- Life Safety Review Section of BDS
- Site Development Review Section of BDS
- Parks – Urban Forestry

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 16, 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

I. 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 the 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 guidelines 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.

P3. Gateways. Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans

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 P1, P3, D6 & D8: This intersection within the North Interstate Plan District is envisioned as a densely developed major commercial gateway that would serve large areas of North Portland and would be accessed by transit, vehicles, and pedestrians. The site currently fosters this vision with the building placement close to the sidewalks, access to the MAX light rail station, bus transfer station, and parking areas, as well as an assortment of smaller retail service and sales tenants. The scale and location of the three proposed tenant signs fit into the established pattern of small-scale commercial signage on this building as well as within the area. The proposed signage will provide additional interest and illumination along the adjacent public and private rights-of-way. The position of the building on the site gives the storefront three prominent building walls, one which faces the interior site parking lot, one which faces east toward the I-5 freeway and

pedestrians ramps, and a third which faces N Lombard Street and the transit stations, making it appropriate to request a sign for each tenant wall. Aligning the signs with architectural features on the building as well as within the upper sign band above the canopies allows the signs to fit into the overall architecture, creating a cohesive composition. Proposed materials include acrylic letter faces with aluminum sides and hidden conduit, all of which are present on the other signs located around the building. These materials are of a high quality and durability appropriate to this type of urban area. *These guidelines are met.*

II. Section 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. These 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 concentration of uses) 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:

Modification request to allow three signs for Gentle Dental and to allow total building sign area to increase over the allowed 185 SF to 330.6 SF.

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and

Findings: Allowing the three signs with the overall increase of total sign area allows the proposed signs to be integrated into the building architecture above areas of clear storefront that mark active tenant spaces. The sizes of the signs fit the scale of the building, sitting above the ground level entries and canopies. They do not overwhelm the building and yet are large enough to be visible from all pedestrian pathways and adjacent transit centers, providing additional nighttime lighting along walkways. The sign materials are in keeping with other signs already in place on the building and will fit into the area which is developed as a commercial gateway to North Portland. *This criterion is therefore met.*

- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Findings: Each of the three signs is measured 39 SF in area, only slightly larger than the 32 SF which would exempt them from design review. The signs are made up of individual letters between 7.5” and 18” in height, well within the typical letter height of other signs on the building. The letter spacing and variety of sizes creates visually open areas throughout the signs, which lessens their impact on the wall surfaces. Therefore, these signs will not have a dominant affect on the area but will instead continue the desired characteristics of this North Interstate Plan District commercial center. *This criterion is therefore met.*

CONCLUSIONS

The design review process promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The three new signs respect the proportions and design of the existing building, are made of quality long-lasting materials, and contribute to the desired characteristics of this commercial zone of the North Interstate Plan District. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review for three new signs on the exterior of an existing commercial building within the North Interstate Plan District that are 39 SF each with individual, internally illuminated acrylic and metal letters 7.5” and 18” in height plus one 24” logo.

Approval of one Modification to Title 32 Sign Code to allow three signs for Gentle Dental on the building and for total building sign area to exceed the maximum allowed 185 SF to 330.6 SF.

Approved per the approved site plans, Exhibits C-1 through C-6 signed and dated March 26, 2012, 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.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-103190 DZM. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on March 26, 2012.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 29, 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 January 12, 2012, and was determined to be complete on **February 13, 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 January 12, 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. Unless further extended by the applicant, **the 120 days will expire on: June 14, 2012.**

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 April 12, 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.

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 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 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 **April 13, 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:

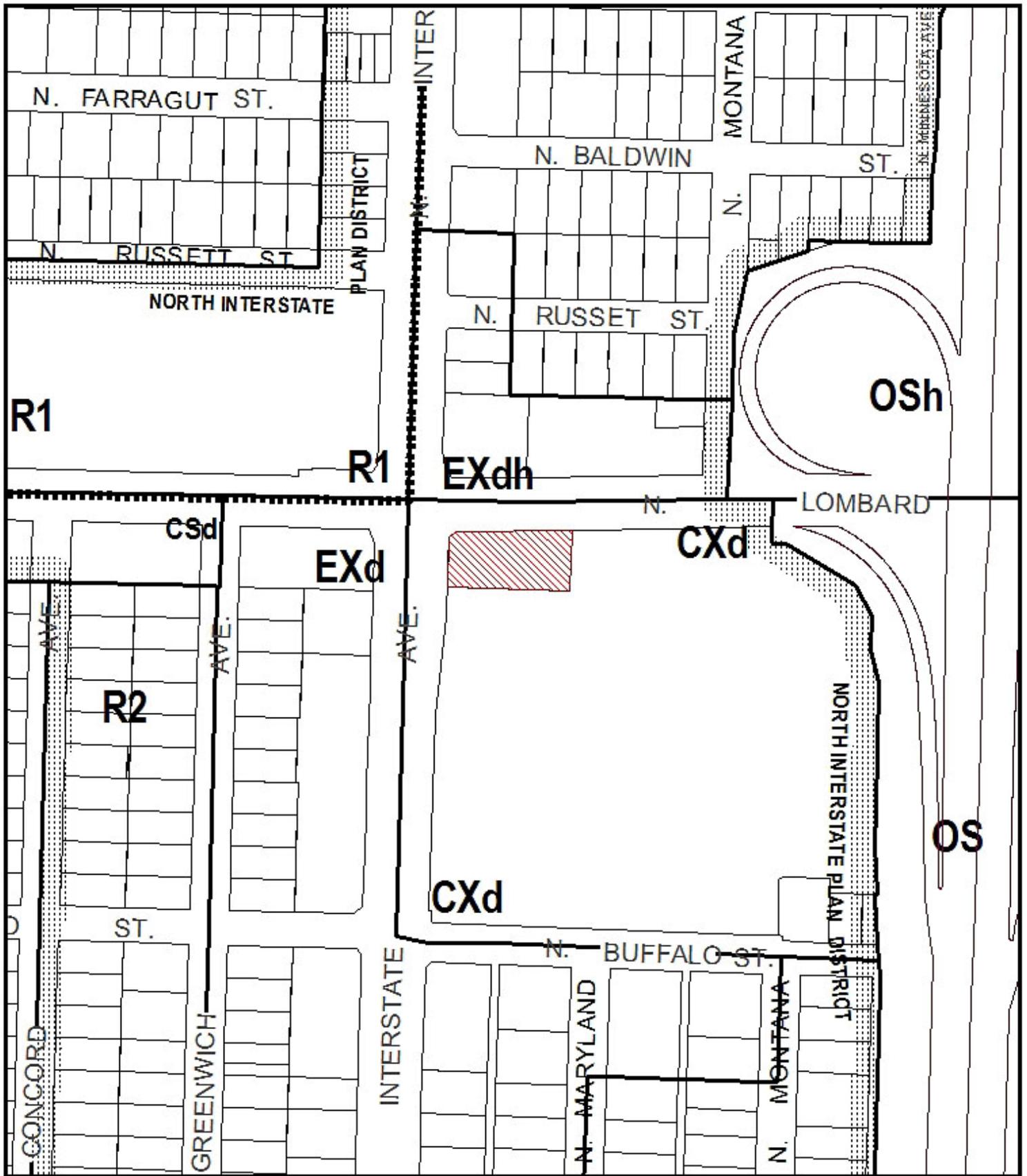
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Building Signage and Entry Plan
 - 3. Building South Elevation (attached)
 - 4. Building East and North Elevations (attached)
 - 5. Wall Sections
 - 6. Existing Elevations
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. 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).



ZONING



Site

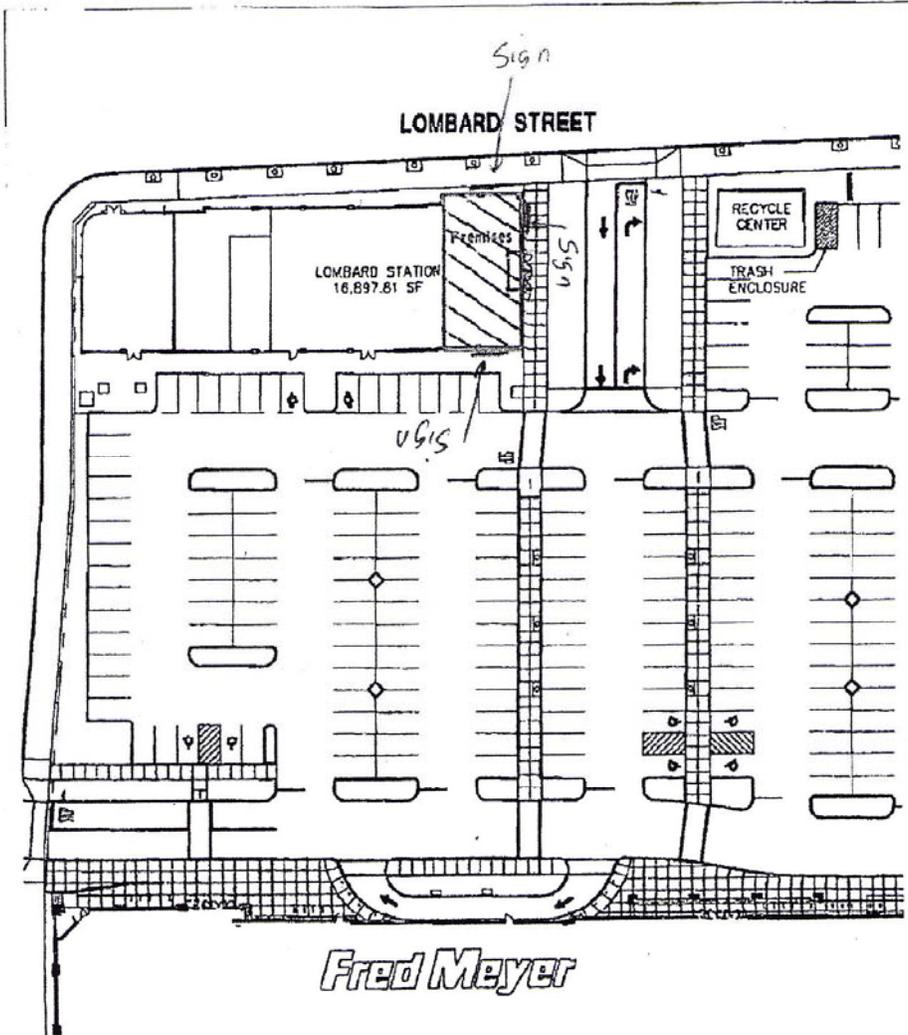


NORTH

This site lies within the:
NORTH INTERSTATE PLAN DISTRICT

File No.	<u>LU 12-103190 DZ</u>
1/4 Section	<u>2329</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E15BB 10700</u>
Exhibit	<u>B</u> (Jan 17, 2012)

EXHIBIT A-3
SITE PLAN



Site Plan
LOMBARD STATION
N.T.S.

10-17-11
Approved
City of Portland
Bureau of Development Services
Planner C. [Signature]
Date 3/26/12
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU12-103190 DZM

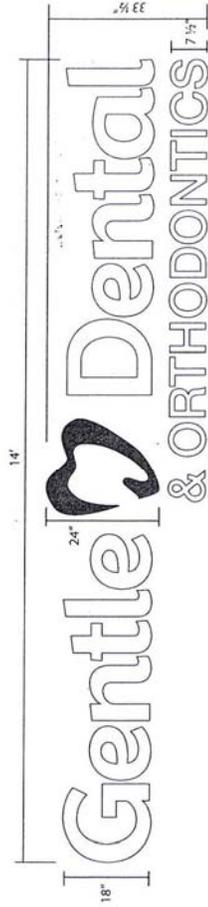
EXH. C-1

A 3 Sets - LED Illuminated Channel Letters - Raceway Wired - 39 Sq. Ft. Each
 Scale: 1/2" = 1'

City of Portland - Bureau of Development Services

Planner *C. Cass* Date *3/26/11*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Manufacture & Install (3) Sets of Internally Illuminated Pan Channel Letters w/Remote Raceway

Construction - Routed .090 Alum. Backs, Black Coil Alum. Returns 5" Deep, 1" Black Trim Cap

Letter Faces - 3/16" White Acrylic w/3M Lt. Tomato Red 3630-43 Translucent Vinyl Applied 1st Surface

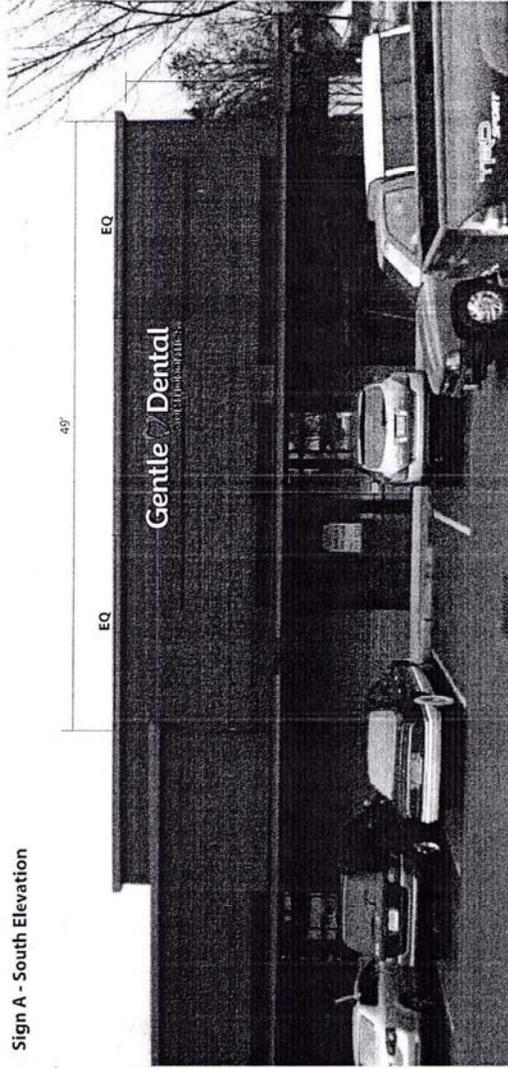
Illumination - White LED Grid as Required, Electrical Connection in Behind Wall

Install - Mount Letters Flush to Wall w/3/8" Lag Screws as Required

- 3M Light Tomato Red 3630-43
- White Acrylic
- Black Returns/Trimcap



Sign A - South Elevation



RAMSAY SIGNS Established 1911

Client: **Interdent Inc.**
 Gentle Dental
 1422 N. Lombard
 Portland, OR 97217

9160 SE 74th Avenue
 Portland, Oregon 97206
 503.777.4555 - 800.613.4555
 Fax 503.777.0220
 ramsaysigns.com

Date: 12.18.11

Project Manager: **Darin Hauer**
 Designer: **Gina Leckband**

Client Approval + Date
 Landlord Approval + Date

Revisions
 - Revisions No Longer Allowed 3.13.12

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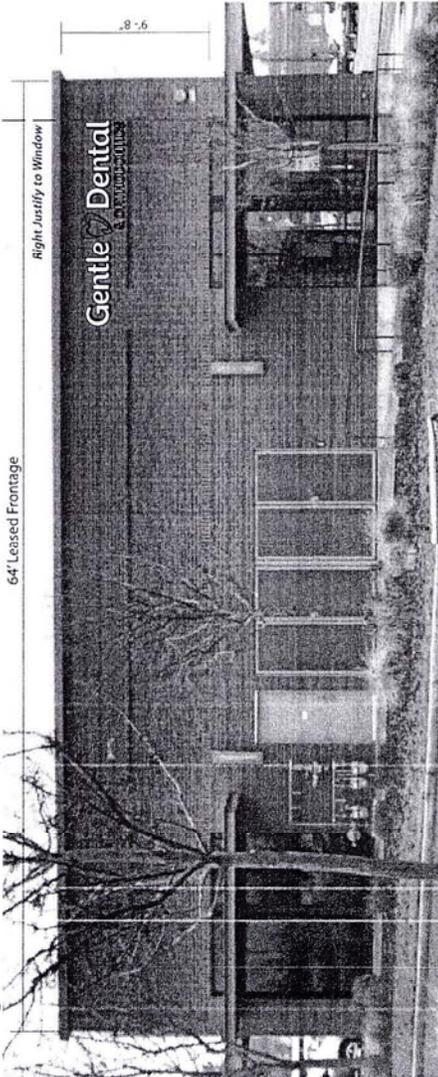
The UL logo indicates that this sign is listed in the UL product directory. The UL logo is a registered trademark of Underwriters Laboratories, Inc.

11RS-DH0253-PC

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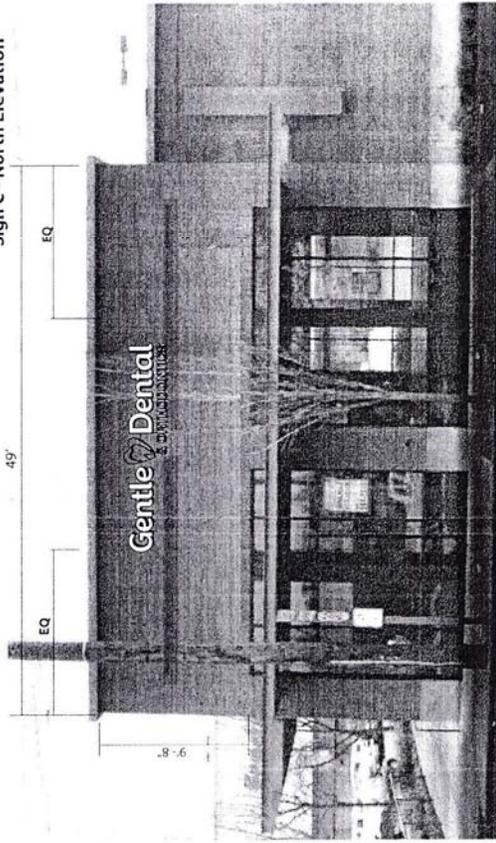
EXH,
 LU 12-103190 DZM
 C-3

Sign B - East Elevation



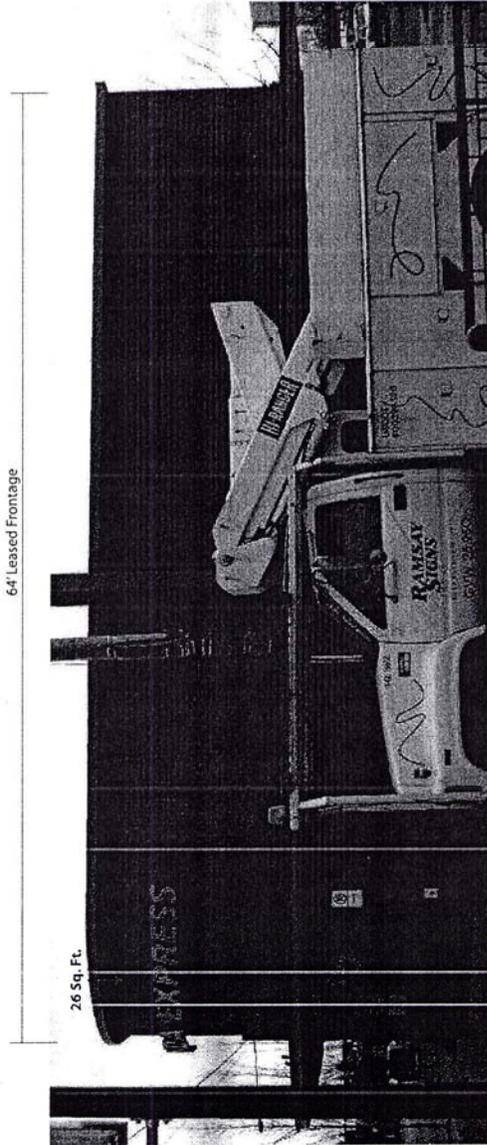
Scale : 1/8" = 1'

Sign C - North Elevation



Scale : 1/8" = 1'

64' Leased Frontage



26 Sq. Ft.

Scale : 1/8" = 1'

City of Portland - Date: 3/26/12
 Planning & Development Services
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

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 Gentle Dental
 1422 N. Lombard
 Portland, OR 97217

9160 SE 74th Avenue
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 ramsaysigns.com

Project Manager : Darin Fauer
Design : Gina Leckband

Date : 12.18.11
Client Approval - Date :
Landlord Approval - Date :

Established 1911

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LU 12-103190 DZM
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 CA