



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

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Date: August 16, 2018
To: Interested Person
From: Santiago Mendez, Land Use Services
 503-823-1361 / Santiago.Mendez@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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 18-181367 DZM – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Garrett Gibson | Ramsay Signs Inc.
 9160 SE 74th Avenue | Portland, OR 97206
garrettg@ramsaysigns.com

Owner: Mizrachi Family LLC
 526 SW 3rd Avenue | Portland, OR 97204

Site Address: **4709 NE MLK Boulevard**

Legal Description: BLOCK 6 LOT 4&5, MAEGLY HIGHLAND
Tax Account No.: R526702000
State ID No.: 1N1E22AD 15800
Quarter Section: 2530

Neighborhood: King, contact Margaret O'Hartigan at margaret@kingneighborhood.org
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030

Plan District: Albina Community
Other Designations: None

Zoning: **CM3d** – Commercial/Mixed Use 3 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 requests Design Review approval for the installation of a re-used 45-degree projecting neon sign and two awnings at 4709 NE Martin Luther King Jr. Boulevard. The existing sign and awnings will be transferred from the current George Morland Plumbing location at 2222 NW Raleigh Street.

The proposal requires the following Modification:

1. *Signs Extending into the right-of-way. (Title 32 Section 33.32.030.C.2.b)* – To project a sign with a face area of more than 30 square feet – exceeding maximum sign face area - into the right of way.

Design review is required for proposed, non-exempt exterior alterations in the “d” design overlay zone.

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:

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a 4,260 square foot retail building located on a 10,000 square foot lot with frontage and access along NE Martin Luther King Jr Blvd between NE Going Street and NE Wygant Street. The NE MLK retail corridor has seen extensive growth and redevelopment over the past decade. Formerly an industrial thoroughfare, NE MLK Jr Blvd has become more walkable and pedestrian-oriented with street-facing retail serving the neighborhoods to both the east and west.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

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.

The Albina Community Plan District implements the Albina Community Plan. The plan district’s provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district’s provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

Land Use History: City records indicate that there are no prior land use reviews.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **July 18, 2018**.

The Life Safety Section of BDS responded with the following comment in response to your proposal:

“Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building.” Please see Exhibit E-1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 18, 2018. 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 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.

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

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, E5, D2, D6 & D8:

- The proposal to place this re-used neon sign at the building corner will enhance the sense of identity of the building, adding visual interest and character to appeal to both vehicle and pedestrian transit along NE MLK Boulevard.
- The sign is proposed to be installed using the same 45-degree bracket mounting system as is now installed, therefore reducing exterior building damage. These brackets are proposed to be painted to match the existing wall color to reduce visual contrast.
- The proposed corner sign will highlight the building's main entrance to pedestrians.
- The proposed awnings will protect pedestrians from the rain while adding interest to the buildings north elevation.

Therefore, these guidelines have been met.

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:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification Request #1: 32.32.030 Modification to allow a sign greater than 30 square feet to project over the right of way.

Purpose Statement: The regulations contained in Chapters 32.30 through 32.38 are land use regulations which work in combination with Title 33, Planning and Zoning, to implement Portland's Comprehensive Plan. The standards contained in Chapters 32.32 through 32.34 encourage signs to be compatible with the distinct character of specific areas of the city by regulating the size, placement, and features of signs by base zone, overlay zone, and plan district. Chapter 32.34 includes standards that encourage signs that further the objectives of certain land use categories.

Standard (32.32.030.C.1.b): Maximum sign face area in the right-of-way. No more than 30 square feet of a projecting sign face may extend into a right-of-way.

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

Findings: D2. Main Entrances & D8. Interest, Quality, and Composition: The proposed projecting corner sign will highlight the building's main entrance for vehicles and pedestrians, while enhancing the sense of identity and visual interest of the building.

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: Title 32 standards contained in Chapters 32.32 to 32.34 encourage signs to be compatible with the distinct character of specific areas of the city by regulating the size, placement, and features of signs by base zone, overlay zone, and plan district. This proposed building sign will increase sign visibility on NE MLK Boulevard, a car-oriented commercial corridor, while adding to the character of the building and plan district through the use of an existing sign.

Therefore this Modification merits approval.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposed exterior alterations at 4709 NE MLK Boulevard will provide successful signage and pedestrian-scale elements for the new George Morland Plumbing location.

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 modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations at 4709 NE MLK Boulevard, per the approved site plans, Exhibits C-1 through C-3, signed and dated 8/8/18, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-181367 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Santiago Mendez

Decision rendered by:  **on 8/8/18**

By authority of the Director of the Bureau of Development Services

Decision mailed: 8/16/18

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 June 4, 2018, and was determined to be complete on July 11, 2018.

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 June 4, 2018.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: 11/8/2018.**

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 8/30/18** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **8/31/18** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

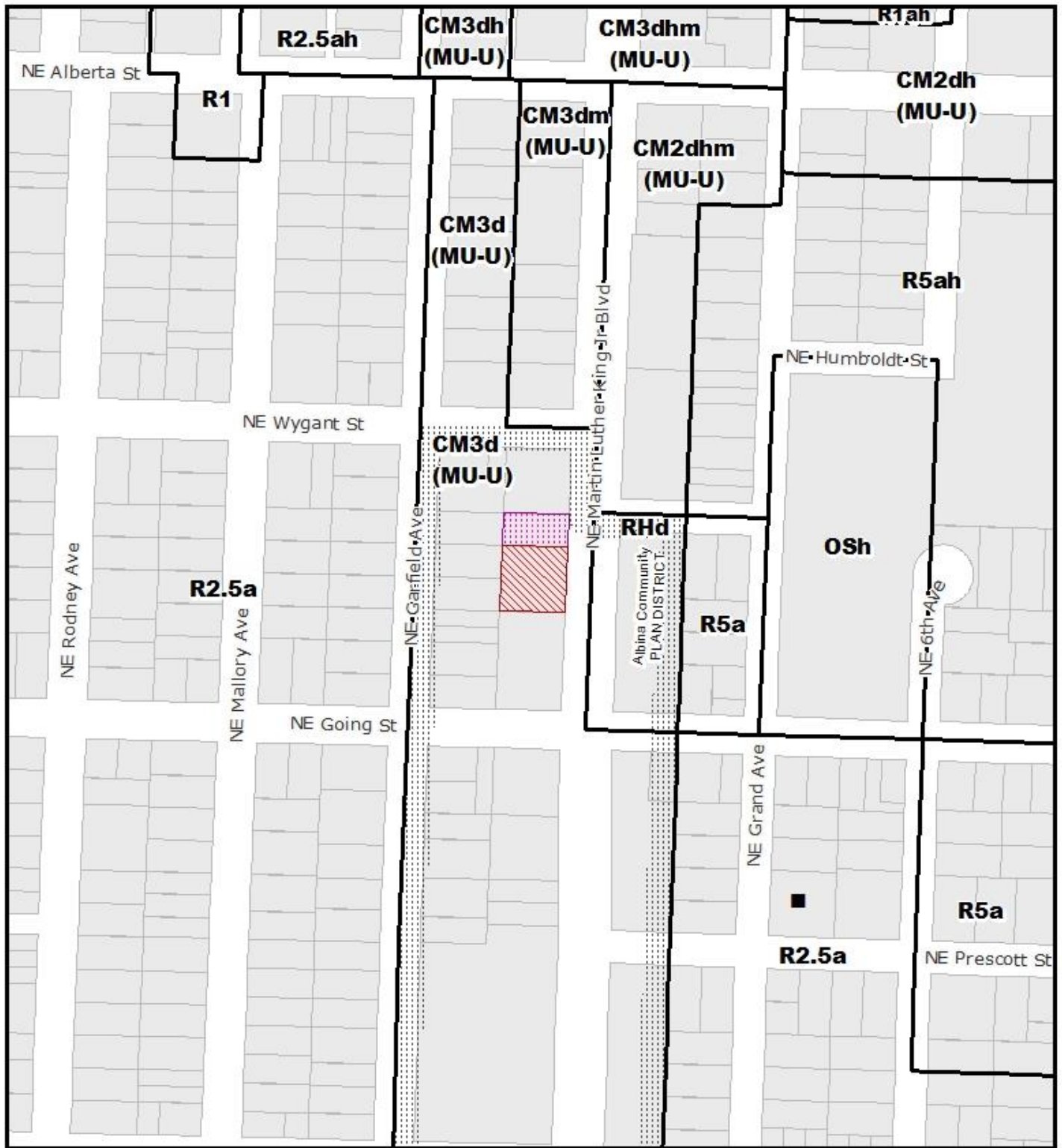
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Project Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Sidewalk Detail
 - 3. Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
- F. Correspondence: None
- 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).



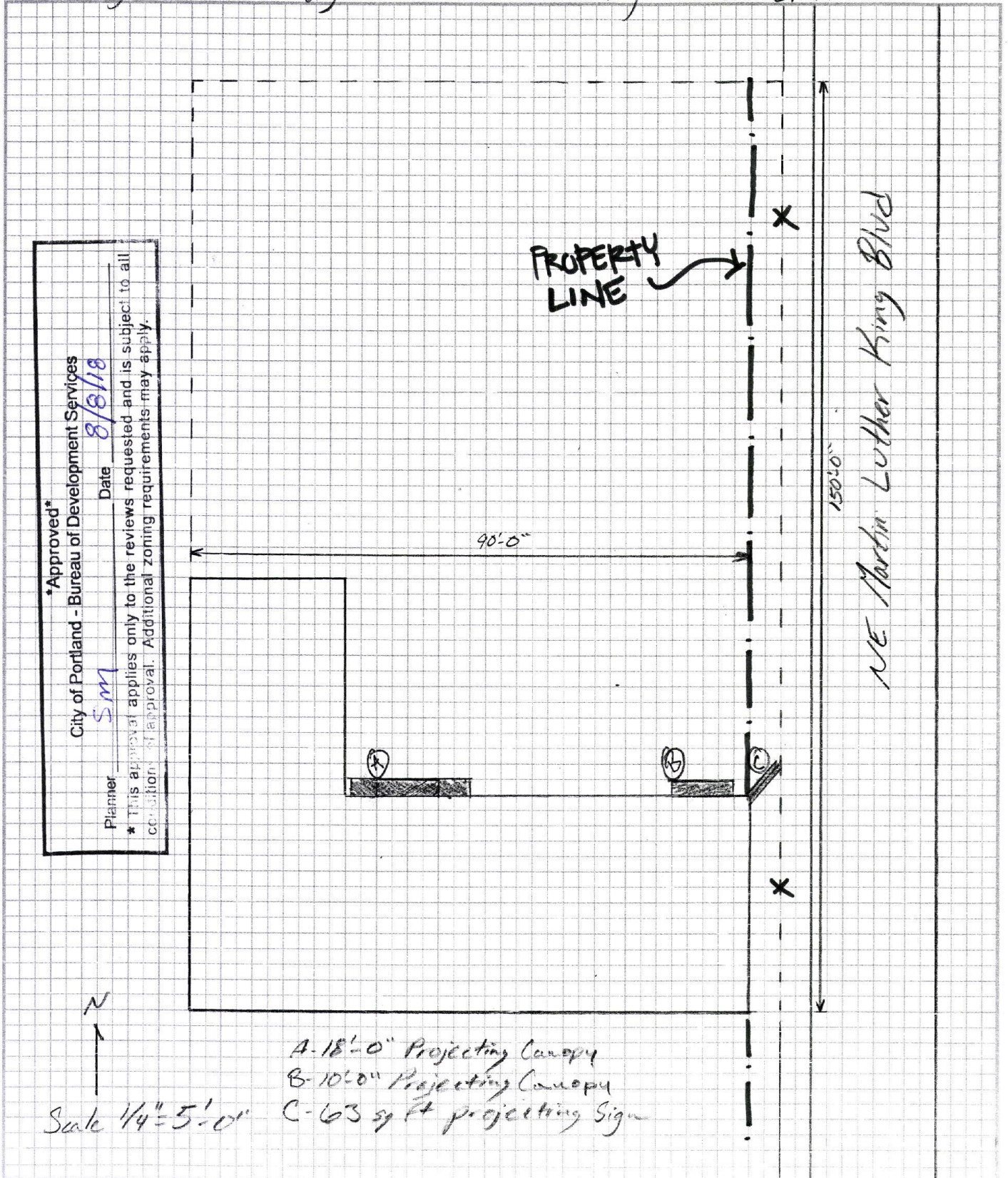
ZONING 
 NORTH
 THIS SITE LIES WITHIN THE:
 ALBINA COMMUNITY PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

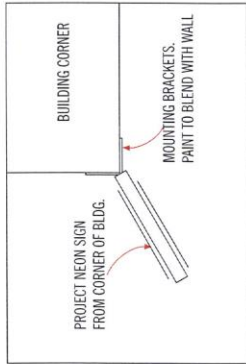
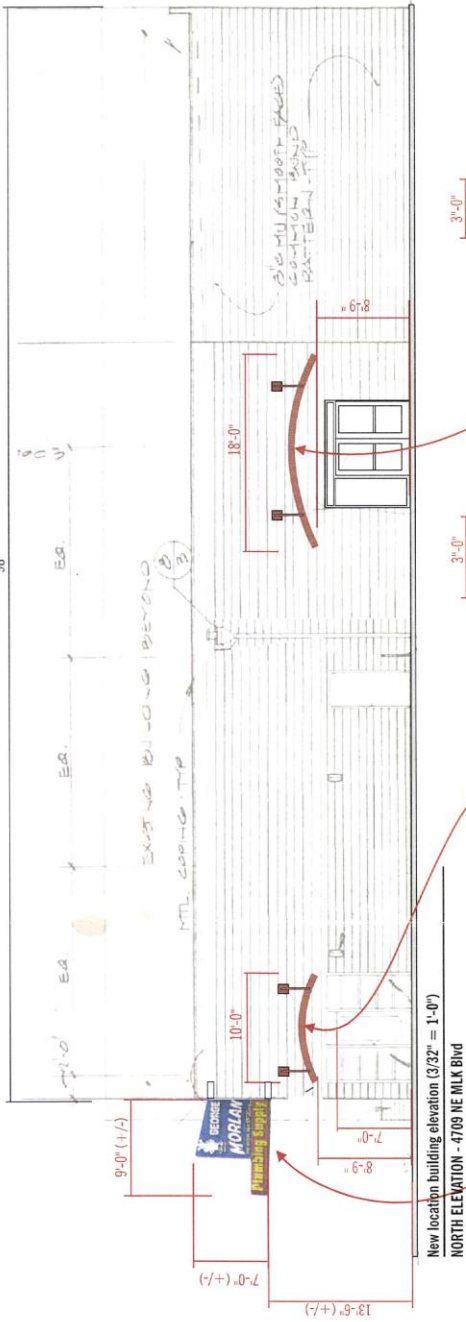
File No.	LU 18-181367 DZM
1/4 Section	2530
Scale	1 inch = 200 feet
State ID	1N1E22AD 15800
Exhibit	B Jul 10, 2018

PROJECT *George Horland Plumbing - 4709 NE Martin Luther King Blvd.*

DATE *5/16/18*



Approved
City of Portland - Bureau of Development Services
Planner *SM* Date *8/8/18*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

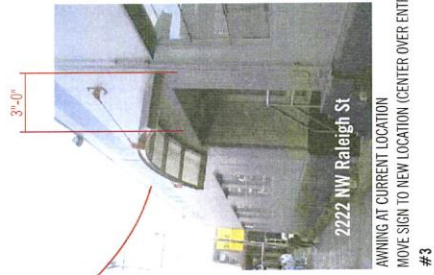


#1 PLAN VIEW - Sign projecting from corner

SCOPE OF WORK.
 Remove the D/F projecting neon sign and 2" eyebrow awnings from 2222 NW Raleigh St in Portland.
 Reinstall sign and awnings at new location 4709 NE MLK Blvd in Portland.
 This project will include Portland Design Review process and permits.

- #1 D/F (9' long x approx. 7" high) projecting neon display.
 Install at a 45 degree angle off the NE corner of the building, as it is now installed - use same bracket mounting system if applicable.
- #2 Relocate one 10" wide eyebrow awning with 3" projection to new location.
 Use the same mounting system/brackets/plates.
- #3 Relocate one 18" wide eyebrow awning with 3" projection to new location.
 Use the same mounting system/brackets/plates.

PRODUCTION SURVEY REQUIRED PRIOR TO FINAL INSTALLATION OF ITEMS - VERIFY DIMENSIONS



SIGN AT CURRENT LOCATION
 MOVE SIGN TO CORNER OF NEW LOCATION #1

AWNING AT CURRENT LOCATION
 MOVE SIGN TO NEW LOCATION (CENTER OVER ENTRANCE) #2

AWNING AT CURRENT LOCATION
 MOVE SIGN TO NEW LOCATION (CENTER OVER ENTRANCE) #3

Approved
City of Portland - Bureau of Development Services
 Planner *Sam* Date **8/8/18**

RAMSAY SIGNS PRODUCTION PRINT
 DESIGN: LS DATE: 4/20/18
 SALES: DATE:

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City of Portland - Bureau of Development Services
 Planner *Sam* Date **8/8/18**

Client Approval - Date	
Landlord Approval - Date	
Revisions:	
R(1)	

Date: 4/13/18
 Project Manager: George Morland Plumbing
 4709 NE MLK Blvd
 Portland, OR
 Designer: LS

Client:
 George Morland Plumbing
 4709 NE MLK Blvd
 Portland, OR
 Fax: 503.777.0220
 ramsaysigns.com

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