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Date: March 22, 2013
To: Interested Person
From: Sheila Frugoli, Land Use Services
 503-823-7817 / Sheila.Frugoli@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in 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 13-116376 AD
GENERAL INFORMATION

Applicant:	Terry Brown / Ramsay Sign Co 9160 SE 74th Ave / Portland OR 97206
Owner:	Jantzen Dynamic Corp P.O. Box 528 / Columbia, SC 29202
Site Address:	1405 JANTZEN BEACH CT
Legal Description:	TL 100 56.17 ACRES LAND & IMPS SEE R598735 (R951330521) FOR OTHER IMPS, SECTION 33 2N 1E
Tax Account No.:	R951330520, R951330520,
State ID No.:	2N1E33 00100, 2N1E33 00100,
Quarter Section:	1728, 1729, 1828, 1829
Neighborhood:	Hayden Island Roger Staver at 503-285-1326.

Business District: Columbia Corridor Association, Peter Livingston at 503-796-2892.
District Coalition: North Portland Neighborhood Serv, Mary Jaron Kelley at 503-823-4099.
Plan District: Hayden Island - Jantzen Beach
Zoning: CGh, x – General Commerical zone with Aircraft Landing and Portland International Airport Noise Impact Overlay zones
Case Type: AD, Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

PROPOSAL:

The applicant is requesting a Sign Adjustment to increase the maximum area of signage allowed on a building to be used by Lane Bryant, a women's clothing store. For the subject retail use, the Sign Code allows a total of 60 square feet of sign area, with no one sign exceeding 100 square feet. The applicant is requesting an Adjustment to allow a total of 128 square feet of signage with a wall sign and small blade sign on the front facade of the retail space. The applicant is requesting an Adjustment to allow the largest sign to be 126.5 square feet, which exceeds the 100 square foot allowance.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 32.38.030 C.1 and C.2, Sign Adjustments.

ANALYSIS

Site and Vicinity: The Jantzen Beach shopping center complex comprised of over 66 acres is located on the southeast side of Hayden Island, south of the Columbia River and the State of Washington. It is a large commercial development accessed by way of N Hayden Island Drive and N Jantzen Avenue. The existing development at Jantzen Beach includes a large parking area, a grouping of large individual stores, free-standing stores and restaurants. Additional commercial nodes are located north and east of the main Jantzen Beach development.

The commercial area is bounded on the south by houseboat moorages, along the south side of N Jantzen Avenue, on the west by residential development, and on the north by a mobile home/manufactured home park on the north side of N Hayden Island Drive.

Zoning: The site is zoned CGx. The CG, General Commercial zone is intended to allow auto-accommodating commercial development, allowing a full range of retail and service businesses with a local or regional market. The 'x' represents the PDX Noise Impact Zone, applied to the noise impact area surrounding Portland International Airport. The regulations of the 'x' overlay do not apply to the proposed Adjustment.

The site is in the Jantzen Beach subdistrict of the Hayden Island Plan District, in the West sub area. There are no development standards of the plan district that are applicable to this proposal.

Land Use History: City records indicate there are several prior land use reviews for the Jantzen Beach Center, from 1979 (when it was first developed and was in Multnomah County's jurisdiction) through the past decade, primarily for Sign Adjustments for various tenant spaces. Relevant to this review are the following fairly recent decisions:

LU 00-00096 AD: Approval of sign Adjustment to increase sign area from 90 square feet to 199.50 square feet for a wall sign for a furniture store.

LU 01-00661 AD: Approval a sign Adjustment to increase the maximum individual sign size from 200 to 204 square feet and to increase the overall allowed sign area from 221 square feet to 612 square feet for three building wall signs for the Target store.

LU 03-160957 AD: Approval of a sign Adjustment to increase the overall allowed sign area from 163 to 250 square feet for two signs for the Toys-R-Us store.

LU 10-148399 AD: Approval of a sign Adjustment to exceed the sign area allowance, allowing an additional 18.7 square foot sign, to be located at the rear of the Petco store.

LU 10-178641 AD: Approval of an Adjustment to 33.130.215.C.2 to increase the 10-foot maximum building setback standard (Zoning Code Section 33.532.245 and 33.130.215.C.2.e) to:

- Increase the building setback to 28 feet along “Street A”, a designated transit street for the proposed retail shops;
- Increase the building setback to 75 feet to allow parking between the proposed retail shops and “N. Tomahawk Island Drive”;
- Increase the building setback to 238 feet for a future restaurant between the designated transit street (and future street as shown on the Master Street Plan);
- Increase the maximum building setback to 234 feet between a future restaurant and N. Jantzen Avenue;
- Increase the building setback to 485 feet between a future restaurant and “Street A”, a designated transit street; and
- Waive the building setback requirement for the proposed grocery store. The building will be located where the Master Street Plan shows a southernmost future east-west street.

LU 11-134399 AD: Approval of the following Adjustments in order to construct a new stand-alone 139,000 square foot Target store:

- Widen the drive aisle from the maximum allowed 25 feet to 30 feet, to include an 8-foot wide drop-off zone at the store’s front entrance;
- Reduce the required width of the on-site sidewalk (pedestrian walkway) from 15 to 11.5 feet in two areas where landscape planters are proposed;
- Reduce the 30-foot spacing requirement to approximately 22 feet for trees, to cluster them away from the entrance area, and
- Waive the required curb between the access road and the sidewalk along a 160-foot length, near the entrance of the store. Bollards and trees will be installed to establish a physical separation between the walkway and motor vehicle area.

LU 11-183884 AD: Approval of an Adjustment to waive the main entrance requirement (33.532.250.C) so that a main entrance may be moved approximately 18 feet farther west from a designated access street (identified as “Access Drive B”). The relocated entrance will serve the relocated Ross Dress for Less store.

LU 11-200740 AD: Approval of a Sign Adjustment for the Ross Dress for Less store to increase the overall sign area allowance from 140 to 350 square feet, and to increase the maximum individual sign size for one sign from 100 to 225 square feet, based on the approved plans and drawings.

LU 12-159551 AD: Approval of a Sign Adjustment for the Target Store to allow a single fascia sign to exceed its maximum size from 100 to 199.63 square feet.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 26, 2013**. 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 February 26, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

32.38.30 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 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. The applicant must meet Criteria C.1.a. and b. and either C.1.c. or d.
 - a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and
 - b. The sign will not create a traffic or safety hazard; and
 - c. The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
 - d. The adjustment will allow a sign that is more consistent with the architecture and development of the site.

Findings: The Sign Code limits the maximum sign area based on the primary building wall of the structure. The Lane Bryant store has a primary building wall that is 60 feet long. Therefore, the total allowed sign area is 60 square feet. The Sign Adjustment request is to increase the sign size to a total of 128 square feet and to exceed the maximum allowed size of each sign from of 100 to 126.5 square feet, for a fascia sign.

Criterion 1.a.: The Jantzen Beach Shopping Center is located within the Hayden Island Plan District (implemented September 18, 2009). The purpose of the Hayden Island Plan District (33.532.010.A) is described as follows:

The regulations in this chapter will preserve and enhance both the character and opportunities of Hayden Island to:

- *Create a transportation network that provides for all modes, and allows people to easily move from one mode to another;*
- *Focus higher intensity, mixed-use development near the Light Rail Station;*
- *Provide opportunities for a range of housing types, and encourage mixed-use development, including commercial uses, to serve the residential uses;*
- *Ensure transitions between residential and nonresidential zones and neighborhoods; and*
- *Recognize the current function of the Jantzen Beach Super Center as an auto-oriented shopping mall and its long-term potential for more intense development that is less auto-oriented and more pedestrian-friendly resulting from major investments in the transportation system.*

The “vision statement” in the **Hayden Island Plan** includes the following relevant statement:

Island Community

Create a shared community identity and sense of place by creating physical space and building form that has a mix of uses and community open space that focuses on the transit station as a community amenity.

f. Develop a transit-oriented community in the station area.

h. Encourage a bike-friendly and walkable community, with easy access to the transit station.

By designating the area as a “Pedestrian District”, the Portland City Council affirmed the community’s desire to emphasize a mix of transportation modes and to improve the pedestrian experience. Further, the City Council adopted a master street plan that designates a network of future streets in the shopping center area. The streets are intended to provide logical circulation for all modes of transportation. The master street plan is currently being implemented through a Memorandum of Understanding signed by the owners of the site and through issued building permits (11-106602 CO and 11-182343 CO). The designated streets further define the desire for a multi-modal transportation system at this location.

The Lane Bryant store will face north towards a parking area. The parking area will have frontage on N. Tomahawk Drive, an interior street. The fascia sign and the small blade sign will be located above the main entry. The signage is modest in scale to the overall building, and will not result in street level sign clutter, or to a sign that adversely dominates the visual image of the area. Several other retail signs in the immediate vicinity have similarly-scaled main fascia signs. Therefore, this criterion is met.

Criterion 1.b.: The sign will be secured to the building using the latest standards as set forth in applicable building codes adopted by the City of Portland. The proposed fascia sign will be internally illuminated using an LED lighting system. This will help the sign have adequate visibility at night, but without creating unnecessary glare to either pedestrians or motorists. Therefore, this criterion is met.

Criterion 1.c.: The proposal must comply with *either* Criterion 1.c or 1.d. See response to Criterion 1.d, below.

Criterion 1.d.: As described above, the commercial development at Jantzen Beach is characterized by large scale retail uses, large parking lots, with both freestanding and wall-mounted signs. The proposed sign is sensitively scaled to the multi-tenant retail building and is of a similar scale to the other recently-approved primary signs for other commercial uses at or near the Jantzen Beach shopping center site. Therefore, this criterion is met.

2. Site difficulties. If there are unusual site factors that preclude an allowed sign from being visible to the street immediately in front of the site, an adjustment will be granted to achieve the visibility standards of Subparagraph d below. This adjustment is not intended to be used to make signs visible to other streets and rights of way or to freeways. Site difficulties may include the sign face being blocked due to topography of the site, existing development or landscaping on the site, or from an abutting development or landscaping. This set of adjustment criteria is generally intended for freestanding and projecting signs and allows greater flexibility in placement of the sign.

Findings: There are no unusual site factors in this case. The site is flat, and the sign is visible from the adjacent pedestrian walkways and on-site vehicle circulation routes. This approval criterion does not apply.

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

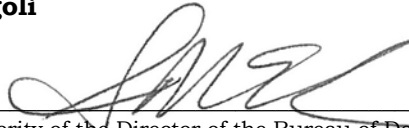
The sign Adjustment request meets the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of a Sign Adjustment for the Lane Bryant store to increase the total sign area allowance from 60 to 128 square feet and to increase the maximum sign size from 100 to 126.5 square feet for a fascia sign, per the approved plans, Exhibits C.1 and C.2, signed and dated March 20, 2013, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-116376 AD."

Staff Planner: Sheila Frugoli

Decision rendered by:  **on March 20, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 22, 2013

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 February 14, 2013, and was determined to be complete on **February 22, 2013**.

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 February 14, 2013.

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

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

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

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

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

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 5, 2013** 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 Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

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

- *Unless appealed,* The final decision may be recorded on or after **April 8, 2013.**
- 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:

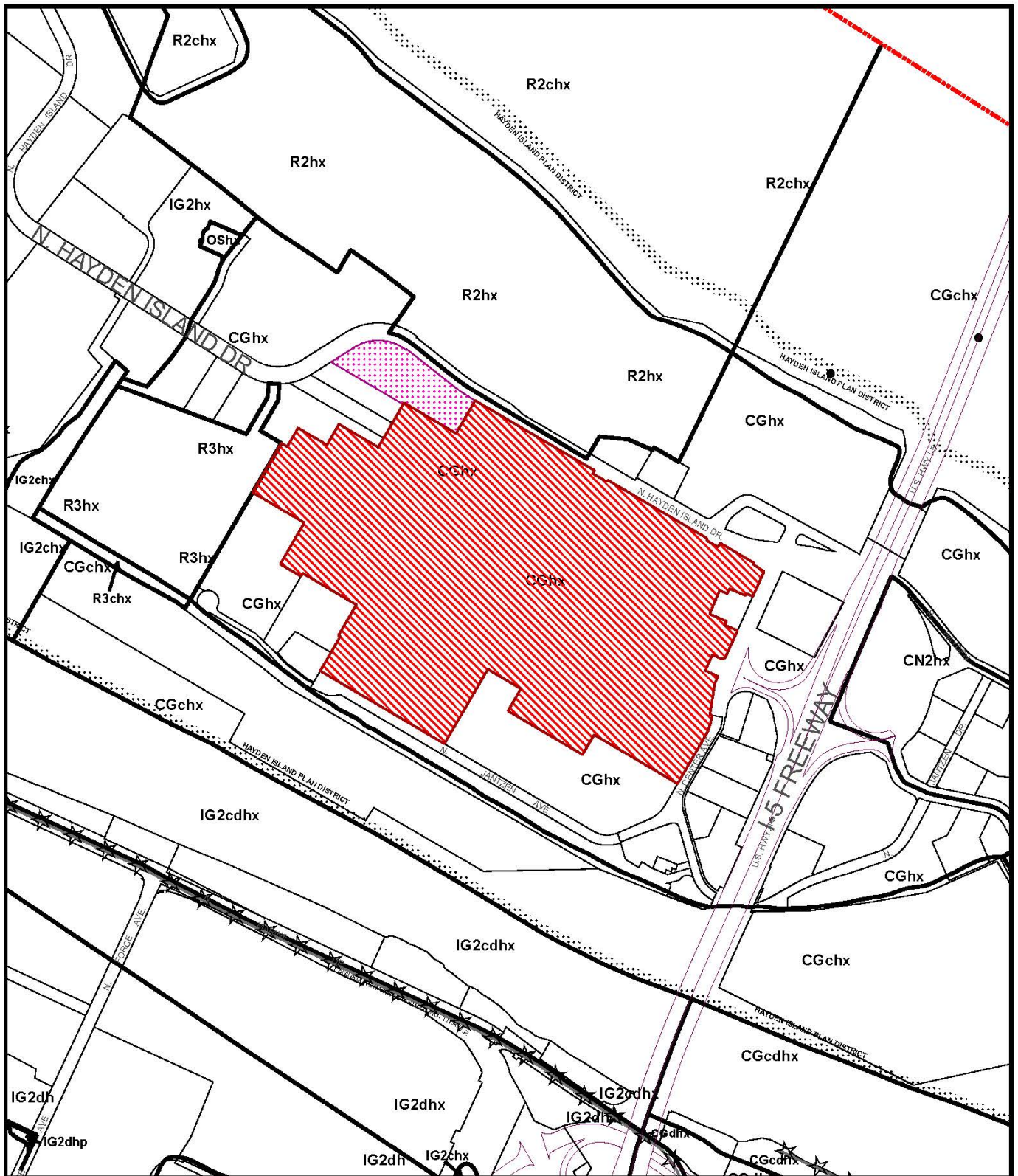
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Sign Details (attached)
 - 3. Photos of Existing Signs on Nearby Buildings/Storefronts
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. TRACS Print-Out showing "No Concerns" from Bureau Reviewers
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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



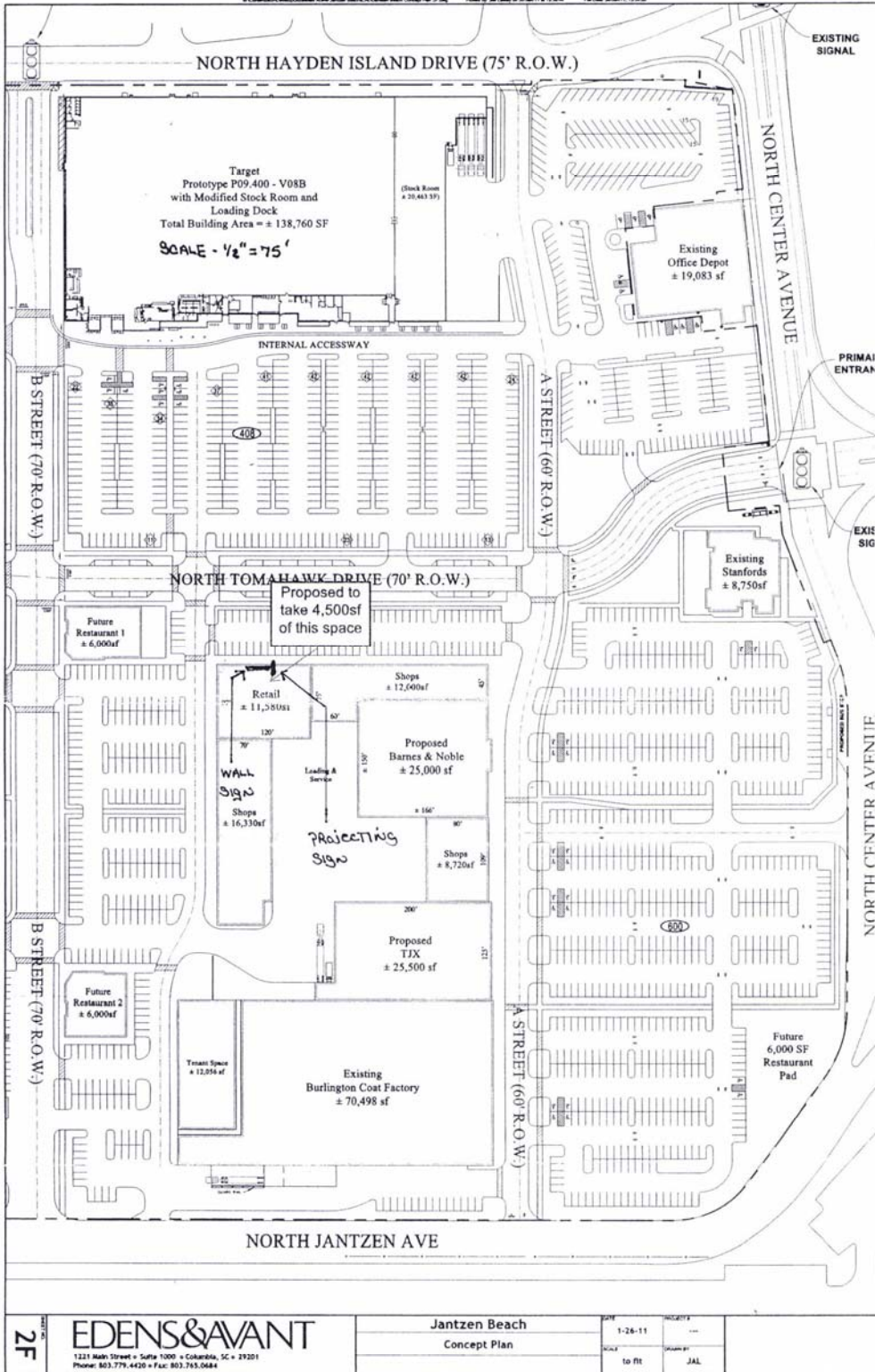
ZONING

 Site
 Also Owned
 Historic Landmark



This site lies within the:
 HAYDEN ISLAND PLAN DISTRICT
 JANTZEN BEACH SUB DISTRICT

File No. LU 13-116376 AD
 1/4 Section 1728,1729,1828,1829
 Scale 1 inch = 600 feet
 State_Id 2N1E33 100
 Exhibit B (Feb 15, 2013)



Approved
City of Portland - Bureau of Development Services
S. Krugel Date *March 20, 2013*
This approval applies only to the reviews requested and is subject to all
conditions of approval. Additional zoning requirements may apply.

LV 13-116376 AD

