



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

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Date: April 6, 2016
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-823-7010 / Andrew.Gulizia@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 16-107241 AD

GENERAL INFORMATION

Representative: Read Stapleton / DOWL
720 SW Washington St., Ste. 750 / Portland, OR 97205

Applicant: Elizabeth Wilson / CBOCS West, Inc. A Nevada Corporation
307 Hartmann Dr. / Lebanon, TN 37087

Property Owner: Jantzen Dynamic Corporation
PO Box 528 / Columbia, SC 29202

Owner's Agent: Albert James / Edens
1221 Main St., Ste. 1000 / Columbia, SC 29201

Site Address: 12045 N Parker Ave.

Legal Description: TL 600 7.78 ACRES, SECTION 33 2N 1E
Tax Account No.: R951330470
State ID No.: 2N1E33D 00600
Quarter Section: 1828
Neighborhood: Hayden Island, contact Ron Ebersole at 503-320-8398
Business District: Columbia Corridor Association, contact Debbie Deetz-Silva at 503-978-6044
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099
Plan District: Hayden Island (Jantzen Beach subdistrict)
Zoning: CGh, x – General Commercial with Aircraft Landing (“h”) and Airport Noise Impact (“x”) overlay zones
Case Type: AD – Adjustment Review
Procedure: Type II administrative decision with appeal to the Adjustment Committee

Proposal: The applicant proposes to construct a one-story restaurant building on this site. The applicant's proposal does not comply with maximum setback and main entrance requirements which apply because the site is in a pedestrian district and the Hayden Island plan district. Therefore, the applicant is requesting approval of Adjustments to:

- Increase the maximum setback from the right-of-way of N Center Ave. from 10 feet to 52 feet (Zoning Code Section 33.130.215.C);
- Increase the maximum setback from a planned street right-of-way north of the proposed building location from 10 feet to 30 feet (Zoning Code Section 33.130.215.C); and
- Increase the maximum distance between the N Center Ave. right-of-way and the main entrance to the proposed building from 25 feet to 52 feet (Zoning Code Section 33.532.250).

Relevant Approval Criteria: In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Section 33.805.040.A-F of the Portland Zoning Code.

ANALYSIS

Site and Vicinity: The Jantzen Beach shopping center is located on the southeast side of Hayden Island. It is a large commercial development accessed by N Hayden Island Drive and N Jantzen Avenue. The existing development at Jantzen Beach includes an enclosed retail mall, a large parking area, a grouping of large individual stores, and free-standing restaurants. Additional commercial nodes are located north and east of the main Jantzen Beach development. Jantzen Beach is bounded on the south by houseboat moorages, along the south side of N Jantzen Avenue, and on the west by residential development.

Zoning: The site is designated with the CG (General Commercial) zone. Commercial zones generally seek to promote uses and developments that will enhance the economic viability of both the City and neighborhood. The CG zone in particular 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.

The Aircraft Landing ("h") overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The associated regulations do not apply in commercial zones.

The Portland International Airport Noise Impact Zone ("x") overlay zone addresses specific residential density, noise insulation, and other issues for development in the landing and take-off flight paths. As no residential construction is proposed, the requirements of this overlay are not applicable to this project.

The Hayden Island plan district provides regulations that preserve and enhance both the character and opportunities of Hayden Island to: Create a transportation network that provides for all modes, and allowed 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.

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

- LU 11-183884 AD: Approval of an Adjustment to waive the main entrance location requirement for a relocated retail store.

- LU 11-134399 AD: Approval of an Adjustment to vary from the internal accessway requirements of the Hayden Island plan district.
- LU 10-178641 AD: Approval of an Adjustment to the 10-foot maximum building setback standard.
- LU 10-148399 AD: Approval of an Adjustment to allow an 18.7 square-foot fascia sign.
- LU 08-105336 AD: Approval of an Adjustment to increase the maximum allowed transit street setback for a retail store.
- LU 03-160957 AD: Approval of an Adjustment to increase the maximum sign size for a retail store.
- LUR 01-00661 AD: Approval of an Adjustment to increase the maximum sign size and total sign area allowed for a tenant.
- LUR 00-00096 AD: Approval of an Adjustment to increase the maximum sign size for a tenant.
- LUR 97-00487 AD: Approval of an Adjustment to allow phasing of required pedestrian walkways over a 3-year period and to reduce the bicycle parking requirement.
- SRZ 050-90: Administrative approval of a Site Review for a satellite dish.
- MP 102-89: A 2-lot partition.
- MCF 86-07-04: Multnomah County approval of a Design Review for a retail commercial development.
- MCF 86-03-04: Multnomah County approval of a Design Review for an office.
- MCF 9-83: Multnomah County approval of a Temporary Permit for a circus in the shopping center parking lot.
- MCF 8-83: Multnomah County approval of a Height Variance to allow a 52-foot tower.
- MCF 83-02-02: Multnomah County approval of a Design Review for a water slide.
- MCF 81-07-09: Multnomah County approval of a Design Review for a retail sales development.
- MCF 79-12-07: Multnomah County approval of a Design Review for a Toys-R-Us store.
- MCF 79-03-03: Multnomah County approval of a Design Review for a retail sales development.
- MCF 79-02-15: Multnomah County approval of a Design Review for a retail sales development.

Agency Review: A “Notice of Proposal” was mailed February 2, 2016. The following Bureaus have responded with no concerns about the proposed Adjustments:

- Bureau of Transportation Engineering (Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Section of BDS (Exhibit E-5); and
- Life Safety Review Section of BDS (Exhibit E-6).

The Bureau of Environmental Services (BES) responded with no objections to the proposed Adjustments, but suggested the applicant delay the Adjustment decision until the completion of the public works concept approval (Exhibit E-1). The applicant delayed this decision while working with BES staff on that process.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the mailed “Notice of Proposal.”

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting Adjustments to the maximum street setback requirement of the CG zone and the main entrance location requirement of the Hayden Island plan district.

The purposes of setback requirements in the CG zone are stated in Zoning Code Section 33.130.215.A:

Purpose. *The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.*

The purpose of the main entrance requirement in the Hayden Island plan district is stated in Zoning Code Section 33.532.250.A:

Purpose. *Locating the main entrance of a use near the street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.*

This site is adjacent to a transit street and within a pedestrian district identified in the Transportation Element of the Comprehensive Plan. As stated above, the purpose of the 10-foot maximum street setback requirement along transit streets and in pedestrian districts is to “create an environment that is inviting to pedestrians and transit users.” The purpose of the main entrance requirement in the Hayden Island plan district is also to create a supportive environment for pedestrians and transit users.

Jantzen Beach is an existing, auto-oriented shopping center in which many buildings are located further from the surrounding streets than the proposed building subject to this review. Currently, the retail buildings on the west side of this part of N Center Avenue are set back more than 400 feet from the street behind a large parking area. The new restaurant building, while further than 10 feet from N Center Avenue, will be close enough to feel more connected to the street and improve the experience for pedestrians and transit users compared to the existing condition. The covered porch and large windows proposed for the east side of the building will reinforce the new building’s connection to N Center Avenue. Since the windows are especially important to the building’s street presence, a condition of approval will require at least 50% of the length and at least 25% of the area of the east-facing wall to be windows. (This is the “ground floor windows” standard in Zoning Code Section 33.130.130 that would apply to this wall if it was within 20 feet of the street.)

To promote convenient access for pedestrians and transit users, a 6-foot wide paved walkway is required between the building and the sidewalk along N Center Avenue (Zoning Code Section 33.130.240), and is illustrated on the applicant's site plan (Exhibit C-1). Also, recently completed landscaping improvements (permit 15-170028 ZP) include trees and shrubs between N Center Avenue and the proposed building location. Since this landscaping is important for a pedestrian-friendly street presence for the building, retention of this landscaping will be made a condition of approval of this review.

The building will also be located more than 10 feet from the planned street to the north. While the building will be more oriented to N Center Avenue than to the future street to the north, the building will be close enough to this future street to support the envisioned pedestrian- and transit-friendly environment along it. Also, recently completed landscaping improvements (permit 15-170028 ZP) include trees and shrubs between the future street and the proposed building location. Since this landscaping is important for a pedestrian-friendly street presence for the building, retention of this landscaping will be made a condition of approval of this review. To avoid a blank wall facing the future street, which would undermine the desired environment for future pedestrians and transit users, a condition of approval will require at least 25% of the length and at least 12.5% of the area of the north-facing wall to be windows. (This is the "ground floor windows" standard in Zoning Code Section 33.130.130 that would apply to this wall if it was within 20 feet of the street.)

With the conditions of approval described above, the proposal equally meets the purposes of the maximum street setback requirement of the CG zone and the main entrance location requirement of the Hayden Island plan district. This criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Because the site is located in the CG zone, the applicant must demonstrate that the proposal will be consistent with the classifications of adjacent streets and with the desired character of the area.

Street Classifications

The site abuts N Center Avenue, N Jantzen Avenue, N Parker Avenue, and N Pavilion Avenue. A future street (not yet named) is planned approximately 30 feet north of the proposed restaurant building. The classifications of these streets, as identified in the Transportation Element of the Comprehensive Plan, are as follows:

Street	Traffic	Transit	Bikeway	Pedestrianway	Freight
N Center Ave.	District Collector	Transit Access Street	City Bikeway	City Walkway	Local Service
N Jantzen Ave.	Local Service	Local Service	City Bikeway	City Walkway	Local Service
N Parker Ave.	Local Service	Transit Access Street	City Bikeway	Local Service	Local Service
N Pavilion Ave.	Local Service	Local Service	Local Service	Local Service	Local Service
Future street	Local Service	Transit Access Street	City Bikeway	Local Service	Local Service

The proposed Adjustment to the maximum setback requirement and the main entrance location requirement will not affect the type or intensity of the use, and the increased setback distance for the building and its main entrance will not increase traffic levels or demand for transit, bike, pedestrian, or freight facilities. The Portland Bureau of Transportation reviewed the proposal and responded with no concerns (Exhibit E-2). Therefore, the proposal is consistent with the classifications of adjacent streets.

Desired Character of Area

The “desired character” of an area is defined in Zoning Code Chapter 33.910 as the preferred or envisioned character based on the purpose statement or character statement of the base zone, overlay zone, or plan district, and any adopted area plans. The site is designated with the CG base zone, and is within the boundaries of the Hayden Island plan district and the adopted Hayden Island Plan. (The site is designated with the “h” and “x” overlay zones, but the associated regulations do not apply to this proposal.)

The character statement for the CG zone in Zoning Code Section 33.130.030.G reads:

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 or in a Pedestrian District. 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 purpose of the Hayden Island plan district is stated in Zoning Code Section 33.532.010:

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 environmental zoning that applies to much of the plan district will preserve and restore the unique and valuable natural resources of the island, such as the shallow water habitat.

The “vision statement” in the Hayden Island Plan includes the following relevant goal and theme statements:

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.

Getting Around

...

The community envisions a transportation system that provides for a neighborhood where residents can walk to a light rail station and a boat moorage; where streets accommodate all modes of transportation; and where residents and business benefit from access to the island that is provided by local access lanes or a new bridge.

...

- b. Produce an integrated transportation network and better connectivity on the island that provide for public transportation, vehicles, cycles, and pedestrians.*

Each of the statements quoted above speaks to facilitating pedestrian access and transit use and promoting transit-oriented development. Generally, a convenient and aesthetically pleasing street environment is assumed to promote these goals. Locating buildings close to streets also furthers these goals by minimizing distances from buildings to public sidewalks and transit stops.

Although served by transit streets and located in a designated pedestrian district, Jantzen Beach is an existing, auto-oriented shopping center in which many buildings are located further from the surrounding streets than the proposed building subject to this review. As discussed in the findings for criterion A, the new restaurant building, while set back further than 10 feet from N Center Avenue and the future street to the north, will be close enough to feel more connected to these streets and improve the experience for pedestrians and transit users compared to the existing condition. The covered porch and large windows proposed for the east side of the building will reinforce the new building's connection to N Center Avenue. Since windows are especially important to the building's street presence, a condition of approval will require at least 50% of the length and at least 25% of the area of the east-facing wall to be windows. To avoid a blank wall facing the future street to the north, which would undermine the desired environment for future pedestrians and transit users, a condition of approval will require at least 25% of the length and at least 12.5% of the area of the north-facing wall to be windows. (These conditions of approval replicate the "ground floor windows" standard in Zoning Code Section 33.130.130 that would apply to these walls if they were located within 20 feet of street lot lines.) To promote convenient access for pedestrians and transit users, a 6-foot wide paved walkway is required between the building and the sidewalk along N Center Avenue (Zoning Code Section 33.130.240), and is illustrated on the applicant's site plan (Exhibit C-1). Also, recently completed landscaping improvements (permit 15-170028 ZP) include trees and shrubs between the building and existing and planned streets to the north and east. Since this landscaping is important for a pedestrian-friendly street presence for the building, retention of this landscaping will be made a condition of approval of this review.

Summary

With the conditions of approval described above, the Adjustments requested are found to be consistent with the classifications of adjacent streets and with the desired character of the area. This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.

Findings: Adjustments are requested for the maximum setback standard and the main entrance location standard. The CG zone is intended to allow a full range of retail and service businesses with development standards that promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas (Zoning Code Section 33.130.030.G). The proposed restaurant use will support the commercial purpose of the zone. The cumulative impact of the two Adjustments will allow the building to be sited further from the existing and planned streets than would be allowed otherwise, but this will not, in itself, prevent an open and pleasant street appearance or promote unattractive development. As discussed in the findings for criteria A and B, conditions of approval related to windows and landscaping will promote an attractive

development and a pleasant street appearance. The proposed restaurant building will not be adjacent to any residential development. With conditions of approval related to windows and landscaping, this criterion is met.

D. City designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As discussed in the findings for criteria A and B, conditions of approval will require retention of trees and shrubs between the building and existing and planned streets, and will require a minimum amount of street-facing windows on the north and east elevations. By enhancing the street presence for the new building, these elements will effectively mitigate any impacts from locating the building further than 10 feet from streets. With conditions of approval related to windows and landscaping, this criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resources and resource value as is practical.

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on site, this criterion is not applicable.

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 equally meets the intent of the regulations to be modified and is found to be consistent with the classifications of adjacent streets and with the desired character of the area. The cumulative effect of the Adjustments is still consistent with the overall purpose of the CG zone. Conditions of approval related to windows and landscaping will mitigate any impacts from locating the building further than 10 feet from streets. The applicant has demonstrated that the applicable approval criteria are met. Since the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

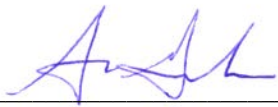
Approval of Adjustments to:

- Increase the maximum setback from the right-of-way of N Center Ave. from 10 feet to 52 feet (Zoning Code Section 33.130.215.C);
- Increase the maximum setback from a planned street right-of-way north of the proposed building location from 10 feet to 30 feet (Zoning Code Section 33.130.215.C); and
- Increase the maximum distance between the N Center Ave. right-of-way and the main entrance to the proposed building from 25 feet to 52 feet (Zoning Code Section 33.532.250);

per the approved site plans and elevations, Exhibits C-1 through C-3, signed and dated April 1, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 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 through C-3, except for the modifications required by Condition B, below. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-107241 AD."
- B. The new building must comply with the Ground Floor Windows standard of Zoning Code Section 33.130.230, even though the building will be set back more than 20 feet from the street lot lines. The general standard (that at least 50% of the length and at least 25% of the ground level wall area must be windows) must be met on the east elevation. At least one-half the general standard must be met on the north elevation.
- C. All existing trees and shrubs between the new building and N Center Avenue must be retained or must be replaced in kind if damaged during construction.
- D. All existing trees and shrubs within a 30-foot-deep area north of the building must be retained or must be replaced in kind if damaged during construction.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on April 1, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 6, 2016

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 19, 2016, and was determined to be complete on **January 28, 2016**.

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 19, 2016.

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 extended the 120-day review period by 28 days. Unless further extended by the applicant, **the 120 days will expire on: June 24, 2016.**

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 20, 2016**, at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 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 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 21, 2016**.
- 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:

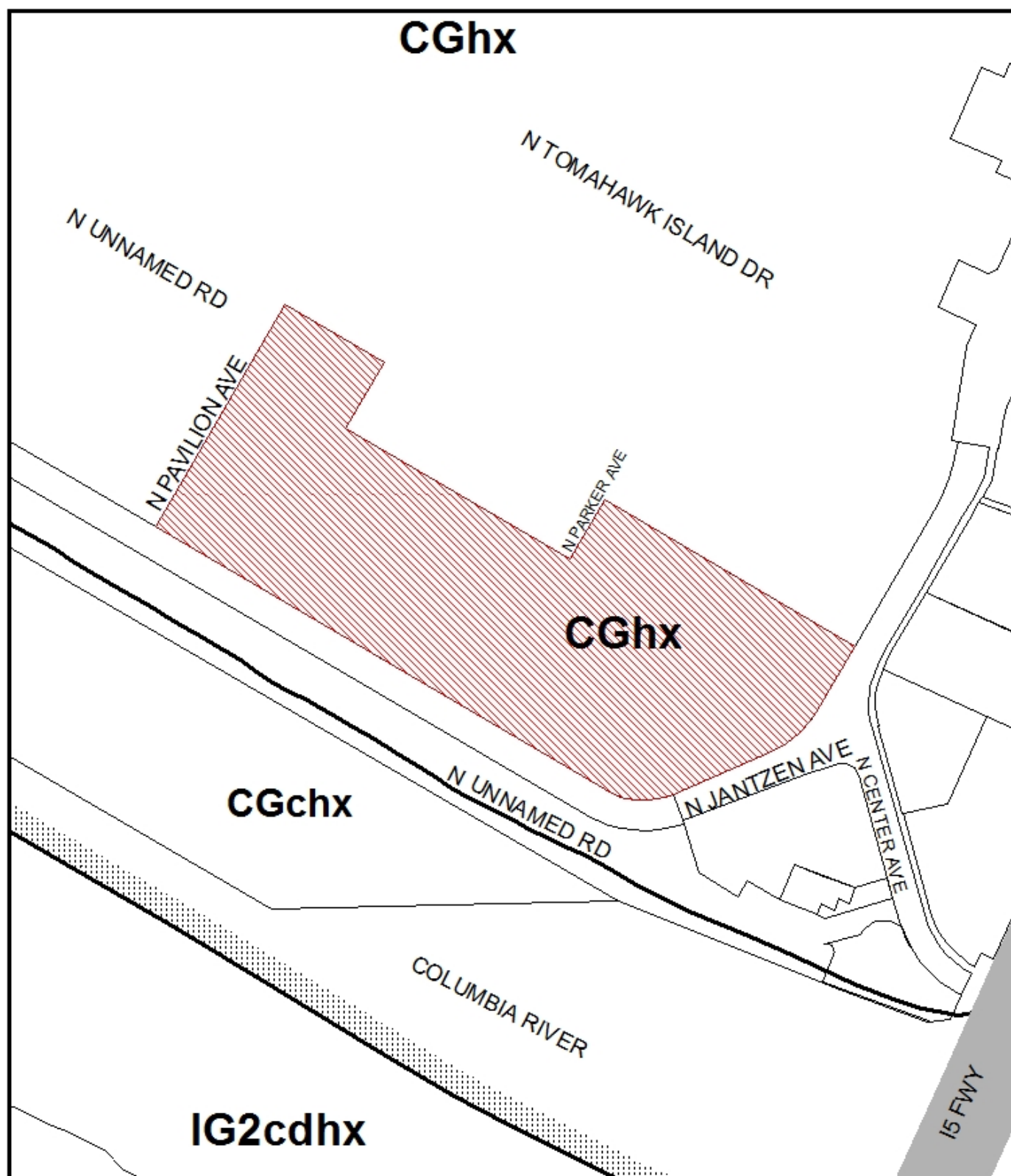
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. Front and left building elevations (attached)
 - 3. Rear and right building elevations (attached)
 - 4. Full-size scalable site plan
 - 5. Full-size scalable building elevations (5 pages)
 - 6. Fascia sign drawings (3 pages)
- 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. Life Safety Review Section of BDS
- F. Correspondence – none received
- G. Other:
 - 1. Original LU application form and receipt

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

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



Site

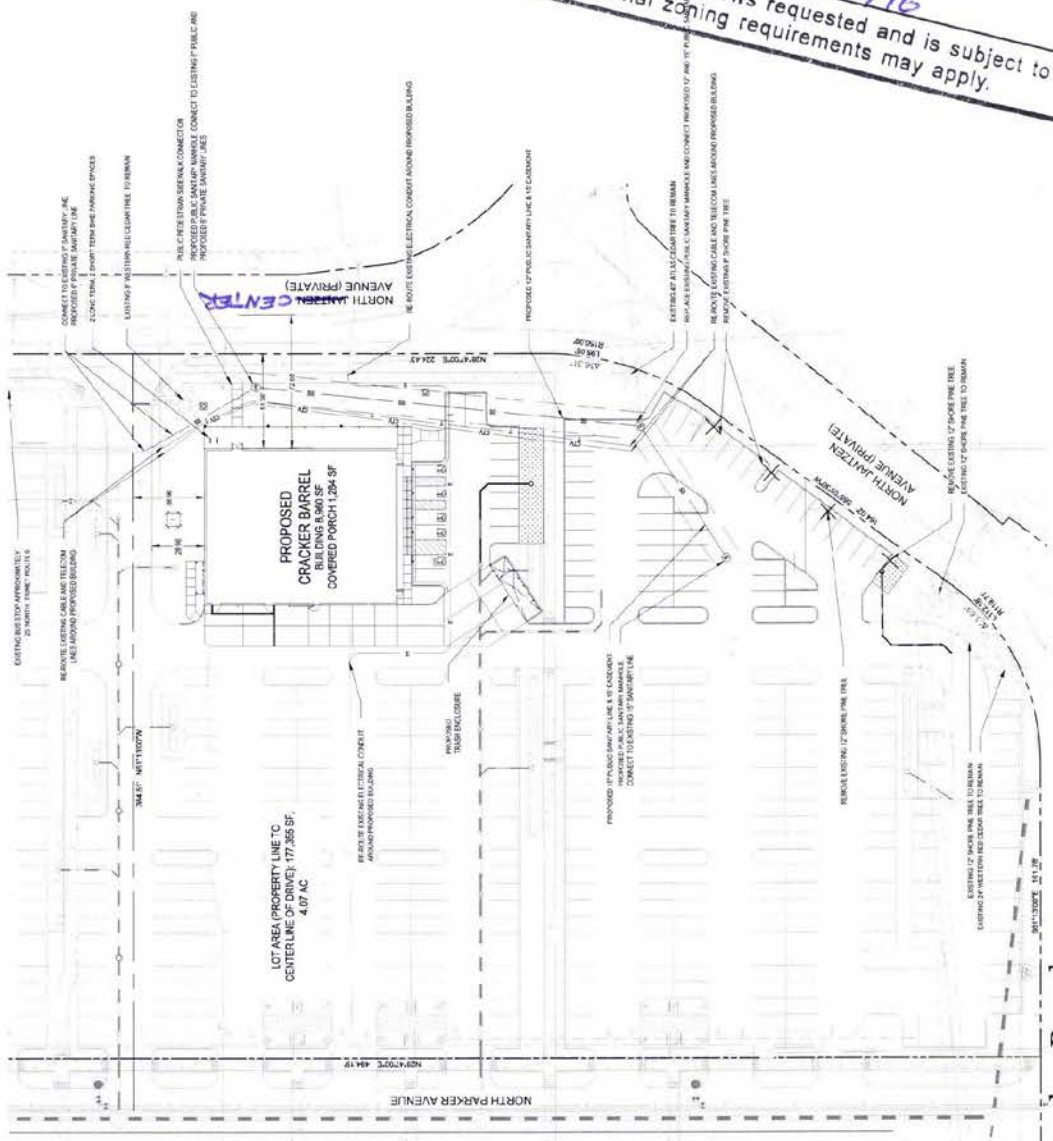
File No.	LU 16-107241 AD
1/4 Section	1828
Scale	1 inch = 200 feet
State_Id	2N1E33D 600
Exhibit	B (Jan 25, 2016)

EXISTING T.J. MAXX

EXISTING DESTINATION XL

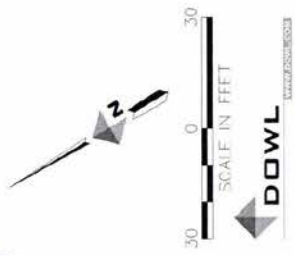
EXISTING WEST MARINE

EXISTING BURLINGTON COAT FACTORY



SITE INFORMATION:
 TOTAL SITE AREA: 177,355 SF
 PROPOSED BLDG AREA: 9,690 SF (5.1%)
 PROPOSED BLDG AREA WITH PORCH: 11,244 SF (5.8%)
 TOTAL LANDSCAPE AREA: 32,813 SF (18.4%)
 EXISTING PARKING TOTAL: 371
 STANDARD: 365
 ADA: 16
 PROPOSED PARKING TOTAL: 360
 STANDARD: 333
 ADA: 17
 PROPOSED BIKE PARKING TOTAL: 4
 SHORT TERM: 2
 LONG TERM: 2

City of Portland - Bureau of Development Services
 Planner A. G. 4/21/16
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Date 4/16/16
 Approved



720 SW Washington Street, Suite 720
 Portland, OR 97204-8641

Jantzen Beach - Cracker Barrel

Cracker Barrel Old Country Store, Inc.

Site and Utility Plan

W 16-107241 A

Exhibit C-1

Planner A. Gulya Date 4/1/16

City of Portland - Bureau of Development Services

* Approved*

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

Signage not this review with this or sign code separate Add with this



FRONT ELEVATION



LEFT ELEVATION

DIMENSIONAL INFORMATION	
BUILDING SIZE:	
-LENGTH/WIDTH OF BUILDING:	87'-4" L x 105'-0" W
-LENGTH/WIDTH OF PORCH:	12'-4" L x 105'-6" W
-SQUARE FOOTAGE OF BUILDING:	9,113 sf
-SQUARE FOOTAGE OF PORCH:	1,284 sf
-TOTAL FOOTPRINT:	10,397 sf
BUILDING HEIGHTS:	
-HEIGHT OF FRONT WALL PARAPET:	20'-6" H
-HEIGHT OF SIDE & REAR PARAPETS:	17'-10 1/2" H
-TOP OF SIGN PARAPETS:	
FRONT: 24'-0" H	
RIGHT: 21'-10 1/2" H	
-HEIGHT OF CHIMNEY ABOVE FINISH FLOOR:	30'-0" +/-
-ROOF SLOPES FRONT TO REAR:	
-MAX. HEIGHT ABOVE FINISH FLOOR INSIDE FRONT PARAPET WALL:	13'-0" H
-MIN. HEIGHT ABOVE FINISH FLOOR INSIDE REAR PARAPET WALL:	11'-0" H
WALL SIGNAGE:	
-HEIGHT/WIDTH OF ALL SIGNS:	
FRONT & REAR:	7' h x 13' w (p1 sf)

DESIGN and ENGINEERING INC.

JANTZEN BEACH, OR

CRACKER BARREL PROTOTYPE 180-16F

EXTERIOR MATERIALS LEGEND

- A CERTAINTED SIDING & MIRATEC BATTENS, PAINTED "CRACKER BARREL BROWN"
- B BERRIDGE STANDING-SEAM METAL ROOF, GALVALUME FINISH
- C PAC-CLAD METAL COPING, DARK BRONZE FINISH
- D SMOOTH-FACED CMU CHIMNEY, PAINTED "CRACKER BARREL BROWN"



THIS IS AN ARTISTIC RENDERING OF THE PROPOSED EXTERIOR ELEVATIONS AND THEREFORE SHOULD NOT BE USED FOR CONSTRUCTION. THE DRAWING IS NOT TO SCALE. PLEASE REFER TO "DIMENSIONAL INFORMATION" FOR ACTUAL DIMENSIONS.

Old Country Store
12.08.15
1 of 2

LV 16-107241 AD
Exhibit C-2

Signage not approved with this review. Signs must comply with Sign Code or get separate Adjustment.

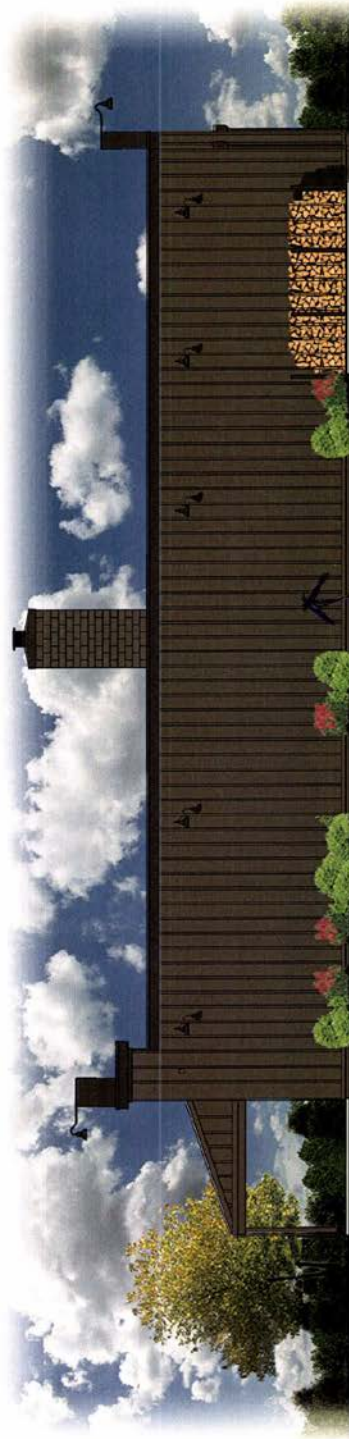
City of Portland - Bureau of Development Services

Planner A. Gubiaz Date 4/1/16

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



REAR ELEVATION



RIGHT ELEVATION

Windows required per Condition B.

DIMENSIONAL INFORMATION
BUILDING SIZE:
-LENGTH/WIDTH OF BUILDING:
87'-4" L x 103'-0" W
-LENGTH/WIDTH OF PORCH:
12'-4" L x 105'-6" W
SQUARE FOOTAGE OF BUILDING:
9,113 sf
SQUARE FOOTAGE OF PORCH:
1,284 sf
TOTAL FOOTPRINT:
10,397 sf
BUILDING HEIGHTS:
-HEIGHT OF FRONT WALL PARAPET:
20'-6" H
-HEIGHT OF SIDE & REAR PARAPETS:
17'-10 1/2" H
TOP OF SIGN PARAPETS:
FRONT: 24'-0" H
RIGHT: 21'-10 1/2" H
-HEIGHT OF CHIMNEY ABOVE FINISH FLOOR: 30'-0" +/-
ROOF SLOPES FRONT TO REAR:
-MAX. HEIGHT ABOVE FINISH FLOOR
INSIDE FRONT PARAPET WALL:
13'-0" H
-MIN. HEIGHT ABOVE FINISH FLOOR INSIDE REAR PARAPET WALL: 11'-0" H
WALL SIGNAGE:
-HEIGHT/WIDTH OF ALL SIGNS:
FRONT ELEVATION:
7' H x 13' W (P1-P3)



JANTZEN BEACH, OR

CRACKER BARREL PROTOTYPE 180-16F

EXTERIOR MATERIALS LEGEND

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- B BERRIDGE STANDING-SEAM METAL ROOF, GALVALUME FINISH
- C PAC-CLAD METAL COPING, DARK BRONZE FINISH
- D SMOOTH-FACED CMU CHIMNEY, PAINTED "CRACKER BARREL BROWN"



THIS IS A PRELIMINARY DRAWING. IT IS FOR INFORMATION ONLY AND SHOULD NOT BE USED FOR ANY DECISIONS. THE DRAWING IS NOT TO SCALE. TO MATERIALS FOR ACTUAL COLOR AND TEXTURE SAMPLES. THE DRAWING IS NOT TO SCALE. PLEASE REFER TO "DIMENSIONAL INFORMATION" FOR ACTUAL DIMENSIONS.

12.08.15
2 of 2

LU 16-107241 AD
Exhibit C-3