



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

Dan Ryan, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** January 26, 2022  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-865-6714 / [Andrew.Gulizia@portlandoregon.gov](mailto: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 21-107940 AD**

**GENERAL INFORMATION**

**Applicant:** Mary Gregorich  
Kimley-Horn & Associates  
1000 2<sup>nd</sup> Ave., Ste. 3900  
Seattle, WA 98104  
206-705-9768  
[mary.gregorich@kimley-horn.com](mailto:mary.gregorich@kimley-horn.com)

**Property Owner:** Target Corporation T-1419  
PO Box 9456  
Minneapolis, MN 55440-9456

**Site Address:** 9800 SE Washington St.

**Legal Description:** LOT 3, PARTITION PLAT 2007-104  
**Tax Account No.:** R649874150  
**State ID No.:** 1S2E04A 01604  
**Quarter Section:** 3140

**Neighborhood:** Hazelwood, contact Arlene Kimura at [arlene.kimura@gmail.com](mailto:arlene.kimura@gmail.com)  
**Business District:** Gateway Area Business Association, contact at [gabapdxboard@gmail.com](mailto:gabapdxboard@gmail.com)  
**District Coalition:** East Portland Community Office, contact at [info@eastportland.org](mailto:info@eastportland.org)

**Plan District:** Gateway

**Zoning:** CXd – Central Commercial with Design (“d”) overlay zone

**Case Type:** AD – Sign Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission

**Proposal:** The Target store on this site intends to designate 24 existing parking spaces as “drive-up” spaces for customers to pick up deliveries. The applicant proposes 14 freestanding signs for these parking spaces: 10 two-sided “drive-up” signs at the heads of the parking stalls, and 2 vertical wayfinding beacon signs. The applicant is requesting the following Adjustments to Sign Code requirements for these signs:

- To increase the number of freestanding signs allowed on the site from 1 to 17, including 3 existing freestanding signs to remain (Sign Code Section 32.32.020, Table 2); and
- To waive the requirement for freestanding signs to be placed only along the SE 96<sup>th</sup> Avenue frontage (Sign Code Section 32.32.030.F.2).

**Relevant Approval Criteria:** To be approved, this proposal must comply with the approval criteria for Sign Adjustments in Title 32.38.030.C.

## ANALYSIS

**Site and Vicinity:** The site is 12.3 acres in area and located in the Gateway area of Southeast Portland. The site is developed with an approximately 150,000-square-foot retail store and surface parking. The property abuts only one street: SE 96<sup>th</sup> Avenue, an arterial street to the west. The I-205 freeway is just west of SE 96<sup>th</sup> Avenue. The subject property is part of Mall 205, a large, suburban-style shopping center with many stores and restaurants.

**Zoning:** The CX (Central Commercial) zone is intended to provide for commercial and mixed-use development within Portland's most urban and intense areas. A broad range of uses is allowed in order to reflect Portland's role as a commercial, cultural, residential, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The Design (“d”) overlay zone promotes the conservation and enhancement of areas of the city with special historic, architectural or cultural value. Design Review is not required for the proposed signs since none of them will be larger than 32 square feet (Zoning Code Section 33.420.045.B.6).

The Gateway plan district promotes an intensive level of mixed-use development including retail, office and housing to support light rail stations and the Gateway Regional Center.

**Land Use Review History:** The following prior land use review decisions have been issued for the subject site:

- LU 20-215399 DZ: 2021 Design Review approval for new signs attached to the building.
- LU 11-120775 DZ: 2011 Design Review approval for rooftop mechanical equipment.

**Agency Review:** A “Notice of Proposal” was sent December 28, 2021. The following Bureaus responded with no concerns about the proposed Adjustments:

- Fire Bureau (Exhibit E-1);
- Site Development Review Section of BDS (Exhibit E-2); and
- Life Safety Review Section of BDS (Exhibit E-3).

**Neighborhood Review:** No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

## ZONING CODE APPROVAL CRITERIA

### 32.38.030.C Adjustment Review

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.

C.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

**Findings:** The three aspects of this criterion are addressed below:

#### Street level sign clutter

Each of the new freestanding signs will be set back more than 100 feet from the nearest street lot line, and the new signs will be oriented to the interior of the site rather than toward the street (Exhibits C-1 and C-2). Therefore, the proposal will not cause street level sign clutter.

#### Visual image of the area

The “drive-up” signs at the heads of the parking stalls will be 7 feet tall with about 8.75 square feet of signage area on each side (Exhibit C-3). The two vertical beacon signs will be 12 feet tall, but with signage area only one foot wide (Exhibit C-4). As mentioned above, each of the new signs will be set back more than 100 feet from the street and will be oriented toward vehicle circulation in the interior of the site. With these sign sizes and setback distances, staff finds the signs will be too small and too far from the street to dominate the visual image of the area. Existing freestanding signs along SE 96<sup>th</sup> Avenue are larger and more prominent in the streetscape than the new signs will be.

#### Plan district or design district objectives

The site is in the Gateway Plan District and the Gateway Regional Center Design District. The Gateway Plan District has no regulations or guidelines relevant to signs. The following design guidelines for the Gateway Regional Center Design District are applicable to this proposal:

- *B1. Convey design quality and building permanence.*
- *B3. Design for Coherency.*

Each of the new signs will be constructed of aluminum (Exhibits C-3 and C-4), which is a durable, permanent material. The design and colors of the new signs will match each other and other signs on the property (Exhibits C-3, C-4, and A-7). For these reasons, staff finds the proposal is consistent with the relevant objectives from the Gateway Regional Center Design District.

#### Summary

For the reasons discussed above, staff finds criterion C.1.a is met.

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

**Findings:** Each of the new signs will be set back more than 100 feet from SE 96<sup>th</sup> Avenue and will be oriented to the interior of the site rather than to traffic on the street. Also, the signs will be placed in locations that will not interfere with vehicle circulation through the parking lot (Exhibit C-2). Therefore, the proposal will not create a traffic or safety hazard.

- 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:** Many large retail stores have created or expanded dedicated parking areas for contactless delivery in recent years, especially during the COVID-19 pandemic. Such parking spaces are now typical features of large retail stores with surface parking lots. Without this Adjustment Review, the Target store on this site could not have any freestanding signs directing customers to the “drive-up” parking stalls unless they were no taller than 3.5 feet (Sign Code Section 32.32.030.H). Staff finds signs of that height would be too low to efficiently direct vehicles through the large parking area, especially at night. While the proposed signs are taller than 3.5 feet, and therefore subject to this Adjustment Review, they will be compatible in design and color with existing signs on the property (Exhibits C-3, C-4, and A-7) and will not be large enough to dominate the aesthetics of the site. For these reasons, staff finds the proposed signs will be more consistent with the architecture and development on the site, and that criterion C.1.d is met. (Since C.1.d is found to be met, C.1.c does not have to be addressed.)

## 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 sign permit must demonstrate that all development standards of Title 32 and 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 sign permit.

## CONCLUSIONS

The proposed signs will not cause street-level sign clutter, will not adversely dominate the visual image of the area, and will not cause traffic or safety impacts. Approval of the Adjustment Review will allow signage that is compatible with the development on the site. Since the applicant has demonstrated that the approval criteria are met, the Adjustment Review must be approved.

## ADMINISTRATIVE DECISION

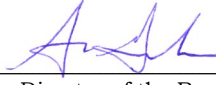
Approval of the following Adjustments to Sign Code requirements for the proposed new signs:

- To increase the number of freestanding signs allowed on the site from 1 to 17, including 3 existing freestanding signs to remain (Sign Code Section 32.32.020, Table 2); and
- To waive the requirement for freestanding signs to be placed only along the SE 96<sup>th</sup> Avenue frontage (Sign Code Section 32.32.030.F.2)

per the approved plans, Exhibits C-1 through C-4, signed and dated January 19, 2022, subject to the following condition:

- A. As part of the 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-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-107940 AD."

**Staff Planner: Andrew Gulizia**

**Decision rendered by:**  \_\_\_\_\_ **on January 19, 2022**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: January 26, 2022**

**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 November 18, 2021 and was determined to be complete on December 21, 2021.

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 November 18, 2021.

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 April 20, 2022.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at [https://www.portland.gov/sites/default/files/2020/lu\\_type2\\_2x\\_appeal\\_form\\_071116.pdf](https://www.portland.gov/sites/default/files/2020/lu_type2_2x_appeal_form_071116.pdf) . Appeals must be received **by 4:30 PM on February 9, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to email, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II decisions on

property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 **February 9, 2022** 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 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 permits.** A building permit, occupancy permit, sign 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:
  - 1. Narrative
  - 2. Authorization letter
  - 3. Parking count
  - 4. Original plan set
  - 5. Revised plan set, received December 21, 2021
  - 6. Approval criteria responses
  - 7. Inventory of existing and approved signs
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Overall site plan (attached)
  - 2. Parking lot plan (attached)
  - 3. Double-face sign plan (attached)
  - 4. Vertical beacon sign plan (attached)
- D. Notification Information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Site Development Review Section of BDS
  - 3. Life Safety Review Section of BDS
- F. Correspondence – none received
- G. Other:
  - 1. Land use application form
  - 2. Incompleteness determination letter, dated December 2, 2021

**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).**