



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

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**Date:** March 25, 2019  
**To:** Interested Person  
**From:** Don Kienholz, Land Use Services  
503-823-7771 / [Don.Kienholz@portlandoregon.gov](mailto:Don.Kienholz@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 18-255581 AD**

#### **GENERAL INFORMATION**

**Owner:** VRA Properties LLC  
PO Box 4328 | Portland, OR 97208

**Representative:** Peter F. Fry  
303 NW Upton Terrace #1B | Portland, OR 97210  
503-703-8033 | [peter@finleyfry.com](mailto:peter@finleyfry.com)

**Tenant:** Eric Iverson | Lithia Motors  
150 N Bartlett Street | Medford, OR 97501  
[EIversen@lithia.com](mailto:EIversen@lithia.com)

**Applicant:** Casey Tremmell | Principle  
2035 Lakeside Centre Way #250 | Knoxville, TN 37922

**Site Address:** 633 NE 12TH AVE

**Legal Description:** HOLLADAYS ADDITION: BLOCK 107 TL 1000, BLOCK 125 & 126 TL 1100, BLOCK 127 & 128 TL 1200

**Tax Account No.:** R396206020, R396207370, R396207510

**State ID No.:** 1N1E35BD 01000, 1N1E35BD 01100, 1N1E35BD 01200

**Quarter Section:** 2931

**Neighborhood:** Kerns, contact Elliott Mantell at [commonchiro@yahoo.com](mailto:commonchiro@yahoo.com)

**Business District:** Central Eastside Industrial Council, contact [ceic@ceic.cc](mailto:ceic@ceic.cc).

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Plan District:** Central City - Central Eastside

**Zoning:** General Industrial 1 (IG1)

**Case Type:** Adjustment (AD)

**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The applicant proposes to install 6 new signs on the approximately 427-foot long east facing façade of the building. The first 5 proposed signs are a part of this Adjustment request and are 96, 28, 15, 26, and 38 square feet. The 28 square foot Jeep sign is not part of this Adjustment request. One sign is also proposed for the both north and west elevations, but these signs are not a part of this Adjustment request. In the IG1 zone, wall signs are allowed to be a maximum of 200 square feet per Zoning Code Section 32.32.020.A, Table 2. Signs that have elements that are less than two times the dimension of each element are classified as one unit, or in this case as one sign per 32.24.010.F, Figure 6. Therefore, the code calculates these 5 separate signs as one 2,738.81 square foot sign which exceeds the size allowed. As such, the applicant is seeking an Adjustment to the maximum sign size.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 32. The relevant criteria are:

- Portland City Code Section 32.38.030.C – Sign Adjustment Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property is an 80,180-square foot, full block site located across from Benson Polytechnic High School and just south of Interstate 84. To the north, across from the 12<sup>th</sup> Avenue bridge, is the Lloyd District. The site has an existing car dealership located in a one-story building that occupies approximately 80% of the site area with the rest containing surface parking and vehicle area. The entire area west NE 12<sup>th</sup> and south of the site is zoned IG1 in the Central City Plan District and Central Eastside subdistrict. The vicinity consists mostly buildings that are on a full block with ample street parking available. Other than street trees, there is very little vegetation west of NE 12<sup>th</sup>.

**Zoning:** The General Industrial 1 zone is one of three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

The Central City plan district implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.

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

- ADJ 1-98: Denial of an Adjustment of landscaping and screening requirements.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **January 25, 2019**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.1).

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

The Title 32 Sign Code Adjustments are subject to the approval criteria from Sign Code Section 32.38.030.C.1. The Zoning Code Adjustment is subject to the approval criteria from Zoning Code Section 33.805.040.A-F.

### SIGN CODE ADJUSTMENTS

#### Title 32.38.030.C Adjustment Approval Criteria

- 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 of 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 C.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**

**Findings:** The applicant has proposed to mount several car brand signs to the exterior façade of the existing building on the subject site. Because the signs are separated from each other by a distance that is less than two times the signs' horizontal dimensions, they are by definition and technically considered one sign, even though they are distinct from one another and in separate sign boxes. Because of this definition, the sign being reviewed is 2,739-square feet and exceeds the 200-square foot maximum.

#### Street-level sign clutter

The 2,739-square foot sign is located on the exterior façade of the existing building, approximately 75-feet from the adjacent and parallel street, NE 12<sup>th</sup> Avenue. Because the sign is so far from NE 12<sup>th</sup> Avenue and outside the right-of-way, it will not increase street-level clutter as it isn't in proximity of the street.

#### Adversely dominating the visual image of the area

While the sign is technically more than 2,700 square feet in size, it is made up of five individual signs and sign boxes. Excluding the wall area captured by the definition of the sign that is outside of the actual sign boxes, the area dedicated to signs is a total of 203 square feet along a wall façade covering approximately 427 linear feet. The entirety of the area of the sign being evaluated under this land use review is along the portion of the wall facade set back 75-feet from NE 12<sup>th</sup> Avenue. Because the back-lit sign portion of the façade facing NE 12<sup>th</sup> is so small compared to the linear length of the wall and the overall façade square footage, the technical 2,739 square foot sign with a lit area of 203 square feet will not dominate the visual image of the existing building, site or area.

#### Central City Plan District

The subject site is not within a design district but is within the Central City Plan District. The plan district does not have any objectives specific to the site or vicinity, but the purpose is found in 33.510.010 and has general, ambiguous objectives:

*“The Central City plan district implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.”*

With the purpose statement focusing on uses and the pedestrian experience and not identifying any objectives related to signs, the proposal is consistent with the Central City Plan District.

For the reasons stated above, this criterion can be met.

*Criterion met.*

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

**Finding:** The subject sign will be located high on the building façade and 75-feet from NE 12<sup>th</sup>, the street the sign faces. Given the sign will not be in proximity to the street and will not be a changing image sign, it will not be a traffic or safety hazard.

*Criterion met.*

**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.**

**Finding:** An applicant must address c or d above. The applicant chose to address d.

The industrial area the subject site is located in is made up of non-descript industrial warehouse-type buildings. Signage is generally limited to Painted Wall Signs on the walls of the buildings, which for the most part have 0-foot setbacks to the property lines. The most dominant company in the area, Franz bread, occupies several of the blocks and other than their main sign on the corner of NE 12<sup>th</sup> and Flanders, has only painted wall signs. Other businesses in the area also are dominated by painted wall signs stating the name of the company, with the occasional fascia sign, along the building on the property line.

The proposed sign, as technically defined, will occupy approximately 2,700 square feet. However, the majority of the area within the designated sign ‘area’ is outside the sign lightbox and is made up of the building façade. Only approximately 203 square feet of sign area is within the sign lightboxes and will be recognizable by the general public as the sign. Additionally, the signs are dispersed along the 427-foot long building façade and located on different wall planes. The sign as visible to the public is made up of the names of car brands such as Ram and Dodge as well as the dealer, Lithia. As designed, the sign resembles the painted wall signs and fascia signs of business in the industrial area by being kept simple, using almost exclusively letters and approximately 30 to 50 square feet of recognizable sign area. Additionally, the proposed signs are in the similar format as other car dealers in the metropolitan region, the closest of which is Portland Subaru at NE Grand/NE Martin Luther King Junior and E. Burnside, a ½ mile away.

Staff finds that the proposed sign will be seen by the general public as several individual signs that are of the same size as other signs in the vicinity. The signs almost exclusively use letters to spell out brands, similar to the other signs in the vicinity. The brands signs used also resemble those at the Portland Subaru store in the area. Given

these facts, staff finds the Adjustment will allow the sign to be more consistent with the architecture and development in the area and on site.

*Criterion met.*

## 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 applicant has demonstrated that the adjustment to increase the allowed area for a single fascia sign from 200 square feet to 2,740 square foot, based on how sign area is defined in Portland Zoning Code Section 32.24.010.F, will not significantly increase or lead to street level sign clutter; will not dominate the visual image of the area; will not create a traffic or safety hazard; and will allow a sign that is more consistent with the development of the site.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum area for a single sign from 200 square feet to 2,740 square feet (32.32.020 and Table 2), per the approved site plans, Exhibits C.1 through C.2, signed and dated March 21, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 18-255581 AD. No field changes allowed."

**Staff Planner: Don Kienholz**

**Decision rendered by:**  **on March 21, 2019**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 25, 2019**

**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 October 19, 2018, and was determined to be complete on January 8, 2019.

*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 October 19, 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 extended at the request of the applicant. In this case, the applicant extended the statutory

120-day review period by 30 days, as stated with Exhibit A.18. Unless further extended by the applicant, **the 120 days will expire on: June 7, 2019.**

**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 8, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **April 8, 2019** 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 Materials
  1. October 19, 2018 Narrative
  2. October 19, 2018 Site Plan
  3. October 19, 2018 Elevation Plan
  4. October 19, 2018 Sign Face Calculations
  5. Applicant Tax Lot Map
  6. Assessor's Data for Site
  7. December 6, 2018 Summary of Submission
  8. December 6, 2018 Site Locations and Details
  9. December 6, 2018 Site Plan
  10. December 6, 2018 Elevation Plan and Individual Sign Face Calculations
  11. December 6, 2018 Combined Sign Area Calculation, Including Jeep Sign
  12. December 6, 2018 Alternative Sign Calculation
  13. Applicant's Site Photos
  14. January 8, 2019 Summary of Submission
  15. January 8, 2019 Narrative
  16. January 31, 2019 Narrative
  17. January 31, 2019 Email Sending Updated Narrative
  18. Applicant's 30-Day Extension to the 120-Day Statutory Clock
- B. Zoning Map (Attached)
- C. Plans/Drawings:
  1. Site Plan (Attached)
  2. Elevation Drawing on Proposed Sign and Area Calculation (Attached)
- D. Notification information:
  1. Mailing List
  2. Mailed Notice

E. Agency Responses:

1. Fire Bureau

F. Correspondence: None

G. Other:

1. Original LU Application
2. Copy of Payment Receipt
3. November 5, 2018 Incomplete Letter
4. December 27, 2018 Incomplete Letter

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



**ZONING**   
 NORTH  
 THIS SITE LIES WITHIN THE:  
 CENTRAL CITY PLAN DISTRICT  
 CENTRAL EASTSIDE SUBDISTRICT

-  Site
-  Historic Landmark
-  Recreational Trails

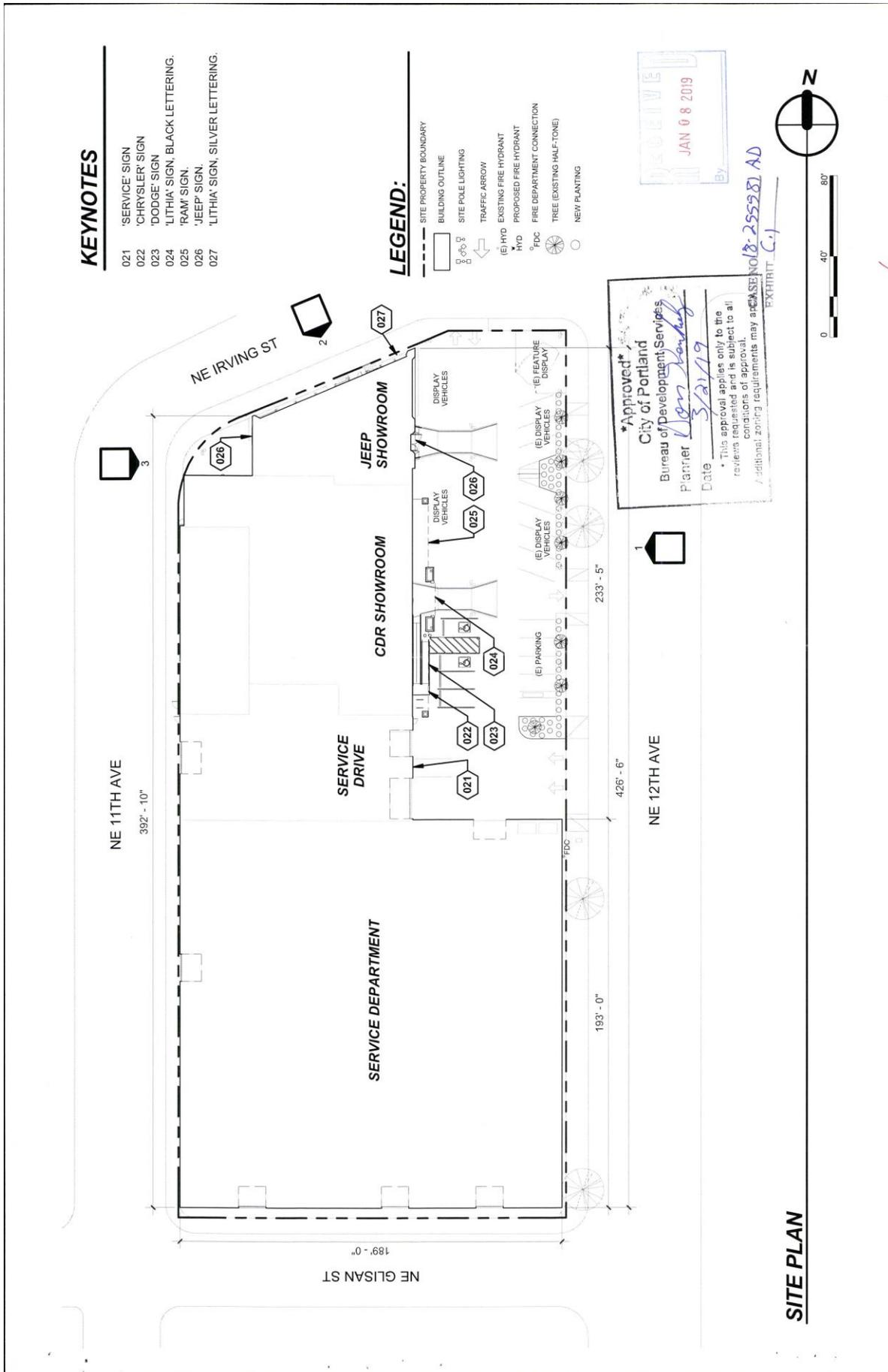
File No.	LU 18-255581 AD
1/4 Section	2931
Scale	1 inch = 200 feet
State ID	1N1E35BD 1200
Exhibit	B Oct 25, 2018

**KEYNOTES**

- 021 'SERVICE' SIGN
- 022 'CHRYSLER' SIGN
- 023 'DODGE' SIGN
- 024 'LITHIA' SIGN, BLACK LETTERING.
- 025 'RAM' SIGN
- 026 'JEEP' SIGN
- 027 'LITHIA' SIGN, SILVER LETTERING.

**LEGEND:**

- SITE PROPERTY BOUNDARY
- BUILDING OUTLINE
- SITE POLE LIGHTING
- TRAFFIC ARROW
- (E) HYD EXISTING FIRE HYDRANT
- HYD PROPOSED FIRE HYDRANT
- FDC FIRE DEPARTMENT CONNECTION
- TREE (EXISTING HALF-TONE)
- NEW PLANTING



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *Ben Hardy*  
 Date *3/21/19*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.  
 EXHIBIT *C-1*



**SITE PLAN**