

Dear Commissioners:

I live and work at 21 NE Alberta Street in Portland. Mine is one of 3 attached residential houses on the corner of NE Alberta and N. Williams. Although my property is zoned commercial, my building was built as a residence. Currently, I operate a small counseling business on the first floor of my building using a Home Occupation Permit. I am writing about the proposed zoning change of my property as mentioned in the public notice / letter you sent me.

My property is currently zoned Neighborhood Commercial 2 (CM2): The zone encourages the provision of small scale retail and service uses for nearby residential areas. The proposed zoning change is to Mixed Use Commercial/Residential (CM): Development is intended to consist primarily of businesses on the ground floor with housing on upper stories.

[Attachment 1- Zoning, current and proposed for 21 NE Alberta Street.](#)

This is a highly walkable neighborhood, and using my building as both a residence and home office is in keeping with the spirit of the zoning change. Unfortunately, home occupation permits allow for only a 1'x1' sign as advertisement. This rule has the intent of keeping a residential neighborhood from looking commercial. But as you can see, my neighborhood is not destined to be "just" a residential neighborhood, but a vibrant Portland intersection. In fact, the property qualifies for PDC storefront funding.

My request is that the many residential buildings that will carry this commercial zoning be allowed to hang tasteful signage on our buildings consistent with the size allowed for CM2 / CM zoning. As you will see in my next two attachments, despite careful planning and research before I purchased the property, I was denied a permit to hang a sign funded through the Storefront Improvement Program.

This property is zoned Neighborhood Commercial (CN2); however a Type B Home Occupancy Permit was applied for therefore it's use is not neighborhood commercial, but rather a home business per Title 33 Planning and Zoning.

The Portland Sign Code works hand in hand with the Zoning Code; and since the legal use of this property is a Type B Home Occupancy the use is in the Household Living category of the Sign Code.

Therefore allowable signage is based upon Title 32.32.010 Standards in the Residential Zones and Open Space. Per this table, the only allowable signage for this site is one sign with a square footage of 1 square foot.

Everyone who had worked on this project was shocked, as we had understood the property, not the building, determined the signage. And this had been confirmed in writing by Andrew Mallard of the Bureau of Developmental Services in 2010. However, I could not afford the \$10,000 to hire an attorney to fight this decision so I had to abandon my plans.

[Attachment 2- Signage permit discussions, Andrew Mallard and Priscilla Partch.](#)

[Attachment 3 - Signage Denial Checklist, Bureau of Developmental Services](#)

Sadly, what happened to me will happen to others. As you are developing the zoning code I encourage you to consider this issue of signage for CM zoned properties with residential structures. Clarifying this grey area will help efficiently transition this neighborhood into the walking mixed-use neighborhood that is intended.

Sincerely,
Carol Maker, LCSW
Licensed Clinical Social Worker
Inner Courage LLC
21 NE Alberta Street

Currently Zoned: CN2 (Neighborhood Commercial 2) zone

The Neighborhood Commercial 2 (CN2) zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The development standards reflect that the site will generally be surrounded by more spread out residential development.

Proposed Change: CM (Mixed Commercial/Residential) zone

The Mixed Commercial/Residential (CM) zone promotes development that combines commercial and housing uses on a single site. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Other uses are allowed to provide a variety of uses that may locate in existing buildings. Development is intended to consist primarily of businesses on the ground floor with housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

In **February, 2010**:

- I went to the City of Portland offices to discuss a property I wanted to buy. I confirmed it qualified for Storefront Funds and clarified the signage allowed in the CN2 zoned property. I confirmed I would need to apply for a home occupation permit since the building was built as a residence and it would be cost prohibitive to renovate it.

On **Feb 17, 2010**, at 3:13 PM, Millard, Andrew wrote:

- Dear Carol
-
- As we discussed earlier, 21 NE Alberta St is zoned CN2. Sign code allows for freestanding signs up to 1 sqft for each linear foot of site frontage, approximately 40 sqft for this site. Maximum height of 15'.
- In addition to a freestanding sign, a sign is also allowed on the building. A minimum of 32 sqft is available.
-
- Andrew Millard
- Bureau of Development Services
- City of Portland
- 503-823-7379

With this assurance in writing, I bought the property and received a home occupation permit in April 2010 and began working with PDC and their storefront grant program.

On **May 16, 2010** 12:13 PM I wrote to Millard, Andrew:

- Andy,
-
- I'm working with the storefront program to do signage and I want to make sure I understand the information for my property.
-
- 1) Can I have 40 sq. ft for a freestanding sign in addition to 32 sq. ft. on the building?
-
- There are only two places to put a freestanding sign: an extra wide strip between the sidewalk and street, and a strip between the sidewalk and building.
-
- 2) Can signage be put in both areas as long as the total sq. feet doesn't exceed 40 sq. feet?
-
- 3) Are there any restrictions for either areas that I should know about?
-
- Thanks!

- o Carol Maker
- o 21 NE Alberta St.
- o 503-341-4325

On **May 17, 2010**, at 8:22 AM, Millard, Andrew wrote:

- o Good morning Carol,
- o
- o 1. You are correct. 40 sqft for a freestanding and 32 sqft on the building.
- o 2. Only 1 freestanding sign is allowed and that must be entirely on private property. The area between the street and the sidewalk is public right-of-way.
- o Your property actually begins at 3' back from the sidewalk or a total of 18' from the curb face. You freestanding sign may not project beyond you property line.
- o 3. The only other limit is the maximum height of 15'.
- o
- o Please let me know if you have any other questions.
- o
- o Andrew Millard
- o Bureau of Development Services
- o City of Portland
- o 503-823-7379
- o
- o

I received a generous grant and completed the design work. PDC was delighted with the design and saw this as exactly the kind of project they liked to support. Much to everyone's shock, the permit was denied.

On **August 01, 2011** 9:35 AM, Carol Maker wrote:

- o Dear Ms Partch,

I am the owner of 21 NE Alberta Street. I understand you are in today Monday 7/31. Email is best to avoid telephone tag, please.

Last week Jason Seale ([503-238-0245](tel:503-238-0245)) came in to get a permit for signage being funded by a Storefront grant from PDC. (The contact person at PDC is Dana Deklyn [503-823-3312](tel:503-823-3312)), but this week Amy Fleck-Rosete [503-823-3200](tel:503-823-3200) is handling calls at PDC as Dana is on vacation.)

Jason tells me that there might be a problem with zoning and I wanted to provide follow up information for that issue:

Prior to purchasing this property I went to the city offices Feb 17, 2010 and asked to speak with the person who knew the most about signage. I was told that Andrew Millard was that person. I was assured both in person and by email by Andrew Millard that the signage regulations were determined by the land zoning (neighborhood commercial) not the building zoning. He

followed up with email correspondence which I provide below, confirming the signage allowed on my property. I purchased this property April 2010 based solely on this information, and as you can see, had follow up emails after purchase as I began to work with the PDC and their Storefront Program.

Here are the email exchanges:

Before house purchase, following up with an in person discussion earlier that day, Feb 17, 2010:

On Feb 17, 2010, at 3:13 PM, Millard, Andrew wrote:

Dear Carol

As we discussed earlier, 21 NE Alberta St is zoned CN2. Sign code allows for freestanding signs up to 1 sqft for each linear foot of site frontage, approximately 40 sqft for this site. Maximum height of 15'.

In addition to a freestanding sign, a sign is also allowed on the building. A minimum of 32 sqft is available.

Andrew Millard
Bureau of Development Services
City of Portland
503-823-7379

After house purchase, as I start the work with PDC:

From: Carol Maker (LCSW)
[mailto:carolmaker@innercourage.com]
Sent: Sunday, May 16, 2010 12:13 PM
To: Millard, Andrew
Subject: Re: 21 ne Alberta

Andy,

I'm working with the storefront program to do signage and I want to make sure I understand the information for my property.

1) Can I have 40 sq. ft for a freestanding sign in addition to 32 sq. ft. on the building?

There are only two places to put a freestanding sign: an extra wide strip between the sidewalk and street, and a strip between the sidewalk and building.

2) Can signage be put in both areas as long as the total sq. feet doesn't exceed 40 sq. feet?

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Thanks!
Carol Maker
21 NE Alberta St.
503-341-4325

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Your property actually begins at 3' back from the sidewalk or a total of 18' from the curb face. You freestanding sign may not project beyond your property line.

3. The only other limit is the maximum height of 15'.

Please let me know if you have any other questions.

Andrew Millard
Bureau of Development Services
City of Portland
503-823-7379

Pricilla, I do understand that having the property zoned differently from the building is unusual, which is why I went to such great lengths to have Andrew make the clear and specific determination before I purchased the property. PDC has made the same determination when they granted the funds to me under their Storefront Program.

~Also, the other issue (with a question about permitted work w. licensed contractor) is being handled by the licensed contractor who did the work and I anticipate that will be removed from the record within the week.

In the meantime, please tell me what I need to do to clear up the zoning issue as soon as possible: I can be reached by phone or this email.

Thank you so much for your prompt assistance in this matter.

Carol Maker
[503-341-4325](tel:503-341-4325)

On **Aug 1, 2011** at 4:18 PM, Partch, Priscilla K. wrote:

- Thank you for bringing this to my attention. Please give me a day or two to look into this and follow up with my supervisor regarding your sign.
- Priscilla Partch
- Permitting Services
- [503-823-0631](tel:503-823-0631)

On **August 01, 2011** 5:52 PM, Carol Maker wrote:

- Priscilla,
Thank you so much. I trust we will come to a positive outcome once everything is considered.
Carol

On **Aug 2, 2011** at 4:52 PM, Partch, Priscilla K. wrote:

-
- Carol:
- Thanks for your phone call. I remember the project and I know that James wanted something in writing for you, but I have not had an opportunity yet to get that written up yet. I apologize for the delay. I hope to get it done tomorrow, but more likely it will be Thursday.
- Priscilla

On **Aug 2, 2011**, Carol Maker wrote:

- Thank you Priscilla.

On **Aug 4, 2011 at 2:00 PM**, Partch, Priscilla K. wrote:

-
- Good afternoon:
- Please find the attached checksheet regarding the sign proposal at 21 NE Alberta.
- Priscilla Partch
- Permitting Services
- 503-823-0631

Denial checklist is attached.

On Thu, **Aug 4, 2011 at** 3:03 PM I wrote to Priscilla

-

o Dear Priscilla,

I appreciate your putting this in writing for me. It does not, however, provide any answers as to why your office has made such a drastic reversal of a previous determination. I purchased the house based on these multiple assurances. This sudden reversal has a very negative effect on me.

I'd appreciate the name and contact information for your supervisor so that I can discuss this further and get an understanding of why a reversal was made.

Most sincerely,
Carol Maker

On Thu, Aug 4, 2011 at 3:22 PM, Partch, Priscilla K. wrote:

- o
- o Carol:
- o
- o I'm not seeing any records that indicate an approval was ever given for a sign at this site. There was an inquiry in 2009 regarding changing this from a townhouse to a commercial space, but no permits were ever applied for regarding that change nor were any sign permits applied for at this site.
- o
- o We work very diligently to answer general questions regarding allowable signage in an accurate manner, however we do make mistakes. A complete review is not performed until a sign permit is applied and fees paid. At that time, we do make a thorough review of the allowable signage and permissible uses of the site, and at that time an official decision will be made either with an approved sign permit or a checksheet requesting more information. I apologize if you received misinformation regarding the signage allowed at this site and hope to work with you regarding a solution.
- o
- o My supervisor's name is Kareen Perkins her phone number is 503-823-3622.
- o
- o Priscilla Partch
- o Permitting Services
- o 503-823-0631

On Thu, Aug 4, 2011 at 9:10 PM, I wrote:

- o Priscilla,
- I'm confused by your response below, as we didn't pay any fees. Does that mean that your decision is not final?
- Thank you for the name and phone number of your supervisor.

I'd appreciate an e-mail and your physical address as well.

Most Sincerely,
Carol Maker

On **Fri, Aug 5, 2011** at 8:01 AM, Partch, Priscilla K. wrote:

- Jason came in and applied for a sign permit. During that process it came to his attention through a senior planner that the use of this site was different and therefore the commercial use table from the Sign Code would not be applicable.
-
- Jason expressed that his client would need to have something in writing. I let him know that since a sign permit was set up, I would use this as the medium to get this decision in writing for you.
- This is the decision based upon the Sign code and zoning code.
- I apologize for the confusion.
-
- Priscilla

On **Fri, Aug 5, 2011** at 8:45 AM, Carol Maker wrote:

- Priscilla,
-
- Yes, this is very confusing indeed.
-
- May I kindly have your supervisor's email, title, and your physical address as well?
-
- I appreciate the time and attention you have given to this process Priscilla.
-
- Thank you,
- Carol
-

In **August, 2011**

- This decision was upheld in a decision by the supervisor. I had to return the money provided by the storefront program and tell the designer the project was cancelled.



SIGN REVIEW CHECKSHEET

Application #: **11-162491-000-00-SG**
IVR #: **3094951**

Review Date: August 4, 2011

To:	APPLICANT	JASON SEALE SEALE DESIGN/ ACME SCENIC & DESIGN 4769A N HARVARD ST PORTLAND, OR 97203	Primary: (503) 238-0245 Fax: (503) 335-1400 Email: carolmaker@innercourage.com
From:	SIGN REVIEW EXAMINER	PRISCILLA PARTCH	Phone: (503) 823-0631 Email: priscilla.partch@portlandoregon.gov
cc:	OWNER	CAROL A MAKER 21 NE ALBERTA ST PORTLAND, OR 97211-2601	

PROJECT INFORMATION

Street Address:	21 NE ALBERTA ST
Description of Work:	23.5 SQ FT FASCIA SIGN

PLAN REVIEW

Based on the plans submitted, the items listed below appear to be missing or not in conformance with City of Portland, Title 32 Sign Code and/or other City requirements.

Item #	Location on plans	Code Section	Clarification / Correction Required
1		33.203 P&Z 32.32 Sign	<p>This property is zoned Neighborhood Commercial (CN2); however a Type B Home Occupancy Permit was applied for therefore it's use is not neighborhood commercial, but rather a home business per Title 33 Planning and Zoning.</p> <p>The Portland Sign Code works hand in hand with the Zoning Code; and since the legal use of this property is a Type B Home Occupancy the use is in the Household Living category of the Sign Code.</p> <p>Therefore allowable signage is based upon Title 32.32.010 Standards in the Residential Zones and Open Space. Per this table, the only allowable signage for this site is one sign with a square footage of 1 square foot.</p>
2			Please update your drawings to reflect the allowable signage for this site.
3		Zoning Code	http://www.portlandonline.com/bps/index.cfm?c=34561&a=53300
4		Sign Code	http://www.portlandonline.com/auditor/index.cfm?c=28763
5			

End of Checksheet

To respond to this checksheet, come to Permitting Services located at 1900 SW Fourth Ave., 2nd Floor, and update all sets of the originally submitted drawings. To update the drawings, you may either replace the original sheets with new sheets, or edit the originally submitted sheets. (Specific instructions for updating plans are posted in Document Services.)

Please complete the attached Checksheet Response Form and include it with your re-submittal.

If you have specific questions concerning this Checksheet, please call me at the phone number listed above. To check the status of your project, go to <http://www.portlandonline.com/bds/index.cfm?c=34194>. Or, you may request the status to be faxed to you by calling 503-823-7000 and selecting option 4.

You may receive separate Checksheets from other City reviewers/agencies that will require separate responses.

NEW DEVELOPMENT SERVICES CENTER HOURS: The DSC (1st floor) and Permitting Services (2nd floor) are open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). In the DSC, Land Use, Site Development or Building Permit application review, submittal or intake of complete permits/applications will be limited to between 8:00 AM and 12:00 PM. Land Use applications and Building Permit review or intake will not be processed after 12:00 PM. Please visit the BDS website for more information regarding the Development Services Center hours.

NEW RECHECK FEE: Please note that there is a charge for Additional Plan Review as outlined on the Sign Fee Schedule. It is \$68 per hour or fraction thereof for any part of an hour over 30 minutes.

