



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

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**Date:** July 3, 2019  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-823-7010 / [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 19-168022 AD**

#### **GENERAL INFORMATION**

**Applicant:** Andrew Boyter and Chelsea Sherman  
Malaya Signs  
7625 NE MLK Jr. Blvd.  
Portland, OR 97211

**Property Owner:** Sullivan's Gulch Joint Venture LLC  
3330 NW Yeon Ave. #210  
Portland, OR 97210

**Site Address:** 2020 NE Multnomah St.

**Legal Description:** LOT 1 INC UND INT TRACTS A&B, SULLIVANS GULCH  
**Tax Account No.:** R806140050  
**State ID No.:** 1N1E35AA 11301  
**Quarter Section:** 2932  
**Neighborhood:** Sullivan's Gulch, contact DJ Heffernan at 503-310-2306  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088

**Zoning:** RHc – High Density Residential base zone with a portion of the site in the Environmental Conservation (“c”) overlay zone

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

**Proposal:** An 8-story residential building is under construction on this site. The applicant has obtained prior approval of a sign permit for a 5-square-foot building sign on a low wall on the east side of the new building. The applicant would also like to install a 16.5-square-foot projecting sign on the north side of the building. The applicant is requesting the following Adjustments to Sign Code Section 32.32.010, Table 1 for the proposed projecting sign:

- To allow a projecting sign in the RH zone;
- To increase the allowable number of signs on the site from 1 to 2; and
- To increase the maximum sign face area on the site from 10 square feet to 21.5 square feet.

**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 located on the southwest corner of NE 21<sup>st</sup> Avenue and NE Multnomah Street. An 8-story condominium building is under construction on the property. The surrounding neighborhood is characterized by a mix of uses and development intensities. The immediate vicinity of the site consists of mostly single-dwelling and multi-dwelling residential development, though there is an industrial use across NE 21<sup>st</sup> Avenue from the site. High-density commercial and residential development in the Lloyd District is approximately two blocks west of the site. The I-84 freeway abuts the site to the south.

**Zoning:** The RH zoning designation is one of the City's high-density multi-dwelling zones, which are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The southernmost portion of the site is in the Environmental Conservation ("c") overlay zone (Exhibit B), which is intended to conserve important environmental features and resources while still allowing compatible development. The proposed sign is not within the "c" overlay zone.

**Land Use Review History:** City records include four previous land use review approvals for the subject site:

- LU 15-277355 AD: 2016 approval of Adjustments to the maximum building coverage, minimum rear building setback, and minimum landscaped area requirements for the residential building currently under construction.
- LU 15-188653 LDS: 2015 approval of a subdivision which created two lots and two environmental resource tracts. The condominium building under construction is on Lot 1.
- LU 14-221733 AD: 2014 approval of Adjustments to the maximum building height and maximum building coverage requirements for a new residential building.
- CU 083-80: 1980 approval of a Conditional Use Review for two new office buildings.

**Agency Review:** A "Notice of Proposal" was sent June 5, 2019. The Portland Fire Bureau reviewed the proposal and responded with no concerns (Exhibit E-1).

**Neighborhood Review:** One neighbor submitted a written response to the mailed "Notice of Proposal." The neighbor stated the new building already appears very large and out of place, and that more than one sign should not be allowed. The neighbor stated a sign projecting from the building would be incompatible with the neighborhood (Exhibit F-1).

**Staff response:** While there is another approved sign for this site, the other sign will be a ground-level, pedestrian-oriented sign facing NE 21<sup>st</sup> Avenue. The projecting sign proposed in this review will be the only sign on the site oriented toward NE Multnomah Street. As discussed in the "Sign Code Approval Criteria" findings below, staff finds the proposal will be compatible with the new building and will not create adverse impacts on the surrounding area.

## SIGN 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

The bottom of the proposed sign will be more than 10 feet above the ground, and this will be the only sign on the subject site visible from NE Multnomah Street. As illustrated in Exhibit C-2, the only other sign on the subject site will be a ground-level, pedestrian-oriented sign facing NE 21<sup>st</sup> Avenue. The closest neighboring property that could install signage on NE Multnomah Street is 60 feet away, on the opposite side of the street. For these reasons, staff finds this proposal will not cause street level sign clutter.

#### Visual image of the area

At 16.5 square feet, the new projecting sign will be modestly sized, and again, this sign will be the only one on the subject site that will be visible from NE Multnomah Street. The new sign will be compatible with the architecture on the site and will closely match the building panels from which it will project (Exhibit A-2). For these reasons, staff finds the proposed sign will not adversely dominate the visual image of the area.

#### Plan district or design district objectives

The site is not within any plan district or design district, so this aspect of the approval criterion is not applicable.

#### 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:** The proposed sign will be visible to drivers on NE Multnomah Street, but at more than 10 feet above the ground and with only 16.5 square feet of sign face area, it will not be a significant distraction. The proposed sign will project over the sidewalk along NE Multnomah Street, but not over the vehicle travel lane. As stated above, the proposed sign will be the only sign on this site that is oriented toward NE Multnomah Street, so the proposal will not create sign clutter. For these reasons, staff finds the proposal will not create a traffic or safety hazard. Criterion C.1.b is 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.

**Findings:** Without this Adjustment Review, no building signage would be allowed along NE Multnomah Street, since a permit was already approved for a ground-level

sign along NE 21st Avenue. An 8-story building would typically have at least one sign visible from each abutting street.

As stated above, the new sign will be modestly sized and will closely match the building panels from which it will project. Therefore, the sign will appear as an extension of the building's architecture (Exhibit A-2).

For these reasons, staff finds 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 sign 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 under construction 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 Section 32.32.010, Table 1:

- To allow a projecting sign in the RH zone;
- To increase the allowable number of signs on the site from 1 to 2; and
- To increase the maximum sign face area on the site from 10 square feet to 21.5 square feet

per the approved plans, Exhibits C-1 and C-2, signed and dated June 27, 2019, 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 and C-2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 19-168022 AD."

**Staff Planner: Andrew Gulizia**

**Decision rendered by:** \_\_\_\_\_ **on June 27, 2019.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: July 3, 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 May 21, 2019 and was determined to be complete on May 31, 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 May 21, 2019.

*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 September 28, 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 July 17, 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 **July 17, 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 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 or sign 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, development permit, or sign permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

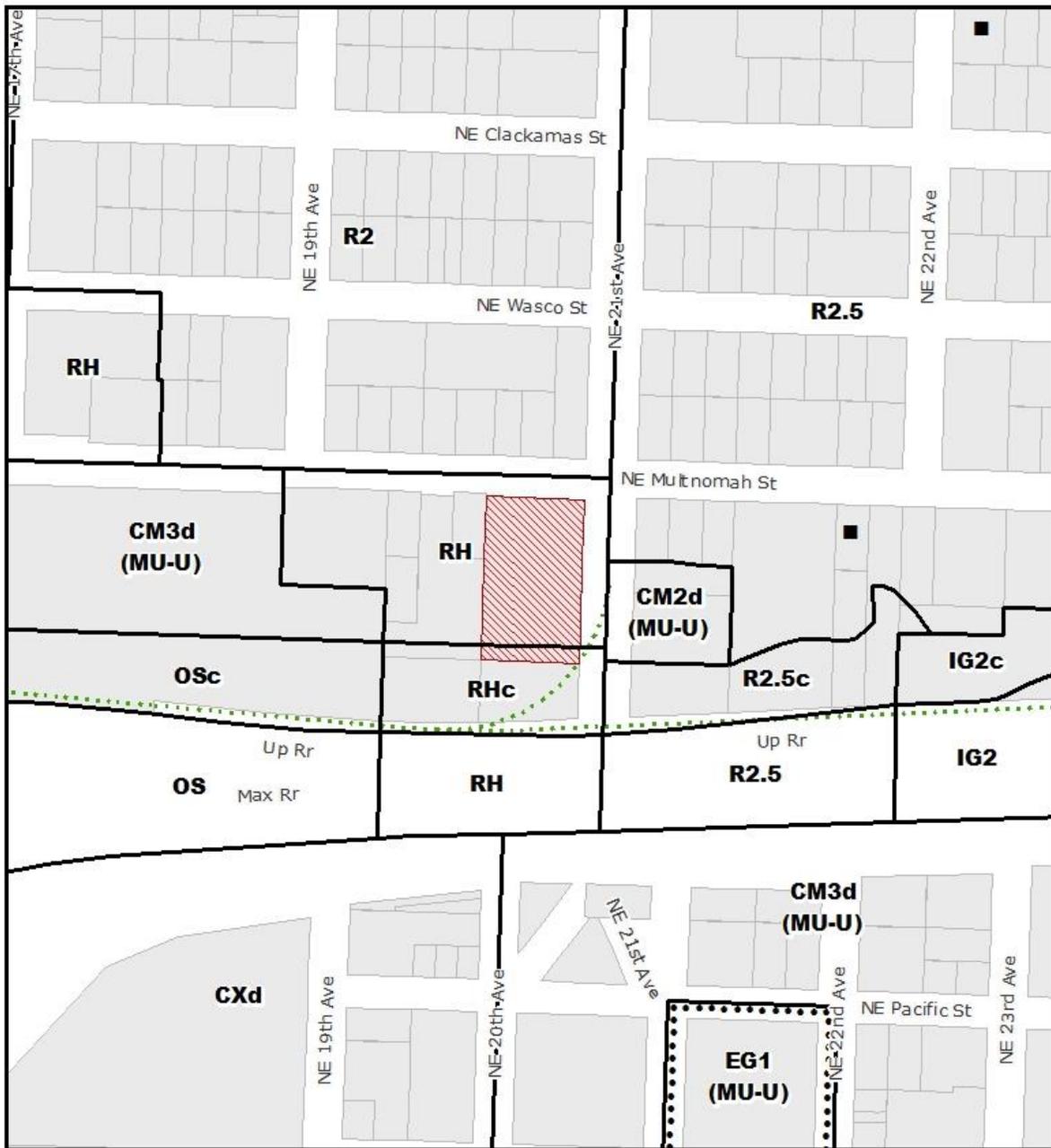
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  1. Applicant's narrative
  2. Renderings
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site plan (attached)
  2. East building elevation and sign plan (attached)
  3. North building elevation
- D. Notification Information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Fire Bureau
- F. Correspondence:
  1. E-mail from Thomas W. Schloeder and Wayne E. Harris, received June 13, 2019
- G. Other:
  1. Land use 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** ↑  
NORTH

-  Site
-  Historic Landmark
-  Recreational Trails

File No.	LU 19-168022 AD
1/4 Section	2932
Scale	1 inch = 200 feet
State ID	1N1E35AA 11301
Exhibit	B May 23, 2019

**\*Approved\***  
**City of Portland - Bureau of Development Services**  
 Planner A. Gulizia  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.  
 Date 6/27/19



**MALAYA**  
 7625 NE ML King Jr Blvd  
 Portland, OR 97211  
 Phone 503.517.0900 x105  
 cdb@malayadesign.com  
 www.malayadesign.com

**BLA GUT LETTERS & BLDG SIGN PROGRAM**  
 Client: SILBERT CONSULTING GROUP LLC  
 Address: 2020 NE MULTNOMAH  
 Portland, OR 97212  
 Date: 05/13/19

Contract: 11500-00-200-0008  
 Description: 1 Year of Adm. Review  
 Issued: 05/13/19  
 Revision: 1  
 Approved by: [Signature]

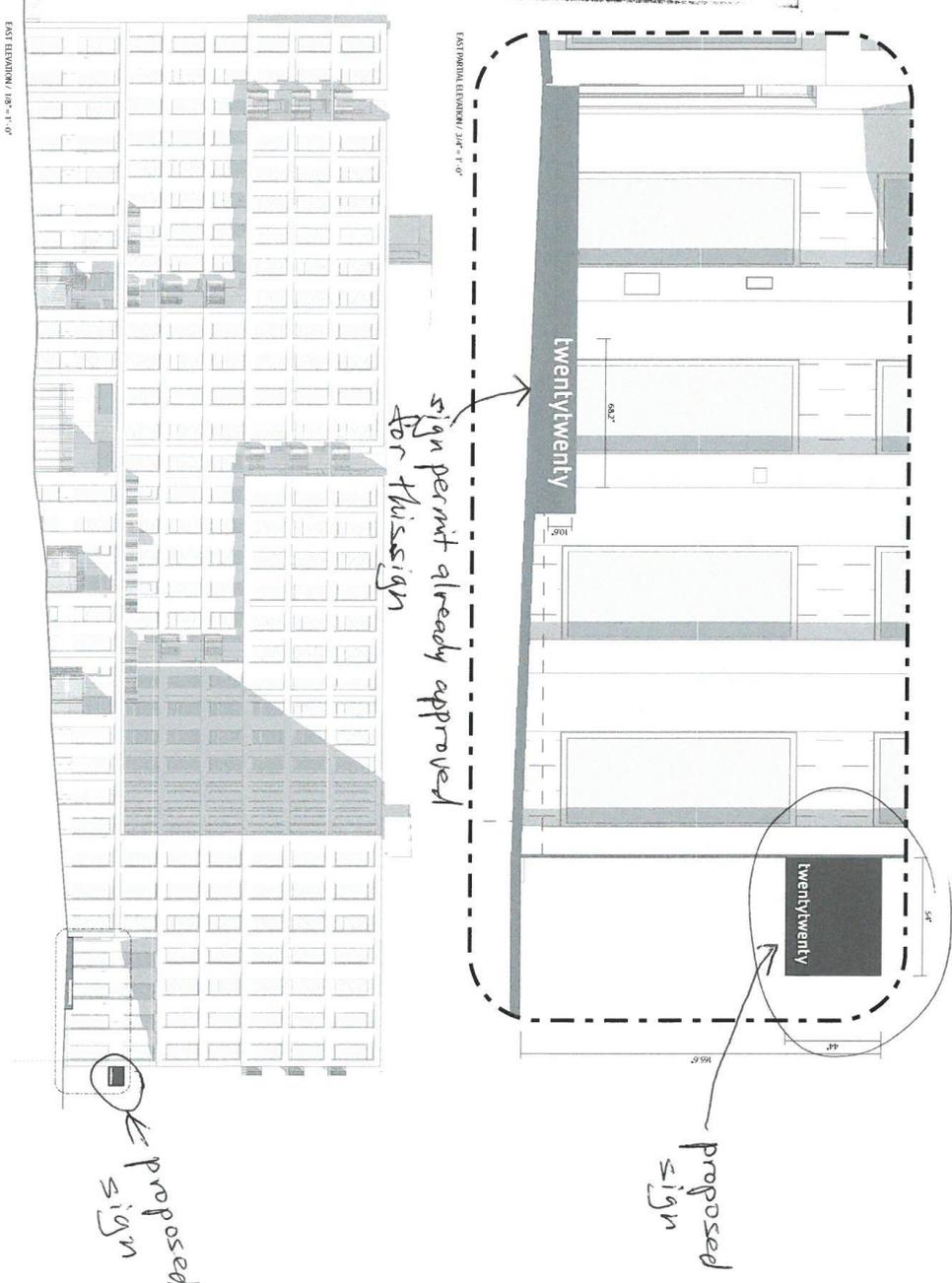
Contract: 11500-00-200-0008  
 Description: 1 Year of Adm. Review  
 Issued: 05/13/19  
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 Approved by: [Signature]

LU 19-168022 AD

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 Gulizia

PLAC SIZE 30" x 42"

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner A. Gulizia Date 6/27/19  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.




 PROJECT NO. 19-000000  
 PROJECT NAME: 19-000000  
 PROJECT ADDRESS: 19-000000  
 PROJECT CONTACT: 19-000000  
 PROJECT PHONE: 19-000000  
 PROJECT FAX: 19-000000  
 PROJECT EMAIL: 19-000000  
 PROJECT WEBSITE: 19-000000  
 PROJECT START DATE: 19-000000  
 PROJECT END DATE: 19-000000  
 PROJECT STATUS: 19-000000  
 PROJECT PHASE: 19-000000  
 PROJECT DESCRIPTION: 19-000000  
 PROJECT LOCATION: 19-000000  
 PROJECT OWNER: 19-000000  
 PROJECT ARCHITECT: 19-000000  
 PROJECT ENGINEER: 19-000000  
 PROJECT CONSULTANT: 19-000000  
 PROJECT SPECIALIST: 19-000000  
 PROJECT SUBMITTER: 19-000000  
 PROJECT REVIEWER: 19-000000  
 PROJECT APPROVER: 19-000000  
 PROJECT DATE: 19-000000  
 PROJECT SCALE: 19-000000

LU 19-168022 AD

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