



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

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**Date:** December 16, 2021  
**To:** Interested Person  
**From:** Hannah Bryant, Land Use Services  
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## **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 21-091178 HR – CHANGES TO REAR FAÇADE OF ELIOT CONSERVATION DISTRICT BUILDING**

### **GENERAL INFORMATION**

**Applicant:** Mark Annen | Annen Architecture, LLC  
3778 SE 10th Avenue  
Portland, OR 97202

**Owner/Agent:** Todd Prendergast | WSHC LLC  
733 NW 20th Ave  
Portland, OR 97209

**Site Address:** 2045 NE MARTIN LUTHER KING JR. BLVD

**Legal Description:** BLOCK 20 LOT 10 LOT 12&13 EXC PT IN ST, ALBINA  
**Tax Account No.:** R009606860  
**State ID No.:** 1N1E27DA 07400  
**Quarter Section:** 2830

**Neighborhood:** Eliot, contact Jonathan Konkol at [info@eliotneighborhood.org](mailto:info@eliotneighborhood.org) or Brad Baker at [lutcchair@eliotneighborhood.org](mailto:lutcchair@eliotneighborhood.org)

**Business District:** Soul District Business Association, contact at [Info@nnebaportland.org](mailto:Info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact at [info@necoalition.org](mailto:info@necoalition.org)  
**Plan District:** Albina Community  
**Other Designations:** Contributing Resource in the Eliot Conservation District  
**Zoning:** CM3 (MU-U)d – Commercial Mixed Use 3 with Design and Historic Resource Protection Overlays

**Case Type:** HR – *Historic Resource Review*  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**  
The applicant seeks Historic Resource Review approval for changes to the rear façade of a Contributing Resource in the Eliot Conservation Districts. Elements of the proposal include:

- Limited modification of existing entry doors and storefront systems.

- Replacement of existing exterior wall sconces
- Removal of existing canopy and installation of large trellis canopy.

Historic Resource Review is required for non-exempt exterior alterations in the Conservation District.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland's Zoning Code. The relevant criteria are:

- *Community Design Guidelines*

## ANALYSIS

**Site and Vicinity:** Located in the Eliot Conservation District and the Albina Plan District, the subject parcel is a .44-acre parcel located at the southwest corner of NE Tillamook and NE Martin Luther King Jr. Boulevard. The existing one-story building was constructed in 1937 in the Zig Zag Moderne (Art Deco) style.

The surrounding commercial corridor along NE MLK Boulevard is primarily one- and two-story buildings that reflect the street's streetcar and auto-oriented history. Numerous one-story auto garages and mechanic shops have been converted into retail uses. The two-story streetcar era buildings reflect their mixed-use history with wood or brick bulkheads beneath large glazed storefront windows. Upper stories have smaller, regular punched windows to reflect their residential uses. Historic buildings are primarily painted concrete, stucco, and brick.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

**Zoning:** The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland’s Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region’s citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate no prior land use reviews.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **November 16, 2021**. The following Bureaus have responded with no issues or concerns:

- Portland Bureau of Transportation (exhibit E.1)
- Fire Bureau (exhibit E.2)
- Urban Forestry (exhibit E.3)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on November 16, 2021. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846.060 - Historic Resource Review**

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is located within the Eliot Conservation District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines*.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **Community Design Guidelines**

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area’s desired characteristics and traditions.

**P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

**Findings for P1 & P2:** By concentrating the area of proposed changes to the rear, parking lot-facing facades, and proposing to match the existing storefront windows, the proposal ensures the preservation of the existing streetcar era façade facing NE Martin Luther King Jr. Boulevard. Staff celebrates the thoughtful, limited intervention, as it provides necessary updates to ensure the continued use and vitality of this existing building while preserving its character-defining art deco features. The exterior alterations are consistent with the design and scale of the existing Zig Zag Moderne-style historic building, and the proposal is aligned with both the guidelines and the

goals of the Eliot Conservation District as detailed in Goal 5 of the Albina Community plan.

*Therefore, this guideline is met.*

**E5. Light, Wind, and Rain.** Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

**D1. Outdoor Areas.** When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

**D3. Landscape Features.** Enhance site and building design through appropriate placement, scale, and variety of landscape features.

**Findings for E5, D1 & D3:** While no changes are proposed to street-facing facades, the proposal does include elements that will enhance the comfort of building occupants and guests by locating a steel trellis and vertical lattice near the west elevation to provide shading from direct summer sun. The custom lattice and trellis are intentionally designed to match the muntin patterns and proportions of the west storefront windows. The new lattice and trellis serve create a sense of enclosure on the west façade, turning the outdoor walkway into a pleasant outdoor area that may be used for spill out seating or merely a convenient waiting area for visitors.

*Therefore, these guidelines are met.*

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

**Findings for D6 & D8:** The proposal includes the reconfiguration of some doors and window configurations within the existing storefront openings on the rear façade of the building. Submitted drawings demonstrate that the storefronts to be reconfigured are non-original and have already been modified over time. No new openings are proposed. The new proposed doors and windows are consistent in appearance and finish with those existing on the building. Therefore, the original character of the building remains intact, with the newly configured doors and windows limited to the existing storefront bays. All proposed changes are limited to the rear of the building, adjacent to the parking area, and no changes are proposed to the front façade.

*Therefore, these guidelines are 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 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 purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

**ADMINISTRATIVE DECISION**

Approval of reconfiguration of windows and doors within existing storefront bays on rear elevation, per the approved site plans, Exhibits C-1 through C-6, signed and dated December 10, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 21-091178 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Hannah Bryant**

**Decision rendered by:**  **on December 10, 2021**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: December 16, 2021**

**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 September 29, 2021 and was determined to be complete on November 4, 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 September 29, 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: March 4, 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 Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on December 30, 2021. 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 e-mail, 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 and IIx 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 Landmarks 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 Landmarks 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 **December 30, 2021** 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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 Submittals
  - 1. Original Submittal
  - 2. Completeness Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. North + East Elevations
  - 3. West Elevations
  - 4. Anodized Color Chart
  - 5. Kawneer Cutsheet
  - 6. Wave Bike Rack Cutsheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Transportation
  - 2. Fire Bureau
  - 3. Urban Forestry
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter, dated October 14, 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).**



# ZONING



For Zoning Code in effect Post August 1, 2021

ALBINA COMMUNITY PLAN DISTRICT  
ELIOT CONSERVATION DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 21 - 091178 HR
1/4 Section	2830
Scale	1 inch = 200 feet
State ID	1N1E27DA 7400
Exhibit	B Sep 29, 2021

