



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: March 30, 2009
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@ci.portland.or.us

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-104260 HDZ
(718 SW MORRISON ROOFTOP TELECOM)

GENERAL INFORMATION

Applicant: Kevin Maki
Clearwire US, LLC
4400 Carillon Point
Kirkland, WA 98033
(425) 766-6375

Representative: Steven Topp
12566 SW Bridgeview Court
Tigard, OR 97223
(503) 708-7337

Owner: Chris Kotpa (representative)
Douglas Goodman Trust & Morris Galen Trust
888 SW 5th Avenue
Portland, OR 97204
(503) 708-7337

Site Address: 715 SW MORRISON STREET

Legal Description: LOT 3 BLOCK 212 HISTORIC PROPERTY 15 YR 1996 POTENTIAL ADDITIONAL TAX, PORTLAND; LOT 4 BLOCK 212 HISTORIC PROPERTY 15 YR 1996 POTENTIAL ADDITIONAL TAX, PORTLAND

Tax Account No.: R667722800, R667722820
State ID No.: 1N1E34CC 08500, 1N1E34CC 08600
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843
Business District: Downtown Retail Council, contact Stephen Pirkl at 503-274-7682
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212

Plan District: Central City - Downtown
Zoning: CXd, Central Commercial with design (d) overlay

Case Type: HDZ, Historic Design Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA)

Proposal: The applicant proposes to mount six (6) 3'-6" tall panel antennas, six (6) DAP units, four (4) 2-foot diameter microwave dishes, one (1) GPS unit, and one (1) equipment support cabinet with shelf onto the existing rooftop penthouse of the Pioneer Park Building at 715 SW Morrison Street, located as follows:

- North Elevation – 1 panel antenna and 1 DAP unit
- East Elevation – 1 panel antenna, 1 DAP unit and 2 microwave dishes
- South Elevation – 2 panel antennae, 2 DAP units, 2 microwave dishes, 1 GPS unit and 1 25"x25" equipment cabinet mounted on a 24"x36" metal shelf
- West Elevation – 2 panel antennae and 2 DAP units

Each microwave dish will be mounted to a 3" diameter mounting pipe that is then attached to the penthouse wall. Each antenna will be attached to a 3" diameter mounting pipe with one DAP unit per antenna affixed below. The vertical panel antenna mounts will have an overall height of 5'-7" and the microwave dish mounts will be 4'-4" tall. No equipment or mounting devices will project above the top of the penthouse parapet. All antennae, dishes, DAP units, cabinets, mounting hardware, coax and cables will be painted to match the rooftop.

The building is a National Historic Landmark and alterations to the exterior of a National Historic Landmark require Historic Design Review.

Relevant Approval Criteria:

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

- 33.846.060 G. (1-10) Other Approval Criteria
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The Pioneer Park Building, also known as the Broadway Building, was constructed in 1913 and is located in the Central City area at the northwest corner of SW Broadway and SW Morrison. It is an 11-story structure that is diagonally located across from Pioneer Courthouse Square and is within close proximity to several other historic landmarks.

Zoning: The CX zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural, 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, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and the application of the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- DZ 34-84 approved a storefront remodel.
- DZ 97-86 approved a renovation of the lobby and exterior canopy.

- DZ 72-90 approved a remodel/restoration.
- LUR 96-00137 DZ approved a restoration of an existing building facade.
- LU 03-119357HDZ approved new light fixtures.
- LU 06-117546 HDZ approved new commercial storefront for corner retail tenant.

Agency Review: A “Notice of Proposal in your Neighborhood” was mailed on **February 11, 2009**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Parks Bureau – Urban Forestry
- Site Development Section of BDS
- Fire Bureau
- Bureau of Transportation
- Life Safety Review Section of BDS
- Water Bureau

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **February 11, 2009**. No written responses have been received from either the Neighborhood Association or from notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Because the proposal is for a new radio transmission facility on a Historic Landmark in the Central City Plan District, both Historic Design Review criteria and the Central City Fundamental Design Guidelines must be met.

I. Chapter 33.846 – Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

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

Findings: The Pioneer Park Building is a designated Historic Landmark; therefore, the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1-10. In addition, because the site is located within the Central City Plan District, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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

G. Approval criteria based on the Standards of the Secretary of the Interior:

1. **Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
2. **Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Findings for G1 & G2: The character and physical record of the Pioneer Park Building will be preserved as the proposal will not alter its exterior façade or materials. Attaching the antennae and microwave dishes to rooftop structures that are set back from the building's edges and painted to match the structures will reduce their visibility and maintain the existing historic character of the building. These measures also ensure the retail and office occupancy of the building remains the

dominant apparent use of the building as it has been historically. *These guidelines are therefore met.*

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for G3, G4 & G5: The building's exterior façade will not be altered nor will any historic materials or features be modified as a result of the proposal. The telecom facility will be located entirely on the roof and affixed to a non-historic rooftop penthouse which is not noted as original nor has it gained any historic significance over time. *These guidelines are therefore met.*

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: There are no archaeological resources on this site. *This guideline is therefore met.*

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

Findings: Affixing the telecom equipment to the non-historic rooftop penthouse preserves the historic materials on the building's façade. The streamlined and modern antennae and microwave dishes will be clearly distinguishable from the historic features of the building. In addition, they will be attached to a nondescript rooftop structure which lacks historic architectural features. *This guideline is therefore met.*

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for G8, G9 & G10: The proposed telecom facility will be located entirely on the roof of the historic building, mounted to an existing non-historic penthouse structure which is set back a minimum of 24' from the street edge, thereby reducing the equipment's visibility. The antennae, dishes, conduit, equipment cabinet and shelf, and mounting hardware will be painted to match the penthouse further reducing the visibility of the telecom facility. *These guidelines are therefore met.*

II. Chapter 33.825 – Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design (d) overlay zoning; therefore, the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

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

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality** addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis** addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas** provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

These goals are intended to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural

integrity.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for C2, C3, C5, and C11: The proposed telecom facility is well integrated on the roof of the landmark Pioneer Park Building and respects the integrity of the historic structure by mounting all equipment to the existing non-historic penthouse. The penthouse is set back at least 24' from the southern street edge and 95' from the eastern street edge, reducing the visibility of the new telecomm equipment from the street. Painting the new telecomm equipment to match the existing penthouse further reduces its visibility and helps it blend in with the existing structure. *These guidelines are therefore 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 design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed telecommunications antennas and microwave dishes on the Pioneer Park (aka Broadway Building) are well integrated on the rooftop structure and do not negatively impact or alter the character of the historic building. The proposed design meets the applicable guidelines, and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of six (6) 3'-6" tall panel antennae, six (6) DAP units, four (4) 2-foot diameter microwave dishes, one (1) GPS unit, and one (1) equipment support cabinet with shelf onto the existing rooftop penthouse of the Pioneer Park Building at 715 SW Morrison Street, located as follows:

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- West Elevation – 2 panel antennae and 2 DAP units

per the approved site plans, Exhibits C-1 through C-9, signed and dated March 26, 2009, 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.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-104260 HDZ."

Decision rendered by: Chris Caruso on March 26, 2009.
By authority of the Director of the Bureau of Development Services

Decision mailed March 30, 2009

Staff Planner: Chris Caruso

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 January 23, 2009, and was determined to be complete on **February 5, 2009**.

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 January 23, 2009.

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.

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may

also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **March 30, 2009**.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-7967.

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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. A-2 Site Plan (attached)
 2. A-3 Enlarged Site Plan [attached]
 3. A-6 Enlarged Elevations [attached]
 4. T-1 Title Sheet
 5. G-1 General Notes
 6. Sheets A-1, A-4, A-5, A-7 & A-8 Plans, Elevations & Details
 7. RF-1 Radio Frequency Details
 8. E-1 Electrical Grounding Plan & Details

9. 3 Photo Simulation pages

D. Notification information:

1. Mailing list
2. Mailed notice

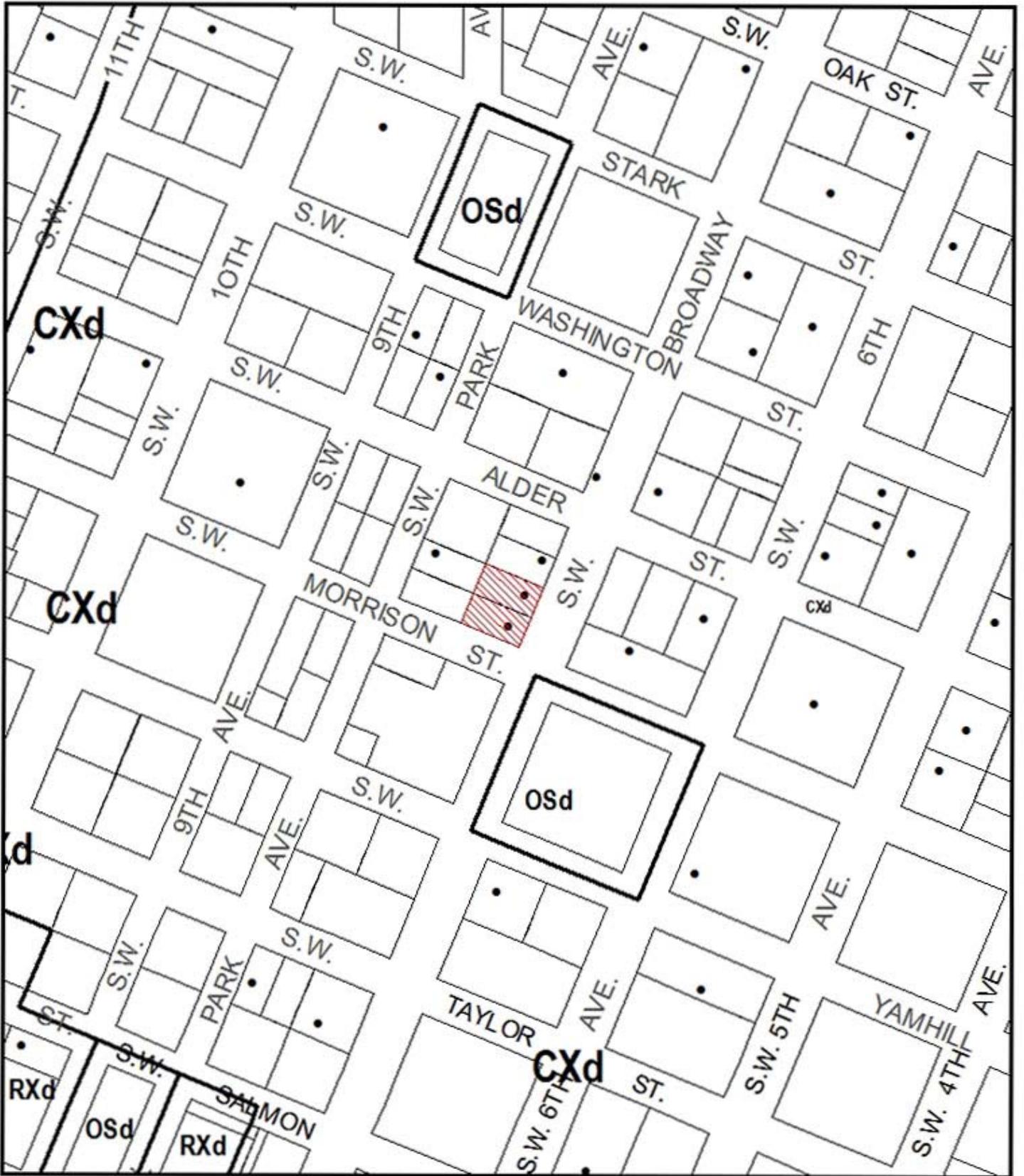
E. Agency Responses: none

F. Correspondence: none

G. Other:

1. Original LU Application
2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 09-104260 HDZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CC 8500
Exhibit	B (Jan 26, 2009)

clear wire
 100 BROADWAY
 SEATTLE, WA 98102



REGISTERED ARCHITECT
 RICHARD B. HALL
 SEATTLE, WA
 5008
 STATE OF OREGON

PIONEER PARK

OR-POR-411B
 715 SW MORRISON ST
 PORTLAND, OR 97209

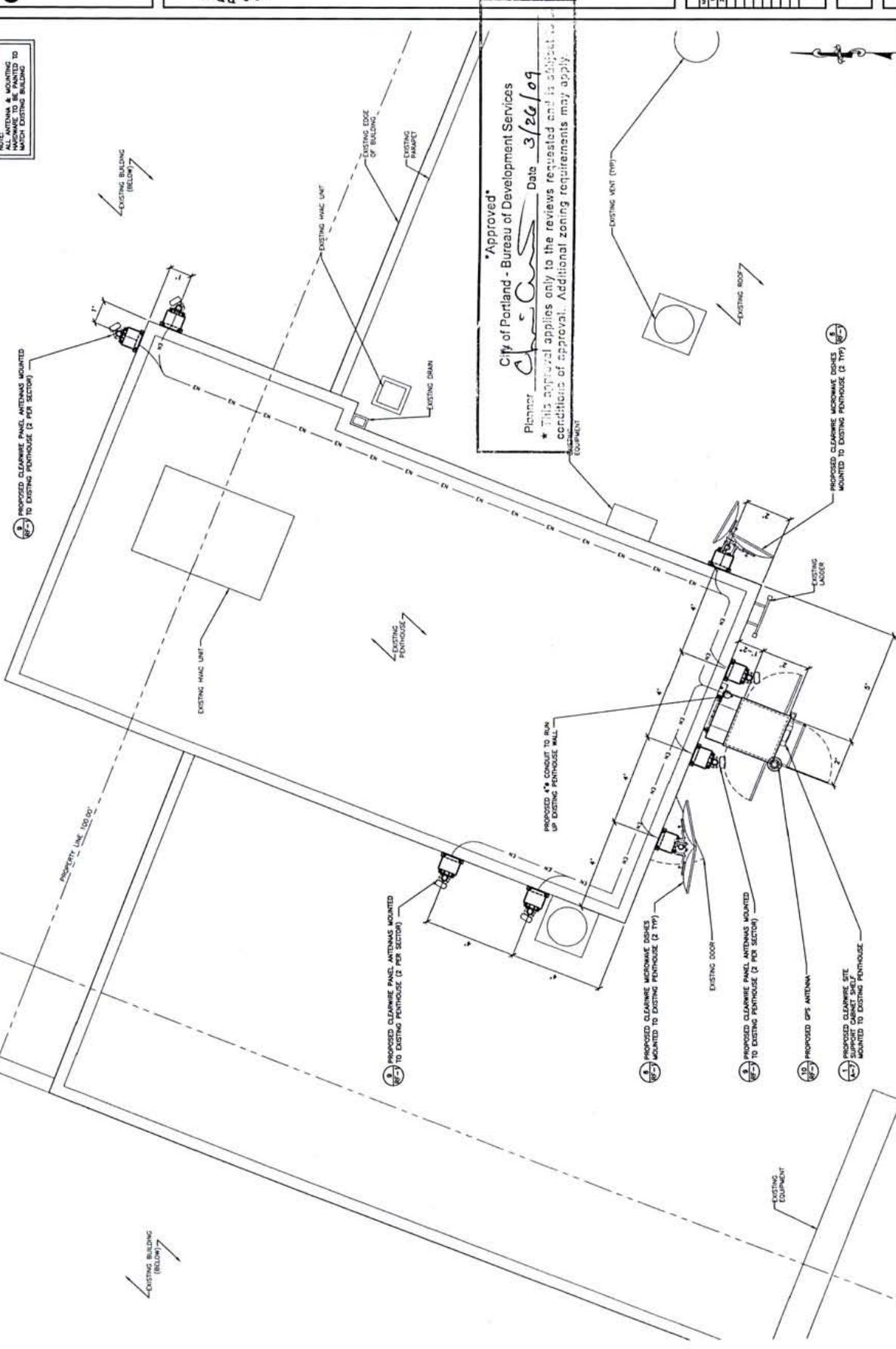
NO.	DATE	BY	DESCRIPTION
1	12-18-09	FINAL	2009
2	12-18-09	FINAL	2009

NOT FOR CONSTRUCTION UNLESS
 LABELED AS CONSTRUCTION SET

SHEET TITLE
 ENLARGED SITE PLAN

SHEET NUMBER
A-3

NOTE:
 ALL ANTENNAS & MOUNTING
 SHALL BE INSTALLED TO
 MATCH EXISTING BUILDING



Approved
 City of Portland - Bureau of Development Services
 Planner: *Chloe* Date: 3/26/09
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

ENLARGED SITE PLAN

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

