



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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Date: May 5, 2008
To: Interested Person
From: Staci Monroe, 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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 07-145802 HDZ – HISTORIC DESIGN REVIEW FOR ROOFTOP TELECOM FACILITY

GENERAL INFORMATION

Applicant: Alco Invest Company (owner)
921 SW Washington Street #100
Portland, OR 97205

Representative: Kevin Martin, 503-469-0234 (telecom contractor)
Clearwire Us LLC
2495 NW 121st Place
Portland, OR 97229

Site Address: 921 SW WASHINGTON STEET

Legal Description: BLOCK 215 LOT 1-8, PORTLAND
Tax Account No.: R667723060
State ID No.: 1N1E34CC 04800
Quarter Section: 3029
Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.

District Coalition: None
Plan District: Central City - Downtown
Other Designations: Pittock Block – National Historic Landmark
Zoning: CXd – Central Commercial zone with a Design overlay
Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Design Review for a cellular telecom facility on the rooftop of an existing 8-story Historic Landmark, Pittock Block. The proposal includes a total of eight, 3'-6" tall panel antennas, ten, 2-foot diameter microwave dishes, BTS units and a GPS antenna. Specifically:

- West elevation of stack - 2 antennas & 2 microwave dishes;
- South Elevation of stack - 2 antennas & 4 microwave dishes;
- North Elevation of Penthouse - 2 antennas and 2 microwave dishes; and
- North Elevation of mechanical room - 2 antennas & 2 microwave dishes.

Each antenna will be attached to a 3” mounting pipe with microwave dishes affixed below the antenna with the exception of the penthouse where the antennas and dishes will be mounted horizontally rather than vertically. The vertical mounts will have an overall height of 5’-2” with 1 dish and 8’-6” with 2 dishes while the vertical mounts will be 3’-6” tall. All of the antennas, dishes, BTS units, coax and cables are proposed to be painted to match the rooftop. The associated mechanical equipment will be located within the top floor of the building and therefore does not require review.

Proposals for exterior alterations to historic landmarks 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:

- Central City Fundamental Design Guidelines
- Other Approval Criteria for Historic Landmarks - Section 33.846.060.G

ANALYSIS

Site and Vicinity: The site is a full-block downtown site bound by SW Stark, Washington, 9th and 10th. This 20th Century Classical landmark included smooth-faced, buff-colored brick with glazed terra-cotta ornament. Special features include: double-hung windows at the upper floors, decorative motifs – antefixae, dentils, and cartouche, and a terazzo floor and marble wainscoting remaining beneath recent decoration in the interior arcade. On the roof exists numerous structures including an elevator machine room, stair tower, penthouse and stack as well as over mechanical units.

Zoning: The Central Commercial (CX) base zone, is Portland’s most densely built, urban zone which allows for a variety of uses that reinforce the city’s role as a commercial, cultural, and governmental center. This type of development is intended to have large buildings that are placed close together and typically cover most of their respective lot areas. This development is also intended to be pedestrian-oriented, with a strong emphasis on a safe and attractive streetscape.

The Design (d) overlay zone designation also ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values of each design district: in this case, the Central City Plan District.

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

- DZ 43-85 was a request for a storefront remodel;
- DZ 15-86 and 3) CU 15-86 were approvals for a cellular one antenna;
- CU 52-86 approved, with conditions, designated parking areas;
- HLDZ 147-89 approved a new storefront entry;
- LUR 92-00127 DZ approved the installation of 9 small antennas on an existing rooftop stack;
- LUR 99-00399 HDZ approved 5 new cooling towers,
- LUR 00-00429 HDZ approved four new cooling towers, and removal of roof top mechanical equipment, and
- LUR 00-00723 HDZ approved 2 12-inch cube antennas on the roof.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 23, 2007**.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau

- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Bureau of Transportation Engineering

The Plan Review Section of BDS responded with the following comment (see Exhibit E-1 for additional details):

1. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 23, 2007. 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, 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 site 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, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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: The character and physical record of the Pittock Block will be preserved as the proposal will not alter its exterior façade or materials. Attaching the antennas and microwave dishes to rooftop structures that are setback 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: 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 entirely located on the roof and affixed to non-historic rooftop structures including the stack, penthouse and mechanical equipment room. None of these rooftop structures are noted as original or to have gained any historic significance over time. *These guidelines are therefore met.*

- 6. 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 structures preserves the historic materials on the building's façade. The antennas and microwave dishes will be clearly distinguishable from the historic features of the building in that their design is streamlined and represents a modern technology. In addition, they will be attached to nondescript rooftop structures which lack historic architectural features. *This guideline is therefore met.*

- 7. 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.
- 8. 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.
- 9. 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: The proposed telecom facility will be located entirely on the rooftop of the historic building on existing non-historic structures including the stack, penthouse and mechanical room. All of these structures are significantly setback from building's edge reducing their visibility on the 100'-0" tall structure. The setbacks range from 20'-0" for the penthouse to the north building edge to 90'-0" for the stack to the south building edge. The antennas, dishes and mounting hardware will also be painted to match the rooftop structures further reducing the visibility of the telecom facility. The associated mechanical cabinets will be set inside the building on the upper floor and will therefore not be visible. *These guidelines are therefore met.*

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

This set of goals are those developed 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 the of landmark building which respects the integrity of the historic structure. In addition to locating the equipment on existing non-historic structures that are setback from the building edges and painting them, the equipment will be grouped with other cellular equipment. The new antennas on the south and west elevations of the rooftop stack will be equally spaced both horizontally and vertically with the existing antennas each façade. This will create a pattern that is integrated with the vertical recessed panels on the stack.

The antennas and dishes on the mechanical room and penthouse will be the only antennas affixed to these structures and painting them will reduce their visibility. The cables and coax to each antenna will be limited visually by running them through the inside of the structure on the stack and along the roof of the penthouse and mechanical room. The antenna and dish mounts will be affixed within 0'-5" of the structure's surface reducing the profile and maintaining a consistent appearance with the adjacent antennas. *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 Pittock Block Building are well integrated on the rooftop structures and do not negatively impact or alter the character of the historic building. The design proposed meets the applicable guidelines, and therefore warrants an approval.

ADMINISTRATIVE DECISION

Approval of a total eight 3'-6" tall panel antennas and ten 2-foot diameter microwave dishes as follows on the rooftop:

- West elevation of stack - 2 antennas & 2 microwave dishes;
- South Elevation of stack - 2 antennas & 4 microwave dishes;
- North Elevation of Penthouse - 2 antennas and 2 microwave dishes; and
- North Elevation of mechanical room - 2 antennas & 2 microwave dishes.

Per the approved site plans, Exhibits C-1 through C-5, signed and 5/1/08, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 07-145802 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

Decision rendered by:  **on May 1, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 5, 2008

Staff Planner: Staci Monroe

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 July 11, 2007, and was determined to be complete on **November 19, 2007**.

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 July 11, 2007.

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 waived the 120-day review period, as stated with Exhibit (Exhibit G-3)

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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 19, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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.

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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **May 20, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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 503-823-0625.

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.

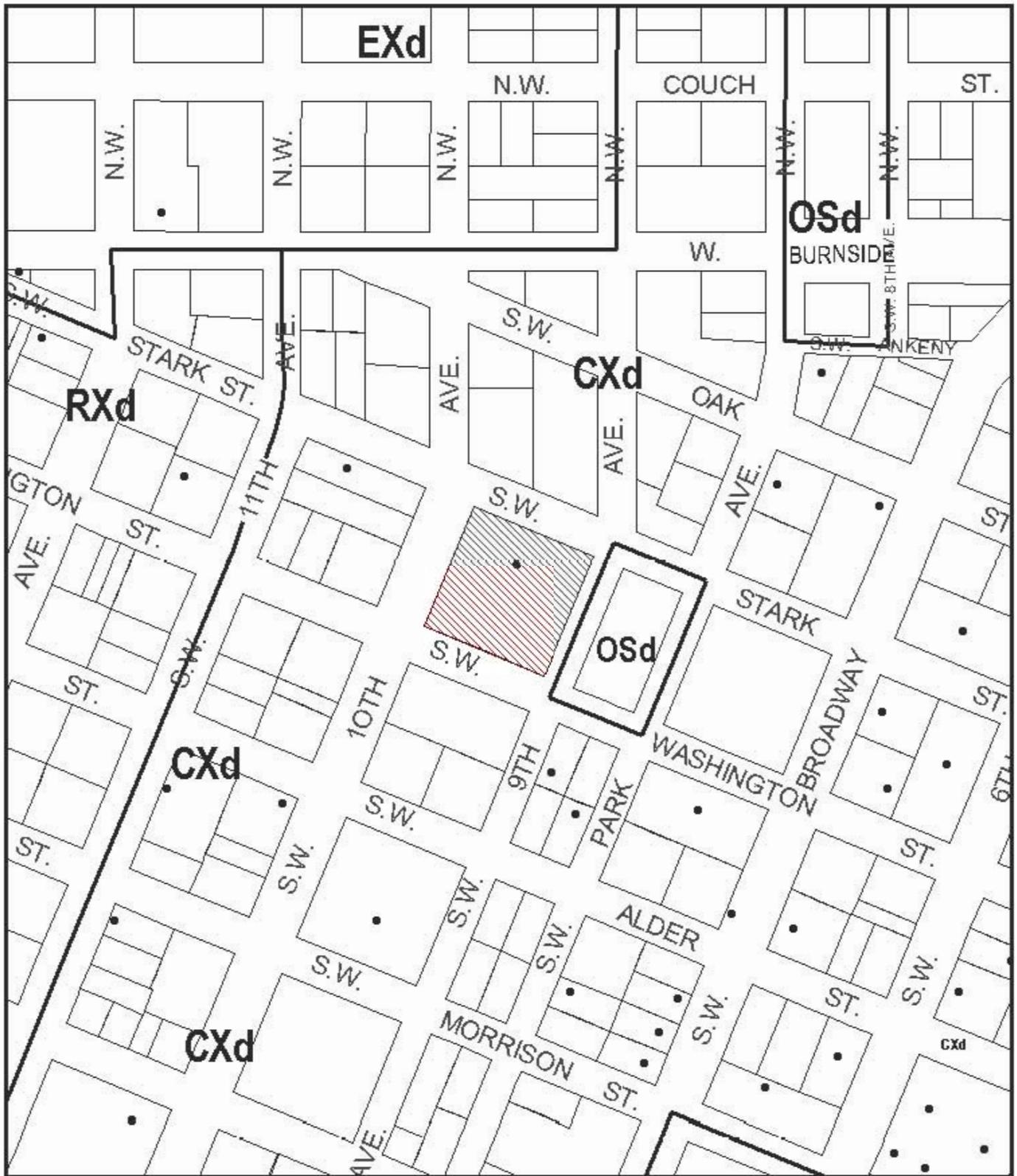
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan & existing conditions plan (attached)
 - 2. Roof plan (attached)
 - 3. Building & rooftop structures elevations (attached)
 - 4. Antenna and equipment details (attached)
 - 5. Electrical plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. 120-day Waiver



ZONING



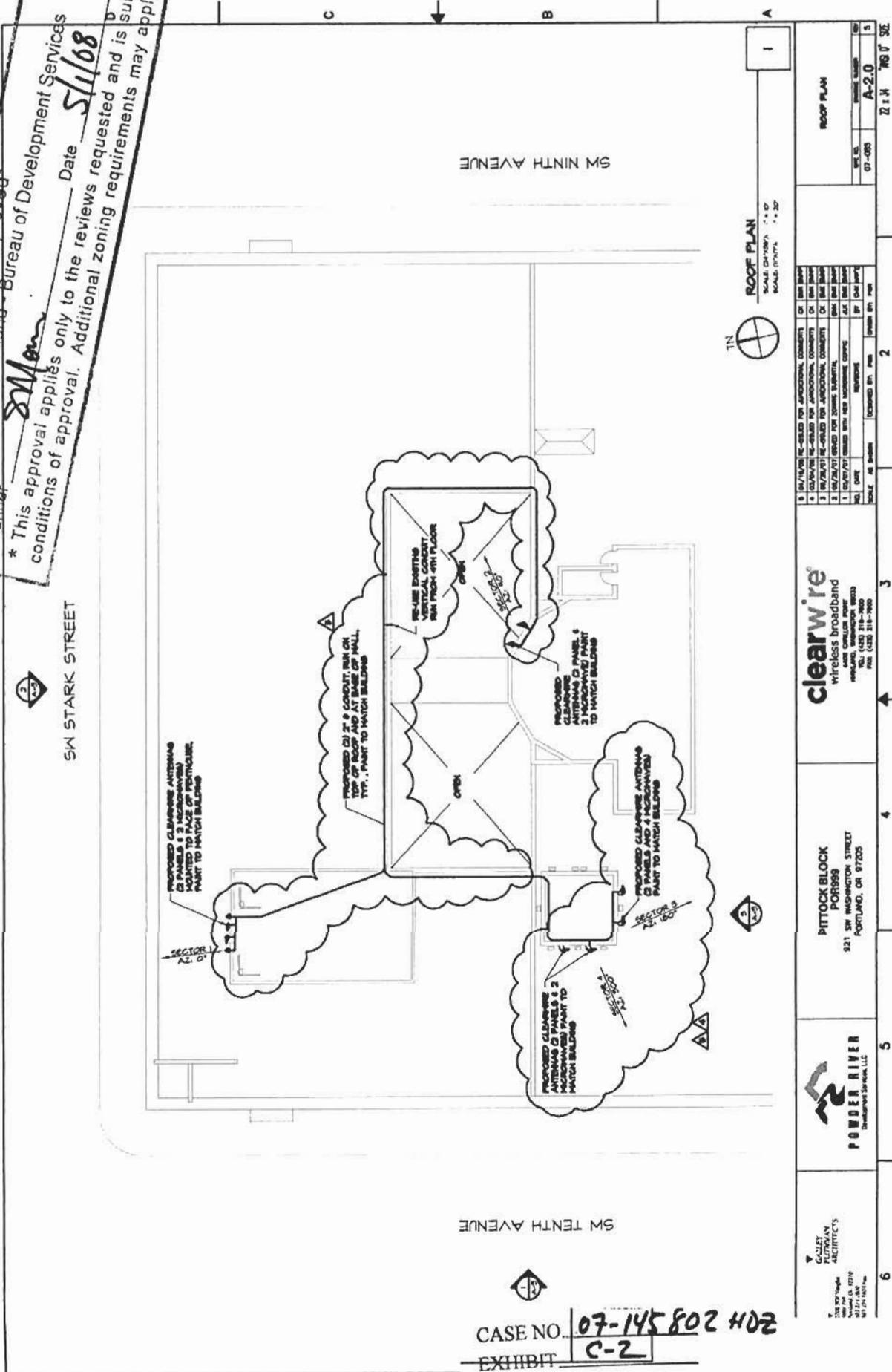
This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 07-145802 HDZ
1/4 Section	3029
Scale	1 inch = 417 feet
State_Id	1N1E34CC 4800
Exhibit	B (Aug 08, 2007)

City of Portland - Bureau of Development Services
 Approved: *SM*
 Planner: *SM*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Date: *5/1/08*

SW STARK STREET



ROOF PLAN
 SCALE: OVERALL: 1/4" = 1'-0"
 SCALE: DETAILS: 1/2" = 1'-0"

NO.	DATE	BY	FOR
1	04/27/07	SM	ISSUE FOR PERMITS
2	05/01/07	SM	ISSUE FOR PERMITS
3	05/01/07	SM	ISSUE FOR PERMITS
4	05/01/07	SM	ISSUE FOR PERMITS
5	05/01/07	SM	ISSUE FOR PERMITS
6	05/01/07	SM	ISSUE FOR PERMITS
7	05/01/07	SM	ISSUE FOR PERMITS
8	05/01/07	SM	ISSUE FOR PERMITS
9	05/01/07	SM	ISSUE FOR PERMITS
10	05/01/07	SM	ISSUE FOR PERMITS

clearwire
 wireless broadband
 921 SW HANCOCK STREET
 PORTLAND, OREGON 97205
 PHONE: (503) 218-2000

PITTOCK BLOCK
 PORTLAND
 921 SW HANCOCK STREET
 PORTLAND, OR 97205

POWER RIVER
 Development Services, LLC

GALZY
 ARCHITECTS
 3121 SW 10TH
 PORTLAND, OR 97205
 PHONE: (503) 241-1000

CASE NO. *07-145802 H02*
 EXHIBIT *C-2*

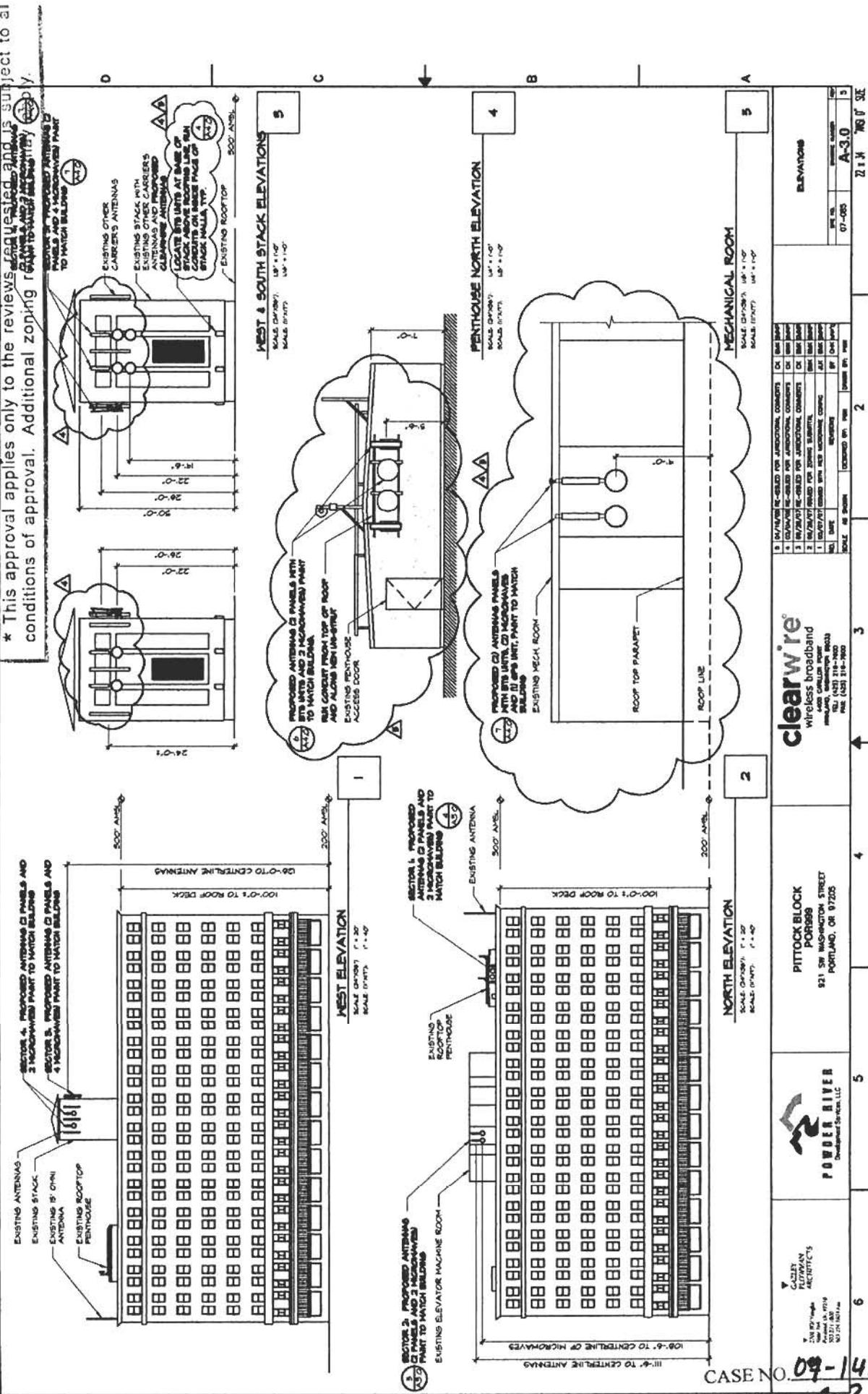
2 x 4 NO. 1 SEE

Approved

City of Portland - Bureau of Development Services

Planner *S.M. Mon* Date *5/1/08*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements apply.



NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	07-08		
2	ISSUED FOR PERMITS	07-08		
3	ISSUED FOR PERMITS	07-08		
4	ISSUED FOR PERMITS	07-08		
5	ISSUED FOR PERMITS	07-08		

clearwire
Wireless broadband
PITTOCK BLOCK
921 SW WASHINGTON STREET
PORTLAND, OR 97205
TEL: (503) 214-1000
FAX: (503) 214-1000

POWER RIVER
Development Services, LLC

GALBY FLYNN ARCHITECTS
208 SW 10th Ave
Portland, OR 97205
TEL: (503) 224-1000

CASE NO. *09-145802 H22*
EXHIBIT *2-3*

