



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

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 26, 2011  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@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 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 11-156854 CU HDZ - ADDITIONAL RADIO FREQUENCY TRANSMISSION EQUIPMENT**

**GENERAL INFORMATION**

**Applicant:** Honeyman II LLC  
1201 Third Avenue #5400  
Seattle, WA 98101-3028  
  
Chris Jones,  
Portland Lofts Associates Limited Partnership  
205 SE Grand Avenue Suite 104  
Portland OR 97214

**Representative:** Zach Phillips 503-708-9200  
PTS  
1001 SE Water Avenue Suite 180  
Portland OR 97214

**Site Address:** 502-514 NW 9th Avenue

**Legal Description:** BLOCK 73 LOT 1-8 HISTORIC PROPERTY 15 YR 2006 POTENTIAL ADDITIONAL TAX; SEE R140622 (R18020-6681), COUCHS ADD

**Tax Account No.:** R180206680  
**State ID No.:** 1N1E34BC 07600  
**Quarter Section:** 2929  
**Neighborhood:** Pearl District, contact Patricia Gardner at 503-228-3273.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - River District  
**Other Designations:** Portland Historic Landmark pursuant to listing in the National Register of Historic Places as the Honeyman Hardware Company Building on December 15, 1989.

**Zoning:** CXd, Central Commercial with Historic Resource Protection and Design overlay zoning.

**Case Type:** CU HDZ, Conditional Use and Historic Design Review

**Procedure:** Type II, an administrative decision with appeal to the Historic Landmarks Commission.

**Proposal:**

The applicant is seeking Conditional Use Review and Historic Design Review approvals for a proposal to mount three new antennas and associated accoutrements to an existing Radio Frequency Transmission facility mounted on the sides of an existing rooftop penthouse structure. Conditional use Review approval is required because the proposal is to alter a previous approval by adding more equipment. Historic Design Review is required because the proposal is for non-exempt exterior alteration of a designated Portland City Landmark.

**Relevant Approval Criteria:**

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

- 33.274.040 - Development Standards
- 33.846.060 G – Other Approval Criteria
- Central City Fundamental Design Guidelines

## ANALYSIS

**Site and Vicinity:** The subject property is a full block development, listed in the National Register of Historic Places on December 15, 1989 as the Honeyman Hardware Company Building. It is actually a conglomeration of three distinct structures: a one story brick building of 1903, originally a stable; a seven story concrete warehouse building of 1912; and a two story retail sales building of 1920. The seven story structure was designed in a straightforward Commercial style, by architect David Chambers Lewis, who was married to Etta Honeyman, whose family owned the company by which the building was being built. The building was designed to be expanded to the east, and the concrete brackets meant to carry the future floor area are still exposed on the east facade.

**Zoning:** The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

The Central Commercial (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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Historic Resource Protection chapter 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.

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards 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:

- LU07-173368 HDZ, approving a nine story addition.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed July 25, 2011.

**Agency Review:** None of the notified Bureaus has responded with issues or concerns.

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### **(1) 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. Because the site is located within the Central City Plan Area, the relevant approval criteria also include the *Central City Fundamental Design Guidelines*.

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

#### **G. Other Approval Criteria:**

- 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.
- 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.
- 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 1, 8, and 10:** The proposal is for additional Radio Frequency Transmission equipment mounted to a penthouse structure that is set back from the edges of the 8<sup>th</sup> floor, which is in turn set back from the main building parapet. Both the existing and proposed equipment will be completely out of sight from locations in the building's vicinity. Because rooftops, especially on industrial and warehouse buildings like the subject property, were traditionally the location for mechanical and other support equipment, the location of the proposed equipment is appropriate. It will have virtually no impact on nearby buildings, and as viewed from afar will present an orderly appearance. *These criteria are met.*

### **Central City Fundamental Design Guidelines**

**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:** The proposed new equipment will be similar in size to the existing equipment and attached to the penthouse in an orderly continuation of the existing pattern. The installation will not be visible from the street in the vicinity, and as viewed from afar will present an integrated appearance if painted to match. *With a Condition of Approval that all antennas and associated rooftop coaxial cables will be painted to match the building's color, these guidelines are met.*

## **(2) 33.815 Conditional Uses**

### **33.815.010 Purpose**

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

### **33.815.225 Radio Frequency Transmission Facilities**

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. Because the site is more than 50 feet from an R zone, and the proposal is not to locate the facility on a tower, the approval criteria are:

#### **D. Approval criteria for all other Radio Frequency Transmission Facilities:**

1. Based on number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;
2. Public benefits of the use outweigh any impacts which cannot be mitigated; and
3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

**Findings:** The proposed location of the three new antennas is a rooftop structure already used for Radio Frequency Transmission Facilities. Because it is high above the street, the impact of the proposed additional installation on the desired character of the area will be negligible and there will be no impact to mitigate. The regulations of

Chapter 33.274, Radio Frequency Transmission Facilities are met (see following). *These criteria are met.*

**33.274.040 Development Standards**

**A. Purpose.** The development standards:

- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers and accessory equipment in residential and open space zones whenever possible;
- Protect adjacent populated areas from excessive radio frequency emission levels; and
- Protect adjacent property from tower failure, falling ice, and other safety hazards.

**B. When standards apply.** Unless exempted by 33.274.030, above, the development standards of this section apply to all Radio Frequency Transmission Facilities.

Applications to modify existing facilities regulated by this chapter are only required to meet the standards of Paragraphs C. 3, C4, C.5, C.6, and C.9, below, in addition to any previous conditions of approval. Increasing the height of a tower is not considered modification of an existing facility.

**C. General requirements**

5. Radio frequency emission levels. All existing and proposed Radio Frequency Transmission Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified in Table 274-1, except as superseded by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits.

<b>Table 274-1 Radio Frequency Emission Standards [1]</b>			
Frequency Range	Mean Squared Electric (E <sup>2</sup> ) Field Strength (V <sup>2</sup> /m <sup>2</sup> ) [2]	Mean Squared Magnetic (H <sup>2</sup> ) Field Strength (A <sup>2</sup> /m <sup>2</sup> ) [3]	Equivalent Plane-Wave Power Density (mW/cm <sup>2</sup> ) [4]
100 KHz – 3 MHz	80,000	0.5	20
3 MHz – 30 MHz	4,000 (180/f <sup>2</sup> ) [5]	0.025 (180/f <sup>2</sup> )	180/f <sup>2</sup>
30 MHz – 300 MHz	800	0.005	0.2
300 MHz – 1500 MHz	4,000 (f/1500)	0.025 (f/1500)	f/1500
1500 MHz – 300 GHz	4,000	0.025	1.0

Notes:

- [1] All standards refer to root mean square (rms) measurements gathered by an approved method.
- [2] V<sup>2</sup>/m<sup>2</sup> = Volts squared per meter squared.
- [3] A<sup>2</sup>/m<sup>2</sup> = Amperes squared per meter squared.
- [4] mW/cm<sup>2</sup> = Milliwatts per centimeter squared.
- [5] f = Frequency in megahertz (MHz).

**Findings:** The proposed facility will operate within the limits in Table 274-1 per calculations provided by the applicant's engineer. *This criterion is therefore met.*

6. Antenna requirements. The antenna on any tower or support structure must meet the minimum siting distances to habitable areas of structures shown in Table 274-2. Measurements are made from points A and B on the antenna to the nearest habitable area of a structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna. Point A is measured from the

highest point of the antenna (not the tower) to the structure, and Point B is measured from the closest point of the antenna to the structure.

<b>Table 274-2</b>			
<b>Distance Between Antenna and Habitable Area of Structure</b>			
(Where f is frequency in megahertz.)			
Effective Radiated Power	Frequency (MHz)	Point A: Minimum Distance From Highest Point of Antenna To Habitable Area of Structure (feet)	Point B: Minimum Distance From Closest Portion Of Antenna To Habitable Area of Structure (feet)
< 100 watts		10	3
100 watts to 999 watts		15	6
1,000 watts to 9.999 Kw	< 7	11	5
	7 - 30	$f/0.67$	$f/1.5$
	30 - 300	45	20
	300 - 1500	$780/\sqrt{f}$	$364/\sqrt{f}$
	> 1500	20	10
10 Kw plus	< 7	17.5	8
	7 - 30	$f/0.4$	$f/0.91$
	30 - 300	75	33
	300 - 1500	$1300/\sqrt{f}$	$572/\sqrt{f}$
	1500	34	15

**Findings:** The facility is currently compliant with this provision and the proposal demonstrates that the alterations will not move it out of compliance *This criterion is therefore met.*

11. Mounting device. The device or structure used to mount facilities operating at 1000 watts ERP or less to an existing building or other non-broadcast structure may not project more than 10 feet above the roof of the building or other non-broadcast structure.

**Findings:** The compliant height of the equipment will remain unchanged. *This criterion is 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 proposal will have virtually no effect on the historic character of the building and meets the approval criteria for continued conditional use. The purpose of the Historic Design 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 Design Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

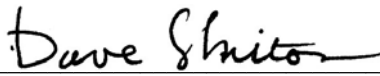
Approval of Historic Design Review for additional Radio Frequency Transmission equipment mounted to the penthouse of the Historic Landmark Honeyman Hardware Company Building;

Approval of Conditional Use Review for additional Radio Frequency Transmission equipment mounted to the penthouse of the Historic Landmark Honeyman Hardware Company Building;

Approval per Exhibits C-1 through C-13, signed and dated August 23, 2011, subject to the following condition:

- A. Antennas and associated rooftop coaxial cables and equipment will be painted to match the penthouse structure's color.
- B. 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 through C-13. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-156854 CU HDZ. No field changes allowed."

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on August 23, 2011.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 26, 2011**

**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 12, 2011, and was determined to be complete on **July 21, 2011.**

*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 12, 2011.

*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.

**Appealing this decision.** This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 9, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. 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 Historic 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 Historic 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 **September 12, 2011**.
- 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:

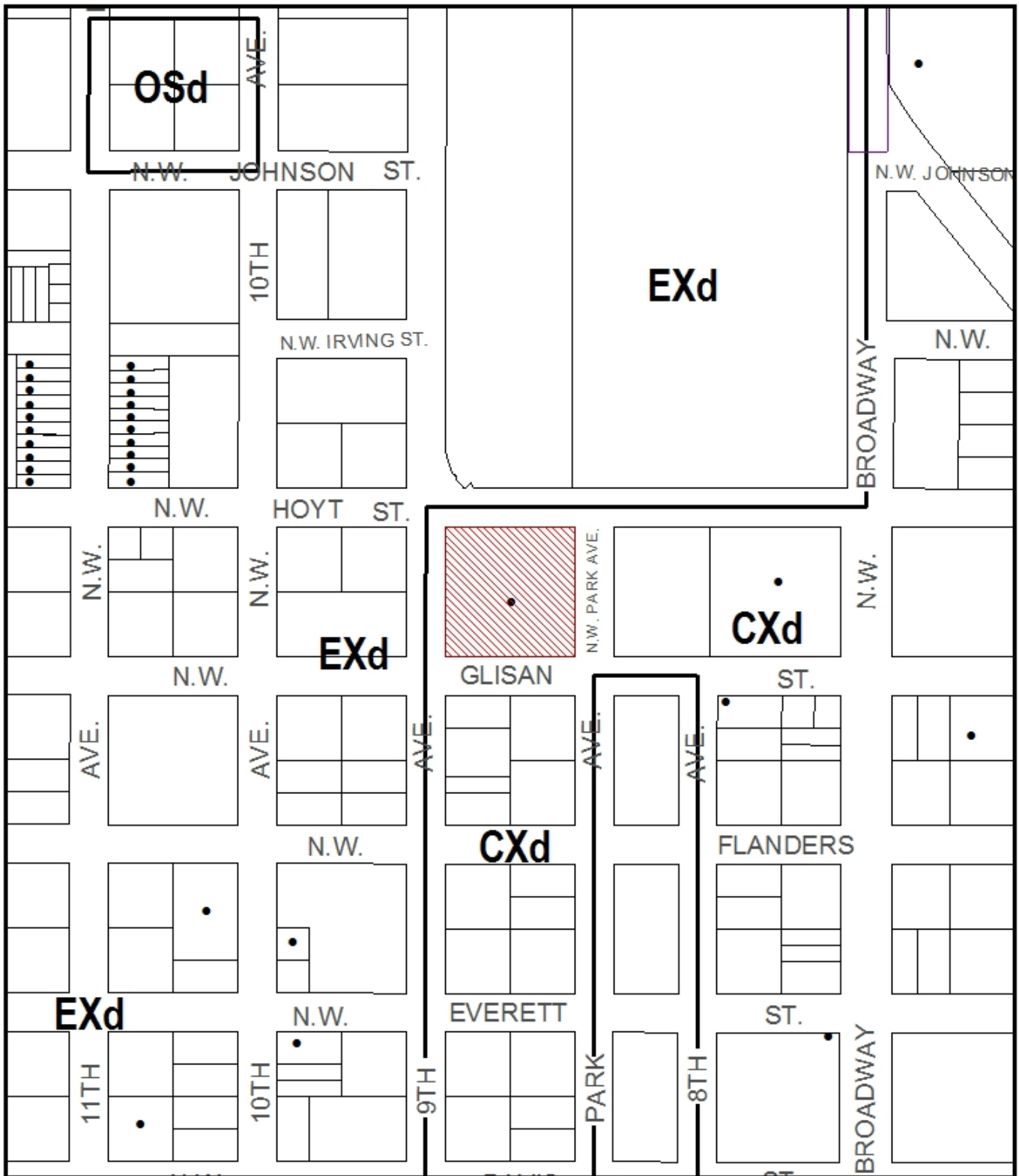
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Vicinity and Index
  - 2. General Notes
  - 3. General Notes and Symbols
  - 4. Site Plan (attached)
  - 5. Existing Enlarged Roof Plan
  - 6. Proposed Enlarged Roof Plan
  - 7. Existing and Proposed Equipment Plan
  - 8. Existing and Proposed West Elevation (attached)
  - 9. Construction Details
  - 10. Antenna Configurations
  - 11. RF and Equipment Details
  - 12. Schematic Grounding Plan
  - 13. Grounding Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Water Bureau
  - 2. Fire Bureau
  - 3. Life Safety Review Section of BDS
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application

**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



Site



Historic Landmark



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 11-156854 CU,HDZ  
 1/4 Section 2929  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E34BC 7600  
 Exhibit B (Jul 21,2011)





Your world. Delivered.



PACIFIC TELECOM SERVICES, LLC

REGISTERED ARCHITECT  
RICHARD B. HALL  
SEATTLE, WA  
5008  
STATE OF OREGON  
EXPIRATION DATE OF THE LICENSE: 06/30/12

HONEYMAN  
PR43  
555 NW PARK AVENUE  
PORTLAND, OR 97209

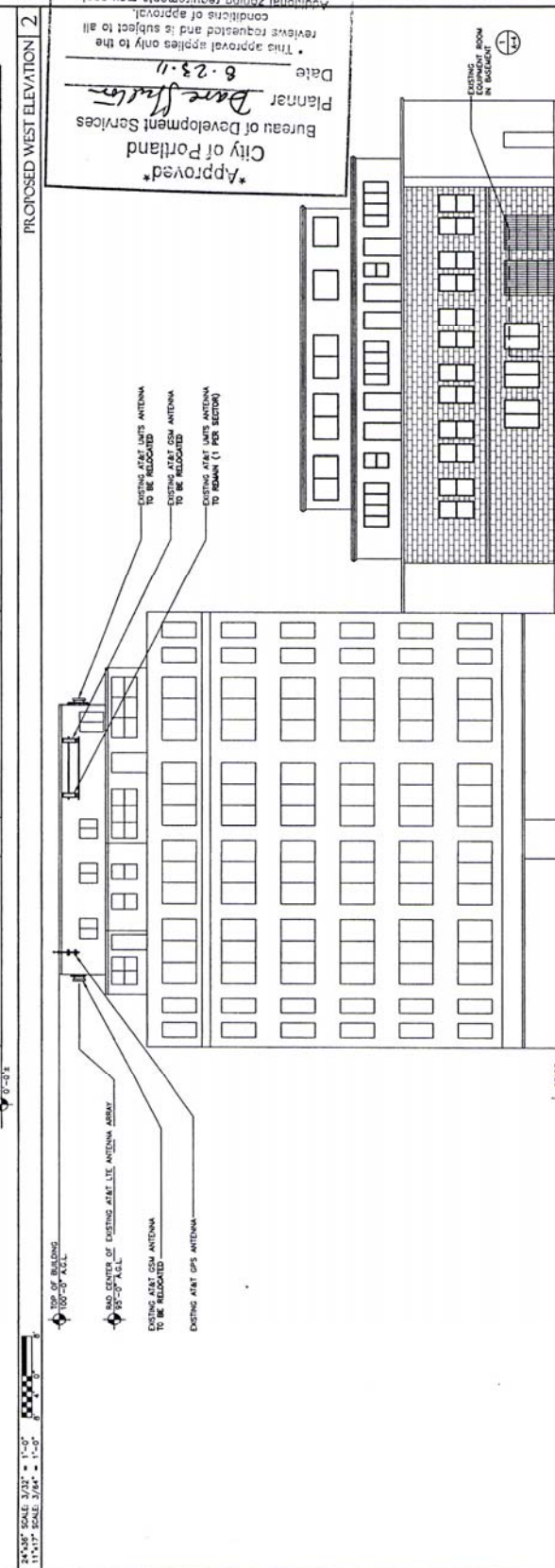
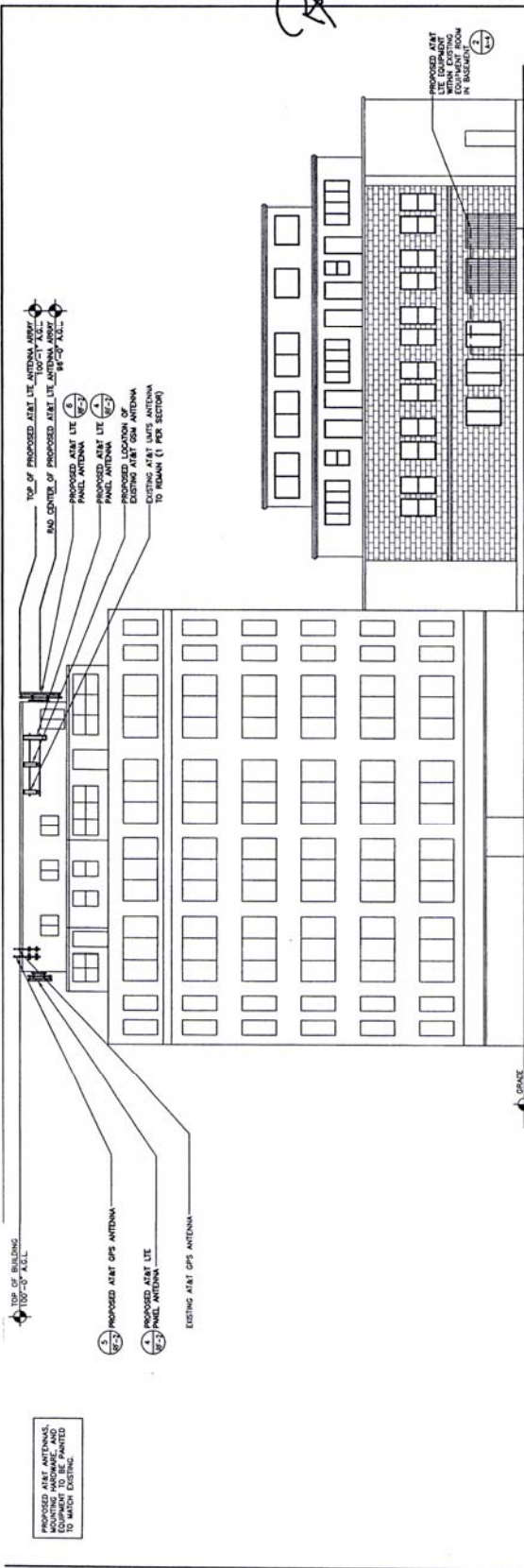
NO.	DATE	REVISIONS
1	08-23-11	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		

NOT FOR CONSTRUCTION UNLESS LABELLED AS CONSTRUCTION SET

SHEET TITLE  
EXISTING & PROPOSED WEST ELEVATIONS

SHEET NUMBER  
A-5

1-8



PROPOSED ANTENNA MOUNTING ARRANGEMENT AND EQUIPMENT TO BE PAINTED TO MATCH EXISTING

24"x36" SCALE 3/32" = 1'-0"  
11"x17" SCALE 3/64" = 1'-0"

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.