



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: August 8, 2013
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 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 13-168182 HR – ALTERATIONS TO EXISTING CELLULAR TRANSMISSION FACILITIES

GENERAL INFORMATION

Owner: Condominiums Homeowners Association
2105 SE 9th Avenue / Portland, OR 97214

Representative: Kara Campbell, 503-547-7983 / General Dynamics / Sprint
9498 SW Barbur Boulevard Suite 101 / Portland, OR 97219

Site Address: 1420 NW Lovejoy Street

Legal Description: CANCEL ACCOUNT IN MODERN CONFCTNRY LOFTS 57590-, COUCHS ADD; LOT F1 FLEX UNIT HISTORIC PROPERTY 15 YR 2001 POTENTIAL ADDITIONAL TAX, MARSHALL-WELLS LOFTS CONDOMINIUMS

Tax Account No.: R180207991, R542205070

State ID No.: 1N1E33AD 70152

Quarter Section: 2928

Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.

Business District: Pearl District Business Association, Adele Nofield at 503-223-0070.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City – River District

Other Designations: Historic Landmark, pursuant to listing in the National Register of Historic Places as the Marshall-Wells Warehouse #2, on February 23, 1989

Zoning: EXd, Central Employment, with Historic Resource and Design Overlays

Case Type: HR , Historic resource Review

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

Proposal:

The applicant is seeking Historic Resource Review approval for a proposal to:

- replace three existing panel antennas with three new panel antennas and six remote radio units; and
- replace three existing equipment cabinets with two new equipment cabinets.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations to a Historic Landmark.

Approval Criteria:

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

- 33.846.060 G – Other Approval Criteria
- Central City Fundamental Design Guidelines – River District

ANALYSIS

Site and Vicinity: The site is developed with the Marshall-Wells Hardware Company Warehouse #2, which is a designated Historic Landmark. The building is a seven story reinforced concrete structure. The first 4 stories were designed by Daniel H. Burnham and built in 1910. A 3-story addition was designed by E.B. MacNaughton and completed in 1915. The building is one of the earlier examples of reinforced concrete architecture in Portland. The building is listed on the National Register under criterion “A” for its association with Marshall-Wells Hardware Company and its role in developing the wholesale hardware business on the west coast. The Marshall-Wells Hardware Company was the largest wholesale hardware operation in the world at the time of its liquidation in 1959. The Marshall-Wells Portland branch office, established in 1901, was the first on the west coast. The building is also listed under criterion “C” as the only structure in Portland designed by the nationally acclaimed architect Daniel H. Burnham.

The entire district is a designated pedestrian district. Furthermore, at this site, NW Lovejoy is the streetcar alignment and NW 14th Avenue is a designated City bikeway. The site sits at the edge of the Pearl District and will serve as an entrance to the district as the streetcar alignment along Lovejoy is eastbound. Adjacent development is zoned to allow for mixed-use developments [which is the majority of current development] and encourage active ground level uses. The sites north of this block are currently under review for rezoning to continue this EX designation.

Zoning: The Central Employment zone, EX, implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial, business, and service uses which need a central location. Residential uses are also allowed. The development standards are intended to allow new development which is similar in character to existing development.

The Historic Resource Protection overlay 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 [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 and designated Historic Landmark.

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

- LUR 96-00009 DZ approved the installation of three roof-mounted cellular communication antenna arrays on the rooftop. The approval required that the antenna panels be painted to match the substrate material upon which they are mounted and the equipment cabinets and surrounding enclosure be painted a light gray color.
- LUR 96-00341 CU, DZ approved the installation of three roof-mounted cellular

communication antenna arrays on the parapet. The approval required that the antenna panels and associated equipment be painted to match the existing building. The approval also required that the antenna panels be spaced to align with the window frames of the 7th floor windows.

- LU 12-183214 HDZM approved relocation of three antennas and adding three new antennas and ancillary equipment on existing rooftop water tank facility.
- LU 12-192919 HDZM approved new radio frequency transmission equipment.
- LU 13-136452 HZDM approved removal of six existing antennas on rooftop water tank and replacement with three new antennas, and replacing two existing cabinets.

Public Notice: A Notice of Proposal in Your Neighborhood was mailed on July 8, 2013.

Neighborhood Review: No written responses were 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 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 a designated Historic/Conservation Landmark. Therefore the proposal requires Historic Resource 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 and the River District, the relevant approval criteria are the Central City Fundamental Design Guidelines and the River District Design Guidelines.

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

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.
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 and 10: No historic materials, features or spaces will be affected by the proposal. Earlier reviews for radio frequency equipment mounted near or on the water tower found that careful placement of the equipment would result in its being compatible with the historic resource and its vicinity. Because this proposal is for replacement equipment of similar size in the same location, it too will result in a compatible condition. Previous approvals included a condition that new equipment be painted to match the existing in order to avoid jarring visual contrasts. *With a condition that the equipment be painted to match, this criterion is met.*

Central City Fundamental Design Guidelines - River District

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: Because the proposal will not significantly alter the previously approved condition, there will be no adverse effect on views of the skyline or from other buildings. *This guideline is 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 replacement of previously approved, existing radio frequency transmission equipment on the Historic Landmark Marshall Wells Hardware Company Warehouse #2;

Approval is per Exhibits C-1 through C-19, signed and dated August 1, 2013, subject to the following condition:

- 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 through C-19. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-168182 HR. No field changes allowed."
- B. All equipment shall be painted to match other equipment.

Staff Planner: Dave Skilton

Decision rendered by:  **on August 1, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 8, 2013

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 June 14, 2013, and was determined to be complete on June 27, 2013.

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 June 14, 2013.

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 August 22, 2013** 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.

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 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 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 **August 23, 2013**.
- 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.

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.

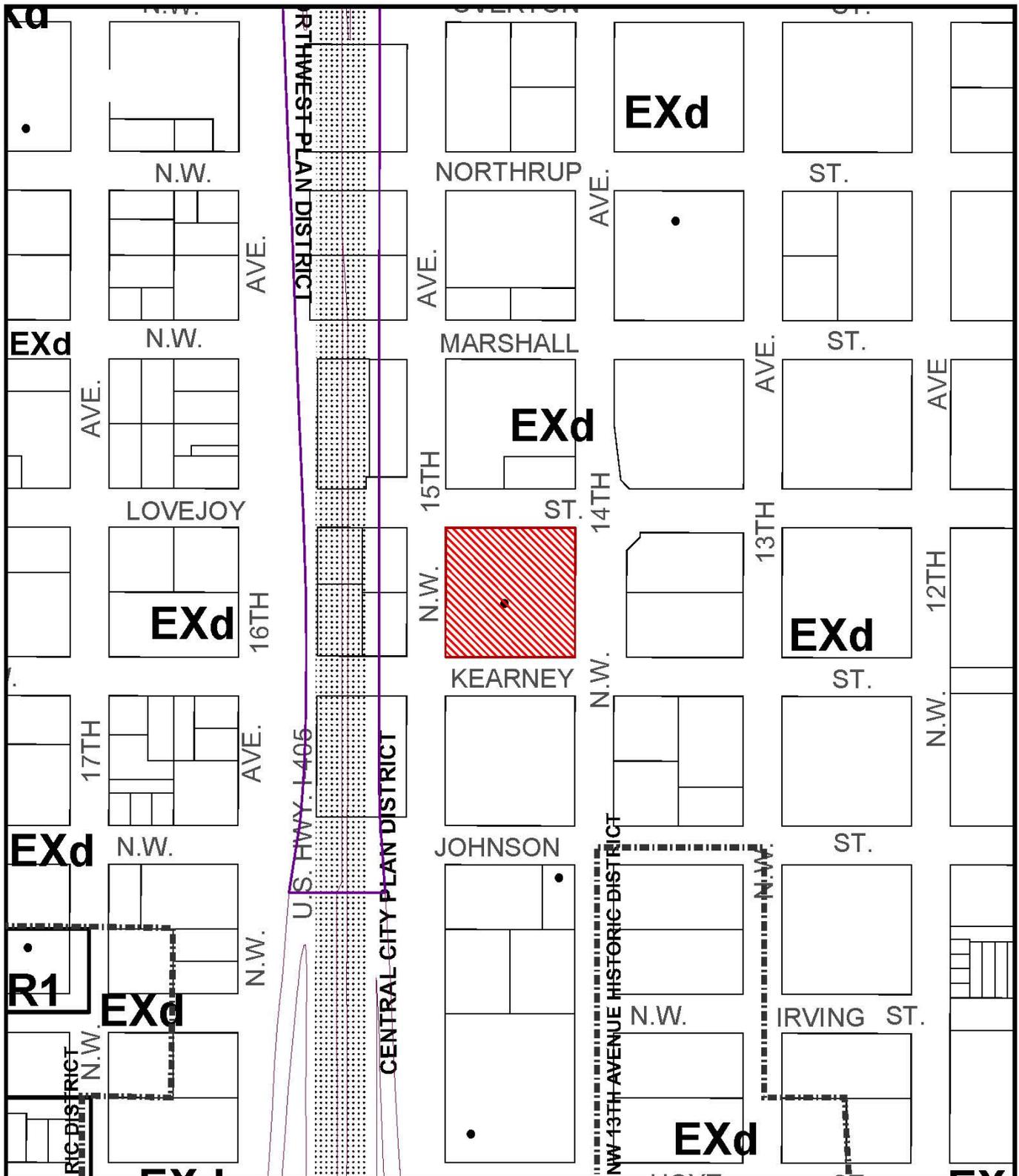
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Title, Maps, Codes, and Index
 2. Notes
 3. Site Plan
 4. Detailed Site Plan (attached)
 5. Existing and Proposed Equipment Plans

6. Antenna Plans and Schedules
 7. East and North Elevations (attached)
 8. Equipment Details
 9. Equipment Details
 10. Installation Details
 11. Installation Details
 12. Cable Details
 13. Wiring Diagram and Schedule
 14. Equipment Details
 15. Electrical Details
 16. Conduit Routing Plans
 17. Grounding Plan
 18. Grounding Details
 19. Grounding Details
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: none
- 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).

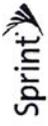


ZONING

 Site
 Historic Landmark

 NORTH
 This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 RIVER

File No. LU 13-168182 HDZ
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State_Id 1N1E33AD 70000
 Exhibit B (Jun 20, 2013)



GENERAL DYNAMICS
WIRELESS SERVICES



POWDER RIVER
COMMERCIAL SERVICES LLC
100 E. SHENANDO STREET
SHARPSVILLE, PA 16150
724.962.5999
www.powderriver.com

PROJECT INFORMATION
N.W. 15TH ST. NW 15TH ST. NW 14TH ST.
NORTHWEST PORTLAND
P003XC056
1420 NW LOVEJOY ST
PORTLAND, OR 97209
MULTNOMAH COUNTY

ISSUE DATE: 09-08-12

REVISIONS

REV.	DATE	DESCRIPTION
A	07/19/12	ISSUED FOR CON. PERM.
B	08/20/12	ISSUED FOR CON. PERM.
C	09/08/12	ISSUED FOR CON. PERM.

NOT FOR CONSTRUCTION UNLESS LABELLED AS CONSTRUCTION SET

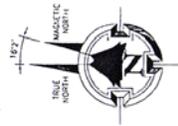
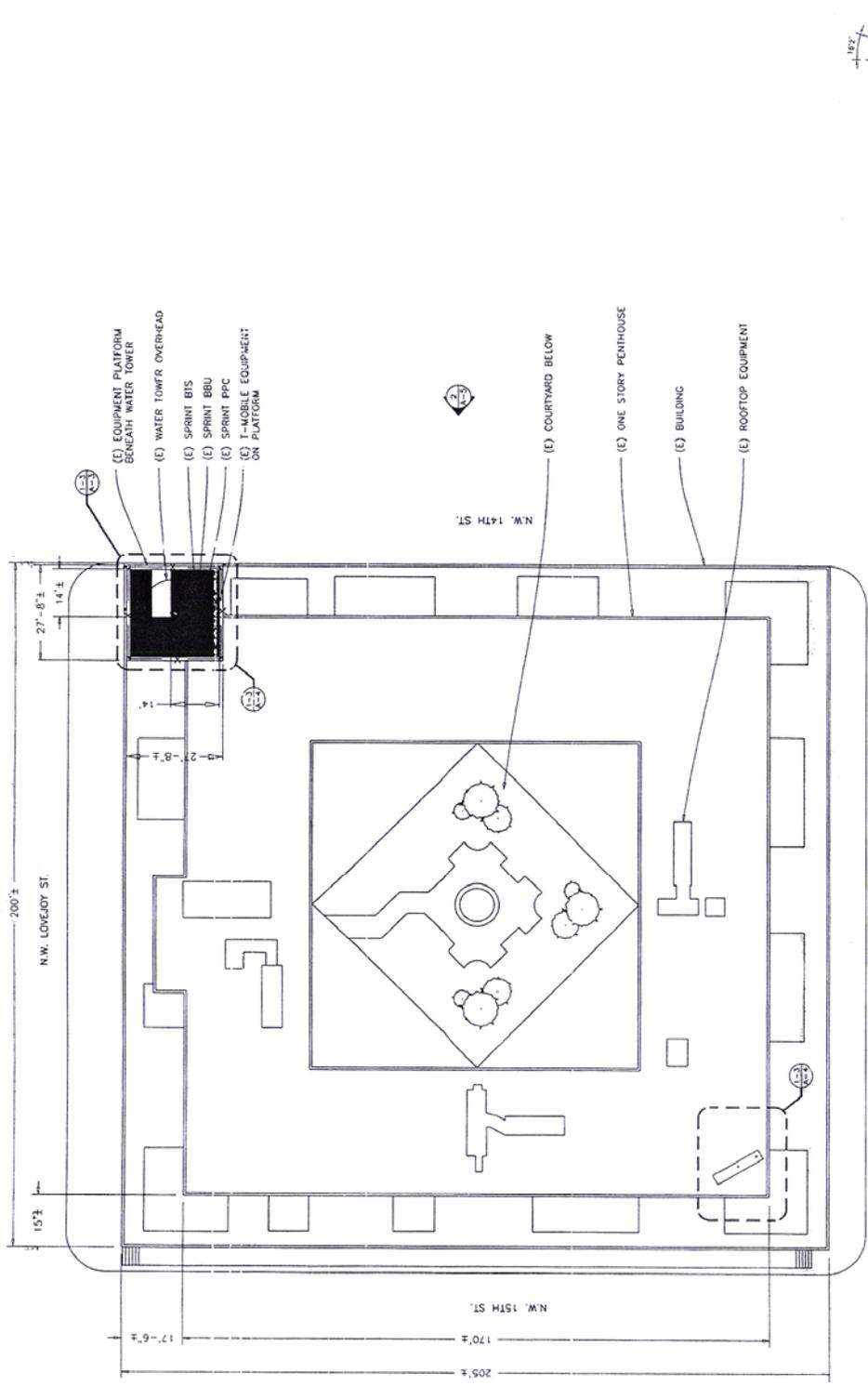
DATE: 09-08-12



APPROVED
City of Portland - Bureau of Development Services
Planner: *Dave Johnson*
Date: 08-11-13
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

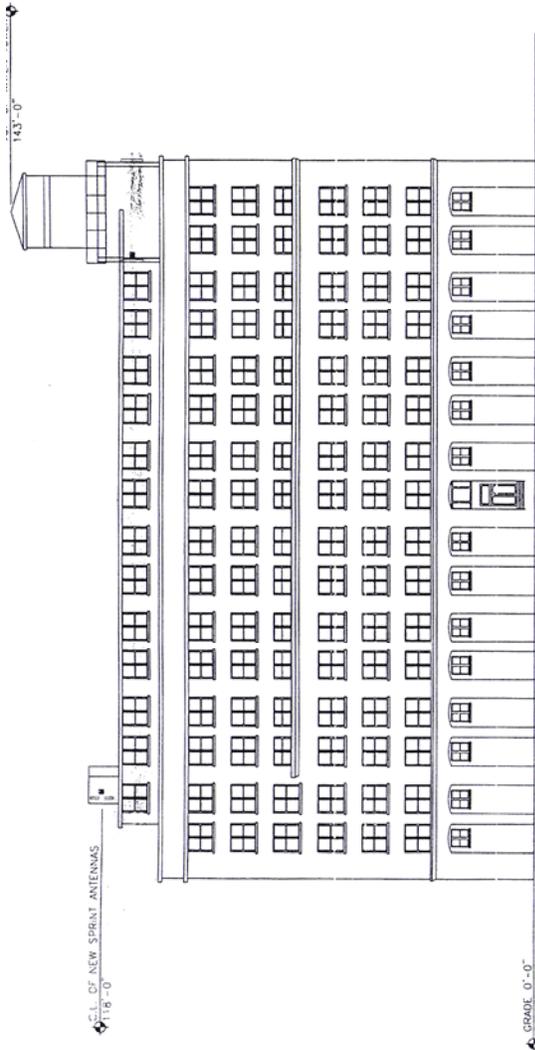
SHEET NUMBER: **A-2**
REVISION: **C**
PROJECT NO: **P003XC056**

NOTE: STRUCTURAL ANALYSIS MUST BE PERFORMED ON ALL ROOFTOPS, FLAGPOLES AND TOWERS. THE DESIGN OF PERMANENT, NEW BRIS, NEW CABINETS/TEMPORARY PLATFORMS, STRUCTURAL ANALYSIS PROVIDED BY GENERAL DYNAMICS.



ENLARGED SITE PLAN | 1

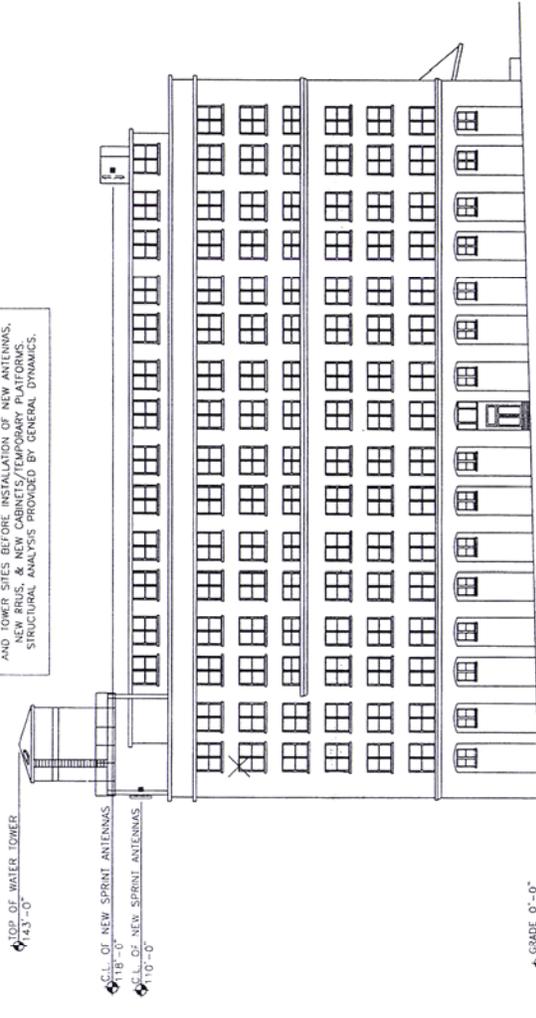
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EAST ELEVATION | 2

NOTE: STRUCTURAL ANALYSIS MUST BE PERFORMED ON ALL ROOFTOPS, FLAGPOLES AND TOWER SITES BEFORE INSTALLATION OF NEW ANTENNAS, NEW BRUS, & NEW CABINETS/TEMPORARY PLATFORMS. STRUCTURAL ANALYSIS PROVIDED BY GENERAL DYNAMICS.



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NORTH ELEVATION | 1

		GENERAL DYNAMICS WIRELESS SERVICES	 POWDER RIVER 1000 SHERMAN BLVD 1000 SHERMAN STREET SHARPSVILLE PA 15150 724.962.9999 www.powderriver.com	PROJECT NUMBER: NETWORK DESIGN NUMBER: NOR THWEST PORTLAND PO03XC056 1420 NW LOREJOY ST PORTLAND, OR 97209 MULTNOMAH COUNTY	SHEET DATE: 09-08-12	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>APP</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>07/19/12</td> <td>ISSUED FOR CD. TOOK</td> <td></td> <td></td> </tr> <tr> <td>B</td> <td>08/20/12</td> <td>ISSUED FOR CD. TOOK</td> <td></td> <td></td> </tr> <tr> <td>C</td> <td>09/07/12</td> <td>ISSUED FOR CD. FINAL</td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	APP	A	07/19/12	ISSUED FOR CD. TOOK			B	08/20/12	ISSUED FOR CD. TOOK			C	09/07/12	ISSUED FOR CD. FINAL			NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET		SHEET NUMBER: A-5 REVISION: C REVISIONS: 154-C00017	C-7
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A	07/19/12	ISSUED FOR CD. TOOK																												
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C	09/07/12	ISSUED FOR CD. FINAL																												

Approved* - Bureau of Development Services
 City of Portland
 Date: 8.1.13
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.