



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

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Date: April 29, 2019
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 18-244633 HR – CELL EQUIPMENT ON A LANDMARK

GENERAL INFORMATION

Applicant: Alice Butler | Centerline Solutions LLC
6623 NE 78th Court, Suite B-1 | Portland, OR 97218
(971) 270-1930 x 5001

Owner: NSA Property Holdings LLC
14855 SE 82nd Drive | Clackamas, OR 97015

Site Address: **215 SE Morrison Street**

Legal Description: BLOCK 59 LOT 1-6 HISTORIC PROPERTY 15 YR 2006, POTENTIAL ADDITIONAL TAX, EAST PORTLAND

Tax Account No.: R226503700
State ID No.: 1S1E03AA 02900
Quarter Section: 3130

Neighborhood: Buckman, contact Richard Johnson at buckmanlandusepdx@gmail.com

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: Central City - Central Eastside
Other Designations: Historic Landmark
Zoning: **IG1** – General Industrial 1 with Historic Resource Protection Overlay
Case Type: **HR** – Historic Resource Review
Procedure: **Type Ix**, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks Historic Resource Review for three additional remote radio heads at the rooftop of the John Deere Building; three additional antennas; two new rooftop canister shrouds and the relocation of one antenna from the west wall of the building to a new canister shroud.

Historic Resource Review is required because the property is a Portland Historic Landmark and non-exempt alterations are proposed.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- 33.846.060.G Other Approval Criteria
- Oregon Statewide Planning Goals
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan

ANALYSIS

Site and Vicinity: The John Deere Plow Company Building is located on a 30,000 square foot site in Portland's Central Eastside Industrial District. The eight-story brick utilitarian building rises above most other structures in the area and is easily viewed from the Morrison Bridge and Grand Avenue. It was built in 1911 and is the largest of the once numerous warehouses in the district.

The building was designated a Historic Landmark in 1989. The Historic Landmark designation protects certain Portland historic resources and preserves significant parts of Portland's heritage.

The building has frontages on SE Morrison Street, SE Alder Street, SE 2nd and 3rd Avenues. SE Morrison Street is a designated Major City Traffic Street, Major Transit Priority Street, and City Walkway. An elevated entrance ramp to the Morrison Bridge runs along the second story of the southern side of the building.

Zoning: The General Industrial 1 (IG1) zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The intent is to promote viable and attractive industrial areas. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed with sites having high building coverage and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas. Minimum lot area is 10,000 square feet.

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

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of this plan district.

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

- **VZ 137-67 (67-031363):** A 1967 variance approval to install an illuminated 140' x 480' city bulletin approximately 150' above the ramp level and attached to the east side of the building.
- **VZ 242-68 (68-034481):** A 1969 variance approval to increase the face area of an identification sign from 100 to 4,000 square feet and to have more than one identification sign in an "S" Zone.
- **HL 113-89 (89-005696):** Approval of a 1989 Designation as a National Historic Landmark.
- **92-00631 DZ (92-009750):** A 1992 Design Review Approval for a wall sign copy change to read "Portland Storage Co." with the same point size and serif font style as the existing sign.
- **96-00332 DZ (96-013219):** A 1996 Design Review approval to install an unmanned communication facility of three antenna arrays wall mounted to the roof parapet of an existing eight-story warehouse building and painted to match the building parapet.
- **LU 98-00406 DZ (98-015712):** A 1998 Design Review approval for three 10-foot tall whip style antennas and 12 panel antennas mounted to the existing elevator penthouse and painted to match the penthouse.
- **LU 05-136543 HDZ:** A 2005 Historic Design Review approval for three new 8-foot tall panel antennas placed in tubes to replace the previously approved whip style antennas, mounted to the penthouse walls and painted to match the penthouse.
- **LU 06-135395 HDZ:** A 2006 Historic Design Review approval for one, 11' tall quadpole antenna, six parapet mounted antennas (4 present and 2 future) and associated transmitter equipment (3 cabinets total) within an 8-foot tall metal screen painted red on the south side of the penthouse.
- **LU 07-129660 HDZ:** A 2007 Historic Design Review approval for relocation of telecommunication rooftop equipment.
- **LU 13-105959 HDZ:** Historic Design Review for the replacement of wireless telecommunications antennas on the rooftop for a different carrier (T-Mobile). Approved with conditions requiring a matching paint finish for visible portions of the facility.
- **LU 13-167074 HR:** Historic Resource Review for the alteration to existing wireless telecommunications antennas on the rooftop.
- **LU 14-128094 HR:** Historic Resource Review approval for Approval of a new radio frequency facility on the historic John Deer Plow Co. Building in the Central Eastside Subdistrict of the Central City plan district, including:
 - One new antenna flush-mounted to the parapet on the west façade near the southwest corner of the building with RRU equipment mounted behind the parapet;
 - One new antenna flush-mounted to the parapet on the north façade near the northwest corner of the building with RRU equipment mounted behind the parapet; and
 - One new antenna flush-mounted to the parapet on the east façade near the southeast corner of the building with RRU equipment mounted behind the parapet.
- **LU 15-188170 HR:** Historic Resource Review approval of a new radio frequency facility on the historic John Deer Plow Co. Building in the Central Eastside Subdistrict of the Central City plan district, including:
 - One new antenna and RRU flush-mounted to the penthouse wall on the north façade;
 - One new antenna and RRU flush-mounted to the penthouse wall on the east façade; and,
 - One new antenna and RRU flush-mounted to the parapet on the south façade.
- **LU 16-148051 HR:** Historic Resource Review approval of replacement of three existing antennas on the historic John Deer Plow Co. Building.
- **LU 16-238675 HR:** Historic Resource Review approval of the replacement of existing radio frequency equipment, and the removal of existing unused rooftop equipment.

- **LU 18-266631 HR:** Historic Resource Review approval to replace three existing antennas with new antennas at the same location, and to replace one existing shroud with a larger shroud, and to add three new radio units and one equipment cabinet on the rooftop.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 1, 2019**. The following Bureaus have responded with no issues or concerns about the proposal:

- Fire Bureau
- Life Safety

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 1, 2019**. 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 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, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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.
- 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.
- 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.
- 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.
- 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 1, 2, 5, 7, 8, 9 and 10: The John Deere Plow Company Building, constructed in 1911, is a Historic Landmark recognized under National Register criterion A, association with the John Deere Company, and criterion C, as a well-preserved example of an early warehouse in the heart of the Central Eastside Industrial District. The proposal includes the addition of three new parapet-mounted antennas, and two new rooftop canister shrouds, three new RRHs and the relocation of one existing wall-mounted antenna to a rooftop shroud.

The proposed antennas are consistent with other existing correctly-installed equipment mounted to the building. While they do not contribute to the historical character of the landmark building, they do not egregiously impact its character, its architectural integrity, or create a false sense of historic development. With the Condition of Approval C, that all proposed wall and parapet antennas shall be flush-mounted, shall not extend above the top of the parapet, shall be painted to match the building beyond, and all support equipment shall be located behind the parapet, the architectural integrity of this Landmark building is not reduced.

The proposed alterations to the exterior of the building will not result in a loss of historic materials. No chemical or physical treatments that may potentially harm or damage historic materials will be used. The alterations proposed respect the overall form and integrity of the building, are clearly differentiated from the original and are not incompatible with the original warehouse resource to which they are mounted. *With the condition of approval that all proposed antennas shall be flush-mounted, shall not extend above the top of the parapet, shall be painted to match the building beyond, and all support equipment shall be located behind the parapet, these criteria are 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.

Central Eastside Design Goals

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light

industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

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

- A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.
- 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 A6, C3, C5 & C11: Some components of the existing antennas will be reused, including pipe mounts located on the north and east façades. Overall, and with adherence to the approved drawings which show the antennas to be flush-mounted, to not extend above the top of the parapet, and with all support equipment, including RRUs, to be located behind the parapet, as well as painting the antennas to match the building beyond, the proposal will result in antennas that work to integrate and not detract from, or compete with, the building's architectural coherency and integrity. To reduce visual impact on the Portland skyline the proposed rooftop canister shrouds will be painted gray, to match existing approved canister shrouds already installed on this rooftop.

The proposed additional RRH units on the rooftop are not visible from any adjacent right-of-way or property, given the exceptional height of the rooftop in relation to adjacent buildings. The continued durability of the pipe mounts and attachments will allow reuse and minimal disruption to the structure. *With the condition of approval C, ensuring that the antennas will be flush-mounted, will not extend above the top of the parapet, will be painted to match the building beyond, and with all support equipment, including RRHs to be located behind the parapet, and Condition of Approval D, that the rooftop canister shrouds will be painted gray to match existing approved canister shrouds, these guidelines are therefore met.*

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. *For this application, a written notice seeking comments on the proposal was mailed to property-owners and tenants within 100 feet of the site, and to recognized organizations in which the site is located.*

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. *Therefore, the proposal is consistent with this goal.*

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. *As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is a Historic Landmark. Compliance with all requirements related to this designation have been verified as part of this land use review. *Therefore, the proposal is consistent with Goal 5.*

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *In this case, the scope of the project does not warrant review by the Bureau of Environmental Services; Goal 6 is not applicable.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and

regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.*

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the scope of the project does not warrant review by the City's public services bureaus; Goal 11 is not applicable.*

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. *Therefore, Goal 14 is not applicable.*

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply. As discussed earlier in this report, the applicable requirements for the Greenway overlay zone in Zoning Code Chapter 33.440 are found to be met. *Therefore, the proposal is consistent with Goal 15.*

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings: *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

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 requirements of

Title 11 can be met, and 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

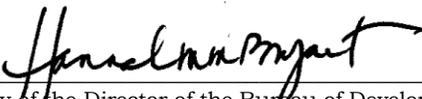
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants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

ADMINISTRATIVE DECISION

Approval of three new remote radio heads behind the parapet; three additional parapet mounted antennas; two new rooftop canister shrouds, and the relocation of one existing antennas from the west wall to a new rooftop canister shroud, per the approved site plans, Exhibits C-1 through C-8, signed and dated April 24, 2019, 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 four 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 18-244633 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. All proposed antennas shall be flush-mounted, shall not extend above the top of the parapet, shall be painted to match the building beyond, and all support equipment shall be located behind the parapet.
- D. All proposed rooftop canister shrouds painted gray to match existing approved shrouds.
- E. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on April 24, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed April 29, 2019

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 27, 2018 and was determined to be complete on March 26, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on September 27, 2018.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may

be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 24, 2019.**

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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **April 29, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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:

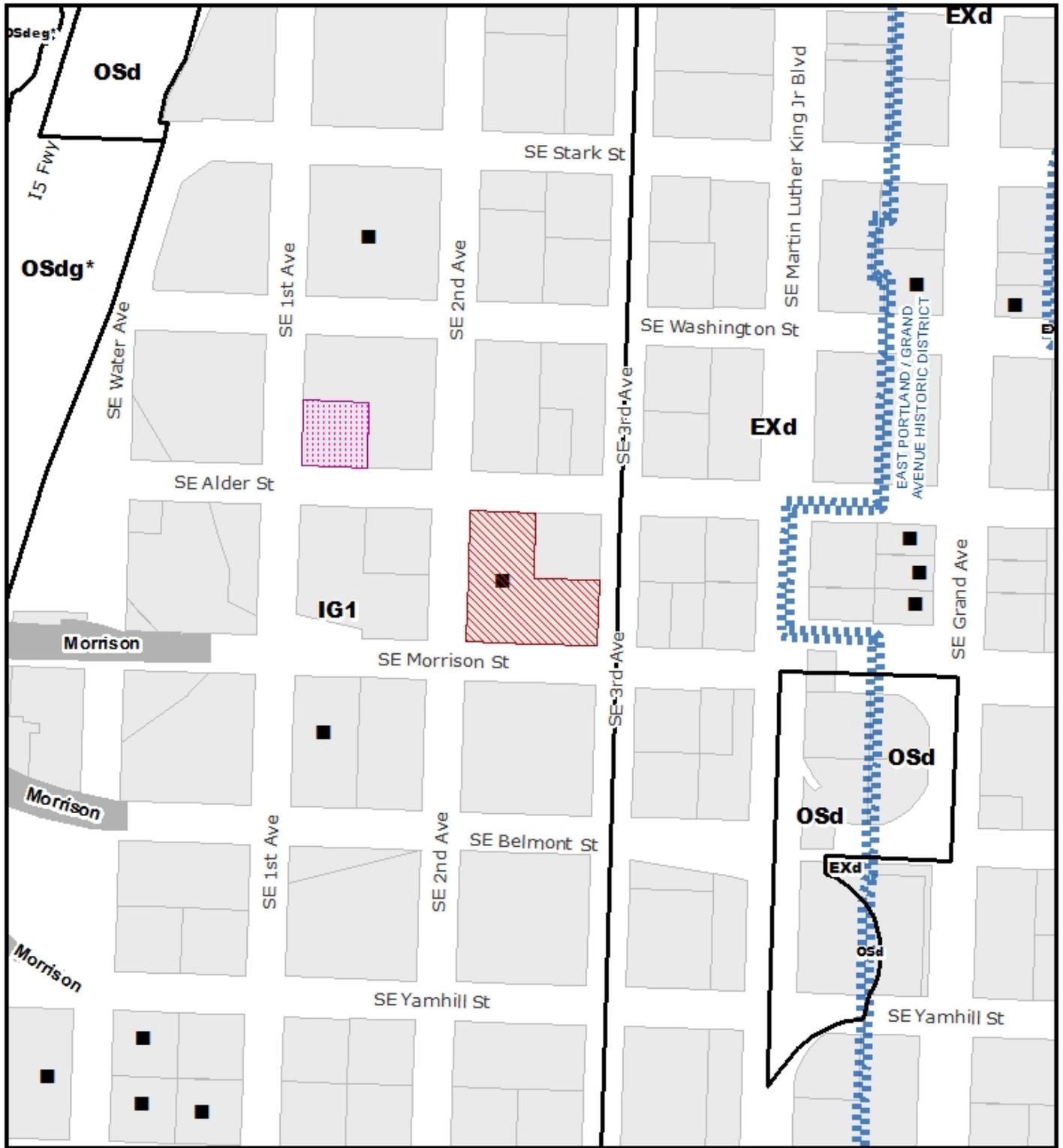
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal, September 27, 2018
 - 2. Response to Incomplete, March 27, 2019
 - 3. Final Submittal
 - 4. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Site Plan
 - 3. North Elevations
 - 4. East Elevations
 - 5. South Elevations
 - 6. West Elevations
 - 7. Antenna Plan and Details
 - 8. Equipment and Mounting Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, October 10, 2018

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).



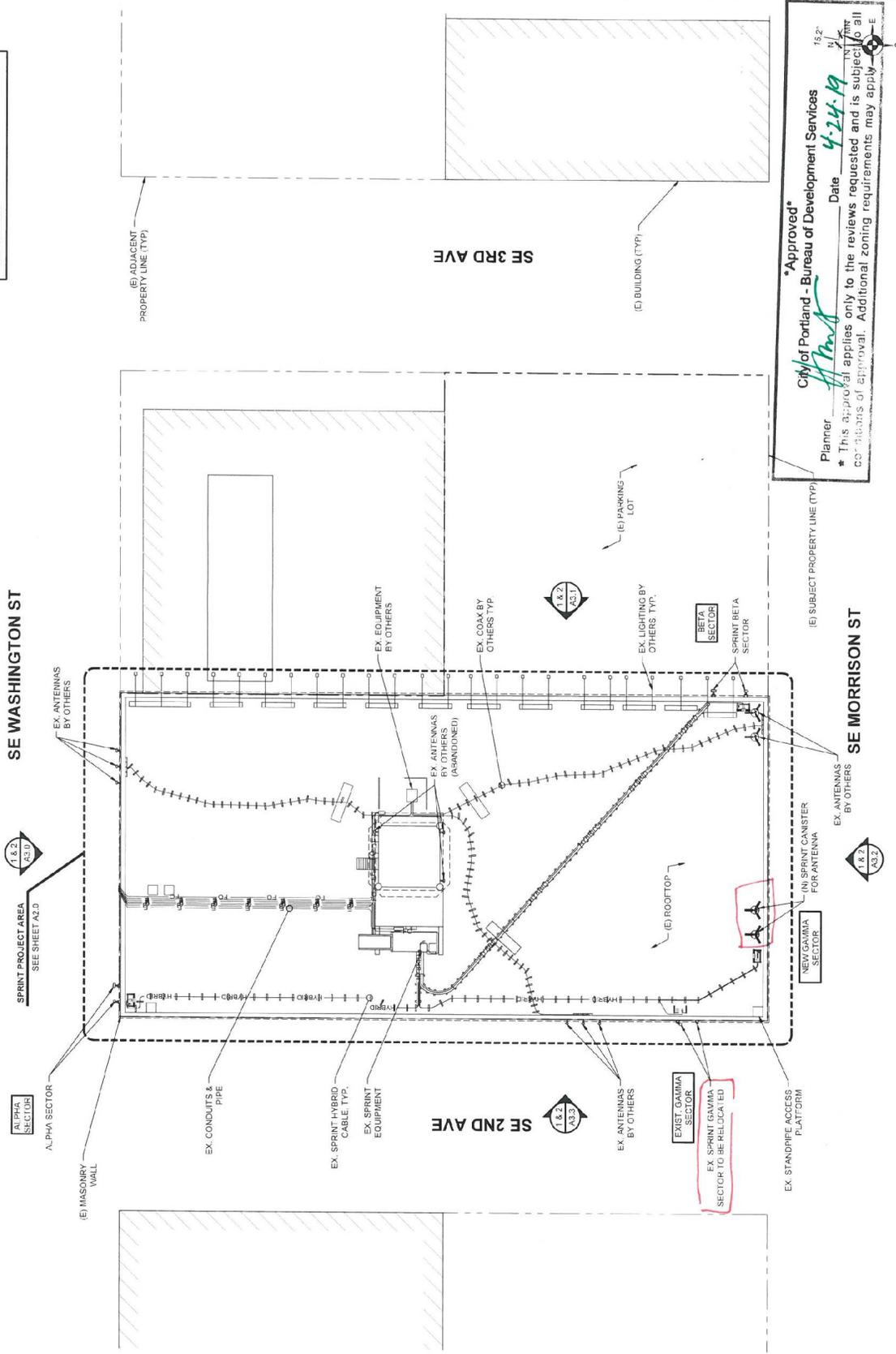
ZONING

THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 CENTRAL EASTSIDE SUBDISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Bridge

File No.	LU 18-244633 HR
1/4 Section	3130
Scale	1 inch = 200 feet
State ID	1S1E03AA 2900
Exhibit	B Oct 02, 2018

NOTE:
SITE PLAN DERIVED FROM AERIAL IMAGES AND
SITE PHOTOS.



CP PROJECT NO.: SN-17-0076-82

CD	PRELIMINARY		
NO.1	DATE	CD2	DESCRIPTION
0	10-10-18	PROV1	PROP. REVIEW
1	12-18-18	CM/2E	BP SUBMITTAL
2	01-16-19	MP/AX	BP COMMENTS
3	02-21-19	MP/AX	INTERNAL REVIEW

SITE NUMBER:
FOODC023
BUCKHORN
BUCKHORN
SITE ADDRESS:
2145 SE MORRISON ST
PORTLAND, OR 97214

SHEET TITLE
OVERALL SITE PLAN

SHEET NO.
A1.0

Approved
City of Portland - Bureau of Development Services
Planner: *[Signature]* Date: **4-24-19**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LN 18-244633 HPZ