



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

Ted Wheeler, Mayor
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Date: July 9, 2019
To: Interested Person
From: Benjamin Nielsen, Land Use Services
503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

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

The Bureau of Development Services has a approved 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 19-171333 HR – TWO RADIO FREQUENCY ANTENNAS

GENERAL INFORMATION

Applicant/ Representative: Tammy Hamilton, Acom Consulting Inc for Verizon Wireless
5200 SW Meadows Rd, Suite 150, Portland, OR 97035
(206) 499-4878, tammy.hamilton@acomconsultinginc.com

Owner: Union Manor Inc
P O Box 12564, Portland, OR 97212

Site Address: **2401-2417 NE MARTIN LUTHER KING JR BLVD**

Legal Description: BLOCK 18 E 90' OF LOT 14&25 EXC PT IN ST, ALBINA
Tax Account No.: R009606180, R009606180
State ID No.: 1N1E27DA 02700, 1N1E27DA 02700
Quarter Section: 2830

Neighborhood: Eliot, contact at lutchair@eliotneighborhood.org.
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: Albina Community
Other Designations: Contributing Resource in the Eliot Conservation District

Zoning: CM3dm – Commercial/Mixed Use 3 zone with Design, Centers Main Street, and Historic Resource Protection overlays

Case Type: HR – Historic Resource Review
Procedure: Type I – an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Historic Resource Review to add two (2) new radio frequency (RF) antennas to an existing personal wireless facility installation atop the historic Mayo Building, a contributing resource in the Eliot Conservation District. The proposed RF antennas will be installed on the surface of existing RF antenna shrouds on the roof of the Mayo Building—one RF antenna will be installed on the existing antenna shroud at the southwest corner of the building, and the other antenna will be installed on the existing antenna shroud at the northeast corner of the building. Both antennas will be colored to match the existing shrouds to help conceal them from view, and cables connecting the antennas to other equipment will be concealed behind a small shroud below each antenna.

Historic Resource Review is required for non-exempt exterior alterations in Conservation Districts.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is an 8,000 square foot site with an existing, three-story, mixed-use, brick masonry building built in the Mediterranean Revival style, formerly known as the Mayo Building and now named the Union Manor Building, which is a contributing resource in the Eliot Conservation District. Significant architectural features include light-colored brick, a flat roof with decorative brickwork including modillioned cornice and corbelled table below the cornice, and a flat projecting canopy over the entrance. The building has commercial uses facing east toward NE Martin Luther King Jr Blvd with large storefront windows opening toward the street. Residential dwelling units occupy the upper two stories. Nearby development includes one- to two story commercial development along NE MLK Blvd. Development to the west includes a mixture of single- and low-density multidwelling development in the interior of the Eliot Conservation District.

The roof of the building has two existing radio frequency antenna shrouds—one at the southwest corner and one at the northeast corner. Both are set back from the parapets.

NE Martin Luther King Blvd is classified as a Major City Traffic Street, Civic Main Street, Major Transit Priority Street, City Bikeway, Major Truck Street, and Major Emergency Response Street. NE Sacramento St is classified as local service for all transportation modes. The site lies within the Elliot Pedestrian District.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Centers Main Street “m” overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

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.

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

- LU 15-252678 DZ – Design Review application for proposed rooftop wireless services facility and screening. Design Review was determined to be unnecessary since the proposal met the Community Design Standards for screening of rooftop equipment (zoning code section 33.218.140.J).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 13, 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 33.846.060 - Historic Resource Review

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 located within the Eliot Conservation District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines*.

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

Community Design Guidelines

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details,

material proportion, and character with the existing building.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for P2, D6, D7, & D8: The proposed new antennas are small in size, will be mounted on two existing radio frequency-transparent screens, and will have their connecting cables concealed behind a cable concealment shroud below the antennas. These design details help to preserve the character of the existing contributing historic building and the identity of the conservation district, and help to maintain a cohesive building composition by having a minimal visual impact on the roof of the historic building. These characteristics also help the proposal to blend into the neighborhood better than freestanding or wall-mounted antennas and supporting equipment would.

(It should be noted that the previously-approved screens were designed to meet the roof-mounted equipment development standard in zoning code section 33.218.140.J. This standard helps to ensure that equipment mounted on rooftops, including satellite dishes and other communications equipment, in the city's conservation districts and certain design overlay zones are adequately screened from view by either concealing the equipment behind the parapet, behind a screen as tall as the tallest part of the equipment, or set back from the street-facing perimeters. In this case, the existing radio-frequency facility was designed to be fully screened to meet the standard, and this is not proposed to change in this application.)

The proposal would better meet all four guidelines by locating and concealing all equipment behind the existing radio frequency-transparent shrouds. Placing the antennas behind the shrouds would increase overall coherency, reduce visual impacts on the neighborhood, respect the character of the existing historic building and the identity of the conservation district by reducing visual clutter on the roof. Since this is not possible with current technology, due to the specific radio frequencies the antennas will use, the proposed antennas and their cable concealment shrouds should be concealed by being colored to match the color of the existing shrouds upon which the antennas will be placed. A condition of approval has been added to require this.

Since the FCC requires that past approvals also apply to future installations, it is important to note that the requested installation technique proposed only meets these guidelines because current technology, and the currently-existing shrouds, do not permit transmission of the particular radio frequencies needed for this installation. If future antenna installations are proposed and use a frequency that can transmit through the existing shrouds, those new or replacement antennas and equipment should be located entirely behind the shrouds. If, in the future, new materials are developed that allow for transmission of additional radio frequencies that are not allowed presently, replacement shrouding material should be proposed with future installations so that all antenna and equipment installations may be entirely concealed behind the shrouds. Conditions of approval have been added to require this.

Any future additional or replacement antennas and their supporting equipment should be concealed entirely behind the shrouds, unless the radio frequencies proposed are unable to transmit through the shrouds and unless new shrouding materials have not yet been developed that allow for such transmission.

With the condition of approval that the proposed antennas and cable concealment shroud shall be concealed by being colored to match the color of the existing shrouds upon which the antennas will be placed;

With the condition of approval that, for proposed future antenna installations which transmit on a frequency that can transmit through the existing shrouds, those new or replacement antennas and associated equipment shall be located entirely behind the shrouds; and,

With the condition of approval that, pending the development of new shrouding materials, proposed future antenna installations shall replace the existing shrouds with new shrouding material that allows for a greater range of radio frequency transmission, these guidelines will be 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 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.

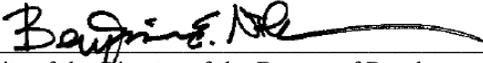
ADMINISTRATIVE DECISION

Approval of the proposal to add two (2) new radio frequency (RF) antennas on the surface of existing RF antenna shrouds on the roof of the historic contributing Mayo Building in the Eliot Conservation District, per the approved site plans, Exhibits C.1 through C.8, signed and dated 07/05/2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) 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 19-171333 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. No field changes allowed.
- D. The proposed antennas and cable concealment shroud shall be concealed by being colored to match the color of the existing shrouds upon which the antennas will be placed.
- E. For proposed future antenna installations which transmit on a frequency that can transmit through the existing shrouds, those new or replacement antennas and associated equipment shall be located entirely behind the shrouds.

- F. Pending the development of new shrouding materials, proposed future antenna installations shall replace the existing shrouds with new shrouding material that allows for a greater range of radio frequency transmission.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on July 5, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed July 9, 2019.

Procedural Information. The application for this land use review was submitted on May 29, 2019, and was determined to be complete on June 8, 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 May 29, 2019.

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: October 6, 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. The final decision will be recorded after **July 10, 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.

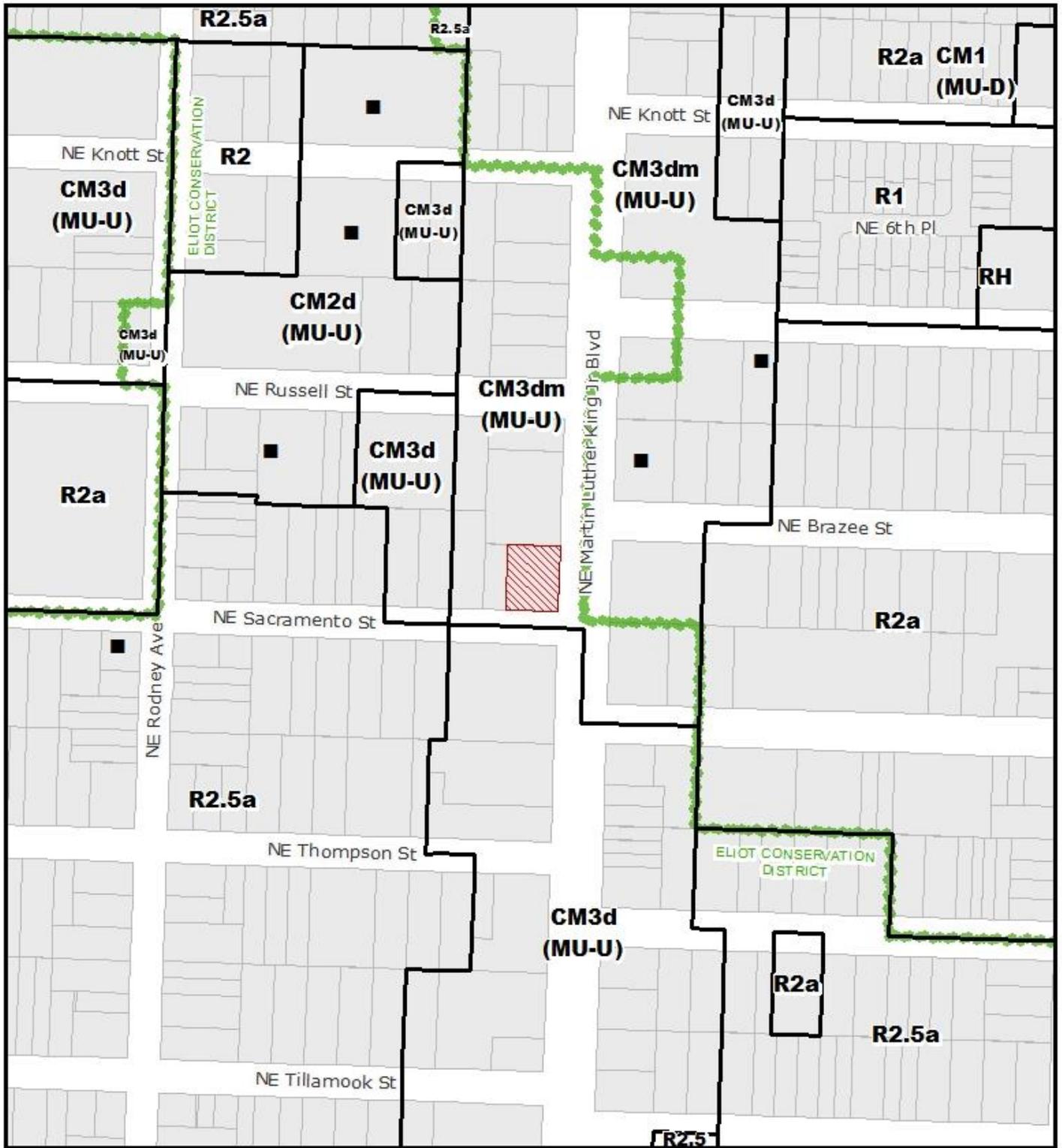
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Drawing Set
 2. Photo Simulations
 3. Personal Wireless Service Facility Land Use Review Application and signed Personal Wireless Service Facility Voluntary Tolling Agreement Extending Processing Timeline
 4. Evaluation of Compliance with FCC Guidelines for Human Exposure to Radiofrequency Radiation
 5. Proposal Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Overall Site Plan (attached)
 2. Enlarged Site Plan
 3. Existing and Proposed Elevations – East (attached)
 4. Existing and Proposed Elevations – West
 5. Existing and Proposed Elevations – South (attached)
 6. Antenna Mounting Details
 7. Antenna Mounting Details
 8. Antenna Shroud Detail
- D. Notification information:
 1. Mailing list
 2. Mailed notice

- E. Agency Responses:
No responses were received.
- F. Correspondence:
No correspondence was received.
- 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).



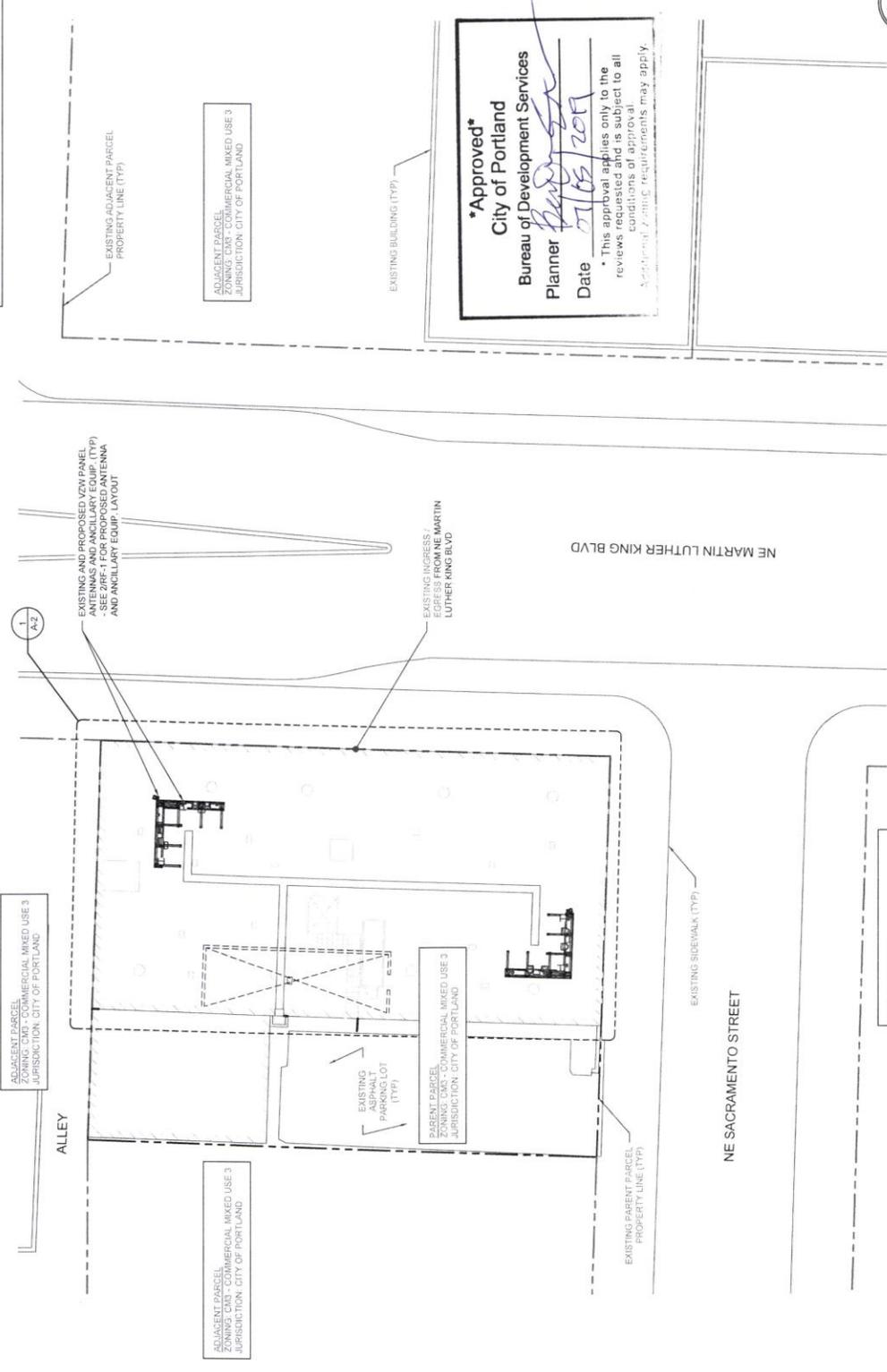
ZONING

THIS SITE LIES WITHIN THE:
 ALBINA COMMUNITY PLAN DISTRICT
 ELIOT CONSERVATION DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19-171333 HR
1/4 Section	2830
Scale	1 inch = 200 feet
State ID	1N1E27DA 2700
Exhibit	B May 29, 2019

NOTE
 ALL EXISTING CONDITIONS REFLECTED IN DRAWINGS ARE DERIVED FROM PREVIOUS AS-BUILT DRAWINGS, SURVEY (IF AVAILABLE), AERIAL IMAGES, PHOTOS AND FIELD VERIFIED DATA.



**PRELIMINARY DRAWINGS
 NOT FOR CONSTRUCTION**

NO.	DATE	ISSUED	REVISION
A	12/12/18	EG	EG SKETCH
B	04/09/19	RM	RM/PZD REVIEW
C	04/18/19	EG	REVISIONS
D	04/23/19	EG	REVISIONS
E	05/20/19	RM	RM FINAL ZD SET



**POR
 IRVINGTON**
 2401-2417 NE MARTIN LUTHER KING BLVD
 PORTLAND, OR 97212

**OVERALL
 SITE PLAN**

A-1

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *07/15/2019*

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



OVERALL SITE PLAN 1

2019-171333 HR C.

22-04 SCALE 1" = 100'
 11/01 SCALE 1" = 200'

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

NO.	DATE	ISSUANCE	REVISION
A	10/20/18	EG	90 SKETCH
B	04/08/19	DM	90% PCD REVIEW
C	04/19/19	EG	REVISED
D	06/20/19	EG	REVISED
E	05/20/19	DM	100% FINAL I.D. SET

CLIENT



442 CONSULTING, LLC, SITE ACQUISITION AND PERMITTING

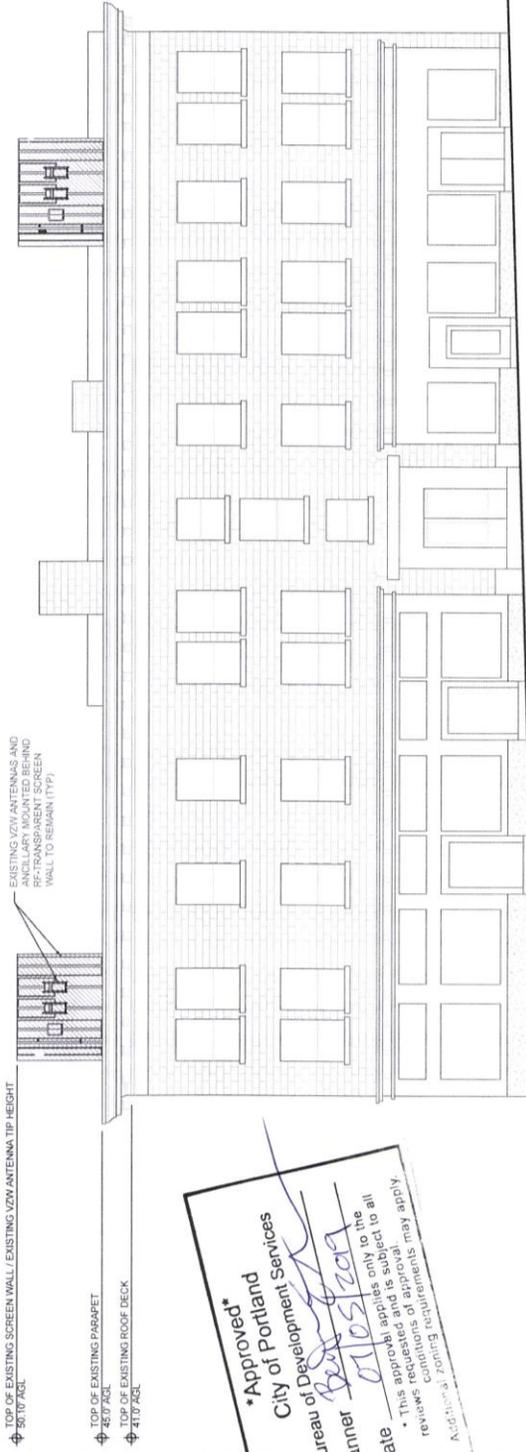


**POR
IRVINGTON**
2401-2417 NE MARTIN LUTHER KING BLVD
PORTLAND, OR 97212

EXISTING AND
PROPOSED
ELEVATIONS

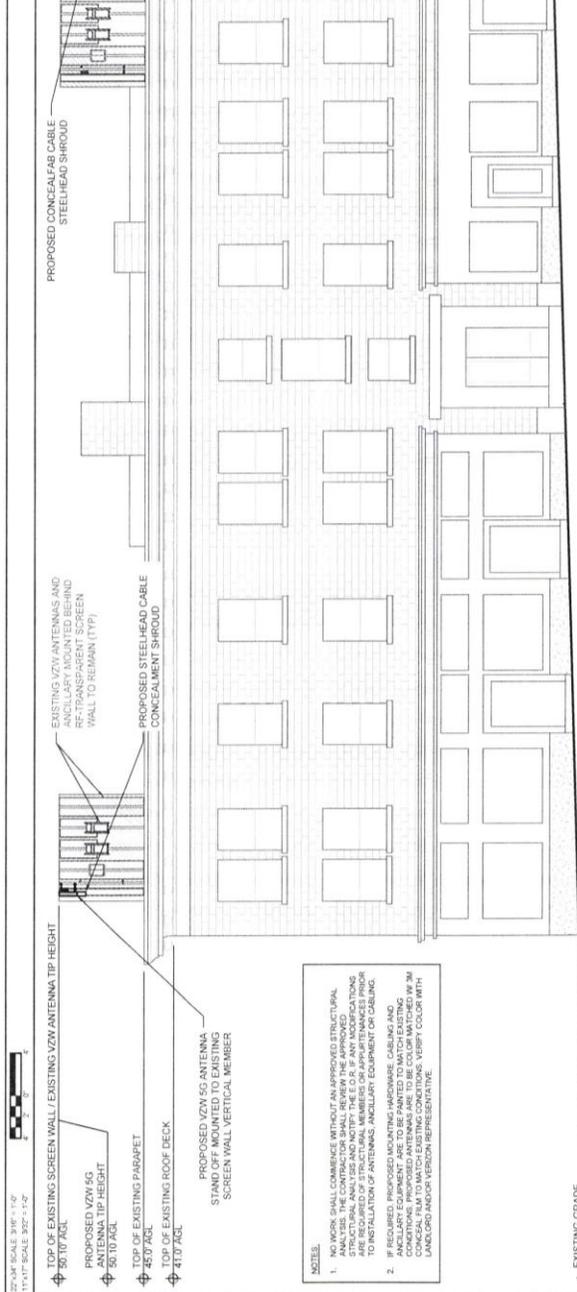
A-3

C-3



Approved
City of Portland Services
Bureau of Development Services
Planner *Becky Zora*
Date *01/05/2019*
This approval applies only to the conditions requested and is subject to all reviews and zoning requirements may apply.

EXISTING EAST ELEVATION 1



PROPOSED EAST ELEVATION 2

NOTES:
1. NO WORK SHALL COMMENCE WITHOUT AN APPROVED STRUCTURAL ANALYSIS. THE CONTRACTOR SHALL REVIEW THE APPROVED ANALYSIS AND OBTAIN SIGNATURES FROM ALL REGISTERED PROFESSIONALS TO INSTALLATION OF ANTENNAS, ANCILLARY EQUIPMENT OR CABLEING.
2. IF REQUIRED, PROPOSED MOUNTING HARDWARE, CABLEING AND ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING CONDITIONS. PROPOSED ANTENNAS ARE TO BE COLOR MATCHED WITH UNPAINTED AND UNPAINTED SURFACES REPRESENTATIVE.



PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

NO.	DATE	BY	REVISION
A	10/20/18	EG	5G SKETCH
B	3/26/19	AM	50% P&ID REVIEW
C	5/16/19	EG	REVISIONS
D	5/23/19	EG	REVISIONS
E	5/20/19	AM	100% FINAL ID SET



CLIENT
verizon

ARE CONSULTANT, WIRE ACQUISITION AND PERMITTING
Acom
CONSULTING, INC.

POR
IRVINGTON
2401-2417 NE MARTIN LUTHER KING BLVD
PORTLAND, OR 97212

**EXISTING AND
PROPOSED
ELEVATIONS**

A-3.2

Approved
City of Portland
Bureau of Development Services
Planner *B. D. [Signature]*
Date *6/10/19*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



EXISTING SOUTH ELEVATION | 1



EXISTING SOUTH ELEVATION | 1

PROPOSED SOUTH ELEVATION | 2

NOTES:

- NO WORK SHALL COMMENCE WITHOUT AN APPROVED STRUCTURAL ANALYSIS. THE CONTRACTOR SHALL REVIEW THE APPROVED ANALYSIS. RECORD SETS SHALL BE REVIEWED AND APPROVED BY THE CONTRACTOR. RECORD SETS SHALL BE REVIEWED AND APPROVED BY THE CONTRACTOR. RECORD SETS SHALL BE REVIEWED AND APPROVED BY THE CONTRACTOR.
- IF REQUIRED, PROPOSED MOUNTING HARDWARE, CABLEING AND ANCHORS SHALL BE SUBMITTED TO THE CONTRACTOR FOR REVIEW AND APPROVAL. PROPOSED ANTENNAS ARE TO BE COLOR MATCHED TO THE BUILDING EXTERIOR FINISH. VERTICAL MEMBER COLOR SHALL BE IDENTICAL TO THE BUILDING EXTERIOR FINISH.

19-171333 HR C.S