



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

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Date: November 10, 2021
To: Interested Person
From: Benjamin Nielsen, Land Use Services
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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 21-085186 HR ***PERSONAL WIRELESS FACILITY ALTERATIONS***

GENERAL INFORMATION

Applicant: Shanin Prusia, Urban Wireles Inc - For Verizon
10376 SE Sunburst Way, Portland, OR 97086
(503) 720-7295, shainin@urbanwirelessinc.com

Owner: Home Forward
135 SW Ash St, Portland, OR 97204

Owners Agent: Lauren Stewart, Housing Authority of Portland
135 SW Ash St, Ste 500, Portland OR 97204

Party of Interest: Camille Cope, Verizon Wireless
5430 NE 122nd Ave, Portland, OR 97230

Site Address: 1839 NE 14TH AVE

Legal Description: BLOCK 258 LOT 5 S 40' OF LOT 6, HOLLADAYS ADD
Tax Account No.: R396218920
State ID No.: 1N1E26CD 09200
Quarter Section: 2831

Neighborhood: Irvington, contact Dean Gisvold at deang@mcewengisvold.com
Business District: NONE
District Coalition: Northeast Coalition of Neighborhoods, contact at 503-388-5004

Plan District: NONE
Other Designations: Non-contributing Resource in the Irvington Historic District

Zoning: RM3d – Residential Multi-Dwelling 3 with Design 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 approval for proposed replacement personal wireless facility antennas and ancillary equipment on the roof and south elevation, and for one new antenna at the southwest corner of the roof, of the non-contributing Grace Peck Terrace Building in the Irvington Historic District. Proposed new and replacement antennas will be finished to match the color of the existing building.

Historic Resource Review is required for non-exempt exterior alterations in the Historic Resource Protection Overlay zone.

Relevant Approval Criteria:

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

- Zoning Code Section 33.846.060.G, Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject site is developed with a six-story apartment building built in two simple non-ornamented rectangular wings and clad with light brown stucco. This building is a non-contributing resource in the Irvington Historic District. This is the largest and tallest development in the immediate area, surrounded by smaller apartments and some single dwelling-scaled residential development. The NE Broadway/Weidler retail corridor is located one block to the south. The Lloyd Center shopping mall lies two blocks to the south.

Zoning: The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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

- VZ 039-72 – No information is available.
- PC 4164 – Zone change. No further information is available.
- LUR 99-00984 CU DZ – Conditional Use Review and Design Review approval two install 6 current and 3 future roof-mounted directional cellular antennas.
- LU 15-231056 HR – Withdrawn Historic Resource Review to remove and replace 3 antennas (1 per sector) and replace with new models (1 per sector). Remove 6 coax cables and replace with 3 hybrid cables. Relocate one sector from flush mount against the building to rooftop to match the other two sectors.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **October 6, 2021**. No written responses have been received from other Portland agencies.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 6, 2021**. 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 within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

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

33.846.060 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.

Findings: The existing building is not historic and does not contribute to the character of the historic district.

Therefore, this criterion does not apply.

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Findings: The existing development on the site does not contribute to the character of the historic district, and the resource, therefore, is the greater district. None of the proposed alterations will create a false sense of historic development, and the district will remain a physical record of its time, place, and use.

Therefore, this criterion is met.

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: No portion of the existing development on this site has acquired historic significance. Therefore, proposed alterations will not change the site's relationship to the greater historic district.

Therefore, this criterion is met.

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings: The subject site does not contain historic features.

Therefore, this criterion does not apply.

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: The subject site does not contain historic materials.

Therefore, this criterion does not apply.

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: Proposed alterations are limited to the existing roof of the building and a portion of the south elevation. No archaeological resources are located in those areas of the existing development.

Therefore, this criterion is met.

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.

Findings: The proposed changes to the personal wireless facility will not destroy historic materials, as there are none that characterize this property. Proposed new antennas are clearly not historic equipment, which differentiates them from resources in the district that are historic.

Therefore, this criterion is met.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 8 & 10: Proposed alterations largely occur on existing mounting structures for wireless facility antennas. One new, small structure is proposed at the south end of the rooftop which will follow a similar pattern established by the other existing antennas. Placing new antennas on the rooftop of this noncontributing structure is preferable to placing them onto contributing structures, and in this sense, facilitates alterations that are the most compatible with the historic district.

Although the applicant proposes that the new equipment will be finished to match the existing building, it bears repeating here, with a condition of approval, to ensure that the proposed new antennas and their associated equipment are suitably compatible with the existing building.

With the condition of approval that proposed antennas, remote radio units, and other associated equipment shall be painted to match the existing building, these criteria will be met.

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.

Findings: The existing building is not historic and does not contribute to the character of the historic district. Furthermore, the proposed new antennas

Therefore, this criterion does 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.

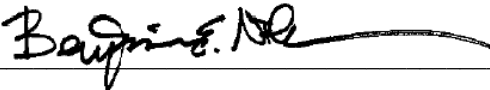
ADMINISTRATIVE DECISION

Approval of proposed replacement personal wireless facility antennas and ancillary equipment on the roof and south elevation, and for one new antenna at the southwest

corner of the roof, per the approved site plans, Exhibits C.1 through C.15, signed and dated 11/08/2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-085186 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. Proposed antennas, remote radio units, and other associated equipment shall be painted to match the existing building.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on November 8, 2021.**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) November 10, 2021

Procedural Information. The application for this land use review was submitted on September 9, 2021, and was determined to be complete on October 4, 2021.

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 9, 2021.

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: February 1, 2022.**

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 **November 10, 2021** 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 Drawing Set
 - 2. Narrative
 - 3. 15-min Appointment Notes
 - 4. Revised Drawing Set
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet
 - 2. General Symbols and Notes
 - 3. Overall Site Plan
 - 4. Enlarged Site Plan (attached)
 - 5. Existing and Proposed [South] Elevations (attached)
 - 6. Existing and Proposed [East] Elevations
 - 7. Existing and Proposed [West] Elevations (attached)
 - 8. Existing and Proposed [North] Elevations (attached)
 - 9. Construction Details
 - 10. Construction Details
 - 11. Construction Details
 - 12. Antenna Configurations
 - 13. Proposed IT Diagram
 - 14. General Electrical Notes
 - 15. Grounding Details
- 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
 - 2. Email thread between staff and applicant with request for additional information (see also Exhibit A.4), 10/04/2021

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).