



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

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Date: July 28, 2022
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 22-119265 HR ***ADDITION OF ANTENNAS TO AN EXISTING PERSONAL WIRELESS SERVICE FACILITY***

GENERAL INFORMATION

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

Applicant: Camille Ann Cope, Verizon Wireless
5430 NE 122nd Ave, Portland, OR 97230

**Owner/
Party of Interest:** KM Building Portland, LLC
50 SW Pine St, Portland, OR 97204

Owner on Record: Willamette Vista Properties, LLC
50 SW Pine St #300, Portland, OR 97204

Site Address: 50 SW PINE ST

Legal Description: BLOCK 26 N 1/2 OF LOT 8, PORTLAND
Tax Account No.: R667704010
State ID No.: 1N1E34DC 02600
Quarter Section: 3029 & 3030

Neighborhood: Old Town Community Association, contact Jonathan Cohen at treasure@pdxoldtown.org or Mary-Rain O'Meara at secretary@pdxoldtown.org

- Business District:** Downtown Retail Council, contact at lfrisch@portlandalliance.com & Old Town Community Association, contact at chair@PDXoldtown.org
- District Coalition:** Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org
- Plan District:** Central City - Old Town/Chinatown
- Other Designations:** Noncontributing Structure in the Skidmore/Old Town Historic District
- Zoning:** CXd – Central Commercial with Design and Historic Resource 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 the addition of three new personal wireless service facility antennas to an existing rooftop facility in two new areas of the rooftop of the commercial mixed-use building at 50 SW Oak St—a noncontributing structure in the Skidmore / Old Town Historic District. The proposed antennas will be concealed within 2 separate “faux stove pipes/vent stacks” on the building’s rooftop. These concealing structures are proposed to be constructed out of fiberglass reinforced plastic and finished to look like weathered steel.

Historic Resource Review is required for non-exempt exterior alterations within the Skidmore / Old Town Historic District.

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:

- Central City Fundamental Design Guidelines
- Skidmore / Old Town Historic District Design Guidelines

ANALYSIS

Site and Vicinity: The subject site, the KM Building, is a non-contributing resource that was constructed in 1983, far beyond the period of significance for the Skidmore/ Old Town Historic District. The site is located at the northwest corner of the block bounded by SW 1st Avenue and SW Naito Pkwy (formerly SW Front Ave) to the west and east, respectively, SW Pine Street to the north and SW Oak Street to the south. This block contains multiple contributing historic resources, including: the Old Portland Machine Company building immediately to the south, the landmark Seufert Building; landmark Dielschneider Building; the landmark Fechheimer + White Buildings to the southeast; and one other contributing resource, the Hallock + McMillen building which is the oldest brick commercial structure still in its original location in downtown Portland, and which is also the first building to incorporate cast iron structure in Portland.

The Skidmore/Old Town Historic District is nationally significant for its association with the initial phase of commercial development of Portland. In addition to listing in the National Register of Historic Places, the district is recognized as a National Historic Landmark (one of only sixteen in Oregon and two in Portland) because of the importance of Portland in the development of commerce and transportation in the western United States from the mid-nineteenth century through the early twentieth. The area is especially rich in Italianate commercial buildings with elaborate cast iron facades.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center.

Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The 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 overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Old Town/Chinatown Subdistrict of this plan district.

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

- **HL 32-81** Historic Landmark Commission approval of a new infill building.
- **HL 24-83** Approval of an awning.
- **LU 09-132248 HDZ** Voided Historic Design Review application for signage and lighting.
- **LU 17-101095 HR** Withdrawn Historic Resource Review.
- **LU 17-129774 HR** Historic Resource Review approval with conditions for a new personal wireless facility installation on the building's rooftop.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **July 1, 2022**. 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 located within the Skidmore/Old Town Historic District. Therefore the proposal requires Historic Resource Review approval. The relevant approval criteria are the Skidmore/Old Town Historic District Design Guidelines and the Central City Fundamental Design Guidelines.

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

Central City Fundamental Design Guidelines and Skidmore/Old Town Historic District Design Guidelines

The Skidmore/Old Town Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. In addition, the Skidmore/Old Town Historic District has been identified as a National Landmark, of which there is only one other in Portland, Pioneer Courthouse. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Skidmore/Old Town Historic District.

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.

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

Skidmore/Old Town Historic District Design Guidelines

A4. Select Historically Compatible, High Quality Materials with Finishes and Colors that are Appropriate to the District.

B1. Respect the Building's Historic Period, Style, Materials, and Details in the Design of Alterations.

Findings for A4 & B1: Although the fiberglass reinforced plastic material used for the architectural shrouds proposed to conceal the new radio frequency antennas and equipment on the rooftop is not a historic material, it will be finished to appear like weathered steel vent pipes. Even though the "vent pipes" will not be visible from the ground, the proposed finish will help to ensure that they appear as historically compatible architectural elements and materials that would be used historically within

the district. As for the existing building, it is also not historic, having been built in 1983; however, it is designed in a complementary style, and the proposed “vent pipes”, where visible, will be similarly complementary to the existing building and the overall styles characteristic of the district’s period of significance.

Therefore, these guidelines are met.

Central City Fundamental Design Guidelines

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The proposed new personal wireless facility antennas and associated equipment will be concealed in shrouds designed to look like vent pipes and set back from the building’s parapets sufficiently (the closest shroud coming within approximately 7’-5” of the inside edge of the parapet) to keep these new portions of the facility away from pedestrian view to the greatest extent possible. Because the setback is critical to ensuring that this guideline is met, the minimum distance from the parapet edge will be reinforced by a condition of approval.

With the following condition of approval, this guideline will be met:

- *The concealing “vent pipe” architectural shroud elements shall be located no closer than 7’-5” to the inside edge of the building’s parapets.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

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 C2, C3, C5, & C11: The proposed new additions to the existing personal wireless service facility include two new architectural shrouds designed to appear as old vent pipes on the roof to conceal new antennas and their related equipment. These new “vent pipes” will be composed of fiberglass reinforced plastic, which is a high quality and radio transparent material suited for this type of installation. The design of the new architectural shrouds will help to integrate these new antennas and equipment into the overall design of the building, retaining its overall design coherency and architectural integrity.

The architectural shrouds are set significantly back from the edges of the building’s parapets—the closest coming within approximately 7’-5” of the inside parapet edge. This significant setback will help to ensure that both shrouds appear as true architectural elements—specifically the aforementioned vent pipes, which are typically found in the middle of rooftops rather than at roof edges near parapets. Because this

element of the design and placement of the shrouds is critical to meeting Guidelines C3, C5, and C11 (in addition to B2, as noted above), the minimum distance from the parapet edge will be reinforced by a condition of approval.

With the following condition of approval, these guidelines will be met:

- *The concealing “vent pipe” architectural shroud elements shall be located no closer than 7’-5” to the inside edge of the building’s parapets.*

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings: Even though the shrouds will not be visible from the ground, the proposed finish on each will help to ensure that they appear as historically compatible materials within the Skidmore/Old Town, which will help to complement the context of existing historic buildings in the area.

Therefore, this guideline is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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

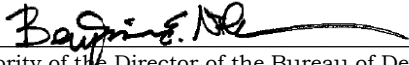
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants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

ADMINISTRATIVE DECISION

Approval of the addition of three new personal wireless service facility antennas to an existing rooftop facility in two new areas of the rooftop, concealed within 2 separate “faux stove pipes/vent stacks” on the building’s rooftop, which are composed of FRP and finished to look like weathered steel, per the approved site plans, Exhibits C.1 through C.11, signed and dated 07/26/2022, subject to the following conditions:

- 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 22-119265 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- 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.
- No field changes allowed.
- The concealing “vent pipe” architectural shroud elements shall be located no closer than 7’-5” to the inside edge of the building’s parapets.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on July 26, 2022.**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 28, 2022.

Procedural Information. The application for this land use review was submitted on March 4, 2022, and was determined to be complete on June 28, 2022.

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 March 4, 2022.

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 26, 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.

- *Unless appealed*, the final decision will be recorded after **July 29, 2022**, 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. RF Safety and NIER Report
 4. Photo Simulations
 5. Revised Drawings, received 06/16/2022
 6. Completeness Response, received 06/28/2022
 7. Revised Drawing Set, received 06/28/2022
 8. RF Network Performance, received 06/28/2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Cover Sheet
 2. General Notes and Symbols
 3. Overall Site Plan
 4. Enlarged Site Plan (attached)
 5. Existing and Proposed North Elevations (attached)
 6. Existing and Proposed West Elevations (attached)
 7. Existing and Proposed East Elevations
 8. Existing and Proposed South Elevations
 9. Construction Details
 10. Construction Details
 11. Construction 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. Personal Wireless Service Facility Land Use Review Application
 3. Incomplete Application Letter
 4. Request to deem application as complete, received 06/28/2022
 5. All email correspondence

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).