



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

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Date: May 26, 2023
To: Interested Person
From: Hannah Bryant, 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 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 23-032498 HR - WIFI ACCESS AT PSU

GENERAL INFORMATION

Owner: Oregon State Board Of Higher Education
Po Box 751
Portland, OR 97207-0751

Applicant: Joseph Wuest | Portland State University
617 SW Montgomery St
Portland OR 97201
jwuest@pdx.edu

Site Address: 1803 SW PARK AVE

Legal Description: BLOCK 229 LOT 1&2, PORTLAND
Tax Account No.: R667724560
State ID No.: 1S1E04AD 09200
Quarter Section: 3128 & 3228
Neighborhood: Portland Downtown, contact Marian DeBardelaben at debardelabenmarian@gmail.com

Business District: None
District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

Plan District: Central City - University District/South Downtown
Other Designations: Designated Historic Landmark – The Simon Benson House
Zoning: CXd – Central Commercial with a Design Overlay
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 seeks Historic Resource Review approval for the installation of two Wi-Fi access points (WAP) to be installed on the east façade of the Simon Benson House at SW Montgomery Street and SW Park Avenue. The two WAP are proposed to be mounted above the side windows on a projecting bay, tucked under a decorative projecting soffit detail and painted to match the existing wood siding.

Historic Resource Review Approval is required for non-exempt exterior alterations to a Historic Landmark.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The Simon Benson House is an individually listed National Historic Landmark. The building is an example of Late Victorian – Queen Anne style architecture. Constructed in 1900, the house was originally located at the southeast corner of Eleventh Avenue and Clay Street. In 2000, the house was moved 3 blocks south to its present location, at the southwest corner of Montgomery Street and Park Avenue.

The home was originally constructed as a single-family home. In the 1930s, it was turned into a boarding house and then later was divided into apartments. It suffered neglect and deferred maintenance until, in 1991, the City condemned it as a dangerous building. In 2000, a public-private partnership secured ownership of the house, and organized a move to its new location where it was rehabilitated and adapted for use as a Portland State University office building.

The building's current location abuts the South Park Blocks and the Portland State University campus. The building fronts SW Montgomery Street and SW Park Ave. At this location, SW Montgomery Street is a local service street for traffic, transit, freight and bicycles and a neighborhood pedestrian walkway. Adjacent to this site, SW Park Avenue is a pedestrian trail, not a public street. It is designated a Major City Bikeway and Major City Walkway.

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 is applied to this zone.

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 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.

Land Use History: While the PSU site is very large, and has had hundreds of land use reviews over time, below are the relevant land use case reviews that the City of Portland has on record for the subject site:

Simon Benson House

- LU 02-008241 HDZ – Historic Design Review for free-standing signage at the Simon Benson House.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 1, 2023**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 1, 2023**. 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 Landmark; therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are those listed in *33.846.060 G – Other Historic Approval Criteria*. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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

33.846.060 G - Other Historic Approval Criteria

- 1. Historic character.** The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.
- 2. Record of its time.** The landmark or contributing 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.
- 3. Historic changes.** Most resources change over time. Those changes that have acquired historic significance will be preserved.
- 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 historic feature 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.

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 landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.

8. Architectural compatibility. New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.

9. Preserve the form and integrity of historic resources. New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.

10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

Findings for 1, 2, 3, 4, 5, 7, 8, 9, and 10: The Simon Benson house has had a long and tumultuous history, before arriving at its current location and spectacularly restored condition. While it serves as an excellent example of the Late Victorian – Queen Anne style, it is also a wonderful example of the community benefits provided by dedicated historic preservationists, restoration specialists and an owner committed to careful maintenance. As noted earlier in this document, this house had a long history of deferred maintenance that ultimately resulted in it being condemned by the City as a dangerous building in the 1990s. The history of this building is one of adaptive reuse and reimagining, and the current proposal carries forward that theme as the University ownership seeks to provide the internet access that is a critical component of today's college educational experience.

The proposal is to mount two wireless access points (WAP) to the exterior of this Landmark building. The WAP are outdoor rated wireless internet boosters, intended to ensure consistent Wi-Fi coverage in the outdoor areas adjacent to the Simon Benson house. The two WAP are proposed to be mounted above each of the narrow side windows on the building's projecting east bay window. Above the bay window, a side-facing gable cantilevers beyond the sides of the bay window, creating a deeply shadowed area above the bay window and below the cantilevered upper story. The WAP are proposed to be mounted to the panels above the side windows, below the cantilevered upper level, in the deeply shadowed area where they will be partly obscured by ornate brackets.

Each WAP is approximately 10 inches by 9 inches by 3 inches deep. For reference, these dimensions are smaller than a typical wall-mounted mailbox. They will be surface mounted using typical hardware, and a single hole drilled through the wall will allow the conduit to run directly inside the building. If they are removed in the future, the resulting holes from the mounting hardware and conduit are easily filled and painted. The WAP itself is a paintable material, and to ensure architectural compatibility with the Landmark, staff has added a condition of approval that both the WAP will be painted to match the adjacent exterior wall surface.

The WAP are minor external pieces of equipment, proposed to be mounted in the most discreet feasible location. The proposed equipment will not alter the building's

historic character, integrity or compatibility with its surroundings. The building will continue being a record of its time, and the WAPs may be removed without causing damage to the historic materials or features of the building.

With the Condition of Approval that both the Wireless Access Points shall be painted to match the adjacent exterior wall surface, 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.

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.
- B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.
- B5. Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.
- 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.

Findings for A6, B1, B5, C2, and C3: The proposal to add two Wireless Access

Points (WAPs) to the east side of the Simon Benson House is intended to facilitate expanded Wi-Fi coverage across the South Park Blocks adjacent to this building. The building currently serves as an office building for the University of Portland, and the WAPs will ensure that the university's wireless internet is available to staff and students outside the building.

The proposed locations for the two WAPs are described in detail above. These locations do not face a public right of way or privately-owned buildings, but rather they face the South Park Blocks and other Portland State University buildings across the park. Continual internet access at this area of the park may serve to incentivize more use of park by students and staff, which would provide desirable activity and vibrancy to an often-quiet area within Central City.

The proposed equipment is easily removable from its discreet location above the sides of the bay window, and will not cause lasting harm to the historic building or any of its character-defining architectural details. The integrity of the Landmark will be unmarred through the addition of these two wall-mounted boxes. A condition of approval has been added requiring the boxes are painted to match the adjacent wall surface. This will further protect the building's architectural integrity, by ensuring the boxes do not stand out due to a color variation from the rest of the building.

With the condition of approval that both the Wireless Access Points shall be painted to match the adjacent exterior wall surface, these guidelines are 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 two wireless access points per the approved site plans, Exhibits C-1 through C-3, signed and dated May 24, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 23-032498 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. The Wireless Access Points shall be painted to match the adjacent exterior wall surface.

D. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on May 23, 2023**

By authority of the Director of the Bureau of Development Services

Decision mailed May 26, 2023

Procedural Information. The application for this land use review was submitted on April 14, 2023, and was determined to be complete on April 27, 2023.

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 April 14, 2023.

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: August 25, 2023.**

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 **May 26, 2023**, 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 Submittal
 1. Original Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Placement Location
 3. WAP cutsheet (six pages)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: None
- G. Other:
 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).