



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

Carmen Rubio, Commissioner
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Date: June 9, 2023
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 23-037488 DZ
NEW SATELLITE DISHES & ANTENNAS

GENERAL INFORMATION

Applicant/

Representative: Pearse O'Moore, GBD Architects
1120 NW Couch St., Ste 300, Portland, OR 97209
(503) 548-2354, pearseo@gbdarchitects.com

Owner's

Representative: Michele Schiffer,, Scanlan Kemper Bard
222 SW Columbia St., Ste 201, Portland, OR 97201

Owner:

KC Venture LLC
222 SW Columbia St #700, Portland, OR 97201

Site Address:

222 SW COLUMBIA ST

Legal Description:

BLOCK 130&131 TL 3100, PORTLAND

Tax Account No.:

R667712770

State ID No.:

1S1E03BC 03100

Quarter Section:

3129

Neighborhood:

Portland Downtown, contact Marian DeBardelaben at debardelabenmarian@gmail.com

Business District:

Downtown Retail Council, contact at info@portlandalliance.com

District Coalition:

Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

Plan District:

Central City - Downtown

Zoning:

CXd – Central Commercial with Design Overlay

Case Type:

DZ – Design Review

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

Proposal:

The applicant requests Design Review approval for three new satellite dishes and four new antennas to serve the new All Classical Radio station studio at the KOIN Center tower in the Downtown Subdistrict of the Central City Plan District. The specified satellite dishes to be installed are: (2) two dishes which are 38.4" in diameter and (1) one dish which is 72" in diameter. The three dishes will be pole mounted on the northwest corner to provide for the necessary unobstructed line of sight to the transmission towers in the West Hills, similar to the existing dishes on the roof. They will be held back tight to the existing standing seam roof to limit visibility from the street and lower elevations.

The specified antennas to be installed are: (1) FM antenna (1) Public service antenna (1) NOAA Antenna, mounted at the northwest corner, and a second NOAA antenna at the southeast corner of the roof. In a similar fashion as the satellite dishes, the antennas will be held back tight to the existing standing seam roof and parapet to limit visibility.

All new dishes and antennas will be installed adjacent to similar roof top equipment and will be painted the traditional KOIN center blue to ensure that the new equipment matches and blends into the surrounding standing seam roof.

Design Review is required for non-exempt exterior alterations to existing development in the Design Overlay zone of the Central City Plan 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*

ANALYSIS

Site and Vicinity: The one-block site is bounded by W 3rd Avenue to the west, SW Columbia Street to the north, SW 2nd Avenue to the east and SW Clay Street to the south. The site is developed with a 29-story building, known as the KOIN tower, completed in 1984. The mixed-use development contains ground-floor and second-floor retail space, 15 office levels and 11 residential condominium levels. There are also 278 subsurface parking spaces. The building's three principal functional programs each have their own entrance - commercial/office on SW Columbia Street, retail and former theater space on the southwest corner, and residential condominiums on SW Third Avenue. The southwest entrance faces its own street-corner plaza diagonally across the intersection from the Ira C. Keller Fountain, creating a visual and pedestrian link to the adjacent South Auditorium District and the Keller Fountain and Auditorium. The entrance to the underground parking and loading docks is located on the adjacent block to the east. The KOIN Tower has a ziggurat-like profile with a blue crown and is clad in orange brick and trimmed with white limestone at the base.

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 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 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 Downtown Subdistrict of this plan district.

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

- **LU 21-094597 DZ:** Design Review approval for new steel and glass overhead canopy at the fourth floor, west-facing roof terrace and new fully-glazed storefront door and triple-sliding doors at the fifth floor, south-facing roof terrace.
- **LU 13-148030 DZ:** Design Review approval for glass windbreaks, steel planters and a new paver system at South Facing Decks 3 and 4, and all of the above plus canopies at the West Facing Decks 1 and 2
- **LU 10-114912 DZ:** Design Review approval for refurbishment of an existing monument style free-standing sign.
- **LUR 05-156390 AD:** November 2005 Adjustment approval to reduce the required minimum short-term bike parking and for payment to the Bicycle Parking Fund in lieu of fulfilling this requirement on the site.
- **LUR 04-036358 DZ:** September 2004 Design Review approval for exterior improvements including replacement of existing glass canopy at entrance, addition of two side bays with glass awnings, down lighting and the removal of two trees for visibility at entrance.
- **LUR 03-100058 DZ:** February Design Review approval for a proposal to install a new shed-style awning at an existing ground floor tenant entry.
- **LUR 00-00624 CU DZ:** February 2000 Conditional Use and Design Review approval to install a new shed-style awning at an existing ground floor tenant entry.
- **LUR 98-00376 DZ AD:** August 1998 Design Review and Adjustment to reduce the ground floor window length and area requirements.
- **DZ 19-89:** March 1989 Design Review approval for 156 residential unit high rise.
- **DZ 116-88:** February 1989 Design Review approval for metal entry canopies.
- **CU 26-88:** June 1988 Conditional Use approval for 326 subsurface parking spaces on Clock 130; 877 subsurface parking spaces on Blocs 131, 130 & 128; and 144 surface parking spaces on Block 128 for a three-year period.
- **DZ 49-84:** 1984 Design Review approval for a parking facility.
- **CU 46-84:** August 1984 Conditional Use approval for an interim surface parking lot and permanent subsurface parking.
- **CU 79-82:** May 1982 Conditional Use approval to increase the previously approved FAR (floor area ratio) from 11.5:1 to 11.73:1, through the addition of approximately 8,900 square feet to the residential portion of the building.
- **DZ 72-82:** 1982 Design Review approval for an increase in parking space, with the condition that a variance be approved to increase the FAR from 9:1 to 11:1.
- **DZ 66-82:** 1982 Design Review approval for a sign in the right-of-way.
- **CU 17-82:** April 1982 Conditional Use approval for a variance to increase the FAR.
- **DZ 19-82:** 1982 Design Review approval for FAR increase and landscape treatments.
- **CU 89-81:** September 1981 Conditional Use approval for a variance to increase the permitted FAR from 11:1 to 11.5:1 and to reaffirm the parking allocation by use and phases established by CU 9-81.

- **CU 9-81:** February 1981 Conditional Use approval for 670 off-street parking spaces with access via SW Clay Street and SW Jefferson Street for a 2 ½ block, mixed-use development consisting of: a) 17-level, ½ block hotel and residential building with 172 subsurface parking spaces on Block 130; b) A 29-level LOIN Center with a ground floor and second floor retail and cineplex complex, 15-office floors, and 11 condominium/apartment floors, with 278 subsurface parking and loading spaces on Block 131; c) A 15-level office and retail building with 220 parking spaces on Block 128.
- **DZ 50-80:** 1980 Design Review approval for the concept of a 2 ½ block, mixed-use development for KOIN tower.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 19, 2023**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Review Section of BDS

The **Life Safety Review Section of BDS** responded with no objections and with general life safety comments, including one comment that noted that “guardrails 42 inches high shall be installed where roof-mounted equipment requiring service is located within 10 feet of the roof edge.” Please see Exhibit E.1 for additional details.

The **Bureau of Parks & Recreation – Urban Forestry Division** responded with no objections. Please see Exhibit E.2 for additional details.

Staff forwarded these comments to the applicant and requested confirmation that the proposal would provide the code-required 42 inch high guardrail, as noted in Exhibit E.1. The applicant confirmed that the existing roof structure meets these requirements.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 19, 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 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

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 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 all of the 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.

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.

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 B2, C2, C3, C5, & C11: The KOIN Tower's rooftop, high above the pedestrian environment, is designed to accommodate radio frequency and satellite transmission equipment. The proposed equipment is appropriately sized and located to appear as minor additions to the roof, relative to the large scale of the ziggurat roof structure. The proposed equipment will be painted to match the distinctive blue color of the roof, further reducing any visual impact of the equipment and helping to integrate these elements into the overall architectural design of the tower, respecting the iconic character of the roof on the city's skyline and maintaining its overall design coherency.

Therefore, 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

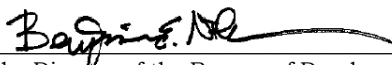
The design review process implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of three new satellite dishes and four new antennas (all of which will be painted to match the existing roof) to serve the new All Classical Radio station studio at the KOIN Center tower in the Downtown Subdistrict of the Central City Plan District, per the approved site plans, Exhibits C.1 through C.11, signed and dated 06/06/2023, 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 23-037488 DZ." 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.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on June 6, 2023.**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 9, 2023.

Procedural Information. The application for this land use review was submitted on May 3, 2023, and was determined to be complete on May 16, 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 May 3, 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: September 13, 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 **June 9, 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 Submittals
 - 1. Design Drawings
 - 2. Written Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Boundary Plan
 - 2. Roof Plan (attached)
 - 3. Existing Roof Conditions – SE Corner
 - 4. Roof Section (attached)
 - 5. Roof Section (attached)
 - 6. Axon Views
 - 7. Sightlines: Elevations
 - 8. Cut Sheet: Satellite Dish (A)
 - 9. Cut Sheet: Satellite Dish (A)
 - 10. Cut Sheet: Satellite Dishes (B) & (C)
 - 11. Cut Sheet: Satellite Dishes (D) & (E)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
 - 2. Bureau of Parks & Recreation, Urban Forestry Division
- F. Correspondence:

No correspondence was received.
- G. Other:
 - 1. Original LU Application
 - 2. 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).