



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Date:** January 15, 2015  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **denied** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-123583 HR CU** **ROOFTOP RADIO FREQUENCY TRANSMISSION FACILITY**

*If this case is appealed, the hearing for the appeal will be held **Monday, February 9, 2015 @ 1:30p.m.** with the Portland Historic Landmarks Commission. The hearing will take place in Room 2500A (2<sup>nd</sup> floor) at 1900 SW 4<sup>th</sup> Avenue, Portland, OR 97201. If a timely and valid appeal is filed by the end of the appeal period at 4:30pm on Tuesday, January 27, 2015, no supplemental mailed hearing notice will be sent.*

*If appealed, the appeal will be listed on the online Historic Landmarks Commission hearing agenda no later than 5pm on Wednesday, January 28, 2015. Online hearing schedules are available on the BDS web page ([www.portlandonline.com/bds](http://www.portlandonline.com/bds) → Zoning & Land Use → Notices, Hearings, Decisions... → Public Hearings → Historic Landmarks Commission Agenda). Copies of the appeal filing will be available by contacting the case planner, Chris Caruso (contact info. at top of page) on or after Wednesday, January 28, 2015.*

*This tentative appeal hearing date will be cancelled if Portland Public Schools are closed due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Case Planner, Chris Caruso (contact information at top of page) for information regarding cancellations and/or rescheduling.*

### **GENERAL INFORMATION**

**Applicant:** Konrad Hyle/Black Rock Consulting And Development LLC  
22135 SW Cole Ct/Tualatin, OR 97062

**Owner:** Iron Mike LLC  
2284 NW Thurman St/Portland, OR 97210-2519

**Representative:** Joe Ahsing/Verizon Wireless LLC  
5430 NE 122nd Ave/Portland, OR 97230

**Site Address:** 31 NW 22ND PL

**Legal Description:** BLOCK 2 LOT 12 N 55' OF LOT 13, STRONGS ADD  
**Tax Account No.:** R801800370  
**State ID No.:** 1N1E33CA 03500  
**Quarter Section:** 3027  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Northwest  
**Other Designations:** Secondary Contributing Resource in the Alphabet Historic District  
**Zoning:** RH – High-Density Residential with Historic Resource overlay  
**Case Type:** HR, CU – Historic Resource Review with a Conditional Use Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant seeks Historic Resource Review approval and Conditional Use approval to install three sectors of a new wireless antenna system with RF transparent shrouds on the roof of the Lucretia Court building, designed by Emil Schacht in the Jacobethan style and constructed in 1910. The building is listed as a Secondary Contributing Resource in the Alphabet Historic District. The proposed work includes the following:

- Two 3'-8" x 3'-8" x 12'-0" tall faux chimneys made of brick-patterned RF-transparent material, supported by pairs of 3" x 3" steel kickers, with one faux chimney set back 10'-7" and 12'-0" from the NE building corner and one faux chimney set back 17'-0" and 10'-0" from the SW building corner;
- One set of 3 RRU's mounted to one of the steel kickers supporting each faux chimney, mounting height not to exceed 3 feet above the roof deck;
- 4 RF warning signs mounted on the roof;
- 2 panel antennas installed on unistrut and mounted onto the west wall of the stair penthouse;
- 3 RRU's and 1 surge suppressor mounted on unistrut and installed on the south wall of the stair penthouse;
- 1 coax chase mounted near the NW building corner that runs down the building to grade; and
- Sleeper-mounted cable trays on the roof to carry coax cables to the three RF sectors and the coax chase.

Historic Resource Review is required to install radio frequency transmission facilities on buildings within historic districts, and Conditional Use review is required to locate radio frequency transmission facilities in a residential zone.

**Relevant Approval Criteria:**

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

- |  |                                     |
|--|-------------------------------------|
| ■ 33.846 Historic Reviews                        | ■ Community Design Guidelines       |
| ■ 33.815 Conditional Use Review                  | ■ Alphabet Historic District Design |
| ■ 33.274 Radio Frequency Transmission Facilities | Guidelines Addendum                 |

**ANALYSIS**

**Site and Vicinity:** The 10,500 SF lot is developed with a contributing resource within the Alphabet Historic District, a four story, brick, L-shaped residential building known today as Lucretia Court, built in 1910 in the Jacobethan style. This style features regular bay window

projections, distinctive rooftop pediments, crenellations, as well as contrasting decorative trim around bays, windows, and main doors. The front facades face NW 22<sup>nd</sup> Place (originally called Lucretia) and the southern lot line. The building mass is pulled back from the southeast corner of the site, allowing for a generous front court and entry area. The side walls face the north and west lot lines and are finished with brick and lap siding, lacking the decorative trim on the main facades but retaining the pattern of bay window projections. There is one individually listed landmark building – the Hill Hotel - of similar height abutting one half of the abutting south property line. There are also several similar buildings and larger houses across NW 22<sup>nd</sup> Place, including another individually listed landmark structure, the Hazel Hall House. Smaller one- and two-story commercial buildings and surface parking lots abut the west lot line and the remaining half of the south lot line. These smaller buildings make up the commercial strip along NW 23<sup>rd</sup> Avenue which is one block west of the subject site. A two and a half-story bungalow-style house is on the lot to the north.

The Alphabet Historic District is an area of Portland with a cohesive collection of late 19<sup>th</sup> and early 20<sup>th</sup> Century buildings reflecting the physical growth of the “West End” neighborhood. Featuring fine local examples of period residential, commercial, and civic architecture, the district’s buildings are an important physical expression of the socio-cultural and socio-economic transition of this close-in neighborhood from an area of stately mansions to a densely concentrated district of apartment buildings and multi-family residences. The concentration of substantial upper and middle-class apartment buildings is unique within the city. The area also served as an important secondary center for Portland’s Jewish and Scandinavian population during the early 20<sup>th</sup> century, as these groups began achieving greater economic and social status within the larger Portland community. The area is characterized by a grid work of narrower, tree-lined, residential streets crossed by occasional more robust commercial avenues. The designer of Lucretia Court was Emil Schacht, a Danish immigrant who established himself as an architect in Portland in 1884. He is best known for his design of the Portland Police Block, a National Register property.

Lucretia Court is also located in an area of town that starts to rise up into Portland’s West Hills. Northwest 22<sup>nd</sup> Place slopes down from south to north and West Burnside Street slopes up from east to west. This sloping condition in the immediate area and the shorter nearby buildings and surface parking lots create a clear view of a majority of the west and south walls of Lucretia Court. The building is readily viewed from the higher elevations along West Burnside Street as well as certain areas along SW Vista Avenue to the south. The site fronts NW 22<sup>nd</sup> Place which is designated as a Local Service Walkway and Local Service Bikeway in the Portland Transportation System Plan (TSP) and is within the Northwest Pedestrian District. The site is well serviced by transit as it is only one lot north of W Burnside Street, a major city arterial with frequent bus service.

**Zoning:** The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland’s Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region’s citizens in their

city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate that there are no prior land use reviews for this site.

**Agency Review:** A review by other agencies was not required for this rooftop facility.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on December 18, 2014. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. John Barger, Barger Family Trust, email January 8, 2015 – Does not support the proposal due to concerns for the health and welfare of their tenants and those in buildings around their own, the Portland Rose Apartment Building at 2284 NW Everett Street. They are also concerned about the impact this kind of construction will have on the historic neighborhood. These large antenna structures as proposed would be highly visible and unsightly, impacting quality of life and character of their tenants and surroundings. Shrouding the antennas in chimney-like structures will not change the fact that the concept is potentially ruinous to the historic nature of our community.

## ZONING CODE APPROVAL CRITERIA

### [1] CONDITIONAL USE REVIEW

#### **33.815.010 Purpose**

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

#### **33.815.225 Radio Frequency Transmission Facilities**

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for facilities operating at 1,000 watts ERP or less, proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, or I zone within 50 feet of an R zone:
  1. **The visual impact of an antenna must be minimized.** For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;

**Findings:** The proposal involves construction of two new rectangular chimney-like equipment shrouds that will completely hide four antennas and their mounting hardware, plus two antennas mounted to the west wall of an existing penthouse, painted to match the penthouse wall color. While the antennas within the shrouds will not be visible, the shrouds themselves are an atypical form for this building at their proposed heights of 12'-0" above the roof. The existing building has one small chimney integrated into the northwest corner walls that projects 3'-5" above the roof. The building also has one flat penthouse enclosure that is 7'-6" above the roof and one elevator enclosure topped with a cupola that is 13'-0" above the roof. Important

Jacobethan-style architectural features on this building include two decorative rooftop pediments, one of which is 14'-3" above the roof and one that is 9'-11" above the roof. Both pediments are on the front building façade along NW 22<sup>nd</sup> Place but are visible, as are all the other existing roof enclosures and chimneys, from the surrounding area.

The two proposed faux-brick chimney antenna shrouds are not designed for minimal bulk due to their height which is driven by the requirements of the antennas inside, and due to the exposed angled support legs. These new elements will be visible from the surrounding streets and higher buildings and will visually compete with and detract from the distinctive Jacobethan-style architectural features of Lucretia Court. DAP units, GPS unit, and equipment cabinet associated with this facility. The two antennas mounted to the west façade of the penthouse can be visually minimized by painting them to match the building. However, they also must be flush-mounted. The applicant's drawing RF-1 (see Exhibit C-15) shows the antennas in a typical arrangement, tilted away from the wall. This tilting is common in these types of installations around the city and makes the antennas quite visible as they become their own mass that casts shadows onto the walls behind.

*As stated above, this criterion is not met by three elements of this proposal – the two faux-brick chimney-shaped antenna shrouds and the west penthouse panel antennas. If the faux-brick chimney-shaped antenna shrouds were no taller than the flat roof portion of either penthouse, designed to be wide enough to not require exposed angle support, enclosed by a smooth or lightly textured panel system in place of faux brick material, they could meet the approval criteria. If the two panel antennas mounted to the west wall of the penthouse could not be tilted away from plane of the penthouse's west wall, and if the two antennas did not extend below the top of the parapet, they could meet the approval criteria.*

2. **Accessory equipment associated with the facility must be adequately screened.** If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and

**Findings:** Accessory equipment associated with the facility includes one set of 3 RRU's mounted to one of the steel kickers supporting each faux chimney, 3 RRU's and 1 surge suppressor mounted on unistrut and installed on the south wall of the stair penthouse, one vertical metal chase running down from the top of the NW corner chimney to the interior equipment room in the casement, and roof-mounted cable on supports.

The 3 RRU's mounted to the steel kickers supporting each of the faux chimneys will be located no more than three feet above the roof so that they will not be visible above the existing parapet which is three feet tall. The same installation height applies to the equipment mounted to the south wall of the penthouse so none of this equipment will be visible from surrounding streets. Roof-mounted cables and will be laid flat on metal supports running parallel with the roof deck and will be painted to match the color of the roof membrane. The proposed locations and final colors allow the exposed accessory equipment to not visually detract from the desired character of the surrounding area.

The vertical metal chase attached to the chimney is of a modest width and will be painted to match the chimney bricks. This new structure for accessory equipment fits into the building architecture and into the Alphabet Historic District as there are similar vertical service chases on other buildings in the area. *This criterion is therefore met.*

3. **The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.**

**Findings:** The relevant regulations and standards for this proposal as discussed below are the development standards of Chapter 33.274 - Radio Frequency Transmission

Facilities. As discussed in detail below, all applicable regulations are met; therefore, this criterion is met.

### **33.274.040 Development Standards Radio Frequency Transmission Facilities**

#### **A. Purpose.** The development standards:

- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers in residential and open space zones whenever possible;
- Protect adjacent populated areas from excessive radio frequency emission levels; and
- Protect adjacent property from tower failure, falling ice, and other safety hazards.

**B. When standards apply.** Unless exempted by 33.274.030, the development standards of this section apply to all Radio Frequency Transmission Facilities. Applications to modify existing facilities regulated by this chapter are only required to meet the standards of Paragraphs C.3, C.4, C.5, C.6, and C.9 in addition to any previous conditions of approval. Increasing the height of a tower is not considered modification of an existing facility.

#### **C. General requirements**

1. **Tower sharing.** Where technically feasible, new facilities must co-locate on existing towers or other structures to avoid construction of new towers. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.
2. **Grouping of towers.** The grouping of towers that support facilities operating at 1,000 watts ERP or more on a site is encouraged where technically feasible. However, tower grouping may not result in radio frequency emission levels exceeding the standards of this chapter.
3. **Tower finish.** For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.
4. **Tower illumination.** Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.
7. **Setbacks.** All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets. Accessory equipment or structures must meet the base zone setback.
8. **Guy anchor setback.** Tower guy anchors must meet the main building setback requirements of the base zone.
9. **Landscaping and screening.** The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:
  - a. **In C, E or I zones more than 50 feet from an R zone.** A tower and all accessory equipment or structures located in the C, E, or I zones more than 50 feet from an R zone must meet the following landscape standard:
  - b. **In OS or R zones or within 50 feet of an R zone.** A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:
    - (1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.
    - (2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.
10. **Tower design.**
  - a. For a tower accommodating a Radio Frequency Transmission Facility of 100,000 watts or more, the tower must be designed to support at least two additional transmitter/antenna systems of equal or greater power to that proposed by the

applicant and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.

- b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.
- c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

- 12. Abandoned facilities.** A tower erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower has been in use for more than six months.

**Findings for C.1, C.2, C.3, C.4, C.7, C.8, C.9a & b, C.10a, b & c and C.12:** The proposal is to mount the facility on an existing building. No new tower or tower accessory equipment is proposed. *Therefore, these criteria do not apply.*

- 5. Radio frequency emission levels.** All existing and proposed Radio Frequency Transmission Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified in Table 274-1, except as superseded by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits.

| <b>Table 274-1</b>                            |   |   |  |
|---|---|---|--|
| <b>Radio Frequency Emission Standards [1]</b> |   |   |  |
| Frequency Range                               | Mean Squared<br>Electric ( $E^2$ )<br>Field Strength<br>( $V^2/m^2$ ) [2] | Mean Squared<br>Magnetic ( $H^2$ )<br>Field Strength<br>( $A^2/m^2$ ) [3] | Equivalent<br>Plane-Wave<br>Power Density<br>( $mW/cm^2$ ) [4] |
| 100 KHz – 3 MHz                               | 80,000  | 0.5   | 20   |
| 3 MHz – 30 MHz                                | 4,000 ( $180/f^2$ ) [5]   | 0.025 ( $180/f^2$ )   | $180/f^2$  |
| 30 MHz – 300 MHz                              | 800   | 0.005   | 0.2  |
| 300 MHz – 1500 MHz                            | 4,000 ( $f/1500$ )  | 0.025 ( $f/1500$ )  | $f/1500$   |
| 1500 MHz – 300 GHz                            | 4,000   | 0.025   | 1.0  |

Notes:

[1] All standards refer to root mean square (rms) measurements gathered by an approved method.

[2]  $V^2/m^2$  = Volts squared per meter squared.

[3]  $A^2/m^2$  = Amperes squared per meter squared.

[4]  $mW/cm^2$  = Milliwatts per centimeter squared.

[5]  $f$  = Frequency in megahertz (MHz).

**Findings:** The proposed facility will operate within frequencies in the range of 2500-2690 MHz for the panel antennae and 5-24 GHz for the point to point microwave transmitters. The Effective Radiated Power (ERP) for the facility is less than 100 watts, and the maximum allowed power density level is  $1.0 mW/cm^2$  [Milliwatts per centimeter squared]. Calculations submitted by the applicant (see Exhibit A-3) indicate that the power density exposure levels are approximately  $0.579753 mW/cm^2$ , which is significantly less (42%) than the maximum allowed. *Therefore, this criterion is met.*

*Staff note: The Federal Telecommunications Act of 1996 prohibits a local government from denying a request to construct such facilities based on “harmful radio frequency emissions” as long as the wireless telecommunications facility meets the standards set by the FCC. Furthermore, the Act required the FCC to adopt standards for radio frequency emissions from wireless telecommunications by August, 1996. In a rule making procedure, the FCC adopted standards effective August 1, 1996, which are virtually the same as those reflected in Table 274-1. Because this land use review was submitted after those standards took effect, this conditional use review cannot be denied solely on the issue of harmful radio frequency emission levels.*

**6. Antenna requirements.** The antenna on any tower or support structure must meet the minimum siting distances to habitable areas of structures shown in Table 274-2. Measurements are made from points A and B on the antenna to the nearest habitable area of a structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna. Point A is measured from the highest point of the antenna (not the mounting device) to the structure, and Point B is measured from the closest point of the antenna to the structure.

| <b>Table 274-2</b><br><b>Distance Between Antenna and Habitable Area of Structure</b><br>(Where f is frequency in megahertz.) |                 |   |   |
|---|-----------------|---|---|
| Effective Radiated Power  | Frequency (MHz) | Point A:<br>Minimum Distance From<br>Highest Point of Antenna<br>To Habitable Area<br>of Structure (feet) | Point B:<br>Minimum Distance From<br>Closest Portion Of Antenna<br>To Habitable Area<br>of Structure (feet) |
| < 100 watts   |                 | 10  | 3   |
| 100 watts to 999 watts  |                 | 15  | 6   |
| 1,000 watts to 9.999 Kw   | < 7             | 11  | 5   |
|   | 7 - 30          | $f/0.67$  | $f/1.5$   |
|   | 30 - 300        | 45  | 20  |
|   | 300 - 1500      | $780/\sqrt{f}$  | $364/\sqrt{f}$  |
|   | > 1500          | 20  | 10  |
| 10 Kw plus  | < 7             | 17.5  | 8   |
|   | 7 - 30          | $f/0.4$   | $f/0.91$  |
|   | 30 - 300        | 75  | 33  |
|   | 300 - 1500      | $1300/\sqrt{f}$   | $572/\sqrt{f}$  |
|   | 1500            | 34  | 15  |

**b. Exceptions.** The antenna on any tower or support structure does not have to meet the minimum siting distance from Point A to the habitable areas of structure shown in Table 274-2 if the applicant submits a letter from a qualified licensed engineer showing that the placement of the antennas will not cause any habitable area of a structure to exceed the Federal Communication Commission's (FCC's) limits for human exposure to radio frequency electromagnetic fields.

**Findings:** The antennae will operate at less than 100 watts ERP, and thus the top of the antennae are required to be at least 10'-0" feet from habitable space (Point A) and the bottom of the antennas are required to be at least 3'-0" feet from habitable space (Point B), per Table 274-2. The applicant proposes that the top of the antennas are mounted 10'-0" above the habitable space and the bottom of the antennas will be no less than 3'-0" from the habitable space of the building. *This criterion is therefore met.*

**11. Mounting device.** The device or structure used to mount facilities operating at 1,000 watts ERP or less to an existing building or other non-broadcast structure may not project more than 10 feet above the roof of the building or other non-broadcast structure.

**Findings:** Some equipment will be contained within two new faux chimney shroud structures and not mounted individually on building elements or freestanding poles. The criterion does not apply to these two new shrouds. Two additional antennas will be mounted to the west wall of an existing rooftop penthouse. The tops of these antennas will be 3'-7" above the building roof. *This criterion is therefore met.*



**D. Additional requirements in OS, R, C, and EX zones and EG and I zones within 50 feet of an R zone.**

1. **Purpose.** These additional regulations are intended to ensure that facilities operating at 1,000 watts ERP or less have few visual impacts. The requirements encourage facilities that look clean and uncluttered.
2. **Standards.** In addition to the regulations in Subsection C., above, facilities operating at 1,000 watts ERP or less located in OS, R, C, or EX zones or EG or I zones within 50 feet of an R zone must meet all of the following standards:
  - a. **Antennas mounted on towers.** Triangular “top hat” style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicell style top cylinder, or other similar mounting technique that minimizes visual impact.

**Findings:** The proposal is to mount the antennas on an existing building. No new tower is proposed. *Therefore, this criterion does not apply.*

- b. **Antennas mounted on existing buildings or other non-broadcast structures.** This standard only applies to facilities located in OS or R zones or within 50 feet of an R zone. The visual impact of antennas that are mounted to existing buildings or other non-broadcast structures must be minimized. For instance, on a pitched roof, an antenna may be hidden behind a false dormer, mounted flush to the facade of the building and painted to match; mounted on a structure designed with minimal bulk and painted to fade into the background; or mounted by other technique that equally minimizes the visual impact of the antenna. The specific technique will be determined by the conditional use review.

**Findings:** As previously discussed under criterion 33.815.225 A.1, the proposal involves construction of two new rectangular chimney-like equipment shrouds that contain two antennas each, plus two antennas mounted to the west wall of an existing penthouse. While the antennas within the shrouds will not be visible, the shrouds themselves are an atypical form for this building at their proposed heights of 12'-0" above the roof. The proposed chimneys are not designed for minimal bulk due to their height which is driven by the requirements of the antennas inside, and due to the exposed angled support legs. These new elements will be visible from the surrounding streets and higher buildings and will visually compete with and detract from the distinctive Jacobethan-style architectural features of Lucretia Court. The two antennas mounted to the west façade of the penthouse can be visually minimized by painting them to match the building. However, they also must be flush-mounted. The applicant's drawing RF-1 (see Exhibit C-15) shows the antennas in a typical arrangement, tilted away from the wall. This tilting is common in these types of installations around the city and makes the antennas much more visible as they become their own mass that casts shadows onto the walls behind.

*As stated above, this criterion is not met with this proposal. If the antenna shrouds were no taller than the flat roof portion of either penthouse, designed to be wide enough to not require exposed angle support, enclosed by a smooth or lightly textured panel system in place of faux brick material, and if the two painted antennas could not be tilted away from plane of the south penthouse wall, and did not extend below the top of the parapet, this criterion could be met.*

- c. **Lattice.** Lattice towers are not allowed.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, this criterion does not apply.*

**E. Additional requirements in R zones.** The minimum site area required for a tower in an R zone is 40,000 square feet. This regulation must be met in addition to the regulations in Subsections C. and D., above.

**Findings:** The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, this criterion does not apply.*

## [2] HISTORIC RESOURCE REVIEW

### Chapter 33.846.060 - Historic Resource Review

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is located within the Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

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

#### **Historic Alphabet District Addendum Approval Criteria**

**1. Historic Changes.** Most properties change over time; those changes that have acquired historic significance will be preserved.

**Findings:** No changes to the building that may have acquired historic significance over time will be affected by this proposal. *This guideline is therefore met.*

**2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement which is in the Historic Alphabet District: Community Design Guidelines Addendum document dated September 5, 2000, and concludes as follows: Historic Alphabet District stands as an excellent example of an exclusive community composed of many of Portland's influential leaders during the late 19<sup>th</sup> and early 20<sup>th</sup> century. It also endures as an intact representation of the development of high-quality multi-family housing in the city of Portland, with a number of apartment buildings and residential hotels in the area. Indeed, the Historic Alphabet District is unique in Portland for its concentration of early 20<sup>th</sup> century multi-family structures designed in a variety of architectural styles. Given that context, the Historic Alphabet District reveals itself as an integral component to a study of Portland's history.

**3. 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. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

**Findings for 2 & 3:** The new faux-brick chimney antenna shrouds will be constructed of RF-transparent material printed to look like bricks. The other equipment will all be made of new materials as well, and so will the vertical metal chase attached to the northwest chimney. These new materials and equipment will have a less weathered appearance than original materials on the building. The equipment forms are also new details not present

on the original building. These qualities of the installation will allow it to remain differentiated from historic materials. No historic materials are being removed or replaced with this proposal.

While the vertical chase attached to the northwest chimney and the accessory equipment located within three feet of the roof deck are appropriately scaled, organized, and located on the penthouses and roof, the tall faux chimney forms and tilted west penthouse wall antennas are not compatible with the historic qualities of the district. Namely these new elements will be quite visible from surrounding areas due to the exposed side and rear walls and the surrounding topography leading up into the west hills. The size and visibility of these modern additions to Lucretia Court will detract from the experience of the Alphabet Historic District as a concentration of high-quality historic buildings.

*As stated above, these guidelines are not met by three elements of this proposal – the two faux-brick chimney-shaped antenna shrouds and the west penthouse panel antennas. If the faux-brick chimney-shaped antenna shrouds were no taller than the flat roof portion of either penthouse, designed to be wide enough to not require exposed angle support, enclosed by a smooth or lightly textured panel system in place of faux brick material, they could meet the approval criteria. If the two panel antennas mounted to the west wall of the penthouse could not be tilted away from plane of the penthouse's west wall, and if the two antennas did not extend below the top of the parapet, they could meet the approval criteria.*

### **Community Design Guidelines**

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

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

**Findings for P2 & D7:** The subject property is located within the Alphabet Historic District very close to the southern boundary along West Burnside Street. The building, Lucretia Court, was built in 1910 early in the Secondary Contributing period of historic significance (1906-1940). Lucretia Court is a fine example of a period-revival style mid-rise apartment building that is one of the defining characteristics of this historic district. The building has had no major exterior renovations or additions so it remains an intact example of Jacobethan-revival architecture. The existing rooftop features including the chimney, penthouse, elevator penthouse, ladders, miscellaneous vents, and cupolas would have all been part of the original building design. While some of the smaller elements such as vents and ladders may have been swapped out for new ones, and other features like cupolas may have been repaired, the original architecture of the building, and hence its positive contribution to the district as a whole remains virtually unaltered since its construction.

The proposal for a new rooftop RF facility, specifically the two faux-brick chimney antenna shrouds with their exposed support legs, and the two antennas mounted onto the west wall of the penthouse, is not an appropriate addition to this historic building or district. The chimney shrouds and penthouse antennas will be visible from many blocks away due to the shroud height and the antenna that will extend below the parapet line onto the body of the building and tilt away from the building wall. However, faux material finishes are not in keeping with this historic district so the faux-brick shroud material does not fit into the neighborhood. These modern insertions onto the small roof area and penthouse walls of this L-shaped building will create a level of visual clutter that detracts from the experience of the Alphabet Historic District apartment buildings. They are not features seen on other historic buildings in the area.

Other elements of the proposal, such as the vertical metal chase attached to the original NW chimney and the accessory equipment on the roof and held to three feet or less above the roof deck is either well integrated into the building design, as with the vertical chase, or will not be highly visible from the surrounding area. These elements of the proposal do meet the intent of this guideline to allow the integrity of the Alphabet Historic District to remain intact.

*As stated above, these guidelines are not met by three elements of this proposal – the two faux-brick chimney-shaped antenna shrouds and the west penthouse panel antennas. If the faux-brick chimney-shaped antenna shrouds were no taller than the flat roof portion of either penthouse, designed to be wide enough to not require exposed angle support, enclosed by a smooth or lightly textured panel system in place of faux brick material, they could meet the approval criteria. If the two panel antennas mounted to the west wall of the penthouse could not be tilted away from plane of the penthouse’s west wall, and if the two antennas did not extend below the top of the parapet, they could meet the approval criteria.*

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

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

**Findings for D6 & D8:** The proposed two faux chimneys and two penthouse wall-mounted antennas do not respect the original character of Lucretia Court. Important architectural features of such as the two distinctive front pediments will become less primary elements if the chimney shrouds remain at their proposed heights and if the steel support legs remain exposed. The clear horizontal line created between the brick bays and the window bays on the west façade will be blurred by the extension of two new antennas below the line of the roof deck. While the proposed materials of steel, RF-transparent panels, metal coax chase, and antennas are all durable and of long lasting quality, the size and location of the two faux chimneys and two penthouse-mounted antennas do not form a cohesive composition with the original building architecture. For these reasons, the proposed RF facility addition of two faux chimneys and two wall-mounted antennas is not an addition that is compatible in scale, proportion, or character with the existing building.

*As stated above, these guidelines are not met by three elements of this proposal – the two faux-brick chimney-shaped antenna shrouds and the west penthouse panel antennas. If the faux-brick chimney-shaped antenna shrouds were no taller than the flat roof portion of either penthouse, designed to be wide enough to not require exposed angle support, enclosed by a smooth or lightly textured panel system in place of faux brick material, they could meet the approval criteria. If the two panel antennas mounted to the west wall of the penthouse could not be tilted away from plane of the penthouse’s west wall, and if the two antennas did not extend below the top of the parapet, they could meet the approval criteria.*

## 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 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

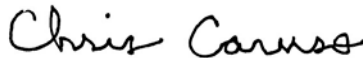
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to

convey historic significance. With further development of three elements of the proposal namely the two faux-brick chimney antenna shrouds and the antennas mounted to the west wall of the penthouse as stated in the decision findings, the proposal could meet the applicable Historic Resource Review criteria. The remaining elements of the proposal including the vertical coax chase at the NW corner chimney and other accessory equipment do meet the approval criteria. However, at this time the entire proposal does not meet the applicable Historic Review criteria and is therefore not approvable.

## ADMINISTRATIVE DECISION

Denial.

**Staff Planner: Chris Caruso**



**Decision rendered by:** \_\_\_\_\_ **on January 12, 2015**

By authority of the Director of the Bureau of Development Services

**Decision mailed: January 15, 2015**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on March 5, 2014, and was determined to be complete on **September 9, 2014**.

*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 5, 2014.

*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, because of the federal mandate imposed by the FCC, via Declaratory Ruling [WT Docket No. 08-165] the applicant has NOT extended the FCC 'shot clock'.

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| Unless further extended by the applicant, <b>the FCC 'shot clock' will expire on:<br/>MARCH 8, 2015.</b> |
|--|

**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.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 29, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

### EXHIBITS

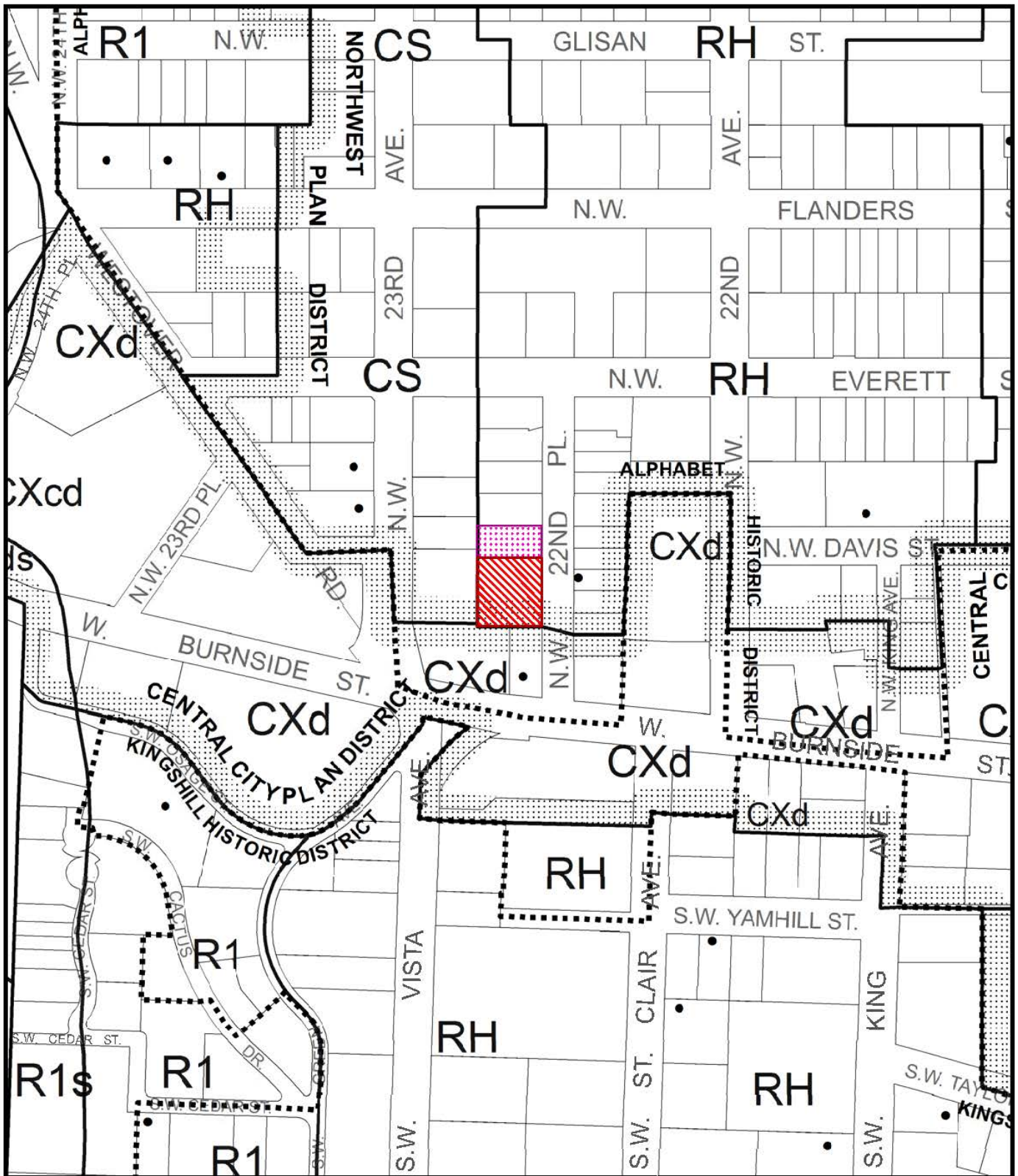
NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Information
  - 1. Design Narrative
  - 2. Radio Frequency Transmission Facilities Registration Form
  - 3. Non-Ionizing Electromagnetic Exposure Analysis and Engineering Certification
  - 4. Drawing Set – original submittal
  - 5. Extension of Review Period, April 22, 2014
  - 6. Alternate Design Options
  - 7. Alternate Design Options
  - 8. Extension of 120-Day Review Period, October 3, 2014
  - 9. Alternate Design Options
  - 10. Extension of Review Period, November 6, 2014
  - 11. Email from applicant, December 12, 2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Cover Sheet
  - 2. General Notes and Symbols
  - 3. Survey
  - 4. Site Plan (attached)

5. Proposed Roof Plan
  6. Enlarged Equipment Plan
  7. Existing West Elevation
  8. Proposed West Elevation (attached)
  9. Existing North Elevation
  10. Proposed North Elevation (attached)
  11. Existing South Elevation
  12. Proposed South Elevation (attached)
  13. Existing East Elevation
  14. Proposed East Elevation (attached)
  15. Antenna Configurations
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Staff sketch over roof plan
  2. Email between staff and applicant, April 23, 2014
  3. Email between staff and applicant, December 10, 2014
- F. Correspondence:
1. John Barger, January 8, 2015 email – Against the proposal.
- G. Other:
1. Original LU Application
  2. Incomplete Letter

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





# ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
**ALPHET HISTORIC DISTRICT**  
**NORTHWEST PLAN DISTRICT**

File No. LU 14-123583 HR,CU  
 1/4 Section 3027  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33CA 3500  
 Exhibit B (Mar 07,2014)



BY ANY STATE, FEDERAL, COUNTY OR CITY. ALL DIMENSIONS AND ANGLES, COORDINATES OF ANY ERECTION OR CONSTRUCTION SHALL BE DETERMINED BY THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

| ZONING   |                               |
|----------|-------------------------------|
| 1        | -                             |
| 2        | -                             |
| 3        | -                             |
| 4        | 12/05/14 REVISED DESIGN       |
| 5        | 10/22/14 REVISED PER COMMENTS |
| 6        | 10/17/14 ISSUED FOR REVIEW    |
| 7        | 9/17/14 ISSUED FOR REVIEW     |
| 8        | Date Revision                 |
| Current: |                               |

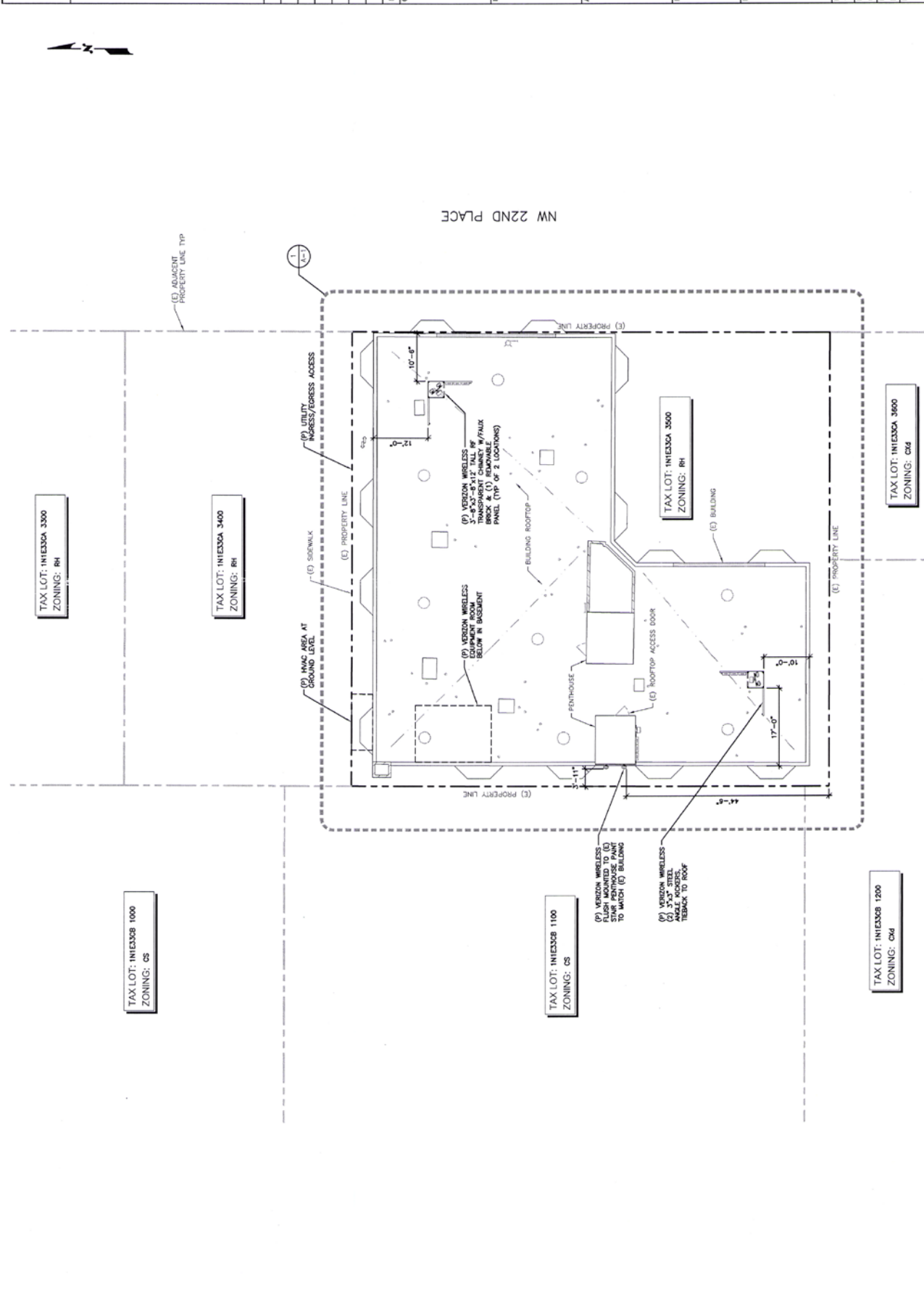


**MP**  
MORRISON HERSHFIELD  
10000 NE 4TH STREET, SUITE 400  
BELLEVUE, WA 98004 Tel: 425.451.1301 Fax: 425.451.1399  
www.morrisonhershfield.com

Project Info:  
POR  
VISTA RIDGE  
311 NW 22ND PL  
PORTLAND, OR 97210

Drawing Title:  
SITE PLAN

|                  |                         |
|------------------|-------------------------|
| Project Number:  | 7130028                 |
| Date:            | 8/06/13                 |
| Designer:        | SV                      |
| Project Manager: | Professional of Record: |
| Revision No:     | RL                      |
| Sheet No:        | C-1                     |











Protect Info

**Brewing Title:**

| Category | Sub-category | Value |
|----------|--------------|-------|
| Total    | ...          | ...   |
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|          | ...          | ...   |

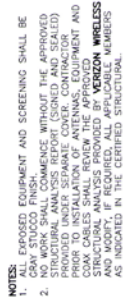
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|------------------|------------------------|
| Project Manager: | Professional of Record |
|------------------|------------------------|

|              |           |
|--------------|-----------|
| Revision No: | Sheet No: |
|--------------|-----------|

D. A-8



22"x34" SCALE: 1/8" = 1'-0"  
11"x17" SCALE: 1/16" = 1'-0"

LA 14-123583 HR CU EXH.C-12