



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

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Date: November 4, 2016
To: Interested Person
From: Megan Sita Walker, 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 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 16-129919 HR – NEW WIRELESS FACILITY CONCEALED IN FAUX WATER TOWER

GENERAL INFORMATION

Applicant(s): Emily Estrada
Centerline Solutions
6623 NE 78th Ct, Ste. B-1
Portland, OR 97218

Noah Grodzin
Verizon Wireless
5430 NE 122nd Ave
Portland, OR 97230

Owner: Lex Industries LLC
PO Box 780
Hood River, OR 97031

Site Address: 208-218 SW 1ST AVE

Tax Account No.: R667703990
State ID No.: 1N1E34DC 02700
Quarter Section: 3030

Neighborhood: Old Town-China Town, contact Sarah Stevenson 503-226-4368 x2 or Zach Fruchtengarten 503-227-1515.

Business District: Old Town Chinatown Business Association, contact at chair@oldtownchinatown.org.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Old Town/Chinatown

Other Designations: Contributing Resource in the Skidmore/Old Town Historic District, a Historic Landmark registered with the National Register of Historic Places.

Zoning: CXd – Central Commercial with Design Overlay and Historic Resource Protection Overlay

Case Type: HR – Historic Resource Review

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Resource Review approval to install a new stealth wireless facility on the roof of the historic Old Portland Machine Company building, a 3-story structure, located at 208 SW 1st Avenue built in 1895. The Old Portland Machine Company building, also known as the 208 Building, is a contributing building in the Skidmore/ Old Town Historic District, listed in the National Register of Historic Places on December 6, 1975. The proposed faux water tower consists of a fiber reinforced plastic (FRP) “tank” approximately 10’ in diameter and 9’-6” tall supported by a 7’-9” tall steel structure, for a maximum total height of 17’-3” from the surface of the roof deck to the top of the tower. The faux water tower and associated steel structure are proposed to be set back approximately 19’-6” from the south roof edge abutting an adjacent 2-story landmark building (the Seufert Building, built in 1889), and are proposed to be set back approximately 14’-6” from the west roof edge fronting onto SW 1st Avenue, a MAX light rail line, Major Transit Priority Street, and Community Main Street.

Within the new faux water, the following equipment is proposed:

- Six (6) new antennas
- Six (6) Remote Radio Units (RRU’s) mounted behind each antenna
- Three (3) new surge protectors mounted behind antennas

The remaining equipment associated with the new wireless facility is proposed to be located in the basement of the building and the hybrid cable routes are proposed to be routed across the roof, down through an existing masonry chimney.

Historic resource review is required because the proposal is for exterior alteration of a building in the Skidmore/ Old Town Historic District.

Note: Since the Notice of Proposal was mailed out on September 21, 2016, the proposed RF shroud made to resemble a water tower has been reduced from approximately 14’ in diameter to 10’ in diameter, and the number of antennas and RRUs proposed has been reduced from 10 to 6.

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:

- *Central City Fundamental Design Guidelines*
- *Skidmore Old Town Historic District Design Guidelines (1988)*

ANALYSIS

Site and Vicinity: The subject property, the historic Old Portland Machine Company building, is located near the northwest corner of the block bounded by SW 1st Avenue and SW Naito Pkwy (formerly SW Front) to the west and east, respectively, SW Pine Street to the north and SW Oak Street to the south in the Skidmore/ Old Town Historic District. This property is a contributing resource in the Skidmore/ Old Town Historic District, listed in the National Register of Historic Places on December 6, 1975, and is directly adjacent to the Landmark Seufert Building to the south. This historic block contains two other Landmark building, the Dielschneider Building and the Fechheimer + White Building to the southeast, and one other contributing building, Hallock + McMillen building which is the oldest brick commercial structure still in its original location in downtown Portland, and is the first building to incorporate cast iron structure in Portland.

The building immediately to the north of the property is a non-contributing building that was constructed in 1983, out of the Skidmore/ Old Town Historic District's period of significance.

The Portland Machine Company building (also known as the 208 Building), is a streetcar era commercial building, designed by an unknown architect and constructed in 1895. The registration form for the Skidmore/Old Town Historic District nomination states the following about the Portland Machine Company building:

This three-story buff colored brick building was constructed for office and retail use. It is distinguished by tri-partite windows, a full-length entablature above the storefront level, and a masonry cornice. Alterations were made to the storefronts and interior of this building in the late 1970s and early 1980s. This property has an easement holding with the Historic Preservation League of Oregon.

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

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design Overlay (d) zone promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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 prior land use reviews include the following:

- **HL 59-76** Land Use Review approval for storefront restoration.
- **HL 8-78** Land Use Review approval for building renovation and a tax freeze.
- **HL 23-88** Land Use Review approval for window installation.
- **EA 15-134663 APPT** Early Assistance appointment for the proposed storefront restoration of Portland Machine Company Building.
- **LU 15-253945 HR** Historic Resource Review approval for façade alterations.
- **LU 16-258773 HR** Historic Resource Review (currently under review) for façade alterations to include seismic bolts on the exterior of the building along the 2nd floor line.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **September 21, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E-1)
- Bureau of Transportation Engineering (Exhibit E-2)
- Site Development Section of BDS (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Life safety Division of BDS (Exhibit E-5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 21, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

Findings: The site is located within the Skidmore/Old Town Historic District. Therefore, the proposal requires Historic Resource Review approval. The relevant approval criteria are the *Skidmore/Old Town Historic Design Guidelines (1988)* and the *Central City Fundamental Design Guidelines*.

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

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

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

Historic Skidmore/Old Town Design Guidelines (1988)

General Guidelines: Alterations and Additions to Historic Landmarks, Potential Landmarks, and other Compatible Buildings

A. Retention of Original Construction. So far as practicable, all original exterior materials and details shall be preserved.

Findings: No changes to the building that involve the removal of original exterior material are currently proposed. *This guideline is met.*

C. Height. Additional stories may be added to historic buildings provided that the following are addressed:

- The added height complies with requirements of the building and zoning codes. The Historic District has a FAR (Floor Area Ratio) designation of 4:1. The FAR may be increased to 5:1 if the 1:1 increase is for residential only. This residential bonus was established to stimulate new housing construction in order to enhance the vitality and economy of Downtown.
- The added height does not exceed that which was traditional for the style of the building. Example: Portland's cast iron buildings did not exceed four stories. The majority of Portland's masonry buildings did not exceed six stories.
- The added height does not alter the traditional scale and proportions of the building style.
- The added height is visually compatible with adjacent historic buildings.

D. Width. Horizontal additions may be added to historic buildings provided that the following are addressed:

- The width of the addition does not exceed that which was traditional for the building style.
- The addition maintains the traditional scale and proportion of the building style.
- The addition is visually compatible with adjacent historic buildings.

E. Visual Integrity of Structure. The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements shall be maintained. Such structural lines should be restored if previous alterations have substantially changed such elements.

- The modulation of building facades was determined by lot parceling. Generally, buildings were built at 25, 50 or 100-foot widths. Within those general building widths, the building was further divided into smaller bay storefront systems.
- Where structural lines cannot be carried to the ground, integrate the upper and lower floor design with color, materials and form simplicity.

F. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solids (i.e. openings such as doors and windows to walls and column elements) shall be visually compatible with the traditional architectural character of the Historic District. An important element within the Historic District was the emphasis on the pedestrian scale activities, which were characterized with the addition of canvas awnings or permanent canopies. This defined an important scale and proportion element of the District and to the extent possible, this relationship at pedestrian level should be re-established within the District.

Findings C, D, E, and, F: The Skidmore/ Old Town Historic District Design Guidelines, state that "all buildings should be recognized as products of their own time. Alterations to

create an appearance inconsistent with the actual character of the building should be discouraged". The current proposal includes the installation of a new stealth wireless facility on the roof of the historic Old Portland Machine Company building, a 3-story structure built in 1895, located at 208 SW 1st Avenue. The Old Portland Machine Company building, also known as the 208 Building, is a contributing building in the Skidmore/ Old Town Historic District, listed in the National Register of Historic Places on December 6, 1975. The proposed faux water tower consists of a fiber reinforced plastic (FRP) shroud made to resemble a tank approximately 10' in diameter and 9'-6" tall supported by a 7'-9" tall steel structure, for a maximum total height of 17'-3" from the surface of the roof deck to the top of the tower. The faux water tower and associated steel structure are proposed to be set back approximately 19'-6" from the south roof edge abutting an adjacent 2-story landmark building (the Seufert Building, built in 1889), and are proposed to be set back approximately 14'-6" from the west roof edge fronting onto SW 1st Avenue, a MAX light rail line, Major Transit Priority Street, and Community Main Street. Six antennas and associated equipment are proposed to be concealed inside the new shroud and the remaining equipment associated with the new wireless facility is proposed to be located in the basement of the building with hybrid cables routed across the roof and down through an existing masonry chimney.

While the proposal does not include a vertical or horizontal addition that adds floor area, the proposed faux water tower consists of a fiber reinforced plastic (FRP) tank approximately 10' in diameter and 9'-6" tall supported by a 7'-9" tall steel structure, for a maximum total height of 17'-3" from the surface of the roof deck to the top of the tower. This element adds mass to the top of the roof that will be highly visibly from the adjacent rights-of-way and does not respond to the massing of traditional rooftop additions commonly seen on a building of this size in the District, such as stair overruns or mechanical penthouses.

As proposed, the inclusion of a rooftop element of this size and placement does not meet the guidelines above and is not supportable. If the massing of the proposal was reduced to the height and width of similar roof top elements that are common on building of this size in the District, and if the proposed antennas and shroud were located with a significant setback from both the west and south property lines (along SW 1st and adjacent to the Landmark Seufert Building, respectively) so that alterations were not visible from the adjacent rights-of-way, the proposal could potentially meet the approval criteria.

For the reasons stated above, these approval criteria are not met. The proposed massing and the proximity of the antennas and shroud to both the south and west roof edges ensure high visibility from adjacent rights-of-way, which have an impact on both the resource and the District as a whole in terms of detracting from the pedestrian environment, compromising architectural integrity, and detracting from the experience of the Skidmore/ Old Town Historic District, one of only two nationally listed Historic Landmarks in the City. *Therefore, these guidelines are not met.*

G. Exterior Building Materials. Most of the buildings within the District were constructed of bearing wall brick masonry (left exposed or covered with plaster), or stone. This feature gives the area much of its textual surface character. Surfaces need to be treated, repaired, and maintained in a manner which is sympathetic to the District.

1. Walls

- Original building materials shall be preserved wherever possible. Cleaning and/or repointing masonry is preferred over replacement.
- If masonry has to be replaced, repair or replace existing masonry with masonry of matching color, texture, size, coursing. Avoid using "used" brick in replacement. This conflicts with traditional masonry surfaces.
- Mortar should match the color and joint configuration of the existing masonry wall.
- Masonry was painted to seal soft bricks from the weather or painted later for other reasons. Where soft brick surfaces are found to be painted, surfaces should not be stripped but should be repainted.

- Plastered surfaces should be cleaned, repaired with a similar plaster texture and repainted. Avoid exposing brick to the weather by removing finish plaster as this will speed deterioration of the brick.
- Do not apply artificial and/or inappropriate coverings to masonry surfaces. Examples are metal, plastic or wood sidings.

H. Rear and Side Walls. Generally, the standards which apply to the fronts of buildings also apply to rear and side walls, although the conditions to meet are usually much more simple. The chief concern lies with the removal of redundant additions to each building including signs, pipes, non-functioning stacks, grills, television aerials, etc. The repair and repointing of brick or masonry, painting of wood or certain masonry surfaces, and an effort to coordinate and subdue the clutter of the mechanical equipment are all recommended.

Findings: The proposed faux water tower consists of a fiber reinforced plastic (FRP) tank that is stamped and colored to look like aged wood. The proposed use of this material, is not commonly seen in the District and therefore does not meet the approval criteria. In addition, the proposal seeks to add rooftop equipment and increase the visibility of that equipment's screening rather than subdue its presence.

The installation of a faux-wood water tower-shaped antenna shroud on a contributing building in the District introduces an artificial material into the district and in a manner that is not responsive to this building's history. *Therefore, these guidelines are not met.*

Central City Fundamental Design Guidelines

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

Findings: The site is located in the Downtown Subdistrict of the Central City Plan District. The Downtown Subdistrict Plan states, "the relationship a new structure has with adjacent existing buildings can be in or out of tune with the area. A building which is designed without considering its ability to complement its neighbors may damage the identity of its area."

The proposal for a new rooftop RF facility, specifically one utilizing a faux water tower antenna shroud with exposed steel support legs that is highly visible from the street, is not an appropriate addition to this historic building. No evidence exists that water towers were historically located on the roof of this building. Therefore, staff does not believe that the proposal builds on the area's character in an appropriate way. The proposed faux water tower shroud will extend a maximum of 17'-3" from the top of the roof deck to the top of the tower, and will be visible from many blocks away due to the shroud height and the placement of the structure on the roof. The insertion of this large element, placed in a way to be visible from the street will create a level of visual clutter that detracts from the experience of the resource in the Skidmore/ Old Town Historic District. The proposal does not meet the intent of the guidelines, which is to allow the integrity of the District to remain intact. *Therefore, these guidelines are not met.*

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings: The current proposal includes the continued reuse the Old Portland Machine Company Building, a contributing building in the District, and no alterations are proposed to remove material. *Therefore, this guideline is met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

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.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

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.

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

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 A8, B2, C1, C2, C3, C4, C5, and C11: As noted above, this site is located in the Downtown Subdistrict of the Central City Plan District. The Downtown Subdistrict Plan states, "the relationship a new structure has with adjacent existing buildings can be in or out of tune with the area. A building which is designed without considering its ability to complement its neighbors may damage the identity of its area."

It should be noted that it is the applicant's intent to replicate a RF transparent rooftop "tank" that was approved through a Type II Historic Resource Review in 2015 (case # LU 15-156816 HR) on the United Carriage Building, a Landmark located at SW 2nd Avenue and SW Pine Street. For this previous case, evidence was provided documenting that the United Carriage Building had historically had water tanks located on its roof, and the intent was made to size and locate the "tank" where a historic tank had been located previously. As stated above, no evidence exists that water towers were historically located on the roof of the Old Portland Machine Company Building.

The rooftop addition proposed is not appropriately sized with respect to utilitarian roof top additions commonly seen on buildings this size in the District, such as stair overruns and mechanical penthouses, and is not placed to limit visibility from adjacent rights-of-way. In addition, the proposal to install a RF transparent shroud that mimics the look of a historic water tower, does not complement the context of existing buildings and does not achieve a coherent composition. As such, the proposed inclusion of a rooftop addition of this size, placed in a way that ensures high visibility from adjacent rights-of-way, is not appropriately sized, and the use of a RF transparent shroud that has been designed to mimic the look of a historic water tower on a building that has never had a water tower, contribute to this proposal not meeting the approval criteria.

The current proposal, for the reasons listed above, does not respect the integrity of the resource (in this case the building itself and the District as a whole), does not complement

the context of existing development, and therefore damages the identity of the area. First Avenue, as described in the most recent update to the *Skidmore/ Old Town Historic District Design Guidelines*, “is the urban spine and “main street” of the district, critical to [the District’s] historic sense of place”. The height and placement of the new elements proposed, ensure that the proposed faux water tower will be quite visible from surrounding areas due to the proximity to SW 1st and the south property line adjacent to the Landmark Seufert Building, which will likely remain the same height, a story lower than the subject resource. SW 1st Avenue is also the western edge of the Skidmore/ Old Town Historic District. As such, the size and visibility of this modern addition to Old Portland Machine Company Building will detract from the experience of the Skidmore/ Old Town Historic District, one of only two nationally listed Historic Landmarks in the City.

The previous Type II Historic Resource Review approval of RF transparent rooftop “tank”, approved in 2015, was substantiated by the fact that there was an existing large stealth RF facility on the roof of that building, and that there was historic evidence of that building having had water towers on its roof. While, these specific factors led to an ultimate approval, success of this installation is debatable.

The installation of a faux-wood water tower-shaped antenna shroud on a contributing building in the District where there is no evidence of the building having had a water tower creates a false sense of history that is specifically addressed in the *Skidmore/ Old Town Historic District Design Guidelines* (General Considerations, Item “F”). In addition, the proposed massing and the proximity of the antennas and shroud to both the south and west roof edges ensure high visibility from adjacent rights-of-way, which have an impact on both the resource and the District as a whole in terms of detracting from the pedestrian environment, compromising architectural integrity, and detracting from the experience of the Skidmore/ Old Town Historic District, one of only two nationally listed Historic Landmarks in the City. *Therefore, these guidelines are not 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 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.

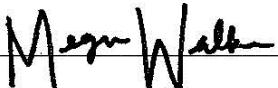
CONCLUSIONS

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. General Consideration, Item F of the *Skidmore/ Old Town Historic District Design Guidelines* state, “all buildings should be recognized as products of their own time. Alterations to create an appearance inconsistent with the actual character of the building should be discouraged”. As stated above, no evidence exists that water towers were historically located on the roof of the Old Portland Machine Company Building. With further development of the proposal, as stated in the decision findings, the proposal to install a new wireless facility on the roof of a contributing building in the Skidmore/ Old Town Historic District could potentially meet the applicable Historic Resource Review criteria. **However, at this time the proposal does not meet the applicable Historic Review criteria and is therefore not approvable.**

ADMINISTRATIVE DECISION

Denial.

Staff Planner: Megan Sita Walker

Decision rendered by:  **on November 2, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 4, 2016

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 3, 2016, and was determined to be complete on August 30, 2016.

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 3, 2016.

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 requested that the 120-day review period be extended by 245 days, see Exhibit A-10. Unless further extended by the applicant, **the 120 days will expire on: August 30, 2017.** The applicant also requested that the FCC Shot Clock be extended by 245 days, see Exhibit A-11. Unless further extended by the applicant, **the FCC Shot Clock will expire on: August 31, 2017.**

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 November 18, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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.

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 Statement

1. Original Project Description & Response to Approval Criteria
2. Revised/ Supplemental Project Description & Response to Approval Criteria, Rec'd 8/30/2016
3. Original Drawing Set – Not Approved/ For reference only
4. Site Photos
5. Revised Drawing Set – Not Approved/ For reference only, Rec'd 8/30/2016
6. Visualization of Revised Proposal, Faux Water Tower (14' Diameter), Rec'd 8/30/2016
7. Site Line Study of Revised Proposal, Rec'd 8/30/2016
8. Visualization of Potential Proposal, Faux Penthouse – For reference only, Rec'd 8/30/2016
9. Visualization of Potential Proposal, Antennas w/o Shroud – For reference only, Rec'd 8/30/2016
10. Request for Extension of the 120-Day Review Period (for an additional 245 days)
11. Request for Extension of the FCC Shot Clock (for an additional 245 days)
12. Letter from E. Michael Connors – Legal Analysis/ Response to Letter of Incomplete Application, Rec'd 8/30/2016
13. Letter from Verizon - Describing how setting any proposed shroud further back on the roof is not feasible, Rec'd 10/3/2016
14. RF Usage and Facility Justification – From Verizon to staff, Rec'd 8/30/2016

B. Zoning Map (attached)

C. Plans/Drawings:

1. Title Sheet
2. Site Plan (attached)
3. Enlarged Site Plan (attached)
4. Roof Plan (attached)
5. Basement Plan
6. Proposed Northwest & Southeast Elevations (attached)
7. RF Transparent Shroud Specifications

D. Notification information:

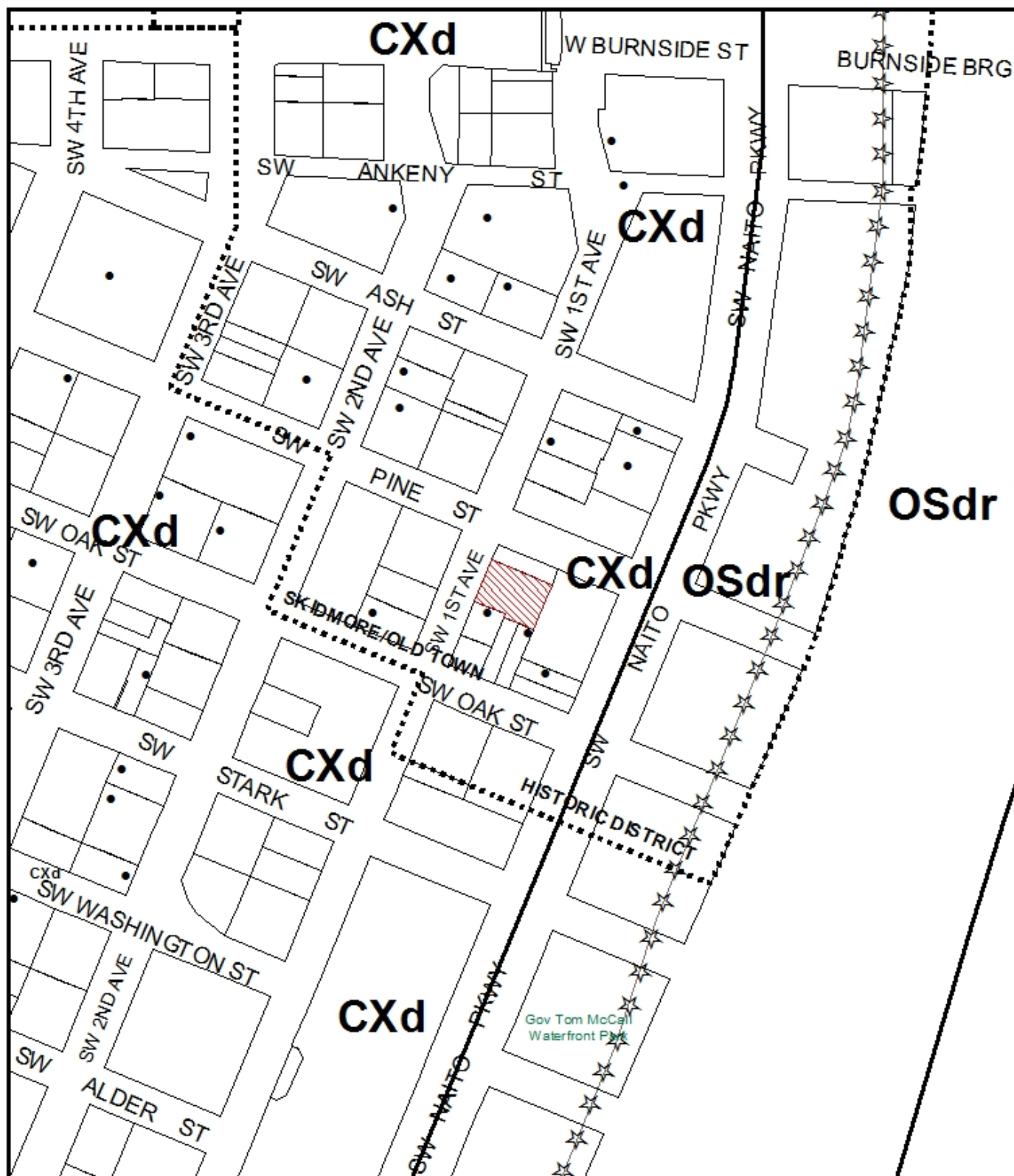
1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering

3. Site Development Section of BDS
 4. Fire Bureau
 5. Life safety Division of BDS
- F. Correspondence: none
- G. Other:
1. Original LU Application
 2. Sanborn Maps (1889, 1901, 1908-09, 1908-50)
 3. Oregon Historic Site Record
 4. HRI Form
 5. Incomplete Letter from staff to applicant, sent 4/1/2016




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

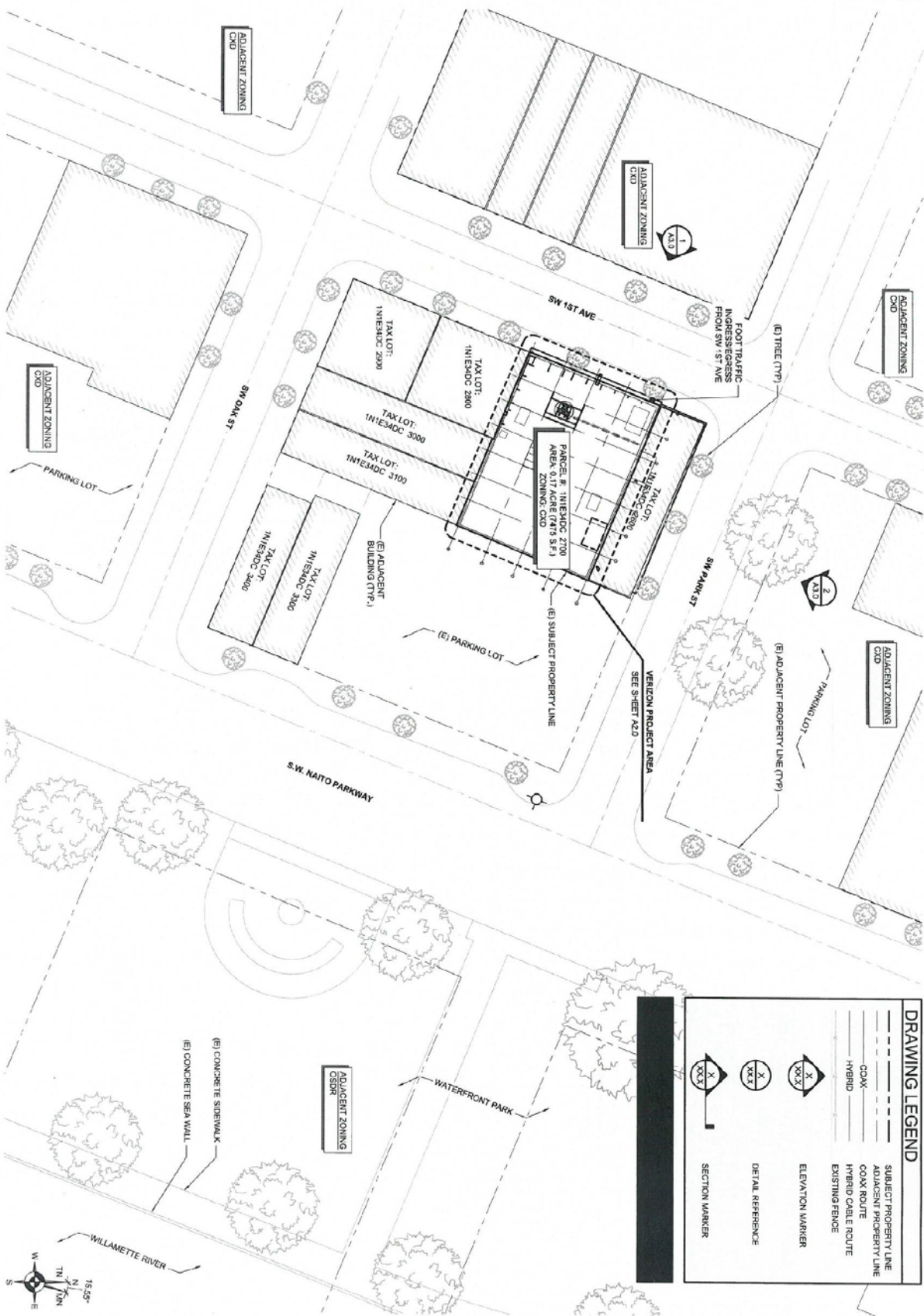


This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 OLD TOWN/CHINATOWN SUBDISTRICT
 SKIDMORE / OLD TOWN HISTORIC DISTRICT

-  Site
-  Recreational Trails
-  Historic Landmark

File No.	<u>LU 16-129919 CU HR</u>
1/4 Section	<u>3030</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E34DC 2700</u>
Exhibit	<u>B</u> (Mar 04, 2016)

1 OVERALL SITE PLAN



SCALE: 1" = 50'-0" (1:117)
SCALE: 1" = 25'-0" (2:234)

DRAWING LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- COAX ROUTE
- HYBRID ROUTE
- EXISTING FENCE
- ELEVATION MARKER
- DETAIL REFERENCE
- SECTION MARKER

PRELIMINARY

GP PROJECT NO. VERIS 1008-24

NO DATE DESCRIPTION
0 10/25/18 POS CONCEPT

SUBMITTAL

NO	DATE	DESC	DESCRIPTION
0			
1			

SITE NAME:
POR BOSTON

SITE ADDRESS:
246 SW 1ST AVE
PORTLAND OR 97204-4332

SHEET TITLE:
OVERALL SITE PLAN

SHEET NO.
A1.0

EXHIBIT LV 16-129919 HR

SITE NAME:
POR BOSTON

SITE ADDRESS:
208 SW 1ST AVE
PORTLAND, OR 97204-0532

SHEET TITLE
ROOF PLAN

SHEET NO.
A2.1