

## City of Portland, Oregon

## **Bureau of Development Services**

#### **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

**Date:** April 2, 2013 **To:** Interested Person

From: Chris Beanes, Land Use Services

503-823-6979 / Chris.Beanes@portlandoregon.gov

# NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 13-105959 HDZ, ANTENNA REPLACEMENT

AND NEW ANTENNA

#### GENERAL INFORMATION

**Applicant:** Tom McAuliffe, T Mobile West LLC

9301 SW Sagert St Apt 38 / Tualatin OR 97062

**Owner:** Kevin Howard, East Bank Storage

14855 SE 82nd Drive / Clackamas OR 97015

**Site Address:** 215 SE MORRISON ST

**Legal Description:** BLOCK 59 LOT 1-6 HISTORIC PROPERTY 15 YR 2006 POTENTIAL

ADDITIONAL TAX, EAST PORTLAND

**Tax Account No.:** R226503700 **State ID No.:** 1S1E03AA 02900

Quarter Section: 3130

**Neighborhood:** Buckman, contact Susan Lindsay at 503-725-8257.

**Business District:** Central Eastside Industrial Council, contact Peter Fry at 503-274-

1415.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District:Central City - Central EastsideZoning:IG1, General Industrial 1Case Type:HDZ, Historic Design Review

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

Commission.

#### Proposal:

The applicant is seeking Historic Design Review approval for a proposal within the Central City District and on a Historic Landmark to replace four existing antennas located along the cornice of the building with slightly wider antennas. In addition, the applicant proposes addition of a new antenna within a canister on the rooftop. The replacement antennas would be located along the west elevation, facing SE Second Avenue, and along SE Alder Street. The new antenna/canister will be located facing SE Morrison Street.

Proposals for exterior alterations to historic landmarks require Historic Design Review.

#### Relevant Approval Criteria:

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

 Central City Fundamental Design Guidelines  Other Approval Criteria for Historic Landmarks (Section 33.846.060.G of the Portland Zoning Code)

#### **ANALYSIS**

**Site and Vicinity:** The John Deere Plow Company Building is located on a 30,000 square foot site in Portland's Central Eastside Industrial District. The eight-story brick utilitarian building rises above most other structures in the area and is easy viewed from the Morrison Bridge and Grande Avenue. It was built in 1911 and is the largest of the once numerous warehouses in the district.

The building was designated a Historic Landmark in 1989. The Historic Landmark designation protects certain Portland historic resources and preserves signification parts of Portland's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation by recognizing the role historic resources have in promoting the education and enjoyment of those living in and visiting Portland. Proposed alterations to Historic Landmarks must go through a Historic Design Review process (Chapter 33.846).

The building has frontages on SE Morrison Street, SE Alder Street, SE  $2^{nd}$  and  $3^{rd}$  Avenues. SE Morrison Street is a designated Major City Traffic Street, Major Transit Priority Street, and City Walkway. An elevated entrance ramp to the Morrison Bridge runs along the second story of the southern side of the building.

**Zoning:** The IG1 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG1 areas generally have smaller lots and a grid block pattern.

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

- **VZ 137-67 (67-031363)**: A 1967 variance approval to install an illuminated 140'x480' city bulletin approximately 150' above the ramp level and attached to the east side of the building.
- **VZ 242-68 (68-034481)**: A 1969 variance approval to increase the face area of an identification sign from 100 to 4,000 square feet and to have more than one identification sign in an "S" Zone.
- **HL 113-89 (89-005696)**: Approval of a 1989 Designation as a National Historic Landmark.
- **92-00631 DZ (92-009750)**: A 1992 Design Review Approval for a wall sign copy change to read "Portland Storage Co." with the same point size and serif font style as the existing sign.
- **96-00332 DZ (96-013219)**: A 1996 Design Review approval to install an unmanned communication facility of three antenna arrays wall mounted to the roof parapet of an existing eight-story warehouse building and painted to match the building parapet.
- **98-00406 DZ (98-015712)**: A 1998 Design Review approval for three 10-foot tall whip style antennas and 12 panel antennas mounted to the existing elevator penthouse and painted to match the penthouse.
- **05-136543 HDZ**: A 2005 Historic Design Review approval for three new 8-foot tall panel antennas placed in tubes to replace the previously approved whip style antennas, mounted to the penthouse walls and painted to match the penthouse.
- **06-135395 HDZ:** A 2006 Historic Design Review approval for one, 11' tall quadpole antenna, six parapet mounted antennas (4 present and 2 future) and associated

transmitter equipment (3 cabinets total) within an 8-foot tall metal screen painted red on the south side of the penthouse.

• **07-129660 HDZ:** A 2007 Historic Design Review approval for relocation of telecommunication rooftop equipment.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 14, 2013**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- The Bureau of Transportation Engineering
- The Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 14, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

#### ZONING CODE APPROVAL CRITERIA

#### **Purpose of Historic Design Review**

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

#### Historic Design Review Approval Criteria

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

**Findings:** The site is a designated Historic Landmark in the Central City Plan District. Therefore the proposal requires historic design review approval. The relevant approval criteria are Section 33.846.060.G.1-10 and the Central City Fundamental Design Guidelines.

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

#### G. Approval criteria based on the Standards of the Secretary of the Interior:

- **1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;
- **2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;
- **3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved;
- **4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
- **5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
- **7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old:
- **8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural

features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource:

- **9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired; and
- **10. 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.

**Findings for 1-5 and 7-10:** The John Deere Plow Company Building, constructed in 1911, is a historic landmark recognized under National Register criterion A, association with the John Deere Company, and criterion C, as a well preserved example of an early warehouse in the heart of the Central Eastside Historic District. The proposal affects existing proprietary panel antennas mounted on the uppermost horizontal band of the warehouse structure. The dual panel antennas which are associated with the applicant's request are located between the uppermost window band and the parapet. The dual panel antennas to be replaced with new quad antennas are located along SE  $2^{\rm nd}$  and along the SE Morrison Street elevations. All dimensions of the new quad panel antennas will remain the same except for the width of the antenna. Whereas the existing antenna widths are  $6-1/2^{\rm o}$ , the new antennas will be  $11-1/2^{\rm o}$  wide. The height of the panel antennas coincide roughly with the band between the uppermost windows and the parapet, thus minimal change will be apparent to the viewer of the building. For compatibility purposes, the proposed panel antennas should be painted a masonry color to blend in with the existing masonry wall.

Existing pipe mounts to hold the antennas will be reused as the dimensions of the quad antennas coincide with the height of the previously mounted dual antennas, thus no new structural changes will take place to the exterior of the building. New RRU units associated with the new quad antennas will be mounted on the interior side of the parapet, resulting in no change to the visible exterior of the building. The applicant proposes painting the panel antennas a brick color to match the exterior of the masonry building.

A new hex antenna is proposed to be introduced to the rooftop of the building. The location of the new antenna will be along the SE Morrison elevation, towards the southeast corner of the building. An existing quad antenna within an RF canister is to remain, while the new hex antenna will be located nearby. The new hex antenna is to be enclosed in a new canister with a diameter of 26 inches and the same height as the existing canister. The applicant proposes paint to match the existing building and canister. The proposed alterations to the exterior of the building will not result in a loss of historic materials, and architectural integrity will be maintained by minimizing the presence of the panel antennas with location and paint to match the exterior. The new canister will mimic existing rooftop vents on the building, thus minimizing presence as a utilitarian feature of the building. With the condition to blend in and be compatible with existing rooftop mechanical vents, the proposed canister should be painted grey. *These quidelines are therefore met.* 

#### 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.

- **C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- **C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.
- **C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for C2, C3, C5, and C11:** Some components of the proposed exterior alteration will be reused, including existing pipe mounts located at the uppermost horizontal band between the cornice line and top of window frames. The continued durability of the pipe mounts and attachments will allow reuse and minimal disruption to the structure. The logical placement of the antennas between the window frame and cornice band will not be affected by the addition of 5" in width to each of the antennas and no change will occur in vertical dimensions. To blend in with the existing masonry skin of the building, the replacement panel antennas should be painted a matching masonry color.

The canister is designed to blend into existing roof mechanical equipment. The 26" diameter of the canister will be painted grey to distinguish itself as a rooftop mechanical vent, thus architectural integrity will be maintained. The proposed FRP material is durable and used in multiple applications of antenna housing and engineered detailing include anchors and a tripod to house the antenna, built to withstand the elements. The equipment enclosure will continue to provide for a cohesive, quality design that is well integrated in the building's rooftop. With the condition that the canister be painted grey to blend in with existing roof mechanical vents and the panel antennas be painted a masonry color to blend with existing masonry these guidelines can be met. *These guidelines are therefore 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 design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed relocation of the telecommunication rooftop equipment and screen on the John Deere Plow Company Building are well integrated on the roof and façade and will not negatively impact or alter the character the historic building. The design proposed meets the applicable guidelines, and therefore warrants an approval.

#### ADMINISTRATIVE DECISION

Approval of a proposal within the Central City District and on a Historic Landmark to replace four existing antennas located along the cornice of the building with slightly wider antennas and a new hex antenna within a canister on the rooftop. The replacement antennas would be located along the west elevation, facing SE Second Avenue, and along SE Alder Street. The new antenna/canister will be located facing SE Morrison Street.

Approval per the approved site plans, Exhibits C-1 through C-5, signed and dated March 24, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 13-105959 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The new panel antennas and canister must match existing masonry color.
- C. The new canister must be painted grey.

Staff Planner: Chris Beanes

Decision rendered by: \_\_\_\_\_\_ on March 25, 2013

By authority of the Director of the Bureau of Development Services

Decision mailed: April 2, 2013

**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 January 17, 2013, and was determined to be complete on **February 4, 2013**.

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 January 17, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

#### 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 April 16, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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.

**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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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.

#### Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after April 17, 2013.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

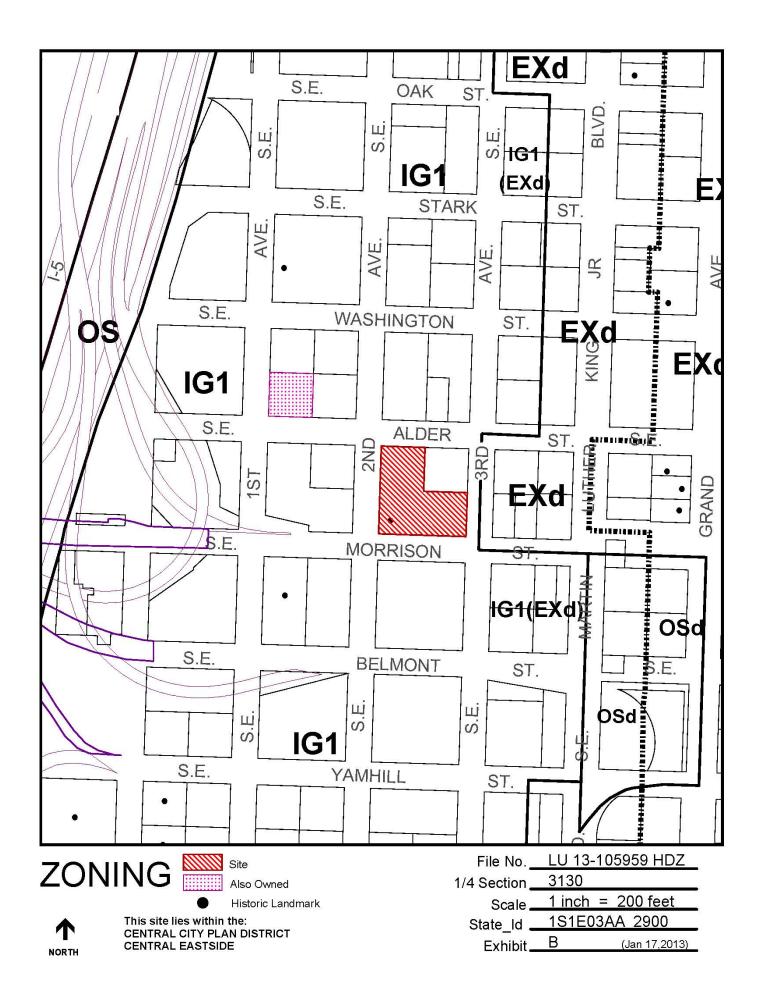
#### **EXHIBITS**

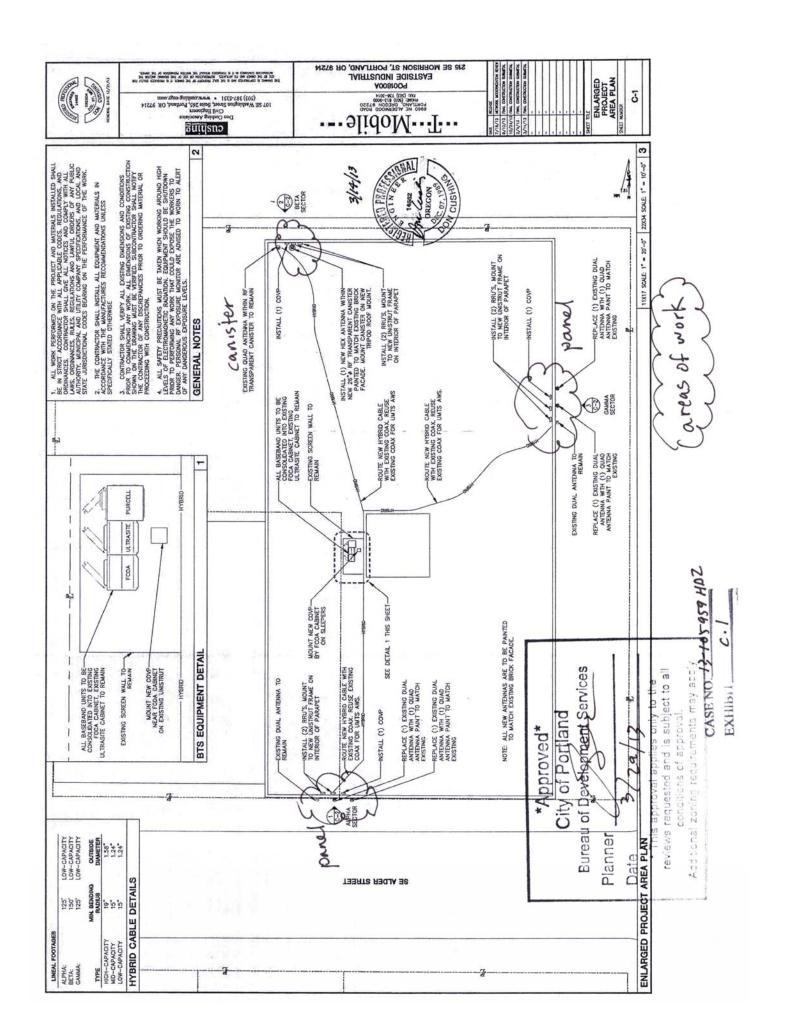
#### NOT ATTACHED UNLESS INDICATED

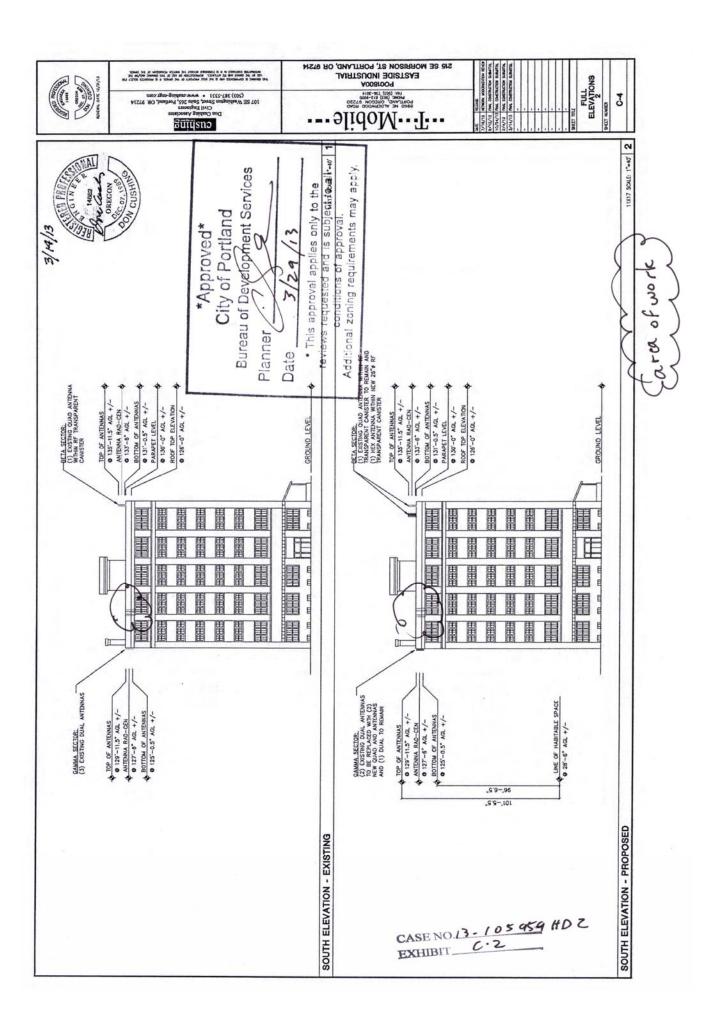
- A. Applicant's Statement
  - 1. NEPA Review
  - 2. SHPO Concurrence
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. South Elevation, existing and proposed (attached)
  - 3. West Elevation, existing and proposed (attached)
  - 4. Panel and Canister Plan and Section views (attached)
  - 5. Antenna Mounting and Equipment Details (attached)
  - 6. 11x17 set
  - 7. Photo Simulations
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none received
- F. Correspondence: none received
- G. Other:
  - 1. Original LU Application

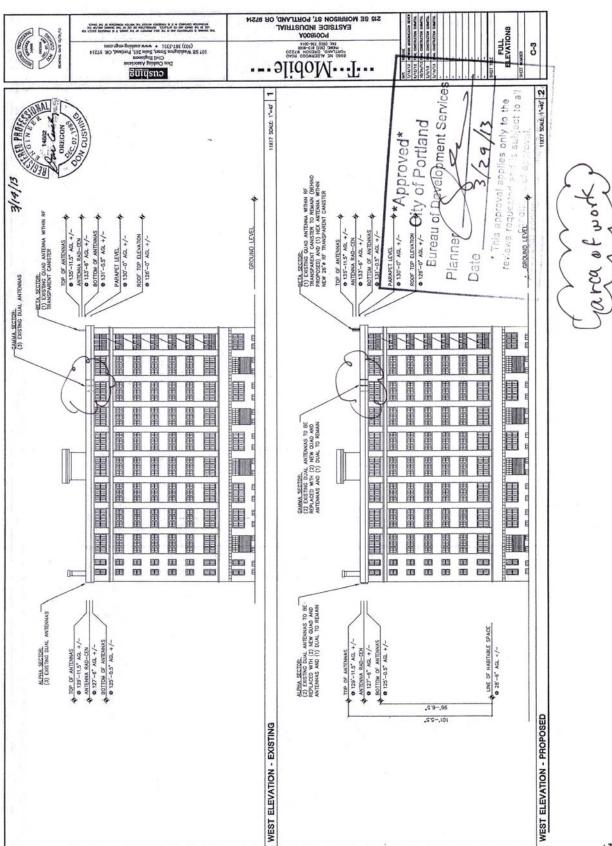
#### 2. Site History Research

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).









CASE NO. 13.105 9 5 9 H DZ EXHIBIT C.3

