



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: January 26, 2022
To: Interested Person
From: Megan Sita Walker, Land Use Services
503-865-6515 / MeganSita.Walker@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 21-11152 HR – MONTGOMERY PARK PERSONAL WIRELESS SERVICE EQUIPMENT ALTERATIONS

GENERAL INFORMATION

Applicant: Courtnee Gomez | Smartlink
3612 SE 168th Ave
Vancouver, WA 98683

Tenant: Kelley Swensen | New Cingular Wireless LLC
19801 SW 72nd Ave
Tualatin, OR 97062

Party of Interest: Hannah Borris | Wireless Policy Group LLC
1420 NW Gilman Blvd #9030
Issaquah, WA 98027

Owner: UPG Montgomery Park Property Owner LLC
1215 4th Ave., Ste 600
Seattle, WA 98161

Site Address: 2701 NW VAUGHN ST

Legal Description: TL 200 11.06 ACRES ALSO SEE SUBS -0291 -0292, SECTION 29 1N 1E

Tax Account No.: R941290290

State ID No.: 1N1E29D 00200

Quarter Section: 2826

Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.

Business District: None

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

Plan District: None

Other Designations: Historic Landmark, Individually listed on the National Register of Historic Places on June 6, 1985

Zoning: EXd – Central Employment with Design and Historic Resource Protection Overlays

Case Type: HR – Historic Resource Review

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

Proposal:

The applicant seeks Historic Resource Review approval for removal and replacement of existing, RF antennas and equipment – currently located on the sign structure and behind the letters of the historic rooftop sign on the Montgomery Park Building. The proposed alterations include the following:

Removal of Existing AT&T Antennas and Equipment. AT&T is proposing to remove all existing AT&T antennas and equipment from the Montgomery Park sign on the building's rooftop, including removal of:

- o Three (3) Alpha sector panel antennas and all related equipment.
- o Three (3) beta sector panel antennas and all related equipment.
- o Three (3) gamma sector panel antennas and all related equipment.

The additional accessory equipment located within the equipment room inside the building is proposed to remain in the equipment room.

Proposed Antennas and Equipment. AT&T proposes to replace and relocate AT&T's antennas and equipment on the Montgomery Park building rooftop antennas as follows:

Alpha Sector - inside wall of north parapet:

- o Three (3) Panel Antennas
- o Five (5) RRHs (Remote Radio Heads)
- o Three (3) Antenna Pipe Masts for mounting antennas and RRHs
- o One (1) DC6 Surge Suppression

Beta Sector - inside wall of south parapet located slightly to west of where originally proposed as a part of the recent Historic Resource Review (LU 21-065094 HR):

- o Three (3) Panel Antennas
- o Five (5) RRHs (Remote Radio Heads)
- o Three (3) Antenna Pipe Masts for mounting antennas and RRHs
- o One (1) DC6 Surge Suppression
- o Mounting hardware

Gamma Sector – at rooftop penthouse structure:

- o Three (3) Panel Antennas
- o Five (5) RRHs (Remote Radio Heads)
- o One (1) DC6 Surge Suppression
- o Frame mounting hardware to side of penthouse
- o 9'6" FRP screen painted to match building

Additional Rooftop Equipment

- o Conduit mounted on sleepers with fiber cables and DC power cables to each new sector location, painted to match rooftop (cables will run from existing equipment room).

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

Relevant Approval Criteria:

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

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: Constructed in 1920 and enlarged in 1936, the Montgomery Ward & Company Building was one of six similar catalog distribution centers developed by the company between 1920 and 1929. The Portland location was chosen for a catalog distribution facility because of Portland's prominence as a transportation hub and the home of a strong, well-educated workforce. The building was designed by W. H. McCauley, an architect in the full-time employ of Montgomery Ward & Company. The building is listed in the National Register of Historic Places under Criterion "A" for its association with the evolution of mail-order retailing. It is also listed under Criterion "C" for its architectural expression as a massive warehousing facility. The building was vacated by the company in 1984. In 1989, the Naito Corporation rehabilitated the building and converted it into office space. At that time, the main entrance was shifted to a glass-enclosed light-well on the west façade. Until that time, the west façade had been the rear façade of the building.

In general, the property is surrounded on the east and north by General and Heavy Industrial (IHk) Zones with area of Central Employment (EXd), General Employment (EG2) abutting the site to the east and north respectively. Across NW Wayward Street to the west and south, the site abuts a small section of General Employment 1 (EG1) and Commercial/Mixed Use 2 (CM2) with a majority of the south frontage abutting Residential 1,000 (R1) zoning. The building is considered the most important example of Reinforced Concrete Utilitarian style architecture in the city. When constructed, it was the largest building in Portland, and one of the largest concrete structures west of the Rockies. It continued to be the largest building in Portland until 1970 when the First National Bank Tower was constructed. By its sheer size relative to its surroundings, the Montgomery Park Building contributes strongly to the neighborhood and the sign structure and signage is a prominent element against Forest Park as a background to the west. The "massive steel-framed roof sign" is noted under Section 8 of the Nomination for being the largest (roof sign) in the City.

To the east of the site are restaurants, cafes. To the west and south is largely residential but also includes the Chapman Elementary School with subsequent open space. The site is served by frequent transit and is also surrounded by designated city bikeways including: NW Nicolai Street to the north, NW Wardway to the west, and NW Vaughn Street to the south. Although the site is not in the NW Pedestrian District, the site is immediately adjacent to the district at the southeast corner.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The Design (d) overlay 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 zone 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 53-85** – Designation of the property through a Type III procedure
- **HL 80-89** – Type Ix approval of “Antennas and Dishes”. Noted, "Site plan, 8/22/89, paint into background, sectors G-4 & G5 set back". No additional information or drawings.
- **HL 81-89** – Type Ix approval of “Antennas and Dishes”. Noted, "paint into background". No additional information or drawings.
- **LUR 96-00331** – Design Review approval with conditions to install an unmanned cellular communications facility consisting of three antenna arrays: two wall mounted to the roof parapet of an existing nine-story office building and one array mounted on the support structure of the existing Montgomery Park sign.
- **LUR 96-00448** – Design Review approval with conditions to install an unmanned cellular telecommunications facility consisting of three "whip-style" antennas mounted on the support structure of the existing Montgomery Park sign.
- **LUR 98-00163** – Design Review approval with conditions to install three 2 inch by 10 feet tall "whip-style" antennas mounted to the roof of the existing mechanical penthouse; All associated electronic equipment housed inside the penthouse and out of view; Two Global Positioning System antennas (2" x 4" x 4"); and One diagnostic antenna (4" x 8" x 4") are to be installed at this time. Future expansion of the facility is approved to consist of up to a maximum of twelve panel style antennas, 1 foot x 4 feet, flush wall mounted to the sides of the existing mechanical penthouse.
- **LUR 00-00770 HDZ** – Historic Design Review approval with conditions to install eleven antennas on three metal pole masts attached to two penthouses on the roof of the historic Montgomery Ward & Company Building.
- **LU 02-126847 HDZ** – Historic Design Review approval to install two new antennas: one 6-inch tall antenna mounted to the top of a pole mount extending no more than 4'-0" above the sign structure, and the second GPS antenna, under 7-inches tall, mounted at the bottom of the same pole mount below the top of the sign structure.
- **LU 05-105768 HDZ** – Historic Design Review approval to install three (3) new PCS antennas within the “Montgomery Park” rooftop sign structure. Three existing antenna sectors will be affected by the proposal. Each sector currently includes two antennas. The proposal is to add one antenna to each of these three existing sectors. The proposed antennas are approximately 4' tall and will be pipe mounted – the application states they will match the existing antennas in size and color.
- **LU 06-100938 HDZ** – Historic Design Review approval to install 3 new antennas and to replace 3 existing antennas (for a total of 6 antennas).
- **LU 07-145772 HDZ** – Historic Design Review approval to install 2 panel antennas and 2 BTS units mounted on an existing penthouse with existing RFR equipment, and painted to match the penthouse; 2 panel antennas with 2 microwave dishes, 2 BTS units, and 1 GPS unit mounted behind the “M” on the existing Montgomery Park sign structure and painted to match; 2 panel antennas and 2 BTS units mounted behind the “K” on the existing Montgomery Park sign structure and painted to match; Replacement of 2 existing pole mounted microwaves on the north end of the rooftop and painted to match the steel pipe pole; and 2 new cable trays mounted on the roof and painted to match.
- **LU 11-135616 HDZ** – Historic Design Review approval with conditions to replace 3 antennas on the Montgomery Park sign which sits atop the Montgomery Ward & Company Building, and is listed on the National Register of Historic Place. Approval includes replacement antennas will include support equipment including 6 RRH units, 3 surge suppression units, a power fiber junction box, and a 19-inch equipment rack.
- **LU 13-167062 HR** – Historic Resource Review approval with conditions of the following at the historic Montgomery Ward & Company building located in the Northwest District neighborhood:
 - One new panel antenna and two new RRUs, at each of the following locations:
 - Building parapet at northeast corner of rooftop; antenna located on outer part of parapet and RRUs located on inner part of parapet;

- Building parapet at southeast corner of rooftop; antenna located on outer part of parapet and RRUs located on inner part of parapet;
- On rooftop sign structure, behind letter “R” of “MONTGOMERY”; and
- Two new support cabinets, one with a GPS unit attached to it, on existing support cabinet platform
- **LU 14-138147 HR** – Historic Resource Review approval with conditions of alterations to the Montgomery Ward building, a Historic Landmark listed in the National Register of Historic Places. Alterations include:
 - Replacement of one Radio Frequency Antenna and RRU on the back of the “Y” on the “Montgomery Park” sign;
 - Installation of one Radio Frequency Antenna and RRU on the back of the “R” on the “Montgomery Park” sign; and
 - Replacement of two Radio Frequency Antennas and RRUs on the south side roof parapet
- **LU 14-230793 HR** – Historic Resource Review approval with conditions of the following at the historic Montgomery Ward & Company building located in the Northwest District neighborhood:
 - Replace six of the nine existing wireless panel antennas
 - Add two new wireless panel antennas (for an end total of eleven (11) wireless panel antennas)
 - Add five Remote Radio Units (RRUs)
 - Add four DC Surge Suppressors: 2 of these are proposed to be located inside the existing Verizon equipment shelter in the existing penthouse.
 - Add twelve diplexers:
 - 6 within the structural supports of the rooftop lettering, similar to the previously mentioned RF equipment
 - 6 are proposed to be located inside the existing Verizon equipment shelter in the existing penthouse.
- **LU 16-273445 HR** – Historic Resource Review approval with conditions for alterations to sign mounted antennas and equipment to include the following:
 - Replace eight (8) existing antennas with eight (8) new panel antennas;
 - Remove three (3) lines of 7/8” coax cable;
 - Install sixteen (16) Remote Radio Units (RRUs);
 - Install two (2) OVPs; and
 - Install one (1) hybrid cable.
- **LU 18-162238 HR** – Withdrawn Historic Resource Review application for a similar scope of work as the current proposal.
- **LU 18-270955 HR** – Partially approved Historic Resource Review for: Alterations associated with the “Gamma Sector”
 - Removal of existing antenna and associated equipment;
 - Installation of (2) new panel antennas;
 - Installation of two (2) new RRUs; and
 - Installation of a new RF shroud to match the existing penthouse.
- **LU 21-065094 HR** – Original Historic Resource Review approval with Conditions B-F for the scope of current work prior to revisions in location.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 21, 2021**. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 21, 2021**. 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 33.846.060 - 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 a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore, the proposal requires Historic Resource Review approval. The approval criteria are those listed in 33.846.060 G – *Other Approval Criteria*.

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

33.846.060 G - Other Approval Criteria

- 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.

Findings: The proposed removal of existing antennas and equipment and installation of the proposed two (2) new antennas and RF transparent shroud associated with the “Gamma Sector”, retain and preserve the historic character of the individually listed Montgomery Ward & Company Building by integrating proposed antennas with existing rooftop elements, thus limiting views of the proposed antennas and visual clutter, effectively concealing them and responding to the simplicity and uniform spacing of the significant reinforced concrete frame of the resource.

Architecturally, the resource is Portland’s most prominent example of the Reinforced Concrete Utilitarian style, primarily due to its size and highly visible location. While the proposed antennas associated with the “Alpha Sector” at the north parapet edge, and the “Beta Sector” at the south parapet edge would be better placed set back from the parapet edge and incorporated into an existing or extended rooftop element (as seen in the “Gamma” sector) in order to defer to the iconic parapet. However, as proposed with the concealment measures including: the top of the proposed antennas not extending higher from the top of the parapet (in between parapet piers) than the height of the proposed antennas (only 4.5’ above the top of the parapet pier caps), and the by placing antennas only at parapet piers, the proposal defers to the iconic parapet pier caps and character-defining structural rhythm of the resource. To ensure that proposed antennas continue to respond to these character defining elements of the resource and limit impact on character defining historic material, staff has added concealment measures in Conditions of Approval ‘C’ and ‘D’.

With Condition of Approval “C” that, “As a concealment measure, the top of the proposed antennas mounted to the inside wall of the parapet shall not extend higher from the top of the parapet (in between parapet piers) than the height of the proposed antenna”; and

With Condition of Approval “D” that, “As a concealment measure, antennas at the parapet shall be mounted to the inside wall of the parapet and shall be located at parapet pier caps as shown”, this criterion is met.

- 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.

Findings for 4, and 5: The proposal does not involve repair or replacement of historic features and the proposal does not affect any historic materials on the building. *Therefore these criteria do not apply.*

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: No changes acquiring historic significance will be impacted from the proposed RF alterations and additions. *Therefore, this criterion does not apply.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: The proposed alterations and additions are to the roof of this landmark resource - archaeological resources will not be affected. *Therefore this criterion is does not apply.*

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.

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.

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.

Findings for 2, 7, and 9: Both in appearance and function, the antennas and associated equipment and the shroud for “Gamma” sector are elements of modern telecommunications technology; thus they are easily differentiated as new additions that cannot be confused with the historic materials that characterize the building thus allowing the resource to remain a record of its time, place, and use. Additionally, if the proposed antennas, shroud, and associated equipment and mounting hardware were removed in the future, it is reasonable to assume that the essential form and integrity of the building’s roof would remain unimpaired. As designed with concealment measures for the antenna mounted to the interior face of the parapet as shown in the proposed “Alpha” and “Beta” sectors, such installations are easily removed with little to no alteration to the existing structure.

Therefore, these criteria are met.

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.

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 8, and 10: Previous methods to conceal antennas were designed to limit visibility and impact on the resource to maintain compatibility with the resource. These installations were designed to include limited face mounting of antennas to surfaces with consideration to the height of these and alignment relative to significant architectural features such as pier caps, parapet, and placed to align with columns or window mullions.

The antennas and equipment associated with the proposed “Gamma Sector” will be utilizing concealment measures as follows: mounted to the west face of the existing penthouse and screened from view by the installation of a continuous RF transparent fiber reinforced shroud that will extend the perceived height and depth of the penthouse. The mounting method of the proposed antennas onto a solid surface, of an existing rooftop element, recessed from roof edges, and shielded from view by a continuous extension to match the existing penthouse is a concealment measure that is consistent with the intent of previous approvals and continues to be compatible with the resource’s character-defining architectural features and the resource as a whole.

As mentioned above, the proposed antennas associated with the “Alpha Sector” at the north parapet edge, and the “Beta Sector” at the south parapet edge would be better placed set back from the parapet edge and incorporated into an existing or extended rooftop element (as seen in the “Gamma” sector) in order to defer to the iconic parapet. However, as proposed with concealment measures including: the top of the proposed antennas not extending higher from the top of the parapet (in between parapet piers) than the height of the proposed antennas (only 4.5’ above the top of the parapet pier caps), and the by placing antennas only at parapet piers, the proposal defers to the iconic parapet pier caps and character-defining structural rhythm of the resource. Deferring to and responding thoughtfully with concealment measures to how elements are placed adjacent to the historic parapet and pier caps is a necessary component to achieving compatibility with these prominent architectural features of the resource which are associated with its significance for being one of the most prominent reinforced concrete structures in the city. To ensure that proposed antennas continue to respond to these character defining elements of the resource and limit impact on character defining historic material, staff has added concealment measures in Conditions of Approval ‘C’ and ‘D’. In addition to the conditions of approval (C-F), the revisions to relocate the Alpha and Beta Sectors further west along the North and South Elevations, respectively, to a mid-building location, also helps conceal the antennas. Locating these few antennas to a mid-building location limits the visibility of the antennas, and therefore limits the impact on the resource. Specifically, this re-positioning of the Alpha and Beta Sectors helps ensure that it is less likely to see the antennas from an oblique angle over the parapet edge and helps them blend in with the planar qualities of the resource.

Furthermore, additional information was provided to show that alternative options that would be less impactful than proposed antennas at the parapet edge of the resource were explored and determined not feasible for site and the proposal.

With Condition of Approval “C” that, “As a concealment measure, the top of the proposed antennas mounted to the inside wall of the parapet shall not extend higher from the top of the parapet (in between parapet piers) than the height of the proposed antenna”;

With Condition of Approval “D” that, “As a concealment measure, antennas at the parapet shall be mounted to the inside wall of the parapet and shall be located at parapet pier caps as shown”; and

With Condition of Approval “E” that, “As a concealment measure, the proposed RF transparent shroud shall match the color and texture of the existing façade to which it is attached”, these criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have

received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. Elements of this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the following exterior alterations to the Landmark Montgomery Ward & Company building located in the Northwest District neighborhood, to include the following:

Removal of Existing AT&T Antennas and Equipment. AT&T is proposing to remove all existing AT&T antennas and equipment from the Montgomery Park sign on the building's rooftop, including removal of:

- o Three (3) Alpha sector panel antennas and all related equipment.
- o Three (3) beta sector panel antennas and all related equipment.
- o Three (3) gamma sector panel antennas and all related equipment.

The additional accessory equipment located within the equipment room inside the building is proposed to remain in the equipment room.

Proposed Antennas and Equipment. AT&T proposes to replace and relocate AT&T's antennas and equipment on the Montgomery Park building rooftop antennas as follows:

Alpha Sector - inside wall of north parapet:

- o Three (3) Panel Antennas
- o Five (5) RRHs (Remote Radio Heads)
- o Three (3) Antenna Pipe Masts for mounting antennas and RRHs
- o One (1) DC6 Surge Suppression

Beta Sector - inside wall of south parapet:

- o Three (3) Panel Antennas
- o Five (5) RRHs (Remote Radio Heads)
- o Three (3) Antenna Pipe Masts for mounting antennas and RRHs
- o One (1) DC6 Surge Suppression
- o Mounting hardware

Gamma Sector - at rooftop penthouse structure:

- o Three (3) Panel Antennas
- o Five (5) RRHs (Remote Radio Heads)
- o One (1) DC6 Surge Suppression
- o Frame mounting hardware to side of penthouse
- o 9'6" FRP screen painted to match building

Additional Rooftop Equipment

- o Conduit mounted on sleepers with fiber cables and DC power cables to each new sector location, painted to match rooftop (cables will run from existing equipment room).

Approval per Exhibits C-1 through C-23, signed and dated January 24, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 21-111152 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. As a concealment measure, the top of the proposed antennas mounted to the inside wall of the parapet shall not extend higher from the top of the parapet (in between parapet piers) than the height of the proposed antenna.
- D. As a concealment measure, antennas at the parapet shall be mounted to the inside wall of the parapet and shall be located at parapet pier caps as shown.
- E. As a concealment measure, the proposed RF transparent shroud shall match the color and texture of the existing façade to which it is attached.
- F. No field changes allowed.

Staff Planner: Megan Sita Walker

Decision rendered by:  **on January 24, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed: January 26, 2022

Procedural Information. The application for this land use review was submitted on December 10, 2021, and was determined to be complete on December 16, 2021.

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 December 10, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: April 15, 2022.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **January 27, 2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
1. Project Narrative
 2. Statement of Code Compliance
 3. Prior Land Use Approvals
 4. Photo Simulations
 5. Design Drawings
 6. RF Engineer Letter
 7. RF Transmission Facilities Registration Form
 8. PE Letter

9. Land Use Application Submittal Checklist
10. Existing Conditions Photos
11. Tolling Agreement Response
12. Justification Map
13. Alternate Site Analysis
14. BDS Public Records Request
15. Updated Description, Rec'd January 12, 2022
16. Updated Drawing Packet, Rec'd January 12, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Existing Enlarged Site Plan
 3. Proposed Enlarged Site Plan
 4. Existing Equipment Room Plan
 5. Proposed Equipment Room Plan
 6. South Elevation – Existing & Proposed (attached)
 7. East Elevation – Existing & Proposed (attached)
 8. North Elevation – Existing & Proposed (attached)
 9. West Elevation – Existing & Proposed (attached)
 10. Enlarged Elevations
 11. Battery Detail Sheet
 12. Battery System Information
 13. RF Signage Details
 14. RF Schedule & Antenna Plan – Existing
 15. RF Schedule & Antenna Plan – Proposed
 16. Grounding Plan
 17. Details
 18. Roof Plan
 19. Antenna Frame Plans & Elevations
 20. FRP Screen Plans & Elevations
 21. Details
 22. Details
 23. Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 1. Original & Updated LU Application Form
 2. Email Correspondence between staff and the applicant(s)

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).