



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

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: May 10, 2012
To: Interested Person
From: Mark Walhood, City Planner
503-823-7806

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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-119312 DZR – 1515 NW 18TH AVE ROOFTOP WIRELESS

GENERAL INFORMATION

Applicant: Jeff Colantino
Cascadia PM representing New Cingular Wireless PCS, LLC/AT&T
Mobility Corp.
5501 NE 109th Court, Suite A-2
Vancouver, WA 98662

Property Owner: Jiva Property LLC
Attn.: Jamie Nelson
1515 NW 18th Ave., Suite 400
Portland, OR 97209

Site Address: 1515 NW 18TH AVE

Legal Description: E 75' OF LOT 1&4 BLOCK 252 LOT 5 BLOCK 252 E 50' OF LOT 8
BLOCK 252, COUCHS ADD

Tax Account No.: R180222640
State ID No.: 1N1E28DC 05300
Quarter Section: 2828

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Patricia Fielder at 503-407-6163.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: **EXd** (Central Employment base zone with Design overlay zone),
Northwest Plan District

Case Type: **DZR** (Design Review for Radio Frequency Transmission Facility)
Procedure: **Type II**, an administrative decision by BDS staff that can be appealed to the Design Commission.

PROPOSAL: The applicant has proposed the installation of a rooftop wireless telecommunications facility atop an existing four-story building in Northwest Portland. The JIVA Building atop which the facility will be placed is located on the west side of NW 18th Avenue, between NW Quimby and Raleigh Streets. The proposed facility includes four antennas each on the north, west, and south parapets of the building (12 antennas total), with accessory equipment and cabinets interior to the rooftop, behind the parapet. Individual antennas are approximately 4'-0" tall, and will be flush-mounted to the existing metal building parapet and painted to match. The accessory equipment would be located on a 7'-0" by 28'-0" equipment platform in the northwest quadrant of the roof, 10'-6" from the west-facing exterior wall, and 30'-0" from the north-facing exterior wall.

Because the site is in a Design overlay zone, and the project does not meet any of the Design Review exemptions, the proposed exterior alterations trigger a Design Review (33.420.041.B). With a valuation of \$66,000 for the project, the application is handled through the Type II procedure (33.825.025.A.2.c).

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the *Community Design Guidelines*.

ANALYSIS

Site and Vicinity: The site is an irregularly-shaped parcel of 41,390 square feet, occupying the entire easterly frontage of NW 18th Avenue between NW Quimby and Raleigh Streets, and extending either 50, 75 or 100 feet westward into the block. A four story medical office building with ground floor retail space was constructed on the site in 2004, and has a variety of commercial tenants. The building occupies the entire site, except for a small landscaped surface parking area for two cars and access to a truck loading bay and internal garage at the north end of the project abutting NW Raleigh Street. Diagonally across the intersection on the opposite corner of NW 18th and Raleigh is a triangular surface parking lot that was developed in 2004 with the medical office building, and which serves as client and employee parking.

The surrounding area has a mixed-diverse character, with several warehouse type buildings and industrial uses nearby, interspersed with live/work buildings, apartments, homes, office buildings, and limited retail establishments. The property is about one block southwest of the elevated I-405/OR Hwy. 30 elevated interchange ramps, north of which is a primarily industrial area.

The adjacent right of ways are all improved with paved public roadways, on-street parking, and paved public sidewalks with street trees. Northwest 18th Avenue is a one-way northbound street with a single travel lane and bike lane.

Zoning: The Central Employment base zone implements the Central Employment map designation of the Comprehensive Plan. The 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. The Design overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. At this site, regulations of the Design overlay zone require this project to be evaluated through the Design Review process.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. No specific provisions in this plan district impact the current proposal.

Regulations regarding wireless telecommunications facilities allow the proposed facility to be installed at the site by-right, provided the Design overlay zone requirements are met, and with submittal of various engineering and other information as required for such facilities by

Chapter 33.274 of the Zoning Code. In addition to providing such information for this case, the applicant will also need to document conformance with these standards (including submitting the RF Facility Registration Form, etc.) during the building permit review process.

Land Use History: City records indicate two prior land use reviews at the site:

- VZ 057-67 – 1967 variance to allow more than one sign in an ‘S’ Sign Control zone, and to have a revolving sign being located from SW 16th and Alder. Both signs no longer exist at the site, since the 2004 redevelopment; and
- LU 03-174167 DZM – 2003 Design Review approval for the current building and parking areas on the site, including approval of six separate Modifications through Design Review.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 29, 2012**. The following agencies have responded:

The *Water Bureau* has reviewed the proposal and provided informational comments, but no objections or concerns regarding the proposed wireless telecommunications facility. Exhibit E.1 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and provided informational comments, but no objections regarding the proposed facility. A separate building permit is required for the project, and any applicable Fire Code regulations will apply during the building permit review process. Exhibit E.2 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and provided informational comments, but no objections to the requested Design Review. A separate building permit is required, and any applicable building codes and ordinances must be met as documented by information in the building permit submittal. Exhibit E.3 contains staff contact and additional information.

The *Oregon Department of Aviation (ODA)*, writing in response to this development, recommends adherence to ORS 836.600 through 836.630, which allow for the future use and growth of Oregon airports, as well as to OAR 660-013-0160, known as the Airport Planning Rule. These rules require local jurisdictions to provide for the protection of airport imaginary surfaces, aviation-related uses, airport growth, and from incompatible land uses where applicable. Also, per OAR 738-070-0060, the applicant is required to submit Notice of Proposed Construction or Alteration (FAA 7460-1) to ODA for airspace analysis. Exhibit E.5 contains staff contact and additional information.

The following three agencies have responded without objections or concerns (Exhibit E.4):

- The *Site Development Section of the Bureau of Development Services*;
- The *Bureau of Environmental Services*; and
- The *Urban Forestry Division of Portland Parks and Recreation* (protect existing street trees).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 29, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be

compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

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

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

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

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

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

Findings for D6 and D8: The proposal includes twelve new antennas mounted flush to the existing parapet wrapping the roof of the building on the west, north, and south elevations. The top of each individual antenna is aligned with the top of the parapet, and individual antennas would be painted to match the gray color of the metal parapet material. Individual antennas are approximately 4'-6" tall and approximately 1'-0" wide, and contained entirely within the height of the metal parapet, without projecting above or below the parapet. The accessory GPS/E-911 antenna is concealed on the back side of the parapet, invisible to view from surrounding properties.

Accessory electrical and telecommunications wiring for the antennas will pierce directly through the parapet and travel along the back side of the parapet, and then the roof surface below, to a 7'-0" by 28'-0" equipment area on the rooftop. The equipment enclosure itself is placed at the western interior of the roof, approximately 10'-6" from the westerly parapet. The rooftop equipment area is placed adjacent to the deepest portion of the site in an east-west direction, adjacent to a single-story volume on the building below, and will therefore be practically invisible from any adjacent streets or abutting properties on the same block.

The applicant has identified that the antennas themselves will be painted to match the adjacent building parapet, but the plans do not include a similar note for any accessory cabling or conduit that may be visible on the outside face of the parapet. In order to ensure that all visible portions of the facility on the parapet, including both the antennas and accessory cabling, will be as visually unobtrusive as possible, a condition of approval will require that all

visible components on the exterior of the building parapet be painted to match the parapet.

With the condition of approval as noted above, the proposal will result in only modest changes to the design of this medical office building, and will not detract from the original architectural character, scale, color, or proportions of the building. With this condition, the building will continue to present an interesting visual composition, be constructed of durable materials, and present a cohesive composition to the street. *Therefore, with the noted condition regarding paint finish, these guidelines can be 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 Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. Design review ensures that exterior alterations will enhance the area and be compatible with both existing development and the surrounding area. In this case, the proposed rooftop wireless facility is well-integrated with an existing metal building parapet, with all antennas painted to match, and with most accessory cabling and rooftop equipment well concealed behind the existing rooftop parapet screen. With a condition of approval ensuring a compatible paint finish for visible portions of the facility, the proposal meets the applicable design guidelines and should be approved.

ADMINISTRATIVE DECISION

Approval of Design Review for the installation of a new rooftop wireless telecommunications facility atop an existing building at 1515 NW 18th Avenue, including the following specific elements:

- Twelve new wireless antennas in three sectors mounted to the building parapet, including four each on the north, west, and south parapets of the building;
- Accessory cabling and conduit connecting the antennas to a 7'-0" by 28'-0" equipment platform in the northwest quadrant of the roof; and
- A GPS/E-911 antenna mounted on the interior side of the rooftop parapet, mounted below the top of the parapet and out of direct view from anywhere but on the rooftop itself.

This approval is granted based on the approved drawings, Exhibits C.1 through C.7, each being signed and dated May 2, 2012, and 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 "Design as approved under Case File LU 12-119312 DZR." All requirements must be graphically represented on the site plan, landscape, or other required plan and match the details as shown in approved Exhibits C.1 through C.7.
- B. All visible components of the facility on the exterior of the building parapet, including the antennas themselves and any visible cabling or conduit and related attachments, must be painted to match the gray color of the parapet itself. If the color of the building parapet

changes in the future, any visible components of the facility must be painted to match the new color.

Staff Planner: Mark Walhood

Decision rendered by: _____ **on May 2, 2012.**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 10, 2012

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 9, 2012, and was determined to be complete on March 23, 2012.

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 9, 2012.

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 July 22, 2012.**

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 24, 2012** 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 Design 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 Design 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 **May 25, 2012 – (the day following the last day to appeal).**
- 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; *OR*
- *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:

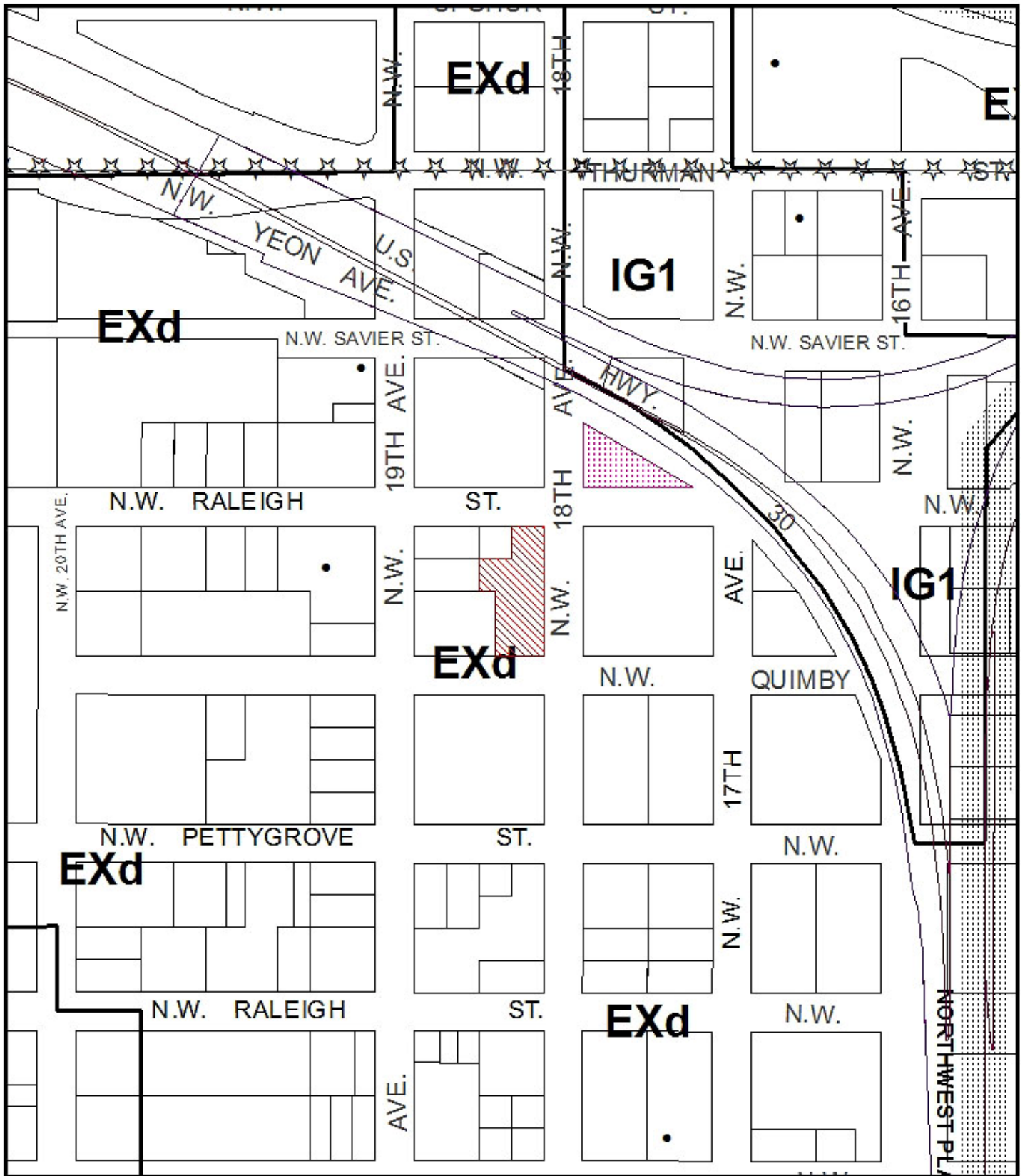
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original narrative with approval criteria, RF information, and photo-simulations of proposal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Plan Set Title Sheet
 - 2. Existing Site/Rooftop Survey
 - 3. Overall Site Plan (attached)
 - 4. Enlarged Site/Rooftop Plan (attached)
 - 5. North and West Elevations (attached)
 - 6. South Elevation (attached)
 - 7. Large, Scalable Plan Set matching C.1 through C.7
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Fire Bureau
 - 3. Life Safety Section of the Bureau of Development Services
 - 4. Record of 'no concerns' responses from BDS Site Development, Bureau of Environmental Services, and Urban Forestry Division of Portland Parks and Recreation
 - 5. Oregon Department of Aviation
- F. Correspondence from Neighbors:
 - 1. *(none received at time of decision mailing)*
- G. Other:
 - 1. Original LU Application Form and Receipt
 - 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).



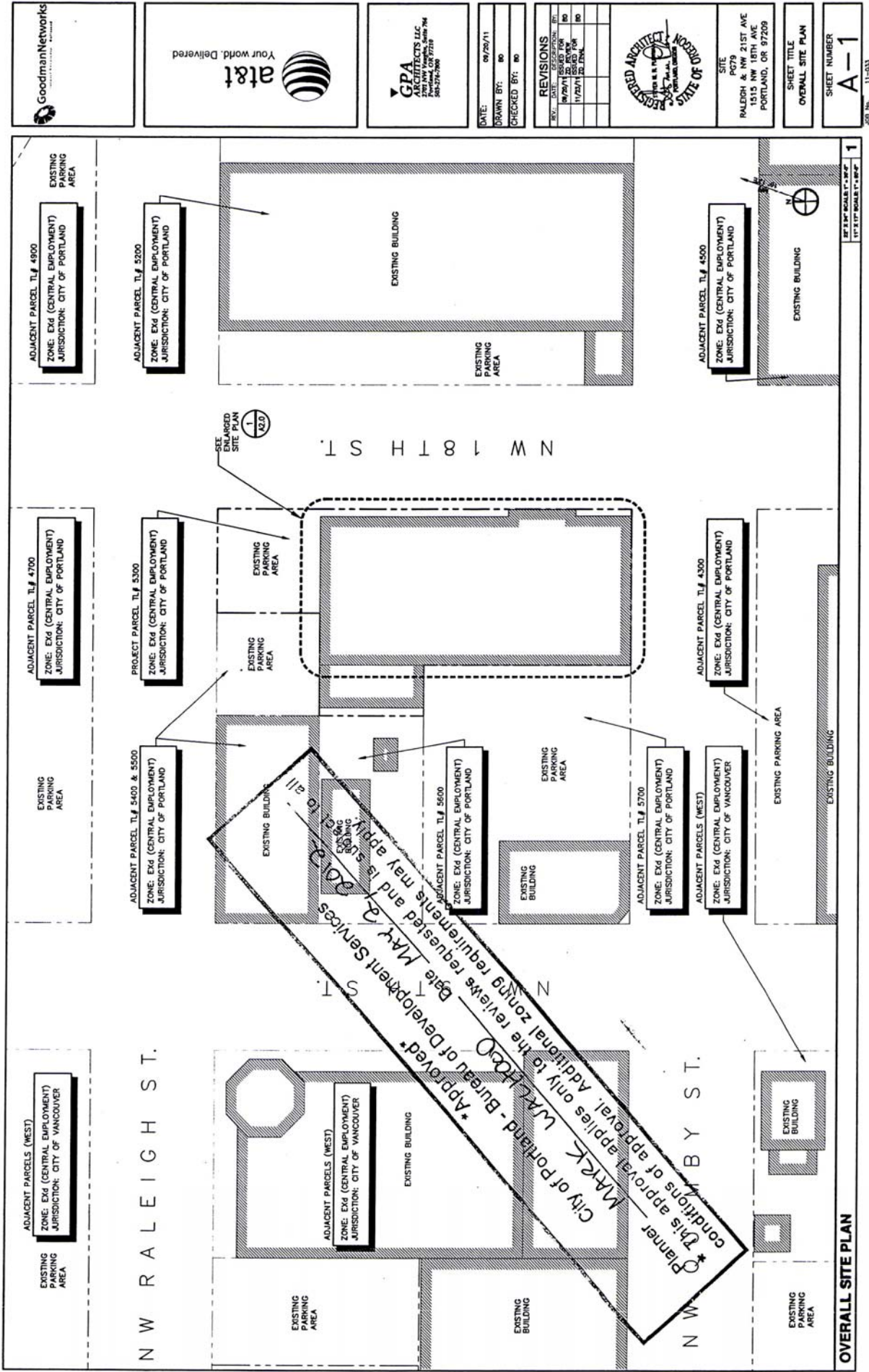
ZONING

-  Site
-  Also Owned
-  Historic Landmark

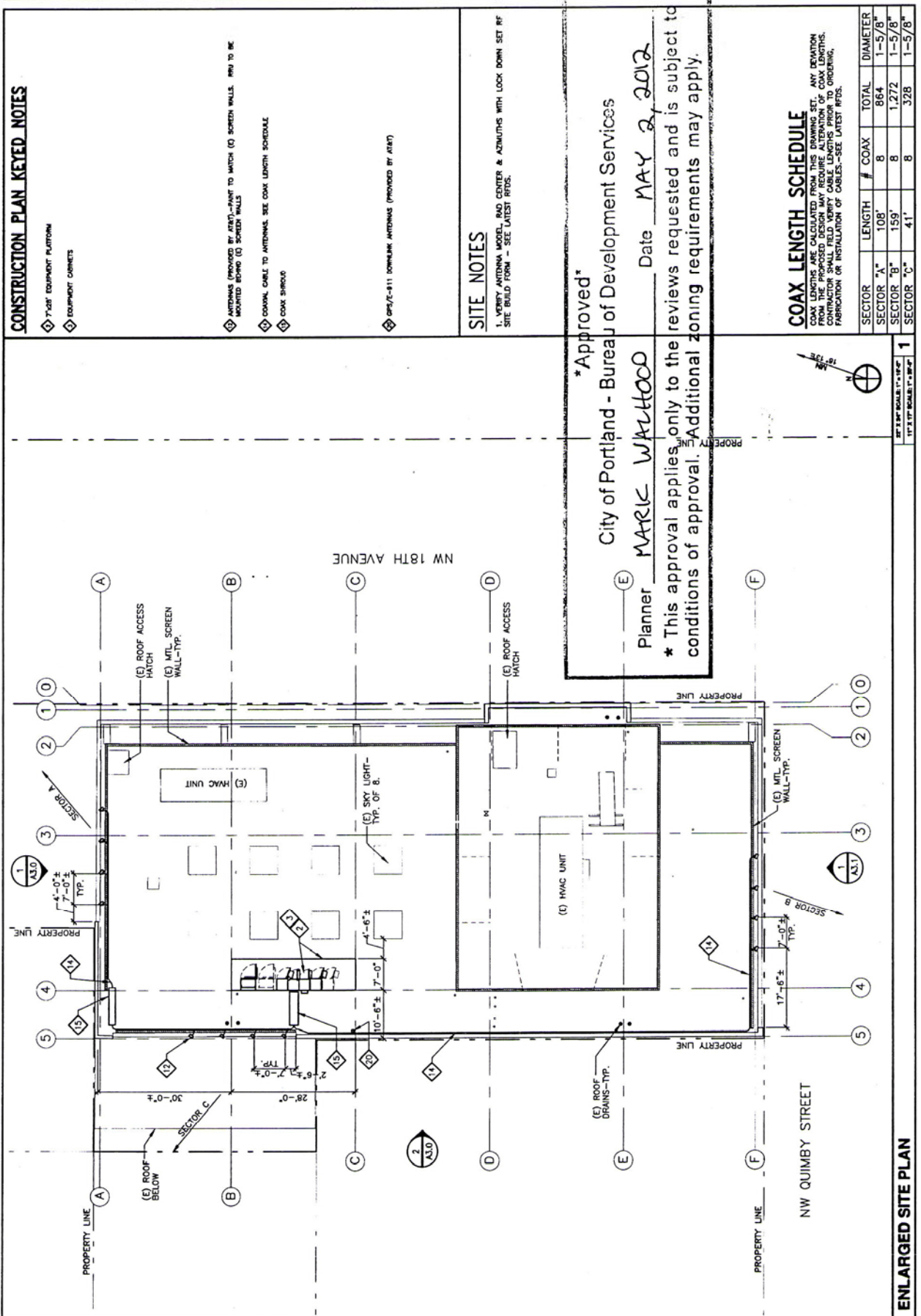


This site lies within the:
NORTHWEST PLAN DISTRICT

File No.	LU 12-119312 DZR
1/4 Section	2828,2928
Scale	1 inch = 200 feet
State_Id	1N1E28DC 5300
Exhibit	B (Mar 15,2012)



CASE NO. W 12-119312 02R
EXHIBIT C-3



Your world. Delivered.

GPA
ARCHITECTS LLC
2701 NW Lovejoy, Suite 704
Portland, OR 97229
503.574.7400

DATE: 06/29/11
DRAWN BY: BD
CHECKED BY: BD

REVISIONS

REV.	DATE	DESCRIPTION	BY
01	06/29/11	ISSUED FOR PERMIT	BD
02	11/29/11	ISSUED FOR PERMIT	BD

SITE
PG29
RALEIGH & NW 21ST AVE
1515 NW 18TH AVE
PORTLAND, OR 97209

SHEET TITLE
ELEVATION

SHEET NUMBER
A-3

CONSTRUCTION PLAN KEYED NOTES

- EQUIPMENT CABINETS
- ANTENNA MOUNTS
- ANTENNAS (PROVIDED BY AT&T)—PAINT TO MATCH (C) SCREEN WALLS. PER TO BE MOUNTED BEHIND (C) SCREEN WALLS.

Approved
City of Portland - Bureau of Development Services
Planner MARC WATKINS Date MAY 2, 2012
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

NORTH ELEVATION

1 T.O. SCREEN WALL & ANT. TIP 65'-9"± AGL
2 HABITABLE SPACE 55'-0"± AGL
3 FOURTH FLOOR 48'-0"± AGL
4 EXIST. MTL. PANEL-TYP.
5 EXIST. MTL. PANEL-TYP.
6 EXIST. MTL. PANEL-TYP.

WEST ELEVATION

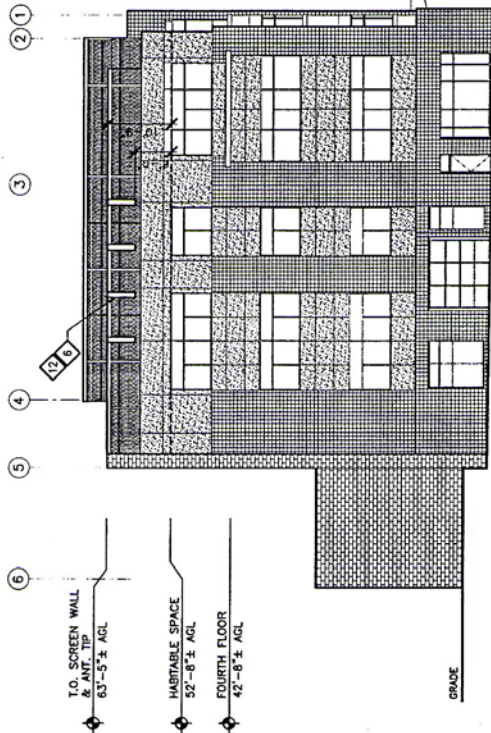
1 T.O. SCREEN WALL & ANT. TIP 65'-9"± AGL
2 HABITABLE SPACE 54'-9"± AGL
3 FOURTH FLOOR 44'-9"± AGL
4 EXIST. MTL. PANEL-TYP.
5 EXIST. MTL. PANEL-TYP.
6 EXIST. MTL. PANEL-TYP.

CASE NO. W 12-119312 02R
EXHIBIT C.S

CONSTRUCTION PLAN KEYED NOTES

ANTENNA MOUNTS

ANTENNAS ENCOURAGED BY AESTHETICALLY MOUNTED MOUNTS (C) SCREEN WALLS (H) TO BE



SOUTH ELEVATION

CASE NO. W 12-119312 02R
EXHIBIT C.6

Approved

City of Portland - Bureau of Development Services

Planner MAVEK WATWOOD Date MAY 2, 2012
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CONDITION B: All visible components of the facility on the exterior of the building parapet, including the antennas themselves and any visible cabling or conduit and related attachments must be painted to match the gray color of the parapet itself.

NOT USED

11' x 17' SCALE (ITS)

11' x 17' SCALE (ITS)



at&t
Your world. Delivered.



GPA
ARCHITECTS LLC
2709 NW 10th Ave
Portland, OR 97209
503-274-7000

DATE: 04/29/11
DRAWN BY: RD
CHECKED BY: RD

REV.	DATE	DESCRIPTION	BY
1	04/29/11	ISSUED FOR PERMIT	RD
2	04/29/11	REVISED FOR PERMIT	RD
3	04/29/11	REVISED FOR PERMIT	RD



SITE
PG79
RALEIGH & NW 21ST AVE
1515 NW 18TH AVE
PORTLAND, OR 97209

SHEET TITLE
ELEVATION

SHEET NUMBER
A-3.1

11-033