



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

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Date: October 25, 2010
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@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 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 10-109816 DZ
TELECOMMUNICATION EQUIPMENT AT 1104 NW 15TH AVE

GENERAL INFORMATION

Applicant: Dan Dutton
Goodman Networks
7360 SW Hunziker, Ste. 206
Portland, OR 97236

Site Acquisition Mgr: Katie Johnson
Goodman Networks
8815 122nd Avenue NE
Kirkland, WA 98033

Site Address: 1104 NW 15TH AVE

Legal Description: BLOCK 204 LOT 2, COUCHS ADD
Tax Account No.: R180218320
State ID No.: 1N1E33AA 02600
Quarter Section: 2928

Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City – North Pearl subdistrict of the River District
Other Designations: Northwest Triangle Pedestrian District
Zoning: Exd, Central Employment with design overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests design review approval for alterations to an existing telecommunications system located on the roof of the 1104 NW 15th building, which is located in the North Pearl subarea of the River District in the Central City Plan District. The proposal is to remove all existing antennas and metal support frames from the building roof and penthouse walls and install these antennas, along with additional new antennas, into three new 8 foot tall RF-transparent shrouds that will match the existing penthouse wall surfaces. One 12'-0" x 20'-0" x 8'-0" shroud will be centered in front of the existing penthouse, using the southern penthouse wall as a shroud wall, and will house antennas and associated equipment. A second 4'-6" x 8'-6" shroud will be located near the southeast building corner. The third 4'-6" x 8'-6" shroud will be located near the southwest building corner. New coax cables will run across the roof to the new shrouds and will be covered in sheet metal which will be painted to match the roof color. Any damaged building surfaces will be repaired and painted as required.

Exterior alterations to design overlay sites within the Central City Plan District require 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 criteria are:

- 33.825 Design Review
- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: This 5,000 square foot site is located on the southwest corner of the block at NW Marshall Street and NW 15th Avenue. Existing development on the site includes a 20,000 SF, four-story, brick warehouse building dating from the early 20th century. Additional development on the block includes a 23,840 SF single-story, concrete-frame warehouse located north of the site and a single-story, concrete-frame building is located to the east. Interstate 405 is located just west of the site. Adjacent land uses include commercial activity, parking and freeway development. The site is in the central city pedestrian district.

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 "d" overlay 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.

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

- LU 02-115581 DZ – approved rooftop telecommunications equipment.
- LU 03-153273 DZ – approved rooftop telecommunications equipment.
- LU 07-166151 DZ – Rooftop telecommunications equipment. Case withdrawn.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 30, 2010**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

- Bureau of Parks-Forestry Division
- Life Safety Review Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 30, 2010. A total of three 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 Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

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.

Findings for C2, C3 & C5: The proposed RF shrouds are made of fiberglass, a long-lasting material that imparts quality and permanence to this installation. The antennas and other equipment are designed for many years of service while exposed to the weather and are therefore very durable. The new shrouds respect the original character of the building by being narrow in profile and set back from roof edges so as to not overwhelm the scale of this mid-sized building. The shroud walls will match the existing penthouse vertical siding pattern and will be painted to match the penthouse wall color (*See Condition of Approval B*) which integrates them into the overall building form, creating a coherent composition of rooftop elements. *These guidelines are therefore met.*

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: The existing antennas and support frames are currently very visible from the surrounding streets, nearby freeway and adjacent taller buildings. They are not integrated into the existing rooftop layout or the area in general which has numerous new buildings that have all hidden rooftop equipment behind enclosures. The three new shrouds will appear as rooftop elements that are commonly seen on tops of buildings of this type. There are no major vantage points that will be impacted by the new shrouds and they will not cause skyline clutter in this densely developed area of the city as the building is much shorter than surrounding buildings and is also below the height of the nearby elevated freeway. *This guideline is 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed shrouds allow for the reduction of existing rooftop clutter. They provide a clean, durable, and integrated equipment screening solution that does not impact the skyline or the overall building aesthetic. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Design Review Approval of alterations to an existing telecommunications system located on the roof of the 1104 NW 15th building, located in the North Pearl subarea of the River District of the Central City Plan District to include the following:

- Removal of all existing antennas and metal support frames from the building roof and penthouse;
- Installing these antennas, along with additional new antennas, into three new 8 foot tall RF-transparent shrouds to match the existing penthouse wall surfaces to include:
 - One 12'-0" x 20'-0" x 8'-0" shroud centered in front of the existing penthouse;
 - One 4'-6" x 8'-6" shroud located near the southeast building corner; and
 - One 4'-6" x 8'-6" shroud located near the southwest building corner; and
- New coax cables on the roof that is covered in sheet metal, painted to match the roof color; and
- Repair and painting of damaged building surfaces as required.

Approved per the approved site plans and Conditions of Approval A-B, Exhibits C-1 through C-4 signed and dated October 20, 2010, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-109816 DZ. No field changes allowed."
- B. Shrouds to be painted to match the existing penthouse wall color now and in the future.

Staff Planner: Chris Caruso

Decision rendered by:  **on (October 20, 2010.)**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 25, 2010

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 February 5, 2010, and was determined to be complete on **April 27, 2010**.

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 February 5, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, because of the federal mandate imposed by the FCC, via Declaratory Ruling [WT Docket No. 08-165] the applicant HAS extended the FCC 'shot clock' three times for a total of 240 days.

Unless further extended by the applicant, **the FCC 'shot clock' will expire on:
December 9, 2010.**

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 November 8, 2010** 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 **November 9, 2010 – (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.
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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.

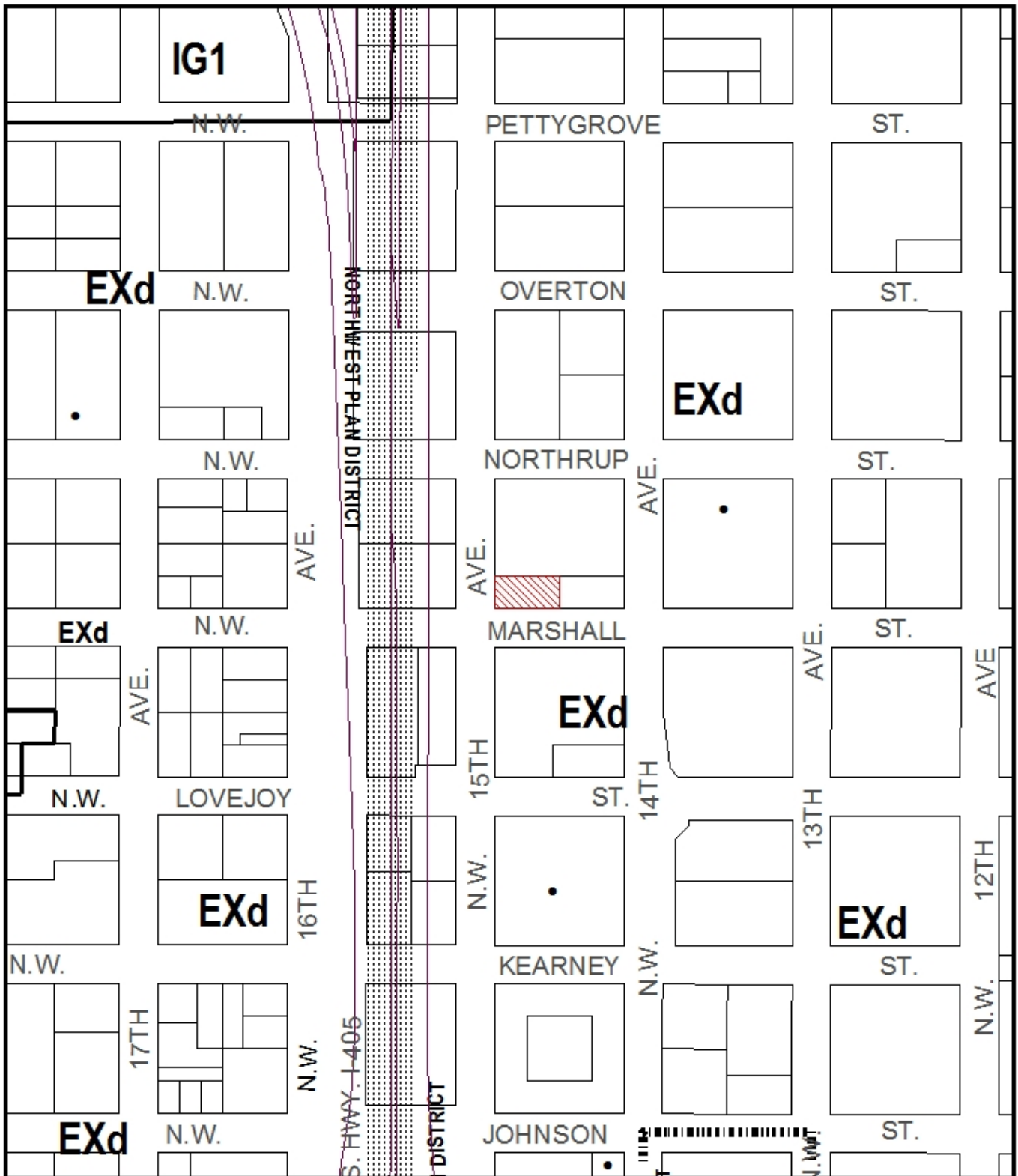
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
1. Statement

2. Statement
3. Request for Extension
4. Request for Extension
5. Request for Extension
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations (attached)
 3. Roof Plan
 4. Cover Sheet
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: no concerns
- F. Correspondence: none received
- G. Other:
 1. Original LU Application
 2. Site History Research
 3. Incomplete Letter
 4. Photos
 5. LU 02-115581 DZ Decision
 6. LU 03-153273 DZ Decision

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



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 10-109816 DZ
1/4 Section	2928
Scale	1 inch = 200 feet
State_Id	1N1E33AA 2600
Exhibit	B (Feb 09,2010)

at&t
Your world. Delivered.

GILBERT
ARCHITECTS
2100 NW Vaughn
Portland, OR 97210
503.241.803 Fax

DATE: 10/11/10
DRAWN BY: DK
CHECKED BY: DM

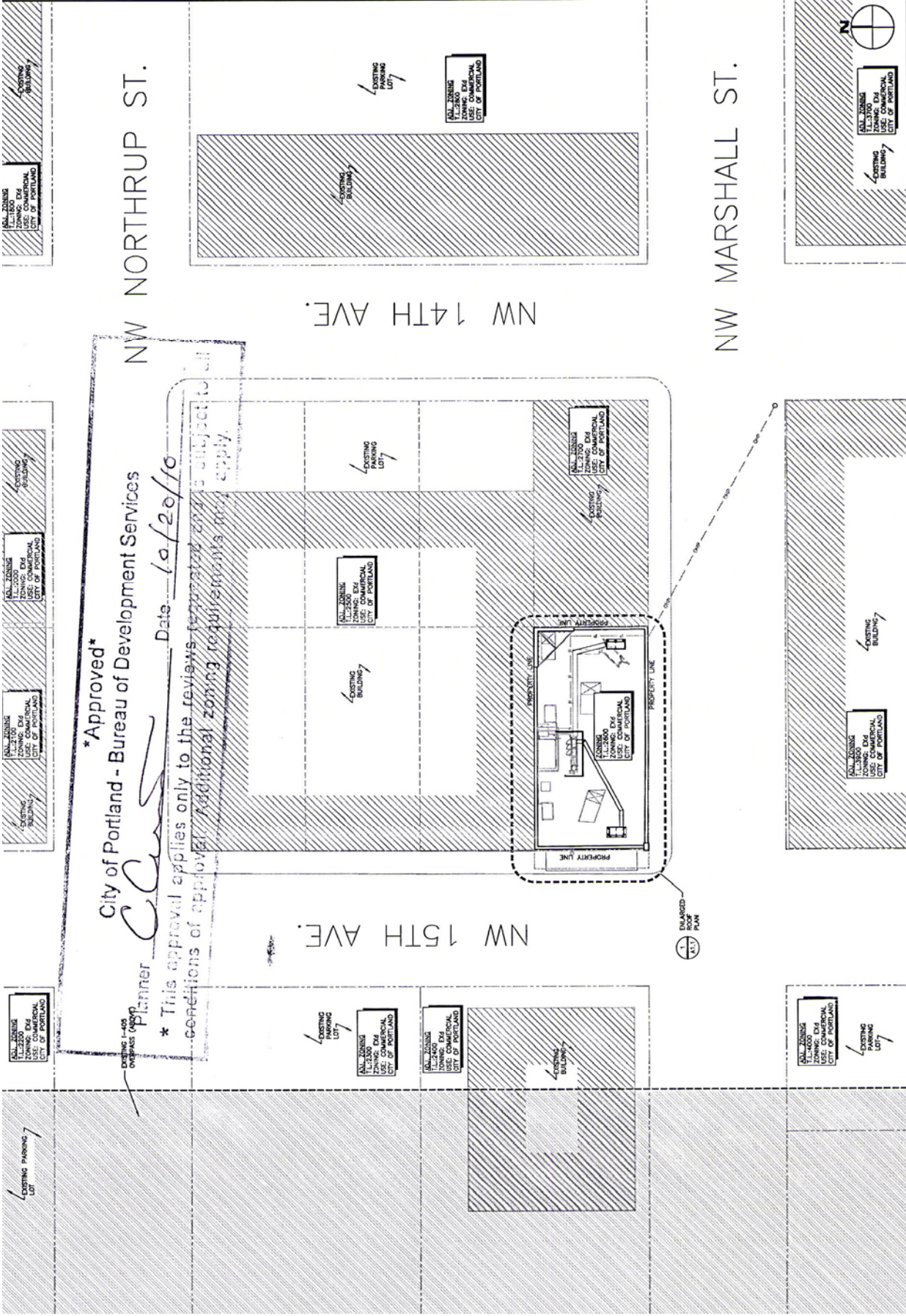
NO.	DATE	DESCRIPTION	BY
1	10/11/10	ISSUED FOR PERMIT	DK
2	10/27/10	ISSUED FOR PERMIT	DK
3	10/27/10	ISSUED FOR PERMIT	DK
4	10/27/10	ISSUED FOR PERMIT	DK
5	10/27/10	ISSUED FOR PERMIT	DK

REGISTERED ARCHITECT
PORTLAND, OREGON
10000 40 DAYS

SITE
PL25
PEARL DISTRICT
1104 NW 15TH AVE.
PORTLAND, OREGON 97209

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A1.0



Approved
City of Portland - Bureau of Development Services
Planner *[Signature]* Date *10/20/10*
* This approval applies only to the reviews performed and is subject to all conditions of approval. Additional zoning requirements may apply.

OVERALL SITE PLAN

W-109814 D2 EXT. C-1

