



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** June 30, 2010  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Christine.Caruso@portlandoregon.gov](mailto: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 10-139339 DZ (1207 NW NAITO PKWY ROOFTOP TELECOMM EQUIPMENT)**

#### **GENERAL INFORMATION**

**Applicant/Representative:**

Cheryl Croft Bennett  
Clearwire US, LLC  
20422 S Beaver Creek Rd.  
Oregon City, OR 97045

**Site Address:** 1207 NW NAITO PKY

**Legal Description:** LOT 1, UNION STATION

**Tax Account No.:** R850600050

**State ID No.:** 1N1E34BB 00600

**Quarter Section:** 2929

**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 - River 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 seeks design review approval for new rooftop telecommunications equipment on top of the building located at 1207 NW Naito Parkway in the River District of the Central City Plan District. The proposal includes installing six antennas, two microwave dishes, twelve DAP units, one GPS antenna, and one base station equipment cabinet with conduit runs, behind new RF-transparent reinforced fiberglass material (FRP). The FRP material will replace sections of the existing rooftop mechanical screen and will match the screen's horizontal slat pattern and overall color. All the proposed equipment will be behind the screen walls and none of it will

be visible from the street. Design review is required for building alterations within the River District.

**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:** The 70,000 SF lot is a wedge-shaped parcel located at the northwestern end of the Pearl District. It is bounded by NW 9<sup>th</sup> Ave to the northwest, NW Naito Parkway to the northeast, and the Union Pacific rail lines to the southwest. It is located two blocks southeast of the newest Park Block, three blocks east of the Portland Streetcar, and one block southwest of the Willamette River. The site is developed with a cmu and glass low-rise office building for Oregon State University located on the southern end of the property and a surface parking lot on the northern end. The surrounding area is a mix of original industrial river buildings, new mixed-use residential towers, and public open spaces. The area is highly urbanized with good public transit connections and high amounts of pedestrian traffic.

NW Naito Parkway is a Transit Access Street, a City Bikeway and a City Walkway. The site is within the Northwest Triangle 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 six prior land use reviews including the following:

1. 96-00620 DZ (96-013507) – approval of a new agricultural market campus
2. 96-00720 PR (96-013607) – CCPR review of 324 space surface parking lot

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **June 4, 2010**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS
- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Parks Bureau-Urban Forestry

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 4, 2010. 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 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.*

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

**A5-1. Reinforce Special Areas.** Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

**A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.** Reinforce the identity of the Pearl District Neighborhood.

**Findings for A5, A5-1 & A5-1-1:** The existing Oregon State University building is a relatively new structure that is designed as a canted rectangle with a central recessed entry and a simple rectangular penthouse screen located slightly off-center on the roof. The building is minimally ornamented with cmu surface designs interspersed with punched windows and walls of glazed storefront which reflects the mix of newer buildings in this area of the River District. The installation of telecommunications equipment within the existing rooftop equipment enclosure maintains the character of the building by retaining the rectilinear roof forms. No additional building elements will be altered and no ground level activity is being proposed. *These guidelines are therefore met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for C2, C3, C5 & C11:** The proposed telecommunications facility is well integrated on the roof of the existing building and respects the integrity of the structure by mounting the equipment within the existing rooftop enclosure and replacing metal panels with RF transparent material that matches the dominant horizontal patterning. The new equipment will not be visible and the shroud material will be painted to match the equipment screens to further reduce visibility and help blend in with the existing structure. *These guidelines are therefore met.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The 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 telecommunications equipment on top of the Oregon State University building located at 1207 NW Naito Parkway Avenue in the River District subarea of the Central City Plan District is well integrated within the existing rooftop structure and does not negatively impact or alter the character of the building. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

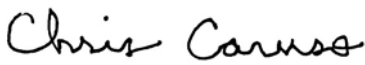
Design Review Approval for new rooftop telecommunications equipment on top of the building located at 1207 NW Naito Parkway in the River District of the Central City Plan District to include:

- Six antennas, two microwave dishes, twelve DAP units, one GPS antenna, and one base station equipment cabinet with conduit runs;
- Mounted behind new RF-transparent reinforced fiberglass panels (FRP) inserted into the existing mechanical screen that match the existing mechanical screen horizontal slat pattern and overall color.

Approved per the approved site plans, Exhibits C-1 through C-17 signed and dated June 25, 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.17. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-139339 DZ. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on June 25, 2010**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 30, 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 May 19, 2010, and was determined to be complete on **June 1, 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 May 19, 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 NOT extended the FCC 'shot clock'.

Unless further extended by the applicant, <b>the FCC 'shot clock' will expire on: December 17, 2010.</b>
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**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 July 14, 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](http://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 **July 15, 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**

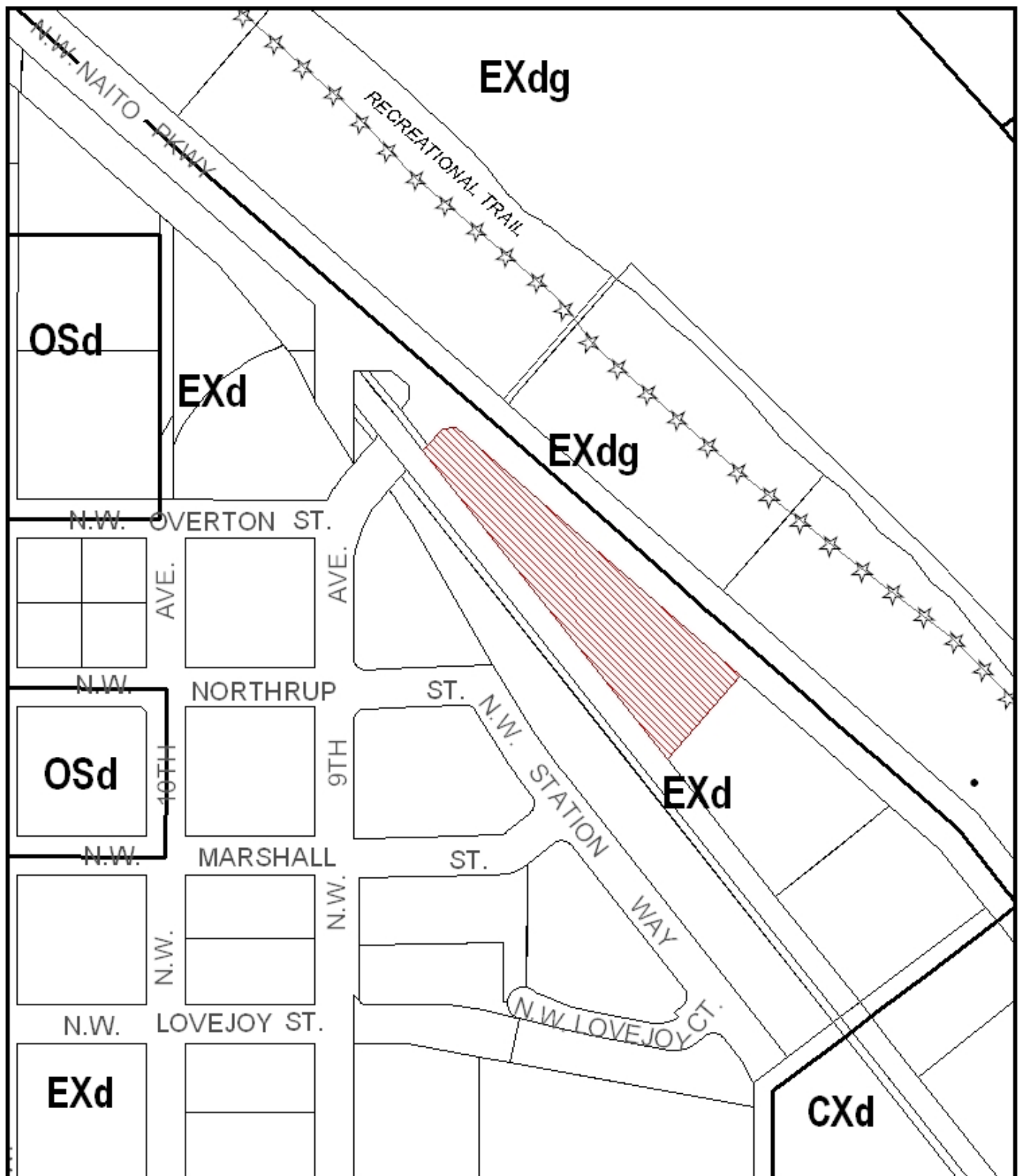
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
  1. Applicant's Introduction
  2. Applicant's Narrative
  3. Frequency Operating memo dated May 11, 2010
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Cover Sheet
  3. General Notes
  4. Enlarged Site Plan
  5. South & East Elevations (attached)

6. Northeast & Northwest Elevations (attached)
  7. Enlarged Equipment & Antenna Plans
  8. Enlarged Elevations
  9. Enlarged Elevations
  10. Equipment Details
  11. Coax Details
  12. Construction Details
  13. RF Information and Details
  14. Sweep Test
  15. Grounding Plan
  16. Grounding Details
  17. Electrical Details
- 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

**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



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 10-139339 DZ
1/4 Section	2929
Scale	1 inch = 200 feet
State_Id	1N1E34BB 600
Exhibit	B (May 25, 2010)



clear wire®  
4400 CABELL POINT  
KIRKLAND, WA 98033

PACIFIC TELECOM SERVICES, LLC  
180 First Avenue, Suite 400  
Burien, WA 98148  
Phone: (206) 201-2000 Fax: (206) 201-8813

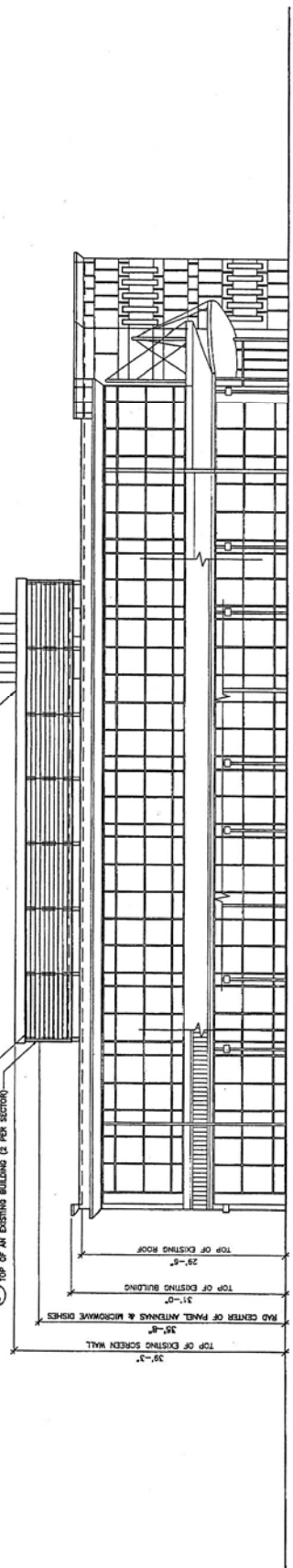
OSU-NAITO  
OR-POR208-D  
1207 NW NAITO PARKWAY  
PORTLAND, OR 97209

NO.	DATE	DESCRIPTION	INITIAL
1	10-20-10	PRELIMINARY DESIGN REVIEW	CON
2	11-10-10	FINAL DESIGN REVIEW	CON

NOT FOR CONSTRUCTION UNLESS  
LABELLED AS CONSTRUCTION SET

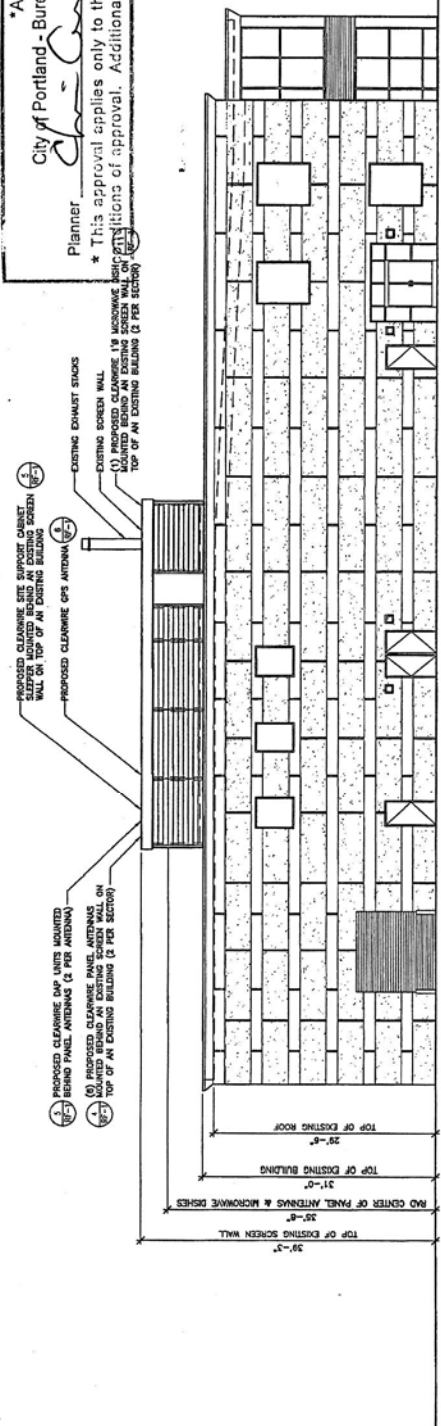
SHEET TITLE  
SOUTH & EAST ELEVATIONS  
SHEET NUMBER  
A-4

- NOTES:
- (1) RUNS OF FIBER CABLE AND (2) RUNS OF 1/2" COAX TO BE RUN ACROSS EXISTING ROOF ON SLEEPS.
  - EXISTING SCREEN WALL SECTIONS TO BE REMOVED AND NEW SCREEN WALLS TO BE INSTALLED AND PAINTED AND TEXTURED TO MATCH EXISTING SCREEN WALL.



SOUTHEAST ELEVATION 2

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner *[Signature]* Date *4/25/10*  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SOUTHWEST ELEVATION 1

1010-139339DZ EXH C-5

24"x36" SCALE: 1/8" = 1'-0"  
11"x17" SCALE: 1/16" = 1'-0"

24"x36" SCALE: 1/8" = 1'-0"  
11"x17" SCALE: 1/16" = 1'-0"

ALL INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

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4400 CARLETON POINT  
KIRKLAND, WA 98033

PACIFIC TELECOM SERVICES, LLC  
344 First Avenue, Suite 400  
Portland, OR 97209  
Phone: (503) 233-2008 Fax: (503) 943-4513

OSU-NAITO  
OR-POR208-D  
1207 NW NAITO PARKWAY  
PORTLAND, OR 97209

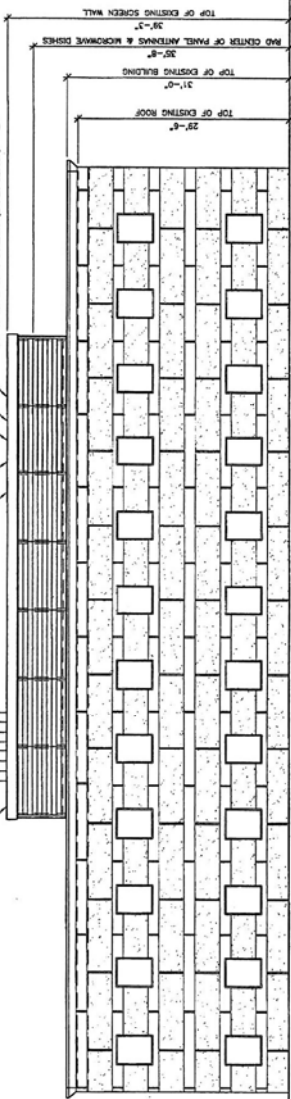
REV	DATE	DESCRIPTION	BY	CHK
1	04-25-10	REVISIONS		
2	04-25-10	REVISE PER CITY COMMENTS		

SHEET TITLE  
NORTHWEST & NORTHWEST ELEVATIONS

SHEET NUMBER  
A-5

- NOTES:
- (1) RUNS OF FIBER CABLE AND (2) RUN OF 1/2" COAX TO BE RUN ACROSS EXISTING ROOF ON SLEEPERS
  - EXISTING SCREEN WALL SECTIONS TO BE REMOVED AND NEW SCREEN WALL TO BE INSTALLED AND TEXTURED TO MATCH EXISTING SCREEN WALL

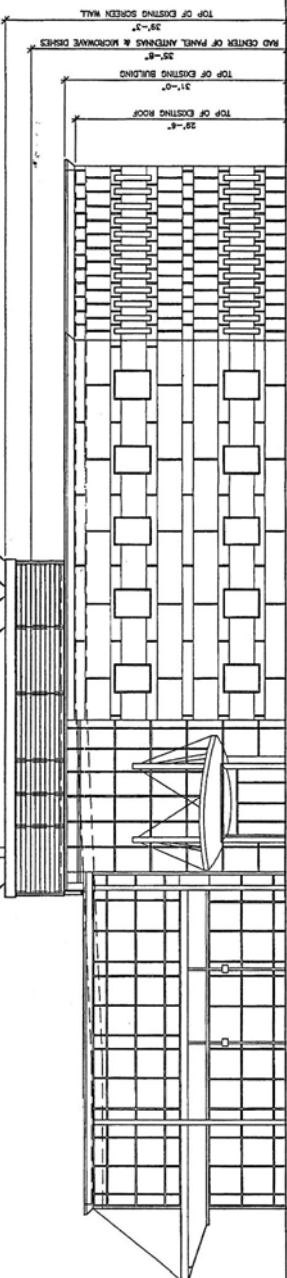
- (1) PROPOSED CLEARANCE 2'9" MICROWAVE DISH MOUNTED BEHIND AN EXISTING SCREEN WALL ON TOP OF AN EXISTING BUILDING (2 PER SECTION)
- (2) PROPOSED CLEARANCE 2'9" MICROWAVE DISH MOUNTED BEHIND AN EXISTING SCREEN WALL ON TOP OF AN EXISTING BUILDING (2 PER SECTION)
- (3) PROPOSED CLEARANCE 2'9" MICROWAVE DISH MOUNTED BEHIND AN EXISTING SCREEN WALL ON TOP OF AN EXISTING BUILDING (2 PER SECTION)



NORTHWEST ELEVATIONS | 2

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner: *[Signature]* Date: 6/25/10  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- (1) PROPOSED CLEARANCE 2'9" MICROWAVE DISH MOUNTED BEHIND AN EXISTING SCREEN WALL ON TOP OF AN EXISTING BUILDING (2 PER SECTION)
- (2) PROPOSED CLEARANCE 2'9" MICROWAVE DISH MOUNTED BEHIND AN EXISTING SCREEN WALL ON TOP OF AN EXISTING BUILDING (2 PER SECTION)
- (3) PROPOSED CLEARANCE 2'9" MICROWAVE DISH MOUNTED BEHIND AN EXISTING SCREEN WALL ON TOP OF AN EXISTING BUILDING (2 PER SECTION)



NORTHEAST ELEVATION | 1

24'x36' SCALE: 1/8" = 1'-0"  
11'x17' SCALE: 1/16" = 1'-0"

24'x36' SCALE: 1/8" = 1'-0"  
11'x17' SCALE: 1/16" = 1'-0"

LU10-139339 DZ EXH-C-4

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY MAUI. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO MAUI SERVICES IS STRICTLY PROHIBITED.