

FROM CONCEPT TO CONSTRUCTION

Date: July 19, 2011

To: Interested Person

From: Tim Heron, Land Use Services 503-823-7726 / Tim.Heron@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 11-124367 DZ Replacement Antennas on the World Trade Center Building

GENERAL INFORMATION

Applicant:	Zach Phillips PTS (For AT&T) 1001 SE Water Ave. Ste 180 Portland OR, 97214
Owner:	Ieh Portland LLC 121 SW Salmon St Portland, OR 97204-2901
Site Address:	26 SW SALMON ST
Legal Description:	BLOCK 6 LOT 1-8, PORTLAND
Tax Account No.:	R667700970
State ID No.:	1S1E03BD 00200
Quarter Section:	3129
Neighborhood:	Portland Downtown, contact Jennifer Geske at 503-750-9843.
District Coalition:	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District:	Central City - Downtown
Zoning:	CXd – Central Commercial with the design overlay "d".
Case Type:	DZ – Design Review
Procedure:	Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant is proposing to replace 3 existing panel antennae on the parapet of World Trade Center building. The antennae were originally approved via LU 05-137747 DZ. Each replacement antenna will include 2 RRH units and 1 surge suppression box. One new fiber junction box, and one new GPS antenna is also proposed. The proposed antennae are approximately 21 inches – 40 inches longer than the existing antenna. The replacement antennae and support equipment are proposed as follows:

	Length	Width	Depth	Location	Accessory Equipment
Existing Antennas	50.9"	10.6"	5.2"	North South West	None
Replacement Antenna A	72"	11.8"	5.9"	North Parapet	2 RRH Units 1 surge suppressor
Replacement Antenna B	72"	11.8"	5.9"	West Parapet	2 RRH Units 1 surge suppressor
Replacement Antenna C	96"	11.8"	6"	South Parapet	2 RRH Units 1 surge suppressor
New GPS Antenna and Mount	<u>+</u> 36"	-	-	South Parapet	2 RRH Units 1 surge suppressor

Because the proposal involves an alteration to an existing building within a Design Overlay, Design Review is required.

Relevant Approval Criteria:

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

• Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity:

The site is a 152,701 sq. foot office building in Portland's Downtown, known as Building 3 of the World Trade Center. It occupies an entire city block, bounded by SW Salmon Street to the north, SW Main Street to the south, SW 1st Avenue to the west, and SW Naito Parkway to the east. SW 1st Avenue is a designated Central City Transit /Pedestrian Street and a Transit Access Street. SW Taylor, SW Salmon, and SW Naito Parkway are designated Traffic Access Streets. The site is within the Downtown Pedestrian District and is across the street from Governor Tom McCall Waterfront Park and the Willamette River.

Zoning:

The <u>Central Commercial Zone (CX)</u> is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The <u>Design Overlay Zone [d]</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

Land Use History: City records indicate that prior land use reviews include the following: <u>LU 05-137747 DZ</u> – Approval of 12 new antennas and accessory equipment. <u>LUR 03-173216 DZ</u>: Pending Design Review case to install 12 PCS antennas and associated equipment cabinets on the building.

<u>LUR 02-146158 DZ:</u> Design review for bicycle parking enclosure. Deemed an unnecessary review.

<u>LUR 96-00230 DZ</u>: Design Review approval with conditions to mount 3 antenna arrays to the roof parapet, to be painted to match the building's color.

LUR 95-00240 DZ: Design review approval of new signage program.

<u>DZ 6-85:</u> Design review approval for two microwave dish antennas.

DZ 5-74: Design review approval for new building complex.

CU 030-82: Conditional Use approval with conditions for parking

SR 33-69: Sign approval.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed May 19, 2011.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 19**, **2011**. 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.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. The Central City Fundamental 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.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. The nine goals for design review within the Central City are as follows:

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- 6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;

- **7.** Provide for the humanization of the Central City through promotion of the arts;
- **8.** Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

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 Guidelines A4, C3, C5, and C11: The proposed antennas will be integrated into the building's design by their placement at existing antennas locations [no new antennas are proposed]. The antennas will be remounted where existing antennas have already been mounted, using the pattern of the joints of the building's granite veneer. The narrow size of the antennas will allow the antennas to be placed at the joint lines without overlapping much of the granite on either side. The resulting rhythm of antennas will ensure that there is a consistent spacing and placement between antennas at each of the various elevations. The antennas will be mounted using non-penetrating hardware and will be set with the top of each antenna aligning with the existing top of parapets. The height and mounting detail will ensure that the antennas will have a minimal visual impact on the upper edge of the building as one looks up from the street or sidewalk. With the Condition of Approval that the new antennas and the associated rooftop coaxial cables will be painted to match the building's color, integration and coherency with the building's architecture improved. The associated radio transmitter equipment will be installed within an existing rooftop mechanical enclosure and/or on the backside of the parapet and will not be visible from the exterior.

With the Condition of Approval that the new antennas and the associated rooftop coaxial cables will be painted to match the building's color, these guidelines 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 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 new antennas meet the applicable design guidelines and standards. The antennas are relatively narrow in size, will be mounted as flush as possible to the facade and aligned with

vertical panel joints, and will be painted to match the exterior color of the building. These factors make the new antennas panels a compatible addition to the structure.

ADMINISTRATIVE DECISION

Approval of the replacement of 3 existing panel antennae on the parapet of World Trade Center building in the Central City Plan District. The replacement antennae and support equipment are proposed as follows:

	Length	Width	Depth	Location	Accessory Equipment
Existing Antennas	50.9"	10.6"	5.2"	North South West	None
Replacement Antenna A	72"	11.8"	5.9"	North Parapet	2 RRH Units 1 surge suppressor
Replacement Antenna B	72"	11.8"	5.9"	West Parapet	2 RRH Units 1 surge suppressor
Replacement Antenna C	96"	11.8"	6"	South Parapet	2 RRH Units 1 surge suppressor
New GPS Antenna and Mount	<u>+</u> 36"	-	-	South Parapet	2 RRH Units 1 surge suppressor

Approval per the approved Exhibits C-1 through C-9, signed and dated July 15, 2011, 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.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-124367 DZ. No field changes allowed."
- B. New antennas and the associated rooftop coaxial cables and equipment will be painted to match the building's color.

Staff Planner: Tim Hero	n	
	1.	
Decision rendered by: _		on July 15, 2011
By au	thority of the Director of the	Bureau of Development Services

Decision mailed: July 19, 2011

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 29, 2011, and was determined to be complete on **May 12, 2011**.

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

Page 6

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 29, 2011.

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 requested that the 120-day review period be extended 90-days [Exhibit A.1].

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 August 2, 2011** 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 August 3, 2011 (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 Statement1. 90-day extension request
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)

- 2. Enlarged Existing Roof Plan
- 3. Enlarged Proposed Roof Plan [attached]
- 4. Enlarged Mechanical Equipment Room Plan
- 5. Existing/Proposed North Elevation [attached]
- 6. Existing/Proposed West Elevation [attached]
- 7. Existing/Proposed South Elevation [attached]
- 8. Enlarged Parapet Plan/Antennas Attachment details 1
- 9. Enlarged Parapet Plan/Antennas Attachment details 1
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: none
- 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).











