



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

Dan Saltzman, Commissioner
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Date: July 22, 2015
To: Interested Person
From: Puja Bhutani, Land Use Services
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-132026 DZ – PENTHOUSE ANTENNA

GENERAL INFORMATION

Applicant: Ed McNamara, Owner
Block 14 Limited Partnership
Po Box 28356
Portland, OR 97228-8356

Shanin Prusia, Applicant
Verizon Wireless
10376 SE Sunburst Way
Portland, OR 97086

Site Address: 1230 NW 12TH AVENUE
Legal Description: LOT 15 IMPS EXEMPT 10 YRS 2006 POTENTIAL ADDITIONAL TAX, HOYT STREET YARDS NO 2; LOT 16 IMPS EXEMPT 10 YRS 2006 POTENTIAL ADDITIONAL TAX, HOYT STREET YARDS NO 2
Tax Account No.: R405840800, R405840850, R05840800, R05840800, R405840800, R405840800, R405840800, R405840800, R405840800, R405840800
State ID No.: 1N1E34BB 02618, 1N1E34BB 02619, 1N1E34BB 02618, 1N1E34BB 02618, 1N1E34BB 02618, 1N1E34BB 02618, 1N1E34BB 02618, 1N1E34BB 02618, 1N1E34BB 02618, 1N1E34BB 02618
Quarter Section: 2928
Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.
Business District: Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.
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:

Verizon is proposing to locate an unmanned telecommunications facility on the penthouse located on the northwest corner of the existing apartment building. There are no other carriers located on this penthouse. Therefore, the applicant is proposing to:

- i. Raise the height of the subject penthouse by 4'6" feet, from existing 73' 7" to 78' 1". Please note that the applicant has conducted a rooftop survey that indicates the top of the existing penthouse height as 73' 7", and not 72'5" as shown in the earlier notice. This increase in height is necessary to get the required coverage, since the north-west corner roof top elevation is lower by approximately 10 feet from the south-east corner. This will result in an overall building height of 78'1" to the top of the elevator penthouse.
- ii. Install 16 panel antennas on the subject penthouse. There will be four antennas flush mounted on each side of the penthouse, grouped near its north-east and south-west corner walls. The antennas will be screened by an 8'6" feet RF transparent shroud, which will be designed and painted to match the penthouse. The screen will only surround those sections of the penthouse walls that contain the antennas. This will maintain the clean lines of the south-east corner of the building and penthouse, when viewed from the internal courtyard. All required cabling, RRU's, TMA's and surge suppressors will be located behind the antennas and will not extend below the RF transparent screen.

Please note that the penthouse has been raised by an additional 6 inches from the height stated in the notice of proposal. This resulted from staff requirement that the applicant completely enclose the RF antennas within an RF transparent shroud. The additional height was required to maintain sufficient clearances below the shroud for the operation of the existing penthouse doors.

- iii) The required base station equipment will be located below grade inside the existing interior parking area for the building, and will be completely screened from street view.

Design review is required because the proposal is for a non- exempt exterior alteration of a structure within the central employment design overlay zone.

Relevant Approval Criteria:

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

- 33.274 Radio Frequency Transmission Facilities
- 33.825 Design Review
- Central City Fundamental Design Guidelines
- River District Guidelines

ANALYSIS

Site and Vicinity: The subject site is the full block located between NW Northrup and NW Overton Streets, and between NW 11th and NW 12th Avenues. It is improved with a five story residential structure with a two-bar building partii oriented north south towards the street car line. The southeast penthouse has existing clearwire antennas mounted on its exterior. A moderate down-slope of 7'-0" occurs from the eastern edge of the site at NW 11th Avenue to the western edge at NW 12th Avenue. Tanner Springs Park is a block to the southeast; and the Fields neighborhood park one block to the northeast. The block to the south is a six story residential and retail building named the Bridgeport Condominiums. Parcels to the north are a part of Hoyt Street Properties and are being developed much like the properties to the south, mixed use buildings focusing primarily on residential. Approximately five blocks to the east is Naito Parkway, older industrial buildings and modern office buildings, fronting the Willamette

river. Existing, older parcels immediately to the west consist of one and two-story warehouse buildings that are actively industrial in their use and appearance.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the River Sub district of this plan district.

Zoning: The zoning for the site is Central Employment (EX). The zone allows mixed-uses and is intended for areas in the center of the City that have predominately industrial type development. The intent of the zone is to allow industrial, business, and service 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. 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:

- LUR 92-00798 MS LA: approval with conditions for the Zone Change and Central City Master Plan Amendments.
- LUR 99-00542 SU MS: approval with conditions to create 43 new with new streets.
- LU03-168997 DZM: approval to create the existing residential building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 9, 2015**. The following Bureaus have responded with no issues or concerns.

- The Water Bureau responded with the following comment: “The water bureau has no issues with the requested Design Review. Please see Exhibit E-1 for additional details.
- Fire Bureau responded with the following comment: “A separate building permit is required for this proposal. All applicable Fire Code Requirements shall apply at the time of permit review and development.” Please see Exhibit E-2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 9, 2015. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Kevin Irving, June 15, 2015 – against the proposal; is an eyesore; will be visible from new neighborhood buildings; alternate higher out of sight locations preferred. (Exhibit F.1)

Staff Response: The proposed RF facility will be completely enclosed and screened by an RF transparent shroud and will not be visible from neighboring properties. See below for an analysis of the proposal per the applicable design guidelines.

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 district guidelines.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is generally located within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. Because the site is specifically within the River District, the River District Design Guidelines apply as well.

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 is those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. 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.

River District Design Guidelines

These guidelines are intended to serve as a supplement to the Central City Plan Fundamental Design Guidelines. The River District guidelines build on the basic framework, addressing design issues and opportunities which are specific to the River District. This document was adopted by City Council on February 21, 1996.

River District Design Goals

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the

joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

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

(C) Project Design

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.

Findings for C3, C5 & C11: Verizon wireless is proposing a new RF facility as there are no other tower collocation opportunities in the immediate area. The proposed penthouse extension wall will be constructed of the same material and painted to match the existing exterior. The new antenna panels will be completely screened by an 8.5 feet high radio frequency transparent shroud. The RF shroud will be designed and painted to match the penthouse. The shroud will have a return on top and bottom, so as to completely enclose and hide the proposed antennas and all required cabling, RRU's, TMA's and surge suppressors. The screen will only surround those sections of the penthouse walls that contain the antennas. This will maintain the clean lines of the south-east corner of the building and penthouse, when viewed from the internal courtyard.

The required base station equipment will be located below grade in the interior parking area for the building. The equipment will be completely concealed from the street. The connection from the equipment to the antennas will be routed through the interior of the building and will not be visible from the exterior.

Both penthouse extension and the RF shroud will be designed to respect the overall design, shape, colors and building materials of the existing building. The RF equipment and cabling will be screened and not visible, hence maintaining the views from the street, other buildings or vantage points. *These criteria 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

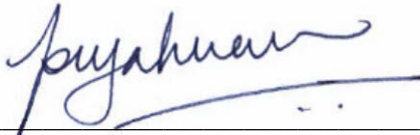
The proposed penthouse extension and RF facility will be screened by an RF transparent shroud that will be designed and painted to match the existing penthouse. The RF facility and associated equipment will not be visible from the street or the adjacent buildings. The proposal meets the applicable Design Review approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review of new RF facility and penthouse extension, located on the roof top of the existing building, per the approved site plans, Exhibits C-1 through C-12, signed and dated 7/15/2015, 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.12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-132026 DZ. No field changes allowed."

Staff Planner: Puja Bhutani



Decision rendered by: _____ **on (July 15, 2015)**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 22, 2015

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 11, 2015, and was determined to be complete on June 2, 2015.

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 11, 2015.

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 extend the review period. As per Exhibit G.4, the application was placed on hold from June 29, 2015 to July 14, 2015 (14 days) by the applicant. The FCC mandated review period therefore ends on September 14, 2015.

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 5, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 6, 2015 – (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.

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.

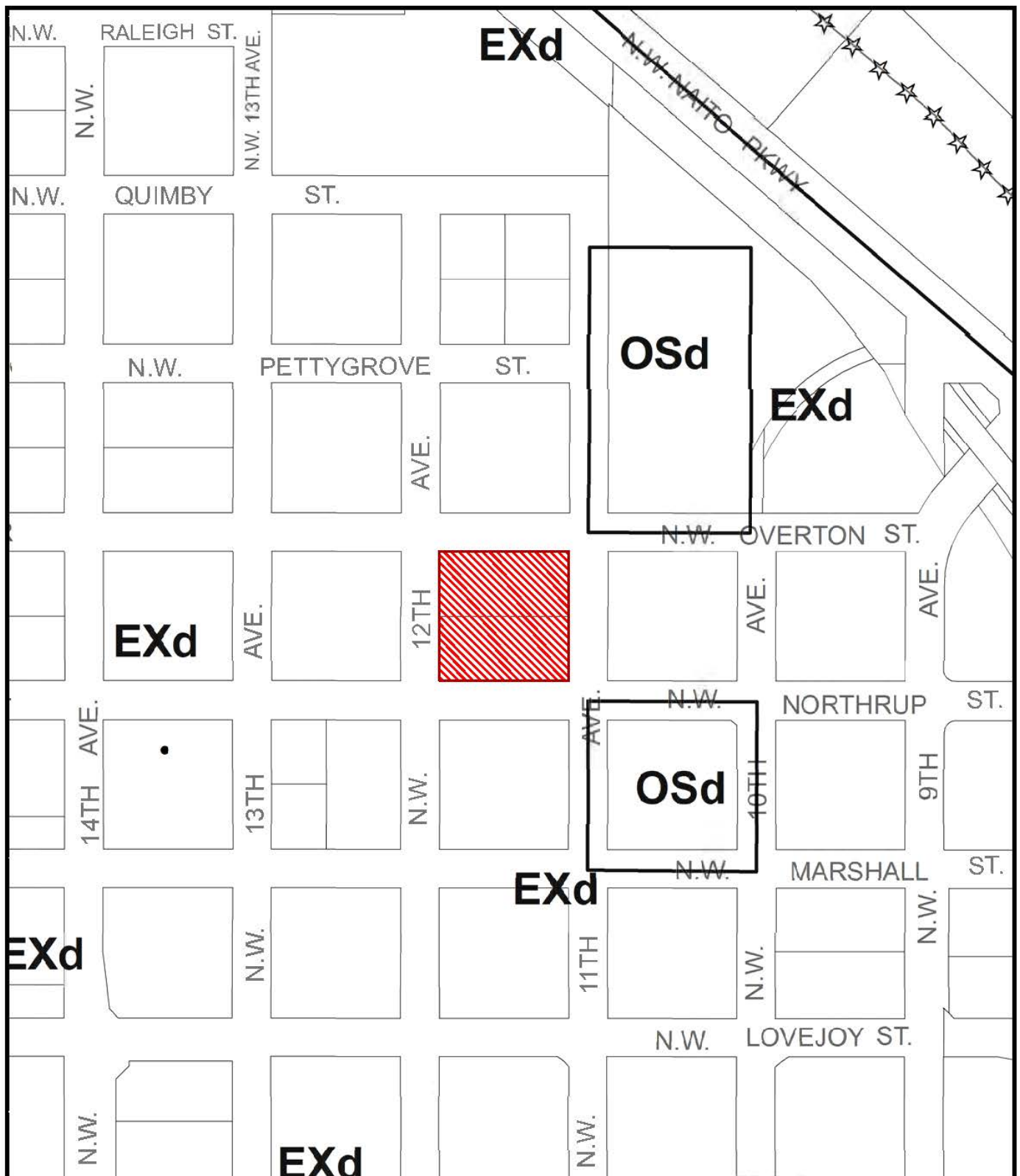
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Revised submittal, received June 1, 2015
 2. Original submittal, received March 11, 2015- not approved/ reference only
 3. Applicant photographs, received March 11 – not approved/ reference only
 4. Revised applicant photographs, received June 1, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Cover Sheet
 2. General Notes and symbols
 3. Site Plan (attached)
 4. Proposed Roof Plan
 5. Enlarged Roof Plan
 6. Proposed Equipment Plan
 7. Proposed and Existing West Elevation (attached)
 8. Proposed and Existing South Elevation
 9. Proposed Antenna configuration.
 10. Section of Penthouse with RF shroud
 11. Product Specifications
 12. Non-ionizing Electromagnetic Exposure Analysis and Engineering Certification
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Water Bureau

- 2. Fire Bureau
- F. Correspondence:
 - 1. Kevin Irving, June 15, 2015, commented with concerns that the proposal will be an eyesore, and detract from views from the neighboring buildings.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Applicant email, June 3, 2105, Applicant comment that all cabling will not extend below the bottom of the shroud and will route behind the antennas and down into the penthouse.
 - 4. Applicant email, July 20, 2015, requesting that the application be placed on hold from June 29, 2015 to July 14, 2015.

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



Recreational Trail



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT-RIVER DISTRICT
NORTH PEARL SUB AREA

File No. LU 15-132026 DZ

1/4 Section 2928

Scale 1 inch = 200 feet

State_Id 1N1E34BB 2619

Exhibit B (Mar 13, 2015)

Revision No:	G	Sheet No:	C-1
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