



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: August 27, 2013
To: Interested Person
From: Mark Walhood, City Planner
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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 reasons for the decision 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 13-173392 DZR – ROOFTOP WIRELESS

GENERAL INFORMATION

Applicant: Christa Klumb / Smartlink LLC
14432 SE Eastgate Way, Ste. 260 / Bellevue, WA 98007

Property Owner: Jiva Property LLC % Mougey, Vinton R-Member
1515 NW 18th Ave #400 / Portland, OR 97209

Site Address: 1515 NW 18TH AVE

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

Tax Account No.: R180222640, R180222640

State ID No.: 1N1E28DC 05300, 1N1E28DC 05300 **Quarter Section:** 2928

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.

Business District: Nob Hill, contact Mike Conklin at 503-226-6126.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: **EXd** (Central Employment base zone with Design overlay zone), **Northwest plan district**

Case Type: **DZ** (Design Review)

Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

PROPOSAL: The applicant has proposed one additional sector of four rooftop-mounted wireless telecommunications antennas atop the JIVA medical office building in Northwest Portland. Last year, a Design Review decision approved a new rooftop wireless facility including three sectors of four antennas each, mounted to the rooftop parapet on the north, west and south sides of the building (LU 12-119312 DZR).

The four proposed antennas are on the east side of the building rooftop, facing NW 18th Avenue. The antennas would be mounted to and behind a new fabricated fiberglass screen on the taller section of parapet that rises above the prominent projecting brick 'tower' element at the main building entry. This section of parapet has six sections of metal panel material featuring horizontal corrugation. The applicant proposes to remove the middle four panels of corrugated metal screen, install a matching fiberglass panel system in their place, and mount the

antennas to the inside of the new parapet panels, with no visible antenna or equipment projecting above the parapet panels. Each antenna includes an accessory remote radio unit, also hidden behind the new parapet, and conduit connections on the rooftop to the previously-approved rooftop equipment area. No additional accessory rooftop equipment or other exterior changes to the site are proposed.

The Design overlay zone designation at the site triggers a Design Review for these exterior alterations. With a project valuation of \$10,000, the proposal is handled through the Type II procedure.

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

ANALYSIS

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

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

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

Zoning: The Central Employment base zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. The Design overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. At this site, regulations of the Design overlay zone require this project to be evaluated through the Design Review process.

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

Regulations regarding wireless telecommunications facilities allow the proposed facility to be installed at the site by-right, provided the Design overlay zone requirements are met, and with submittal of various engineering and other information as required for such facilities by Chapter 33.274 of the Zoning Code. In addition to providing such information for this case, the applicant will also need to document conformance with these standards (including submitting the RF Facility Registration Form, etc.) during the building permit review process.

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

- VZ 057-67 – 1967 variance to allow more than one sign in an ‘S’ Sign Control zone, and to have a revolving sign being located from SW 16th and Alder. Both signs no longer exist at the site, since the 2004 redevelopment;
- LU 03-174167 DZM – 2003 Design Review approval for the current building and parking areas on the site, including approval of six separate Modifications through Design Review; and
- LU 12-119312 DZR – Approved Design Review for the installation of a new wireless telecommunications facility on the building rooftop, including three sectors with twelve total antennas and accessory rooftop equipment. A condition of approval required all visible components of the facility to be painted to match the gray color of the rooftop.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 30, 2013**. The following Bureaus have responded with comments:

The *Water Bureau* has reviewed the proposal and responded with technical details regarding the availability of water services to the site, but no objections or comments regarding the requested Design Review or rooftop wireless facility. Exhibit E.1 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and notes that a separate building permit is required for the project, and that all applicable Fire Code requirements will apply at the time of permit review and development. No specific objections to the requested Design Review have been raised. Exhibit E.2 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and noted that a separate building permit is required for the project, and that the proposal must be designed to meet all applicable building codes and ordinances. No specific objections to the requested Design Review have been raised. Exhibit E.3 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has responded to the proposal with no concerns, but with the comment “protect existing street trees”. Exhibit E.4 is a hard copy print-out of their electronic ‘no concerns’ response.

The following bureaus have responded with no concerns or comments:

- The *Site Development Section of the Bureau of Development Services* (Exhibit E.5);
- The *Bureau of Environmental Services* (Exhibit E.6); and
- The *Development Review Section of Portland Transportation* (Exhibit E.7).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 30, 2013. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

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

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

Community Design Guidelines

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

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

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

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

Findings for D6 and D8: The proposal includes four new antennas and accessory equipment contained entirely behind a section of replacement building parapet/screen on the rooftop of the building. No portion of the antennas themselves will be visible to passersby or from adjacent buildings. The replacement parapet/screen material has been custom designed and fabricated to match the dimensions and design of the existing rooftop parapet/screen. A sample of this material was fabricated for the applicant to show the building owner, and this sample has been provided for staff to evaluate the similarity of the material with the rooftop screen, and extensive photo documentation of the rooftop screen has also been provided.

The visible replacement parapet/screen material will be contained within a screen structure that matches the height and profile of the existing system. Section details verify that the antennas and equipment will not be visible from behind this screen. The applicant states that the specific sheen and color of paint to be applied to the replacement parapet/screen materials will be exactly matched against the existing screen in the field.

Provided the paint color on the new parapet/screen material is made to match the color and sheen of the existing rooftop parapet/screen, as proposed by the applicant, there should be no impacts to the architectural integrity or composition of the existing building, which will remain an interesting and cohesive composition. Fiberglass material, to be used for the replacement parapet/screen, is a durable material that can withstand the passage of time and remain durable and intact. *Therefore, with a condition of approval requiring a matching paint color and sheen for the new parapet/ screen as proposed by the applicant, these guidelines can be met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans

submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. Design review ensures that exterior alterations will enhance the area and be compatible with existing development. In this case, the proposal involves new rooftop wireless telecommunications equipment that will be fully concealed behind a fiberglass replacement parapet/screen feature. This is a very effective technique to visually minimize the appearance of rooftop wireless facilities

. With a condition of approval ensuring that the replacement parapet/screen be provided with a matching paint color and sheen versus the existing rooftop parapet/screen, the applicable design guidelines can be met and the request should be approved.

ADMINISTRATIVE DECISION

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

- Removal of an existing panelized metal rooftop parapet/screen material on the west elevation facing NW 18th Avenue above the projecting entry tower, and replacement of this parapet/screen with a custom fiberglass material with matching vertical and horizontal framing members, height, and horizontal corrugation; and
- Four new panel antennas, remote radio units (RRU's) and accessory equipment mounted on the rooftop behind the screen, all below the uppermost height of the parapet/screen and concealed from view.

The approval is granted based on the approved plans and drawings, Exhibits C.1 through C.7, all signed and dated August 23, 2013, and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "REQUIRED ZONING COMPLIANCE PAGE - Case File LU 13-173392 DZ."
- B. The replacement fiberglass screen must be provided with a paint finish that visually matches the color and sheen of the existing rooftop parapet/screen material.

Staff Planner: Mark Walhood

Decision rendered by:  **on August 23, 2013.**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 27, 2013.

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 June 28, 2013, and was determined to be complete on July 26, 2013.

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 June 28, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on November 23, 2013.**

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 September 10, 2013** 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 775 Summer St. NE, Suite 330, 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 **September 11, 2013**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- *By Mail*: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope; *OR*
- *In Person*: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

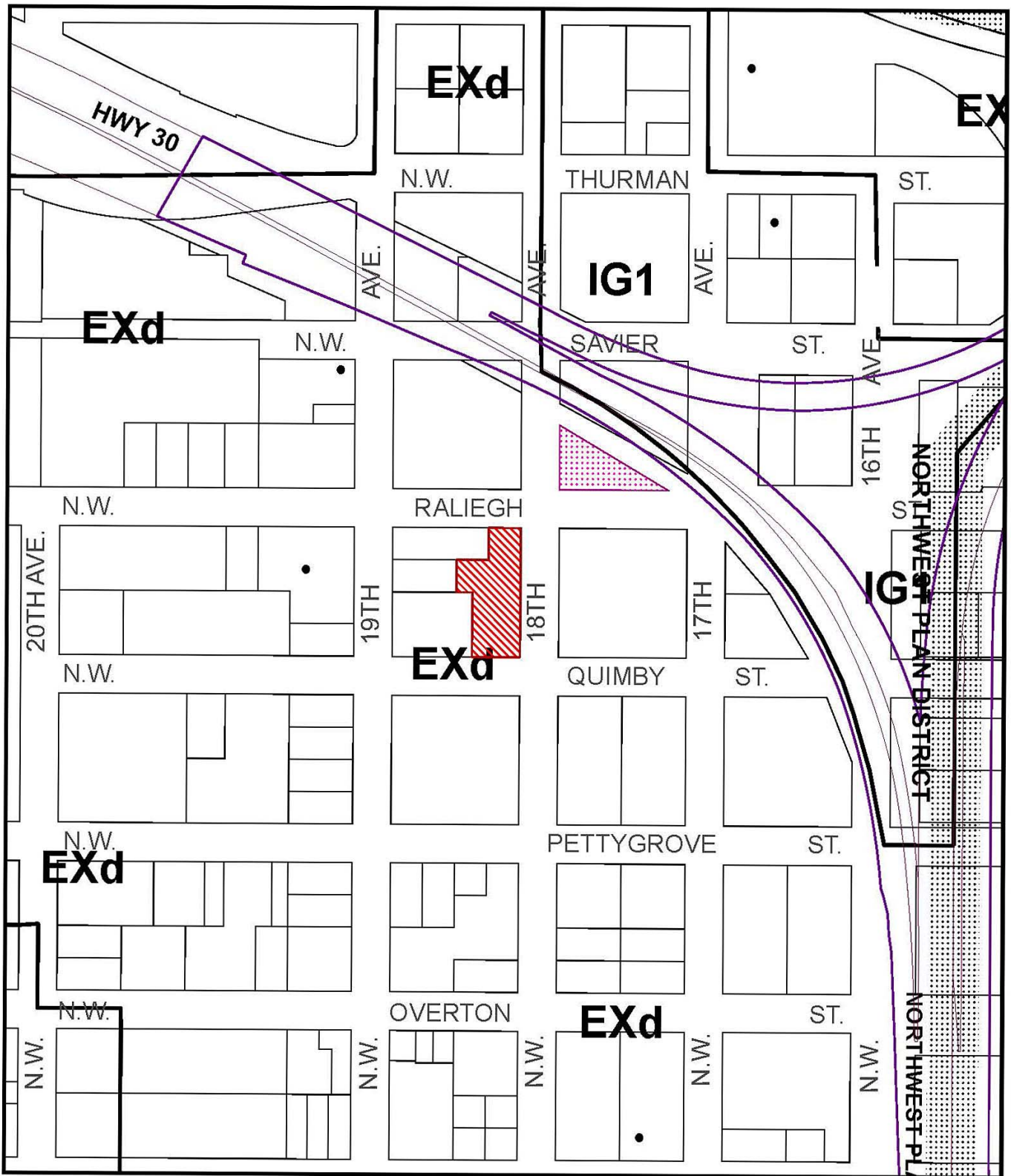
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 1. Original application narrative, plan set, site photos, and engineering documentation
 2. Memo and revised engineering letter received with supplemental drawing sheet with rooftop sections, received 8/20/13
 3. Site photos of existing rooftop screen from applicant, received 8/20/13
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Title Sheet
 2. Existing Site Survey
 3. Overall Site Plan (attached)

4. Enlarged Site Plan (attached)
 5. East and South Elevations
 6. North and West Elevations (reference only, no changes)
 7. Revised West Elevation with rooftop parapet section details, rec'd. 8/20/13 (attached)
- D. Notification information:
1. Mailed notice
 2. Mailing list and original notice
- E. Agency Responses:
1. Water Bureau
 2. Fire Bureau
 3. Life Safety Section of the Bureau of Development Services
 4. Urban Forestry Division of Portland Parks and Recreation
 5. Site Development Review Section of the Bureau of Development Services
 6. Bureau of Environmental Services
 7. Development Review Section of Portland Transportation
- F. Correspondence (none received at time of decision mailing)
- G. Other:
1. Original LU Application Form and receipt

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



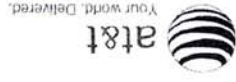
ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 13-173392 DZ
 1/4 Section 2828,2928
 Scale 1 inch = 200 feet
 State_Id 1N1E28DC 5300
 Exhibit B (Jul 03,2013)



DATE: 08/20/13
 DRAWN BY: SF
 CHECKED BY: PWR

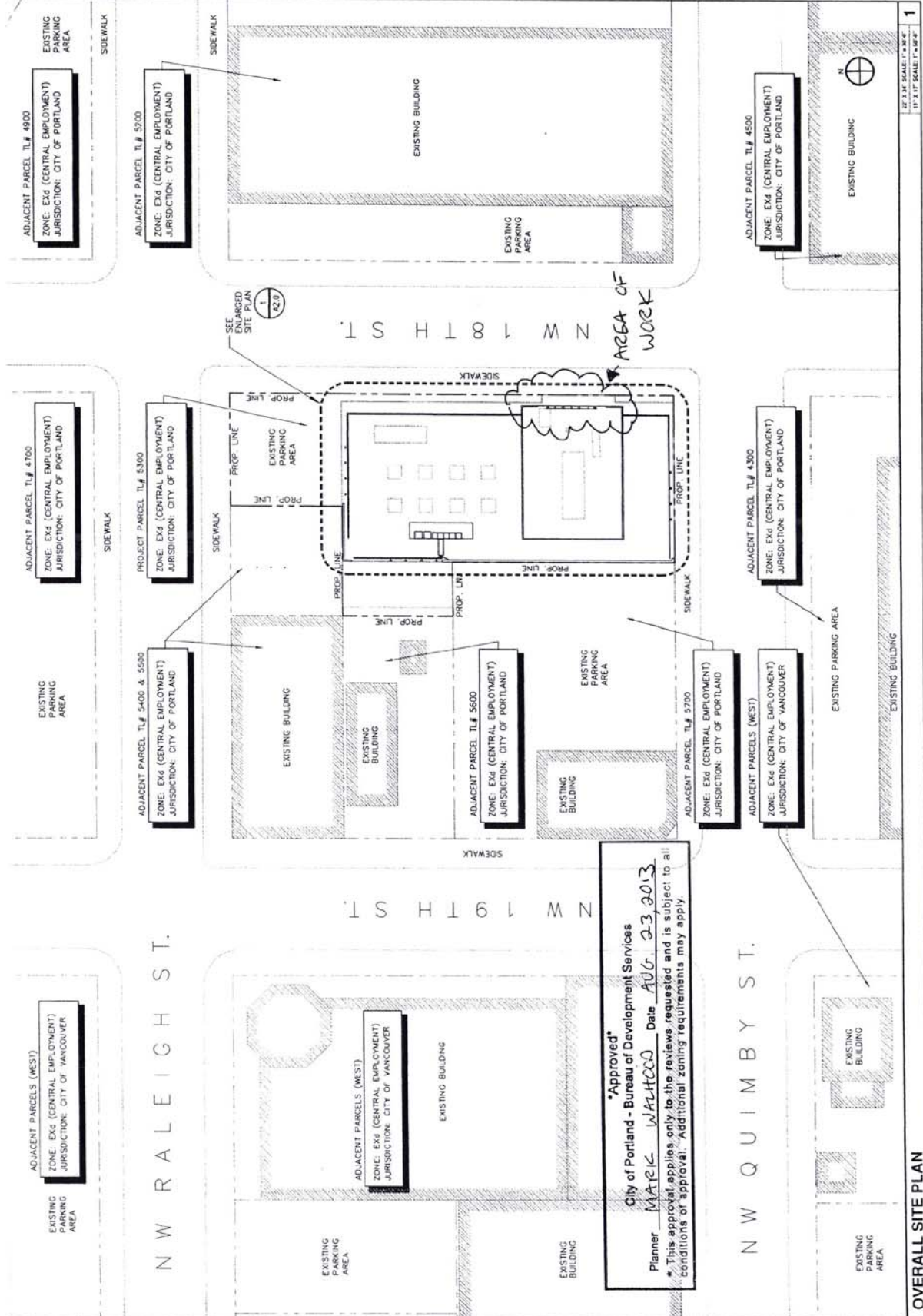
REVISIONS	
NO.	DESCRIPTION
1	ADDED TO DRAWING
2	ADDED TO DRAWING
3	ADDED TO DRAWING
4	ADDED TO DRAWING



SITE
 PC75
 RALEIGH & NW 21ST AVE
 1315 NW 18TH AVE
 PORTLAND, OR 97209

SHEET TITLE
 OVERALL SITE PLAN

SHEET NUMBER
 A-1



Approved
 City of Portland - Bureau of Development Services
 Planner MARK WALHEDD Date AUG 23, 2013
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

OVERALL SITE PLAN



DATE: 04/29/13
 DRAWN BY: SP
 CHECKED BY: PMR

NO.	DATE	DESCRIPTION	BY
1	4/29/13	2D FINAL	SP
2	5/17/13	2D FINAL	SP
3	6/29/13	2D FINAL	PMR



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

SHEET TITLE:
 ENLARGED SITE PLAN

SHEET NUMBER:
 A-2

CONSTRUCTION PLAN KEYED NOTES

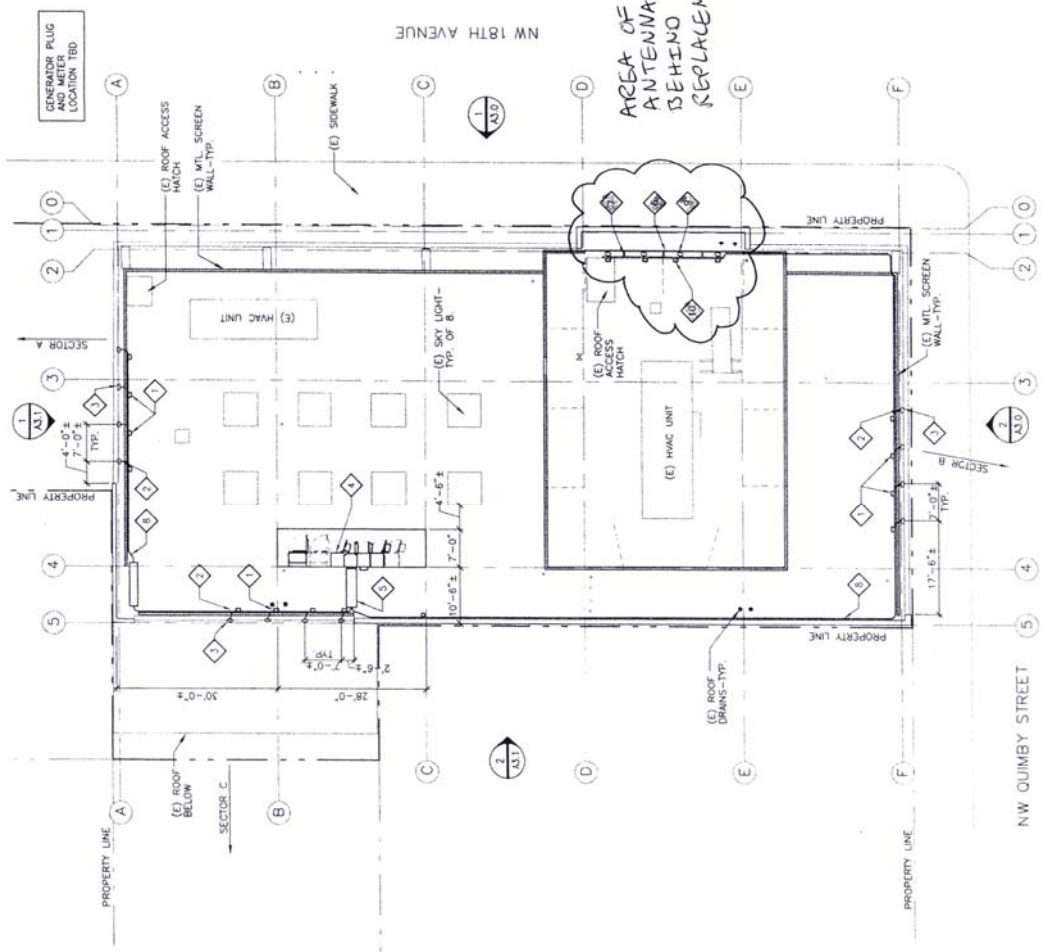
- ◇ PROPOSED APPROVED AIRT REMOTE MOUNT HEADS (LU 12-119312 029)
- ◇ PREVIOUSLY APPROVED ANTENNA MOUNTS (LU 12-119312 029)
- ◇ PREVIOUSLY APPROVED AIRT ANTENNAS (LU 12-119312 029)
- ◇ PREVIOUSLY APPROVED EQUIPMENT CABINETS (LU 12-119312 029)
- ◇ PROPOSED APPROVED CABLE TRAY (LU 12-119312 029)
- ◇ PROPOSED NEW FRP PANELS TO REPLACE EXISTING MET. PANELS PER MANUFACTURER DESIGN. WANT TO MATCH EXISTING MET. PANEL COLOR.
- ◇ PROPOSED NEW ANTENNA FRAME MOUNTED TO EXISTING SCREEN STRUCTURE - TO BE VERIFIED WITH STRUCTURAL ENGINEER.
- ◇ COMAL CABLE TO ANTENNAS. SEE COMAL LENGTH SCHEDULE.
- ◇ PROPOSED NEW AIRT ANTENNAS MOUNTED BEHIND NEW FRP PANELS (4)
- ◇ PROPOSED NEW AIRT REMOTE MOUNT HEADS (4)

SITE NOTES

VERIFY ANTENNA MODEL WITH HEADS

AREA OF WORK: FOUR NEW ANTENNAS + REV UNITS BEHIND NEW FIBERGLASS REPLACEMENT PARAPET PANELS

Approved
 City of Portland - Bureau of Development Services
 Planner: MAREK WALCZAK Date: AUG. 23, 2013
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



2" = 1' SCALE
 1" = 1' SCALE

ENLARGED SITE PLAN

LU 13-173392 02 Exhibit C.4

