



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** August 11, 2008  
**To:** Interested Person  
**From:** Mark Walhood, Land Use Services 503-823-7806  
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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 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 08-117939 CU DZ**  
**(CLEARWIRE ROOFTOP SITE @ CONCORDIA STUDENT HOUSING)**

**GENERAL INFORMATION**

**Applicant/Contact:** Charles Wiens (503) 314-3985  
Powder River Development  
5256 SW Dosch Road  
Portland, Oregon 97239

**Property Owner:** Concordia University/Lutheran Church Missouri Synod  
Attn.: Dennis Stoecklin (503) 493-6470  
2811 NE Holman Street  
Portland, Oregon 97211-6067

**Site Address:** 6305, 6321, 6333 & 6345 NE 30<sup>th</sup> Avenue

**Legal Description:** INC PT VAC ALLEY LOT 2&4&6 BLOCK 35, IRVINGTON PK; INC PT VAC ALLEY LOT 8&10 BLOCK 35, IRVINGTON PK; INC PT VAC ALLEY LOT 12&14 BLOCK 35 INC PT VAC ALLEY LOT 16 BLOCK 35, IRVINGTON PK; INC VAC ALLEY LOT 18&20 BLOCK 35 INC VAC ALLEY LOT 22&24 BLOCK 35 INC VAC ALLEY LOT 26 BLOCK 35, IRVINGTON PK

**Tax Account Nos.:** R421312490, R421312520, R421312540, R421312570  
**State ID Nos.:** 1N1E13CA 09200, 1N1E13CA 09100, 1N1E13CA 09000, 1N1E13CA 08900

**Quarter Section:** 2433

**Neighborhood:** Concordia, contact George Bruender at 503-287-4787.  
**Business District:** North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135..

**Zoning:** **IRdh** (Institutional Residential base zone with the “d” or Design and “h” or Aircraft Landing overlay zones)

**Case Type:** **CU DZ** (Conditional Use and Design Reviews)

**Procedure:** **Type II**, an administrative decision by Bureau of Development Services that can be appealed to the Hearings Officer and/or Design Commission.

**Proposal:** Clearwire is a wireless telecommunications provider in the process of installing a network of transmission sites in the Portland area. In this application, Clearwire is proposing to install a rooftop transmission site atop an existing four-story student housing building on the Concordia University campus. The student housing building is located at the southeast corner of the campus, at the northwest corner of the intersection of NE 30<sup>th</sup> Avenue and Holman Streets.

The proposed installation includes three panel antennas concealed within a RF-transparent shroud (opaque panel which allows radio frequency waves through) atop the uppermost portion of an existing penthouse on the building. The RF-transparent shroud rises 5'-0" above the top of the penthouse, has a footprint of approximately 3'-0" by 2'-0", and has one angled side to match the form of an existing chimney at the south end of the building. Accessory elements of the proposal include three equipment cabinets mounted to the north face of the penthouse below the antennas, accessory conduit surface-mounted to the building roof and walls, and a single microwave dish mounted to the north wall of a shed dormer on the east side of the building. An additional electrical and telecommunications cabinet is mounted inside the existing penthouse structure, below the antennas. The applicant intends to paint the antennas, exterior cabinets and microwave dish, and visible cabling or conduit to match the adjacent building color. **NOTE:** Since the mailed notice, the applicant revised the type of microwave dish from a round 2'-2" diameter dish to a 1'-2" square panel type dish, but in the same location.

Wireless telecommunications facilities (or ‘cell sites’) are regulated in the Portland Zoning Code as Radio Frequency Transmission Facilities (33.274). Because the property is zoned residential, and the proposed rooftop facility operates at less than 100 watts of Effective Radiated Power (ERP), the installation requires approval through a Type II Conditional Use Review (33.274.025, 33.274.050). In addition, because the site includes the Design overlay zone, and the project involves a non-residential use, the request requires a Type II Design Review (33.420.041.B, 33.420.060.F, 33.825.025.A.2.m).

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

- **33.815.225.A.1-3**, Conditional Use Approval Criteria for Radio Frequency Transmission Facilities operating at 1,000 watts ERP or less, locating on an existing building in an R zone;
- **33.274.030**, Radio Frequency Transmission Facility Development Standards; and
- The *Community Design Guidelines*.

## ANALYSIS

**Site and Vicinity:** The site is developed with a four-story student housing building at the northwest corner of the intersection of NE 30<sup>th</sup> Avenue and NE Holman Streets. The project occupies the southeast corner of the existing Concordia University campus. The building is separated from the adjacent streets and sidewalks by grassy landscaped areas approximately 10 feet deep. The building is approximately 65-feet wide in an east-west direction, and 270-feet long from north to south. Along the south edge of the building, near the corner of NE 30<sup>th</sup> and Holman, where the rooftop facility is proposed, the building has a flat roof with a narrow rooftop equipment penthouse running from the east to west building edge.

The site is across the street from single-family homes to the south, east, and southeast. A three-story student housing project of three stories is located directly west of the site fronting onto NE Holman Street. Further north, an academic building and the student bookstore are also adjacent, with the remainder of the Concordia campus further to the north and west. All adjacent street frontages are improved with paved public sidewalks, planting strips with street trees, and two-way paved roadways with on-street parking on both sides of the street. The adjacent frontages of both streets carry Local Service Street designations in the Transit, Bike, and Pedestrian Classifications of the City of Portland Transportation System Plan.

**Zoning:** The Institutional Residential (IR) base zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, to address potential impacts upon the surrounding residential neighborhood, institutions are required to receive approval either through the Impact Mitigation Plan or Conditional Use process. Concordia University operates under an approved Impact Mitigation Plan, subject to conditions of approval, for a phased period of campus growth. In all residential zones, wireless telecommunications (Radio Frequency Transmission) facilities require approval through the Conditional Use process.

The “d” or Design overlay zone always accompanies the IR base zone. Typically, as is the case with Concordia, development projects on the perimeter of a campus, adjacent to residential areas, must receive approval through the two-track design review process. The two-track process involves showing conformance during building permit review with the non-discretionary Community Design Standards, or through a design review separate from the building permit. In this case, because the facility was not specifically allowed as eligible to use the Community Design Standards in the Concordia Impact Mitigation Plan, this facility requires design review.

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

- *CU 44-79* - 1979 conditional use permit to remove two houses and construct two dormitories along NE 30<sup>th</sup> Avenue, and to allow University uses in six houses;
- *LUR 91-00424 MS CU* - 1991 Concordia Master Plan, later superceded by 1997 Impact Mitigation Plan;
- *LUR 91-00808 CU* - 1991 conditional use approval for the construction of a modular classroom building, subject to conditions;
- *LUR 97-00468 IM* - 1997 approval, subject to conditions, of a Concordia University Impact Mitigation Plan to replace the 1991 Master Plan;
- *LUR 97-00539 IM DZ* - Design review approval for the student housing project on the site considered in this application;
- *LU 02-106366 IM* - Approval of an amended Impact Mitigation Plan for Concordia University, subject to conditions, superceding and incorporating the 1997 Impact Mitigation Plan;
- *LU 06-142498 DZ IM* - Design Review and Impact Mitigation Plan Compliance Review for the Concordia University Library and Central Green, subject to conditions;
- *LU 07-142498 DZM IM* - Pending design review, modifications, and compliance review for the Concordia Athletic Field project; and
- *LU 07-184841 ZC IM* - Pending Zoning Map Amendment and compliance review related to the proposed vacation of NE Liberty and Junior Streets between NE 27<sup>th</sup> and 29<sup>th</sup> Avenues.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 22, 2008**. The following Bureaus have responded with no issues or concerns:

- The *Site Development Section of the Bureau of Development Services* (Exhibit E.1);
- The *Fire Bureau* (Exhibit E.2);
- The *Water Bureau* (Exhibit E.3); and
- The *Urban Forestry Division of Portland Parks and Recreation* (Exhibit E.4).

The *Development Review Section of Portland Transportation* has reviewed the proposal and responded without objections, provided there is no work in the right-of-way (Exhibit E.5).

The *Bureau of Environmental Services (BES)* has reviewed the proposal and responded without objections. However, further development of the property will be subject to BES standards and requirements during the building permit review process (Exhibit E.6).

The *Life Safety (Building Code) Section of the Bureau of Development Services* has reviewed the proposal and responded with preliminary building codes information. A separate building permit is required for the work proposed, and the proposal must be designed to meet all applicable building codes and ordinances. Exhibit E.7 contains staff contact and additional information.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 22, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### [1] Chapter 33.815, Conditional Uses

#### **33.815.010 Purpose**

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

#### **33.815.225 Radio Frequency Transmission Facilities**

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for facilities operating at 1,000 watts ERP or less, proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, or I zone within 50 feet of an R zone:
  1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;

**Findings:** The proposed three antennas are contained within a RF (radio frequency) transparent shroud assembly, mounted to the roof of the existing building penthouse. The shroud itself rises 5'-0" above the adjacent penthouse roof surface, has a footprint of 3'-0" by 2'-0", and has a sloping north exterior face which mimics the form of the prominent vertical chimney element on the southernmost edge of the structure. The shroud assembly and antennas are contained exactly at the center of the 56'-0" wide by 12'-0" deep penthouse structure, which is also located within the flat-roofed portion of the building, reducing direct views of the shroud from adjacent streets. The shroud assembly will be painted and textured to match the adjacent building color. *Therefore, this criterion is met.*

2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and

**Findings:** Electrical equipment cabinets and the electric meter box associated with the facility will be fully contained within the building, and therefore adequately screened. Exterior accessory equipment associated with the facility includes three equipment cabinets mounted to the north wall of the penthouse below the antennas, a single microwave dish on the north face of a shed dormer, and accessory cabling or conduit connections between the various elements and the electrical cabinets and meter within the building. The three electrical cabinets are mounted flush with the north wall of the penthouse, as a group are approximately 2'-0" tall by 4'-0" wide, and are placed on the lower half of the 9'-0" tall penthouse wall at least 12'-0" from the nearest (west) building edge. The microwave dish is a 1'-2" square model mounted to the north face of a fourth floor shed dormer on the east side of the building, below the dormer roofline, with the dish and mounting device projecting approximately 2'-0" from the exterior face of the dormer wall. All exterior accessory equipment on the building, as well as all exterior cabling and conduit, will be painted to match the adjacent building color. Given their placement, modest scale, and with a paint finish matching the adjacent building color, the accessory equipment associated with the facility will be adequately screened.

*Therefore, this criterion can be met.*

3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

**Findings:** The relevant regulations and standards for this proposal are the development standards of Chapter 33.274 - Radio Frequency Transmission Facilities. *As discussed in detail below under, all applicable regulations can be met; therefore, this criterion is met.*

## **[2] 33.274.040 Development Standards Radio Frequency Transmission Facilities**

Amended by Ord. No. 165376, effective 5/29/92.)

### **A. Purpose.** The development standards:

- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers in residential and open space zones whenever possible;
- Protect adjacent populated areas from excessive radio frequency emission levels;
- Protect adjacent property from tower failure, falling ice, and other safety hazards; and

### **B. When standards apply.**

Unless exempted by 33.274.030, above, the development standards of this section apply to all Radio Frequency Transmission Facilities. Applications to modify existing facilities regulated by this chapter are only required to meet the standards of Paragraphs C.3, C.4, C.5, C.6, and C.9 in addition to any previous conditions of approval. Increasing the height of a tower is not considered modification of an existing facility.

### **C. General requirements**

1. Tower sharing. Where technically feasible, new facilities must co-locate on existing towers or other structures to avoid construction of new towers. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other

- structures, with no success; or that location on an existing tower or other structure is infeasible.
2. Grouping of towers. The grouping of towers that support facilities operating at 1,000 watts ERP or more on a site is encouraged where technically feasible. However, tower grouping may not result in radio frequency emission levels exceeding the standards of this chapter.
  3. Tower finish. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.
  4. Tower illumination. Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

**Findings:** The proposal is to mount the facility on an existing building. No new tower or tower illumination is proposed. *Therefore, these standards are not applicable.*

5. Radio frequency emission levels. All existing and proposed Radio Frequency Transmission Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified in Table 274-1, except as superseded by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits.

Frequency Range	Mean Squared Electric ( $E^2$ ) Field Strength ( $V^2/m^2$ ) [2]	Mean Squared Magnetic ( $H^2$ ) Field Strength ( $A^2/m^2$ ) [3]	Equivalent Plane-Wave Power Density ( $mW/cm^2$ ) [4]
100 KHz – 3 MHz	80,000	0.5	20
3 MHz – 30 MHz	4,000 ( $180/f^2$ ) [5]	0.025 ( $180/f^2$ )	$180/f^2$
30 MHz – 300 MHz	800	0.005	0.2
300 MHz – 1500 MHz	4,000 ( $f/1500$ )	0.025 ( $f/1500$ )	$f/1500$
1500 MHz – 300 GHz	4,000	0.025	1.0

Notes:

- [1] All standards refer to root mean square (rms) measurements gathered by an approved method.
- [2]  $V^2/m^2$  = Volts squared per meter squared.
- [3]  $A^2/m^2$  = Amperes squared per meter squared.
- [4]  $mW/cm^2$  = Milliwatts per centimeter squared.
- [5]  $f$  = Frequency in megahertz (MHz).

**Findings:** The proposed facility will operate within the frequency range of 2500 to 2690 MHz. The maximum Effective Radiated Power for the facility is 1.0 mW/cm<sup>2</sup>. The applicant has submitted documentation from a Radio Frequency Engineer working for Clearwire documenting that the facility will operate at a maximum of 0.00423 mW/cm<sup>2</sup>, well below the maximum ERP. *Based upon the engineering documentation submitted by the applicant, this standard is met.*

Staff note: The Federal Telecommunications Act of 1996 prohibits a local government from denying a request to construct such facilities based on “harmful radio frequency emissions” as long as the wireless telecommunications facility meets the standards set by the FCC. Furthermore, the Act required the FCC to adopt standards for radio frequency emissions from wireless telecommunications by August, 1996. In a rule making procedure, the FCC adopted standards effective August 1, 1996, which are virtually the same as those reflected in Table 274-1. Because this land use review was submitted after those standards took effect, this conditional use review cannot be denied solely on the issue of harmful radio frequency emission levels.

6. Antenna requirements. The antenna on any tower or support structure must meet the minimum siting distances to habitable areas of structures shown in Table

274-2. Measurements are made from points A and B on the antenna to the nearest habitable area of a structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna. Point A is measured from the highest point of the antenna (not the tower) to the structure, and Point B is measured from the closest point of the antenna to the structure.

<b>Table 274-2</b>			
<b>Distance Between Antenna and Habitable Area of Structure</b>			
(Where f is frequency in megahertz.)			
Effective Radiated Power	Frequency (MHz)	Point A: Minimum Distance From Highest Point of Antenna To Habitable Area of Structure (feet)	Point B: Minimum Distance From Closest Portion Of Antenna To Habitable Area of Structure (feet)
< 100 watts		10	3
100 watts to 999 watts		15	6
1,000 watts to 9.999 Kw	< 7	11	5
	7 - 30	$f/0.67$	$f/1.5$
	30 - 300	45	20
	300 - 1500	$780/\sqrt{f}$	$364/\sqrt{f}$
	> 1500	20	10
10 Kw plus	< 7	17.5	8
	7 - 30	$f/0.4$	$f/0.91$
	30 - 300	75	33
	300 - 1500	$1300/\sqrt{f}$	$572/\sqrt{f}$
	1500	34	15

**Findings:** Based upon engineering information provided by the applicant, the antennas will operate at less than 100 watts ERP, and thus are required to be 10 feet for Point A and 3 feet for Point B, per Table 274-2. The proposed antennas are located atop the existing penthouse, which is 9'-0" above the main building roof above the closest habitable space. The top of the antennas (Point A), therefore, is approximately 14'-0" above the nearest habitable space, and the bottom of the antennas (Point B) is at least 9'-0" above any habitable space. These distances exceed the minimum separation requirements. *Therefore, this standard is met.*

7. Setbacks. All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets. Accessory equipment or structures must meet the base zone setback standards.

**Findings:** The proposal is to mount the facility on an existing non-broadcast structure. No new tower is proposed. *Therefore, this standard is not applicable.*

8. Guy anchor setback. Tower guy anchors must meet the main building setback requirements of the base zone.

**Findings:** The proposal is to mount the facility on an existing non-broadcast structure. No new tower is proposed. *Therefore, this standard is not applicable.*

9. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:

- a. In C, E or I zones more than 50 feet from an R zone. A tower and all accessory equipment or structures located in the C, E, or I zones more than 50 feet from an R zone must meet the following landscape standard:

**Findings:** The site is within an R zone. *Therefore, this standard is not applicable.*

- b. In OS or R zones or within 50 feet of an R zone. A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:
  - (1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.
  - (2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.

**Findings:** No new tower is proposed. All accessory equipment and structures associated with the facility are mounted on the existing building. There is no equipment mounted at grade. *Therefore, this standard is not applicable.*

10. Tower design.
  - a. For a tower accommodating a Radio Frequency Transmission Facility of 100,000 watts or more, the tower must be designed to support at least two additional transmitter/antenna systems of equal or greater power to that proposed by the applicant and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.
  - b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.
  - c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

**Findings:** The proposal is to mount the facility on an existing non-broadcast structure. No new tower is proposed. *Therefore, these standards are not applicable.*

11. Mounting device. The device or structure used to mount facilities operating at 1000 watts ERP or less to an existing building or other non-broadcast structure may not project more than 10 feet above the roof of the building or other non-broadcast structure.

**Findings:** The mounting devices for the antennas include a low skid-mount structure below the antenna shroud assembly, which projects approximately 0'-4" above the adjacent roof structure. *Therefore, this standard is met.*

12. Abandoned facilities. A tower erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower has been in use for more than six months.

**Findings:** There is no broadcast tower on the site. *Therefore, this standard is not applicable.*

**D. Additional requirements in OS, R, C, and EX zones and EG and I zones within 50 feet of an R zone.**

1. Purpose. These additional regulations are intended to ensure that facilities operating at 1000 watts ERP or less have few visual impacts. The requirements encourage facilities that look clean and uncluttered.



2. Standards. In addition to the regulations in Subsection C., above, facilities operating at 1000 watts ERP or less located in OS, R, C, or EX zones or EG or I zones within 50 feet of an R zone must meet all of the following standards:

- a. Antennas mounted on towers. Triangular “top hat” style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicast style top cylinder, or other similar mounting technique that minimizes visual impact.

**Findings:** No new tower is proposed. *Therefore, this criterion is not applicable.*

- b. Antennas mounted on existing buildings or other non-broadcast structures. This standard only applies to facilities located in OS or R zones or within 50 feet of an R zone. The visual impact of antennas that are mounted to existing buildings or other non-broadcast structures must be minimized. For instance, on a pitched roof, an antenna may be hidden behind a false dormer, mounted flush to the facade of the building and painted to match; mounted on a structure designed with minimal bulk and painted to fade into the background; or mounted by other technique that equally minimizes the visual impact of the antenna. The specific technique will be determined by the conditional use review.

**Findings:** As described earlier in this report under findings for 33.815.225.A.1-2, the proposed antennas are contained within a RF transparent shroud assembly mounted atop the existing penthouse. The antenna shroud and all visible accessory equipment will be painted to match the adjacent building color. *Therefore, this standard can be met.*

- c. Lattice. Lattice towers are not allowed.

**Findings:** No towers, lattice or otherwise, are proposed. *Therefore, this standard is not applicable.*

### [3] 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.
- The conservation, enhancement, and continued vitality of the identified historic, scenic, architectural, and cultural values of each design district.
- That the characteristics of an historical landmark, which led to it becoming a historic landmark, are conserved.
- High quality of design of public and private projects.

#### 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 the Design Overlay Zone (**d**), and includes a non-residential use in a residential zone, therefore the proposal requires Design Review approval. The site is located outside the Central City and not within a designated design district. *The Community Design Guidelines are used for design review in design zones for sites that are outside the Central City plan district, do not have their own, specific 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.*

### **Project Design Guidelines:**

**P1: Community Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

**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 P1, D6 & D8:** The site is within the Concordia Neighborhood of the Albina Community Plan. Policy 7 (Design) of the Concordia Neighborhood Plan seeks to ensure that designs are oriented to the street, and add to the safety and attractiveness of street environments. Buildings at Concordia University are specifically encouraged to 'reach out into the neighborhood, promote pedestrian access and safety, and be compatible with the surrounding area'. The proposed rooftop wireless telecommunications facility is minimal in scope, attached to an existing building, and with disguising RF transparent shrouding and paint treatments will not significantly change the appearance of the student housing building to which it is mounted.

The existing student housing building includes a brick material of staggered heights at the lower floors, a stucco-like exterior on the upper floors, and both flat, gabled, and shed roof forms. The southern portion of the building has a more rectilinear shape, with a flat roof segment, the trapezoidal chimney form and pedestrian entry awning, and the vertical flat-roofed penthouse within the center of the flat-roofed portion. The northern majority of the building has more staggered heights, and the mass of the building form is articulated into smaller-scale volumes with sloping gabled and shed roof forms. The northernmost section of the building is further reduced in scale by a step-down in height from 4 to 3 stories. The proposed wireless facility is mounted to the penthouse atop the flat-roofed southern section of the building, with all visible elements painted to match the adjacent building surface. The antennas themselves are contained within a shroud assembly whose angled north face directly reflects the form of the chimney element on the south edge of the building. Visible exterior accessory equipment is mounted on the north face of the building. The single square microwave dish is mounted to the north face of a single shed dormer on the east side of the building, below the dormer roofline.

*Therefore, 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 applicant has proposed the installation of a wireless telecommunications facility atop a student housing building at Concordia University. The facility has been appropriately located atop and attached to the existing building penthouse, and will be painted to match the adjacent building color. The antennas themselves are cleverly disguised within a RF transparent shroud assembly, mimicking the angled form of the chimney on the south edge of the building. The microwave dish is proposed for the north wall of a single shed dormer on the east side of the building at the fourth floor. The applicable guidelines and criteria can be met and the request should be approved.

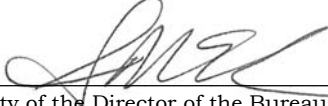
## ADMINISTRATIVE DECISION

**Approval of Design Review** (33.420.041.B) and **Conditional Use Review** (33.274.025) for the installation of a rooftop wireless telecommunications (Radio Frequency Transmission) facility, operating at less than 100 watts ERP, to be located atop a Concordia University student housing building at 6205-6345 NE 30<sup>th</sup> Avenue, including the following specific elements:

- Three panel antennas concealed within a 5'-0" tall RF-transparent shroud, centered within the roof surface of the existing uppermost penthouse, and with a footprint of 3'-0" by 2'-0";
- Three equipment cabinets mounted to the north side of the existing penthouse, which combined measure approximately 4'-0" wide by 2'-0" tall, and projecting approximately 0'-6" from the face of the penthouse;
- Accessory electrical and telecommunications equipment mounted entirely inside the building or penthouse;
- A single microwave dish mounted on the north face of a fourth floor shed dormer on the east side of the building, with a 1'-2" wide square design, with the uppermost point of the dish placed below the dormer roof above;
- Conduit and cable runs connecting the various elements of the facility; and
- All exterior elements of the facility, including the shroud, cabinets, microwave dish, and cabling or conduit painted to match the color of the adjacent building surface.

Approval is granted based on the approved drawings and details, Exhibits C.1 through C.5, each exhibit being signed and dated August 7, 2008, and subject to the following condition:

- 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-117939 CU DZ. No field changes allowed."

**Decision rendered by:**  **on August 7, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 11, 2008.**

**Staff Planner: Mark Walhood**

**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 April 9, 2008, and was determined to be complete on **May 20, 2008.**

*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 April 9, 2008.

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.

**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 Hearings Officer (conditional use review portion) and/or Design Commission (design review portion), which will hold a public hearing. *Any appeal must identify which approval criteria are under consideration in the appeal, to determine the appropriate review body or bodies.* Appeals must be filed **by 4:30 PM on August 25<sup>th</sup>, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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 contact the receptionist at 503-823-7967 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 Hearings Officer and/or 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 Hearings Officer and/or 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 26<sup>th</sup>, 2008 – (the next business 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; *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.

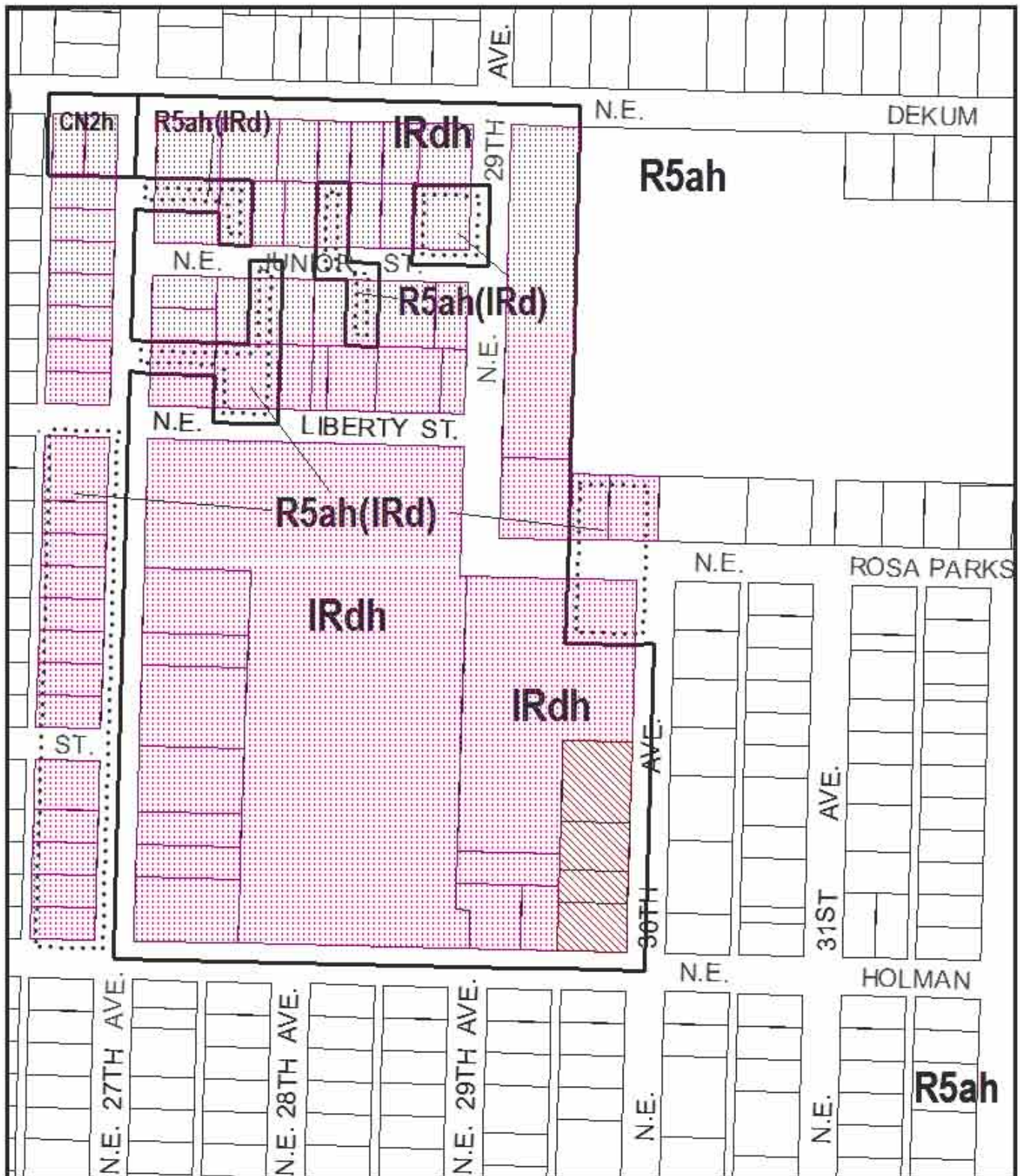
## **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  1. Original Narrative Statement, including engineering documentation
  2. Supplemental Narrative, addressing design review criteria, with design review receipt
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site and Roof Plan (attached)
  2. Enlarged Roof Plan (attached)
  3. North and East Elevations (attached)
  4. Specification Sheets for 1'-2" square microwave dish
  5. Large, Scalable Full Plan Set as Approved - 10 pages total
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Site Development Section of the Bureau of Development Services
  2. Fire Bureau
  3. Water Bureau
  4. Urban Forestry Division of Portland Parks and Recreation
  5. Development Review Section of Portland Transportation
  6. Bureau of Environmental Services
  7. Life Safety (Building Code) Section of the Bureau of Development Services
- F. Correspondence (*none received at time of decision mailing*)
- G. Other:
  1. Original LU Application Form, Tax Account Information and Receipt
  2. Site History Research
  3. Incomplete Letter, sent 4/23/08

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**





# ZONING

-  Site
-  Also Owned



File No. LU 08-117939 CU DZ  
 1/4 Section 2433  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E13CA 9000  
 Exhibit B (Apr 24, 2008)

**LEGAL DESCRIPTION**

TITLE REPORT TBD

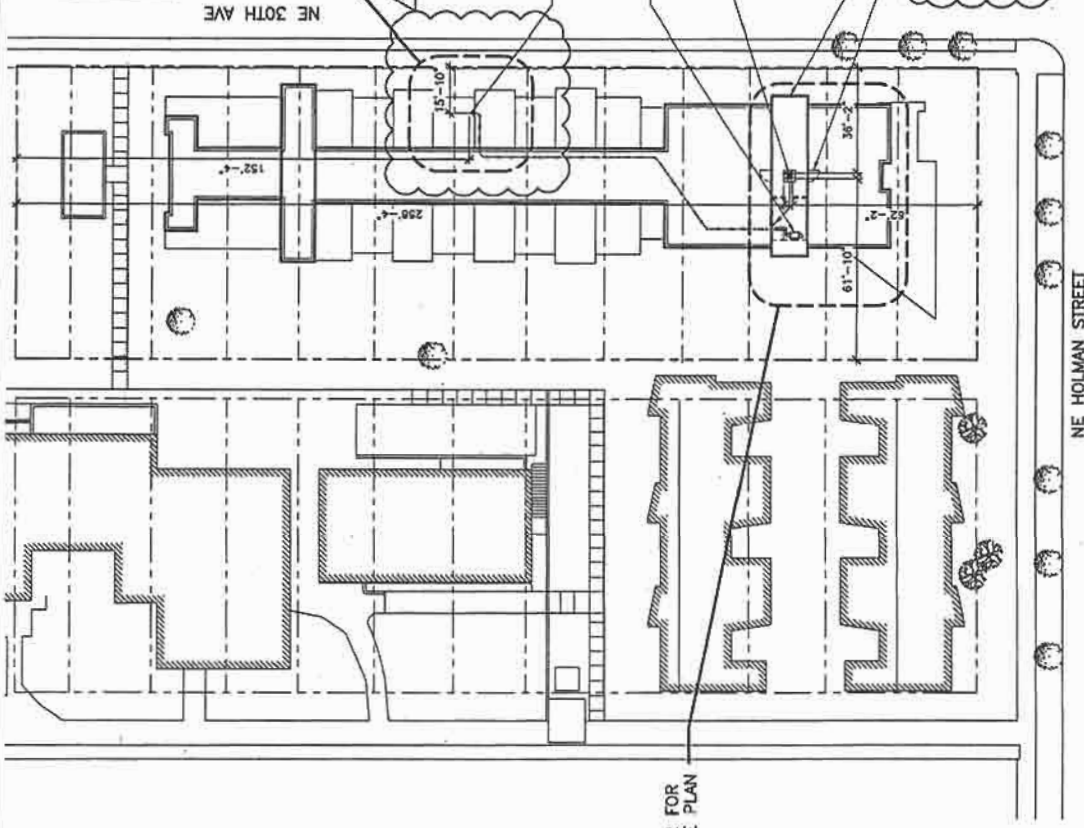
City of Portland - Bureau of Development Services

Planner: MURK WKLH000 Date: August 7, 2008

\*Approved\*  
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

**EXISTING LEGEND**

- SUBJECT BOUNDARY LINE
- RIGHT-OF-WAY CENTERLINE
- RIGHT-OF-WAY LINE
- ADJACENT BOUNDARY LINE
- SECTIONAL BREAKDOWN LINE
- OVERHEAD POWER LINE
- BURIED POWER LINE
- BURIED GAS LINE
- OVERHEAD TELEPHONE LINE
- BURIED TELEPHONE LINE
- BURIED WATER LINE
- BURIED SANITARY SEWER
- BURIED STORM DRAIN
- OTCH LINC/FLOW LINE
- ROOF RETAINING WALL
- VEGETATION LINE
- DRAIN LINC FENCE
- HOOD FENCE
- BARBED WIRE/FENCE
- FENCE POST/POST
- LIGHT STANDARD
- POWER VALVE
- WATER METER
- FIRE STAND PIPE
- UTILITY BOX
- POLE CITY WISE
- GAS VALVE
- GAS METER
- TELEPHONE WALL
- TELEPHONE HOOK
- 233.22 SPOT ELEVATION



Proposal and design as approved  
 in case file #LU 08-117439 C-02.  
 No field changes allowed.

ALL EXTERIOR ELEMENTS  
 PAINTED TO MATCH  
 ADJACENT BUILDING  
 COLOR.

NOTE:  
 PROPOSED CLEARANCE 2' @ PVC CONDUIT FROM PROPOSED SIGNAGE TO EXISTING BUILDING TO [E] 40 AMP ELECTRICAL PANEL LOCATED ON THIRD FLOOR.

GRAPHIC SCALE

OVERALL SITE PLAN  
 SCALE 24x36: 1" = 20'-0"  
 SCALE 11x17: 1" = 40'-0"

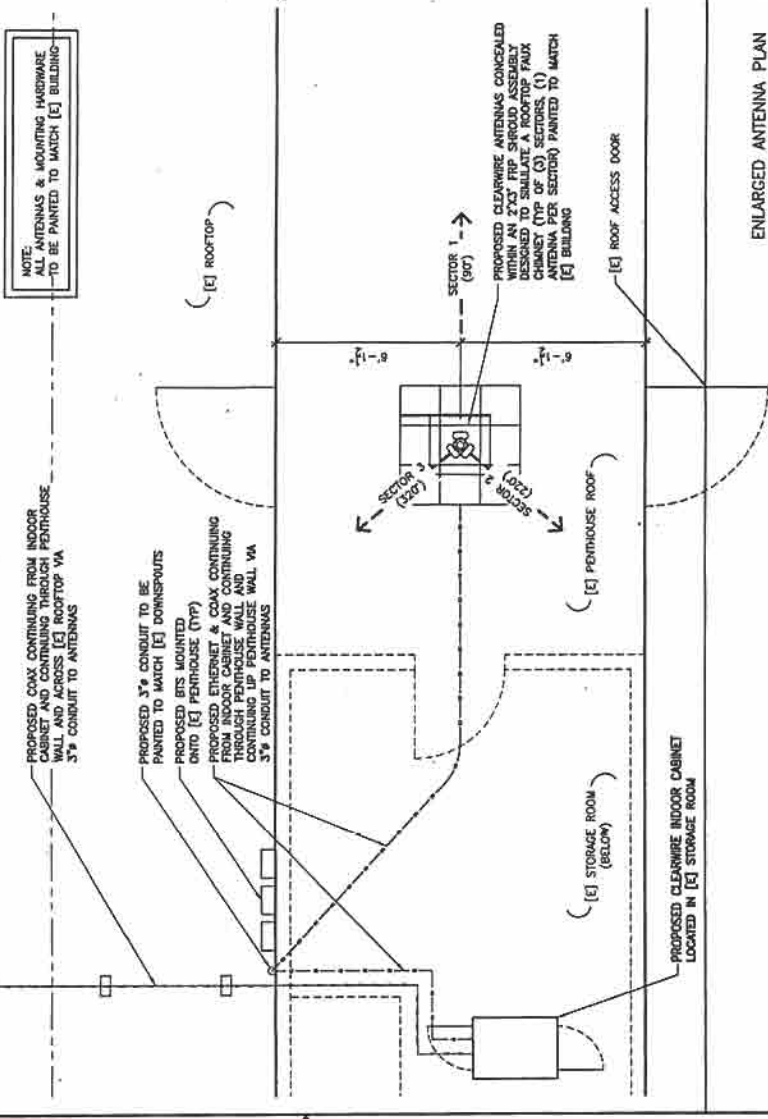
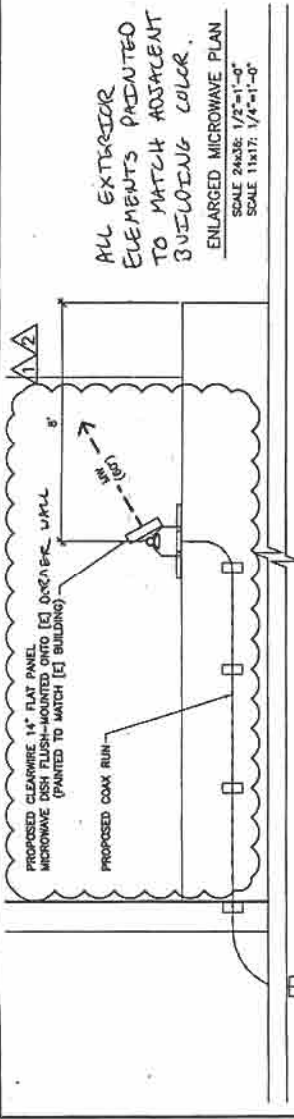
<b>HALL ARCHITECTURE</b> North Creek Office Center 19119 North Creek Parkway, Suite 105 Bothell, WA 98011 pt. (425) 415-0746 fax: (425) 415-0799		<b>clear wire®</b> 4400 CASILLON POINT KIRKLAND, WA 98033		<b>CONCORDIA</b> OR-POR184-A 2821 NE HOLMAN ST PORTLAND, OR 97211		PHD PHD RBH PHD PHD RBH PHD PHD RBH PHD PHD RBH JFD PHD RBH DRAWN BY: CBK		HALL ARCHITECTURE BOTHELL, WA OVERALL SITE PLAN DRAWING NUMBER OR-POR184-C01 0	
6	08-04-08	REVISED FINAL SET	AS SHOWN	DESIGNED BY: CBK	SCALE	1	03-27-07	PRELIMINARY CONSTRUCTION DOCUMENTS	REV
5	04-22-08	REVISED FINAL SET	AS SHOWN	DESIGNED BY: CBK	SCALE	2	04-20-07	REVISED PRELIMINARY CONSTRUCTION DOCUMENTS	REV
4	06-27-07	SUBMITTAL SET	AS SHOWN	DESIGNED BY: CBK	SCALE	3	05-04-07	FINAL CONSTRUCTION DOCUMENTS	REV
3	05-04-07	FINAL CONSTRUCTION DOCUMENTS	AS SHOWN	DESIGNED BY: CBK	SCALE	4	04-20-07	REVISED PRELIMINARY CONSTRUCTION DOCUMENTS	REV
2	04-20-07	REVISED PRELIMINARY CONSTRUCTION DOCUMENTS	AS SHOWN	DESIGNED BY: CBK	SCALE	5	03-27-07	PRELIMINARY CONSTRUCTION DOCUMENTS	REV
1	03-27-07	PRELIMINARY CONSTRUCTION DOCUMENTS	AS SHOWN	DESIGNED BY: CBK	SCALE	6	08-04-08	REVISED FINAL SET	REV

CASE NO. W 08-117439 C-02  
 EXHIBIT C-1



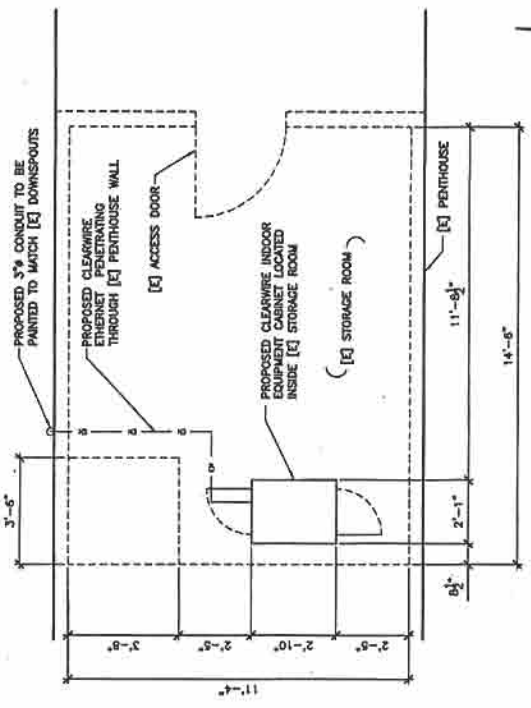
**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner: MARLE WALTERS Date: AUGUST 7, 2008  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

**Proposal and design as approved**  
 In case file # LU 08-117939 CU 02  
 No field changes allowed.



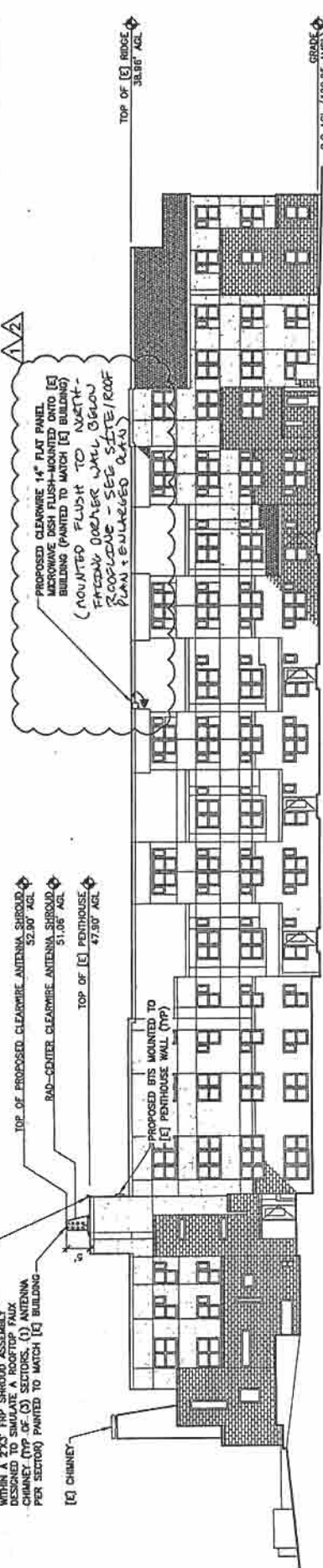
<b>HALL ARCHITECTURE</b> North Crest Office Center 19119 North Crest Parkway, Suite 105 Bothell, WA 98011 PH: (425) 415-0746 fax: (425) 415-0739	<b>POWDER RIVER</b> Engineering Services, LLC 4400 CARILLON POINT KIRKLAND, WA 98033	<b>clear wire®</b>	CONCORDIA OR-POR184-A 2821 NE HOLLMAN ST PORTLAND, OR 97211	6 09-04-08 REVISED FINAL SET 5 04-22-08 REVISED FINAL SET 4 09-27-07 SUBMITTAL SET 3 09-06-07 FINAL CONSTRUCTION DOCUMENTS 2 04-23-07 REVISED PRELIMINARY CONSTRUCTION DOCUMENTS 1 03-27-07 PRELIMINARY CONSTRUCTION DOCUMENTS SCALE: AS SHOWN   DESIGNED BY: CSK	PHD PHD RSH PHD PHD RSH PHD PHD RSH PHD PHD RSH PHD PHD RSH JFD PHD RSH DRAWN BY: CSK	HALL ARCHITECTURE BOTHELL, WA ENLARGED SITE PLAN DRAWING NUMBER OR-POR184-C02 REV 0
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**ENLARGED EQUIPMENT PLAN**  
 SCALE 24x36: 1/2"=1'-0"  
 SCALE 11x17: 1/4"=1'-0"



CASE NO. W 08-117939 CU 02  
 EXHIBIT C.2

NOTE:  
BY ENGINEER TO FIELD VERIFY  
RAD-CENTER OF PROPOSED ANTENNAS



ALL EXTERIOR ELEMENTS PAINTED TO MATCH ADJACENT BUILDING COLOR

PROPOSED CLEARWIRE ANTENNAS CONCEALED WITHIN A 2'x3' FRP SHROUD ASSEMBLY DESIGNED TO SIMULATE A ROOFTOP FAUX CHIMNEY. (TYP OF (3) SECTORS, (1) ANTENNA PER SECTOR) PAINTED TO MATCH [E] BUILDING PER SECTOR

PROPOSED CLEARWIRE ANTENNA SHROUD 52.30' AGL

RAD-CENTER OF PROPOSED CLEARWIRE ANTENNA ARRAY 51.06' AGL

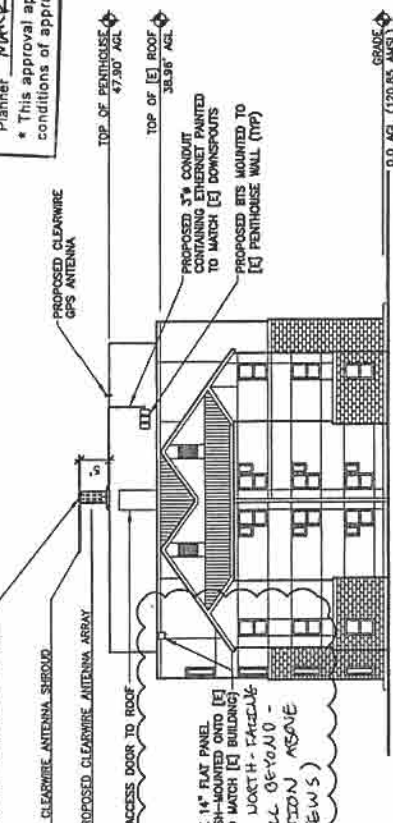
[E] ACCESS DOOR TO ROOF

PROPOSED 3" CONDUIT CONTAINING ETHERNET PAINTED TO MATCH [E] DOWNSPROUTS

PROPOSED BITS MOUNTED TO [E] PENTHOUSE WALL (TYP)

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner: MARLE WADSWORTH Date: AUGUST 7, 2008  
\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Proposal and design as approved  
In case file # LU 08-117939 CU 02  
No field changes allowed.



<b>HALL ARCHITECTURE</b> North Creek Office Center 19119 North Creek Parkway, Suite 105 Bothell, WA, 98011 ph: (425) 415-0746 fax: (425) 415-0799	<b>clear wire®</b> 4400 CARILLON POINT KIRKLAND, WA 98033	CONCORDIA OR-POR184-A 2921 NE HOLMAN ST PORTLAND, OR 97211	6 08-04-08 REVISED FINAL SET A 5 04-22-08 REVISED FINAL SET A 4 08-27-07 SUBMITTAL SET A 3 05-04-07 FINAL CONSTRUCTION DOCUMENTS 2 04-20-07 REVISED PRELIMINARY CONSTRUCTION DOCUMENTS 1 03-27-07 PRELIMINARY CONSTRUCTION DOCUMENTS	PHD (PHD) RSH PHD (PHD) RSH PHD (PHD) RSH PHD (PHD) RSH JFD (PHD) RSH	HALL ARCHITECTURE BOTHELL, WA ELEVATION DRAWING NUMBER OR-POR184-C02.1 0
			SCALE: AS SHOWN   DESIGNED BY: CBK 3 4 5 6	DRAWN BY: CBK 2 3 4 5 6	STATE OF WASHINGTON LICENSED ARCHITECT 0000390 [Signature]

CASE NO. LU 08-117939 CU 02  
EXHIBIT C-3