



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

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Date: November 22, 2013
To: Interested Person
From: Staci Monroe, 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 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 13-212054 DZ – VERIZON ANTENNAS AT 1411 SW 3RD AVENUE SMART PARK GARAGE

GENERAL INFORMATION

Applicant: Reid Stewart / Lexcom Development
4015 SW Battaglia Avenue / Gresham, OR 97080

Owner Rep: Mark Group Partnership No. 5
111 SW Columbia Street, #1380 / Portland, OR 97201

Site Address: 1411 SW 3RD AVENUE

Legal Description: BLOCK 146 LOT 1-8, PORTLAND **Tax Account No.:** R667714610
State ID No.: 1S1E03BC 03000 **Quarter Section:** 3129
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Zoning: CXd: Central Commercial zone with a design overlay
Case Type: DZ: Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval to replace nine existing cellular antennas located on the 6th and 7th floors of the Smart Park parking garage with nine new cellular antennas in the same location. The height of the new antennas measure approximately 69'-0" above the grade of the sidewalk. The eight-story parking garage is located in the Downtown sub district of the Central City Plan District. The new antennas would measure approximately the same dimensions as the existing antennas, and be mounted to existing pipes at the same maximum height as the existing antennas. The antennas will be located at the SW, NW, and NE corners of the building in three groups of three. In addition, three new remote radio units (RRUs) will be located on the inner face of the existing stair tower overruns on the roof of the parking garage. The new antennas measure a maximum of 4'-5" tall, 1'-9" wide and 0'-8" deep.

Per Zoning Code Section 33.420.041.B, Design review is required since the proposal includes an exterior alteration to existing development.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site occupies one full city block occupying 40,000 square feet bounded by SW 3rd and SW 4th Avenues and SW Clay and SW Columbia Streets. Site improvements are limited to a full perimeter parking garage building. The parking garage is a highly functional design of exposed concrete panels. Additions include art banners on the sides and metal roof trellis with vines on the corners at the 9th floor level elevator towers. The eight-story building contains a roof deck with stair towers. The height of the tower parapet measures 189'-0". SW Fourth Avenue is classified by the City of Portland Transportation System Plan as a Community Main Street. Community Main Streets are designed to accommodate motor vehicle traffic, with special features to facilitate public transportation, bicycles, and pedestrians. The site also lay within a Pedestrian District and SW 4th Avenue is also classified as a City Walkway. Pedestrian Districts are intended to give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway regional center, town centers, and station communities. City Walkways are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide, connections between neighborhoods; and provide access to transit.

The surround vicinity includes a mix of uses allowed within Central Commercial zoning. This area includes parking lots, mixed-use development, high-density residential development, office and commercial blocks, and a cultural institution, the Civic Auditorium. Immediately to the south of the site is a full city block dedicated to open space and host to the Ira Keller Fountain.

Zoning: The Central Commercial zone [CX] is Portland's most densely built, urban area which allows for a variety of uses that reinforce the city's role as a commercial, cultural, and governmental center. This type of development is intended to have large buildings that are placed close together and typically cover most of their respective lot areas. This development is also intended to be pedestrian-oriented, with a strong emphasis on a safe and attractive streetscape.

The Design (d) overlay zone designation also ensures that exterior alterations to existing development conserve and enhance the identified historic, scenic, architectural, and cultural values of each design district: in this case, the **Central City Plan District**.

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

- DZ 98-95 - Approval to convert a steam heater to a boiler.
- DZ 21-86 - Approval for changes in entrance security.
- LUR 94-00045 DZ - Design Review Approval for a radio frequency transmission facility.
- LUR 96-00044 PR - Approval of Central City Parking Review for 262 new Preservation Parking spaces.
- LUR 96-00210 DZ - Design Review Approval for 2 additional floors on top of an existing parking garage, with roof trellis, decorative lighting elements, and awnings; and approve the concept of banner-like art in four locations.
- LUR 96-00576 PR — Central City Parking Review Approval for 11 new Growth Parking spaces, to be operated as described in the applicant's proposal, subject to the following conditions.
- LUR 96-00867 PR - Design Review Approval to move antennas and cellular phone facility.
- LUR 96-00939 DZ - Design Review Approval for banners and corner rooftop elements.
- LUR 04-02779 DZ - Design Review Approval for a radio frequency transmission facility.

- LU 07-133317 DZ – Design Review Approval for a new elevator shaft extension and roof cap on the NW corner of the parking garage.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 29, 2013**. Given the small scope of the project, no Bureau reviews were provided.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 29, 2013. No written response were received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven 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.

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

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The new cellular equipment is incorporated in a manner that protects the visual integrity of the pedestrian environment. By simply replacing older antennas with newer antennas of the same size in the same location, the equipment should have no greater impact on the pedestrian environment than what was previously approved through land-use review. The equipment placed on the upper floor walls of the parking garage should have minimal visual impact on the pedestrian realm due to its distance from the street, and visual screening from paint that matches the color and tone of the building. In addition, no conduit will be visible on the building exterior, which minimizes visual clutter as seen from the sidewalk. *Therefore, with Conditions of Approval that the new antennas and existing mounting pipes are painted a mid-tone gray to match the color and tone of the building walls, and no conduit is visible on the exterior, this guideline is met.*

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

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

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

Findings for C2, C3 and C5: The proposal protects the building's architectural clarity, thereby promoting a sense of building permanence by limiting the visual impact of the new cellular equipment on the building. This is accomplished by placing the new equipment in the same location and at the same height as existing building antennas. Their upper floor location, at approximately 69'-0" above the grade of the sidewalk, ensures that they have limited visibility from the surrounding streets. Furthermore, the new antennas and the existing mounting pipes are painted to match the building walls. These screening methods help retain the visual coherency of the building form. In addition, the antennas are placed in a simple and cohesive grouping at the building corners, thus minimizing visual clutter and helping retain architectural integrity. The limited quantity of the new antennas and the use of the existing pipe mounts ensure that the new additions have a negligible visual impact on the building and retain the building's sense of order, hierarchy and coherency. *These guidelines are therefore met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The careful placement and visual screening of the new cellular equipment on the Smart Park Garage

building should limit the visual impact of the equipment on the surrounding pedestrian environment and from views from neighboring buildings. The new cellular antennas replace existing antennas of the same approximate height, location, and number on the building. The new antennas are mounted on existing mounting pipes, and the pipes and antennas are painted to match the color of the building. The proposal retains the building's architectural rigor by limiting the visual clutter often times associated with external cellular equipment. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review to replace nine existing cellular antennas located on the 6th and 7th floors of the Smart Park parking garage with nine new cellular antennas in the same location in the Downtown sub district of the Central City Plan District.

- The new antennas measure a maximum of 4'-5" tall, 1'-9" wide and 0'-8" deep, and will be mounted to existing pipes at the same maximum height as the existing antennas.
- The antennas will be located at the SW, NW, and NE corners of the building in three groups of three.
- Three new remote radio units (RRUs) will be located on the inner face of the existing stair tower overruns on the roof of the parking garage.
- The new antennas and mounting pipes will be painted a mid-tone gray to match the tone of the building. No conduit will be visible on the exterior.

Per the approved plans, Exhibits C-1 through C-5, signed and dated 11/20/13, subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required drawings or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 13-212054 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- New antennas and existing mounting pipes will be painted a mid-tone gray color to match the tone of the building façade.
- No conduit will be visible on the exterior.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on November 20, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 22, 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 October 11, 2013, and was determined to be complete on October 24, 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 October 11, 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,

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 December 6, 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **December 9, 2013 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant's Project Summary
 2. Context Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Enlarged Site Plans
 3. Proposed North, East & South Building Elevations (attached)
 4. Existing North, East & South Building Elevations
 5. Panel, and Equipment Box Details

D. Notification information:

1. Mailing list
2. Mailed notice

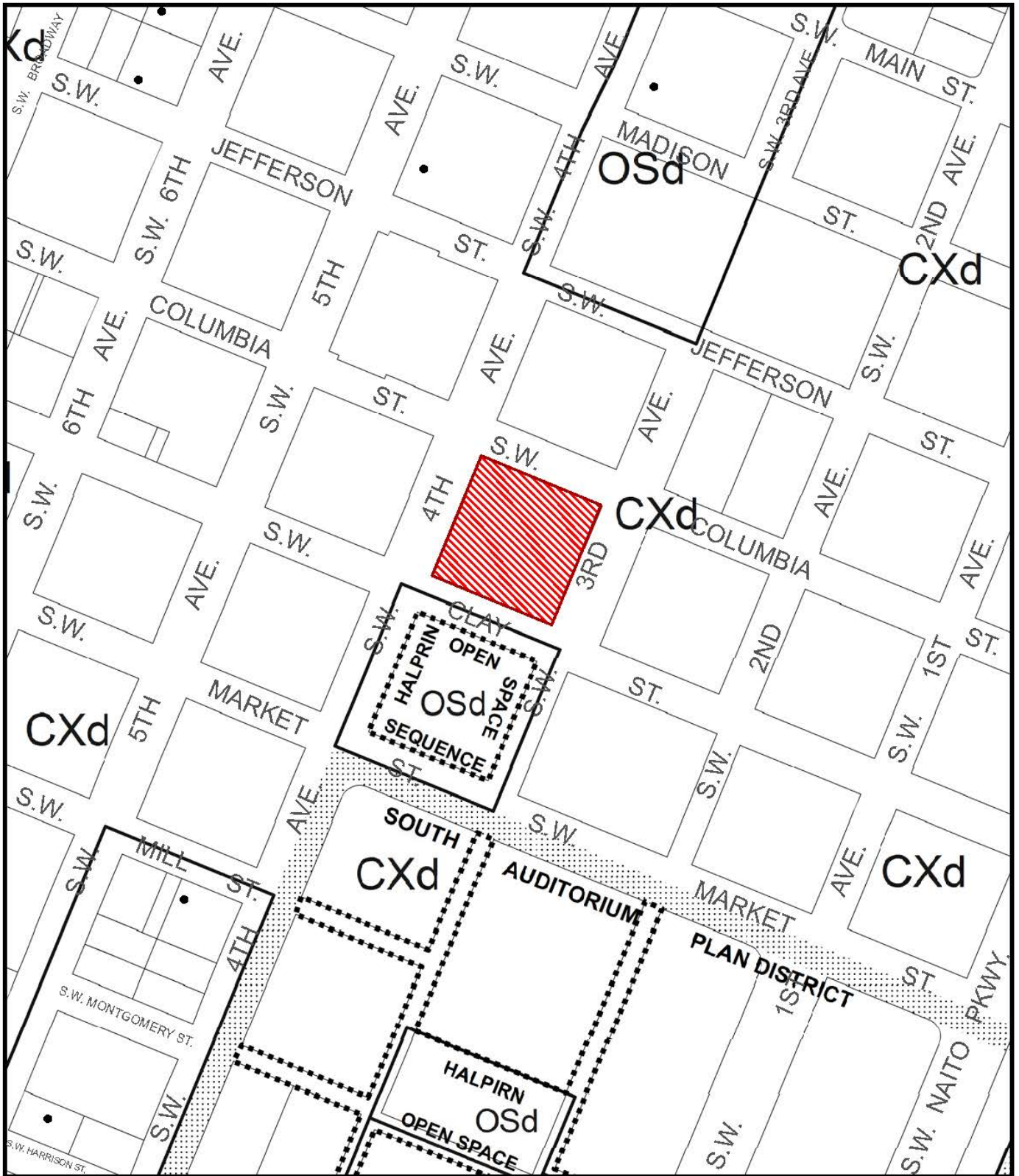
E. Agency Responses: none

F. Correspondence: none

G. Other:

1. Original LU Application
2. Email to applicant dated 10/25/13 requesting additional information needed

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



NORTH

This site lies within the:
**CENTRAL CITY PLAN DISTRICT
 DOWNTOWN**

File No.	LU 13-212054 DZ
1/4 Section	3129
Scale	1 inch = 200 feet
State_Id	1S1E03BC 3000
Exhibit	B (Oct 17, 2013)



LEXCOM

Drawings Produced By:

GPA
ARCHITECTS, LLC
2701 NW Lovejoy Street, 7th Fl.
Portland, OR 97239
503.274.7500



No.	Date	Revisions
07/05/11	07/08/13	05/30/13
CK	MM	MM
REVIEW	REVIEW	REVIEW
CD	CD	CD
GO FINAL	GO FINAL	GO FINAL
COMMENT	COMMENT	COMMENT

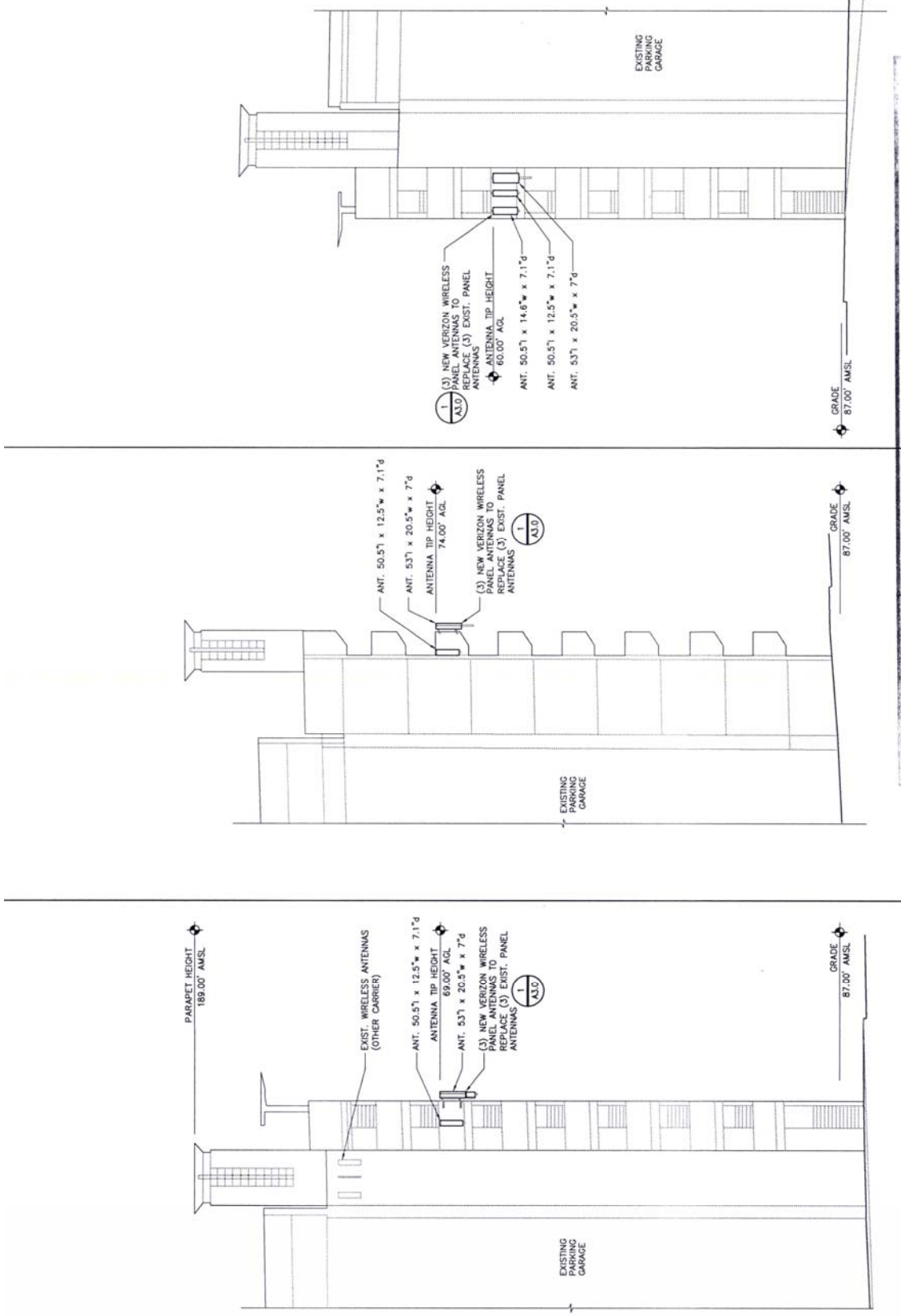
File No: 13-008
Date: 10/26/13
Designed by: DK
Drawn by: MM
Checked by: DK
Approved by: Stamp

Date Issued for:
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Date Issued for:
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Date Issued for:
Date Issued for:

Project Site:
POR
3RD & CLAY
1400 SW 4TH AVE
PORTLAND, OR 97201

Sheet Size:
PROPOSED
ELEVATIONS

Sheet No.: **A2.0**



Approved
City of Portland - Bureau of Development Services
220A SCALE: 1/8" = 1'-0"
1:1817 SCALE: 1/16" = 1'-0"
PROPOSED SOUTH ELEVATION
220A SCALE: 1/8" = 1'-0"
1:1817 SCALE: 1/16" = 1'-0"
Date: 11/20/13
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

LU 13-212054 DZ
EX. C-3