

Procedure: **Type I**, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks design review approval for a project to install eleven panel antennas, and eleven remote radio heads as well as supporting equipment and cables on a seven story parking structure located on the block bounded by SW Market St to the south, SW 1st Ave to the east, SW Clay St to the north, and SW 2nd Ave to the west in the Downtown subdistrict of the Central City Plan District. Three antenna arrays located in three locations are proposed: 1. alpha sector antennas located on the exterior wall of an existing elevator penthouse on the building's north elevation; 2. beta sector antennas centered vertically in the open area below the top floor in front of a new wall on the building's east elevation; and 3. gamma sector antennas placed behind a proposed Fiber Reinforced Plastic (FRP) screen on the top of an existing stair penthouse. The proposed FRP screen and all exposed antennas will be painted to match the building. A radio equipment cabinet is proposed to be located on an existing mechanical platform on the roof.

Design review is required because the proposal is for exterior alterations in the Central City Plan District.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Oregon Statewide Planning Goals

ANALYSIS

Site and Vicinity: The site is located in the Downtown Subdistrict of the Central City Plan District, and occupies a full block bounded by SW Clay Street, SW Market Street, SW 1st Avenue, and SW 2nd Avenue. The site is developed with an eight-story parking garage, which was built in 1973. The parking garage is connected via a skybridge to the office building directly across SW 1st Avenue. Garage access stairwells are generally located on the corners of the building, and retail storefronts are located on the street-level of the structure.

Portland's Transportation System Plan classifies SW Clay as a City Walkway, Local Service Bikeway, Local Service Transit Street and a Neighborhood Corridor, SW Market as a City Bikeway, City Walkway, Local Service Transit Street, and a Neighborhood Corridor. SW 1st is classified as a Major Transit Priority Street, City Bikeway, and City Walkway, and SW 2nd is a City Bikeway and City Walkway, and a Local Service Transit Street. The site is located within the Downtown Pedestrian District

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

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health

and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Downtown Subdistrict of this plan district.

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

- LU 70-027456 VZ (reference file #007-70): Approval with conditions to reduce the number of off-street loading berths.
- LU 80-002239 CU (reference file #007-70): Conditional Use approval for off-street parking.
- LU 85-005146 DZ (reference file #DZ 84-85): Approval of entry changes for Vinios bar.
- LU 86-005196 DZ (reference file # DZ p-86): Approval of signage
- LU 88- 004564 DZ (reference file # DZ 24-88): Approval of roof shelter.
- LU 88-005219 DZ (reference file # DZ 92-88):Approval of take-out window.
- LUR 98-016194 DZ (reference file # 98-00888): Design review approval for a wireless telecommunications facility with 6 antennas and 9 equipment cabinets;
- LUR 99-016664 DZ (reference file # 99-00259): Design review approval for a through-the-wall walk-up ATM machine;
- LU 03-149335 DZ: Design review approval for a wireless telecommunications facility with 3 antennas and accessory equipment cabinets;
- LU 06-123101 DZ: Design review approval for the placement of three pipe-mounted antennas, with accessory equipment on an existing rooftop equipment pad near the center of the building at the 8th floor; and
- LU 07-139805 DZ: Design review approval to install a cellular telecom facility, including panel antennas mounted to the parapet on the north, south, and east façades; two microwave dishes on the south and west façades; and a 6' tall equipment cabinet on the roof next to the penthouse.
- LU08-112464DZ: Design review approval for painted steel security bars/screens to the 3rd and 4th levels of the Crown Plaza parking facility
- EA 18-265259: Early Assistance appointment for the current proposal.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 9, 2019**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 9, 2019**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Jeanne Barnett, Downtown Neighborhood Association Land-Use Committee member, comment offered as private citizen and Portland resident, wrote on May 21, 2019, with comment encouraging that resilience to power interruption associated with massive flooding be considered in the new system's design
- Garrett H. Stephenson, Schwabe, Williamson & Wyatt, Attorney representing the Maritime Fire & Safety Association ("MFSA"), which operates radio transmission equipment supporting the MFSA/Merchants Exchange marine communication system in the 200 Market Building in the City of Portland (the "Maritime Communication System"), wrote on May 22, 2019, with concerns about radio signal interference.

Staff Response: The findings below discuss how the project meets applicable Design Guidelines. This issue, while of critical importance, is out of the scope of the approval criteria. Nonetheless, BDS staff highly encourage the Maritime Fire and Safety Association, the building owner, and Velocitel LLC to resolve this issue before any work progresses. Staff also notes that the City asks to obtain certification that the standard below is met at the time of permit:

33.274.040.C.5. Radio frequency emission levels and exposure limits. All Radio Frequency Transmission Facilities must operate within the radio frequency emissions levels and comply with the exposure limits established by the Federal Communications Commission (FCC). Applicants must certify that the proposed facility will be in compliance with FCC emissions standards with the permit application.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Central City Fundamental Design Guidelines

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

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

Central City Plan Design Goals

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

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that

help unify and connect individual buildings and different areas.

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.

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.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for A4, B2, C2, C3, C5, C8, and C11: The proposal will make only a modest impact to the aesthetic of an existing seven (7) story parking structure. All of the proposed antennas and equipment will be located high on the building where they will be least visible within the pedestrian realm. For a non-descript structure that only houses vehicles it is acceptable that they be located in areas where they will either be screened with an RF permeable screen or wall or mounted flush to walls in inconspicuous areas of the building. The screen wall will be constructed of Fiberglass Reinforced Plastic (FRP) and, to ensure its integration with the building, it will be painted the same color as the existing penthouse structure. Other antennas and equipment will be wall mounted and painted to match the existing building to reduce their visibility.

Given the composition of the Downtown Plan District's architectural fabric, the wireless facility will be sited on an ideal structure type within the milieu of buildings. The subject building was constructed in 1973, contains parking facilities at all levels, and occupies the entire block. As a parking structure, the building already conveys a utilitarian aesthetic above the ground floor. Thus, in being located on such a building, the proposal will not impact other buildings that contribute to a greater extent to the character and design quality of the Downtown district.

The pedestrian traffic in the area will not be affected adversely as the antennas will be well above the ground level and either screened by a ten (10) foot tall screen wall constructed of durable FRP or painted to match the building walls they are mounted on to greatly reduce visibility. The proposed equipment is to be located on the center of the roof top, so they will not be visible to the public. The design of the enclosures will integrate these FRP materials into the characteristics of the building's façade (in the gamma sector), so that the architectural integrity of the building is not impacted. Finally, the proposed FRP screen wall used to conceal the equipment atop the building will be constructed in a durable way and painted to match the building and mimic the existing of penthouse enclosures typically found on the rooftops of multi-story buildings, thus the alterations will not detract from the appearance of the building. All conduit shown on the drawings is inside the building and is already existing. There will be no exterior conduit runs.

These guidelines are met.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIX land use decisions if appealed. *For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.*

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. *As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. *This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.*

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *In this case, the scope of the project does not warrant review by the Bureau of Environmental Services; Goal 6 is not applicable.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City’s Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.*

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City’s public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the City’s public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.*

Goal 12: Transportation

Goal 12 seeks to provide and encourage “safe, convenient and economic transportation system.” Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City’s TSP aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” The extent to which a proposal affects the City’s transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. *This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge

spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: *Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.*

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 requirements of Title 11 can be met, and 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

This proposal is to install eleven (11) panel antennas and eleven (11) RRHs on the roof either behind a new ten (10) foot tall FRP screen wall painted to match the structure, or on the walls, also painted to match the structure. All proposed equipment visible from the ground will be either behind a screen or painted to match the existing building to minimize visual impact. The proposed electrical support equipment will be installed on an existing HVAC platform located in the middle of the top floor (roof) and so will not be visible from the ground. 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 proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of [specific proposal description], per the approved site plans, Exhibits C-1 through C-8, signed and dated 5/24/2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans 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 19-154510 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. Any exposed antennas as well as FRP screening will be painted to match the color of the surface to which they are attached.
- D. No field changes allowed.

Staff Planner: Tanya Paglia



Decision rendered by: _____ **on 5/24/2019.**

By authority of the Director of the Bureau of Development Services

Decision mailed: 6/12/2019

Procedural Information. The application for this land use review was submitted on April 23, 2019, and was determined to be complete on May 3, 2019.

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 23, 2019.

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: 9/3/2019.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **6/12/2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

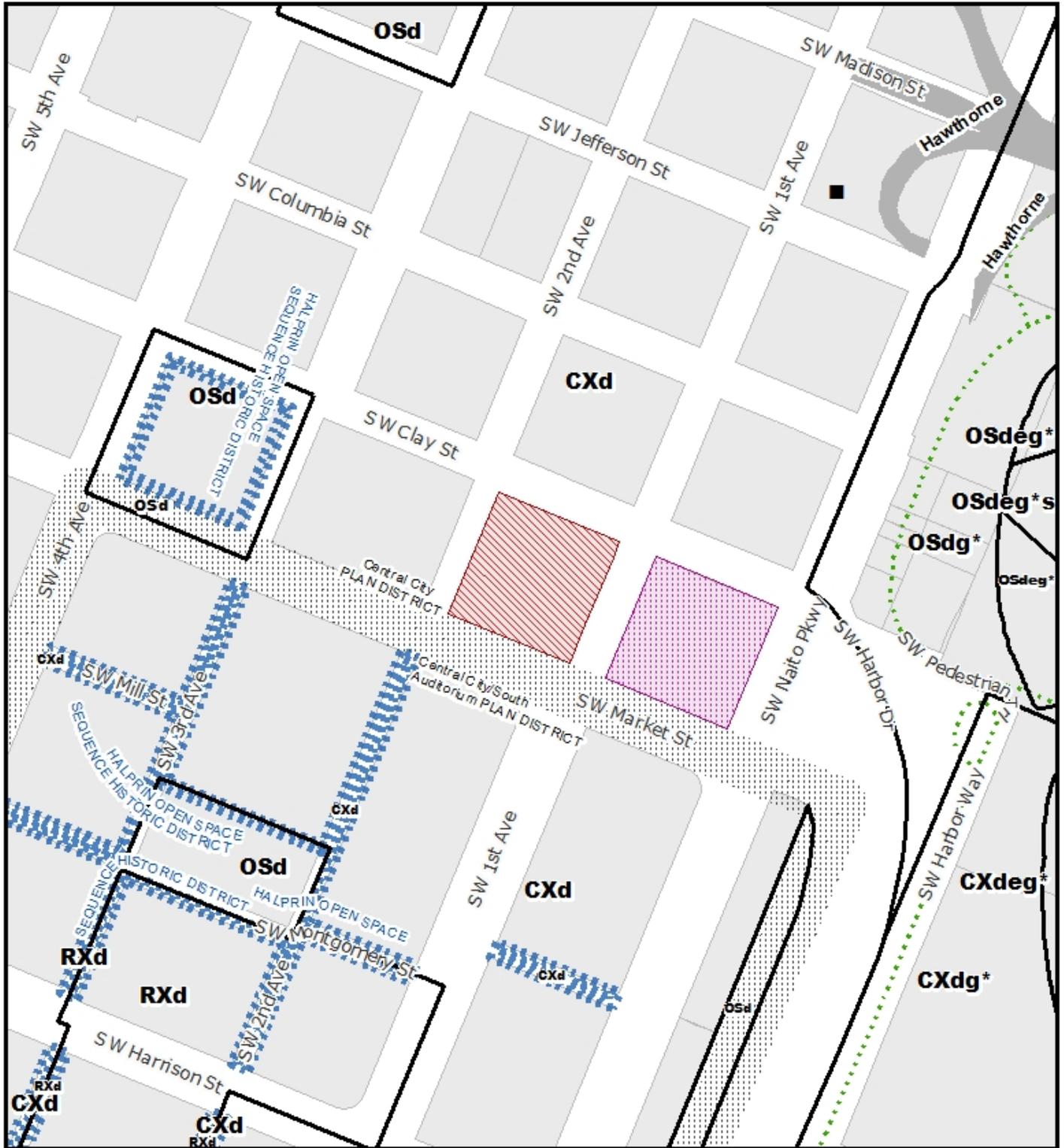
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Design Review Narrative, Response to Approval Criteria, and Photo Simulations
 - 2. Personal Wireless Service Facility Voluntary Tolling Agreement Extending Processing Timeline
 - 3. Applicant's Photos of Existing Conditions
 - 4. Letter regarding frequency transmissions of proposed facilities
 - 5. Personal Wireless Service Facility Land Use Review Application Minimum Submittal Checklist
 - 6. Personal Wireless Service Facility Supplemental Form #2 150-Day Deadline for New Structures Minimum Submittal Checklist
 - 7. Product Cutsheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Plan set cover sheet with Vicinity Map
 - 2. Site Plan (attached)
 - 3. Enlarged detail of existing and proposed equipment layout
 - 4. Details of Alpha, Beta, and Gamma Sector Layouts
 - 5. East Elevation – Existing and Proposed (attached)
 - 6. South Elevation – Existing and Proposed (attached)
 - 7. West Elevation – Existing and Proposed
 - 8. North Elevation – Existing and Proposed
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received
- F. Correspondence:
 - 1. Jeanne Barnett, Downtown Neighborhood Association Land-Use Committee member, comment offered as private citizen and Portland resident, wrote on May 21, 2019, with comment encouraging resilience in the new system's design.
 - 2. Garrett H. Stephenson, Schwabe, Williamson & Wyatt, Attorney representing the Maritime Fire & Safety Association ("MFSA"), which operates radio transmission equipment supporting the MFSA/Merchants Exchange marine communication system in the 200 Market Building in the City of Portland (the "Maritime Communication System"), wrote on May 22, 2019, with concerns about radio signal interference.
- G. Other:
 - 1. Original LU Application

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

↑
NORTH

THIS SITE LIES WITHIN THE:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUBDISTRICT

- Site
- Also Owned Parcels
- Historic Landmark
- Bridge
- Recreational Trails

File No.	LU 19-154510 DZ
1/4 Section	3129,3229
Scale	1 inch = 200 feet
State ID	1S1E03BC 3200
Exhibit	B Apr 24, 2019

ANTENNA FRAME TO HAVE POSITIVE CONNECTION AS REQUIRED PER CITY CODE

AT&T MOBILITY CORP.
1980 SW 72ND AVE., STE. 200
TUALATIN, OR 97082

4004 KRUSEWAY PLACE
BILLYWOOD SUITE #220
LAKE OSWEGO, OR 97036

PC38
MARKET & 1ST AVE
120 SW CLAY ST.
PORTLAND, OR 97202

T.M.F.R.
ENGINEERS
PROFESSIONALS

PROJECT: **NSB**

ISSUE TRACK

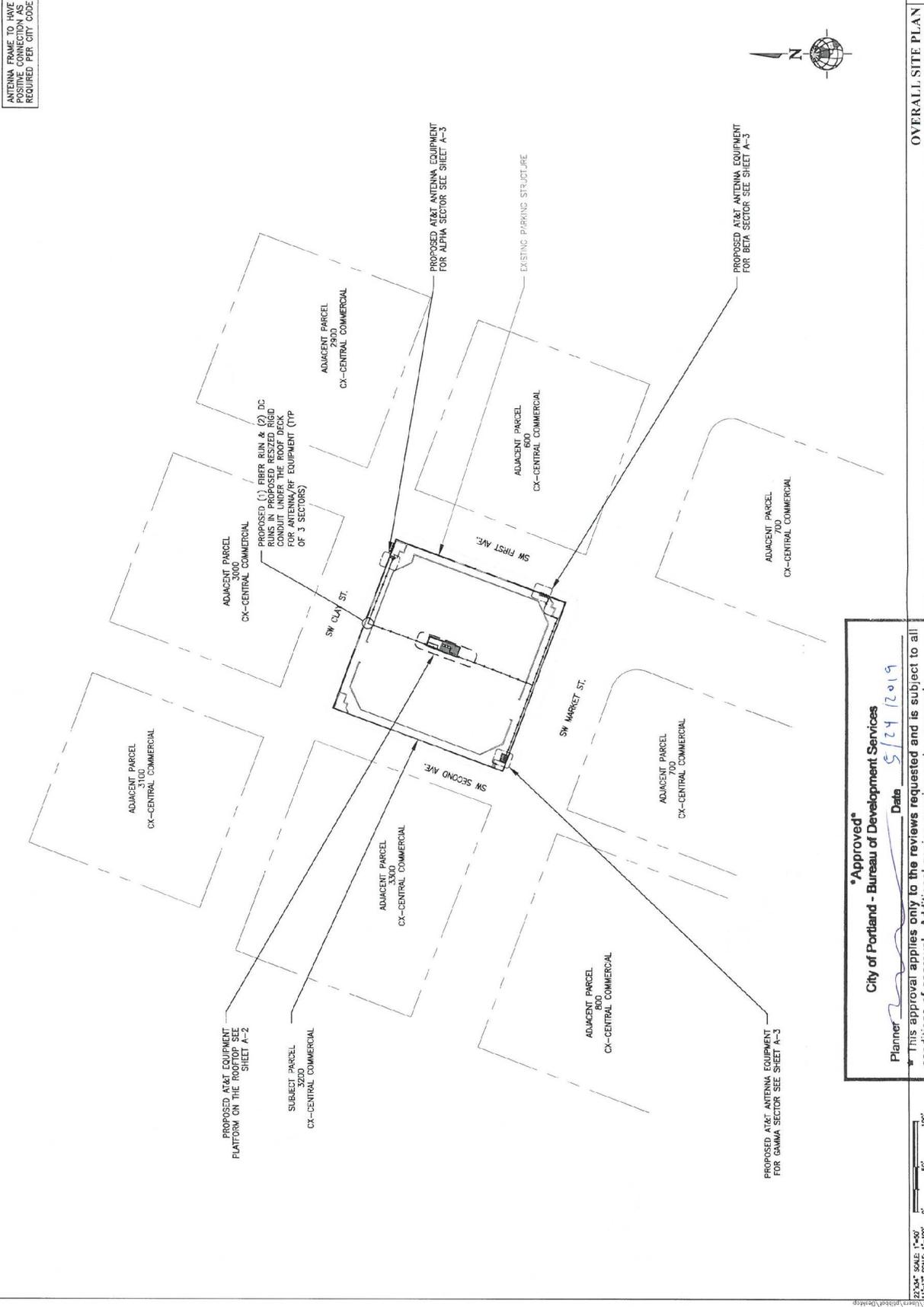
REV.	DATE	DESCRIPTION	BY
1	7/12/18	PRELIM ZDS	MA
2	8/7/18	FINAL ZDS	MA
3	10/12/18	FINAL ZDS	MA
4	1/28/19	FINAL ZDS	MA
5	3/29/19	REDIGNS	PT

DATE: 10/28/18
DRAWN BY: MA
CHECKED BY: PT
CURRENT ISSUE DATE: **3/29/19**
STAMP:

FINAL ZONING DRAWINGS
NOT FOR CONSTRUCTION

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SHEET TITLE:
OVERALL SITE PLAN
SHEET NUMBER: **A-1**
REV: **3**



Approved
City of Portland - Bureau of Development Services
Planner: _____ Date: 5/24/2019
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

OVERALL SITE PLAN 1

2.25" = 1'-00"
1" = 100'

LA 19-154510 DZ C-2



AT&T MOBILITY CORP.
19801 SW 22ND AVE, STE. 200
TUALATIN, OR 97062



4604 KRUSE WAY PLACE
BLDG. 4004, SUITE #220
LAKE OSWEGO, OR 97035

PC38
MARKET & 1ST AVE
120 SW CLAY ST.
PORTLAND, OR 97232



TOWER
ENGINEERING
PROFESSIONALS

PROJECT: **NSB**

ISSUED FOR: **FINAL ZONING SUBMITTALS**

REV.	DATE	DESCRIPTION	BY
1	7/17/18	PRELIM ZOS	WA
2	10/12/18	PINK ZOS	WA
3	1/29/19	PINK ZOS	WA
4	3/29/19	REVISIONS	PT

DATE: **3/29/19**

DRAWN BY: WA
CHECKED BY: PT

FINAL ZONING DRAWINGS
NOT FOR CONSTRUCTION

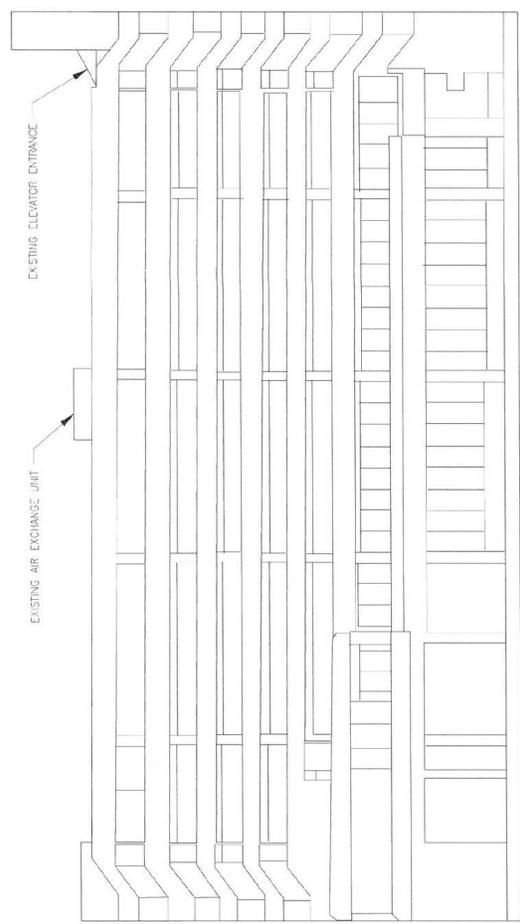
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DATE: **5/24/2019**

SHEET NUMBER	REV.
A-4	3

EXISTING ELEVATOR SHAFT HEIGHT: +104.5' AGL

1. CONTRACTOR TO VERIFY RF DATA WITH CONSTRUCTION MANAGER AND/OR RF ENGINEER PRIOR TO CONSTRUCTION



EXISTING AIR EXCHANGE UNIT

EXISTING ELEVATOR ENTRANCE

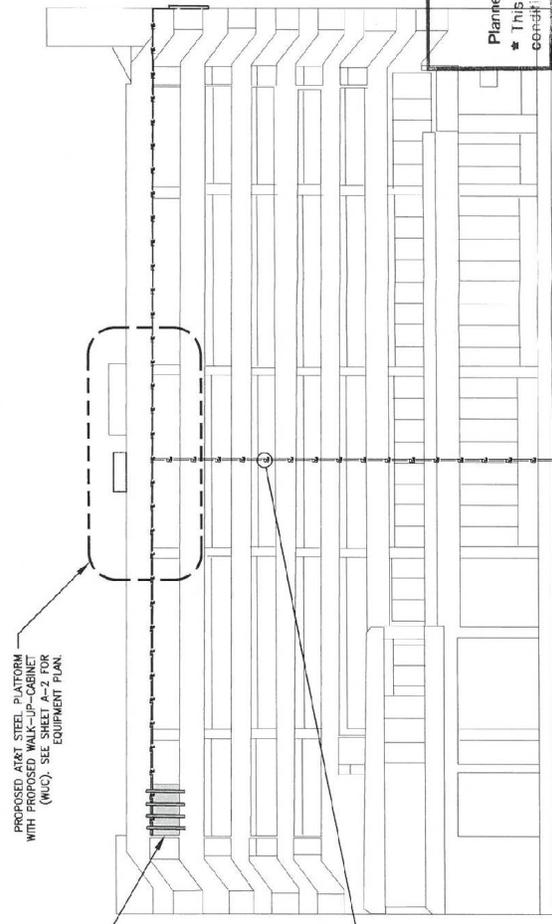
EXISTING STAIRWELL HEIGHT: +80.7' AGL

GRADE (REF): 0'-0"

23'-0" SCALE 1"=6" 1:1217 SCALE 1"=12" 0' 6' 12'

EXISTING EAST ELEVATION 1

- NON-AT&T EQUIPMENT NOT SHOWN FOR CLARITY
- NEW SCREENS/BACKBOARDS WILL MATCH BUILDING COLOR.
 - PANT PROPOSED ANTENNAS TO MATCH EXISTING BUILDING (ALPHA AND BETA).



PROPOSED IRAT GATE PLATFORM WITH PROPOSED WALK-UP CABINET (WUC). SEE SHEET A-2 FOR EQUIPMENT PLAN.

PROPOSED BACKBOARD TO BE INSTALLED BEHIND BETA SECTOR ANTENNAS.

PROPOSED ANTENNA RAD CENTER (ALPHA SECTOR) ±80.7' AGL

PROPOSED TRANSPORT FIBER RUN & AC POWER RUNS IN EXISTING RIBBED CONCRETE CHANNELS. RUNS TO RIBBED CONCRETE BASE. AMPS TO CONNECT PANEL TO TRANSFORMER, AND 200 AMP AC PANEL ON EQUIPMENT PLATFORM (BY OTHERS)

GRADE (REF): 0'-0"

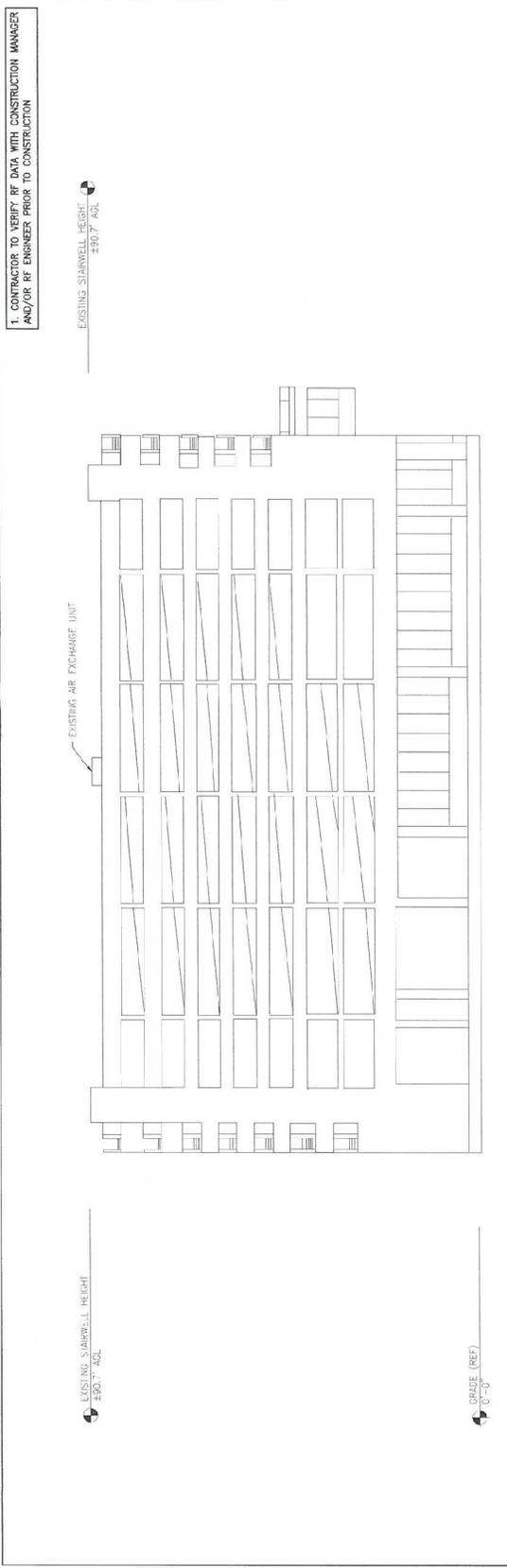
23'-0" SCALE 1"=6" 1:1217 SCALE 1"=12" 0' 6' 12'

PROPOSED EAST ELEVATION 2

Approved
City of Portland - Bureau of Development Services
Planner: _____ Date: **5/24/2019**
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

PROPOSED EAST ELEVATION 2

WA 19 - 154510 DZ C-5



EXISTING SOUTH ELEVATION I

- NON-AIR-SET EQUIPMENT NOT SHOWN FOR CLARITY
- NEW SCREENS/BACKSIZES WILL MATCH BUILDING COLOR.
- PAINT PROPOSED ANTENNAS TO MATCH EXISTING BUILDING (ALPHA AND BETA).

Approved
 City of Portland - Bureau of Development Services
 Planner: [Signature]
 Date: 5/24/2019
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

at&t MOBILITY
 AT&T MOBILITY CORP.
 1400 NE 10TH AVE, SUITE 200
 TULALATIN, OR 97082

velocitel llc
 complete wireless solutions
 4504 KRUISE WAY, PLACE
 BUILDING 200, SUITE 200
 LAKE OSWEGO, OR 97035

PC38
MARKET & 1ST AVE
 120 SW CLAY ST.
 PORTLAND, OR 97232

TOWER ENGINEERS PROFESSIONALS

PROJECT: NSB

REV	DATE	DESCRIPTION	BY
A	7/13/19	PRELIM DSS	MS
B	8/7/19	FINAL DSS	MS
C	9/26/19	FINAL DSS	MS
D	11/26/18	FINAL DSS	MS
E	3/29/19	REVISIONS	PT

FILE: 0031064
 DRAWN BY: MS
 CHECKED BY: PT
 CURRENT ISSUE DATE: 3/29/19
 STAMP:

FINAL ZONING DRAWINGS
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SHEET TITLE: ELEVATIONS
 SHEET NUMBER: A-4.1
 REV: 3

PROPOSED SOUTH ELEVATION 2

LA 19-154510 DZ C-6