



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

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Date: December 23, 2021
To: Interested Person
From: Hillary Adam, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 21-104070 DZ – NEW RADIO FREQUENCY FACILITY

GENERAL INFORMATION

Applicant: Sarah Skreen
Technology Associates Ec (On Behalf Of T-Mobile West, LLC)
3 Monroe Parkway, Suite P #313
Lake Oswego, OR 97035

Owner: 1470 NW Glisan Street Ground Owner LLC
1114 Avenue Of The Americas
New York, NY 10036

Site Address: 1470 NW GLISAN ST

Legal Description: BLOCK 98 LOT 5&6 LOT 7&8 EXC PT IN ST, POTENTIAL
ADDITIONAL TAX, COUCHS ADD

Tax Account No.: R180209080

State ID No.: 1N1E33DA 01500

Quarter Section: 3028

Neighborhood: Pearl District, contact planning@pearldistrict.org.

Business District: Pearl District Business Association, contact at
info@explorethepearl.com

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

Plan District: Central City - Pearl District

Zoning: EXd – Central Employment with Design overlay

Case Type: DZ – Design Review

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

Proposal:

The applicant proposes a new radio frequency facility on the rooftop of the existing building to consist of the following:

- Two (2) new antennas mounted on the east façade of the 16th floor penthouse;
- Four (4) new antennas mounted within an FRP enclosure on the roof of the elevator overrun;
- Associated equipment and cabling, to be located within penthouses and behind parapets.

No equipment will be installed more than 10'-0" above existing rooftop elements.

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
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is located along NW Glisan Street between NW 14th and NW 15th Avenues and extends the full northern half-block between 14th and 15th Avenues. The parcel was recently developed with a 16-story mixed-use building with residential units on the upper floors, ground level retail, below-grade parking, and a rooftop community room and upper level terraces. The sunken portion of I-405 is located immediately west of NW 15th Avenue. One half-block to the east is the NW 13th Avenue Historic District, a narrow district consisting of approximately seven city blocks characterized by brick and concrete warehouses. Other multi-story warehouses, not located within the boundary of the historic district, abound in the immediate area as well as smaller buildings and a growing collection of office and residential towers.

The subject property is located within a pedestrian district and NW Glisan Street is designated a Transit Access Street in the City's Transportation Plan. The approach to the I-405, west of the parklet parcel, is designated a Regional Truckway and NW Glisan Street is designated a Major Emergency Response route and Traffic Access Street. NW 14th Avenue is a Major City Traffic Street.

Zoning: The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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 Pearl Subdistrict of this plan district.

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

- LU 16-174250 DZM – Design Review approval for a new 16-story mixed-use building with Modifications
- LU 16-288330 DZ – Design Review approval for a new pocket park on the north side of NW Glisan, which was required as a condition of approval of LU 16-174250 DZM when both sites were considered one site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on November 30, 2021. No Bureaus have responded with issues or concerns about the proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 30, 2021. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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 and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

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.

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.

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 C2, C3, C5, and C11: The proposal meets the above approval criteria in the following ways:

- The proposed screening materials will be constructed of fiberglass-reinforced panels (FRP) which is a sturdy material that allows for the passage of radio frequencies. The proposed screen is integrated into the building design as an extension of an existing penthouse, allowing this new element to appear as though it is a permanent and intentional design element.
- The new antennas will be located at the roof of the building with some enclosed within an FRP enclosure mounted on top of an existing penthouse and some attached to the façade of another mechanical screen penthouse. Provided that the proposal employs concealment methods by painting the exposed antennas, cables, and other equipment to match the wall of the penthouse to which they are attached and the painting or manufacturing the FRP panels to match the color of the penthouse to which they are attached, the proposal respects the existing architecture and will be coherent in its design. Additionally, the new exposed antennas do not extend above the height of the mechanical screen penthouse, thus allowing them to better blend into the background of the building; a condition has been added to ensure this method of concealment.
- The roof was designed to serve as an active amenity space and the proposal utilizes inactive areas of the rooftop for this new use.

With the conditions that the proposal shall employ concealment methods by painting the exposed antennas, cables, and other equipment to match the wall of the penthouse to which they are attached and shall paint or manufacture the FRP panels to match the color of the penthouse to which they are attached, and with the condition that the exposed antennas shall not extend above the height of the penthouse to which they are attached, 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 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

The design review process implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new radio frequency facility on the rooftop of the existing building in the Pearl Subdistrict of the Central City Plan District to consist of the following:

- Two (2) new antennas mounted on the east façade of the 16th floor penthouse;
- Four (4) new antennas mounted within an FRP enclosure on the roof of the elevator overrun;
- Associated equipment and cabling, to be located within penthouses and behind parapets.

No equipment will be installed more than 10'-0" above existing rooftop elements.

This approval is per the approved site plans, Exhibits C-1 through C-11, signed and dated December 15, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 21-104070 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. No field changes allowed.
- D. The proposal shall employ concealment methods by painting the exposed antennas, cables, and other equipment to match the wall of the penthouse to which they are attached and shall paint or manufacture the FRP panels to match the color of the penthouse to which they are attached, these guidelines are met.
- E. The proposal shall employ concealment methods by ensuring that the exposed antennas shall not extend above the height of the penthouse to which they are attached.

Staff Planner: Hillary Adam

Decision rendered by:  **on December 15, 2021**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 23, 2021

Procedural Information. The application for this land use review was submitted on November 8, 2021, and was determined to be complete on November 22, 2021.

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 November 8, 2021.

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: March 22, 2022.**

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 **December 23, 2021** 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 Statement
 - 1. Zoning Narrative
 - 2. Letter of Authorization
 - 3. Engineering Letter
 - 4. RF Transmission Facilities Registration Form
 - 5. Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. Enlarge Site Plan (attached)
 - 3. Equipment and Antenna Plans
 - 4. Elevations – East and West (attached)
 - 5. Elevation – North (attached)
 - 6. Elevation – South
 - 7. Details
 - 8. Details
 - 9. Details
 - 10. Antenna Mounting Specifications
 - 11. Heliac Fiber Feed Pendant Connect
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- 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).