Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: April 25, 2014

To: Interested Person

From: Jennifer Kenny, Land Use Services
503-823-7011 / Jennifer.Kenny@portlandoregon.gov

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 14-128740 DZ –RADIO FREQUENCY ANTENNAS

GENERAL INFORMATION

Applicant: Anna Lee-Thompson, Verizon Wireless
5430 NE 122nd Ave / Portland, OR 97230

Representative: Steven Topp
12566 SW Bridgeview Ct / Tigard, OR 97223

Site Address: 750 N FREMONT ST

Legal Description: BLOCK 4 LOT 5-7 TL 3800, RIVERVIEW SUB
Tax Account No.: R710800990, R710800990, R710800990, R710800990
State ID No.: 1N1E27BA 03800, 1N1E27BA 03800, 1N1E27BA 03800, 1N1E27BA 03800
Quarter Section: 2729
Neighborhood: Boise, contact Stephen Gomez at 503-819-8268.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-789-7074.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.
Plan District: Albina Community
Zoning: EXd, Central Employment Zone with Design overlay
Case Type: Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant seeks Design Review approval to remove one radio frequency panel antenna and install three new radio frequency panel antennas on an existing monopole platform, along with related equipment. Design Review is required because the site is within the Albina Community 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:

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The applicant's site is an 11,774 square-foot lot that is located on the south side of N. Fremont Street, at the southeast corner of N. Albina Avenue and Fremont. It is within the Albina Community Plan District, which focuses on creating economic opportunities and stabilizing and revitalizing residential neighborhoods. The property is developed with a one-story, 4,100 square foot building. The original and largest portion of the building is industrial in character, constructed of steel and is metal-sided. A modern, two-story addition flanks the west side of the building. The building covers approximately half the site. The remainder of the site is paved, with approximately 6 on-site parking spaces.

There are two tall cellular (radio frequency) monopole towers, both have numerous antennas and associated equipment at the base of each tower. The monopole facilities are located at the south edge of the site. The proposed panels will be placed on one of the existing monopoles.

North and West: On the west side of N. Albina are two large lots. The northernmost lot contains a storage building and large paved area and the southern lot contains a large concrete warehouse-like building. Both lots have exterior storage and/or parking adjacent to the buildings.

South and East: The remaining lots on the block of the subject site, both the southern and eastern abutting lots, were rezoned from IG1 to EXd (LU 04-067051 CP ZC) through a Comprehensive Plan Map Amendment and Zone Map Amendment Review. The southeastern portion of the abutting site contains a building with retails shops and a large industrial bakery.

The remaining southern lots sit at a lower elevation than the lots that front N. Fremont. Currently the lots are being used as storage for construction materials. Farther to the south, south of N. Cook St. are industrial properties, when combined, total 5 acres in area. The properties are used, for the most part, for the storage of equipment and materials and are part of the City of Portland Maintenance Bureau facilities, known as the Albina Yard. This industrial area is separated by the I-5 and I-405 freeways from the larger concentration of industrial lands, known as the Lower Albina industrial area.

Zoning:
EX (Central Employment) Zone This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial, business, and service 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.

D (Design) Overlay Zone The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the city with special scenic, architectural, or cultural value. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are the following prior land use reviews for this site:

- 90-023653 - Approval of zoning change from M3S to M2S
- 04-067058 - Construction of new housing, application was withdrawn
- 10-135181 - Adjustment to waive setback and screening requirements
- 13-131300 – Comprehensive Plan Map and Zoning Map amendments

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 1, 2014**. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 1, 2014**. One comment was received from a notified property owner in response to the proposal, expressing concern about the electromagnetic radiation emissions. Staff replied to the commenter that the emissions were within legally allowed limits.

ZONING CODE APPROVAL CRITERIA

33.825.010 Purpose
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 and to promote quality development near transit facilities. 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.

33.825.055 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 the site is within the Albina Community Plan District, the Community Design Guidelines are applicable.

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

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

E5. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings for P1 and E5: The subject site is an appropriate location for the proposed telecommunications equipment, as it is located in an industrial area near similar equipment. The three new panel antennas, three new Remote Radio Units (RRU), two surge protectors and related cables will be located on an existing monopole that contains antennas and other telecommunications equipment. The antennas and RRUs do not increase the height of the monopole. Additionally, as a condition of approval, the monopole and related equipment will be painted a matte gray color to match the existing conditions, thereby reducing any glare or reflection on pedestrians or automobile traffic. *Therefore, with the condition of approval that the new equipment is painted to match existing conditions, these guidelines are met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed equipment will be located at an existing telecommunications site. The proposal will not increase the height or significantly change the appearance of the existing monopole. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of changes to an existing monopole in the Albina Community Plan District, including:

- Removal of one existing panel antenna
- Installation of three new panel antennas
- Installation of three new Remote Radio Units
- Installation of one surge protector
- Installation of related cables

Approval per the approved plans and drawings, Exhibits C-1 through C-3, signed and dated April 21, 2014, subject to the following conditions:

A. As part of the building permit application submittal, each of the four required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-128740 DZ. No field changes allowed."

B. The new equipment shall be painted to match existing conditions on the monopole.

Staff Planner: Jennifer Kenny

Decision rendered by: _____ **on April 21, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 25, 2014.

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 March 19, 2014, and was determined to be complete on **March 27, 2014**.

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 March 19, 2014.

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: August 23, 2014.**

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 May 9, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of $250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **May 12, 2014**.
- 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.

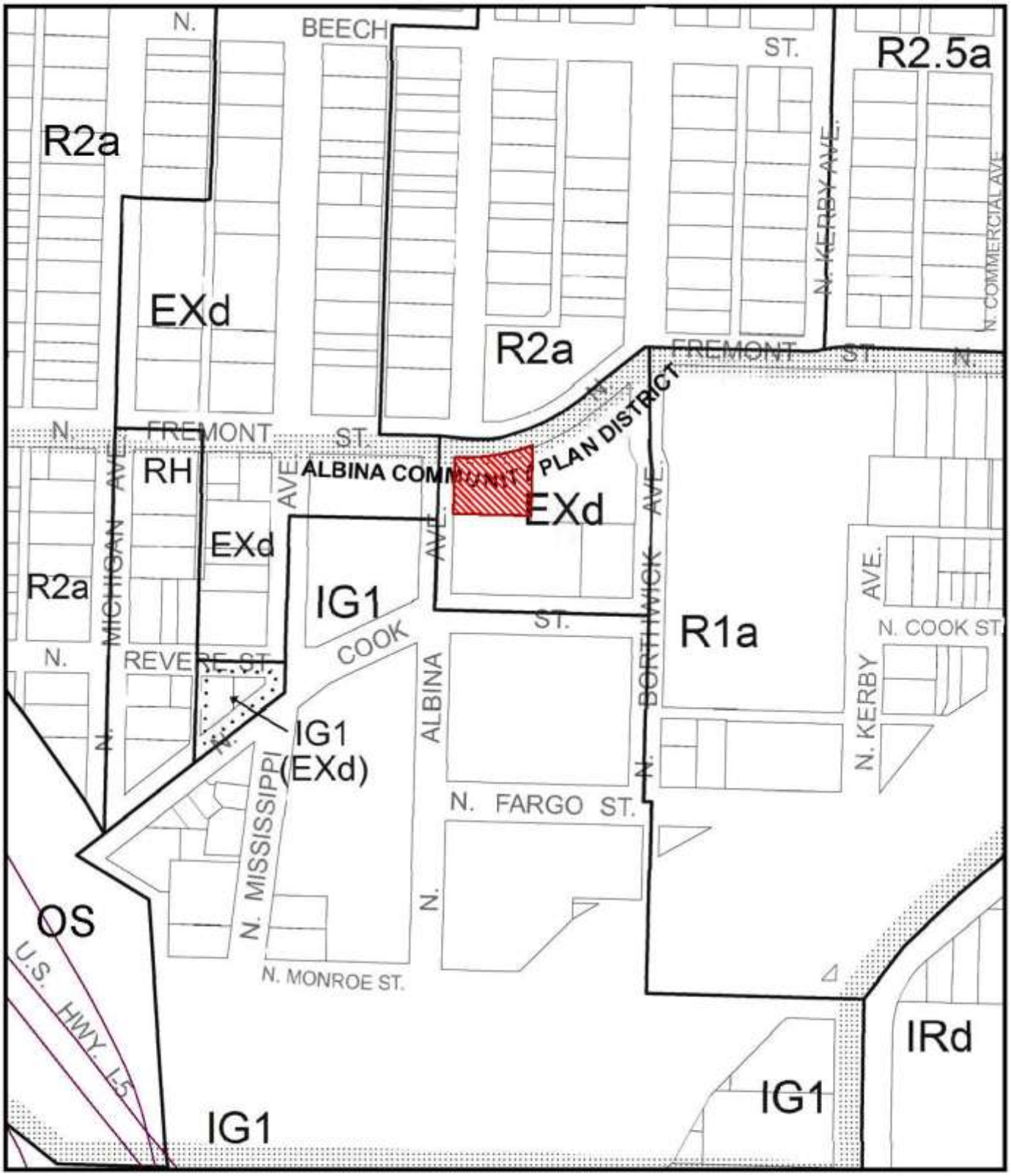
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Elevations (attached)
   3. Details
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses: No responses were received.
F. Correspondence: Craig McCoy, April 22, 2014, concern about radiation emmissions.
G. Other:
   1. Original LU Application
   2. Engineer's Letter RE: Radio Frequency Exposure Code Compliance

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

NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 14-128740 DZ
1/4 Section	2729
Scale	1 inch = 200 feet
State_Id	1N1E27BA 3800
Exhibit	B (Mar 23,2014)

LU14-128740 DZ

EXHIBIT C-1

NOTE:
SITE PLAN DERIVED FROM EXISTING DRAWINGS, GIS, AERIAL IMAGES AND SITE PHOTOS

Approved
City of Portland - Bureau of Development Services
Planner [illegible] Date 4/23/14
This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

(E) BUILDING (TYP)

ADJACENT ZONING
EX4

ADJACENT ZONING
R2a

N FREMONT ST

INGRESS / EGRESS FROM N FREMONT ST

(E) SUBJECT PROPERTY LINE (TYP)

(E) ASPHALT PARKING LOT

APN: 1N1E27BA-01800
AREA: 0.15 ACRES

(E) TREE (TYP)

(E) ADJACENT PROPERTY LINE (TYP)

N ALBINA AVE

VERIZON WIRELESS PROJECT AREA
SEE SHEET A3.0

= AREA OF WORK

1 OVERALL SITE PLAN

SCALE: 1" = 20'-0" (11X17)
SCALE: 1" = 10'-0" (22X34)

verizon wireless

CASCADIA PM

MC SQUARED

STRUCTURAL
REGISTERED PROFESSIONAL ENGINEER
15.357
OREGON
MARCH 14, 2014
MICHAEL SEPPALA
12/16/13
EXPIRES: 6/30/14

CHK/PROJECT NO: 5133

PRELIMINARY

NO	DATE	BY	DESCRIPTION
0	03/24/14	[illegible]	[illegible]
1	06/20/13	[illegible]	[illegible]

SUBMITTAL

NO	DATE	BY	DESCRIPTION
2	10/01/13	[illegible]	[illegible]
1	10/01/13	[illegible]	[illegible]

ATC SITE #427114

SITE NAME
POR ALBINA

SITE ADDRESS
700 N FREMONT ST
PORTLAND, OR 97227

SHEET TITLE
OVERALL SITE PLAN

SHEET NO.
A1.0

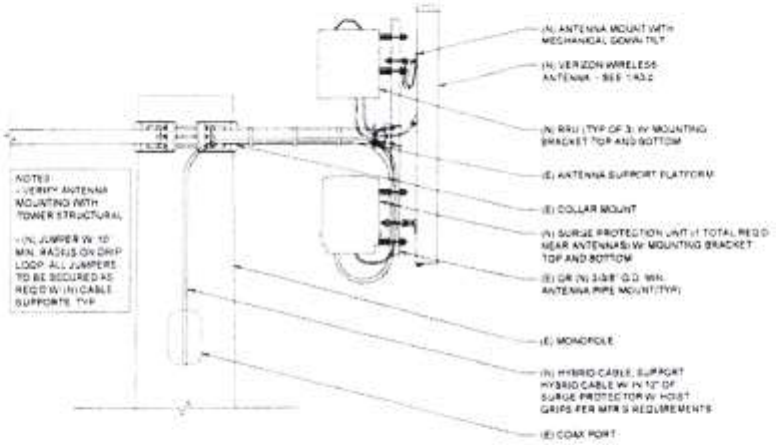
EXHIBIT C2

LU14-128740 DZ

NOTES:
- NEW ANTENNAS AND ALL MOUNTING HARDWARE TO BE PAINTED TO MATCH EXISTING STRUCTURE IF REQUIRED. VERIFY PAINT MANUFACTURER AND FINISH WITH OWNER.
- DC SURGE PROTECTOR TO BE MOUNTED ON ICE BRIDGE LEG NEAREST TO EQUIP. SHELTER.

1 SOUTH ELEVATION - PROPOSED

SCALE: 1" = 10'-0" (11x17)
SCALE: 1" = 5'-0" (22x34)



NOTES:
- VERIFY ANTENNA MOUNTING WITH TOWER STRUCTURAL
- (N) JUMPER W/ 10" MIN. RADIUS ON DRIP LOOP. ALL JUMPERS TO BE SECURED AS REQ'D W/ (N) CABLE SUPPORTS TYP.

2 ANTENNA MOUNT DETAIL

SCALE: NTS (11x17)
SCALE: NTS (22x34)

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

verizon wireless

CASCADIA PM

MC SQUARED

STRUCTURAL REGISTERED PROFESSIONAL ENGINEER 15,357 OREGON MARCH 14, 2013 MICHAEL SERAFICK
EXPIRES 6/30/14

CPM PROJECT NO. 5739

PRELIMINARY			
NO	DATE	BY	DESCRIPTION
2	09/18/13	[illegible]	90% CD REVIEW
1	09/09/13	[illegible]	INT COMMENTS

SUBMITTAL			
NO	DATE	BY	DESCRIPTION
2	12/16/13	[illegible]	RF SUBMITTAL
1	12/16/13	[illegible]	RF COMMENT

ATC SITE #82716
SITE NAME
POR ALBINA
SITE ADDRESS
750 N FREMONT ST
PORTLAND OR 97227

SHEET TITLE
ELEVATION

SHEET NO
A2.0