



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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Portland, Oregon 97201  
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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** March 12, 2010  
**To:** Interested Person  
**From:** Noelle Elliott, Land Use Services  
503-823-0624 / [Noelle.Elliott@ci.portland.or.us](mailto:Noelle.Elliott@ci.portland.or.us)

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 10-109405 DZ – REPLACEMENT OF CELLULAR ANTENNAS ON AN EXISTING TOWER FACILITY AT 5716 SE 92<sup>ND</sup> AVE**

**GENERAL INFORMATION**

**Applicant:** City of Portland, PDC, Owner  
222 NW 5th Ave  
Portland, OR 97209-3812

Verizon Wireless  
c/o RealCom Associates  
621 SW Alder Street, Suite 300  
Portland, Oregon 97205

**Representative:** Paul Slotemaker, Realcom Associates, 503-241-0279 ext. 23  
621 SW Alder Street Suite 300  
Portland, OR 97205

**Site Address:** 5716 SE 92<sup>nd</sup> Avenue

**Legal Description:** BLOCK 2 LOT 22&23 LOT 24-26 EXC PT IN ST, CLEMSON ADD  
**Tax Account No.:** R162900410  
**State ID No.:** 1S2E16DB 07300  
**Quarter Section:** 3640  
**Neighborhood:** Lents, contact David Hyde at 503-772-1376.  
**Business District:** Foster Area, contact Nancy Chapin at 503-313-1665.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Zoning:** EXd: Central Employment 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 six existing panel antennas with six new panel antennas on an existing 80'-0" tall cell tower located within the Lents neighborhood. A total of twelve (12) panel antennas currently exist on the tower (attached to the existing platform) and the number will remain constant with the proposed changes.

- The existing antennas to be replaced each measure 6'-0" tall, 0'-5" wide and 0'-4" deep.
- Replacement antennas include: three (3) antennas that measure approximately 6'-0' tall, 0'-5" wide and 0'-3" deep, and three (3) antennas that measure 7'-11" tall, 0'-11" wide and 0'-5" deep.
- The six center antennas to be replaced are located in the central portion of the triangular shaped platform.

Because the proposal is for a site with a design overlay zone and exterior alterations are proposed, design review is required.

**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:

- Chapter 33.825 Design Review
- Community Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The site includes a 57,346 square foot area that includes three adjacent lots owned by the Portland Development Commission. The PDC owned Boys and Girls Club playing fields are located just north of the site. The site is developed with one-story commercial buildings to the south and east, and a large portion of paved driveway encompassing the northern edge of the site. Residential neighborhoods are located to the east, and older commercial properties characterize the intersection of SE Foster Boulevard & SE 92<sup>nd</sup> Avenue to the south. The property is located within the Lents Pedestrian District and is located just west of I-205 and the MAX light rail alignment. NE 92<sup>nd</sup> Avenue is classified as a Neighborhood Collector Street, a Transit Access Street, a City Bikeway, and a Community Main 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 "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.

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

- 1) LUR 96-00580 CU, DZ, AD: approval for the construction of the monopole and equipment shelter for cellular communications facility
- 2) LUR 97-00773 CU, DZ, AD: approval to add additional antennas which was ultimately not built
- 3) LUR 99-00753 DZ: approval to install a new pylon sign with illuminated letters and neon border for an existing retail building.
- 4) LUR 00-00621 DZ: Design review approval for nine new antennas to be added to an existing 80' monopole; new ground-mounted mechanical equipment on a new 10' x 20' x 6 inch thick concrete slab; a new 8' tall chain link fence to replace an existing fence; and 10 additional

trees, as well as shrubs and ground cover to exceed the landscaping screening requirement for the east, south, north and west property lines.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed on February 16, 2010. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Water Bureau responded with the following comment: “The Water Bureau has no objection to the panel antenna replacements.” *Please see Exhibit E-1 for additional details.*

The Bureau of Transportation Engineering responded with the following comment: “no work is proposed in the public right-of-way, Transportation has no objection to this proposal.” *Please see Exhibit E-2 for additional details.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 16, 2010. 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 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 Community Design Guidelines.

### Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland’s urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland’s urban design framework and the users of the city.

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

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

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

**Findings for P1, D6 and D7:** The proposal is limited to the replacement of six existing antennas with six new antennas on an existing radio frequency transmission facility. The antennas are installed in the center portion of the tower's existing platform, and replace six existing antennas of a somewhat smaller size. Since the tower already exists, the installation of new antennas on the existing platform will have minimal effect on the visibility and overall character of the facility and the neighborhood. The existing compound is surrounded by buildings on three sides and setback from the street approximately 175-feet, limiting its visibility and physical impact on the pedestrian realm. In summary, the replacement of six existing antennas with six new antennas of a slightly larger size (an increase in antenna length up to 1'-11", and an increase in width of up to 0'-6"), and maintenance of the existing height cap of approximately 81'-6" above grade, should be undeterminable, and therefore, no qualitative negative impacts on the existing sense of place and physical identity of the Lents neighborhood is perceived. *These guidelines are therefore met.*

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings:** The replacement of six existing antennas with six new antennas of a slightly larger size on an existing 80'-0" tall tower is carefully executed to maintain the compositional order of the original installation, and thus maintain the visual consistency of the development. The antennas themselves are designed to be durable, and are installed in a similar manner to the original proposal. By maintaining the original placement of the antennas, the new antennas visually blend with the existing development and form a cohesive composition that respects the original tower design and layout. *This guideline is 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 replacement of six existing antennas with six new antennas on an existing wireless tower has no net increase of negative visual impacts to the Lents neighborhood. The co-location of antennas on an existing tower reduces the potential visual impact that additional mono-poles and generator areas within the Lents neighborhood would otherwise contribute. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of the replacement of six (6) existing panel antennas with six (6) new panel antennas located on the existing platform of an existing radio frequency transmission facility within the Lents neighborhood.

A total of twelve (12) panel antennas currently exist on the tower and the number will remain constant with the proposed changes.


- The existing antennas to be replaced each measure 6'-0" tall, 0'-5" wide and 0'-4" deep.
- Replacement antennas include: three (3) antennas that measure approximately 6'-0' tall, 0'-5" wide and 0'-3" deep, and three (3) antennas that measure 7'-11" tall, 0'-11" wide and 0'-5" deep.

The six (6) replacement antennas are to be located on the central portion of the triangular shaped platform.

Approval per the approved plans, Exhibits C-1 through C-4, signed and dated March 10, 2010, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1- C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-109405 DZ. No field changes allowed."

**Staff Planner: Noelle Elliott**

**Decision rendered by:**  **on March 10, 2010**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 12, 2010**

**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 February 4, 2010, and was determined to be complete on **February 11, 2010**.

*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 February 4, 2010.

*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: June 11, 2010**.

**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 March 26, 2010** 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the 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 **March 29, 2010 – (the first workday 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

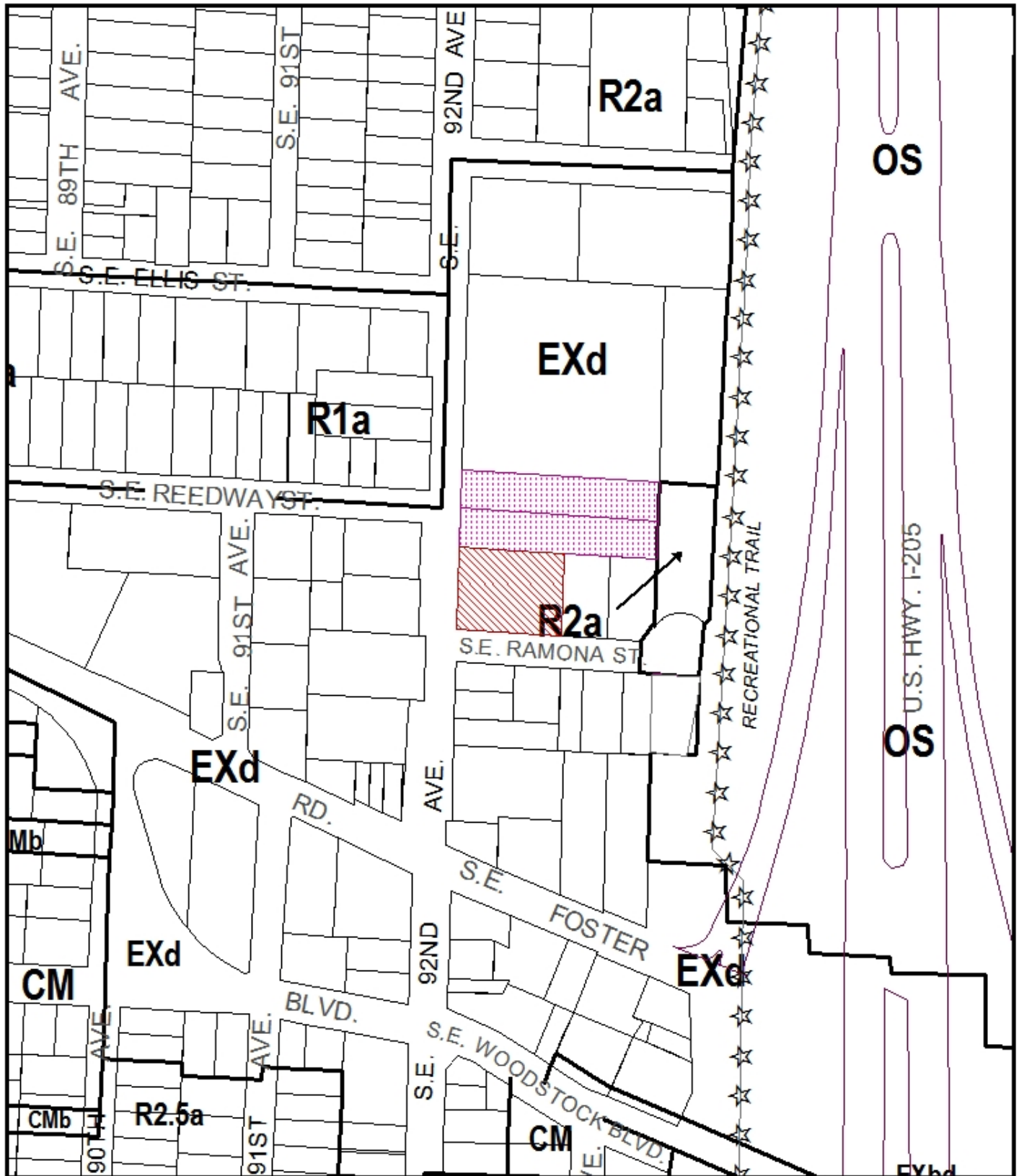
- A. Applicant's Statement & Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Perspective & Vicinity Map
  - 2. Site Plan (attached)
  - 3. Enlarged Site Plan & Enlarged Antenna Platform Plan
  - 4. Tower Elevations & Enlarged Platform Elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Water Bureau
  - 2. Bureau of Transportation Engineering and Development Review
- F. Correspondence: None

G. Other:

1. Original LU Application
2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business**





# ZONING

-  Site
-  Also Owned



File No.	LU 10-109405 DZ
1/4 Section	3640
Scale	1 inch = 200 feet
State_Id	1S2E16DB 7300
Exhibit	B (Feb 09,2010)

PLANS PREPARED FOR:

verizon wireless

PLANS PREPARED BY:

**KDC ARCHITECTS ENGINEERS, P.C.**  
 4720 200TH STREET SW SUITE 200  
 PORTLAND, OREGON 97229  
 PHONE: 425.870.8451  
 FAX: 425.712.8846

LICENSEURE:

DATE: 02/02/2010

DRAWN BY: RLD

CHECKED BY: EJC

REVISIONS

DATE	DESCRIPTION	BY
10/28/2009	ISSUED FOR PER CO REVIEW	JBB
12/19/2009	ISSUED FOR CONSTRUCTION	RLD
12/18/2009	ISSUED FOR REVERSE CONSTRUCTION	CPW
01/29/2010	ISSUED FOR REVERSE CONSTRUCTION	RLD
02/02/2010	ISSUED FOR REVERSE CONSTRUCTION	RLD

PROJECT:  
**POR-LENTS PARK**  
 5716 SE 92ND AVE  
 PORTLAND, OR 97266

**A-1**

**KEYED NOTES**

- ◇ EXISTING LANDSCAPING (TYPICAL)
- ◇ EXISTING ACCESS EASEMENT
- ◇ EXISTING BUILDING (TYPICAL)
- ◇ EXISTING ASPHALT PARKING LOT
- ◇ EXISTING SIDEWALK (TYPICAL)

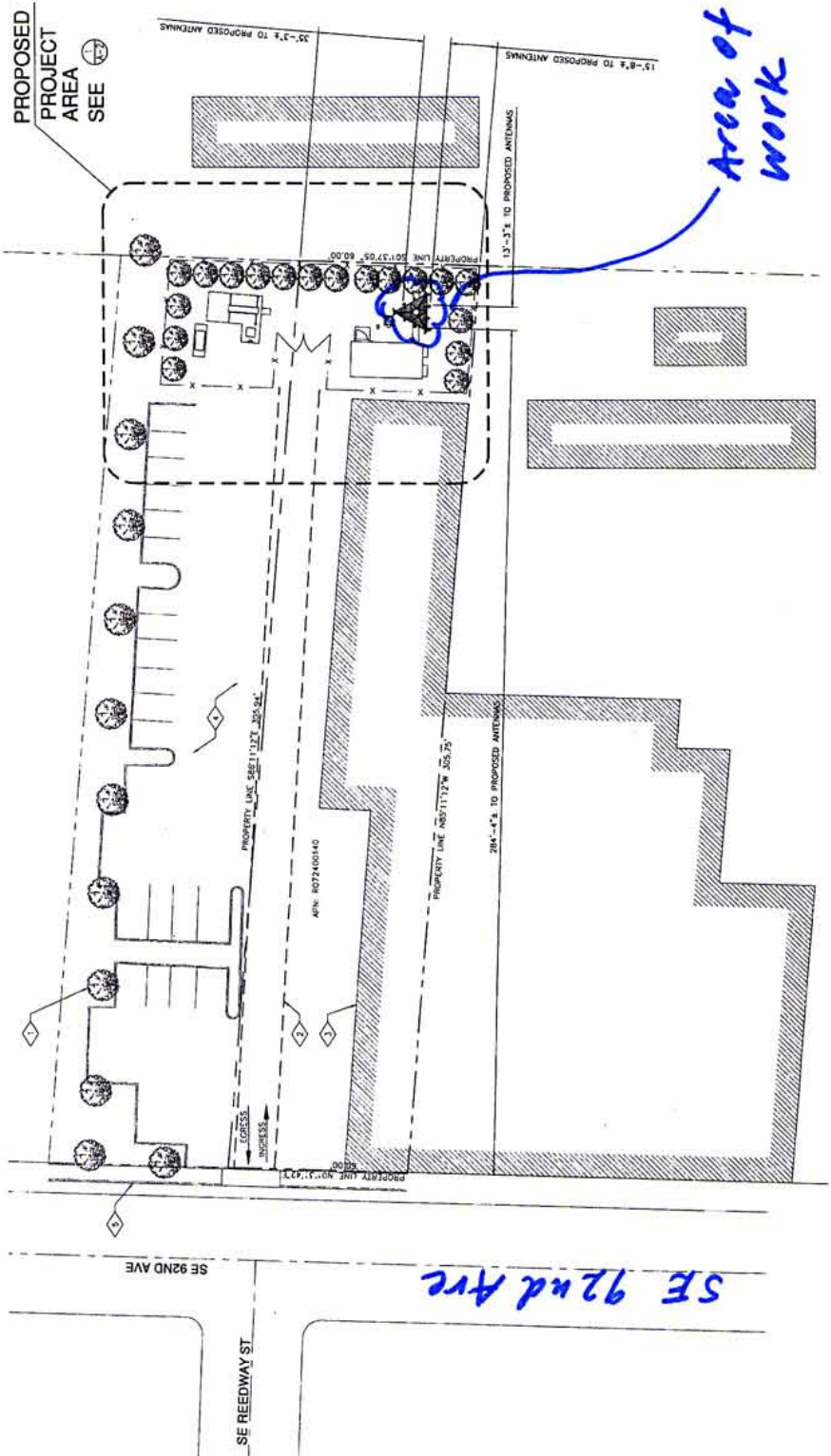
**GENERAL NOTES**

BEFORE YOU BEGIN BURIED UTILITIES EAST IN THE AREA AND UTILITY INFORMATION SHOWN MAY NOT BE COMPLETE. CONTACT THE ONE-CALL UTILITY LOCATE SERVICE A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION. 1-800-441-5522

GENERAL NOTES:  
 REFER TO 27/A-1 FOR GENERAL NOTES

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 3-10-10

\* This approval applies only to the revisions requested and is subject to all conditions of approval.



**OVERALL SITE PLAN**  
 SCALE FOR THIS: 1" = 20'-0" SCALE FOR 11817: 1" = 60'-0"  
 NORTH

Exhibit C.2

LW10-109405 DE

LW10-109405 DE

Site Plan

