

City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: May 28, 2013 **To:** Interested Person

From: Staci Monroe, Land Use Services

503-823-0624 / staci.monroe@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 13-123563 DZ - REPLACEMENT ANTENNAS &

EQUIPMENT FOR AN EXISTING TELECOMMUNICATIONS FACILITY

GENERAL INFORMATION

Applicant: Mark Evenson, / General Dynamics Information Technology

8880 SW Nimbus Ave Suite B / Beaverton, OR 97008 / 503-672-0603

Owners: FMC Properties LLC

7524 SW Macadam Ave / Portland, OR 97219

City Of Portland (leased)

1120 SW 5th Ave #1302 / Portland, OR 97204-1912

Site Address: 7524 SW MACADAM AVE

Legal Description: TL 4500 0.91 ACRES, SECTION 22 1S 1E; TL 4600 0.43 ACRES,

SECTION 22 1S 1E

Tax Account No.: R991220470, R991220790

State ID No.: 1S1E22AC 04500, 1S1E22AC 04600

Quarter Section: 3730

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.

Business District: South Portland Business Assoc, Kevin Countryman at 503-750-2984. **District Coalition:** Southwest Neighborhoods Inc., Leonard Gard at 503-823-4592.

Plan District: Macadam

Zoning: CS, OSd, g, s, r – Commercial Storefront and Open Space zones with

Design, Scenic and Greenway (River Recreational and River General)

overlay zones

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 remove and replace cellular antennas and associated equipment for an existing telecommunications facility on a 154' tall tower. The proposal includes the following:

- Remove all 6 panel antennas and replace with 3 new panel antennas in the same locationapproximately 96' from the base of the tower.
- Remove 3 mechanical cabinets and replace with 2 new cabinets (for a total of 3) on the existing equipment platform located 25' above the base of the tower.

Exterior alterations to existing structures in a design overlay requires Design Review.

Relevant Approval Criteria:

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

■ Macadam Corridor Design Guidelines

ANALYSIS

Site and Vicinity: The site is located adjacent to SW Macadam between that streets intersection with Taylor's Ferry Road and the Sellwood Bridge. The area is well vegetated on both sides of SW Macadam, largely due to Willamette Park. To the west the Tualatin' Mountains rise steeply up to the Burlingame area. Directly across SW Macadam from this site is an electrical substation attached to the tower via electrical transmission lines. To the east the well vegetated terrain slopes down to the Willamette River. The uses along SW Macadam, in this area, are largely retail and commercial with some light industrial. Residential uses are located to the west side of SW Macadam. Willamette Park abuts the river to the east and north of this site.

Tax Lot 4600 is roughly rectangular in shape and 15,680 square feet in area. The PGE tower is situated on its eastern edge, farthest away from SW Macadam. Adjacent to the north is an industrial use, West Coast Metal Works. To the south is undeveloped land surrounding a parking lot for a nearby marina. Immediately east arc railroad tracks separating this site from the rest of Willamette Park and the river. A blacktopped area around and under the tower and the adjacent industrial use are accessed off of SW Macadam Avenue.

Zoning: The Open Space (OS) zone applied to Willamette Park, is intended to preserve public and private open and natural areas identified in the Comprehensive Plan. Allowed open space functions include providing opportunities for outdoor recreation, contrast to the built environment, and preserve scenic qualities, sensitive or fragile environmental areas, and the capacity and water quality of the stormwater drainage system.

The Design (d) overlay zone is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special historical, architectural, or cultural value. This is to be achieved through the creation of design districts, the development of design guidelines for each district, and by requiring design review. The design guidelines of the Macadam Corridor Design District include the following categories: visual connections, physical connections, the water's edge, the boulevard, sub-area context, signs and the John's Landing Master Plan (which does not apply to this site).

The River Recreational Greenway (r) overlay zone is applied to the OS lands in Willamette Park, except where the vegetation has been preserved in a more natural state. The more natural areas received then, River Natural Greenway overlay zone. The River Recreational overlay zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, and which enhance the river's natural and scenic qualities.

The Scenic Resource (s) overlay zone was implemented to protect Portland's significant scenic resources, as identified in the Scenic Resources Protection Plan. In this instance neither a designated view corridor or viewpoint has been established that would be affected by development on this portion of Willamette Park.

Land Use History: Land use cases occurring on or including this site include: CU 77-62, CU 77-67, CU 63-77, CU 72-83, and PC 4137. A number of fills have occurred in the area, and a zone change to accommodate the marina parking facilities to the south. There is no evidence of the original approval for the PGE distribution facilities. More recent reviews include:

- LUR 97-009263 CU, DZ, GW for 12 antennas and associated equipment on an existing PGE electrical transmission tower.
- LU 06-158204 DZ, GW: A 2006 Design Review and Greenway Review approval of an exterior remodel for a warehouse and office building to an auto showroom, new signage and Modifications to Maximum Number of Freestanding Signs, Minimum Building Setback, Required Landscaped Setback and Perimeter Vehicle Area Landscaping.
- LU 08-125999 DZ: A 2008 design review for rooftop mechanical equipment.

Agency Review: No agency reviews were provided for this proposal given the small scope of the work.

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

ZONING CODE APPROVAL CRITERIA

DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area:
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

Macadam Corridor Design Goals and Guidelines

The following goals are specific to the Macadam Corridor Design Zone.

- Create and improve connections, both physical and visual, between the river, Greenway Trail, Willamette Park and the residential community west of Macadam.
- Encourage opportunities for public use and enjoyment of the waterfront.
- Promote a quality of development in this scenic entry corridor to the Downtown that complements Macadam's landscape treatment.
- Require excellence in design for projects within the Corridor, particularly by assuring that

new development contributes to the formation of a rich and diverse mixture of uses and styles in scale with each other.

- Add to the scenic qualities of the river and the Greenway Trail.
- Promote compatibility of new development with the river, surrounding uses, and the neighborhood.

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

Macadam Corridor Design Guidelines

- **1. Visual Connections**. Create public views to the river, Greenway Trail and Willamette Park from Macadam Avenue and other public parks and rights-of-way west of Macadam as well as views from the river and the Greenway to the west.
- Promote physical and visual contact between the river and the area west of Macadam Avenue.
- Orient buildings, which front Macadam Avenue to preserve views of the river, Willamette Park and the Greenway.
- Integrate the east and west sides of Macadam Avenue by creating views of the river which align with streets on the east side of Macadam.
- Take particular advantage of opportunities to create and protect views, which align with Southwest Texas, Florida, Pendleton, Idaho, Nebraska, Dakota and Hamilton Streets.
- Rooftops of buildings should be carefully designed to enhance views.
- Plant on-site trees, which will grow to a sufficient height to soften new development and screen parking areas while selecting species and planting locations, which enhance view corridors to the river.

Findings: The site is located on SW Macadam, south of the designated view corridors, and is separated from the Greenway Trail and the Willamette River by railroad tracks along the east property line. The Willamette River, open space land and Greenway Trail to the east are not visible from the tower location. Therefore, the reduction in the number of antennas and associated equipment on the existing PGE distribution tower will have no significant impact on the protected views. *This guideline has been met*.

- **4. The Boulevard.** Coordinate with and enhance Macadam's boulevard treatment and contribute to the attractiveness of this entrance to the city.
- Consider using awnings or other weather protection, street furniture, plazas, sculpture courts or other amenities for pedestrians to reinforce the boulevard design of Macadam.
- Abut pedestrian pathways with buildings or landscaping. Buffer with landscape screens, parking lots and structures, which are not oriented to pedestrians.
- Use landscaping to reinforce the boulevard character of Macadam and to provide visual connections with private property adjacent to Macadam.
- Trees interspersed with low-growing vegetation or grass should visually predominate over impervious surfaces.
- Provide frequent views from Macadam into interior ground level spaces of projects located along the Avenue.

Findings: The existing PGE tower is separated from Macadam Boulevard by a parking lot, grade change and the fact that this site is at a curve in the right-of-way. The site is screened for southbound travelers by the existing building north of the tower and for northbound travelers by considerably dense and tall vegetation. A reduction in the number of antennas and equipment on the tower will reduce the impact of any limited views of the facility. The location of the antennas and equipment up on the tower, 96' and 25' above the ground respectively, and the similar color and finish that matches the tower will further ensure views of the replacement facility are limited. *This guideline has been met.*

- **5. Sub-Area Context.** Enhance a site's character through designs that are compatible with features of their surroundings and contribute to the development of an attractive character in the vicinity of the project site. Pay particular attention to cases where the adjacent use is different from that which a project will house.
- Locate buildings to avoid excessive shadow on public open spaces, especially Willamette Park and the Greenway Trail.
- Isolated or independent buildings and open spaces should provide design solutions of merit, which consciously set a precedent for neighboring future developments.
- Buildings and open spaces should establish complementary relationships in terms of color, texture, scale of architectural elements, and proportions with neighboring developments.
- Provide sensitive transitions between new development and adjacent residential areas.

Findings: The design and placement of the proposed antennas and equipment will have no identifiable impact on the surrounding area. The replacement antennas will be mounted in the same areas as the existing antennas in the NE, SE and SW corners of the tower. The existing "T-arm" type mounts that attach the pair of antennas at each section will no longer be necessary since each sector is being reduce to a single antenna. A condition of approval has been imposed to remove the horizontal "T-arm" at each of the three sectors and attach each new antenna to the individual mounting bracket for a cleaner installation. As conditioned, this guideline has been 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 project to reduce the number of antennas and equipment on the existing 154' tall electrical tower will have no identifiable impact on the significant views, surrounding area or on Macadam Boulevard. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to remove and replace cellular antennas and associated equipment for an existing telecommunications facility on a 154' tall tower in the Macadam Design District:

- Remove all 6 panel antennas and replace with 3 new panel antennas in the same approximately 96' from the base of the tower.
- Remove 3 mechanical cabinets and replace with 1 new cabinet (for a total of 2) on the existing equipment platform located 25' above the base of the tower.

Per the approved site plans, Exhibits C-1 through C-9, signed and dated 5/23/13, 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.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-123563 DZ. No field changes allowed."

B. The horizontal "T-arm" at each of the three sectors at the NE, SE and SW corners shall be removed. Each of the new three antennas shall be mounted in a flush manner to the vertical mounting bracket at each sector.

Staff Planner: Staci Monroe

Decision rendered by: ______ on May 23, 2013

By authority of the Director of the Bureau of Development Services

Decision mailed: May 28, 2013

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 6, 2013, and was determined to be complete on April 24, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 6, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 11, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing

the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after **June 12, 2013.**
- 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.

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

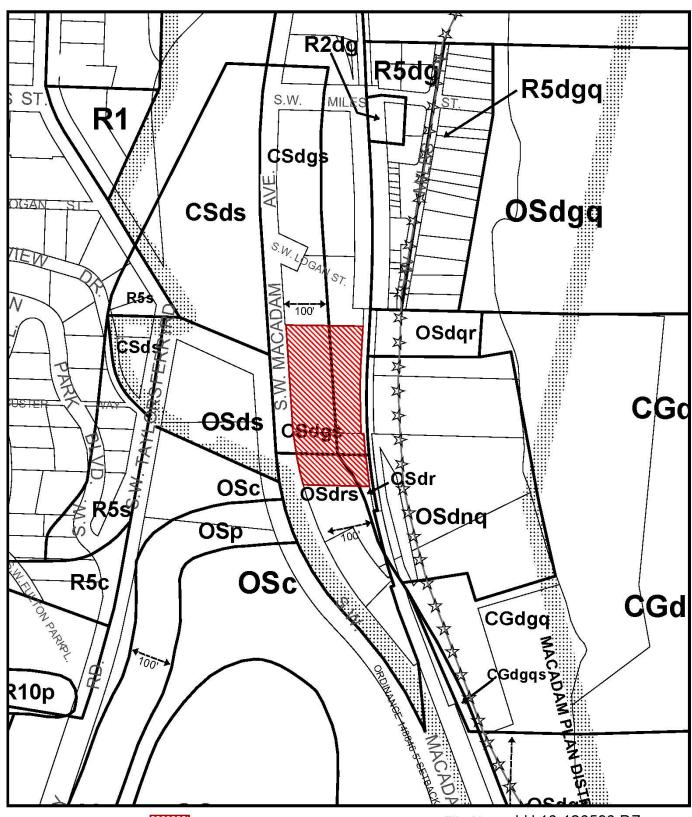
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Summary
 - 2. Photos
 - 3. Responses to Approval Criteria
 - 4. Additional Electrical Details
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Overall Site Plan (attached)
 - 2. Enlarged Site Plan
 - 3. Enlarged Equipment Plan
 - 4. Antenna Plan
 - 5. South & East Tower Elevations (attached)
 - 6. Equipment Details
 - 7. Equipments Details
 - 8. Equipment Details
 - 9. Equipment Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none.
- F. Correspondence: None.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated March 19, 2013

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

File No. <u>LU 13-123563 DZ</u>

1/4 Section <u>3730</u>

Scale <u>1 inch = 200 feet</u>

State_Id <u>1S1E22AC 4500</u>

Exhibit <u>B</u> (Mar 08,2013)



