



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** November 1, 2013  
**To:** Interested Person  
**From:** Kate Marcello, Land Use Services  
503-823-7538 | [kate.marcello@portlandoregon.gov](mailto:kate.marcello@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, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition and 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 13-206577 DZ**

#### **New Telecommunications Equipment at Existing Monopole**

#### **GENERAL INFORMATION**

**Applicant:** Noah Grodzin, Cascadia PM | (971) 285-6645  
5501 NE 109th Court, Suite A2 | Vancouver, WA 98662

**Owner:** William F Bitar  
9828 E Burnside Street, #200 | Portland, OR 97216

**Site Address:** 9927 SE Ash Street

**Legal Description:** BLOCK 3 LOT 17-20, PRUNEDALE ADD  
**Tax Account No.:** R680300620, R680300620  
**State ID No.:** 1N2E33DD 03100, 1N2E33DD 03100  
**Quarter Section:** 3040  
**Neighborhood:** Hazelwood, contact Arlene Kimura at 503-252-9429.  
**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.  
**Plan District:** Gateway Plan District  
**Zoning:** Central Employment (EX) base zone; Design (d) overlay zone  
**Case Type:** Design Review (DZ)  
**Procedure:** Type II, which is an administrative decision with appeal to the Design Commission.

**PROPOSAL:** The applicant requests Design Review approval to remove six existing panel antennas from an existing monopole and install three new panel antennas and six new remote radio units (RRUs). Two RRUs will be installed behind each new panel antenna. In addition, three existing support cabinets located on an existing concrete slab will be removed and replaced with two new support cabinets.

Design Review is required prior to the issuance of permits because the proposal is for non-exempt alterations to a site with Design overlay zoning in the Gateway Plan District.

**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 the Gateway Regional Center Design Guidelines.

**ANALYSIS**

**I. Site and Vicinity:** The existing monopole is located on SE Ash Street, about 125 feet east of SE 99<sup>th</sup> Avenue. The monopole is located in a small chainlink-fenced area abutting the site of Bedrock Concrete Cutting to the west and Auto Solutions (an automobile dealership for credit union members) to the north. The fenced area contains several small trees, which partially screen the existing ground-level telecommunications equipment from view. The remainder of the immediate vicinity is occupied by light industrial businesses with one- and two-story buildings and large gravel lots and paved lots. A large radio frequency transmission tower is located about 200 feet north of the monopole, at 9951 SE Ankeny Street. Major transportation corridors nearby include E Burnside Street about 400 feet north of the monopole, SE 102<sup>nd</sup> Avenue about 800 feet east, Interstate 205 about 900 feet west, and SE Stark Street about 800 feet south.

**II. Zoning:**

**Base Zone:** The Central Employment (EX) base 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 that need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

**Overlay Zone:** The Design (d) 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. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**III. Land Use History:** City records indicate one prior land use review for the subject site: LUR 00-00671 CU (reference file number LU 00-007226 CU) granted Conditional Use approval for new equipment (antennas and a receiving dish) on an existing tower containing existing radio frequency transmission equipment, and a support cabinet mounted to a new concrete slab on the ground (adjacent to the tower).

**IV. Public Notice:** A *Notice of Proposal in Your Neighborhood* was mailed on October 7, 2013.

- **Agency Review:** City bureaus/departments were not required to provide comments for this proposal.
- **Neighborhood Review:** Neither the neighborhood association (Hazelwood Neighborhood Association) nor notified property owners submitted written comments 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 Gateway Regional Center Design Guidelines.

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

**A3. Integrate Building Mechanical Equipment and Service Areas.** Incorporate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

**B1. Convey Design Quality and Building Permanence.**

Use design principles and building materials that convey quality and permanence.

**Findings for A3 and B1:** The subject site is an appropriate location for the proposed telecommunications equipment, as it is located on a dead-end street in a light-industrial area. The three new panel antennas and six new RRUs will be located on an existing monopole that contains existing antennas and other telecommunications equipment. The proposal will actually reduce the quantity of antennas – from six to three – for this particular telecommunications carrier. The proposal will also reduce the quantity of support cabinets from three to two. The antennas and RRUs will be located about 136 feet above the surrounding pedestrian environment. The antennas and RRUs do not increase the height of the monopole; in fact, they will be located lower on the pole than existing antennas associated with a different carrier. The new cabinets will be located within the existing fenced area, near the monopole. Both the monopole and concrete slab are located about 90 feet from SE Ash Street. Several trees within the fenced area aid in ground-level screening. *Therefore 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 surrounded by a fence. The proposal will not increase the height of the existing monopole or result in expansion of the existing fenced area. The proposal meets the applicable design guidelines and therefore warrants approval.

**ADMINISTRATIVE DECISION**

Approval of the following located at 9927 SE Ash Street in the Gateway Plan District:


- At the existing monopole:
  - Removal of six existing panel antennas,
  - Installation of three new panel antennas, and
  - Installation of six new RRUs.
- At the existing concrete slab adjacent to the monopole:
  - Removal of three existing support cabinets, and

- Installation of two new support cabinets.

Approval per the approved plans and drawings, Exhibits C-1 through C-5, signed and dated October 29, 2013, subject to the following condition:

- 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-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-206577 DZ. No field changes allowed."

**Staff Planner: Kate Marcello**

**Decision rendered by:**  **on October 29, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: November 1, 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 September 18, 2013, and was determined to be complete on October 2, 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 September 18, 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. Unless extended by the applicant, **the 120 days will expire on January 30, 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 November 15, 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](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 775 Summer St NE, Suite 330, 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 **November 18, 2013 (the day 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/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
  - 1. Overall Site Plan (attached)
  - 2. Enlarged Site Plan
  - 3. Existing and Proposed Plan – Support Cabinets (partially attached)
  - 4. Existing and Proposed Plan – Antennas (partially attached)
  - 5. Proposed North and East Elevation Drawings – Monopole (partially attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Response: None received.
- F. Correspondence: None received.
- G. Other
  - 1. Original Land Use Review Application
  - 2. Radio Frequency Transmission Facilities Registration Form
  - 3. Photographic Images from Google Maps

**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
-  Also Owned



This site lies within the:  
**GATEWAY PLAN DISTRICT**

File No. LU 13-206577 DZ  
 1/4 Section 3040  
 Scale 1 inch = 200 feet  
 State\_Id 1N2E33DD 3100  
 Exhibit B (Oct 02, 2013)



NO.	DATE	LOG	DESCRIPTION
1	05-24-12	AS-BUILT	AS-BUILT DRAWING
2	05-24-12	AS-BUILT	AS-BUILT DRAWING
3	05-24-12	AS-BUILT	AS-BUILT DRAWING
4	05-24-12	AS-BUILT	AS-BUILT DRAWING
5	05-24-12	AS-BUILT	AS-BUILT DRAWING
6	05-24-12	AS-BUILT	AS-BUILT DRAWING
7	05-24-12	AS-BUILT	AS-BUILT DRAWING
8	05-24-12	AS-BUILT	AS-BUILT DRAWING
9	05-24-12	AS-BUILT	AS-BUILT DRAWING
10	05-24-12	AS-BUILT	AS-BUILT DRAWING
11	05-24-12	AS-BUILT	AS-BUILT DRAWING
12	05-24-12	AS-BUILT	AS-BUILT DRAWING
13	05-24-12	AS-BUILT	AS-BUILT DRAWING
14	05-24-12	AS-BUILT	AS-BUILT DRAWING
15	05-24-12	AS-BUILT	AS-BUILT DRAWING
16	05-24-12	AS-BUILT	AS-BUILT DRAWING
17	05-24-12	AS-BUILT	AS-BUILT DRAWING
18	05-24-12	AS-BUILT	AS-BUILT DRAWING
19	05-24-12	AS-BUILT	AS-BUILT DRAWING
20	05-24-12	AS-BUILT	AS-BUILT DRAWING

SITE NUMBER	P003XC017
ATC SITE #	328270
SITE NAME	MONTAVILLA
SITE ADDRESS	9927 SE ASH STREET PORTLAND, OR 97216

SHEET TITLE  
(E) OVERALL  
SITE PLAN

SHEET NO.  
A-1.0

**DRAWING LEGEND**

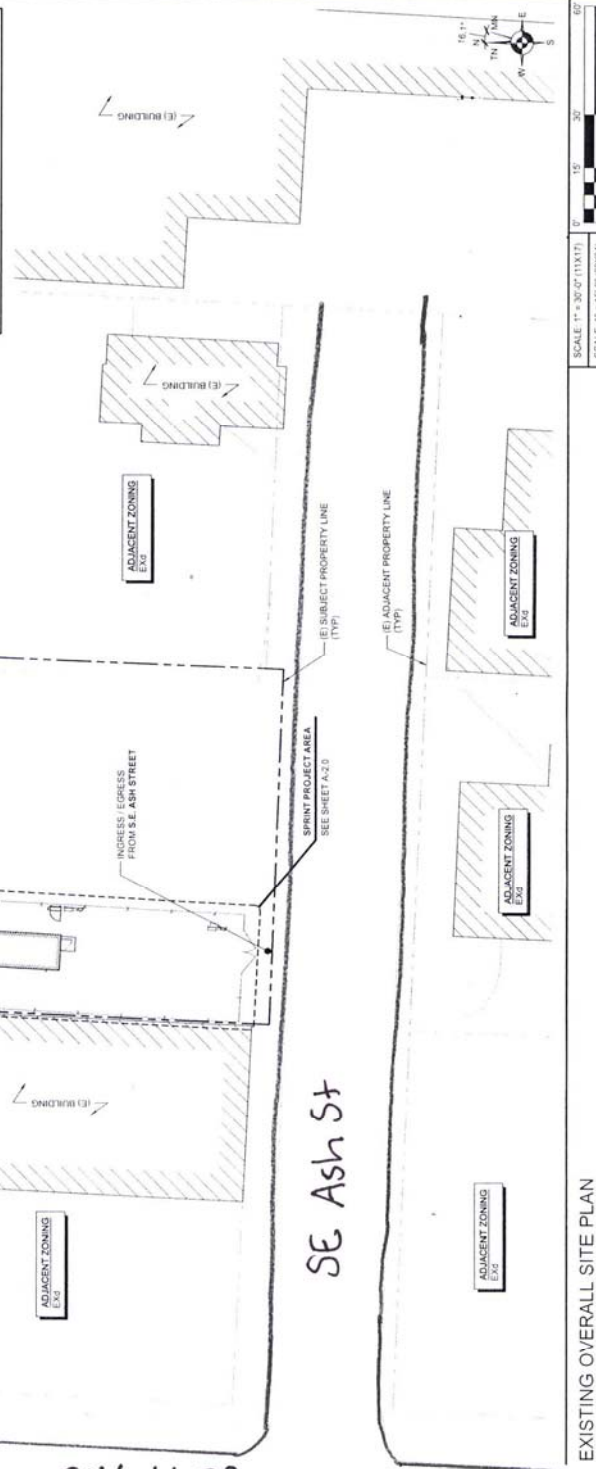
SUBJECT PROPERTY LINE  
ADJACENT PROPERTY LINE  
LEASE AREA  
CONCRETE  
IN HYBRID CABLE ROUTE  
TELECO ROUTE  
TELCO POWER ROUTE  
POWER ROUTE  
FIBER POWER ROUTE  
EXISTING FENCE

ELEVATION MARKER  
SECTION MARKER

**COMMON ABBREVIATIONS**

(E) EXISTING  
(P) PROPOSED  
(N) NEW  
(TYP) TYPICAL

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



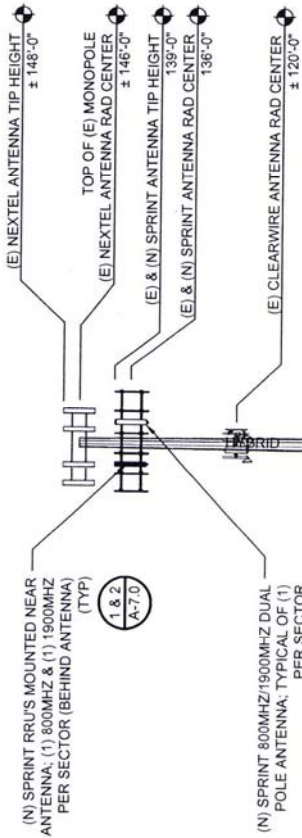
case number: LU 13-206577 DZ  
9927 SE Ash Street  
Exhibit C-1

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner *Kate Lee* Date *October 29, 2013*  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXISTING OVERALL SITE PLAN



(Reduced sheet size)

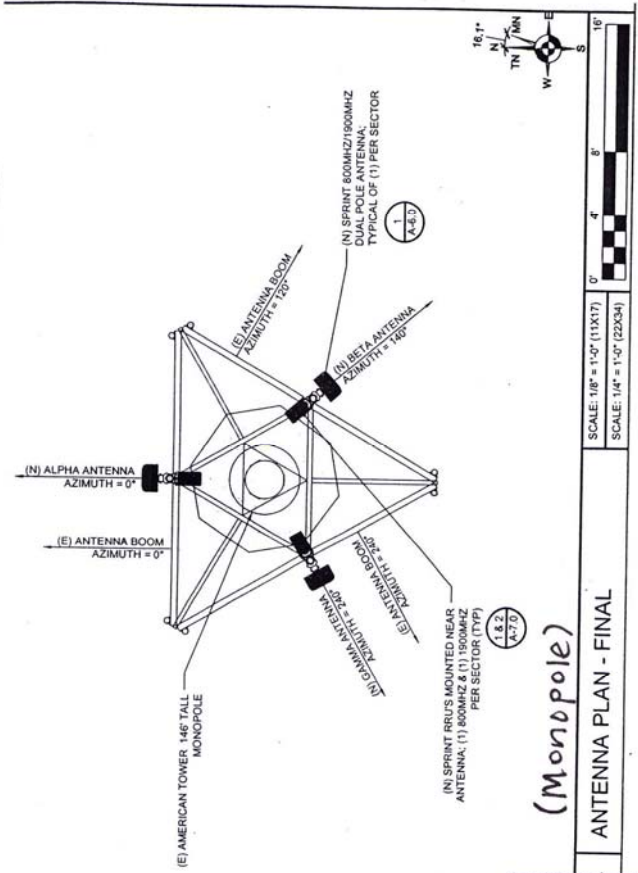


\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *Kate*  
 Date *October 29, 2013*

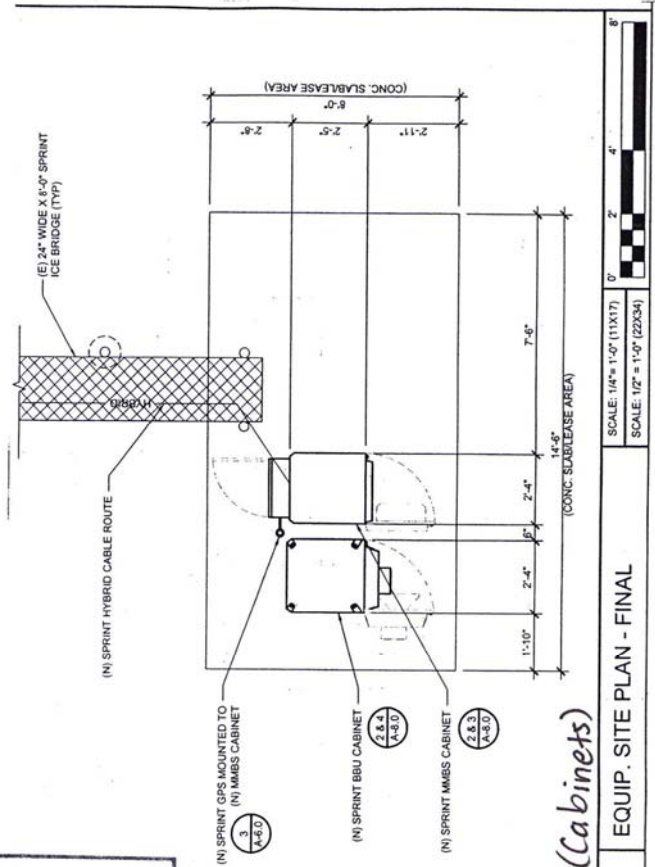
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

East Elevation Scale: 1/32" = 1'-0"

9927 SE Ash Street  
 Exhibits C-3, C-4, C-5  
 LU 13-206577 DZ



(Monopole)  
 ANTENNA PLAN - FINAL



(Cabinets)  
 EQUIP. SITE PLAN - FINAL