



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** June 23, 2014  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Chris.Caruso@portlandoregon.gov](mailto:Chris.Caruso@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 14-154833 DZ - MONOPOLE ANTENNAS**

#### **GENERAL INFORMATION**

**Applicant:** Olivia Wright/Lynx Consulting For Sprint  
17311 135<sup>th</sup> Ave NE, Ste A-100/Woodinville, WA 98072

**Owners:** William F Bitar & Assoc LLC & Jema Bitar Properties  
9828 E Burnside St #200/Portland, OR 97216-2363  
American Tower Corp  
10 Presidential Way/Wuburn MA. 01801

**Site Address:** 9927 SE ASH ST

**Legal Description:** BLOCK 3 LOT 17-20, PRUNEDALE ADD  
**Tax Account No.:** R680300620  
**State ID No.:** 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  
**Zoning:** EXd – Central Employment with 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 for the addition of new radio frequency transmission equipment on an existing 146 foot tall monopole in the Gateway Plan District that includes the following:

- Three new panel antennas, three RRH's, and six junction cylinders mounted on the lower of two existing antenna mounts;
- New cable that will run from the antenna mount down inside the pole; and

▪ All new equipment will be painted to match the existing equipment. The existing ground equipment and equipment enclosure plus landscape screening will not be altered with this proposal. Design review is required for alterations to existing monopoles that do not qualify for zoning code exempt status.

**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:

- 33.825 Design Review
- Gateway Regional Center Design Guidelines

## ANALYSIS

**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.

**Zoning:** 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.

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.

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

- 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).
- LU 13-206577 DZ approval to remove six existing panel antennas from an existing monopole and install three new panel antennas and six new remote radio units (RRUs).

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 27, 2014**. The following Bureaus have responded with no issues or concerns:

- Oregon Department of Aviation (Exhibit E-1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 27, 2014. One written responses has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Linda Nguyen, June 4, 2014 – in support of the project.

## ZONING CODE APPROVAL CRITERIA

### 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 & 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 that contains an additional two monopoles nearby. The three new panel antennas, three new RRH's, and six new junction cylinders will be located on an existing monopole that contains antennas and other telecommunications equipment. The antennas, RRH's and junction cylinder will be located about 136 feet above the surrounding pedestrian environment. The new equipment will not increase the height of the monopole. Required electrical conduit to the new equipment will be routed inside the monopole and out onto the davit arms, which will have no adverse visual impact on the surrounding pedestrianways. Ground level fencing and landscape screening will remain unchanged. *These guidelines are 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 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 Design Review for the addition of new radio frequency transmission equipment on an existing 146 foot tall monopole in the Gateway Plan District that includes the following:

- Three new panel antennas, three RRH's, and six junction cylinders mounted on the lower of two existing antenna mounts;
- New cable that will run from the antenna mount down inside the pole; and
- All new equipment will be painted to match the existing equipment.

Approved per the approved site plans, Exhibits C-1 through C-7 signed and dated June 18, 2014, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-154833 DZ. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on June 18, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: June 23, 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 May 9, 2014, and was determined to be complete on May 21, 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 May 9, 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: September 17, 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 July 7, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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 97301-1283, 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 **July 8, 2014 – (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.

**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:

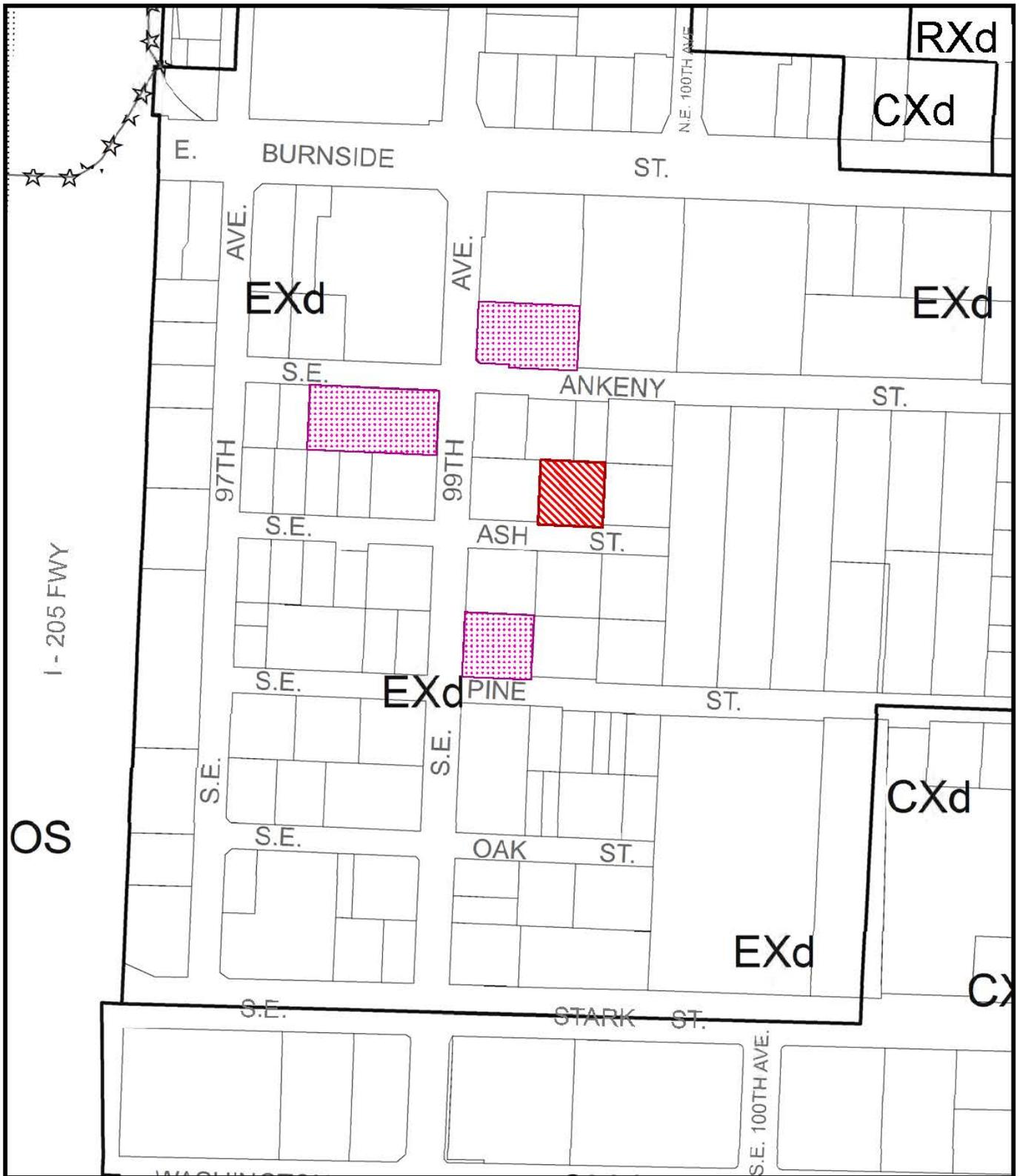
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
  - 1. Design Review and Zoning Narrative
  - 2. Transmission levels engineering letter
  - 3. RF Emissions Compliance Report
  - 4. Structural Analysis Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Enlarged Site Plan
  - 3. Antenna Plans & Schedules (attached)
  - 4. Existing & Proposed North Elevations (attached)
  - 5. Detail Sheet
  - 6. Title Sheet
  - 7. General Notes
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none required.
  - 1. Oregon Department of Aviation
- F. Correspondence:
  - 1. Linda Nguyen, June 4, 2014, in support.
- G. Other:
  - 1. Original LU Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

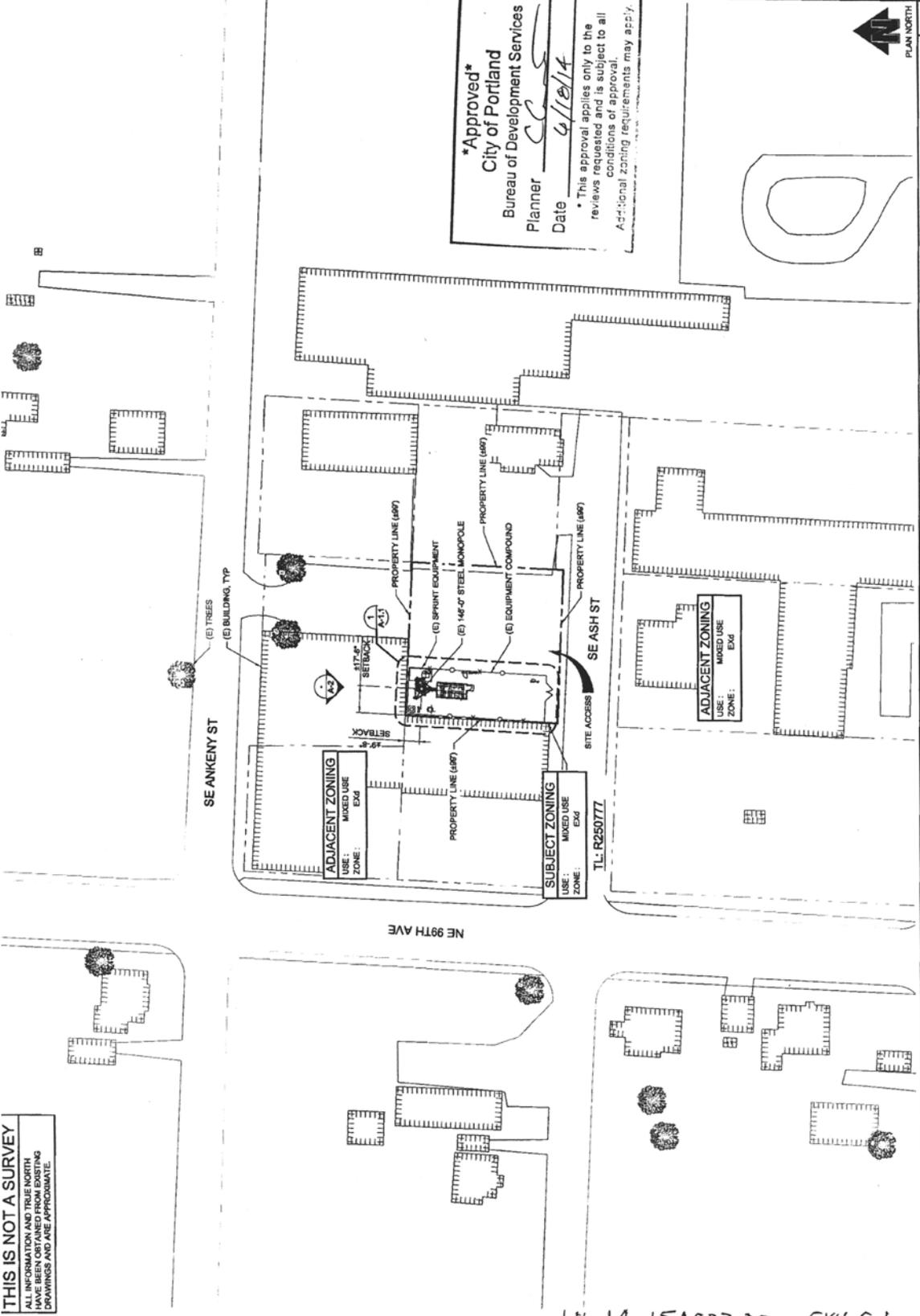
-  Site
-  Also Owned
-  Recreational Trail



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

File No. LU 14-154833 DZ  
 1/4 Section 3040  
 Scale 1 inch = 200 feet  
 State\_Id 1N2E33DD 3100  
 Exhibit B (May 13, 2014)

**THIS IS NOT A SURVEY**  
 ALL INFORMATION AND TRUE NORTH  
 HAVE BEEN OBTAINED FROM EXISTING  
 DRAWINGS AND ARE APPROXIMATE.



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *CC*  
 Date *6/18/14*

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



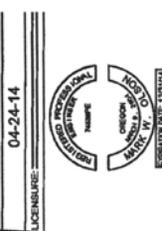
PROJECT CONSULTANTS:  
 PLANS PREPARED BY:  
**CONCRETE TIME**  
 1828 WOODVILLE-REYNOLDS RD. SUITE 210  
 PORTLAND, OR 97218  
 PHONE: (503) 281-1111  
 WWW.CONCRETE-TIME-ENGINEERS.COM

PROJECT INFO:  
 PO33XC017  
 MONTAVILLA  
 1827 SE ASH STREET  
 PORTLAND, OR 97218  
 MULTNOMAH COUNTY

ISSUED FOR: CONSTRUCTION  
 REV: DATE: ISSUED FOR: (BY)

REV	DATE	ISSUED FOR	BY
1	04-24-14	CLIENT REVIEW COMMENTS	N.
2	03-18-14	FINAL	LL
3	03-05-14	PRELIMINARY	LL

DRAWN BY: CHK. EJS. BMD  
 CURRENT ISSUE DATE: 04-24-14  
 LICENSE NUMBER:



DRAWING INFORMATION:  
 DO NOT SCALE DRAWINGS. CONSTRUCTION SHALL VERIFY ALL DIMENSIONS AND CONDITIONS. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THIS DRAWING. THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS THE PROPERTY OF CONCRETE TIME ENGINEERS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CONCRETE TIME ENGINEERS. OTHER THAN WORK RELATED TO THE CLIENT'S PROJECT, THIS INFORMATION IS STRICTLY CONFIDENTIAL.

DRAWING TITLE: SITE PLAN  
 DRAWING NUMBER: A-1 | 1

CED JOB NUMBER: 2.5 14-1005

LU 14-154833 DZ EXH. C-1

SITE PLAN



PROJECT CONSULTANTS:

PLANS PREPARED BY:  
 1800 WOODSIDE BLVD, SUITE 210  
 PORTLAND, OR 97216  
 PHONE: 503.281.1100  
 FAX: 503.281.1101  
 WWW.CONSTRUCTIONENGINE.COM

PROJECT INFO:  
 P003XC017  
 MONTAVILLA  
 8627 SE ASH STREET  
 PORTLAND, OR 97216  
 MULTNOMAH COUNTY

ISSUED FOR: CONSTRUCTION

REV.	DATE	ISSUED FOR	BY
1	04-24-14	CLIENT REVIEW	NH
2	03-18-14	FINAL	LW
3	03-06-14	PRELIMINARY	LW

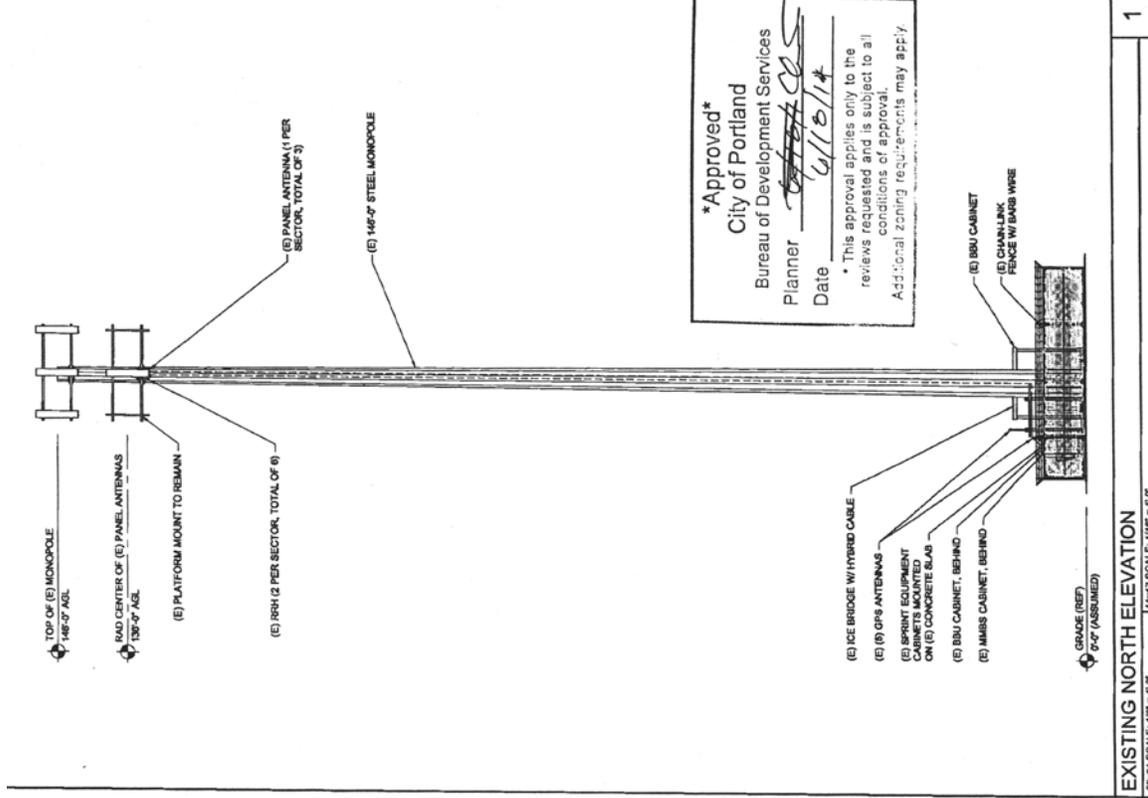
DRAWN BY: LOK  
 LW EJB BMD  
 CURRENT ISSUE DATE: 04-24-14  
 LICENSE: PE



DRAWING INFORMATION:  
 ALL DIMENSIONS AND NOTES SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.  
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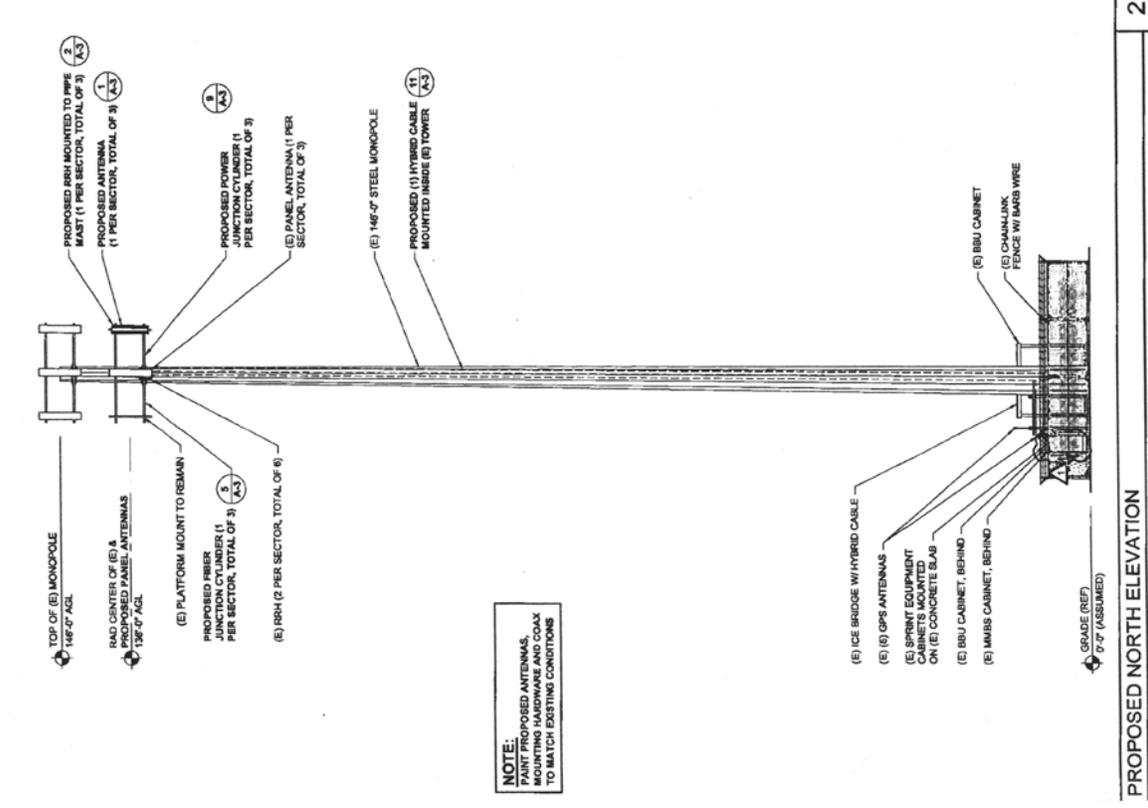
EXISTING & PROPOSED NORTH ELEVATIONS

DRAWING NUMBER: A-2  
 SHEET NUMBER: 1  
 JOB NUMBER: 2.5 14-19001



\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner: [Signature]  
 Date: 6/18/14

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



NOTE:  
 ALL PROPOSED ANTENNAS, MOUNTING HARDWARE AND COAX TO MATCH EXISTING CONDITIONS

PROPOSED NORTH ELEVATION 1  
 EXISTING NORTH ELEVATION 2  
 1" = 10'-0" SCALE  
 1" = 10'-0" SCALE