



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 3, 2015
To: Interested Person
From: Puja Bhutani, Land Use Services
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-140594 HR – RADIO FREQUENCY FACILITY

GENERAL INFORMATION

Owner: Fellowship Missionary Baptist Church
 Po Box 12380 / Portland OR 97212-0380

Applicant: Velocitel
 4004 Kruse Way Pl Suite 220 / Lake Oswego OR 97035

Agent: Joshua Gertsen / Securasite LLC
 1631 NE Broadway Pmb #100 / Portland OR 97232

Consultant: George Pierce / Ryka Consulting
 918 South Horton St Suite 1002 / Seattle WA 98134

Site Address: 4009 N MISSOURI AVE
Legal Description: BLOCK 16 LOT 13&15, MULTNOMAH
Tax Account No.: R591902500
State ID No.: 1N1E22CB 02000
Quarter Section: 2629
Neighborhood: Boise, contact Stephen Gomez at 503-819-8268.
Business District: Historic Mississippi, contact Trevin Miller at 503-708-7763 & North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact info@necoalition.org
Other Designations: Contributing resource, Mississippi Avenue Conservation District

Zoning: R2a, Multi Dwelling Zone and Alternative Design Density Overlay Zone
Case Type: HR, Historic Resource Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

AT&T is proposing to modify an existing radio frequency transmission facility (RF) located on 4009 N. Missouri Avenue. The existing RF facility is unstaffed, and consists of an antenna array on a 52 feet monopole, with accessory equipment on an outdoor equipment slab that is secured from public access. The applicant is proposing to remove and replace three existing LTE 700 antennas, with WCS and LTE 700 antennas in the alpha, beta and gamma sectors. The tip height of the new antennas will be the same as the existing and they will be painted to match the existing antennas as well. AT&T is also proposing to replace and install associated equipment on the existing outdoor slab. There is no increase being proposed for the existing concrete and brick enclosure, which is approximately 9 feet in height and fully screens and secures the facility. The RF facility will transmit at frequency ranges and maximum exposure levels as licensed by the Federal Communications Commission.

Historic design review is required because the proposal is for non-exempt exterior alteration of a contributing structure in the Mississippi Conservation District.

Relevant Approval Criteria:

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

- 33.274- Radio Frequency Transmission Facilities
- 33.846 – Historic Resource Review
- 33.846.060.E.2b – Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is currently owned by the Fellowship Missionary Baptist Church. It is located on a corner lot, on the north-east of N. Shaver Street and N. Missouri Avenue intersection. The area also exhibits a pattern rare in Portland, in that it includes alleys, one of which borders the property to the west. Directly to the west of the alley is the lower Interstate 5 which cuts north-south. The alley and a ivy-covered concrete wall separates and buffers the subject property from I-5. The alley serves as rear access to only the church and two adjacent residential lots, and therefore has limited use and visibility.

The church was originally known as the Pilgrim Congregational Church. It appears to have been in continuous use as a church since its construction in 1909. Various denominations and congregations have used it over the years. The building remains largely intact as constructed, with known alterations in 1961. It is one of many modest religious buildings that occur within the residential fabric of the historic areas identified in the Albina Community Plan Area. As with the current example, they typically occupy corners, often taking up several originally platted parcels. Most are frame structures with wood siding; some are stuccoed or veneered in brick masonry as in this case. The scale is normally domestic in character, although a few larger examples occur on the major thoroughfares.

The Mississippi Avenue Conservation District is an area rich in late nineteenth and early twentieth century buildings, both along its namesake central commercial street and in the flanking residential areas to the east and west. It grew up around a streetcar line that ran up N Mississippi Avenue, providing access and a rationale for concentration of businesses. N Missouri Avenue, running parallel to Mississippi two blocks west, and N Shaver Street, also adjoining the site, are local service bikeways, and the neighborhood is designated as a pedestrian zone.

Zoning: The Residential 2,000 (R2) zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, row houses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning

will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The Alternative Design Density “a” overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

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

- LU 08-181557: approval of fabric awnings over two entries at the southwest corner of the church.
- LU 95-012058: approval with conditions to construct a monopole with antennas and equipment shelter for a cellular system.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 7, 2015**. Life-Safety Bureau responded with no concerns regarding the proposal. Other bureau reviews were not required for this application.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 7, 2015**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 33.846, Historic Reviews

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a contributing structure within a conservation district. Therefore the proposal requires historic design review approval. Because the site is located outside the Central City Plan Area, and does not have district-specific guidelines, the relevant approval criteria are the *Community Design Guidelines*.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. 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 transportation 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 only has addressed those considered applicable to this proposal.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

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.

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 for P2, D6 & D8: There is no expansion of the existing lease area being proposed by AT&T. The location and size of the proposed modifications to the existing radio frequency transmission equipment ensure that the proposal retains the integrity and quality of the facility, the church, and that of the surrounding neighborhood.

The proposal to replace three antenna panels on the existing monopole will be compatible with the scale, color, and proportions of the facility and will not impact the architectural character of church. The tip heights of the new antennas will be maintained at the same height as existing and they will be painted to match the existing antennas. The proposed overall maximum antenna tip height is indicated at 55 feet. Staff will require that this height be set as the datum for any additional modifications, and that future antenna panels are mounted so that their tops align with this datum. This would ensure a more visually cohesive design of the facility and better meet the criteria of Guideline D8 above.

The replacement and additional accessory equipment are proposed to be located on an existing outdoor concrete slab which is fully enclosed and located at the rear of the property. The existing concrete and brick enclosure, approximately 9 feet in height fully screens and secures the facility. The new equipment will not be visible from the street or adjacent property, and therefore have no visual impact on the building and the neighborhood. *This criterion 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 purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The modifications to the existing monopole are of quality materials and do not visually detract from the Conservation District. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of historic design review for modifications to an existing unmanned telecommunications monopole facility within the Mississippi Conservation District, to include the following:

- Remove existing three LTE 700 antennas, one per sector.
- Replace the above with WCS and LTE 700 antennas in the alpha, beta and gamma sectors.
- New accessory equipment installed on an existing and fully enclosed concrete equipment slab.

Approved per the approved site plans, Exhibits C-1 through C-11 signed and dated May 29, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-140594 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The 55 feet overall maximum antenna tip height is set as the datum for any antenna modifications. All new and future antenna panels will be mounted so that their tops align with this datum.

Staff Planner: Puja Bhutani

Decision rendered by:  **on (May 29, 2015)**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 3, 2015

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 26, 2015, and was determined to be complete on **April 28, 2015**.

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 26, 2015.

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 July 15, 2015**.

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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM June 17, 2015** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 Landmarks 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 Landmarks 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 18, 2015– (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:

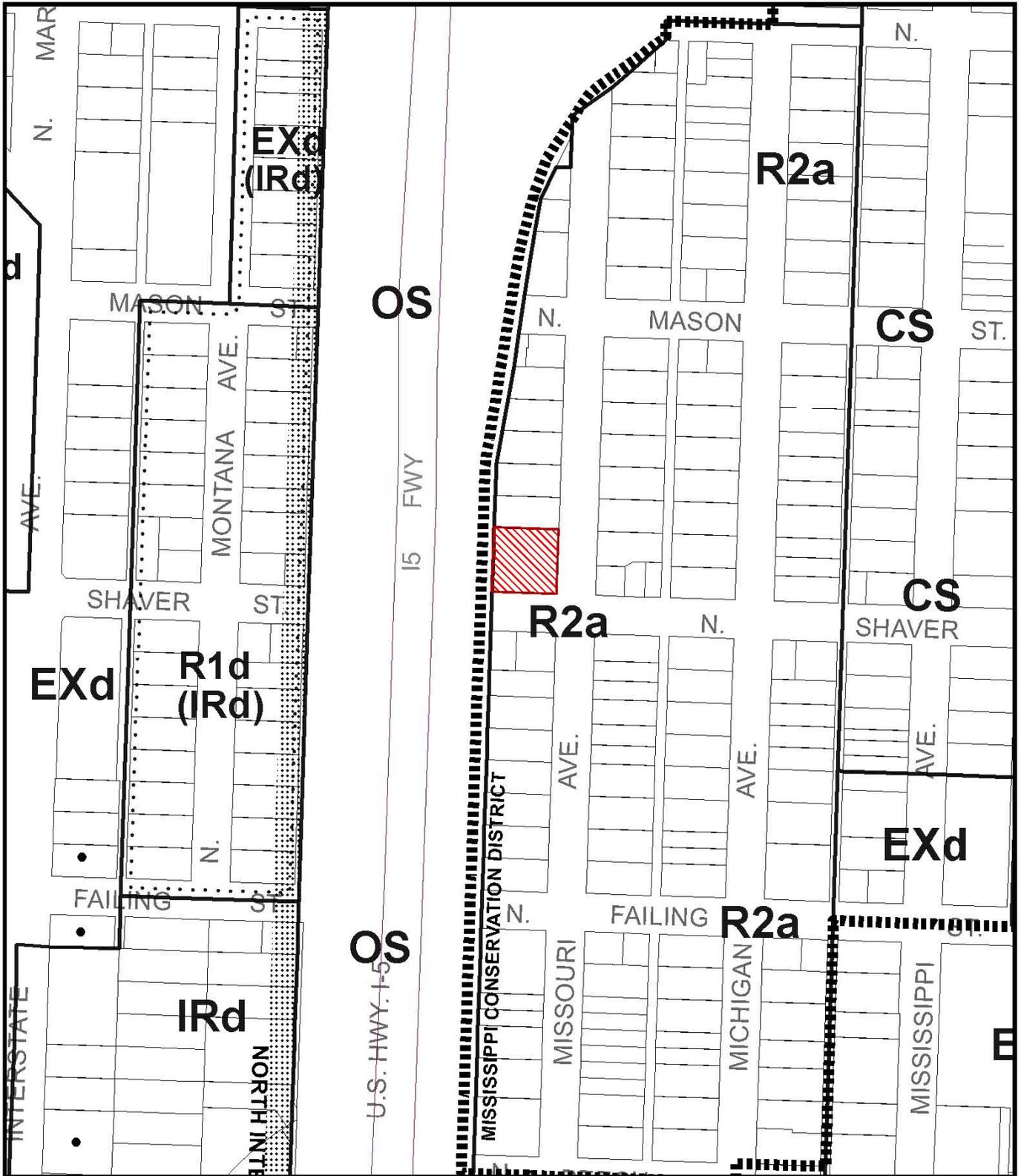
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Proposal Narrative
 - 2. Photographs
 - 3. Certification of FCC compliance
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Location Map
 - 2. Site Plan (attached)
 - 3. Existing and proposed East elevation
 - 4. Existing and proposed West elevation
 - 5. Existing and proposed North elevation
 - 6. Existing and proposed South elevation (attached)
 - 7. Grounding Plan
 - 8. Grounding Details
 - 9. Proposed Antenna Configurations
 - 10. RF Details
 - 11. Proposed Compound Layout
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No public comments were received.
 - 1. Felder S. Pace, Chair, Board of Trustees, Fellowship Missionary Baptist Church, May 28th 2015, no objections.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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



Historic Landmark



This site lies within the:
MISSISSIPPI CONSERVATION DISTRICT

File No. LU 15-140594 HR

1/4 Section 2629

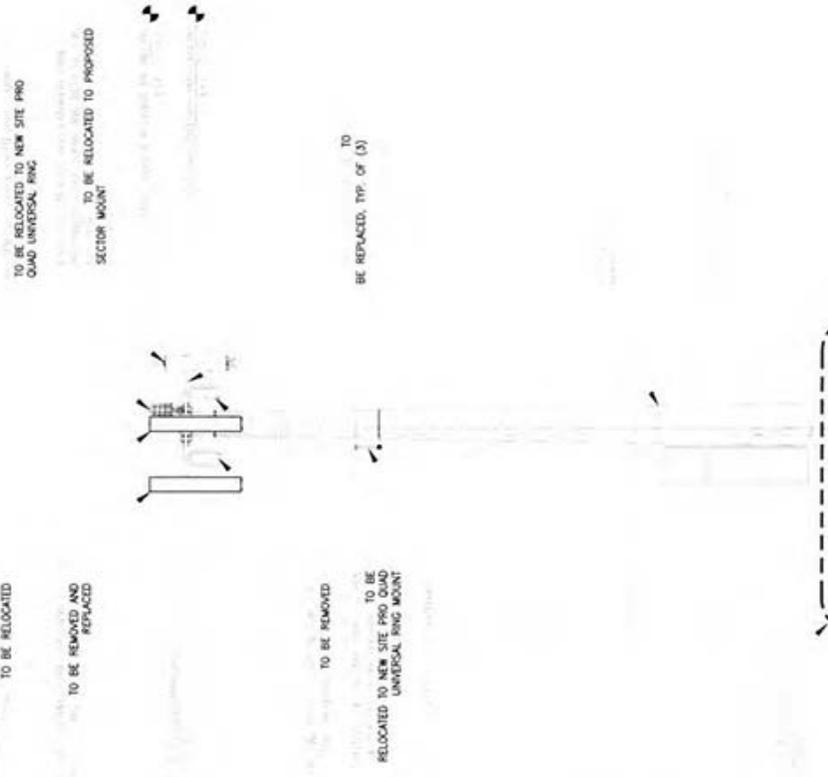
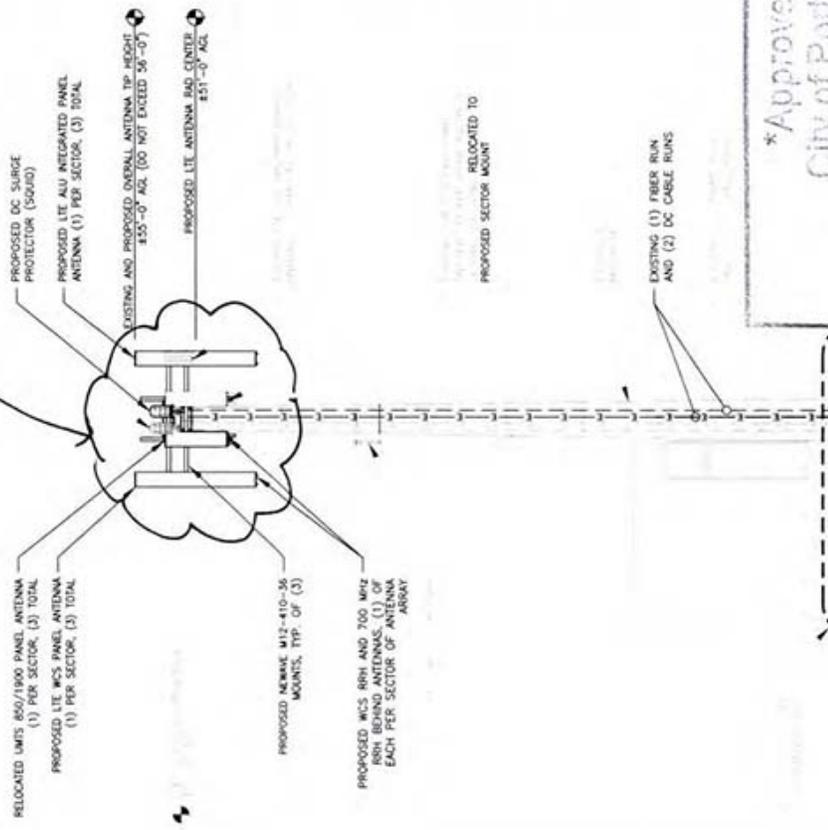
Scale 1 inch = 200 feet

State_Id 1N1E22CB 2000

Exhibit B (Mar 30, 2015)

- NOTES:**
1. TOWER/ANTENNA DESIGN AND ANALYSIS BY OTHERS. TOWER OWNER RESPONSIBLE FOR REVIEW OF PROPOSED ANTENNAS TO DETERMINE IF PROPOSED ANTENNAS MEET ALL APPLICABLE REGULATORY REQUIREMENTS.
 2. PAINT PROPOSED ANTENNAS TO MATCH EXISTING (WHEN APPLICABLE).
 3. RTDS VERSION: 2.0 DATE: 5/27/14
 4. RTDS VERSION: 2.0 DATE: 5/27/14

Area of work



SITE ID#: PT17
I-S & SHAVER
 4009 NORTH MASSACHUSETTS AVENUE
 PORTLAND, OREGON 97227

PROJECT: LTE 2C

ISSUED FOR: CONSTRUCTION

REV	DATE	DESCRIPTION	BY
A	4/2/14	PRELIM CD	MB
B	8/27/14	PRELIM CD	LG
C	8/12/14	FINAL CD	SP
D	8/27/14	REVISED FOR PERMIT	MB
E	9/17/14	REMOVE GEN	CH
F	9/17/14	REMOVE GEN	CH

DATE: 10/07/15
DRAWN BY: MB
CHECKED BY: PE
CURRENT ISSUE DATE: 03/11/15
STAMP:



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SHEET TITLE: City Elevations
DATE: 5-29-15

SHEET NUMBER: A-3.3
TOTAL SHEETS: 3

* Approved by
 City of Portland
 Bureau of Development
 Planner **Bhuvan**
 Date **5-29-15**

* This is an EXISTING PROPOSED TANK, GENERATOR AND ANTENNA. NOT SHOWN FOR CLARITY. reviews re: elevations subject to all

PROPOSED SOUTH ELEVATION 2

27'x41' SCALE: NS
 11'x17' SCALE: NS

EXISTING SOUTH ELEVATION 1

27'x41' SCALE: NS
 11'x17' SCALE: NS