



CITY OF PORTLAND
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201 **P524**
Land Use Decision Enclosed
Case # LU 08-192383 CU DZ

16

Return Service Requested



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
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Date: November 10, 2009
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-6962 / woods@ci.portland.or.us

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

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

CASE FILE NUMBER: LU 08-192383 CU DZ
ROOFTOP WIRELESS FACILITY

GENERAL INFORMATION

Applicants: Dan Dutton (Consultant) 503.756.3888
Powder River Development Services LLC
13220 SE Multnomah Ct/ Happy Valley, OR 97086

Kevin Maki (Applicant)
Clearwire US LLC
4400 Carillon Point/ Kirkland, WA 98033

Darcy Vincent (Owner)
College Housing NW LLC
1708 SW Columbia St/ Portland, OR 97201-2539

Site Address: 1129 SW COLUMBIA STREET
Legal Description: LOT 5 BLOCK 264, PORTLAND
Tax Account No.: R667729330 **State ID No.:** 1S1E04AA 7600 **Quarter Section:** 3128
Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Lisa Frisch at 503-552-6740.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - West End
Zoning: Central Residential with Design Overlay (RXd)
Case Type: Conditional Use and Design Review (CU DZ)
Procedure: Type II, an administrative decision with appeal to the Design Commission and/or Hearings Officer.

Proposal:

The applicant requests design review approval to install a wireless facility on the roof of an existing building. The proposal would be a 27' x 15' penthouse enclosure. It will house antennas and associated equipment. The shroud would be textured and painted to match the existing penthouse. Exterior alterations to a structure within a design overlay zone require

design review. Radio Frequency Transmission Facilities in a residential zone require a conditional use 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 criteria are:

- 33.825 Design Review
- *Central City Fundamental Design Guidelines* (DZ)
- 33.815.225 Radio Frequency Transmission Facilities (CU)

ANALYSIS

Site and Vicinity: The use within the building is residential. Residential use is allowed outright in the RX zone. The proposed use on top of the building, a radio frequency transmission facility, is a conditional use.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone that allows the highest density of dwelling units of the residential zones. The maximum size of buildings and intensity of use are regulated by floor area ratio limits and other site development standards. The major types of new housing development will be medium- and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses.

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 do not indicate any prior land use reviews.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 14, 2009**. The following Bureau has responded with comments:

- Life Safety Section of BDS: A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 8 AM and 3:00 PM Tuesday through Friday (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **January 14, 2009**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

CONDITIONAL USE REVIEW

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow

the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for facilities operating at 1,000 watts ERP or less, proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, or I zone within 50 feet of an R zone:
1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;

Findings: The proposed antennas will be fully within a proposed rooftop penthouse enclosure. The penthouse enclosure is intended to appear like similar rooftop penthouses found on most buildings. This criterion is satisfied.

2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and

Findings: The proposed accessory equipment will be fully within a proposed rooftop penthouse enclosure. The penthouse enclosure is intended to appear like similar rooftop penthouses found on most buildings in the surrounding area. Its relatively low height, 6'-8" above the buildings parapet, and setback from roof edges will allow it to be generally screened from nearby street views. This criterion is satisfied.

3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

Findings: The regulations are met. This criterion is satisfied.

RADIO FREQUENCY TRANSMISSION FACILITIES

33.274.040 Development Standards

A. Purpose. The development standards:

- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers in residential and open space zones whenever possible;
- Protect adjacent populated areas from excessive radio frequency emission levels;
- Protect adjacent property from tower failure, falling ice, and other safety hazards; and

B. When standards apply. Unless exempted by 33.274.030, above, the development standards of this section apply to all Radio Frequency Transmission Facilities. Applications to modify existing facilities regulated by this chapter are only required to meet the standards of Paragraphs C.3, C.4, C.5, C.6, and C.9 in addition to any previous conditions of approval. Increasing the height of a tower is not considered modification of an existing facility.

C. General requirements

1. Tower sharing. Where technically feasible, new facilities must co-locate on existing towers or other structures to avoid construction of new towers. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.

2. Grouping of towers. The grouping of towers that support facilities operating at 1,000 watts ERP or more on a site is encouraged where technically feasible. However, tower grouping may not result in radio frequency emission levels exceeding the standards of this chapter.
3. Tower finish. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.
4. Tower illumination. Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

Findings for C.1 through C.4: The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, these criteria are not applicable.*

5. Radio frequency emission levels. All existing and proposed Radio Frequency Transmission Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified in Table 274-1, except as superseded by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits.

Table 274-1 Radio Frequency Emission Standards [1]			
Frequency Range	Mean Squared Electric (E^2) Field Strength (V^2/m^2) [2]	Mean Squared Magnetic (H^2) Field Strength (A^2/m^2) [3]	Equivalent Plane-Wave Power Density (mW/cm^2) [4]
100 KHz – 3 MHz	80,000	0.5	20
3 MHz – 30 MHz	4,000 ($180/f^2$) [5]	0.025 ($180/f^2$)	$180/f^2$
30 MHz – 300 MHz	800	0.005	0.2
300 MHz – 1500 MHz	4,000 ($f/1500$)	0.025 ($f/1500$)	$f/1500$
1500 MHz – 300 GHz	4,000	0.025	1.0

Notes:

[1] All standards refer to root mean square (rms) measurements gathered by an approved method.

[2] V^2/m^2 = Volts squared per meter squared.

[3] A^2/m^2 = Amperes squared per meter squared.

[4] mW/cm^2 = Milliwatts per centimeter squared.

[5] f = Frequency in megahertz (MHz).

Findings: According to Exhibits A.2 and A.3, the proposal is within the 1500 MHz-300 GHz range and complies with the associated standards for that range. This criterion is satisfied.

Staff note: The Federal Telecommunications Act of 1996 prohibits a local government from denying a request to construct such facilities based on “harmful radio frequency emissions” as long as the wireless telecommunications facility meets the standards set by the FCC.

Furthermore, the Act required the FCC to adopt standards for radio frequency emissions from wireless telecommunications by August, 1996. In a rule making procedure, the FCC adopted standards effective August 1, 1996, which are virtually the same as those reflected in Table 274-1. Because this land use review was submitted after those standards took effect, this conditional use review cannot be denied solely on the issue of harmful radio frequency emission levels.

6. Antenna requirements. The antenna on any tower or support structure must meet the minimum siting distances to habitable areas of structures shown in Table 274-2. Measurements are made from points A and B on the antenna to the nearest habitable area of a structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna. Point A is measured from the

highest point of the antenna (not the mounting device) to the structure, and Point B is measured from the closest point of the antenna to the structure.

Table 274-2 Distance Between Antenna and Habitable Area of Structure (Where f is frequency in megahertz.)			
Effective Radiated Power	Frequency (MHz)	Point A: Minimum Distance From Highest Point of Antenna To Habitable Area of Structure (feet)	Point B: Minimum Distance From Closest Portion Of Antenna To Habitable Area of Structure (feet)
< 100 watts		10	3
100 watts to 999 watts		15	6
1,000 watts to 9.999 Kw	< 7	11	5
	7 - 30	$f/0.67$	$f/1.5$
	30 - 300	45	20
	300 - 1500	$780/\sqrt{f}$	$364/\sqrt{f}$
	> 1500	20	10
10 Kw plus	< 7	17.5	8
	7 - 30	$f/0.4$	$f/0.91$
	30 - 300	75	33
	300 - 1500	$1300/\sqrt{f}$	$572/\sqrt{f}$
	1500	34	15

Findings: The proposal has an ERP of less than 100 Watts and the application states that the proposal meets or exceeds the minimum distance requirements from habitable area. This criterion is satisfied.

7. Setbacks. All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets. Accessory equipment or structures must meet the base zone setback standards.
8. Guy anchor setback. Tower guy anchors must meet the main building setback requirements of the base zone.

Findings for C.7 & C.8: The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, these criteria are not applicable.*

9. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:
 - a. In C, E or I zones more than 50 feet from an R zone. A tower and all accessory equipment or structures located in the C, E, or I zones more than 50 feet from an R zone must meet the following landscape standard:

Findings: The proposal is to mount the facility on an existing building in an RH zone. *Therefore, this criterion is not applicable.*

- b. In OS or R zones or within 50 feet of an R zone. A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:
 - (1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.

Findings: The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, this criterion is not applicable.*

- (2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.

Findings: No accessory equipment or structures are proposed to be located at grade. *Therefore, this criterion is not applicable.*

10. Tower design.

- a. For a tower accommodating a Radio Frequency Transmission Facility of 100,000 watts or more, the tower must be designed to support at least two additional transmitter/antenna systems of equal or greater power to that proposed by the applicant and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.
- b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.
- c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

Findings: The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, this criterion is not applicable.*

11. Mounting device. The device or structure used to mount facilities operating at 1,000 watts ERP or less to an existing building or other non-broadcast structure may not project more than 10 feet above the roof of the building or other non-broadcast structure.

Findings: The enclosure to which the antennas are mounted and within is 8'-10" above the roof of the building. This criterion is satisfied.

12. Abandoned facilities. A tower erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower has been in use for more than six months.

Findings: The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, this criterion is not applicable.*

D. Additional requirements in OS, R, C, and EX zones and EG and I zones within 50 feet of an R zone.

1. Purpose. These additional regulations are intended to ensure that facilities operating at 1,000 watts ERP or less have few visual impacts. The requirements encourage facilities that look clean and uncluttered.
2. Standards. In addition to the regulations in Subsection C., above, facilities operating at 1,000 watts ERP or less located in OS, R, C, or EX zones or EG or I zones within 50 feet of an R zone must meet all of the following standards:
 - a. Antennas mounted on towers. Triangular "top hat" style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicell style top cylinder, or other similar mounting technique that minimizes visual impact.

Findings: The proposal is to mount the antennas on an existing building. No new tower is proposed. *Therefore, this criterion is not applicable.*

- b. Antennas mounted on existing buildings or other non-broadcast structures. This standard only applies to facilities located in OS or R zones or within 50 feet of an R zone. The visual impact of antennas that are mounted to existing buildings or other non-broadcast structures must be minimized. For instance, on a pitched roof, an antenna may be hidden behind a false dormer, mounted flush to the facade of the building and painted to match; mounted on a structure designed with minimal bulk and painted to fade into the background; or mounted by other technique that equally minimizes the visual impact of the antenna. The specific technique will be determined by the conditional use review.

Findings: The proposed antennas will be fully within a proposed rooftop penthouse enclosure. The penthouse enclosure is intended to appear like similar rooftop penthouses found on most buildings. This criterion is satisfied.

- c. Lattice. Lattice towers are not allowed.

Findings: The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, this criterion is not applicable.*

- E. Additional requirements in R zones.** The minimum site area required for a tower in an R zone is 40,000 square feet. This regulation must be met in addition to the regulations in Subsections C. and D., above.

Findings: The proposal is to mount the facility on an existing building. No new tower is proposed. *Therefore, this criterion is not applicable.*

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 Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity & areas of special character w/in the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A4. Use Unifying Elements.

A5. Enhance, Embellish, and Identify Areas.

C4. Complement the Context of Existing Buildings.

Findings: The addition of new cellular equipment supports Downtown Portland's architectural integrity by being carefully located and screened to minimize its visibility. Portland's architectural identity includes architecture with a sense of permanence and clarity, and a visually appealing pedestrian environment. The maintenance of these defining characteristics rests on many factors, including the appropriate location and screening of cellular equipment placed on rooftops. The proposal calls for antennas and associated equipment to be installed within a penthouse enclosure on the Cambrian Apartment Building, an existing 4 ½-story structure in Portland's downtown. These guidelines are met.

C3. Respect Architectural Integrity.

C2. Promote Quality and Permanence in Development.

C5. Design for Coherency.

C11. Integrate Roofs and Use Rooftops.

Findings: The current proposal allows the building's original design to be the prominent element of this site by placing new rooftop cellular equipment within a simple enclosure. The new rooftop enclosure is placed away from the roof edges, thus ensuring the building's appearance is retained. It actually is incorporating an already existing rooftop penthouse to ultimately minimize the number of individual elements on the roof of this small building. The proposal protects and reinforces the building's original design, contributing to continued re-use.

Views of the new enclosures are minimized by its modest height, neutral color to match the beige color of the brick with dark brown cap to match the color of the cornice brackets, and location pulled back from the edges of the roof. The new screen enclosure is horizontally proportioned to appear like a mechanical penthouse structure, rather than a more vertical (and incompatible) element on the roof. The limited quantity of rooftop structures (one), and the incorporation of an existing penthouse, ensure that the new addition complements the rooftop environment and retains the building's sense of order, hierarchy and coherency.

Therefore, with the condition of approval that the enclosure walls are painted a light beige color to match the color of the building's brick and the enclosure cap will be painted a dark

brown color to match the color of the building's cornice brackets, these guidelines are met.

B2. Protect the Pedestrian.

Findings: The new cellular equipment is incorporated in a manner that does not visually detract from the pedestrian environment. By placing the equipment within an enclosure and locating the enclosure away from the edges of the roof, the proposal should have little visibility from the sidewalk. This guideline is 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 proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a Design Review to install a wireless facility on the roof of an existing building. The proposal would be a 27' x 15' penthouse enclosure. It will house antennas and associated equipment. The shroud would be textured and painted to match the existing penthouse.

Approval of a Conditional Use Review to install a Radio Frequency Transmission Facility in a residential zone.

Approvals per the approved plans, Exhibits C-1 through C-10, signed and dated October 28, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 08-192383 CU DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The enclosure walls will be painted a light beige color to match the color of the building's brick, and the enclosure's cap will be painted a dark brown color to match the color of the building's cornice brackets.
- C. No field changes allowed.



Decision rendered by: _____ **on November 5, 2009**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 10, 2009

Staff Planner: Kara Fioravanti

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 December 31, 2008, and was determined to be complete on January 8, 2009.

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 December 31, 2008.

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 waived the 120-day review period, as stated with Exhibit A.10. The applicant waived the timeline to allow for revisions to the design. The revisions were submitted to the City on November 5, 2009.

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 24, 2009** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m., and on Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 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 **November 25, 2009 – (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.

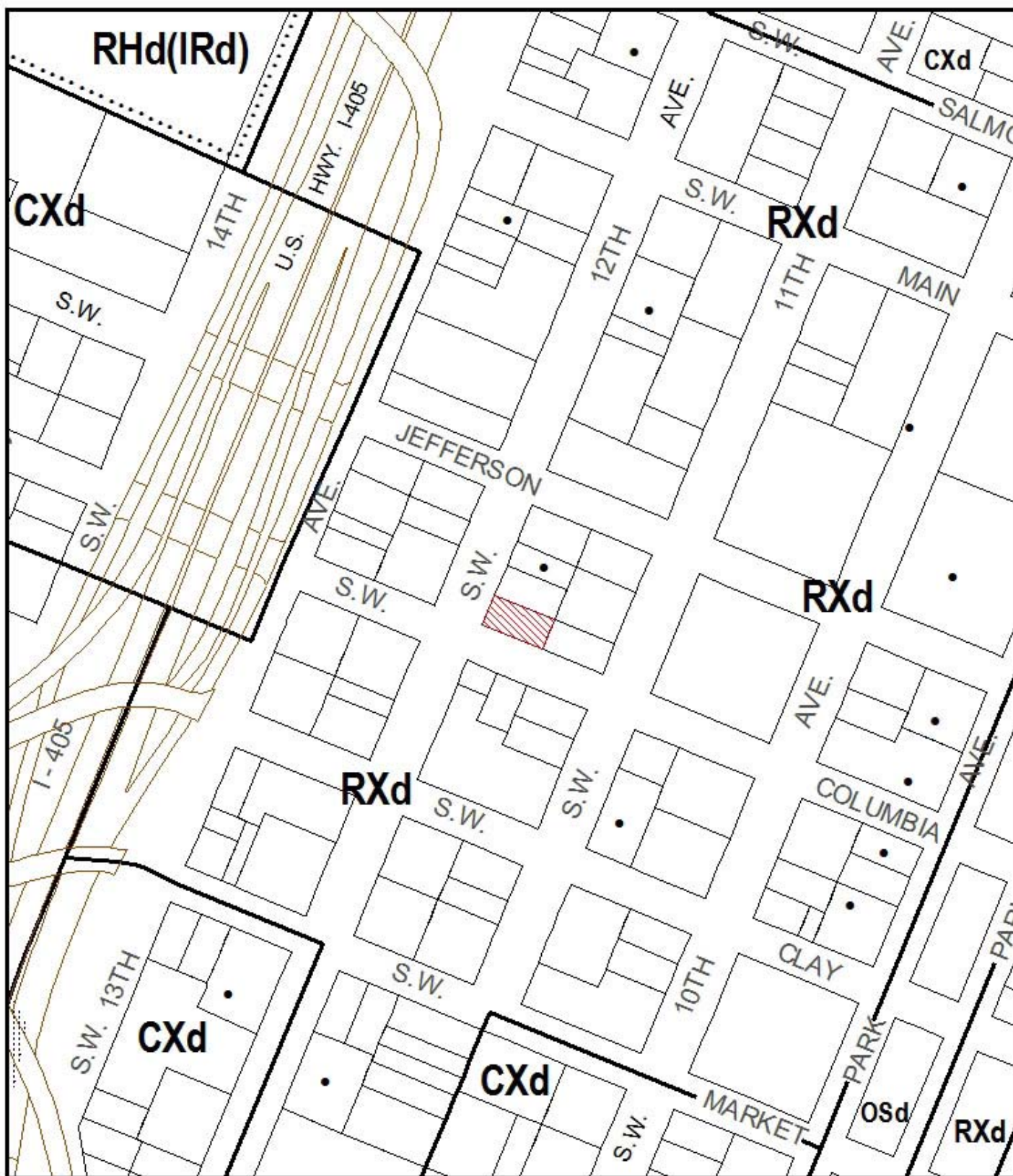
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Submittals
 - 1. 12-30-09 letter
 - 2. RF Transmission Registration Form
 - 3. 12-18-09 letter
 - 4. Original narrative
 - 5. existing photos
 - 6. Original drawings – not approved
 - 7. 6-26-09 letter re: revisions
 - 8. 6-26-09 Photo simulations
 - 9. 6-26-09 revised drawings – not approved
 - 10. 120-day waiver
 - 11. 10-27-09 letter re: revisions
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Plan
 - 3. Enlarged Roof Plan
 - 4. S Elevation [attached]
 - 5. E Elevation
 - 6. N Elevation
 - 7. W Elevation
 - 8. Partial Elevations
 - 9. Equipment Plan
 - 10. Details
 - 11. Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
None received
- F. Correspondence:
None received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

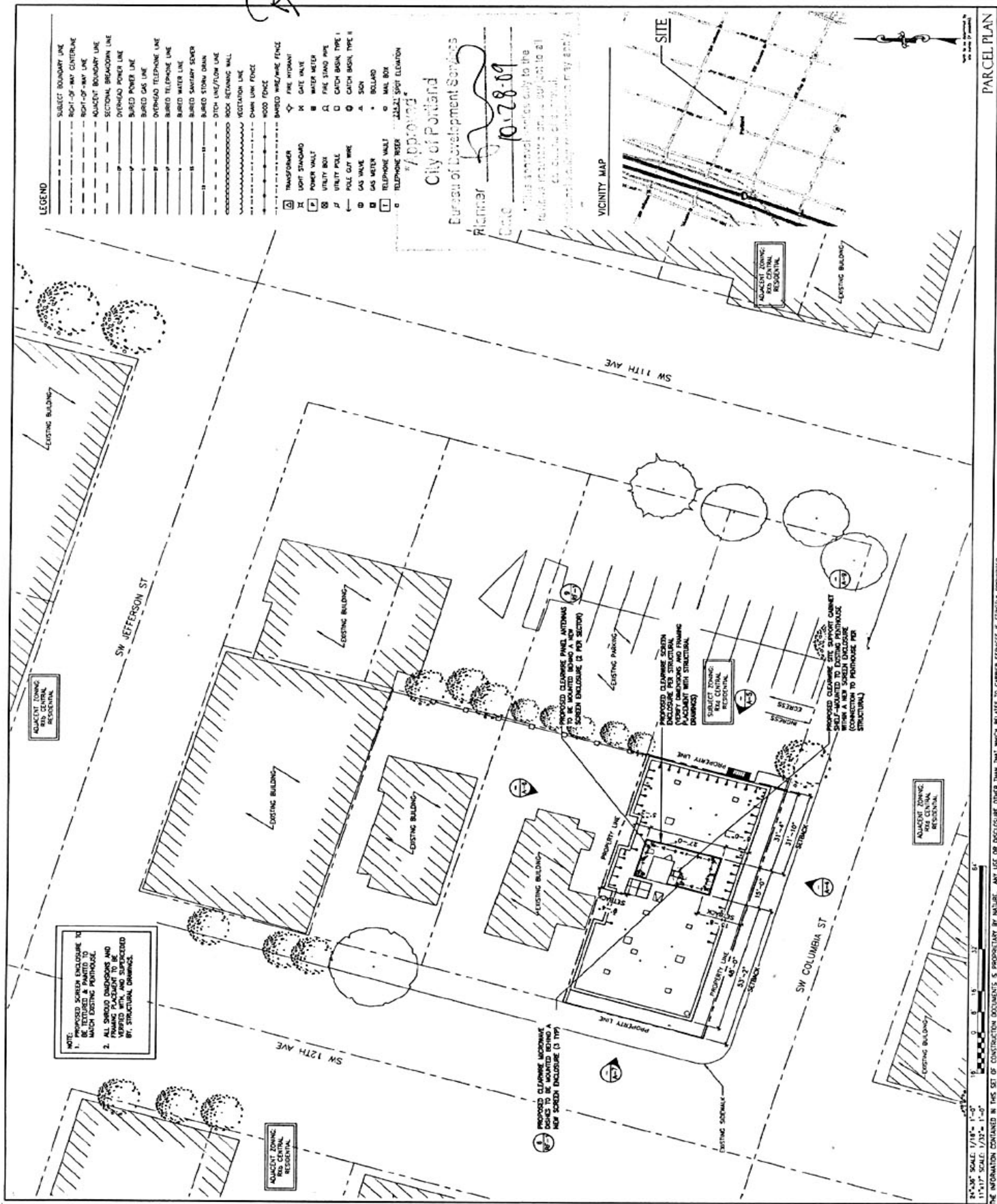
File No.	LU 08-192383 CU,DZ
1/4 Section	3128
Scale	1 inch = 200 feet
State_Id	1S1E04AA 7600
Exhibit	B (Jan 05,2009)

**PACIFIC TELECOM SERVICES,
LLC**
348 First Avenue S., Suite 600
Tacoma, WA 98404
Phone: (206) 342-9006 / Fax: (206) 963-8513

C.1
08-192383

[illegible]

SHEET NUMBER
A-1



4400 CARRILLON POINT
KIRKLAND, WA 98033

UNIVERSITY

PACIFIC TELECOM SERVICES.

100 First Avenue S., Suite 420
Seattle, WA, 98104
(206) 442-9000 Fax: (206) 442-8313

EXPIRATION DATE OF THE
LICENSE: 06/30/10

CAMBRIAN
OR-POR418-A

1129 SW COLUMBIA ST.
PORTLAND, OR 97201

C.4
08-192383

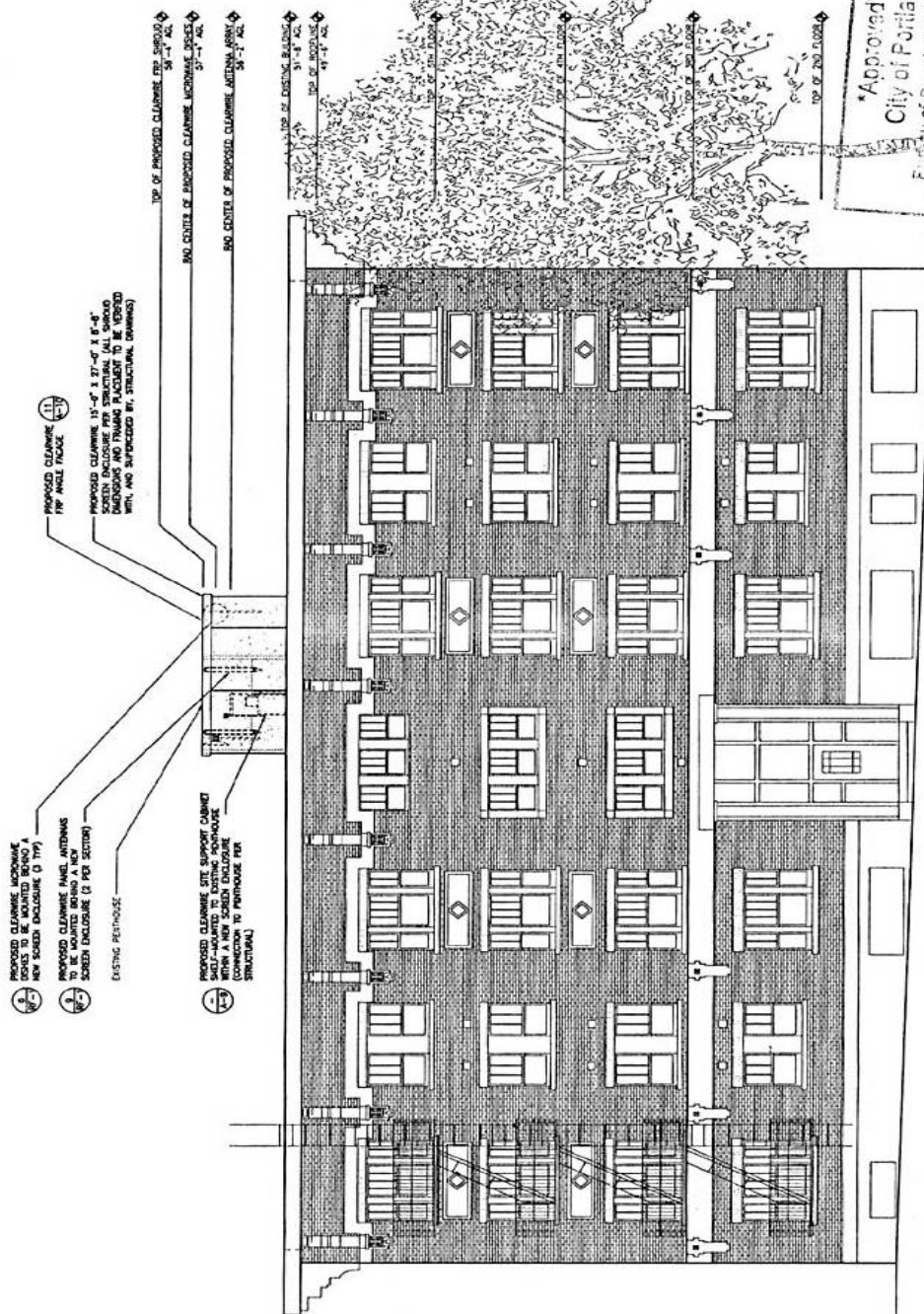
REVISIONS			
NO.	DATE	DESCRIPTION	INITIAL
1	11-18-08	PRELIMINARY COT'S	JD
2	11-18-08	REV DESIGN REVIEW	MD
3	11-18-08	REV DESIGN REVIEW	MD
4	11-18-08	REV DESIGN REVIEW	MD
5	11-18-08	FINAL CONSTRUCTION PERMITS	MD
6	11-18-08	REVISED CONSTRUCTION PERMITS	MD
7	11-18-08	PERMITT REVISIONS	MD

NOT FOR CONSTRUCTION UNLESS
LABELLED AS CONSTRUCTION SET

SHEET TITLE
SOUTH ELEVATION

SHEET NUMBER

A-4



Approved*
City of Portland
Bureau of Development Services
Planner
Date 60-82-01

SOUTH ELEVATION

NOTE:

1. PROPOSED SCREEN ENCLOSURE TO BE TEXTURED & PAINTED TO MATCH EXISTING PENHOUSE.
2. ALL SHROUD DIMENSIONS AND FRAMING PLACEMENT TO BE VERIFIED WITH, AND SUPERSEDED BY, STRUCTURAL DRAWINGS.

24° 36' SCALE: 3/16" = 1'-0" 5' 0 5' 10'

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.