



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
www.portlandonline.com/bds

Date: February 4, 2011
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.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 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 10-202829 DZ
2121 SW 4TH AVE UNITUS BLDG ROOFTOP CELLULAR EQUIPMENT

GENERAL INFORMATION

Applicant: Brandon Olsen
AT&T Mobility Corporation
19801 SW 72nd Ave
Tualatin, OR 97062

Representative: Sean Lusby
Technology Associates
15618 SW 72nd Avenue
Portland, OR 97224

Owner: Schlesinger Co.
610 SW Alder, Suite 1221
Portland, OR 97205

Site Address: 2211 SW 4TH AVE

Legal Description: BLOCK 22 LOT 1&2 EXC W 1' LOT 3 LOT 4 EXC S 1/2 OF E 75' &
EXC E 0.5' OF W 31.5', CARUTHERS ADD

Tax Account No.: R140902180

State ID No.: 1S1E04DD 00800

Quarter Section: 3228

Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - University District

Zoning: CXd, Central Commercial 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 installation of rooftop cellular equipment and screens at the Unitus Building located in the University District of the Central City Plan District. The proposed installation would include the following:

- One antenna array near the northwest corner of the roof, set back 9'-6" from the north and west roof edges;
- One antenna array near the southwest corner of the roof, set back 9'-6" from the south and west roof edges;
- Both arrays will be shielded behind RF-transparent screens on two sides;
- Northwest screen top to align with the top of the adjacent penthouse;
- Southwest screen to be 79'-8" above finished grade;
- Both screen's to match the concrete roof piers in color and surface finish;
- Equipment cabinets located along the southern wall of the north penthouse; and
- Associated conduit and wiring to run along the roof.

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

ANALYSIS

Site and Vicinity: The site is a half-block, 19,300 SF area bounded by SW Lincoln Street, SW 4th Avenue, and SW Grant Street just north of the I-405 freeway. The existing X-story brick and concrete building houses a Unitus Credit Union branch as well as Portland State University classrooms and offices.

SW 4th Ave is a designated Community Main Street, a Traffic Access Street, a Regional Transitway/Major Transit Priority Street, a Local Service Bikeway, and a City Walkway. SW Lincoln Street and SW Grant Street are designated Local Service Bikeways. All three streets are within the Downtown Pedestrian District.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. The proposed use as a wireless facility carrier is approved for this zone by-right.

The Design "d" overlay promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards 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:

- LU 02-126852 DZ – approval of new canopy and ATM

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 10, 2011**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Bureau of Transportation Engineering (Exhibit E-3)
- Bureau of Parks-Forestry Division commented as follows: Protect existing street trees.
- Bureau of Environmental Services
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 10, 2011. No written responses have been received from either the Neighborhood Association or notified property owners 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 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 and areas of special character within 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.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings: The new rooftop equipment shrouds complement the context of existing buildings in the area by maintaining the appearance of clean lines along rooftops. The shrouds also blend into the local design vocabulary by matching similar rooftop enclosures and penthouses. *This guideline is therefore met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for C2, C3, C5 & C11: The new equipment shrouds are made of long-lasting, quality fiberglass panels that create the appearance of a permanent installation. The antennas, equipment cabinets, and conduit are also made of quality and durable materials that can withstand a typical urban environment. The shroud wall height and locations along the sides of the building's upper roof form, allow the shrouds to blend into the existing building architecture by creating additional, secondary rectangular shapes that mimic the concrete end walls yet do not visually compete with them. The equipment cabinets are located behind the larger penthouse wall, allowing them to blend into the overall roof layout. The shroud walls will match the color and finish of the existing concrete rooftop end walls, allowing the new panels to achieve a coherent composition as part of the building's top and to integrate the shroud shapes and colors into the building's overall design concept. The shrouds and equipment cabinets are located at either end of the building, near already existing upper walls so as to not further block views from other buildings or vantage points. The new shrouds will enhance the Central City's skyline by creating a unified rooftop for the building and by hiding antennas and equipment from view. *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 new rooftop equipment and shrouds fit into the overall rooftop design and will not adversely impact the surrounding skyline views. The materials are long-lasting and match other elements on the building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Design review approval for the installation of rooftop cellular equipment and screens at the Unitus Building, located in the University District of the Central City Plan District. The approved installation includes the following:

- One antenna array near the northwest corner of the roof, set back 9'-6" from the north and west roof edges;
- One antenna array near the southwest corner of the roof, set back 9'-6" from the south and west roof edges;
- Both arrays are be shielded behind RF-transparent screens on two sides;
- Northwest screen top aligns with the top of the adjacent penthouse;
- Southwest screen is 79'-8" above finished grade;
- Both screen's match the concrete roof piers in color and surface finish;
- Equipment cabinets located along the southern wall of the north penthouse; and
- Associated conduit and wiring runs on the roof surface.

Approved per the approved site plans, Exhibits C-1 through C-9 signed and dated January 31, 2011, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-202829 DZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on January 31, 2011.**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 4, 2011

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 21, 2010, and was determined to be complete on **January 6, 2011.**

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 21, 2010.

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, because of the federal mandate imposed by the FCC, via Declaratory Ruling [WT Docket No. 08-165], the applicant has NOT extended the FCC 'shot clock'.

Unless further extended by the applicant, **the FCC ‘shot clock’ will expire on:
March 20, 2011.**

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 February 18, 2011** 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. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that

issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **February 22, 2011 – (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.

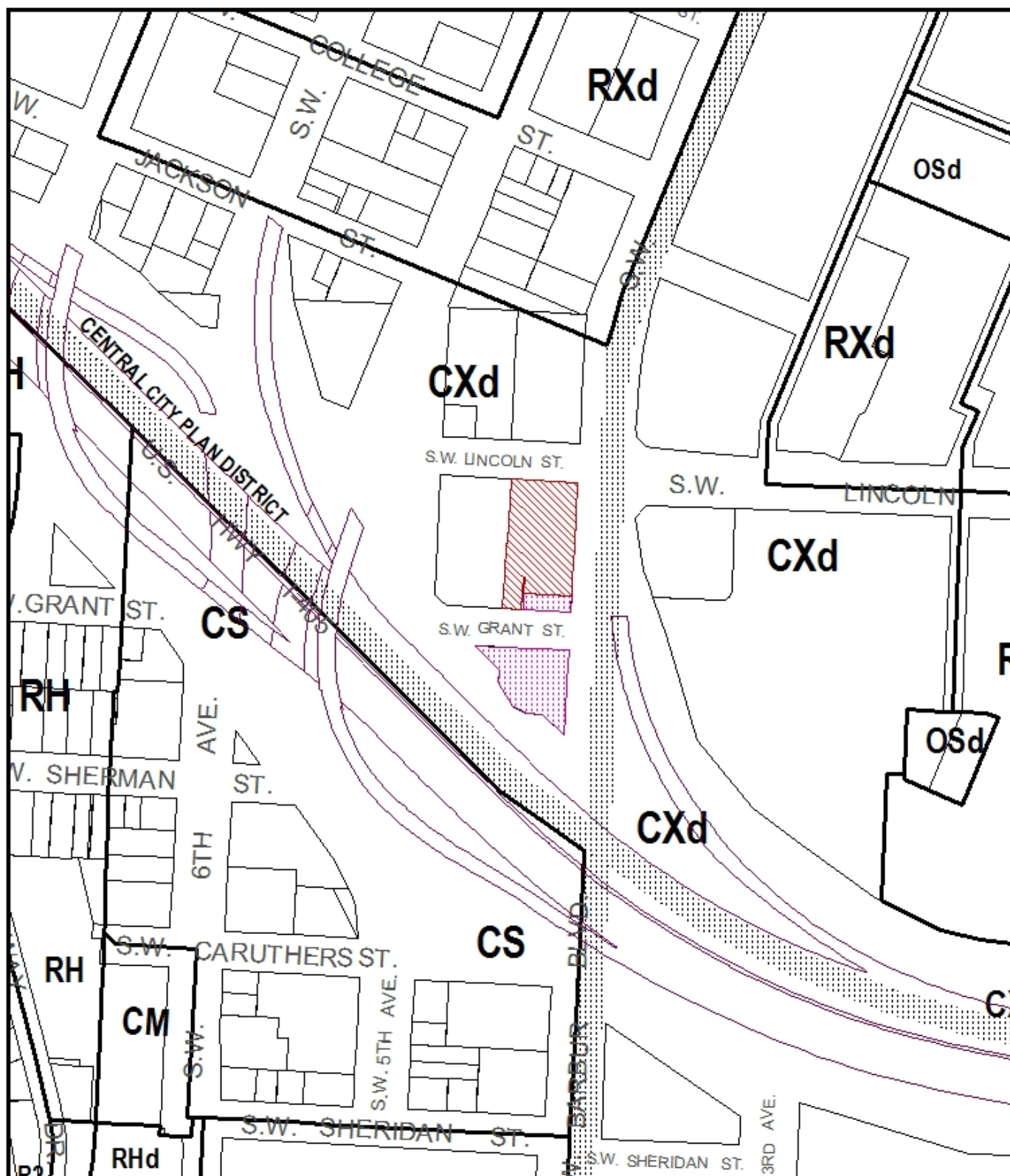
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Site Plan
 - 3. Enlarged Equipment Plan
 - 4. Antenna Plans
 - 5. Elevations (attached)

6. Elevations (attached)
 7. Title Sheet
 8. Legal Description
 9. General Notes
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Review Section of BDS
 2. Water Bureau
 3. Bureau of Transportation Engineering and Development Review
- 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. 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).



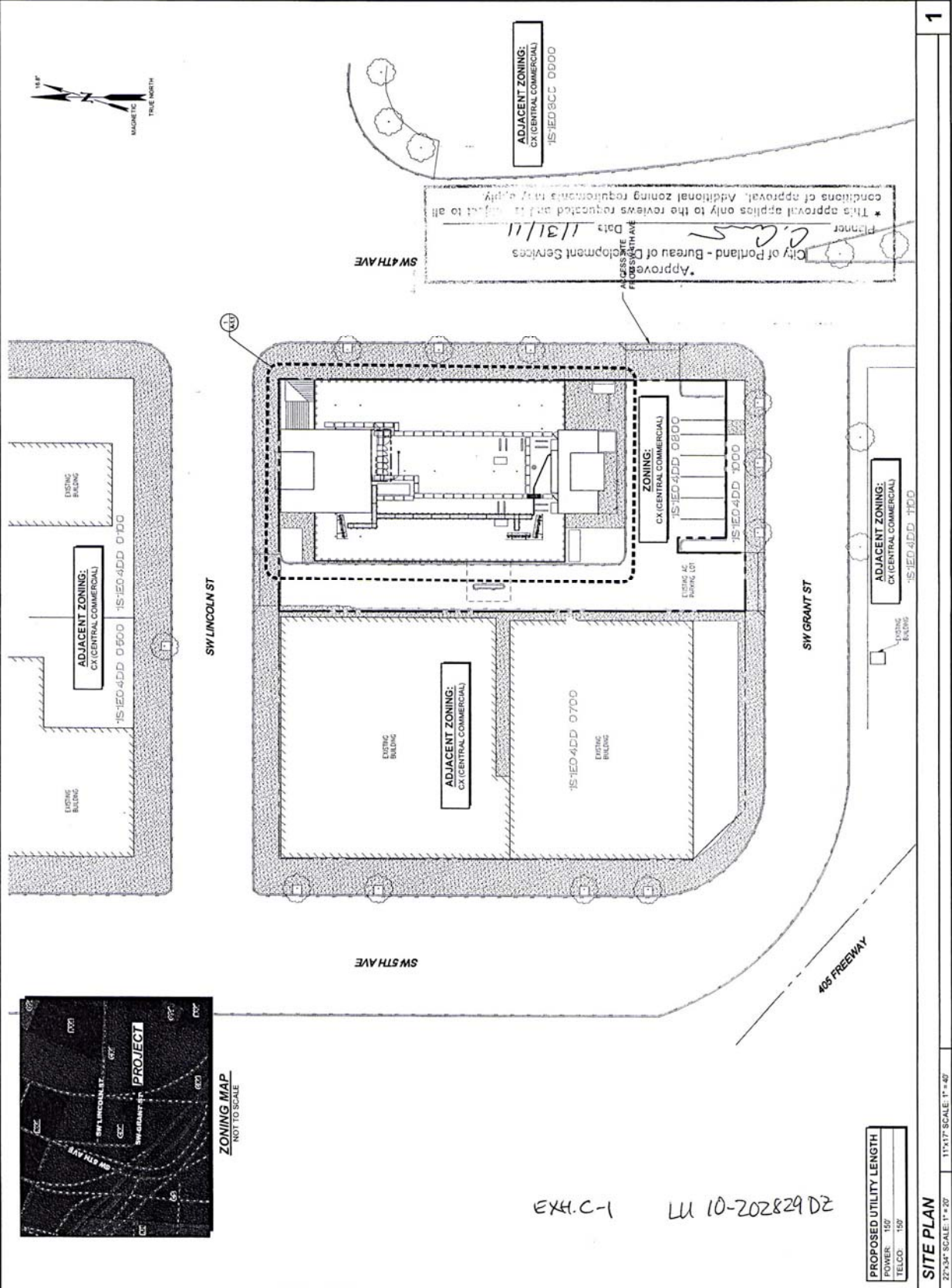
ZONING

 Site
 Also Owned



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 10-202829 DZ</u>
1/4 Section	<u>3228,3229</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E04DD 800</u>
Exhibit	<u>B (Dec 27,2010)</u>



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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REV	DATE	DESCRIPTION
1	4-15-10	PRELIMINARY CONSTRUCTION
2	4-15-10	REVISED CONSTRUCTION
3	4-15-10	REVISED CONSTRUCTION
4	4-15-10	REVISED CONSTRUCTION



SITE
PDS
BROADWAY AND 405
2121 SW 4TH AVE
PORTLAND, OR 97201

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-2.1

CONSTRUCTION PLAN KEYED NOTES

- EXISTING BUILDING
- PROPOSED ANTENNA STEALTH COINTEGRATED OF RFP BY MANUFACTURER OF MATERIALS. ATTACHMENT TO PROPOSED ANTENNA MOUNT BY MANUFACTURER. STEALTHING SHALL MATCH (E) BUILDING PENTHOUSE WALL.
- PROPOSED ANTENNAS

PROPOSED NORTH 1-PHASE CONTACT GENERATOR INTERFACE PANEL MOUNTED TO EXISTING BUILDING WALL ON THE SOUTH FACE OF THE ELEVATION SHOWN WALL.

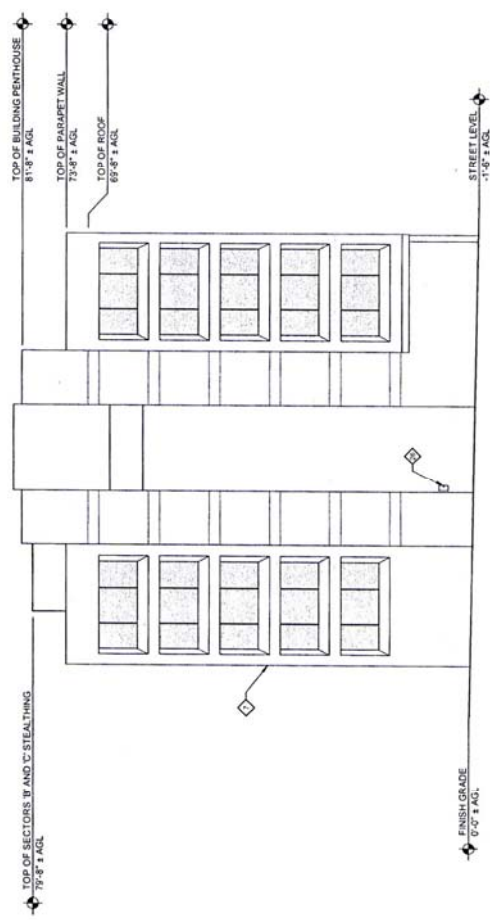
SITE NOTES

- 1. VERIFY ANTENNA CENTER & ALIGNMENT WITH LOCATION SET OF SITE.
- 2. BUILD FORM, EQUIPMENT, COAXIAL CABLE, AND ANTENNAS SHALL BE PAINTED TO MATCH THE EXISTING BUILDING FACADE.

COAX LENGTH SCHEDULE

COAX LENGTHS ARE CALCULATED FROM THIS DRAWING SET. ANY DEVIATION FROM THE COAX LENGTHS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL ENSURE THAT FINAL DESIGN AND COAX LENGTHS ARE COORDINATED.

SECTOR	LENGTH	# COAX	DIAMETER
SECTOR "A"	70'	8	7/8"
SECTOR "B"	130'	8	7/8"
SECTOR "C"	130'	8	7/8"

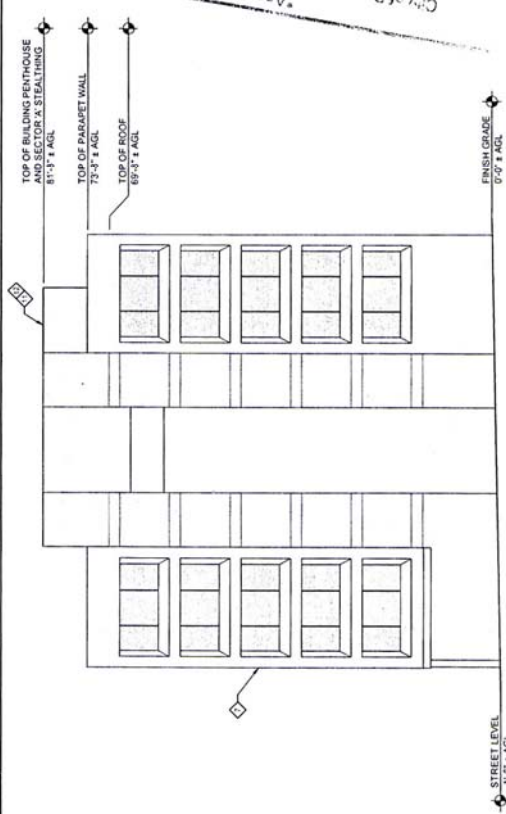


SOUTH ELEVATION (LOOKING NORTH)

22'x34" SCALE: 3/32" = 1'-0" 11'x17" SCALE: 3/64" = 1'-0"

EXH.C-6 LU 10-20282902

City of Portland - Bureau of Development Services
"Approved" *C. O. S.*
* This approval applies only to the reviews requested and is not a final approval. Additional zoning requirements may apply.
Date: 11/31/11



NORTH ELEVATION (LOOKING SOUTH)

22'x34" SCALE: 3/32" = 1'-0" 11'x17" SCALE: 3/64" = 1'-0"