



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: January 31, 2012
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@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 11-199008 DZ VERIZON RADIO FREQUENCY TOWER ALTERATION

GENERAL INFORMATION

Applicant: Verizon Wireless
5430 NE 122nd Ave
Portland, OR 97230

Shanin Prusia
Urban Wireless
10376 SE Sunburst Way
Portland OR 97086

Kal LLC
111 N Post Ste 200
Spokane, Wa 99201

Site Address: Northeast corner of NE 32nd and Weidler

Legal Description: BLOCK 5 LOT 15, BROADWAY ADD
Tax Account No.: R105500630
State ID No.: 1N1E25CD 12100
Quarter Section: 2833
Neighborhood: Sullivan Gulch, contact Carol Gossett at 503-449-1253.
Business District: None
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Zoning: RXd Central Residential with Design Overlay Zone
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: Verizon Wireless proposes to alter radio frequency equipment located at the top of an existing 66'-6" tall monopole tower located near of NE 32nd Avenue and NE Weidler Street.

Verizon proposes to replace six existing panel antennas with current models and add three new antennas for a total of nine panel antennas. The top panels would extend slightly above the monopole to a height of 68'. At the ground, the applicant proposes to build a new wooden fence and new retaining wall on the 24' by 24' lease area.

Design review is required because the applicant proposes exterior alterations.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: Lot 15 is located at the northeast corner of NE 32nd Avenue and NE Weidler Street. The site has 100 ft. of frontage along NE 32nd Avenue and 50 ft. of frontage along NE Weidler Street. There is an existing radio frequency tower/monopole on the site and access to the monopole and fenced compound is gained from NE Weidler Street. The compound is fenced and secured. The lot is landscaped along the western property line. To the north of the tower is a commercial building fronting on NE Broadway. There are trees and brush between the tower and this commercial building. To the east is brush and mostly vacant industrial land remaining from the former Albina Fuel site.

This lot is part of a larger ownership, the former site of Albina Fuel which is programmed for future redevelopment. This larger site is roughly triangular in shape, about five acres in size. There is about 600 feet of street frontage along NE Broadway and 100 feet along NE 33rd Avenue. The northern 470 feet of the west site boundary abuts NE 32nd Avenue, while 150 foot-long dead-end portions of NE Halsey and Weidler Streets extend east into the larger site from NE 32nd Avenue. The southeast boundary of the site, or hypotenuse of the triangle shape, is about 900 feet long and abuts the I-84 (Banfield) freeway, a railroad right-of-way, and the TriMet Banfield light rail line. The larger site is on the north bank of Sullivan's Gulch, so it slopes downward about 20 feet in a southerly direction.

Immediately west of the site, south of NE Weidler Street, is the Hollywood Fred Meyer shopping center. Along the north side of NE Weidler Street between NE 28th and 32nd Avenues are older residential homes on small lots. The Sullivan's Gulch neighborhood is to the west, while the Grant Park Neighborhood is north. South of the site is Sullivan's Gulch and the Banfield Freeway and light rail line, with the NE Sandy Boulevard commercial area and Kerns and Laurelhurst Neighborhoods beyond. The monopole has the greatest visual impact in the vicinity of the intersection at NE Broadway at 32nd.

Currently, the radio tower's prominence is obscured by the existing building on NE Broadway, the trees and vegetation to the north and east of the tower, and general industrial appearance of this underutilized site. The area is also dominated by the Fred Meyer's retail complex to the west.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment

opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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.

- **VZ 070-63** – A 1963 review to permit more than one sign in an S Zone at 3204 NE Broadway.
- **VZ 377-65** – A 1965 review to permit more than one sign in an S Zone at 3204 NE Broadway.
- **LUR 95-00850 CS** – A 1995 review to approve construction of a convenience store in conjunction with a retail gas station.
- **LUR 00-00672 CP ZC** –A Comprehensive Plan Amendment from Industrial Sanctuary to Urban Commercial and Zone Change from IG1 General Industrial 1 to CS Storefront Commercial for lots abutting NE Broadway Street is proposed. A Comprehensive Plan Amendment from Industrial Sanctuary and General Commercial to Central Residential and Zone Change from IG1 General Industrial 1, IH Heavy Industrial, and RX Central Residential for the remainder of the site. Design Overlay Zone applied to the entire site. The maximum number of residential units on the site shall be equal to the minimum number required by the Zoning Code.
- **LUR 05-150018 DA** – Design Advice Request hearing before the Portland Design Commission
- **LUR 06148501** Design Commission approval of a mixed-use, multi-dwelling development- “NE 33rd and Broadway: an Urban Crossroads”. Design Commission approval was dated February 1, 2007. Development has not yet begun and the industrial character remains.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 22, 2011**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety Plans Examiner, BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 22, 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

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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. 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 movement 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 has addressed only those guidelines considered applicable to this project.

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

Findings: The proposal is located at a former industrial site within the Hollywood and Sandy Plan Area. "Vision Principles" promote housing and mixed-use development while maintaining public and private infrastructure facilities.

When economic conditions permit, this tower will be pulled down in favor of residential units to be incorporated into the Urban Crossroads project. Until then, the tower will remain. The proposed exterior alterations do not substantially affect future development opportunities. The monopole may be removed when the Urban Crossroads project is developed. *This guideline is therefore met.*

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings: The proposal is limited to the replacement of six existing panel antennas with nine upgraded panel antennas. Currently, the six panel antennas are mounted at the top of the monopole with a second antenna frame below. The new array will consist of three panel antennas above with an additional six below. The panel antennas will be located at the top of the monopole (the pole is 66'-6" high; the top of the top panel is 68' high.) The panels are located as low as possible given the required height of the lower panels needed for coverage and the separation required between sets of panels. Since the tower already exists, stacking additional panels on the monopole will have minimal effect on the horizontal or vertical dimensions of the monopole and associated equipment.

The existing compound/tower is located adjacent to a commercial building on NE Broadway and further buffered by trees and vegetation. The site is isolated by the remainder of the Urban Crossroads project to the north, east, and south; and by Fred Meyers to the west. The new height to the top of the top

panel antennas will be 68', an additional 1'-6", a negligible amount from a distance of one to several hundred feet to surrounding residential areas. The monopole is generally situated in an industrial/big box/freeway landscape. The Urban Crossroads project will change the landscape but will also remove the monopole, per the design approved by the Design Commission (Exhibit G-3). *This guideline is therefore met.*

D8. Interest, Quality and Composition. All parts of a building should be interesting to view, of long lasting quality, and designs to form a cohesive composition.

Findings: The applicant has revised the original proposal to reduce the horizontal dimension of the monopole by stacking the antennas. The panel antennas are placed as low as possible given the separation required. The new height to the top of the top panel antennas will be 68'. The visual impact is therefore reduced to the minimum possible, with the monopole retaining the most slender silhouette possible. The antennas themselves are designed to be durable, and are installed in a similar manner to the original proposal.

The applicant is also improving the fenced compound at grade by install a new cedar plan wood fence. *This guideline 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 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 replacement of six existing antennas with nine new antennas on an existing wireless tower has minimal increase of negative visual impacts to the surrounding neighborhoods. The co-location of antennas on an existing tower reduces the potential visual impact that additional monopoles and generator areas would otherwise contribute. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approvals of replacement of six existing panel antennas with current models and adding three new antennas for a total of nine panel antennas on an existing monopole, and improvements to the fenced compound at grade;

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated January 27, 2012, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-199008 DZ. No field changes allowed."

Staff Planner: Mark Bello



Decision rendered by: _____ **on January 27, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 31, 2012

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 7, 2011, and was determined to be complete on **December 20, 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 7, 2011.

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: April 19, 2012.**

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 14, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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 15, 2012**.
- 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;

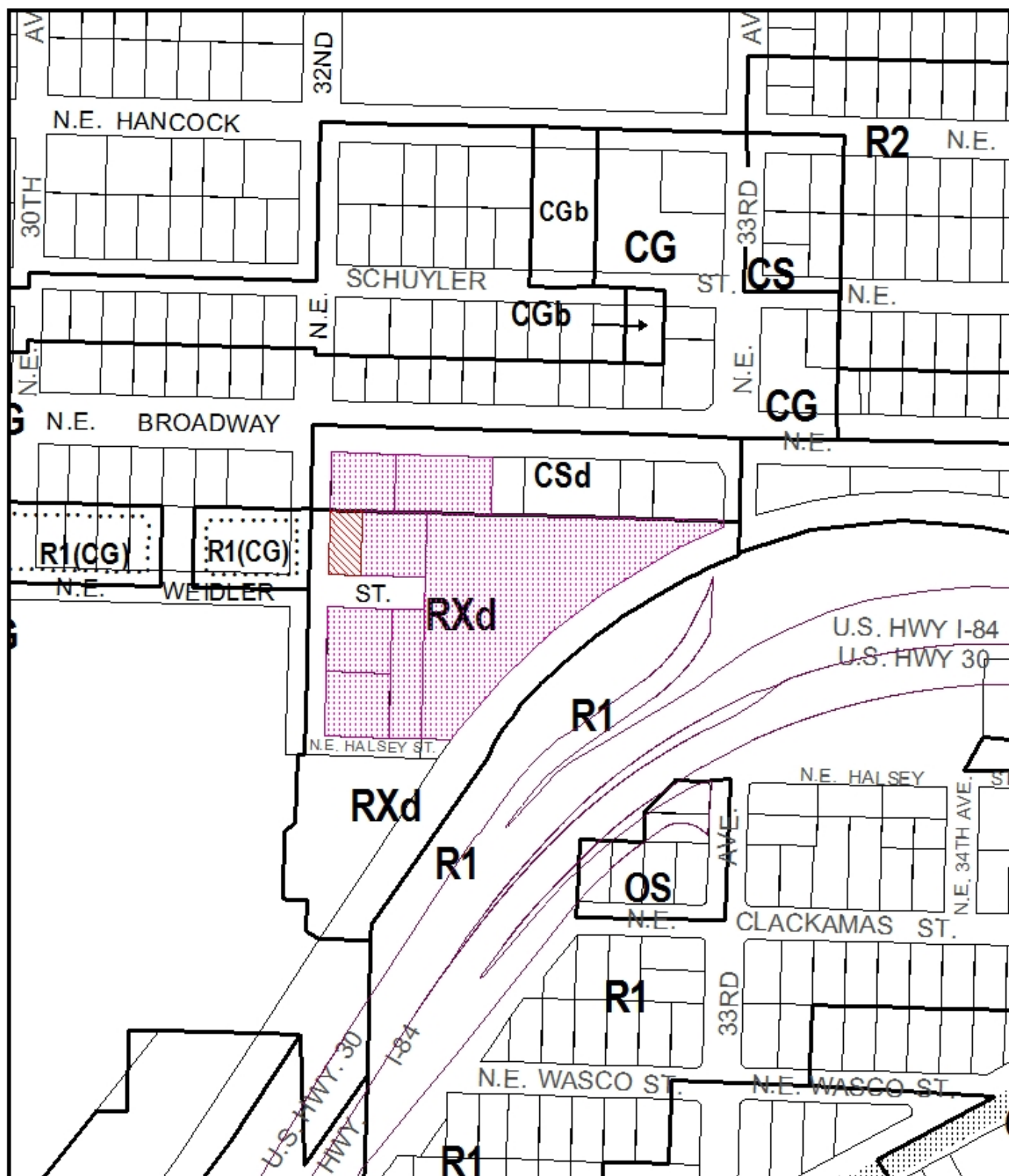
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings: (attached)
 - 1. Site Plan/Enlarged Site Plan
 - 2. Landscape Plan
 - 3. Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans Examiner, BDS
- F. Correspondence: (none)
- G. Other
 - 1. Application
 - 2. Site History
 - 3. LU 06-148501 DZM, Urban Crossing, approved site plan
 - 4. Request for Extension of Review Period (FCC)

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



NORTH

File No.	LU 11-199008 DZ
1/4 Section	2833
Scale	1 inch = 200 feet
State_Id	1N1E25CD 12100
Exhibit	B (Dec 08, 2011)

1/27/12

OVERALL SITE PLAN

ENLARGED SITE PLAN

2

A1.0

Sheet no. :



NOTE:
EXISTING LANDSCAPING NOT
SHOWN FOR CLARITY.—SEE L1.0
ANTENNAS NOT SHOWN FOR
CLARITY.—SEE A2.0

**PORQ
SULLIVAN**
PROPERTY ID: R121895
33246 NE BROADWAY ST
PORTLAND, OR 97232

Date issued
Date issued for
Zoning Permit
Date issued for
Building Permit
Date issued
for Bid
Date issued
for Construction

No.	Date	By	Revisions
	11-06-		
	01/06/		
		Designed by	EO
		Drawn by	JOF
		Checked by	EO
		Approved by	SMP

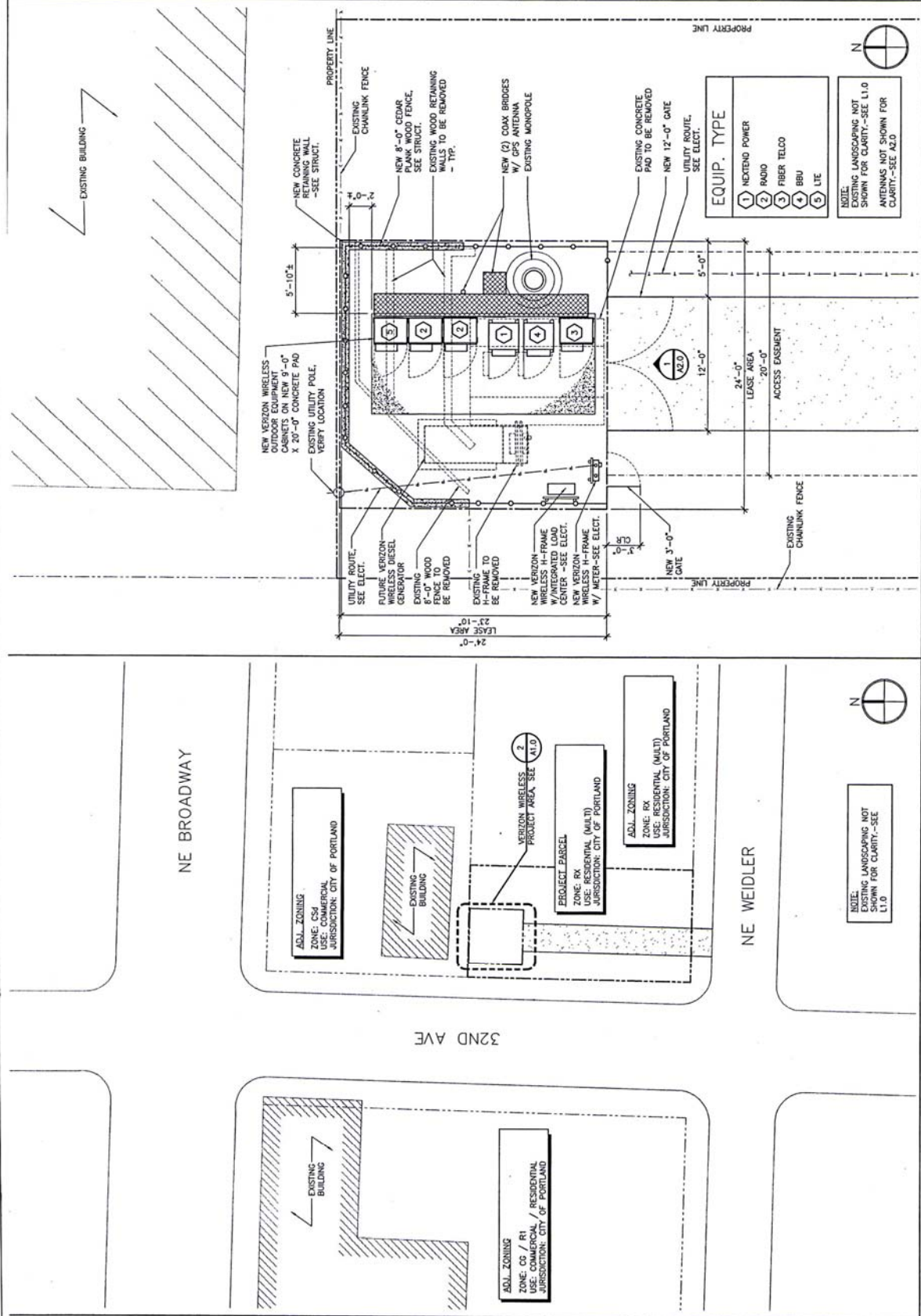
REVIEW	REISSUE	BD	08/16/11
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	03/11	KMF	REISSUE ZD FINAL
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Drawings Produced By:

GPA
ARCHITECTS LLC
2701 NW Vaughn, Suite 704
Portland, OR 97210
503-274-7800



32ND AVE

EXIST. SIDE WALK

EXIST. CHAIN LINK FENCE

EXIST. EVERGREEN SHRUB-TYP.

EXIST. DECIDUOUS TREE-TYP.

EXIST. BLDG.

VERIZON WIRELESS FENCED COMPOUND

2
A1.0

EXIST. SITE ACCESS

PROPERTY LINE

Planner

* This plan conditions

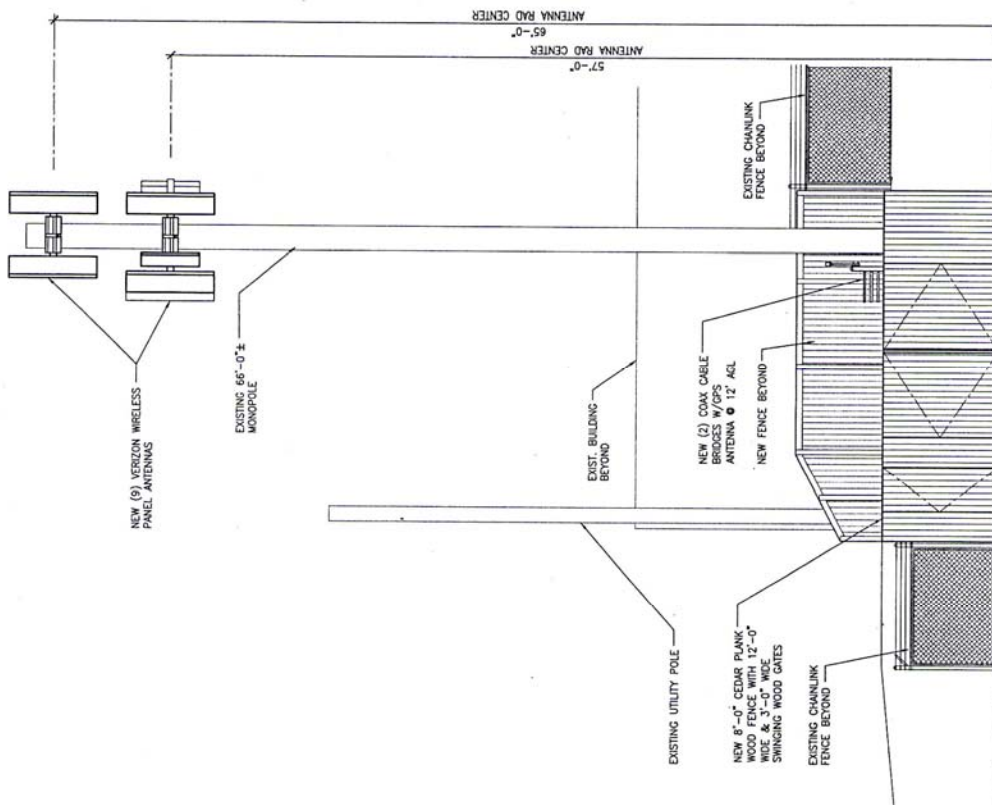
PROPERTY LINE is subject to all requirements may apply.

WB 1/27/12

City of Paducah Development Services

LANDSCAPE PLAN

CASE NO. 11-179008
EXHIBIT C2



EXIST.	
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