



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: April 29, 2016

To: Interested Person

From: Amanda Rhoads, Land Use Services

503-823-7837 / Amanda.Rhoads@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 mailed copy of this document is only a summary of the decision.

The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-117167 CU New Wireless Antennas on PCC Building

GENERAL INFORMATION

Applicant: Verizon Wireless VAW LLC

c/o Shanin Prusia Urban Wireless Inc 10376 SE Sunburst Way Happy Valley, OR 97086

Owner: Portland Community College

Attn: John MacLean 12000 SW 49th Ave. Portland, OR 97219

Site Address: 11900 SW 49TH AVE

Legal Description: TL 200 54.77 ACRES, SECTION 31 1S 1E

 Tax Account No.:
 R991311440

 State ID No.:
 1S1E31D 00200

Quarter Section: 4224

Neighborhood: Far Southwest, contact Nick Merrill at 503-200-7984.

Business District: None

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: None

Zoning: IRc,d – Institutional Residential base zone with a "d" or Design overlay

zone. Portions of the site also include the "c" or Environmental

Conservation overlay zone.
CU – Conditional Use Review

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

Case Type:

The applicant, Verizon Wireless, proposes to install a wireless telecommunications facility on the rooftop of the Amo DeBernardis Campus Center Building on the PCC Sylvania campus. The array is proposed to be located on the southeast penthouse, the last of four penthouses without wireless equipment. The facility will consist of 16 panel antennas up to 96 inches tall, 16 Remote Radio Units (RRU), and 4 surge suppressors, on a square mount. Eight of the antennas are proposed to be installed now, with up to 8 more in the future. The 5 proposed equipment cabinets will be located toward the north of the building on a wall-mounted platform, approximately 32 feet from the north edge. The facility will also include a microwave dish.

Because the site is within a residential zone, a Type II Conditional Use is required.

Relevant Approval Criteria:

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

■ 33.815.225, Radio Frequency Transmission Facilities

ANALYSIS

Site and Vicinity: Portland Community College - Sylvania is located off of SW 49th Avenue in Southwest Portland on a west-facing slope near the City of Lake Oswego. The proposed facility would be located on top of the Science and Technology Building, a two-story building with a penthouse, close to the center of campus. The PCC Campus includes multiple clustered buildings from 1 to 4 stories, most of which are designed in a utilitarian, contemporary style and constructed out of concrete, glass, and metal. The area surrounding the PCC campus is primarily residential in character, with the east and south edges of the site adjacent to land within the City of Lake Oswego.

Zoning: The site and project area are within the IRd zone. The Institutional Residential (IR) base zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. On this site, PCC operates under an established Master Plan, via case file # LUR 93-00371 CU MS, as amended through later case file # LUR 98-00328 CU. The "d" or Design overlay zone usually imposes additional design-related requirements for development either by requiring a design review or demonstration of compliance with the Community Design Standards. Because the project involves development that was proposed through the Master Plan (RF Facilities), no design review is required because the campus operates under a Master Plan rather than an Impact Mitigation Plan.

Areas along the south edge of the PCC Campus are also covered by the "c" or Environmental Conservation overlay zone. These portions of the site are generally heavily wooded, and no disturbance or activity is proposed within these areas under this project. For this reason, the Environmental Conservation overlay zoning is not under consideration in this review.

Land Use History: City records indicate several prior land use reviews at the site:

- **LUR 91-00823 CU MS** (LU 91-009078 CU MS) Approval of a Conditional Use Master Plan for PCC with conditions.
- **LUR 93-00371 CU MS** (LU 93-010370 CU MS) Approval of a Conditional Use Master Plan for PCC for multiple construction and remodeling projects to occur on campus in two phases, with conditions of approval.
- **LUR 95-00062 ZC** (LU 95-011955 ZC) Map error correction to EN and C zones.
- **LUR 98-00328 CU** (LU 98-015634 CU) Conditional Use approval of amendments to the conditions of the Master Plan, with conditions of approval.
- **LU 03-159632 CU** Conditional Use approval of installation of 3 T-Mobile wireless antennas and 2 equipment cabinets on campus center building.
- **LU 05-148744 CU** Conditional Use approval of Nextel proposal for expansion of existing wireless telecommunications facility on the campus center building to replace 3 whip antennas with 12 new antennas and fenced equipment area at ground floor.

- **LU 05-174543 CU** Conditional Use approval of Cingular Wireless proposal for new wireless telecommunications facility on campus center building, with 12 antennas and rooftop equipment cabinets.
- **LU 07-152287 CU** Conditional Use approval of new wireless telecommunications facility for Cricket LCW to install 1 antenna and associated equipment on the Science and Technology Building at PCC.
- **LU 07-184790 CU** (HO 4080002) Type III Conditional Use approval with conditions for the City of Portland to install a 125-foot monopole on the PCC campus to boost signal coverage for emergency communications in parts of SW Portland.
- **LU 10-172852 CU** Conditional Use approval for Clearwire wireless telecommunications facility on campus center building to include 3 antennas, 6 data processing units, and one equipment cabinet.

Agency Review: No Bureaus commented on the proposal.

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on **March 28, 2016**. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

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 personal wireless service facilities 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 applicant proposes to install a wireless telecommunications facility on top of an existing penthouse at the center of the large building's roof. The mounting device is square and will enable 4 antennas to be mounted on each side. As is the case with the other arrays on nearby penthouses on this roof, the facility is located between 100 and 200 feet from the edge of the roof. The antennas and equipment are relatively small and will not become a dominant visual feature of the building. From the nearest right-of-way, the rooftop is not visible due to tree cover.

In order to reduce visual impact further, a condition of approval will require that the mounting structure, antennas, and other equipment mounted to the penthouse is painted a light grey color to blend into the background sky. With such a condition, this criterion is met.

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 Remote Radio Units are proposed to be mounted behind the antennas on the inside of the mounting structure at the base. The four surge suppressors will be mounted at the base of the mounting structure. Their placement will ensure these pieces of accessory equipment will not be visible from any vantage point and are therefore screened.

The associated accessory equipment cabinets will be located on the rooftop, at the north end of the building, on a wall-mounted platform attached to an existing rooftop penthouse similar to the other wireless facilities on this roof. This placement, along with the roof parapet, minimizes the visual impacts of the equipment from on-site and off-site vantages. The building is centrally located on campus and is also surrounded by other buildings and nearby trees that screens the equipment from the surrounding area. Therefore, this criterion is met.

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

Findings: The relevant regulations and standards for this proposal are discussed below, under the mandatory development standards of Chapter 33.274 - *Radio Frequency Transmission Facilities*. As discussed below, all applicable regulations are met; therefore, this criterion is met.

33.274.040 Development Standards

C. General requirements

- 1. Tower sharing. New facilities must co-locate on existing towers or other structures to avoid construction of new towers, unless precluded by structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. 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 radio or television broadcast facilities on a site is encouraged where technically feasible. Tower grouping may not result in radio frequency emission levels exceeding the standards stated in C.5, below.
- 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: All of the wireless facilities reviewed in this application are mounted on buildings. These criteria are not applicable.

5. Radio frequency emission levels and exposure limits. All Radio Frequency Transmission Facilities must operate within the radio frequency emissions levels and comply with the exposure limits established by the Federal Communications Commission (FCC). Applicants must certify that the proposed facility will be in compliance with FCC emissions standards with the permit application.

Findings: The applicant has submitted an engineering letter from a licensed RF engineer which documents that the facilities will operate within FCC emission standards (Exhibit A.3). This criterion is met.

6. Antenna requirements. Antennas must be secured from public access, either by vertical or horizontal separation, fencing, locked access, or other measures as appropriate.

Findings: The applicant notes that the facility will be located on the rooftop penthouse. The rooftop is secured from public access by locked access. This criterion is met.

7. Setbacks.

- a. 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.
- b. Accessory equipment or structures must meet the base zone setback standards that apply to accessory structures.
- c. Tower guy anchors must meet the base zone setback standards that apply to buildings.

Findings: No tower is proposed and the accessory equipment will be located on the rooftop of the building, not at grade. This criterion is not applicable.

- 8. 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:
 - (1) Generally. Except as provided in (2), below, a landscaped area that is at least 5 feet deep and meets the L3 standard must be provided around the base of a tower and all accessory equipment or structures.
 - (2) Exception. If the base of the tower and any accessory equipment or structures are screened by an existing building or fence, then some or all of the required landscaping may be relocated subject to all of the following standards.
 - The building or fence must be on the site;
 - The fence must be at least six feet in height and be totally sightobscuring;
 - The relocated landscaping must meet the L2 standard. The relocated landscaping cannot substitute for any other landscaping required by this Title;
 - The applicant must demonstrate that the lease includes provisions for planting and ongoing maintenance of the substitute landscaped area; and
 - If any part of the base of the tower or accessory equipment is not screened by a building or fence, 5 feet of L3 landscaping must be provided.
 - 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.
 - (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.

c. In all zones, equipment cabinets or shelters located on private property that are associated with Radio Transmission Facilities mounted in a right-of-way must be screened from the street and any adjacent properties by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.

Findings: No equipment related to the facility is proposed to be located at grade; therefore this criterion is not applicable.

9. Tower design.

- a. For a tower accommodating a radio or television broadcast facility, the tower must be designed to support at least two additional radio or television broadcast transmitter/antenna systems 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 does not include a tower. This criterion is not applicable.

10. Mounting device. The mounting device or mounting structure used to mount facilities to an existing building or other non-broadcast structure may exceed the height limit of the base zone but may not project more than 10 feet above the roof or parapet of the building or other non-broadcast structure.

Findings: The applicant specifies in Exhibit A.1 that each antenna will meet this requirement; the submitted plans also demonstrate this. This criterion is met.

11. Abandoned facilities. A tower or mounting device on a non-broadcast structure 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 or mounting device has been in use for more than six months.

Findings: The applicant notes in Exhibit A.1 that per the lease agreement with PCC, Verizon Wireless and/or its successors, agrees to remove any and all equipment following discontinuation of use. This criterion is met.

D. Additional requirements.

- 1. Personal wireless service facilities located in OS, R, C, or EX zones, and personal wireless service facilities located in 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.
 - b. Lattice. Lattice towers are not allowed.

- 2. The minimum site area required for a tower in an R zone is 40,000 square feet.
- 3. Applications to locate or replace accessory equipment in or within 50 feet of an R zone must be accompanied by a signed and stamped acoustical engineer's report demonstrating that noise levels from the equipment is in full compliance with Title 18 (Noise) regulations, or demonstrating that with appropriate sound proofing mitigation, that the equipment will comply with Title 18.

Findings: The proposal does not include a tower, so the requirements found at 1.a. & b. and 2. are not applicable. Because the site is zoned IRd, Residential, the applicant has included an Acoustical Report [Exhibit A.4] documenting that the facilities will comply with Title 18. This criterion 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 applicant has requested Conditional Use approval for a wireless telecommunication facility and accessory equipment cabinets on top of the Campus Center building on the Portland Community College Sylvania campus. The proposed antennas will not project more than 10 feet above the top of the penthouse and the accessory equipment cabinet is placed more than 30 feet from the roof edge. The proposed equipment will be positioned on the roof and penthouse in such a way that visual impacts are minimized a condition of approval will ensure all equipment is painted a light grey to better blend in with the sky. With this condition of approval, the proposal meets all applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Conditional Use approval for a Verizon Wireless telecommunications facility with 16 antennas, 16 RRUs, 4 surge suppressors, on a square mount, and a wall-mounted equipment pad with 5 cabinets, per the approved plans, Exhibits C.1 through C.13, signed and dated April 26, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE Case File LU 16-117167 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All antennas and rooftop support structures on top of the penthouse must be painted a light grey color.

Decision rendered by:

By authority of the Director of the Bureau of Development Services

on April 26, 2016

Decision mailed: April 29, 2016

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 February 5, 2016, and was determined to be complete on March 24, 2016.

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 February 5, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120 days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 22, 2016.**

The review is also subject to the FCC "shot clock" of 90 days for a collocated facility. This decision is issued on day 50 of the "shot clock."

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 Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 13, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer 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 May 16, 2016 the day following the last day to appeal.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

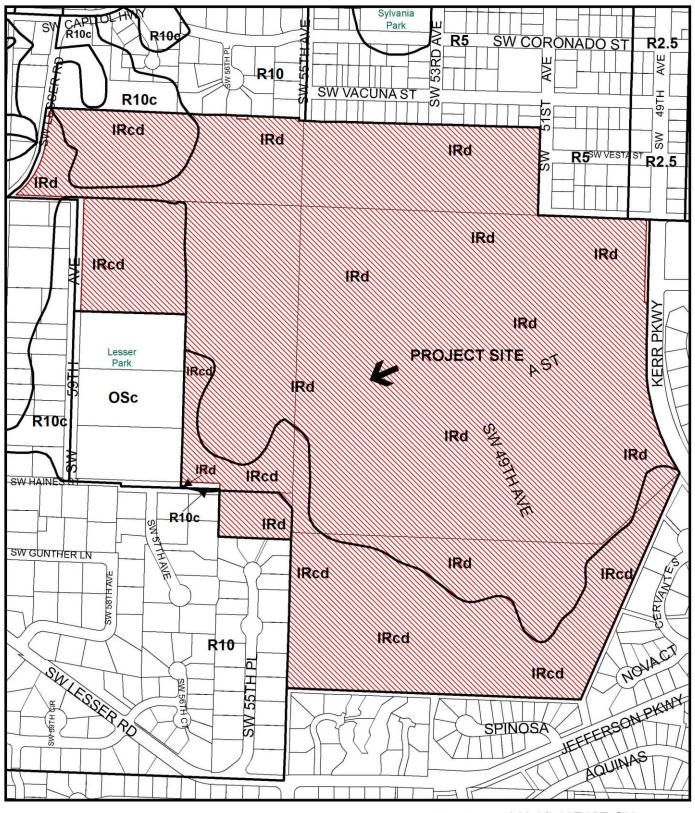
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant Narrative
 - 2. Site Photos
 - 3. Non-Ionizing Electromagnetic Exposure Analysis
 - 4. Acoustical Report
 - 5. RF Registration Form
 - 6. Email from BDS regarding review required, July 15, 2015
 - 7. Response to Incomplete Letter, March 15, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Plan (attached)
 - 3. Detailed Roof Plan
 - 4. Antenna Mount Elevation
 - 5. Antenna Details and Configuration (attached)
 - 6. East Elevation (attached)
 - 7. North Elevation (attached)
 - 8. South Elevation
 - 9. West Elevation
 - 10. Antenna Details X7C-FRO-840
 - 11. Antenna Details QUAD336W0000x
 - 12. RRU Details
 - 13. Surge Suppressor Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none requested
- F. Correspondence: none received
- G. Other:
 - 1. Original Land Use Application and Receipt
 - 2. Incomplete Letter, February 19, 2016

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

File No. LU 16-117167 CU

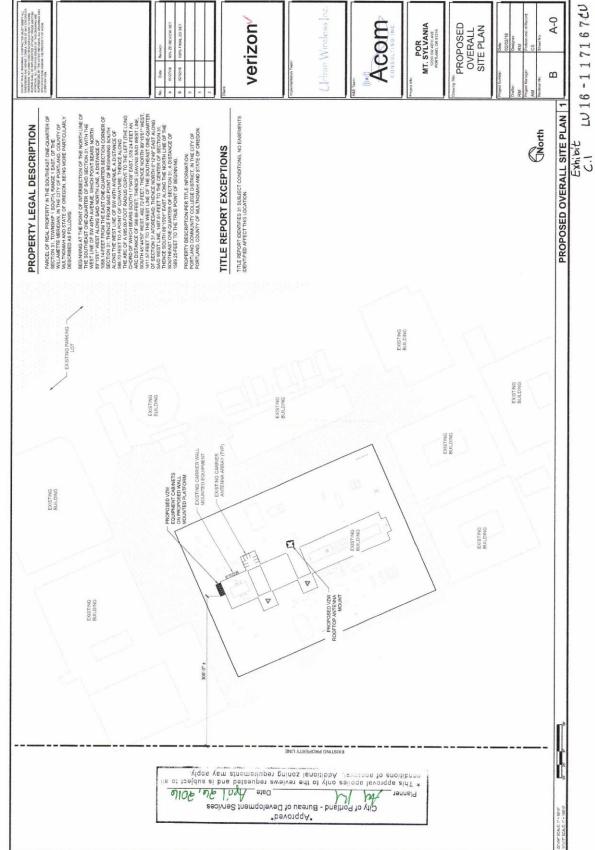
1/4 Section 4224

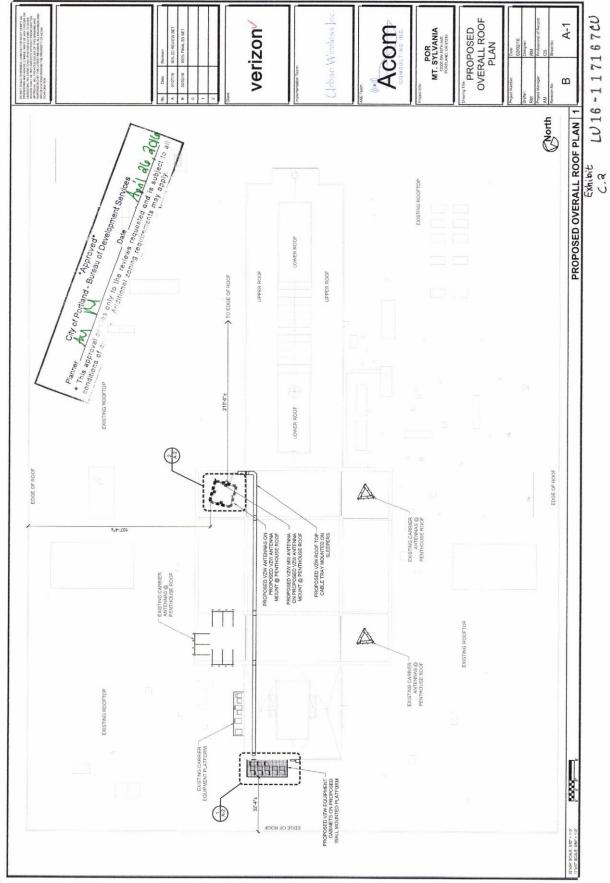
Scale 1 inch = 400 feet

State_Id 1S1E31D 200

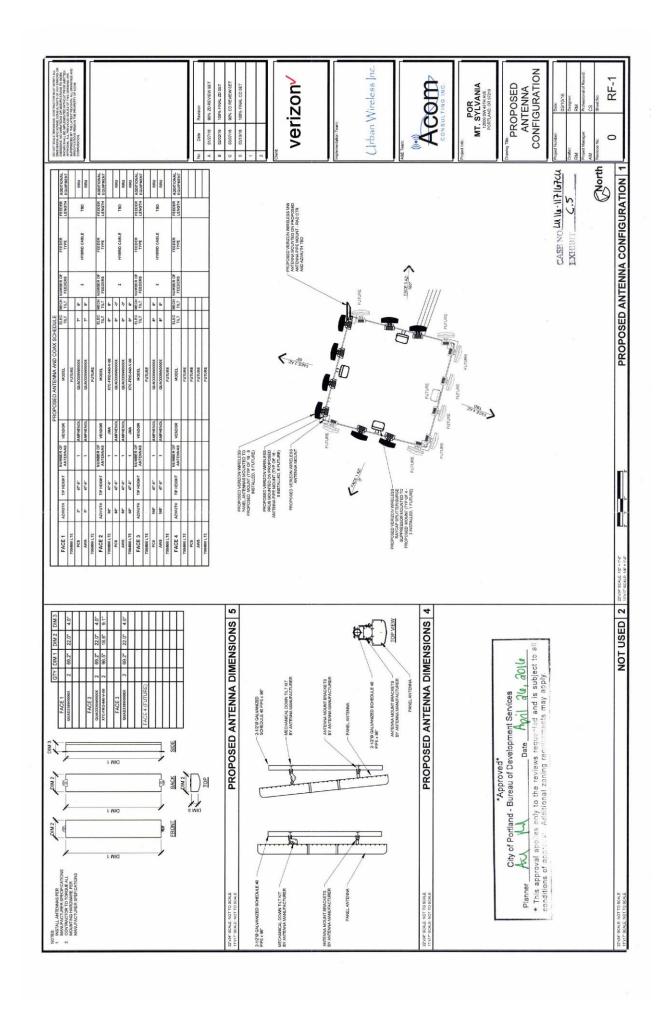
Exhibit B (Feb 19, 2016)







LU16-117167CU



W 16-117167cd

LU16-117167CU