



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

Amanda Fritz, Commissioner
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Date: May 5, 2015
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-823-7837 / Amanda.Rhoads@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

This REVISION removes a condition of approval from the original decision, mailed on November 10, 2014, regarding the supports for the mounting structure. The original condition required that the pole extensions and diagonal bracing pieces proposed on the mounting brackets for the new antennas (shown on Exhibit C.4) extend no lower than the bottom tip of the large antennas on the mounting devices being structurally supported by the new elements. Subsequent to the decision, it was determined that there wasn't sufficient room to accommodate the supports without extending below the level of the antennas. The new design, however, reduces the length of these pole extensions from the original proposal of 4 feet, 6 inches to 2 feet instead. See the revised findings on pages 4 and 5 for more details.

CASE FILE NUMBER: LU 14-184748 HR **VERIZON WIRELESS ANTENNAS ON PATTON WATER TANK**

GENERAL INFORMATION

Applicant: Anna Lee-Thompson / Verizon Wireless
5430 NE 122nd Ave / Portland, OR.97230

Property Owner: Bureau of Parks and Recreation / City of Portland
1120 SW 5th Ave #1302 / Portland, OR 97204-1912

Water Tank Owner: Water Bureau / City of Portland
1120 SW 5th Ave #600 / Portland, OR 97204-1974

Representative: Sarah Blanchard / Acom Consulting
5430 NE 122nd Ave / Portland, OR 97230

Site Address: 5340 N INTERSTATE AVE

Legal Description: S 1/2 OF LOT B, M PATTONS & SUB
Tax Account No.: R520700250
State ID No.: 1N1E22BB 08800

Quarter Section: 2529
Neighborhood: Overlook NA, contact Marie Skarie at 206-818-6355.
Business District: None.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
Plan District: North Interstate
Zoning: EXd – Central Employment with a “d” Design Overlay zone; and OS – Open Space
Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant, Verizon Wireless, proposes to install a new wireless telecommunications facility at a half-block Portland Parks and Recreation site on N. Interstate Ave. at N. Emerson St. The proposal would install 3 new antennas and other equipment mounted to the railing at the midpoint of the vertical water tank at the site. The antennas would be installed on existing mounts, one in each sector, among 9 other existing Verizon antennas on the same mounts. The new antennas will be 109 feet from grade, 1 foot lower than the existing antennas.

In addition, the installation will include 6 new Radio Remote Units (RRU) and 3 Tower-Mounted Amplifiers (TMA). These additional pieces of equipment will be installed behind the new and existing Verizon antennas mounted to the catwalk railing. The three mounting structures will also be structurally reinforced with 2-foot galvanized pipe extensions on the pipe mounts themselves and a diagonal galvanized pipe bracing piece mounted between the pipe mount and the catwalk. These reinforcements are shown in detail on the elevations and in the bracing detail.

Cables will run down one of the water tower legs and across an existing cable bridge to Verizon’s nearby equipment enclosure. A new surge suppressor will be mounted inside the existing equipment shelter; otherwise, there will be no changes to that shelter.

Because Verizon’s existing facility was previously approved, this request is exempt from Conditional Use review per 33.274.235.C. However, because the proposal constitutes an exterior improvement requiring a building permit on a site with a designated Historic Landmark, a Historic Design Review 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:

- 33.846.030 G - Historic Design Review, Other Approval Criteria

ANALYSIS

Site and Vicinity: The 55,000-square-foot site occupies the northeast corner of the intersection of N. Interstate Avenue and Emerson Street. The southern two-thirds of the property is Patton Square Park and there are several large trees and shrubs located around the site’s perimeter. The northerly third of the property is occupied by the Interstate Firehouse Cultural Center (IFCC), a former City of Portland fire station. The IFCC building is oriented west, towards N. Interstate Avenue. The original fire station bay doors have been sealed off, with the internal conversion of the building to gallery, office, and performance space. North and east of the building are limited on-site surface parking and loading areas, with driveway access onto both N. Interstate and N. Maryland Avenues.

The elevated City of Portland water storage tank is located on the northerly third of the property, east of the IFCC building. Panel antennas from multiple carriers are visible from surrounding public rights-of-way on the tank’s legs, catwalk and wall. Two existing equipment shelters are located behind the water tower adjacent to N. Maryland Avenue, and another set of

equipment cabinets that are not screened. The water tank is currently host to 23 antennas on the catwalk, water tower wall and legs; 3 additional antennas were also recently approved for Sprint.

All public rights-of-way abutting the site are improved with paved roadways, curbing, and concrete public sidewalks. The Interstate MAX light rail line runs adjacent to the site on N. Interstate Avenue. Vicinity uses are diverse, including a variety of residential, commercial, and institutional development. Nearby commercial uses are generally clustered along both sides of N. Interstate Avenue, with interspersed single-family homes and apartments as well. A charter school is located immediately north of the site, in a former single-story office building. Nearby properties a block either east or west from N. Interstate Avenue are primarily single-family dwellings.

Zoning: The northerly third of the site, where the IFCC and water tank are located, is zoned EXd. The EX or Central Employment base zone allows mixed-uses, including limited industrial activity, as well as commercial, institutional, and residential uses. In this case the proposed radio frequency facility would also be allowed by right. The southerly two-thirds of the site containing Patton Square Park are within the Open Space or OS base zone. The OS zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. Agriculture and certain parks and open areas are the only uses in an Open Space zone that are allowed by right, while schools and accessory uses generally require a Conditional Use review.

The EX zone is always paired with the “d” or Design overlay zone. The Design overlay zone seeks to ensure the compatibility and quality of new development and changes to existing sites by requiring either design review or compliance with objective design standards before such projects get constructed.

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

- *HL 14-80* - Approved historic landmark renovation - no further information available in city records for this case;
- *CU 097-81* - Approved 1981 conditional use review for the conversion of the fire station into a community center, subject to conditions of approval;
- *HL 31-81* - Approved historic landmark renovation for use of a fire station as a community center;
- *ZC 6644* - Approved 1990 zone change with conditions regarding meeting Landmarks Commission, Water Bureau, and off-site parking requirements;
- *LUR 91-00466 CU* - Approved conditional use review to attach wireless telecommunications antennas to the existing water tank, subject to conditions of approval;
- *LUR 92-00416 CU AD* - Approved conditional use review for the installation of a wireless telecommunications facility to the existing water tank, with at-grade accessory equipment, and to waive the requirement for two off-street parking spaces, subject to conditions of approval;
- *LUR 96-00280 DZ AD* - Approved design review and adjustment for the installation of another wireless telecommunications facility at the existing water tank, subject to conditions of approval regarding coloration and at-grade landscape screening; and
- *LUR 97-00348 DZ* - Approved design review for the construction of a new entrance canopy at the main entrance of the IFCC building.
- *LU 08-105116 HDZ* – Approved Historic Design Review for the widening of an existing doorway on the north façade of the Interstate Firehouse Cultural Center.
- *LU 11-121335 CU HDZ* – Approved Historic Design Review and Conditional Use approval for AT&T to add additional antennas to their wireless facility hosted by the water tank.
- *LU 11-149467 HDZ* – Approved Historic Design Review for Verizon to replace 6 antennas with 6 smaller antennas as part of a system-wide upgrade.
- *LU 14-189607 HR* – Approved Historic Resource Review for Sprint to add 3 additional antennas and 3 RRU to the water tank on existing pipe mounts.

Public Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 23, 2014**. No other agencies or bureaus were required to comment on the proposal. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 33.846.060 Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

Findings: The site is a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060.G.1-10.

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

G. Other approval criteria:

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 3. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: The water tank is a structure built to fulfill a civic purpose, as was the adjacent former fire station which earned the site its National Register status. In a similar way, the wireless facilities now mounted to the water tank, though operated privately, perform a civic role. The site has long served as a location for civic infrastructure. This new installation will not impact or change the historic character of the property.

Since no changes, alterations, or additions are proposed to the IFCC, the architectural integrity of the building will be maintained and no historic materials will be threatened. The proposal will not impact historic features of the building. A condition of approval will ensure all elements mounted to the tower will be painted to match the tower. *These guidelines are met.*

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

Findings: The three proposed antennas will be mounted on 3 existing mounting devices which currently hold 3 antennas each. The new antennas will be placed between existing antennas; each sector will then have 4 antennas. The antennas are modern

infrastructure and would not be confused for historic material. These additions and alterations to the water tower will not be readily noticeable from the street level. The water tower currently supports multiple wireless communication facilities. The proposed equipment is similar to what currently exists and will not be incompatible with the site.

New structural reinforcement elements to reinforce the existing mounting structure will extend lower than the catwalk largest antennas on the existing mounts, but will extend only 2 feet below the antennas. The new elements will have limited visibility from ground level and will be unified with the rest of the additions on this utilitarian structure. Further, a condition of approval to paint all new material on the water tank to match will keep these elements from drawing attention to themselves or taking away from the experience of the Historic Landmark. *These guidelines are met.*

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings: The proposed exterior alterations subject to historic resource review involve the installation of antennas on existing pipe mounts on the tank's catwalk railing, with some structural upgrades. The antennas and associated equipment and materials will be required through condition of approval to be painted to match the color of the water tower to keep the wireless equipment minimally visible against the water tower and keep the site compatible internally and in the neighborhood. *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 applicant has proposed to place three new antennas and support equipment on the water tank located behind the Interstate Firehouse Community Center, a designated Historic Landmark. The antennas and support equipment will be installed on existing mounts. Conditions of approval will ensure equipment will be painted to match the color of the water tank and be similar in scale to the other facilities located on the tank. The applicant will use the existing equipment shelter for other support equipment. These facilities will not alter the historic character of the site or the Interstate Firehouse Community Center. The proposal is able to meet the relevant criteria, and therefore merits approval.

ADMINISTRATIVE DECISION

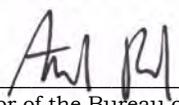
Historic Resource Review approval of the installation of 3 new panel antennas onto existing mounting devices in three sectors. These mounting structures currently hold 3 antennas each. The installation includes 6 additional RRU and 3 TMA, as well as structural upgrades to the mounting devices. Approval is per the approved site plans, Exhibits C.1, C.2, and C.5 through C.8, signed and dated October 31, 2014 and April 28, 2015, 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 14-184748 HR." All requirements

must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. All visible elements of the tank-mounted portion of the facility, including the antennas, RRU, TMA, mounting devices and connective cabling, conduit and bolting or bracket attachments, must be painted to match the surface color of the tank or legs where the element is located.

Staff Planner: Amanda Rhoads

Decision rendered by:  **on April 28, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 5, 2015

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 16, 2014, and was determined to be complete on **September 19, 2014**.

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 July 16, 2014.

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: January 16, 2015.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 19, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to

2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

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

- *Unless appealed*, the final decision may be recorded on or after **May 20, 2015 – the day following the last day to appeal.**
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a

new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant Narrative, August 5, 2014
 2. Initial Plan Set, July 16, 2014
 3. Structural Calculations and Antenna Specification Sheets
 4. Revised Plan Set, September 10, 2014
 5. Final Plan Set, September 19, 2014
 6. Email Correspondence, November 5, 2015
 7. Note from Applicant, April 20, 2015
 8. Email exchange, April 30 – May 1, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan
 2. Enlarged Site Plan (attached)
 3. South and East Elevations – NOT APPROVED
 4. Mounting and Bracing Details – NOT APPROVED
 5. Antenna Configuration
 6. REVISED South and East Elevations (attached)
 7. Antenna Mounting Detail (attached)
 8. Mounting and Bracing Sections
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: none received
- F. Correspondence: none received
- G. Other:
 1. Original LU Application and Receipt
 2. Incomplete Letter, August 8, 2014

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).



 ACOM

 City of Portland


 G.P.A.

 PROJECTS LLC

 2000 NE Oregon Street, 7th Fl.

 Portland, Oregon 97232

 503.776.7600



DATE: 01/21/14	BY: G.S.	REVISION: 1	DATE: 01/21/14
DATE: 01/21/14	BY: G.S.	REVISION: 2	DATE: 01/21/14
DATE: 01/21/14	BY: G.S.	REVISION: 3	DATE: 01/21/14
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DATE: 01/21/14	BY: G.S.	REVISION: 8	DATE: 01/21/14
DATE: 01/21/14	BY: G.S.	REVISION: 9	DATE: 01/21/14
DATE: 01/21/14	BY: G.S.	REVISION: 10	DATE: 01/21/14

PROJECT:

 PORTLAND

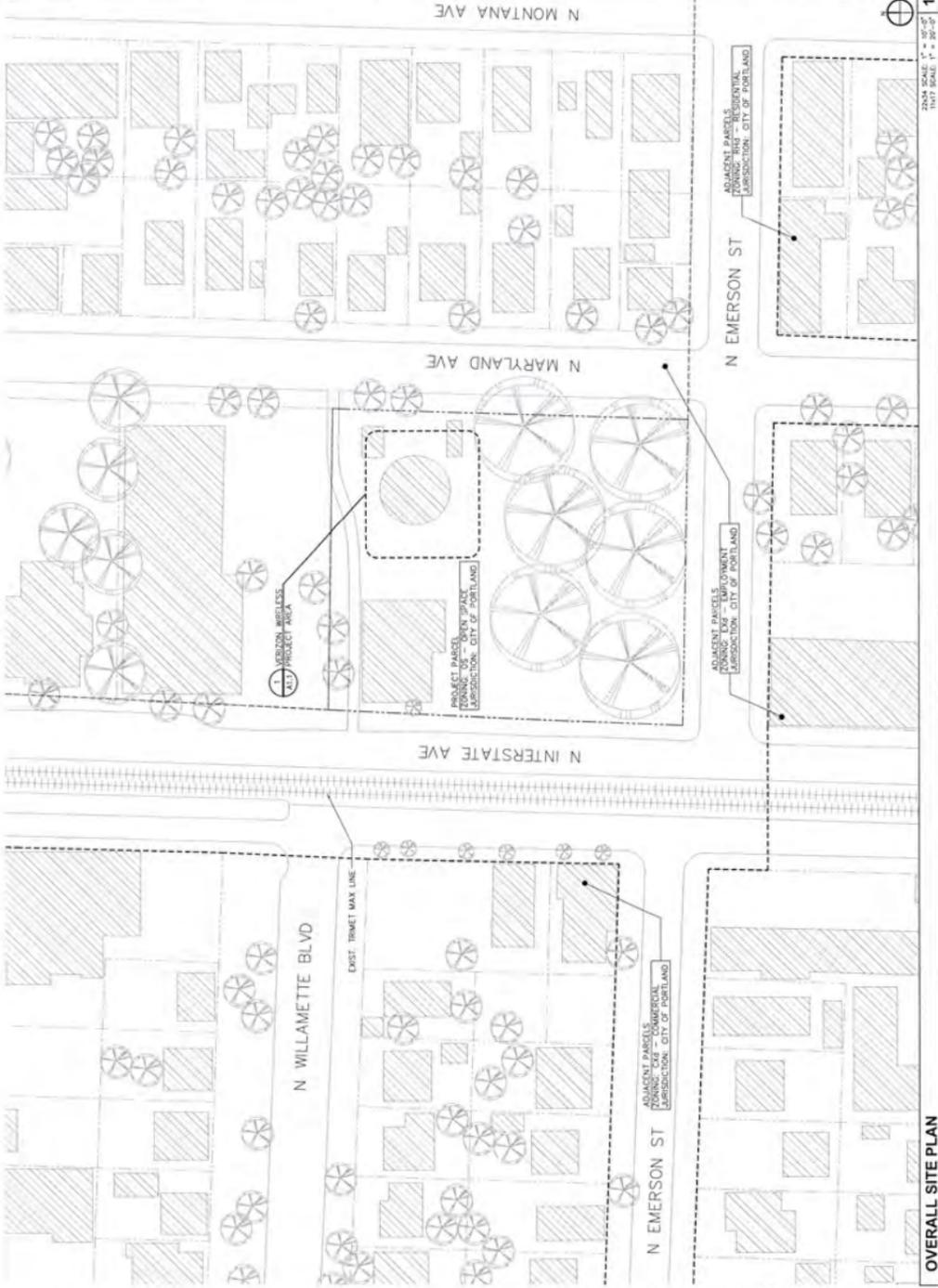
 PROJECT NO.:

 17171

 SHEET NO.:

 1

 OVERALL SITE PLAN



NORTH

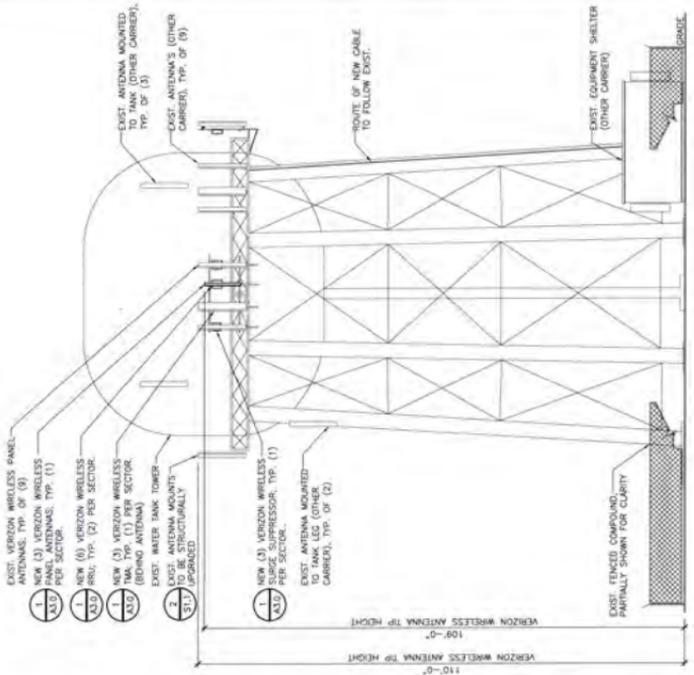
 1" = 20'-0"

 1

Approved
City of Portland - Bureau of Development Services

Planner: *AMM* Date: *April 28, 2015*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SOUTH ELEVATION 1
 1:10 SCALE: 1/8" = 1'-0"
 1:10 SCALE: 1/8" = 1'-0"

LU 14-18748 HR Exhibit C.6

verizon wireless
 ACCOM
 City of Portland, Oregon 97208

GPA ARCHITECTS LLC
 PORTLAND, OREGON 97208
 503.275.1500

04/24/14	06/06/14	09/08/14	12/01/14	03/19/15
REVIEWED	REVIEWED	CR	FINAL	FINAL
BY	BY	BY	BY	BY
DATE	DATE	DATE	DATE	DATE

13-271
 03/19/14
 Approved By: *AS*
 Drawn By: *AS*
 Approved By: *AS*
 Date: *03/19/14*

Scale: *AS*
 Date: *03/19/14*
 Date: *03/19/14*
 Date: *03/19/14*
 Date: *03/19/14*

Project File:
POR
PIEDMONT
 1500 S. WASHINGTON ST.
 PORTLAND, OREGON 97211

ELEVATIONS

Scale: **A2.0**

EAST ELEVATION 2
 1:10 SCALE: 1/8" = 1'-0"
 1:10 SCALE: 1/8" = 1'-0"

