



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

Carmen Rubio, Commissioner  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** May 23, 2023  
**To:** Interested Person  
**From:** Grace Jeffreys, Land Use Services  
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## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved 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 23-030066 HR - New Microwave Point to Point antennas, Interstate Firehouse Site**

#### **GENERAL INFORMATION**

**Applicant:** Tessie Murakami, Acom Consulting Inc  
5200 SW Meadows Rd., Suite 150  
Lake Oswego, OR 97035

**Owner/  
Representative:** Tom Klutz, City Of Portland Water Bureau  
1120 SW 5th Ave #405  
Portland, OR 97204

**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 Josh Cabot at  
[landuse@overlookneighborhood.org](mailto:landuse@overlookneighborhood.org)

**Business District:** None  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at  
503-823-8877.

**Plan District:** North Interstate  
**Other Designations:** Historic Landmark (#26 – The Interstate Firehouse)

**Zoning:** CM3 (MU-U) – Commercial/Mixed Use 3 base zone  
OSd - Open Space base zone  
d – Design overlay  
m - Centers Main Street overlay

**Case Type:** HR, Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

The applicant requests Historic Resource Review approval to add two (2) point to point microwave antennas to the rooftop of an existing equipment shelter at the base of the water tower that sits behind the Interstate Firehouse Community Center, a designated Historic Landmark.

The two (2) point to point microwave antennas will be mounted onto new mounts which will be mounted to the side of the existing equipment shelter. No changes will be made to the water tank and no ground disturbance is proposed as part of the project.

Because the proposal constitutes non-exempt exterior alterations within a Historic Landmark boundary, Historic Resource 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:

- Other Approval Criteria, Chapter 33.846.060.G
- Radio Frequency Transmission Facilities, Chapter 33.274

## 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 catwalk and wall of the water tower. Two existing equipment shelters are located behind the water tower adjacent to N. Maryland Avenue.

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 in 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 in 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 CM3d,m. The southerly two-thirds of the site containing Patton Square Park are within the Open Space or OS base zone.

The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone

will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

The Open Space (OS) zone is intended to preserve public and private open, natural, and improved park and recreation areas identified in the Comprehensive Plan. These areas serve many functions including: providing opportunities for outdoor recreation; providing contrasts to the built environment; preserving scenic qualities; protecting sensitive or fragile environmental areas; preserving the capacity and water quality of the stormwater drainage system; and providing pedestrian and bicycle transportation connections.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

The Centers Main Street "m" overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

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

- LU 18-112601 HR - Approved Historic Resource Review to remove nine existing Verizon antennas and six remote radio units, and to replace them with six new antennas and 18 new remote radio units. Two of the new antennas are proposed to be attached to new pipe mount located in a new sector.
- LU 16-138604 HR - Approved Historic Resource Review for AT&T to remove 6 panel antennas and replace them with 3 larger panel antennas, and 6 remote radio heads attached to existing mounts.
- LU 15-204102 HR - Approved Historic Resource Review for AT&T to replace 3 existing panel antennas to the water tank on existing pipe mounts.
- 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.
- LU 14-184748 HR - Approved Historic Resource Review for Verizon to add three new panel antennas to existing mounts, and structural reinforcements on the existing catwalk.

- 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 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 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 97-00348 DZ - Approved design review for the construction of a new entrance canopy at the main entrance of the IFCC building.
- LU 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
- LU 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;
- LU 91-00466 CU - Approved conditional use review to attach wireless telecommunications antennas to the existing water tank, subject to conditions of approval;
- LU 90-024906 (PC 6644) – Change of zone granted with conditions that Landmarks Commission and Water Bureau requirements are met;
- LU 81-005971 (HL 31-81) - Approved historic landmark renovation for use of a fire station as a community center;
- LU 81-003503 (CU 097-81) - Approved 1981 conditional use review for the conversion of the fire station into a community center, subject to conditions of approval; and
- LU 80-005743 (HL 14-80) - Approved historic landmark renovation - no further information available in city records for this case;

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **April 25, 2023**. The following Bureaus have responded with no issues or concerns about the proposal:

- Fire Bureau (Exhibit E.1)
- Life Safety Section of BDS (Exhibit E.2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 25, 2023**. 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 33.846.060 - 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 Resource 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 outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore, the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Historic Approval Criteria*.

*Staff has considered all of the approval criteria and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Historic Approval Criteria**

- 1. Historic character.** The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.
- 2. Record of its time.** The landmark or contributing resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most resources change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.
- 8. Architectural compatibility.** New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.
- 9. Preserve the form and integrity of historic resources.** New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.
- 10. Hierarchy of compatibility.** New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

**Findings for 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10:** According to the applicant, Verizon's current facility on the water tower includes 13 antennas installed in three sectors (3-4 antennas per sector). This proposal includes installing 2 small new point-to-point microwave antennas on the rooftop of the existing equipment shelter that sits below the water tower.

The water tower currently supports multiple wireless communication facilities. This new wireless equipment will be integrated with the existing structure below the tower, and will have minimal visual effects. Also, the microwave antennas are modern infrastructure and would not be confused for historical material

The proposed new equipment is very similar to what currently exists and will not be incompatible with the site. The new elements will have limited visibility from ground level and will be unified with the rest of the additions on this utilitarian structure. The effect of the proposed new equipment will be minimized and keep the site compatible internally and in the neighborhood.

No changes, alterations, or additions are proposed to the Interstate Firehouse Cultural Center, the architectural integrity of the building will be maintained, and no historic materials will be threatened. Since the proposed equipment will not affect the landmark or the water tower, is minor in scope and will have limited visibility from the neighborhood, it will respecting the historic character of the property.

*These guidelines are 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 requirements of Title 11 can be met, and 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 purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of two (2) point to point microwave antennas to an existing equipment shelter at the base of the water tower that sits behind the Interstate Firehouse Community Center.

Approval per the approved site plans, Exhibits C-1 through C-7, signed and dated May 19, 2023, 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 four 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 23-030066 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Grace Jeffreys**

**Decision rendered by:**  **on May 19, 2023**

By authority of the Director of the Bureau of Development Services

**Decision mailed: May 23, 2023**

**Procedural Information.** The application for this land use review was submitted on April 7, 2023, and was determined to be complete on April 20, 2023.

*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 April 7, 2023.

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: August 18, 2023.**

**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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **May 23, 2023** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 for 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. Narrative
  - 2. Drawings
  - 3. Email confirmation from city (owner)
  - 4. RF Safety Analysis
  - 5. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Cover Sheet
  - 2. Notes
  - 3. Site Plan (attached)
  - 4. Plan
  - 5. Elevations (attached)
  - 6. Details
  - 7. Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Site Development Review Section of BDS
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application

**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).**