

## **HISTORIC LANDMARKS COMMISSION MEETING**

City Council Chambers

September 15, 2015

### CALL TO ORDER – ITEM 1:

A regular meeting of the Astoria Historic Landmarks Commission (HLC) was held at the above place at the hour of 5:15 p.m.

### ROLL CALL – ITEM 2:

Commissioners Present: President LJ Gunderson, Commissioners Jack Osterberg, Paul Caruana, Mac Burns, Kevin McHone, and Thomas Stanley.

Commissioners Excused: Vice President Michelle Dieffenbach

Staff Present: Community Development Director Kevin Cronin, Interim Planner Mike Morgan, Special Projects Planner Rosemary Johnson, Parks Director Angela Cosby, and Police Chief Brad Johnston. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### APPROVAL OF MINUTES – ITEM 3:

#### **Item 3(a): Minutes of July 21, 2015**

President Gunderson asked if there were any changes to the minutes of July 21, 2015. There were none.

Commissioner Burns moved to approve the minutes of July 21, 2015 as presented; seconded by Commissioner Caruana. Ayes: President Gunderson, Commissioners Caruana, Osterberg, Burns, Stanley, and McHone. Nays: None.

#### **Item 3(b): Minutes of August 18, 2015**

President Gunderson noted the date in the footer should be corrected to August 18, 2015.

Commissioner Osterberg moved to approve the minutes of August 18, 2015 as corrected; seconded by Commissioner Caruana. Ayes: President Gunderson, Commissioners Caruana, Osterberg, Burns, Stanley, and McHone. Nays: None.

### PUBLIC HEARINGS:

President Gunderson explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were listed in the Staff report.

### ITEM 4(a):

EX15-11 Exterior Alteration EX15-11 by Daric Moore, Daric Moore Building Arts to convert the lower front portion of the basement into a covered porch at 842 Irving in the R-3, High Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. None declared. President Gunderson requested a presentation of the Staff report.

Interim Planner Morgan presented the Staff report and recommended approval with conditions.

President Gunderson opened public testimony for the hearing and confirmed the Applicant was not in attendance to give a presentation. She called for any presentations by persons in favor of, impartial to or against the application. Seeing none, she confirmed there were no closing remarks from Staff. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Osterberg agreed with the Staff report and believed the application met all of the criteria. The proposal will result in a substantial improvement to the existing conditions, which are not historic.

Commissioner Stanley said he was pleased that the property owner is making the effort to fix up the house. The work will add a lot to the neighborhood.

Commissioner Caruana said he was glad Staff noted the windows and doors would be trimmed because the scale of the moldings is not always included in the information given to the Committee.

President Gunderson said if the Applicants were present, she would thank them for using historically accurate windows and doors.

Commissioner Stanley moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX15-11 by Daric Moore; seconded by Commissioner Burns. Motion passed unanimously.

Interim Planner Morgan added that Irving is a high traffic corridor through town and he believed it was great to see renovations in areas of town that have many visitors.

Commissioner Stanley said the number of houses that have been restored since he first served on the HLC has been staggering and Astoria is becoming more beautiful.

President Gunderson read the rules of appeal into the record.

Interim Planner Morgan excused himself from the meeting at this time.

ITEM 4(b):

NC15-03      New Construction NC15-03 by Verizon Wireless LLC dba Verizon Wireless to construct a 150-foot wireless communication facility adjacent to a structure/site designated as historic at 1580 Shively Park Road in the IN, Institutional zone.

President Gunderson asked if anyone objected to the jurisdiction of the HLC to hear this matter at this time. There were no objections. President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare.

Commissioner Caruana declared that Verizon is a tenant on the Astor Hotel building downtown. He confirmed this may affect his decision and stepped down from the dais.

President Gunderson declared she was a customer of Verizon Wireless, but this would not affect her decision.

Director Cronin noted that Verizon has a contract with the City of Astoria.

President Gunderson requested a presentation of the Staff report.

Special Projects Planner Johnson presented the Staff report and recommended approval with conditions. Staff received a letter of opposition from Ron Zilli, which was available at the dais.

President Gunderson asked if the City used cell phones for its emergency communications and if so, was the service from Verizon. Planner Johnson said Astoria's emergency communications were not serviced by Verizon and the emergency communication facilities will be located on a tower proposed at the Land Reserve east of the Column above the old reservoir. The tower in this request will only serve citizens, not emergency services.

Police Chief Brad Johnston, 2828 Grand, Astoria, explained this project began in 2006 and emphasized that this proposal was driven City Council, not the Friends of the Astoria Column. At the April 1, 2013 City Council meeting, Staff originally proposed that the tower be built on Coxcomb Hill. The Friends were at this meeting to discuss their master plan and were obviously concerned with the City's proposal to put a tower on Coxcomb Hill. However, City Council requested another location be chosen for the tower site. The ideal location for Verizon would be at the top of the hill by the picnic structures. However, this site would have been highly visible.



Therefore, the proposed location is the best possible satisfactory location. Astoria's primary emergency communications are land mobile radio devices, which include very high frequency (VHF) walkie-talkies and car radios. Astoria does use Verizon for data services and relies on cell phone services for confidential communications. Despite the information in the letter of opposition, this site will not co-locate any emergency communications equipment and will only be used for wireless communications from commercial providers. He confirmed that having a good Verizon signal in Astoria would still benefit the City's emergency services. This tower is part of a larger project to improve the City's emergency communications. While the site is not directly critical to Astoria's emergency communications, it is a necessary component of a deal to move the City's primary communications facility to the Reservoir site and allow Verizon to complete a system upgrade. The City's proposal to put the primary communications site at the Reservoir will be reviewed by the Planning Commission on September 16, 2015.

Commissioner McHone was concerned about the ability of other commercial service providers to co-locate on the tower. There is a lack of technically viable locations to put the cell towers within the community. He asked for details about how the lease was structured. Staff explained the lease is structured to require Verizon to allow co-location by other commercial providers and to ensure those providers request access rights to the tower from the City of Astoria. The Development Code requires co-location. When a provider wants to install facilities in Astoria, they are first required to consider stealth installations, like in a steeple on a church. If that is not a viable option, the provider would have to install their facilities on an existing tower after proving a stealth installation was not physically feasible. Staff confirmed the tower would be owned by Verizon, located on City-owned property leased to Verizon. The Wireless Communication Facilities permit that will be reviewed by the Planning Commission on September 16 addressed issues including maintenance, removal, and co-location. The City has the first right of refusal if Verizon decides they are no longer interested in the tower. However, if the tower does not make business sense for Verizon, it probably would not make business sense for the City. Enclosures for the equipment will be installed mostly below street grade, but there will not be any buildings involved in this project.

President Gunderson understood the HLC could not dictate specific colors. However, Staff has recommended the equipment enclosure be green or brown and the tower be gray. She believed green or brown would be a more appropriate color for the tower because Astoria has not had many gray skies recently. She asked why the City recommended the tower be gray. Planner Johnson said Staff did consider green or brown for the tower. However, the most visible portion of the tower will be the upper sections. From a distance, one will see the portion of the tower that is up against the sky. Staff believed gray was the best color for the majority of the view. She described the view from the parking lot using the photographs in the Staff report, noting that the tower will not be seen from the parking lot. The tower will become visible at the S curve on the road that extends up the hill.

Commissioner Burns asked how tall the trees were within a 20-foot radius of the tower and how many trees would be removed during its installation. Planner Johnson said the deciduous trees are about 120 feet tall and the fir trees are about 150 feet tall. The tower will be taller than some trees, but some trees in the area will be of a similar height. She used the trees instead of the structures to determine scale and compatibility. The Applicant has been working with Parks Director Cosby to keep tree removal to a minimum.

Parks Director Cosby, 1997 Marine Drive, Astoria, said the plans called for the removal of three deciduous trees and one evergreen tree. She did not know the specific height of the trees to be removed, but noted the trees would be removed because they are located within the footprint of the tower and enclosure area. The specific trees are identified in the site plan, which she believed the HLC had received.

Commissioner McHone asked if branches could be added to the tower to make it look like a tree. Director Cosby said while Staff was considering appropriate tower colors, they also considered a mono-pine tower. After looking at mono-pines installed in other parks, Staff did not believe it would be a good fit. The mono-pines wear differently and do not provide the same aesthetic appeal as other trees in the park. Staff did not want the tower to look fake. Additionally, the tree poles are not the same species as trees in Astoria.

President Gunderson asked Staff for their opinions on a dark brown or dark green tower. Director Cosby said she would prefer brown. Planner Johnson said color is a judgment call.

Commissioner Osterberg asked if Staff considered that Criteria B and C were not applicable, as the criteria relate to the design and consistency with the orientation of adjacent historic structures. The HLC is supposed to review the proposed structure's impact to other historic and adjacent structures. However, it appears as though none of those structures are close enough to be visible from the tower site or vice versa. Staff has gone into a



great deal of Findings regarding consistency and appropriateness with the Park. But, the picnic facilities, pathway, parking area, and other visible features are not structures. He asked why Staff decided to view the trees as structures. Planner Johnson said it was difficult for Staff to address the criteria, which is specifically for a new structure. The only structure in the park that is designated historic is Shively Hall. The picnic areas are newer and not part of the historic structures, but they are adjacent to the proposed tower site. Staff considered that the structures would not be visible and were not adjacent, so it would be difficult to define them as compatible. Since the Park is designated historic, she decided to use the entire Park as part of the criteria. The Development Code may not have the exact language to address a cell tower, so she made the best Findings she could based on the criteria.

Commissioner Osterberg understood he would have to take into account the status of the structures in the Park and how well they apply to the criteria. The Staff report does note "as applicable." He believed Criterion D referred to a Section of the Development Code that did not apply to this application. Planner Johnson explained that the section referred to in Criterion D would be reviewed by the Planning Commission. However, it does reference historic review, so she added it for the HLC to consider as well. She wanted the HLC to know the environmental historic review had been approved by the State Historic Preservation Office (SHPO). Criterion D was added to the Staff report for informational purposes.

President Gunderson opened public testimony for the hearing and asked for the Applicant's presentation.

Sharon Gretch, 31649 Sexton Road, Philomath, OR said Planner Johnson did such a good job with the Staff report that her presentation would be redundant. However, she could answer questions. She also had some technical information about why Shively Park was chosen for the tower site, which has a lot to do with the removal of the tower at the Column. Without a tower at the Column, three other sites will be necessary to provide coverage to Astoria and improve services. She showed slides of maps of the current coverage supplied by the tower at the Column, coverage left when the tower at the Column is removed, and coverage supplied with the addition of the tower at Shively Park and all of the towers in Astoria, Warrenton, and Gearhart. Towers must be built at Shively Park, the Astor Hotel, and the Reservoir in order to replace the coverage lost by the removal of the tower at the Column. Since the City will have most of its facilities on the Reservoir tower, Verizon had to place its facilities on other towers in order to provide coverage to the area. Therefore, the tower at Shively Park is critical.

Commissioner McHone asked how many Verizon towers were in Clatsop County. Ms. Gretch said there were at least four, plus the tower at the Column. She added that Verizon advocated for a gray tower because in their experience, gray tends to blend in much better with the background. Gray also wears better as time goes on. Brown will stick out with all of the green coverage in the area. The tower will be painted brown if the HLC required it; however, from Verizon's experience, brown may not be the best choice.

President Gunderson called for any presentations by persons in favor of, impartial to, or against the application. Seeing none, she called for closing remarks of Staff. There were none. She closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner McHone said he appreciated all of the effort and years of service that have gone into making this decision. The towers are difficult to locate and no one wants them in their backyard. Considering the lack of locations and all of the groups involved in making this decision, he believed it was a good resolution, which he supported.

Commissioner Burns agreed. Many different parties have done a lot of due diligence and the tower has to go somewhere. Shively Park seems like a logical place to put the tower, so he was fine with the request.

Commissioner Stanley said it seemed that the City and Verizon have done a terrific job of putting the package together for the HLC and he was fine with a gray tower.

Commissioner Osterberg said he supported the application because it meets the criteria for approval and he agreed with the other Commissioners. Criterion B and C have only been broadly interpreted by Staff, which makes it easy for him see that the criteria have been met by the application. There are no visible structures near the proposed tower site, which leaves the HLC to review the impact to the general nature of the Park. There are improvements at the Park, but improvements are not structures. Criterion D is not listed as criteria that the HLC must review and is just for information only. Several items in the Staff report will be reviewed by the Planning Commission, but he appreciated that they were mentioned at this meeting. The letter from Mr. Zilli addresses a



blend of different criteria, some of which are reviewed by the HLC and some of which pertain to other sections of the Development Code. However, the Planning Commission should review Section 15 (Wireless Communication Facilities Ordinance) of the Development Code. He appreciated the items that the letter correctly brought before the HLC, but Mr. Zilli's comments have been adequately addressed in the Staff report. Staff has adequately determined that the tower will have a minimal impact on the surrounding area. He thanked Mr. Zilli for writing such a thoughtful and detailed letter that cited the criteria. He reminded that if this request is approved as proposed, the equipment enclosure and fencing would be painted a dark color, as per Condition 3 of Approval. He believed all of the Commissioners agreed with this. In his experience reviewing wireless communication facilities, the most appropriate way to color a tower has been to use a dark color on the bottom portion and a silver or gray on the upper portion. This allows the tower to blend in from various viewing angles. However, he did agree with the Staff report.

President Gunderson said she fully supported the request. Moving the City's emergency services where they need to be is very important. She deferred to Ms. Gretch with regard to the color because she is the expert in the field.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve New Construction NC15-03 by Verizon Wireless LLC, with the Conditions listed in the Staff report; seconded by Commissioner Stanley. Motion unanimously approved.

President Gunderson read the rules of appeal into the record.

Commissioner Caruana returned to the dais.

#### REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

Director Cronin updated the Committee on his work streamlining the Development Review process, noting that he planned to present findings and recommendations to the Commission in October. He also gave an update of the Affordable Housing Study and said he would like to schedule a work session with the HLC to get their input on the housing situation in Astoria.

President Gunderson asked for an update on the search for a Planner. Director Cronin said Staff has already scheduled about nine interviews and he hoped to conduct second interviews in the next couple of weeks. He planned to have a new Planner by November.

Commissioner Osterberg said he once hired a planner because he was the only applicant who had taken an application to the Land Use Board of Appeals (LUBA). This applicant had the experience of working with a City Attorney, appealing a City Council decision, and taking the application through the LUBA process. This experience differentiated him from the other applicants.

#### PUBLIC COMMENTS (Non-Agenda Items) – ITEM 6:

This item was not addressed.

#### ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:22 p.m.

#### **APPROVED:**



Community Development Director