



City of Portland, Oregon Bureau of Development Services Land Use Services

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

Date: Tuesday, April 7, 2009

To: Interested Person

From: Kate Marcello, Land Use Services

503-823-9162 / kate.marcello@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-102891 DZ

REPLACE 3 EXISTING ANTENNAS AND 2 FAUX VENT-PIPES WITH 3 NEW ANTENNAS AND 2 SQUARE-SHAPED SHROUDS

GENERAL INFORMATION

Applicant: Zach Phillips, PTS

1001 SE Water Ave, Ste 180 / Portland, OR 97214

(503) 232-5213

Owner: Paul Schneider, SMS Company LLC

30 NW 23rd Pl / Portland, OR 97210

(503) 224-0334

Site Address: 22-30 NW 23rd Place

Legal Description: TL 6400 BLOCK 5, BROOKVILLE

Tax Account No.: R109500170 **State ID No.:** N1E33CB 06400

Quarter Section: 3027

Neighborhood: Hillside, contact Gary Berger at 503-228-7606. Northwest District,

contact John Bradley at 503-313-7574.

Business District: Nob Hill, contact Kay Wolfe at 503-227-0898.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City Plan District, Goose Hollow Sub-district

Other Designations: C.M. Olsen Transfer and Storage Company Building; listed on

Portland's Historic Resource Inventory

Zoning: Central Commercial base zone (CX), Design overlay zone (d)

Case Type: Design Review (DZ)

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal: The applicant requests Design Review approval to replace existing telecommunications antennas and associated shrouds with new telecommunications antennas and shrouds on the roof

of the C.M. Olsen Transfer & Storage Company building, which is listed on the City of Portland's Historic Resource Inventory.

The three existing antennas were approved through LU 05-138675 DZ. Two antennas are located near the southern roof edge and are contained within a radio-frequency-transparent faux vent-pipe that shrouds them from view. The other antenna is located near the northern roof edge and is also contained within a faux vent-pipe that shields it from view.

The new antennas will be placed in the same locations as the existing antennas. The new antennas are wider than the existing antennas. Thus the existing faux vent-pipes will be removed and replaced with wider radio-frequency-transparent shrouding devices that can accommodate the wider antennas. The new shrouds will be composed of metal and will be square-shaped. They will be painted to match the color of the building. One shroud will be a 5'-3" square and the other shroud will be a 2'-6" square. Each shroud will rise above the existing parapet on the building by about 7'-6".

Because the proposal is for non-exempt exterior alterations to an existing building on a site with design overlay zoning in the Central City Plan District, Design Review is required prior to the issuance of building permits.

Relevant Approval Criteria:

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

- 33.825 Design Review;
- Central City Fundamental Design Guidelines; and
- Goose Hollow District Design Guidelines

ANALYSIS

I. Site and Vicinity: The subject site is located on the irregularly shaped block bounded by NW 23rd Place, NW Westover Road, NW 23rd Avenue, and W Burnside Street. The subject building was constructed in 1912 and is listed on the City of Portland's Historic Resource Inventory. The building is two stories tall. The main entrance is located on the NW 23rd Place frontage.

With regard to transportation, Portland's Transportation System Plan (TSP) classifies W Burnside Street as a Major City Traffic Street, Transit Access Street, City Bikeway, and Community Main Street. NW 23rd Place is a designated Community Transit Street and City Bikeway. NW Westover Road is classified as a Neighborhood Collector Street and City Bikeway. NW 24th Place is a Local Service Bikeway. The subject site is served by three TriMet bus routes: #20 Burnside/Stark, #18 Hillside, and #15 NW 23rd Ave/Belmont Street. The subject site is located in a TSP-designated pedestrian district – the Northwest Pedestrian District.

II. Zoning: The <u>Central Commercial (CX) zone</u> is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The <u>design (d) overlay zone</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

- III. Land Use History: City records indicate that prior land use reviews include the following:
 - <u>LUR 94-00189 AD</u>: Approval of Adjustment to landscaping standard.
 - LUR 94-00465 AD: Approval of Adjustment to landscaping standard.
 - <u>LUR 95-00129 AD</u>: Approval of Adjustment to parking standard; specifically, to reduce dimensions of parking stalls.
 - <u>LU 05-138675 DZ</u>: Design Review approval for two telecommunications antennas located near the southern roof edge, contained within a radio-frequency-transparent faux ventpipe; and one antenna near the northern roof edge, contained within a faux vent-pipe.
 - <u>LU 06-108167 DZ</u>: Design Review approval for a storefront remodel with the option of an eco-roof at the new canopy.
- IV. Agency Review: A Notice of Proposal in Your Neighborhood was mailed on March 2, 2009.
 - The following bureaus responded with no comments:
 - Portland Fire & Rescue:
 - Bureau of Environmental Services:
 - Urban Forestry Division of Portland Parks & Recreation; and
 - Development Review Section of the Bureau of Transportation.
 - One bureau responded with no objections to the proposal:
 - Portland Water Bureau.
 - One bureau responded with comments related to the building permit process, and with no objections to the proposal:
 - Life Safety/Building Code Section of the Bureau of Development Services.
- **V. Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on March 2, 2009. No written comments in response to the proposal have been received from the neighborhood association (Hillside Neighborhood Association) or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design district guidelines.

Findings: The site is designated with design overlay zoning (d). Therefore, the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental and Goose Hollow Special Design Guidelines.

Goose Hollow District Design Guidelines and Central City Fundamental Design Guidelines

The Goose Hollow District is envisioned to be a predominantly urban residential, transit-oriented community located on the western edge of the Central City between Washington Park and Downtown Portland. When riding light rail through the West Hills tunnel to the Central City, it is the first neighborhood experienced before entering downtown Portland. The Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter's Park. This is done by integrating the history of the community with its special natural and formal (man-made) characteristics.

The Central City Fundamental Design Guidelines and the Goose Hollow District Design Guidelines focus on four general categories. (A) Portland Personality, addresses design issues and elements that reinforce and enhance Portland's character. (B) Pedestrian Emphasis, addresses design issues and elements that contribute to a successful pedestrian environment. (C) Project Design, addresses specific building characteristics and their relationships to the public environment. (D) Special Areas, provides design guidelines for the four special areas of the Central City.

Goose Hollow District Design Goals

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

Central City Plan Design Goals

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts are as follows:

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- **7.** Provide for the humanization of the Central City through promotion of the arts;
- 8. Assist in creating a 24-hour Central City that is safe, humane and prosperous; and
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A4. Use Unifying Elements.

Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

C4. Complement the Context of Existing Buildings.

Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4, C4: The proposed radio-frequency-transparent shrouding devices will be square-shaped to correspond to the orthogonal character of the subject building and existing rooftop elements, such as penthouse structures and mechanical units. The shrouds will also be painted to match the color of the building. The square shape and matching paint color will help the shrouds to blend with the building. This is consistent with the overall character of the surrounding Uptown Shopping Center area, where it is desirable that rooftop mechanical equipment result in as little visual obtrusion as possible. With the condition that the shrouds be painted to match the color of the building, these quidelines are met.

B2. Protect the Pedestrian.

Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest,

and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings for B2: The proposed antennas and associated shrouds will be located on the rooftop of the subject building, about 36'-0" above surrounding public sidewalks. The shrouds will appear as square-shaped rooftop elements, similar in shape to the existing penthouse structures and mechanical units on the rooftop. The shrouds will be painted to match the color of the building, also lessening their visual impact. The location of the shrouds and associated antennas well above surrounding sidewalks, coupled with the shape and color of the shrouds, protect the pedestrian environment from detrimental visual effect. With the condition that the shrouds be painted to match the color of the building, this guideline is met.

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

Findings for C2: The proposed shrouds and associated antennas will be located on the rooftop, adjacent to existing mechanical equipment and other rooftop elements such as penthouses. One shroud, containing two antennas, will be located in the northern portion of the rooftop. The nearest roof edge will be about 6'-0" away. The other shroud, containing one antenna, will be located in the southern portion of the rooftop. The nearest roof edge will be about 8'-6" away. These are the same locations as those previously approved for telecommunications antennas. The northern shroud will be a 5'-3" square and the southern shroud will be a 2'-6" square. The shrouds will be made of metal. Their square shape will correspond with the orthogonal shape of existing rooftop elements. The shrouds will be painted to match the color of the building.

These design strategies – location on the rooftop, adjacent to existing mechanical equipment and other rooftop elements, and in the same locations as previously approved antennas; appropriately durable metal material; square shape; and matching paint color – ensure that the proposed shrouds and associated antennas are a respectful addition to the subject building, thus conveying quality and permanence in development. With the condition that the shrouds be painted to match the color of the building, this guideline is met.

C3. Respect Architectural Integrity.

Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency.

Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops.

Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for C3, C5, C11: The addition of two shrouds to the subject building – one containing one antenna and the other containing two antennas – will not significantly impact the building's original character or overall architectural integrity. The shrouds will not be easily viewable from the surrounding sidewalks, as they will be located about 36'-0" above the pedestrian environment. They will also be set back from the edges of the rooftop. The northern shroud will be about 6'-0" away from the nearest roof edge and the southern shroud will be about 8'-6" from the nearest roof edge. To mitigate potential visual impacts, they will

be painted to match the color of the building. Additionally, the shrouds will be square-shaped to correspond to the orthogonal character of the subject building and existing rooftop elements, such as penthouse structures and mechanical units. Furthermore, the shrouds will be relatively modest in size: one will be a 5'-3" square, and the other will be a 2'-6" square. These sizes are significantly smaller than existing rooftop elements, and at 7'-6" above the existing parapet, the shrouds will be no taller than existing rooftop elements. The location of the shrouds and associated antennas and the shrouds' shape, size, and color ensure that they will not detract from the design coherency of the existing building. With the condition that the shrouds be painted to match the color of the building, 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 development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed shrouds and associated antennas will not impact the building's original character or architectural integrity. The square shape of the shrouds and their matching paint color will help to integrate them with the rooftop of the building, resulting in relatively modest additions to the rooftop. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of changes to a telecommunications antenna installation in the Goose Hollow Sub-district of the Central City Plan District, which include the following:

- Two antennas within a 5'-3"-square shroud that rises 7'-6" above the existing parapet, painted to match the building, about 6'-0" from the northern roof edge, and
- One antenna within a 7'-6"-tall, 2'-6"-square shroud that rises 7'-6" above the existing parapet, painted to match the building, about 8'-6" from the southern roof edge.

Approval per the approved plans and drawings, Exhibits C-1 through C-4, signed and dated April 3, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the four required 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 09-102891 DZ." All requirements must be graphically represented on the site plan landscape, or other required plan and must be labeled "REQUIRED."
- B. The shrouds shall be painted to match the color of the building.

Decision rendered by	7:	_ on April 3, 2009
Ţ	By authority of the Director of the Bureau of Development	Services

By authority of the Director of the Bureau of Development Services

Decision mailed: April 7, 2009

Staff Planner: Kate Marcello

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 January 16, 2009, and was determined to be complete on **February 25, 2009**.

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 January 16, 2009.

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.

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on Tuesday, April 21, 2009 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some

information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after Wednesday, April 22, 2009 (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

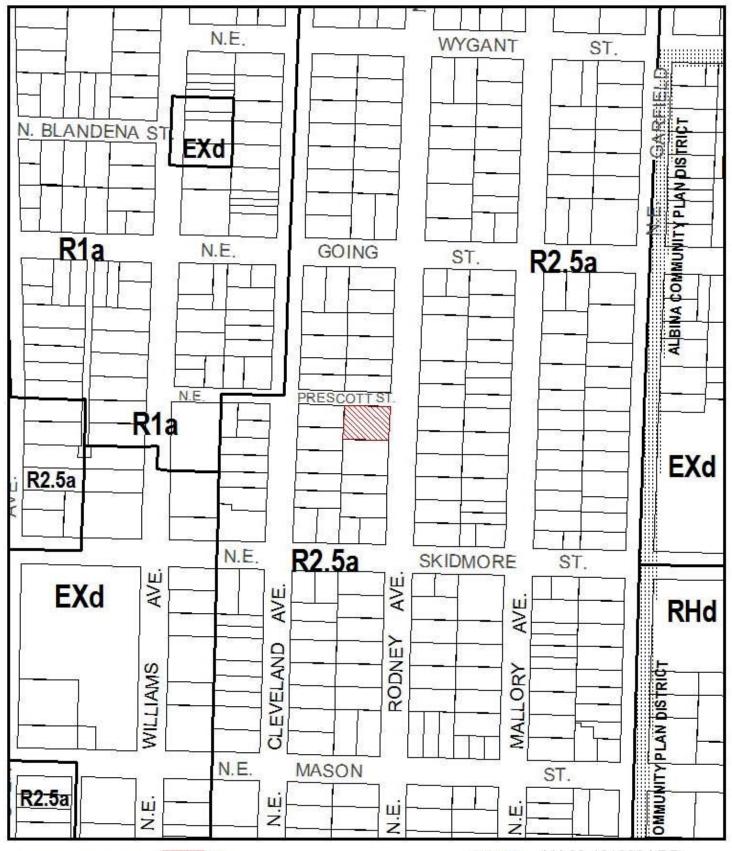
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Plan (attached)
 - 3. South and East Elevation Drawings (attached)
 - 4. North and West Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Bureau Responses:
 - 1. Portland Water Bureau
 - 2. Life Safety/Building Code Section of the Bureau of Development Services
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING Site



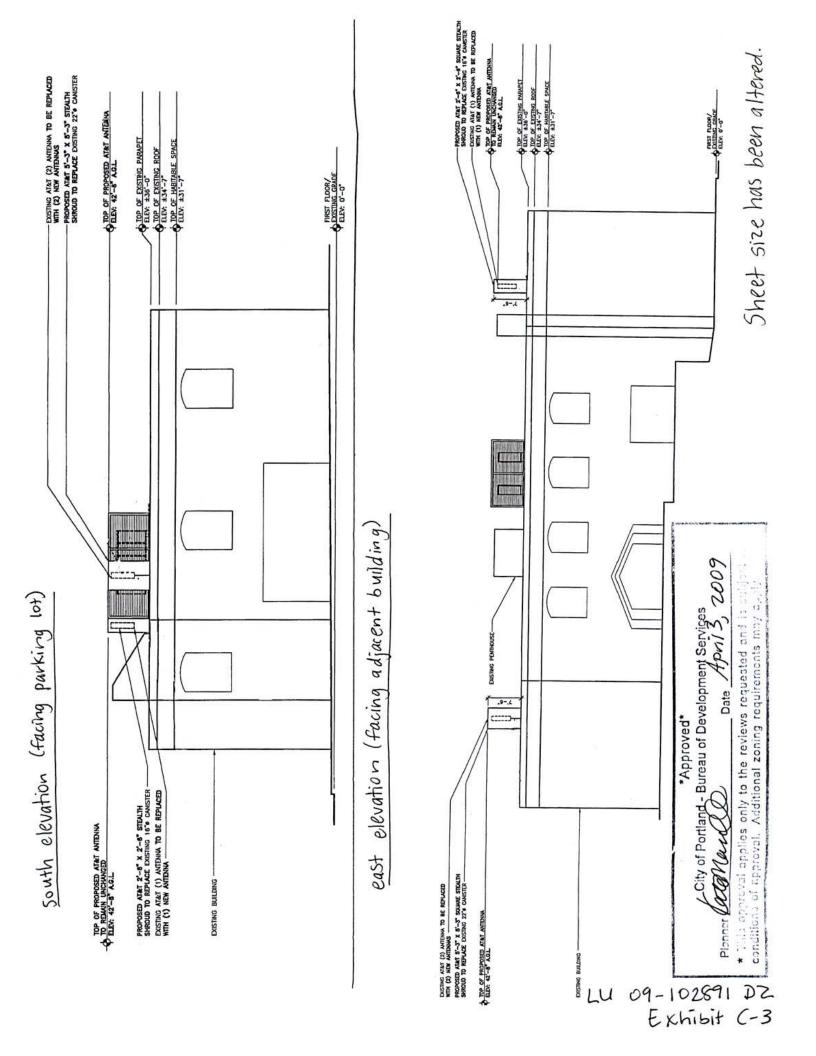
LU 08-101696 LDP File No. 2630 1/4 Section 1 inch = 200 feet Scale 1N1E22DA 3600 State Id В (Feb 25, 2009) Exhibit.



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OLEY 124-7 Date April3, PROPOSED ATAT 6'-3" X 6'-3" SQUARE STEATH SHROUD TO REPLACE EXISTING 22" CANSTER -EXISTING ATAT (2) ANTENNA TO BE REPLACED WITH (2) NEW ANTENNAS Sheet size has been altered. *Approved* TOP OF PROPOSED ATAT ANTENNA PLEN: 42'-8" A.G.L. O TOP OF EMSTING PRADET

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FIEN: 42'-8" A.O.L. EXISTING AT&T (1) ANTENNA TO BE REPLACED WITH (1) NEW ANTENNA -PROPOSED ATAT 2'-6" SQUARE STEALTH SANDUD TO REPLACE EXISTING 16"0 CANISTER TOP OF PROPOSED ATAT ANTENNA O TO REMAIN UNCHWISED O ELEY, 42'-8" AGL EXISTING AT&T (1) ANTENNA TO BE REPLACED WITH (1) NEW ANTENNA -EXISTING BUILDING 09-102891 DZ Exhibit C-Y EXISTING BUILDING