

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers
October 15, 2013

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, Thomas Stanley, Paul Caruana, Mac Burns, and Kevin McHone.

Commissioners Excused: Vice President Michelle Dieffenbach

Staff Present: Community Development Director Brett Estes, City Attorney Blair Henningsgaard, and Planner Rosemary Johnson.

APPROVAL OF MINUTES – ITEM 3(a):

President Gunderson asked if there were any changes to the minutes of August 20, 2013. There was none. Commissioner Stanley moved to approve the minutes of August 20, 2013 as presented; seconded by Commissioner Burns. Motion passed unanimously.

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):

MR 13-01 Miscellaneous Review MR 13-01 by Paul van der Veldt to paint a mural on the west elevation of the existing commercial building at 1598 Duane Street in the C-3, General Commercial, Zone.

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

Planner Johnson presented the written Staff report, noting Staff recommended approval with conditions. No correspondence has been received.

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

Paul van der Veldt, 1598 Duane Street, Astoria, stated he had wanted to have the mural painted for many years. He and the building are the same age.

President Gunderson called for any presentations by persons in favor of, impartial to or against the application. There were none. She confirmed there were no closing remarks from Staff and then closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Caruana and President Gunderson stated they would like the mural to be bigger. Being 2-1/2 ft tall for the distance would seem inadequate. Planner Johnson said the Commission could add a condition that would allow a mural up to a certain size, but the Commission should also state if the proposed size would be acceptable.

Commissioner Burns said he would like to see the mural at any size and would support allowing the Applicant and the artist to decide the final size up to what the Commission believed was acceptable. Commissioner Osterberg agreed, adding he would like to see a bigger mural if it is possible. It would be nice to see a painting like this in the community.

Commissioner Osterberg said that since the Commission is considering the addition of a condition that changes the nature of the application, the Commission might want to reopen public testimony in case the public wanted to comment on the amended application.

President Gunderson reopened public testimony and called for anyone wanting to speak about increasing the size of the mural to come forward.

Michael de Waide, Post Office General Delivery, Astoria, stated that the width of the mural would be the same width as the scaffolding.

President Gunderson closed public testimony and called for further Commission discussion and deliberation. She added that she would like to allow a larger mural.

Commissioner Burns stated he was fine with the application as is, but would approve of a mural twice the proposed size. It is nice to see things in town that are fun to look at.

Commissioner Osterberg believed doubling the size of the mural would be reasonable, which would be 30 feet by 5 feet and would fit within the 50-foot building elevation width. The Applicant could choose whether to take advantage of the larger size allowance.

Commissioner Osterberg moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Miscellaneous Review MR 13-01 by Paul van der Veldt, with the following addition to the Conditions:

Page 3, Section IV.C.a, Paragraph 2, add the last sentence "Due to the size of the wall, the HLC finds that the graphic could be up to double the size (5'x30') at the discretion of the applicant."; and

Page 7, add: "2. The wall graphic may be larger, up to twice the proposed size at 5' x 30' at the discretion of the applicant."

Motion seconded by Commissioner Caruana. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

ITEM 4(b):

EX 13-06 Exterior Alteration EX 13-06 by Karl F. Johnson to add a second story deck with a steel spiral staircase and steel balustrade on the rear of an existing single family dwelling at 674 17th Street 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.

Commissioner Osterberg declared an ex parte contact, explaining that his neighbor, Melissa Yowell, began speaking to him about this project out on the sidewalk about a month ago. He stopped Ms. Yowell and told her that he was unable to talk to her about the project, as it may come before the HLC. Commissioner Osterberg stated he was prepared to act in an impartial manner and was willing to hear the evidence with an open mind.

Commissioner Stanley declared that he volunteered with Ms. Yowell at the Liberty Theatre, but he had not discussed this application with Ms. Yowell and had no prejudice or thoughts about the project.

President Gunderson called for a presentation of the Staff report.

Planner Johnson presented the Staff report and recommended denial of the application. Two letters have been received; a letter from Melissa Yowell, who lives adjacent to the Applicant; and a cover letter with multiple property owners in the neighborhood who had signed supporting Ms. Yowell's letter.

Commissioner Osterberg noted that the historic inventory conducted in 2000 referred to an existing wood deck. He understood this deck was on the first floor, or was a lower deck. Planner Johnson stated that was correct, adding that deck was not highly visible from the street and did not have wooden sides. She confirmed that this preexisting deck was not included in the Commission's review of this application because that deck was present at the time of designation. The second story deck, walls, and spiral staircase were the only features being considered during this public hearing.

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

Karl Johnson, 674 17th Street, Astoria, stated the house had been condemned by the City a few years before he purchased it in 1978. Since then, he has been working on the house off and on and all his work has been fantastic. The walls were preexisting and have been in place since about 1979. The north wall was blown down during a storm in the 1990s and has been rebuilt, but it has always been there. These walls do not support the deck. A picture on Page 5 of the Staff Report shows metal pipes. He explained that a 32-foot long steel I-beam is encased in wood. The round pipes are molded into other piping, which is heavy-duty concrete reinforced under that, so he has always intended to build the deck bigger. The beams and black pipes have been there for the last 10 years, he just finally moved them. He directed the Commissioners to the bottom right corner of Page 7 in the Staff Report, noting the microwave dish that used to be there, but now it could not be seen. The view from the street is much better now than it was before. In the middle picture on the left of Page 7 in the Staff Report, the spiral staircase is not visible, except from Melissa Yowell's porch. The Exchange Street view shows the existing deck and the ridge at the top of the addition, which extends three quarters the length of the deck. Issues with the metal balustrades can be easily rectified by covering them to make them more presentable. He noted the photo on Page 5 and explained that the stairs include 26, 2 foot by 12 foot pressure-treated stringers that were installed with hurricane straps. He does not plan to tear them down, despite the cease and desist order. He has put too much time and money into the project. The I-beam supports the pipes and the pipes hold the staircase together. The entire staircase, including the stringers, is welded together; it is not coming down.

Commissioner Caruana asked if the staircase was engineered. Mr. Johnson stated that he engineered the staircase himself, but he is not an engineer. The steps were created by a fabrication shop.

Commissioner Osterberg asked Mr. Johnson to elaborate his response to Criterion 5 of the exterior alterations on Page 2 of the application. He quoted the language stating, "Distinctive stylistic features or examples of skilled craftsmanship which characterize the building, structure or site shall be treated with sensitivity". Mr. Johnson said that several years ago, he spent five years repainting the house. Commissioner Osterberg asked Mr. Johnson to relate his comments to his current work on the second floor deck. Mr. Johnson replied that the contention seemed to regard the handrail more than anything else and he could change the handrail by covering it up with wood; much of what the City is requesting is easily rectifiable. The intent was to create an area that would remain dry during the winter months. Instead of removing the pipe that held the microwave dish, he decided to build a spiral staircase with it. The property looks much better now than it did with a 10-foot satellite dish hanging there. Page 7 of the Staff Report shows where the dish used to be. The perspective shown on Page 7 does not exemplify what an eyesore the dish was.

Commissioner Burns asked if plans had been presented to Staff prior to starting construction, would Staff have been able to work with the Applicant to design the project appropriately. Planner Johnson replied that Staff would have offered the services of a historic building consultant to assist with design and material choices. She confirmed that had the Applicant followed the City's regulations, this recommendation could have been avoided.

President Gunderson referred to Criterion 1 of the exterior alterations on the second page of the application, noting that Mr. Johnson's alterations are not of the Queen Anne style. Mr. Johnson responded that the deck has been part of the property since 1978 or 1979. He just added a roof over the deck.

Commissioner Caruana understood that the roof is also a second floor deck. Mr. Johnson confirmed this and added that the project is almost complete. He was unaware that he needed permits; he had completed a roofing

project in 1996 and was never told then that permits were necessary. The roofing project was much more extensive than his current project. His current project was almost complete when he was asked to stop work on the addition.

President Gunderson noted Mr. Johnson was advised on June 26, 2013 to stop the work until necessary permits were obtained. Photos and plans were submitted on July 5, 2013, but the work continued. Mr. Johnson asked who claimed that the work had continued. President Gunderson noted that the Staff Report stated that work on the deck continued and Staff advised Mr. Johnson by phone on July 12, 2013, and by letter, that he needed to submit an application for historic review of the proposed deck. Mr. Johnson believed Melissa Yowell had claimed that the work continued. President Gunderson continued, stating the City continued to receive complaints that work was continuing, so a subsequent letter was sent on September 4, 2013, advising that all work should cease until permits were issued. The exterior alteration request was submitted on September 13, 2013. She explained that Mr. Johnson had violated the City's regulations after being made aware that permits were needed. Mr. Johnson responded he had made his property safe. President Gunderson said she was concerned about safety because Mr. Johnson is not an engineer and the deck is cantilevered over a hill in a city that slides. Mr. Johnson replied the deck is not cantilevered, and is also built with steel and concrete. He invited her to visit the property. President Gunderson stated she is not an expert in that field.

Commissioner Burns asked if the wall of the first floor shown in the photograph on the top right of Page 7 was in place when he bought the house. Mr. Johnson clarified that he built that wall before 1980. The wall blew down during a storm and was reconstructed almost exactly as the original. He confirmed that the deck does not extend beyond the width of the house, but sits a foot short of the plane on the north side of the house and within the boundary of the double windows.

President Gunderson called for any presentations by persons in favor of, impartial to or against the application.

Bill Bender, 1711 Grand Avenue, Astoria, spoke against the application stating that the addition looks ugly compared to the rest of the house. He can see it as he drives by on 17th Street. On the way toward the hospital, the addition looks like a bunker and is completely inappropriate. The addition should not be allowed.

Joy Brewer, 1607 Grand Avenue, Astoria, opposed the application stating that she and her family have lived in their home since 1977. She commended Mr. Johnson on his past efforts, which have been significant. The house was in shambles and she has frequently discussed with her husband the good job that Mr. Johnson has done on the property. She noted everyone at the hearing has a commitment to improving their homes, and Mr. Bender and Ms. Yowell have done good work on their homes. She objected to the application because, in addition to the Staff findings, Mr. Johnson failed to follow the permitting process. She believed Mr. Johnson acted egregiously, given the number of times that he was contacted by Staff. She was also concerned about safety even though Mr. Johnson stated the deck was overbuilt. The wide gaps in the railings on the 18- or 20-foot high deck are horrific and need to be addressed irrespective of its historic attributes. She agreed with Mr. Bender that the deck is not suitable to the house. While she could not identify the architectural style, she could tell the deck does not match the historic integrity of the house. She added that her biggest issue with the project is that her neighbor, Ms. Yowell, has lost her view of the Columbia River from her porch. Ms. Yowell spent a lot of money on her porch. She believed neighbors in such a beautiful area must protect the view of the house above, which is why she plants lower growing trees instead of Spruce trees. She added that Ms. Yowell has displayed an unbelievable amount of energy and personal finances in maintaining the architectural integrity of her home, which was built by her ancestors. With the exception of one generation, the house has always been occupied by Ms. Yowell's family. What happens around a home affects the home itself. She noted Ms. Yowell would be at the hearing to testify if she were able.

President Gunderson called for rebuttal by the Applicant.

Mr. Johnson stated that there was no way his deck interferes with Ms. Yowell's view of the Columbia River, noting that her view is the same as it was before the deck was built. The deck sits back from the house and there is another house to the north of Mr. Johnson. There is no obstruction of the view.

President Gunderson noted that the HLC does not consider views and called for closing remarks from Staff.

Planner Johnson recalled that Mr. Johnson stated the preexisting wall had been rebuilt after being blown down in 2007. She noted that this would have required a building permit and historic design review. The microwave dish installed on the property in 1998 would have also required a permit and a microwave permit. None of these were obtained. Mr. Johnson stated the microwave dish was installed in 1995 or 1996. Planner Johnson noted permits still would have been required.

President Gunderson closed the public testimony portion of the hearing and called for Commission discussion and deliberation. She reminded the Commission to review the application as though no work has begun.

Commissioner Burns confirmed that the design would be the images of the completed deck as no other designs are being proposed.

The Commission agreed that discussing the Applicant's failure to obtain permits is not relevant to a review by the HLC. While this issue is relevant to the City, it is not relevant to the HLC's review of the project's compliance with the exterior alteration approval criteria.

Commissioner Osterberg noted Staff has found that the project meets a majority of the criteria for approval, but Criteria 5 and 9 have not been met. He believed the Commission should focus on these criteria.

Commissioner Caruana stated if the photographs were drawings or renderings of a proposed deck, he would say the deck does not meet the criteria due to the size and scale of the project and lack of appropriate design. Commissioner Stanley added that he would ask the Applicant to meet with Staff to develop plans that would meet the criteria for approval.

Commissioner Osterberg noted the Applicant's testimony identified some changes he could make to the structure in order to improve its appearance and compatibility to meet the criteria for approval, like making changes to the metalwork and adding wooden detailing or ornamentation. However, no information about these changes has been submitted for review, so no real weight can be given to these changes. The Applicant could proceed by meeting with Staff to discuss this further.

Commissioner Burns agreed the Commission did not have enough information to consider an alternative railing, as none was proposed in the Staff report. The project seems inappropriate and like a harsh intrusion.

Commissioner McHone noted that the HLC has been understanding in the past about in addressing some of the criteria when the visual impact is limited to the owner of the property. However, the scale of the project and its presentation to the neighborhood is not an issue that can be overlooked.

President Gunderson agreed with the Commissioners. She understood the Commission could move to require the Applicant to remove the deck or modify the plans to comply with the criteria for approval. Planner Johnson suggested the Commission vote on whether the application, as submitted, is acceptable. The Commission could then direct Staff and/or the Applicant to submit a new application with an alternative design. She asked that the Commission include a deadline for the new application.

City Attorney Henningsgaard stated that once a permit is denied and the Code enforcement process would apply at that point.

Commissioner Caruana believed the building permit would be denied based on structural integrity. The project would have to be reviewed by an engineer and go through the permit process.

Commissioner Caruana moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and deny Exterior Alteration EX 13-06 by Karl F Johnson; seconded by Commissioner Stanley. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

Commissioner Stanley stated that he was proud and pleased to be part of the community. He thanked Staff and Dulcye Taylor for their work on the Main Street Conference, which was fantastic.

President Gunderson said the Main Street Conference was a great event and Astoria really shined. The City was commended by its peers many times during each session for its relationship with the Astoria Downtown Historic District Association. The City is very involved and easy to work with, which as she learned at the conference, is not the norm. She thanked Staff, noting that they made Astoria look good at the conference.

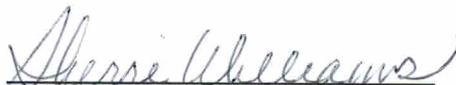
STATUS REPORTS – ITEM 6(a):

Planner Johnson reviewed the status report photographs of the following: EX 12-05 for 659 31st Street. The project is complete or near completion and conditions have been met. These status report photographs are for Commission information only.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:18 p.m.

ATTEST:


Secretary

APPROVED:


Community Development Director /
Assistant City Manager