

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers

July 16, 2013

CALL TO ORDER – ITEM 1:

A regular meeting of the Astoria Historic Landmarks Commission was held at the above place at the hour of 5:17 p.m.

ROLL CALL – ITEM 2:

Commissioners Present: President LJ Gunderson, Vice President Michelle Dieffenbach, Commissioners Jack Osterberg, Thomas Stanley, and Mac Burns.

Commissioners Excused: Kevin McHone

Commissioners Absent: Paul Caruana

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

APPROVAL OF MINUTES – ITEM 3(a):

President Gunderson called for any changes to the June 18, 2013 minutes. There were none. Commissioner Stanley moved to approve the minutes of the June 18, 2013 Historic Landmarks Commission meeting; 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):

HD 13-02 Historic Designation HD13-02 by Jerry Ostermiller and Lynn Johnson to designate the existing single family dwelling as historic at 390 Franklin in the R-2, Medium Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (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. President Gunderson declared that she is a neighbor and friend of the Applicants. She and the Applicants have not discussed the application and her relationship with the Applicants will not affect her decision. Commissioner Burns declared that he and Mr. Ostermiller had been colleagues when Mr. Ostermiller was at the Columbia River Maritime Museum, but he can be impartial in this matter. President Gunderson requested a presentation of the Staff report.

Planner Johnson presented the Staff report, noting one letter of objection had been received from George McCartin that was not received in time to include in the Staff report. Copies of the letter were distributed to the Commissioners. Mr. McCartin objects to the alterations that have been done to the building, including the carport, and does not consider this style of building to be historic. Staff recommends approval of the request.

The Commission reviewed the letter of objection from Mr. McCartin. President Gunderson opened public testimony for the hearing and asked for the Applicant's presentation.

Lynn Johnson, 390 Franklin, Astoria, believed the house is historic because it is one of the first passive solar houses in Astoria. The design is from an Astoria architect and the first female architect in Oregon. The house looks like a doublewide mobile home from the street; however, the interior of the house is amazing. The interior includes Douglas fir beams, mahogany paneling, and huge windows. The Applicants believe it is a historic house by now in Astoria. She believes the carport was part of the original design as it was included in the blueprints and

the builder's specifications. The deck that is visible from the street was replaced when the Applicants moved into the house. The original deck was an enclosed deck located in the small area in between the two wings. Another deck located to the east was falling apart when the Applicants moved in, so they replaced that deck. A new roof has been installed, but it has not changed anything about the house. The Applicants have done some painting, added new carpet, and installed a new furnace and water heater, but everything else is essentially as they found it; they are the second owners of the house. They were surprised to find the blueprints and builder's specifications in the house when they moved in.

Commissioner Osterberg asked if the Applicant believed the carport conforms to the plans included in the Staff report labeled South Elevation. Ms. Johnson answered yes, noting Blair Henningsgaard was in Astoria when the house was built and should remember whether the carport was built with the house or added later. She confirmed that the carport looks exactly like the plans. Commissioner Osterberg understood that the carport was built some time after the house, but was constructed according to the original architectural plans. Ms. Johnson believed the carport was built at the same time as the house because it is connected with stairs that go up to the house. Also, a 6 foot by 20 foot storage area was built on the carport. The original plans called for a doorway and walkway from the southwest bedroom to the top of the carport and a deck on top of the carport, which was not constructed. She is certain that the carport and storage area were built at the same time because they are connected with the sloping driveway.

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

Blair Henningsgaard, 1482 Jerome, Astoria, spoke impartial to the application. He said he remembered when the house was built. The construction was of note in the community because of its location, and because the architect and the owner of the house were famous in the community. As a child, he would watch the construction of the house because there was a lot of public interest in it, as the house does not look like other houses in Astoria. The carport has always been part of the property. During that time, cars were longer, and a longer car would not be able to drive up the driveway on the east side.

Elaine Saunders, 2854 Grand, Astoria, asked if the house had sliding windows. Ms. Johnson replied the house has one sliding door that opens to the patio. Ms. Saunders said her issue was trying to adhere to other homes that are historic in the area where she would be building, and one item was no sliding windows. She asked how approving the designation may affect someone wanting to build something in Ms. Johnson's neighborhood. Could another house of the same style be built in the neighborhood or one that looks like homes that one would normally consider historic? Planner Johnson explained that new construction in a historic neighborhood must be compatible with adjacent historic properties. Staff considers specific features of multiple historic properties in an area. Sliding windows would not be approved in the Adair-Uppertown neighborhood, which is Ms. Saunders' neighborhood, as there are no mid-century designated homes in that area. In the Hobson-Flavel neighborhood, a more modern house compatible with Ms. Johnson's home would be acceptable. Criteria are specific to each neighborhood and building, not to the entire city. Ms. Saunders noted that unfortunately, the home next to hers has sliding windows, but it is not a historic property. Director Estes added that historic homes that are more modern require a different approach. Homes built in the 1950s and 1960s are now eligible to become designated as historic. Any home at least 50 years old and of historic significance is eligible for historic designation.

President Gunderson called for any closing remarks from Staff. Planner Johnson noted that she only included one page of the plans in the Staff report; there were other parts to the permits. Also, everything displayed on the computer monitor is included in the Staff report, so there is nothing to add to the record.

President Gunderson closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

Commissioner Stanley stated the HLC has approved historic designations of homes that have had changes and additions over time, which became part of the history of the house. He appreciated the letter of objection as it shows concern for Astoria's heritage. However, part of Astoria's heritage is changes. He sees changes and additions to this property as part of the history of the home therefore, he supports the application.

Vice President Dieffenbach believes the house, because of its history and style, is a wonderful example of the Pacific Northwest Regional style. The home has a place in history and she supports the application.

Commissioner Osterberg supported the application as all the requirements for being included as a historic landmark have been met. He disagreed with comments in the letter of opposition about the style of the home. Including mid-century modern architecture and not focusing on Victorian and Craftsman era homes is good for Astoria. He hopes to see more good examples of mid-century modern architecture. Regarding Mr. McCartin's objection to the carport, he stated that the carport appears to have been originally conceived by the architect and appears to be built exactly as planned. While he appreciates Mr. McCartin's thoughtful letter, he does believe the historic designation is appropriate.

Commissioner Burns agreed, adding that it is exciting to recognize historic styles other than Victorian. Ebba Wicks Brown is significant to the history of Oregon and he supports the application.

President Gunderson echoed the comments made, adding it is exciting to start considering different styles of architecture. She supports the application.

Vice President Dieffenbach moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Historic Designation HD13-02 by Jerry Ostermiller and Lynn Johnson; seconded by President Gunderson. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

ITEM 4(b):

NC 13-03 New Construction NC13-03 by Elaine Saunders to construct a two-car garage with a studio above for an existing two-family dwelling at 2854 Grand in the R-2, Medium Density Residential zone.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (HLC) 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 requested a presentation of the Staff report.

Planner Johnson presented the Staff report, which recommends approval with conditions. Because the 5-foot or 10-foot setback would be compatible with the other setbacks of historic and non-historic properties in the area, Staff recommends that the approval include either the 5-foot or 10-foot setback, depending on the variance approval. One piece of correspondence has been received, which is included in the packet.

Commissioner Osterberg noted that Franklin Avenue was referenced on Page 3 of the Staff report. Planner Johnson agreed the sentence "The rear yard is not visible from Franklin but is visible from the alley." should be removed.

Commissioner Osterberg understood why Staff recommended Conditions 1 and 2; however the Finding for Criterion B is that the proposed structure is compatible. He asked if Staff meant that the proposed structure would be compatible upon the adoption of Conditions 1 and 2. Planner Johnson confirmed that is correct and added language to the last paragraph of Criterion B on Page 6 stating, "With the conditions noted, the proposed structure".

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

Elaine Saunders, 7541 SW Capitol Hill Rd, Portland, OR stated she was available to answer questions.

Commissioner Osterberg noted that two different garage styles appear to be shown on Page 2 of the Staff report. He asked which style is being proposed, or if the Applicant is asking the HLC to consider both styles. Ms. Saunders explained the elevation drawing was taken from a packaged plan, which she discussed with Planner Johnson. She clarified that she wants lights so she is proposing that shown in the bottom drawing.

Commissioner Osterberg recalled Ms. Saunders describing how she would paint or treat the door in some way to make it appear to be two smaller doors. Ms. Saunders answered yes, she would have done that; she was unsure what type of doors would be available, but would like the 16-foot door to appear as two separate doors, as shown

in the picture. Commissioner Osterberg said she would have to find out what the manufacturer can produce or just paint the door.

Ms. Saunders asked what Condition 2 stated. Planner Johnson replied that the windows must be installed to the same historic depth, how far in the windows are from the plane of the house, so that the glass is not in line with the plane of the house, but setback.

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

The Commissioners concurred with the recommendations by Staff.

Commissioner Osterberg moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report with the following corrections: Page 3, Paragraph 1, delete Sentence 2. Page 6, Paragraph 4, add: "With the conditions noted, the proposed structure", and approve New Construction NC13-03 by Elaine Saunders; seconded by Commissioner Burns. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

Ms. Saunders asked if her house on Grand was considered historic. Planner Johnson replied the house is designated as historic. Ms. Saunders asked why the house at 390 Franklin was not automatically designated as historic. Planner Johnson explained that entire neighborhoods are inventoried periodically. The Adair-Uppertown neighborhood was recently inventoried and about 170 buildings were designated as historic. In addition to designations resulting from an inventory, an individual property owner can apply for the historic designation. The Hobson-Flavel neighborhood has not been inventoried, so the prior agenda item applicant, Ms. Johnson, requested an individual designation.

Ms. Saunders asked if Staff would deal with the variance, noting she believes her neighbors were concerned about the garage being 5-feet from the sidewalk. Planner Johnson replied Staff would discuss the variance issues with Ms. Saunders separately. Director Estes added that variances are approved via a separate process.

ITEM 4(c):

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A 13-03 Amendment A 13-03 by Brett Estes, Community Development Director, City of Astoria, to amend Development Code Article 6, Historic Properties, to include the new State classification terms for historic properties; to establish Type I, II, and III permit levels of review to allow more administrative review, City Wide. Staff recommends that the Historic Landmarks Commission forward the amendment to the City Council for adoption.

President Gunderson asked if anyone objected to the jurisdiction of the Historic Landmarks Commission (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 and recommendations.

Planner Johnson presented the Staff report along with additional amendments that she made after the meeting packets were distributed. Copies of the amendments, which were based on Commissioner comments over the last few days, were distributed to the HLC.

- She explained that in response to Commissioner comments, Staff worked to tighten up some of the more subjective Code sections that did not have clear and concise criteria so they were more in line with land use regulations. She reviewed some the new Code changes with these comments:
 - Criteria were added for Historic Designation. These criteria, which were taken from the evaluation sheet used when doing historic designations, must be in compliance with the Comprehensive Plan.
 - Section 6.050.C.2 regarding Type I permits was amended to clarify that criteria must be addressed.

- In Section 6.050.C.2(a)(1), the term “highly visible” which is discretionary, has been removed. Language was also added stating, “Mechanical equipment or other items on a street elevation may be up to one square foot.” Therefore, anything larger would have a more detailed review.
- Section 6.050.C.2(a)(3) was amended to state, “Will not result in an increase in the envelope.” Envelope is now defined as the exterior of the enclosed building, which would exclude decks and stairs.
- In Section 6.050.C.2(f), the reference to T1-11 skirting was removed as it is a product name brand. Because more modern buildings are coming in that may have used more contemporary materials, language was added stating, “Skirting must be compatible with the structure.”
- Section 6.050.D clarified that all of the criteria must be met and the first sentence amended to state, “Projects that are limited in scope or an alteration of less than 10% of the footprint that meets the criteria below are classified as Type II Certificate of Appropriateness permits.” Footprint is defined to include all structures built 12 inches above grade; therefore, footprint would include stairs, decks, and anything on the outside of the building.
 - Type II permits come before the Historic Preservation Officer for review and allow for up to a 10% increase in footprint on the rear or non-visible elevations. Additionally, the envelope of the building cannot be increased.
- Section 6.050.D.2(e) was amended to allow the Historic Preservation Officer to review changes to an existing, non-conforming deck of less than 10%; otherwise, changes will come to the HLC.
- Section 6.050.D.2(j) was amended to allow a Type II review through the Historic Preservation Officer for improvements, including new design, size or material, that are consistent with existing historic features, including those that are an improvement compared to what currently exists. Currently, the Code requires any proposals that are a historical improvement to come before the HLC.
 - Public review will still be required.
 - “Consistent with” is now defined, per the Historic Preservation Ordinance, as, “Similar to the original historic feature in design, size, and raw material, or would meet the commonly acceptable intent of the original feature.” Department of Land Conservation and Development (DLCD) representative Patrick Wingard advised Staff that this definition would be appropriate to remove the discretionary element while still provide flexibility.
- In Section 6.050.F, a sentence was deleted from the second paragraph about the criterion/guidelines/standards for exterior alteration is not an exclusive list as this opens up the number of things that can be reviewed.
- Staff recommends that the HLC forward the proposed amendments to the City Council with a recommendation for approval.
- Additional correspondence has been received that is not contained in the packet; a letter from George McCartin citing concerns with solar energy and requesting that the HLC require disclosure of historic designations as part of real estate transactions.
 - She explained that concerns regarding solar energy will be addressed under a separate Code amendment. A solar energy code will be presented to the Astoria Planning Commission in the next few months for consideration and recommendation to City Council. The proposed code includes criteria for applying solar energy to historic properties. These criteria, which are based on National Park Service and State Historic Preservation Office recommendations regarding applications of solar energy, were reviewed by the HLC in 2012.
 - Real estate laws require disclosure of any information that is known about a property. However, some realtors and property owners are unaware of historic designations. State law prohibits the addition of historic designation to the deed or the assessor records. The City is currently working toward getting the new Geographic Information System (GIS), which would note the historic designations of each property, on the City's website and therefore, accessible to all realtors, property owners, and citizens. The City cannot require or codify that realtors advise about historic designations.

Commissioner Osterberg understood Mr. McCartin was requesting that installing solar panels on a historic structure be made easier for homeowners. He asked where solar panels were referenced in the ordinance. Planner Johnson reiterated that a separate solar ordinance addressing the installation of solar panels on historic structures would come before the HLC and Planning Commission for review and adoption separately. The solar ordinance has not been finalized and Staff did not want to postpone the amendments currently being proposed.

Commissioner Osterberg noted that Oregon State Law regulates real estate transaction disclosures. Neither the HLC nor City Council can require disclosure of historic designations. He asked for clarification of the terms "design review" and "historic design review." Planner Johnson replied that both terms, as used in Article 6 of the Development Code, refer to historic properties. Article 14 of the Development Code, regards non-historic design review codes, which fall under the jurisdiction of the Design Review Committee. Commissioner Osterberg suggested the term "historic" be added to "design review", "design review criteria" and "design review process" throughout Article 6. City Attorney Henningsgaard agreed, noting other examples. Consistency with the language will make the Code more clear that it only refers to historic properties. Commissioner Osterberg suggested that Staff update the language prior to presenting the Code amendment to City Council.

President Gunderson opened public testimony for the hearing, noting that presentation of the Staff report served as the Applicant's presentation. She called for any presentations by persons in favor of, impartial to, or against the application. Hearing none, she closed the public testimony portion of the hearing and called for Commission discussion and deliberation.

President Gunderson appreciated Commissioner Osterberg's suggestion and favored forwarding the amendments to City Council for approval. Commissioner Stanley appreciated the reduction of bureaucracy. Commissioner Osterberg added that he appreciates the amendments as other jurisdictions have had success with the Type I, II, and III process. Some property owners may believe the new process is more cumbersome. However, Staff can easily explain the simplicity and cost savings of the new process. Staff's consideration of the entire ordinance was very thorough and comprehensive.

Vice President Dieffenbach supported the amendments. Several of the issues addressed by the amendments have been discussed over the years and it is good to see them revised and placed in the Code. Commissioner Burns said he supports any changes that simplify the process, so he supports the amendments. President Gunderson agreed the amendments make the process more user-friendly.

Commissioner Osterberg moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report with the clarifications and amendments presented by Planner Rosemary Johnson, approve Amendment A 13-03 as requested by Brett Estes, Community Development Director, City of Astoria to amend Development Code Article 6, Historic Properties and forward the revised amendment to City Council for adoption; seconded by Commissioner Burns. Motion passed unanimously.

Planner Johnson announced the amendments were scheduled for public hearing at the August 5, 2013 City Council meeting.

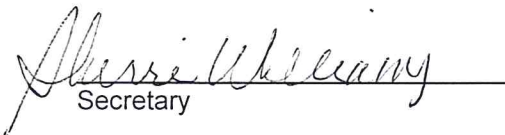
REPORTS OF OFFICERS/COMMISSIONERS – ITEM 5:

No reports.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:20 p.m.

ATTEST:


Secretary

APPROVED:


Community Development Director /
Assistant City Manager