

HISTORIC LANDMARKS COMMISSION MEETING

City Council Chambers

August 20, 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 5:35 p.m.

ROLL CALL – ITEM 2:

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

Commissioners Excused: Commissioners Thomas Stanley and Paul Caruana.

Staff Present: Community Development Director Brett Estes, City Attorney Blair Henningsgaard, and Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES – ITEM 3(a):

President Gunderson called for a motion to approve the minutes.

Commissioner McHone moved to approve the minutes of July 16, 2013 as presented; seconded by Commissioner Burns. Unanimously approved.

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 13-03 Historic Designation HD13-03 by Jared Rickenbach, Rickenbach Construction for Bornstein Seafoods Inc. to designate the Bornstein Cannery Building (formerly the New England Fish Co.) as a historic landmark at 2 - 7th Street in the A-2 Aquatic Two Development zone. The designation would be of the proposed configuration of the building as indicated in the plans submitted with the application.

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.

Vice President Dieffenbach declared that as the architect on this project, she must step down from the dais. Commissioner Burns declared that the Vice President of the Clatsop County Historical Society is one of the Applicants. While he believes he can be objective, Commissioner Burns decided to step down from the dais on the advice of City Attorney Henningsgaard.

Director Estes noted that the HLC does not have a quorum to proceed with this hearing, so this public hearing will have to be postponed. City Attorney Henningsgaard stated after further review of statutes, he was not certain Commissioner Burns had a conflict of interest, but should a conflict exist, the law will allow Commissioner Burns to sit at the dais and vote, but he must refrain from participating in the discussion. No part of this application will affect Commissioner Burns financially, so a conflict of interest may not exist.

Commissioner Burns returned to the dais and added that he has not discussed this application with either of the Applicants.

President Gunderson requested a presentation of the Staff report.

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

Commissioner Osterberg noted discrepancies between the Staff report and information supplied by the Applicant about the original exterior of the building. Page 4 of the Staff report, under Alterations, states the building originally had wood cladding on its exterior; however, Part 1(B) on Page 2 of the attachment titled New England Fish Company of Oregon states the building was mill construction and had a sheet iron exterior. Planner Johnson explained this would not affect Staff's recommendations because the historic designation is for the proposed condition of the building. In 1924, only the west portion of the building had a metal exterior. The east portion of the building was added in 1942 with a wood exterior, which was eventually covered with metal. The report could have stated the original building was steel and now covered in corrugated metal. Commissioner Osterberg replied he now understood the difference between wood and metal was not as great as he originally believed. Apparently the building was not entirely of wood, but had a sheet iron or steel exterior.

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

Jared Rickenbach asked if Andrew Bornstein, who is the property owner and not the Applicant, could speak in favor of the application prior to the Applicant's presentation. Mr. Bornstein needed to leave the HLC meeting to attend a Port Commission meeting. Director Estes suggested incorporating Mr. Bornstein's comments into the Applicant's presentation.

Andrew Bornstein, 844 Alameda Avenue, Astoria, explained the building is historic to him for personal reasons. He has nostalgic memories of being with his father and learning the fish processing business in this building. His family processed fish in this building from 1982 to 2006. When he was presented with the idea of turning the building into a brewery, it was clear that the history and integrity of the building would be preserved. Mr. Bornstein supported the idea of celebrating that the building was a fish plant. He has collected old artifacts that will be used to celebrate the history of the building. He is excited about the project and hopes the community feels the same way.

Jared Rickenbach, Rickenbach Construction, 37734 Eagle Lane, Astoria, clarified he was speaking as the Applicant. He asked if Staff had given the Commissioners a copy of changes to a door on the east elevation. Planner Johnson replied she had not seen the changes. Mr. Rickenbach explained that the Staff report proposes a roll up garage door on the east elevation. The wall did not originally have a garage door in this location, so it will be eliminated. He thanked Staff for their great work on this application. A full set of drawings was made available, should Commissioners need to refer to them. He offered to answer any questions.

Commissioner Osterberg confirmed with Mr. Rickenbach that the roll-up door proposed for the east elevation would not be installed as stated in the Staff report. Director Estes directed Commissioner Osterberg to Page 6 of the Staff report, where the roll up door is noted. Planner Johnson confirmed with the Applicant that one of the doors on the north elevation has been eliminated as well. Four doors are shown in the original plans and on Page 2 of the Staff report; however the far west door on the north elevation will not be installed. Mr. Rickenbach explained he has restricted the area on the first floor where the restaurant will be, adding that area is currently part of an undeveloped space. There is a man door.

President Gunderson called for any presentations by persons in favor of the application.

Luke Colvin, 86946 Youngs River Road, Astoria, stated he had founded this project. He has ten years experience in starting, running, and growing a business that created jobs in the community. The original idea behind this project was to have a positive impact on the community. Once this building was identified as the best building for this project, he became excited about the historic significance of the building. Many of his family members are commercial fishermen and he has memories of fishing with his father in a Columbia River bow picker. Mr. Colvin grew up learning the historic significance of commercial fishing. His father did a lot business in this building and other canneries. Commercial fishing has mapped the history of Astoria and there are few buildings like this left on the waterfront. Most of the buildings left do not have a viable purpose. This is an opportunity to preserve part of Astoria's riverfront and one of the few waterfront canneries on the Columbia River.

Dan Hamilton, 3107 Bayview Terrace, Seaside, stated he is a brewer for this project. He recalled hearing as a child about the loss of the waterfront in San Francisco. Many buildings should have been saved, preserved, and

celebrated. He is in favor of this project as the old, smelly fish cannery building is much of what Astoria has been. He hopes the HLC will approve the application.

Jerry Casinger, 42 - 7th Street, Astoria, spoke strongly in favor of the project. The integrity of Mr. Bornstein and Mr. Colvin is the most important reason he favors the project. He recalled hiring Mr. Colvin at 19 years old and also helped him start a business as an arborist. Mr. Colvin has grown into a person who supports the community and has always talked about the waterfront in Astoria. Mr. Casinger would like to make the building an important part of the area as Astoria grows. He would also like to preserve the heritage of the building and celebrate the commerce on the river through graphics on the walls. An advantage of being in a historical city is to have a historic building.

David Kroening, 721 14th Street, Astoria, stated he is in favor of the application. Mr. Colvin is his brother-in-law. He started coming to Astoria as a tourist. Astoria is distinctly different from other towns in the area because of its history. Other towns are vacation towns. The riverwalk is unique. He explained that being from Denver, he did not know what the pilings were when he first saw them. He has learned that Astoria has a rich history of the fish cannery industry. There are not a lot of opportunities for tourists to learn about the canneries. The reuse of this building will provide that opportunity. He would like to keep the fish ladder conveyor belt as part of the bar and restaurant structure.

Rachel Jensen, 1445 Lexington Avenue, Astoria, stated she conducted the historic research on this building, which has had many lives and has always been in production work. So many of these building disappear through fire. She appreciates that the Applicant is planning to use the building in a way that will maintain the mass and general structure of the building. Ms. Dieffenbach's designs articulate what is new and what is historic. The interior will ensure that patrons understand the history of the building. Adaptive reuse has become an important way to preserve local heritage.

Kent Easom, 413 Franklin, Astoria, stated this is one of the few remaining historic buildings on the waterfront. Saving the building for a public use allows people to see the waterfront. It is important to save another building on the waterfront.

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

Commissioner Osterberg agreed with the Staff report and Findings. All of the applicable Comprehensive Plan criteria have been met. He understood that the proposed changes to the structure are because the building is a vernacular industrial warehouse design and use, which will help ensure that the improvements are appropriate. Roll up doors are a great idea. The design of the proposed windows is industrial and has been seen in similar structures. All of the proposed changes are in keeping with the historical context of the architecture. The history speaks for itself. Architecturally, the changes are very appropriate.

Commissioner McHone stated the best way to preserve a building is to have a need for it and this is a good application for this building. He respects other similar projects in Astoria, like Pier 39 and Fort George, and appreciated being able to visit those buildings often. He supports the project.

President Gunderson agreed this is a great project. It will be excellent to have a building downtown on the water that will not fall into the water and will be used. She fully supports the application. Commissioner Burns added that these buildings are irreplaceable.

Commissioner McHone moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Historic Designation HD 13-03 by Jared Rickenbach, Rickenbach Construction for Bornstein Seafoods, Inc. with conditions and the elimination of one roll up door on both the east and north elevations; seconded by Commissioner Osterberg. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

REPORTS OF OFFICERS:

ITEM 5(a): Adair-Uppertown Historic Inventory – The City has been notified by the State Historic Preservation Office (SHPO) that the Adair-Uppertown Reconnaissance Level Survey has been approved and accepted as complete.

President Gunderson thanked Rachel for all her work on the inventory.

Director Estes noted that City Council approved the ordinance for the changes to the historic preservation portion of the Development Code at their meeting on August 19, 2013. The amendments will officially go into effect in 30 days.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:13 p.m. to convene the work session.

WORK SESSION – ITEM 7(a): Solar Energy Ordinance Draft

Planner Johnson presented the Staff report, reviewing the history of developing the ordinance to date and key aspects of the draft ordinance including which installations would and would not require review by the HLC. The ordinance is ready for a public hearing at the Planning Commission, but Staff wanted the HLC to weigh in on the historic aspects of the Code. She and Director Estes addressed clarifying questions and asked for the Commissioners feedback regarding any potential issues with the different review types related to the historic portions of the ordinance and the criteria suggested by Staff.

Discussion and comments regarding the Solar Energy Ordinance Draft continued as follows with responses from Staff as noted:

- Planner Johnson clarified that solar facilities installed on buildings in or adjacent to a nationally designated historic district will require review. Freestanding solar facilities on a historic streetscape will also be reviewed. Uniontown-Alameda, Downtown, and Shively-McClure are nationally designated historic districts. The Adair-Uppertown neighborhood is not a district, but an inventory area, so installing a solar facility on a non-historic structure would not come under review.
- The specifications are a reasonable starting point. The requirements might change over time as the HLC gains experience with reviewing solar installations.
- Type I Permits do not include ground-mounted or freestanding solar facilities. The City might want to encourage ground-mounted facilities by using the Type I review and permitting process because these facilities have the least impact to historic structures since they do not attach to the building. Planner Johnson reviewed the Type I freestanding permit criteria on Page 7.
 - The Commission discussed having ground-mounted facilities be a Type I process, enabling Staff to approve the permits. The purpose of the changes is to make the permitting process easier for property owners and encourage solar installations.
 - Facilities taller than 6 feet or larger than 100 square feet would come before the HLC in a public hearing process.
 - Planner Johnson clarified she would be reviewing the same criteria as the HLC should an inappropriate installation request be submitted. She was comfortable moving freestanding facilities to the Type 1 category to simplify the process because the Code criteria are clear.
 - The HLC unanimously agreed the draft should be amended to include freestanding facilities no larger than 100 square feet and no higher than six feet under a Type 1 Permit process.
- The Commission discussed whether the Type 2 permit criteria should be amended with regard to roof mounted and freestanding solar facilities 10 feet in height, but not on the primary elevation of a site. The Commission supported streamlining the permitting process and confirmed that an application would be reviewed by the HLC if the public had any issues.
 - Planner Johnson explained the Article 9 amendments stating that the Community Development Director could move an application to the next permit type in order to resolve any concerns or issues. Director Estes added the public could also use the appeal process. Decisions of Staff are appealed to the HLC. Planner Johnson stated she would also amend the Ordinance so freestanding facilities currently under the Type II permit process would now be Type I.
- Staff and the Commission discussed the criteria for freestanding solar facilities on historic structures and in historic neighborhoods and whether the Commission was comfortable with a Type I Administrative Review

process for freestanding solar facilities not installed on a primary elevation and regardless of the type of historic designation status. (Page 14, under Item 3 Historic Streetscapes)

- Having an administrative review is acceptable because the public can use the appeal process to require a review by the HLC if needed. The Commission has approved other features which are not of a historic nature and not visible from the street, like decks in a backyard, and this would be similar.
- Several scenarios were discussed to explain which solar installations would and would not require review, namely with regard to historic streetscapes and concerns about installations on non-historic properties.
 - The list of definitions should be updated to better explain the criteria in the Code. Using the "highly visible" definition was suggested regarding the installation of freestanding facilities on historic streetscapes regardless of a property's historic designation.
 - Staff agreed to create a matrix chart showing the types of review across the top and the different conditions for each along the left hand column. The required reviews could then be indicated with a check mark. This would be a good tool for the public to use as well.
- Concerns were expressed about the requirement that non-historic properties be judged according to historic standards because they are adjacent to a historic property. Being directly across the street is considered being adjacent.
 - How should a solar structure be quantified? Currently, new construction on a historic property or adjacent to a historic property must be reviewed by the HLC.
 - Solar facilities, especially freestanding facilities, should be defined similar to fences or other uninhabitable structures rather than new construction. This would enable the HLC to be more generous with their allowances.
 - The size of solar installations is a concern. Structures larger than 100 square feet should have a higher level of review and public notice is appropriate.
- The HLC agreed freestanding solar installations and satellite dishes are similar and should be treated equally in the Code.

Commissioner Dieffenbach left the meeting at this time.

Planner Johnson stated she would amend the language in the draft to better explain when a solar installation on a non-historic property would require review by the HLC. Freestanding solar facilities of any size installed in the front yard of a non-historic property within a historic district, adjacent to a historic property, or across a right-of-way from a historic property will be reviewed by the HLC. This is the same rule that applies to satellite dishes.

Director Estes reminded that the Code could always be modified after it has been adopted. A year from now, Staff and the HLC can discuss any issues with the new types of review and decide if changes need to be made.

Planner Johnson listed existing solar facilities in Astoria adding there is interest in a community solar garden. Solar facilities will become more common, as wind turbines tend to be less successful in the area. She explained the Planning Commission will not consider the cost effectiveness of solar facilities. No testing or evaluation will be required. Technology will continue to evolve, become less intrusive and more effective. Staff attempted to write the Code to accommodate the ongoing changes in the solar energy industry. She would amend the draft ordinance as requested by the Commission and send the draft to the Planning Commission for public review. A copy of the amendments will be emailed to the Commissioners. President Gunderson urged the Commissioners to provide Planner Johnson with feedback as quickly as possible.


Director Estes also suggested that Staff be made aware of potential conflicts of interest that a Commissioner intends to declare on a public hearing case in advance of the meeting. This will allow Staff to better communicate with the applicants about a possible lack of quorum. This will also allow the City Attorney to do any necessary research in advance, so that a decision can be made as to whether there would be a conflict.

There being no further business, the work session was adjourned at 7:06 p.m.

ATTEST:


Secretary

APPROVED:


Community Development Director /
Assistant City Manager