

## **HISTORIC LANDMARKS COMMISSION MEETING**

City Council Chambers

January 17, 2018

### 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 6:39 pm.

### ROLL CALL – ITEM 2:

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

Commissioners Excused: Commissioner Paul Caruana.

Staff Present: Planner Nancy Ferber and City Attorney Blair Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### ELECTION OF OFFICERS – ITEM 3:

This item was addressed immediately following Item 9: Public Comments.

In accordance with Sections 1.110 and 1.115 of the Astoria Development Code, the HLC needs to elect officers for 2018. The 2017 officers were: President L.J. Gunderson, Vice President Michelle Dieffenbach and Secretary Anna Stamper.

Commissioner Burns moved that the Historic Landmarks Commission (HLC) re-elect LJ Gunderson as President, Michelle Dieffenbach as Vice President, and Anna Stamper as Secretary for 2018; seconded by Commissioner Osterberg. Motion passed unanimously.

The Commission proceeded to Item 10: Adjournment at this time.

### APPROVAL OF MINUTES – ITEM 4(a):

This item was addressed immediately following Item 2: Roll Call.

President Gunderson asked if there were any changes to the minutes of December 19, 2017. There was none.

Commissioner Burns moved that the Historic Landmarks Commission (HLC) adopt the minutes as presented; seconded by Commissioner McHone. Motion passed unanimously, with Vice President Dieffenbach abstaining because she was not present for December 19, 2017 meeting.

The Commission proceeded to Item 5(b) at this time.

### 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.

The Historic Landmarks Commission continued to Public Hearings Item 4(b): EX17-08 at this time.

### ITEM 5(a):

DM17-02          Demolition Request DM17-02 by Ted Osborn to demolish a historic property at 347 Alameda Avenue.

This item was addressed immediately following Item 5(c).

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.

Commissioners Burns, McHone, Rathmell, Osterberg and Vice President Dieffenbach declared that they drove by the property.

President Gunderson declared she drove by the property as well and said she was familiar with one of the parties that bid on the property. However, she did not discuss this request with that party. She also knew the Applicants, but her decision would not be affected.

Commissioner Rathmell declared that she knew the Applicants, but she had not discussed this request with them and did not believe there were any conflicts with any decisions.

President Gunderson requested a presentation of the Staff report.

Planner Ferber presented the written Staff report with a PowerPoint presentation. All correspondence received was included in the Staff report and copies were available on the side table. Staff recommended denial of the request.

Commissioner McHone asked how the historic status of the building would be impacted if it were reduced in size and moved to a geologically safe area of the right-of-way.

Planner Ferber said removing pieces of the building would trigger an exterior alteration review. There have been some strange additions to the building, so saving the core of the building could be proposed.

Commissioner McHone asked if there was enough space to move the building and if the service line could be rerouted.

Planner Ferber confirmed the service line would have to be rerouted. One of the lines only serves that site. Public Works staff was concerned about public access. The land use acquisition would need to be approved by City Council.

Commissioner Burns asked how often rights-of-way had been privatized. Staff explained precedent would not affect this request and requests happen regularly. The City of Astoria was platted years ago and not all of the streets that were platted turned out to be practical. So, the City has a process for vacating or granting licenses to occupy. Public Works would review the proposal for any potential needs like street widening or utilities and provide recommendations.

Commissioner Burns confirmed the Building Official had not deemed the building an immediate and real threat to the public health, safety, and welfare. He asked if the City could keep checking the building every month. Planner Ferber explained that building inspections are instigated by complaints from neighbors or property owners who are concerned about a building. Staff recommends that the Applicant speak with the Building Official about how to keep the building safe.

President Gunderson asked for details about the demolition that occurred on the site in 2010.

Planner Ferber confirmed a garage was demolished. She noted the exact location of the garage using a photograph of the site. The structure was not historic. Public Works has clearly indicated they would prefer the house be moved forward on to 349 Alameda before the City vacates any public right-of-way. The



Applicant was concerned about that because it would block the property owner's view. However, there is no restricted view corridor in that area.

President Gunderson confirmed Staff did not know who did the demolition on 349 Alameda.

Vice President Dieffenbach asked if there had been any discussion about whether the demolition could cause the hill to slide more. Planner Ferber said the Applicant submitted a geologic report and a geotechnical report. She did not know if any additional requirements for a retaining wall, but the Applicant would need a building permit before demolition could be done.

Commissioner Osterberg asked for Staff's conclusion on Attachment A, noting he did not see that in the Staff report. Planner Ferber explained that the attachment was a supplement to the one-page application, so it filled in the answers required for a demolition permit. She did not find anything deficient, but recommended the request be denied because she did not believe the Applicant had complied with the Comprehensive Plan. The Applicant only outlined rehabilitation costs for one specific use instead of exhausting all rehabilitation options. Additionally, the application did not include potential incentives for historic rehabilitation that could offset costs.

Commissioner Osterberg asked if the HLC reviews property acquisition forms. Planner Ferber stated property acquisition was reviewed by City Council, but reference to it was included in the Staff report to provide the HLC with background information. In this case, the form would be used to apply for a license to occupy or the vacation of the right-of-way.

Commissioner Osterberg said the Applicant had not addressed the sections of the Comprehensive Plan noted in the Staff report. Comprehensive Plan policies are not part of the application form, not listed in the Development Code, nor have were they mentioned in the request for supplemental information in Staff's completeness letter. He was concerned that the Applicant had not been given the opportunity to address the Comprehensive Plan policies noted in the Staff report. Planner Ferber stated she had discussed the Comprehensive Plan policies with the Applicant. **She said that** the Development Code is linked to the Comprehensive Plan for all land use action items. Therefore, it is redundant to list the Comprehensive Plan in every section of the Development Code. The Historic Designation section states that land use actions cannot be in violation of the Comprehensive Plan.

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

Ted Osborn, 345 Alameda, Astoria, said that over the last four months, he and Planner Ferber had developed a tense relationship. He had been working in preservation for 50 years and had done good work in Astoria, so he was not used to being on the side of the villain. He has experienced the addition of new requirements with each meeting he attended. Fees are paid often to work with City Hall. The process begins with paying for a pre-application meeting where the Applicant is given instructions and a small packet that is not too difficult to fill out. Then other things just keep coming up and with this project, he has seen things that have just come up for the first time tonight.

- He hoped this discussion would lead to an understanding that the public/private preservation community has left this building to die in plain sight. He confirmed none of the Commissioners walked around all four sides of the building. The building is large, imposing, and looks good from the street and on Google Maps. However, a closer look shows that the building is falling apart, it is damaged and dangerous. He has proven the house is a total loss. The building is built into a hill, so the back of the house has 1.5 stories underground. There are a series of retaining walls that go up the hill from the house. The hill has already spilled two other houses into the street and has pushed on the retaining wall at this house. All of the concrete is tied to the first floor of the building, so the first floor has moved while the 2.5 stories above have remained fairly straight. No one knows exactly when this movement occurred. However, it is obvious that the last several landlords knew the building had failed and chose to get what they could out of the property for as long as they owned it. The house had been run as a slum. Several years ago, someone cleverly put three huge guy-wires from the back wall to the front to keep the movement from going any further. One of those guy-wires is now lying on the ground because the end rotted out, one is loose, and the third is still taught. So, the building is literally hanging by a string. Lack of



maintenance, lack of rubbish control, and lack of repairs have turned the building into a blight on the neighborhood.

- In 2012 and 2014, he submitted derelict building complaints to the City on this building. Not much happened as a result of his complaints. A letter was written to the owner, but he did not believe there was any follow up. The basement of the building does have some new wood that was installed to shore up the building and there is a steel beam just sitting on one of the ledges not connected to anything. He purchased the building to interrupt the blight and slum cycle in the neighborhood. It is one of two or three buildings along Alameda that the neighborhood would like torn down. He hated tearing down buildings, but this one is no longer a building. It is a cadaver.
- While he was bidding on the property, other bidders spoke with him about the house not knowing he was also a bidder. They all said this house could not be fixed and that they planned to bid low, then let the house fall over. He was not about to let that happen. He has been looking at the building for a while and took pictures of it from the street. He has been drawing plans and considered removing the first floor and the side additions to make the building usable. During the bidding process, he had access to the basement, to Apartment 6 in the back which was never occupied, and to the attic. He had not seen the inside apartments. When he finally did get to see the building, he found that the tenants had vandalized everything and there was mold and rot. Previous owners had tucked apartments into the building here and there, leaving an unlivable and unattractive layout. He took measurements and brought in experts. The geologist said the hill is coming down and because it is attached through the walls, the movement is continuing all the way down through Alameda. Anything that is put in that location would continue to move and another building should not be built on that site. When he built his house at 345 Alameda, they had to get two geological surveys in order to get approval from the City. The site is a little bit lower, but they had to pay a lot for a foundation. The structural engineer pronounced the building failed. A second structural engineer found the building was balloon framed. This meant the building would have to be stripped of most of the finishes to develop the sheer, bracing, and dimensions.
- He also asked several preservationists to look at the property. They said the exterior features used to be nice and the interior did not have anything to offer. One person found a cornice in a closet door that was brought in from somewhere. The Building Inspector and his mentor said the building was in structural failure. They offered to write a letter that would help him do the right thing with this building. They returned to place a red tag on the building and sent him an email saying the building was dangerous. So, engineers and building officials have all agreed the building is dangerous, but somehow it is not dangerous enough. At this point, he knows the cost will be over \$600,000. He questioned why it was not enough for a preservationist to say this is an example of a building that should be torn down without coming to the HLC. He believed this request would be a slam dunk after reading Section 6.080(b)(1) of the ~~Comprehensive Plan~~ **Development Code**. He was denied an answer except that the building was not unsafe enough and that he had yet to prove that costs would be in excess of income. He planned to take the advice to refrain from building on an unsafe site. However, he still asked Staff if the building could be moved on to the right-of-way if he was able to find a portion of the building that can be saved.
- He had a good meeting with Public Works and they were worried about the sewer line. They did not believe there was enough room to move the building unless he paid to move the sewer line. However, they offered to consider another configuration and get back to him. Meanwhile, nothing can be done on the site. The house cannot be moved forward onto his property because, as the geologist indicated, it would still be in line with Alameda. Additionally, he did not want to block the view from his brand new house, wasting all of the improvements he just made to the lot in front of his house.
- He had experts help him with the costs and used costs from other projects he had worked on. They came up with a total cost of \$690,000 to bring the building back to useful life at standards that a good honorable person would want to provide for the people who would live there. Add that to the \$195,000 they spent to purchase the property from the slum lords, which totals \$885,000. He consulted with experts on how much money the house could bring in and found out he could net just under \$35,000 per year. Bankers said most people ask for an eight percent return on their investment. But even at 6.5 percent, he could spend \$526,000 on this building, which would net a loss of \$360,000 to \$460,000. Emotionally, acquiring the building was worth \$250,000 to him and he was not about to spend \$500,000 more than he can make back. Rehabilitation of the building is not feasible on this site and he was still waiting to hear back from Public Works on the right-of-



way. Meanwhile, he also found that while costs were high on the entire building, taking a pro rata share of that on the reduced building would net reduced income and a loss of \$250,000 to \$300,000. Plus, he would still have to take care of the hill behind the building.

- He tried to find a way to rehabilitate the building, but had to resign to demolition because the building is unsafe, unsalvageable, and rehabilitation is unaffordable. His final proposal was submitted on November 8, 2017. As he was walking into the office to submit the application, he received an email from Public Works saying the right-of-way could not be used, so he had made the right decision. Between November and today, he had to answer three questions that he considered to be minor. One was did he use the right Code to estimate costs. People who create cost estimates use the codes through which the work will have to be done through, so his answer was yes. The second question was what building did he want to put on the site once it is cleared. All of his materials stated he wanted to demolish the building because it is an unsafe menace and he'd been told not to use the site. So, he did not have a plan for the site. The third question was why had he not applied for grants. He noted he would be embarrassed to apply for a grant using scarce public money on this building.
- After answering those questions, all of a sudden a date was set for this hearing. Then, Staff offered to find an acceptable location on the right-of-way. He agreed, but said he did not know how the project could be done economically. Therefore, he did not want that to be a condition of tearing it down. He wanted to continue with the application to tear the building down, but if Staff saw a way to get more property, he would harvest as much materials as he could during demolition. It would be nice to have the site if he could talk his wife into spending more money on building something. But, he could not afford to be told by the City that they have to rebuild. He applied for the right-of-way and asked that both applications be done in parallel. The January 2, 2018 City Council agenda was supposed to include approval of the vacation of the right-of-way. When he said he wanted to continue with the HLC hearing on this date for the demolition, the right-of-way was removed from the City Council's January 2<sup>nd</sup> meeting. The building is dead.
- The public/private preservation community has neglected one of its own and now it's gone. There has got to be a better way to monitor the health of the buildings. He suggested the City and preservationist use the derelict building ordinance aggressively and consistently. It is not just or helpful to sit idle while buildings die and then bully the owner to somehow bring them back to life. Later, if the harvested lumber and window suggest some form of structure, if the City makes the right-of-way available, and if he can afford it, he would try to build something. Meanwhile, he's offered to pay the funeral expenses for this latest victim of neglect.

Wendy Osborn, 345 Alameda, Astoria, stated that everyone who had been inside the building was shocked by the conditions and disappointed by the absence of historic architectural details like built in cabinetry or trim that might have provided a basis for restoration or salvaged for use in another application. There are no wood floors hiding under carpets. The apartment layouts have been torqued and butchered. The entire first floor ceiling was lowered to disguise the alterations that totally destroyed the proportions between the windows and ceiling. One apartment has been out of commission for years since water damage cause the ceiling to collapse and raccoons have taken over the space. She hoped the Commission was able to see the photographs attached to the report because they help visualize how damaged the building is. She wished the Commissioners could see and hear the water coursing through the basement, the rotting support columns, and buckling concrete walls. Commissioners should be able to see how crudely alterations were made into as many apartments as possible. She responded to specific sections of the Staff report as follows:

- The Staff report refers several times to using the vacant site if the building is demolished. The only use recommended for that site is to shore up the hill to replace the mass of the building with ecology block, rock, and tie rods in an attempt to prevent the hill from continuing to slide.
- Moving part of the structure into the Kingston right-of-way might have been a possibility, but this would be too expensive. The existing site could not be used and the hill would continue to slide down through the property.
- Any references to using the existing site or the land immediately to the north is precluded by the damage expected if the hill slides.
- Staff claims the considerable damage should not count in the ratio of damage and cost because she cannot prove that enough of the damage was due to fire, flood, wind, other natural disasters, or vandalism. The damage may not have happened in one cataclysmic event, but water did flow out of



the hill through the basement, rotting the bases of the columns that support the building. The earth moved enough over time to push the basement walls to such an angle that the building has now been labeled a total failure. Yet the Staff report is saying that damage does not sufficiently matter, because neglect was also a factor.

- The Staff report suggests that all options had not been explored, such as looking for a non-profit to donate the property to or look for another site to move the building on to. It is too expensive to move the building 40 feet into the right-of-way, so it would definitely be too expensive to move it further. It is too expensive to rehabilitate the building to use as apartments or any other uses allowed in the zone.
  - She applied for immediate approval of demolition because she believed the condition of the building and the geologic hazards of the site warrant the approval.
  - She had considered multiple designs that would save all or part of the building, but all of those options cost more than could be recovered in a reasonable time. Changing the building's use or moving it to another site would not make the restoration less expensive.
- Their only recourse has been to report the deteriorating condition to the City via the derelict building ordinance, and to report suspicious tenant activity to the Police. They have done both, but neither have slowed the degradation of the building. Now that they own the building, they maintain that the current code protects new owners of dead historic buildings like this one from being required to spend exorbitant amounts to bring the building back to life. If that protection does not exist, other derelict buildings will continue to languish until they fall. If the demolition request is granted, the demolition would be done with the intent of keeping the lot as safe as possible from future sliding and with the objective of conserving as much of the building's material as possible. Parts and materials from this building may be recycled to build a different structure, adhering to the requirements of building in the historic district. Most likely, they would still have to request use of part of the right-of-way.

Commissioner Burns asked when the Osborn's purchased the building.

Mr. Osborn said it took him a year to buy it, but they completed the purchase in June 2017.

Commissioner Burns confirmed Mr. Osborn had access to some portions of the inside of the building before purchasing it and asked if the conditions of the building scared him away from this project.

Mr. Osborn said no, he made a commitment to buy the property because he could not stand it. He felt good about cleverly making something out of it or tearing it down. The costs are more than 70 percent of its assessed value. He confirmed the consideration to tear the building down during the purchasing process was his fall back option if he could not afford to fix it. He preferred to rehabilitate the building and reiterated his idea to remove the additions and move the building. The requirements for demolition were that the building had to be dangerous or rehabilitation had to be expensive.

Commissioner Burns asked if there were tenants in the building as recently as June 2017.

Mr. Osborn said yes and confirmed there were no tenants in the building now.

Commissioner Burns asked when Mr. Osborn was given enough access to the building to bring in builders, preservationists or others.

Mr. Osborn explained that he spends every summer in Massachusetts, so he hired a building manager the day after he took ownership of the property to vacate the building while he was away. When he returned in September, the building was empty so he broke into each apartment and started to find out what he had purchased. He's been working on it ever since then.

Commissioner Burns asked if Mr. Osborn believed he had received different answers from Staff about use of the right-of-way.

Mr. Osborn said no, he believed the answers were straight forward. At the beginning, when he wanted to move the building well into the right-of-way, there was a conflict with a pipe and he was told no right up front. That never changed. Then when he wanted to move halfway into the right-of-way, he was told, 'Let us study it and we'll get back to you.' Staff got back to him on December 8, 2017. So as of the time that



Attachment A of the Staff report was submitted, he had been told no on the right-of-way. Eventually, after persisting and got the HLC hearing scheduled, Staff then said maybe they could still find a way to allow use of some of the right-of-way. He thought that would give him the opportunity to build something, but it will be too expensive. He did not want the HLC to tie the demolition request to the right-of-way request. He did ask that Staff process both requests in parallel and they agreed. However, he wants the ability to demolish because he cannot wait. But if during demolition he finds something salvageable, he'll put it in the right-of-way.

Commissioner Burns asked if Mr. Osborn had prices for cutting the building up in pieces, removing the additions, and moving it.

Mr. Osborn said yes. The building has 4,680 square feet from the first floor up and over 6,000 including the basement. He had that priced in exhaustive detail, and then he used a pro rata share of those costs to estimate the costs of reducing the building to 2,950 square feet. Then he added in the costs of shoring up the hill.

Commissioner Burns asked if Mr. Osborn had explored tax and other incentives.

Mr. Osborn said no because the costs are so far over what is reasonable that tax incentives would not make an impact.

Commissioner Burns noted that many people wanted the Merwyn torn down because they believed it was not worth fixing. But now, the building is being fixed. He asked if Mr. Osborn had thought about selling the property.

Mr. Osborn said no. Mrs. Osborn added that they would lose control over what was done with the building if it were sold. A new owner could continue to run the building as a 16-unit apartment complex.

Commissioner Burns confirmed the City has stated no one could move into the building.

Mr. Osborn added that the building would have to be brought up to code. The building had a lot of interest because it was yielding cash as a slum. He was too exposed in the area to allow the building to return to slum conditions. Right now as owners of the building, their only foe is the City. He confirmed his fear was that a new owner would barely bring it back up to code.

Commissioner Burns stated the City has already declared the house uninhabitable so a new owner would not be able to do that.

Mr. Osborn said he did not believe a new owner would bring the house up to code. The letter from the building inspector that resulted from his 2014 derelict ordinance complaint said all sorts of things about fire alarms, windows, mold, and other things. None of those issues were addressed and the building was still refilled with people. He found it awkward to discuss the level of danger in this building with people who had only seen evidence of the danger from their office. Everyone who has been inside the building could not run out fast enough.

Commissioner McHone asked if the project would be worthy if the right-of-way were available, the top floors could be moved, and there was some public money available to offset costs.

Mr. Osborn said he hoped so. He has used some public money to build a few buildings in Astoria. The money he received for doing the building downtown came with requirements that cost at least one and a half times the value of the funding. He was ashamed to request money that others could use on better buildings to save a corpse. He wanted to build something but could not rationalize spending \$250,000.

Commissioner Osterberg asked Mr. Osborn to respond to the Comprehensive Plan policies noted in the Staff report. One policy states the City would promote and encourage by voluntary means wherever possible the preservation of sites and buildings. He asked if Mr. Osborn believed the City had done so.



Mr. Osborn said that was an awkward question.

President Gunderson did not believe that question was appropriate to the discussion.

Mr. Osborn said he did not believe the City was doing the job it needed to. The City has set itself up as having power over preserving buildings and he did not believe the City did nearly enough to keep them from going into hospice.

Mrs. Osborn added that their experience with the derelict building ordinance suggested a lack of help from the City.

Mr. Osborn stated many people fought to save the Merwyn despite the City and the way this is going is ironic.

Commissioner Osterberg said the next Comprehensive Plan cited in the Staff report states 'every possible effort will be made to relocate this historical structure as an alternative to demolition.'

Mr. Osborn confirmed he had made efforts to move the building on site, but not to relocate it to another site.

Commissioner Rathmell asked if Mr. Osborn did not believe it was possible to find a potential buyer who cared about historic preservation and would restore the building.

Mr. Osborn said he would not trust the situation. If someone claimed they planned to buy the house and spend another \$750,000 to fit it, he would not believe them. The apartments were being rented as two-bedroom units but they had the square footage of studio apartments. The house was built in 1910 as a two-family house. Over time, it's gone up to eight units but is now back to six units. There is no idea about what one would do if the goal was to make money. He could not image disrespecting anyone enough to sell the property to them.

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

Dave Pollard, 1676 Jerome, Astoria, said it was surreal for him to support a proposal to demolish the apartment building at 347 Alameda in light of his affection for historic preservation and historic neighborhoods. He was disappointed that prior owners neglected the building for decades. He had been watching this building over time. He was also disappointed that the City of Astoria had no ordinances or programs in place to prevent the progressive deterioration of this building to the point that it became a safety hazard for occupancy. In a more perfect world, 347 would have survived structurally sound with a roof that kept out the weather, a safe foundation and a functioning electrical and heating system. The structure has been damaged in excess of 70 percent, is an immediate and real threat to public safety, and cannot be economically rehabilitated on the site to provide a reasonable income or residential environment. He was familiar with the building. He has walked and driven by it for over 50 years. His friends lived on the same street. He watches over the Osborn's house next door when they are traveling. He toured the building after the Osborn's purchased it. There is a plus side, that the building fits into the Alameda streetscape because the outside envelope is reasonably intact and it enhances the character of the street. The building looks presentable on a 30-mph drive by.

- The Commission needs to find the heart of this issue, which is that the building has failed and is too far gone to renovate. We could look for guardian angels to come buy the building, but asking someone to spend \$250,000 that they cannot recoup is unreasonable. The building is a mess and everything Mr. and Mrs. Osborn have said about the building is true. Usually, the exteriors of neglected buildings are in worse condition than the interior. But that is not true in this case. The hillside above is pushing the sill plate and the south facing retaining wall, forcing the building forward. When he went into the building the first time, he felt he did not need to be in there. The building might not pose an immediate danger, but it is a very scary place to be. The interior is just as Mr. and Mrs. Osborn described it. The historic details are all gone. The staircase and banister are still there, but the ceilings have been lowered cutting the tops of the doors off. New doors that were also cut down were installed. The raccoons are coming in and out of the back of the historic home. He imagined how he



would react to such a building next door to his house. He lives across from Clatsop Community College and when the college was talking about relocating, he feared that Towler Hall would become a derelict property and languish for five or ten years until someone came along with a project or it was demolished. Due to the sliding hillside and decades of neglect, the building is just as structurally unsound and prohibitively expensive to renovate as the Osborns described.

- This building is different from the Elliott, the Merwyn, the Astor, or the Commodore. The Osborns have discovered that the condition of the building has deteriorated so much that a return on their investment is not possible and their costs would far exceed the value of the project. A demolition was never the primary reason the Osborns purchased the building. He has been speaking with Mr. Osborn about the building for well over a year, including all of the possibilities for removing the additions and moving it over.
- Demolition was always a last case scenario. Over the years and during the time he served on the HLC, Astoria has lost the Bumble Bee cannery, the brick warehouse at 6<sup>th</sup> and Marine, the Union Fish Net Shed, the Dairy Gold building which was not inventoried, Central School and many others. Those were all structurally sound historic buildings. This building is not structurally sound. And although it is a historic landmark, it does not fit into the category of those larger buildings. He grieved every one of those buildings coming down and opposed the demolition of those buildings. He did not believe the intent of those who wrote and adopted the historic preservation ordinance was to hold neighborhoods and their owners hostage in a failed building. He supported the Osborn's request for permission to take down the apartment building at 347 Alameda.

Linda Oldencamp, 1676 Jerome, Astoria, said as a passionate preservationist and one of the original founders and first president of the Lower Columbia Preservation Society, she was grieved about having to be at this hearing. Why does the City have to demolish beautiful historic buildings? She had read the Osborn's demolition request, Staff report, and the Findings of Fact. She has walked through every space in 347 Alameda and she could see that it was impossible for anyone to ever restore or rehabilitate the building. The cost would be out of sight, as the Osborns have very clearly outlined.

- There are some things in the Findings of Fact that she was concerned about. Sections 6.080(b)(1) and 6.080(b)(2) gives the historic preservation officer the ability to do a certificate of appropriateness to demolish the building without having to go before the HLC. The Staff report states 'the structure has been damaged in excess of 70 percent of its assessed value by fire, flood, wind, other natural disasters, or by vandalism.' She found it interesting that owner neglect was not included as a reason even though most buildings probably have been and are currently being destroyed by owner neglect. Much of this building is in the condition it is in because of geologic damage. The hillside above the building is encroaching on the building and causing it to lean to the north. Water from the hillside is running under the basement floor, rotting the floor and other wood structures and making for very serious danger and expensive conditions. While the costs to make the repairs impacted the former owners reasons to neglect the property, the building is in its current condition because of geologic damage. The Staff report also states 'the building official finds the structure not to be an immediate and real threat to the public health, safety, and welfare.'
- She has been in the building and did not understand how it was not a real threat to the public. It would be easy for someone to climb through a window at night and set the building on fire, with the real possibility of killing neighbors and destroying historic homes in the dense neighborhood. She understood the Commissioners had not been inside the building, which looks pretty good when driving by. Developers and homeowners often claim their historic buildings are beyond repair or have served out their usefulness. She was glad that it was difficult to demolish historic buildings in Astoria and that was the way it should be. However, the HLC should have all of the information before deciding whether to demolish a building. Until the Commissioners have been inside the building, it is not possible for the HLC to make a wise or fair decision. She hoped there was another way to improve the streetscape at the site or in the City's right-of-way. The City needs to be proactive and help make that happen.

Josh Jonish, 338 Alameda, Astoria, said he moved into his home 10 years ago. The Osborns moved to Astoria to become part of the community and they have done a great job. They value Astoria's history and culture, they are actively involved, and he believed they would do everything possible to save buildings. Mr. Osborn has shown that he is a huge proponent of restoring historic structures that are salvageable. Over the last decade, he has seen the property become scarier and scarier. The house can be seen



buckling as the hillside comes through it. The crack gets bigger and bigger. A lot of this is attributed to the derelict building ordinance and not having the ability to do anything about it. He hoped the City would be proactive because other similar houses on Alameda will be in the exact same condition in ten years. The improvements that the Osborn's have made in the neighborhood have enhanced the quality of life for his family, neighbors, and the City of Astoria. He appreciated the efforts the Osborns make to nurture the community. He supported the request.

Ed Overbay, 221 South Street, Astoria, said he was a strong advocate of historic preservation. He remodeled and added on to his first historic home in 1974. It was the John F.N. Griffin house at 1892 Grand. He was young and found himself deeply fascinated with and compelled by architecture and craftsmanship of the neighborhood. He has been involved in historic preservation projects and promoting and encouraging preservation ever since. He served on the Astoria Gateway Design Review Board and believed in design review. He was involved at the inception of Clatsop County's college historic preservation program. It was his suggestion that Jay Raskin, John Goodenberger and he lobby the college board to consider implementing a historic preservation department. He has been involved in the program ever since.

- Over the past 44 years, he remodeled many residential and commercial buildings, always keeping a keen eye on the richness and relevance of the past and how to adapt the fabric of the past to contemporary needs without offending the essential gestalt of the structure. However, he did not believe everything could or should be saved. This building never had a glorious past or appealing architecture and has now fallen into disrepair. No one famous or historically significant ever lived there. No appealing film was ever filmed there. The building is unremarkable and now it is a dangerous liability.
- As a general contractor, he was familiar with rehabilitating older structures. In his opinion, this building died 30 years ago, when there were no effective mechanisms that would have compelled the owner to make repairs when saving the building was still cost effective. Now, there is no economic path for this building. There is no business plan or adaptive reuse that could generate enough money to compensate for the steep costs of overcoming many decades of neglect and geologically inflicted damage. The building is dead regardless of the HLC's decision. Stricker Engineering stated in the application that it is certain the repair costs would far exceed the value of the building. "It is our conclusion that the building be demolished in its entirety." He has worked with a lot of structural engineers over the decades and Andy Stricker is among the best. He agreed with Stricker Engineering's conclusion. He has been through the building and it is scary and structurally flawed.
- The Osborns purchased the building knowing it was dead and with the understanding that the ordinances state when a building's repair costs exceed 70 percent of its assessed value, one is within their rights to take it down. The repair costs of the building are easily triple its value. No other buyer will come along and transform the building into a winning formula. That is an unrealistic expectation and wishful thinking. The Osborns have a personal stake in taking down the building safely and responsibly, removing a dangerous and ugly blight from the neighborhood. Allow the Osborns to take the responsible step and be the ones to step up to do what has to be done. He valued the site more than the building. He looked at what might happen on that site, especially under the guidance of someone like Mr. Osborn, who is a very good architect. The building is not worth anything.

Lara Russel, 346 Alameda, Astoria, said she bought her historic building in 2015 and were very happy to be there. Soon after she purchased the property, she noticed the slum landlords and their tenants. Police were there once a week and there was vandalism and robberies in the neighborhood. All of this seems to have disappeared since the building has been empty. One of the questions raised was whether Mr. Osborn purchased the building to empty then demolish it. About a year and a half ago, she spoke with Mr. Osborn about the property and he indicated he wanted to buy it and have people in the house. Last week, she toured the inside of the building. There is nothing inside that would make one think the building is historic. The interior is a mish-mosh of apartments that were made small with cheap cabinets. It is only fair that those who do not want the building demolished go tour the inside. She believed the Commissioners needed to go inside the building and then think about what could be done with it.

President Gunderson called for testimony impartial to the application. There was none. She called for testimony opposed to the application.



Rachel Jensen, 389 12<sup>th</sup> Street, Astoria, President, Lower Columbia Preservation Society (LCPS), said she was very surprised by what she had heard from members of the public. There has been a lot of change in the way preservation is perceived in the last 10 or 20 years, away from the idea that only grand things should be preserved. She asked the Commissioners to read through this property's history and speak with the building official. She had spoken with the building official and did not get the impression he thought everyone should run for their lives. The building certainly needs structural repair. The City has red-tagged the building so the issues definitely need to be addressed. However, the Applicants have stated they own a property to the north that could be one option for moving the building. The Applicants do not want to do this because it would impede their view, but there is no view protection corridor in that area. This request is not ready for approval. She agreed with Staff that the Applicants have not addressed all possible options. She has heard a lot of emotion and fear mongering about the immediate threat, but that is not what the building official said. Anyone who needs to purchase the building now or take on the project would be faced with the occupancy issue. That would prevent the property from becoming a slum. There was no proof no one would want the property or want to structurally stabilize it. So at this point, there is not enough information. It is worth looking at the geological reports and the history of the property before making a decision. It should be very difficult to demolish a building, especially one that is a primary resource in a nationally designated historic district.

- She was concerned about setting a precedent for using a building in a slide zone. Historic properties should be allowed to be demolished because renovation is not economically feasible when they are located in a slide zone. There are a lot of buildings in Astoria that people could purchase and then claim that it is time to demolish the buildings. They could then turn around and build something new. The character of this entire neighborhood would be changed if the large bulky massive buildings are taken down. Last year, there was a lot of struggle about adding density to low residential areas. People were talking about putting accessory dwelling units (ADUs) and tiny homes in residential areas that were for single family living, and how that might change the character of neighborhoods. This is the antithesis of that conversation, the taking down of multi-unit buildings in high density residential zones to make more single family buildings in historic districts.

Doug Thompson, 342 14<sup>th</sup> Street, Apt. 602, Astoria, said he was a volunteer board member of the Lower Columbia Preservation Society. The LCPS board unanimously supports Staff's conclusions. The Staff report is a thorough, objective, and responsible piece of work. Nancy Ferber has raised the quality of Staff reports in the Community Development Department. He served on the HLC for a couple of years, followed by three years on the Planning Commission and 11 years on City Council. He has spent many late evenings on these matters. While he was doing that volunteer work in this community, he also earned a living as a licensed real estate broker and property manager. This is an attempt to balance the community's rights and responsibilities with the private property owners. He believed the result of the proposed demolition of a primary historic structure in Astoria's first nationally registered historic district was a big deal. Despite what the building looks like today and the lack of remaining historic fabric, the community made a judgment, which was voted upon by City Council and ratified by the State Historic Preservation Office (SHPO) and federal government that community standards included the fact that this structure was a primary structure. The Uniontown/Alameda Historic District has always been a working-class district. It is not an area of the finest homes in Astoria. If this building is demolished with no plan for a successive structure, the City will have created a contemporary single family home surrounded by a very big lot. That would take on the appearance of an R-1 zoned lot in the midst of a dense urban working-class historic neighborhood. The burden is on the Applicant. Over time, tenants, owners, shop keepers, and business owners come and go. Uses of buildings and the condition of buildings is like a roller coaster in many instances. Many buildings do not have the benefit of a consistent level of maintenance over time because of economic circumstance and social or cultural changes. He believed that, based on the application and Staff report, this is how gentrification happens. This is also how affordable housing disappears. Buildings change and neighborhoods are dynamic, but demolition is forever.

Mike Sensenbach, 110 Kensington, Astoria, Vice President, Lower Columbia Preservation Society, said the Staff report thoroughly outlined the criteria that this demolition permit should be based on. He reviewed the City's files on all three properties displayed on the screen. He found it interesting that the geotechnical engineer's report included with this application contradicted the geotechnical engineer's report on the house directly to the east, which was built ten years ago. Two reports on the stability of the land resulted in the approval of the permit to build that house. One of those reports was prepared by the same firm that



has justified the demolition of this building. He deals with property insurance claims as a profession, so he has dealt with a lot of building rehabilitation. He found it interesting that the engineer's report concluded that this building cannot be saved. When he deals with major fire and water damage, he does not ask if the building can be saved. He asks what would be the most cost effective solution to save the building and then he makes a decision about whether to remove or save a building. The reports will reflect what was asked of the engineer. Operating the building as a slum does not seem to be an option because it has been red-flagged by the City. He spoke with the building official and learned his primary concern was the foundation. If the property were to be sold to someone not interested in demolishing the building, they would have to bring it up to code by investing more than just their purchase price. The LCPS just sold an apartment building. The preservation of that building was important to the LCPS, so they put a conservation easement on it through Restore Oregon to make sure it would not be torn down and the significant exterior features of the building would be retained in perpetuity. There are options available to ensure this building does not become a slum.

President Gunderson called for the Applicant's rebuttal.

Mr. Osborn stated this was difficult for him because he was on both sides. As president of LCPS, he had trouble because there was a lot of talk, but he seemed to have the only wallet in town. He has not seen anyone else put up money to make any of these other options happen. All of the talk about saving this building makes no sense from a financial standpoint. He was angry that this building was in disrepair for such a long time and no one showed up. But now that demolition is being considered, everyone is crying over it saying that there must be some way to bring the building back to life. No one has said the building is not dead, but just that it must be preserved at all cost. He has limited resources and does not want to waste money. Knowing that the City's controls are not as robust as they should be, he does not want to let the building turn back into a slum. He submitted two derelict building complaints that yielded nothing. The building has been spent and should be demolished.

President Gunderson called for closing remarks of Staff.

Planner Ferber stated Staff treats all applicants with respect and was not bullying this Applicant into doing anything. The Applicant willingly purchased the site and at no point did the City ask the Applicant to take over the building. The City is not holding any homeowner hostage to a proposal. The onus is on the Applicant to prove that the criteria have been met.

- She is very passionate about transparent processes, so any opportunity to collect public input is important. With very emotional testimonies on both sides of this issue, she asked that the HLC to review the application instead of processing it administratively. Immediate administrative approval is intended for buildings that are an immediate threat to public health and safety. She went back and forth with the building official to clarify this because the building was red-flagged. Even though there are structural issues, the building has not been deemed an immediate threat. A few people brought up the Merwyn as an example of how to fix historic buildings. It is good to keep in mind that for a long time, people said the Merwyn would be too expensive to renovate. The building official has been through the Applicant's building and a geological report was included in the supplemental information in the Staff report. Funds are available from the City to promote preservation, so the City is actively engaged in preservation efforts. This site could potentially be eligible for those funds and she did not believe there was any embarrassment factor with applying for the funds. The money exists for properties like this one. Several non-profits provide support and resources for preservation, rehabilitation, and conservation. For any land use acquisition, the Planning and Public Works Departments make recommendations to the City Manager. City Council decides on acquisition requests based on Staff's recommendations and public input. Public Works made it clear that use of the right-of-way would be the last option because private property was available for use.
- The photograph with the raccoon was submitted as part of the supplemental information. Preservation is not just for beautiful buildings, it is also for important sites. She included information about how this historic structure had been used as workforce housing for people in the fishing industry, which is important to the district. Demolition affects more than just building; it is the site, what happened on the site, and the potential for the site.



President Gunderson called for a recess at 8:55 pm. She asked that no one speak to Commissioners and that Commissioners not speak among themselves about the demolition request during the recess.

The Historic Landmarks Commission meeting reconvened at 9:01 pm.

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

Vice President Dieffenbach said she could see both sides of this story. She questioned how likely it was that this building could be renovated. Demolishing the building will leave a hole in the neighborhood and open up the site for development, but a developer would have to go through the same rigorous review process for soil conditions, Code requirements and historic requirements. Just because the building was deemed a primary historic structure at one time does not mean that the structure continues to be a primary contributor. Many structures have decayed over time and had the historic review been done now, this building might not have been a primary structure. Time changes and some people are not conscientious with historic buildings, neighborhood contexts and communities. She believed there was no economic way to make this building work. Much of the building can be recycled and the Osborns have experience. She believed the Osborns would be as conscientious as possible to make the best of a bad situation. As a property owner, it was difficult for her to believe that there were any other options besides demolition. There is no viable way to do anything else with this house. Twenty years ago, she would have loved to have done something about this house when it began to fall down. But, Astoria did not have the laws then, and she hoped those laws were changing. At this point, the City cannot go backwards.

Commissioner McHone agreed with Vice President Dieffenbach. When he first read this application, he hoped there would be a Merwyn-like ending, but, this building cannot stay where it is currently located. In this case, everyone is right. He supported the application, but also supported the opportunity for the Applicant to pursue moving the building to the right-of-way. He did not want the Applicant to feel held hostage by the City for stepping up and trying to do something right.

Commissioner Rathmell said she also understood both sides of the argument. She had a house next to a derelict house that has since been purchased and is being renovated. The house was vacant for almost 10 years and burglars told her they were going to rob the house. She has heard several times that the HLC has presided over controversial cases that should have gone a different way. She has heard lamentations about demolished buildings that should not have been torn down. She had sympathy for the Applicant's case, but did not want the HLC to start making it easy for people to tear down houses. Most of Astoria has geologic issues and many houses are in disrepair. She could not approve this request because the criteria had not been met. There are probably some ways to save the building and there are probably some other uses for the building. She did not believe the options had been completely exhausted. There may be someone interested in purchasing and renovating the building.

Commissioner Osterberg noted the Staff report stated that the Applicant was well aware of the conditions at the site at the time of purchase. However, the Applicant's written materials and testimony indicated he was not fully aware of the issues of the building and only learned of those issues in greater detail as time went on. The Staff report also stated that a residential use would be the best use of this property. However, the Staff report goes on to state that the Applicant should consider other uses as well in their feasibility analysis. It is legitimate that the Applicant could or should have considered more uses, but the Applicant has submitted a lengthy and detailed professional analysis of the reuse of the building for apartments. The economic factors that limit the building's rehabilitation for a residential use likely also limits other permitted uses in that zone.

- Staff stated that conditional uses should have been investigated more fully, but he believed this would be an unreasonable burden on the Applicant. Conditional uses are highly discretionary, may not be approved, and have many issues to be considered. The economic feasibility should not be an exhaustive analysis that includes removing additions from the building. A reduced building size was investigated by the Applicant, but this would require additional permits, which could be denied. This is still not economically feasible. Use of the right-of-way is questionable regardless of the size of the building, according to the most recent email submitted into the public record by the Public Works Director. The email specifically discouraged a request to use the right-of-way because the right-of-way



is needed for other public uses. Removing additions to make the building fit somewhere seems inappropriate. A substantial alteration would result in a drastic diminishing of the historic character of the building. That option is a dead end from a historic preservation perspective as well as an economic feasibility perspective.

- The use of other adjacent sites was considered by the Applicant. Statements indicate the Applicant does not want to move the building on to his lot because it would obstruct his view. The Applicant testified that this was just one of four factors as to why he could not proceed with rehabilitation. He believed the Applicant's efforts to rehabilitate the building in accordance with criteria and the applicable historic preservation policies were reasonable and adequate. It is easy to point out other things the Applicant could have considered, might consider, and that there is always a chance that something good could happen, but the Applicant's efforts to investigate and rehabilitate have been reasonable and adequate.
- Development Code Criteria 2, 3 and 4 are not applicable because no new use has been proposed and the building has not been proposed to be moved. The Comprehensive Plan indicates the City will promote and encourage preservation and restoration of sites and structures. However, this is not the discussion before the HLC. The discussion is about what the Applicant has proposed in relation to the applicable criteria. He believed Criterion 1 had been met because the City, through its Comprehensive Plan, as implemented through its Development Code, has promoted and encouraged preservation efforts. It is not up to the Applicant to speak to what the City should do. Criterion 4 says the City should take a more active role in the designation of historic districts. He believed the City had done so, but that is not applicable to the criteria for approval of this demolition request. The economic development goal is to encourage preservation of historic buildings and neighborhood sites, which has been accomplished through the Comprehensive Plan and Development Code. Specific Development Code criteria for demolitions state there needs to be a special case. He believed the applicable Comprehensive Plan and Development Code criteria have been met.

Commissioner Burns stated the building official had not found the structure to be an immediate and real threat to public health, safety, and welfare. The Applicant has done a lot of due diligence and spent a lot of money. He did not know if it would be possible to sell the building. He suspected the Applicant had not explored tax credits and other incentives. He could not speak to whether the City would or would not enforce codes to prevent another slum lord situation from occurring if the building were sold. However, he agreed that removing additions from the building would dramatically impact the streetscape, possibly just as dramatically as demolishing the building. If new construction were proposed for the site, it would be reviewed by the HLC; so, the HLC could protect what the neighborhood might look like in the future. He did not believe all options had been explored, but also did not believe other options were likely. Removing additions from the house and moving it on to the right-of-way would not necessarily be an improvement.

President Gunderson said in addition to Mr. Osborn spending money on this property, commercial buildings were being redone, the Flavel buildings were being brought back to life, and houses were being reborn in neighborhoods, so, Mr. Osborn does not have the only wallet in town. Other people bid on the property alongside Mr. Osborn. She knew one of the other bidders did rehabilitation work, but she could not say whether they would still purchase this building now. Anything that happens to that property will have to be reviewed by the HLC and the systems in place provide no way for it to be continued as a slum. The building at 1030 Franklin was sold with agreements in place about what would and would not be done. Mr. Osborn has that same option.

- She was on the HLC several years ago when several people requested that the Commission do its job by preventing the Merwyn from being demolished. The community indicated it was the Commission's job to preserve the structures and homes in Astoria, and that they would be disappointed in the HLC if they allowed the Merwyn to be torn down. Many of the Commissioners walked in to that hearing with the feeling that they would let the Merwyn go, but someone said Astoria did not need another hole downtown. She was not convinced that the Merwyn was in the condition the Applicant claimed it was in, but the owner submitted geological and other reports saying the only option was to tear it down. The City was saying the building was leaning against the library and causing problems. However, she listened to the community and asked why everyone waited until the hearing to save a building. The HLC is now at the same point with Mr. Osborn's property. The Merwyn will have life and will provide more affordable housing that Astoria needs. The HLC did what it set out to do. There are people out there, more than ever right now, who are rehabilitating buildings and homes. She did not believe Mr.



Osborn had exhausted all of the options. Astoria needs affordable housing and vernacular homes. She did not support the application.

Commissioner Burns asked if the Applicant could be directed by the HLC to pursue other specified options. Planner Ferber replied yes. The application could be approved now, which would deny the demolition permit. The demolition could be approved, in which case Staff requested the hearing be continued to allow Staff time to draft findings of fact in support of the request. The hearing could also be continued to a date certain with additional conditions of approval that included any of the other options the HLC would like the Applicant to explore.

Commissioner Burns confirmed that the Applicant's comments seemed to indicate he would be willing to entertain options for tax incentives if moving the building into the right-of-way was possible. He also believed selling the property should be explored because there were other bidders when Mr. Osborn purchased the property and he has heard others would be interested. He understood that everything could not be saved and did not want to make anyone feel like a hostage economically. However, other bidders were interested in this property. He wanted to allow others the option to decide whether they would rehabilitate the building.

Commissioner Osterberg confirmed that allowing the Applicant more time to investigate alternatives would require a continuance. He asked how the 120-day appeal period would be impacted and whether there were special requirements for demolition requests. City Attorney Henningsgaard said he discouraged a continuance. The HLC's discussion has been about a range of speculative things that could occur and lead the HLC to decide one way or the other. That would be difficult to put into conditions of approval, which should be concrete and reliable. If the demolition request is denied, the Applicant has heard the HLC's concerns. If the demolition request is approved, the Applicant would not have to worry about a continuance.

Commissioner Osterberg confirmed that denying the demolition request would not unnecessarily extend the hearing and would allow the Applicant to appeal to City Council.

Commissioner McHone believed that the criteria for immediate removal had been met. He noted the criteria required any, not all, of the conditions listed be met. The structure has been damaged in excess of 70 percent of its original value. Planner Ferber clarified that criteria was for a Certificate of Appropriateness for Immediate Approval Certificate is specifically for immediate removal, which is approved administratively and not by the HLC. This application is now past that point.

Commissioner Rathmell moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and deny Demolition Request DM17-02 by Ted Osborn; seconded by President Gunderson. Motion tied 3 to 3. Ayes: President Gunderson, Commissioners Rathmell and Burns. Nays: Vice President Dieffenbach, Commissioners McHone and Osterberg.

City Attorney Henningsgaard confirmed it would be inappropriate to reopen the hearing and recommended a motion to approve the request. If the vote on that motion is tied, the application would be denied.

Planner Ferber recommended a continuance if the vote is to approve the demolition so Staff could prepare supporting Findings of Fact. City Attorney Henningsgaard noted the HLC could file the motion now and then Staff could prepare the Findings of Fact.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) approve Demolition Request DM17-02 by Ted Osborn and direct Staff to prepare Findings of Fact in support of the request; seconded by Commissioner McHone. Motion failed 3 to 3. Ayes: Vice President Dieffenbach, Commissioners McHone and Osterberg. Nays: President Gunderson, Commissioners Rathmell and Burns.

President Gunderson read the rules of appeal into the record.



Planner Ferber confirmed she would get in touch with Commissioners to sign the appropriately worded order.

The Commission proceeded to Item 7: Staff Updates at this time.

ITEM 5(b):

This item was addressed immediately following Item 4: Approval of Minutes.

EX17-13      Exterior Alteration EX17-13 by Michelle Dieffenbach, Rickenbach Construction, Inc. to add an additional grain silo to the south side of the building and wind breaks to the front entrance doors at #1 8<sup>th</sup> Street.

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.

Vice President Dieffenbach recused herself from the hearing and stepped down from the dais

Commissioner Burns stated he had eaten at Buoy Beer, and Andrew Bornstein and Luke Colvin are on his Board of Directors. However, he had not discussed this project with them and he did not believe his judgment or impartiality would be affected.

President Gunderson requested a presentation of the Staff report.

Planner Ferber presented the written Staff report with a PowerPoint presentation. No correspondence had been received and Staff recommended approval of the request with the conditions noted in the report.

Commissioner Osterberg asked if Staff recommended a condition of approval regarding the lease with the Parks and Recreation Department be adopted. Planner Ferber clarified that the project was in compliance with the lease agreement, so no additional condition of approval would be necessary.

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

Dave Kroenig, 1168 14<sup>th</sup> Street, Astoria, said Buoy Beer needed to add a second silo because their supplier recently indicated they would be able to fill a particular ingredient in bulk. The second silo would be the same as the existing silo. He believed this would be the last silo they would need. The front doors slam shut and they have been worried about finger injuries. There have been none so far, but the glass windbreak will prevent the doors from slamming.

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

Commissioner Rathmell said the project would not change the historic character of the site, the fixtures could be removed if needed, and she did not have any concerns.

Commissioners McHone and Osterberg stated they supported the application. Commissioner Osterberg added that the Commission did not need to adopt Condition 5.

Commissioner Burns said the project meets the criteria and seems identical to what was approved in the past.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX17-13 by Michelle Dieffenbach, without Condition of Approval 5; seconded by Commissioner Burns. Motion passed unanimously.



President Gunderson read the rules of appeal into the record.

ITEM 5(c):

NC17-07            New Construction EX17-07 by Michelle Dieffenbach, Rickenbach Construction, Inc. to add a 1760 square-foot enclosure for a cooler in the parking lot across from #1 8<sup>th</sup> Street.

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 Burns stated he had eaten at Buoy Beer, and Andrew Bornstein and Luke Colvin are on his Board of Directors. However, he had not discussed this project with them and he did not believe his judgment or impartiality would be affected.

President Gunderson requested a presentation of the Staff report.

Planner Ferber presented the written Staff report with a PowerPoint presentation. She noted typographical errors in the Staff report would be corrected and confirmed no house was involved in the project. She presented recommended changes to Condition of Approval 4 from "dissolving" to "updating" easement language associated with the site. No correspondence had been received and Staff recommended approval of the request.

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

Dave Kroenig, 1168 14<sup>th</sup> Street, Astoria, said he had considered adjacent options inside buildings so that parking would not be taken up. However, while working with property owners and the City, some zoning issues came up in those buildings. This is the only spot to put a cooler of this size. The previous cooler he asked the City to approve was a bridge to future expansion, but then they learned the cooler could only be placed in the parking. Rather than building the smaller one, they decided to go with the larger option being proposed today. He did not anticipate any issues with meeting the conditions of approval.

President Gunderson called for any presentations by persons in favor of, impartial to or against the application. Seeing none, she called for closing remarks of Staff.

Planner Ferber explained that the pedestrian bridge in the current parking lot would be expanded for forklift access, and a new pedestrian access would be included in the reconfiguration of the parking lot to provide direct access to the front door.

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

Commissioner Osterberg believed the application met all of the criteria and he agreed with the conclusions in the Staff report.

Commissioners Burns and McHone stated they had no objections.

Commissioner Rathmell supported the request.

President Gunderson noted the Applicants had done an excellent job on all of the requests the HLC had been asked to review.

Commissioner Osterberg moved that the Historic Landmarks Commission (HLC) adopt the Findings and Conclusions contained in the Staff report and approve New Construction NC17-07 by Michelle Dieffenbach, with changes to Condition of Approval 4 as stated by Staff; seconded by Commissioner Burns. Motion passed unanimously.



President Gunderson read the rules of appeal into the record.

Vice President Dieffenbach returned to the dais.

The Commission proceeded to Item 5(a) at this time.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 6:

There were none.

STAFF UPDATES – ITEM 7:

This item was addressed immediately following Item 5(a): DM17-07.

Planner Ferber briefly provided updates on approval 2018 CLG funds, the February HLC meeting date, and an upcoming talk about the Flavel House by John Goodenberger.

MISCELLANEOUS – ITEM 8:

There were none.

PUBLIC COMMENTS – ITEM 9:

President Gunderson confirmed that all members of the public had left the meeting.

Vice President Dieffenbach asked if the City could require an applicant to get geological reports done by a third party when there are two conflicting geological reports done by the same person in the City's files.

Planner Ferber stated in this case, the two geological reports were for different properties and were completed at different times. Any time Staff has questions about information provided by the Applicant, they request additional information.

Commissioner Burns did not believe it would be a good idea to call out a professional's expertise or to make applicants spend more money. Commissioner Osterberg suggested the HLC request the City Engineer review the reports and submit his conclusion to the Commission.

The Commission proceeded to Item 3: Election of Officers at this time.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:12 pm.

**APPROVED:**

  
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City Planner