

HISTORIC LANDMARKS COMMISSION MEETING

Walldorf Conference Room, Astoria City Hall

February 19, 2013

CALL TO ORDER – ITEM 1:

A regular meeting of the Astoria Historic Landmarks Commission (HLC) was held at the above place at the hour of 5:15 p.m.

ROLL CALL – ITEM 2:

Commissioners Present: President LJ Gunderson, Commissioners Jack Osterberg, Thomas Stanley, and Paul Caruana.

Commissioners Excused: Kevin McHone

Commissioners Absent: Vice President Michelle Dieffenbach

Staff Present: Planner Rosemary Johnson.

APPROVAL OF MINUTES – ITEM 3(a):

Commissioner Osterberg moved to approve the minutes of January 15, 2013 as presented; seconded by Commissioner Caruana. Motion passed unanimously.

PUBLIC HEARINGS:

President Gunderson explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were listed in the Staff report.

ITEM 4(a):

EX 12-10 Exterior Alteration EX12-10 by Jack Coffey, Jack Coffey Construction for Teresa Mittelbuscher to add a standing seam metal roof on the existing rear elevation of a second story deck of an existing single family dwelling at 364 Bond in the R-3, High Density Residential zone.

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

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

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

Jack Coffey, 1447 8th Street, stated he is present to answer questions.

President Gunderson called for testimony by persons in favor of, in partial to or against the application. There was none. President Gunderson asked if there are questions for Staff.

Commissioner Osterberg noted he does not disagree with the proposed roofing color, but asked for clarification on the Commission's responsibilities with regard to color. Color is contained in the Findings for Criteria 9; however, it also states the roofing will not be highly visible. If the Commission cannot rule on color, why is it mentioned as a criterion?

Planner Johnson explained City Code does not specifically state what approved colors are, so the HLC has not reviewed the color of paint on houses. On Exterior Alteration Requests, color is considered to ensure the color is

within reason and compatible. Neutral or muted colors are compatible with the historic nature. Bright colors would not be considered compatible. The idea is to approve the compatibility of tones. Condition 1 is concerning significant changes which need to come back to the HLC for review. A change to another compatible color in the future would not be considered significant; therefore, Staff can approve the change administratively without review by the HLC.

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

Commissioner Caruana said the roof only seems visible from Marine Dr. and the HLC has no say about that and it is not visible from Bond Street. The color is probably more of an issue, but that seems to be fine. The rest of the project will look like an extension of what is already there. Planner Johnson clarified the HLC can rule on structures visible from any elevation, even those outside the designated historic inventory area. In this case, Staff is only stating that there is less of a visual impact to the historic area because it is not visible from the historic street scape. Commissioner Caruana believed the extension of existing materials and color does not draw attention to the structure.

Commissioner Osterberg agreed. If the structure were more highly visible, he might feel differently. He understood the visual impact of the north elevation of the house is not as significant, noting he considers the gradation of the various levels to ensure the focus is on what is truly of key importance and understanding what is less important, not insignificant, but lesser. He agrees with the Staff report.

President Gunderson said that historically, buildings had covered porches rather than open decks, so the proposal brought the structure into more of a historic design.

Commissioner Osterberg noted other aspects of compatibility have been previously approved by the City, such as at the time the bed and breakfast request was reviewed, so the overall compatibility of the house seems to have been adequately reviewed. Now that HLC has considered the details of architecture and design, it is fine.

Commissioner Stanley moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and approve Exterior Alteration EX12-10 by Jack Coffey with conditions; seconded by Commissioner Caruana. Motion passed unanimously.

President Gunderson read the rules of appeal into the record.

Mr. Coffey stated he plans to paint the exterior during the summer and asked if the HLC would need to review the color. Planner Johnson replied that the City does not control the color of house paint.

Planner Johnson noted for the record that no audience was present for the remainder of the meeting. Formalities may be omitted with the exception of declaring ex parte contacts and conflicts of interest.

ITEM 4(b):

NC 13-01 New Construction NC13-01 by Jesse Carter, Astoria Pointe/ Rosebrier to locate an open sided, covered structure as an outdoor smoking area in the rear SE corner of an existing residential lot adjacent to structures designated as historic at 636 14th Street in the R-3, High Density Residential zone.

President Gunderson asked if any member of the HLC had a conflict of interest, or any ex parte contacts to declare. Planner Johnson declared that she lives in the neighborhood, but this has not impacted her ability to prepare the Staff report and she will not be making any decisions on this issue. Commissioner Osterberg stated he lives in the neighborhood as well. The Commission agreed he lives far enough from the property (17th and Grand) that there would be no conflict of interest.

There being no one in the audience, President Gunderson opened and closed public testimony for the record.

Planner Johnson presented the Findings and Conclusions contained in the Staff report and recommended approval due to the secluded location, lack of visibility, and need for a smoking area for the 15 clients. The only

correspondence received was from Doris Larremore, owner of 660 15th Street, in support of the request which was included in the HLC packet. Staff did receive phone calls concerning the smoking area being adjacent to a City playground. Phone calls are not considered official public testimony. The HLC is not reviewing the smoking area, only the physical appearance of the proposed structure. Property owners are allowed to smoke in the area regardless of the carport. The carport was installed a year and a half ago and no one has commented on it.

Commissioner Stanley confirmed the carport will remain in its current location if the variance is approved. Planner Johnson added Staff requested that the carport be moved a foot and a half from the property line to comply with building codes. Pictures in the Staff report show the carport after it was moved and where it will remain.

President Gunderson called for Commission discussion and deliberation.

Commissioner Stanley commented that he does not like the structure and he would not recommend approval. The proposal is not appropriate and not the direction the Commission wants the City to go.

Commissioner Caruana expressed concern that siding may be installed because it is too windy. Planner Johnson noted the application is for an open-sided structure. Enclosing the structure would be considered a substantial change that would require HLC review.

Commissioner Caruana believed two school buses could be parked in the structure proposed for 15 people to use for smoking.

Commissioner Stanley stated the HLC would never approve converting a historic building or area into something that would allow 15 people to go outside to smoke in. He cannot approve the application.

Commissioner Caruana suggested that the Applicant attach an extended roof to the building.

Commissioner Stanley said he is very concerned. He noted the HLC has approved small, cottage-like structures for storage in the past. The Applicant could do that for people to go in and smoke.

President Gunderson agreed she does not care for the look of the carport. The carport was installed a year and a half ago and those neighbors immediately affected have not complained, which is a positive aspect. A letter has been received in support of the structure, even though that person is not a smoker. She noted the carport is not very visible unless one really looks for it. If one could not avoid seeing it, she would have a bigger issue with the request.

Commissioner Stanley stated if the HLC took that position with every application simply because a structure or project is not highly visible, it would be an issue.

Commissioner Caruana asked what happens if the structure becomes visible because trees are blown down or the landscape changes.

Commissioner Osterberg stated the HLC can control landscaping on the subject property to mitigate the view. He questioned that the HLC may rely too heavily on visibility and view when considering approval criteria. The prior application was more troubling. In this case, the carport makes no physical impact and no addition or change to the historic building is proposed. The freestanding carport is designed to be temporary and can be easily disposable without any damage or structural or architectural impacts to the actual historic structure.

Commissioner Caruana suggested requiring the Applicant to have the carport reviewed by the HLC on an annual basis. Planner Johnson does not believe this would be possible. Commissioner Caruana suggested the Applicant be given time to propose a more appropriate solution and asked about accessory structures in the Code. Planner Johnson clarified that accessory structures are exempt from some setbacks stated in the Development Code. In this case, a 5-foot setback is required instead of a 15-foot setback. A one-year conditional use permit can be granted for temporary structures if the structure is for a specific use. This carport is considered an outright use and nothing in the Code refers to temporary versus permanent structures for an allowable use. The HLC must decide if the secluded location and temporary and utilitarian nature of the carport

outweighs the inappropriateness of the material and design. Nothing in the Code could make the structure temporary, so it could be removed in a year.

Commissioner Caruana noted if the fence came down, it would look horrible and he would never want to see it in anyone's yard. He suggested denying the application and allowing the structure to remain while the Applicant works on a proposal for approval. Planner Johnson explained the HLC could not put a condition on a denial. The HLC could recommend that the structure be removed by a specific date. The application cannot be tabled because State law mandates that a decision be made within 120 days. The Commission can postpone the hearing on this application until the March 2013 meeting, and ask the Applicant to return for discussion.

Commissioner Caruana suggested Staff notify the Applicant that the HLC is not likely to approve their application and ask that they consider removing and replacing the structure or modifying the appearance of the existing structure with some other material and present it at the next HLC meeting. A 30-day continuance could be useful. So many variables are involved to make something ugly approvable such as the fence or landscaping could be removed.

Commissioner Stanley believed approving this application would set a precedent. Planner Johnson noted that the criteria and facts would explain why the Commission approved an application. Commissioner Osterberg explained that each land use application is judged on its own merit and never sets a legal precedent for a future case. Approving this application would not obligate the City or the HLC to approve a future similar application.

Planner Johnson recommended denial of the application, rather than continuance, so she can work with the Applicant on a new application. Continuing the hearing makes no sense if the HLC was not going to approve the application as a redesign is the best option. She read the amended language for Findings of Fact for denial.

Commissioner Osterberg stated visibility is not the only issue. Even with abutting landscaping, the structure is not consistent with the typical location and orientation of adjacent structures, which is Criteria C. He read Criteria B, noting the design of the proposed structure is not compatible with the design of adjacent historic structures, including the subject property, or the items listed. The Staff report does make the case that because the structure is small in comparison to surrounding buildings, so the scale of the structure may be acceptable; however the style, materials and architectural details are not compatible.

Commissioner Caruana understood accessory structures in rear yards of historic properties tend to be in corners with a 5-foot setback, but he does not believe a variance is needed; a 12-foot by 20-foot building is large for 15 people who are smoking.

President Gunderson noted the application stated the structure will be used for outdoor meetings and other functions, which is why the additional space was requested.

Planner Johnson confirmed the applicant could comply with the setback if the current structure was removed. Setback applications are approved administratively, so she would take direction from the HLC, but the variance will not be reviewed by the HLC. She understood the Commission believes the accessory building is located too close to the property line for a typical historic accessory building.

Commissioner Caruana said the structure was not like a garage with certain criteria for car movements. As an open outdoor space, there is no need to push for a variance.

Planner Johnson clarified the HLC's findings for denial are that the building is too close to the property line for its historic positioning for an accessory structure as well as materials, style, and detail are not compatible with the wood siding of the historic buildings.

Commissioner Caruana advised that having a four-sided, hipped-roof structure, similar to the house would be great. If the building was compatible with the house and designed nicely enough, it could be on posts with a roof that matched the house and the structure could encroach on the setbacks. However, he suggests the proposed structure be denied.

Commissioner Osterberg noted the Applicant was not present to address the issues and answer questions.

Commissioner Caruana moved that the Historic Landmarks Commission adopt the Findings and Conclusions contained in the Staff report and deny New Construction NC13-01 by Jesse Carter with the following changes to the staff report:

Page 5.B., Finding, change to read, "... would be an accessory structure in a rear yard. However, it is larger than typical accessory structures. ... construction material which is not long lasting. However, there is no limit on how long it would be located at this site. It is compatible in scale and height to the historic structure."

Page 5.B., Finding, last paragraph, add: "... architectural detail, nor material to the adjacent historic structures. The structure would be located However, landscaping and fencing can change and the building would be more visible than it is now. ..."

Page 6, Paragraph 2 to read: "The proposed structure is smaller than the adjacent structures and would not dominate or overpower the adjacent historic structures. However, it is large for an accessory structure and would encompass almost all of the open space in the rear yard contrary to a typical accessory structure in historic rear yards. It would not create a visual clutter with the current landscaping and fencing. The proposed building would be "tucked" into the back corner of the lot and not highly visible. However, landscaping and fencing on adjacent properties could be removed making the structure more visible at any time."

Page 6, add Paragraph 3: "Corrugated metal roof buildings/carports with metal support posts are very contemporary and are not similar to historic materials and designs in this neighborhood. Existing structures have wood siding and accessory structures are mostly of similar materials and design as the main structure. The arched roof design does not reflect the pitched and hip roofs of the adjacent structures. While the structure is utilitarian in nature and located in a rear yard, the design and materials are not compatible with any of the other adjacent historic structures. The metal structure is also large for the small rear yard area."

Page 6, Paragraph 4 changed to read: "Even with weighing the various factors involved, including the utilitarian nature of the structure, need for a covered outdoor gathering area, and the existing minimal impact from viewpoints, the location and design of the structure does not meet this criteria and is not compatible with the adjacent historic structures."

Page 7, Finding, add: "... would be buffered from view from the streetscape. However, that could change in the future with the removal of the fence and/or landscaping. While accessory structures are typically located in rear yards, the size of this structure requires encroachment of the adjacent historic properties."

Page 7, Finding, delete the last sentence.

Page 8, V. change to read: "CONCLUSION The request, in balance, does not meet all the applicable review criteria. The Historic Landmarks Commission denies the request."

Seconded by Commissioner Stanley. Motion passed unanimously.

COMMUNICATIONS:

ITEM 5(a):

The Alliance Review article entitled Can It Be Saved? Emergency Measures for Threatened Buildings is submitted for Commission review and information.

Planner Johnson believed this article was timely, considering the current issues with the Waldorf Hotel.

President Gunderson asked for clarification about adaptive reuse, discussed on Page 7. Planner Johnson responded the City does encourage adaptive reuse; however, the City does not have an adaptive reuse program. She agreed to check the website and look into the program. The City currently has no financial incentives to give; however, building codes for historic properties are applied to historic properties and potentially historic properties. The City works with these property owners to get the properties designated historic with the condition that if the property is not restored, the designation will be removed. This allows the owner to take advantage of the building code exemptions for historic properties. The City has made this cooperative agreement with the

building inspector and State Historic Preservation Office to ensure these properties are restored to historic status.

ITEM 5(b):

Historic Landmarks Commission Member List 2013 – Staff has enclosed a revised Member List for Commissioner use. Please let Staff know if there are any changes or corrections.

REPORTS OF OFFICERS/COMMISSIONERS – ITEM 6:

No reports.

NEW BUSINESS:

ITEM 7(a): Dr. Harvey Historic Preservation Awards – Nominations due March 30, 2013

Planner Johnson noted nominations are accepted verbally and via email, no form is required. Several properties nominated in 2012 have been nominated again in 2013, as their projects are now complete. Once a closing date has been set, Staff will send out a public notice which the Commission will also receive. Nominations are due March 30th, the awards will likely be placed on the April agenda. One award can be given in each of the following categories: residential, commercial and government/institutional. These will be awarded by City Council. Honorable Mentions can also be made by the HLC. Buildings qualify for nominations if historic preservation work has been completed in the last two years.

Commissioner Stanley asked if Fort George Brewery, The Astor, or Commodore Hotel have been nominated. Planner Johnson said she would check to make sure the buildings have not already received the award and would add them to the list of nominations. Ted Osborne's building is not yet complete, but would be a good one to nominate next year. No exterior work has been done to City Hall, so it did not qualify. The CRMM train station has already been nominated in the government/institutional category.

Planner Johnson explained that Ted Osborne's building is located at 10th and Commercial where the coin shop is located. The building is being historically preserved in an effort to receive Special Assessment and Federal tax credits. Staff worked with Mr. Osborne on the historic designation, to allow the alterations. The building is currently designated as a local landmark and must be further renovated to be eligible for the National Historic District. The local designation allows the owner to apply the historic building codes exemptions. Once the building receives designation within the National Register District, the property owner will be eligible to receive Special Assessment and Federal tax credits.

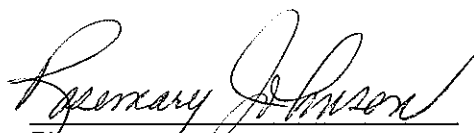
ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:08 p.m.

ATTEST:

APPROVED:


Secretary


Planner