

Unofficial Transcript of Oct. 10, 2022 HAHC

October 10, 2022 – Houston Archaeological and Historical Commission Meeting

CHAIR DAVID BUCEK: Today's meeting of the Houston Archeological and Historical Commission (HAHC) is called to order. I am Commission Chair David Bucek. I see we have four of them in the room but I will call the roll. Please, answer if you are in attendance. The Chair is present, Vice Chair Wiedower Jackson will not be present. Commissioner Jones?

STAFF MEMBER JASON LILIENTHAL: Good morning Chair and members of the commission. Thank you for so much for being here this morning at this meeting. So I present to you Items A1, followed immediately with A2. This is new construction, for a single family residential, and accessory dwelling unit at 615 Heights Boulevard. Most of you are familiar with this project, this came to you in the September commission meeting. I'll do a brief summary. What it was is back in January, the property owner applied for a COA [certificate of appropriateness] to do a rear addition. That was approved. Property owner also applied to do a detached rear accessory dwelling unit; that too was approved in January. There was a revision to the accessory dwelling unit in June, which is in your packet, and it will be in the presentation. Everything that happened is, when they took off the sheetrock, the agent at the time and the general contractor found fire-damaged studs. This occurred early in the week. I was notified. I went out two days later to take a look at the site and I discovered that it had been completely reframed and thus, the original structure was no longer existent. I took pictures, based off work order was issued, and there was an administrative hearing. So, in September, the property owner came forward to apply for a COA for demolition that was denied in issuance of a COR that was to deck and sheath to structurally stabilize it. And we already passed the pictures but you can see that I took photos of the deck and sheathing, that I saw that week. So, we're presenting today the new construction of a single family residential and an AD [accessory dwelling] unit. The footprint remains the same as the once existent historic structure. The only thing that is added is the rear addition they've already built to the rear of it. There are insets on it so you can see where the original structure had ended. That is what stands there today. The accessory dwelling unit has not been constructed but that is here for your consideration. I would say, I would close with the staff recommends approval for the new construction of the single family residential. Staff recommends approval for the new construction of the accessory-accessory dwelling unit. Apostolos (A.K.A. Paul) Lamnatos, the property owner and his architect, Luis Enriquez, are here and available for any questions from commission members. I myself am available for any questions. This concludes my presentation.

CHAIR: Thank you. Are there any commissioners who request permission to speak on this item or have a question for staff on this on this on this agenda item?

COMMISSIONER SRINIVASAN: So—

CHAIR: Commissioner Srinivasan.

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER SRINIVASAN: Quick question. I left early last meeting. What was the final decision? This project was brought before the Commission last meeting. Was the COR approved by the Commission? Or was it deferred?

LILIENTHAL: No, staff recommendation in September was denial of the COA for demolition, issuance of a COR to deck and sheathe it in order to structurally stabilize it.

COMMISSIONER SRINIVASAN: Okay, and the Commission—

LILIENTHAL: And the commissioners approved it in September, and that has been done with the help of Pete Stockton.

COMMISSIONER SRINIVASAN: Thank you.

CHAIR: Are there any other commissioners that have a question or wish to speak on this manner? At this time?

COMMISSIONER YAP: Yeah. Yap has a question.

CHAIR: Commissioner Yap.

COMMISSIONER YAP: From where we left off in the September meeting, and then all of a sudden now this is a COA application. So, my question is, have we concluded the discussion phase of the demolition itself? The illegal demolition itself? Before we vote on this COA?

LILIENTHAL: And if Kim can—we did conclude that it was determined to be demolition, yes. And this was before we came to you in the September commission.

COMMISSIONER YAP: Okay. Go ahead please.

DEPUTY DIRECTOR: I think we've gone beyond the demolition question because you all authorized the sheathing of the new framing in order to stabilize that.

COMMISSIONER YAP: Yes, but we haven't—I don't think we have decided that what we wanted to do with the illegal demolition—the repercussion of that, right?

LEGAL COUNSEL KIM MICKELSON: There's a limit on what you can do, I don't know if you have a specific question, or—

CHAIR: I think the discussions we had at our last meeting we're reviewing the application for new construction and there may be some revisions that this commission may attach to this for the new construction. I think that's the nature of your question. But I think if there are other questions, I know that we have that—we have the opportunity to go to executive session if we need to talk about some of these items.

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER YAP: Well, my question is if you're gonna roll it in, then my—my question is to you, Jason—staff, is that I'm referring to page seventeen of twenty three. The very top layout, the original one, the historic one-story wood frame, it's the one that's matching the COA application right now. Or vice-versa is the COA proposed site plan and matches the dimensions of the historic plan before the inset.

LILIENTHAL: So let me rephrase this by saying the middle picture, where it says 'Approved Site Plan January 27th,' that is what was approved in January. The site plan proposed for October 10th does match the historic structure with the rear end addition.

COMMISSIONER YAP: Okay, thank you.

CHAIR: And the Chair would like to ask a question for staff regarding the original—where the original home was formerly standing. Can you refresh the memory of the Commission in terms of what is now the proposed replacement for the siding—there was a siding that was removed and—and thrown away as well as the windows indoors and other exterior features.

LILIENTHAL: Certainly can. Amanda, could you go back to the beginning pages—the materials that was proposed starts on page ten. And so what the property owner coming forward with is the siding will be fiber cement siding smooth cementitious. The shingles will be composition. And if you go to the next slide, you are looking at Anderson windows. These are gonna be wood clad, double hung, one-over-one. This is what's in the proposal.

CHAIR: Thank you. If there are no more questions I'd like to open public hearing and let the applicant address the commission. And then we can decide what other further discussion Commission would like to entertain. At this time I'm gonna open up the public hearing. Staff can you let me know which speaker is signed up first to speak?

LILIENTHAL: The first speaker will be the property owner Apostolos "Paul" Lamnatos.

APOSTOLOS "PAUL" LAMNATOS: Good morning. I just, really wanna come before you all and just apologize again for my—the term "negligence" was used and I mentioned that on the Zoom call with all of you. the mistakes made have cost me a lot of money. That's—nothing was done intentional. From the beginning, everything that we've gotten before the house is to get it right back to its same condition. From windows to the siding, imagine that with grooves in it to look as much as the previous siding that was there. I—I didn't—I'm just really sorry. And I didn't do it on purpose. There was no master intent behind it. My contractor got out there and just started tearing the stuff away and I don't wanna take a lot of time this morning saying the same thing but I'm just really, really sorry and to do this intentionally, to have it cost me over a hundred thousand dollars it has, and to delay my project—it really wasn't done on purpose so with that, thank you for having the special hearing this morning I really appreciate that. If there are any questions I'd love to answer them.

Unofficial Transcript of Oct. 10, 2022 HAHC

CHAIR: Are there any Commission members that have questions for this applicant? ... Okay staff is there another speaker signed up?

LILIENTHAL: Yes we have the architect Luis Enriquez. This is not the same one who was on the COAs back in January. He was brought in after the fact.

CHAIR: I see, thank you.

LAMNATOS: And there's a different contractor being brought in for the second part as well. I wanted to mention that.

LUIS ENRIQUEZ: Yes, good morning.

CHAIR: Good morning.

ENRIQUEZ: My name's Luis Enriquez and I'm very concerned about what is happening. Besides being a professional designer for thirty years, I'm also a faculty professor for a local college. And I've been doing designs all over Houston, in Houston Heights it's a very special place to me. I understand all the guidelines and concerns as far as keeping the historic side of your community. And that's not my intention. The reason I'm here is I wanna make things right. I've done buildings and designs all over Houston and the fact that I teach, these learning experiences back into the classrooms, I teach over a hundred students a semester and I intend to bring every hard lesson learned in this activity back to the future designers. Thank you.

CHAIR: Thank you. Commission members, are there any questions for this speaker?

ENRIQUEZ: So if I may quickly, I've analyzed every part of the building, including the components and the materials, I've been on the side at least five times, I've climbed the roof, I've looked at every opening, under the stairs, under the foundation system. We've actually done a structural design approved by a structural priming designer. I'm doing everything that it takes to make sure it's done right. If you let this happen, this hard lesson happened, I will promise you that for the future generations of designers in the local community that one day may serve this community, will do it right. Give me that opportunity.

CHAIR: Thank you.

ENRIQUEZ: Any questions?

CHAIR: Okay staff, are there any other speakers signed up for this item?

LILIENTHAL: There are no other speakers signed up to speak.

Unofficial Transcript of Oct. 10, 2022 HAHC

CHAIR: Thank you staff. At this time I'm gonna close the public hearing and open it back up to discussions with the commission members.

CHAIR: And again—

COMMISSIONER SRINIVASAN: So—

CHAIR: Commissioner Srinivasan, please proceed.

COMMISSIONER SRINIVASAN: Just a quick clarification of what's—

MICKELSON: Microphone, please.

COMMISSIONER SRINIVASAN: Please—is it existing historic foundation?

MICKELSON: Move your mic. Move it closer.

COMMISSIONER SRINIVASAN: Closer, okay. Quick clarification. So, there was a rear addition approved in January so I'm just trying to go through the plans of. Is it the same rear addition there or has the square footage increased instead or how is it?

LAMNATOS: Yes, the rear addition has been added on with the foundation and the framing and the roof. Yes, the rear addition has been added on with the foundation and the framing and the roof indented up per the guidelines.

COMMISSIONER SRINIVASAN: Okay so it's basically being constructed on based on what was approved in January—

LAMNATOS: Yes—yes ma'am—

COMMISSIONER SRINIVASAN: Okay—

LAMNATOS: —and all the materials were ordered to replace them in advance.

COMMISSIONER SRINIVASAN: Okay thank you.

CHAIR: Commission members, I think I'd like to invoke the executive session pursuant to Section 551.071 under the Texas Government Code to bring the Commission into executive session so that we can have a full conversation about our options in this matter.

COMMISSIONER YAP: I second that.

Unofficial Transcript of Oct. 10, 2022 HAHC

CHAIR: I'm not sure we have to have a motion, but—

MICKELSON: We don't have to have a vote—

CHAIR: —we do have to leave the room.

MICKELSON: We will leave the room. Commission will retire into executive session. I show 9:23. We'll go back into the room back here and come back out shortly.

[In Executive Session]

[Commission Members Re-enter the Chamber]

CHAIR: Is there a commissioner who would bring forth a motion?

COMMISSIONER YAP: Yeah, would like to bring in a motion...the motion being that...I would like to see that the addition be removed and the current new structure be kept back to the original square footage of the historic house that was being removed. And secondly, that for two years that there won't be no additional structures being allowed—new structures being allowed on the property itself.

CHAIR: Okay. Is there a second?

COMMISSIONER SRINIVASAN: Commissioner Srinivasan has a question.

CHAIR: Please.

COMMISSIONER SRINIVASAN: Does the additional property also include the accessory structure?

COMMISSIONER YAP: Yes, I may not go as far as a ten year but I'll just put the accessory structure and the future addition in such a way the owner wait two years to build both. Either or both. That was my proposal.

MICKELSON: May I?

CHAIR: Legal counsel, please.

MICKELSON: Sir, may I clarify, you're proposing a two-year period to remove the addition and then a two-year period before some—the owner—

COMMISSIONER YAP: No—

MICKELSON: —to come back for a new certificate of appropriateness?

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER YAP: For the COA approval, then it would be the conditional in the sense that the addition is removed immediately.

MICKELSON: Right.

COMMISSIONER YAP: Owner would be allowed to finish the house like though it's a new construction with the new IRC 2015 code. That is, in terms of the removal of the addition. In addition, the owner shall not be allowed to build an addition to the house or the secondary ADU unit for a period of two years.

MICKELSON: Okay but they would have to come back for a new Certificate of Appropriateness for those two.

COMMISSIONER YAP: Yes because their plans may change. They can build the 3,000 square foot addition later—

MICKELSON: I just wanna make that clear—

COMMISSIONER YAP: Yeah—

MICKELSON: —that you are not approving that as part of this COA.

COMMISSIONER YAP: No, no.

COMMISSIONER CURRY: Commissioner Yap, instead of the word, “build,” in the future you mean return for submittal for COA for whatever that may be in the future—

COMMISSIONER YAP: Oh yeah, come back with a new COA for the ADU and the addition in the back. In the future.

CHAIR: And I have a question for legal, but the way that the ordinance is written, when a demolition is involved, the blanket statement is that no addition or structure be added to the property for ten years, to the original structure.

MICKELSON: The City Code Section 33-203(d) states that after the period of two years after the date of demolition has elapsed, the HAHC may approve a Certificate of Appropriateness for new construction on the site of the demolished structure only if the size and dimensions of the new construction are substantially similar. Because you all approved the sheathing of it at the last meeting, this is...somewhat already present. After a period of ten years after the date of demolition has elapsed, HAHC may approve a Certificate of Appropriateness for new construction on the site of the demolished structure without the limitations imposed by this section.

Unofficial Transcript of Oct. 10, 2022 HAHC

CHAIR: So my question is what the motion from Commissioner Yap is, instead of making them tear down this structure—remove the structure they've rebuilt, and then allow them to rebuild the same structure in two years from now, he's making a motion to allow them to have the structure they rebuilt two years early, but would the—because the ordinance is written in such that no other additions can be made after ten years. Will that still be in play?

MICKELSON: Well..

CHAIR: Unless admitted by this commission. Is that admissible, the ten year requirement—

MICKELSON: It's technically not terribly clear. After a period of ten years after the date of demolition, you may approve a Certificate of Appropriateness for new construction on the site of the demolished structure...The previous section after the period of two years after the date of demolition has elapsed, you may approve a Certificate of Appropriateness for new construction on the site of the demolished structure only if the size and dimensions of the new construction are substantially similar and not larger than the demolished structure. So, now I think technically the ten year period is what appears to apply here. Could someone come and ask for a variance or some amendment to that?

COMMISSIONER YAP: Well I think my proposal already builds that variance. Number one, where I give—where I provide leniency is that I allow the original footprint of the house to remain and continue in the process, right. So I'm not penalizing that. I don't know. But I'm penalizing the addition as a penalty. And then as the leniency, number two, is that as opposed to waiting ten years for the ADU, I'm saying he can then apply for a COA, you know, in year three. Basically two—so basically not wait ten years.

MICKELSON: Right.

COMMISSIONER YAP: So basically, I'm giving already a give and take situation in that regard.

MICKELSON: Yeah.

COMMISSIONER YAP: If that's understood.

MICKELSON: Commission is allowed to impose or establish reasonable conditions with—along with the issue of the Certificate of Appropriateness that they feel makes sense for the structure and the district. Think I'd fall there.

CHAIR: Okay well I'm gonna—is there a second for this motion?

COMMISSIONER KOUSH : I second it.

CHAIR: Okay. All those in favor say aye.

Unofficial Transcript of Oct. 10, 2022 HAHC

[various ayes]

CHAIR: All those against?

[various nays]

CHAIR: Can we just count the nays?

MICKELSON: Could we do a rollcall?

CHAIR: So I'll restate the question. All those in favor—starting from Commissioner Yap, on your side, if you—

COMMISSIONER YAP: Yay.

COMMISSIONER COSGROVE: Nay.

COMMISSIONER JONES: Jones. Nay.

COMMISSIONER SRINIVASAN: Srinivasan, nay.

COMMISSIONER STAVA: Yay

COMMISSIONER CURRY: Curry, yay.

COMMISSIONER KOUSH: Yay.

COMMISSIONER MCNIEL: Nay.

MICKELSON: Three nays.

GEISHEKER: I heard three nays. Srinivasan, McNiel, and Jones.

GEISHEKER: That would be minority. Four. Cosgrove.

MICKELSON: And Cosgrove. Sorry. I heard three as well.

COMMISSION YAP: Four?

MICKELSON: I think you get to vote. It's four to four.

CHAIR: Okay well, I'll be...aye.

Unofficial Transcript of Oct. 10, 2022 HAHC

MICKELSON: Okay so, that passes, 5-4. That's the vote I heard, with the Chair breaking the tie.

CHAIR: Okay, thank you. Next item on the agenda.

COMMISSIONER JONES: We just addressed that item in our vote.

CHAIR: There's another agenda item. This is Agenda Item B, consideration of and possible action of proposed 2023 HAHC schedule.

CHAIR: Not sure if staff is presenting the next item, or not, but there is in your packet, a proposed schedule for 2023.

GEISHEKER: Ms. Coleman, did you intend to present the 2023 schedule?

STAFF MEMBER AMANDA COLEMAN: Hello, this is Staff Member Coleman. I am more than happy to do so. I present for your consideration the Houston Archaeological and Historical Commission draft 2023 schedule. Please see the screen for all the dates. And this concludes staff's presentation.

CHAIR: Commission members—are there any commission members that request to speak or comment on the schedule? I know the schedule is put together by city staff, run a number of other meetings and holidays. Without hearing community discussions, and I don't think this is open to the public for the calendar. I don't think I need to for the public, for the calendar.

MICKELSON: Well, you could ask for public comment. The public is technically allowed the comment on anything on their agenda.

CHAIR: Okay. So, I will open up public comment at this time. Staff, has anyone signed up to speak on this matter?

GEISHEKER: No sir.

CHAIR: Thank you. I will close public comment and ask if there is a motion to accept the calendar presented by staff.

COMMISSIONER MCNEIL : Motion to accept calendar as presented by staff.

CHAIR: Is there a second?

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER YAP: Yap, second.

CHAIR: All in favor?

[all say aye]

CHAIR: Any opposed? ... Any abstained? ... That motion passes.

MICKELSON: Mr. Chair?

CHAIR: Yes?

MICKELSON: Excuse me, I have one other question that staff and I are discussing. I understood Commissioner Yap's motion to include both of the items for action of COA in one motion.

CHAIR: That was my understanding.

MICKELSON: Is that correct? In other words, approval of the one with the original structure absent the addition but then denial of the COA for the accessory unit in the back?

COMMISSIONER YAP: Yes, a denial COA for now—

MICKELSON: Correct—

COMMISSIONER YAP: But they can come back two years down the road and not in ten years down the road.

MICKELSON: Right.

COMMISSIONER YAP: That was the give and take. Basically.

MICKELSON: It was posted as two items and I know we kinda discussed it all in both meetings, all as one, so I just wanted to clarify that for the record. And please, if there's anyone who voted "yay" who did not understand that, please so state.

COMMISSIONER KOUSH : I have another question. So, I have to revise the plans of the existing buildings since they incorporated the addition, so how do we deal with that?

MICKELSON: I don't know if that's something staff can review with permitting as those plans get revised to ensure that it's limited to that footprint.

COMMISSIONER YAP: But isn't that the City of Houston permitting? That's the architect working with the owner and the permitting department, right? We have no pervue on that.

Unofficial Transcript of Oct. 10, 2022 HAHC

MICKELSON: But I think we get notice at historic—at the historic preservation office for permits, so I would think they would see it.

LILIENTHAL: Yes, to elucidate on that is, when they take the plans to permitting, they'll go under structural review. The office of preservation will be involved cause there will be holds from this office. We'll be reviewing that the plans ensure that it's just the original footprint of the once existent structure and that the rear addition will be taken off, per this motion. And once I see that that has been done, I'll be stamping plans and releasing the hold.

LILIENTHAL: Yes sir.

CHAIR: Any other discussions on this matter? ... Okay I'm going to move on to Item C, comments from the public. I'm gonna open up the public hearing at this time. Are there any members of the public that wish to speak to the commission? ... Please come forward.

LAMNATOS: Thank you again for taking this matter, and taking out your time. Mr. Yap, I completely understand what you're saying. Is there any way I could ask y'all to reconsider to allow the addition that's already been. The foundation's been there, it's already been framed, I was given permission to protect the property when Mr. Pete Stockton came out there, he's allowed me to put roof shingles on it. I would completely, this has cost me over a hundred thousand dollars in just negligent mistakes. And the ADU in the back, Mr. Yap, I completely get that—it's very tough and it's also very fair, and it does put a hinderance on everything. But I just ask you kindly to please reconsider and not have me tear down more stuff and more money that I've put. The whole roof has to be redone in all my architect plans, I have to redo all of them and I've been punished. I promise you all, I have been punished. And I'm just asking, can you please reconsider and allow me to keep the addition—to not have to repair all that work, to not have to redo the whole roof all over again. And now I have to tear off the foundation, and then in two years when I come back, to ask if I can add it on there, it's—I'm gonna have to take all that off again or it's gonna look very ugly, so again I am so sorry for all of this and all the trouble but I'm please asking you to reconsider and to allow me to have the addition that's already been there. I don't wanna add anything else to the property, I don't, I just wanna finish and move into it and please, I'm just asking that you reconsider. Thank you.

CHAIR: Thank you.

MICKELSON: If a commissioner could make a motion to reconsider if you are inclined, so inclined.

CHAIR: Certainly. I will again ask the Commission...I guess it would be to Mr. Yap, but—

ENRIQUEZ: May I? One last thing from my personal point of view.

CHAIR: Please, please.

Unofficial Transcript of Oct. 10, 2022 HAHC

ENRIQUEZ: With all respect—the addition to the back, it’s actually inset one foot on either side. If we’re looking at the aesthetics from street view, you can hardly see it. Because my work is structural from the foundation system to the framing side, the expense of the roofing—it’s prefabricated trusses. So prefabricated trusses, we cannot just cut the roofing because the roofing goes all the way to the addition. So on the aesthetics side, from the street view, you can hardly see the addition. That’s my personal opinion.

CHAIR : Thank you.

COMMISSIONER MCNIEL: I’d like to make a motion to reconsider our decision today and allow him to keep the rear addition as the only change to Mr. Yap’s previous motion.

COMMISSIONER SRINIVASAN: I second that. From a materials point of view, all of that is going to go somewhere and reducing the carbon footprint so yes, I second that.

CHAIR: Move for discussion.

COMMISSIONER YAP: So Commissioner McNiel, so in this case we allow for the addition to be kept. So what about the panel for the ADU—are you still staying on the two years or are you staying on the ten years?

COMMISSIONER MCNIEL: Two years.

COMMISSIONER YAP: Okay, sorry.

COMMISSIONER SRINIVASAN: This is an additional question. When we are requesting the Commission to reconsider, since the reconsideration is keeping and we add additional conditions, or are we past that point?

CHAIR: I think if we open this up, we open it up. Okay?

MICKELSON: I think we need to vote first on the motion to reconsider and then once you open it up, you open it up.

COMMISSIONER SRINIVASAN: Okay.

CHAIR: So I have a motion and a second to reconsider the item. All those in favor of reconsidering the item—and I’m gonna do a sound off again, starting with Commissioner Yap.

COMMISSIONER YAP: Okay, again, the penalty for the ADU is two years.

CHAIR: Well, this motion is just to reconsider the motion.

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER YAP: Okay so just opening it back up, okay yeah. I'm okay with that. Yay.

COMMISSIONER COSGROVE: Yay.

COMMISSIONER JONES: Yay.

COMMISSIONER SRINIVASAN: Yay.

COMMISSIONER STAVA: Yay

COMMISSIONER KOUSH: Nay

COMMISSIONER CURRY: Yay

COMMISSIONER MCNEIL: Yay

CHAIR: Okay, that motion carries.

GEISHEKER: And is that one nay with Commissioner Koush? Thank you.

CHAIR: So Commissioner, you made this motion. Would you like to speak and address the questions that were asked by Commissioner Yap about the—pursuant to the line to the penalty of two to ten years? Matching what's stated in the ordinance.

COMMISSIONER MCNIEL: My line of thinking is that we've previously approved this addition and we approved at putting sheathing on it and he's done everything that Pete Stockton has told him to do. And he has roof trusses, so to tear off everything he's already invested, it's just more materials back into the trash, which is not helping anybody. And that the punitive action of restricting any other work essentially on that property except finishing his house for two years is fair and just for what's going on.

CHAIR: Even though the ordinance states in writing that no additional work should happen for ten years, in addition.

COMMISSIONER MCNIEL: I think ten years doesn't serve the Heights community.

COMMISSIONER YAP: Where do you stand on the—because we are doing two things in one motion, so where do you stand on the accessory dwelling unit? I need to hear you say you want a two year penalty or if you want a ten year penalty.

MICKELSON: I was gonna say do we wanna have a motion, perhaps?

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER MCNIEL: I'm just gonna answer his question. I heard you state that you believe that a two year penalty was fair on the ADU—

COMMISSIONER YAP: Yes—

COMMISSIONER MCNIEL: I'm agreeing with you—

COMMISSIONER YAP: —if the addition was removed.

COMMISSIONER MCNIEL: Okay well, I think a two year penalty for an ADU—for not moving forward with any other work on the house, on this property except finishing the structure as it is today, I believe that to be a fair and just penalty for this gentleman.

CHAIR: And I think what I heard—what I heard in the discussion was if—from Mr. Yap's point of view, if the decision were to keep the addition as it's currently framed, he would adjust and match what is stated in the ordinance: that no other construction be allowed on the property for ten years per the ordinance. So that's where—I think I'm hearing two different things, if that's fair to say.

COMMISSIONER MCNIEL: Fair, you are hearing two different things. And I'm open to friendly amendments, I'm open to discussion—I just put forward what I thought was a reasonable solution to move everything forward in a good way.

COMMISSIONER YAP: Yeah, Mr. Chair, because I came up with the original recommendation, as an appeal by the owner and his architect, I'm willing to consider keeping the addition, but I would like the penalty for the ADU to be ten years. There's no other structure on this except for the house and the addition. And that's where I would be because I feel that there needs to be some kind of penalty.

CHAIR: Is there a motion?

COMMISSIONER YAP: He—I think—

CHAIR: I'm sorry, your motion is—I don't think there's a motion yet.

COMMISSIONER MCNIEL: So do you want me to restate my motion—

CHAIR: Please.

COMMISSIONER MCNIEL: —to see if there is a second?

CHAIR: Yes.

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER MCNIEL: So, my motion is to keep the existing structure with the addition and to allow the homeowner to move forward with the COA to finish the structure—it would be a new construction—

CHAIR: Understood.

COMMISSIONER MCNIEL: —with a two year penalty of no other work on the property for two years.

CHAIR: Okay, is there a second?

COMMISSIONER SRINIVASAN: I second it.

CHAIR: Okay, we have a second. All those in favor—and I'm gonna call for a voice vote to sign off, starting with Commissioner Yap.

GEISHEKER: Would you mind saying for or against? It's really hard to hear the yays and nays.

CHAIR: Okay.

GEISHEKER: Thank you so much.

COMMISSIONER YAP: No.

COMMISSIONER COSGROVE: For.

COMMISSIONER JONES: For.

COMMISSIONER CHARLES STAVA: Against.

COMMISSIONER SRINIVASAN: For.

COMMISSIONER CURRY: Against.

COMMISSIONER KOUSH: Against.

COMMISSIONER MCNIEL: For.

COMMISSIONER YAP: It's the chair. You're the big bucks.

CHAIR: No. I vote no. Commissioner Yap, would you like to make another motion?

MICKELSON: Could I also speak?

Unofficial Transcript of Oct. 10, 2022 HAHC

CHAIR: Yes.

MICKELSON: Excuse me. You could take these as two separate motions.

COMMISSIONER YAP: I could simplify that.

CHAIR: Well, I don't think we need to separate, I think that I heard another motion just a moment ago, so if you wanna make the motion that you were considering.

COMMISSIONER YAP: Okay, as further compromise with the owners, I'm willing to make a motion to allow for the addition, which means the current applicant's footprint be allowed and to continue to its completion, with the condition that no other structures be allowed to be built on the property for the next ten years, whether it's an attachment to the house or a separate dwelling.

CHAIR: Understood. And is there a second to that motion?

COMMISSIONER CURRY: Curry seconds.

CHAIR: Okay, I'll call for the vote, starting with Commissioner Yap.

COMMISSIONER YAP: Yes.

COMMISSIONER COSGROVE: For.

COMMISSIONER JONES: For.

COMMISSIONER STAVA: [nods]

COMMISSIONER SRINIVASAN: For.

COMMISSIONER CURRY: For.

COMMISSIONER KOUSH: For.

COMMISSIONER MCNIEL: For.

CHAIR: That motion passes.

MICKELSON: I'll note that that motion passes and it passes essentially in accordance to Section 33-203(d) of the Code of Ordinances.

COMMISSIONER YAP: Thank you Kim, you've been very patient with us.

Unofficial Transcript of Oct. 10, 2022 HAHC

COMMISSIONER CURRY: Ms. Mickelson, just to be clear, that single motion covers the consideration and possible action of COA of Items A1 and A2 on the agenda.

MICKELSON: That's my understanding, yes.

COMMISSIONER CURRY: Thank you.

MICKELSON: You've wrapped them up together.

COMMISSIONER CURRY: Thank you.

CHAIR: So for the applicant, your request has been approved as in the public comments. Okay now, moving on to Item D: Comments from the HAHC. One comment I'd like to make today to the Commission is, it's been a long time since we've been in a room together and I think that my personal recommendation is that we return to the council in person. I think we should allow the public to return to attend in person or virtually, but I know that our last meeting was very long. Part of the difficulties when we Commissioners not in—you know, not in the meeting can't be seen with the technical staff, with the A/V that we have. So I'd like to ask the Commission to return to the Chambers so we can expediate our meetings in a meaningful and straightforward way. I would just put that out there for discussion.