



# Agenda

CITY CLERK'S OFFICE

DATE 1/29/15 TIME 3:00pm

SEEN BY Lisa Roach

RECEIVED BY Alicia Hartley

## ARCHAEOLOGICAL REVIEW COMMITTEE HEARING

THURSDAY, February 5, 2015 at 4:30 PM

CITY COUNCILORS' CONFERENCE ROOM

CITY HALL - 200 LINCOLN AVENUE, SANTA FE, NM

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: January 8, 2014
- E. ACTION ITEMS
  - 1) Case #AR-03-15. River and Trails Archaeological Review District. Archaeological Monitoring Plan for the proposed CenturyLink project on Galisteo Street at San Mateo Road, in compliance with Section 14-3.13(C) of the Santa Fe Land Development Code. Ron Winters for CenturyLink. (Lisa Roach)
  - 2) Case #AR-04-15. Historic Downtown Archaeological Review District. Archaeological Monitoring Plan for the proposed CenturyLink project on West San Francisco Street at North Guadalupe Street, in compliance with Section 14-3.13(C) of the Santa Fe Land Development Code. Ron Winters for CenturyLink. (Lisa Roach)
- F. MATTERS FROM THE FLOOR
- G. MATTERS FROM THE COMMITTEE
- H. ADMINISTRATIVE MATTERS AND COMMUNICATIONS
  - 1) Discussion and formation of a Subcommittee for the purpose of revising Sections 14-3.13 and 14-5.3 of the Santa Fe Land Development Code.
- I. ADJOURNMENT

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to date.

**MINUTES OF THE  
CITY OF SANTA FE  
ARCHAEOLOGICAL REVIEW COMMITTEE HEARING  
City Councilors Conference Room  
February 5, 2015**

**A. CALL TO ORDER**

The Archaeological Review Committee Hearing was called to order by David Eck, Chair, at approximately 4:30 p.m., on February 5, 2015, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

**B. ROLL CALL**

**Members Present**

David Eck, Chair  
Gary Funkhouser  
James Edward Ivey  
Derek Pierce

**Members Excused**

Tess Monahan, Vice-Chair

**Others Present**

Zachary Shandler, Assistant City Attorney  
Lisa Roach, Senior Planner, Office of Historic Preservation  
Elizabeth Martin for Melessia Helberg, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference, and the original Committee packet is on file in, and may be obtained from, the City of Santa Fe Historic Preservation Division.**

**C. APPROVAL OF AGENDA**

**MOTION:** Jake Ivey moved, seconded by Gary Funkhouser, to approve the Agenda as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

#### **D. APPROVAL OF MINUTES – JANUARY 8, 2015**

The following correction was made:

Page 4, paragraph 3, correct as follows: "Mr. Pierce said he is...."

**MOTION:** Mr. Ivey moved, seconded by Mr. Funkhouser, to approve the minutes of the meeting of January 8, 2015, as amended.

**VOTE:** The motion was approved unanimously on a voice vote.

#### **E. ACTION ITEMS**

- 1) **CASE #AR-03-15. RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. ARCHAEOLOGICAL MONITORING PLAN FOR THE PROPOSED CENTURYLINK PROJECT ON GALISTEO STREET AT SAN MATEO ROAD, IN COMPLIANCE WITH SECTION 14-03.13© OF THE SANTA FE LAND DEVELOPMENT CODE. RON WINTERS FOR CENTURYLINK. (LISA ROACH)**

Chair Eck thanked Ms. Roach for the staff report

#### **BACKGROUND & SUMMARY**

At the request of Rochelle Abeyta of CenturyLink, the consultant has prepared an archaeological monitoring plan for review as an alternative method of compliance with the requirements of performing reconnaissance in the River and Trails Archaeological Review District. The proposed project entails utilization of 186 linear feet of existing conduit and employment of a combination of trenching and boring for 665 linear feet along Galisteo Street south of San Mateo Road. The consultant has provided a general cultural historical background and a preliminary review of previous research. He proposes to examine the trench walls as they are excavated, documenting cultural resources as they are exposed. Once the trench excavations and archaeological documentation are complete, fiber optic cable will be installed and the trenches backfilled.

#### **STAFF RECOMMENDATION.**

Staff recommends approval of the monitoring plan, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3), and serves as an adequate alternative to the requirements of performing reconnaissance for the purposes of issuance of an Archaeological Clearance Permit (14-3.13(C)(5)). However, the Committee may elect to discuss further the appropriateness of directional boring at this project location.

Ms. Roach said she has nothing to add to the Staff Report.

Mr. Winters said, "If you have questions about the boring on the one section, it had to do with emergency access to the hospital. *[inaudible]* And that is why it was done."

**Gary Funkhouser**

*[Gary Funkhouser's remarks here are completely inaudible]*

**Derek Pierce**

Mr. Pierce said, "In the future please do not use the phrase 'a combination of trenching and boring,' and asked him to remove it. He said he did find that on figure 3, and it looks like 320 feet of boring. He said, "I think that we can only entertain boring when there are compelling reasons, and he didn't put any compelling reasons in the report, but he did explain it here, and that makes a little difference."

**Jake Ivey**

Mr. Ivey had no comment.

**Chair Eck**

Chair Eck said with regard to boring, "in this case the compelling need overrides almost everything else, and I am really happy to agree that it is appropriate. We don't want to get in the habit of people thinking distance is appropriate."

Mr. Winters said, "*[inaudible]*, and part of it also had to do with the site *[inaudible]*. I don't think that is an issue."

Mr. Winters said he had a meeting on Wednesday with Jan and Michelle Ensey, and he gave a copy of the report to Michelle, so she has it now.

**MOTION:** Gary Funkhouser moved, seconded by Derek Pierce, with respect to Case #AR-03-15, to approve the Monitoring Plan for the proposed CenturyLink project on Galisteo Street at San Mateo Road, in the River and Trails Archaeological Review District, with the aforementioned correction, requested by Ron Winters for CenturyLink, finding it meets the intent of the City of Santa Fe Archaeological Review District Ordinance, Section 14-3.13(C)(5), and to forward a copy of the report and notice of this approval to the New Mexico Historic Preservation Division, as per NMAC 4.10.17

**VOTE:** The motion was approved unanimously on a voice vote.

- 2) **CASE #AR-04-15. HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT. ARCHAEOLOGICAL MONITORING PLAN FOR THE PROPOSED CENTURYLINK PROJECT ON WEST SAN FRANCISCO STREET AT NORTH GUADALUPE STREET, IN COMPLIANCE WITH SECTION 14-3.13© OF THE SANTA FE LAND DEVELOPMENT CODE. RON WINTERS FOR CENTURYLINK. (LISA ROACH)**

Chair Eck noted there is a staff memorandum in the packet.

### **BACKGROUND & SUMMARY**

At the request of Rochelle Abeyta of CenturyLink, the consultant has prepared an archaeological monitoring plan for review as an alternative method of compliance with the requirements of performing reconnaissance in the Historic Downtown Archaeological Review District. The proposed project entails installation of 125 linear feet of new conduit along West San Francisco Street; cut and replacement of 250 square feet of existing asphalt and placement of 140 linear feet of above-ground "loose tube 24 fiber." The consultant has provided general background and preliminary review of previous research. He proposes to examine the trench walls as they are excavated, documenting cultural resources as they are exposed. Once the trench excavations and archaeological documentation are complete, fiber optic cable will be installed and the trenches backfilled.

### **STAFF RECOMMENDATION.**

Staff recommends approval of the monitoring plan, as it meets the intent of the City of Santa Fe Archaeological Review District Ordinance (14-5.3), and serves as an adequate alternative to the requirements of performing reconnaissance for the purposes of issuance of an Archaeological Clearance Permit (14-3.13(C)(4)).

Mr. Winters said he had to go over there and see the tubing for himself, and it's not buried. It's right behind the building. He said the only area that will be impacted in terms of ground disturbance is the trenching *[inaudible]*.

Ms. Roach said she is curious about the above ground tubing, and said perhaps we need to have a conversation.

Mr. Winters said it is between 2 buildings and is not visible. He said he couldn't get through the fence and he couldn't see it.

Mr. Roach said she is just wondering what it is going to look like, and if there is any administrative approval that is needed.

Mr. Winters said Mr. Rash looked at it and she can ask him what he thinks about it.

Chair Eck said it never occurred to him that there needed to be an approval, if it's already there.

Ms. Roach said it is already there.

Mr. Winters said he saw where it came out at the northern edge of the sidewalk.

Chair Eck said the back story about how it came to be that way could be very informative.

*[Mr. Winters remarks here are for the most part inaudible]* He said something about it being in the area where they want to take out that piece of sidewalk.

Ms. Roach said she may go look at it, noting that in the worst case scenario they may have to paint it.

**MOTION:** Jake Ivey moved, seconded by Derek Pierce, with respect to Case #AR-04-15, to approve the Monitoring Plan for the proposed CenturyLink project on West San Francisco Street at North Guadalupe Street, in the Historic Downtown Archaeological Review District, requested by Ron Winters for CenturyLink, as submitted,, finding it meets the intent of the City of Santa Fe Archaeological Review District Ordinance, Section 14-3.13(C)(4), and to forward a copy of the report and notice of this approval to the New Mexico Historic Preservation Division, as per NMAC 4.10.17.

**VOTE:** The motion was approved unanimously on a voice vote.

#### **F. MATTERS FROM THE FLOOR**

There were no matters from the floor.

#### **G. MATTERS FROM THE COMMITTEE**

Mr. Pierce asked for clarification on the renewal of our re-appointment to the Committee. He said she mentioned that we need to submit a request to be reappointed.

Ms. Roach said the Code says the membership shall be staggered. She said she did find in some minutes from December of 2013 that John Murphey was going to have everyone renewed in January 2014. She hasn't had the chance to check with the City Clerk to see if that is correct. If it is true then all of the members are current until January 2016. She asked Mr. Shandler if we need to have staggered terms.

Mr. Shandler said he would imagine there is a specific provision in the Code for staggered terms, and there is a process where some of you may be renewed for different periods of time, and we need to figure that out.

Ms. Roach said she will check with the City Code.

Chair Eck said at one point all of our terms were expired.

Mr. Pierce said, "Some of us had been expired longer than others."

## **H. ADMINISTRATIVE MATTERS AND COMMUNICATIONS**

### **1) DISCUSSION AND FORMATION OF A SUBCOMMITTEE FOR THE PURPOSE OF REVISING SECTIONS 14-3.13 14-5.3 OF THE SANTA FE LAND DEVELOPMENT CODE. (LISA ROACH)**

Mr. Ivey said we deferred action on this at the last meeting to this meeting, so we could have a full committee in attendance.

Ms. Roach said she spoke with Ms. Monahan about this, and got her expressed permission to proceed with the formation of the subcommittee in her absence.

Chair Eck said he got the distinct impression that Ms. Monahan did not want to serve on the subcommittee.

Ms. Roach said Ms. Monahan told her that she intended to leave it to the experts.

Mr. Pierce asked how many members of the Board can serve on the subcommittee.

Chair Eck said there can be no more than 2 members of this Committee on the subcommittee, but we can have as many staff as we can convince to participate.

Mr. Funkhouser said he has no burning desire to serve on the subcommittee, although he would if necessary. He said he thought the discussion went very well.

Mr. Ivey said, "We did say that two people and an alternate could serve. Is that correct."

Mr. Shandler said if he could get two members to serve he would be happy.

Chair Eck said he thinks venturing into an alternate status might raise issues down the road about quorums and the Open Meetings Act.

Mr. Funkhouser said Mr. Shandler should be part of the discussion.

Chair Eck agreed saying we need his expertise.

Mr. Pierce said, "Even though the idea makes me crazy, I'm in."

Chair Eck said, "I am ready, willing and able, but would defer to others that might want to carry the torch, so it comes down to you, Mr. Ivey."

Mr. Ivey said he doesn't know much about the local, and has only worked with the feds. However, he would be happy to read and review the draft.

Chair Eck said as things are drafted they will come forth to this Committee for review, noting at some point we are going to need public participation and input.

*The Committee commented and made suggestions as follows:*

- Chair Eck asked if we can take steps to formalize a public component of public participation in the subcommittee, or should we labor as a subcommittee and then present a draft to the public in whatever form is appropriate and move forward from there. Is it better to involve someone from the outside up front or ask for commentary after the fact.
- Mr. Ivey asked if he means comment from the general community or some of the people on our list as diggers.

Ms. Roach said, "From the expert community."

- Mr. Pierce asked if it would be a conflict of interest to ask somebody like Ron Winters, because you would be limiting the pool of people who could contribute potentially.
- Mr. Ivey said but that cuts out the people who have the "out there expertise," to hear from them.
- Chair Eck asked about asking for comment from former members of this Committee who might feel the need to contribute, and who are not actively working under any current permit."
- Mr. Funkhouser said he would think there is some interest from some former members.
- Chair Eck asked Mr. Shandler his thoughts in this regard – should we ask for participants, or is that jumping the gun.

Mr. Shandler said, "No, Mr. Chairman, your discussion sounds pretty reasonable to me."



- Chair Eck said the former members of this Committee could be a lengthy list, noting most of them aren't on the list for downtown Santa Fe. He said it seems they haven't done any work in a long time, and he thinks they're not on the list.

Ms. Roach said she is in the process of updating that list, and by the end of the month should have an updated list, noting quite a number of people have retired who might be interested in participating.

- Mr. Funkhouser said we ought to hear from them immediately up front, because these are people who already have their own ideas and opinions about this.
- Chair Eck said we can form a subcommittee of two members of this Committee plus staff to do the initial leg work, or we can form a subcommittee of a broader definition. He said this is entirely up to this Committee.
- Mr. Pierce said he would like to take the middle ground – rather than bringing them on the Committee, request written input from them and the public at large, and opinions from former members, rather than sitting in every subcommittee meeting – just send us your wish list essentially.
- Mr. Funkhouser said we can inform them of what we are doing and that we are interested in their contribution to this effort.
- Chair Eck said he likes this suggestion of “setting pen to paper instead of blustering and arm waving, and it would potentially give us some access to Brian, actively, in a series of subcommittee meetings.”
- Mr. Pierce, “Then we would not have to exclude people who work in the field.”
- Chair Eck said, “That’s right. We will endeavor to consider all input in an even handed manner.”
- Mr. Ivey asked if we should put together an email list of people with the appropriate expertise as reviewers to whom we could post ongoing revisions or versions.

Mr. Shandler said, “Another committee that is going through a similar process, did exactly what somebody mentioned. They sent a letter to everyone on the list asking for written comments by this day, and they did it in the beginning, so there wasn't this perception that the train has already left the station. So I'm sure Lisa and I could put together a neutral short letter and circulate it out to people on this list and give them the month of February to submit their ideas in writing. And then the subcommittee can take that under advisement, and get somebody to check that. Then they work something out, and once they have a draft, then they'll provide the draft to the same people. So they have comment at the beginning and the end.”

- Mr. Funkhouser said we could have a mechanism on line so everybody who is interested in having a have a copy of the Ordinance could get a copy for their review.
- Mr. Pierce said he likes that approach.
- Chair Eck agreed, noting the Ordinance is freely available on the website, but we can send out paper copies as well..

Ms. Roach said the letter could be emailed as well, with an attachment.

- Mr. Ivey said he was thinking in terms of a comment opportunity through that pipeline, rather than a comment requirement, commenting we don't want their inability to match schedules to stand in the way. Of participating
- Chair Eck said he likes the suggestion and thanked Mr. Ivey.
- Mr. Ivey said they tried this kind of thing with the feds, and as often as not, it's a great screening, and sometimes it works, with significant commentary.
- Chair Eck asked if everyone has a fairly clear idea of what the consensus is.

**MOTION:** Gary Funkhouser moved, seconded by Jake Ivey, to form a Subcommittee of two people and to designate two members of this Committee, Chair Eck and Derek Pierce, to serve on the Subcommittee.

**VOTE:** The motion was approved unanimously on a voice vote.

#### **Further Discussion on Code Revisions, Rulemaking Authority, etc.**

*The Committee commented, made suggestions and asked questions as follows:*

- Mr. Shandler said the Chair asked him to look at rules. He said the city does not have rules like NMAC. He said we talked about ordinances approved by the Council and the administrative procedures adopted by this Committee. He said administrative procedures really don't have teeth when challenged. He said there is only one Committee, the Water Committee that has rules which are approved by the City Council. He said it is equivalent to a very long ordinance. He said, "One of our challenges is to figure out what you think from your policies need to be embedded into the Ordinance change. And, the longer it is, probably the tougher it is to get through the process."
- Responding to Mr. Funkhouser, Chair Eck said, "I think you can weigh in with your opinion on darned near anything."

- Mr. Funkhouser said, “I agree with some comments made at the last meeting, that we need to move in the State direction to codify what this Committee does. Yes, we need some teeth, and we need to be part of the system, and we are part of the system, and we need to move in that direction. At the last meeting we talked about having discussions with the SHPO and the HPD about this, and I would only offer that the State language, in terms of historic properties is different from the Federal 106 language, etc., and that should be extremely clear. And that will have to be a discussion with SHPO and HPD, because those two languages become blurred very often. The State definition is different and separate from the Federal, and that’s my comment on that.”
- Chair Eck said, “Thinking ahead toward organization, would the members of the Committee being experts in some regard, be a group that could be included on the solicitation for statements of their concerns and ideas. Or does that get us into trouble with the Open Meetings Act, because we have 3 members of the Committees writing commentary outside of the Committee hearing.”

Mr. Shandler said, “That might be an issue. I think the Subcommittee makes regular reports during the open noticed meeting, where they look for more direction from their colleagues.”

- Chair Eck said, “Then there is a built in way of keeping people advised and communicating with them without getting into trouble. Okay.”

Mr. Shandler said yes.

- Mr. Pierce said a report and discussion could be a standing item on the agenda.

Ms. Roach agreed saying at least once a month.

- Chair Eck agreed.
- Mr. Funkhouser said on the other hand, you shouldn’t think you have to inundate us with things.
- Chair Eck said he likes reports of no longer than one page, which could be included in the packet.

Ms. Roach said staff probably can handle that.

- Chair Eck said he thinks we need not speak about this any further, because the deciding of the details as to when the Subcommittee meets, etc., would best be handled in the smaller group, “if we can prevail on Ms. Roach to organize that schedule.”

Ms. Roach said she would be happy to do so.

### **Discussion on Archaeology Fund**

Ms. Roach said she said it is the beginning of a new year, and she was curious about the Archaeology Fund, so she got a statement of the balance of that fund.

Chair Eck thanked her for doing so.

Ms. Roach said as of July 1, 2014, the Archaeology Fund had a balance of \$142,483, and after current budgeted revenues and expenditures of \$21,633 for the CLG grant, and interest of \$533, there is a projected balance at June 30, 2015 of \$121,383. She said it is important to have that information, because she thinks there may be a request for additional uses of that fund. It is also important in terms of the Ordinance rewrite and how that fund gets used in the future.

### **Update on the CLG Grant**

Ms. Roach said a consultant was selected, Earth Analytic, Inc., and they currently are negotiating a contract. She said she thinks they are uniquely qualified to do the job, and she is really excited about the product we will get from this project. She said it is moving forward as rapidly as she can move it through the process.

Chair Eck said we met two weeks ago Friday to score the finalists.

Ms. Roach said that is correct, and hopefully we will have a final version of the contract soon.

### **Discussion of Possible Upcoming Cases**

Ms. Roach said the City has been contacted to be a partner in a grant application for some investigations at the San Miguel Chapel and Barrio de Analco. She said St. Mike's and Cornerstone are leading this charge in seeking a JMK innovation prize. She said she doesn't know what that is. She said they just had the first formal meeting about it today at 2:30 p.m., so that's all "I can tell you about that right now."

Ms. Roach said it is exciting, noting the emphasis is on what they are calling contextual learning, and they are hoping to engage students and young people, with a curriculum which would utilize experiential learning. She is encouraging them to focus their research questions before they delve into investigations, exploratory type things. She doesn't know if the amount of ground disturbance will have to be reviewed by this committee. She said we'll just have to wait and see, and it is a good thing she thinks.

*The Committee commented and asked questions as follows:*

- Chair Eck said this can be a good thing, but he hopes someone has firm controls on the reins, because digging holes in the Camposanto cemetery is an intentional violation of the reason for its presence, having been a person who used a pickaxe to dig across the whole Camposanto cemetery for the drain a few years ago.

Ms. Roach said she thinks they are focused elsewhere than the Camposanto and inside the church.

- Chair Eck said there are people buried inside the church "in large quantities."
- Mr. Ivey said in the last round of work done in San Miguel, a number of borings were done for tree ring sampling data of a bunch of wood in the building. He said, "As far as I know, at least, that has never actually been done. I think the samples were delivered somewhere but I don't know that any dating has occurred, and it may be because there was no money. So, if that is the case I would recommend that one of the things this group try to put together, would be some kind of funding to pay for that."
- Chair Eck said that is relatively cost effective, wouldn't break the budget and could be something we could contribute toward.
- Mr. Ivey said, "A number of strange things were found that needed date explanations to make any sense out of them, and they are key to understanding the architectural sequence of that building. So it would be nice if that was cleared up one way or another."
- Chair Eck said, "A sidebar on this, is that we are still trying to get all of everything that seems to have been acquired by parties over the last 60 years from official and unofficial probings, excavations and modifications by individuals over the years that need to be curated. We need to get through it, package it and get it to the museum, as soon as are sure we have what seems to be a total accounted for. *[inaudible]*"

Ms. Roach said she thinks this group that she met with today, is very interested in guidance in terms of how to approach this project. She said, "I think once I have a little more solid notion of where they are going with it, maybe I will bring it back to this Committee for comment."

- Chair Eck said, "By all means. The Committee would be happy to comment on that."
- Mr. Funkhouser asked, "Do you know how they focused on this to begin with, how this came to be."

Ms. Roach said, "I really don't. I think there a couple of individuals on the Board at St. Mike's who are very interested in the idea of contextual learning, and also much interested in doing some more interpretative displays, possibly even converting the gift shop into a little museum there at the church. I think the partnership with Cornerstone, through the renovations they undertook a few years back, this is sort of a further evolution of that."

- Chair Eck said anything that is done to preserve, interpret and make use of that piece of real estate and structures is a darn good thing.

Mr. Ivey said if they made it into a museum object, that would be absolutely amazing, and there is no reason not to be at least hopeful about that.

- Chair Eck said if we can be helpful we would like to be.

Ms. Roach said the Mayor has expressed a strong interest in this, and having this Committee's input would be an important part of that. She will come back with additional information.

- Mr. Pierce said the other HPD also would be interested in this.
- Chair Eck said he will have to think closely about this, because if it gets into his other persona, he may have to recuse himself, depending on the subject area and what it involves.

### **Discussion of Previously Reviewed Case**

Ms. Roach said one of the cases this Committee reviewed and approved last time, required an easement to be placed, at 1127 Old Santa Fe Trail. She said that homeowner is taking issue with this Committee's requirement for an easement to be placed on the property and is wondering about the implications of that on his property value, and by what mechanism the City can require him to do that and so on and so forth. She said she is looking for some answers.

Chair Eck asked if she has discussed this with Mr. Shandler.

Mr. Shandler said he has an email, but he needs to look into that.

Chair Eck asked if this the one where there is sort of a hole in the middle of what would be put under an easement because of prior construction having destroyed part of what was there.

Ms. Roach said, "No. It is a fairly large property. The front has a main house, a guest house and a garage that they are about to expand into a workshop/studio." She said the segment of the Old Santa Fe Trail basically bisects their property. She said there is a CCC dam on one end of that segment of the Old Santa Fe Trail.

Mr. Pierce said this is the one where Ron Winters proposed two easements and we decided on one easement.

Ms. Roach said the owner is concerned about maintaining vehicular access to the back part of his property. He is also concerned about the devaluation of his property because of the easement, and what if any tax benefits there would be for an easement and the benefits of an easement.

Chair Eck said, "All I can say, at this point, is when we are presented with a proposal to put an easement on such a thing, I at least thought that already had been discussed with the owner, or wouldn't have thought it would have come to us."

Mr. Pierce said, "The easement was part of the package that we approved. And if we remove the easement, the approval is revoked."

Ms. Roach said he is waiting for a building permit for the studio *[inaudible]*, even though the archaeological site would not be impacted by this.

Ms. Roach said she and Mr. Shandler will look into this further. She said she did talk to Michele Ensey at the State about it. She said Ms. Ensey indicated what the City calls cultural easements are different from what the statewide legislation was about. She said she doesn't know what the difference is there. She said she wondered if this Committee has any institutional memory about this.

Chair Eck said, "I don't go that far back. I was in the audience where there were lots of agonizing discussions about easements to protect the assets. I can tell you there is a bad taste on almost everyone's side about these things, most particularly when they are violated or purposefully forgotten. I would be very interested to hear what Zach comes up with, after reviewing all of this from the legal side of it. Because I don't want to perpetuate doing something we should not have not been doing. I have felt all along this was something that was appropriate and an acceptable means of ensuring that we aren't going to mess something up after approving somebody's project. We are stuck with the fact that we are talking about whole parcels instead of footprints of proposed ground disturbance. I don't know how to get around that. We can't really get to any closure without a new easement or somebody records it."

Mr. Pierce said he agrees. He said, "An easement is a voluntary thing that has to be negotiated with the land owner, but it is one of the popular means to get to the mitigation of *[inaudible]*. So without that one, he has to propose this one."

Ms. Roach said and then that proposal would have to come back to this Committee, and Chair Eck said yes.

Ms. Roach said she has a vague understanding, but she needs to find out more.

Chair Eck said, "We are happy to reconsider the whole thing with a new set of possible outcomes if that's the way they want to go."

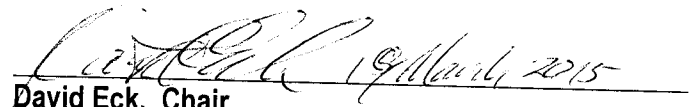
Ms. Roach said, "Okay, I'll let them know that. That's all I've got."

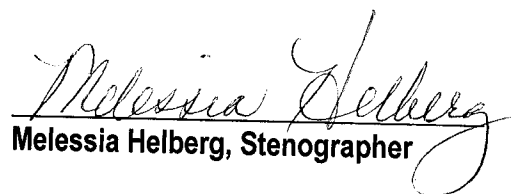
**I. ADJOURNMENT**

There was no further business to come before the Committee.

**MOTION:** Jake Ivey moved, seconded by Derek Pierce, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the Committee was adjourned at approximately 5:30 p.m.

  
David Eck, Chair

  
Melessia Helberg, Stenographer