

MINUTES
Nye Beach Design Review Overlay
Ad Hoc Work Group Meeting
Newport City Hall Conference Room A
Wednesday, February 25, 2015

Ad Hoc Members Present: Kathy Cleary, Michael Franklin, and Don Huster (*arrived at 10:47 a.m.*).

Ad Hoc Members Absent: Jody George and Wendy Engler.

Planning Commission Liaison Present: Jim Patrick.

Guests Present: Frances Vanwert

City Staff Present: Community Development Director (CDD) Derrick Tokos and Executive Assistant Wanda Haney.

Patrick opened the meeting at 10:30 a.m. and turned the proceedings over to Tokos.

Review proposed revisions to the Nye Beach Design Review Guidelines. Tokos noted that the group would review the proposed revisions coming out of our conversations. Ridenour took a stab at rolling them into the guidelines standards. Tokos had given them verbatim, so there is cleanup that needs to be done.

The first set of changes hit the guidelines 1 through 9. It would apply to any development over 65 feet in length or 35 feet in height if commercial through guideline review. As part of that, we will be getting rid of the conditional use permit requirement. That criteria just doesn't make a whole lot of sense. It's only written in if it's over 100 feet and doesn't apply to anything over 50 feet. It has to be applied only in the context of the added length. It doesn't do anything that the guidelines are driving. Patrick said in evaluating the Inn at Nye Beach none of that worked; it didn't apply. Tokos said conditional use criteria are intended to evaluate whether the use is compatible in a particular area. These are design guidelines. Nobody is questioning that a hotel is appropriate. It is the design of that use. Patrick noted that the hotel had the parking, and that was as close as we could get. Tokos said the criteria could apply a little bit with building things, but the building modification guidelines are supposed to address that. The conditional use permit would go away. The way this is set up, if the building is greater than two stories or 40 feet in length, there are additional massing standards. There's additional criteria in the standards that they have to address. If it's 65 feet in length or greater or more than 35 feet in height, these guidelines apply. We have thresholds for guideline review. The guidelines would apply, and they couldn't go to the standards. So it's not without public notice and opportunity to comment. There's a recognition that there are a number of big structures getting through the standards without input. The question was raised what could be done to still keep them under the standards so it's still nondiscretionary with no hearing but do something to break those up. That's how we came up with for two stories or 40 feet length there are massing standards. That would be staff level review. But they have to take steps to break up the mass. Patrick asked if it would be triggered on a house that big too; and Tokos confirmed that. Tokos said the easiest way to look at this is over 65 feet in length or 35 feet in height, they are looking at the guidelines.

Tokos said he likes the setup better with the intent and the approaches. Patrick said it's easier if somebody comes up with something new; then we can go back to the intent. Tokos said it talks about the approaches like roof types common to the district. Patrick noted that under building scale it's talking about multiple small windows less than 20 square feet and large windows with multiple panes. He wondered if it also includes the view side. Are we applying it to both sides of the building; or are we looking at the streetscape and not the back? Tokos said that Guideline 2 as currently drafted is directed toward the street; and he doesn't think the objective is to change that. Patrick wants to make that clear. Tokos said the use of window massing is intended to create human scale. Cleary said maybe it's so when you look from the beach you want it just as attractive as from the street. Franklin said he can't imagine anyone not utilizing the view of the beach. Tokos said there's not any intent to take Guideline 2 to make it something different. He will add clarifying language that this is the streetscape only. Patrick said we did discuss the side walls and that we're not addressing the firewall side. Tokos said we run into competing issues there. We have the guideline that encourages building up to the property line, which conflicts with the building code's requirements for firewalls. You can't do much architectural design there. Franklin said maybe stepping back when you get to the upper floors. Then they could throw in windows. They might be encouraged to do that in order to put in windows. Patrick said they could also have upper decks up there.

Tokos noted that Guideline 3 gets at roof designs. Franklin asked if the style of roof the Natatorium had would be acceptable. Patrick asked if a parapet wall can be integrated into the building if you false front it. Tokos said yes, if from the visual perspective it appears to be part of the building. Patrick said we might want to throw in an illustration of that. Tokos said he will look at illustration 7 that it references. He will note that if it's facing the street, just make sure it's integrated into the

façade. Patrick was talking about a side wall firewall. Tokos noted that from the design code, the parapet conceals the flat roof elements. For this example, having a parapet is just a simple framed roof or else you would see exposed mechanical elements. It's an architectural feature to conceal that. Patrick noted that when you go to zero lot line arrangement, and your firewall is on zero, it has to go up and extend two feet above the roof. The question then from a design perspective is can you have that exposed edge of parapet wall visible from the front. It would look goofy. There would be a false wall. Franklin said that affects roof drainage now; with gutters. You'd have to make sure it's not on the next property.

Tokos said Guideline 4 gets at promoting walkable streets and providing adequate separation between vehicle and pedestrian areas. He will be adding a bullet point that's missing next to the third point regarding gaps in buildings. Patrick asked about the language that gaps in walls should be avoided except for parking or pedestrian access. (*Don Huster joined the meeting at this point.*) Tokos said the way he reads Guideline 4; it's directed to the street, not the side. Patrick said if we're talking about the Inn at Nye Beach, they probably would have to put up a fence where there's the gap between the edge of their building and the property line. Tokos said that maybe the term "gaps" is not a good one. He thinks this is talking about big structures. Franklin said but it says that gaps for pedestrians or traffic is acceptable. Tokos said what he thinks this is talking about is along the building envelope; not beyond that. Huster said it's a contradiction of terms if you're supposed to fill up the street frontage. Patrick asked if to reduce mass of a building you are pulling in the second or third stories, is it permissible to open that up in the middle with decks. He wondered if this only means street level. Tokos said we need to clarify that; it means street level. He said that everything listed is street level. Franklin wondered what the goal of this verbiage is. Patrick said he can think of Depoe Bay, where they have some gaps. Huster thinks it is to try to create a streetscape. Patrick said this says you have to avoid gaps; which means you would have to fence and landscape the streetscape. As long as it's not an access; it's fine. Huster wondered if it's more desirable to have fences fill in or to have the buildings up next to each other. If it's having them up next to each other, then you have something over 100 feet. Tokos said one thing this is trying to avoid is small separations; have them lining up on the street. With the fire code looking at that you don't want them two to three feet apart. They will run into fire code issues. You don't want that kind of gap. Franklin gave an example of a building coming in at 180 feet long and to get away from doing design review, they break up the building with only two to three feet between. He thought this should be left as framed. This says that shall be avoided unless it's for pedestrian access. Patrick also thought we should keep it. Tokos said he can clarify it; when talking about gaps it's the first-floor street level, and we're talking about the footprint facing the street. Cleary asked what about what Don did where you enter the parking in Archway. Huster said that a driveway is acceptable. Visually it doesn't look so massive. From an aesthetic point of view, it would enhance it. Cleary said she hates writing in something allowing something large because of gaps. Huster said if it's in an area of narrow lots, too much setback makes it difficult to build. You want something. Patrick says it says "shall," which means the Inn at Nye Beach would have failed. It didn't reach that. Huster asked if it would if they didn't connect over the driveway. Patrick said they have a triangular lot so at the corner they have five feet. Tokos said he thinks the gaps they are talking about between building walls are interior to a property. It gets at the street scape. Patrick said this one is about the interior; and the one above is exterior. We still have "shall," which gives you no room to maneuver. "Shall build to property line;" the second bullet. Tokos said it says "where possible." Patrick said it is possible but not reasonable. Huster asked what about a case where you have a piece of property where you did a setback on either end so you were below the threshold length, and if you went out to the property lines, you would be over the maximum length. He asked how that would be dealt with. Patrick said you just have to follow the rules and get a review of it. Franklin said if it's over 65 feet, it only triggers design review. Patrick said on commercial you can't have gaps; only if they're for pedestrians. There can be a driveway in the middle. You could do a four-foot pedestrian walkway. He said on the third bullet, we need to be clear that gaps in building walls is interior; and we need different language on the second bullet to give room to maneuver. Huster said if you have to put two buildings up against the side property lines and immediately adjacent to the building next to it, those two combined could be longer. You're just shifting the problem around and making more. Patrick said say you have five 40-foot lots in a row with individual owners. If there can be no gaps, then now the streetscape is 200 feet long. Cleary said kind of like on Beach Drive; they're all built up next to each other. Tokos said if we have something that says you need to develop up to the side yard, he would like to work in fire egress language there too. One problem you could run into is you have to be able to get emergency personnel around the buildings. If you just have an entire block of buildings all pushed together, you can't get to the rear of the buildings. He said the Inn at Nye Beach was acceptable because of the stairs installed on the south side so they were not all the way up to the property line, which gave fire access to the rear of the building on the south side. Patrick agreed that we are going to need fire egress in there. Franklin said that it seems that rules in the second bullet should apply to square lots; and if you have unique lot dimensions, it would trigger special review for that. Tokos said if you develop up to a point of the line, you have addressed it. You just have to bring the wall up to a point on the irregular line; like the Inn at Nye Beach did. Tokos noted that he has some tweaks identified for bullets 2 and 3. Patrick noted that, regarding the fourth bullet, commercial usually doesn't have setbacks. Tokos said this is basically a landscaping requirement; they have to landscape.

Tokos noted that Guideline 5 is consistency with predominant styles and features. Patrick asked what that means. Tokos said it means the surrounding buildings immediately adjacent where they do not include features found in the design standards. If the buildings immediately around you do not have the type of features called for in the standards, you expand your district yourself; broaden your view. Huster said this means you can't avoid it just because the buildings next to you don't have those features. Patrick thought that the siding thing is fine. The Inn at Nye Beach did that. He thought that in the code, we need to

make it more obvious where you find how to determine height of a building, which he thought was five feet out and off the finished grade. Tokos said if it's an irregular building, we draw a rectangle around it. You could do five feet out and measure up. It's the average of four points from finished grade to the highest of the four corners. Then it's a straight average of those. Patrick said that can be measured off the plans. Huster said you will be building off those plans. Franklin said the final grade is precise; it has to do with drainage. Tokos said that's not to say that when the Planning Commission is looking at the drawings they are looking at drawings that are not necessarily the same set that gets submitted for plan review. This happened with the Inn at Nye Beach when it was the Greenstone Inn. They represented just under 40 feet in height, but it ended up getting built 1.5 feet taller. Grades weren't 100 percent picked out when they went to the Planning Commission, and it ended up being taller. If they're pushing the maximum 50-foot building height, then you could have an issue. He said if they came to the Planning Commission representing the building at 49.5 feet, he would recommend that the Planning Commission require that they shoot the building height with a surveyor at framing so that they don't have an issue. That way they can make adjustments at that point of time if needed. Tokos said to be clear our staff doesn't verify height on construction on a regular basis. The Building Inspector will look to see if it's consistent with the plan, but it doesn't require that a surveyor goes out. Only if something looks awry. Franklin asked if something we can put in is if construction is within a foot of the maximum height, it's required that a survey is done. Patrick said if we do that, make it 10% so that within five feet of maximum height. That would pick up houses too. Tokos said it's not all that different than when you have a setback variance or adjustment because you are looking to build closer to the property line. It's a standard condition that they survey to establish the locational line and flag it so they know where to build to. He can pull out historical records where they got a variance and never knew where the property line was. Then it gets built on the neighboring property. They would do that as the cost of pushing the envelope. As the owner you need to know where your property line is. Patrick thought the cost would be minimal; they would hit the four points. Franklin said it will make them double check. Huster said all these little things add to the cost of construction. Patrick said, but when you're pushing things. Tokos said sometimes it's harder to fix something like that after it's finished. Patrick said we're trying to avoid having them have to cut the roof off. Tokos said everybody looks at grade. They will try to adjust that first. Cleary thought it was a great idea that that be part of the requirement for approval. Franklin didn't like 5 feet. He thought that was too much. If you're within five feet of the maximum, you have to pay for a survey. He asked what about two feet. Patrick said five feet on commercial, and 3.5 feet on a house they have to prove it will actually be there. Franklin said what about 5% of the maximum; 2.5 feet. Patrick said he would buy that. Cleary asked if the City interferes when things are too tall. Tokos said when we're made aware of it. If staff sees something that's an apparent violation, we will seek to resolve it. We don't go around looking for them; but we get plenty brought to our attention. Building height is something that can be. He said that it sounds reasonable to say that if the height is within 5 percent of the maximum, the building has to be surveyed at framing to confirm that it's not exceeding the maximum. That's not overly burdensome. Patrick said that means they have to do grading before they start building; and most do. He thought that should be reasonable. He said this is a Nye Beach specific thing, but he would like to see it citywide. It would solve a bunch of problems.

Tokos noted that guideline 6 relates to parking orientation and building form. He said this is designed to make sure that there's not loading or parking in an area visible from the streetscape. It requires that you conceal it. Patrick said most everybody has been good at that. Tokos said it's probably one of the most straightforward techniques people are used to. He noted that this says that views from adjacent uses shall be screened by landscaping. He asked if the group wanted to give the option of fencing. The consensus was yes. Or it could be clarified so that fencing falls within the concept of landscaping. Patrick wondered if that would conflict with pedestrian connection. Tokos said, going back to the Inn at Nye Beach, they did extend fencing on the south side. They already had a retaining wall concealing parking. A metal fence made more sense at that location. Cleary said it doesn't indicate the size or volume of landscaping. Patrick said it's the visual screening of the parking area. Tokos said it's trying to make sure the properties north and south aren't staring at the parking surface.

Cleary asked between 3rd and Coast at the Nye Beach Suites does that mean they should have more extensive landscaping on the 3rd Street side? Patrick said it violates in the first place. It was done before we did this requiring the building on the street and parking behind it. He doesn't think it came before the Planning Commission. He thought it was outright. Under the old standards it wouldn't have gotten triggered under anything. Cleary asked if going forward that's what it means. Patrick said it means on the streetscape you have to do something. Tokos said moving forward if they were to develop a parking area, they would have to put the building toward the street and the parking behind and would need to be landscaped around the perimeter. It doesn't have to conceal; just dampen the impact.

Moving on to guideline 7, Tokos noted this one pertains to a connected pedestrian network. Patrick said, using the Inn at Nye Beach, should they have connected their paths into the Lighthouse Condos and into Pacific Crest? Franklin asked, so people can walk from property to property. Huster said that doesn't sound good. Franklin asked, adjoining uses; is that what that means? Huster said the argument could be made that the sidewalk serves that purpose. Franklin asked what about in back of the streetscape. Everyone said it doesn't say. Tokos said this is shooting for pedestrian linkage. Certainly along the street that will require sidewalk where it doesn't currently exist. With the Greenstone, the sidewalk was filled in when doing that. Patrick thought maybe it should be clarified that private paths need to connect to public paths; not necessarily private to private. Cleary asked if on the property at Coast and Olive that would mean the pathways within have to connect if there's

more than one building. Tokos said this does look for separation internally between parking and pedestrian areas. If there were multiple buildings on that property, this would look for pedestrian connection between those clearly marked as opposed to vehicle areas. He said as Patrick was saying, make sure there's language that on the public street there's sidewalk; and when there are private paths, take them back to that. Huster asked if driveways could be considered. Patrick said no, there has to be separation; that's not part of a pedestrian path. Huster was thinking about how chopped up a building could be with the various requirements. If there's a driveway and paths; where's the building? Tokos said looking at the last bullet point under guideline 6, it says pedestrian paths shall be clearly defined. This says the same thing. It can be textured paving. Patrick wondered if you could do a shared path. Tokos said you just have to mark it. Tokos said if you had room, you probably wouldn't want to do that.

The last guideline, number 8, is for exterior lighting and glare avoidance. Tokos noted that this should have language that talks about avoiding direct glare. Patrick said that the Inn at Nye Beach was going to up-light trees and things. Franklin said, but they would be directed toward their structure. Patrick said he didn't think that would be allowed here. Tokos said that needs to be changed. No light source visible is impossible. What we're talking about is no direct glare on the right-of-way or adjacent property. You will see it. Huster said it's so you're not looking at the light bulb. Patrick said for the one about landscape lighting that says you can use low wattage, he thought we should borrow the language from the electronic sign code about lumens and put a standard in there. Give them something that they have to meet and something to check. Tokos said he would add that. Huster asked what about holiday lighting. Franklin wondered if there was a way to put "unless directed back at a certain angle toward the structure." Huster said direct glare is the problem there. Franklin said unless you're standing in the landscaping, you won't see glare from the landscaping. Cleary asked what about the interior lighting of trees. Tokos asked if the group wants to allow up-lighting. Patrick said that's what the Inn at Nye Beach wants to put in. Franklin said we don't want a bunch of lights shining up from the yard between the lighting features. If it's directed to special features on the property, he would say yes. Huster said that plus non-glare. Patrick said up-light if directed onto a feature. Tokos said internal to property. Patrick said approach it from that aspect and no direct glare. Make sure they understand what that means. It might be easier to do some illustration. Make sure there are no lights shining up into the sky. We are trying to encourage down-lighting so it's not shining up into the air. Franklin wondered if there's a way to limit how much they can do. Patrick thought with the lumens thing. Tokos said this is in the context of reviewing a project that hasn't been built yet. Seasonal lighting is seasonal. He guessed you would run into an issue where seasonal lighting became permanent. Then we would have to have a conversation with them. Patrick thought that lighting in the trees is fine as long as they meet the lumens level. Tokos said it's a fair point about seasonal lighting. He said what he has is that up-lighting is okay if it's directed to a feature on site. No straight-up broadcast of light. And maybe add a lumens standard of some sort. Huster wondered if that conflicted with the security issue. Tokos said there is a discussion about that in here. He had that conversation with John Lee. They met to provide a pallet of features. If approved, they can pick from that.

Moving on to the design standards, Tokos noted that Ridenour clarified some things. Under the main façade features, at least two are required from each of the categories. That is what we talked about. Ridenour broke up element B a little bit. Porches is one group, roof detail, and siding elements. He has to ferret out what to do with the additional elements because there is only one. He thinks he can throw the additional element in with siding. Patrick said, thinking about styles, he wondered if columns weren't used in one of them. Tokos said it doesn't look like it. Patrick said that means it's an additional item. He thinks that's one thing you can do. Tokos said under porches it lists columned porch. Patrick said that's usually what is holding it up. It doesn't work as stand-alone. Tokos said the last one there he just rolled into siding elements. Maybe he'll just say "siding/chimney elements and roll it in there. Tokos asked if there were any concerns with the way this is broken up. Everyone was fine with it. They thought that Ridenour did a great job. It's very specific. Patrick said this will be a whole lot easier.

Moving on to multi-family design standards, Tokos noted that this needs to be clarified in a couple of different spots. An issue Commissioner Berman had raised about the Inn at Nye Beach was not only the length but the depth. This gets at if a building is getting really long, you need to limit how deep it should be as well. Franklin asked if by square-footage coverage. Tokos said the rules are very generous right now. Patrick said it has to be because of the small lots. Cleary noted that it says less than 100 feet on item A under standard 1. Tokos will change that to 65 feet. Patrick said the easiest way is combined building footprint is greater than "blank." The question is at what point. If the limit is 65 feet, you'd probably get concerned if it's 35 feet deep. Cleary asked, half as deep as wide. Patrick said it could be 65 feet wide and 100 feet deep. Huster said maybe just leave it with the lot coverage ratio. Tokos thought maybe not to use this standard. We will run into some things in commercial. It's hard to see how this plays together. He's afraid if we put in too many things, they won't understand the relationship of them. Patrick noted that it says if the maximum length at the street is 65 feet, then the maximum length is 65 feet going the other direction. Tokos said Ridenour is assuming that the depth should be no more than 2/3 of your length. Huster wondered if we want to limit it or is the lot coverage limitation good enough. Patrick said this is just a trigger and thought maybe it was right with 100 feet. Tokos said that we talked about shifting to 65 feet. Further back, Ridenour acknowledges that. Tokos said these are the standards without review of the guidelines. We talked about not allowing a 100-foot building to come in under the standards. If it's 65 feet or longer, it goes to the Planning Commission for review. If they do a multi-family that meets these standards, they meet with our office and go forward. There's no public comment. Tokos

will clarify that in the zoning code when he pulls that across. It will be abundantly clear in the zoning code; “here are your thresholds under the standards as opposed to under the guidelines.” Tokos said these numbers here are at staff level. Patrick said that Tokos may want to talk to Ridenour about depth. Do we want to set a standard that gets at the depth of a building? Franklin didn’t think so. Tokos said we have step-back things in here on commercial. Cleary said we also have parking requirements. Patrick thought this would only apply to a corner lot; not the depth of a building. Tokos said no. This is not specific to corner lots. Tokos suggested not putting in this paragraph. Patrick thought it made sense when talking about 100 feet; but not when talking about 65 feet. Tokos agreed. He said to get them into guidelines where people have to weigh in makes more sense.

Tokos said that multi-family design standard gets into buildings greater than two stories and 40 feet. This is to build in something in the standards that ensure we don’t have projects such as the McEntee building that came in under design standards. It gets at ensuring that there is some break up of square buildings under nondiscretionary standards if it gets big enough. Patrick thought that works. They have to have two or more of the following. You don’t have one 50-foot unbroken wall. Tokos said he likes how this is set up. They have to have two or more of those elements. They should be able to get two of them. Huster asked if windows would be an acceptable alternative to ground floor entrances. There’s still something on the front of it. It means you want them to have entries every thirty feet. Tokos said he recalls talking about that when Ridenour was here. Franklin thought Ridenour was going to change that. Tokos said it’s relevant if it’s over 40 feet in length. Basically if you select that option, you have to have more than one ground floor entrance if it’s over 40 feet in length. Huster asked, to have something on the face of the building, right? Could windows or display be acceptable alternatives to having another door? You may not need a door. Franklin said it’s a great option to have. Cleary said it’s a good option if you have no back access or exit; having another door you can get out of. Huster said this doesn’t incorporate pieces of the fire code. Patrick said this is more of a massing thing. Tokos liked it. He said when you get to 40 feet, he viewed this at the time as the low-hanging fruit. If it’s 60 feet in length, they may be looking to get a second ground floor entrance anyway. Patrick said to leave it in there. They have an out by going another way. He said to leave it for now and see how it works. Franklin said for future uses, it could be that the building gets split into two offices. Patrick reminded him that we’re actually talking about multi-family; condos and apartments.

Tokos noted that multi-family standard 6 is one that Ridenour threw in for solar access. Tokos didn’t think that we agreed to that. He has serious concerns that this gets more into nondiscretionary standards; and that is a difficult thing to do. He is unsure what we are accomplishing with it. Cleary said it’s eliminating the canyon feeling and the wind. She said when you come down Beach Drive, it’s very tall and narrow. If upper floors were stepped back, it would allow more solar access. Tokos noted that these are multi-family standards. It would be in the R-4 zone where there’s reduced side-yard setback at 2.5 feet. You can’t build to the property line in R-4. Tokos doesn’t like this in the design standards. We could put it in the guidelines so it goes through Planning Commission review. Patrick said to take it out of here. We need to have a discussion about solar standards, period. It’s already coming up. The Commission asked for a solar study when the Inn at Nye Beach was reviewed. Tokos said we could ask to see what the solar impact is; but exactly how we are prepared to analyze that could be rather involved. When you get into solar, it gets very complicated very fast. He has experience with solar studies in the Metro area. You have to have a sense of what you are trying to answer. Like Tokos told John Lee, in his experience where they’re most effective is when you are applying them to a new subdivision in an area of undeveloped lots. You can plat the lots in such a manner so all lots have solar access. To apply this to an area that is already fully developed is very hard. You don’t have the flexibility of arranging the lots. Patrick agreed there’s not much undeveloped in Nye Beach, and they are such small lots. Cleary asked if we could put this in here somewhere, somehow. Tokos said it doesn’t fit as a design standard at all. Whether we put it as a discussion item in the guidelines, to what extent do you consider solar? We have zero setbacks in C-2, and development is encouraged to go to the property line. Cleary said that creates that issue. Patrick said under the old guidelines, there’s no way out of it. We are approaching that on some of this stuff where we are allowing some things like you can only build to the property line at street level. Franklin said we are asking for setbacks on the upper floors for relief and for light. Patrick said not forcing them to do solar study, but allowing something like that that they could do. Under the old standard there was nothing that said they could follow that. They had to build to the property line.

Tokos said, going back to the guidelines under guideline number 2 (building scale) on the fourth page, you have a discussion to some degree of two-story stepped rooflines. He’s thinking instead of having solar standards in the design standards, get away from solar and go to step backs from the third floor on so you don’t have vertical mass at the property line as opposed to introducing solar study analysis at certain times of the year. Patrick said we could at least have it to give them the opportunity to do that. Tokos will talk to Ridenour about refinements on that. He may have some thoughts. Patrick thought that is a bigger discussion for all of Newport; not just Nye Beach. Franklin didn’t think it would work across Newport.

Tokos said he will take the solar shading mentioned in multi-family design standard 6 and pull it out of the nondiscretionary and move it into guidelines as a step back concept from the third story on. Huster thought that would help achieve the objective without all the complication. Franklin said when dealing with zero lot lines, when building up this could encourage design. He noted that the Inn at Nye Beach could put windows on the upper floors and could capture the views of the lighthouse. Patrick said they could even put patios or decks. Cleary said it could be really positive and not just another rule.

Patrick said they could actually build a parapet wall and it becomes a deck wall. Tokos said, and you get solar access benefits out of it without having to do studies. Franklin said it's also taking the length of the building and making the width less.

Continuing on to the commercial standards, Tokos said on standard 1 he assumes that we want to take the same approach and not do the depth thing. The consensus was to do it the same. On item 1 B, Patrick noted that the length should be 65 feet on commercial too. Tokos will drop that second paragraph under B. Tokos noted that item C is the 40-foot one where we're trying to break it up under design standards a little bit with things like deeper porches. Tokos said that item G is a mirror image of what we talked about; the same as multi-family step backs. This same concept has to be applied to the guidelines. We want it on the table for things that are even bigger. Patrick noted that commercial standard 2 B says it shall meet standards A through J of multi-family, which is where the step back thing is at. Tokos said we just put step backs under commercial standard 1 G. Patrick said that CPI standard 2 says meet multi-family standards A-J and when each side of the building is more than 40 feet, it shall meet multi-family design standard B. Tokos said that CPI 2 is designed to apply to hotel/motel commercial uses. First is the reiteration of the requirement that if it's over 35 feet in height, it goes into guideline review. The next one talks about meeting multi-family standards A-J. That picks up all the typical standards we were talking about. Patrick says that goes into porches, bay windows, and the main entrance. Tokos said that's talking about the main entrance facing the street. What A-J of multi-family doesn't pick up and we need to get in here for design standard 2 is the massing (step backs) to make sure that applies to hotels and motels. He said standard C, each side of building more than 40 feet shall comply with multi-family standard B, also applies to sides not facing the street. Only design standard B. Tokos will clarify it so that it says standards A-J where faces the street. Only standard B for the side if it's more than 40 feet. He thought the objective was to ensure that the side of a building over 40 feet is broken up. If you had a hotel and the side of the building facing the property to the north is 40 feet in length, you have to break it up; you can't have just 40 feet of wall.

Franklin said once two commercial properties are built tight, you have a void. Tokos said if they're brought together, it's not the side of a building any more. Franklin said that with zero lot line, if something builds next door, the wall could potentially be covered completely. So why apply this to something that is going away? Huster agreed, that with two commercial lots with zero setbacks you could build up against each other. So why have a setback in the middle to collect trash and not serve a purpose. Patrick said maybe we need additional thinking about where setbacks are required. This is only applying to the ends of those buildings. It probably wouldn't get triggered on some of them because they're not 40 feet deep. With zero lot lines, it makes no sense. Tokos said he can get rid of it because this is a commercial zone with no setbacks.

Tokos said that CPI design standard 2 E regarding off-street parking is something Ridenour rolled in based on the discussion we had. It's meant to clarify how parking is supposed to be handled. Patrick said that one is okay with him. Tokos will get rid of the payment-in-lieu-of reference because we are not going to do that. The parking district aspect can stay.

Tokos noted that Standard F is what we worked in elsewhere.

Cleary had a question about design standard 3 where it states that the location of the primary entrance must face the street. Franklin said he asked about that before. It just must be on the streetscape side. Patrick said the entrance side faces the street. Huster asked about the window requirement. Often you want larger display windows. Tokos noted that it's for windows larger than 20 square feet. Huster said he's not sure you want to have windows bracketed by little windows in commercial. Tokos will talk to Ridenour about it. Patrick said if you start doing that, it ruins the design. Maybe it's supposed to look like a house. Huster said that means everything in Nye Beach is wrong. Tokos said they haven't been approved or evaluated under these standards. Patrick said there are mullions (cross pieces) that can be used to break up larger windows. Franklin said now if you have to put in tiny windows to meet the design standards, you're taking up a large portion of the wall. It can be too much. Huster said this is the commercial part of Nye Beach. He thinks a rework of that one would be appropriate. Franklin said the more windows you put in, the more leaks you can have. Huster said you need a certain amount of wall for structural strength. Cleary said and to have space for displays. It was noted that it says on the street side; and Franklin wondered what about where a hotel has hallways on the front side. Tokos will talk to Ridenour about this one. Cleary said she likes window trim; she thinks that's important.

Tokos said that CPI design standard 4 is talking about a couple of things. The first part clarifies that the percentage of material coverage doesn't include certain things. Item A gets into what we talked about regarding primary finishes; a minimum of 70% of the exterior skin, with the others around it as accents. Primary finishes are wooden shingles with 6-inch exposure, lap siding, or composite wood materials. Huster asked on a large building do we want small exposure or larger. Patrick said that decorative shingles have 4-inch exposure. Cleary said there is another section that talks about decorative shingles. Patrick thought maybe we should acknowledge here 4-inch shingles. Franklin said a huge structure is not going to do 4-inch exposure. Huster said it would eliminate shingle-sided buildings because of the cost. He thinks on larger buildings, the exposure should be more. Tokos noted that 70% is targeted both for shingles and lap siding. Patrick said so basically the building would be lap siding and shingles. Huster asked what about Hardie board and board and batten siding. Franklin thought that board and batten is appropriate. Tokos said that is trim; 30% or less. Patrick said the main finish needs to be consistent with the main

style. Board and batten is not one of them; it can be a trim. For the 70%, it's shingle or lap siding basically. Everyone thought that was fine.

Tokos noted that for design standard 6 it's the same as with the multi-family. He will move that to guidelines and treat it as a step back requirement.

Cleary said that she is impressed with Ridenour's work. It's very specific.

Tokos will clean it up and roll it into the zoning ordinance.

District Boundary Change: Tokos wanted to go over the map to get a confirmation of what the group agreed to for the district perimeter. He noted that starting at the top, basically it goes out and brings in some R-4. The R-2 went out. At the bottom, we're getting rid of the R-3 on 2nd Street, which was right-of-way itself. Tokos talked to John Clark regarding the boundary change and his property. Clark's preference is to get the rest of the existing motel out of the district. He can live with the undeveloped piece remaining. Patrick said the boundary makes sense. Tokos said it makes it cleaner to have it set at either side of the street.

Discuss Nye Beach Core Area Zone change proposal: Tokos superimposed the core area onto the map. After reviewing the proposal, the biggest and most controversial issue is the hard cap at 35 feet in C-2 with all C-2 currently at 50 feet maximum building height. He thought the group needs to talk about this a little bit. Tokos talked to the City Attorney. If the Planning Commission provided direction to move ahead with adding a change like that, we would provide notice to all of those C-2 property owners. It's a statutory notice and is a little alarming. It's intended to be that way. It basically says to be aware that a public hearings process is being held to consider an action that will impact your property values. It also puts the City at risk for Measure 49 claims for anyone objecting to it. That's the "takings" law. The conversation we've had here about the changes doesn't take away their ability to build to 50 feet. The guidelines already apply. They have an opportunity to apply under the guidelines. If we change to 32 feet, we could be at risk for a takings claim. The City has to think about that. Tokos' thought is to talk in detail as a group about how to frame this potentially for presentation to the Planning Commission as an option.

Cleary asked what the feeling of the Planning Commission was in dealing with a request that comes before them as a request to go to 50 feet. Would you say no; or is it the understanding that you would say yes? Franklin said he is excited about these changes we are making here. It will eliminate that tunnel Cleary talks about because of the step backs. It will minimize the way the building looks. If a building is over 50 feet; it's not just a given. Patrick said it goes before the Planning Commission and the public gets something to say about it. You can hammer on the design and say you are not going to build a box 50 feet tall. These changes give a way to limit things. If we try to do a hard cap, it might get through the Planning Commission, but never through the City Council. You just took away their air space. The City could be sued and have to spend time in court. Tokos said if we had the consensus of every single property owner that may be okay. Without that, we run that risk from any individual owner. Patrick said they have an outright takings issue.

Tokos noted that some of the concerns some of the members listed are big; about the impact of large structures and mass on adjacent properties. Under the revised guidelines and standards we are talking about 65 feet versus 100 feet putting them into guideline review. Developers don't like uncertainty, so they are going to avoid getting into design review. It is inherent that you will be looking at smaller buildings. Developers know that as long as they can meet the fixed design standards, they can take their project to the bank. There's certainty. Under design review, they don't know where it will play out. Franklin said we're already cutting it in half. Patrick said it will make them want to stay within that footprint. Tokos said pushing the step back on the upper floors will help too. He thinks these changes are addressing a lot of what folks wanted to do with this. Tokos will put this discussion on the next agenda.

Date for next meeting. For the next meeting, Tokos will finish the cleanup and make the changes. He will talk to Ridenour. He will bring the revised guidelines and standards to the next meeting; not for discussion but to have available for the committee to look at. He will have it worked into the zoning code to see the interplay between the two. And, finally, we will have the discussion about the core area. That should be it for meetings of this committee. Then this can move to the Planning Commission. The next meeting was set for April 8th at 10:30 a.m.

Adjournment. Having no further business, the meeting adjourned at 12:40 p.m.

Respectfully submitted,

Wanda Haney
Executive Assistant