

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
March 9, 2020
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Gary East, Jim Hanselman, Mike Franklin, and Bill Branigan.

PC Citizens Advisory Committee Members Present: Braulio Escobar, and Greg Sutton.

PC Citizens Advisory Committee Members Absent: Dustin Capri (*excused*).

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

Public Members Present: Mona Linstromberg, Wendy Engler, Veronica Willman, Terry Obteshka, Eileen Obteshka, Trish Canning, Jay Caplin, and Frances VanWert.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:02 p.m.

2. **Unfinished Business.** None were heard.

3. **New Business.**

A. **Discussion on Scope and Parameters for Needed Updates to the Nye Beach Overlay (Report to Council).**

Tokos distributed public testimony from Wendy Engler, Charlotte Boxer, Cathey Briggs, and Frances VanWert, which were received after the meeting packet was published. He noted that at its February 18, 2020 meeting, the Newport City Council adopted a motion directing the Planning Commission to initiate legislative amendments to C-2 zoned property within the Historic Nye Beach Design Review Overlay to prohibit residential use at street grade along the west side of Cliff Street, and to report back to the Council on how to proceed with the Core Zone proposal. At this evening's regular meeting, the Commission would have an opportunity to initiate the targeted amendment related to Cliff Street. The work session was scheduled to address the other part of the Council's motion related to the Core Zone Proposal.

Tokos reviewed the Core Zone Proposal relative to the existing rules and explained that it was brought forward out of a concern that the mass and height of buildings being developed were out of character with the predominant architectural style of 1 to 2 1/2 story wood frame buildings with gable or hip roofs that were clad with clapboard, shingle, or fire retardant siding. Projects cited as inconsistent included Archway Place and the Mcentee Building. In 2015 the Commission and Council elected to address the issue of building mass by dropping the threshold for Planning Commission design guideline review for new buildings from those that are 100-feet in length, to new buildings exceeding 65-feet in length. A height allowance of 50-feet was retained, with Planning Commission review being required for buildings over 35-feet in height. Tokos explained that when the Commission considered the proposal, they should weigh whether or not the new standards would more effectively achieve the purpose of the Design Review District.

Berman asked if the Core Zone was just a proposal or if it was already in the code. Tokos explained it was just a proposal. Berman asked if the Core Zone would be an overlay zone within an overlay zone. Tokos explained that it was the proposal pitched during the 2015 review. What the City Council was asking the Commission to consider now was whether or not this was a route the City should be going, or if there was another route they should go.

Hanselman asked how the height of buildings were measured. Tokos reported it was the average height of the four corners from finished grade. Hanselman asked how the 72 feet figure came to be. Tokos explained the height wasn't a proposal that came from staff. He noted that his sense was that based on the proposal in 2015 they felt that beyond 72 feet the building mass would be too large. East asked if there were any other properties open in the area where they could build large size condo buildings. Tokos noted that according to building footprints from 2018 it showed that some condos were built on lots that were combined legally and others were developed over multiple lots under common ownership. He asked the Commission to keep in mind that when the design guidelines, standards and code were revised in 2015 the Ad-Hoc Work Group was okay dropping the threshold for Commission review from 100 feet to 65 feet but was not comfortable with setting a hard cap. Tokos noted that the photos images included in the packet included details on the surrounding properties that were reviewed in 2015.

Franklin thought the 32 foot maximum height didn't fit the area and noted the heights of the Overlook, High Street, Sylvia Beach, and Panni Bakery buildings were over this height. A discussion ensued regarding the construction of buildings in the area and how they fit into the character of the neighborhood. Franklin noted that the building the Chowder Bowl was in had different heights in the front and the back of the building. Because of site specific heights of properties that were on slopes, he liked using averages and didn't like limiting to 32 feet. Hanselman argued that when they allowed construction to 50 feet it would be open to all properties. This meant there weren't ways to restrict people building to 50 feet and building to a larger mass. Hanselman thought there might be a way to give special consideration to lots that were on hills. Franklin agreed that 50 feet was too high, and reminded the Archway Place was 42 feet high. Tokos noted that the Inn at Nye Beach was as well, although it wasn't in the Core Zone area. Hanselman felt 50 feet was a reach but understood the need for this height for buildings on sloped lots. A discussion ensued regarding limiting the heights of buildings on the west side of Cliff Street, the current rules that allowed residential on street level, and the impacts of residential versus commercial on NW Cliff Street.

Tokos continued his review of the Core Zone proposal which proposed a 32 foot fixed height limit instead of 35 feet. He asked the Commission if they were comfortable with the current rules, would they like to go with the proposal. Franklin thought there needed to be a compromise to bring the maximum height for Commission reviews somewhere between 42 or 45 feet. Patrick didn't like setting new standards that would set a cap that the majority of the current properties was outside of. He felt it should be more like 42 or 45 feet, and to keep it to two thresholds where one fell under the standards and the other went to Commission review. Franklin thought there could be an overall change instead of a Core Zone. Hanselman wanted it to be closer to the 35 feet. He felt they needed to take into account the people who might need to rebuild to the standards that were in place when their buildings were first built. Hanselman thought that approving a building through the discretionary process should be considered. Branigan thought 32 or 35 feet was too low and didn't want to give up allowing a discretionary review. Berman liked it the way it was. He thought 50 feet might be too high but wanted a discretionary review around 42 feet. Hardy thought the Core Zone proposal was out of line and thought they should allow at least a height of 45 feet. She thought the idea that too much building mass was evil wasn't right. Hardy noted the building mass of the Nye Sands condos, and that it was a huge building. She felt the idea of redefining history now was ingenuous. Hardy thought these types of restrictions, whether they are discretionary or a cap, should be looser to allow for the definition of conforming of all the uses that are there now. She also felt that if a building was to be burned down the owners needed the right to build it back as it was before, otherwise it could be considered a taking. Sutton thought there should be a 45 foot discretionary review. Escobar felt it should be a 42 foot discretionary review and 35 foot nondiscretionary. East felt it should be 35 feet nondiscretionary and 42-45 feet discretionary.

Tokos reviewed the building length considerations, and photos of the existing structures and their lengths. Franklin liked the idea of retail on Cliff Street and thought it was almost a double edge sword because they would have to build larger than two stories to maximize the use of the structure. He wanted to see more traffic on the street and more stores. Patrick liked the existing rules that were up to 65 feet and then anything over this height should be discretionary. He liked limiting it to a 72 foot maximum length. Hanselman and Branigan liked the current standards. Berman liked the current standards, but wanted a limit on the maximum length to be something like 65 feet. Hardy didn't think they should have a limitation on the length. Sutton, Escobar and East liked the existing standards.

Tokos asked if the Commission wanted to look at lot consolidations or if the massing standard of 65 feet was sufficient. Patrick thought the massing was only viable when doing residential. He also thought there was an argument for combining it for residential. Hanselman suggested they look to consider mass if it was residential at ground level. Patrick thought that if they were open to residential at ground level there should be restrictions on consolidating lots. Franklin had a hard time putting restrictions on a number of lots because there were currently a gamut of lot sizes. Hanselman thought they should honor the interest in the area for it to be a mixed residential/commercial with 1.5 to 2 stories. He didn't think this should be changed. Patrick thought there were other ways to limit single family dwellings instead of changing mass standards. Tokos said that what he was hearing was the Commission wasn't onboard with lot consolidation concepts but may be onboard with some refinements to the standards for residential massing and heights.

Branigan wasn't opposed to lot consolidation but wanted to prohibit commercial with residential above. He liked the idea of smaller homes. Berman agreed with Branigan. Hardy didn't think they should limit the size of someone's potential home. She thought consolidating lots was a harmless idea and preferred not to see increased population density in neighborhoods. Hardy thought the terms "Character of Nye Beach" had been thrown around but had no definition. She saw no problems consolidating lots to build a bigger home. Sutton agreed with Branigan and Berman's thoughts. Escobar agreed with Patrick's thoughts. East thought consolidating needed to be looked. As far as residential went, there were other ways to address it. Tokos said what he heard with respect to the Core Zone there was a general consensus that the Commission wasn't comfortable with fixed thresholds and would prefer the existing structure of having up to a certain point be nondiscretionary. There was interest in the height limit to be lower than 50 feet, building mass to be around 65 feet, and no interest in delving into lot consolidation but open to restructuring rules for residential to bring down the mass of some of residential dwellings.

Patrick thought that some of the existing rules for mass would take care of things. Franklin noted the mass of the house on Olive and Coast Street was the same mass as the Grand Victorian but thought it lacked character. He didn't think mass was the issue. Tokos reminded that when they reviewed the standards in 2015 they wanted flexibility, which meant that getting projects that were outside of a fixed box could happen. He noted that the Commission could tighten up the standards to fix what could be done architecturally. Tokos explained that there needed to be a clear and objective path for approval but that didn't mean they could tighten up the standards. Franklin liked the idea of tightening up the design standards. Tokos reminded that the standards applied to nondiscretionary reviews. Patrick thought it would be hard to do this. Berman wanted the Commission to reviewing the standards. Hardy thought if the Commission wanted to review the standards, explore the rationale behind the standards, and get away from the subjective terminology, she would be willing to do this. She thought that getting into subjective terminology related to character wasn't worth their time. East thought they should keep lots size masses and heights down for residential. He was comfortable with the standards as they were. Tokos reported he would bring back a draft letter at the next work session meeting related to the Core Zone proposal issues.

In order to take public comments, the Commission decided to extend the work session meeting into their scheduled regular session meeting time due to no one in attendance for that meeting.

Patrick opened the meeting for public comment. Veronica Willman addressed the Commission and explained she had a business in Nye Beach and thought the character of Nye Beach was not subjective. She favored restricting height and width of residential, having houses setback, and allowing sunlight in the area. Willman felt allowing heights to 50 feet would make the area look like a large run of buildings without daylight or a view to soften architecture. Willman wanted to see the Commission retain the charm of Nye Beach.

Terry Obtshka addressed the Commission. He noted there had been properties that were rebuilt with larger buildings on them in the area. He also thought the dwelling that was recently constructed on Coast and Olive Street was a safety hazard and didn't like the look of it.

Eileen Obtshka was concerned that the City property west of Cliff Street, where the City voted to extend the boundary for Don Davis Park to keep it as green space, would be developed. Tokos explained it was part of

the Park System Master Plan. This property was in the C-2 zone but the City had no plans to develop it. Obtshka wanted it kept residential.

Trish Canning reported that she lived on High Street and was adjacent to the open lots. She thought that if something large and tall was built there, she would sell her property because it would take away light for her property. She saw the need to keep things charming and felt it was important not to allow massive buildings.

Jay Caplin appreciated the difficulty of the Commission's discussions. He thought that what they weren't talking about was the agreed upon vision for the area. He felt the "feel" of the area was of great value.

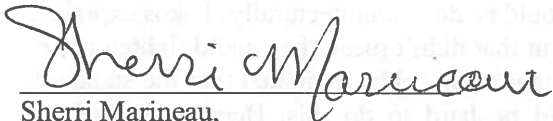
Frances VanWert addressed the Commission. She lived on NW 2nd Court and explained that the area had evolved over the years she lived there. VanWert noted that Nye Beach had become a destination. She had concerns about there being a lack of a vision for Nye Beach. Without a vision, it would be a site to site development. VanWert felt the potential for the uniqueness of Nye Beach was there for it to be a destination and draw more people to the area.

Wendy Engler addressed the Commission. She thanked the them for the discussion on the Core Zone proposal. She reviewed how there had been a design review done and how developers wanted to develop in Nye Beach. Engler thought they needed to refresh the vision and wanted workshops done. She also wanted it noted that there were other things that needed to be reviewed such as parking issues in Nye Beach, C-2 definitions, and allowed uses.

B. Discuss Transportation System Plan (TSP) materials and Spring Outreach (Firm). The discussion was moved to the next work session meeting.

4. Adjourn. The meeting adjourned at 7:26 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant