

Memorandum



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Project Name Nye Beach Design Standards Assistance
Project Number 1401039
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Subject Memorandum on Nye Beach Design Review Standards and Guidelines

Introduction & Executive Summary

The City of Newport engaged SERA to assist with a 10-year review of the Nye Beach Design Review Standards and Guidelines, in support of a Task Force that is leading the review. SERA staff reviewed the standards and guidelines, relative to a set of key questions provided by the Task Force, then facilitated a Task Force discussion of the perceived strengths and weaknesses of the standards and guidelines. This memo summarizes SERA's observations and suggestions, based on that input.

Suggestions offered in this review include 1) opportunities to tighten up language and revise illustrations to clarify intent, 2) methods to structure guidelines for added clarity of intent, 3) consideration of defined viewsheds and 4) consideration of explicit solar access guidelines. In addition, it is recommended that the City and community develop a pattern book or similar resource that will document the qualities that the community values in neighborhood development. Both the process and product arising from such an effort will improve the decision making process for future projects.

Context and Background

The City of Newport is conducting a ten-year review of Design Review Standards and Guidelines for the Nye Beach neighborhood. As part of this process, SERA was asked to review the guidelines, offer lessons from the firm's experience with guidelines, and facilitate a discussion of desired outcomes. The City's Task Force met and compiled a list of specific questions on which consultant input was desired (emphasis added):

1. What is your general assessment of the **strengths and shortcomings** of the City's design guidelines and design standards considering the historic character of the area (as defined in the document) and **concerns raised** by area residents and business owners at the City Council's December 16th meeting? How would you recommend the City go about **addressing the shortcomings**?
2. What tools or techniques for influencing architectural and landscape design are you seeing **other cities** employ that might be good fits for Nye Beach?
3. Many of the concerns that have been raised relate to the **mass and height** of new development, particularly commercial buildings. How might we be able to tighten up our architectural design guidelines and standards to ensure large projects are consistent with the character of Nye Beach?
4. The guidelines and standards do not speak to **cumulative impacts** (e.g. multiple large commercial buildings in a row). This includes concerns of creating a long wall of buildings without visual relief and a loss of solar access. What types or architectural or landscape standards might the City use to address these concerns?
5. The design guidelines refer to such concepts as maintaining a "cohesive architectural resource" (Guideline #1), "acknowledging the scale of the streetscape" and "appropriate human scale measurements" (Guideline #2). How might we clarify this type of **discretionary language** in the guidelines so that the Planning Commission, applicants, and public have a better understanding of the design features that we are looking for?
6. What steps or actions should the City consider taking to ensure that its **decision makers are equipped** to appropriately apply architectural standards?

These questions were the topic of a discussion with the Task Force on August 20, 2014. SERA prepared a set of illustrated slides addressing the questions to guide this discussion (notes and slides attached). This memo addresses the questions posed above, as well as the Task Force's primary discussion points and concerns, and then suggests solutions to address the concerns raised.

In the Task Force discussion, the comments on the design guidelines were discussed, and a few key topics emerged that may not be addressed to the satisfaction of all via the design review process only. Specifically, questions related to the overall size of buildings were raised which may be more directly related to zoning and floor-area ratio (FAR) requirements elsewhere in the Zoning Code.

The comments below generally follow the structure of the Task Force's key questions. For each, where suggestions are offered, they are arranged in terms of level of effort, per staff request. (Note that this arrangement is based on the consultant's understanding of the effort of the work, and is not explicitly aligned with a particular budget or direct knowledge of staffing resources that may be available.) Specifically, the suggestions are grouped into levels of effort as follows:

1. "Low-hanging fruit" – improvements that generally fall within the parameters of editing the text and illustrations of the Standards and Guidelines in their current structure.
2. Potentially significant effort in staff and/or Task Force time – tasks that may require additional resources to be budgeted, but are largely within the context of the Design Review Standards and Guidelines.
3. Potential need for additional expertise and/or policy changes beyond the Design Review Standards and Guidelines.

General Assessment

As noted in the meeting on 8/20/14, SERA's review found that the design guidelines are generally well organized, and have several strong qualities. In particular the option to choose between standards and discretionary guidelines allows each project to opt to follow the prescriptive standards, or to innovate within the bounds of the design guidelines. As noted in a follow-up question, the guidelines are subject to discretionary interpretation; strategies to address the issues of discretionary language and to clarify the guidelines are addressed in subsequent sections.

General comments and observations on the Standards and Guidelines are noted below, including suggestions for addressing perceived weaknesses:

- Not all the actions described by a Design Standard have similar benefits or costs associated, so there may be a risk of projects taking the path of least resistance, rather than tackling design solutions that may be more beneficial in achieving the goals.
 - As an example, in SFT Design Standard #1, Element B: Decorative brackets (Item 12) and lap siding (Item 13) are typically more readily integrated than features such as porches, dormers and bay windows. It may therefore be desirable to further cluster these elements.

Just as roof elements have their own section, Element A, it may be desirable to break out Element B in order to focus on façade articulation, and to introduce an Element C to address more minor features. Requiring elements from each would then give a range of architectural approaches across all scales. *[Expected level of effort: 1]*
 - An alternate approach to clarifying the relative value of design solutions would be to establish a point system, allocating points for each desired strategy. For example, a larger point tally would be allocated for strategies such as porches and highly articulated buildings, and fewer for relatively minor decorative elements. Under such a system, a project would need to achieve a certain level of points, but would have flexibility on how to achieve them.

It is recommended that builders and/or a cost estimator be engaged to help establish the level of effort associated with each. *[Expected level of effort: 2 or 3, depending on approach]*
- In some cases, terms are overly vague, and may not be clear enough to give the intended guidance. (Some of these are addressed in the follow-up question regarding Discretionary Language, and are addressed below.) Examples include (with emphasis added):
 - Design Guideline #3: "Roof shapes shall be **compatible** with the neighborhood...." The Guidelines do not define the term "compatible" here. This 'compatibility' guideline contrasts significantly with the Design Standards, where care is taken to articulate a set of intended roof types. This creates an issue of discretionary interpretation, as addressed below.

It may be desirable to establish a listing of preferred roof types in the glossary or similar location where both the Standards and Guidelines can make reference to them.
 - Design Guideline #6: "...buildings shall provide **variety** in building shape, height, rooflines..." "Variety" in this context can be widely interpreted, and could lead to designs that are not cohesive or consistent with the intent of the Guidelines. While the illustrations cited help clarify the guideline's intent, it may be helpful to label specifically those qualities that are desired.

[Expected level of effort: 1]

- Upgrade Selected Illustrations: several of the included illustrations would benefit from updating, either to clarify intent or to improve their graphical quality. The paired illustrations in #7 for example are somewhat murky, weakening the understanding of the awnings, bays, etc. [*Expected level of effort: 1*].

Tools & Techniques from Other Cities

The Task Force requested that SERA offer examples and perspectives from other communities that have experience with design guidelines. There is a range of examples that can be applied to improving the Nye Beach Standards and Guidelines.

- Review for clear and objective standards: many communities are reviewing design standards to ensure that language meets the legal definition of ‘clear and objective’ standards. SERA recently assisted Lake Oswego with such a review, with a primary goal of helping the City avoid vague phrases. (See the discussion of Discretionary Language, below.) [*Expected level of effort: 1 or 2*]
- Point systems: as discussed above, point systems can help to ‘weight’ the differing efforts required for different design solutions, and help to ensure that projects apply a range of design solutions. While focused on a single design attribute – integrated landscape – the Seattle Green Factor program (seattle.gov/dpd/cityplanning/completenesslist/greenfactor) is a strong example of this approach. While each project must achieve a set point score, the Seattle program allows developers to choose which strategies work for their project’s site, density, etc., and points are established based on the benefits of each strategy.
- Form-based codes: Form-based codes have emerged in the past decade and are particularly valuable for mixed-use areas. While general practice in post-WWII zoning codes has been a focus on separating uses – residential, office, commercial, industrial, etc. – form-based codes recognize that it is often appropriate to mix compatible uses. The evolution of these codes has been a recognition of the value of neighborhood commercial uses, as well as re-integrating clean employment uses – such as offices and in some cases light industrial – with residential areas, to create complete communities.

The regulatory approach of form-based codes has therefore focused less on land use – although incompatible uses (such as heavy industrial) are still separated – and more on how both public and private development contributes to high-functioning communities. As with many provisions of the Nye Beach Design Guidelines and Standards, form-based codes seek to create streets that function as well for pedestrians as for vehicles, and that seek to activate all public spaces with thoughtful design. Form-based codes also include tools to directly address aesthetic considerations.

Wholesale conversion of the Nye Beach regulatory structure to a form-based code would be a Level 3 work effort, but a review of adopted form-based codes would be a useful effort for the Task Force to undertake, in order to bench-mark the Design guidelines against strong prototypes.

- Pattern books: Many large and small communities have adopted some type of “pattern book” to clearly illustrate desired design features. Typically used as a tool to accompany new planned developments, they have also been used to articulate historic context. Oregon examples include Sherwood (The Springs, a large housing development) and Wilsonville (Villebois, mixed-use development), though both are very focused on new residential homes in sub-divisions.

Adaptation of the pattern book concept to reflect Nye Beach’s history could be an outcome of an effort to systematically review and document the development history of Nye Beach. While

this would be a significant effort of staff, consultant, and/or volunteer time, it could build on existing historic resources and lead to a valuable community dialogue on those elements of the area that are most defining of the elusive context of “character.” A partial example of this approach is the set of integrated guidelines in Astoria’s *Gateway Overlay Zone* (astoria.or.us/Assets/dept_3/pm/pdf/devcode-14.pdf), where illustrations from historic structures serve to represent desired design elements.

- **Cottage clusters:** In meeting with the Task Force, several members expressed interest in regional examples of the “cottage cluster” concept. Cottage clusters allow one or a few residential lots – typically in a single-family home or mixed residential context – to be used for a cluster of smaller homes. These clusters usually have policies requiring shared space and parking, creating a small ‘commons’ for the cluster.

While Newport hosts a cottage cluster at the Wilder development in South Beach, examples of ordinances written to explicitly allow this development type as a retrofit of existing neighborhoods can be found in the municipal codes of Langley, Kent, and Lake Stevens, WA. Metro, Portland’s regional government, has published a good fact sheet on the development type: oregonmetro.gov/sites/default/files/wood_village_case_study.pdf

Building Mass & Height

In the meeting on 8/20/14, it was clear that the issue of building mass and height may be one where the divergence of community views is widest. While much of the SERA-prepared slides addressed the question: “*How might (Newport) be able to tighten up our architectural design guidelines and standards to ensure large projects are consistent with the character of Nye Beach?*” it seems that some members of the Task Force believe the question of “*How large should buildings in the area be?*” is of equal or greater importance.

There are multiple questions that have been raised related to this topic, broken out here in the interest of addressing each:

- How shall views be protected – both from public areas and from private lands that currently have views?
- How can solar access be assured?
- How does the fact that Nye Beach has had “large buildings” throughout its history shape this discussion?
- Which potential solutions are within the realm of design guidelines and/or standards and which may require use of other tools?

Protecting views: protecting views is a complex issue, and is often very personal for stakeholders, especially those who have come to value existing views. In order to address the value of views, several steps should be taken:

- Establish which views are to be protected: views of the ocean, views of particular landmarks, etc.
- Also, identify the viewpoint for views. Is the goal to protect views from key public spaces or vantage points?
- Alternatively, is the goal to also protect views from individual properties? Typically, communities seek to use public policy to establish public benefits, though there are examples of establishing viewsheds to help maintain views from an existing neighborhood. For example, development agreements for the South Waterfront development in Portland sought to preserve viewsheds from the Lair Hill area. While examples such as this address new development and entitlements in

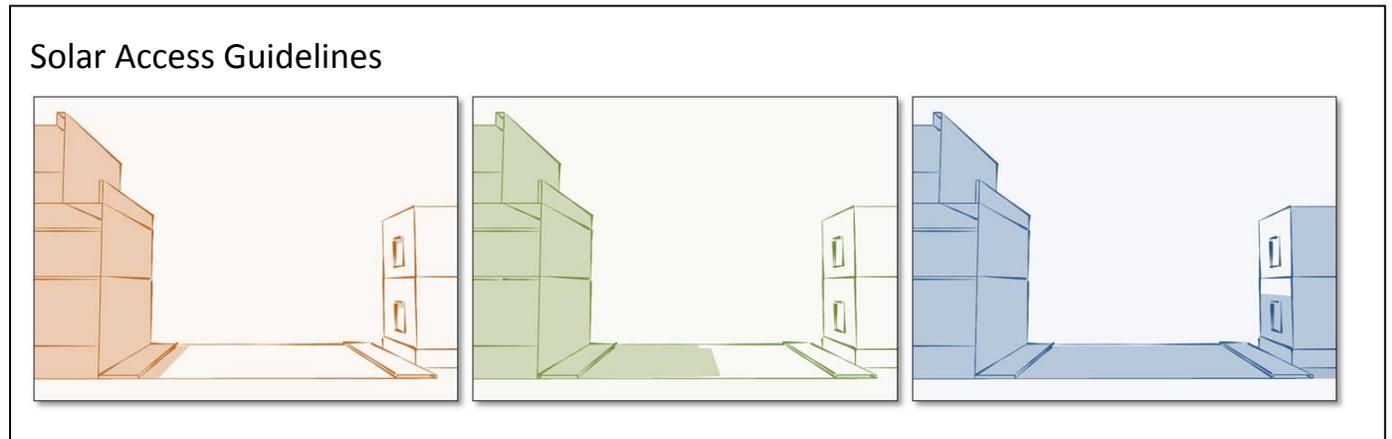
an area undergoing redevelopment, they do not necessarily apply in areas where existing entitlements would allow one property owner to block the view of another under base zoning.

- Conduct a study that maps the areas that would need to be limited in height and/or massing to protect the views in question. This process will likely be an iterative one, as the impacts may be significant enough to warrant discussion and negotiation among the affected parties.
- Adopt the height and mass limitations identified from the above steps.

[A comprehensive viewshed study would likely be a Level of Effort #3.]

Solar Access: Solar Access guidelines are often written with vague direction to ‘allow solar access to neighboring buildings.’ That vagueness often sets the stage for disputes around interpretation. To be effective, solar access guidelines should establish clear expectations and guidelines regarding:

- **When** solar access is to be provided. State the times of day and year when access is to be assured, or which sun angles are to be maintained. Disallowing a shadow to fall on a neighboring property even when it is low in the sky (winter) will create a very low density development pattern, and may not provide much benefit, if the sun is not out much at those times. (See diagrams below.)



- **Where** on the neighboring property should solar access be protected? Is the goal to assure solar access to the rooftop (for example, to support functional solar panels), or all the way to the ground floor (where pedestrians will be most present), or a defined percentage of the façade that may be in shade?

[Developing basic solar access guidelines for Nye Beach could involve a Level 2 effort; however, the likely implications on development would push this into a Level 3 effort.]

It was noted in the Task Force discussion that solar access and view protection in the Nye Beach context may result in different approaches to massing of new buildings. Solar access will generally be concerned with the massing of a building as it affects its shadow to the north. Viewshed protection more often will be concerned with creating buildings that are slender in the north-south direction, so as not to create long walls blocking ocean views.

Role of Large Buildings in the Neighborhood: While Nye Beach is most known for relatively small-scale homes, it has been noted that larger structures have been part of the context throughout the neighborhood’s development history.



Historically, larger, tourist-serving hotels and spas were a part of the Nye Beach area; today, single-family homes and smaller commercial buildings contribute significantly to the character of the neighborhood.



If the Task Force opts to consider reducing the allowed size of buildings in the area, there are limits to how far design guidelines and standards will be able to support that goal. It therefore may be most direct to review and address provisions of the base zoning, in particular FAR allowances, a process that likely will require a larger discussion than originally expected [*i.e.*, a Level 3 effort].

However, there are important steps that can be taken within the review of the Standards and Guidelines themselves that will accomplish some limits on massing, and/or make larger buildings more in line with the historic character of the area. Primary examples include:

1. Addressing significant differences between the Standards and Guidelines with regard to massing. Currently, the design standards have tighter and more direct language regarding the massing of buildings. A primary example is MF Standard 1.A, which limits buildings to 100 feet in length and requires a 10' gap between multiple buildings on a site. The Design Guidelines do not have such explicit direction on length, but as noted in a subsequent question, have more discretionary language, leaving room for a broad range of interpretations.
2. Clarifying the types and dimensions of offsets desired in the composition of facades to avoid large planar compositions. Again contrasting the Standards and Guidelines, Design Guideline 2 has general language regarding “canopies, balconies, offsets in the façade...” while the standards use dimensions to describe the intended result.

While the flexible guideline approach is a valuable alternative to the prescriptive standards, the guidelines would benefit from more definition to key ideas such as offsets and vertical transitions. Without this clarity, the risk is that larger buildings will be proposed that are flat in composition, and inconsistent with the intent of the guidelines to create smaller building masses.

[Level 1 effort].

Cumulative Impacts

The most likely impacts of a cumulative development pattern of larger buildings are likely to be in the form of blocked views and solar shading. The comments above on those two strategies apply here, as well. Additionally, it would be worth exploration of a strategy of step-backs of buildings above the second level, to create a pattern of gaps for light and views, while still having a strong street frontage.

Discretionary Language

In editing the guidelines to address discretionary language, it is recommended that they be edited to clearly function as “performance” guidelines, in contrast to the “prescriptive” standards. A key improvement would be the addition of a clear intent statement for each guideline, so that a project team understands what each guideline is seeking to accomplish. The intent statement can utilize terms that are somewhat more general, with the more detailed subsequent sections describing the specific expectations. This will allow future development and design teams applying for approval to address the core intent while having appropriate design freedom.

An example of this change in structure affecting Design Guidelines #1 might be:

Intent: Take inspiration from and maintain a cohesive architectural resource for residential development.

Performance expectations:

- Explicitly reference architectural features and styles currently existing in Nye Beach or as indicated in historical documents of the area, and;
- Utilize roof forms and slopes existing in the traditional residential buildings stock of the neighborhood;
- Incorporate architectural features described in the Design Standards, including porches, verandas, sunrooms, etc.

Issues such as solar access are well suited to performance guidelines, as well. An example might be:

Intent: To provide solar access to public spaces and neighboring structures, in appropriate balance with the scale of village center development patterns.

Performance expectation:

- Provide shading studies indicating the building’s massing and shadow lines during the mid-day (at 10:00 am and 2:00 pm) and bracketing a 3-month period around the winter solstice (on November 6 and/or February 6).
- Building elements shall not shade the ground floor sill or above of buildings located across a street or public open space during that time period.
- Buildings abutting a single-family residential zone to the north shall not shade the sill height of any existing dwelling located at least 30 feet from its rear lot line.

Guidance for Decision Makers

As implied by the question on this topic, engaging City decision makers in the intent and substance of the Design Review Guidelines and Standards is an important part of a successful review process. There are several approaches that the consultant team suggests:

- Use of study sessions to familiarize with the general issues and history of Design Review in the area, apart from a particular development application's formal hearings.
- Ensure that the decision making body has appropriate expertise in the topics being addressed, either in the experience of the constituent members, or via staff and consultant resources, when required.
- Encouragement of – and participation in - community events that seek to create informed discussion of Nye Beach's history and design ideas. These might include guest lecturers, walking tours, tours to other communities, etc.
- As described above, development of a pattern book or similar resource guide that documents and identifies existing elements of the community's design heritage that are widely valued.



Examples of projects from other communities – such as these from Newport, R.I. - elicited discussion among the Task Force on the difference between design attributes such as material, roof articulation, and detailing, and the basic size of projects. This type of discussion can help clarify issues, without participants focusing on particular projects in the community that may carry “baggage” due to their development history.

These strategies could be pursued individually, or as a combined effort, to maintain an open and clear community discourse, which is itself an important component of addressing the issues. A work effort to document the patterns that are valued by the community would be a significant contribution, and the product of the effort would be a resource for current and future decision makers. While such an undertaking would likely be Level of Effort 3, it could have collateral benefits, including potential use as a guide for area visitors.