

**MINUTES**  
**Nye Beach Design Review Overlay**  
**Ad Hoc Work Group Meeting**  
**Newport City Hall Conference Room A**  
**Wednesday, January 21, 2015**

**Ad Hoc Members Present:** Kathy Cleary, Michael Franklin, and Wendy Engler.

**Ad Hoc Members Absent:** Jody George, Don Huster.

**Planning Commission Liaison Present:** Jim Patrick.

**Guests Present:** Chuck Victory, Frances Vanwert, and Linda Neigebauer.

**Consultant Present:** Eric Ridenour.

**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.

**I. Review memo from SERA Architecture outlining proposed revisions to the Nye Beach Design Review Guidelines.**

Tokos noted that Ridenour had the key elements of his memo queued up in a PowerPoint and would walk through each piece and get the group's feedback. Tokos said basically how this fits into the next steps is that today we are looking for feedback on the recommendations, and that feedback will then lead to these recommendations being rolled into a revised set of these guidelines. Ridenour hasn't done that yet, but that's where it's heading. On a parallel path, Tokos will be coordinating with Ridenour when he gets these guidelines cleaned up to make corresponding changes to the code so the two are in sync. We'll bring that back in front of the group for a final review before it is presented to the Planning Commission. Tokos noted that George had indicated she would be unable to attend the meeting, but had provided written comments. He turned the meeting over to Ridenour to walk through his recommendations.

Ridenour noted that to go through his memo, he was showing a PowerPoint. First is a summary of the items SERA was asked to look at, including recommendations on some of the nondiscretionary standards and how to better achieve desired architectural styles and character you are looking for. That one was a little more general and open-ended; but they came up with a range of ideas for discussion. They reviewed the standards and guidelines for vague terminology and offered some recommendations on that. That's a little bit more straightforward. They also suggested some guidelines to address the big question of what to do about larger buildings. Related to that, what are the thresholds; and should there be light or additional thresholds that might trigger discretionary review, particularly around larger buildings. They did some updating of the illustrations. Some of the existing ones were muddy, and they added some additional new illustrations trying to communicate the intent of the new guidelines.

The first section is recommendations on the nondiscretionary design standards. He thought the language in the Comprehensive Plan was important to include. It sets the tone for what you are trying to achieve; "collection of cohesive architectural resources and landscape elements which reflect a working-class neighborhood." It recognizes that most of the buildings in the area do define the character. Then there are some specific styles mentioned. He thought that was useful as well. Next you get into their suggested revisions. He said you have standards that are categorized along general commercial buildings, and specifically hotels and motels; and a specific category for multi-family. In some cases the guidelines and standards are pretty consistent across those; and in others, they vary somewhat. The proposed language here is for any building in all three categories that would be greater than two stories or longer than 50 feet; and that is it should include specific elements to break down the scale. Those would be things like significant off-set to break the lines so as you are walking down the sidewalk, you don't feel like there's a continuous wall there. Ideally those setbacks would be large enough to accommodate sidewalk café seating. That is consistent with other guidelines they've seen to at least get that aesthetic break. As you go vertically above the second floor, there is a step-back of the third floor and higher floors by at least six feet. Again, the intent is as you're walking down the street not to get the feeling that you have a larger building looming over you. Franklin asked if that's on all sides or just the street. Ridenour said that the intent was to focus on the street side. If there's a zero lot line and you were bordering residential, he thinks we already have additional setbacks. If it's bordering another commercial project, he doesn't think there is an automatic benefit in that case for stepping back; he thinks the primarily benefit is along the street. Tokos said you run into other issues on side lines; primarily fire access. If there's a structure fire, you have to deal with it from all sides. They have to have access to get there. He agrees that he doesn't know if step-backs are as important on the sides. Victory asked what about the rear; especially on Coast backing up to residential units and have a three-story edifice there. Ridenour said his sense is the more important tool there is going to be an actual setback from the property line, which he believes the code has

when bordering a residential zone. He said a step-back is going to be a minor benefit in that case; an actual setback will be more beneficial. Patrick said it is ten feet he believes. Victory thought that for Moon Shadow it was five feet originally; but now it would have to be ten. Tokos said he will double check what that is; it's a buffer requirement.

Tokos told Ridenour that he had a few questions on this. He noted that these suggested revisions 1 through 6 are to design standards, which have to be nondiscretionary. He's looking at them in terms of the language. For example, on suggested revision 1, which he thinks makes a lot of sense. His question has to do with the last one; "multiple ground floor entries at 30' maximum spacing." He wondered if that is explicit enough. The standards are set up that one or more shall be selected. He thought that might be a default to people. He wondered if that by itself is sufficient. Ridenour asked if the group would like to see more than one of these bullet points required; and everyone indicated that they would. He said that would be one way to approach it. He has had push back from clients on the idea of having multiple ground floor entries where they're thinking of having a single tenant. The intent there is to have access to the sidewalk. There is some cost in that with additional doors and hardware. It is a lower-cost item than some of the others. He said one approach would be to require two or more of these strategies be applied. Everyone felt that two or more would make more sense. Patrick said the 30' spacing won't work with hotels and motels. Ridenour said unless you have a lot of different ground floor uses. Showing a drawing of proposed changes to the Inn at Nye Beach, Patrick said how would they put an extra entrance in the middle of a motel room? Cleary said their ground floor isn't motel rooms; it's storage, office, and pool. Patrick said, but where would you put the extra door. It would just be a door put there. Ridenour said a project like this is most valuable on your most pedestrian-active streets. He didn't know where that project was situated; and he was told it is on Coast Street. He thinks that is a question for the group; that's the kind of street where you would most want to have that benefit. Patrick said, on the other hand, if we are doing two or more they can do something else. Ridenour said the intent is not to require someone to put in something that doesn't make sense. That is why you have flexibility. Engler asked about the second to the last option about articulated as separate structures, is that once they reach 50 feet they would have to be separate structures. Ridenour said that if the project itself has more than 50 feet along the street frontage, then that package of solutions kicks in. If they are at 49 feet, these wouldn't necessarily apply. Patrick said that what he thought Engler was asking was would you have to break it into 50 feet or could you have a 100-foot building and still have no breaks. Ridenour said you could if you chose two different options. If you did the upper floor step-back and multiple ground floor entries, you may not do the subdivision or the off-set.

Tokos said thinking in terms of implementation, if this is at 50 feet and it's 60 feet for triggering design guidelines, it can get confusing as to the application of the code and the public's understanding of it if we get too many dimensions and how they play with each other. If we do 60 feet kicks them into design guidelines that means that this design standard will only be applicable in circumstances where you have a building more than 50 feet but less than 60. How often is that going to really happen? He thought we need to talk about if 60 feet is the appropriate threshold. Ridenour said that 50 feet for the scale of many of the small buildings is starting to be a longer building. It could be that 50 is too long for this one. Tokos said 40 feet is in the code right now; 40 feet of building footprint. He wondered if that would be more of an appropriate number. Ridenour said that makes sense. There is value in aligning some of these trigger points. Cleary asked if there is a way to make step-back of the third floor required in buildings over two stories and not a choice. Ridenour thought that was a choice this group could make. Cleary thought that if it's more than two stories that should be a requirement because of the type of neighborhood that we are. Ridenour said look around at some buildings you have. The Sylvia Beach Hotel would have setback on the third floor. He said maybe if it is a third full floor; if it's an attic, maybe not.

Tokos said one thing that is really nice about having multiple options under design standards is because it's so hard to envision all the different properties we have and what they could actually physically accommodate. Every piece of property is different and poses different issues. Franklin said and what restrictions the lot already puts on you. Ridenour said regarding item 2, in multi-family you have language requiring main entrances for each primary building to face the street. He didn't see that in the commercial buildings generally. He thinks that is a good requirement for buildings in a pedestrian-oriented area. He said say it's a hotel where there's the convenience factor of having drop-off in the parking lot; you don't want to have that at the expense of the building turning its back to the street. The intent here to make sure each of those categories would be required to have an entrance if not the primary entrance to the building directly off the street. Which used to be the way we built buildings; but then we started orienting to the parking. While that's a convenience, you lose some of the vitality of a true pedestrian-oriented neighborhood. Franklin said the only issue he sees with that is someone moving their entrance or switching the direction of it but keeping it on the street but to keep away from wind and weather. Ridenour said, you could do that; it could be a vestibule or some sort of wind screen. Franklin asked if face the street means parallel to the street. Ridenour said this doesn't mean it has to be the minimum door swing back from the sidewalk. The intent is that you walk out and hit the public sidewalk not a parking lot.

Ridenour said number 3 is to be in scale with larger buildings. Again, it's 50 feet, and so we may want to revisit that. Building longer than 50 feet shall have a deck or porch a minimum depth of 8 feet. He said the intent is that as the building gets larger, the porch gets larger. It will feel like it's more in scale, and the space actually gets used more.

Regarding suggestion number 4, Ridenour noted that we have a really strong requirement in hotel and motel for having parking at the side or rear of the building; but he didn't see that in commercial or public buildings. He thinks that would be good to carry over. What it means is where the entry is, the development team has to get smart about how to relate those two things. A really good idea is to have the parking at the side and put the entrance relatively close to the corner. He has seen corner lobbies where you can enter from either way. It puts the lobby at one end of the building.

Ridenour said the intent of number 5 is to designate or identify the streets you feel are most pedestrian-friendly (like Coast and Cliff Streets) and look for a strategy to take driveways off. If a building only fronts on that street, you may need to make an exception. Tokos said his question on this one is more that he's not sold on it. He said because thinking about Nye Beach, even if we had parking garage loading off of Coast, it doesn't necessarily mean it's an impediment to pedestrian movement. Ridenour said that even large cities have garages on sidewalks. This is partly for aesthetics. He noted that one thing Archway Place did well was that their upper deck parking is accessed off the side street. The lower one is not so well done; its entrance is pretty prominent. Tokos said this one could force loading to a parking garage onto secondary streets where they're less capable of dealing with that. Ridenour said we would need to look where we designate that and think of that factor. Maybe it's only a primary run of streets where the value is the highest. Franklin said we need all the parking we can get in that area. He doesn't see that being a problem the way Archway Place did their garage. It's accessible, it's open and visible. He wondered if they would have had another option. Ridenour agreed they get upper deck access by taking advantage of the incline on the side street. Cleary said if we could get parking where the old laundry was, the only way to access it is off Coast Street. Tokos said he's not sure the development pattern is conducive to that type of stipulation. Ridenour said he's hearing a lot of sentiment to strike this one. Tokos said that is where he would go with it. It's not like it couldn't be considered on a particular project, particularly if it gets kicked into design review guidelines. But he doesn't know if he would want to write a specific standard to say "thou shalt not" have your parking exit onto Coast; and then it starts to get into how big is a garage for it to be subject to this standard. He doesn't know if it's worth it. Patrick asked if this stuff doesn't also kick in for residential. Tokos said we're talking about commercial standards right now; but residential over retail would be picked up. Ridenour said he could strike this all together; or we could think of having it as a guideline when it's logical. He asked if he's hearing to strike it. Tokos said his vote is to strike that particular provision; and the others agreed.

Ridenour noted that number 6 is to consider the addition of an item to the standard for commercial buildings that's starting to get more into the style issue by encouraging shingle and lap sidings with a minimum of 6" exposure. That's there deliberately because the narrow exposures tend to look more modern. There's the cost of buying slightly larger shingles, but you are using fewer. Patrick pointed out that most decorative shingles are 4" exposure and not 6"; at least the standard ones we are getting. He noted that it only says strongly encourages, though. Tokos said his point is that these are design standards, and we can't have "encourage" in there. This is nondiscretionary. If we do this, and he thinks there's some value, it needs to be structured to say that they would have to select an option off of a pallet. You would have to structure it such that you would have required materials to pick from. Franklin said, or a combination. Tokos said it would be pick from "A," "B," or "C," or "a combination of." Franklin said, to avoid just a masonry building. Tokos said yes, which he thinks is fair. We'd have to set it up that way. We can't just say encourage. We have to give them a pallet. Ridenour said he could take a stab at that pallet, but he would love to hear people's thoughts on it. Patrick said basically the lap and the shingle is fine. We want to avoid panel products and avoid tilt-up. Franklin said what about board and bat and then shakes on recessed areas. Ridenour said it could be that some materials may be contributing and others should be the dominant feature, or something like that. Patrick said we could set it up that way so you at least have an option. Most people don't do decorative shingles over the entire side of the building.

Franklin asked if in one of the options, Tokos would see us including block as a pallet choice. Tokos thought you could include that. You have that down there. As long as it's not the predominant design element, and if we can structure something up that is nondiscretionary that allows it. Cleary asked if that would include decorative block. Tokos said textured block would be. Ridenour was thinking maybe if it's up to 10% flat block; and then if you start getting into 20-30% of the façade, it's triggered. Cleary said no cinder block; she would like to eliminate that. Patrick said he didn't care as much when they go down the side wall. There are a lot of zero lot lines there. Tokos said the focus is on the street side. Engler thought that stucco with really smooth finish is more traditional. She thought textured block makes it look super-modern; it wasn't traditional. Ridenour said it can give some character when handled well. Patrick said that flat, smooth walls are traditional but don't look good. He thought we need to eliminate those. He pointed out that Walgreens is a block building. It's one of the cheaper ways of getting fire rating. He said that Walgreens did a really good job about changing the façade, though. He said to give people a mix. Nye Beach is eclectic anyway. As long as we limit some of these we don't really want to see to 10-20% of the façade, then he thinks we will get something that looks good. Franklin asked if there's a way to put in verbiage that one particular product used can't exceed more than 30% of the streetscape. Ridenour said he's reluctant to go there because that could feel like chaos; somebody slaps a little bit of everything at it. Having a shorter list of materials you really want to see be dominant; then it could be up to 70%. Then a longer list that could be contributing materials for accent and relief could be the remainder. He thinks that would be an approach that would get you there. Cleary wondered if it would behoove us to limit how many different surfaces they could use. Ridenour said he could see a dominant material for maybe a base, a dominant material for upper floors, and then consistent trim across or maybe a couple of trim options. He thought that feels like the right pallet to work within. Tokos said he would have to think about that. Ridenour said he will take a stab at writing something along those

lines. Patrick said he has seen lap siding done in the concrete; like a tilt-up. Tokos said typically what you see in a city's design standards is that it's set with at least one or more of these trim options shall be utilized. They don't really get at "not more than." People don't do it anyway; it gets more expensive and drives up construction costs. It self-limits. Cleary said looking at the drawing of the Inn at Nye Beach, it looks like they are using four different trims. She thought it was a little busy. Ridenour said, but shingles are predominant. Ridenour thought he had enough guidance to take a run at it and come up with an approach. Engler asked if he could include a few illustrations. Ridenour said, and label them as examples so people don't think they have to do it.

Ridenour said the next section takes a stab at addressing the terminology. He said that one of the general recommendations they put in here is in looking at the guidelines and standards and editing them so that even the language that is there is broken down with a statement of intent. Then the strategies that meet that intent. They generally start with a broader statement and then get more specific. He thinks being more explicit about that structure will be more beneficial because the statement of intent can be a little vaguer; but then explaining a little bit more about what they mean. In thinking about these potentially vague terms, he had that in mind. So, this idea of an architectural heritage, is a statement of intent; and then you can follow that up with more specific examples of what it means. He has offered language here. He wasn't going through it item by item, unless there were specific questions on it. Tokos said that he really likes the recommended structure. He thinks that's a helpful clarification. Right now the guidelines are kind of all lumped together. Patrick said it will help the Planning Commission. Tokos said to say here is the intent and then follow that up with bullets of how you are going to achieve the intent makes it a lot clearer for a decision-making body to say "Here is what we are trying to achieve, and here is how you get to it; did they get to it?" You're in a position as decision-makers to weigh it a little bit better. Patrick said he really likes that.

Ridenour noted that the first one is on guideline #1 ("a cohesive architectural resource"), he thinks tying it back to language you have elsewhere and to some of the historical photos helps. If someone wanted to do additional research and document something that hasn't been documented yet and show how their proposal is consistent with the traditional patterns in the neighborhood, that would actually help you build up a data base of what you have here and how people are responding to it and allow some creativity. Ridenour said guideline #2, "acknowledging the streetscape, feels extremely vague. He tried to use the phrase, "commercial buildings shall incorporate specific elements that contribute to the established scale." They need to do their homework and see what the scale and patterns in the area are. On guideline #5, it probably cleans up itself once we go to that new structure; what you mean by "compatible." Ridenour said that for guideline #6, "appropriate and necessary to promote pedestrian orientation" he thinks could be more direct. Use "primary entrance of the building shall face the street" to be consistent with what you are saying elsewhere. Tokos said that he likes that language and that other entrances are not being more prominent than the street entrance. That's very clear. Ridenour said this might be a place to site examples. He can look at language for design quality and scale, so they can't just check Porte-cochere, which he explained is basically a covered driveway. He made a note to clarify that. Patrick thought we need language to help with that. He doesn't see that happening in Nye Beach; there's probably not enough ground there. Ridenour noted that guideline #9 regarding on-site lighting shall be retained on the site, but that is really difficult in the urban context. You might want to light adjacent sidewalks. The intent is not to have a lot of excess light spilling. Keeping light from crossing the boundary line becomes difficult. At a minimum, you may want to clarify that and say it's appropriate to light sidewalks for safety reasons. Maybe have some language that you don't want the source light to be visible; actually seeing the source is what creates the glare. He said that he went further than that; he pointed toward light models. Tokos said that downward directed and shielded makes a lot of sense to avoid that up-glare. He said the term about glare is still vague. He asked, glare in what respect. He thought the original standard was intended to ensure that light is not directing off the property through somebody's window; not if there is going to be some light spilling past the property line. Maybe you can say, "avoid direct glare onto neighboring properties" or "to interior of other buildings" or something. Ridenour thought that if you went with a threshold that if the source of light itself is visible off property that would be a problem. Tokos said usually downward directed and shielded takes care of it because it won't broadcast directly into somebody's window. Ridenour said an exception to test the rule is you're walking down the street and there is a recessed light can up above lighting the sidewalk; technically you're off the property and seeing the source of the light. Patrick thought the distinction is that you don't want the light on somebody else's property; on public property it's not really a problem. That's actually a benefit. Engler said that brightness is a huge factor. She said the bollard lighting outside City Hall is super-bright. Also, what we were talking about with electronic signs not having it be too bright. You can measure it. Patrick said he was making a note that maybe we need to revisit this because we have already done some of this in the South Beach plan. We may need to look at it from the entire City. He said we do not want to get like Eugene where you can't put a porch light on your back porch because it could actually cross your property line and onto a neighboring property. Ridenour asked if the distinction is single-family versus multi-family. That is kind of what we are describing here. Don't have light spilling across property lines. Tokos said he thought this is more the interplay between commercial and residential than commercial to commercial. Cleary noted that the City put in decorative lights that are a problem for people living on the second floor. Ridenour said the new direction for street lighting is to focus on a downcast. Technically public street lighting is separate from this piece. Engler said if we looked at some of these ordinances that may help clarify what we want to do. She thinks it's really the brightness of the lighting that is irritating. Soft lighting like the rope lighting people use on their buildings is not bright. Ridenour said we've all seen some nice examples of up-lighting for visual effect. He asked if that is fine or

would you want to absolutely prohibit that. Avoiding excessive up-lighting is a good idea; but at times you might want to do it. A provision might be that it has to light a surface, but if it goes beyond that then that is when there's a problem.

Victory said you were talking about glare. As someone who does photography, he knows that glare is important in some areas; but not when it affects a residential unit. On a bright colored surface it will bounce off onto neighboring properties. It has to be addressed somehow. Patrick thought we could take a pass at it; put the same thing as we did into the sign ordinance (lumens). We could write a standard, and it could be measured; ten feet on someone's property is can't be over a certain number. Ridenour said a lot of that heavy lifting on this has been done for you in some of these model codes. It might be worth your while to look at those. That doesn't mean you adopt them wholly, but you can pull from these models as appropriate. Rather than having to do a lot of research, a lot of those issues have been addressed. Tokos said for the purposes of the guidelines, he suggested that Ridenour emphasize the glare piece in terms of interplay with residential. That's the concern there he thinks more than glare between commercial properties. In general Ridenour agreed. He said, say there was a café that had outdoor seating, and there's a really obnoxious light next door that's creating an aesthetically uncomfortable situation. How much do we want to get into those types of situations? He thinks generally you're right; you're basically lighting the sidewalk and providing a level of safety. Tokos said part of this is how much we really want to get in front of. It's not an issue he's aware of that has ever occurred in Nye Beach where you've had one commercial business lighting it such that it's impeding another commercial business. Those are things that would probably be worked out amongst business owners and merchants associations. We don't need to try to guess at that and try to write something for an issue that hasn't even presented itself yet. Franklin asked if it's commercial to a residential structure. Say the house to the north of the McEntee structure, which is on a commercial property but is a residential structure, if that structure were to be built again would they have to take into consideration their lighting on that north side? Tokos said no. You are evaluating a commercial development at that time. If a residential structure then builds next door and they don't put their windows right and they get glare in their windows, that's their own fault at that point.

Ridenour said the next page addresses the structure we talked about earlier. There's an illustration of that. The next major section is the thresholds for dealing with discretionary design review. The basic intent here is to establish triggers for when larger buildings need to have additional review. Right now we have a conditional use requirement that triggers at 100 feet. The language he's suggested here is 60 feet, which might be more appropriate given the context of scale. What it basically suggests is to reduce the overall length that is allowed. You can go a maximum of one direction and a minimum in another. Looking at the illustration, he noted that the idea is if you have a building that has a full 100 foot front, you can't do 100 feet on the side. It's set to a lower standard here. He said you will recall the last time he was here, we talked about an east/west orientation versus north/south and how each had its pros and cons. This is an attempt to say the building should have a proportional orientation to it. 100 feet in one direction should be an absolute max; and then he's thinking 65 feet is the better number here on the side; 60 feet is a little restrictive here. He thinks 65 feet still gets you the intent of this guideline. Tokos asked so Ridenour thinks that 65 would be reasonable instead of 60. Ridenour said he noticed he had a disagreement between the graphic and the text. The graphic is more reflective of their later thinking; 65 still probably gets you the benefit of the guideline but doesn't overly inhibit. Patrick asked, you're talking about the trigger for the conditional use. Tokos said that's one thing he wanted to talk about. He thought the conditional use was thrown in there without a lot of thought. You're really talking about a Planning Commission public hearing review against design guidelines. When you throw in a conditional use, now you're throwing in the conditional use criteria, which really aren't the same. In many cases they could conflict with the guidelines and cause confusion. What we're really talking about is we need a public hearing before the Planning Commission for evaluation with the guidelines. He would recommend just getting rid of the reference to conditional use. Keep the type three review; that is a public hearing; and we're talking about a public hearing for design review against the guidelines, which is what the focus of this should be. Patrick agreed that the conditional use has a whole bunch of things in there that don't really apply to a lot of this. Tokos thinks it just muddies the water for everybody. Really all we're talking about is a design review that has to go to the Planning Commission. He said the other thing here is if we do the 65 feet, which seems reasonable, then where it says 40 feet down there under the footprint thing, that should be 65 feet. He said the way he's understanding what Ridenour has put forth, which makes sense to him, is we have a threshold say at 40 feet where under the nondiscretionary design standards, you have to do something to start to break it up; then when you get over 65 feet now you are in design guidelines and a full Planning Commission public hearing. He sees this as two thresholds, and he would like not to have more than two thresholds because it starts to get too confusing. The two thresholds make sense. At some point under the nondiscretionary staff level stuff you are going to need to break up the building a little bit; and 40 feet seems reasonable there. Patrick said that is a house footprint really; so anything bigger than a house footprint you get triggered to do design review. At 65 feet, you get a hearing. Tokos said so between 40 to 65 feet, you can still go through a nondiscretionary review with staff. You have standards that are put in here that are required to break up the mass by selecting alternatives. Over 65 feet, you are in a public hearing and the design guidelines. Patrick said that works too because we also have exceptions where you can put residential on the first floor; and we don't want to be triggering design review on residential structures. Tokos will look into that. He believes that exemption is for existing structures and not new buildings. Patrick said this still works for this at 40 feet because you're looking at a house-size footprint anyway. A height over 35 feet still triggers. He thinks those are doable numbers. Engler asked what the notification zone would be. Tokos said the same for any Type III, which is 100 feet. Engler thought the distance should be more than that; or people can sign up to be on that list if they are in the district. She said 100

feet isn't enough. Tokos said when notification goes out, word spreads. She said she never knew about the McEntee bulding. Tokos and Patrick said that didn't have to go through design review; that was a standard building permit with review of the standards. Tokos said but Archway Place and Moon Shadow for example, as soon as they trigger notice, even if you're not within 100 feet; if you're interested and engaged, you're going to be there. Cleary asked if there's a negative to expanding that area. Tokos said the only thing is we've standardized notification areas. We have three different procedures. The one thing is it gets confusing and we can have notification errors. We worked with the Planning Commission in coming up with a Type I, II, and III processes; and they all have standardized notice boundaries. We did away with the variable notice areas because of the chance for procedural errors in the past. Patrick said we tried to standardize on that. He said if we kick it up a notch to the next hearing level, the standard goes up. He said we would have to look at that. Maybe it needs to be in something other than Type III. Tokos said your legal publications trigger in Type III. He said we can take a look at it. Engler asked if there's a way to post it on the website under Nye Beach Design Overlay. Tokos confirmed that could be done. Patrick said maybe you can set up an email request where you could set it up so anytime something happens in Nye Beach it would generate an email to be sent out. Tokos thought we could do that that kind of stuff. He would want to keep it on the informal and not introduce something that could trigger procedural errors. Then we're in the burden of trying to keep the email thing as clean as possible and current in fear of missing somebody. If we can do it as a matter of courtesy, then sure. Ridenour said he has used that in other jurisdictions where you just subscribe, and you get anything on that topic automatically. Engler thought that would take care of things.

Ridenour said the next section is the approaches and suggestions. Number 1 will be in as in that illustration, the secondary direction a 65-foot maximum. Number 2 gets at, if a project is building out to those maximums, there is some clear language to guide the Commission and others that what you're looking for is meeting and exceeding the articulation that you have to do in the standards. He sees a risk that a project could get into the discretionary standard and actually not even meet the design intent of the standard. There are a lot of explicit details in the standards. He thinks giving the Planning Commission the explicit direction that what you're looking for is better building with higher quality as they get larger is the intent. Right now he's concerned that you get a project that uses the more discretionary guidelines and actually comes in lower than the standards you would expect. He thought just putting a statement of intent in there that you're looking for projects that go through the guideline process to achieve a higher level of design quality. At least achieve a level that the standards would lead you to. That gives you the general tool to guide that discussion. He offers some examples of that. This borrows from some of the standards. It's kind of introducing some of the things from the standards. Tokos said that makes sense. Ridenour said it's basically carrying those things over. Tokos said on articulation of the façade, Ridenour may want to reframe that a little bit. He knows what Ridenour is trying to say, it just comes out a little awkwardly. Ridenour noted that item 3 addresses commercial projects, including hotels and motels, which exceed their dimensions and get into the guidelines. The main façade treatments that are in the standards should apply. He bolded the five there because he thinks we only require three for smaller buildings. The intent is that it requires five of the items in that bullet list. Tokos said, again, it's the ramping up with the larger structures. Ridenour said, again, as the building gets bigger, the design quality should get better.

Ridenour said he's suggesting that as projects get larger, there might be one or two studies that might help you make better decisions. There is some additional work to really set these up, but he thinks they could help us. The first is the view corridor study. The idea is a development would need understand what they're proposing well enough to tell you what views are likely to be blocked. At a minimum you would want to identify some public vantage points that are important to the community. It is in the public's interest that these are public spaces. It establishes four points of view for a project identified in a pre-application process. It would show which views the project could block. It would give you a tool. There's some work in defining where those vantage points would be and the rules you would follow in establishing those. And there's some work in establishing what you do with the "so what" attitude. Tokos said his primary concern is for what purpose we are requiring these studies. That is what the Planning Commission would be faced with. It shows "A," "B," and "C," but what are we supposed to do with that. A view is blocked; what are we supposed to do. The City doesn't regulate to protect views. We have maximum building heights. He thinks that's a challenging place for the City to start going. We protect views now in one circumstance; where that same view could be blocked by another development that doesn't happen to trigger the guidelines. Ridenour said they could if it wasn't large enough to trigger. Tokos said it could go through the nondiscretionary and block the view; and now the one that is going through the discretionary though, that's somehow more meaningful? He said he's struggling with it. He doesn't think we want to make it a requirement unless we know what we're evaluating against. We don't want that if we don't know how we are going to use that information because it's a very extensive thing to do. Our decision-making body has to have standards to evaluate it against. Patrick asked what he was going to compare it to. We are trying to get away from discretionary, and he doesn't see any standard. Ridenour said that one approach would be to ask the applicant to show their design process and how they might revise their design based on what they learned from the view study. Maybe by stepping back further, they can protect the view. He said the intent in offering this concept is he heard that we are looking for tools limiting the impact of larger buildings. Victory said what about just something in there as a consideration. "In the design of your building, all considerations should be reviewed." He doesn't know how you would say it. They can design their building, but have some consideration for the neighbors, and then another idea goes off in their head. You push the button, and they might think about it. Ridenour said he thought that is what the intent is. Tokos said it could put the Commission in a tough spot. Technically if it's considered, they have addressed it. Whether the individual thinks it's right or

wrong is immaterial at that point because it hasn't been considered, and the Planning Commission is just checking a box. Victory said there should be some kind of trigger. Ridenour said it's similar to environmental reports; you're not required to do anything other than take a look at alternatives and state what the impacts are. It adds a lot of information to the public discourse. He's unsure it actually helps you make decisions. Patrick said he's only seen it used once. That was a project down by the Embarcadero where they were showing what they were doing wasn't going to block views. But that project died anyway. He can see maybe allowing them to use it as an optional tool until we come up with something to review it against. He doesn't want them to be asking him to make decisions based on what? Most of the time there are standards, and we decide if it meets it or not. Cleary said if Huster had had to do both of these studies, she thinks his design would have been required to be a little bit different. Had the view corridor elimination been done, it would have been a tool for the Planning Commission to say you have to do something different for us to approve it. Ridenour said the way this is written, it wouldn't necessarily have done that. This is about views from the public realm more than using a public policy to protect private views.

Tokos said his concern about solar shading is in his professional experience, he's found these to have been most effective when applied to new subdivisions. It's tougher when you already have an existing built development pattern. The lot pattern is what it is. Cleary said we have existing buildings already there that have some rights. Franklin said the lot next door has just as much rights. Ridenour recalled that last time he had brought the graphics showing solar shading. He said this is where the idea of intent is really important. The first-floor windows on the building on the right are shaded by the building across the street. With that same project on the left in summer, you could be out on the sidewalk and it's not blocking it. That is where this question comes in of what are you trying to accomplish. He wouldn't advocate that every building's south façade should have a view of the sun. He said there really is a risk here. If you were to adopt solar standards, you would want to be explicit about the goal is to make sure the roof of one building can't shade the roof of another. That would be one of the easiest to achieve standards. Or you could go further and say during nice weather we don't want a building shading the one across the street, which your height standard today wouldn't allow that anyway unless it's an extremely narrow street. Cleary said we do look at that in Nye Beach because the streets are narrow and building are built to the lot lines. Ridenour said what he might do here is if there were a fourth floor allowed on that building to the left, it might require further setback for it. Tokos said we put a step-back provision already in these other standards. Ridenour said that this diagram already follows that; but if a fourth floor were possible in this situation, that might not be enough to meet the solar. You might have to step back even further. There would be value in having the design team going through that exercise. He said the question is if there's enough value and a way to administer that doesn't introduce all the risk you are talking about. Tokos asked if you can get there without a solar study on larger buildings with the step-back requirements we've talked about and some of the other architectural elements. Ridenour said somebody would have to figure what those lines are. Somebody would have to do a study. If you knew you had streets where back of sidewalk to back of sidewalk is 60 feet; it's relatively easy to figure out what that sun angle is at certain times of the year. It's relatively straightforward, but there's a little bit of math there. Tokos said we have to have standards if the group feels these studies are appropriate. We need standards so the Planning Commission knows how they are going to use this information. How they know if it's appropriate or not. Otherwise we are just requiring people to do busywork. Engler asked if Ridenour knew of towns using these; and if so, have they been successful. Ridenour said he knew of examples where these studies have been implemental in guiding the development plan. When the South Waterfront neighborhood in Portland went in, they did view studies from the major public streets; and that did shape the development pattern. Rather than buildings that fill the whole block, they tend to fill the middle. That was a whole master planned approach to a new area. Tokos said we have 50 foot maximum building height; you're not talking about high rises. It's a whole different scale. The resources are entirely different. They have the resources to do that kind of work. These studies aren't cheap. Ridenour thinks that the burden of the view corridor study would be significantly more than the solar study. He thinks solar studies are relatively easy. Patrick said he has to have something to match to for the solar study. Tokos agreed, what are we looking for it to show? Offering some scenarios, Ridenour said one would be we would like to set a standard where for a month-and-a-half on either side of the summer solstice, the sidewalk on the opposite side of the street has sunlight. If it's a narrow street, they might have to step back a little further. If you have a restaurant on the north side of the street, the café tables aren't all of a sudden in the shade. That might be an example of a standard that's actually meaningful to tenants in the area. Tokos said that could be more relevant if we get to a position where in Nye Beach there is more seating in the public arena. Engler said you want to be on the south side of the building because the wind comes from the north. Ridenour said every building shades its own sidewalk.

Patrick said the solar study is probably doable; the view study he doesn't see. We could leave it as an option for somebody to defend their project; but he can't see requiring it. Tokos told Ridenour to scrap the view corridor study; and you will need to provide definition as to what we are looking for with the solar shading study. Patrick said, and make it clear that we are protecting public, not private. Tokos said that is an easier one to defend as a matter of policy. We are talking about a situation where you are looking to go bigger. That's why you're in the design guidelines in the first place. Density is encouraged in Nye Beach; it creates a lot more pedestrian-friendly environment. Pedestrians need the public space. It's a lot more inviting if it has sunshine on it occasionally. Vanwert asked if on the review, just as a minimum, couldn't you require the applicant at least make a statement in terms of whether or not it would impact view. Ridenour said that's kind of what the language he's suggested here tries to do. He's worked on enough projects where people made those statements and then we did the analysis and those statements weren't true. It's pointless if you're not requiring a study to back up their statement. Vanwert said at least they would be cognizant that it's a criteria we deem important.

Tokos said something he had written down from one of the prior meetings. Back in design standard number 1 where we were talking about different roof pitches he had a note to tighten them up where they've been able to achieve a steeper pitch. He thinks it may have been discussion regarding the McEntee building. He noted that Ridenour didn't make any recommendations on roof pitches. Engler said that in the original Nye Beach design guidelines it was a minimum of 5:12 for gable. It could also be a hipped roof or flat. Tokos asked Ridenour to take a look and see if there is a reasonable way for that to be tightened up. He noted that Ridenour took care of element B; but with the design standards he was going to group them up better. Tokos said under element B number 1 has twenty different options, and Ridenour was going to group those up in more logical groupings; which means more of those elements would be utilized. Engler said that window trim is a really traditional thing; that windows be trimmed out. She didn't know if there was anything in there like that. She thinks that would be a simple way to make buildings look more historical. Ridenour thought it was addressed in at least one place. Tokos said if Ridenour could, this would be the place to pick it up. Engler thought it should apply to residences too. She said that Astoria was doing their window trim thing; and they had to be very specific. The trim had to be out from the building farther than the window. Ridenour thought he had language requiring trim where they don't have shutter; but he will review that. Engler asked if Nye Beach is the only place you can built a 50-foot building. Tokos said no, we have 50 foot limits in commercial.

**II. Other topics.** Vanwert had an item to add to the agenda. She noted that several of them met in December and put together this proposal because of their concern about mass and scale. This is a proposal for a Nye Beach Core Area Zone change. It would be a modified area of Nye Beach. Distributing the material, she noted that they have a proposal plus a map and some examples of existing buildings that they think are suitable for Nye Beach. She said that scale and mass is critical in Nye Beach. They felt that one of the best ways to control height and mass is to create a Nye Beach Core Zone (NBCZ), which could deal with these issues effectively. She said the first part is directly taken from the design plan description of Nye Beach. The map identifies the Core Zone area, which are C-2 uses. The area is focused on the hub of Nye Beach and extends from the east side of Coast Street to the ocean and Olive to 6<sup>th</sup> Streets to limit in terms of mass and scale. There would be C-2 uses and the guidelines remain in effect; 32 feet height limit, they're asking for 72 feet of frontage, façade to the street, and no more than two lots combined. In this core area they want to maintain the character of Nye Beach much like Multnomah or Willamette in Portland. She said Nye Beach is very much a tourist attraction, and they want to capitalize on that and increase that destination. They want to maintain the small scale village atmosphere. This would zone in on this particular area, and not all of Nye Beach. She said there is plenty of room for expansion beyond this hub area. They would like some changes made just for this small area of Nye Beach. She said they feel that it's very important to maintain the quality and the character of Nye Beach. She said tourism is Newport's major industry. They feel that by creating this zone, we will be enhancing tourism and maintaining quality so that new buildings fit within the village atmosphere character of Nye Beach instead of building a super-structure right in the middle of this particular area.

Tokos said his advice on this, if the group is good with it, is to add this to the agenda for discussion at the next meeting since it was just distributed today. Vanwert thought the group needs time to look at it and think about the area that would be impacted by this and the pros and cons. Obviously they feel there are many more pros than cons. She said they would appreciate the group taking a look at it. They listed several successful businesses that fit what they like and have the photos. They feel those structures really do show off the character of Nye Beach and add to the enhancement of people coming to Nye Beach. They are very unique and interesting buildings; they all have what they call character. She said hopefully the group will consider this is an enhancement and would behoove us to encourage tourism in Nye Beach. Tokos said we will add this to the agenda for discussion at the next meeting.

Ridenour said that the next round will take these recommendations and turn them into actual revision to the standards and guidelines as a document. He said he should have that information for Tokos to distribute by the end of the first week of February. The committee members thanked Ridenour for all the work he has done.

**III. Date for next meeting.** Tokos said we'll look at something like four weeks out. The next meeting was set for February 25<sup>th</sup> from 10:00 a.m. to noon.

**IV. Adjournment.** Having no further business, the meeting adjourned at 12:20 p.m.

Respectfully submitted,

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Wanda Haney  
Executive Assistant