

**CITY OF MILWAUKIE
DESIGN AND LANDMARKS COMMITTEE
NOTES
Milwaukie City Hall
10722 SE Main St
Monday, September 11, 2017
6:30 PM**

COMMITTEE MEMBERS PRESENT

Lauren Loosveldt, Chair
Cynthia Schuster
Kyle Simukka

STAFF PRESENT

Brett Kelper, Associate Planner (staff liaison)

MEMBERS ABSENT

Michael Corrente, Vice Chair
Mary Neustadter

OTHERS PRESENT

None

1.0 Call to Order – Procedural Matters

Chair Lauren Loosveldt called the meeting to order at 6:32 p.m.

2.0 Design and Landmarks Committee Notes

2.1 August 8, 2017

Chair Loosveldt asked whether anyone had suggested revisions to the notes from the August meeting. Hearing none, she called for a vote and the notes were approved unanimously.

3.0 Information Items

Associate Planner Brett Kelper distributed code-update pages to the members present, to be added to their reference notebooks. He then introduced Kyle Simukka as one of the two new members of the Committee and suggested that the group make brief introductions, to be expanded upon at the next meeting when all 5 members could be present. The 3 members present all shared some of their background and interests.

4.0 Audience Participation – None

5.0 Public Meetings – None

6.0 Worksession Items

6.1 Debrief from public review hearings for WG-2017-003 and DR-2017-001

Staff Person: Brett Kelper, Associate Planner

and

6.2 Downtown Design Guidelines Update, cont.

Staff Person: Brett Kelper, Associate Planner

Mr. Kelper introduced the worksession items with the suggestion that the group try to separate the debriefing from the continued discussion about updating the Downtown Design Guidelines (DDG). It would be helpful to identify improvements or adjustments that could be made to the public review process and then talk about any insights related to the DDG update that might

have arisen from the process. The topics were understandably intertwined, and the subsequent discussion unfolded without a clear break between these two agenda items.

Member Cynthia Schuster opened the discussion by noting frustration that, for the Washington Street design review, the applicant's narrative had essentially marked most of the design standards as "not applicable" because they were opting to meet the design guidelines instead. In fact, the proposal did meet many of the design standards, and it would have been useful to have the applicant note where the project was or was not meeting the standards. **Mr. Kelper** speculated that the existing code language may have led to some misunderstanding by the applicant about how to put together their application. **Chair Loosveldt** added that it had felt awkward at the hearing to bring up some of the design features that should have been covered by the standards. **Member Schuster** suggested that certain design standards should be met regardless of whether the applicant is addressing the guidelines, so perhaps some standards should be incorporated somehow into the guidelines. **Chair Loosveldt** emphasized that this seemed like a significant loophole for skirting the City's design preferences, where an applicant could opt to avoid certain standards and focus instead on the guidelines, which by their nature were not enforceable in the same way as the standards.

Regarding the Committee's recommendations on the design, **Chair Loosveldt** suggested that it would have been helpful to hear a summary of the Planning Commission's final evaluation of the overall design. Instead, the commissioners' conversation had seemed to focus on the variance to eliminate the 4th- and 5th-story setbacks. **Mr. Kelper** explained that the Commission used the recommended findings and conditions as its baseline for discussion, and that they typically only made a special list of items that varied from the recommended findings and conditions. **Chair Loosveldt** also suggested that the staff summary of the proposal's compliance with the guidelines had failed to include certain points that the Committee had brought up. **Mr. Kelper** noted that the applicant had adjusted the proposal in response to the Committee's suggestions, so it was then in fact meeting some of the standards that it had not met earlier. In addition, he explained that the Committee's public hearing was an important opportunity to evaluate and comment on both the proposal itself and the staff review. For future hearings, if the group feels that certain guidelines are not being adequately addressed or met, it should feel encouraged to raise those concerns at the hearing.

Chair Loosveldt observed that it had been laborious to go line by line through the various guidelines to see which were applicable, when a tool like the matrix would have been helpful in clarifying the applicability. She also expressed some surprise that the staff had recommended approval and that the Planning Commission had approved the project with so few questions, given how clear the code was with respect to the step-back standard. **Mr. Kelper** explained that, while the code was clear, it did allow a variance request to adjust the standard, with the applicant making a case for how the adjustment would not have negative impacts and/or could be mitigated. **Chair Loosveldt** acknowledged that the applicant had adjusted the proposal in response to some of the group's recommendations and had explained why it was not changing the plan in response to other recommendations.

Member Schuster reiterated that it had seemed unclear when or whether the various design standards were or were not applicable when an applicant opted for the discretionary review process. **Mr. Kelper** observed that the applicant's approach in addressing the standards and guidelines had resulted in some confusion about what was applicable. However, one result of the Committee's review was that the applicant had been pushed to modify the proposal, which resulted in some of the previously unmet standards being met and therefore eliminating the need to address certain guidelines.

Member Schuster suggested again that some of the design guidelines did not incorporate enough of the specific elements of the design standards, that they were too loose or discretionary. **Chair Loosveldt** added that the process seemed too ambiguous, with it being unclear which guidelines were applicable when certain standards were not being met. **Mr. Kelper** acknowledged that some ambiguity was part of the discretionary review process and naturally presented some risk that the applicant could choose to accept or avoid. The various parties reviewing an application (e.g., staff, the Committee, the Planning Commission) could all come to different conclusions about which guidelines were applicable when individual standards were not met, with the Commission being the final decision-maker.

Member Schuster argued for making the process more black-and-white, while **Member Kyle Simukka** noted that applicants had various options for proceeding and would make their decisions based on their budgets, timelines, project goals, tolerance for risk, etc. **Member Schuster** confirmed that she was uncomfortable with the discretionary review process as long as certain important elements enshrined in the design standards could be subverted by an applicant simply choosing to address the guidelines with discretionary review, since the guidelines did not fully incorporate those important elements (particularly where the Architecture guidelines are concerned). She suggested that the current development and design standards were effectively driving a particular building design that would not be easily realized in the real world of construction. **Chair Loosveldt** asked whether the Committee could propose changes to the code that would address this reality; **Mr. Kelper** responded that some such amendments could be included in the interim adoption effort that the group had been working on over the past year.

Chair Loosveldt again expressed concern that so few of the Committee's recommendations and suggestions had been picked up and discussed by the Planning Commission. **Mr. Kelper** noted that one key factor was the evolving relationship between the Committee and the Commission, and the level of respect the Commission had for the Committee's review and recommendations. He reminded the group that both bodies had many new members and were still building "muscles" and figuring out how to operate the review process, so part of the issue was a matter of getting experience and developing group identities. Although he agreed it would be helpful if the group members were able to meet privately to discuss the various aspects of a given proposal, **Mr. Kelper** reminded the group that, as a public body, it was charged with holding its deliberations in public. That dynamic was definitely one that put members on the spot for sharing their thoughts and reactions to a project without the benefit of prior group discussion.

Regarding other logistics and possible process improvements, there was an agreement that the spatial arrangement of the conference room had not been ideal, with the committee members positioned sideways to the display screen and the audience. **Mr. Kelper** suggested that the Council chambers might provide a better arrangement for future public hearings.

Thinking back to the earlier presentation the applicant had made to the group in May, **Chair Loosveldt** initiated a discussion about whether the Committee should offer the opportunity for that kind of preliminary review. At the official design review hearing last month, the applicant had expressed surprise that the Committee raised so many specific questions and suggestions at the hearing, after expressing general support for the proposal in May. **Mr. Kelper** clarified that the May meeting had been only an informal review and with very little notice for the Committee to be able to review the initial materials. He suggested that the applicant's frustrated statement represented an unrealistic expectation or a misunderstanding about how the design review process worked. While refusing to hear such "early" presentations would be one way to temper the expectations of applicants, he noted that it would also eliminate a valuable avenue for the Committee to provide direction and influence design. The group agreed that adding a clear

disclaimer to any early presentations (e.g., that it is only a preliminary review) might help temper expectations. Unfortunately, the overall time constraints of the design review process made it difficult for the Committee to have much more than a single meeting for the task of design review. **Mr. Kelper** suggested that the staff could look at ways to work within the review timeline to give more time for the Committee's review, or that potential applicants could be encouraged to come to the Committee (perhaps multiple times) for feedback in advance of submitting an official application.

Shifting gears, **Chair Loosveldt** refocused the meeting on the question of how the group could move forward, given how long it had been working on the DDG update. **Mr. Kelper** distributed copies of the Committee's draft work program, which would be discussed by the City Council as a work session item on October 17. The group agreed that the items on the work program all seemed reasonable.

Regarding the DDG update, **Chair Loosveldt** suggested that the group finish filling out the matrix to help determine which design guidelines seemed most applicable to the various design standards as well as which guidelines seemed incomplete. In addition, the group should try to identify whether any of the design standards seemed incomplete and then develop a scope of work for a third-party consultant who would help revise the guidelines and/or standards.

There was some further discussion about the matrix and how it could be used as a tool. **Member Schuster** indicated that the blank matrix had been useful as she evaluated the Washington Street project. **Chair Loosveldt** countered with her vision that an agreed-upon, filled-in matrix would be more useful for applicants, staff, and reviewers when trying to determine which guidelines were most likely to be applicable to which specific standards. The group agreed that it was important for all members to complete the matrix posted online (using green for "applicable," red for "not applicable," and yellow for "maybe") and then establish a general filled-in matrix that could suggest applicability and serve as a guiding tool. It was agreed that the revised (strikeout) version of the Milwaukie Character guidelines should be used for this exercise, which would then be discussed at the October meeting.

Member Schuster expressed her preference to restructure the discretionary review process to require an applicant to address both the design standards and all guidelines. **Chair Loosveldt** reiterated the idea of having the Committee complete the matrix to assess applicability, identify gaps and needs, and then turn over the work of proposing revisions to an outside consultant. The Committee could then focus its time on reviewing the consultant's work.

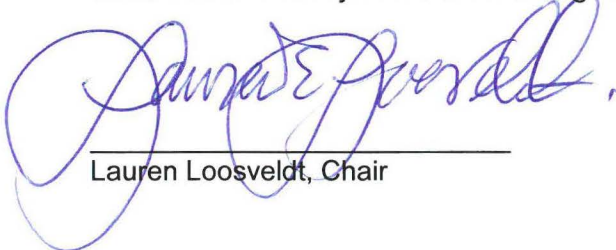
7.0 Other Business/Updates – None

8.0 Design and Landmarks Committee Discussion Items – None

9.0 Forecast for Future Meetings:

Oct 17, 2017	Annual update with City Council (work session); DDG Update
Nov 13, 2017	Continue DDG Update work

Chair Loosveldt adjourned the meeting at 8:36 p.m.



Lauren Loosveldt, Chair

Respectfully submitted,
Brett Kelper, Associate Planner