

То:	Design and Landmarks Committee
From:	Li Alligood, Assistant Planner and DLC Liaison
Date:	November 30, 2010
Subject:	Preparation for December 6, 2010, Meeting

Greetings! The December meeting is our last meeting of 2010 and will be at a different time and place—we will be in the **Conference Room of the Johnson Creek Facility** for next **Monday's meeting at 11:00 a.m.** The agenda is enclosed (see Enclosure 1).

#### **Jackson Street Bus Shelter Discussion**

At the October 27 meeting, the Committee voted to support staff recommendation of the Cantilevered Glass Shelter. City Council approved the staff recommendation, and the shelters will be installed as soon as March 2011. Several components of the shelter can be customized for downtown Milwaukie, including the etched laminated patterns in the windscreen. Staff will present several windscreen designs for discussion.

#### **Design Review Code Revisions**

Staff will present proposed code revisions codifying the current role of the Committee in the land use process, and clarifying notification requirements and procedures for public design review meetings. The revised code language is enclosed (see Enclosure 3).

#### Light Rail Streetscape Character

In 2000, the City adopted Public Area Requirements for streetscape improvements in the downtown zones. The streetscape standards provide specifications sidewalk design, and also for street furniture such as benches, trash receptacles, bollards, fountains, and iron tree grates. These standards have been implemented where sidewalks have been rebuilt in downtown – the North Main block, the south block of Jefferson St between 21<sup>st</sup> Ave and Main St, and now on Jackson St. Thus far, the City has directed TriMet to assume that the light rail project would follow these standards as closely as possible in downtown Milwaukie.

At the recent public meeting on the urban design of light rail in downtown Milwaukie, there was a good discussion about whether the standard streetscape elements should be implemented by the project. Though there was no question that the level of quality must be as high as possible, there is room for discussion about whether the light rail project should implement the existing downtown streetscape standards, allow the project to implement modified standards, or adopt light rail-specific standards for street furniture.

The Committee is in a unique position to host a community discussion on this topic. We will discuss the Committee's interest in this idea and next steps.

Let me know if you have any questions. See you next Monday at 11:00 a.m.!

#### Enclosures

- 1. December 6, 2010, meeting agenda
- 2. October 27, 2010, meeting notes
- 3. Draft proposed Design Review code revisions



# Design and Landmarks Committee Meeting Agenda

Johnson Creek Facility, Conference Room 6101 SE Johnson Creek Blvd

11:00 a.m., Monday, December 6, 2010

5 min.

5 min.

# 2. MEETING MINUTES

a. October 27, 2010

# 3. INFORMATION ITEMS—None

# WORKSESSION ITEMS 80 min. a. Jackson Street Bus Shelter Windscreen design discussion (30 min.) b. Design Review Hearings Procedures Review of proposed code revisions (30 min.)

- c. Light rail streetscape character (20 min.)
- 5. APPLICATION REVIEW ITEMS—None

# 6. **OTHER BUSINESS**

a. January 2011 meeting

# 7. ADJOURN

FORECAST FOR FUTURE MEETINGS		
January 26, 2011	1. Officer elections	
	2. Light rail streetscape character meeting (tentative)	
February 23, 2011	TBD	

**\*NOTE:** If you will be late or are unable to attend, please call the Planning Department cell phone at 503-710-2187.

- Design and Landmarks Committee (DRAFT) Meeting Notes
  - Wednesday, October 27, 2010

# 4 Members Present

- 5 Becky Ives, Chair
- 6 Patty Wisner
- 7 Greg "Frank" Hemer
- 8 Jim Perrault

# 9 Members Absent

10 None

3

# 11 Staff Present

- 12 Katie Mangle, Planning Director
- 13 Zach Weigel, Civil Engineer

# 14 **1. CALL TO ORDER**

Chair Ives called the Design and Landmarks Committee (DLC) meeting to order at 6:36
 p.m.

# 17 2. MEETING NOTES

- 18 **a. September 22, 2010**
- 19 **DLC Member Wisner** noted the following correction:
- Line 36 stated that a decision had been made at the November 9, 2010, meeting, which
- 21 had not happened yet. She requested that the date be changed to November 9, 2009.
- 22 Ms. Wisner moved to approve the September 22, 2010, DLC meeting notes with
- the requested change. DLC Member Hemer seconded the motion. The notes were
   approved unanimously.

# 25 3. INFORMATION ITEMS—NONE

# 26 4. WORKSESSION ITEMS

27 a. Jackson Street Bus Shelter

28 Katie Mangle, Planning Director, introduced TriMet staff Young Park, Capital

29 Projects Manager, and Bob Hastings, Agency Architect. She also introduced Zach

- 30 Weigel, Civil Engineer. TriMet was the general project manager for the Jackson Street
- 31 project and Mr. Weigel was the City's project manager.

- 32 Ms. Mangle provided an overview of past DLC discussions about the Jackson Street33 bus shelter.
- The Committee recommended the Discovery Shelter for the Jackson Street project
   at their June 24, 2009, meeting.
- The company that produced the Discovery Shelter was going into bankruptcy and
   the Discovery shelter design, which was supposed to be delivered in December, was
   no longer available.
- The Committee's second choice in 2009 had been the Cantilevered Glass Shelter.
   That shelter had been custom designed for TriMet for use in the Portland region.
- Given the need to choose a different high capacity shelter, project staff proposed that
   the project select the Cantilevered Glass Shelter as an alternative design and
   requested the Committee's concurrence. Some elements of the shelter could be
   customized to reflect Milwaukie's unique character.
- 45 Mr. Park noted that there were some timeline-driven aspects of the project. The project
  46 was in its final stages. On December 5, 2010, buses would begin operation along
  47 Jackson St. Some type of temporary shelter would be necessary until permanent
  48 shelters could be installed. The type of permanent shelter chosen would determine what
  49 type of foundation/base would be poured for the shelter.
- 50 **Chair Ives** clarified that, regardless of the choice, the new shelter would be installed 51 after the street was opened to buses.
- 52 Ms. Mangle agreed and stated that the new shelter needed to be chosen within the
  53 following 2 weeks. Once the new shelter was chosen, the proper foundation and
  54 infrastructure would be poured to accommodate the new shelter.
- The Committee had the option to recommend that the City choose a custom designed shelter, which would take approximately a year to select, fabricate, and
   install. The other alternative, the Cantilevered Glass Shelter, could be installed in 3
   months or so—approximately February or March 2011.
- Mr. Park noted that in order to install a custom shelter, the temporary foundation
   would need to be removed and a new foundation poured. Buses would need to be
   rerouted and there would be a disruption in service.

62 **Ms. Mangle** clarified that the new bus stops would be functional in early December 63 2010. The permanent shelters would be installed either in February/March 2011, in the 64 case of the Cantilevered Glass Shelter, or November/December 2011, in the case of a 65 custom shelter.

66 Mr. Hastings presented drawings of the Cantilevered Glass Shelter. The shelter on the
 67 north side of Jackson St was larger, to accommodate greater rider demand, and the
 68 shelter on the south side was smaller.

- The Discovery Shelter had the attributes of a low, modern style; transparency so
   people could see in; and weather protection. The Cantilevered Glass Shelter was a
   kit of parts, so pieces could be added or removed as desired. The wind screens
   could be configured in many different ways and could have unique designs.
- The Cantilevered Glass Shelter was intended to be durable and the parts were easily
   replaceable. The canopy was a clear, tempered glass and was very strong. The wind
   screens were freestanding but supported themselves on the concrete, so they could
   be positioned wherever desired.
- Circulation for people getting on and off the bus was a concern, so the windscreens
   were located so as not to interfere with those movements. Many people get off of the
   bus and check the transit tracker display to determine whether they would wait inside
   or outside of the bus shelter.
- People did not like to be right next to others; they looked for ways to be adjacent but
  a little bit separated. Providing a variety of protected areas allows for rider comfort.
- Windscreen location could be very site-specific and could respond to the winds
   coming through downtown Milwaukie.

Mr. Park discussed the design of the shelter benches. He suggested using the same
benches that had been planned for the Discovery Shelter. The benches could be
installed in pairs or multiples.

Typical bus shelters had openings in the front. Typical prevailing wind was expected
 to be from east to west, and wind screens would be oriented to accommodate those
 patterns.

91 Ms. Mangle stated that once the shelter design was chosen, more site-specific wind
92 pattern analysis could be conducted.

- 93 Mr. Park continued his presentation. The dimensions of the Cantilevered Glass Shelters
   94 were comparable to the dimensions of the Discovery Shelters. The small shelter (with
   95 either deign) was about half the size of the large shelter.
- 96 Ms. Mangle noted that in both designs, the lighting was integrated into the structure. On
  97 the Cantilevered Glass Shelters, the columns would be internally lit at night and use LED
  98 lights, which were energy efficient. There would be pedestrian-scale lighting along the
  99 street, and the shelter would have a glow.
- Mr. Hastings added that illumination greatly affects the feeling of safety and security for
   riders. The glass roof was treated with a shade co-efficient to cool the waiting area
   during the day.
- 103 **Chair Ives** asked if the wind screens would have a design.
- Mr. Hastings responded that there would be a design of some kind; likely not
   pictorial, but a pattern of some sort. Too much pattern could block vision of what is
   going on inside or outside of the shelter. The wind screens were easily replaceable if
   they were vandalized.
- 108**DLC Member Perrault** clarified that the custom-patterned wind screens could be109fabricated for installation in February/March.
- Mr. Hemer clarified that the Cantilevered Glass Shelter was modular and it would be
  easy to repair or replace parts as needed, and asked whether the plinth wall would still
  be installed, and if the columns needed to be gray.
- Ms. Mangle replied that the plinth wall was no longer needed because the
   Cantilevered Glass Shelter was more adjustable than the Discovery Shelter, and
   would be installed directly into the concrete.
- Mr. Hastings stated that the columns were stainless steel covered with a
   polycarbonate mesh with lighting behind it; it was expensive but very durable. The
   rafters were made out of stainless steel as well. The stainless steel could be cleaned
   more easily than paint. There was a structural steel assembly that would be painted,
   and the Committee could choose a color.
- Mr. Hemer asked whether the honey locust trees to be planted adjacent to the shelterswould drop seeds onto the shelter.

123 • Chair lves noted that she had suggested zelkova trees as an alterative to the honey 124 locust trees. 125 **Ms. Mangle** reviewed the customizable components of the Cantilevered Glass Shelters: 126 the wind screen patterns; the color of the steel structural beam; and the type and 127 placement of benches and leaning rails. 128 The wind screens are laminated plastic with silk screened designs baked into the • 129 center of the plastic panels. The design could be colored or neutral. 130 The steel structural beam could be painted the color the Committee had chosen for 131 the Discovery Shelter roof. 132 • The Committee could choose whether and where leaning rails would be installed and the style and number of benches. 133 134 Ms. Mangle requested Committee support of the staff proposal to choose the 135 Cantilevered Glass Shelter for the Jackson Street project. 136 Ms. Wisner stated that she felt the shelter design was acceptable as long as the 137 prevailing winds were considered in the placement of the wind screens. 138 Mr. Hemer moved to support the staff recommendation for the Cantilevered Glass 139 Shelter. Mr. Perrault seconded. The motion was approved unanimously. 140 Ms. Mangle stated that staff would investigate design options for the benches and 141 windscreens, and communicate with the Committee via email over the coming month. A 142 special meeting could be set to discuss these options, if desired by the Committee 143 members. 144 b. Design Review procedures discussion 145 Ms. Mangle provided an overview of previous discussions about the City's design 146 review procedures and the role of the Committee. 147 • The Planning Department was in the midst of a "development review tune-up", which 148 would update the City's development review procedures and processes. There was 149 some duplication of staff effort and confusion about public notice requirements in the 150 design review process.

151 The City's goal was to streamline the process, utilize the Committee as effectively as possible, utilize City resources as effectively as possible, and make sure design 152 153 review was effective and resulted in better projects. 154 Currently, the Committee was an advisory group to the Planning Commission for 155 design review. It did not have a formal role in historic resources review, but staff 156 practice had been to bring those applications before the Committee as well. 157 Currently, the Committee is only involved in design review as part of a minor quasi-158 judicial application. 159 Staff direction was to look at all alternatives, from recommending abolishing the 160 Committee to recommending the Committee become a commission. Staff was 161 recommending a middle ground, which was to suggest making the Committee an advisory committee to the Planning Director. That option would allow the Committee 162 163 to get involved much earlier in the process, would free the Committee up to have 164 more creative conversations about the application, and would reduce duplication of 165 staff effort. 166 There was no design review process in place for commercial buildings outside of 167 downtown; those projects went straight to a building permit. As part of the tune-up 168 project, the City would create a development review application. The next step would 169 be to adopt design standards for residential and commercial development. 170 Mr. Hemer agreed that the Committee would have more influence if they were involved 171 from early on in the project, perhaps at 20% design rather than 70% design. 172 Chair lves agreed and added that the Committee should retain the ability to influence 173 projects that come before it. 174 **Ms. Mangle** clarified that as an advisory group, the applicant would be required to meet 175 with the Committee but that it would be a public meeting rather than a public hearing. 176 The Committee would make recommendations to the Planning Director rather than the 177 Planning Commission. 178 As an advisory group, meetings with the applicant could happen earlier in the 179 process and could be more informal. 180 Committee members have expressed frustration at seeing projects so late in the 181 design process and its limited ability to make adjustments to the design.

182 Ms. Wisner clarified that as an advisory group, the applicant would meet with the
183 Committee earlier in the process and asked what the role of the Committee would be in
184 later stages of the project.

Ms. Mangle stated that the role of the Committee would depend on the complexity of
 the project. Some projects might need only one meeting with the Committee; some
 might need additional meetings.

188 Ms. Wisner clarified that the Committee would no longer recommend findings and189 conditions to the Planning Commission.

- Ms. Mangle explained that the meetings would be informal and the Planning staff
   would integrate the Committee's suggestions into the staff report for the Planning
   Commission. Staff would not prepare findings for the Committee. This would allow
   staff to more comfortably meet the State's 120-day land use decision deadline.
- Ms. Wisner noted that she found the staff findings very helpful because she looked to
  the Planning Department to be the experts regarding the criteria to be met. Staff sends
  up the red flags about what the Committee should review. She questioned whether the
  Committee would be able to do its job as well without that level of information.
- Mr. Hemer noted that the Committee is currently advisory to the Planning Commission
  but did not have the final say about whether to approve a project. Meeting with
  applicants earlier in the process would allow the Committee to provide more input
  regarding color, details, and other design features.
- Ms. Wisner expressed concern that the role of the Committee in the design review
   process had not yet been defined and suggested that the Committee remain an advisory
   committee to the Planning Commission but add a meeting earlier in the process.
- 205 Ms. Mangle noted that the City could strongly suggest a meeting with the Committee
  206 early in the process, similar to the suggestion to meet with the NDAs.
- The other issue with the process was that design review decisions are generally
   decided at the Committee meetings even though the code did not contain provisions
   for public notifications of those meetings.
- Chair Ives suggested that when a downtown property owner came to the Planning
  Department with a proposal for a new building, their first stop should be the Committee.

- 212 Staff should suggest items to present to the Committee so it can comment on the 213 choices.
- Felt rushed by the need to remain within the 120-day clock when the applicant did not present the materials needed for the Committee to make its condition.

Mr. Hemer noted that if the Committee remains advisory to the Planning Commission,
 they were required to follow the Downtown Design Guidelines and did not have the
 ability to make comments about specifics of the project. If it was involved earlier in the
 project, comments and input could be more wide-ranging.

- Ms. Wisner noted that the design guidelines are flexible and gave the Committee the
   responsibility for ensuring that new design was sensitive to Milwaukie's character.
   Members could use good judgment and discernment to shape projects under review.
- Agreed that the Committee should come in earlier in the process, but would not want
   to be deprived of staff findings. The findings educated the Committee about the
   application and allowed them to perform their roles more effectively.
- Ms. Mangle suggested there may be a simplified version of the findings to provide anoutline of how the application met the design standards and guidelines.
- Mr. Hemer suggested that a Committee member should attend Planning Commission
   hearings where design review applications are scheduled and explain the Committee's
   recommendation to the Commission.
- Chair Ives asked if there was a timeline for making changes to the design reviewprocess.
- Ms. Mangle stated that the decision about the procedures would need to be made
   very soon, but there would be another opportunity to review the procedures with the
   downtown code "refresh" project in 2011. Small clarifications and changes could be
   made with the development procedures project, such as public notification
   requirements for Committee meetings.
- 238 Mr. Hemer suggested the Committee meet twice per year as a Historic Resources
  239 Commission.
- Ms. Mangle noted that the Committee does not currently have any role in historic
   preservation applications, although she did not know why.

- The Committee could act as both the Design and Landmarks Committee, in an advisory design review capacity, and the historic resources commission, as a decision-maker on historic preservation applications.
- Ms. Wisner noted that if they were members of a commission, they would have
   additional personal reporting requirements.
- Ms. Mangle stated that she appreciated the discussion, and felt there was more work to
  do. She would not recommend any change to the Committee's role right now. The
  Development Review Procedures code amendments would be limited to clarifying the
  existing process. Staff would send the proposed Committee-related code changes to the
  Committee before the application moved forward for adoption by City Council.

# 252 5. APPLICATION REVIEW ITEMS—NONE

# 253 6. OTHER BUSINESS

# 254 a. Next meeting

- 255 The November 24, 2010, meeting was cancelled.
- 256 **Ms. Mangle** suggested the Committee members attend the November 15, 2010, light
- rail design meeting in lieu of the regularly-scheduled Committee meeting.
- 258 The next meeting was to be scheduled via e-mail for early December.

# 259 7. ADJOURN

- 260 The meeting adjourned at 8:45 p.m.
- 261

262 Becky Ives, Chair

# DRAFT CHAPTER 19.1000

# **REVIEW PROCEDURES AND ADMINISTRATION**

November 9, 2010

- 2. All exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review.
- 3. The minutes from the original hearing and a detailed summary of the evidence.
- E. The decision of the designated appeal authority for the appeal of a Type III decision shall be the final local decision.

#### 19.1009.6 Remand from the Land Use Board of Appeals

City of Milwaukie decisions remanded by the Land Use Board of Appeals (LUBA) shall be heard and decided within 90 days from the date of the remand following the procedures of Section 19.1009.

#### **19.1010 DESIGN REVIEW MEETINGS**

The Design and Landmarks Committee shall conduct a design review meeting when required by Section 19.312 for applications in the downtown zones. The meeting shall occur prior to the final hearing before the Planning Commission. Design review meetings provide an opportunity for the Design and Landmarks Committee to hear public comment, evaluate the proposal against relevant approval criteria, and vote on a recommendation to forward to the Planning Commission.

#### 19.1010.1 Responsibility of City for Design Review Meetings

The city shall:

- A. Schedule land use applications for design review before the Design and Landmarks Committee at the earliest available scheduled meeting. If the Design and Landmarks Committee is unable to schedule a design review meeting with sufficient time for the Planning Commission to hold a public hearing in compliance with the 120-day rule, one of the following shall occur:
  - 1. The applicant may waive the 120-day requirement per Subsection 19.1001.6.C in order to accommodate Design and Landmarks Committee review of the application.
  - 2. If the applicant does not waive the 120-day requirement, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.312.7.H.
- B. Provide public notice of the design review meeting per Subsection 19.1010.2.A and B below.
- C. Prepare minutes for the design review meeting that include the Design and Landmarks Committee recommendation and the reasons for the recommendation.

#### 19.1010.2 Design Review Meeting Notice Requirements

- A. When a design review meeting is required by Section 19.312, the City shall mail written notice of the design review meeting at least 10 days prior to the meeting. The written notice shall be mailed to:
  - 1. The applicant and/or applicant's authorized representative.
  - 2. The owner(s) of record of the subject property.
  - 3. Owners of record of properties located within 300 feet of the perimeter of the subject property.

- B. The public notice shall meet the requirements of Subsection 19.1006.3.D and E.
- C. At least 5 days prior to the design review meeting, notice of the meeting shall be posted on the site by the applicant, and shall remain posted continuously until the meeting. The city shall provide to the applicant at least one sign and the instructions for posting. An affidavit of the posting shall be submitted by the applicant and made part of the file.

#### 19.1010.3 Rules of Procedure

- A. Design review meetings shall be conducted in accordance with the bylaws and rules of procedure adopted for the Design and Landmarks Committee by City Council. Provisions referenced in Subsections 19.1010.4-12 apply to all design review meetings.
- B. At the commencement of a design review meeting, a statement shall be made to those in attendance that:
  - 1. Lists the applicable approval criteria.
  - 2. States that public comment must be directed toward the applicable approval criteria or other criteria in the Zoning Code or Comprehensive Plan that the person commenting believes is applicable to the proposal.
- C. The design review meeting is not a public hearing, but shall be organized in the following manner:
  - 1. The applicant shall have an opportunity to make a presentation on the proposal.
  - 2. The public shall be allowed to comment on the application.
  - 3. The Design and Landmarks Committee shall deliberate on the application and presentation and shall make findings and a recommendation on the application per Subsection 19.1010.12.
- D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.312.7.H.

#### 19.1010.4 Challenges to Impartiality

- A. A party to a meeting may challenge the qualifications of a member of the committee to participate in the recommendation. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the committee cannot participate in an impartial manner.
- B. The challenged person shall have an opportunity to respond orally and in writing to the challenge. The challenge shall be incorporated into the record of the meeting.

### 19.1010.5 Participation by Interested Officers or Employees

No officer or employee of the city who has a financial or other private interest in a proposal may participate in the recommendation on the proposal.

### 19.1010.6 Ex Parte Contacts

Committee members shall reveal any relevant pre-meeting or ex parte contacts at the commencement of the design review meeting. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain from

voting. In addition, parties who had the communication with the member have the right to rebut the substance of the communication at the commencement of the meeting on the matter.

#### **19.1010.7 Abstention or Disqualification**

Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of the committee who are present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

#### 19.1010.8 Burden and Nature of Proof

The applicant shall bear the burden of proof and persuasion that the proposal is in compliance with applicable provisions of this code. The applicant and any opponents may submit a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

#### 19.1010.9 Continuance of Meeting

- A. A design review meeting may be continued if the Planning Director determines that there is sufficient time to hold a continued meeting before the Design and Landmarks Committee and a public hearing before the Planning Commission within the required 120-days or if the applicant waives the 120-day requirement per Subsection 19.1001.6.C. as necessary, and in the following circumstances:
  - 1. At the request of the applicant.
  - 2. By action of the Design and Landmarks Committee if a continuance is found by the Committee to be necessary to receive pertinent reports from other agencies or departments.
  - 3. By the Design and Landmarks Committee if the applicant does not object.
- B. Design review meeting continuance proceedings shall be per Subsection 19.1008.10.

#### 19.1010.10 Design Review Recommendation

Following the close of the public portion of the design review meeting, the Design and Landmarks Committee shall prepare a written report to the Planning Commission that recommends either approval, approval with conditions, or denial of the application.

- A. The written recommendation shall contain the following:
  - 1. The applicable approval criteria against which the application was reviewed.
  - 2. A statement of the facts that were relied upon to determine whether the application satisfied or failed to satisfy each applicable approval criterion.
  - 3. The decision to recommend approval or denial of the application, and, if the recommendation is for approval, any recommended conditions of approval. Recommended conditions of approval shall ensure conformance with the applicable approval criteria and development standards and mitigate the anticipated impacts, if any, of the proposal.
- B. The recommendation of the Design and Landmarks Committee will be forwarded to the Planning Commission, which shall consider the recommendation and integrate it with the land use application process applicable to the proposal.
- C. Design and Landmarks Committee recommendations are not appealable.

### 19.1010.12 Record of Proceedings

The City shall prepare and maintain minutes of all proceedings in accordance with the bylaws adopted for the Design and Landmarks Committee.