

**CITY OF MILWAUKIE  
DESIGN AND LANDMARKS COMMITTEE  
MINUTES**

**(virtual meeting via Zoom)  
Monday, October 5, 2020  
6:30 PM**

**COMMITTEE MEMBERS PARTICIPATING**

Cynthia Schuster, Chair  
Brett Laurila, Vice Chair  
Mary Neustadter  
Tracy Orvis  
Evan Smiley

**STAFF PARTICIPATING**

Brett Kelter, Associate Planner (staff liaison)

**OTHERS PARTICIPATING**

Elizabeth Decker, JET Planning

**MEMBERS ABSENT**

None

**1.0 Call to Order – Procedural Matters**

**Chair Cynthia Schuster** called the meeting to order at 6:33 p.m.

**2.0 Design and Landmarks Committee Minutes**

2.1 September 14, 2020

**Chair Schuster** called for any revisions to the meeting minutes for the September meeting; there were none, and the minutes were approved unanimously.

**3.0 Information Items – None**

**4.0 Audience Participation – None**

**5.0 Public Meetings – None**

**6.0 Worksession Items**

6.1 Downtown design review process (continued)  
Staff People: Brett Kelter, Elizabeth Decker

**Associate Planner Brett Kelter** outlined the points he hoped to cover in the meeting, including applicability of the new proposed regulations, guidance points from last month's test case review, and the October 20 joint meeting with City Council. He turned it over to **Elizabeth Decker**, who presented some slides related to the memo that was included in the meeting packet focused on applicability for multifamily and rowhouse development.

**Ms. Decker** led with the graphic from Section 19.304 of the zoning code showing the areas where ground-floor residential development is allowed on Main Street. She pointed to two shaded areas on either side of Main Street to illustrate the other large areas where residential-only multifamily development could happen—an area much larger than most of the group had been imagining. Another slide showed the different sections of the current code that would apply to a multifamily project downtown—Section 19.304 (downtown base zone standards), Section 19.508 (downtown design), and Subsection 19.505.3 (multifamily design). She illustrated how the proposed code amendments for downtown design might result in gaps for multifamily projects as some standards move from 19.304 to 19.508, depending on how we set up the applicability piece. Although it was not clear how much of the shaded area on the Main Street

graphic would be likely to develop as residential-only, the point was that it was important to clarify which design standards would apply to multifamily projects downtown.

**Chair Schuster** asked if there was a graphic showing a comparison of the multifamily design elements and the downtown design elements. A specific table of comparison was not available, but **Mr. Kelver** shared his screen to show first the multifamily design elements of 19.505.3 and then the downtown design elements of 19.508. There are clearly some areas that overlap (such as for open space), but **Chair Schuster** noted that providing ground-floor open space could be challenging for mixed-use development, so a hybrid version might be needed to address the specific challenges for mixed-use versus multifamily projects.

**Mr. Kelver** showed the applicability lists for different levels of review in the current version of Section 19.907 (downtown design review procedures) and noted that even for clear and objective Type I review there was still a discretionary-seeming question about what design elements from 19.508 might be applicable to one project or another. **Chair Schuster** registered concern about a few actions in the Type I review list that seemed to present enough of a change to a building (such as small expansions or additions) as to warrant a higher level of review. There was discussion about the current language for multifamily projects and the various options for a multifamily applicant to choose one type of review or another based on what level of review they preferred. It was agreed that the existing language was confusing, and **Chair Schuster** thought it was problematic that a new multifamily project downtown could go through Type I review, as any large new development could have a significant impact on the design fabric of downtown.

**Chair Schuster** suggested that it is important in some cases to allow public comment on projects that might affect them, even if only to make people aware; she thought that perhaps some actions on the list should be elevated from Type I to Type II review. **Mr. Kelver** agreed that a Type II review could serve the purpose of public awareness but reminded the group that, because the approval criteria were still mostly clear and objective, it could be a frustrating process for people whose comments do not result in substantive changes to a proposal in the end. A key question with these lists may be whether the percentages and thresholds are appropriate for the various levels of review they trigger, especially between Type I and Type II. **Chair Schuster** reiterated that requiring public notice for projects of a certain scale can provide a sense that people are heard even if their opinion does not prevail. She acknowledged her long-standing desire to have new buildings over a certain size (for example, over 20,000 sq ft) be required to go through discretionary review, though she understood that the City was trying to provide a less onerous path for some new development.

**Ms. Decker** noted that the fact that a new building could go through Type II review if it met the downtown design standards could present a frustration for the committee, which would have little room for discretion. However, the group had put a lot of time into developing standards that would ensure better design results for projects that used the more clear and objective review path. **Committee Member Tracy Orvis** spoke from her experience with design review in Clackamas County, recounting that there was little they could do to improve designs that met the standards. She appreciated that this committee had been thoughtful in crafting standards that would produce better design. Regarding the question of public notice, she had been part of some cases where people did seem grateful for being made aware of a project and others where folks were frustrated and did not seem to understand that there was little they could do to impact a project for which they had received notice.

**Committee Member Evan Smiley** asked whether there was a sense that the various thresholds for different levels of review sometimes served as disincentives against achieving some of the desired goals—for example, if some projects might avoid building a fourth or fifth story to avoid certain standards, when we actually would like more density. **Chair Schuster**

shared her experience that most of her clients were willing to go through higher levels of review if it meant being able to build more units, since it is harder these days to make projects financially feasible. **Ms. Orvis** acknowledged that she had little experience with multifamily projects but shared that many of her commercial clients would more often change the project design to meet the standards and avoid the associated costs of higher levels of review.

**Mr. Kelter** further discussed the confusion in the current 19.907 lists around applicability of the various review types for multifamily projects. There is some conflict in the current code language about what approval criteria would apply to multifamily projects for various levels of review. He reiterated the state law requiring there to be a clear and objective (Type I) option for residential-only projects. Since multifamily is an outright permitted use in the Downtown Mixed Use (DMU) zone, it does not appear to be an option to identify certain areas downtown where multifamily development would require discretionary review. But it might be worth double-checking with the City Attorney.

To wrap up, **Mr. Kelter** agreed to look again at the applicability lists in 19.907 and identify key items or actions currently categorized as Type I that might be candidates for elevating to Type II, for further discussion with the group. He and Ms. Decker will sort out the issues around multifamily applicability and identify options for closing gaps between 19.505.3 and 19.508 as well as for hybrid language that addresses the needs of mixed-use versus multifamily.

## 7.0 Other Business/Updates

**Mr. Kelter** reminded the group of the upcoming joint meeting with City Council on October 20, noting that it will be held during the worksession portion of the Council's meetings that day, starting at 4:00 p.m. It was definitely important that at least the Chair or Vice Chair or one official representative of the group be in this meeting, though the encouragement was for all members to participate as possible. Since the current members of the committee were all on board for the last joint meeting (in January 2020), this would be less of a get-to-know-you event and would offer a good opportunity to have an open discussion about the downtown design review code amendment project and other issues of interest.

Acknowledging that the design review amendment was not quite at a point of needing to fully prepare the Council to consider an adoption document, he asked whether there were any key points or questions or ideas that the group might like to raise at the October 20 meeting. Suggestions included the issue of building height step-backs, an allowance for reduced open space where adjacent to or across the street from parks, and a height bonus for affordable housing. In addition, the group agreed it could make note of changes to the list of exterior building materials—changes in what is listed as an accent material, a focus on what materials can be used instead of those prohibited, a Type II review process for approving materials not on the list, and allowing EIFS (exterior insulation finishing system) materials due to better installation requirements. **Chair Schuster** also proposed giving an update on the group's progress in general since Ms. Decker joined the process.

**Mr. Kelter** referred to the draft work program for 2020-21 that he had sent to the group earlier in the day, noting that it uses the same general structure as in past years. He outlined his hope that, once the group wrapped up its piece of the downtown design review project, getting it ready for the adoption process whenever that might be timed to happen, there would be an opportunity to turn to the historic preservation item that had been living in the work program's "parking lot" the last few years. **Committee Member Mary Neustadter** suggested that she could see starting that historic preservation work by presenting the group with information about the federal, state, and other regulations to provide context. Harkening back to the origins of the current process to update the downtown design review process, **Chair Schuster** also suggested developing some visual resources to help outline and illustrate some of the important


design aspects for the public and potential developers.

**8.0 Design and Landmarks Committee Discussion Items – None**

**9.0 Forecast for Future Meetings**

Oct. 20, 2020	Annual joint meeting with City Council
Nov. 2, 2020	Regular meeting
Dec. 7, 2020	Regular meeting

**Chair Schuster** adjourned the meeting at 8:15 p.m.

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Cynthia Schuster, Chair

Respectfully submitted,  
Brett Kelter, Associate Planner