Design Review Board - Meeting Minutes

November 16, 2020

Online via WebEx Meeting called to order at 5:30 PM by Kathy Lang

Attendance:

- Board Members Present: Chuck Horgan (Arts Commission Liaison), Drew Kleman, Chad Schmidt, Ted Teske, Kathy Lang (Chair & CA Liaison), Mark Brower (Vice-Chair), Anne Hanenburg
- Board Members Not Present: Grant Keller
- Quorum Present: Yes
- Staff Members Present: Dean Gunderson, Taylor Berberich

Kathy Lang moved for the suspension of certain meeting rules due to the COVID-19 teleconference; Chuck Horgan seconded. Motion Carried. (7-0)

Changes to Agenda:

None

Workshops:

- Northeast Middle School Recommendation Meeting
- Staff Report: Taylor Berberich
- Applicant Presentation: Greg Forsyth (Spokane Public Schools), Walt Huffman & Craig Conrad (MMEC Architecture), Mike Terrell (MTLA Landscaping)
- Kathy Lang closed public comment
- Questions asked and answered
- Discussion ensued

Based on review of the materials submitted by the Applicant and discussion during the November 16, 2020 Recommendation Meeting the Design Review Board recommends the approval of the project subject to the following conditions:

Design Departures:

- 1. Buildings Along Street:
 - The Board finds that the alternative design *meets* the intent of the design standard.
 - The Board finds that the alternative design *is* superior in quality to what would be achieved if the standard were followed.

Please see the following Comprehensive Plan Goals and Policies: LU 1.1 Neighborhoods, LU 1.12 Public Facilities and Services, LU 5.1 Built and Natural Environment, LU 6.9 Facility Compatibility with Neighborhood, DP 1.2 New Development in Established Neighborhoods, DP 2.3 Design Standards for Public Projects and Structures, DP 2.6 Building and Site Design, DP 2.15 Urban Trees and Landscape Areas, NE 13.1 Walkway and Bicycle Path System, N 2.1 Neighborhood Quality of Life, and N 5.3 Linkages.

Please see the following Design Standards and Guidelines for Centers and Corridors: SMC 17C.122.060 Buildings Along Street, SMC 17C.122.060 Lighting, SMC 17C.122.060 Ancillary Site Elements, SMC 17C.122.060 Treatment of Blank Walls, SMC 17C.122.060 Façade Transparency, SMC 17C.122.060 Massing, and SMC 17C.122.060 Pedestrian Oriented Signs.

2. Buildings at Intersection Corners:

- The Board finds that the alternative design *meets* the intent of the design standard.
- The Board finds that the alternative design *is* superior in quality to what would be achieved if the standard were followed.

Please see the following Comprehensive Plan Goals and Policies: LU 1.1 Neighborhoods, LU 1.12 Public Facilities and Services, LU 5.1 Built and Natural Environment, TR GOAL A: PROMOTE A SENSE OF PLACE, TR GOAL B: PROVIDE TRANSPORTATION CHOICES, TR GOAL C: ACCOMMODATE ACCESS TO DAILY NEEDS AND PRIORITY DESTINATIONS, TR 1 Transportation Network For All Users, TR 7 Neighborhood Access, TR 14 Traffic Calming, TR 20 Bicycle/Pedestrian Coordination, DP 1.2 New Development in Established Neighborhoods, DP 2.3 Design Standards for Public Projects and Structures, DP 2.6 Building and Site Design, DP 2.15 Urban Trees and Landscape Areas, NE 13.1 Walkway and Bicycle Path System, N 2.1 Neighborhood Quality of Life, N 4.6 Pedestrian and Bicycle Connections, and N 5.3 Linkages.

Please see the following Design Standards and Guidelines for Centers and Corridors: SMC 17C.122.060 Buildings Along Intersection Corners, SMC 17C.122.060 Sidewalk Encroachments, SMC 17C.122.060 Lighting, SMC 17C.122.060 Ancillary Site Elements, SMC 17C.122.060 Curb Cut Limitations, and SMC 17C.122.060 Pedestrian Oriented Signs.

Chuck Horgan moved to approve the recommendations; Chad Schmidt seconded.

Ted Teske made a friendly amendment to vote first on the design departures and have a second vote on the recommendations; Drew Kleman seconded.

The motion on the design departures carried with a non-unanimous vote. (5/2)

<u>General</u>

3. Per the Lighting Design Standards for Centers and Corridors, the Applicant shall provide additional pedestrian-scale lighting along pedestrian paths 1) between Marietta Avenue and the playground/outdoor basketball courts and 2) at the proposed plaza at the intersection of North Perry Street and North Foothills Drive.

Please see the following Comprehensive Plan Goals and Policies: LU 1.1 Neighborhoods, LU 1.12 Public Facilities and Services, LU 5.1 Built and Natural Environment, TR GOAL A: PROMOTE A SENSE OF PLACE, TR GOAL C: ACCOMMODATE ACCESS TO DAILY NEEDS AND PRIORITY DESTINATIONS, TR 1 Transportation Network For All Users, TR 7 Neighborhood Access, TR 14 Traffic Calming, TR 20 Bicycle/Pedestrian Coordination, DP 1.2 New Development in Established Neighborhoods, DP 2.3 Design Standards for Public Projects and Structures, DP 2.6 Building and Site Design, NE 13.1 Walkway and Bicycle Path System, N 2.1 Neighborhood Quality of Life, N 4.6 Pedestrian and Bicycle Connections, and N 5.3 Linkages.

Please see the following Design Standards and Guidelines for Centers and Corridors: SMC 17C.122.060 Lighting and SMC 17C.122.060 Ancillary Site Elements.

4. The Applicant is strongly encouraged to integrate the building materials and architectural detailing into the site gateway elements.

Please see the following Comprehensive Plan Goals and Policies: LU 1.12 Public Facilities and Services, LU 5.1 Built and Natural Environment, TR GOAL A: PROMOTE A SENSE OF PLACE, DP 1.2 New Development in Established Neighborhoods, DP 2.3 Design Standards for Public Projects and Structures, DP 2.6 Building and Site Design, and N 2.1 Neighborhood Quality of Life.

Please see the following Design Standards and Guidelines for Centers and Corridors: SMC 17C.122.060 Buildings Along Intersection Corners, SMC 17C.122.060 Sidewalk Encroachments, SMC 17C.122.060 Lighting, SMC 17C.122.060 Ancillary Site Elements, SMC 17C.122.060 Pedestrian Oriented Signs, SMC 17C.122.060 Integration with Architecture, SMC 17C.122.060 Creative Graphic Design, SMC 17C.122.060 Unique Landmark Signs, SMC 17C.122.060 Ground Signs, and SMC 17C.122.060 Materials. **Approval of Minutes:**

• Minutes from the November 11, 2020 meeting approved unanimously.

Old Business:

• None

New Business:

• None

Chair Report:

None

Secretary Report - Dean Gunderson

- The December 9th DRB Meeting will be a final recommendation meeting for the Latah Glen Manufactured Home Development.
- The Riverside Apartments project have expressed a desire to come back in December.
- Dean will send out a Doodle Poll to choose a date to replace the meeting originally scheduled for December 23rd.
- The written <u>dissenting opinion</u> will be attached to the meeting minutes.

Meeting Adjourned at 8:38 PM

The next Design Review Board Meeting is scheduled for Wednesday, December 9, 2020.

Northeast Middle School

November 24, 2020



F r o m : Design Review Board Members Drew Kleman, Architect Theodore Teske, Citizen at Large

c/o Dean Gunderson, DRB Secreta Planning Services 808 W. Spokane Falls Blvd. Spokane, WA 99201

	T o : Louis Meuler, Spokane Interim Planning Director		
	Spokane Design Review Board		
ary	Greg Forsyth, Spokane Public Schools, Director of Capital Projects and Planning, w/ Walt Huffman, MMEC Architecture		
	Donna deBit, Spokane Development Services Center, Associate Planner		

The following Dissenting Opinion is provided by the Architect Member (Drew Kleman) and the Citizen at Large Member (Theodore Teske) of the Design Review Board (DRB).

As members of the DRB who did not vote with the majority on the motion regarding the recommendation to approve the Design Departures for the proposed development project, Mr. Kleman and Mr. Teske are entitled to submit a Dissenting Opinion under the Design Review Board's Rules of Procedure 6.4.1 and 6.4.2. This opinion will be transmitted to the Design Review Board, the City's Action Approving Authority for the project, and the Applicant.

A. The Majority Opinion of the Design Review Board for the two Design Departures (with Comprehensive Plan policies and Design Standards citations)

Buildings Along Street:

- The Board finds that the alternative design *meets* the intent of the design standard.
- The Board finds that the alternative design *is* superior in quality to what would be achieved if the standard were followed.

<u>Please see the following Comprehensive Plan Goals and Policies:</u> LU 1.1 Neighborhoods, LU 1.12 Public Facilities and Services, LU 5.1 Built and Natural Environment, LU 6.9 Facility Compatibility with Neighborhood, DP 1.2 New Development in Established Neighborhoods, DP 2.3 Design Standards for Public Projects and Structures, DP 2.6 Building and Site Design, DP 2.15 Urban Trees and Landscape Areas, NE 13.1 Walkway and Bicycle Path System, N 2.1 Neighborhood Quality of Life, and N 5.3 Linkages.

<u>Please see the following Design Standards and Guidelines for Centers and Corridors:</u> SMC 17C.122.060 Buildings Along Street, SMC 17C.122.060 Lighting, SMC 17C.122.060 Ancillary Site Elements, SMC 17C.122.060 Treatment of Blank Walls, SMC 17C.122.060 Façade Transparency, SMC 17C.122.060 Massing, and SMC 17C.122.060 Pedestrian Oriented Signs.

Buildings at Intersection Corners:

- The Board finds that the alternative design *meets* the intent of the design standard.
- The Board finds that the alternative design *is* superior in quality to what would be achieved if the standard were followed.

<u>Please see the following Comprehensive Plan Goals and Policies:</u> LU 1.1 Neighborhoods, LU 1.12 Public Facilities and Services, LU 5.1 Built and Natural Environment, TR GOAL A: PROMOTE A SENSE OF PLACE, TR GOAL B: PROVIDE TRANSPORTATION CHOICES, TR GOAL C: ACCOMMODATE ACCESS TO DAILY NEEDS AND PRIORITY DESTINATIONS, TR 1 Transportation Network For All Users, TR 7 Neighborhood Access, TR 14 Traffic Calming, TR 20 Bicycle/Pedestrian Coordination, DP 1.2 New Development in Established Neighborhoods, DP 2.3 Design Standards for Public Projects and Structures, DP 2.6 Building and Site Design, DP 2.15 Urban Trees and Landscape Areas, NE 13.1 Walkway and Bicycle Path System, N 2.1 Neighborhood Quality of Life, N 4.6 Pedestrian and Bicycle Connections, and N 5.3 Linkages.

<u>Please see the following Design Standards and Guidelines for Centers and Corridors:</u> SMC 17C.122.060 Buildings Along Intersection Corners, SMC 17C.122.060 Sidewalk Encroachments, SMC 17C.122.060 Lighting, SMC 17C.122.060 Ancillary Site Elements, SMC 17C.122.060 Curb Cut Limitations, and SMC 17C.122.060 Pedestrian Oriented Signs.</u>

These recommendations were approved via a non-unanimous vote of 5/2.

- Yeas: Kathy Lang (Chair and Community Assembly Liaison), Mark Brower (Vice-Chair and Engineer Member), Anne Hanenburg (Landscape Architect Member), Chuck Horgan (Arts Commission Member), and Chad Schmidt (Urban Designer Member)
- Nays: Drew Kleman (Architect Member), and Theodore Teske (City at Large Member)

B. Statement of Dissent Regarding the Intent and Quality Questions for the Departures

As regard the two distinct questions for each Design Departure, Mr. Kleman and Mr. Teske submit their dissenting opinion for various reasons (see Table 1):

Table 1. Reasons for Dissenting Opinion

Design Criteria	Drew Kleman	Ted Teske
Has the Intent of Buildings Along Street been met?	No	No
Has the Superior Design Quality of the Alternative proposal for Buildings Along Street been established?	N/A ¹	N/A ¹
Has the Intent of Buildings at Intersection Corners been met?	Yes	No
Has the Superior Design Quality of the Alternative proposal for Buildings Intersection Corners been established?	No	N/A ¹

Note:

1. As the Intent of the referenced Design Standard has not been met, the question of whether the superior design quality of the proposed alternative has been established by the Applicant is rendered moot (that is, no determination on this could be made).

C. Statement of Dissent Regarding the Nature of the Opposition to the Majority Opinion

Drew Kleman finds:

This dissenting opinion questions the applicability of the Design Departure process to those requested Design Departures on this project. As stated in Section 17G.030.020 Applicable Standards:

A. Design Departures.

Design departures may be sought for design standards that are identified as Requirements (R) or Presumptions (P). Design departures are not for development standards (i.e., floor area ratio, building height, setbacks and sidewalks, etc.). The sections that allow for design departures include:

 site and building design standards (i.e., ground floor windows, base/middle/top, articulation, etc.) contained in <u>chapter 17C.120 SMC</u>.

Under the Land Use code as written, the Applicant can request a Design Departure for design standards except as limited by the code. That the Land Use code specifically goes out of its way to identify ground floor windows, base/middle/top, and **articulation** in its text warrants further clarity of the intent of Design Departures by the City. It is this opinion that the intent of the Design Departure code is not to alleviate the Applicant from meeting those design standards foundational to a successful public environment, such as Buildings Along Street and Buildings at Intersection Corners. As the Land Use code is silent nor does not differentiate between those design standards potentially having greater impact on the public environment versus those with less significant impact, this opinion cannot hold the Applicant at fault for requesting said departures and yet finds the threshold for meeting intent and superior quality to be high. This opinion also finds that the threshold set by the Land Use code for the Design Review board to review and render an opinion on the intent and superior guality of Design Departure inexhaustive. Prescriptive design criteria, such as submitting drawings, diagrams, perspectives, data, or other means depicting the application of Design Standards, how they hinder the project, and how the proposed alternate design meets the design intent and is of superior quality. The materials provided by City staff and the Applicant to the Design Review Board were exhaustive in their narrative but lacking in visuals to validate those texts.

The Design Standards and Guidelines for Centers and Corridors notes the intent of Buildings at Intersection Corners to "...create an environment that frames the public realm and creates an urban street edge and contributes to the liveliness of sidewalks." Additionally, Guideline 1 of Buildings at Intersection Corners "...shall hold the street corner...". The Applicant described the challenges created by the site boundary at the intersection corner of North Foothills Drive and Perry Street, to which this dissenting opinion does not object to the findings that this particular intersection corner would prove difficult to achieve a successful and logical design of meeting the Guideline. However, the proposed ornamental plaza and representative materials did not, in this opinion, portray a design of superior quality. This opinion questions the purpose of an ornamental plaza on this particular intersection corner where traffic noise may be expected to be consistent and objectionable to pedestrians, and thus questions if this plaza will contribute to the "...liveliness of sidewalks." However, it is the design of the plaza and components thereof that fail to "...frame() the public realm..." nor "...hold the street corner...". There is an apparent lack of rigor in the design of the plaza, including the pedestrian experience as one comes upon, passes through, and exits. This is not to suggest that the Applicant's overall design approach is invalid as evidenced in the bulk building. This opinion finds that additional time and design reviews would render a more

complete and agreeable solution. To that end, the Design Departure process would benefit from a more robust review and collaborative process that includes City staff and Design Review Board members. The Design Departure process may in fact warrant an independent review track separate from the general Design Review process.

The Design Standards and Guidelines for Centers and Corridors notes the intent of Buildings Along Street to "...ensure...part of the development of a site contributes to the liveliness of sidewalks along the street." Additionally, the Guideline 1 states "....at least 30% of the frontage of the site shall consist of building facades." This opinion finds the bar extremely high for requesting a Design Departure for *Buildings Along Street*, which as a Design Standard has significant impact on the liveliness of sidewalks and the pedestrian experience thereof. The Applicant described the site and grading challenges; the materials presented did not appear exhaustive in their investigation of design(s) that would more closely meet the intent of this Design Standard. The landscaping and entry plaza presented by the Applicant are good design features that will most likely benefit the project but are found to not be of superior quality.

Institutional uses are not mentioned in Chapter 17C.122 Centers and Corridors Zones; however, Section 17C.122.010 Intent includes, "...New development and redevelopment is encouraged in these areas that promotes a relatively cohesive development pattern with a mix of uses, higher density housing, **buildings oriented to the street**, **screened parking areas behind buildings**, alternative modes of transportation with a **safe pedestrian environment**, quality design, smaller blocks and relatively narrow streets with on-street parking." This opinion finds that the proposed alternate design does not meet the basic and underlying intent of the zoning code, particularly buildings oriented to the street, screened parking areas behind buildings, and safe pedestrian environments. The proposed building itself makes little to no acknowledgement to the street, parking is evident at the front of the building, and the back-of-curb sidewalk makes no attempt to buffer portions of the pedestrian environment from the street. These three elements in combination prove too big a hurdle to allow a vote in the affirmative.

Ted Teske finds:

The main reason for this dissenting opinion centers on the decision that the proposed design departures do not meet the intent of the standards from which the Applicant is seeking a departure. Therefore a determination of superior quality is rendered moot. The moment the Applicant sought a design departure, it raised the bar for their proposed design because it needed to "meet the intent and the general direction set forth by the Requirement" by providing a "specific change superior in design quality to that potentially achieved by the Requirement." (SMC 17G.030.040). Having in this member's opinion not met the first criteria, the second does not need to be considered in this decision.

In this case the Applicant was seeking a departure from two foundational design standards of the Center and Corridor zone: buildings placed along the street and buildings placed at street corners. According to the Center and Corridor Design Standards, the intent of both of these standards is to "contribute to the liveliness of sidewalks" adjacent to the project. Additionally, the standard for buildings along the corners is intended to frame pedestrian realm. (SMC 17A.122.060, Attachment A) This is in support of the overall intent of the Center and Corridor zones to, "promote a relatively cohesive development pattern with a mix of uses, higher density housing, buildings oriented to the street, screened parking areas behind buildings, alternative modes of transportation with a safe pedestrian environment, quality design, smaller blocks and relatively narrow streets with on-street parking." (SMC 17C.122.010)

These two standards are critical to creating the pedestrian-oriented urban environment envisioned by the Comprehensive Plan. By not meeting these standards outright, or at

least meeting their intent, the overall intent of this zone becomes nearly impossible to implement as envisioned in the built environment.

As regards the departure for *Buildings at Intersection Corners* – looking at the design as presented at the DRB Recommendation Meeting, the Applicant attempted to create a lively streetscape by developing a small plaza at the corner of North Foothills Boulevard and Perry Street to substitute for placing their building at the corner of the intersection. When comparing this to the environment created by the intent of the standard from other CC-1 zoned areas, it would not in my opinion, "create an environment that frames the public realm and creates an urban street edge and contributes to the liveliness of sidewalks."

The low hardscape features and wide-open spaces adjacent to the corner did not create the urban effect seen in other CC-1 zones. It seemed to lack the appropriate scale that a building on the corner would provide and would not start creating the urban environment envisioned by the Center and Corridor zoning around the intersection as the Neighborhood Center continues to develop.

As regards the departure for *Buildings Along the Street* – the second design departure dealt with avoiding placing their building along any of the adjacent streets around the property by adding additional features to their main school entrance along Perry Street. When comparing the Applicant submittals for each design review meeting, the school building footprint and location did not materially change between the Collaborative Workshop and the Recommendation Meeting. The building's narrowest face was placed closest to Perry Street and efforts to meet the intent of the standard were centered around hardscape treatments and fixed-location seating elements.

The overall effect was not measurably different than the final design of the entryway at Glover Middle School along Longfellow Avenue, a property designed and built in a Single-family Residential zone. Center and Corridor Zoning is the City's most pedestrianoriented zoning and building placement is a key component of meeting the intent to create an urban environment that frames the public realm at a pedestrian scale that attempts to replicate the scale and features of older commercial districts found in the Perry District, Garland Avenue, Monroe Street, and Market Street in Hillyard. The project as designed does not create that type of environment.

This is not an indictment of the building design overall. The building itself is welldesigned and will function well in its intended purpose as will the other new middleschools currently under design or under construction by Spokane Public Schools.

D. Conclusion and Proposed Remediation

<u>Drew Kleman</u> poses certain process improvements for Design Departures to resolve future conflicts, to wit:

In conclusion, this opinion questions the underlying intent of the Design Departure process in its applicability to this project's requested departures from *Buildings Along Street* and *Buildings at Intersection Corners*. This opinion finds that the *Design Standards and Guidelines for Centers and Corridors* may warrant reevaluation of and perhaps hierarchical importance of design standards, identifying those that have more impact on the public realm and pedestrian environment than others. It appears the Land Use code may suggest this through the text provided in Section 17G.030.020.A.1 but is silent nonetheless.

The Design Departure process may be improved by the following:

- Inclusion of prescriptive requirements for Design Departures, such as drawings, diagrams, perspectives, data, or other methods deemed appropriate to communicate:
 - \circ $\,$ The project as if meeting the intent of the design standard
 - \circ $\;$ Why the design standard is a hurdle to the project's success
 - The project's proposed alternate design
 - The project's superior quality
- Promote visual depictions over exhaustive narrative
- Clarification by the City, through Land Use code update, that Design Departures are to be engaged only if the Applicant can prove that a Design Standard is an impediment to a project. This opinion infers that the Design Departure process may be used when a Design Standard is objectionable, and that the Design Departure process is an 'easy out' for an Applicant to not address the basic intent of the Land Use code(s).
- A separate and distinct process for Design Departure review and approval from the standard Design Review Board review process
- Collaborative Workshop(s) with the Applicant, City staff, and Design Review Board prior to an Applicant requesting a Design Departure to discuss the project, challenges, and potential solution(s) for the Applicant
 - The intent here would be to provide the Applicant with clearer direction and criteria for proving the Design Departure need, including what materials the Action Approving Authority requires to review the request
 - This process may warrant a multi-step process where the review and approval of a Design Departure *meeting the design standard intent* would be approved prior to determining *superior quality*
 - This opinion finds that meeting of the design intent to be the highest hurdle, and that determination of superior quality to be secondary to that finding

Under the current code the Applicant does have the right to request a Design Departure for the design standards *Buildings Along Street* and *Buildings at Intersection Corners*. This opinion finds the bar extremely high to which an Applicant must show (a) design intent is met and (b) that the proposed design is of superior quality for the requested Design Departures. This opinion finds that bar not met and thus rendered a dissenting vote.

<u>Ted Teske</u> proposes that the City's various departments work more closely with an Applicant to more fully ensure that future development projects' proposed in the Centers and Corridors zones more fully embrace the pedestrian-oriented nature of these districts (regardless of the character of the existing surrounding built environment), while the staff within these departments work to understand that this zone category is the most pedestrian-oriented land use tool at the City's disposal, to wit:

After sitting through the two meetings on this project, it seems to me there was a big assumption on the part of the Applicant and many board members when considering these design departures. It was assumed that auto-oriented transportation would drive many of

the design decisions for developing this project in our City's most pedestrian-oriented zoning. Building placement seemed to be determined by a number of auto-oriented factors including:

- moving the building away from adjacent streets because road character was perceived to be immutable,
- determining building placement to accommodate parking lots with "enough" parking,
- moving or adjusting street tree locations to prioritize auto use along property frontages,
- declining to provide plans for safe crossings of North Foothills Blvd because of existing road character.

It is a theme the Design Review Board has seen repeatedly in projects in Center and Corridor zones throughout the city. Applicants seem unwilling to address broader changes to urban character needed to fully realize the intent of Center and Corridor zoning because it appears the City of Spokane is unwilling to fulfill the policies of the Comprehensive Plan as it relates to transportation and land use. The developers, for the most part rightly, see their responsibility stopping at the curb line, but the City is not shouldering their responsibility to make sure these projects are implemented in such a way as to meet the overall intent of the Center and Corridor zoning. So instead the community continues to see suburban-style Center and Corridor design that continues to tacitly emphasize autouse instead of mixed-use and multi-modal development as envisioned in the Comprehensive Plan and called for by the Spokane Municipal Code.

I do not know what the specific remedy is for this situation. I would like to see more engagement and discussion between the engineering department and urban planning department at the City to see how changes to the streetscape could be included in Center and Corridor projects (or projects that are subject to design review more broadly). Perhaps including a transportation section in staff reports that talk about how the streets could be adapted to help meet the overall vision of the Center and Corridor design standards for calm, pedestrian-friendly streetscapes. There remains a vast amount of potential to use Centers and Corridors zoning to realize the vision of the Comprehensive Plan, continuing to not fully implement the intent continues to undermine the vision of that plan for Spokane and its future.

Respectfully,

Drew Kleman

Theodore (Ted) Teske