

Memorandum

Date: January 23, 2014
To: Nick Popenuk, ECONorthwest
From: Mary Dorman
cc:
Re: Moving Forward Milwaukie – Task 3.5 (Preliminary Evaluation of Code Challenges)

As described in the Scope of Work, task 3.5 doesn't include any formal deliverables from APG.

We evaluated the three building prototypes prepared by Fregonese Associates for each of the seven opportunity sites. The attached tables summarize key zoning code requirements for each opportunity site based on existing zoning.

Text highlighted in red indicates that a particular concept does not comply with a code requirement. Text highlighted in blue indicates that we do not have enough information to determine code compliance. For example, the DS zone requires 75% retail or eating/drinking establishment on the ground floor along Main Street and the business mix is not always specified in the concepts.

Key findings regarding preliminary code challenges are summarized below for each opportunity site.

Texaco Site – DS Zone

- Concepts 1 & 3 do not meet the code requirement for 75% retail or eating/drinking establishment on the ground floor (Main Street).
- Concept 3 exceeds the maximum height limit (stories) and may exceed the maximum height (feet).

Dark Horse Site – DS Zone

- Concept 3 exceeds the maximum height limit (stories) and may exceed the maximum height (feet).

Graham Site – DS Zone

- The business mix is not specified for Concepts 1, 2 or 3. Assuming office and residential uses are located on the upper floors, all concepts could comply with the required mix of uses.
- Concept 1 (adaptive reuse) does not meet DS standards for minimum building height (feet or stories) on Main Street, maximum setback from Main Street, location of surface parking or minimum FAR. However, this is a pre-existing non-conforming situation.

Cash Spot Site – DO Zone

- All three concepts exceed the 5,000 SF limit on retail uses in the DO zone.
- Concept 1 could be close to the 65' height limit in the DO zone.
- Off-street parking is required in the DO zone. None of the concepts comply with the minimum off-street parking requirements in the code.

Triangle Site – DO Zone

- All three concepts exceed the 5,000 SF limit on retail uses in the DO zone.
- It isn't clear if Concept 1 would meet the minimum height (25') requirement for the DO zone.
- Off-street parking is required in the DO zone. None of the concepts comply with the minimum off-street parking requirements in the code.
- It isn't clear if maximum setback (10') applies along the LRT frontage.

Murphy Site – ROC & Mixed Use Overlay

- The ROC zone requires that at least 50% of the floor area is used for residential uses. Only Concept 1 meets this requirement. Concepts 2, 3 & 4 do not include residential uses.
- Concept 1 (Residential) does not meet the minimum parking requirements in the code. Concepts 2, 3 & 4 are within the minimum/maximum number of parking spaces established for the particular use.
- If Concept 1 is subject to a Type III Planning Commission review, the density of 37.8 units/net acre exceeds the code standard of 25-32 units/net acre.

McFarland Site – ROC & Mixed Use Overlay

- The ROC zone requires that at least 50% of the floor area is used for residential uses. Only Concept 1 meets this requirement. Concepts 2, 3 & 4 do not include residential uses.
- It isn't clear if any of the concepts would meet the minimum front setback of 15' or the minimum side setback of 5'.
- All four concepts are within the minimum/maximum number of parking spaces established for the particular use.
- If Concept 1 is subject to a Type III Planning Commission review, the density of 20.2 units/net acre does not meet the code standard of 25-32 units/net acre.



Other Code Standards

The prototypes are very helpful as building massing studies, but they do not include sufficient details to assess potential compliance with other development and design standards in the code, including but not limited to:

- Required Ground-Floor Windows and Openings (Figure 19.304-5)
- Public Area Requirements (19.304.5)
- Design Standards (19.304.6)

Attachments: Code review template for each site

Texaco Site

DS zone

Topic	Requirement	Evaluation of Concepts		
		1	2	3
Site/Lot Size	750 sq ft	41,800	40,755	41,800
Building Square Feet (not including parking)	(None - included for information only)	90,196	82,176	116,927
Building Square Feet (including structured parking)	(None - included for information only)	123,244	95,872	149,030
Use on ground floor (Main St)	Must be 75% Retail or eating/drinking establishment Allows 25% personal/business service or other outright permitted use Residential not allowed	OK (assuming only considers building area fronting and adjacent to Main Street, not full ground floor) business mix not specified OK (commercial parking)	OK (assuming only considers building area fronting and adjacent to Main Street, not full ground floor) business mix not specified OK	OK (assuming only considers building area fronting and adjacent to Main Street, not full ground floor) business mix not specified OK
Use on ground floor (other streets)	Office not allowed Residential not allowed	OK (commercial parking) OK (commercial parking)	OK (assuming office is on 2nd floor) OK	OK OK
Use on other floors	Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use. (all floors)	OK (residential)	OK (assume retail on ground floor)	OK
Minimum Height (feet) (Main St)	35	OK*	OK*	OK*
Minimum Height (stories) (Main St)	2	OK (4 stories)	OK (3 stories with step-back after 2)	OK (3 stories)
Minimum Height (feet) (Other streets)	25	OK*	OK*	OK*
Minimum Height (stories) (Other streets)	?	OK	OK (3-4 stories with step-back)	OK (3 stories)
Maximum Height (feet)	45-55 (55 with residential height bonus)	OK*	OK*	No*
Maximum Height (stories)	3-4 (4 with residential height bonus)	OK (4 stories - residential bonus)	OK (4 stories - residential bonus)	No (5 stories on west side)
Meets Minimum Parking Requirements	N/A	N/A	N/A	N/A
Meets Maximum Parking Requirements	N/A	N/A	N/A	N/A
Minimum Setback	0'	OK (0' for 2/3rds of building; more for interior)	OK (0')	OK (0')
Maximum Setback	10'	No (plaza along Main St means full frontage is not within 10' of Main St)	OK (0')	OK (0')
Landscaping	N/A	N/A	N/A	N/A
Surface Parking	Must be 50' from Main St	OK if parking entrance >50' from Main Street	OK if parking entrance >50' from Main Street	OK if parking entrance >50' from Main Street
Minimum FAR	1:1	2.95	2.35	3.57
Maximum FAR	4:1	2.95	2.35	3.57
Other?				

* Height is not estimated by the building prototype; compliance with height regulations determined approximately based on number of stories.

Dark Horse

DS zone

Topic	Requirement	Evaluation of Concepts		
		1	2	3
Site/Lot Size	750 sq ft	16,947	16,947	21,936
Building Square Feet (not including parking)	(None - included for information only)	30,299	52,666	52,350
Building Square Feet (including structured parking)	(None - included for information only)	30,299	60,190	67,143
Use on ground floor (Main St)	Must be 75% Retail or eating/drinking establishment	N/A (no frontage on Main St)	N/A (no frontage on Main St)	OK (retail)
	Allows 25% personal/business service or other outright permitted use	N/A (no frontage on Main St)	N/A (no frontage on Main St)	business mix not specified
	Residential not allowed	N/A (no frontage on Main St)	N/A (no frontage on Main St)	OK (retail)
	Office not allowed	N/A (no frontage on Main St)	N/A (no frontage on Main St)	OK (retail)
Use on ground floor (other streets)	Residential not allowed	No for live/work in a rowhouse configuration (housing above commercial would be ok)	OK (retail on ground floor)	OK (all commercial)
Use on other floors	Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use. (all floors)	OK (Live/work residential)	OK (residential)	OK (all commercial)
Minimum Height (feet) (Main St)	35	N/A (no frontage on Main St)	N/A (no frontage on Main St)	N/A (does not apply to remodels)
Minimum Height (stories) (Main St)	2	N/A (no frontage on Main St)	N/A (no frontage on Main St)	N/A (does not apply to remodels)
Minimum Height (feet) (Other streets)	25	OK*	OK*	OK*
Minimum Height (stories) (Other streets)	?	OK (3 stories)	OK (4 stories)	OK (4 stories)
Maximum Height (feet)	45-55 (55 with residential height bonus)	OK*	OK*	OK*
Maximum Height (stories)	3-4 (4 with residential height bonus)	OK (3 stories)	OK (4 stories - residential height bonus)	OK (4 stories - residential height bonus)
Meets Minimum Parking Requirements	N/A	N/A	N/A	N/A
Meets Maximum Parking Requirements	N/A	N/A	N/A	N/A
Minimum Setback	0'	OK (0')	OK (0')	OK (0')
Maximum Setback	10'	OK (0')	OK (0')	OK (0')
Landscaping	N/A	N/A	N/A	N/A
Surface Parking	Must be 50' from Main St	OK	None	No if entrance to parking is from or within 50' of Main Street
Minimum FAR	1:1	1.79	3.55	3.06
Maximum FAR	4:1	1.79	3.55	3.06
Other?				

* Height is not estimated by the building prototype; compliance with height regulations determined approximately based on number of stories.

Graham

DS zone

Topic	Requirement	Evaluation of Concepts		
		1	2	3
Site/Lot Size	750 sq ft	8,600	8,600	8,600
Building Square Feet (not including parking)	(None - included for information only)	4,093	21,169	22,073
Building Square Feet (including structured parking)	(None - included for information only)	4,093	21,169	22,073
Use on ground floor (Main St)	Must be 75% Retail or eating/drinking establishment	OK (all retail)	OK (ground floor commercial)	OK (ground floor commercial)
	Allows 25% personal/business service or other outright permitted use	business mix not specified	business mix not specified	business mix not specified
	Residential not allowed	OK (all retail)	OK (residential assumed to be on upper floors)	OK (no residential)
	Office not allowed	OK (all retail)	OK (no office)	OK (office assumed to be on upper floors)
Use on ground floor (other streets)	N/A (no frontage on other streets)	N/A	N/A	N/A
Use on other floors	Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use. (all floors)	N/A (1 story)	OK (residential)	OK (office)
Minimum Height (feet) (Main St)	35	No (but pre-existing non-conforming) *	OK*	OK*
Minimum Height (stories) (Main St)	2	No (1 story but pre-existing non-conforming)	OK (3 stories)	OK (3 stories)
Minimum Height (feet) (Other streets)	N/A (no frontage on other streets)	N/A	N/A	N/A
Minimum Height (stories) (Other streets)	N/A (no frontage on other streets)	N/A	N/A	N/A
Maximum Height (feet)	45-55 (55 with residential height bonus)	OK*	OK*	OK*
Maximum Height (stories)	3-4 (4 with residential height bonus)	OK (1 story)	OK (3 stories)	OK (3 stories)
Meets Minimum Parking Requirements	N/A	N/A	N/A	N/A
Meets Maximum Parking Requirements	N/A	N/A	N/A	N/A
Minimum Setback	0'	OK	OK (0')	OK (0')
Maximum Setback	10'	No (but pre-existing non-conforming)	OK (0')	OK (0')
Landscaping	N/A	N/A	N/A	N/A
Surface Parking	Must be 50' from Main St	No (but pre-existing non-conforming)	OK (none)	OK (none)
Minimum FAR	1:1	0.48 (but pre-existing non-conforming)	2.46	2.57
Maximum FAR	4:1	0.48 (but pre-existing non-conforming)	2.46	2.57
Other?				

* Height is not estimated by the building prototype; compliance with height regulations determined approximately based on number of stories.

Cash Spot

DO zone; floodplain & greenway overlays

Topic	Requirement	Evaluation of Concepts		
		1	2	3
Site/Lot Size	5,000 sq ft	34,326	34,326	34,326
Building Square Feet (not including parking)	(None - included for information only)	38,926	33,750	48,657
Building Square Feet (including structured parking)	(None - included for information only)	58,389	33,750	68,120
Use on ground floor	Residential not allowed Retail or eating/drinking establishment limited to 5,000 sf Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use	OK (no residential) No (7,007 sf retail) OK (no manufacturing/production)	OK? (incubator space on partially below-ground first floor; retail fronting Main Street at ground level on "2nd" floor, residential in back on 2nd floor) No (22,613 sf of retail) OK (no manufacturing/production)	OK (assuming residential in back on "2nd" floor above parking doesn't count) No (8,272 sf of retail) OK (no manufacturing/production)
Use on other floors	Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use	OK (office)	OK (residential, retail at ground level on 2nd floor fronting Main St)	OK (residential)
Minimum Height (feet)	25'	OK? (2 stories above ground at front of building)*	OK? (2 stories above ground at front of building)*	OK (3 stories)*
Minimum Height (stories)	N/A	N/A	N/A	N/A
Maximum Height (feet)	65' (35' in Greenway overlay)	No (3 stories above ground on west side; east side ok)*	OK (2 stories on east side, building does not extend into greenway)*	No (3 stories above ground on west side; east side ok)*
Maximum Height (stories)	5 stories	OK (3 stories)	OK (3 stories)	OK (3-4 stories)
Minimum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	78	57	59
Maximum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	144	134	118
Parking spaces provided		75	45	75
Minimum Setback	0'	OK (0')	OK (0')	OK (0')
Maximum Setback	10'	OK (0')	OK (0')	OK (0')
Landscaping	N/A	N/A	N/A	N/A
Minimum FAR	0.5:1	1.13	0.98	1.42
Maximum FAR	3:1	1.13	0.98	1.42
Other?	[check floodplain & greenway overlays]			

* Height is not estimated by the building prototype; compliance with height regulations determined approximately based on number of stories.

Triangle

DO zone

Topic	Requirement	Evaluation of Concepts			
		1	2	3	4
Site/Lot Size	5,000 sq ft	12,399	12,399	12,399	12,399
Building Square Feet (not including parking)	(None - included for information only)	9,331	18,662	27,993	37,324
Building Square Feet (including structured parking)	(None - included for information only)	9,331	18,662	27,993	37,324
Use on ground floor	Residential not allowed	OK (all retail)	OK (all commercial)	OK (retail on ground floor)	OK (retail on ground floor)
	Retail or eating/drinking establishment limited to 5,000 sf	No (9,331 sf retail)	No (9,331 sf retail)	No (9,331 sf retail)	No (9,331 sf retail)
Use on other floors	Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use	OK (all retail)	OK (no manufacturing or production)	OK (no manufacturing or production)	OK (no manufacturing or production)
	Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use	N/A (1 story)	OK (office)	OK (residential)	OK (residential)
Minimum Height (feet)	25'	No? (1 tall story)*	OK? (2 stories)*	OK (3 stories)*	OK (4 stories)*
Minimum Height (stories)	N/A	N/A	N/A	N/A	N/A
Maximum Height (feet)	65'	OK*	OK*	OK*	OK*
Maximum Height (stories)	5 stories	OK (1 story)	OK (2 stories)	OK (3 stories)	OK (4 stories)
Minimum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	19	35	38	48
Maximum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	47	78	82	100
Parking spaces provided		0	0	0	0
Minimum Setback	0'	OK	OK	OK	OK
Maximum Setback	10'	OK	OK	OK	OK
Landscaping	N/A	N/A	N/A	N/A	N/A
Minimum FAR	0.5:1	0.75	1.51	2.26	3.01
Maximum FAR	3:1	0.75	1.51	2.26	3.01
Other?					

* Height is not estimated by the building prototype; compliance with height regulations determined approximately based on number of stories.

Murphy

ROC & Mixed Use Overlay (CG on southern part - standards below are for ROC & MUO)

Topic	Requirement	Evaluation of Concepts		
		1	2	3
Site/Lot Size	5,000 sq ft	333,905	333,905	333,905
Total Building Footprint	(None - included for information only)	79,098	98,840	115,508
Building Square Feet (including structured parking)	(None - included for information only)	207,721	166,286	98,181
Use on ground floor	Allows residential, office, retail & personal services, repair/maintenance/services of retail goods; does not allow manufacturing/production	OK (residential, retail, office)	No (includes flex space on the ground floor)	No (flex)
Use on 1st floor (above ground floor?)	Allows residential & office, no other commercial uses	OK (residential, office)	OK (residential)	N/A (1 story)
Use on other floors	Residential only (no commercial or office uses)	No (office on 2nd floor in two buildings)	OK (residential)	N/A (1 story)
Maximum Height (feet)	ROC: 45' (more with landscaping bonus - see below)	OK*	OK*	OK*
Maximum Height (stories)	ROC: 3 stories (4 stories with an additional 10% of site area in vegetation)	OK (3 stories)	OK (1-3 stories)	OK (1 story)
Minimum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	322	174	98
Maximum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	582	319	196
Parking spaces provided		395	272	187
Minimum Front Setback	15'	Probably?	Probably?	Probably?
Maximum Front Setback	None	N/A	N/A	N/A
Minimum Side Setback	5'	Probably?	Probably?	Probably?
Minimum Rear Setback	15'	No?	Probably?	Probably?
Landscaping	15%	21%	28%	22%
Maximum Lot Coverage	N/A?	24%	30%	47%
	MUO: retail uses shall be located on ground floor adjacent to pedestrian walkways	OK	OK	None
	MUO: Commercial can be no more than 2 sf per 1 sf of residential	1.09	0.64	No
	ROC: At least 50% of the floor area within a project shall be used for residential purposes.	48%	61%	No (0%)
	MUO: Residential density of 16-24 DU/ac or 25-50 du/ac if incorporate 7 of 13 essential design requirements (note - this appears to trump 25-32 du/ac range specified in ROC with Type III review)	24.0	30.1	N/A
Other?	MUO: Type III PC review required for all development in MU overlay; requires compliance with Town Center Master Plan	?	?	?

* Height is not estimated by the building prototype; compliance with height regulations determined approximately based on number of stories.

McFarland

ROC & Mixed Use Overlay

Topic	Requirement	Evaluation of Concepts		
		1	2	3
Site/Lot Size	5,000 sq ft	177,000	176,000	318,286
Total Building Footprint	(None - included for information only)	80,522	79,243	58,549
Building Square Feet (including structured parking)	(None - included for information only)	150,433	144,686	149,299
Use on ground floor	Allows residential, office, retail & personal services, repair/maintenance/services of retail goods; does not allow manufacturing/production	OK (residential)	OK (residential & commercial)	OK (residential)
Use on 1st floor (above ground floor?)	Allows residential & office, no other commercial uses	OK (residential)	OK (residential)	OK (residential)
Use on other floors	Residential only (no commercial or office uses)	OK (residential)	OK (residential)	OK (residential)
Maximum Height (feet)	MU Overlay: 35' within 50' of Monroe, 45' elsewhere; ROC: 45' (more with landscaping bonus - see below)	OK*	OK*	OK*
Maximum Height (stories)	MU Overlay: 2 stories within 50' of Monroe and 37th, 3 stories elsewhere; ROC: 3 stories (4 stories with an additional 10% of site area in vegetation)	OK (2 stories except 3 story MF component set back from Monroe and 37th)	OK (2 stories except 3 story MF component set back from Monroe and 37th)	OK (3 stories with step-back along Monroe & 37th)
Minimum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	94	96	151
Maximum Parking Requirements	Calculated based on floor area and uses in concept and parking requirements	N/A	N/A	268
Parking spaces provided		164	161	283
Minimum Front Setback	15'	OK?	OK?	OK?
Maximum Front Setback	None	N/A	N/A	N/A
Minimum Side Setback	5'	OK?	OK?	OK?
Minimum Rear Setback	15'	OK?	OK?	OK?
Landscaping	30%	30%	30%	50%
Maximum Lot Coverage	50%	45%	45%	18%
Other?	MUO: retail, office, lodging allowed at 2:1 ratio	OK (none included)	OK	OK (none included)
	MUO: Commercial uses limited to professional offices, personal services, restaurants, financial institutions, etc.	OK (none included)	business mix not specified	OK (none included)
	ROC: At least 50% of the floor area within a project shall be used for residential purposes.	100%	90%	100%
	MUO: Residential density of 16-24 DU/ac or 25-50 du/ac if incorporate 7 of 13 essential design requirements (note - this appears to trump 25-32 du/ac range specified in ROC with Type III review)	22.1	20.8	18.3
	MUO: Type III PC review required for all development in MU overlay; requires compliance with Town Center Master Plan	?	?	?

* Height is not estimated by the building prototype; compliance with height regulations determined approximately based on number of stories.

Table 19.605.1

Minimum To Maximum Off-Street Parking Requirements

Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single-family dwellings, including rowhouses and manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing).		
a. Dwelling units with 800 sq ft of floor area or less.	1 space per dwelling unit.	2 spaces per dwelling unit.
b. Dwelling units with more than 800 sq ft of floor area.	1.25 spaces per dwelling unit.	2 spaces per dwelling unit.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments.	4 spaces per 1,000 sq ft floor area.	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	2 spaces per 1,000 sq ft of floor area.	5 spaces per 1,000 sq ft of floor area.
F. Commercial Uses—Services		
1. General office, including banks.	2 spaces per 1,000 sq ft of floor area.	3.4 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barbershop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of floor area.	5.1 spaces per 1,000 sq ft of floor area.
G. Industrial Uses		
1. Manufacturing.	1 space per 1,000 sq ft of floor area.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.5 spaces per 1,000 sq ft of floor area.	1 space per 1,000 sq ft of floor area.