



CITY OF MILWAUKIE

AGENDA

May 6, 2019

DESIGN AND LANDMARKS COMMITTEE

Milwaukie City Hall
10722 SE Main St
www.milwaukieoregon.gov

1.0 Call to Order — Procedural Matters

2.0 Meeting Notes – Motion Needed

2.1 April 1, 2019

3.0 Information Items

4.0 Audience Participation — This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Meetings

5.1 Summary: Design Review—Height Variance (37th Ave & Monroe St, File #VR-2019-003)
Staff Person: Brett Kelter, Associate Planner (filling in for Vera Kolas, Associate Planner)

6.0 Worksession Items

6.1 Summary: Downtown design review process (continued)
Staff Person: Brett Kelter, Associate Planner

7.0 Other Business/Updates

8.0 Design and Landmarks Committee Discussion Items — This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

June 3, 2019 Regular meeting

July 1, 2019 Regular meeting

Milwaukie Design and Landmarks Committee Statement

The Design and Landmarks Committee is established to advise the Planning Commission on historic preservation activities, compliance with applicable design guidelines, and to review and recommend appropriate design guidelines and design review processes and procedures to the Planning Commission and City Council.

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@milwaukieoregon.gov. Thank You.
2. **DESIGN AND LANDMARKS COMMITTEE MEETING MINUTES.** Approved DLC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov.
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.

Public Meeting Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Committee members.

1. **STAFF REPORT.** Each design review meeting starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommendation with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Committee was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMITTEE MEMBERS.** The committee members will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the Committee will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC MEETING.** The Chairperson will close the public portion of the meeting. The Committee will then enter into deliberation. From this point in the meeting the Committee will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMITTEE DISCUSSION AND ACTION.** It is the Committee's intention to make a recommendation this evening on each issue on the agenda. Design and Landmarks Committee recommendations are not appealable.
11. **MEETING CONTINUANCE.** Prior to the close of the first public meeting, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Design and Landmarks Committee will either continue the public meeting to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Design and Landmarks Committee:

Cynthia Schuster, Chair
Brett Laurila, Vice Chair
Mary Neustadter
Kyle Simukka
(Position #1, vacant)

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Tempest Blanchard, Administrative Specialist II

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

Milwaukie City Hall
10722 SE Harrison St
Monday, April 1, 2019
6:30 PM

COMMITTEE MEMBERS PRESENT

Lauren Loosveldt, Chair
Cynthia Schuster, Vice Chair
Mary Neustadter
Brett Laurila

STAFF PRESENT

Brett Kelter, Associate Planner (staff liaison)

OTHERS PRESENT

None

MEMBERS ABSENT

Kyle Simukka

1.0 Call to Order – Procedural Matters

Chair Lauren Loosveldt called the meeting to order at 6:33 p.m.

2.0 Design and Landmarks Committee Notes

2.1 March 4, 2019

Chair Loosveldt called for revisions to the notes; there were none, and the notes were approved unanimously.

3.0 Information Items

Associate Planner Brett Kelter reminded the group of the April 30 volunteer appreciation dinner at the Milwaukie Center and encouraged them all to attend.

He reviewed the agenda and asked whether the group wanted to address any items out of order, given that the bulk of the evening's discussion would focus on the ongoing design review work. The members agreed to proceed through the regular agenda order but to aim to wrap up the design review discussion at 7:45 p.m. in order to address the final items and end the meeting at 8:00 p.m.

4.0 Audience Participation – None

5.0 Public Meetings – None

6.0 Worksession Items

6.1 Downtown Design Review process (continued)
Staff Person: Brett Kelter, Associate Planner

Mr. Kelter outlined a timeline and ideas for getting the new code adopted, suggesting that public hearings would need to begin by September in order to get things adopted by the end of the year. He committed to providing a working draft of the new document at the May meeting and said that the summer might be a good opportunity for worksessions with the Planning Commission and City Council. It might also be useful to convene a focus group of developers and designers during the summer, to have some of the people who might be most affected by the new standards review them and provide feedback.

Chair Loosveldt asked whether there might be an opportunity to engage the consultant team to help prepare for the Planning Commission sessions. She asked whether the code amendments would be presented for adoption as a package or in phases; **Mr. Kelter** answered that the shape of the working draft might influence the approach but that the amendments would most likely be presented as a package. He noted that the group's review of the revised working draft would need to move much more quickly if they were to stay on track for adoption by the end of 2019 and wondered if making it a Google-doc type of shared document might be an effective way to facilitate the group's discussion between meetings. **Committee Member Brett Laurila** suggested that it would be more effective to have face-to-face discussion at each meeting, with each member preparing in advance on their own. The group agreed.

Chair Loosveldt suggested that it would be useful and important to use the "track changes" tool or find some other way to show what changes were being proposed. Perhaps one of the earlier matrices could be included as part of the storytelling about or framing of the proposed changes. **Mr. Kelter** indicated that he was still in the process of figuring out how to best highlight the changes being proposed without getting too bogged down in the minutiae, and he agreed that it would be important to find an effective way to explain the changes.

Committee Member Mary Neustadter observed that, with Chair Loosveldt stepping down after this meeting to join the Planning Commission, it was important to fill the new opening as soon as possible and get someone up to speed to help with the work. **Mr. Kelter** confirmed that the City Recorder's office was handling the recruitment for a new member, and he made a note to get an update on the recruitment process.

Mr. Laurila asked that the meeting notes reflect as clear a timeline as possible for moving toward adoption of the new code. In response, **Mr. Kelter** outlined the following potential dates:

- **May 6 DLC meeting** – Portion of working draft provided 1 week before meeting
- **June 3 DLC meeting** – Entire working draft available
- **June 25** – Joint worksession with Planning Commission
- **July 2** – Joint worksession with City Council
- **July 9** – Joint worksession with Planning Commission
- **July/August** – Focus group session(s) with stakeholders
- **September 10** – Initial public hearing with Planning Commission (for recommendation)
- **November 5** – Initial public hearing with City Council (for adoption)
- **End of 2019** – Target for final adoption of code amendments

These suggested dates are tentative and will be adjusted as needed.

The group turned its attention back to the draft document and list of outstanding questions, picking up where it left off at the last meeting.

J. Rooftop Equipment Screening

- For Standard B, "public view" is understood in the design review context to mean the pedestrian level from across the adjacent street and not concerned with views from adjacent buildings. An elevation of the building section would be a standard tool that could be required to demonstrate that the rooftop equipment was not visible.
- For mechanical equipment, the 10-ft height limitation in Standard B seems too low for some situations. It would be better to eliminate the 10-ft height limit, retain the 10-ft setback requirement, and require that either the equipment be screened or that an elevation of the building section be provided to demonstrate that the equipment will be hidden from public view. Where screening is used (Standard B-a), it should be required to be as tall as the tallest part of the equipment being screened.

- In Standard A, revise the language as follows:
 - “If visible from public view, eElevator mechanical equipment or a mechanical penthouse may extend above the height limit a maximum of 16 ft, provided that a consistent exterior building material is used for the mechanical shaft or penthouse is incorporated into the architecture of the building.”

K. Service Areas (Screening)

- Clarify that outdoor storage is prohibited Downtown.
- Reorganize this section to be clearer and more specific in addressing each of the 3 different items being addressed: loading areas, trash/recycling enclosures, and utility structures. List general provisions that apply to all 3 as appropriate.
- Standard D is in conflict with Standard B—revise as needed to clarify that utility structures only need screening if on a public street frontage.

The discussion wrapped up for the night, to be picked up again at the next meeting.

7.0 Other Business/Updates – None

- 7.1 Comments on modification to Axeltree design (DR-2019-001)
Staff Person: Brett Kelter, Associate Planner

Mr. Kelter asked whether the members had a chance to review the information referred to them prior to the meeting, regarding the proposed window modification at the Axeltree project (2036 SE Washington St). Most had not, so they agreed to provide any comments they might have individually by the April 4 deadline.

- 7.2 Officer elections (to fill outgoing Chair position)
Staff Person: Brett Kelter, Associate Planner

Mr. Kelter noted that tonight was Chair Loosveldt’s last meeting before moving on to a Planning Commission position. That meant the group needed to elect a new Chair. **Vice Chair Schuster** accepted a nomination for Chair, with no other candidates nominated. She was elected unanimously (with Ms. Loosveldt abstaining), leaving the Vice Chair position open. **Mr. Laurila** accepted a nomination for Vice Chair, and no other candidates were nominated; he was elected unanimously (with Ms. Loosveldt abstaining).

8.0 Design and Landmarks Committee Discussion Items – None

9.0 Forecast for Future Meetings

- | | |
|----------------|--|
| April 30, 2019 | Annual volunteer appreciation dinner (at Milwaukie Center) |
| May 6, 2019 | Regular meeting |
| June 3, 2019 | Regular meeting |

The departing **Chair Loosveldt** adjourned the meeting at 8:08 p.m.

Respectfully submitted,
Brett Kelter, Associate Planner

Cynthia Schuster, Chair



CITY OF MILWAUKIE

To: Design and Landmarks Committee

Through: Dennis Egner, Planning Director

From: Vera Kolias, Associate Planner

Date: April 28, for May 6, 2019, Public Meeting

Subject: **File:** VR-2019-003
Applicant: Dean Masukawa
Owner(s): Tyee Management Company
Address: 37th Ave and Monroe St
Legal Description (Map & Tax Lot): 11E36AB03003 and 11E36AA19203
NDA: Ardenwald and Hector Campbell

ACTION REQUESTED

Recommend that the Planning Commission approve application VR-2019-003 and adopt the recommended Findings and Conditions of Approval found in Attachment 1. Make recommendations regarding any appropriate Conditions of Approval. This action would allow for the development of a five-story building as part of the Monroe Apartments development.

BACKGROUND INFORMATION

The applicant is proposing a five-story building in the General Mixed Use Zone (GMU). Per MMC 19.911.7, the building height variance is subject to Type III review and approval by the Planning Commission in accordance with Section 19.1011 – Design Review Meetings. Design review meetings are with the DLC in advance of the Planning Commission hearing. The DLC provides a recommendation to the Planning Commission related to the approval criteria for the height variance.

A. Site and Vicinity

The site is located on the vacant property at Monroe St and 37th Ave. The site is made up of two tax lots and has an area of 7.24 acres. It is bounded by Monroe St, 37th Ave, and Oak St as well as the Southern Pacific Railroad line.

[illegible]

Figure 1. Subject property and surrounding area

B. Zoning Designation

General Mixed Use – GMU

C. Comprehensive Plan Designation

Town Center – TC

D. Land Use History



Figure 2. 1967 aerial photo of subject property

The site has a history of industrial use and hazardous material contamination. The L.D. McFarland Company leased the site from the mid-1920s to the mid-1950s and operated a wood treatment facility using creosote to treat utility poles. Operations resulted in creosote impacts to site soils and groundwater. Two significant creosote spills are documented. An estimated 10,000-gallon spill from a railroad car reportedly occurred in 1937 and an approximately 10,000-gallon release occurred from an above ground storage tank in 1951 as a result of vandalism. DEQ has been working on the site and in concert with the current and previous landowners, as well as with the City. Long-term remedial controls to manage the site are in place.

Outside of the above-mentioned history, city records indicate no previous land use actions for this site.

E. Proposal

The applicant is seeking land use approval for a height variance to allow a five-story building as part of a multi-family development (See Figure 3). The proposal is 234-unit multi-family development, including live/work units, in five buildings.

One of the proposed buildings will be five stories using two building height bonuses to

exceed the 3-story base maximum height: residential and green building. Per MMC 19.303.4.B.3, buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.



Figure 3. Site Plan

The project requires approval of the following applications:

1. VR-2019-003: Building height variance to allow a 5-story building in the GMU Zone.

KEY ISSUES

Summary

Staff has identified one issue for the DLC's deliberation. Aspects of the proposal not listed below are not subject to DLC review and will be reviewed through the City's Administrative Type II process.

Analysis

- A. Does the proposal meet the approval criteria for a height variance? Each criterion is addressed below:
 1. The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the

impacts and benefits of the variance proposal as compared to the baseline code requirements.

The site is surrounded on two of its three sides by single-family and multi-family residential homes (across Monroe Street and SE 37th). The third side contains railroad tracks and the Milwaukie Marketplace shopping center. The GMU zone allows a building permitted outright to be 4 stories and 57 ft high. The requested variance would allow Building 1 to be built at 5 stories and 69 ft. Potential impacts are visual impacts to the surrounding residential development as a result of the 5-story design.

The applicant has addressed the potential visual impacts in the following ways:

- Building 1 is sited toward the interior of the site approximately 150 ft from Monroe St where a multi-family development is currently located north of the site and 180 ft from 37th Ave where the single-family homes are located east of the site. This horizontal distance makes Building 1 appear less prominent than it would if sited closer to the street. Additionally, the site slopes downward between the streets and the Building 1 location. Building 1 is sited on the lower elevation area to further reduce its visual impact to the surrounding neighborhoods (See Figures 4 and 5).

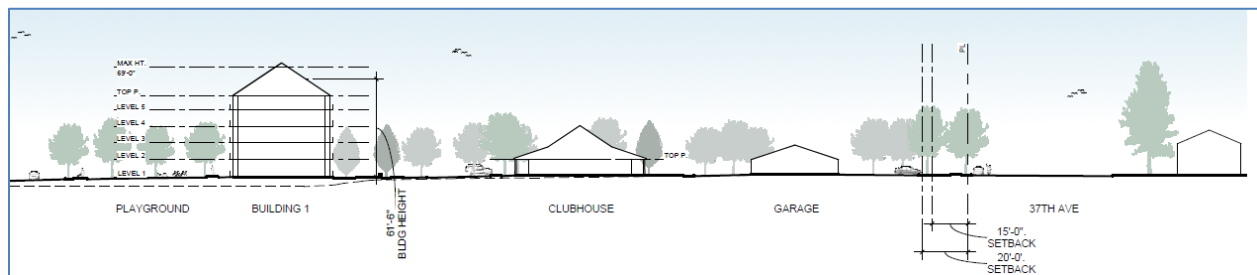


Figure 4. Cross-section at 37th Ave

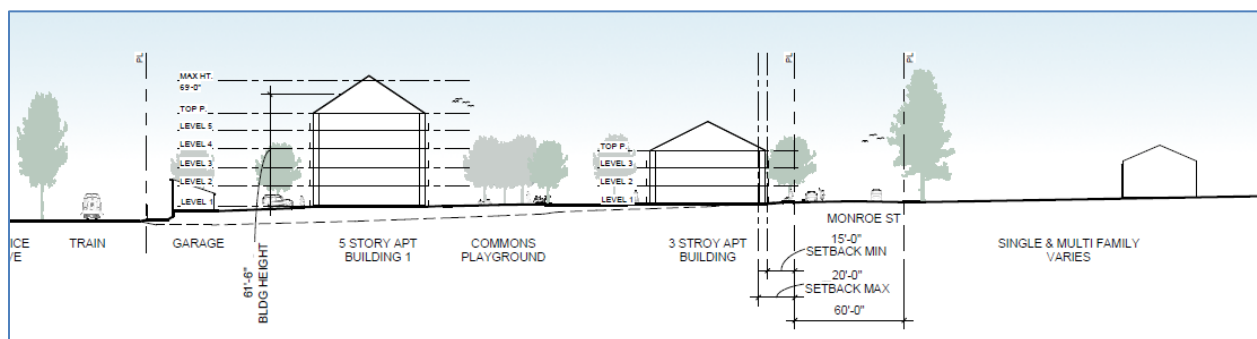


Figure 5. Cross-section at Monroe St

- Landscaping and other smaller buildings closer to the street separate the surrounding neighborhood from the 5-story building. Existing one- and two-story homes are buffered

from Building 1 by a proposed row of trees. The proposal sites the proposed 3-story apartments and a row of new street trees between Building 1 and the existing neighbors.

These design elements will help to minimize the potential visual impacts of Building 1. As shown in the application materials, very little of the additional height is visible above the landscaping or 3-story buildings. These mitigation measures lessen the project's impact to the extent practicable.

As identified in the application materials, the project objective is to construct approximately 234 new housing units on the property. A reduction in housing units for the project was considered, but that option did not meet the project financial objectives or the city's objectives to provide more housing. The key benefit of the 5th story is that the project can meet objectives with a smaller footprint, allowing the additional area to be used for amenities and landscaping. The additional area for landscaping provided the design flexibility to plant more trees to address the city's goal of a 40% tree canopy coverage. Eliminating the 5th story would have resulted in relocating those housing units to other buildings and areas of the site, potentially increasing the height of buildings at the street. The only practicable option would be to relocate these units by expanding building footprints, ultimately decreasing landscaping and amenity areas on the property. By including an additional story on Building 1, there is space for a dog walk area, playground, the clubhouse and several outdoor areas.

2. The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.

The project site has been vacant for decades. The proposed development improves a vacant brownfield site that has been described as an eyesore in the neighborhood. The development provides housing density within the City and creates a walkable transition area between the existing residential and commercial uses. The development would provide sidewalks, walkways, street trees, and a public multi-use pathway along the railroad tracks.

As described by the applicant, the development implements a "modern barn" design theme with Building 1 as its focal point (See Figures 6 and 7). The massing of Building 1 is broken down into two parts connected by a lower pitch roof. These two masses are further broken down by the use of inset decks and changes in material. Warm toned fiber cement siding accentuates the recessed decks, while the base of the building maintains a lighter cement siding material. Pitched roofs maintain the residential character, and relate to the surrounding neighborhood. All of the materials will be permanent in nature (composite shingle roofing, cementitious siding, and metal railings).



Figure 6. Perspective rendering



Figure 7. Perspective rendering

The design of the project and Building 1 creates a positive relationship to the surrounding residential and commercial areas and the adjacent public pedestrian pathway. The development steps down toward the existing residential development and includes landscaping and tree canopy to blend into the neighborhood. The existing public park area at the corner of 37th Ave and Monroe St is proposed to be improved, and the project includes new sidewalks and paths that provide access to that area. Finally, the development activates the commercial area along the rail corridor by installing a public path and providing connectivity to this area over what is currently a contaminated brownfield. The 5th story on Building 1 allows the development to better respond to these existing features by providing additional area for landscaping and connectivity.

3. The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.

The key public benefits that the project provides to the community are a public pedestrian pathway, minor repairs and improvements to the adjacent public park at 37th Ave and Monroe St, and connectivity between the existing residential neighborhood and commercial services. Currently, the site is vacant and a portion is a brownfield that separates a neighborhood from the nearby commercial uses. The project will provide a public pedestrian path along the rail corridor that further contributes to connectivity of the area.

Site amenities that are possible due to the additional height, and therefore less building footprint, include a dog walk area, playground, plaza and multiple outdoor areas associated with the clubhouse. The clubhouse will offer an exercise room, great room, lounge, and possible flex meeting rooms.

The project will also help to meet the City's sustainability goals by incorporating a green building program provided by the Energy Trust of Oregon.

4. The proposed project ensures adequate transitions to adjacent neighborhoods.

The surrounding neighborhood immediately adjacent to the site contains a mix of one- and two-story structures. Across the railroad tracks there is the Milwaukie Marketplace commercial shopping center. The site is a transition point from the commercial use to the lower-density residential neighborhood. The proposal includes mitigation measures to address impacts of additional density on the low-density neighborhood and new and improved infrastructure to connect the residential areas to the commercial amenities. Mitigation measures include: site landscaping and locating Building 1 toward the west of the site away from adjacent neighborhoods. The project will redevelop the existing brownfield into a transition site that adds needed housing to the community.



Figure 8. View looking west from the intersection of 37th Ave and Monroe St



Figure 9. View from entrance at 37th Ave

Building 1 is sited toward the interior of the site, approximately 150 ft from Monroe Street and 180 ft from SE 37th where the single-family homes are located (see Figures 8 – 10). This horizontal distance makes Building 1 appear less prominent than it would if sited adjacent to the street. Additionally, the site slopes downward between the street and the Building 1 location. Taking advantage of this natural grade change reduces the visual impact of Building 1's 5th story. Landscaping that includes existing large trees and rows of additional street trees and new 3-story apartment buildings located closer to the street also help to reduce any visual impacts from Building 1.



Figure 10. View from proposed multi-use path

CONCLUSIONS

A. Staff recommendation to the Design and Landmarks Committee is as follows:

1. Recommend approval of the Variance for building height in the General Mixed Use Zone. This will result in a 5-story multi-family building as part of a larger residential development.
2. Recommend adoption of the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC 19.303 Commercial Mixed-Use Zones
- MMC 19.911.7 Building Height Variance in the General Mixed Use Zone
- MMC 19.1006 Type III Review
- MMC 19.1011 Design Review Meetings

This application is subject to Type III review, which requires the DLC to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the DLC assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public meeting and submits a recommendation to the Planning Commission for final approval at a public hearing.

The Committee has 3 decision-making options as follows:

- ### A. Recommend approval of the application subject to the recommended Findings.

- B. Recommend approval of the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Recommend denial of the application upon finding that it does not meet approval criteria.

The final decision on this application, which includes any appeals to the City Council, must be made by July 26, 2019, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building Division, Milwaukie Engineering Department, Community Development Department, Oregon Department of Transportation Region 1, Oregon Department of Environmental Quality, Milwaukie Public Works Department, Clackamas County Fire District #1, and Ardenwald and Hector Campbell Neighborhood District Association Chairperson and Land Use Committee.

The following is a summary of the comments received by the City, although only one comment pertains to the DLC's review. See Attachment 3 for further details.

- David Aschenbrenner, Chair, Hector Campbell NDA: The NDA voted at their meeting on April 8 to support the variance application. The NDA noted the need for a traffic study to assess and address the future impacts on the surrounding street system.
- Marah Danielson, ODOT Development Review Planner: The applicant shall submit a traffic impact analysis to assess the impacts of the proposed use on the State highway system. The analysis must be conducted by a Professional Engineer registered in Oregon and include four OR 224 intersections at Harrison St, Monroe St, Oak St, and 37th Ave.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Applicant's Narrative and Supporting Documentation received on March 19, 2019				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Building elevations and other graphics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-dlc/design-and-landmarks-committee-17>.

ATTACHMENT 1
Recommended Findings in Support of Approval
File #VR-2019-003, Monroe Apartments Height Variance

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Dean Masukawa, has applied for approval for a height variance at Monroe St and 37th Ave, TL 11E36AB03003 and 11E36AA19203. This site is in the General Mixed Use Zone (GMU). The land use application file number is VR-2019-003.
2. The applicant is seeking land use approval for a height variance to allow a five-story building (Building 1) as part of a 234-unit multi-family development.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.303 Commercial Mixed-Use Zones
 - MMC 19.911.7 Building Height Variance in the General Mixed Use Zone
 - MMC 19.1006 Type III Review
 - MMC 19.1011 Design Review Meetings

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and MMC Section 19.1011 Design Review Meetings. A public meeting with the Design and Landmarks Committee was held on May 6, 2019. A public hearing was held on May 28, 2019, as required by law.

4. MMC 19.300 Base Zones
 - a. MMC Chapter 19.303 Commercial Mixed Use Zones
 - (1) MMC 303.4 Detailed Development Standards

MMC 303.4.B.3 establishes the detailed development standards for building height and height bonuses.

Table 19.303.3 Commercial Mixed Use Zones Development Standards			
Standard	Required	Proposed	Comment
1. Building Height (ft)			
a. Base maximum	45	69	With the variance the project is eligible for the height bonus.
b. Maximum with height bonus	57-69		

The proposed building will be 5 stories and 69 ft in height. The base maximum building height in the GMU zone is 45 ft. A building in the GMU Zone can utilize up to 2 of the

development incentive bonuses in Subsection 19.303.4.B.3.a. and 3.b, for a total of 2 stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone. The proposed building will be residential and will be built using an approved green building system.

Subject to approval of the submitted height variance, the Planning Commission finds that this standard is met.

5. MMC 911 Variances

a. MMC 911.7 Building Height Variance in the General Mixed Use Zone

MMC 19.911.7.D establishes the approval criteria for a discretionary variance to maximum building heights in the General Mixed Use Zone.

- (1) The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The site is surrounded on two of its three sides by single-family and multi-family residential homes (across Monroe Street and SE 37th). The third side contains railroad tracks and the Milwaukie Marketplace shopping center. The GMU zone allows a building permitted outright to be 4 stories and 57 ft high. The requested variance would allow Building 1 to be built at 5 stories and 69 ft. Potential impacts are visual impacts to the surrounding residential development as a result of the 5-story design.

The applicant has addressed the potential visual impacts in the following ways:

- (a) *Building 1 is sited toward the interior of the site approximately 150 ft from Monroe St where a multi-family development is currently located north of the site and 180 ft from 37th Ave where the single-family homes are located east of the site. This horizontal distance makes Building 1 appear less prominent than it would if sited closer to the street. Additionally, the site slopes downward between the streets and the Building 1 location. Building 1 is sited on the lower elevation area to further reduce its visual impact to the surrounding neighborhoods.*
- (b) *Landscaping and other smaller buildings closer to the street separate the surrounding neighborhood from the 5-story building. Existing one- and two-story homes are buffered from Building 1 by a proposed row of trees. The proposal sites the proposed 3-story apartments and a row of new street trees between Building 1 and the existing neighbors.*

These design elements will help to minimize the potential visual impacts of Building 1. As shown in the application materials, very little of the additional height is visible above the landscaping or 3-story buildings. These mitigation measures lessen the project's impact to the extent practicable.

As identified in the application materials, the project objective is to construct approximately 234 new housing units on the property. A reduction in housing units for the project was considered, but that option did not meet the project financial objectives or the city's objectives to provide more housing. The key benefit of the 5th story is that the project can meet the objective with a smaller footprint, allowing the additional area to be used for amenities and landscaping. The additional area for landscaping provided the design flexibility to plant more trees to address the city's goal of a 40% tree canopy coverage. Eliminating the 5th story would have resulted in relocating those housing units to other buildings and areas of the site. The only practicable option would be to relocate these units by expanding building footprints, ultimately decreasing landscaping and amenity areas on the property. By including an additional story on Building 1, there is space for a dog walk area, playground, the clubhouse and several outdoor areas.

The Planning Commission finds that this criterion is met.

- (2) The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.

The project site has been vacant for decades. The proposed development improves a vacant brownfield site that has been described as an eyesore in the neighborhood. The development provides housing density within the City and creates a walkable transition area between the existing residential and commercial uses. The development would provide sidewalks, walkways, street trees, and a public multi-use pathway.

As described by the applicant, the development implements a “modern barn” design theme with Building 1 as its focal point. The massing of Building 1 is broken down into two parts connected by a lower pitch roof. These two masses are further broken down by the use of inset decks and changes in material. Warm toned fiber cement siding accentuates the recessed decks, while the base of the building maintains a lighter cement siding material. Pitched roofs maintain the residential character, and relate to the surrounding neighborhood. All of the materials will be permanent in nature (composite shingle roofing, cementitious siding, and metal railings).

The design of the project and Building 1 creates a positive relationship to the surrounding residential and commercial areas and the adjacent public pedestrian pathway. The development steps down toward the existing residential development and includes landscaping and tree canopy to blend into the neighborhood. The existing public park area at the corner of 37th Ave and Monroe St is proposed to be improved, and the project includes new sidewalks and paths that provide access to that area. Finally, the development activates the commercial area along the rail corridor by installing a public path and providing connectivity to this area over what is currently a contaminated brownfield. The 5th story on Building 1 allows the development to better respond to these existing features by providing additional area for landscaping and connectivity.

The Planning Commission finds that this criterion is met.

- (3) The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.

The key public benefits that the project provides to the community are a public pedestrian pathway, minor repairs and improvements to the adjacent public park, and connectivity between the existing residential neighborhood and commercial services. Currently, the site is vacant and a portion is a brownfield that separates a neighborhood from the nearby commercial uses. The project will provide a public pedestrian path along the rail corridor that further contributes to connectivity of the area.

The Planning Commission finds that this criterion is met.

- (4) The proposed project ensures adequate transitions to adjacent neighborhoods

The surrounding neighborhood immediately adjacent to the site contains a mix of one- and two-story structures. Across the railroad tracks there is the Milwaukie Marketplace commercial shopping center. The site is a transition point from the commercial use to the lower-density residential neighborhood.

Building 1 is sited toward the interior of the site, approximately 150 ft from Monroe Street and 180 ft from SE 37th where the single-family homes are located. This horizontal distance makes Building 1 appear less prominent than it would if sited adjacent to the street. Additionally, the site slopes downward between the street and the Building 1 location. Taking advantage of this natural grade change reduces the visual impact of Building 1's 5th story. Landscaping that includes existing large trees and rows of additional street trees and new 3-story apartment buildings located closer to the street also help to reduce any visual impacts from Building 1.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that the criteria are met.

6. As per MMC 19.1001.7.E, this variance request shall expire and become void unless the proposed development completes the following steps:

Obtain and pay for all necessary development permits and start development of the site within 2 years of land use approval (by May 28, 2021).

Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval (by May 28, 2023).

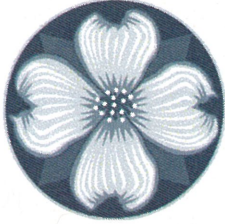
7. The application was referred to the following departments and agencies on March 29, 2019:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Community Development Department
- Design and Landmarks Committee

- Oregon Department of Transportation Region 1
- Oregon Department of Environmental Quality
- Milwaukie Public Works Department
- Clackamas County Fire District #1
- Ardenwald and Hector Campbell Neighborhood District Association Chairperson and Land Use Committee

The comments received are summarized as follows:

- David Aschenbrenner, Chair, Hector Campbell NDA: The NDA voted at their meeting on April 8 to support the variance application. The NDA noted the need for a traffic study to assess and address the future impacts on the surrounding street system.
- Marah Danielson, ODOT Development Review Planner: The applicant shall submit a traffic impact analysis to assess the impacts of the proposed use on the State highway system. The analysis must be conducted by a Professional Engineer registered in Oregon and include four OR 224 intersections at Harrison St, Monroe St, Oak St, and 37th Ave.



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: VR-2019-003

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

CHOOSE APPLICATION TYPE(S):

Variance: Building Height

...

...

...

...

APPLICATION RECEIVED
BY THE PLANNING DEPT:
March 19, 2019

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Dean Masukawa

Mailing address: 720 NW Davis Street, Suite 300

Zip: 97209

Phone(s): 503.265.1545

Email: dmasukawa@lrsarchitects.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address:

Zip:

Phone(s):

Email:

SITE INFORMATION:

Address: Monroe St and 37th Ave, Milwaukie OR

Map & Tax Lot(s): TACT 1: 11E36AB & 11E36AB03003
TACT 2: 11E36AA & 11E36AA19203

Comprehensive Plan Designation: ...

Zoning: GMU

Size of property:

7.22 Acres

PROPOSAL (describe briefly):

Hieght variance for building 1. Building 1 proposes a 5 story multi family structure at a height of 61' - 6".

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:

Date:

3/18/19

IMPORTANT INFORMATION ON REVERSE SIDE

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:			RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)

TYEE MANAGEMENT COMPANY

5501 Pacific Highway E. Ste #2
Tacoma, WA 98424
P (253-922-4902) Fax (253-922-4916)

March 7, 2019

Vera Kolias, Associate Planner
City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

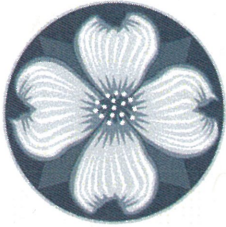
Re: Representative of contract purchaser
Project Name: Monroe Apartments LRS Project Number: 217374

Tyee Management Company, LLC, land owner, authorizes Dean Masukawa with LRS Architects to be the representative of the Building 1 variance application.

Sincerely,



Dana M LaBrie
Assistant Corporate Secretary
Tyee Management Company LLC

**MILWAUKIE PLANNING**

6101 SE Johnson Creek Blvd

Milwaukie OR 97206

503-786-7630

planning@milwaukieoregon.gov

Submittal Requirements

For all Land Use Applications
(except Annexations and Development Review)

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

Applications without the required application forms and fees will not be accepted.

- ✓2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

- ✓3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

- ✓4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.

N/A 5. ~~**Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.~~

B. All applicable application-specific approval criteria (check with staff).

These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

- ✓5. **Site plan(s), preliminary plat, or final plat** as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

- ✓6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) Dean Masukawa, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

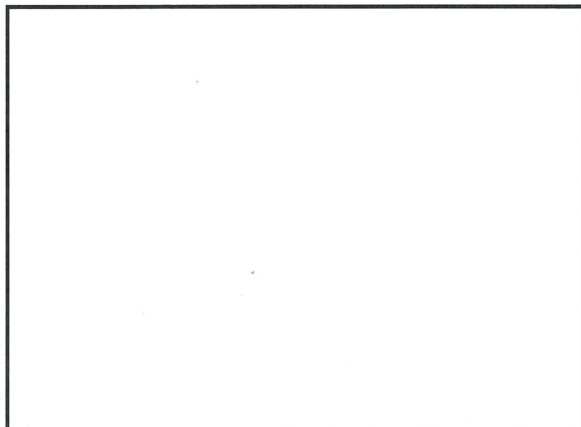
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 

Date: 3/18/19

Official Use Only

Date Received (date stamp below):



BUILDING HEIGHT VARIANCE - TYPE III

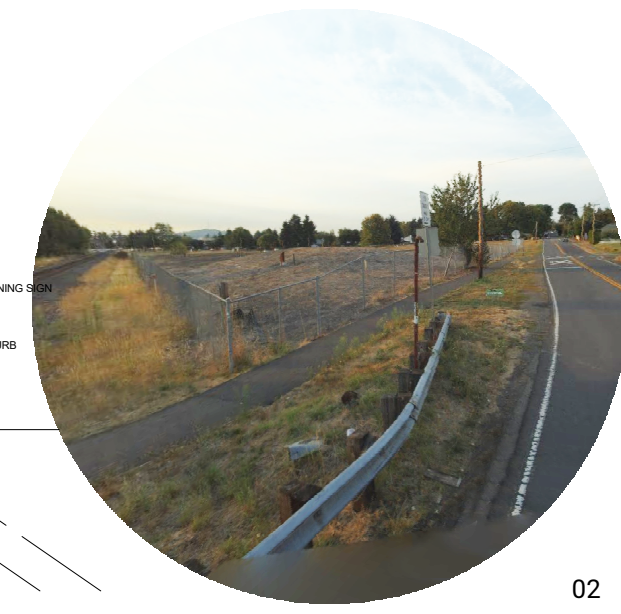
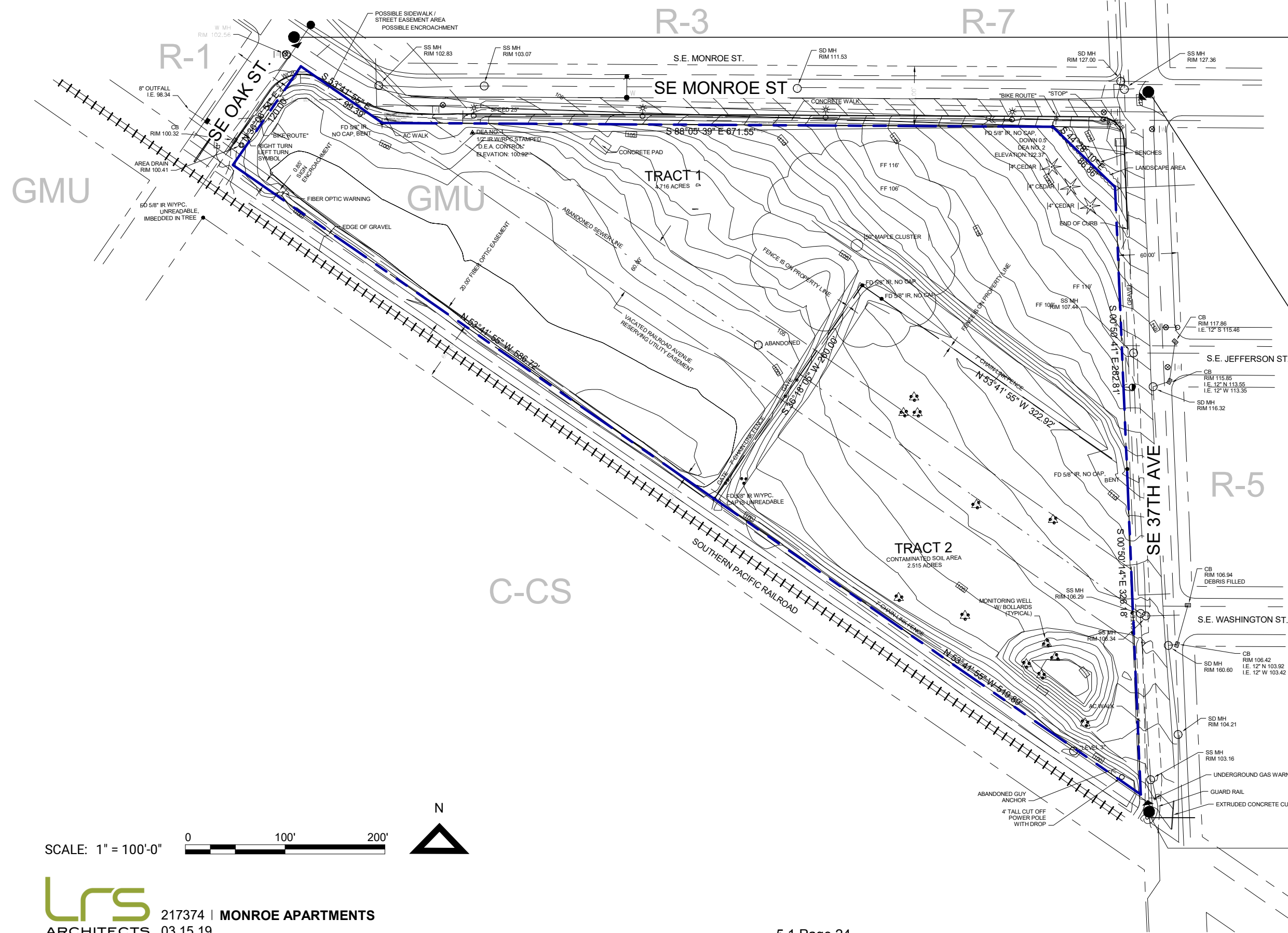
MCFARLAND SITE - MONROE APARTMENTS

FOR THE CITY OF MILWAUKIE



BUILDING HEIGHT VARIANCE - TYPE III

EXISTING CONDITIONS PLAN



BUILDING HEIGHT VARIANCE - TYPE III

INSPERATIONAL NARRATIVE



Connecting to the Local Context:

The site has historically been a mill site. Similar to a village layout the larger apartment building is the center of the community surrounded by residential scaled buildings and a community clubhouse.

The Building Massing:

The building massing is characterized by the mill inspiration by the repetition of simple vertical geometric façade elements. The base of the building is emphasized to provide a human scale and ground the building.

Materials include:

Panel or Lap fiber cement siding, wood toned lap siding is used to enhance the building recesses and break down the massing. Shingle Composition Roofing.

BUILDING HEIGHT VARIANCE - TYPE III

SITE AERIAL



BUILDING HEIGHT VARIANCE - TYPE III

VARIANCE SUMMARY

The project requires a variance to allow for Building 1, which is proposed at 69 feet and 5 stories, to exceed the Code height limit. Under section 19.303.4.B, the site's base height is 3 stories or 45 feet. However, an additional story (12 feet) can be earned through a bonus in two ways under section 19.303.4.B.3. The project qualifies for both height bonuses, and could use either bonus to obtain a 4th story and 57 feet of height for Building 1 without a variance. By proposing to use both bonuses to build a 5-story, 69-foot building, the project triggers the variance requirement. For purposes of the analysis below, we treat the 4-story, 57-foot option that could be built by using one (but not both) height bonuses, as the baseline alternative for Building 1.

The following page is a response to the variance criteria per section 19.911.7.D Building Height Variance in the General Mixed Use Zone:

BUILDING HEIGHT VARIANCE - TYPE III

VARIANCE SUMMARY

1. The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The site is surrounded on two of its three sides by single family residential homes (across Monroe Street and SE 37th). The third side contains railroad tracks and a shopping center. Building 1 is allowed to be 4 stories and 57 feet under the Code. We are seeking this variance to allow Building 1 to be built at 5 stories and 69 feet. We designed the project to minimize impacts to residential neighbors from the additional height.

Identification of Impacts and Mitigation

We identified visual impacts to the surrounding single family homes as a potential impact of Building 1's 5-story design. This criterion requires us to mitigate these impacts to the extent "practicable." Practicable is defined by section 19.201 as "capable of being realized after considering cost, existing technology, logistics, and other relevant considerations; such as ecological functions, scenic views, natural features, existing infrastructure, and/or adjacent uses."

We took the following actions to mitigate the potential impacts of the project: First, we sited Building 1 toward the interior of the site, approximately 150 feet from Monroe Street and 180 feet from SE 37th where the single family homes are located. This horizontal distance makes Building 1 appear less prominent than it would if sited adjacent to the homes. Additionally, the site slopes downward between the homes and the Building 1 location. We located Building 1 on the lower elevation area to further reduce its visual impact to the existing homes. Second, we ensured that landscaping and other, smaller buildings closer to the homes would blunt remaining visual impacts. Existing one and two story homes are buffered from Building 1 by an existing row of trees. Our proposal places the 3 story apartments and a row of new street trees between Building 1 and the existing neighbors. All of these elements will help to obscure and minimize the height impacts of Building 1. As shown on the Site Perspectives included with this application, the design significantly mitigates the visual impact of Building 1. From many viewpoints, the additional height is not visible above the landscaping or 3-story buildings. These mitigation measures lessen the project's impact to the extent practicable. The site's size, location adjacent to the railroad, grade and layout (including the existing park) make additional mitigation measures impracticable.

In addition, by improving an existing brownfield, we are reducing the visual impact that this vacant lot has on the neighbors.

Alternatives Analysis

This project objective is to construct approximately 234 new housing units on the property. We explored a variety of alternative configurations for the units and determined that the best development scheme is the one we are proposing, with Building 1 at 5 stories. We also explored a reduction in housing units for the project. This option does not meet the project objectives, or the city's objectives to emphasize housing, and is not feasible for us to undertake. It would leave the exiting brownfield at the site, which is a significant negative impact.

The impacts of the proposed 5-story option are visual as discussed above. By siting Building 1 on the interior of the property at a grade lower than the surrounding homes, and by placing smaller structures and tree cover between the homes and Building 1, our proposal mitigates the impacts of the 5th story to the extent practicable. The benefits of the 5th story are substantial as they allow us to meet the project objectives with a smaller footprint. The additional ground space is used for amenities and landscaping. Adding the extra story to Building 1 also allows us the flexibility to get closer to the city's goal of a 40% tree canopy coverage.

We also explored a 4-story version of Building 1 that meets the project objectives to create 234 housing units. The impacts of a 4-story building are a loss of project open space and amenities. To eliminate the 5th story we would have needed to relocate units from this 5th story level to other areas of the site. The only practicable option was to relocate these units was through expanding building footprints, ultimately decreasing landscaping and amenity areas on the property. By including an additional story on Building 1, there is space for a dog walk area, playground, and many outdoor clubhouse areas. The only benefit of a 4-story option is the avoidance of already minimal visual impacts to neighbors.

2. The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.

This project improves a vacant brownfield that continues to be an eyesore, health hazard and possibly contributes to lower home values in the surrounding area. The development provides housing density within the City and creates a walkable transition area between the existing residential and commercial uses. Our development also provides sidewalks, walkways, street trees, and a public

pedestrian pathway.

Building 1's design is high-quality and creative. The development implements a "modern barn" design theme with Building 1 as its focal point. The massing of Building 1 is broken down into two parts connected by a lower pitch roof. These two masses are further broken down by the use of inset decks and changes in material. Warm toned cementitious siding accentuates the recessed decks, while the base of the building maintains a lighter cementitious material. Pitch roofs maintain the residential character, and relates to the existing building. All of the materials will be permanent in nature (composite shingle roofing, cementitious siding, and metal railings).

The design of the project and Building 1 creates a positive relationship to the existing residential and commercial areas, and the adjacent public pedestrian pathway. The development steps down toward the existing residential homes and includes landscaping and tree coverage to blend more seamlessly into the neighborhood. The existing public park will be improved, and the project includes new sidewalks and paths that provide access to the park. Finally, the development activates the commercial area along the rail corridor by installing a public path and providing connectivity to this area over what is currently a contaminated brownfield. The 5th story on Building 1 allows the development to better respond to these existing features by providing additional ground space for landscaping and infrastructure.

3. The proposal will result in a project that provides public benefits and /or amenities beyond those required by the base zone standards and that will increase vibrancy and / or help meet sustainability goals.

The key public benefits that our project provides to the community are a public pedestrian pathway, improvements to the public park and connectivity between the existing residential neighborhood and commercial amenities. Currently, the site is a brownfield that separates a neighborhood from nearby commercial uses. Our project will fill the gap with a high quality design and public infrastructure. Our project will also provide a public pedestrian path along the rail corridor that further contributes to connectivity of the area; however, this is a requirement under the City's code so not responsive to this criterion.

The project also includes amenities that go beyond the code requirements. These ground level features are made possible by adding height to Building 1 and freeing up ground space on the project site. These include a dog

walk area, playground, plaza and multiple outdoor areas associated with the clubhouse. The clubhouse will offer an exercise room, great room, lounge, and possible flex meeting rooms.

Finally, the project will also help to meet the City's sustainability goals by incorporating a green building program provided by the Energy Trust of Oregon.

4. The proposed project ensures adequate transitions to adjacent neighborhoods. (Ord. 2140 & 2, 2017; Ord. 2110 & 2 (Exh. G), 2015; Ord. 2016 & 2 (Exh. F), 2015; Ord. 2051 & 2, 2012; Ord. 2036 & 3, 2011; Ord. 2025 & 2, 2011)

The surrounding neighborhood immediately adjacent to our site contains a mix of one and two story structures. Across the railroad tracks there is a commercial shopping center. This site is a natural transition point from the commercial use to the low-density neighborhood. Our proposal includes mitigation measures to blunt impacts of additional density on the low-density neighborhood and new and improved infrastructure to connect the housing areas to the commercial amenities. Our project will redevelop the existing brownfield into a well-connected transition site that adds needed housing to the community.

We designed the project to smoothly transition from the medium density housing we propose to the lower existing density. As discussed under criterion 1 above, we sited Building 1 toward the interior of the site, approximately 150 feet from Monroe Street and 180 feet from SE 37th where the single family homes are located. This horizontal distance makes Building 1 appear less prominent than it would if sited adjacent to the homes. Additionally, the site slopes downward between the homes and the Building 1 location. We took advantage of this natural grade change to further reduce the visual impact of Building 1's 5th story. Second, we ensured that landscaping (existing large trees and rows of additional street trees) and new 3-story apartment buildings located closer to the homes would blunt visual impacts from Building 1.

Our proposal also provides amenities to be used and enjoyed by the new residents and the existing neighborhood, providing for integration and a smooth transition between the housing areas and the adjacent commercial amenities. These include improvements to the public park that serves the neighborhood and the path along the rail corridor. The project includes on-site amenities such as a dog park, a club house and landscaped open space. The addition of these features will minimize the impacts of additional density on the open space facilities currently serving the existing neighborhood.

BUILDING HEIGHT VARIANCE - TYPE III

ZONING COMPLIANCE STATEMENT

DETAILED STATEMENT - DEVELOPMENT STANDARDS

PROPERTY INFORMATION					
Site Address	SE Monroe Street and SE 37th Street (SE Oak)				
	Milwaukie Oregon				
Jurisdiction	City of Milwaukie		Oregon		
County	Clackamas County				
Proposed Development	234 Multi-Family Dwelling Units (R-1 Occupancy) and a Clubhouse (B/A Occupancy)				
State Tax ID	Tract 1 -11E36AB03003 and Tract 2 11E36AA19203				
Parcel ID	Tract 1 - 00023174 Tract 2 00022825				
Tax Map	Tract 1 - 11E36AB Tract 2 11E36AA				
Property Use	Both tract 1 and 2 are Vacant - Tract 2 is a brownfield site.				
Pre Application	# 19-001 PA				
Lot Size		Site Acres	Site Area		
	Tract 1	4.716	205,429 SF		
	Tract 2	2.515	109,553 SF		
	Gross Lot Area	7.231	314,982 SF		
	ROW dedication	0.01652	720 SF		
	Net Lot Area	7.21448	314,263 SF		
Building Size		Approx. Building Lot Coverage Area	Approx. Gross SF Building Area	Number of Units	Proposed Number of Stories
	Apartment Building 1	15,522 SF	72,435 SF	84	5
	Apartment Building 2	10,524 SF	29,455 SF	36	3
	Apartment Building 3	10,524 SF	29,455 SF	36	3
	Apartment Building 4	10,524 SF	29,455 SF	36	3
	Apartment Building 5	11,930 SF	33,471 SF	42	3
	Clubhouse	6,508 SF	5,676 SF		2
	Sub-Total	65,532 SF	199,947 SF	234	
Accessory Building Size		Approx. Building Lot Coverage Area	Approx. Gross SF Building Area	Number of Parking	Proposed Stories
	Garage 1	5,188 SF	5,188 SF	16	1
	Garage 2	4,700 SF	4,700 SF	17	1
	Garage 3	4,150 SF	4,150 SF	15	1
	Garage 4/ Trash	3,050 SF	3,050 SF	10	1
	Garage5	4,109 SF	4,109 SF	15	1
	Carport	1,873 SF	1,873 SF	12	1
	Sub-Total	23,070 SF	23,070 SF	85	
	TOTALS	88,602 SF	223,017 SF		
Property Owner	McFarland				
Adjacent Public Ways					
SE Monroe Street Front (60')	60' ROW	1/4 street Improvement Proposed - Street Frontage Length = 751'			
SE 37th Front Street (60')	60' ROW	1/4 street Improvement Proposed - Street Frontage Length = 609'			
Oak Street Frontage	60' ROW/66' ROW	6' ROW dedication Required - Street Frontage Length =			

BUILDING HEIGHT VARIANCE - TYPE III

ZONING COMPLIANCE STATEMENT

ZONING OVERVIEW					
Zone	Zoning Map	GMU, General Mixed Use			
Metro Growth Boundary	County Maps	Metro UGB			
Comprehensive Plan	Zoning Code				
Plan District	TC	Town Center			
Adjacent Zones	zoning Map	GMU, R-5, BL			
Proposed Use	19.303.2	Multifamily / Private Community Center			
Fire District		City Of Milwaukie Fire			
ZONING SUMMARY STATEMENT					
	Source	Zoning Requirement	Reference Sections	Calculations	Compliance Statement
Commercial Mixed Use Zones	Chapter 19.303.1.A	General Mixed Use- Purpose			<p>The General Mixed Use Zone is intended to recognize the importance of central Milwaukie as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. The proposed development will add desired and needed dwelling units that will add to the vibrancy of the neighborhood and near by businesses.</p> <p>It is also intended to ensure high quality urban development that is pedestrian friendly and complementary to the surrounding area. The site development proposes enhancement to pedestrian and bike circulation around the entire perimeter of the site.</p>
Development Standards Allowed Uses	Uses 19.303.2	Row houses, Multifamily, cottage cluster, mixed uses, live work, senior, general office, eating establishments, retail, daycare, lodging and other commercial/ industrial uses			Permitted Use -The development is proposing 5 multi family buildings with a variety of dwelling units types and a community center clubhouse that will have a variety of uses for the management of the development as well as a community space for gathers, and fitness areas.
Development Standards Minimum Lot size	A. Lot Standards 19.303.3 A1	1500 sf Minimum			Site exceeds Minimum lot area,
Development Standards Minimum Street frontage	19.303.3.A2	25 feet Minimum			Site exceed Minimum street frontage
Development Standards Minimum floor area ratio	B. Development Standards 19.303.3.B1	0.5:1	19.303.4	0.64	Proposed Project exceeds Min FAR required. Calculation excludes parking.
Development Standards Building height (ft.)	19.303.3.B2	45' base maximum 57'-69' Max with height bonus	19.303.4B building height, 19.911.7 building height variance in the GMU zone		The perimeter apartments are proposed to be 3- story and comply with the base zoning standards. The 5 story building in the center of the site intends to use the bonus heights with a proposed building height of 61'-6". The 5-story building incorporates residential for one additional story and will apply for an approved green certification programs to allow an additional story for 5 total stories.
Development Standards Street setbacks (ft.)	19.303.3. B3	Front Setbacks- 15 feet minimum- 20' maximum 0' side and rear	19.303.4.C street setbacks 19.501.2 yard exceptions		The Buildings will comply with all setbacks. This does create some challenges for the building along the perimeter of this site because of the sloping site.
Development Standards Frontage occupancy	19.303.3.B4	50% Building Frontage	19.303.4.D, Figure 19.303.4.D		
Development Standards Lot Coverage	19.303.4.D		168' x 3 buildings	Building Length	% of Street Frontage
				504'	67.00%
				192'	31.50%
	19.303.5.B5	Includes all buildings and their roof covered areas and decks - 85%		88,602 SF	Lot Coverage Area
				28.19%	% of Net Lot area

BUILDING HEIGHT VARIANCE - TYPE III

ZONING COMPLIANCE STATEMENT

Minimum Vegetation	19.303.3.B6	15%	19.504.7	<table><tr><th>Required Area</th></tr><tr><td>47,139 SF</td></tr><tr><td>9,428 SF</td></tr></table>	Required Area	47,139 SF	9,428 SF	Proposed landscape area will comply with > 15% of the site area and will be reviewed during the subsequent type ii development review application. No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard during the subsequent type II development review Application														
Required Area																						
47,139 SF																						
9,428 SF																						
Primary entrances	19.303.3.B7	Yes	19.303.4 E		Main access to the development is proposed off of SE 37th Ave. It is plan to be gated with resident access only.																	
Primary Entrances	19.303.4 E				Street facing Live work units all have entrances connecting to the public way. The public way affronting apartment Buildings have entrances to the internal corridor that are oriented to plazas. Mostly this is to accommodate the moderate sloping site and to provide accessible routes.																	
Off-street Parking required	19.303.3.B8	Yes	19.600, 19.606	<table><tr><th>Parking Spaces Req.</th></tr><tr><td>161</td></tr><tr><td>74.25</td></tr><tr><td>235.25</td></tr><tr><td>468</td></tr><tr><td></td></tr><tr><td>234</td></tr><tr><td>117</td></tr></table>	Parking Spaces Req.	161	74.25	235.25	468		234	117	<table><tr><th>Parking Spaces Provided</th></tr><tr><td>211</td></tr><tr><td></td></tr><tr><td>85</td></tr><tr><td>296</td></tr><tr><td></td></tr><tr><td>234</td></tr><tr><td></td></tr></table>	Parking Spaces Provided	211		85	296		234		Standard Surface 9'x18' - Proposing 2' overhang of with a wider sidewalk or planting areas. Garages/ Carport (2 ADA) Total Proposed Plans for development shall include plans which shall be reviewed for conformance to this standard during the subsequent type II development review application Plans for development shall include documentation which shall be reviewed for conformance to this standard during the subsequent type II development review application Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard during the subsequent type II development review application Plans for development shall include Civil Plans which shall be reviewed for conformance to this standard during the subsequent type II development review application Plans for development shall include Civil Plans which shall be reviewed for conformance to this standard during the subsequent type II development review application Plans for development shall include Lighting Plans which shall be reviewed for conformance to this standard during the subsequent type II development review application
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	Minimum Req. 2a. 1 per Dwelling Units 800 Sf or less Minimum Req. 2b 1.25 Dwelling Units > than 800 sf Total Require Min. Maximum Allowed 2 spaces Per Dwelling Unit 19.609 Bike Parking - 1 Per Dwelling Unit 50% covered																					
	19.606.2 Landscaping Landscaping 19.606.3 Additional Paving/ wheel stops design Standards		19.606.2.C-E. 19.606.3A/B 19.606.3 C 19.606.3 F																			
Transit Street	19.303.3.B9		19.505.8																			
Transition measures	19.303.3.B10	Yes	19.504.6		Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.																	
Development Standards	C. Other Standards			<table><tr><th>Required</th><th>Provided</th></tr><tr><td>180.78</td><td>234.00</td></tr><tr><td>361.55</td><td></td></tr></table>	Required	Provided	180.78	234.00	361.55													
Required	Provided																					
180.78	234.00																					
361.55																						
Residential density Req. (dwelling units per acre)	19.303.3 C1 and 19.303.3 F	Residential Min. 25 Units per Acre- Residential Max. 50 Units per Acre-																				
Signs	19.303.3.C2	Yes	14.16.040		Development signage is proposed along SE 37th at Main driveway access. Final Design to be submitted by Owner prior to Occupancy.																	

BUILDING HEIGHT VARIANCE - TYPE III

ZONING COMPLIANCE STATEMENT

COMMUNITY DESIGN STANDARDS	Source	Zoning Requirement	Reference Sections	Calculations	Compliance Statement
Building Design Standards	19.505.3 Multifamily Housing	Purpose			The proposed development endeavors to provide good site and building design that meet the intent of the Building standards guidelines. The proposed site amenities and site layout provide visual and physical access to the community which will promote livability, safety.
Purpose	19.505.3.A	1. Livability			Development will contribute to a livable neighborhood. first by, transforming a current vacant brownfield site into a visually pleasing landscaped site with a variety of housing and outdoor amenities. The proposed site design minimizes the impact of vehicles by having the apartments affront the neighbors with an attractive and interesting exterior design. An emphasizing for the site design is to provide pedestrian and bicycle connections between the site amenities and the public ways. The site design also proposes a variety of outdoor commons areas for the resident and their family's to enjoy as well as an enhanced pocket public park.
		2. Compatibility			Development proposes the 3 story building along the perimeter of the site to be compatible in scale to the 1 and 2 story single family homes and apartments adjacent to the site. The 5 story apartment building is located internally in the site towards the retail center to minimize the impact of the taller structure to the existing residential neighbors.
		3. Safety and Functionality			A gated community is planned to provide safety and yet is functional. An open iron fenced is planned to providing visibility into and within a multifamily development
		4. Sustain-ability			The project proposes a socially responsible goal of obtaining a green building certification to support sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.
Applicability & Review Process	19.505.3.B & C	Subsequent type II application			Plans for development shall include documentation which shall be reviewed for conformance to this standard during the subsequent type II development review application which proposes to use the discretionary process.
					The Type II application is chosen to provide more flexibility for some of the discretionary requirements which cannot be fully met.
Design Guidelines and Standards	Table 19.505.3D				<u>This application is focused on the Design Compliance for Building 1- the 5 story apartment building.</u>
Private Open Space	Table 19.505.3.D.1	ground floor patios 96 sf min with a min dimension of 5'			All units to have ground floor patios.
		upper floor decks 48sf min.			The Project Proposes Upper story decks for approx. 95% of the units. This is offset with the community commons areas with in the 5700 sf Clubhouse.
Public Open Space	Table 19.505.3.D.2	10% of gross site area or 750 sf whichever is greater			
		20' minimum dimension			
		Choose 4 of the following:			
	1. Recreation area				
	2. Play field				
	3. Children's play area				
	4. Sport court				
	5. Gardens				
	6. picnic tables				
	7. Swimming Pools				
	8. Walking trails				
	9. Pedestrian amenities				
	10. similar items				
		Children's play area must be visible from at least 50% of the abutting units			
Pedestrian Circulation	Table 19.505.3.D.3	Subsequent type II application	19.606.3 D&E		The Playground is located in the most visible location for 4 of the 5 buildings. 92 units have eyes on the playground which is 40% of the units
					Refer to Development Standards section for a proposed general statement. Plans for development shall include Civil and Landscape and detailed site Plans which shall be reviewed for conformance to this standard during the subsequent type II development review application.

Required	Provided
31,498 SF	4,700 SF
	5,700 SF
	2,300 SF
	5,600 SF
	3,900 SF
	2,200 SF
	5,600 SF
	6,000 SF
	11,000 SF
	4,700 SF
	51,700 SF

BUILDING HEIGHT VARIANCE - TYPE III

ZONING COMPLIANCE STATEMENT

Vehicle and Bicycle Parking	Table 19.505.3.D.3		
Building Orientation & Entrances	Table 19.505.3.D.5	Subsequent type II application	
Building Façade Design	Table 19.505.3.D.6	Variance response for 5-story Building only	Table 19.505.3.D.6 a.
			Table 19.505.3.D.6 b
			Table 19.505.3.D.6 c
			Table 19.505.3.D.6 d
			Table 19.505.3.D.6 e
			Table 19.505.3.D.6 f
Building Materials	Table 19.505.3.D.7	Variance response for 5-story Building only	
Landscaping	Table 19.505.3.D.8	Subsequent type II application	
Screening	Table 19.505.3.D.9	Subsequent type II application	
Recycling Areas	Table 19.505.3.D.10	Subsequent type II application	
Sustain-ability	Table 19.505.3.D.11	Subsequent type II application	
Privacy Considerations	Table 19.505.3.D.12	Subsequent type II application	
Safety	Table 19.505.3.D.13	Subsequent type II application	

Refer to the Development standards section above for proposed parking. Plans for development shall include Civil and Landscape and detailed site Plans which shall be reviewed for conformance to this standard during the subsequent type II development review application

Refer to Development Standards section for a proposed general statement. Plans for development shall include Civil and Landscape and detailed site Plans which shall be reviewed for conformance to this standard during the subsequent type II development review application.

Street-facing building façades shall be divided into wall planes. The wall plane on the exterior of each dwelling unit shall be articulated by doing one or more of the following:

(1) Incorporating elements such as porches or decks into the wall plane.

(2) Recessing the building a minimum of 2 ft. deep x 6 ft. long.

(3) Extending an architectural bay at least 2 ft. from the primary street-facing façade.

The 5-story Building proposed window areas of greater than 25% but less than 30% which is governed by prescriptive path energy code requirements.

To minimize the scale of the 5-story building a strong base with a material / paint color change s proposed. Rather than apply a strong cornice a undulating gable end are playfully place to provide a distinct top.

To avoid long, monotonous, uninterrupted walls, the buildings incorporate exterior wall off-sets, projections and/or recesses. Refer to the exterior elevation for a diagram indicating the offsets proposed.

There are no Blank, windowless walls in excess of 750 sq. ft.

Garage doors shall be painted to match the color or color palette used on the rest of the buildings.

Project proposes to use fiber cement siding material in a variety of types, panel, lap and a simple pallet of three paint colors to enhance the building vertical modulation to break down the massing. This use of materials will also enhance the strong geometric expression of the building forms and is used to create a strong base.

Plans for development shall include Civil and Landscape and detailed site Plans which shall be reviewed for conformance to this standard during the subsequent type II development review application.

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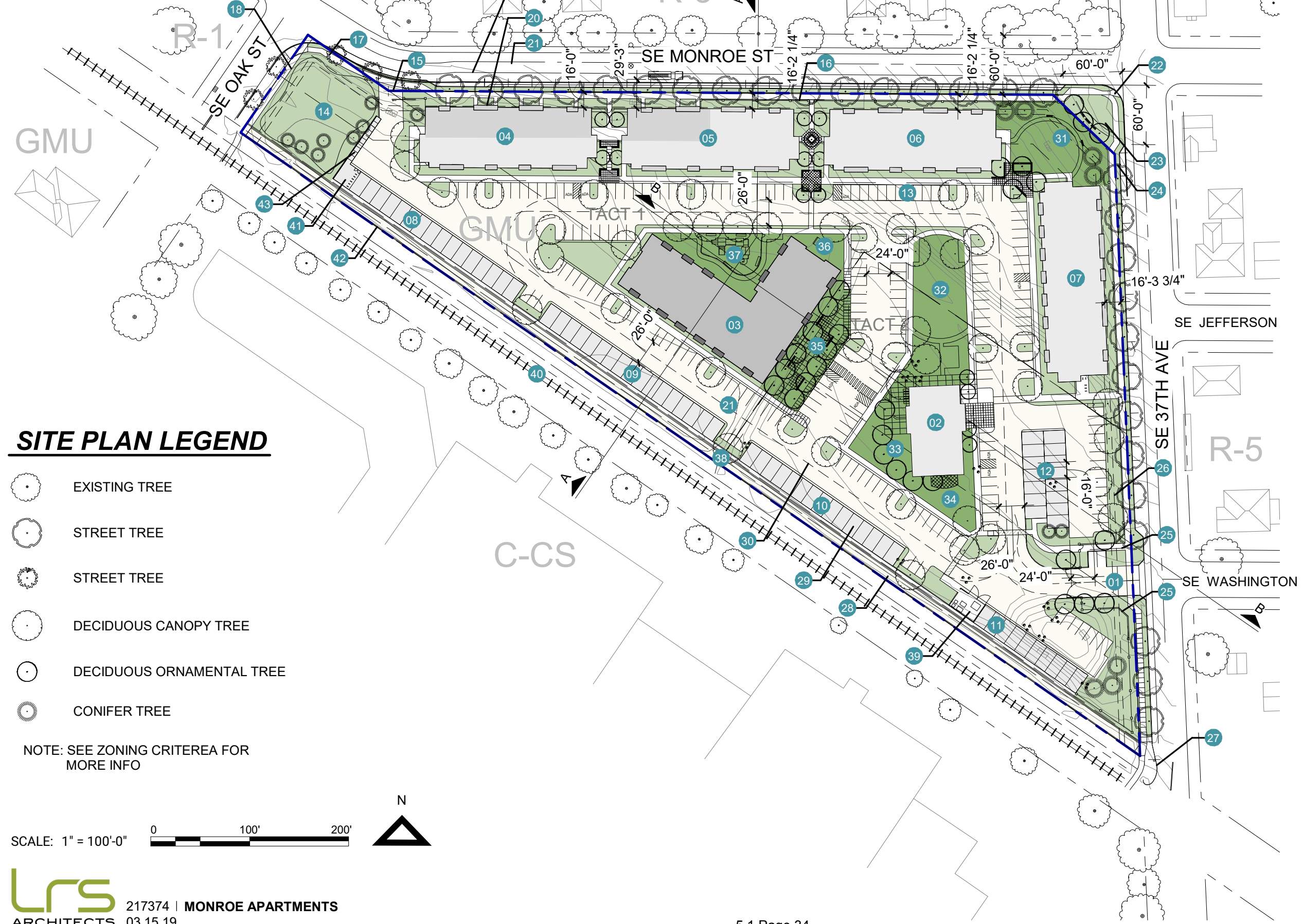
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BUILDING HEIGHT VARIANCE - TYPE III

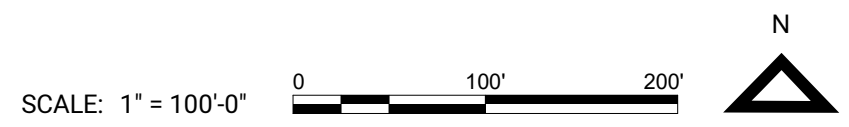
SITE PLAN



SITE PLAN LEGEND

- EXISTING TREE
- STREET TREE
- STREET TREE
- DECIDUOUS CANOPY TREE
- DECIDUOUS ORNAMENTAL TREE
- CONIFER TREE

NOTE: SEE ZONING CRITEREA FOR MORE INFO

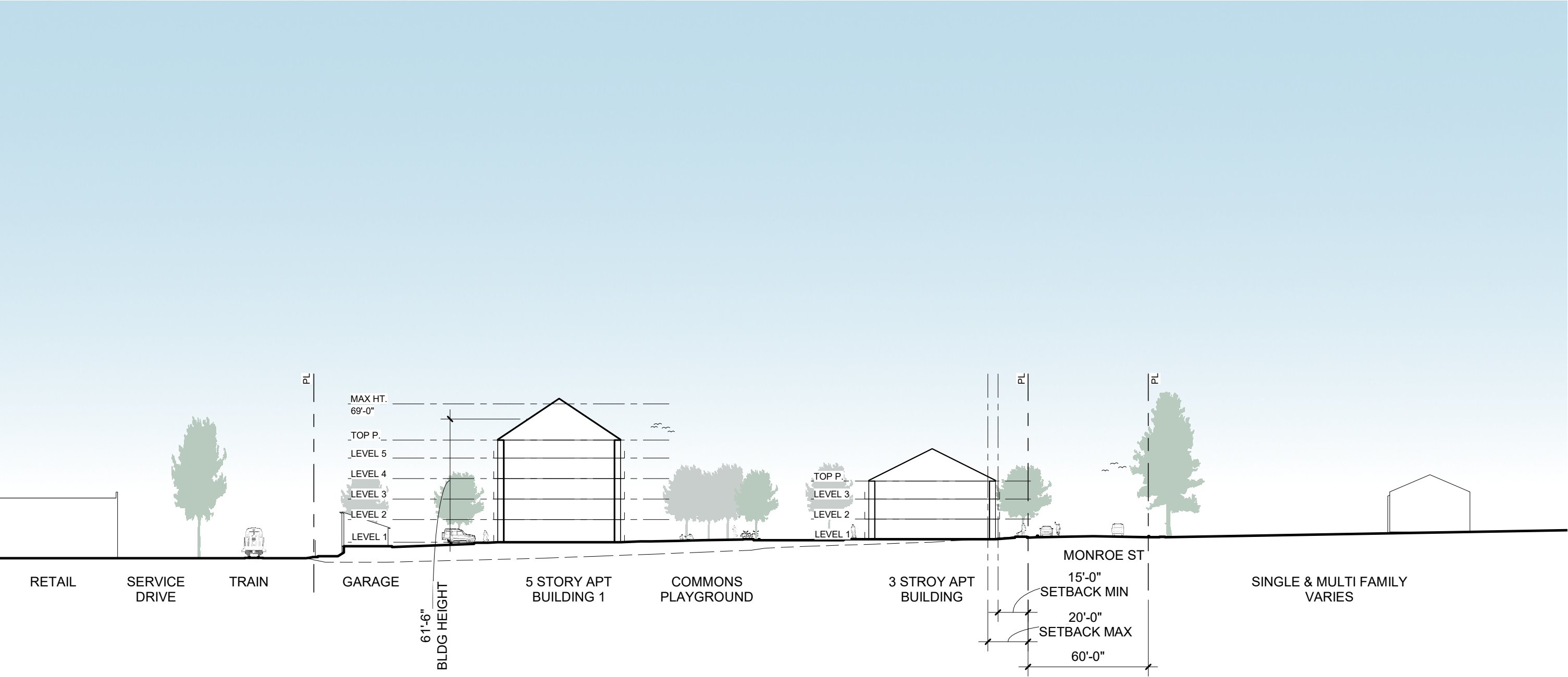


KEYNOTES XX

- 01 ENTRY / EXIT DRIVEWAY
- 02 CLUBHOUSE, 2 STORY
- 03 BUILDING 1, 5 STORIES, 84 UNITS, TYPE V
- 04 BUILDING 2, 3 STORIES, 36 UNITS, TYPE II
- 05 BUILDING 3, 3 STORIES, 36 UNITS, TYPE II
- 06 BUILDING 4, 3 STORIES, 36 UNITS, TYPE II
- 07 BUILDING 5, 3 STORIES, 42 UNITS, TYPE I
- 08 GARAGE 1 (G1)
- 09 GARAGE 2 (G2)
- 10 GARAGE 3 (G3)
- 11 GARAGE 4 (G4)
- 12 GARAGE 5 W/ ADA STALL (G5)
- 13 CARPORT
- 14 BIOSWALE
- 15 GATED FIRE ACCESS ONLY
- 16 42" CONTINUOUS GATED FENCE
- 17 PUBLIC SIDEWALK EASEMENT
- 18 6' ROW DEDICATION
- 19 6' BIKE LANE
- 20 LIVE WORK UNIT, TYPICAL
- 21 AERIAL APPARATUS
- 22 EXISTING ADA RAMP
- 23 ENHANCED PUBLIC POCKET PARK
- 24 NEW 5' PUBLIC SIDEWALK, CURB, AND GUTTER
- 25 MONUMENT SIGN
- 26 15' MINIMUM SETBACK 20' MAXIMUM
- 27 GUARDRAIL
- 28 10' PEDESTRIAN PATH / 15' EASEMENT
- 29 PRIVATE GARAGES, TYPICAL
- 30 FIRE TRUCK AERIAL ACCESS LOOP
- 31 DOG WALK
- 32 OUTDOOR AREA
- 33 OUTDOOR AREA
- 34 GARDEN
- 35 PLAZA
- 36 OUTDOOR AREA
- 37 PLAYGROUND
- 38 BIKE PATH
- 39 TRASH AREA
- 40 RAIL LINE
- 41 STORAGE
- 42 ODOT REQUIRED 8' FENCE
- 43 PERSONAL STORAGE

TYPE III ZONING VARIANCE

SITE SECTION A



SCALE: 1" = 50'-0"



TYPE III ZONING VARIANCE

SITE SECTION B

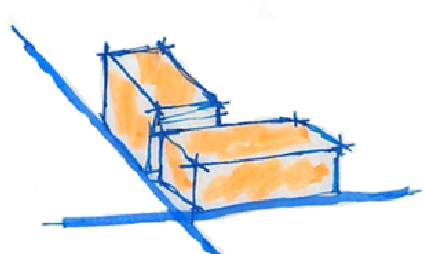


SCALE: 1" = 50'-0"

0 50' 100'

TYPE III ZONING VARIANCE

SOUTH BUILDING PERSECTIVES



BUILDING PARTI

TYPE III ZONING VARIANCE

NORTH BUILDING PERSPECTIVES

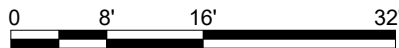


TYPE III ZONING VARIANCE

EAST ELEVATION



SCALE: 1/16" = 1'-0"



EXTERIOR MATERIALS

- A ASPHALT ROOFING
- B CEMENTITIOUS SIDING
- C VINYL WINDOW, TYP
- D FIBERGLASS PATIO DOOR, TYP
- E METAL RAILING, TYP
- F PTAC UNIT, TYP

TYPE III ZONING VARIANCE

NORTH ELEVATION



SCALE: 1/16" = 1'-0"

EXTERIOR MATERIALS

- A ASPHALT ROOFING
- B CEMENTISIOUS SIDING
- C VINYL WINDOW, TYP
- D FIBERGLASS PATIO DOOR, TYP
- E METAL RAILING, TYP
- F PTAC UNIT, TYP

TYPE III ZONING VARIANCE

WEST ELEVATION



EXTERIOR MATERIALS

- A ASPHALT ROOFING
- B CEMENTISOUS SIDING
- C VINYL WINDOW, TYP
- D FIBERGLASS PATIO DOOR, TYP
- E METAL RAILING, TYP
- F PTAC UNIT,TYP

TYPE III ZONING VARIANCE

SOUTH ELEVATION



EXTERIOR MATERIALS

- A ASPHALT ROOFING
- B CEMENTITIOUS SIDING
- C VINYL WINDOW, TYP
- D FIBERGLASS PATIO DOOR, TYP
- E METAL RAILING, TYP
- F PTAC UNIT, TYP

NORTH EAST VIEW

SITE PERSPECTIVES



VIEW FROM: MONROE AND 37TH INTERSECTION LOOKING WEST



VIEW FROM: MONROE STREET



VIEW FROM: 37TH STREET LOOKING AT ENTRY DRIVEWAY



VIEW FROM: 37TH STREET AND THE TRAIN CROSSING



CITY OF MILWAUKIE

February 15, 2019

Marc Wyzykowski
Johnson Development Associates
88 Kearney St., Ste. 117
San Francisco, CA 94108

Re: Preapplication Report

Dear Marc:

Enclosed is the Preapplication Report Summary from your meeting with the City on January 24, 2019, concerning your proposal for action on property located at SE 37th Ave and Monroe St, known as the McFarland Site.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Jesse Henry, Johnson Development
Jim Orr, DEQ
Matt McClincy, DEQ
Cynthia Schuster, LRS
Dean Masukawra, LRS

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on **1/24/2019** at **10:00am**

Applicant Name: Marc Wyzykowski
Company: Johnson Development Associates
Applicant 'Role': Other
Address Line 1: 88 Kearney St, Ste. 1770
Address Line 2:
City, State Zip: San Francisco CA 94108
Project Name: McFarland Multifamily Development
Description: McFarland Multifamily Development with Accessory Building and Clubhouse
ProjectAddress: McFarland Site 37th & Monroe
Zone: General Mixed Use GMU
Occupancy Group: R, B
ConstructionType:
Use: Town Center TC
Occupant Load: TBA
AppsPresent: Jess Henry, Mar Wyzykowski, Jim Orr, Matt McClincy, Cynthia Schuster, Dean Masukawa
Staff Attendance: Denny Egner, Vera Koliass, Alma Flores, Alex Roller, Leila Aman, Samantha Vandagriff, Peter Passarelli, Dalton Vodden, Don Simenson, Izak Hamilton (CCFD)

BUILDING ISSUES

ADA: Building shall meet ADA requirements from the Oregon Structural Specialty Code (OSSC). A path way connecting the residents to the courthouse shall also be ADA compliant.

Structural: All buildings shall meet the requirements of the Oregon Structural Specialty Code (OSSC).

Mechanical: All buildings shall meet the requirements of the Oregon Mechanical Specialty Code (OMSC).

Plumbing: All buildings and on site inground utilities shall meet the Oregon Plumbing Speciality Code (OPSC) . Please note, the plumbing permit is separate from the grading permit submitted to engineering for review. 2 hard copies fo the plumbing plans will be required for review. Clackamas County does our commercial plumbing review for us, so timelines are not in our controll. Please allow plenty of time for these reviews.

Plumb Site Utilities: Inground utilities shall meet the Oregon Plumbing Speciality Code (OPSC) . Please note, the

plumbing permit is separate from the grading permit submitted to engineering for review. 2 hard copies fo the plumbing plans will be required for review. Clackamas County does our commercial plumbing review for us, so timelines are not in our controll. Please allow plenty of time for these reviews.

Electrical: All electrical work shall comply with the NEC. 2 hard copies fo the plumbing plans will be required for review. Clackamas County does our commercial plumbing review for us, so timelines are not in our controll. Please allow plenty of time for these reviews.

Notes: Building shall not cross property lines.

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers: Will be required throughout any buildings with a residential component.

Fire Alarms: Shall be provided as per the Oregon Structural Specialty Code (OSSC) chapter 9 requirements.

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes:

PUBLIC WORKS ISSUES

Water: A City of Milwaukie 12-inch water main on Monroe St and an 18-inch water main on 37th Ave are available to serve the proposed development. The water System Development Charge (SDC) is based on the size of water meter(s) serving the property (See City of Milwaukie Master Fee Schedule). The corresponding water SDC will be assessed with installation of a water meter. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer: A City 8-inch wastewater main on Monroe St and 37th Ave are available to provide service to the proposed development. Currently, the wastewater SSDC is comprised of two components: the first component is the City's SDC charge, currently \$1,186 per 16 plumbing fixture units in accordance with the Uniform Plumbing Code; and the second component is the County's SDC for treatment, currently \$6,540 per equivalent dwelling unit, that the City collects and forwards to the County. The wastewater SDC will be assessed and collected at the time the building permits are issued.

There is currently a sewer easement running east/west through the site. The city has no concerns with vacating this easement, as long as improvements detailed in these notes are constructed.

Storm:

A City 12-inch storm main is available on Monroe St. The system is identified as overcapacity in the Milwaukie Stormwater Master Plan and a capital project has been identified and is currently in the design phase to provide service to the property. Timing of any proposed development with the future storm main will need to be addressed in the proposed developments stormwater management plan. Submission of a stormwater management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the Milwaukie Public Works Standards.

The stormwater management plan shall demonstrate that the post-development runoff does not exceed the predevelopment, including any existing stormwater management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City has adopted the City of Portland 2016 Stormwater Management Manual for design of water quality facilities.

All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See Milwaukie Public Works Standards for design and construction standards and detailed drawings.

Infiltration from all impervious surfaces, including roofs, will NOT be permitted on this site because of the soil contaminants and the proximity to the City water wells and pumps.

A future stormwater facility is planned on Taxlot 3000 located to the west of Oak St and may be available for the proposed development to incorporate into the stormwater management plan to accommodate stormwater from the site as an interim measure until a City stormwater line is available.

Temporary overflows may be installed to the existing storm system depending on the findings of the stormwater management plan. The future facility design has the capacity to handle the proposed development as long as the release requirements within City standard design criteria are met.

Temporary detention may be required. The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 sq ft of impervious surface. The storm SDC is currently \$930 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street:

The proposed development fronts the south side of Monroe St, a collector street. The portion of Monroe St fronting the proposed development has a right-of-way width of 60 ft and a paved width of 36 ft with curb and sidewalk improvements on both sides and of the road.

The proposed development fronts the west side of 37th Ave, a collector street. The portion of 37th Ave fronting the proposed development has a right-of-way width of 60 ft and is unimproved on the development's frontage.

The proposed development fronts the east side of Oak St which is a collector street. This section of Oak St has a right-of-way width of 60 ft and a paved width of 35 ft. Development's frontage has curb and asphalt sidewalk.

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is currently \$2,114 per trip generated. Transportation SDCs will be assessed and collected at the time the build permits are issued.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code (MMC) applies to partitions, subdivisions, new construction, and modification and/or expansion of existing structures or uses.

Transportation Facility Requirements, MMC 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

According to MMC Table 19.708.2 and Milwaukie Public Works Standards, the minimum roadway cross section for the roadways located along the development's frontage includes the following:

37th AVE AND MONROE ST

- 11-ft travel lanes
- 6-ft bike lanes
- 5-ft landscape strips
- 6-ft setback sidewalks

OAK ST

- 40-ft curb to curb roadway (3 travel lanes and a median)
- 3-ft landscape strips
- 12-ft setback sidewalks

Note that on-street parking is not required on these frontages. If applicant is electing to provide on-street parking, an additional 8-ft of width will be required. Also, the existing centerline striping on the Monroe St frontage does not appear to be in the center of the right-of-way. To accommodate the required frontages, additional right-of-way dedication will need to be provided.

No frontage improvements will be required along Oak St unless identified within the approved Transportation Impact Study (TIS). Frontage improvements are required along Monroe St and 37th Ave unless FILOC is requested and approved.

The 37th Ave frontage may be eligible for fee in lieu of construction (FILOC). The current FILOC rate is \$467 per linear foot of frontage. This FILOC payment could be paid for a portion of the frontage as well: possibly pay FILOC for the "tract 2" frontage and construct the remaining "tract 1" frontage on 37th Ave. This may eliminate the required crossing order modifications, as the southern portion of the 37th Ave frontage would remain unchanged.

Right of Way:

Right-of-way on Monroe St and 37th Ave must be wide enough to accommodate the proposed street improvements identified under the frontage section above plus 2 ft for the 6-inch separation from property line, and 6-inch curb width. The minimum sections identified would require a 6-ft right-of-way dedication along Oak St along with an accompanying radius with Monroe St to accommodate Americans with Disabilities Act (ADA) requirements. The TIS may require additional right-of-way dedication and corresponding improvements.

Driveways:

MMC 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable ADA guidelines. Driveway approaches shall be improved to meet the requirements of Milwaukie Public Works Standards. The proposed accessway is not in conformance with City standards. Accessways must be located at street intersections or 300-ft from an intersection per MMC 12.16.040. Unless the TIS determines otherwise, this requires the accessway on 37th Ave to be located across from Washington St.

Erosion Control:

Per MMC 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding 500 sq ft.

MMC 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. The erosion control permit for the proposed site will be issued by DEQ. Receipt of an approved erosion control plan is required prior to issuance of permits.

Traffic Impact Study:

MMC 19.704.1(A) states that the City will determine whether a TIS is required. In the event the proposed development will significantly increase the intensity of use, a TIS will be required. The

Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created.

The Engineering Director has determined that a TIS is required for this development, see MMC 19.704, the TIS triggers a Transportation Facilities Review (TFR) Land Use Application to be filed prior to the land use application. A \$1000.00 reserve deposit is required to begin the scoping process (final scoping cost may or may not be more than this). Once the scope of the proposed development is determined and final scoping fees are paid, the City will provide a detailed TIS scope for the traffic study. When the TIS is completed in accordance with the TIS scope, the applicant shall submit the TIS for review along with an additional \$2500 reserve deposit and schedule a second preapplication meeting after review by the City. The fee for the second preapplication meeting is currently \$100.00. Upon completion of the second preapplication meeting, the applicant may submit their land use applications. The TIS will determine the final improvements/dedications/offsite mitigation that is required for this development and the requirements identified must be addressed in the land use application.

PW Notes:

MULTI-USE PATH

The TSP identifies a multiuse path between Oak St and Washington St through the site. The multiuse path along the north side of the railroad right-of-way satisfies this requirement, provided the connection at 37th Ave is relocated to the existing crossing location at Washington St. Per MMC 19.708.5 the minimum improved surface width is 10 ft with a minimum easement width of 15 ft. Ownership and maintenance requirements are addressed in MMC 19.708.5.D. Final selected ownership option will be determined by the Engineering Director. Pathway will follow lighting requirements addressed by the AASHTO Guide for the Planning, Design, and Operations of Bicycle Facilities, section 5.2.12.

SYSTEM DEVELOPMENT CHARGES (SDC)

There was insufficient information to estimate SDCs with the preapplication submitted. All SDCs are calculated, assessed, and collected at the time of building permit is issued. Any changes in the proposed use may result in a change in the SDCs that are assessed. If the applicant needs an estimate of SDCs, then staff can provide the specific information to be submitted by the applicant required to calculate SDCs for a given proposal.

In addition to the SDCs mentioned earlier, there is a Parks & Recreation SDC that is triggered when application for a building permit on a new dwelling is received. Currently, the Parks & Recreation SDC for each multifamily dwelling is \$3,908.00. The Parks & Recreation SDC will be assessed and collected at the time the building permits are issued.

ADDITIONAL REQUIREMENTS

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.
- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.
- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.
- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City prior to the final inspection.
- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks: Yard setbacks in the GMU zone are established in Milwaukie Municipal Code (MMC) Subsection 19.303.3. Subject to additional street setback details in 19.303.4.C, the minimum street setback = 0-15 feet; the maximum street setback = 10-20 feet; the side and rear setbacks = 0 feet. Development that fronts on 37th Ave and Monroe St will be subject to 19.303.5, which requires a minimum setback of 15 ft and buildings within 50 ft of 37th Ave and Monroe St shall provide a step back of at least 15 ft for any portion of the building above 35 ft.

Landscape: In the GMU zone, a minimum of 15% of the site must be landscaped. A maximum of 85% of the site may be covered by structures, including decks or patios over 18 inches above grade.

Parking: Off-street parking standards can be found in MMC Chapter 19.600. No vehicle parking is permitted between the street and the building in the GMU.

Various exemptions and by-right reductions to quantity requirements can be found in 19.605.3 and the process to request quantity modifications can be found in 19.605.2. The applicant should review 19.606 for parking area design and landscaping requirements, as well as 19.608 for requirements for loading areas, 19.609 for bicycle parking standards, and 19.610 for carpool and vanpool standards.

Transportation Review: Please see the Public Works notes for more information about the requirements of MMC 19.700 and MMC 12.16.

Application Procedures: The proposal is for a multi-family residential development on the entire property.

Relevant code sections:

- General Mixed Use zone GMU – MMC 19.303
- Design Standards for multi-family housing – MMC 19.505.3
- Live/Work Units – MMC 19.505.6
- Public Facility Improvements – MMC 19.700
- Development Review – MMC 19.906
- Fence/wall variance – MMC 911.3
- Building Height Variance – MMC 19.911.7
- Review Procedures – MMC 19.1000

Land use applications required:

- Transportation Facilities Review: Type II review
 - oMMC 19.704 – Transportation Impact Analysis
 - oIncludes separate pre-application conference and peer review by the City's consulting engineer
- Development Review land use applications – if the proposal meets all development and design standards, then the project is subject to Type I Development Review; if the multi-family design guidelines will be used, then the project is subject to Type II Development Review.
- Fence or wall exceeding base standards: Type II review for up to 8 ft; Type III review for greater than 8 ft.
- Building height variance in the GMU: Type III review for the proposed 5-story building – includes review by DLC and Planning Commission

Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each year.

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application will be required for referral to other departments, the Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

Land use application submission materials are listed below. Please refer to the land use application and submittal requirements form for detailed information.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed "Submittal Requirements" form.
4. 5 copies of an existing conditions and a proposed conditions site plan, both to scale. These two site plans can be combined onto one site plan. Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.
5. Detailed narrative describing compliance with all applicable code sections.

Type I applications are administrative in nature and are decided by the Planning Director. A decision is generally issued within 14 days of the application being deemed complete. The current filing fee for a Type I application is \$200.

Type II applications are administrative in nature and are decided by the Planning Director with an opportunity for public comment. Once the application is deemed complete, notice of the application will be mailed to property owners and residents within 300 ft of the subject property, with 14 days to respond with comments. Within 7 days of being deemed complete, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. A decision will not be issued before the end of the 14-day comment period. The current filing fee for a Type II application is \$1,000.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing. The current filing fee for a Type III application is \$2,000.

Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.

Given the significance of development on this large development site, prior to submitting the application the applicant is encouraged to present the project at a regular meeting of both the Ardenwald and Hector Campbell NDAs. Meeting information is as follows:

- Ardenwald meetings occur at 6:30 p.m. on the fourth Monday of every month at Milwaukie Café and Bottle Shop (9401 SE 32nd Ave). Contact information can be found here:

<http://www.milwaukieoregon.gov/citymanager/ardenwald-johnson-creek-nda>

- Hector Campbell meetings occur at 6:30 p.m. on the second Monday of every month at the Public Safety Building (3200 SE Harrison St). Contact information can be found here:

<https://www.milwaukieoregon.gov/citymanager/hector-campbell-nda>.

Natural Resource Review: There are no natural resources on the subject property.

Lot Geography: The subject property is made up of 2 individual parcels and is approximately 7.23 acres in area.

Planning Notes: Staff encourages the applicant to review MMC 19.911.7 to review the approval criteria for a 5-story building in the GMU to be sure that the narrative, plans and drawings clearly articulate how the proposal meets the criteria.

The following information was sent to the applicant after an initial staff review of the site plan and in response to some specific questions:

1. We would consider the entire site as the project site – not as 2 individual lots (for the purposes of FAR, density, etc.)
2. Please provide building elevations to assist staff in understanding the relationship of the buildings to the street
3. Calculations will be required for parking to confirm compliance, including bike parking (Note: Multifamily residential development with 4 or more units shall provide 1 bike space per unit.)
4. Calculations will be required minimum landscaping to confirm compliance, including required landscaping in parking areas – note perimeter landscaping requirements
5. The application should describe the proposed plaza – use, design, etc.
6. The application should include the design for the garages along the bikepath – solid walls, covered and unenclosed, etc.
7. The application should include the design of the fence around the site and around the bioswale at Oak St.
8. The proposed 10-ft wall along the bikepath exceeds city standards for fences/walls (6-ft max height). Type II fence variance allows a maximum 8-ft height. Type III variance approval would be required for a 10-ft wall. Please provide design details. There is concern about the effect this wall would have on the users of the bikepath.

Also in attendance at the pre-application conference were representatives from 2 state agencies: Oregon Department of Transportation (ODOT) and the Oregon Department of Environmental Quality (DEQ). Both of these agencies have submitted written comments for inclusion with the pre-application notes. The applicant is encouraged to review them carefully, as both agencies will be notified of any land use applications for development on the subject property and their comments may affect the proposed site plan and project timeline.

The applicant is encouraged to review the Central Milwaukie Land Use and Transportation Plan, an ancillary document to the Milwaukie Comprehensive Plan, which establishes the policies, goals, and objectives, for the central Milwaukie area. The document can be reviewed here: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/42741/cmlutp_12-31-15_final_sm.pdf.

The Milwaukie zoning code can be accessed at:
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Dated Completed: 2/11/2019

City of Milwaukie DRT PA Report

Page 8 of 9

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Sam Vandagriff - Building Official - 503-786-7611

Vacant - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Jennifer Garbely - Asst. City Engineer - 503-786-7609

Rick Buen - Civil Engineer - 503-786-7610

Alex Roller - Engineering Tech II - 503-786-7695

Jennifer Backhaus- Engineering Tech I - 503-786-7608

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores, Comm. Dev. Director - 503-786-7652

Leila Aman - Development Manager - 503-786-7616

Alicia Martin - Admin Specialist - 503-786-7669

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kelter - Associate Planner - 503-786-7657

Vera Kolias - Associate Planner - 503-786-7653

Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2660

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Izak Hamilton, Fire Inspector, Clackamas Fire District #1
Date: 2/11/2019
Re: Monroe Apartments 37th and Monroe Milwaukie, OR 19-001PA

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

A Fire Access and Water Supply plan is required for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291, and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.

Emergency responder radio coverage must be tested or provided due to the following:

- 1. Any building 50,000 square feet in size or larger.**

Access:

1. Provide address numbering that is clearly visible from the street.
2. No part of the building may be more than 150 from an approved fire department access road.
3. The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28' and 48', measured from the same center point.
4. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20' (26' adjacent to fire hydrants) and an unobstructed vertical clearance of not less than 13' 6".

5. Fire apparatus access roads must support a 75,000 lb. fire apparatus.
6. Buildings exceeding 30' in height shall require extra width and proximity provisions for aerial apparatus.
7. Provide at least two approved means of fire apparatus access to developments with more than 30 detached dwellings, or more than 100 multi-family dwelling units. Installation of fire sprinkler systems in all structures may exempt this requirement.

***Multi-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.**

8. Gates across access must be pre-approved by the Fire District.

Water Supply

1. **Fire Hydrants Commercial Buildings:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided.

Note: This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.

2. All new buildings shall have a firefighting water supply that meets the fire flow requirements of the Fire Code. Maximum spacing between hydrants on street frontage shall not exceed 500 feet. Additional private on-site fire hydrants may be required for larger buildings. Fire sprinklers may reduce the water supply requirements.
3. Prior to the start of combustible construction required fire hydrants shall be operational and accessible.
4. The fire department connection (FDC) for any fire sprinkler system shall be placed as near as possible to the street, and within 100 feet of a fire hydrant.

Notes:

1. Please visit our website for access to our Fire flow Worksheet, and Fire Code Application Guide.

<http://www.clackamasfire.com/fire-prevention/new-construction-resources/>

2. Emergency responder radio coverage must be tested or provided due to the following

1. Any building with one or more basement or below-grade building levels.
2. Any underground building.
3. Any building more than five stories in height.
4. Any building 50,000 square feet in size or larger.

Fire Code applications guide: <http://clackamasfire.com/wp-content/uploads/2017/02/Fire-Code-Applications-Guide-05-25-16.pdf>



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

January 29, 2019

ODOT #8821

ODOT Response

Project Name: McFarland Site	Applicant: Marc Wyzyzkowski
Jurisdiction: City of Milwaukie	Jurisdiction Case #: 19-001 PA
Site Address: No Situs - Monroe/37th, Milwaukie, OR	Legal Description: 01S 01E 36AB Tax Lot(s): 03003
State Highway: OR 224	Rail Crossings: Oak St and 37 th St

The site of this proposed land use action is adjacent to public rail crossings at Oak St and SE 37th St and in the vicinity of OR 224. ODOT has jurisdictional authority for these facilities and an interest in ensuring that this proposed land use is compatible with their safe and efficient operation. **Please direct the applicant to the Rail Contact indicated below to determine Crossing Order requirements, to schedule a diagnostics meeting and obtain application information.**

RAIL COMMENTS

- Diagnostic meeting required due to plans showing a sound wall adjacent to railroad property would reduce the line of sight,
- If additional AADT at the SE Oak Street intersection with SE Railroad Avenue requires changes in traffic control a diagnostic would be required,
- Either of the above could be combined if appropriate and could require an Crossing Order application to proceed.

Responses (green text) to questions that may still need answers

- Characteristics of the rail line (i.e. type of use, frequency, etc.) **UP line, freight 16 per day counted 2009, Amtrak ~ 6 per day,**
- How is the Safe Stopping Distance measured between the crossing and an access? **measured back from the location of the stop clearance lines, (note this is different than what I said during the meeting on 1/24/19)**
- Can the access on 37th Street be for “emergency access” only? If so, and within the SSD, does that necessitate and require a Crossing Order? **Emergency access is not shown within the SSD in the documents provided so may not need answer.**

Corrections to documents

- 19 001PA application materials-WithNotes.pdf,
 - o Site Plan has the safe stopping distance shown as 150’ and it should actually be 155’,
 - o Comment regarding on-street parking (last comment on page 25) should be modified to:

- ODOT Rail and Public Transit Division objects to on-street parking within the safe stopping distance as vehicles could block the line of sight.

741-115-0080

Vegetation Control at Grade Crossings

- (1) The railroad shall control vegetation on its right-of-way for a distance of 250 feet in each direction from the edge of the crossing surface and for a distance of 50 feet in each direction from the centerline of the nearest track or to the edge of the railroad's right-of-way, whichever is less, so that the vegetation does not obstruct motorists' view of approaching trains.
- (2) The public authority shall control vegetation on its right-of-way within the SSD and within its right-of-way.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

Traffic Impacts

- ☒ The applicant shall submit a traffic impact analysis to assess the impacts of the proposed use on the State highway system. The analysis must be conducted by a Professional Engineer registered in Oregon and include four OR 224 intersections at Harrison St, Monroe St, Oak St and 37th St. **Contact the ODOT Traffic representative identified below if you have questions regarding the scope of the study.**

Property Location Adjacent to Rail Tracks

- ☒ The applicant shall install continuous fencing (no gates) along the property line fronting the rail tracks to ensure the safe operation of trains by preventing illegal trespassing of pedestrians across the tracks (see attached Rail Fence Detail).

Property Location Within Safe Stopping Distance of a Public Rail Crossing

- ☒ A Crossing Order is required for any alterations within the safe stopping distance of the public rail crossing. To alter means any change to the roadway or tracks at a crossing that materially affects use of the crossing by railroad equipment, vehicles, bicyclists or pedestrians. Alterations include, but are not limited to: changing the width of the roadways; installing or removing protective devices; creating an additional travel lane; installing curbs, sidewalks, or bicycle facilities. **Contact the ODOT Rail Crossing Specialist below for information on the Crossing Order application process.**

ADVISORY INFORMATION

Noise

- ☒ The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight trains, passenger trains or transit vehicles. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.

Please send a copy of the Land Use Notice including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221
Rail Contact: Bob Stolle	503.986.6802 Bob.Stolle@odot.state.or.us

Matt McClincy
Oregon Department of Environmental Quality
Northwest Region
700 NE Multnomah St., Suite 600
Portland, Oregon 97232-4100
Phone 503-229-5538
Fax 503-229-6945

January 24, 2019 Meeting

Parcel 2 Bioswale

We discussed DEQ concerns with the bioswale identified on the conceptual development figure for Parcel 2. A representative from Johnson Development, noted that the bioswale would be lined and was not intended to be an infiltration basin. He also noted that they were looking to relocate it onto Parcel 1. Given this understanding, DEQ agrees that this is not a significant concern for exacerbation of the existing Parcel 2 contamination.

Naphthalene Soil Gas Investigation Results

DEQ provided a figure (Figure 3) from the January 23, 2018 report *Results of Naphthalene Soil Sampling at Former L.D. McFarland Wood Treating Site Milwaukie, Oregon*. This figure illustrates the soil gas sample locations and results. DEQ noted that the soil gas result collected from the excavation 5 footprint area exceeds the level considered protective for potential migration of soil gas to indoor air. Should a structure be constructed over this area, DEQ will require an active soil gas mitigation system to be part of the structure design. The need to treat soil gas discharge will also need to be evaluated as part of the design review. Johnson Development may want to proactively plan for treatment (e.g., activated carbon filtration) as the naphthalene levels exceed odor thresholds.

I need to modify one of our review comments. It was subsequently pointed out to me that current DEQ guidance uses a 100 foot buffer between a soil gas source and a structure. The initial DEQ comment provided to you was limited to future structures constructed over the excavation 5 area. What this means for the McFarland site is that either additional soil gas data would be necessary to document vapor levels are below standards for a potential structure built within the excavation 5 area 100 foot buffer or a soil vapor mitigation system installed. The 2017 soil vapor study does partially bound the excavation 5 soil gas concentrations but not in all directions.

DEQ would also require utility trenches in the vicinity the excavation 5 area to include vapor migration barriers.

Johnson development asked if DEQ has a more detailed figure of the excavation 5 location. DEQ is reviewing its records.

Monitoring Wells

Johnson Development asked if DEQ would require all of the monitoring wells to be maintained. DEQ explained that we have not done a cross walk between the existing monitoring well network constructed to support the remedial investigation and the wells required to be monitored as part of the ongoing groundwater monitoring program. The site remedy allows for modification of the groundwater monitoring program with DEQ approval. DEQ will work closely with the City of Milwaukie to evaluate any such proposal.



Monroe Apartments Variance

To:
Vera Kolas, Associate Planner
Milwaukie Planning Commission

CC Marc Wyzykowski, Johnson Development Associates

RE: Monroe Apartments Variance #VR-2019-003

At the April meeting of the Hector Campbell Neighborhood Association [HCNDA], a presentation for a variance for building height for a 5 story building at the McFarland site at 37th and Monroe presented. After the presentation and group discussion the HCNDA voted to unanimously approve the variance.

During discussion about the Monroe Apartments and the Building Variance other items of concern arose. Some of those items are:

The need for Traffic Study to address the future impacts for 37th Ave and the surrounding intersections.

There are concerns about how the Quite Zone Diverters for left turns are designs. The paving of the crossing at 37th and Railroad not level on both sides of the railroad tracks. The south side of the crossing is ruff and uneven.

Some of the positives of the discussion are:

Storm water site management plan that include fencing and regular maintenance of the facility by the owner.

On street parking along Monroe for the Live Work units.

Maintaining of current Triangle Park at 37th and Monroe.

Market rate housing rents.

Landscaping

We know at this time the only part up for discussion is the building height for the one 5 story building. We just wanted to share other concerns and positives we see in the overall project. If you have questions for the HCNDA please contact us at info@HectorCampbellNDA.org

David Aschenbrenner, Chair
Hector Campbell Neighborhood Assoc.
503-804-3837
2dasch@gmail.com



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

April 12, 2019

ODOT #8821

ODOT Response

Project Name: McFarland Site Monroe St and 37th Ave	Applicant: Jennifer Garbely, City of Milwaukie
Jurisdiction: City of Milwaukie	Jurisdiction Case #: VR-2019-003
Site Address: No Situs - Monroe/37th, Milwaukie, OR	Legal Description: 01S 01E 36AB Tax Lot(s): 03003
State Highway: OR 224	

The site of this proposed land use action is in the vicinity of OR 224. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

COMMENTS/FINDINGS

The proposed height variance from a 3 story to 5 story building on the site will increase the traffic generated from the site. A traffic study or trip generation analysis is needed to determine whether transportation facilities adequate to support the increase in traffic generation from the proposed height variance.

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

Traffic Impacts

- ☒ The applicant shall submit a traffic impact analysis to assess the impacts of the proposed use on the State highway system. The analysis must be conducted by a Professional Engineer registered in Oregon and include four OR 224 intersections at Harrison St, Monroe St, Oak St and 37th St.. **Contact the ODOT Traffic representative identified below and the local jurisdiction to scope the study.**

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221
District Contact: BKM_DistrictRevName	BKM_DistrictRevPhone



CITY OF MILWAUKIE

To: Design and Landmarks Committee

Through: Dennis Egner, Planning Director

From: Brett Kelter, Associate Planner

Date: May 6, 2019

Subject: Worksession Items

BACKGROUND: Downtown design review process (continued)

Downtown Design Review

MMC Subsection 19.508.4 (Building Design)

List of Design Elements

Original

- A. Site Frontage
- B. Wall Structure & Building Façade Detail
- C. Exterior Building Materials
- D. Façade Transparency
- E. Doors & Entrance Locations
- F. Windows
- G. Corners
- H. Building Massing
- I. Weather Protection
- J. Roof Screening
- K. Service Areas (Screening)
- L. Green Architecture
- M. Pedestrian Circulation
- N. Private Open Space
- O. Pedestrian-Oriented Open Space
- P. Landscaping
- Q. Outdoor & Exterior Building Lighting

Revised (draft proposal)

- A. Site Frontage
- B. Pedestrian Circulation
- C. Pedestrian-Oriented Open Space
- D. Landscaping
- E. Private Open Space
- F. Building Massing
- G. Wall Structure & Building Façade Detail
- H. Façade Transparency
- I. Corners
- J. Windows
- K. Doors & Entrance Locations
- L. Roof Screening
- M. Weather Protection
- N. Green Architecture
- O. Outdoor & Exterior Building Lighting
- P. Exterior Building Materials
- Q. Service Areas (Screening)

Elements Recommended for Deletion

- 1. Rooftops
- 2. Ground-level Screening
- 3. Vehicle Parking
- 4. Long-term Bicycle Parking
- 5. Waste Collection Areas
- 6. Privacy Considerations / Transition Measures
- 7. Safety & Building Security
- 8. Public Open Space
- 9. Outdoor Lighting
- 10. Parking Lot Lighting
- 11. Landscape Lighting

Downtown Design Review

MMC Subsection 19.508.4 (Building Design)

Element A – Site Frontage

Purpose/Intent

To encourage building design and site placement that enlivens the public realm and streetscape through consistent frontages and active ground floor uses.

Design Standards

1. Ground Floor Space

For new buildings fronting Main St, the following standards must be met:

- A. At least 75% of the ground-floor height must be at least 15 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams.
- B. At least 75% of the interior floor area adjacent to Main St must be at least 20 ft deep, as measured from the inside building wall or windows facing Main St.

2. Street Setbacks / Build-To Lines

- A. For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 ft. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the requirements of **Element O** (Pedestrian-Oriented Open Space).
- B. For other block faces, there is no build-to line requirement and the maximum setback shall be 10 ft. The front setback shall provide usable open space that meets the requirements of **Element O** (Pedestrian-Oriented Open Space).
- C. The portions of the building used to meet the build-to line requirement in 2-A above shall have a depth of at least 20 ft. *[Not sure what this means, or why it isn't just included in 2-A.]*
- D. The Downtown Mixed Use (DMU) zone is exempt from the clear vision area requirements of Chapter 12.24, with the exception of driveway and street intersections with McLoughlin Blvd. *[Is Engineering ok with this?]*

3. Frontage Occupancy

- A. For block faces that front on Main St, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main St and another street, the frontage occupancy requirement must be met on Main St only.
- B. For block faces that front on Harrison St, Monroe St, Washington St, Adams St, and 21st Ave, 75% of the site frontage must be occupied by a building or buildings.

- C. For other block faces, 50% of the site frontage must be occupied by a building or buildings.
- D. If a development site has frontage on more than 1 street, the frontage occupancy requirement must be met on 1 street only, for the street with the highest required site frontage percentage. *[This needs to be further broken down based on the number of frontages and it needs to be related to transit streets. And Figure 19.304-5 needs to be adjusted.]*
- E. Building facades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 in.

Guidance *[Where do these points come from?]*

1. A strong and high-percentage presence of a building on the site edge, and spacious active ground-floor spaces and uses should help to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities.
2. Where buildings are set back from the property line and sidewalk, plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and pedestrian realm.
3. Ground floors of commercial, public, and mixed-use buildings should be inviting and offer ample space for occupants and visitors that is visible to and from outside the building.
4. High ground-floor heights provide flexible interior spaces for active, semi-public uses.

Notes on Figures

- May need revisions to first-floor build-to lines diagram (add Milwaukie Lumber frontage)
- Keep graphic illustrating first-floor build-to lines (Figure 19.304.5.D.2.b(1&3))
- Keep graphic on flexible ground-floor space standards (Figure 19.304.5.C.2)
- Keep graphic on frontage occupancy requirements and build-to line (Figure 19.304.5.E.2)
- Keep graphic on frontage occupancy requirements (Figure 19.304.5.E.2.a-c)

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Element B – Wall Structure & Building Façade Details

Purpose/Intent

To add visual interest to buildings and enhance the street environment with continuous and varied wall structures. Use design features and details to break down the scale and mass of a building in order to create comfortable, pedestrian-friendly environments and enclosure to public areas.

Design Standards

1. Nonresidential, mixed-use, and multifamily residential-only buildings are subject to the following standards:

A. Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of the following elements:

- a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 ft on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.
- b) The building base shall be constructed of brick, stone, or concrete to create a “heavier” visual appearance.
- c) Weather protection that complies with the standards of **Element I** (Weather Protection).
- d) Windows that comply with the standards of **Element F** (Windows).
- e) Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.

2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

- a) Windows that comply with the standards of **Element F** (Windows).

b) One of the following elements:

- i. A change in exterior cladding and detailing and/or material color between the ground floor and upper floors.
 - ii. Either street-facing balconies or decks at least 2 ft deep and 4 ft wide, or a 6-ft minimum building step-back on the third floor or higher, for at least 25% of the length of the building. *[Are both options required for at least 25% of the length, or just the 6-ft step-back?]*
 - iii. A pedestrian protection canopy located at the second floor line above the storefront and/or clerestory windows that is differentiated at the main entrance of the building or primary tenant and broken by the location of the architectural bay. (See ~~xx~~ below.) *[Draft references standard (d) below, but there is no such standard. This is also unclear to me overall—is it the second-floor line, or the second floor line above the storefront?]*
- c) A change in wall plane of not less than 24 in deep and 24 in wide. Breaks may include but are not limited to an offset, recess, window reveal, or similar architectural feature.

3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and it is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide roofs that comply with the standards described in Standard 1-C, below.

B. Horizontal Building Façade

- 1) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—shall line up with adjacent facades if applicable.
- 2) Significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building. The area or areas created by this break shall meet the standards of Subsection 19.304.5.H.

C. Rooftop Design

These standards are provided in conjunction with those established in **Element L** (Roof Screening).

- 1) The roof ~~form~~ of a building shall follow one (or a combination) of the following forms:
 - a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch)
 - b) Hip roof

- c) Gabled roof
 - d) Dormers
 - e) Shed roof
- 2) Roofs are subject to the following standards as applicable:
- a) Unless there is no rooftop equipment, all flat or low-slope roofs shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.
 - b) All hip or gabled roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.
 - c) Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
 - d) When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.
2. Residential-only buildings are subject to the following standards. For multifamily residential-only buildings, these standards apply in addition to those provided above in Standard 1.
- A. Stand-alone multifamily residential buildings are subject to the objective standards of Subsection 19.505.3.D.6, with the exception of the private and public open space requirements of Subsections 19.505.3.D.1 and D.2. The open space requirements of **Elements C** (Pedestrian-Oriented Open Space) and **E** (Private Open Space) apply to stand-alone multifamily residential buildings in Downtown.
 - B. Rowhouses are subject to the objective standards of Subsection 19.505.5, as revised by Subsection 19.304.3.B.
 - C. Live/work units are subject to the objective standards in Subsection 19.505.6.

Guidance

1. Street walls should engage the street, achieving a distinct and high-quality treatment that recognizes Downtown as a community center.
2. Building façades should address hierarchy to frame, define, and activate an appropriate pedestrian scale, with ample opportunities for viewing interior spaces, shopping, dining, and seating.
3. Building materials should include a palette that is visually interesting, coherent, related to its place, and observant of environmental elements of our region.
4. Continuous and varied wall structures and details add visual interest to buildings and provide enclosure to public areas.

5. Wall structure details reduce perceived building scale and massing, helping to create a comfortable pedestrian environment.
6. The rooftop should be considered a “fifth façade” of the building and should accordingly be designed to high visual value.
7. Building walls should provide a sense of continuity and enclosure to the street, creating a “street wall.” They should also include vertical (tripartite façade of base, middle, and top) and horizontal (bays and articulation) divisions to provide a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest and will tend to make large buildings appear inviting.
8. Buildings should avoid blank wall faces near public corners.
9. Garage doors could be integrated into the design where necessary with transparent or perforated materials.

10. Residential building design = ???

Notes on Figures

- Keep graphic illustrating horizontal building façade details (Figure 19.508.4.A.2.b)
- Keep graphic on flat roof with parapet or cornice (Figure 19.508.4.F.2.b)
- Keep graphic on pitch and gable roofs (Figures 19.508.4.F.2.c&d)
- Keep graphic on vertical building façade details (Figure 19.508.4.A.2.a)
- Use new graphic provided in draft with photo illustrating 10 design features

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Element C – Exterior Building Materials

Purpose/Intent

To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, and activate the building around the pedestrian realm.

Design Standards

The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. When existing buildings are renovated, the modified section of the street-facing façade(s) shall be brought closer into conformance with the following standards where practical and shall not be taken farther out of conformance. **Table 19.508.4.D** specifies the primary, secondary, and prohibited material types referenced in this standard.

1. Façade coverage (refer to **Table 19.508.4.D** regarding materials)
 - A. Buildings shall utilize primary materials for at least 65% of each applicable building façade.
 - B. Secondary materials are permitted on no greater than 35% of each applicable building façade.
 - C. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g., flashing, projecting features, ornamentation, etc.).
 - D. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.
2. First-floor materials shall wrap around to the **non-primary face(s)** *[needs definition or clarification?]* of the building to minimum depth of 10 ft or to the edge of the abutting building, whichever is less *[or greater?]*.

Table 19.508.4.D Exterior Building Materials for Residential, Nonresidential, and Mixed Use Buildings	
Material Type	Status Allowed P=Primary Material, S=Secondary Material, A=Accent Material, N=Prohibited Material
Brick	P
Stone/masonry	P
Genuine stucco	P
Transparent Glass <i>[set a max %?]</i>	P
Finished wood, wood veneers, and wood siding	P

Finished metal panels (e.g., anodized aluminum or stainless steel) featuring a polished, brushed, or patina finish	P
Fiber-reinforced cement siding and panels <i>[need more discussion about thickness—thicker could be acceptable as P; thinner would be S or A]</i>	P
Concrete blocks with integral color (ground, polished, or glazed finishes)	S
Architectural concrete (poured in place or precast)	S
Ceramic tile	S
Vegetated wall panels or trellises	S
Concrete blocks with integral color (split-face finish)	A
Standing seam and corrugated metal	A
Glass block	A
Spandrel Glass	A
Copper	A
Vinyl siding	N
Plywood paneling, sheet pressboard, T-111 plywood	N
Exterior insulation finishing system (EIFS) or other synthetic stucco panels	N
Fencing material	N
Corrugated galvanized iron	N
Plain concrete or concrete block	N

Guidance

1. Use materials that create a sense of permanence and high quality.
2. Incorporate a hierarchy of building materials, with materials that are durable.
3. Quality wall materials can provide a sense of permanence in a building and bring life and warmth to Downtown. Articulation of wall materials should be bold, with materials used in a way that shows their depth.
4. Building façades clearly demarcate areas of visual interest, highlighting entries or displays. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone.
5. Building materials should include a palette that is visually interesting, coherent, related to its place, and observant of environmental elements of our region.
6. For existing development, new and existing materials create a unified appearance.

Notes on Figures

- Keep graphic on exterior wall standards (Figure 19.508.4.D.2)

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Element D – Façade Transparency

Purpose/Intent

To activate building interiors and exteriors by ensuring transparency through the building, exposing ground-floor commercial and public uses of buildings, and promoting a safe pedestrian environment through visibility, lighting, and “eyes on the street” techniques.

Design Standards

1. Main Streets

For non-residential ground-floor uses on block faces along Main St and McLoughlin Blvd, 50% of the ground-floor street-facing wall area must consist of openings (i.e., windows and the glazed portions of doors). The ground-floor street wall area is defined as the area from the top of the floor finish to the bottom of the ceiling joists or, where there is no ceiling, to the bottom of the roof rafters of the space fronting the street or 15 ft above finished grade, whichever is less.

2. Other Streets

For all other block faces, 40% of the ground-floor street-facing wall area must consist of openings (i.e., windows and the glazed portions of doors).

3. Upper Level

Along all block faces, the following standards are applicable on the upper-level building façades facing a street or public space:

- A. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
- B. The required upper-floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- C. A minimum of 80% of all upper-floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows.

4. Residential-Only Buildings

- A. Windows shall occupy a minimum of 25% of the total street-facing façade.
- B. Blank, windowless walls in excess of 750 sq ft are prohibited when facing a public street, unless required by the Building Code. In instances where a blank wall exceeds 750 sq ft, it shall be articulated, or **intensive landscaping [needs clarification]** or a green wall (e.g., vegetated wall panels) or public artwork shall be provided. **[How to ensure plant survival? Should irrigation be required?]**

Guidance

1. Design ground floors with high-coverage transparency at the pedestrian eye level, especially from 4 ft to 8 ft above the ground plane, and along the primary retail street (i.e., Main St).
2. Locate windows and doors so that façade articulation and details do not block or obscure views into or out of buildings.
3. Ensure that the building is visible to the interior by limiting the use of shades, curtains, security fencing, and product shelving at windows and near the inside of window and door areas on the ground level.
4. Create consistency in upper story transparency through sufficient window coverage and vertical orientation.

Notes on Figures

- Keep graphic on windows and doors (Figure 19.508.4.E)

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Element E – Doors & Entrance Locations

Purpose/Intent

To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly-marked pedestrian walkways.

Design Standards

1. Doors and/or primary entrances must be unlocked when the business located on the premises is open. Doors and entrances to residential units may be locked.
2. When a building abuts more than one street and one of the streets is a **transit street [define]**, the **primary entrance [define]** must be oriented to the transit street. If both streets are transit streets, the primary entrance must be oriented to the street with higher-quality transit service or to the transit streets' common corner, if applicable.
3. All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45° of the street property line) or, if the building entrance must be turned more than 45° from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
4. Where a development contains multiple buildings and there is **insufficient [is this clear enough from the language above?]** street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
5. If a development is on the corner of Main St and another street, the primary entrance shall be oriented toward Main St. If the development is on the corner of McLoughlin Blvd and another street, the primary entrance may be oriented toward either street.
6. Doors may be elevated from sidewalk grade no more than 3 ft by use of a porch, deck, stoop, or other residential entryway element.
7. Refer to the accompanying standards for **Element D** (Façade Transparency) for door and window coverage standards.

Guidance

1. Entryway Locations
 - A. Primary building doors should be at or near Main St or a transit street whenever possible.

- B. Avoid obstructing entryways with columns, walls, fencing, utility boxes, or unusually recessed or projecting building wall details.
 - C. Entryways should be accessed from streets or courtyards whenever possible. Avoid entryways directly from parking lots and service areas.
2. Entryway Prominence
- A. New development should create “eyes on the street” — active uses in which residents, employees, and visitors can deter criminal activity, providing self-policing through observation.
 - B. Use building wall lighting to emphasize entrances.
 - C. Building entries should be clearly defined and demarcated as architectural features.
 - D. Entryways can use large sliding or roll-up doors that help blend indoor and outdoor space activities.
3. Entryway Materials and Details
- A. High-glazing doors and windows are strongly encouraged, especially in commercial and public building entryways.
 - B. Include creative uses of scale, materials, glazing, and projecting or recessed forms, architectural details, color, and cover in entryway areas.
 - C. Integration of natural elements to set an entry apart.
 - D. Combine doors with roof or façade architectural elements such as bays or towers.
 - E. Double doors are encouraged whenever possible for commercial and public use buildings.
 - F. Doors should be designed so as not to sit flush with the building façade.
4. Residential Doors
- A. Residential doors should be substantial enough to suggest privacy yet still express a welcoming sense of friendly contact for those who approach and enter.
 - B. The design of a door should respond to its context, to the amount of street activity that surrounds it. Where a door faces a very active street, it is appropriate to separate the door from the street by a comfortable change of grade. For less active areas, transition areas may include porches.
 - C. Entryways should make use of porches, terraces, stoops, or covered landings to help demark and add prominence to the location.
 - D. Solid wood core doors, sidelights, and transom windows add welcome detail to residential entryways while maintaining occupant privacy.

Notes on Figures

- Keep graphic on primary entrance standards (19.304.5.F.2)

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Element F – Windows

Purpose/Intent

To create a welcoming pedestrian environment and enhance street safety by developing visually interesting exterior façades, allowing for daylighting of interior spaces, and creating visual connections between interior and exterior spaces.

Design Standards

1. General Standards

- A. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating exterior trim of at least 4-in reveal and of a contrasting material or color.
- B. Signs are limited to a maximum coverage of 20% of the required window area.
- C. Refer to **Element D** (Façade Transparency) for door and window coverage standards.

2. Nonresidential Ground-Floor Windows

- A. Ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.
- B. Where a grade elevation change does not dictate otherwise, the bottom edge of windows along pedestrian ways shall be constructed no less than 12 in and no more than 30 in above the abutting walkway surface. *[Add language to allow a break from the requirement where grade changes impact the situation.]*
- C. *[Note that this is probably better as a development standard, not a design standard – remove?]*
No more than 60% of window areas *[individual windows, not the collective]* shall be covered by any combination of interior furnishings, including, but not limited to, curtains, shades, or signs. Product displays do not constitute interior furnishings. *[This second phrase would mean that shelves for product displays are allowed. There is some disagreement with staff about whether product displays should count as interior furnishings. Consider adding language about transparency, about permanent versus temporary coverage, and to make a distinction between shelves & displays and curtains & shades. Consider integrating CPTED (Crime Prevention Through Environmental Design) standards, such as for the window coverage issue. Specify whether exterior features (like security bars) are not counted against the coverage standard.]*

3. Prohibited Window Elements

For all building windows facing streets, courtyards, and/or public squares in Downtown, the following window elements are prohibited:

- A. Reflective, tinted *[needs clarification – what about high efficiency tinting?]*, mirrored, or opaque glazing.

- B. Simulated divisions (internal or applied synthetic materials).
- C. Exposed, unpainted metal frame windows.

Guidance

1. Retail and commercial uses should provide windows that add activity and variety at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.
2. Ground-floor windows for nonresidential buildings should allow views into storefronts, working areas, or lobbies.
3. Operable, opening windows at restaurants, shops, and other retail businesses help blend indoor and outdoor spaces and attract customers and sidewalk activity.
4. Ensure that the building is visible to the interior by limiting the use of shades, curtains, security fencing, and product shelving at windows and near the inside of window and door areas on the ground level.
5. Transom, sidelight, and other window combinations should be used to increase transparency and add architectural detail to the building. *[Should this be in Façade Transparency?]*
6. Use large, operable sliding, pivoting, or articulating windows to connect indoor and outdoor spaces.
7. Bay and projecting windows on residential buildings add interest to the façade and expand views out of living units.
8. Use window materials that contrast but complement other primary wall and surface materials.

Notes on Figures

- Keep graphic on windows and doors (19.508.4.E)