



April 11, 2019

Land Use File(s): DR-2019-001

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on April 11, 2019.

<b>Applicant(s):</b>	Shawn Sullivan
<b>Location(s):</b>	2036 SE Washington St
<b>Tax Lot(s):</b>	11E36BC01600
<b>Application Type(s):</b>	Downtown Design Review
<b>Decision:</b>	Approved
<b>Review Criteria:</b>	Milwaukie Zoning Ordinance: <ul style="list-style-type: none"><li>• MMC 19.304 Downtown Zones</li><li>• MMC 19.508 Downtown Site and Building Design Standards</li><li>• MMC 19.907 Downtown Design Review</li><li>• MMC 19.1005 Type II Review</li></ul>
<b>Neighborhood(s):</b>	Historic Milwaukie

**Appeal period closes: 5:00 p.m., April 26, 2019**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Associate Planner, at 503-786-7653 or [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov), if you wish to view this case file or visit the project webpage at <https://www.milwaukieoregon.gov/planning/dr-2019-001>.

**This decision may be appealed by 5:00 p.m. on April 26, 2019, which is 15 days from the date of this decision.**<sup>1</sup> (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a

<sup>1</sup> As per MMC Section 19.1010, if the 15<sup>th</sup> day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

### **Findings in Support of Approval**

The Findings for this application are included as Exhibit 1.

### **Conditions of Approval**

None.

### **Director's Declaration of Impartiality**

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

### **Decision**

- Approved
- Approved with Conditions
- Denied



---

Dennis Egner, FAICP  
Planning Director

### **Exhibits**

1. Findings in Support of Approval

cc: Shawn Sullivan, Guardian Real Estate Services, 760 SW 9<sup>th</sup>, Suite 2200, Portland, OR 97205  
Planning Commission (via email)  
Alma Flores, Community Development Director (via email)  
Kelly Brooks, Acting City Engineer (via email)

Engineering Development Review (via email)  
Samantha Vandagriff, Building Official (via email)  
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)  
Harmony Drake, Permit Technician (via email)  
Mike Boumann and Izak Hamilton, CFD#1 (via email)  
Design and Landmarks Committee (via email)  
NDA(s): Historic Milwaukie (via email)

Land Use File(s): DR-2019-001

**EXHIBIT 1**  
**Findings in Support of Approval**  
**File #DR-2019-001, Axeltree Window Modification**

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, Shawn Sullivan, has applied for approval of a Downtown Design Review at the Axeltree development at 2036 SE Washington St. This site is in the Downtown Mixed Use Zone - DMU. The land use application file number is DR-2019-001.
2. The applicant proposes to remove the transom windows above the art installation locations of the Washington St façade. The additional space will be for the art panels and for backlighting them. Because the proposal reduces the amount of transparency on the ground floor, downtown design review is required.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC 19.304 Downtown Zones
  - MMC 19.508 Downtown Site and Building Design Standards
  - MMC 19.907 Downtown Design Review
  - MMC 19.1005 Type II Review

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.

4. MMC 19.304 Downtown Zones
  - a. MMC 19.304.2 and 19.304.3 identifies to permitted uses and development standards in the DMU zone.

*As approved in land use file #DR-2017-001, the proposed 5-story mixed use building complies with the permitted uses and development standards in MMC 19.304.*

*The Planning Director finds that this standard is met.*

5. MMC 19.500 Supplementary Development Regulations
  - a. MMC 19.508 establishes building design standards to be used with Type I and II downtown design reviews.
    - (1) MMC 19.508.4.E establishes the standards for windows and doors.
      - (a) MMC 19.508.4.E.3 requires that 40% of the ground-floor street wall area consists of openings; i.e. windows or glazed doors.

*The ground floor wall area for the Washington St façade is 3,067 sq ft. The proposal will reduce the glazing area from 1,371 sq ft as originally designed to 1,262 sq ft when the transom windows are removed. With removal the total glazing area would be 41.5% of the ground floor façade.*

*The Planning Director finds that this standard is met.*

6. MMC 19.907 Downtown Design Review

- a. MMC 19.907.2.C identifies the type of projects subject to Type II downtown design review.

- (1) Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage.

*The proposal would reduce the transparency of the ground floor façade facing Washington St from 45% to 41.5%.*

*The Planning Director finds that the proposal is subject to Type II downtown design review.*

- b. MMC 19.907.5.B establishes the approval criteria for Type II downtown design review.

- (a) Compliance with Title 19

*As identified in these Findings, the proposal does not affect the overall project's compliance with applicable sections of Title 19.*

- (b) Compliance with applicable design standards in Section 19.508.

*As identified in Finding 5, the proposed reduction in ground floor transparency will result in a percentage of glazing that exceeds the minimum 40% for the Washington St façade.*

*The Planning Director finds that this standard is met.*

7. The application was referred to the following departments and agencies on March 21, 2019:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee
- Design and Landmarks Committee

The comments received are summarized as follows:

- **Brett Laurila, member, Design and Landmarks Committee:** identified drafting inconsistencies in the submitted drawings and requested revisions to confirm accurate calculations of the ground floor area. The applicant submitted revisions to confirm compliance.