

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

...

...

...

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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):

Height 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: *Dean Masukawa* Date: *3/18/19*

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1

TYEE MANAGEMENT COMPANY

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

March 7, 2019

Vera Kolas, 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.

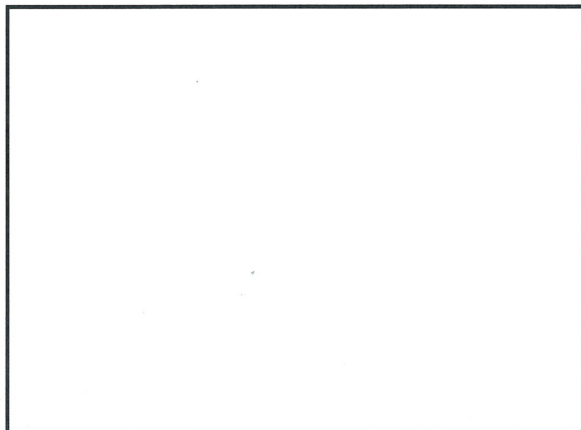
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on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

Applicant Signature: 

Date: 3/18/19

Official Use Only

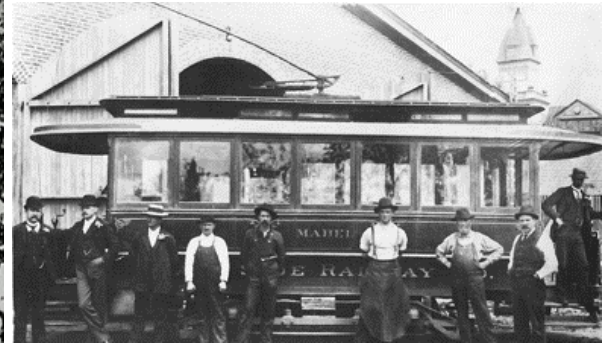
Date Received (date stamp below):



BUILDING HEIGHT VARIANCE - TYPE III

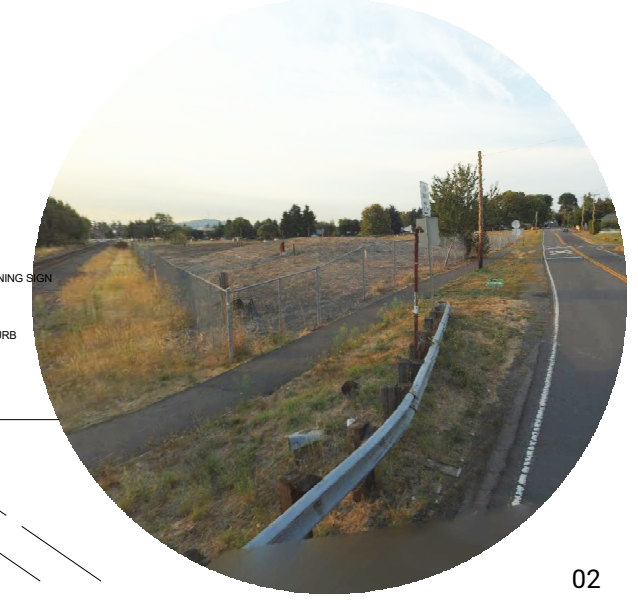
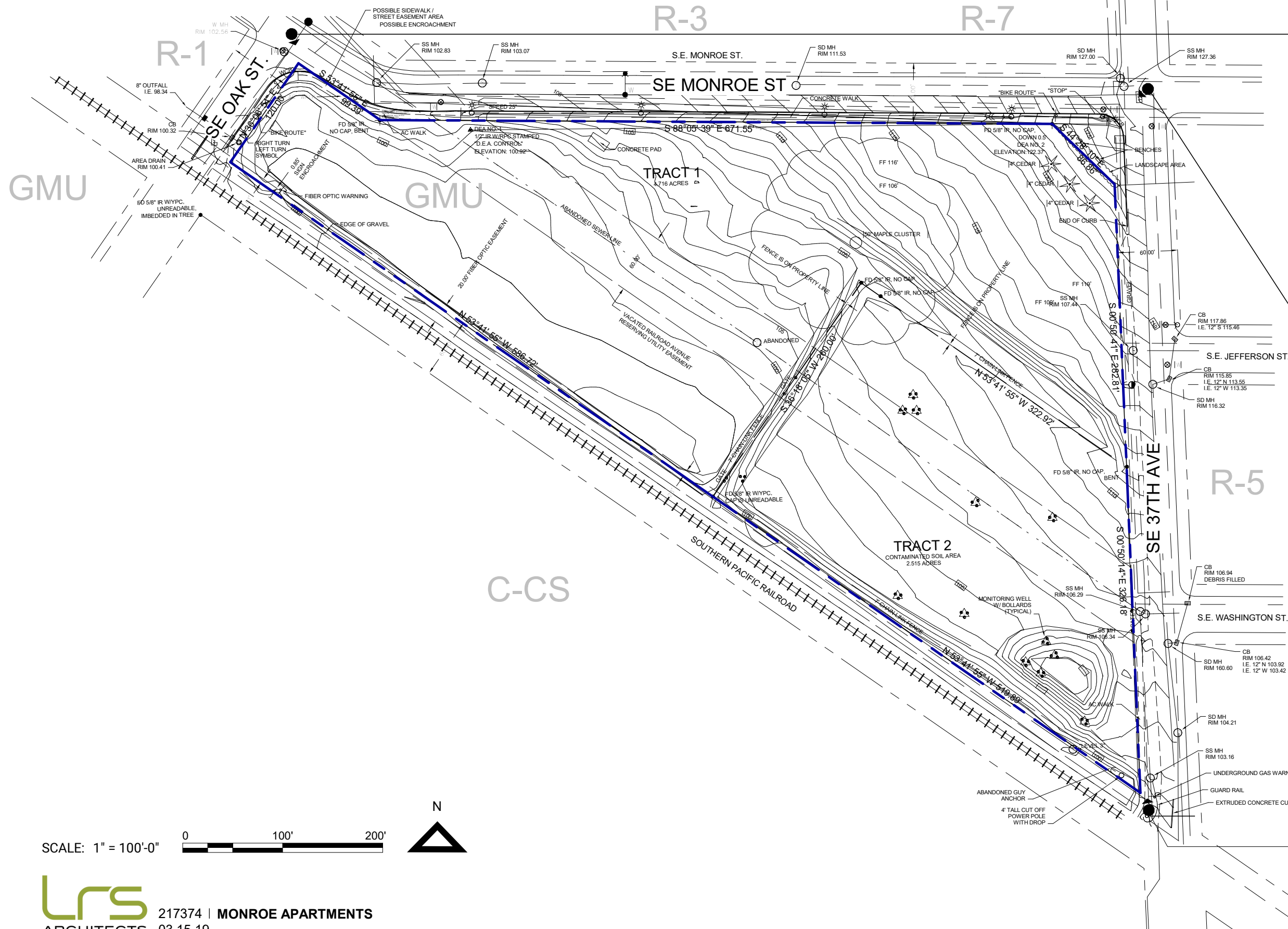
MCFARLAND SITE - MONROE APARTMENTS

FOR THE CITY OF MILWAUKIE

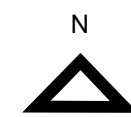
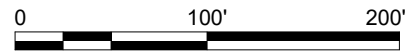


BUILDING HEIGHT VARIANCE - TYPE III

EXISTING CONDITIONS PLAN



SCALE: 1" = 100'-0"



BUILDING HEIGHT VARIANCE - TYPE III

INSPIRATIONAL 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 or 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
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Commercial Mixed Use Zones	Chapter 19.303.1.A	General Mixed Use- Purpose			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. 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.						
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,						
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.						
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.						
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.						
Frontage occupancy	19.303.3.B4	50% Building Frontage	19.303.4.D, Figure 19.303.4.D								
			<table border="1"> <thead> <tr> <th>Building Length</th> <th>% of Street Frontage</th> </tr> </thead> <tbody> <tr> <td>504'</td> <td>67.00%</td> </tr> <tr> <td>192'</td> <td>31.50%</td> </tr> </tbody> </table>	Building Length	% of Street Frontage	504'	67.00%	192'	31.50%		SE Monroe Street SE 37th Street - NA since Monroe Street complies per D.2.b
Building Length	% of Street Frontage										
504'	67.00%										
192'	31.50%										
	19.303.4.D				B. Residential edges -Buildings within 50' of SE Monroe and SE 37th Ave. shall provided a step back of at least 15' for any portion of the building above 35' .						
Lot Coverage	19.303.5.B5	Includes all buildings and their roof covered areas and decks - 85%		<table border="1"> <tbody> <tr> <td>88,602 SF</td> <td>Lot Coverage Area</td> </tr> <tr> <td>28.19%</td> <td>% of Net Lot area</td> </tr> </tbody> </table>	88,602 SF	Lot Coverage Area	28.19%	% of Net Lot area			
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	Required Area	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
		Max. Mulch area < 20%		47,139 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		
				Parking Spaces Req.	Parking Spaces Provided
	Minimum Req. 2a. 1 per Dwelling Units 800 Sf or less			161	211
	Minimum Req. 2b 1.25 Dwelling Units > than 800 sf			74.25	
	Total Require Min.			235.25	85
	Maximum Allowed 2 spaces Per Dwelling Unit			468	296
	19.609 Bike Parking - 1 Per Dwelling Unit			234	234
		50% covered		117	
	19.606.2 Landscaping		19.606.2.C-E.		
	19.606.3 Additional Paving/ wheel stops design Standards		19.606.3A/B		
	Site access and drive aisle		19.606.3 C		
	Site and Exterior Building Lighting		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			Required	Provided
Residential density Req. (dwelling units per acre)	19.303.3 C1 and 19.303.3 F	Residential Min. 25 Units per Acre-		180.78	234.00
		Residential Max. 50 Units per Acre-		361.55	
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	<p>1. Livability</p> <p>2. Compatibility</p> <p>3. Safety and Functionality</p> <p>4. Sustain-ability</p>			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.																							
Applicability & Review Process	19.505.3.B & C	Subsequent type II application			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. 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 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. 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' upper floor decks 48sf min.			All units to have ground floor patios. 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	<table border="1"> <thead> <tr> <th>Required</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>31,498 SF</td> <td>4,700 SF</td> </tr> <tr> <td></td> <td>5,700 SF</td> </tr> <tr> <td></td> <td>2,300 SF</td> </tr> <tr> <td></td> <td>5,600 SF</td> </tr> <tr> <td></td> <td>3,900 SF</td> </tr> <tr> <td></td> <td>2,200 SF</td> </tr> <tr> <td></td> <td>5,600 SF</td> </tr> <tr> <td></td> <td>6,000 SF</td> </tr> <tr> <td></td> <td>11,000 SF</td> </tr> <tr> <td></td> <td>4,700 SF</td> </tr> <tr> <td></td> <td>51,700 SF</td> </tr> </tbody> </table>	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	<p>Playground</p> <p>Play Area</p> <p>BBQ / Outdoor eating Area</p> <p>Clubhouse</p> <p>Clubhouse Outdoor gathering area</p> <p>Outdoor Fitness area</p> <p>Plaza group seating areas for gathering</p> <p>Dog Walk</p> <p>Public Pad Pathway</p> <p>Enhanced Public Pocket park</p> <p>TOTAL COMMON AREAS</p>
Required	Provided																											
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Pedestrian Circulation	Table 19.505.3.D.3	Children's play area must be visible from at least 50% of the abutting units 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.																							

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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BUILDING HEIGHT VARIANCE - TYPE III

SITE PLAN

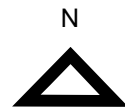
GMU

SITE PLAN LEGEND

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

NOTE: SEE ZONING CRITEREA FOR MORE INFO

SCALE: 1" = 100'-0"

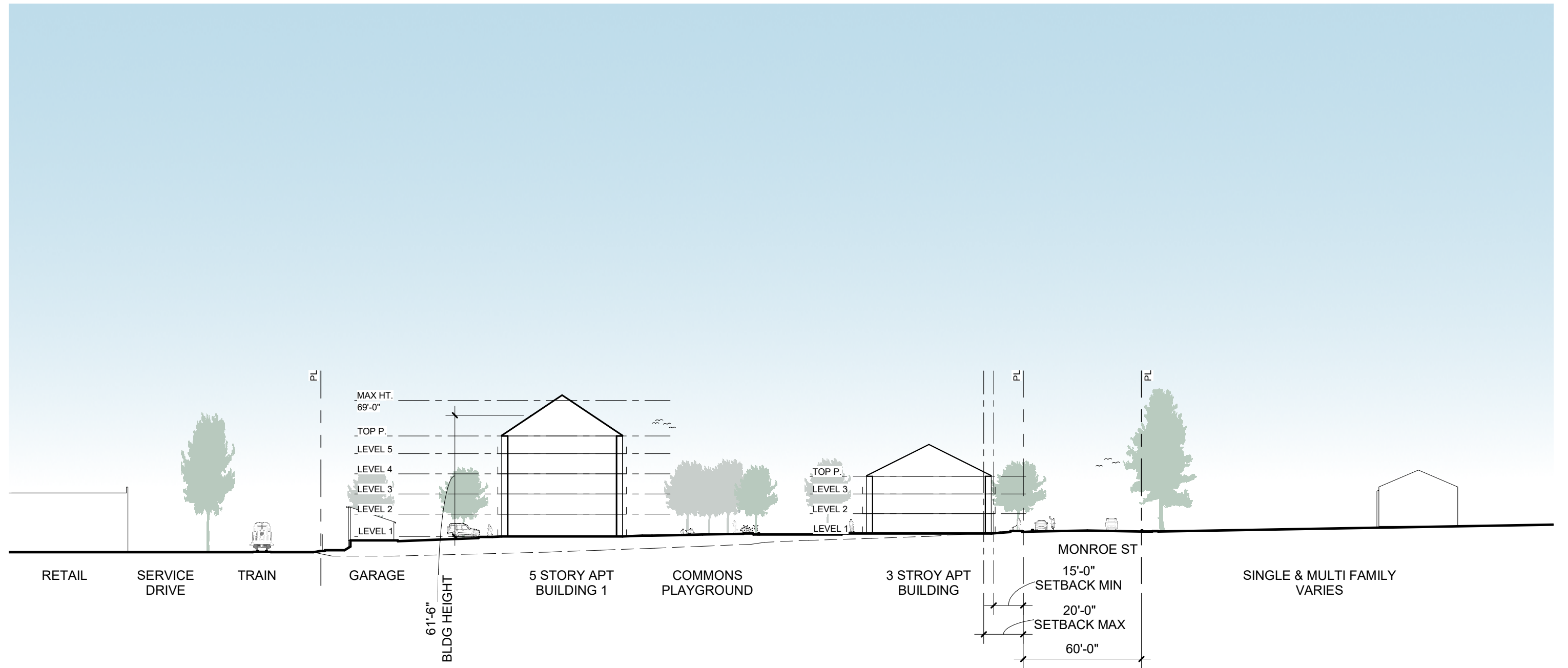


KEYNOTES XX

- 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

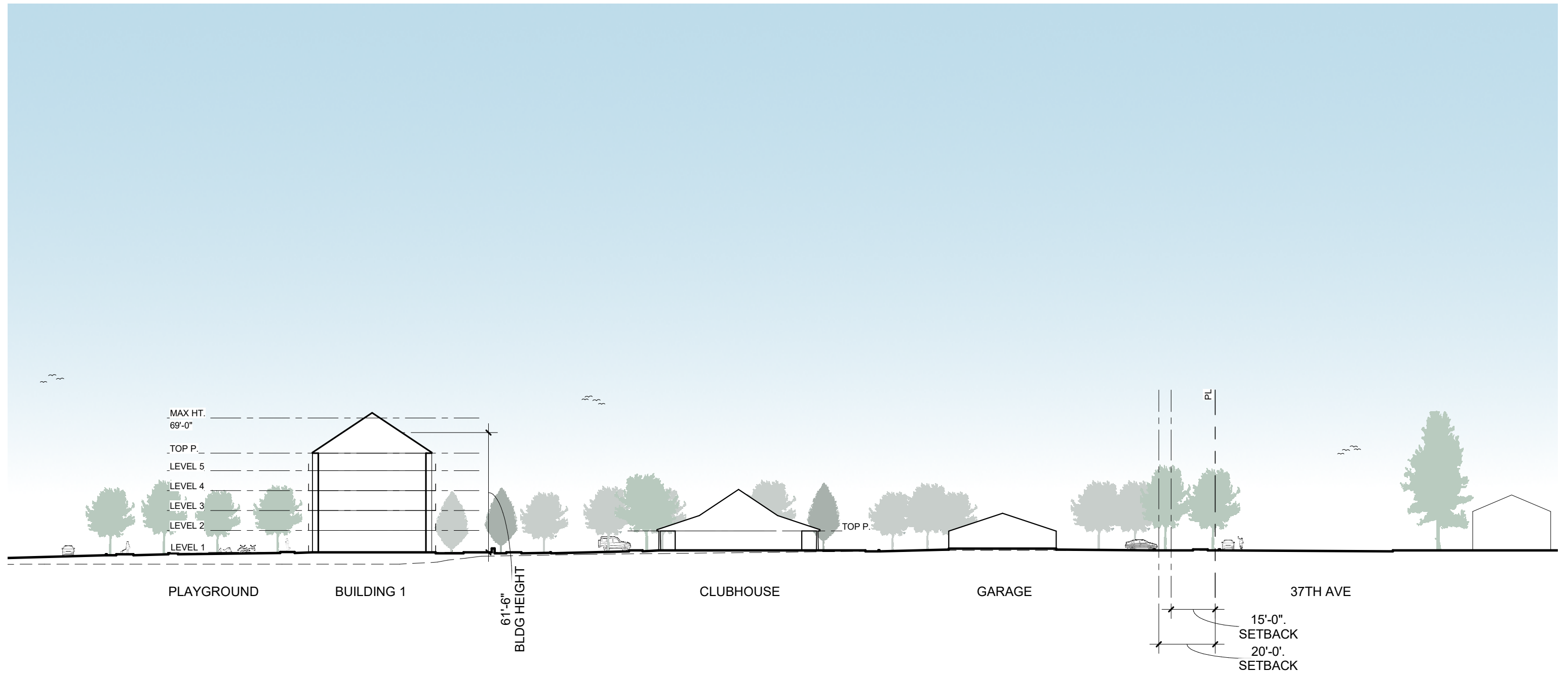
SITE SECTION A



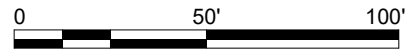
SCALE: 1" = 50'-0" 0 50' 100'

TYPE III ZONING VARIANCE

SITE SECTION B

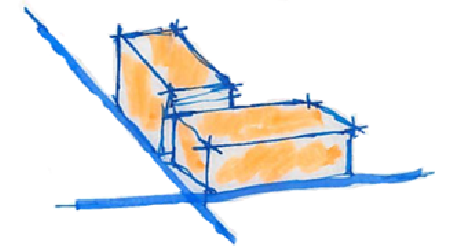


SCALE: 1" = 50'-0"



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

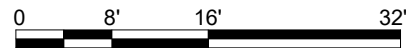
- A ASPHALT ROOFING
- B CEMENTISIOUS SIDING
- C VINYL WINDOW, TYP
- D FIBERGLASS PATIO DOOR, TYP
- E METAL RAILING, TYP
- F PTAC UNIT, TYP

TYPE III ZONING VARIANCE

NORTH ELEVATION



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



EXTERIOR MATERIALS

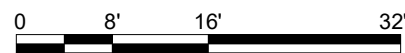
- A ASPHALT ROOFING
- B CEMENTISIOUS SIDING
- C VINYL WINDOW, TYP
- D FIBERGLASS PATIO DOOR, TYP
- E METAL RAILING, TYP
- F PTAC UNIT, TYP

TYPE III ZONING VARIANCE

WEST ELEVATION



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

SOUTH 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

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 Pubic 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:

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 Koliass - 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 Wyzykowski
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 Milwaukee to evaluate any such proposal.