

I am a Milwaukie resident trying to familiarize myself with current development activities. Although I am on the newly formed Comprehensive Plan Implementation Committee, CPIC, this statement is based on my personal reflections. As I reviewed the details in the application for the four-story mixed-use space on Olsen and 32<sup>nd</sup> and the substantiation for the variance request, I realized my unease was based on what is **NOT** addressed by the project. It is not addressed because it is not required by the Milwaukie Municipal Code, MMC. Specifically, I could not help but wonder about the **intent** of the NMU designation.

NMU is a commercial zoning code yet the proposed project at Olsen and 32<sup>nd</sup> focuses overwhelmingly on three stories of residential housing and the accompanying parking requirements which account for the majority of the first floor. There are three very small commercial units proposed which total 1,356 sq ft. This is less than 20% of one of the proposed four floors. One unit is earmarked for the building management office. The leaves two remaining proposed commercial spots which have few possible commercial uses given their small size.

The potential commercial activities meant to enrich the neighborhood's vibrancy therefore are limited and proportionally less important than the potential problematic impacts from traffic, parking, noise and other issues that come with residential density.

This minimal amount of space allocated to commercial use qualifies this development to be judged within the context of NMU commercial coding lens rather than standard residential zoning code. The codified flexibility for the NMU designation includes special considerations for development standards and design as well as parking requirements. For example, because this is a "mixed use" zone there is no minimum or maximum density.

In the justification for requesting Type III Variance the developer states "This proposal intends to allow for a precedent of the type of buildings that are beneficial to the area..." If this development proceeds as planned, the precedent points to NMU commercial zones with very little viable commercial activity.

Per the MMC 19.303.1 - NMU zone allows for a mix of small-scale retail and services, along with residential uses, that meet the needs of nearby residents and contribute to a vibrant, local economy. It is also intended to provide a safe and pleasant pedestrian environment while maintaining a neighborhood-scale identity.

This definition is very vague and carries very little accountability. Likewise, the vagueness of the corresponding code is problematic.

The application for this development states they are creating “a vibrant, attractive mixed-use structure consistent with the standards and purposes of the MMC.” This may be the case...which is why I ask: Does the current MMC provide enough definition and guidance to assure the NMU is adding multifaceted vibrancy to neighborhoods?

I think this proposed development exemplifies the need to codify further the **intent** of the NMU zone. It is important that NMU developments allow for neighborhood amenities proportional to neighborhood impacts. I propose the need to review the community intentions and city legislation that led to the formation of this novel type of commercial zone and consider refining NMU zoning to establish guidelines that quantify and qualify the ratio of commercial services in NMU developments.

-Renee Moog, Ardenwald resident

Received on June 19, 2020

**From:** [Bernie Stout](#)  
**To:** [Vera Kalias](#)  
**Cc:** [cdortolano@gmail.com](mailto:cdortolano@gmail.com); [Lisa Gunion-Rinker](#); [EClarkMilwOr@yahoo.com](mailto:EClarkMilwOr@yahoo.com); [Ronelle Coburn](#)  
**Subject:** SE 32nd & SE Olsen  
**Date:** Monday, June 22, 2020 19:14:08

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**This Message originated outside your organization.**

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Monday, June 22, 2020

Dear Vera Kalias,

I am writing in regards to 4-Floor Neighborhood Mixed Use (NMU) Project Proposed for SE 32nd & SE Olsen. As this seems to be the first building of this type in residential area with poor infra-structure. Lacking proper sidewalks and

parking for businesses, residential occupants, and the surrounding neighborhood. It would seem that the day after the Certificate of Occupancy is granted, a change of use may immediately be requested and also granted. The variances seem

too much, too soon, and too much for the Ardenwald Johnson Creek neighborhood. There does not seem any safe guards to restrict a much larger use than is being requested. Such as possible Foster child care which is limitless in the

number of 12 to 24 year olds. Who may be requiring support services of a minimum of three cars per day plus an additional three on occasion. In the penthouse with five bedrooms that could be eight to twelve individuals, times the support

staff which would be a range of twenty-four to sixty cars per day. At this time it would be prudent to follow the basic guidelines to a structure this size. Then improve the surrounding infra-structure to avoid an explosion in the center of the

neighborhood.

With reduced revenues the city will never catch up to a mistake made now.

Thank you,

Bernie Stout

**From:** [Camille Troelstrup](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** 32nd and Olson development Ardenwald-Johnson Creek neighborhood  
**Date:** Monday, June 22, 2020 11:20:19

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**This Message originated outside your organization.**

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Hello Milwaukie Planning Commission,

Please honor the established variances for our neighborhood development and limit the 32nd& Olsen project to the established height and parking requirements. While I am in favor of expanding access to housing in our neighborhood, the housing residents in need are mid to low income, and a penthouse would not serve our Milwaukie community goals and vision.

Adequate parking is essential as we have mailboxes that already have issues getting blocked and added traffic with parking in line with the established variances will maintain the quality of life which this Milwaukie community member and homeowner wish to foster and maintain.

Camille Troelstrup, neighbor, homeowner  
3024 SE Olsen St.  
Milwaukie, OR 97222

**From:** [Milwaukie Planning](#)  
**To:** [Vera Koliaş](#)  
**Subject:** Fw: 32nd ave proposal  
**Date:** Monday, June 22, 2020 14:22:37

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Another one that came into the POD inbox. Forwarding it on.

Mary

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**From:** crystal barber <crystal1285@gmail.com>  
**Sent:** Monday, June 22, 2020 2:19 PM  
**To:** Milwaukie Planning <Planning@milwaukieoregon.gov>  
**Subject:** 32nd ave proposal

**This Message originated outside your organization.**

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Hello,

I am writing to voice my support for this project. There is a housing crisis in Oregon that is a very complex puzzle with a lot of moving parts. We need every single piece we can get. This is a great area for this as it is very close to public transportation and downtown. I live a few blocks away on 9716 se 29th Ave. This is in my neighborhood and I fully support it.

Thank you,

Crystal Barber  
9716 se 29th ave  
Milwaukie, OR  
97222.

**From:** [Milwaukie Planning](#)  
**To:** [Vera Koliaş](#)  
**Subject:** Fw: Comments re: VR-2019-013  
**Date:** Monday, June 22, 2020 9:47:34

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FYI. Comment came into POD inbox.

Mary

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**From:** Daniel Etra <daniel@danieletra.com>  
**Sent:** Monday, June 22, 2020 9:42 AM  
**To:** Milwaukie Planning <Planning@milwaukieoregon.gov>  
**Subject:** Comments re: VR-2019-013

**This Message originated outside your organization.**

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Hello--

I would like to register my comments regarding the proposed variance allowances for the development being proposed at 9391 SE 32nd Ave (VR-2019-013).

I am a neighbor living on Olsen street and my property is within view of the proposed development site.

*1. The proposed Variance to exceed the code requirement for maximum building height in the NMU Zone.*

**I do not support this variance.** Even at the allowable height of 45 feet, the structure would be significantly taller than any surrounding buildings and would not fit the character of the existing neighborhood. I see no reason to exceed the allowable height in this location.

*2. The proposed Variance to reduce the parking stalls from the required 21 to 17.*

**I do not support this variance.** Parking at this intersection is already congested and the width of the roads does not currently support good traffic flow when cars are parked on both sides of the street. The current requirement for parking allowances is there for a reason and the justification provided in this proposal is not sufficient to warrant a variance.

I *do* support the development of this location with a new structure, but I do not believe this current proposal is sufficient.

Thank you,  
-Daniel Etra

**From:** [2dasch@gmail.com](mailto:2dasch@gmail.com)  
**To:** [Vera Koliás](#)  
**Subject:** Re: [MRIP] PUBLIC HEARING: TUESDAY June 23rd re: NMU zoning variance requests proposed in Ardenwald  
**Date:** Monday, June 22, 2020 11:47:31

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**This Message originated outside your organization.**

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So here is a comment on the project noted above. I am NOT in support of any variances after reading the comments from the neighborhood and the list of people commenting on the proposal. The Applicant from what I read does not make a good case for the top floor penthouse or the reduction in off street parking.

Thanks  
David Aschenbrenner

On Mon, Jun 22, 2020 at 10:07 AM Vera Koliás <[KoliásV@milwaukieoregon.gov](mailto:KoliásV@milwaukieoregon.gov)> wrote:

Hi David,

Here is the application webpage: <https://www.milwaukieoregon.gov/planning/vr-2019-013>

Here is the link to the public hearing information, including the staff report and all attachments: <https://www.milwaukieoregon.gov/bc-pc/planning-commission-52>

Let me know if you have any questions.

-Vera

**VERA KOLIAS, AICP**

Senior Planner

she • her • hers

503.786.7653

City of Milwaukie

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

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**From:** Dennis Egner <[EgnerD@milwaukieoregon.gov](mailto:EgnerD@milwaukieoregon.gov)>  
**Sent:** Monday, June 22, 2020 10:05  
**To:** [2dasch@gmail.com](mailto:2dasch@gmail.com)  
**Cc:** Vera Koliass <[KoliassV@milwaukieoregon.gov](mailto:KoliassV@milwaukieoregon.gov)>  
**Subject:** RE: [MRIP] PUBLIC HEARING: TUESDAY June 23rd re: NMU zoning variance requests proposed in Ardenwald

David – Vera is assigned to this. The King and 42<sup>nd</sup> development has the same zoning – NMU. NMU allows three stories.... there aren't height bonuses that is one reason the applicant is pursuing a variance.

Denny

**From:** [2dasch@gmail.com](mailto:2dasch@gmail.com) <[2dasch@gmail.com](mailto:2dasch@gmail.com)>  
**Sent:** Monday, June 22, 2020 7:18 AM  
**To:** Dennis Egner <[EgnerD@milwaukieoregon.gov](mailto:EgnerD@milwaukieoregon.gov)>  
**Subject:** Fwd: [MRIP] PUBLIC HEARING: TUESDAY June 23rd re: NMU zoning variance requests proposed in Ardenwald

**This Message originated outside your organization.**

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FYI can you send me the link to the project and the planner contact? Is this the City vision for King Rd development too?

David Aschenbrenner

----- Forwarded message -----

**From:** **chris ortolano** <[cdortolano@gmail.com](mailto:cdortolano@gmail.com)>  
**Date:** Sun, Jun 21, 2020 at 9:08 PM  
**Subject:** [MRIP] PUBLIC HEARING: TUESDAY June 23rd re: NMU zoning variance requests proposed in Ardenwald  
**To:** Ronelle Coburn <[milwaukierip@gmail.com](mailto:milwaukierip@gmail.com)>

Dear Milwaukie Neighbors, your public comments are now urgently requested.

The Ardenwald Johnson Creek NDA needs your support to speak out in opposition to the variance requests for a residential infill project proposed at the corner of SE 32nd / Olsen which will result in significant neighborhood impacts. These variance requests will also set a precedent for similar projects in other neighborhoods.

The Planning Commission public hearing for the citywide precedent-setting Urban Style 4-Floor Neighborhood Mixed Use (NMU) Project Proposed for SE 32nd & SE Olsen is on:

**TUESDAY, JUNE 23rd @ 6:30pm**

**ATTEND VIA ZOOM:** go to [www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

Scroll down to the calendar to 6/23 and click on the Planning Commission.

On the meeting page you will find a PDF of the agenda and a large packet.

Scroll down for Zoom information for joining the meeting. It's a good idea to join at 6:15pm as these meetings start promptly.

Please see attached 2 page flyer for all information (including link to proposed development materials) and feel free to ask questions.

This FIRST project is a test case for all future projects in the new NMU code zones, including SE 42nd near Safeway. Now is the time to share your concern.

Variances have been requested by the developer to make this a much larger building than code permits. Less than an adequate amount of parking is proposed.

Please send your WRITTEN COMMENTS to Vera Koliass, Associate Planner at [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov) if you can not testify during the Zoom meeting.

You can also SIGN A PETITION opposing the requested variances, see link here: <https://www.change.org/p/city-of-milwaukie-community-feedba...>

Feel free to reply if you have any questions. We're happy to send the full code analysis the Ardenwald JC NDA has done if anyone wants it.

This project needs your input, and we're happy to provide guidance to help answer your questions. Flyer with full information attached below.

*If you prefer not to receive these types of neighborhood notices in the future, please reply "unsubscribe" to be removed from the mailing list.*

Best~

Ronelle Coburn

Chris Ortolano

Milwaukie RIP

[milwaukierip@gmail.com](mailto:milwaukierip@gmail.com)

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[SE32nd-Flyer-6-23-20.pdf](#)

David Aschenbrenner

11505 SE Home Ave

Milwaukie, OR 97222

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David Aschenbrenner  
11505 SE Home Ave

**To: Chair Massey - Planning Commission, Vice Chair Loosveldt, Commissioners Edge, Hemer, Burns, and Erdt (per City Council affirmation); Planning Director Egner, Senior Planner Kalias, and Associate Engineer Vodden:**

**Re: Property Development application VR-2019-13, nw corner 32<sup>nd</sup> and Olsen Street**

*June 23<sup>rd</sup> Public Hearing, agenda item 4.1*

**From personal experience I can tell you, before the corona virus, Milwaukie Café, the successful neighborhood gathering spot, operated from morning until 3 pm on weekdays and similarly on weekends. These hours most likely overlap hours of operation for the proposed businesses for this application VR-2019-13 - these new businesses located just north of Milwaukie Café.**

**I bring this to your attention because on page 4.1 page 10, staff is stating of public commenters: “However, a parking utilization study was not provided to confirm these statements or to analyze the key times of day when on-street parking is difficult to obtain.”**

**On page 4.1 page 2, you will see a “bird’s eye view” at both the site of this application and the Milwaukie Café just to the south (southwest corner of Olsen and 32<sup>nd</sup>). Here you will notice several cars parked on the south side Olsen but also several cars also parked on north side Olsen (along the application site). Many of these vehicles are there in the photo I would most surmise visiting Milwaukie Café.**

**Olsen is unimproved for the most part, lacking a sidewalk either side with cars parked on street immediately to the west of proposed development.** A sidewalk improvement for the proposed development on its south side is insufficient to keep pedestrians from any traffic going west on Olsen past the proposed sidewalk on only the north side of Olsen, or heading east on Olsen on the south side – as it comes to intersect 32<sup>nd</sup>. There will most likely be pedestrians who walk in the street on Olsen at the proposed site (intersection Olsen and 32<sup>nd</sup>).

One solution might be to make arrangement with Eric’s Market just on the east side of Olsen at this intersection, as most times from personal observation: Eric’s market has spare parking spaces for 3 or more vehicles.

Sincerely,

Elvis Clark  
Ardenwald Neighborhood resident

**From:** [Milwaukie Planning](#)  
**To:** [Vera Kolas](#)  
**Subject:** Fw: Proposed 32nd Ave. NMU on June 23rd  
**Date:** Monday, June 22, 2020 9:45:58

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FYI. Sent to POD inbox.

Mary

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**From:** Elise Kittrell <[elisekittrell@gmail.com](mailto:elisekittrell@gmail.com)>  
**Sent:** Monday, June 22, 2020 9:20 AM  
**To:** Milwaukie Planning <[Planning@milwaukieoregon.gov](mailto:Planning@milwaukieoregon.gov)>  
**Subject:** Proposed 32nd Ave. NMU on June 23rd

**This Message originated outside your organization.**

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Good morning,

My name is Elise Kittrell and my partner and I, Todd Thorsted, live at 3024 SE Malcolm St in Milwaukie. We are writing to you regarding the proposed NMU in 32nd Ave and Olsen Street in the Ardenwald/Johnson Creek Neighborhood. We moved to this area because we love the charm and home-town feel. Allowing the development of this apartment complex with the 3 proposed variances (This proposal requests 3, Type III, variances: 1) To extend the height of the building to 51'1"; 2) To waive the access restriction to the building within 100' of the an intersection; 3) To require only 17 parking spaces vs the 27 that was initially required for this project) will directly impact us and change the face of this neighborhood forever. For this we are *OPPOSED* to the three proposed variances.

I hope you will take the neighborhood's opinion into account.

Thank you,  
Elise

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***Elise Kittrell***  
(954) 682-0311  
[elisekittrell@gmail.com](mailto:elisekittrell@gmail.com)

**From:** [Milwaukie Planning](#)  
**To:** [Vera Kolas](#)  
**Subject:** Fw: 32nd and Olsen St.  
**Date:** Monday, June 22, 2020 13:17:03

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Came to the POD inbox. Forwarding it on.

Mary

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**From:** Keira MacMillan <keiranye@gmail.com>  
**Sent:** Monday, June 22, 2020 1:03 PM  
**To:** Milwaukie Planning <Planning@milwaukieoregon.gov>  
**Subject:** 32nd and Olsen St.

**This Message originated outside your organization.**

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Hello~

First of all, I am opposed to the variance requests for this project. Quite frankly, I'm opposed to anything higher than a one story building, and I'd prefer that it doesn't take up the entire footprint.

The intersection of Olsen (heading east) and 32nd is already, quite frankly, dangerous enough. With the way the Milwaukie Cafe customers park both on Olsen and on 32nd, it creates visual impairment, while trying to leave a street we've lived on for almost 11 years (we are homeowners).

Additionally, I'd really like to know why Olsen St., west of 32nd, is so darn janky. If you have to pee, or your neck hurts or your back, that is one helluva rough road. Wouldn't it be nice if you replaced the completely janky water diverters with actual curbs and a paved road? Check our Boyd street, we know it can be done. :)

My husband and young adult children are in agreement with me on this.

Thank you, The MacMillan Family

**From:** [Lois Herring](#)  
**To:** [Vera Kolas](#)  
**Subject:** Proposed Development 9391 SE 32 Ave  
**Date:** Monday, June 22, 2020 19:22:50

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**This Message originated outside your organization.**

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I am opposed to the proposed development at 9391 SE 32 Ave, in its current form.

The biggest problem is the lack of off-street parking. 17 spaces are much too few for 21 living units plus three commercial spaces!! Proximity to the #75 TriMet bus should NOT be used as an excuse to reduce the amount of off-street parking provided, because the vast majority of households do still own cars (even if they sometimes also use transit). In fact, many of those 800-square-foot, 1-bedroom apartments will probably house couples, each of whom may own a car. I do not want our neighborhood to become a place where everybody within a few blocks of 32nd & Olsen competes like cats and dogs for scarce on-street parking. (Some Portland eastside residential neighborhoods have already developed this problem.)

Another concern is that residents and customers of this development are likely to want to drive around the block, thereby substantially increasing car traffic on SE 29th Avenue, which many of us rely on for outdoor walking exercise (particularly in this era of COVID). I think that a smaller total number of units, with lower building height, would be more appropriate.

Lois Herring  
8945 SE 29 Av., Milwaukie

**From:** [Nick Haselwander](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** 32nd Ave Mixed-Use Building Feedback  
**Date:** Monday, June 22, 2020 16:50:53

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**This Message originated outside your organization.**

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Hi, I wanted to get in my feedback regarding the 32nd Ave Mixed-Use Building if it's not too late.

I was generally supportive of re-zoning 32nd when it happened. I can't say I love everything about it, but I have understood and supported the need for it. However, I'm not in support of this submitted plan for a four story building. I read the response of the Ardenwald Neighborhood Association and, generally speaking, agree with them.

I don't know a lot about city planning and how things adapt, but I would encourage the planning commission to stick to its original vision for 32nd. I am sure a lot of work and effort went into that with intake from the neighborhood. We should expect new development to meet those well-considered guidelines.

I'm investing in my home right now and I want others to invest in this neighborhood as well. But if this project goes through as planned, it's not within the spirit of the vision that I believe the city originally planned for us.

Nick Haselwander



**From:** [Sara Gross Samuelson](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** comments on application for 9391 SE 32nd  
**Date:** Monday, June 22, 2020 10:47:00

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**This Message originated outside your organization.**

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Greetings Vera and Planning Commission!

These comments come to you both as a resident of the Ardenwald neighborhood and as a local pastor/community organizer who works in the area of housing advocacy.

First, let me say that I'm excited to see the "hub" and NMU concept being put to the test. In light of the pandemic, the walkability of my neighborhood and access to a smaller circle of stores, cafes and small business options has become part of my family's rhythms. Working from home has brought our whole world closer in to the neighborhood we already love. I do, however, have concerns about several things.

1) The parking variance would seem to cause an adverse effect on the traffic and parking congestion around that intersection. When Milwaukie Cafe has been open on weekends, folks park up and down both sides of 32nd and Olsen to try to find a spot to wait out their to-go order during the pandemic. Post-pandemic, I can imagine that the same would happen. My house sits at 32nd and Malcolm, one block up 32nd from the proposed site. Before COVID-19, we would often find extra cars parked in front of our property on Malcolm or in the open lot across from us at the Cash's building on busy Sunday mornings. There is already not enough parking to support weekend brunch activity on that corner. If the city wants to support and develop HUBS on these corners, serious considerations need to be made for extra parking to be planned out and implemented in tandem with these sorts of projects. Is there a way for spots to be opened up along 32nd similarly to what's already in front of Milwaukie Cafe? Could some neighbors offer up or have frontage purchased from the city in order to create more parking options as we grow this neighborhood HUB? Without these conversations, I am not in favor of the parking variance requested by the applicant.

2) Rent in the Ardenwald neighborhood for apartments/condos is already quantifiably not affordable. Open 1 bedroom apartments listed at the Axeltree property (the nearest in vicinity and likeness) are listed at \$1344 for a 1BR. You would have to work full time and make \$28 an hour OR have a \$53k/year salary to be able to afford that kind of rent on your own. (assuming you're only spending 30% of your income on the cost of housing and that's not including utilities). Median hourly wages in Clackamas county are still \$15.56 and median income is \$68k. That was before the pandemic. I'm guessing these housing units would be for sale or rent at at least what Axeltree is listed at, if not higher. There are no notes about those intentions in the application. Which means these units are probably going to go to single, salaried workers. I don't know what to do with this except to say that I want to be actively a part of the conversation about how we're opening up the market for more affordable housing so that we don't let this project become the norm. I'm not outright disproving of the (currently unlisted) cost of these units.... but it does stand to reason that we can't let development "just happen" if the city also wants to be about opening up zoning for more affordability and low-income options. The pandemic has only worsened our housing crisis. If 1 in 3 homeowners in Milwaukie were mortgage burdened before, I can't even imagine what that looks like now. I would encourage an abundance of caution in letting this project be completed without partnership or accompaniment from city staff who have been diligent in advocating for and researching the current state of housing need in the city and helping the developer to make plans for how these units might have a positive impact on our housing crisis. I know that's not a "normal" process..... but neither is the pandemic, and neither is our housing crisis.

I cannot make the commission meeting in person, but am available for conversation otherwise.

Thank you for your time,  
Rev. Sara Gross Samuelson  
Storyline Community  
Mliwaukie Resident

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## **Sara Gross Samuelson**

*co-leader/pastor/organizer - Storyline Community*

*M.Div/MAT /MOM*

*cell: 503-367-7439*

[saramorgan05@gmail.com](mailto:saramorgan05@gmail.com)

[sara@samuelson.org](mailto:sara@samuelson.org)

*While doing #allthethings is #goalz, the only thing I do on Fridays is rest and play with my son. So your Friday emails will be accounted for during my regular work rhythms: Monday-Thursday.*

**From:** [Vincent Alvarez](#)  
**To:** [Vera Kollias](#)  
**Subject:** City considering Variances for NMU code zones.  
**Date:** Monday, June 22, 2020 10:50:23

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**This Message originated outside your organization.**

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There was a lot of hard work and intelligence behind Milwaukie's code design. These Variances will only increase parking problems that are already problematic. Let's not act rashly to allow building that will be detrimental to the future livability of our town.

***Vincent Alvarez, chair, Lake Road NDA***  
***971-271-4779***

**From:** [Kate Denkers](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** Proposed construction project on 32nd ave  
**Date:** Tuesday, June 23, 2020 9:04:04

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This Message originated outside your organization.

Hello,

I own the home at 3123 SE Olsen Street, which is next door to the property at 9391 SE 32nd Ave.

I have a concern with lack of parking already with weekend traffic at the Milwaukie Cafe.

Olsen Street is in poor condition, and the City's latest "improvement", with the asphalt gutters, has only made for less potholes during the rainy season and seems to confuse people visiting the cafe, as sometimes they literally park in the street.

Mail service is already disrupted due to people parking in front of the mailboxes, and trash service has been affected at times as well.

I'm concerned about the optimistic idea that 17 parking spaces will be enough for the families living in the building, and 5 spaces would be enough for the commercial units. In my experience visiting friends and family members with apartments and condos, parking is very challenging to find. The assumption that people won't have cars has limited merit, only with millennials and elderly, as some don't drive and are accustomed to using public transit. Most families I know have 2 cars, and then they have visitors with cars.

One of my neighbors has separated their home into 2 spaces, and therefore they have 4 cars to park. The people across the street from me have 2 cars and 2 trucks. When I have visitors, I have to make room in my driveway because they often can't find parking on the weekends.

The height of the proposed building also concerns me, and I'm not thrilled with being next door to a huge brick wall that has windows looking down on my yard and hot tub. I'm not pleased with the idea of adding the penthouse, as it would further add to the parking problem. It seems that they are already pushing the limits on this proposal.

Thank you for your consideration,

Kate Denkers, homeowner

**From:** [Laurie Palmer](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** 32nd & Olsen building proposal  
**Date:** Tuesday, June 23, 2020 9:21:43

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**This Message originated outside your organization.**

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To the planning commission,

I have lived in the Ardenwald neighborhood for 30+ years, and I hope that public comments really DO actually weigh in on (huge) decisions like this. Some people think public opinion doesn't matter, and that the establishment will go ahead and do whatever it wants. I choose to think differently, and would like my opinion counted **against** this gargantuan building, with all it's numerous variances.

True, there are small businesses in the vicinity, but they are one story (tall) - neighborhood buildings. **They fit in** with the neighborhood. A four story building would just be **so out of place** in our neighborhood! Even a three story building would, in my opinion.

I would love to see a nice small, (even 2-stories would be fine) building constructed in this site, something that would **enhance** the neighborhood.

I'm betting that my opinion speaks for those that don't even know what's going on with this site, and will be shocked when the actual building begins, but I will at least know that I've stated my opinion, and I hope many others have as well.

Please don't allow this to proceed. It will stick out like a "sore thumb".

Very sincerely,

Laurie K. Palmer

**From:** [Maryruth Storer](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** opposition to variances on File VR-2019-013  
**Date:** Tuesday, June 23, 2020 10:36:49

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**This Message originated outside your organization.**

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I am opposed to the variances being sought for extra height and fewer parking spaces. The reduction in parking spaces will have a huge impact on the neighborhood, which already doesn't have adequate parking. The extra height being sought will be overwhelming for the scale of the neighborhood.

Maryruth Storer  
4295 SE Mason Hill Drive  
Milwaukie, OR 97222  
[mstorer4295@gmail.com](mailto:mstorer4295@gmail.com)

**From:** [Nardis](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** 32nd Ave Mixed-use building  
**Date:** Tuesday, June 23, 2020 12:11:44

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**This Message originated outside your organization.**

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Good Afternoon

I live in the Ardenwald neighborhood off of Kelvin street. I am all for development and forward progress.

That being said as soon as the city set guidelines the developer is asking for variances. Maybe one would be okay but 3? Including removing parking spots and adding more height to the building.

I think the City of Milwaukie should hold the line and not allow these major variances to the development code.

Thanks  
Jeff Stroup  
3104 SE Kelvin St, Milwaukie, OR 97222

503.522.4155

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Your reach should exceed your grasp...

**From:** [Robert Schomp](#)  
**To:** [Milwaukie Planning](#); [Vera Kolas](#)  
**Subject:** 9391 SE 32nd Ave - Public Hearing - Request to participate in hearing - Public Comment  
**Date:** Tuesday, June 23, 2020 12:23:41

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**This Message originated outside your organization.**

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Good afternoon Vera Kolas,

I, Robert Schomp, would like to join the 9391 SE 32nd Ave public hearing via Zoom tonight at 6:30pm. I have lived 100 feet from the proposed building site on SE Olsen St. for 3 years. I am a Civil Engineer/Engineering Intern with a BSCE degree from Portland State University.

**Public Comment:**

I, Robert Schomp, am a proponent of Neighborhood Mixed Use Zones and affordable housing. However, the development proposed for 9391 32nd Avenue infringes on the City Developed NMU code and would set a bad precedent for future Milwaukie development.

Only 15 parking spaces are planned for twenty 800 square foot units, a 5 bedroom penthouse, and 3 retail units. Parking on SE Olsen Street is already full and cannot accommodate additional parking. The proposed development will diminish Milwaukie Cafe's ability to provide on-street parking for their loyal patrons. At least one off-street parking space for every unit as well as additional spaces for the retail units must be provided. Another solution may be to redevelop SE Olsen Street to increase lane width and to add diagonal parking spaces within the right-of-way.

City Developed NMU code caps the height of new development to 45 feet and 3 floors with no bonus penthouses. The proposed development would infringe on this limit in height, floors, and use. From the looks of this development, the owner seems to be piggy-backing on an efficient 3-story mixed use building to live in their proposed "mansion in the sky". Our neighborhood needs an efficient, sustainable, and community-oriented design, not a penthouse overseer.

Rent is stated to be market-rate which is unlikely to meet the needs of low- to middle-income individuals. Rental rates should be provided prior to construction.

This project does not meet the needs of nearby residents! This project does not follow City Developed NMU Code! This project does not maintain a neighborhood-scale identity! This project does not provide affordable housing during Portland's "housing emergency"! This project, in its current design, would be detrimental to our neighborhood!

A better and NMU compliant design would include additional off-street parking and the removal of the 4th floor penthouse. We should not allow Milwaukie's first major development to disregard the NMU code as others would surely follow suit.

Thank you,  
Robert Schomp



**From:** [ryan roberts](#)  
**To:** [Milwaukie Planning](#)  
**Cc:** [Jennifer \(Mom\) Roberts](#)  
**Subject:** 4 story mixed use development on 32nd ave.  
**Date:** Tuesday, June 23, 2020 12:33:05

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**This Message originated outside your organization.**

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Hi,

My name is Ryan Roberts. I live two houses away from the proposed development on 32nd ave. My address is 3039 SE Olsen st. I live close enough that I'm concerned the height of the building will cut off some or most of my early morning sun exposure. I enjoy my backyard and it would be a huge takeaway if I lost any morning sunshine exposure.

Please don't allow this building to exceed the max height.

NO height variance should be allowed.

Also, the parking situation is unacceptable. No parking variance should be allowed under any circumstances. The tenants would fill Olsen st. if not enough parking is available in the building. That's not fair to us in the neighborhood. The tenants shouldn't have to park in front of our house on a permanent basis.

NO variance on parking spaces.

Thank you for your time.

Ryan Roberts  
3039 SE Olsen st.  
Milwaukie

**From:** [Theresa Brittain](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** Proposed building on 32nd Ave  
**Date:** Tuesday, June 23, 2020 14:09:12

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**This Message originated outside your organization.**

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Hello.

I am a home owner on 40th avenue right down the street from 32nd. This new building would be a floor higher then is currently allowed and I am very against this new building breaking that rule. This would set a dangerous precedent for anyone with enough money to build higher and higher buildings.

I am also extremely concerned about parking as it is already extremely limited in that area. Putting in that many units in one place with not even enough parking for the units let alone for the two proposed businesses on the bottom floor would be detrimental to this neighborhood. Already on the weekends when the Cafe next door is open there isn't enough parking to accommodate brunch guests let alone a four story complex with that many units and two additional businesses. Allowing this to happen would be irresponsible and damaging to the neighborhood.

Thank you for your time.

**From:** [Cheryl Sargent](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** 32nd n Olsen Building  
**Date:** Tuesday, June 23, 2020 14:57:44

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**This Message originated outside your organization.**

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I am a concerned business owner about the parking issues that this will cause. I have been serving this community for 28 years and fear that this will cause serious issues with the parking in our area. I have only one space in front of my salon and would like it to be designated for my salon. That is the only issue with this bulding. Where do you think these customers wil park? Up and down our streets, blocking other business and homes. Please take this into consideration when laying out the sidewalk plans. I would like a designated spot please!

Cheryl Sargent

Owner

Cheryls Canine Styling

9435 SE 32nd Ave

Milwaukie

503-652-1377

**Date:** June 23, 2020

**To:** Planning Commission

**From:** Jacob Sherman, Resident on SE Olsen St.

**CC:** Ms. Vera Koliass, Senior Planner, and Mr. Dalton Vodden, Associate Engineer  
Mr. Dennis Egner, Planning Director  
Ardenwald-Johnson Creek NDA

**RE:** Proposed development at 9391 SE 32<sup>nd</sup> Avenue (VR-2019-013)

Dear Planning Commissioners,

Thank you for the opportunity to provide comment on the proposed development at 9391 SE 32<sup>nd</sup> Avenue (VR-2019-013). As a civil servant, I appreciate your commitment and the important work that each of you do on behalf of our community. I write to provide testimony both as a professional with background in city planning and policymaking and as an impacted neighbor. My family and I live on SE Olsen Street, just a few parcels away from the proposed development, which we will be able to see from inside our home and from our backyard.

**While I am very excited to see this property redeveloped, I write to strongly urge the Planning Commission to take the following actions:**

- **Oppose the variance** to allow a building with four stories and a maximum height of 48 ft.
- **Oppose the parking modifications** to reduce the number of off-street parking spaces to 17 rather than the minimum 21 required unless both the City and Developer implement additional measures to mitigate significant neighborhood impacts.

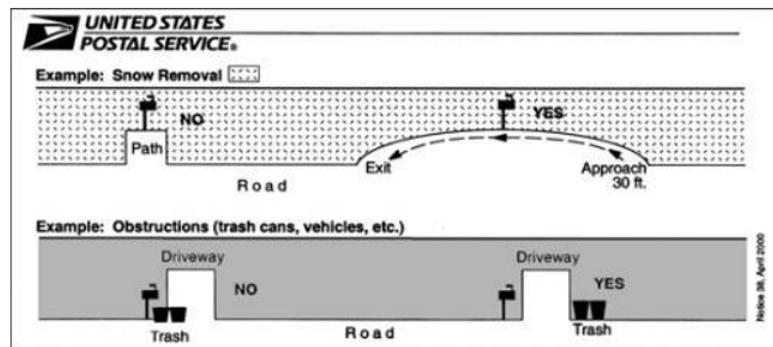
A detailed analysis of what I believe are the major issues for the Planning Commission to consider are outlined below.

### **Parking Modification Request:**

The applicant is requesting a parking modification to reduce the required number of off-street parking spaces from 21 to 17. No one seems to disagree with the fact that the proposed development does not provide sufficient off-street parking for the demand created by the apartments and the commercial spaces. As detailed in other public testimony, if Planning Commission were to grant the parking

modification then it would create significant impacts on the surrounding community, impacts which should be mitigated. These impacts include:

- **Reduced safety:** Shifting a portion of the vehicles from off-street to on-street parking will create several safety impacts on SE Olsen St. For example, parking additional vehicles in a public right-of-way (PROW) that lacks sidewalks will reduce visibility between motor vehicles and other vulnerable road users, including bicyclists, pedestrians, and the dozen or so children currently living west of 32<sup>nd</sup> Ave on SE Olsen St. **If the parking modification is approved, how will the City manage its infrastructure to mitigate these risks and safety impacts?** In addition, there is already strong demand for parking in the PROW given the success of the Milwaukie Café and Bottle Shop, especially on the weekends. Additional demands by patrons to visit the new commercial spaces on 32<sup>nd</sup> Ave on SE Olsen St. could reasonably turn to SE 29<sup>th</sup> Avenue in search for parking, which is identified as a Neighborhood Greenway in Milwaukie’s Transportation System Plan. The conflicts between vehicles and other road users on SE Olsen are also relevant to SE 29<sup>th</sup> Avenue. **How might both new parking and new trip demands negatively impact TSP Goals and Policies with respect to the Bicycle Element on the SE 29<sup>th</sup> Avenue Greenway?** If the parking modification is approved, how might the City manage its infrastructure—and use creative solutions like diverters on the greenway—to mitigate these risks and safety impacts?
- **Conflicts with immediate neighbors:** Shifting a portion of the vehicles from off-street to on-street parking will create several conflicts with immediate neighbors. This is especially true as the PROW on SE Olsen lacks sidewalks, clear delineation for driveways, and the United States Postal Service (USPS) has stringent requirements around maintaining a “clear approach” of fifteen (15) feet on both sides of curbside mailboxes.<sup>1,2</sup> Included below are USPS’s specifications:



<sup>1</sup> [https://faq.usps.com/s/article/Requirements-for-City-Delivery-Mail-Receptacles#curbside\\_mailboxes](https://faq.usps.com/s/article/Requirements-for-City-Delivery-Mail-Receptacles#curbside_mailboxes)

<sup>2</sup> <http://www.huntingtoncountytb.com/community/25701/usps-reminds-customers-clear-path-carriers>

Without sidewalks to provide safe spaces for bicyclists and pedestrians and to clearly delineate driveway access, additional parking demands in the PROW could result in vehicles limiting or blocking driveway access. Additionally, parked vehicles in the PROW often block the “clear approach” to the mailboxes of different residences, which regularly results in our mail not being delivered by the Postal Service. This is a real issue; it has happened to my family more times than we can count, and we’ve even had the Postal carrier threaten several times to withdraw mail service altogether. In talking with my neighbors, I know we are not alone in this experience. These issues will be significantly exacerbated with the creation of new commercial spaces with limited access to off-street parking. **How will the City prioritize use of the System Development Charges from the proposed development to mitigate these substantial impacts on adjacent neighbors? Further, within and adjacent to NMU Zones, how can the City and USPS work together to reduce conflicts in the PROW and solve challenges to curbside postal delivery?**

- **Additional infrastructure impacts on SE Olsen St:** The public right-of-way west of 32<sup>nd</sup> on SE Olsen lacks sidewalks, curbs, and stormwater management facilities, and the road is old, deteriorating, and poorly maintained. Additional vehicle trips and additional parking demands on SE Olsen will further stress the infrastructure and increase the rate at which it continues to deteriorate, creating impacts on nearby residences. **Being as the City is slated to benefit from this proposed development and increases to its tax base, what action will the City take to also mitigate impacts on neighbors if the proposed modification is approved?**

**In general, the proposed parking modification shifts the benefits of this proposed development to the applicant and places the burdens largely on the surrounding residences and existing commercial spaces. While the Planning Commission could mitigate some of these impacts by requiring robust implementation of transportation demand management (TDM) strategies, the City, itself, should also be prepared to mitigate the off-site burdens. As the proposed modification to the parking requirements are considered, how might the Planning Commission and the City address and mitigate these significant impacts to the surrounding neighborhood? Without implementation of such measures, I would strongly urge the Planning Commission to oppose the proposed parking modifications.**

## **Maximum Building Height Variance:**

With regards to the maximum building height, I would like to echo concerns articulated by the Ardenwald-Johnson Creek neighborhood association and other residents. I am opposed to the proposed variance to allow a fourth story for the following reasons:

1. It will create privacy conflicts for nearby residences since there does not appear a plan to plant and sufficiently maintain large trees on the northern and western edges to successfully screen the parcel and provide privacy;
2. It will impinge on solar access for adjacent neighbors;
3. It will result in a building of such scale that it is out of harmony with nearby buildings and the pedestrian environment and neighborhood-scale identify the Neighborhood Mixed Use Zone (NMU) seeks to foster; and
4. While creating little to no public benefits, this Type III variance request attempts to subvert Milwaukie's Zoning Code in order to create significant private gain at the expense of nearby property owners and the larger community.

I believe that others in opposition to the variance to allow a fourth story have provided both ample and sufficient testimony describing the community's concerns to the first three items, above, so I will focus my remaining testimony on the final item.

Milwaukie's Zoning Code for the NMU Zone clearly states that, "The maximum building height in the NMU Zone is 3 stories *or* 45 ft, *whichever is less. No building height bonuses are available in the NMU Zone*" (Title 19.303.4.B.2.c, emphasis added). The City's Detailed Development Standards goes on to detail that height bonuses are allowed in the General Mixed Use (GMU) Zone, stating: "To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals" (Title 19.303.4.B.3). At both four stories and 48 feet tall, the proposed development clearly does not comply with the NMU Base Zone in Title 19. Instead, this proposal treats the NMU Zone as equivalent to the GMU Zone, which would upend the Zoning Code and set a dangerous precedent if approved by the Planning Commission. **For this reason, the Planning Commission should deny the variance to allow a fourth story on the proposed development.**

It is of even greater concern that—rather than comply with development standards created over many years by our community through intentional processes—the applicant seeks to subvert Milwaukee’s Zoning Code to construct a spacious, fourth-story penthouse atop a three-story, mixed-use building. Instead of proposing a two story, mixed-use development with a penthouse on the third floor (which presumably would be allowed outright by code), the applicant has applied for a Type III Variance to seek a more favorable outcome.

As outlined in Ms. Koliias and Mr. Vodden's June 16, 2020 staff memo to the Planning Commission, “Type III variances require the Planning Commission to find that the proposal meets the criteria set forth in MMC 19.911.4.B” (p. 6) and that the applicant is using the Discretionary Relief Criteria to argue for the variance. **In weighing whether to approve or deny the variance, the Planning Commission should keep in mind that the critical issue is the addition of a fourth story, not the development writ large.** After all, as Ms. Koliias and Mr. Vodden rightfully explain in their staff memo, “But for the height variance, the proposed building meets the design and development standards for a mixed-use building in the NMU zone” (p.7).

With the critical issue of the fourth story in mind, Planning Commission must assess whether all the Discretionary Relief Criteria have been met to approve the variance for the penthouse. With regards to the relevant section of code, it reads in full as follows (emphasis added):

B. Type III Variances

An application for a Type III variance shall be approved **when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met.** An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

a. The applicant’s alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, **and** it meets one or more of the following criteria:



- (1) The proposed variance avoids or minimizes impacts to surrounding properties.
- (2) The proposed variance has desirable public benefits.
- (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

**First, the applicant’s alternatives analysis does not provide an analysis of the impacts and benefits of the variance for the fourth story as compared to the baseline code requirements.** The applicant notes that, “it is difficult to assess the affect of the of the proposed structure to the relationship of other structures as there has been a lack of new mixed-use in the NMU Zone and in the surrounding areas of 32<sup>nd</sup> Ave” (p. 18 of Planning Commission package). In doing so, the applicant fails to fulfill their responsibility to provide an analysis of the benefits and burdens of a three-story, mixed-use building—both with and without the variance for the fourth story penthouse. Although the applicant does make a case that being a catalyst for mixed-use development on 32<sup>nd</sup> will benefit the community, the applicant fails to make clear how a spacious penthouse provides measurable benefits to surrounding neighbors and the community at large. Additionally, if the penthouse played a critical role in the pro forma then the applicant should have applied for the Type III variance using the Economic Hardship Criteria. Presumably, the applicant did not do so because it would have been more difficult to make the case under that higher bar. Instead, the applicant suggests it is impossible to provide such analysis, while touting benefits of the larger development itself, rather than the variance, specifically. Since the applicant failed to submit an alternatives analysis that provides, at a minimum, an analysis of the impacts and benefits of the fourth story variance proposal as compared to the baseline code requirements, the applicant did not meet all of the criteria in Subsection 19.911.4.B.1. **As such, the applicant did not meet the all of the Discretionary Criteria; therefore, the Planning Commission should deny the Type III Variance.**

Second, the Planning Commission should also determine whether the proposed variance for the fourth-floor penthouse is “both reasonable and appropriate” **and** meets at least one of additional three sub-criteria. In reviewing public comment submitted to-date, there has not been any testimony submitted in support of the variance to allow the spacious fourth-floor penthouse atop the three-story, mixed use development. To the contrary, some have submitted comments about how such a proposal could set a

dangerous precedent for future development and spur gentrification and displacement in our neighborhood. I share those concerns. **Without any community support for the fourth story, the community clearly does not think the variance is “reasonable and appropriate.” The Planning Commission should consider this evidence and deny the variance.**

In looking at the second half of the question, the applicant does address some of the sub-criteria in their proposal. The applicant does seek to minimize some of the impacts to surrounding properties by locating the penthouse to the east, immediately adjacent to 32<sup>nd</sup>, and installing some privacy screens based on a sight-line study not submitted for review. However, the applicant has not gone to sufficient lengths to avoid or minimize impacts on surrounding properties. For example, the applicant has not submitted plans to plant and sustain large trees on the northern and western edges to successfully screen the parcel and provide privacy. While establishing and maintaining large trees may hamper the penthouse’s patio-view of the West Hills, large trees would not only help avoid and minimize privacy impacts to the surrounding properties, but it would also advancing the City’s larger Climate Action Goals by reducing urban heat island effect and sequestering carbon dioxide. Further, in arguing for the desirable public benefits of the proposed development, the applicant conflates the variance for the fourth story penthouse with the larger three-story, mixed use development. **There are no public benefits associated with the variance for the penthouse.** For example, the proposed variance to add a fourth story is not to create an additional 8-10 units of market-rate housing. Although such a proposal might be a contested issue given the scale of the building and additional parking challenges, such a proposal would clearly have some level of public benefits for the Planning Commission to consider. But this is not the case. The benefits of the variance are accrued by whatever individual owns the 5-bedroom, 4-bathroom penthouse; they are not experienced by the larger community. **The Planning Commission should be clear with itself as it deliberates: Does it approve variances to the community-developed Zoning Code that a) undermine the Code and b) allow the creation of significant private gain at the expense of nearby property owners and the community at-large?** Finally, in determining whether the proposal meets one or more of the sub-criteria, there is nothing in the proposed variance to creatively and sensitively respond to existing built and natural conditions. For example, as far as can be determined, it is not clear whether the applicant has engaged the Oregon Department of Environmental Quality (DEQ) to obtain DEQ review and approval for development on a site once

designated as a brownfield.<sup>3</sup> Has this occurred? If so, how is the applicant responding creatively and sensitively to known soil and groundwater contamination at the site? **In reviewing each of these sub-criteria, not one is met by the applicant; therefore, the Planning Commission should deny the variance.**

## Conclusion

As an impacted resident living just down the street from the proposed development, I am excited to see the parcel at 9391 SE 32<sup>nd</sup> slated for redevelopment. This corner has sat vacant and in disrepair for too long. However, the community should not have to sacrifice its standards and quality of living in order to facilitate development in the NMU Zone. In exchange for development of the site, the community should not have to experience the significant impacts that will come from the fourth story penthouse and proposed parking modifications. This is not a compromise we must accept, especially in light of one key fact: As Ms. Kolas and Mr. Vodden explain in their staff memo, “But for the height variance, the proposed building meets the design and development standards for a mixed-use building in the NMU zone” (p.7).

Like many of my neighbors, I have significant concerns about the applicant’s proposal and requests for variances/modifications to the Zoning Code. **The Planning Commission should deny the variance to allow a fourth story and it should not approve parking modifications unless both the City and the Developer mitigate the significant impacts in the surrounding neighborhood.** Thank you for the opportunity to testify, and for your public service.

Best regards,

Mr. Jacob Sherman

3023 SE Olsen St.

Milwaukie, OR 97222

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<sup>3</sup> A letter to Ms. Sue Stein from DEQ, dated Sept. 19, 2019, states that “no new residential or new sub-grade commercial uses shall occur unless further investigation, cleanup, or additional evaluation occurs for DEQ review and approval, or DEQ approves engineering controls and any required baseline, performance, and compliance vapor sampling to ensure potentially unacceptable risk is mitigated.”