



CITY OF MILWAUKIE

March 24, 2021

Land Use File(s): PD-2020-002; TFR-2020-003

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on March 23, 2021.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	Jill Smith, Housing Authority of Clackamas County
Appellant (if applicable)	
Location(s):	2889 SE Hillside Ct
Tax Lot(s):	11E25CD 00100 & 00102
Application Type(s):	Preliminary Planned Development; Transportation Facilities Review
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Land Division Ordinance: <ul style="list-style-type: none">• MMC Title 17 Land Division (Subdivisions) Milwaukie Municipal Code: <ul style="list-style-type: none">• MMC Title 12 Streets, Sidewalks, and Public Places (Access Management) Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Title 12 Streets, Sidewalks, and Public Places• MMC Section 19.1006 Type III Review• MMC Section 19.311 Planned Development Zone (PD)• MMC Section 19.302 Medium and High Density Residential Zones (including R-1)• MMC Section 19.303 Commercial Mixed Use Zones (including GMU)• MMC Title 17 Land Division• MMC Chapter 19.500 Supplementary Development Regulations

- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.902 Amendments to Maps and Ordinances

Neighborhood(s): Ardenwald-Johnson Creek

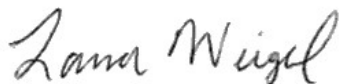
This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review for the purposes of noticing and establishing a review by the Planning Commission. The complete case file for this application is available for review. Please contact Vera Kalias, Senior Planner, at 503-786-7653 or kaliasv@milwaukieoregon.gov, if you wish to view this case file.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. Per MMC 129.311.6.B, this approval of a preliminary planned development plan and program requires that the applicant submit within 18 months of the preliminary plan notice of decision, a final development plan and program, which will serve as an application for the PD zone change and comprehensive plan map amendment. The submittal deadline for the final development plan and program is September 24, 2022.
2. Applicant must consult with TriMet and implement best practices on the location and design of the proposed bus stops, bus pullouts, and other TriMet services for the development.



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: Jill Smith, Housing Authority of Clackamas County (via email)
Devin Ellin, Housing Authority of Clackamas County (via email)
Debbie Cleek, The Bookin Group (via email)

Planning Commission (via email)
Leila Aman, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Mike Boumann and Alex McGladrey, CFD#1 (via email)
NDA(s): Ardenwald-Johnson Creek (via email)
Interested Persons
Land Use File(s): PD-2020-002

Findings for Approval
File #PD-2020-002, Hillside Preliminary Development Plan

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

1. The applicant, Jill Smith, representing the Housing Authority of Clackamas County (HACC), has applied for approval of a preliminary planned development plan and program at the site known as Hillside Park and Hillside Manor at 2889 SE Hillside Ct. This site is in the R-3 Zone. The land use application file number is PD-2020-002.
2. The proposal is for a multi-unit dwelling development. Hillside Manor, the tower, which was partitioned onto a separate lot in early 2020, will remain on site and be refurbished. The remainder of the 16-acre site is proposed to be redeveloped with apartments and mixed-use buildings for a total of 600 units on the property (400 new units, 100 replacement units, and 100 units in the Hillside Manor tower) at the end of all phases of development. The proposed development is being submitted as a Planned Development application to provide more flexibility related to development standards and maximum density. The subject application has been submitted for preliminary development plan review.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Title 12 Streets, Sidewalks, and Public Places
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.311 Planned Development Zone (PD)
 - MMC Section 19.302 Medium and High Density Residential Zones (including R-1)
 - MMC Section 19.303 Commercial Mixed Use Zones (including GMU)
 - MMC Title 17 Land Division
 - MMC Chapter 19.500 Supplementary Development Regulations
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.902 Amendments to Maps and Ordinances

Only the sections relevant to the decision for denial of the application are addressed below.

4. The application submittal includes a proposed preliminary Planned Development and Transportation Facilities Review. Of the application components, the preliminary Planned Development requires the highest level of review (Type III); as per MMC Subsection 19.1001.6.B, both are being processed with Type III review.

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. As required by MMC Subsection 19.1002.2, a preapplication conference was held on December 12, 2019. Public notice was sent to property owners and current residents within 300 ft of the subject property. As required by law, a public hearing with the Planning Commission was held on March 23, 2021.

5. MMC Title 12 Streets, Sidewalks, and Public Places

a. MMC Chapter 12.16 Access Management

MMC Section 12.16.040 establishes standards for access (driveway) requirements, including access spacing, number and location of accessways, and limitations for access onto streets. Spacing criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

Through review of the applicant's TIS, the City's traffic consultant found the proposed site access at Meek Street would meet the City's spacing standard of 300 feet for collector streets. The access on Dwyer Street was measured to be 240 feet away from the nearest driveway to the north. However, Dwyer Street is located some 410 feet from the next intersection at Harvey Street, which meets access spacing requirements. Having the second site access street be an extension of Dwyer Street is also an improvement from existing conditions. Also, the development will remove six existing driveways along this section of 32nd Avenue resulting in improved safety. Additionally, a left turn lane will be required for north bound SE 32nd Ave at Meek St as mitigation for expected trip increases. This left-turn pocket must be constructed either prior to, or concurrently with, that phase of development, which creates greater than 325 residential units.

As conditioned, the development is consistent with the applicable standards of MMC 12.16.

b. MMC Chapter 12.24 Clear Vision at Intersections

MMC 12.24 establishes standards for maintenance of clear vision at intersections to protect the safety and welfare of the public in their use of City streets.

Through review of the applicant's TIS, the City's traffic consultant found both proposed new driveways, at Meek Street and Dwyer Street, were found to meet stopping sight distances but intersection sight distance for turning vehicles was not met for the Meek Street driveway to the south, due to some foliage obstructions, however this has since been remedied through code enforcement. With construction of new roadways and driveways, the applicant must verify required site distance is obtained.

As conditioned, all driveways, accessways, and intersections associated with the proposed development conform to the applicable standards of MMC 12.24.

The City Council finds that, as conditioned, the development meets all applicable requirements of MMC Title 12. This standard is met.

6. MMC Title 17 establishes the regulations governing land division.

a. MMC Chapter 17.12 Application Procedure and Approval Criteria

MMC Section 17.12.040 establishes the approval criteria for a preliminary plat. The proposed plans meets these criteria as described below.

- (1) MMC Subsection 17.12.040.A.1 requires that the proposed preliminary plat complies with Title 19 Zoning and other applicable ordinances, regulations, and design standards.

As demonstrated by the applicant's submittal materials and evidenced by these findings, the proposed subdivision complies with the applicable ordinances, regulations, and design standards. As proposed, this criterion is met.

- (2) MMC Subsection 17.12.040.A.2 requires that the proposed boundary will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

The proposed boundary will provide sufficient area on each parcel to accommodate future development in accordance with the standards of the underlying R-2 zone. The parcels do not have physical constraints or dimensional limitations that would necessitate the need for variances in the future. As proposed, this criterion is met.

- (3) MMC Subsection 17.12.040.A.3 requires that the proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).

The proposed boundary results in ten parcels in a three-phase development program.

- (4) MMC Subsection 17.12.040.A.4 requires that the streets and roads in the proposed subdivision are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.
- (5) MMC Subsection 17.12.040.A.4 requires that the application include a detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

As proposed, this criterion is met.

As proposed, the City Council finds that the proposed boundary meets the applicable criteria.

b. MMC Chapter 17.28 Design Standards

MMC 17.28, particularly MMC Section 17.28.040, establishes standards for lot design for land divisions and boundary changes.

- (1) MMC Subsection 17.28.040.A requires that the lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated, as well as that minimum lot standards shall conform to Title 19.

The proposed lots are generally rectangular in shape and meet the minimum area requirements for the proposed re-zoning to R1 and GMU zones. All lots conform to the relevant standards of the proposed zones as described in Finding 7 and to other applicable

standards of Title 19 as described elsewhere in these findings. The size and shape of the lots were primarily dictated by a desire to create a street grid that is more rectilinear to improve overall site circulation and safety. Additionally, the need to connect the new streets into the existing street network that surrounds the site skewed the grid pattern. Each lot is an appropriate size to develop with multi-family buildings while also providing open space amenities and adequately meeting the development standards such as parking, pedestrian circulation, and landscaping.

- (2) MMC Subsection 17.28.040.B requires that lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street.

The proposed lots are generally rectangular in shape and meet the minimum lot standards in Title 19. As described above, the desire to redevelop the streets in a 90-degree grid pattern will result in the majority of the proposed lots being rectilinear. The location of the Manor tower and surrounding parking, which will remain on the site, results in Lots H, C and K being skewed and not having right angles on all corners. Additionally, new 29th Ave will need to connect to the existing right of way in the neighborhood to the north, creating irregular angles in Lots G and K. Except for these variations, the side and rear lot lines will run parallel to the new streets as much as practical.

- (3) MMC Subsection 17.28.040.C limits compound lot lines for side or rear lot lines.
The only lot line in the development that includes changes in direction is the rear lot line of Lot K. This lot line backs up the Manor and the open space tract (Lot J) both of which are existing features of the site with boundaries that follow the slope of the existing site topography. Though lot K will feature a compound lot line on the rear, the change in direction will not exceed the 10% requirement and this standard is met. MMC Subsection 17.28.040.D allows lot shape standards to be varied pursuant to MMC 19.911.

No variances to the lot shape standards are requested in this application.

- (4) MMC Subsection 17.28.040.E limits double frontage and reversed frontage lots, stating that they should be avoided except in certain situations.

Several of the lots included in the subdivision will comprise full city blocks with frontages on all four sides. Therefore, Lots A, B, C, D, E, and G will all be considered double frontage lots. Through Section 19.311.3, a modification is requested to allow double frontage lots because the proposed subdivision represents a unique situation where full-sized, urban-scale blocks are being created.

- (5) MMC Subsection 17.28.040.F requires that, pursuant to the definition and development standards contained in Title 19 for frontage, required frontage

shall be measured along the street upon which the lot takes access. This standard applies when a lot has frontage on more than one street.

As proposed, all of the proposed lots will exceed the minimum frontage requirement of R1 and GMU zones.

As proposed, the Planning Commission finds that the new lots presented in the applicant's preliminary plat meet the applicable design standards established in MMC 17.28.

c. MMC Chapter 17.32 Improvements

MMC 17.32 establishes procedures for public improvements, including a requirement that work shall not begin until plans have been approved by the City.

As discussed in Finding 11, physical improvements are required as a result of the proposed Planned Development.

As conditioned, the Planning Commission finds that the applicable standards of MMC 17.32 are met.

7. MMC Chapter 19.300 Base Zones

As a Planned Development, the proposed subdivision is subject to the requirements for Planned Developments as established in MMC Section 19.311. The Planned Development (PD) zone is a superimposed zone applied in combination with regular existing zones. The subject property is zoned R-3, but the application proposes to re-zone the property to a combination of Residential R-1 and General Mixed Use (GMU). The underlying zone requirements of MMC Section 19.302 and Section 19.303 are relevant and must be addressed as well. These findings will analyze compliance with the proposed new base zones.

a. MMC Section 19.311 Planned Development Zone (PD)

The purpose of a Planned Development (PD) zone is to provide a more desirable environment than is possible through the strict application of Zoning Ordinance requirements, encouraging greater flexibility of design and providing a more desirable use of public and private common open space. PD zones can promote variety in the physical development pattern of the city and encourage a mix of housing types.

(1) MMC Subsection 19.311.2 Use

The City Council approves the final development plan of a PD zone, in consideration of the proposal's conformance to the following standards:

(a) Conformance to the City's Comprehensive Plan

As addressed in more detail in Findings 8 and 12, the proposed Planned Development conforms to the City's Comprehensive Plan and is consistent with the relevant policies and goals.

(b) Formation of a compatible and harmonious group

As proposed, the development is a re-imagined mixed-use and mixed-income community on the site of an existing affordable housing community. The site, which already features multi-family housing, serves as a transition between the higher density commercial uses to the south and the single-family houses to the north. The entire development will create a harmonious micro-neighborhood that will be characterized by green streets, abundant open space amenities, and landscaping that will be consistent throughout the site.

- (c) Suitability to the capacity of existing and proposed community utilities and facilities

The existing public utilities and facilities in the vicinity of the subject property are all of sufficient size and capacity to support the proposed development. As required, the new utilities provided within the proposed development itself will be suitable to serve it. As demonstrated in the Transportation Impact Study, the surrounding street network has adequate capacity available to support the increase in density on the site. The existing utilities that currently serve Hillside Park will be updated in the process of relocating them to assure that there is adequate capacity to serve all of the future buildings. Services such as school capacity and fire/police protection is available to serve the proposed uses and densities. Therefore, the site is suited to the proposal and this criterion is met.

- (d) Cohesive design and consistency with the protection of public health, safety, and welfare in general

The grid network proposed for the new streets will increase safety in the area by allowing for better visibility at corners and aligning the intersection at 32nd Ave and Dwyer St to the existing street to the east. Public health will be improved by creating an emphasis on walking and outdoor recreation through the improved pedestrian circulation network and open spaces. Finally, public welfare will be addressed by providing more affordable housing units in the City of Milwaukie, where they are critically needed (as indicated by the City of Milwaukie's Housing Needs Analysis). This criterion is met.

- (e) Affordance of reasonable protection to the permissible uses of properties surrounding the site

The northern edge of the proposed development will protect the privacy of the single unit dwellings to the north by providing a landscape buffer that will be fully planted to screen the surrounding properties. Additionally, all of the buildings along the north edge will be limited to two stories to be compatible with the houses to the north. The connection of 29th Ave is proposed as a pedestrian route and bikeway with restricted, gated access for emergency vehicles, prohibiting cut-through vehicle traffic in the neighborhood to the north. The addition of commercial uses on the ground floor of the buildings facing 32nd Ave will be an amenity to the residents and surrounding neighborhood, and the limitations proposed to the permitted GMU uses will assure that these small commercial

businesses will be compatible with the development on the site and the surrounding area. This criterion is met.

(2) MMC Subsection 19.311.3 Development Standards

MMC 19.311.3 establishes that the various applicable standards and requirements of MMC Title 19, including those of the underlying zone(s), are applicable in a PD zone, unless the Planning Commission grants a variance from those standards in its approval of the PD or the accompanying subdivision plat. The City Attorney has concurred with the conclusion of City staff that a formal variance request is not required for adjustments related to the flexibility inherent in the stated purpose of the PD zone to encourage greater flexibility of design and provide a more efficient and desirable use of common open space, with an allowance for some increase in density as a reward for outstanding design (e.g., housing type, lot size, lot dimension, setbacks, and similar standards).

(a) Minimum Size of a PD Zone

MMC Subsection 19.311.3.A requires that a PD Zone may be established only on land that is suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes of this zone.

The subject property is approximately 16 acres in size and provides an adequate area for development. This includes the provision of a mix of housing types and uses, greater flexibility in the development standards to create a cohesive design concept for the entire site, and to provide for larger swaths of open space that will offer better amenities to the residents of Hillside. The site is located in an area that is well-served by the existing transportation network, utility infrastructure, and services.

(b) Special Improvements

MMC Subsection 19.311.3.B establishes the City's authority to require the developer to provide special or oversize sewer lines, water lines, roads and streets, or other service facilities.

It is not anticipated that special or oversized utility lines or roads will be necessary to develop the Planned Development that is being proposed. All the existing infrastructure currently serving the site will be removed and replaced in phases and will be appropriately sized to serve the development proposed.

(c) Density Increase and Control

MMC Subsection 19.311.3.C allows an increase in density of up to 20% above the maximum allowed in the underlying zone(s), if the City Council determines that the proposed Planned Development is outstanding in planned land use and design and provides exceptional advantages in

living conditions and amenities not found in similar developments constructed under regular zoning.

As discussed elsewhere in these Findings, the portions of the site that will have the Comprehensive Plan designation of High Density Residential will exceed the maximum density of 24 dwelling units permitted in this designation. Lots D, F, G, H, J and K combined will have a density of 24.27 dwelling units per acre, which is well below the 20% increase above the density range permitted by this standard. This modest increase in density will be offset by the abundant open space and other outdoor amenities that will be provided throughout the site for the benefit of the residents.

The development will provide 600 units of housing with a range of affordability from 30% and below of the area median income to 80% and below of area median income.

The Planning Commission finds that the proposed development provides sufficiently outstanding design features to justify minimal density increase.

(d) Peripheral Yards

MMC Subsection 19.311.3.D requires that yards along the periphery of any Planned Development zone be at least as deep as the front yard required in the underlying zone(s). Open space may serve as peripheral yard.

The west side of the site is bounded by the railroad and across the railroad corridor the zoning is NME - North Milwaukie Employment Zone. The development proposal includes a thick landscape buffer along the west property line to assure that the residential buildings in the development will be adequately buffered from the noise of the railroad.

The properties to the south across Meek St and southeast across 32nd Ave are zoned GMU and currently undeveloped. The GMU zone encourages buildings to be close to street lot lines and provide an active frontage with public entrances, façade features and windows, therefore screening and buffering along the south property line of the site would not be appropriate with the GMU zoning.

The properties northeast across 32nd Ave are zoned R3 and are mostly developed as Providence Milwaukie Hospital. Proposed Lot E on the Hillside site will be zoned GMU and will need to meet maximum setback and frontage occupancy standards that would not make buffering and screening from the hospital across 32nd Ave practical. Lot F will be zoned R-1 and will be across 32nd Ave from an existing townhouse development. The buildings proposed on Lot F will be set back with the required front yard minimum of the R-1 zone of 15 ft, which will allow for a large area that will be planted with trees and landscaping to soften and screen the buildings from the townhouses across the street.

The neighborhood to the north is zoned R-7 and developed with single-family houses. The proposed buildings along the northern boundary will be set back from

the property line a minimum of 15 ft (the front yard setback of the R-1 zone). This setback will provide a wide landscape buffer that will be planted with trees and tall shrubs that will help obscure views and absorb sounds to protect the privacy of the neighboring houses. Additionally, all of the buildings that about the northern property line will be limited to 2 stories in height.

With the proposed setbacks and landscape buffering from the properties to the north and northeast, the peripheral yard standards will be met for the proposed Planned Development.

(e) Open Space

MMC Subsection 19.311.3.E requires that a Planned Development set aside land as open space for scenic, landscaping, or other recreational purposes within the development. A minimum of one-third of the gross area of the site must be provided as open space and/or outdoor recreational areas, with at least half of this area being of the same general character as the area containing dwelling units.

The gross area of the subject property is approximately 19.5 acres, so a minimum of 5.85 acres must be provided as open space. The proposal provides open space and recreational areas dispersed throughout the site that will provide outdoor spaces in an equitable way for all the residents of Hillside. By creating larger swaths of open space (versus small open areas dedicated to each residential unit) more resources can be placed in these open areas in the form of playground equipment, sports equipment, outdoor furnishing, and landscaping, which will collectively provide better overall amenities.

The proposed open space plan includes a total of 7.8 acres of usable open space, which is 40% of the site. This is a combination of 6.8 acres of planted area (including the 1.8-acre large open area in the northwest corner) and approximately 0.9 acres of “paved” open space areas, such as playgrounds and plazas.

(3) MMC Subsection 19.311.6 Planning Commission Review of Preliminary Development Plan and Program

MMC 19.311.6 establishes that the Planning Commission shall review an applicant’s preliminary development plan and program for a PD and shall notify the applicant whether the proposal appears to satisfy the provisions of this section or has any deficiencies. Upon the Commission’s approval in principle of the preliminary plan and program, the applicant shall file a final development plan and program and an application for zone change.

The applicant has submitted a preliminary development plan and program, which was processed as a Type III application for the purposes of noticing and establishing review by the Planning Commission. After receiving an “approval in principle” of the preliminary development plan from the Planning Commission, the applicant must initiate a Type IV review process by submitting a final development plan along with a

proposed subdivision and any other applicable reviews within 18 months. The Planning Commission would then consider the application package and make a recommendation to the City Council for a final decision.

(4) MMC Subsection 19.311.8 Land Division

MMC 19.311.8 requires that the submittal of a final development plan and program be accompanied by an application for subdivision preliminary plat, where the PD involves the subdivision of land.

The proposal includes a proposed subdivision. The preliminary planned development includes information about the proposed subdivision and a preliminary plat will be submitted as part of the final development plan and program.

(5) MMC Subsection 19.311.9 Approval Criteria

MMC 19.311.9 requires that the approval authority may approve, approve with conditions, or deny the proposed PD zone based on the following criteria:

- (a) Substantial consistency with the proposal approved with Subsection 19.311.6

The applicant has submitted a preliminary development plan and program, including a phasing plan.

- (b) Compliance with Subsections 19.311.1, 19.311.2, and 19.311.3

As demonstrated by these findings, the proposed development complies with these sections.

- (c) The proposed amendment is compatible with the surrounding area based on the following factors:

- (i) Site location and character of the area.
- (ii) Predominant land use pattern and density of the area.
- (iii) Expected changes in the development pattern for the area.

The proposed Planned Development will allow the site to redevelop in a way that is more efficient, practical, and sustainable than the current Hillside Park development. The site will feature a mix of housing types as well as providing both affordable and market rate options. The mixed-use buildings will provide the opportunity to add some small, neighborhood focused commercial uses to the site that will enhance the area. The increase in residential density on the site will be balanced by the abundant recreational amenities and open space opportunities that will include plazas, playgrounds, and open fields. Additionally, the existing streets and infrastructure will be replaced with a safer and better-connected street network that will feature wide, protected sidewalks, bike lanes, and landscape planters with street trees. The flexibility provided by the Planned Development zone allows the proposal to meet the purpose of the zone by providing a variety of

housing choices in a development pattern that will be aesthetically pleasing to both the residents and the neighborhood.

The Preliminary Planned Development includes the proposal to change the Comprehensive Plan designation of the site from Medium Density Residential to a combination of High Density Residential and Town Center. The applicable policies of each of these proposed designations are demonstrated in these Findings. The type of housing proposed on the site, the adjacency of similar uses and development intensities in the area, and the availability and adequacy of the surrounding street system and utility infrastructure make the Hillside site able to conform to the policies of each of these new designations.

The entire development will create a harmonious micro-neighborhood that will be characterized by green streets, abundant open space amenities, and landscaping that will be consistent throughout the site.

As demonstrated in the Traffic Impact Study submitted with the proposal, the surrounding street network has adequate capacity available to support the increase in density on the site. Additionally, the existing utilities that currently serve Hillside Park will be updated in the process of relocating them to assure that there is adequate capacity to serve all of the future buildings. Services such as school capacity and fire/police protection has been found to be available to serve the proposed uses and densities.

The grid network proposed for the new streets will increase safety in the area by allowing for better visibility at corners and aligning the intersection at 32nd Ave and Dwyer St to the existing street to the east. Public health will be improved by creating an emphasis on walking and outdoor recreation through the improved pedestrian circulation network and open spaces. Finally, public welfare will be addressed by providing more affordable housing units in the City of Milwaukie, where they are critically needed (as indicated by the City of Milwaukie's Housing Needs Analysis).

The northern edge of the proposed development will protect the privacy of the single-family houses to the north by providing a lush landscape buffer that will be fully planted to screen the surrounding properties. Additionally, all of the buildings along the northern edge will be limited to two stories to be compatible with the houses to the north. The connection of 29th Ave is proposed as a pedestrian path and bikeway with a locked access gate for use by emergency vehicles, prohibiting cut-through vehicle traffic in the neighborhood to the north. The addition of commercial uses on the ground floor of the buildings facing onto 32nd Ave will be an amenity to the residents and surrounding neighborhood, and the limitations proposed to the permitted GMU uses will assure that these small commercial businesses will be compatible with the development on the site and the surrounding area.

As demonstrated in these Findings, the site meets the minimum lot size requirement for the PD Zone and there are no special improvements that will be required. The proposed residential densities will be blended across the site but in no case will they be greater than 20% of what is allowed in the High Density Residential Comprehensive Plan designation (24 dwelling units per acre). Peripheral yards screening adjacent existing developments will be provided where appropriate, primarily along the northern property line to screen the residential development to the north and on the western property line to abate noise from the railroad. Overall, the site will include an abundance of Open Space exceeding the one-third requirement for planned developments at the end of the third phase.

The major change anticipated for this area would be the future development of the Murphy site located to the south of the subject site and zoned GMU. This 7-acre site is identified in the Central Milwaukie Land Use and Transportation Plan as an “Opportunity Site,” since it is a large, vacant site with high visibility and good access to transportation and services. It is envisioned to be developed with a mix of uses that might including 3- to 4-story multi-family residential buildings, commercial uses, and flex space for light industrial. Given the wide range of uses and densities that are permitted for this site, it is hard to predict what the final development plan will be. However, by zoning the lower half of the Hillside site GMU and proposing higher-density mixed use buildings for this part of the site, it will increase the likelihood that the future use on the Murphy site will be compatible with the Hillside site.

- (d) The need is demonstrated for uses allowed by the proposed amendment

The most recent study of housing inventory in the City of Milwaukie was done in 2016 and presented as the Milwaukie Housing Needs Analysis (HNA). Key findings of this study include:

- *A comparison of estimated current housing demand with the existing supply identifies a general need for rental units at the lowest price level:
 - *30% of all needed units are projected to be multi-family in structures of 5+ attached units*
 - *The greatest need for both ownership and rental units is found at lower price points. This reflects the findings that an estimated 37% of Milwaukie households are rent-burdened and currently pay more than 30% of their income towards housing costs.**
- *There is also a current need for more affordable units. In order for all households, both existing and new, to pay 30% or less of their income towards housing in 2036, a total of 1,189 rental units affordable at \$900 per month or less are required.*
- *As demand increases, prices rise, and the remaining land within the UGB is developed, denser forms of development and creative reuse of parcels*

through infill and redevelopment will become necessary. As stated in the application materials, the proponents understand the needs of the rental market as they own a large portfolio of apartment communities ranging in affordability. They have found a gap in the availability of the proposed apartment types. Within their community, they have a waiting list for the type of accommodations this project is providing. The City of Milwaukie's Comprehensive Plan recognizes increased housing is a need and the Planning Commission has identified increased housing opportunity and supply as a top goal for the city.

The proposed Planned Development will add 400 new units to the existing Hillside Park site, with a large portion of those units being built as affordable housing. This will directly address the public needs identified in the Housing Needs Analysis. Additionally, because the 100 existing residential houses on the site will be replaced with the proposal, no viable housing stock will be taken out of the current housing inventory.

- (e) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment

As demonstrated elsewhere in these Findings, adequate infrastructure will be available to serve the site. All of the existing streets and utilities serving the site will be removed and rebuilt to support the proposed new development. These changes will result in streets that are safer for all modes of travel and that align better to the existing street network in the area. The new utilities will be built to meet current development standards and adequate capacity in the existing sewer, storm, and water systems to support the proposed uses has been demonstrated with capacity studies submitted with the application. The site is well served by public transit by the #75 bus that operates along 32nd Ave with two bus stops along the site frontage. Fire services are provided to the site from the Clackamas County Fire District #1 and police services from the City of Milwaukie Police Department and both these public services are adequate to serve the site. The local school district has capacity available to serve an increase in student population.

- (f) The proposal is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

A transportation impact study has been included as part of application submittal. See Finding 11 for details.

- (g) Compliance with all applicable standards in Title 17 Land Division

As detailed in Finding 5, the proposed preliminary development complies with the applicable standards in Title 17. A preliminary plat is required with the final development plan application.

- (h) Compliance with all applicable development standards and requirements

As conditioned, and as detailed in these Findings, the proposed development complies with the applicable development standards and requirements.

- (i) The proposal demonstrates that it addresses a public purpose and provides public benefits and/or amenities beyond those permitted in the base zone

As demonstrated elsewhere in these Findings, the HNA has identified an immediate need for more multi-family housing and more affordable housing to meet the current and future needs of the population of Milwaukie. By allowing the Hillside site to redevelop, the Planned Development can help address this need by adding 400 new units housing that will be available to a variety of household sizes and incomes. Within the proposed development, these new residential units will be located in a park-like setting that will feature large outdoor recreation areas that will appeal to different populations and age groups. Additionally, all of the new streets and infrastructure will create a safe and well-functioning neighborhood with a strong emphasis on alternate modes of transportation and community gathering. All of these amenities for the future residents will be made possible by allowing the entire site to be designed under a single Planned Development review, allowing for efficient use of the land, a cohesive design across the site, and the modification of standards to better fit the concept for the development and the unique aspects of the site.

As conditioned, the Planning Commission finds that the proposed development meets the approval criteria.

The Planning Commission finds that the applicable standards and requirements of MMC 19.311 are met. A condition of approval has been included requiring a final development plan to be submitted within 18 months as required in MMC 19.311.6.

- b. MMC Section 19.302 Medium and High Density Residential Zones (including R-1)

The subject property is zoned Residential R-3. The application includes a proposed rezoning of the site to both R-1 and GMU. As noted in Finding 7-a(2), although the underlying zone standards are primarily applicable, the PD zone allows adjustment to some of those standards. This applies to such underlying zone limitations as housing type, lot size, lot dimension, setbacks, and similar standards that relate to flexibility of design, greater efficiency in the use of common open space, and minor increases in density allowed as a reward for outstanding design.

- (1) Permitted Uses

As per MMC Table 19.302.2, multifamily development is an outright permitted use in the R-1 zone.

The proposal includes 600-units of multifamily housing.

(2) Lot and Development Standards

As discussed in Finding 7-a(2), above, adjustments to underlying zone standards that are related to the flexibility of design afforded by the PD process are allowed and do not require a formal variance request. Table 7-b(2) compares the applicable standards for development of the lots in the R-1 zone with the standards proposed as the final development plan and program for this PD zone.

Table 7-b(2)		
Standard	R-1 Requirement	Proposed R-1 PD Requirement Lots D, F, G, H (Manor), and K
1. Minimum Lot Size	5,000 sq ft	0.99 ac – 2.45 ac
2. Minimum Lot Width	50 ft	100 ft – 298 ft
3. Minimum Lot Depth	80 ft	100 ft – 328 ft
4. Minimum street frontage	35 ft	97 ft – 298 ft
5. Front Yard	15 ft	10 ft (modification requested)
6. Side Yard	5 ft	5 ft
7. Rear Yard	15 ft	36 ft
8. Street Side yard	15 ft	5 ft – 10 ft (modification requested)
9. Maximum Building Height	3.5 stories or 45 ft (whichever is less; with additional 10% vegetation)	2- 3 stories (10 stories in Manor tower – existing)
10. Maximum lot coverage	45%	20% - 35% (7% for Lot H) (modification requested)
11. Minimum vegetation	15%	15% (38% for Lot H)
12. Minimum density	25 units per acre (232 units)	233 units
13. Maximum density	32 units per acre (297 units)	233 units (modification requested to allow lots D, F, and H to exceed max. density – see table below)

The lots and development standards that will govern development on the subject property are shown in Table 7-b(2) and effectively establish a component of the final development plan and program for this PD zone.

c. MMC Section 19.303 Commercial Mixed Use Zones (including GMU)

The subject property is zoned Residential R-3. The application includes a proposed rezoning of the site to both R-1 and GMU. As noted in Finding 7-a(2), although the underlying zone standards are primarily applicable, the PD zone allows adjustment to some of those standards. This applies to such underlying zone limitations as housing type, lot size, lot dimension, setbacks, and similar standards that relate to flexibility of design, greater efficiency in the use of common open space, and minor increases in density allowed as a reward for outstanding design.

(1) Permitted Uses

As per MMC Table 19.303.2, multifamily and mixed-use development is an outright permitted use in the GMU zone.

The proposal includes 600 units of multifamily housing and mixed use development.

(2) Lot and Development Standards

As discussed in Finding 7-a(2), adjustments to underlying zone standards that are related to the flexibility of design afforded by the PD process are allowed and do not require a formal variance request. Table 7-b(2) compares the applicable standards for development in the R-2 zone with the standards proposed as the final development plan and program for this PD zone.

Standard	GMU Requirement	Proposed GMU PD Requirement Lots A, B, C, and E
1. Minimum Lot Size	1,500 sq ft	1.3 ac – 1.4 ac
2. Minimum street frontage	25 ft	175 ft – 305 ft
3. Minimum density	25 units per acre (standalone residential; no min. for mixed-use buildings)	Lot A (mixed-use): 75 du/ac Lot B (residential): 78 du/ac Lot C (residential): 50 du/ac Lot E (mixed-use): 67 du/acre
13. Maximum density	50 units per acre (standalone residential; no max. for mixed-use buildings)	Lot A (mixed-use): 75 du/ac Lot B (residential): 78 du/ac Lot C (residential): 50 du/ac Lot E (mixed-use): 67 du/acre

The lots and development standards that will govern development on the subject property are shown in Table 7-b(2) and effectively establish a component of the final development plan and program for this PD zone.

Overall Density				
Lot	Approx. Area	Number of Units	Zoning	Density
Lot A	1.3 acres	101	GMU	75 du/acre
Lot B	1.4 acres	108	GMU	78 du/acre
Lot C	1.3 acres	65	GMU	50 du/acre
Lot D	1.4 acres	54	R-1	39 du/acre
Lot E	1.4 acres	93	GMU	67 du/acre
Lot F	1 acre	40	R-1	40 du/acre
Lot G	1.5 acres	27	R-1	18 du/acre
Lot H (Manor)	2.5 acres	100	R-1	37 du/acre
Lot J (Open Space)	1.8 acres	0	R-1	0
Lot K	1.1 acres	12	R-1	11 du/acre
Total	14.6 acres	600		41 du/acre

The maximum density permitted in the R1 zone is 32 units per acre. In the GMU zone there is no maximum density for mixed-use buildings but a limit of 50 units per acre for stand-alone residential buildings. MMC 19.311.3.C allows the density to be blended across the site. As shown in the table above, several of the proposed R-1 zoned lots will exceed the maximum density of the R-1 zone because some of the density of the GMU zone will be transferred to these lots. The overall density of the entire development will be 41 dwelling units per acre, which falls between the maximums allowed in R-1 and GMU zones.

The Planning Commission finds that, as conditioned, the proposal meets the applicable development standards.

8. MMC Chapter 19.500 Supplementary Development Regulations

a. MMC Subsection 19.505.3 Multifamily Housing

MMC 19.505.3 establishes design standards for multifamily housing to facilitate the development of attractive housing that encourages multimodal transportation and good site and building design. The requirements of this subsection are intended to

achieve the principles of livability, compatibility, safety and functionality, and sustainability. The design elements established in MMC Subsection 19.505.3.D are applicable to all new multifamily housing developments with 3 or more units.

- (1) MMC Subsection 19.505.3.B states that all new multifamily and congregate housing developments with 3 or more dwelling units on a single lot are subject to the design elements in Table 19.505.3.D.

The proposed development will have 600 dwelling units on 10 lots and is considered multifamily. The proposed development meets the applicability standards of MMC 19.505.3.B.

- (2) MMC Subsection 19.505.3.D contain standards for Multifamily Design Guidelines.

The proposed multi-unit residential development is following the Design Guidelines for the Discretionary Process. Each building will be required to meet the standards at the time of development.

The application as proposed meets the standards of this section as described in Table 2 below.

**Table 19.505.3.D
 Design Guidelines—Multifamily Housing**

Design Element	Guideline	Findings
1. Private Open Space	The development should provide private open space for each dwelling unit, with direct access from the dwelling unit and visually and/or physically separate from common areas. The development may provide common open space in lieu of private open space if the common open space is well designed, adequately sized, and functionally similar to private open space.	<i>The proposed Planned Development will not preclude any of the future buildings from meeting the private open space requirements. The townhouse and walk-up apartments will likely provide the private open space in the form of small private yards adjacent to the units. The larger apartment buildings will either provide small balconies or common open space areas that may include some of the open space amenities already being planned into the larger planned development.</i> <i>The application proposes that the open space areas developed on individual lots (for example the playground on Lot E) will be credited towards meeting this open space standard for the development on Lot E. This will assure that there is a variety of different types of open space throughout the site meeting the recreational needs of a diverse population of residents.</i>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
2. Public Open Space	The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.	<i>The Planned Development will include a variety of public open space opportunities that will include playgrounds, sport courts, plazas with outdoor furnishings, pocket parks, and the larger open space area in the northwest corner of the site. It is proposed that these open space areas will be used in-part to meet the public open space standard for the individual buildings at the time of development.</i>
3. Pedestrian Circulation	Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.	<i>As designed, the proposed development will have continuous connections with adequate lighting and street crossings to site elements as required.</i>
4. Vehicle and Bicycle Parking	Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.	<i>352 off-street parking spaces and 137 on-street parking spaces are proposed for a total of 489 spaces for the development. Bicycle parking spaces will be provided in bike rooms inside of the buildings as well as in clusters around the site. A total of 375 bicycle parking spaces are proposed, at least 50% of which will be covered.</i>
5. Building Orientation and Entrances	Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.	<i>The majority of the lots in the development will be surrounded by streets on at least three sides. Therefore, orientating the building entrances to an adjacent street should not be an issue for any of the future buildings. Though none of the buildings have been designed at this time, there is nothing in the design of the Planned Development that would preclude the buildings from including well-defined and protective entrances.</i>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
<p>6. Building Façade Design</p>	<p>Changes in wall planes, layering, horizontal & vertical datums, building materials, color, and/or fenestration should be incorporated to create simple and visually interesting buildings</p> <p>Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</p> <p>Windows should be used to provide articulation to the façade and visibility into the street.</p> <p>Building facades should be compatible with adjacent building facades.</p> <p>Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.</p>	<p><i>The design of the Planned Development would not prevent any of the future buildings from being able to meet the façade design standards. During the development of each lot careful consideration of building façade design will be done to assure that all of the buildings will meet these standards.</i></p>
<p>7. Building Materials</p>	<p>Buildings should be constructed with architectural materials that provide a sense of permanence and high quality, incorporating a hierarchy of building materials that are durable.</p> <p>Street-facing facades should consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.</p> <p>Split-faced block and gypsum reinforced fiber concrete (for trim elements) should only be used in limited quantities.</p> <p>Fencing should be durable, maintainable, and attractive.</p>	<p><i>The vision for the redevelopment of Hillside is to construct buildings that feature durable, high-quality materials while still providing affordable housing options. As such, each of the future buildings will be designed in accordance with these standards.</i></p>
<p>8. Landscaping</p>	<p>Landscaping should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water should be included. Hardscapes should be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.</p>	<p><i>Nearly 7 acres of the site is proposed to be landscaped. The Planned Development plan includes landscaping, open space recreation areas, and substantial buffers throughout the site. Throughout these areas existing healthy trees will be preserved where practical and new trees will be planted. Hardscaped areas such as parking lots and vehicle circulation areas will be shared when possible to minimize the overall impervious area on the site. Native and drought-tolerant plantings will be selected when appropriate and the irrigation systems installed throughout the site will be low-volume to conserve water.</i></p>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
9. Screening	Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.	<i>The design of the Planned Development would not prevent any of the future mechanical equipment, garbage areas or other site utilities from being screened in to meet these standards.</i>
10. Recycling Areas	Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste/recycling haulers. Recycling areas located outdoors should be appropriately screened or located so they are not prominent features viewed from the street.	<i>The design of the Planned Development would not prevent any of the future recycling areas from meeting these requirements.</i>
11. Sustainability	Development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements should be incorporated to increase occupant health and maximize a building's positive impact on the environment. When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.	<i>Most of the buildings on the site will be multi-family affordable housing development that are publicly financed and must adhere to a green building program. It is anticipated that these buildings will be certified through Earth Advantage or a similar program, assuring that they will be energy efficient, constructed of sustainable and durable materials, and healthy for the occupants. Additionally, throughout the development there will be a major emphasis on alternative modes of transportation by providing green streets with wide sidewalk corridors and planter strips, and integration of the transit stops on 32nd Ave with ample bike parking. Planting zones will be maximized to provide landscaping and tree species with large canopies that support the City of Milwaukie's Urban Forestry 40% canopy coverage goal. Green roofs on buildings are encouraged and will contribute to reducing the stormwater released into the treatment system. Stormwater from new impervious surfaces will be directed to new water quality facilities before being released from the site.</i>

**Table 19.505.3.D
 Design Guidelines—Multifamily Housing**

Design Element	Guideline	Findings
12. Privacy Considerations	Development should consider the privacy of, and sight lines to, adjacent residential properties, and should be oriented and/or screened to maximize the privacy of surrounding residences.	<i>Adjacent residential properties zoned low-density residential are located to the north of the site. The buildings on the north side of the site have been setback at least 15 feet from the north property line in order to provide a wide landscape buffer from the houses to the north. This area has mature existing trees and will be further planted with trees and tall shrubs that will help obscure views and absorb sounds to protect the privacy of these neighboring homes. Additionally, all of the buildings that abut the north property line will be limited to two stories in height. Building F2 will be located on a sloped lot, so it is proposed as two stories on the north side and three stories on the south to account for the topography of the lot.</i>
13. Safety	Development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design (CPTED): <ul style="list-style-type: none"> • Natural Surveillance • Natural Access Control • Territorial Reinforcement 	<i>As proposed, all safety design considerations will be met in the final permit plans. The future landscaping and site lighting will be designed with safety in mind. Additionally, the layout of the Planned Development, which will replace the angled streets and dead-end cul-de-sacs with a more open and easily surveilled circulation plan will help to bolster these safety measures.</i>

The Planning Commission finds that, as conditioned, the discretionary multifamily design guidelines have been met.

b. MMC Section 19.505.7 Nonresidential Development

MMC 19.505.7 establishes design standards for nonresidential and mixed-use development. The design standards apply to the street-facing façades.

The proposed development includes two mixed use buildings (A2 and E1) in the proposed GMU zone, which are subject to these standards.

(1) Weather Protection

All ground-floor building entries must be protected by canopies or a recess at least 3 ft behind the façade.

All first-floor entries in buildings A2 and E1 are proposed to meet this standard.

(2) Exterior Building Materials

This section details specific materials to be used as primary, secondary, and accent materials, as well as a list of prohibited materials.

Buildings A2 and E1 will be constructed of durable, high-quality materials selected from Table 19.505.7.C.3. To maintain the overall affordability of these buildings, however, it is proposed that this standard be modified to allow both “finished metal panels” and “fiber-reinforced cement siding and panels” (i.e., Hardie plank) to be used as primary building materials required to cover at least 60% of the applicable building façades instead of secondary materials limited to only 40% of the building façade. The quality and durability of these materials has increased in recent years as demonstrated on a number of projects throughout the region.

(3) Windows and Doors

- (a) For nonresidential and mixed-use buildings, 30% of the ground-floor street wall area must consist of openings, i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.

Buildings A2 and E1 will be able to meet all of the applicable window standards by providing both ground-floor windows and doors that meet the standards of this section. The proposed Planned Development will not preclude the buildings from meeting these standards.

- (b) For all buildings, the following applies:

- (i) Nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

The application materials state that this standard will be met.

- (ii) Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.

The application materials state that all commercial entries will remain unlocked during business hours and that residential entries will be kept secure.

- (iii) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.

The application materials state that ground-floor glazing will comply with this standard.

- (iv) The bottom edges of windows along pedestrian ways shall be constructed no more than 36 in above grade.

The application materials state that the ground floor windows will meet this standard.

- (v) Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50% of the required window area.

The application materials state that ground-floor window signs will comply with this standard.

- (vi) Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.

The application materials state that the windows will meet this standard.

- (c) For all building windows facing streets, courtyards, and/or public squares, the following window elements are prohibited:
 - (i) Reflective, tinted, or opaque glazing.
 - (ii) Simulated divisions (internal or applied synthetic materials).
 - (iii) Exposed, unpainted metal frame windows.

The application materials state that none of the prohibited elements are proposed.

(4) Roofs

Enliven the pedestrian experience and create visual interest through roof form.

The proposed Planned Development will not prevent Buildings A2 and E1 from complying with the roofing standards.

(5) Rooftop Equipment and Screening

Integrate mechanical equipment into the overall building design.

All mechanical equipment placed on the roofs of Buildings A2 and E1 will be screened from public view.

(6) Ground-Level Screening

Mechanical and communication equipment, outdoor storage, and outdoor garbage and recycling areas shall be screened so they are not visible from streets, other ground-level private open space, or common open spaces.

The design of the Planned Development would not prevent any of the future mechanical equipment, garbage areas, or other site utilities from being screened to meet these standards.

(7) Rooftop Structures

Rooftop structures related to shared outdoor space—such as arbors, trellises, or porticos related to roof decks or gardens—shall not be included in the building’s maximum height calculation, as long as they do not exceed 10 ft in height.

No rooftop structures are anticipated on Buildings A2 or E1 at this time.

(8) Building Orientation to Transit

New mixed-use buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance.

Both Buildings A2 and E1 are located directly adjacent to 32nd Ave (a transit street) and will be able to orient the main building entrances to this street.

As proposed, the Planning Commission finds that the standards of MMC 19.500 are met.

9. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600, and MMC Subsection 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600. Development of a vacant site is required to provide off-street parking and loading areas that conform fully to the requirements of MMC 19.600.

The proposed development consists of 600 dwelling units, including 2 mixed use buildings, and is required to conform fully to the requirements of MMC 19.600.

The Planning Commission finds that the provisions of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand.

The proposed multi-unit residential development includes 600 apartments and up to 20,000 sq ft of commercial space. As described in the application materials, 461 units will be less than 800 sq ft and 39 units will be more than 800 sq ft. The existing Hillside Manor tower, with 100 units, has 59 parking spaces that were approved in 1969 via land use file #VR-69-7.

As per MMC Table 19.605.1, the minimum number of required off-street parking spaces for multifamily housing is 1 space per unit for units less than 800 sq ft and 1.25 spaces per unit

for units more than 800 sq ft. The minimum number of spaces for general commercial space is 3 spaces per 1,000 sq ft. The maximum number of spaces is 2 spaces per dwelling unit, regardless of size. According to MMC Table 19.605.1, the proposed development should provide a minimum of 629 spaces and would have a maximum of 1200 spaces allowed. As proposed, the development would provide 489 parking spaces in a mixture of off- and on-street spaces, a parking ratio of 0.82 per unit when including the off-street spaces, which is below that range. This includes the existing 59 parking spaces at Hillside Manor. Another 19 new parallel parking spaces will be developed along the west side of 32nd Ave that will also be available to serve the site but are not included in the overall parking ratio since they will also be available to the larger neighborhood. A parking modification has been requested to permit the proposed parking plan.

Subject to approval of the requested parking modification, the Planning Commission finds that this standard is met.

c. MMC Subsection 19.605.2 Quantity Modifications and Required Parking Determinations

- (1) MMC Subsection 19.605.2 A. allows for the modification of minimum and maximum parking ratio standards as calculated per Table 19.605.1.

The applicant has requested a modification to the minimum required parking for the development and proposes to provide a total of 352 off-street spaces and 137 on-street spaces for the development rather than the minimum required 629.

- (2) MMC Subsection 19.605.2 C.1. contains the approval criteria for granting a parking modification, including a demonstration that the proposed parking quantities are reasonable based on (1) existing parking demand for similar uses in other locations, (2) quantity requirements from other jurisdictions, and (3) professional literature. In addition to this criterion, a request for modifications to decrease the amount of minimum required parking must meet the following criteria:

- (a) The use of transit, parking demand management (TDM) programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1.
- (b) The reduction of off-street parking will not adversely affect available on-street parking.
- (c) The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.

The applicant has proposed providing 352 off-street parking spaces and 137 on-street parking spaces for the site. The existing Hillside Manor tower is already below the minimum required with 59 spaces for 100 units. The requested reduction is due to the nature of the development as an affordable housing community.

The ITE Parking Manual, 5th Edition shows an average parking rate for Affordable Housing (ITE category 223) of 1.3 spaces/unit compared to a parking rate of 1.7 spaces per unit for typical market rate Multifamily Mid-Rise Housing (ITE category 221). This equates to affordable housing requiring approximately 25% fewer parking spaces than market rate housing.

This reduced need for parking is consistent with what HACC has found with the properties it owns and manages. The low-income populations that HACC serves have very limited access to personal vehicles due to the high cost of ownership and maintenance of a vehicle. Additionally, many lower income residents are seniors or people living with physical ailments who have difficulty driving their own car. A recent survey of the Hillside Manor residents, conducted pre-pandemic, found that only 36% of the residents reported driving in the past week. This same surveyed population was found to be very dependent on other modes of transportation such as Tri-Met (37%), carpooling (40%), and taxi or ride-share (11%). Therefore, it is reasonable that a 25% parking reduction should be applied to all of the proposed affordable housing, which include all the buildings on Lots B, C, D, F, G and K. This would result in a reduction of 67 spaces from the base minimum requirement of 503 for a total of 436 spaces.

The small commercial businesses proposed for Buildings A2 and E1 will have peak parking demands that will not coincide with the peak parking demands of the multi-family units. The majority of commercial businesses experience their peak demand during the daytime, typically between the hours of 9 am and 5 pm. Multi-family residential housing experiences its peak parking demand in the evening and nighttime hours, typically from 10 pm to 7 am according to the ITE. Therefore, the case can be made that the two uses can share parking spaces since the peak parking demands are near opposites. A credit for shared parking, as proposed by the applicant, results in 61 fewer spaces, bringing the new total required on the site to 375 parking spaces.

Additionally, the type of commercial uses proposed for the development are specifically selected to be uses that would attract residents of Hillside and the surrounding neighborhood as customers. Therefore, it is likely that a large percentage of the customers that patronize these businesses will walk or bike to them, further reducing the need for the additional 60 parking spaces dedicated to the commercial businesses.

A total of 137 on-street parking spaces will be developed within the new street network that includes Dwyer St, Hillside Ct, Meek St, 28th Ave, 29th Ave, and 31st Ave. The MMC does not allow on-street parking to count toward minimum or maximum parking requirements, but in this case these parking spaces are interior to the site and will not be convenient for anyone other than the residents and guests of Hillside. The modification request cites other jurisdictions in the region including Hillsboro, Gladstone, Clackamas County, the Villebois development in Wilsonville, and Lake Oswego who allow on-street parking to count toward on-site parking requirements establishing a precedent for recognizing the functional use of the spaces. The 19 on-street parking spaces on 32nd Ave adjacent to the mixed-use buildings have not been included in the 137 total on-street spaces available to serve the residential units. These spaces will be allocated

toward the commercial uses during the day but will still be available for resident parking during the night.

The narrative includes details of TDM measures for the project, designed to encourage walking, biking, and transit use, including the following:

- *Bicycle Facilities: Provide an on-site bicycle repair station. 29th Ave is anticipated to be a sharrow street and part of the Central Milwaukie Bikeway Concept.*
- *Bicycle Maintenance Services: Bring in mobile maintenance service several times annually.*
- *Wayfinding Station: Provide on-site kiosk or information center with multi-modal wayfinding information and transit information.*
- *TDM Coordination: Designate an on-site TDM Coordinator (can be property manager) offering multi-modal and wayfinding information, rideshare matching, walking/biking group coordination.*
- *TDM Communication: Distribute transit, wayfinding, and other TDM informational materials to new residents as they move in and annually to all residents.*
- *Bicycle Share Program: Provide private or public bicycle share memberships to on-site residents and establish a bike-share station on-site.*
- *E-Scooter Share Program: Create a designated space on site for shared scooters.*
- *Dedicated Ride-Share Spaces: Designate some on-site parking spaces for the use by programs like Uber and Lyft.*
- *Transit: There is currently a transit shelter at the intersection of 32nd Ave and Hillside Ct which will be moved toward the west to accommodate the new bus pull-out lane on 32nd Ave. A new transit shelter will be installed at the intersection of 32nd Ave and Meek St.*

Accounting for a proposed modification of the minimum required parking for affordable housing and shared parking, the new minimum required would be 375 off-street spaces. The proposed plans include 352 off-street spaces and 137 on-street spaces for a total of 489 parking spaces for the development, which includes a comprehensive TDM program to further decrease the number of vehicles on the site.

The Planning Commission finds that the applicant has adequately addressed the criteria for a parking modification to allow a reduced number of parking spaces on the site.

d. MMC 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

MMC 19.605.3.B establishes standards for reductions to minimum parking requirements. Multifamily development within 500 ft of a transit stop with peak hour service frequency is afforded a 20% reduction to required parking.

The proposed development is a multifamily development with two mixed-use buildings within 500 ft of the Trimet #75 bus route resulting in a base requirement of 503 parking spaces. The proposal is entitled to a 20% reduction in the minimum required parking for a total reduction of 125 spaces. The minimum required number of spaces, with reductions, is 503 spaces. 489 parking spaces in a combination of off-street and on-street spaces are proposed, subject to a request for a parking modification as discussed in Finding 9.c.

e. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 90°-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft, with a 9-ft minimum curb length and 22-ft drive aisles. Parallel spaces require with 22-ft lengths and a width of 8.5 ft.

The parking areas shown on the Planned Development plan have been laid out conceptually based on the standards of Table 19.606.1 using a 9-ft wide and 18-ft long parking space. Full compliance with these standards will be shown at the time of development.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

(a) MMC Subsection 19.606.2.C Perimeter Landscaping

In all but the downtown zones, perimeter landscaping areas must be at least 6 ft wide where abutting other properties and at least 8 ft wide where abutting the public right-of-way. At least 1 tree must be planted for every 30 lineal ft of landscaped buffer area, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment. Parking areas adjacent to residential uses must provide a continuous visual screen from 1 to 4 ft above the ground to adequately screen vehicle lights.

The perimeter parking lot landscaping adjacent to the right-of-way in the GMU zone have been designed at 4-ft wide, consistent with Table 19.606.2.C.1 for Downtown Zones. In the R-1 zone the perimeter parking lot landscaping buffers adjacent to the right-of-way have been designed at 8 ft. The parking lots on Lots K

and F, which are the only parking areas abutting another property have been designed with a 6-ft buffer.

The buffer along the northern edge of the site, adjacent to the R-7 zone is proposed at 15-ft wide and will be planted with trees and tall shrubs that will help obscure views and absorb sounds to protect the privacy of the neighboring houses. This landscape buffer will also serve to meet this parking lot planting standard.

This standard is met.

(b) MMC Subsection 19.606.2.D Interior Landscaping

At least 25 sq ft of interior landscaped area are required for each parking space. Planting areas must be at least 120 sq ft in area, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least 1 tree shall be planted per island, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

Interior parking lot islands in compliance with these standards have been shown in all of the parking lots proposed in the Planned Development, as illustrated on the submitted concept plans. Full compliance with these standards will be show at the time of development.

This standard is met through the approval of the Planned Development.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.2 are met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

(a) MMC Subsection 19.606.3.A Paving and Striping

Paving and striping are required for all required maneuvering and standing areas, with a durable and dust-free hard surface and striping to delineate spaces and directional markings for driveways and accessways.

The plans submitted indicate that all parking areas will be paved and striped.

This standard is met.

(b) MMC Subsection 19.606.3.B Wheel Stops

Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public rights-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

The plans submitted indicate that all parking areas will meet this standard.

This standard is met.

(c) MMC Subsection 19.606.3.C Site Access and Drive Aisles

Accessways to parking areas shall be the minimum number necessary to provide access without inhibiting safe circulation on the street. Drive aisles shall meet the dimensional requirements of MMC 19.606.1, including a 22-ft minimum width for drive aisles serving 90°-angle stalls and a 16-ft minimum width for drive aisles not abutting a parking space. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk. Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion.

The plans submitted indicate that all parking areas will meet this standard.

This standard is met.

(d) MMC Subsection 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is farther than 100 ft away, measured along vehicle drive aisles, from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of MMC Subsection 19.504.9.E.

A pedestrian access and circulation plan was submitted with the preliminary plan application materials. The plans submitted indicate that all parking areas will be meet this standard.

This standard is met.

(e) MMC Subsection 19.606.3.E Internal Circulation

The City Council has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modification of drive aisle dimensions.

The Planning Commission has reviewed the proposed circulation plan and concluded that it provides safe and efficient on-site circulation.

This standard is met.

(f) MMC Subsection 19.606.3.F Lighting

Lighting is required for parking areas with more than 10 spaces and must have a cutoff angle of 90° or greater to ensure that lighting is directed toward the parking surface. Lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site and shall provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas.

The plans submitted indicate that the site will meet these standards.

A condition requiring a photometric plan showing compliance to be submitted during permit review has been included.

As conditioned, this standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.3 are met.

As conditioned, the Planning Commission finds that the applicable design and landscaping standards of MMC 19.606 are met.

f. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Director to determine whether loading spaces are required. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right-of-way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties. For residential development with fewer than 50 dwelling units on a site that abuts a local street, no loading space is required; otherwise, 1 space is required.

The standards required to calculate required loading spaces is based on the individual lots and building. Proposed Buildings B2 and C1 will be entirely residential use and will contain more than 50 dwelling units, so each of these buildings will require one loading space. Proposed Buildings A2 and E1 will be mixed-use buildings with a floor area of more than 50,000 sq. ft. for each building, so each of these buildings will also require two loading spaces. The combined total is six loading spaces between these four buildings. However, because all of these lots and buildings will be developed in compliance with the Planned Development, a modification using Section 19.311.3 is requested to allow the loading space requirement to be applied site-wide allowing some of these buildings to share loading spaces. Additionally, as described by the applicant, some of the required loading spaces are proposed to be provided in the street instead of on individual lots so that they can better serve more than one building.

The submitted vehicle circulation plan shows where the proposed loading spaces will be located. A dedicated loading area will be provided in front of buildings C and H (the Manor). An on-street loading space will be provided on 31st Ave adjacent to the northwest corner of Lot E, which can serve the buildings on Lot D, E, and F. A second on-street loading space is provided on 31st Ave adjacent to the southeast corner of Lot D which can serve the buildings on Lots A, B, D, and E. No impacts to the public right of way or surrounding properties are anticipated by loading activity on the site.

All of the proposed loading spaces will meet the loading space standards. A modification is included as part of the Planned Development to allow these spaces to be located in the street instead of on individual lots to allow them to serve more buildings.

Subject to approval of the final development plan and program, and the requested modification to these standards, the Planning Commission finds that this standard is met.

g. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking for new development of various uses. Multifamily residential development with 4 or more units shall provide 1 space per unit. When at least 10 bicycle spaces are required, a minimum of 50% of the spaces shall be covered and/or enclosed. MMC Subsection 19.609.3.A provides that each bicycle parking space shall have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

For each of the residential buildings proposed on the site the minimum number of bicycle parking spaces required will be the same as the number of units. For the commercial uses proposed on the ground floor of buildings A2 and E1 the number of bike parking spaces will be determined by the uses in each building, but in no case will there be less than two spaces for each use. Based on these minimum requirements, over 510 bicycle parking spaces would be required on the site, which, according to the application materials, exceeds the amount that is likely to be used.

Based on the resident populations in HACC's other properties (including the Hillside Manor) many residents of affordable housing are elderly or disabled and not likely to use bicycles for transportation. Additionally, the existing bicycle network surrounding the site is currently not well developed, making travel by bicycle a less attractive option. However, the future Central Milwaukie Bikeway Concept (CMBC) will connect the Hillside development and the vacant site to the south to both the Springwater Corridor and the Monroe Street Greenway. The CMBC will also cater to pedestrians and ADA accessibility, not just bicyclists, but will be several years before it is constructed. As part of the TDM measures, the proposal includes exploration of a bikeshare program, so individual bike spaces could be reduced. Therefore, a modification through the Planned Development review is requested to reduce the minimum number of required bicycle parking spaces on the site to 0.75 spaces per unit which would bring the total number of spaces down to 375 spaces required to serve the residential units plus the additional spaces to serve the commercial uses.

Bicycle parking spaces will be provided in bike rooms inside of the buildings as well as in clusters around the site. The submitted circulation plan shows where concentrations of bike racks will be provided, with several racks located around the exterior of buildings A2 and E1 to serve the future commercial uses in these buildings. Bicycle parking for the new multi-family buildings will be partially provided in combined bike storage rooms inside the buildings assuring that at least 50% of the bike parking spaces will be covered. The concentrations of bicycle parking locations will be dispersed throughout the site to be convenient to all of on-site amenities and gathering spots. Additionally, bike parking will be provided within 50 ft of the entrances all of proposed buildings.

Subject to approval of the final development plan and program, and the requested modification to these standards, the Planning Commission finds that this standard is met.

h. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes carpool parking standards for new industrial, institutional, and commercial development. The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces. Carpool/vanpool spaces shall be located closer to the main entrances of the building than other employee or student parking, except ADA spaces and shall be clearly designated with signs or pavement markings for use only by carpools/vanpools.

The proposed development is a predominantly multi-unit residential development.

This standard does not apply.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards of MMC 19.600.

10. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction.

The applicant proposes to develop new construction of 400 multifamily residential units as an expansion to an existing multifamily development. The proposed new construction and additional dwelling units fulfill the applicability criteria of MMC 19.700.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and providing approval criteria.

The applicant had a preapplication conference with City staff on May 14, 2020, prior to application submittal. The applicant's proposal includes a Transportation Facilities Review and a transportation impact study, meeting requirements of this section.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the process and requirements for evaluating development impacts on the surrounding transportation system, including determining when a formal Transportation Impact Study (TIS) is necessary and what mitigation measures will be required.

The proposed development completed a formal TIS according to scoping developed by the City Engineer and the City's on-call traffic consultant (DKS), who provided the applicant with a scope of work for the TIS. Warrants for a left turn pocket for north bound SE 32nd Ave were found to be met and are proposed to be included with this development. This left-turn pocket

must be constructed either prior to, or concurrently with, that phase of development which creates greater than 325 residential units.

As submitted with additional submittal received regarding a left turn lane for north bound SE 32nd Ave, the applicant's TIS is sufficient to meet the requirements of MMC 19.704.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

Improvements submitted by the applicant were in rough proportion to potential impacts. Final design will be approved by City Engineering prior to construction, including final design mitigations for any deficiency in intersection-sight distance. The minimum AASHTO sight distance requirements shall be met at the proposed street intersection and driveways and final acceptance shall be made by the City Engineer prior to final site plan approval

e. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

The application was referred to the Oregon Department of Transportation (ODOT), Clackamas County Department of Transportation and Development (DTD), TriMet, and Metro for comment. Agency comments have been incorporated into these findings and the associated conditions of approval.

f. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 provides general standards for streets, including for access management, clear vision, street layout and connectivity, and intersection design and spacing.

As proposed, the development is consistent with the applicable standards of MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC 19.708.2 provides design standards for streets, including dimensional requirements for the various street elements (e.g., travel lanes, bike lanes, on-street parking, landscape strips, and sidewalks).

The proposed SE 32nd Ave cross section conforms to applicable requirements and are consistent with MMC 19.708.2.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 provides standards for public sidewalks, including the requirement for compliance with applicable standards of the Americans with Disabilities Act (ADA).

The proposed development includes ADA compliant ramps, sidewalks, and crossings.

As conditioned under the Final Development Plan to construct all improvements consistent with ADA requirements, the development is consistent with all applicable standards of MMC 19.708.3.

(4) MMC Subsection 19.708.4 Bicycle Facility Requirements and Standards

MMC 19.708.4 provides standards for bicycle facilities, including a reference to the Public Works Standards.

The City's bicycle facilities goals, objectives, and policies are found in Chapter 6 of the Transportation System Plan (TSP). No additional context is identified for the adjacent frontage of development.

As proposed, the development is consistent with all applicable standards of MMC 19.708.4.

(5) MMC Subsection 19.708.5 Pedestrian/Bicycle Path Requirements and Standards

MMC 19.708.5 provides standards for pedestrian and bicycle paths.

The proposed site plan includes pedestrian connections within the development through internal streets with sidewalks and sharrows.

As proposed, the development does not require dedication of a path and is consistent with standards of MMC 19.708.5.

(6) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 provides standards for transit facilities.

The City's transit facilities goals, objectives, and policies are found in Chapter 7 of the TSP. The applicant is proposing to improve Trimet stop #7342 with a bus loading zone on SE 32nd Ave and to improve stop #7349 with a shelter and ADA compliant passenger loading area.

As proposed, the development is consistent with all applicable standards of MMC 19.708.6.

As conditioned, the Planning Commission finds that the proposed development meets the applicable public facility improvement standards of MMC 19.700.

11. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the process for amending the City's Comprehensive Plan and land use regulations, including the zoning map. Specifically, MMC Subsection 19.902.6 establishes the review process and approval criteria for zoning map amendments.

a. MMC Subsection 19.902.6.A Review Process

MMC 19.902.6.A provides that, generally, changes to the zoning map that involve 5 or more properties or encompass more than 2 acres of land are legislative and are therefore subject to Type V review; otherwise, they are quasi-judicial in nature and subject to Type III review. The City Attorney has the authority to determine the appropriate review process for each proposed zoning map amendment.

The proposed zoning map amendments encompass a single property of approximately 19.5 acres and are related to a proposed planned development, which requires Type IV review. The Planning Commission finds that the Type IV review process is appropriate for the proposed zoning map change.

b. MMC Subsection 19.902.6.B Approval Criteria

MMC 19.906.2.B establishes the following approval criteria for zoning map amendments:

- (1) The proposed amendment is compatible with the surrounding area based on the following factors:
 - (a) Site location and character of the area
 - (b) Predominant land use pattern and density of the area
 - (c) Expected changes in the development pattern for the area

The location of the site is suitable for the proposed Planned Development and additional residential density because it is located in an area that is well-served by the existing transportation network, utility infrastructure, and services. The site has easy access to Highway 99E (McLoughlin Blvd) and Highway 224 (Milwaukie Expressway) via 32nd Ave that fronts the site. Additionally, the site is approximately one-half mile from downtown Milwaukie to the south, so it is in close proximity to commercial retail, parks, and services that will be needed to serve the new residents. Directly across 32nd Ave is a hospital and clinic that can serve the medical needs of the residents. Local schools are close by and convenient. Finally, the site is located directly on a frequent service bus line. With the proximity of so many necessary services to serve the new housing units the site location is an ideal for the proposed use.

The site sits at the intersection between the Ardenwald, Historic Milwaukie, McLoughlin Industrial, and Central Milwaukie Planning Area identified in the City's Central Milwaukie Land Use and Transportation Plan. Each of these planning areas represents a different set of planning goals and objectives. As such, the overall character of the area represents a mix of uses with no single use dominating the area. The site, which already features multi-family housing, serves as a transition between the higher density uses to the south and the single-family houses to the north. Likewise, the site abuts the railroad line and manufacturing uses to the west. Across 32nd Ave from the site, there is a variety of commercial and medical uses as well as existing multi-family residential housing. Since the general use of the site will not be changing significantly as

it will still be used predominately for affordable multi-family housing after redevelopment, the proposed Planned Development will continue to be compatible with the character of the area and this criterion is met.

There is no predominant land use pattern in the surrounding area since the neighborhood is a mix of residential, commercial, medical, and industrial uses. Additionally, there is not a specific zoning pattern, since every abutting side of the site has a different zoning designation: Low-Density Residential (R-7) to the north, Medium to High Residential (R-3) to the east, General Mixed Use (GMU) to the south, and North Milwaukie Employment Zone (NME) to the west. Therefore, , changing the zoning of the site from R-3 to R-1 and GMU is appropriate to recognize that the site sits at a crossroads of many different uses and can continue to serve as a transitional area between them.

The density in the residential areas north and east of the site is currently lower than what is proposed through the Planned Development. However, the property to the south (which is currently vacant) is zoned GMU and has the potential to be developed with much higher densities than what is proposed for the subject site. Proposing a transition of the zoning on the site, with GMU on the south and R-1 on the north will help provide a stepped-down density pattern across the site, with the lowest density lots located on the north of the site. Finally, the 9-story, 100-unit Hillside Manor has been located on the site since the 1960s and though this existing building is far taller and denser than what is proposed with the other lots in the Planned Development, it does represent an existing land use pattern that is part of the historical character of the area and should be taken into consideration when considering the compatibility of the proposal. As proposed, the Planned Development will be compatible with the land use pattern and density of the area.

The major change anticipated for this area would be the future development of the Murphy site located to the south of the subject site and zoned GMU. This 7-acre site is identified in the Central Milwaukie Land Use and Transportation Plan as an "Opportunity Site," since it is a large, vacant/under-utilized site with high visibility and good access to transportation and services. It is envisioned to be developed with a mix of uses that might include 3- to 4-story multi-family residential buildings, commercial uses, and flex space for light industrial. Given the wide range of uses and densities that are permitted for this site, it is difficult to predict what the final development plan will be. However, by zoning the lower half of the Hillside site GMU and proposing higher-density mixed use buildings for this part of the site, it will increase the likelihood that the future use on the Murphy site will be compatible with the Hillside site.

The proposed zoning amendment is compatible with the surrounding area based on the factors listed above.

(2) The need is demonstrated for uses allowed by the proposed amendment.

The 2020 Milwaukie Comprehensive Plan notes a particular need for affordable housing and rental housing opportunities. The Housing Needs Analysis specifically identifies a need for affordable housing.

The most recent study of housing inventory in the City of Milwaukie was done in 2016 and presented as the Milwaukie Housing Needs Analysis (HNA). Key findings of this study include:

- *A comparison of estimated current housing demand with the existing supply identifies a general need for rental units at the lowest price level:
 - *30% of all needed units are projected to be multi-family in structures of 5+ attached units.*
 - *The greatest need for both ownership and rental units is found at lower price points. This reflects the findings that an estimated 37% of Milwaukie households are rent-burdened and currently pay more than 30% of their income towards housing costs.**
- *There is also a current need for more affordable units. In order for all households, both existing and new, to pay 30% or less of their income towards housing in 2036, a total of 1,189 rental units affordable at \$900 or less are required.*
- *As demand increases, prices rise, and the remaining land within the UGB is developed, denser forms of development and creative reuse of parcels through infill and redevelopment will become necessary.*

The HNA findings match similar and more current work done around the region including, Clackamas County Regional Housing Needs Analysis (issued in September of 2019), ECONorthwest’s report “Potential Sources and Uses of Revenue to Address the Region’s Homeless Crisis” (issued in February 2020 to support Metro’s successful Housing Bond measure) and the State of Oregon’s 2016-2020 Consolidated Plan Amendment (issued in 2016, representing the State’s five-year housing and community development planning process required by the United States Department of Housing and Urban Development). All of these studies have found a growing gap between the number of Oregonians who need affordable housing and the availability of affordable homes. This trend has led to destabilizing rent increases, an alarming number of evictions of low- and fixed-income people, increasing homelessness, and serious housing instability throughout Oregon.

The proposed Planned Development will add 400 new units to the existing Hillside Park site, with a large portion of those units being built as affordable housing. This will directly address the public needs identified in the Housing Needs Analysis. Additionally, because the 100 existing residential houses on the site will be replaced with the proposal, no viable housing stock will be taken out of the current housing inventory. Furthermore, portions of the site were identified as “unlikely to redevelop” in the

Housing Needs Analysis, meaning that adding more density to the site represents an unidentified opportunity to help Milwaukie meet its housing needs without removing any available land that was already earmarked for future housing in the study.

- (3) The availability is shown of suitable alternative areas with the same or similar zoning designation.

Functionally, the PD designation is a form of overlay zone designation that can be applied to sufficiently sized properties for greater flexibility in development.. This criterion is more applicable to standard base zone designations and is intended to ensure that a suitable number of other properties with the same base zone designation will remain available for development.

This criterion is not applicable to a proposal to add the PD designation to a base zone.

- (4) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The applicant's submittal materials include a traffic impact study, utility plans, and preliminary stormwater drainage report to demonstrate that public facilities are or will be made adequate to serve the proposed development.

Existing water and sanitary sewer services to the Hillside development are provided by the City and Clackamas County's Water and Environment Services (WES) respectively and are adequate to serve the proposed new units.

The new utilities will be built to meet current development standards and adequate capacity in the existing sewer, storm, and water systems to support the proposed uses has been demonstrated with capacity studies submitted with the application. Existing, on-site underground utilities must be removed or abandoned at the appropriate phases of development.

All internal streets must be constructed in conformance with the city's Public Works Standards.

As streets are constructed, the development design engineer must confirm that all street intersections and driveways meet the minimum AASHTO sight distance requirements; final acceptance shall be made by the City Engineer prior to acceptance.

All work done within existing or proposed public ROW must be in conformance with the city's Public Works Standards.

The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the proposed development.

- (5) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The applicant prepared a transportation impact study (TIS) to evaluate the proposed development's anticipated impacts on the transportation system. The TIS estimated a net increase in daily motor vehicle trips of 1,426 trips. All study intersections were found to operate at an acceptable level of service through the 2026 AM and PM peak hours with full buildout of the proposed development, except for the intersection of Harrison St and 42nd Ave, which with background conditions would exceed mobility standards even without the development. Therefore, mitigation is not triggered by the development at any of the study street intersections. At the southern accessway of the site, a left turn pocket is required to mitigate impacts for vehicles access the site from northbound SE 32nd Ave. The additional ridership generated by the site will require improving adjacent bust stops as addressed above.

As conditioned, the proposed is consistent with the functional classification, capacity, and level of service of the transportation system.

- (6) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

As proposed, the entire site will be rezoned from R-3 (Medium Density Residential) to R-1 (High Density Residential) on the northern half and GMU (General Mixed Use) on the south. The Comprehensive Plan Designation of the site will be changed to match these new zones, with High Density Residential on the north and Town Center on the south. The current Comprehensive Plan designation of the site is Medium Density Residential.

The purpose of the High Density Residential zone in Chapter 19.302 of the MMC states that it is "intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses." The northern side of Hillside Park will be consistent with the purpose by providing a variety of housing types including 2-story townhomes, 2- and 3-story walk-up style apartments, and the Manor Tower, which will all be supported by the small commercial and office uses on the southern side of the site.

Chapter 19.303 of the MMC states that the purpose of the General Mixed Use zone is to "promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high-quality urban development that is pedestrian-friendly and complementary to the surrounding area." The Hillside Park redevelopment will represent high-quality urban design and the new street network and open space amenities are designed to make the site bicycle- and pedestrian-friendly while minimizing the prominence of vehicles on the site. Adding small commercial uses on the site will help to create a lively and robust center that will benefit residents and draw in neighbors from the larger community. As shown, the proposed development will be consistent with the purpose of the GMU zoning.

The southern half of Hillside Park will be developed with a mix of high density housing and small commercial and office uses. The site is well served by transit and will feature an enhanced bicycle and pedestrian network. Off-street parking will not be a prominent feature and parking ratios will be purposefully low to encourage other modes of transportation. Finally, the development will represent a mix of both affordable housing serving HACC's community and market-rate housing that will provide a range of housing options. The preliminary development plan meets the policies of the Town Center designation and is appropriate for the site.

As described above, the GMU zoning that will be applied to the site will be modified to encourage neighborhood-scale commercial uses and not larger employment uses drawing visitors or workers from the region. Additionally, uses that are not compatible with residential development will not be permitted outright. These specific modifications to the GMU zoning that will limit the commercial uses to those that are neighborhood-scale will be included in the PD overlay that will accompany the zoning designation on the site.

These rezoning requests will be submitted, as required with sufficient detail regarding compliance with all of the applicable comprehensive plan policies (such as Engagement, Housing, and Transportation), with the Final Planned Development application.

As conditioned with the submittal and approval of the final development plan and program, the proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

- (7) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region's goals and policies for urban development.

- (a) Title 1 Housing Capacity

The proposed development will provide 600 needed housing units in a compact urban form.

- (b) Title 7 Housing Choice

The proposed development will provide needed affordable multi-unit rental housing and will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

- (8) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Several of the Statewide Planning Goals are relevant to the proposed amendment:

(a) *Goal 2 Citizen Involvement*

Prior to submitting the application, the applicant conducted a series of open houses and public events to discuss and present the project (October 24, 2018, February 21, 2019, May 30, 2019, and December 4, 2019), including a presentation at Planning Commission and City Council meetings on August 13, 2019, and August 20, 2019, respectively.

The Type III review process utilized for consideration of a preliminary Planned Development plan and program provides for public hearings by the Planning Commission where citizens have the opportunity to present testimony and participate in the decision-making process. A public hearing on the proposed preliminary plan and program was held by the Planning Commission on March 23, 2021. The Commission considered testimony from citizens en route to reaching the decision reflected in these findings.

(b) *Goal 10 Housing*

As addressed in Finding 7-b(6) and elsewhere in these findings, the proposed development would provide 600 units of much-needed rental housing, much of it affordable, to the city.

Per the City's 2016 Housing Needs Analysis (HNA), Milwaukie currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The HNA includes the city's buildable lands inventory (BLI) for housing within the UGB, showing that the city has sufficient zoned capacity to meet the projected housing needs over the next 20 years. Relevant findings from the HNA include:

- (i) The projected growth in the number of non-group households over 20 years (2016-2036) is roughly 1,070 households, with accompanying population growth of 2,150 new residents. The supply of buildable land includes properties zoned to accommodate a variety of housing types.*
- (ii) Over the next 20 years, 30% of all needed units are projected to be multi-family in structures of 5+ attached units.*
- (iii) The analysis identifies a general need for rental units at the lowest price level. The findings demonstrate that there are fewer housing opportunities at lower price points than might be considered "affordable" to many local households, particularly for renter households.*

(c) *Goal 12 Transportation and Transportation Planning*

As addressed in Finding 14 and elsewhere in these findings, the applicant's TIS analyzed the potential impact of the proposed Planned Development on the surrounding transportation system. This study found that the proposed

development is projected to generate a net additional 110 trips during the morning peak hour, a net additional 105 trips during the evening peak hour. With this additional traffic, all study intersections were found to operate at an acceptable level of service through the 2026 AM and PM peak hours with full buildout of the proposed development, except for Harrison St/42nd Ave. This intersection also exceeds mobility standards under the 2026 background conditions scenario. Therefore, mitigation is not triggered by the development. The proposed project is estimated to add 5 AM peak hour trips and 5 PM peak hour trips through this intersection. Installation of a traffic signal at Harrison St/42nd Ave is identified in the Milwaukie TSP, and has also been identified as a need with the Monroe Street Greenway project, and will be planned and funded. The intersection did not meet signal warrants for the 2026 AM and PM peak hours full buildout scenario.

A warrant analysis was conducted for traffic signals and left turn pockets at the site accesses. The analysis found that traffic signal warrants would not be met. Left turn lane warrants are projected to be met for the northbound approach of Meek Street/32nd Avenue during PM peak hour 2026 buildout conditions. A left turn lane is proposed as mitigation by this development. This left-turn pocket must be constructed either prior to, or concurrently with, the phase of development that creates greater than 325 residential units.

A Transportation Planning Rule (TPR) analysis was conducted to address the proposed rezone. A reasonable worst-case trip generation was performed for the existing R-3 designation and the proposed R-1 and GMU designation. The proposed rezone estimated a net increase in motor vehicle trip generation: 54 weekday AM peak hour trips, 27 weekday PM peak hour trips, and 796 daily trips. The 2040 analysis assumed three improvement projects as identified in the Milwaukie TSP. Operations analysis with the proposed zone change showed no deficiencies. The proposed zone change will not further degrade the performance of the planned transportation facility beyond what is allowed in the current zone.

As conditioned, the proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendment, as conditioned, is consistent with the applicable criteria for zoning map and comprehensive plan land use map amendments.

As conditioned, the Planning Commission finds that the proposed amendment to the City's Zoning Map and Comprehensive Plan land use map are approvable.

12. The application was referred to the following departments and agencies on January 15, 2021:
 - Milwaukie Building Division
 - Milwaukie Engineering Department
 - Milwaukie Public Works Department

- Clackamas County Fire District #1
- Ardenwald and Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee
- Metro
- Oregon Department of Transportation
- Clackamas County

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on January 27, 2021.

Agency and NDA comments received are summarized as follows:

- **Kate Hawkins, Development Review Planner and Avi Tayar, P.E., Oregon Department of Transportation:** comments regarding the TIS's estimated trip generation and compliance with the Transportation Planning Rule.