



CITY OF MILWAUKIE

April 14, 2021

Land Use File(s): CU-2021-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on April 13, 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):	Providence Supportive Housing
Location(s):	Vacant lots on the corner of Llewellyn St and 34th Ave
Tax Lot(s):	11E25DC06100, 6200, and 6300
Application Type(s):	Conditional Use
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Section 19.905 Conditional Uses• MMC Section 19.1006 Type III
Neighborhood(s):	Ardenwald-Johnson Creek

Appeal period closes: 5:00 p.m., April 29, 2021

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Mary Heberling, Assistant Planner, at 503-786-7658 or heberlingm@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on April 29, 2021, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have

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

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

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

Exhibits

1. Findings in Support of Approval
2. Conditions of Approval

cc: Applicant: Walter Zisette, Providence Supportive Housing (via email: walter.zisette@providence.org)

Applicant's rep: Lynn Lindgren-Schreuder, Housing Development Center (via email: lynn@hdc-nw.org)

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): CU-2021-001

EXHIBIT 1
Findings in Support of Approval
File #CU-2021-001, Providence Supportive Housing

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

The applicant, Providence Supportive Housing, has applied for approval of a conditional use at the vacant lots on the corner of Llewellyn St and 34th Ave (taxlots: 11E25DC06100, 6200, and 6300). This site is in the R-3 Zone. The land use application file number is CU-2021-001.

1. Providence Supportive Housing is proposing a 17-space parking lot with one loading space on the northern portion of the three taxlots listed above. The rest of the site will be used as open space with vegetation and trees. Uses (including parking lots) that are associated with multi-family/mixed-use buildings are subject to a conditional use in the R-3 zone. This parking lot will be used for a future mixed-use building on the General Mixed Use (GMU) zoned parcels, taxlots: 11E25DC05800, 5900, and 6000. Those lots are directly west of the proposed parking area. The mixed-use building is proposed as clinic space and affordable housing for seniors.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.905 Conditional Uses
 - MMC 19.1006 Type III

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on April 13, 2021, as required by law.

3. MMC 19.905 Conditional Uses
 - a. MMC 19.905.2.A Applicability

This section applies to the establishment of a use identified as a conditional use in the base zone in Chapter 19.300 and any overlay zones or special areas in Chapter 19.400 that are applicable to the property on which the use is proposed.

The R-3 zone identifies office/clinic and multifamily uses as Conditional Uses in Table 19.302.2. The proposed parking lot will be used for the proposed mixed-use building adjacent to the parking lot site. The mixed-use building will have clinic/office space on the first floor and the subsequent floors will be multifamily affordable housing for seniors. Since the parking lot will be used for office/clinic and multifamily uses, it is considered a conditional use per Table 19.302.2.

This standard is met.

b. MMC 19.905.4 Approval Criteria

- (1) MMC 19.905.4.A Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

- (a) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

The site consists of three existing lots with an area of 0.31 acres or 13,504 SF. The lots are currently in an unimproved condition. The site slopes gradually to the northeast, the slope becomes steeper along 34th. The proposed parking lot will not cover the entire three parcels and will be contained within the northern portion of the lots. The rest of the parcels will be improved open space with greenery, trees and vegetation, which is consistent with existing conditions.

The sites contained residences between 1928 and 1990. Sanborn maps provided in a Phase I, ESA from 2020 indicate that between 1928 to 1936 the middle lot (taxlot 11E25DC06200) contained a residence and the adjacent lots were vacant.

Residences on the adjacent lots are shown on aerial photographs from 1948 until 1983. The aerial photograph dated 1990 shows a vacant lot, no structures are shown. The proposed parking lot will be used for the residential portion of the proposed mixed-use building on the GMU zoned lots and traffic will be consistent with the residential traffic that exists today on 34th Ave.

The location of the proposed driveway and parking lot is to meet the public street access management standards of new driveways for multifamily uses being at a minimum of 100 ft from the nearest intersection (MMC 12.060.14.C.4.b). The proposed location is the most logical way to meet this standard and provide safety at the intersection.

This criterion is met.

- (b) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

The site is located at the eastern perimeter of an R-3 zone. Zoning to the north, south and east is R-3. Development to the east is single-family residential, with a multifamily residential building to the southeast. The residence to the north, at 10399 SE 34th Ave, is a mapped Significant Historic Resource. As such, the property can be used for a variety of non-residential uses as an incentive for its upkeep.

Development to the south is a combination of single-family residential and commercial (office) purposes. Zoning to the west is GMU. The site directly to the west is vacant and is under the same ownership as the subject site. It is the location of the planned multi-use development with clinic space and affordable housing for seniors. The site to the west of the proposed development contains a parking lot and

a medical office building. The R-3 site under review is adjacent to the proposed multi-use development.

The applicant proposes constructing parking and a loading area on the northern portion of the site. The parking will serve the residential portion of the proposed development, while the loading area will provide access to the clinic space. Long-term parking will be designated for employees and residents of the residential development. This will minimize the number of trips in and out of the lot. Loading for the clinic will include food deliveries, service deliveries, and trash. This access will not be used for residential deliveries. Delivery and trash access for the residential development will be located on the GMU -zoned site west of the future proposed building.

34th Ave is classified as a local street. Limiting deliveries for the PACE Center/clinic and restricting parking to the longer-term use is compatible with the street classification and will have minimal impact on the nearby uses.

This criterion is met.

- (c) All identified impacts will be mitigated to the extent practicable.

The development of the site provides a buffer to the neighborhood for the proposed future mixed-use building. Potential impacts to surrounding properties could include increased traffic and reduced grassy area to the development of vacant parcel. Any potential impacts to the existing adjacent residential uses will be mitigated by providing street improvements, sidewalks and curbs along both street frontages. Street trees will be replaced and/or installed as required. The frontages along both 34th Ave and Llewellyn St do not have curb or sidewalk. With the additions of street improvements, curbs and sidewalks, this proposal will improve the condition of the street for safer pedestrian travel and mitigate the existing issues of pedestrian safety.

The proposed development will be separated from existing residential uses to the south by more than 100 ft. and from existing residential uses to the east by at least 60 ft. The southeast corner of the site will be developed with landscaping and hardscaping. Landscaping will be provided to provide a buffer to the neighborhood and will not impede site lines at the intersection.

This standard is met.

- (d) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

As noted above, potential impacts include increased traffic and reduced grassy area. These potential impacts will be mitigated through the widening and improvement of the site's street frontages at the time of future building development.

The proposed use is not anticipated to have nuisance impacts related to noise, odor, or vibrations that are greater than the residential uses permitted at this location, such as rowhouses and cottage cluster housing. The proposed uses for the site are parking, loading and unloading and landscaping. The loading area is set back from the street limiting noise and congestion on 34th Ave. The parking use is limited to the residential use of the future proposed mixed-use building rather than using it for the clinic space, which will match the residential traffic on 34th Ave.

This criterion is met.

- (e) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

- (i) MMC 19.302 Medium and High Density Residential Zones

This portion of the site is located in the R-3 zone. The proposed development is surface parking, loading, and open space to support a future mixed-use development (multifamily residential and clinic) in the GMU zone site to the west. The parking area proposed in this application will specifically serve the multifamily residential uses proposed for the site.

Multifamily uses are permitted as Conditional Uses in the R-3 zone. This application requests conditional use approval for site improvements that will be supporting the future multifamily use.

As shown in the Table 19.302.2 below, the proposed development meets the applicable base zone standards of the R-3 zone. The site consists of three lots under the same ownership, and is considered to be one lot for development purposes.

Table 19.302.2 Residential Zone R-3 Development Standards			
Standard	Required	Proposed	Staff Comment
1. Minimum Lot Size	5,000 sq ft	The existing site is 0.31 acres/13,504 sq. ft.	Complies with standard.
2. Minimum Lot Width	50 ft	The lot will be ~97 ft. in width after right-of- way dedication.	Complies with standard.
3. Minimum Lot Depth	80 ft	The lot will be ~141 ft. in depth after right-of- way dedication.	Complies with standard.

7. Lot Coverage	40% max.	No buildings or structures are proposed.	Not applicable.
8. Minimum Vegetation	35% (at least half of minimum vegetation must be suitable for outdoor recreation by residents; at least 40% of the front yard shall be vegetated)	More than 50% of the site is vegetated and consists of turf for outdoor recreation. The front yard faces SE Llewellyn St and is more than 70 ft. deep.	Complies with standard.
9. Frontage	35 ft	The Llewellyn St frontage will be ~97 ft. after right-of-way dedication. The 34 th Ave street frontage will be ~140 ft. after right-of-way dedication.	Complies with standard.

(ii) MMC 19.504 Site Design Standards

The applicable development regulations in Chapter 19.500 are addressed below.

- (i) MMC 19.504.9 On-Site Walkways and Circulation requires that all development subject to Chapter 19. 700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site.

The proposed development does not include new structures, additions to existing structures, or reconstruction of demolished structures. As such, it is not "new development" and is not subject to Chapter 19.700.

- (ii) MMC 19.504.9.E Design Standards states walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

Walkways 5'-0" wide are provided along parking bays for safe pedestrian passage. These walkways are connected to the sidewalks along the adjacent right of way and to the other future pedestrian pathways in the adjacent lot to the west. The walkways will be illuminated with light level compliant with this standard. The walkway will be constructed from pervious paver material and will be ADA compliant.

(iii.) MMC 19.600 Off-Street Parking and Loading

(i) MMC 19.602.4.B Applicability not Associated with Development or Change in Use

Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.

The proposed parking and open space area are being developed to serve a future multifamily use. As such, the proposed parking area is subject to 19.602.4.B above. The proposed parking area will be located on the same site as the primary use for which it is accessory.

(ii) MMC 19.606 Parking Area and Landscape Design

As shown in the Table 19.606 below, the proposed development meets the applicable parking area and landscape design standards.

Table 19.606 Parking Area and Landscape Design			
Standard	Required	Proposed	Staff Comment
16.606.1 Parking Space and Aisle Dimensions			
A. Dimensions	90 degree: 9' wide x 18' deep 2-way aisle: 22' aisle width	90 degree: 9' wide x 18'deep 2-way aisle: 24' drive aisle	Complies with standard.
16.606.2. Landscaping			
C. Perimeter Landscaping			
1. Abutting a right-of-way	8'	East: ~12 ft. South: ~67 ft.	Complies with standard.
1. Abutting a property line	6'	6'	Complies with standard.

2. Planting Requirements	1 tree per 30 lf of buffer area	North: 3.4 (4) trees required, 5 trees provided Northeast: 1 tree required, 2 provided Southeast: 1 tree required, 2 provided	Complies with standard.
3. Additional Planting Requirements Adjacent to Residential Uses	Visual screen that is opaque from 1-4 ft. above ground (fence, wall, or landscaping)	Residential uses are located to the north of the site. A compliant fence is proposed.	Complies with standard.
D. Interior Landscaping			
1. Interior Landscaping-General Requirements	Interior landscaping required for sites with more than 10 parking spaces on the entire site	More than 10 parking spaces are proposed; interior landscaping is required and provided	Complies with standard.
2. Interior Landscaping-Required Amount	At least 25 sq. ft. for each parking space At least 120 sq. ft. in area	17 parking spaces are proposed; min 425 sq. ft. of interior landscaping is required. 7252 sq. ft. of internal landscaping is provided.	Complies with standard.
3. Interior Landscaping-Location and Dimensions	Divider medians or landscape planters At least 6 ft. wide, measured from inside of curb	One landscape planter is provided. It is 6 feet wide from inside of the curb.	Complies with standard.
4. Interior Landscaping - Planting Requirements	For landscape islands, at least 1 tree shall be planted per island.	1 tree is proposed for the island	Complies with standard.
19.606.3 Additional Design Standards			Complies with standard.

A. Paving and Striping	Parking areas must be paved and striped	The proposed parking area will be paved and striped.	Complies with standard.
B. Wheel Stops	Parking bumpers or wheel stops of at least 4 in. in height, unless vehicles will not encroach into the minimum required width for landscape or pedestrian areas.	No wheel stops proposed - maximum parking length per development standard is provided within the parking space	Complies with standard.
C. Site Access and Drive Aisles			
1. Driveway approaches	Shall comply with the access spacing standards of Chapter 12.16 - 100 ft. from local street intersection and 10 ft. from property line.	The proposed driveway approach is located 100 ft. from the intersection of SE 34th Ave and SE Llewellyn St and 28 ft. from the northern property line.	Complies with standard.
2. Drive Aisles	2-way drive aisles must be 22 ft. wide	Proposed drive aisle is 24 ft. wide	Complies with standard.
3. Drive Aisle Width	Shall not be wider than approved access within 10 ft. of right-of-way	The drive aisle is the same width as the access.	Complies with standard.
D. Pedestrian Access and Circulation			

<p>1. Pedestrian Access Location</p>	<p>No parking space shall be more than 100 ft. away from a building entrance or a walkway that meets the standards of 193.606.3.D.2</p>	<p>No buildings are proposed with this phase of development however, complete circuit of pedestrian walkways that meet the standards are provided around the parking bays and connect to future pathways in the adjacent lot.</p>	<p>Complies with standard.</p>
<p>2. Walkways</p>	<p>Walkways through off- street parking areas must be continuous, must lead to a building entrance, and meet the design standards of 19.504.9.E</p>	<p>The proposed walkways area continuous around the parking area and connect to future pathways in the adjacent lot.</p>	<p>Complies with standard.</p>
<p>F. Lighting</p>	<p>Lighting is required for parking areas with more than 10 spaces</p>	<p>Lighting will be provided at the parking lot.</p>	<p>Complies with standard.</p>
<p>1. Luminaires</p>	<p>Luminaires shall have a cutoff angle of 90 degrees or greater.</p>	<p>Luminaire will have a cutoff angle of 90 and greater.</p>	<p>Complies with standard.</p>
<p>2. Light Trespass</p>	<p>Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site</p>	<p>Lighting provided will not cause light trespass of more than 0.5 foot-candles and will meet this development standard.</p>	<p>Complies with standard.</p>

3. Pedestrian Walkways and Bicycle Parking Areas	Must be illuminated to at least 0.5 footcandles measured horizontally at the ground level	Lighting provided will have the appropriate foot-candles compliant per the development standard	Complies with standard.
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The criteria in MMC 19.905.4.A.5 are met.

- (f) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

The subject site is designated Medium Density by the Comprehensive Plan. This site was identified as "vacant" by the Buildable Lands Inventory. The proposed use is consistent with Comprehensive Plan policies as it will support Milwaukie Comprehensive Plan 2020 in regard to Housing. The 2020 Plan's overarching goals for housing prioritizes safe, affordable, stable housing for every socioeconomic status and physical ability in dwellings that are equitable, livable, and sustainability.

The affordable mixed-use development to the west will be developed consistent with the following sections of Chapter 7: Housing.

Goal 7.1 Equity

7.1.1-The proposed housing will provide additional housing options in the City for low-income seniors

7.1.5 -Will be developed according to Universal Design to accommodate seniors.

7.1.7 -Will be developed in compliance with the Fair Housing Act.

Goal 7.2 Affordability

7.2. Affordability - Leverages affordable housing through the investment of partnerships, allows for changing market conditions, provides input from regional partners to support affordable housing.

7.2.3 -Will request a reduction in parking requirements.

7.2.5 -This proposal provides the opportunity to expand the partnership between the City and non-profit partners to provide new low to moderate-income housing units.

Goal 7.3 Sustainability

7.3 - Will be constructed to meet sustainability Earth Advantage gold requirements. The subject site is supported by existing utilities and transportation infrastructure.

Goal 7.4 Livability

7.4 - Accessible to nearby services and public transportation, provides opportunity for onsite open space onsite, and the development of "intentional community".

7.4.5 -Provides a transition between R-3 medium density and adjacent GMU zone.

The development supports the Milwaukie Housing Affordability Strategy, adopted in 2018. Parking at the site supports the development of housing that is consistent with City goals for development of affordable housing centered around developing new units, preventing displacement, and connecting people to affordable housing.

This criterion is met.

- (g) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

The development proposed with this application does not include buildings and will not be occupied pursuant to this chapter. Conformance with the provisions of Chapter 19.700 will be addressed at the time of Development Review for the proposed building, and the applicant will implement any mitigation measures identified by the Transportation Impact Analysis at that time.

Currently, two bus lines are located one block from the site. TriMet bus line 33 runs east/west and has a stop one block south along Harrison St, one block south of the site. The line 75 runs north/south runs along 32nd Ave and is located a half block west of the site. A MAX Orange Line stop is less than one mile west of the site and runs into downtown Portland.

The site is well served by utilities. Overhead power lines are located along Llewellyn St. Gas service is located along 34th Ave. Sanitary sewer is located along 34th Ave and extends along Llewellyn St, terminating approximately 125 feet west of the intersection of 34th Ave and Llewellyn St. Storm sewer is located on Llewellyn St and terminates just east of the entrance to the Medical Office Building parking lot. An existing fire hydrant is located along 34th Ave.

This criterion is met.

Planning Commission finds that the approval criteria are met.

c. 19.905.6 Conditional Use Permit

The City will issue a conditional use permit upon the approval of an application to establish a conditional use or allow major modification of an existing conditional use.

The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

The applicant will record the conditional use permit with Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

As conditioned, the Planning Commission finds this standard met.

4. The application was referred to the following departments and agencies on March 22, 2021:
- Milwaukie Building Division
 - Milwaukie Engineering Department
 - Clackamas County Fire District #1
 - Clackamas County Engineering Department
 - Metro: Land Use Notifications
 - Trimet: Transit Development Group
 - Ardenwald-Johnson Creek Neighborhood District Association Chairperson and Land Use Committee
 - Hector Campbell Neighborhood District Association Chairperson and Land Use Committee

The comments received are summarized as follows:

Alex McGladrey, Clackamas Fire District: Clackamas Fire has no comments for the parking lot at Llewellyn and 34th.

EXHIBIT 2
Conditions of Approval
File #CU-2021-001, Providence Supportive Housing

Conditions

The applicant will record the conditional use permit with Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.