

MILWAUKIE PLANNING 6101 SE Johnson Creek Blvd Milwaukie OR 97206 503-786-7630 planning@milwaukieoregon.gov

Application for Land Use Action

Master File #:

Review type*: $\Box I \Box II \Box III \Box IV \Box V$

CHECK ALL APPLICATION TYPES THAT APPLY:		
Amendment to Maps and/or	Land Division:	Residential Dwelling:
Ordinances:	Final Plat	Accessory Dwelling Unit
Comprehensive Plan Text Amendment	Lot Consolidation	Duplex
Comprehensive Plan Map	Partition	Manufactured Dwelling Park
Amendment	Property Line Adjustment	Temporary Dwelling Unit
Zoning Text Amendment	🗖 Replat	Sign Review
Zoning Map Amendment	Subdivision	Transportation Facilities Review
Code Interpretation	Miscellaneous:	🛛 Variance:
Community Service Use	Barbed Wire Fencing	Use Exception
Conditional Use	Mixed Use Overlay Review	Variance
Development Review	Modification to Existing Approval	Willamette Greenway Review
Director Determination	Natural Resource Review**	Other:
Downtown Design Review	Nonconforming Use Alteration	Use separate application forms for:
Extension to Expiring Approval	Parking:	Annexation and/or Boundary Change
Historic Resource:	Quantity Determination	Compensation for Reduction in Property
Alteration	Quantity Modification	 Value (Measure 37)
Demolition	Shared Parking	Daily Display Sign
Status Designation	Structured Parking	 Appeal
Status Deletion	Planned Development	 Appeal

□ Status Deletion

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse):					
Mailing address:		State/Zip:			
Phone(s):	Email:				
Please note: The information submitted in this	application may l	be subject to public records law.			
APPLICANT'S REPRESENTATIVE (if different than	above):				
Mailing address:		State/Zip:			
Phone(s): Email:					
SITE INFORMATION:					
Address:	Map &	Tax Lot(s):			
Comprehensive Plan Designation: Zoning: Size of property:		Size of property:			

PROPOSAL (describe briefly):

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:

Date:

IMPORTANT INFORMATION ON REVERSE SIDE

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

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

****Note**: Natural Resource Review applications **may require a refundable deposit.** Deposits require completion of a Deposit Authorization Form, found at <u>www.milwaukieoregon.gov/building/deposit-authorization-form</u>.

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT (after discount, if any)	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP		
Master file		\$					
Concurrent application files		\$					
		\$					
		\$					
		\$					
Deposit (NR only)				🗌 Deposit Autho	prization Form received		
TOTAL AMOUNT RE	TOTAL AMOUNT RECEIVED: \$ RECEIPT #: RCD BY:						
Associated applie	cation file #s (ap	peals, modificat	ions, previous aj	oprovals, etc.):			
Neighborhood D	istrict Associatio	on(s):					
Notes:							



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Submittal Requirements

For all Land Use Applications (except Annexations and Development Review)

All land use applications must be accompanied by a <u>signed</u> copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or <u>planning@milwaukieoregon.gov</u> for assistance with Milwaukie's land use application requirements.

1. All required land use application forms and fees, including any deposits.

Applications without the required application forms and fees will not be accepted.

2. Proof of ownership or eligibility to initiate application per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

- 4. Detailed statement that demonstrates how the proposal meets the following:
 - A. All applicable development standards (listed below):
 - 1. Base zone standards in Chapter 19.300.
 - 2. Overlay zone standards in Chapter 19.400.
 - 3. Supplementary development regulations in Chapter 19.500.
 - 4. Off-street parking and loading standards and requirements in Chapter 19.600.
 - 5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
 - B. All applicable application-specific <u>approval criteria</u> (check with staff).

These standards can be found in the MMC, here: <u>www.qcode.us/codes/milwaukie/</u>

5. Site plan(s), preliminary plat, or final plat as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. Copy of valid preapplication conference report, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness. Provide an electronic version, if available.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: <u>www.milwaukieoregon.gov/citymanager/whatneighborhood-district-association</u>.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) _______, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

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

Applicant Signature: _____ Walter Zisette

Date:_____

Official Use Only

Date Received (date stamp below):



CITY OF MILWAUKIE 6101 SE Johnson Creek Blvd Milwaukie OR 97206 503.786.7600 planning@milwaukieoregon.gov building@milwaukieoregon.gov engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 20-009PA

This report is provided as a follow-up to the meeting that was held on 10/1/2020 at 2 PM

The Milwaukie Municipal Code is available here: www.gcode.us/codes/milwaukie/

APPLICANT AND PROJECT INFORMATION

App	olicant:	Li Alligood	Applicant Role: Planner
App	pplicant 808 SW 3 rd Ave, Suite 800, Portland, OR 97204 Idress:		
Con	npany:	OTAK, Inc.	
Proj	ect Name:	Providence Milwaukie	e Supportive Housing Project
Proj Adc	ect Iress:	Vacant lots on 34 th Ave	e and Llewellyn St Zone: GMU & R-3
Proj Des	ect cription:	Mixed use building wit	h clinic space for Providence and affordable housing residential units for seniors
Curi	rent Use:	Vacant lots	
	olicants sent:	Li Alligood, Lynn Lindgi SERA	ren-Schreuder, Walter Zisette, Josh SERA, David Stephenson SERA, Martha Williamson, Gauri
Staf	f Present:	Mary Heberling, Steve	Adams, Janine Gates
			PLANNING COMMENTS
			Zoning Compliance (<u>MMC Title 19</u>)
\boxtimes	Use Stand	ards (e.g., residential,	GMU <u>19.303</u> : Mixed use is a permitted use in this zone
	commerc	ial, accessory)	R-3 <u>19.302</u> : Multifamily and office/clinic uses are a Conditional Use (CU)
		nal Standards & nent Standards	R-3 lots must comply with the R-3 dimensional and development standards of MMC Table 19.302.4.
			GMU lots must comply with the GMU dimensional and development standards of MMC Table 19.303.3.
			GMU Detailed Development Standards in 19.303.4, including FAR for mixed use buildings (AKA nonresidential development in the code), building height, and height bonuses.
			R-3 Additional Development Standards: 19.302.5.E Height Exceptions - 1 additional story

	an additional 10% of site area beyond the minimum is required to be retained in vegetation. A variance may not be needed to building height in the R-3 lot if this can be met.
	Lots will need to be consolidated to one lot with a split zone. Building(s) cannot go over lot lines. See section Land Division (Title 17) for more details.
	Land Use Review Process
Applications Needed	 Type I Development Review for mixed use building in GMU zone and other development in the R-3 zone, except open space Type II Parking Quantity Modification Type II Transportation Facilities Review Type III Conditional Use for multifamily in R-3 zone or other development related to the office/clinic in R-3 (such as parking) Type III Variance for transition area measures, may be needed for access spacing and driveway placement (see pg 7 and "access requirements") Type I Lot Consolidation Type I Final Plat (submitted <u>after</u> approval of the lot consolidation)
Fees	Type I: \$200 Type II: \$1,000 Type III: \$2,000 Up to three (3) variance requests may be included in one variance application; additional variance requests would need a second variance application and fee. For multiple applications, the most expensive fee is collected in full, with a 25-percent discount for each additional application.
Review Type: Type I Type II Type III	See review types above Land Use Application form: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/42771 /landuse fillable application.pdf Submittal requirements for: Land Use Applications: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/39251 /submittal rgmts form.pdf Plat for lot consolidation: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211 /preliminaryplatchecklist form0.pdf Final plats: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211 /finalplat-checklist form.pdf
	Overlay Zones (MMC 19.400)
Willamette Greenway	
Natural Resources	
Historic Preservation	
Flex Space Overlay	

		Site Improvements/Site Context
⊠	Landscaping Requirements	R-3: Minimum vegetation: 35% of the total lot area, at least half of the minimum required vegetation area must be suitable for outdoor recreation by residents (Table 19.302.4 and 19.302.5.C)
		R-3: At least 40% of the front yard must be vegetated (19.302.5.D)
		GMU: Minimum vegetation: 15% of the total lot area (Table 19.303.3)
		Both R-3 & GMU: No more than 20% of the required vegetation area shall be covered in mulch or bark dust
⊠	Onsite Pedestrian/Bike Improvements (MMC 19.504,	19.606.3.D Pedestrian Access and Circulation: Additional standards are provided around pedestrian access in off-street parking areas on site.
	19.606, and 19.609)	19.606.3.E Internal Circulation: Additional standards around general circulation and connections to adjacent parking areas.
		19.609 Bicycle Standards: Mixed use and multifamily buildings must follow these standards for on-site bicycle parking
	Connectivity to surrounding properties	
\boxtimes	Circulation	19.504.9: Mixed use buildings are required to provide onsite walkways and circulation. Multifamily is exempt.
	Building Design Standards (MMC 19.504 & 19.505)	19.505.7 Nonresidential Development: Mixed use buildings follow these design standards in the GMU.
		19.505.3 Multifamily Housing: Stand-alone multifamily buildings follow these design standards in both GMU and R-3.
		19.504.6 Transition Area Measures: Where mixed-use development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the transition measures shall be required in this section. <u>A Type III variance may be needed to this section.</u>
	Downtown Design Standards (MMC 19.508)	
		Parking Standards (<u>MMC 19.600</u>)
	Residential Off-Street Parking Requirements	
⊠	Multi-Family/Commercial	19.605.1 Minimum and Maximum Parking Quantities per use.
	Parking Requirements	19.605.2 Quantity Modifications and Required Parking Determinations, Type II review, approval criteria listed in this section. Any data you have from previous Providence affordable housing buildings and parking would be important to include and why little residential parking is needed.
		19.605.3 Exemptions and By-Right Reductions to Quantity Requirements, options to reduce parking in this section. Total reduction in required parking cannot exceed 25% of the minimum quantity requirement listed in Table 19.605.1.
		19.605.4 Shared Parking, standards to create a shared parking agreement are in this section, use as part of the 19.605.2 Quantity Modification review.
		19.606 Parking Area and Design Landscaping: Mixed use and multifamily building off-street parking areas must follow the requirements in this section.

		Approval Criteria (<u>MMC 19.900</u>)
	Community Service Use (CSU) (MMC 19.904)	
	Conditional Use (MMC 19.905)	19.905.4.A Approval Criteria for new Conditional Use (CU)
		Multifamily building in R-3 zone will be a CU.
		Development related to the multifamily/office/clinic use in the R-3 zone may require a CU. Check with the Planning Department to confirm what will or will not require a CU.
		All conditional uses will be required to go through a Type III review
	Development Review (MMC 19.906)	Type I Development Review for mixed use building on GMU zone, for multifamily using the clear and objective standards in Table 19.505.3.D.
		Type II Development Review for multifamily using the discretionary standards in Table 19.505.3.D.
		Approval Criteria for both Type I and II development review in 19.906.4.
	Variance (MMC 19.911)	Type II Variances, approval criteria in 19.911.4.A
		Type III Variances, approval criteria in 19.911.4.B
		19.911.7 Building Height Variance in GMU (Type III), includes approval criteria
		Land Division (MMC Title 17)
⊠	Design Standards	17.28.040 lists out general lot design standards that must be met
	Preliminary Plat Requirements	Type I Parcel consolidation replat to combine all of the lots into one lot with a split zone.
		17.12.030 Approval Criteria for lot consolidation
	Final Plat Requirements (See Engineering Section of this	17.24 lists out the requirements for submittal of a final plat <u>after</u> approval of the parcel consolidation replat. Must be submitted within 6 months of approval.
	Report)	17.12.050 Approval Criteria for Final Plat
		Sign Code Compliance (<u>MMC Title 14</u>)
	Sign Requirements	14.16.040 Commercial Zones – code around signage in GMU
		Noise (MMC Title 16)
	Noise Mitigation (MMC 16.24)	

		Neighborhood District Associations
\boxtimes	Ardenwald-Johnson Creek	https://www.milwaukieoregon.gov/citymanager/ardenwald-johnson-creek-nda
		Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Ardenwald-Johnson Creek Milwaukie NDA.
		Ardenwald-Johnson Creek Milwaukie NDA Chair Matt Rinker mattrinker@hotmail.com
		Would also recommend getting in touch with Hector Campbell NDA, since the NDA boundary is very close to Hector Campbell
		https://www.milwaukieoregon.gov/citymanager/hector-campbell-nda
		Hector Campbell NDA Chair David Aschenbrenner 2dasch@gmail.com
	I	Other Permits/Registration
	Business Registration	
	Home Occupation Compliance (MMC 19.507)	
		Additional Planning Notes
	ndominium Plat – no special proce al apartments any differently.	ss or application needed for this. The Planning Department does not treat condominiums or
	I	ENGINEERING & PUBLIC WORKS COMMENTS
		Public Facility Improvements (<u>MMC 19.700</u>)
	Applicability (MMC 19.702)	Chapter 19.700 of the Milwaukie Municipal Code (MMC) applies to partitions, subdivisions, new construction and modification and or expansions of existing structures or uses that produce a projected increase in vehicle trips.
	Transportation Facilities Review (MMC 19.703)	As per MMC Subsection 19.703.2, because the proposed development triggers a transportation impact study (TIS), a Transportation Facilities Review (TFR) application is required. The TFR application will be processed and reviewed concurrently with the other required applications discussed in these notes.
	Transportation Impact Study (MMC 19.704)	A TIS is required. A scope for the TIS will be prepared by the Engineering Department and the City's traffic consultant (DKS). Actual costs are charged for both the scope preparation and technical review of the completed TIS; a reserve deposit of \$1,500 will be collected for the scoping and a reserve deposit of \$2,500 will be collected for the technical report review.
	Agency Notification (MMC 19.707)	As per the stipulations of MMC Subsection 19.707.1, the following agencies will receive notification of the proposed development: Metro, Clackamas County, and TriMet.
	Transportation Requirements (MMC 19.708)	This Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

		Street improvements to Llewellyn St to include minimum 6-ft sidewalk, curb & gutter and 20- ft wide reconstructed asphalt streets (two travel lanes). Street improvements (sidewalk) must start 6 inches inside of the ROW.
		No additional ROW dedication is required, however if the proposed public sidewalk is located outside of the ROW to accommodate drop-off/pull-out area, or save existing trees, a public sidewalk easement is required. Sidewalk can be curb tight, but an off-set sidewalk is preferred.
		If on-street parallel parking is provided, street improvements must be minimum of 28 feet. City is okay with drop off area along Llewellyn St., similar to a bus pull-out area for dropping off and picking up patients or residents.
	Utility Requirements (MMC 19.709)	All overhead utilities to be brought underground within a new 6-ft PUE adjacent to both Llewellyn and 34 th to be provided by the applicant.
		City is okay with abandoning the existing public easement.
		Applicant responsible for relocating private SS line and providing a private easement. City is okay if this SS line ties into a different public SS main (34 th Ave seems like the best other option).
		No water, sanitary or storm improvements are foreseen to be needed.
		Flood Hazard Area (MMC 18)
	Development Permit (MMC 18.04.100)	
	General Standards (MMC 18.04.150)	
	Specific Standards (MMC 18.04.160)	
	Floodways (MMC 18.04.170)	
		Environmental Protection (MMC 16)
	Weak Foundation Soils (MMC 16.16)	The proposed development is not within the regulatory City-mapped soil hazard area.
⊠	Erosion Control (MMC 16.28)	An erosion control permit will be required for disturbances over 500 sq ft.
⊠	Tree Cutting (MMC 16.32)	Any tree removal within the public right-of-way or on City-owned land requires a permit.
		Public Services (MMC 13)
	Water System (MMC 13.04)	Connection to water mains for service lines 2" and less shall be made by City crews. Excavation and paving shall be the responsibility of the applicant. A utility billing form must be submitted, and fees paid prior to connection. A 6" water main is adjacent to the development lot.
	Sewer System (MMC 13.12)	All structures with sanitary facilities are required to be connected to the City sanitary sewer system. The sewer system user at all times shall, at their expense, operate and maintain the service lateral and building sewer in a sanitary manner to the collection trunk or interceptor sewer at no expense to the City. Grease interceptors and/or traps shall be provided by the food service facility owner to prevent FOG (fats, oil, and grease) from entering the sanitary sewer system.

	Stormwater Management (MMC 13.14)	All stormwater shall be managed on site with mitigation facilities designed in accordance with the 2016 Portland Stormwater Management Manual. Where onsite infiltration has been determined to be unfeasible by a geotech professional, connection to the public storm sewer system may be applied for.
⊠	System Development Charge (MMC 13.28.040)	Final determination shall be made at building permit process. Contact the Engineering Department for a more detailed analysis. Link to a handout on SDC charges in Milwaukie: <u>https://www.milwaukieoregon.gov/sites/default/files/fileattachments/engineering/page/91</u> <u>381/sdchandout_aug2019.pdf</u>
Ø	Fee in Lieu of Construction (MMC 13.32)	A fee in leu of construction may be available for some public improvements. One or more of the following conditions must be met: an inability to achieve proper design standard, the creation of a safety hazard, are already included in a funded city project, cannot be completed without significant offsite improvements, or the full improvements are not proportional to proposed impacts.
		Public Places (MMC 12)
Ø	Right of Way Permit (MMC 12.08.020)	Any work within the right-of-way shall require a right-of-way permit. The permit application should include a site plan for all work proposed and a traffic control plan where traffic, including bike and pedestrian, is impacted.
⊠	Access Requirements (MMC 12.16.040)	Modification of existing nonconforming accessways shall be brought into conformance with the access management requirements of this chapter.
		The nearest edge of the driveway apron shall be at least ten (10) feet from the side property line. This standard does not apply to accessways shared between two (2) or more properties.
		At least one hundred (100) feet minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained.
		One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.
		Multifamily residential uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, shall have a minimum driveway apron width of twenty-four (24) feet and a maximum width of thirty (30) feet. Commercial, office, and institutional uses shall have a minimum driveway apron width of twelve (12) feet and a maximum width of thirty-six (36) feet. Mixed commercial residential meeting the above criteria shall have an accessway between twelve (12) and (30) thirty feet.
		Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance land use application.
⊠	Clear Vision (MMC 12.24)	The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." The clear vision area for all street and driveway or accessway intersections shall be that area within a twenty (20)-foot radius from where the lot line and the edge of a driveway intersect.
		The clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum height of six (6) feet.

Additional Engineering & Public Works Notes

BUILDING COMMENTS

All drawings must be submitted electronically through www.buildingpermits.oregon.gov

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: <u>https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx</u>.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at <u>www.buildingpermits.oregon.gov</u>. Each permit type and subpermit type are separate permits and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.

Note: Plumbing and electrical plan reviews (when required) are done off site so two (2) paper copies will be required for those reviews only. Paper copies should be delivered to our office for processing.

Site utilities require a separate plumbing permit. This permit will require plumbing plan review so two (2) paper copies will be required for this review. Paper copies should be delivered to the Building Division office for processing. The grading plan submitted to the Engineering Department does not cover this review.

If you have any building related questions, please email us at building@milwaukieoregon.gov.

Additional Building Notes

This project will require multiple permits, including but not limited to: Building, plumbing, electrical, mechanical, fire sprinkler, fire alarms, fire line (in ground install), backflow, and site utility (plumbing). Each of these submittals is subject to the initial review time that the building department is experiencing. (Currently 6-8 weeks). Based on information provided by the applicant, a preliminary estimate of fees is included as Attachment 1.

Condominium Plat – no special process or application needed for this. The Building Department does not treat condominiums or rental apartments any differently.

OTHER FEES			
Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *12% (.12)		
Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)		
School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)		
FIRE DISTRICT COMMENTS			

COORDINATION WITH OTHER AGENCIES

Applicant must communicate directly with outside agencies. These may include the following:

- Metro
- Trimet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS

		State or County Approvals Needed
Boiler Approval (State)		
Elevator A	pproval (State)	
Health De (County)	partment Approval	
		Arts Tax
Neighborh	nood Office Permit	
		Other Right-of-Way Permits
Major:		
Minor:		
Painted Intersection Program Permits:		
	artMOB Application	
	Traffic Control Plan (Engineering)	
Parklet:		
	Parklet Application/ Planning Approval	
	Engineering Approval	
	Building Approval	
Sidewalk	Café:	

	Tree Removal Permit:							
	Infrastructure/Utilities							
Apr	 Applicant must communicate directly with utility providers. These may include the following: PGE NW Natural Clackamas River Water (CRW) Telecomm (Comcast, Century Link) Water Environmental Services (WES) Garbage Collection (Waste Management, Hoodview Disposal and Recycling) 							
	Economic Development/Incentives							
	Enterprise Zone:							
⊠	Vertical Housing Tax Credit:	Contact Christina Fadenrecht, the Housing and Economic Development Assistant. Email: <u>FadenrechtC@milwaukieoregon.gov</u>						
	New Market Tax Credits:							
		There may be CET money for affordable housing. Contact Christina Fadenrecht, the Housing and Economic Development Assistant. Email: <u>FadenrechtC@milwaukieoregon.gov</u>						
		1						

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

This is only preliminary preapplication conference information based on the applicant's proposal, and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff Harmony Drake Stephanie Marcinkiewicz	Building Official Permit Specialist Inspector/Plans Examiner	503-786-7611 503-786-7623 503-786-7636
ENGINEERING DEPARTMENT		
Steve Adams Dalton Vodden	City Engineer Associate Engineer	503-786-7605 503-786-7617
PLANNING DEPARTMENT		
Laura Weigel Vera Kolias Brett Kelver Mary Heberling	Planning Manager Senior Planner Associate Planner Assistant Planner	503-786-7654 503-786-7653 503-786-7657 503-786-7658
COMMUNITY DEVELOPMENT DEPAR	RTMENT	
Leila Aman Alison Wicks Alicia Martin Tempest Blanchard	Community Development Director Development Programs Manager Administrative Specialist II Administrative Specialist II	503-786-7616 503-786-7661 503-786-7600 503-786-7600
CLACKAMAS FIRE DISTRICT		
Mike Boumann Matt Amos	Lieutenant Deputy Fire Marshal Fire Inspector	503-742-2673 503-742-2660

Attachment 1

Structural Permit

Fees based on Valuation of 32,000,000 provided by applicant

rees based on valuation of 52,000,000 provided by applican	ι		
Fee Item	Fe	es	
Structural plan review fee	\$	145,537.88	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$	23,286.06	
Technology Fee	\$	9,702.53	
Fire life safety plan review	\$	97,025.25	
Structural building permit fee	\$	194,050.50	
			\$ 469,602.22
CET Taxes collected on the building permit:			
Affordable Housing - Developer incentives (Com)	\$	153,600.00	
Affordable Housing - Programs and incentives (Com)	\$	153,600.00	
Affordable Housing Construction Excise Tax - Admin Fee (Con	\$	12,800.00	
Metro Construction Excise Tax	\$	11,400.00	
Metro Construction Excise Tax - Admin Fee	\$	600.00	
CET - North Clackamas - Com Use	\$	33,363.00	
CET - North Clackamas - Admin Fee - Com Use	\$	337.00	
			\$ 365,700.00
Mechanical Permit			
Fees based on Valuation of 3,000,000 provided by applicant			
Commercial mechanical permit (based on mechanical job value	\$	36,954.30	
Mechanical plan review	\$	18,477.15	

Mechanical plan review	\$ 18,477.15	
State of Oregon Surcharge - Mech (12% of applicable fees)	\$ 4,434.52	
Technology Fee	\$ 1,847.72	
		\$ 61,713.69

Fire Sprinkler Permit

Fees based on Valuation of 416,000 provided by applicant		
Structural plan review fee	\$ 2,225.48	
Fire life safety plan review	\$ 1,483.65	
Structural building permit fee	\$ 2,967.30	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 356.08	
Technology Fee	\$ 148.37	
		\$ 7,180.88

Fire Alarm Permit

Fees based on Valuation of 200,000 provided by applicant			
Structural plan review fee	\$ 1,245.38		
Fire life safety plan review	\$ 830.25		
Structural building permit fee	\$ 1,660.50		
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 199.26		
Technology Fee	\$ 83.03		
		1	

\$ 4,018.42

Note: These fees are based on the parameters given and subject to change of the parameters change.

Plumbing and Electrical fees are shown on the individual applications. To obtain a fee estimate for either, please fill out the application and email it to building@milwauieoregon.gov and note that this is for estimation purposes only in the description of work box.



Memorandum

То:	Mary Heberling, AICP, Associate Planner, City of Milwaukie
From:	Li Alligood, AICP, Senior Planner
Copies:	Walter Zisette, Providence Supportive Housing Lynn Lindgren-Schreuder, Housing Development Center Joshua Lupkin, SERA Architects, Inc.
Date:	April 5, 2021
Subject:	Providence Supportive Housing Type III Variance Application - Findings of Conformance
Project No.:	19836.100

The applicant, Providence Supportive Housing, requests Type III Variance approval and Type III Building Height Variance approval for future development of 3 existing lots with a mixed-use building containing affordable housing for seniors and an ElderPlace PACE Center.

The development site consists of 6 tax lots and is split-zoned: the 3 tax lots fronting on SE 34th Ave are zoned R-3 and the 3 tax lots fronting SE Llewellyn St is zoned GMU. This unusual zoning pattern has directed the proposed development, which consists of three phases:

- 1. Type III Conditional Use Review: To approve a parking lot in the R-3 zone to serve the future multifamily residential uses on the site. Multifamily development is permitted in the R3 zone as a Conditional Use. This application is currently under review by the City of Milwaukie (Casefile #CU-2021-001) and is scheduled for a hearing before the Planning Commission on April 13, 2021.
- 2. Type III Variance Review: To approve reductions to required setbacks, building step back requirements, and to permit the addition of a 5th story to the building. These requests are included in this application.
- 3. Type I Development Review/Type II Parking Adjustment Review: To approve a new mixed-use building in the GMU zone and reduce the overall off-street parking requirements for the site. The development will consist of 72 deeply affordable units for seniors as well as an ElderPlace PACE Center clinic. Mixed-use development is permitted by right in the GMU zone subject to Type I Development Review. This application will require preparation of a traffic impact study and conceptual grading and utility plans and will trigger a review of site compliance with applicable development standards.

This phased submittal is intended to provide the applicant with sufficient certainty to apply to HUD for funding to support the deeply affordable senior housing units proposed for the GMU portion of the site. A key criterion of this funding is that no further discretionary review is required to permit the project. This application is due on May 26th and does not allow adequate time for the preparation, submittal, and review of the multifamily building and site development proposed for the GMU zone to the west. The anticipated timing of the award of this application is September 2021. If the proposed development receives the requested funding, the Development Review application submittal is anticipated in winter 2021/2022.

The subject tax lots (TLIDs 11E25DC05800, 5900, 6000) are zoned GMU. The applicant proposes to develop a mixed-use building with residential housing for seniors and an ElderPlace PACE Center. The residential development will have 72 units, primarily one-bedroom, and common areas for the residents. The residential common areas will be located on the first floor and upper levels. The residential units will be located on the 2nd, 3rd, 4th, and 5th floors. The ElderPlace PACE Center will be located on the first floor and upper levels.

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along SE Llewellyn Street will enable seniors visiting the PACE Center to safely access the 7,500 SF of medical and social services.

The PACE facility would be relocated from its current location in the Medical Office Building to the west of the site. The PACE Center currently serves seniors in the City of Milwaukie and surrounding region and would continue to serve this population.

The proposed mixed-use building is 5 stories, which necessitates Building Height Variance review. However, adding the 5th story to the development also allows Providence Supportive Housing to increase the number of units in the building, which is critical to their mission to serve low-income elderly residents.

Storefront windows will be provided on the ground floor along the west and south face of the building to provide a connection between the street and the new development. Fenestration for the units will provide a sense of scale that reflects the residential neighborhood. The building would be designed to meet Earth Advantage Gold, utilizing sustainable construction measures and the potential for a roof mounted PV system.

A parking reduction will be requested for the development under a separate Type II land use application. The development's compliance with applicable site development and design standards, public utility infrastructure requirements, transportation requirements, and applicable building codes will be reviewed at the time of the future Type I Development Review submittal. This application focusses specifically on the building massing (height, setbacks, and articulation).

The applicant attended a pre-application conference with City staff on October 1, 2020. The notes are included as Attachment A. The applicable provisions of MMC Title 19 Zoning are addressed below.

19.303 COMMERCIAL MIXED-USE ZONES [...] 19.303.2 Uses

Response: The proposed future uses are multifamily residential and medical office. Both uses are permitted outright in the GMU zone. This standard is met.

19.303.3 Development Standards

Response: As demonstrated below, the proposed development meets the applicable development standards of the GMU zone, except for transition area setbacks, upper level step backs, and allowable height. The applicant is requesting a Type III Building Height Variance to permit a 5-story building and a Type III Variance to reduce the front and rear setbacks and reduce the required street facing building step back.

Standard	Required	Proposed	Finding
Minimum Lot Size	1,500 sq. ft.	The GMU-zoned portion	This standard is met.
		of the existing site is 0.65	
		acres/28,300 sq. ft.	
Minimum Street Frontage	25 ft.	The SE Lewellyn St	This standard is met.
		frontage will be ~97 ft.	
		after right-of-way	
		dedication. The SE 34th	
		Ave street frontage will	
		be ~140 ft. after right-of-	
		way dedication.	

Minimum Floor Area	0.5:1	The proposed FAR is 2:1	This standard is met.		
Ratio					
Building height					
Base Maximum	45 ft.	62 ft.	A Building Height Variance has been requested per 19.911.7.		
Maximum with Height Bonus	57-69 ft.		With approval of that variance, this standard is met.		
Street Setbacks (from Llev	wellyn)				
Minimum	Front: 0-15 ft.	Front: 2 ft. to 20 ft.	The development is subject to the Transition Area Measures of 19.504.6. They are addressed below.		
Maximum	20 ft.	Front: 2 ft. to 20 ft.	This standard is met.		
Maximum Lot Coverage	85%	38%	This standard is met.		
Minimum Vegetation	15%	24%	This standard is met.		
Primary Entrances	Yes, per 19.303.4.E	Two primary entrances; one faces Llewellyn	This standard is met.		
Off-Street Parking Required	Yes, per 19.600	The applicant will submit an application to request a reduction of off-street parking requirements.	This standard will be addressed through a future Site Plan Review/Parking Adjustment application.		
Transition Measures per 19.504.6	Front: 15 ft. Rear: 15 ft. East side: 15 ft. West side: 0 ft.	Front: 2 ft. to 20 ft. Rear: 11 ft. East side: 15 ft. West side: 0 ft.	The side abuts the R-3 zone on the north, east, and south. A variance has been requested to reduce the front and year setbacks to less than 15 ft. in the front and rear.		

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

- A. Floor Area Ratio
 - 1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

- 2. Standards
- a. The minimum FAR in Table 19.303.3 applies to all nonresidential building development.
 - b. Required minimum FAR shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of FAR to determine conformance with minimum FAR.
 - *c.* If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. Parking facilities.
- b. Public parks and plazas.

Response: The proposed development is a mixed-use development and both residential and non-residential floor area is included in the FAR calculation. The proposed development has an FAR of 2:1 which exceeds the 0.5:1 minimum. This standard is met.

- B. Building Height
 - 1. Intent Maximum building height standards promote a compatible building scale and relationship of one structure to another.
 - 2. Standards
 - a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
 - b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
 - c. The maximum building height in the NMU Zone is 3 stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

Response: The proposed building height is 62 ft., which slightly exceeds the maximum height permitted by the height bonuses provided below. To achieve the proposed height, a Type III Building Height Variance is requested. With approval of the requested variance, this standard will be met.

Per B.2.b above, the building must step back at least 15 ft. from any street-facing portion of the building between the height of 45 ft. and 62 ft. The street-facing portion of the building is the southern façade, which faces Llewellyn St. Though the eastern façade of the building faces 34th Ave, it is separated from that frontage by more than 50 ft.

The applicant requests a variance to reduce the step back dimension on the southern façade from 15 ft. to 0 ft. With approval of the requested variance, this standard will be met.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and Section 19.510, for a total of 2 stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. Residential

New buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

b. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

Response: The base height allowance of the GMU zone is 45 ft. The proposed development is 62 ft. and 5 stories tall. Four of the 5 building stories are devoted to residential uses, and the building qualifies for a bonus of

12 ft. or 1 story per 3.a. above, whichever is less. The building will also receive Earth Advantage Gold or higher certification, and the building qualifies for an additional bonus of 12 ft. or 1 story per 3.b above. To add an additional 2 stories, a Building Height Variance is required. A Building Height Variance has been requested per Subsection 19.911.7.

- C. Street Setbacks
 - 1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the commercial mixed-use zones. This ensures that buildings engage the street right-of-way.

- 2. Standards
 - a. No minimum street setbacks are required, except for residential street edges per Subsection 19.303.5.
 - b. In the GMU Zone, maximum street setback is 20 ft. For properties shown as having a commercial edge on Figure 19.303.4.C.2.b, the following standards apply:
 - (1) No minimum street setback is required. Maximum street setback is 10 ft.
 - (2) The area within the street setback, if provided, shall be landscaped.
 - c. In the NMU Zone, the maximum street setback is 10 ft unless the yard exception standards of Subsection 19.501.2 apply.
 - d. The setback area may include usable open space such as plazas, courtyards, terraces, and small parks.
 - e. Usable open space may be counted toward the minimum vegetation requirement in Subsection 19.303.3.B.6.
 - f. No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings, except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.

Response: The total project site consists of two zones: the GMU zone and the R-3 zone. The proposed building is located entirely within the GMU zone, and no minimum street setback is required by the base zoning. However, the site abuts the R-3 zone to the north (rear) and the east (side) and is located across the street from the R-3 zone to the south (front). Therefore, the Transition Area Measures of Subsection 19.504.6 are applicable to the proposed development. These measures increase the minimum front, side, and rear yard setbacks to 15 ft.

The building's front yard setback is from 2 ft to 20 ft, and a variance to this measure is required. The building's rear yard setback is 11 ft., and a variance to this measure is required. The applicant has requested a variance to the front and rear setbacks. With approval of the variance, this standard can be met.

D. Frontage Occupancy Requirements

1. Intent

The intent of this standard is to establish a consistent street wall along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.303.4.D.

- 2. Standards
 - a. For block faces identified in Figure 19.303.4.D, 50% of the site frontage must be occupied by a building or buildings.
 - b. If the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.

Response: The subject site is not located on a block face identified in Figure 19.303.4.D. This standard is not applicable.

- E. Primary Entrances
 - 1. Intent

To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

- 2. Standards
 - a. All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
 - b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
 - c. If a development is on a corner in the GMU Zone, the primary entrance may be oriented toward either street.
 - d. If a development is on the corner of 32nd Ave or 42nd Ave and another street in the NMU Zone, the primary entrance must be oriented toward 32nd Ave or 42nd Ave.

Response: The proposed building includes two separate uses: affordable multifamily residential uses and office/clinic uses, with a separate entrance for each. The primary entrance for the office/clinic uses faces SE Llewellyn St. The primary entrance for the multifamily residential uses faces west and is connected to the public street with a pedestrian walkway. This standard is met.

F. Residential Density

1. Intent

Minimum densities are applied to residential development in the commercial mixed-use zones to assure efficient use of land at densities that support transit use and nearby businesses.

- 2. Standards
 - a. Minimum density for stand-alone residential development in the GMU Zone is 25 units per acre, and maximum density is 50 units per acre.
 - b. Minimum density for stand-alone residential development in the NMU Zone is 11.6 units per acre, and maximum density is 14.5 units per acre.
- 3. Exemptions

There are no minimum or maximum density requirements when residential units are developed as part of a mixed-use building. Maximum residential densities for mixed-use buildings are controlled by height limits.

Response: The proposed building is a mixed-use building in the GMU zone. These standards are not applicable.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 Site Design Standards

[...]

19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.
- B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen

lower-density residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.

Response: The site is zoned GMU and a permitted mixed-use development is proposed. The site abuts the R-3 zone to the north and east and is adjacent across a right-of-way from the R-3 zone to the south. As such, the front, east side, and rear setbacks of the proposed development are increased from 0 ft. to 15 ft., which is the required front and rear yard width of the abutting/adjacent R-3 zone.

The proposed front yard setback ranges from 2 ft. to 20 ft. A variance to this requirement is requested for the front yard setback along 44 ft. of the western portion of the building. The yard along the southern building setback will be maintained as open space. No fencing is proposed within the front yard as that contradicts the intent of the GMU standards to provide enclosure and activity near the street.

The proposed rear yard setback ranges from 15 ft. to 11 ft. A variance to this requirement is requested for the rear yard setback along the western portion of the building. Though stories 2 to 5 of the building are set back 15 ft., the ground floor is set back 11 ft. at some points. Trees and shrubs are anticipated along the rear property line. Compliance with B above will be verified at the time of site development permit.

With approval of the requested variances, these standards can be met.

CHAPTER 19.911 VARIANCES

19.911.1 Purpose

Variances provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variances are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variances may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variances shall not be granted that would be detrimental to public health, safety, or welfare.

[...]

19.911.3 Review Process

A. General Provisions

- 1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.
- 2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.
- 3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

Response: The applicant requests three variances: building height, building step back, and transition area measure setbacks.

[...]

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Response: The applicant requests two variances under this section: to reduce the front and rear yard setbacks from 15 ft. to 2 ft. and 11 ft, respectively; and to reduce the step back requirement of Subsection 19.303.4.B.2 from 15 ft. above the base height of 45 ft. to 0 ft. These variance requests exceed the threshold for Type II Variances and are subject to Type III Variance review. A Type III Building Height Variance is requested under the provisions of 19.911.7.

19.911.4 Approval Criteria

[...]

B. Type III Variances

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

- 1. Discretionary Relief Criteria
 - a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Response: Each of the variance requests is addressed below.

Front Yard Setback

Baseline street setback requirement of the GMU zone is 0 ft. and is intended to ensure that buildings engage with the right-of-way. However, because the site abuts the R-3 zone to the north, east, and south, the Transition Area Measures of Subsection 19.504.6 apply. Those measures increase the setbacks of the GMU zone to the residentially zoned property setback. The required front setback of the R-3 zone is 15 ft. Therefore, the required front yard setback of the subject site is also 15 ft.

The building meets the base zone setbacks of the GMU zone along the western 44 ft. of the façade. This portion of the building includes office and clinic uses on the ground floor, which are intended to engage with and activate SE Lewellyn St. In addition, the location of the office and clinic area near the street reduces the distance clients must walk from the proposed drop-off area on SE Lewellyn St.

The eastern portion of the building is set back by 20 ft., which is the maximum setback of the GMU zone. This setback provides a transition from the more commercial character of the GMU zone to the west to the more residential character of the existing neighborhood to the east.

Potential impacts of a reduced front yard setback are reduced open space on the site and potential shadowing of buildings to the south. However, as shown on Sheet C12D, the building will not cast shade on existing structures. Also, as shown in Sheet C13, a significant portion of the site will be retained in open space.

Rear Yard Setback

The base zone rear yard setback is 0 ft. However, as noted previously, the site abuts the R-3 zone to the north and the 15-ft. minimum rear yard setback of the R-3 zone applies per 19.504.6.

The ground floor of the building is set back 11 ft. along the western 44 ft. of the mass. Floors 2 through 5 of the building, where dwelling units are located, are set back 15 ft. from the property line.

Potential impacts of a reduced side yard setback are reduced open space on the site and potential conflicts between the proposed uses and existing uses to the rear. However, as shown on Sheet C21, the upper levels of the building meet the transition area setback requirements. In addition, the existing

building to the north is separated from the site by substantial mature vegetation and at least 50 ft. of distance. Also, as shown in Sheet C13, a significant portion of the site will be retained in open space.

Upper Level Step Back

Per Subsection 19.303.4.B.2.b, buildings in the GMU zone that exceed the base height of 45 ft. are required to step back at least 15 ft. above 45 ft. of height. The proposed building is 62 ft. in height and does not step back along the street frontage.

The intent of the building height standards of 19.303.4 is to "promote a compatible building scale and relationship of one structure to another." The required step back requirement is intended to reduce the apparent mass of the building by shifting everything above the base height back so that it is less visible from the street. In that case, even a taller building would appear as a 45-ft. building.

The proposed building abuts a parking lot to the west and a future open space area and parking lot to the east. Therefore, the focus of the analysis is on the existing structures to the south.

This immediate area is developed with single-level homes, many of which have been converted to offices. The development to the south of the proposed building are single-level homes, offices, and parking lots. Potential impacts of the request as compared to the base zone requirements are that the building will appear taller than it otherwise would and could cast shadow on existing buildings to the south.

As shown on Sheet C12D, the proposed building will not cast shadow on existing buildings to the south. As shown on Sheets C23, C24, and C25, the façade is highly articulated to create the appearance of a step back along the southern façade and to reduce the visual massing of the structure.

- b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (1) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (2) The proposed variance has desirable public benefits.
 - (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Response: The proposed variances are both reasonable and appropriate, minimize impacts to surrounding properties, and have desirable public benefits.

Front Yard Setback

Potential impacts of the reduced front yard setback are reduced open space on site, shadowing of the buildings to the south, and potential conflicts between the proposed office/clinic uses on the ground floor of the building and the existing uses in the R-3 zone. However, as described below, these potential impacts are mitigated through thoughtful site design and by the eclectic character of the surrounding neighborhood.

The R-3 zone is a residential zone that permits office and multifamily uses as Conditional Uses. Due to the presence of Providence Hospital next door, many medical office uses have been established nearby. Though the sites directly to the south of the site are zoned R-3, they are developed with a mix of uses: the parking lot for the JSE Lab Medical Offices, an office use fronting on SE Harrison St, is located across the street; two doors down, a home has been converted to a medical office.

As noted above, the uses to the south of the site are a mix of office, medical, and residential, which are functionally consistent with the proposed office/clinic uses in the southwest portion of the building. Also, the applicant is planning to maintain the eastern portion of the development site, which is located within

the R-3 zone, largely as open space to ease the transition to the more residential character to the east. Finally, the setback reduction is requested at the southern building façade, which will not cast a shadow over the existing building across the street.

The building is set back 0 ft. at the western end, and transitions to a 20-ft. setback moving east. This finally transitions to a large open space to the east, which provides substantial buffering from existing homes to the east and southeast. The portion of the building that will be closest to the street is on the portion of the site that is nearest these existing office uses. As such, the impact of a 0 ft. setback on the western portion of the site will be minimal and would be permitted on another GMU-zoned site.

Rear Yard Setback

As noted previously, the site abuts the R-3 zone to the north and the 15-ft. minimum rear yard setback of the R-3 zone applies. The ground floor of the building is set back 11 ft. from the rear yard line, but upper levels of the building step back to meet the 15 ft. distance. The dwelling units in the building are in floors 2 to 5 and are not located on the ground floor.

Potential impacts of the reduced rear yard setback are potential visual or noise conflicts between the proposed multifamily residential uses proposed for the rear of the site and the existing uses in the R-3 zone. However, these potential impacts are mitigated by existing site conditions.

The existing building on the site to the north is set back at least 50 ft. from the rear property line and is separated from the development site by mature, thick vegetation which will protect the existing building from visual and noise impacts from the proposed development. In addition, the site to the north is a mapped Significant Landmark, and the building can be used for a number of office or commercial uses as an incentive for its preservation.

As noted above, the proposed building program minimizes the window openings on the portion of the building that comes closest to the northern property line. Unit windows are pulled back from the north property line and provide views to an internal courtyard in the rear of the building.

Public Benefits

The requested setback and step back variances, combined with the requested Building Height Variance, result in significant public benefits:

- The reduced setbacks, step back, and increased height will allow Providence Supportive Housing to add 18 dwelling units to the proposed project. This increases the total number of dwelling units from 54 units to 72 units deeply affordable senior housing units. There is still a need, but increased units within this development will serve low-income seniors and provide access to medical care on site.
- The R-3 portion of the site will remain as a landscaped open space and will provide surface parking to serve the site (approval of this parking area has been requested through a separate Conditional Use application). This open space eases the transition from the new building on the western portion of the site to the existing residential development to the east.
- The building is being designed to meet at least Earth Advantage Gold certification, which means the building will be designed and constructed with an eye toward energy use reduction, indoor air quality, durability, and comfort for occupants.
- The site will provide electrical vehicle charging infrastructure, and the building will be "solar ready," for ease of future retrofitting with solar panels.
- Since the proposed development is intended to serve low-income seniors, it will not impact school capacity.

- The proposed development will construct new half street improvements with a sharrow for bicyclists, curb, and sidewalk along the site frontage on SE Lewellyn St and SE 34th Ave, increasing comfort for pedestrians and cyclists.
- c. Impacts from the proposed variance will be mitigated to the extent practicable.

Response: As described above, the potential impacts of the proposed variances do not rise to the level of actual impacts because they are mitigated by existing vegetation, the building location, the proposed building programming, and the mix of office and residential uses south of the site. This criterion is met.

[...]

19.911.7 Building Height Variance in the General Mixed Use Zone

A. Intent

To provide a discretionary option for variances to maximum building heights in the General Mixed Use Zone to reward buildings of truly exceptional design that respond to the specific context of their location and provide desired public benefits and/or amenities.

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Subsection 19.303.4.B.2.b and elect to use both of the available height bonuses of Subsection 19.303.4.B.2 for a total building height of 5 stories.

Response: The proposed building height is 62 ft. and 5 stories. The proposed height exceeds the 57 ft. that is permitted by 19.303.4.B.2.b and proposes to use both of the height bonuses available per 19.303.4.B.3. The applicant requests a Building Height Variance to allow the use of both height bonuses, for a cumulative height of 5 stories and 50 ft. This section is applicable.

[…]

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

1. The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Response: The residential neighborhood starts south east of the site. The topography slopes up higher than the development site both to the east and north. The first few residential buildings east of 34th Ave and on either side of SE King Ave will be on level with the 4th of 5th story of this development if not higher due to the raised topography. The neighborly concerns around the lack of privacy from a taller building as such is mitigated. The development also sets itself away from the eastern neighborhood by keeping within the GMU zone and leaving the R-3 parcels as open space, which will be an amenity in the neighborhood.

Along SE Lewellyn St, major portion of the building frontage is set back to the maximum setback of 20 ft. allowed by the GMU zone. Only 44 ft. of the proposed building towards the Providence parking lot is closer to the right of way along SE Llewellyn St.

To visually mitigate the taller height of the building, a tri-partite building articulation is employed to fit well with the residential neighborhood. The building has a very strong brick base that is enhanced with large storefront windows with substantial glazing and transparency. The upper 4 stories are articulated to bring the building scale to neighborhood scale.

The 5th story steps back 4 ft. on the eastern wing along the SE Lewellyn St. The west wing of the building has bay projections to reduce the building scale that reflects the adjacent neighborhood.

2. The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.

Response: The project design creates a positive unique relationship to its surroundings and provides a transition from the commercially- and institutionally developed area to the west of the site to the residentially developed area to the east. The building is brought close to the sidewalk in the northwest corner, where the transition begins. The building and site are progressively stepped back as it moves to the east – the "east wing" is set back 18 ft. behind the "west wing" and transitions to a landscaped open space in the southeast area of the site.

The conceptual building design is highly articulated to reduce the visual mass of the building while accommodating the target number of affordable dwelling units and the necessary area of clinic space for the PACE Center.

The proposed materials include a brick base with a glazed storefront system and high-quality cementitious panel board and metal panel accents, and natural wood soffits which have been selected for their visual appeal, durability, and low environmental impact.

3. The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.

Response: The proposed development provides generous open space adjacent that allows a gentle transition to the east; deeply affordable housing for extremely low-income seniors; services that complement the adjacent Providence Hospital, electrical vehicle (EV) charging infrastructure; photovoltaic (PV) panel readiness; and Earth Advantage certification. Earth Advantage measures include efficient mechanical, lighting and plumbing systems, water efficient landscaping, and interior materials that are low VOC.

Finally, the proposed development will provide "eyes on the street" and further activate SE Lewellyn St by bringing the interior close to the street (as desired by the GMU base zone standards) and through construction of frontage improvements including half street, curb, gutter, planter strip, and sidewalk along the entire project frontage.

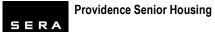
4. The proposed project ensures adequate transitions to adjacent neighborhoods.

Response: As described earlier, the site is somewhat unique. It is split-zoned GMU and R-3, so essentially the transition between adjacent neighborhoods happens on site. The most urban component of the property is in the southwest portion of the site, adjacent to the Providence Hospital parking lot and the GMU zone. Though Providence Hospital has no known plans to expand, a 45-ft. structure would be permitted on that site by right and could be increased to 57 ft. or 4 stories through height bonuses.

The applicant has preserved the R-3 area of the site for open space and surface parking to provide an extended transition from the proposed building to the existing residential uses to the east. The applicant plans to retain a significant portion of the R-3 area as open space. This area will be landscaped and include stormwater ponds and will provide additional outdoor space for the residents of the building and clients of the clinic.

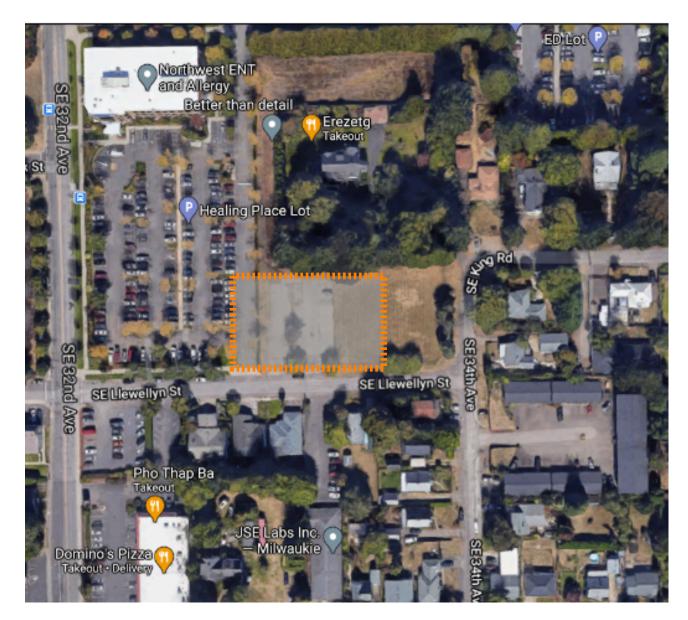
As detailed in these responses, the proposal meets the applicable standards and approval criteria of MMC Title 19, and the applicant respectfully requests approval of the request.



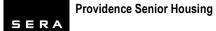


PLANNING COMMISSION REVIEW

04/05/21



SITE LOCATION - NTS



PLANNING COMMISSION REVIEW

04/05/21

SITE LOCATION

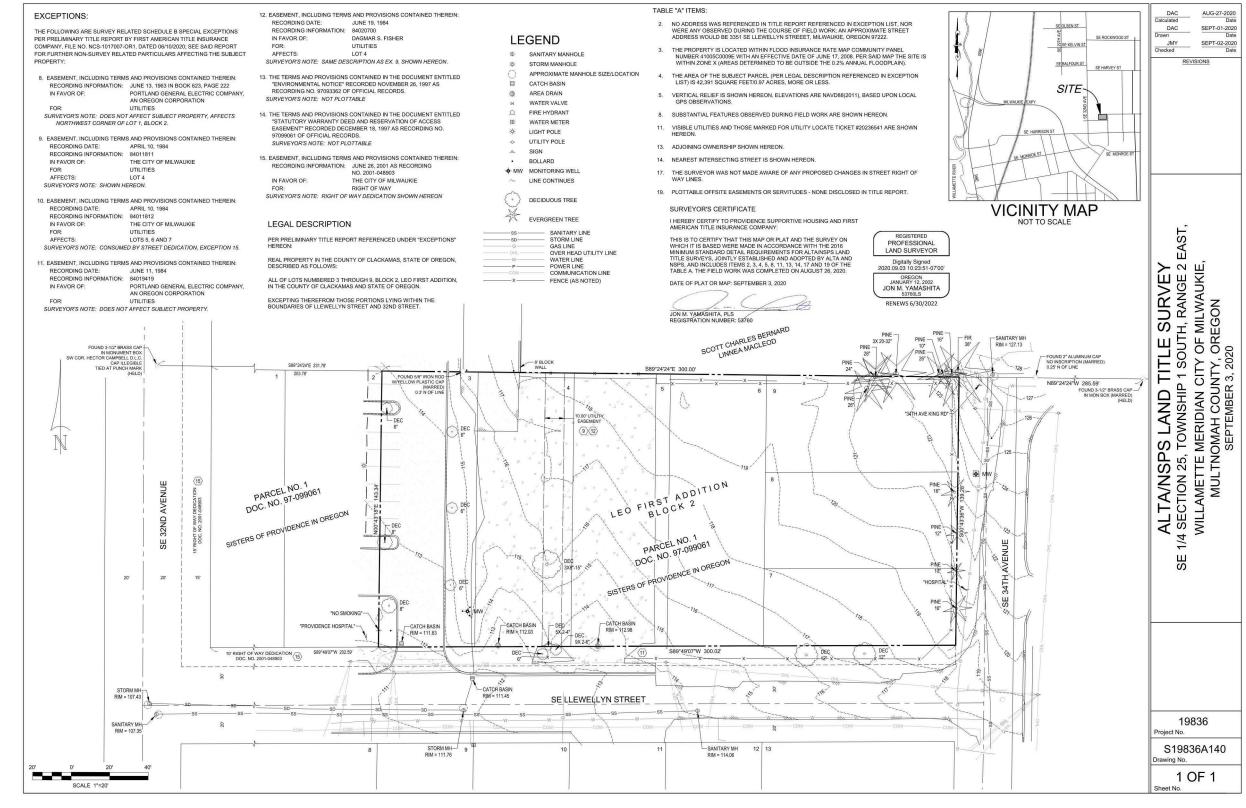


SITE CONTEXT



Providence Senior Housing

04/05/21

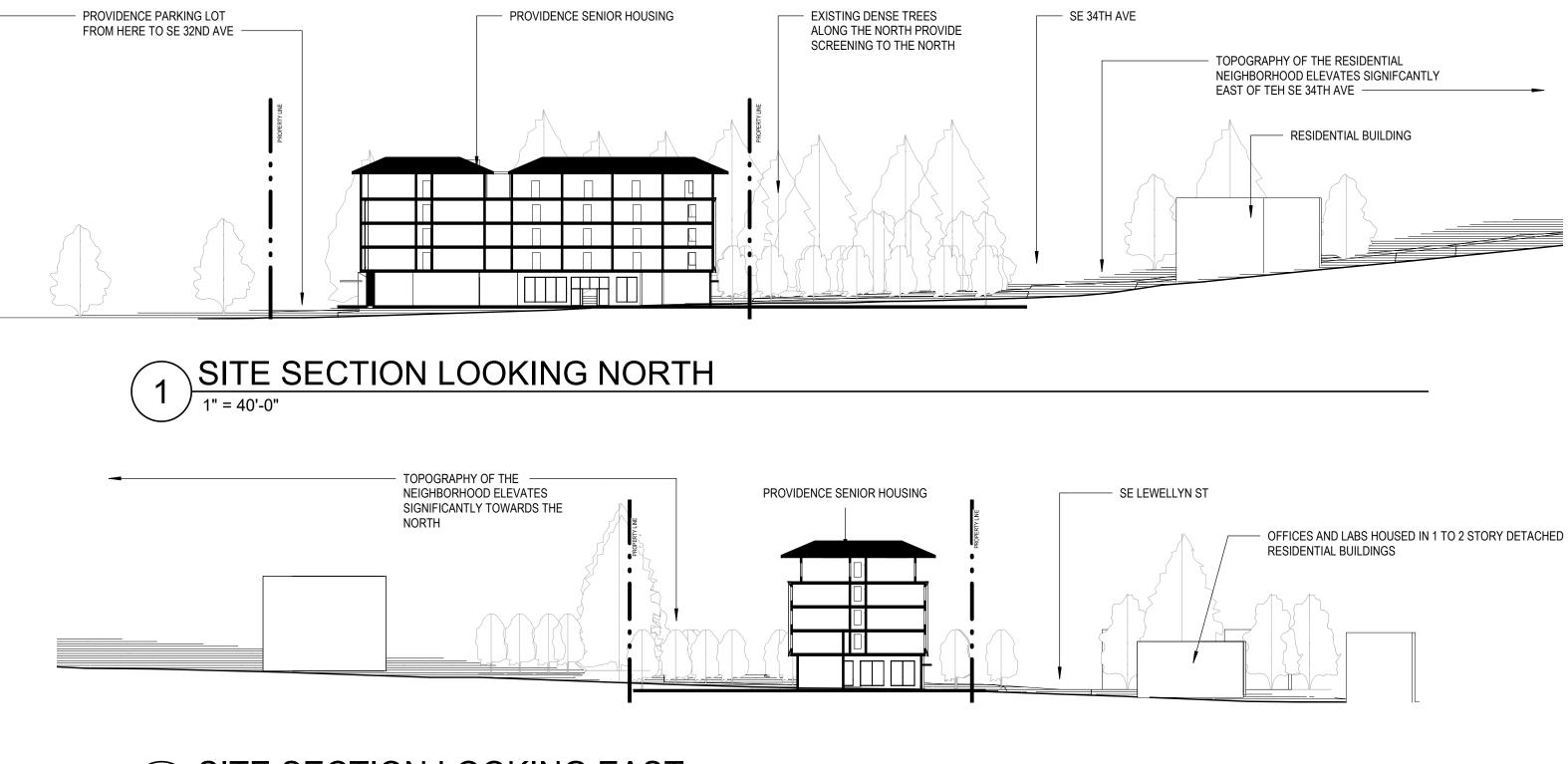


(1) SURVEY



04/05/21 PLANNING

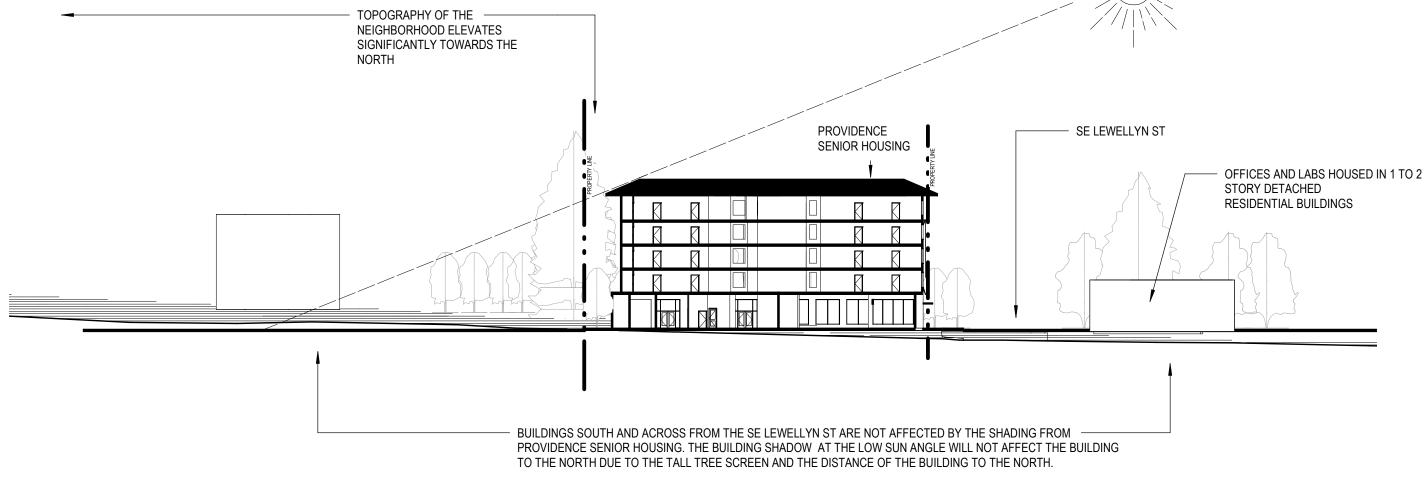
SERA





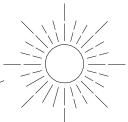


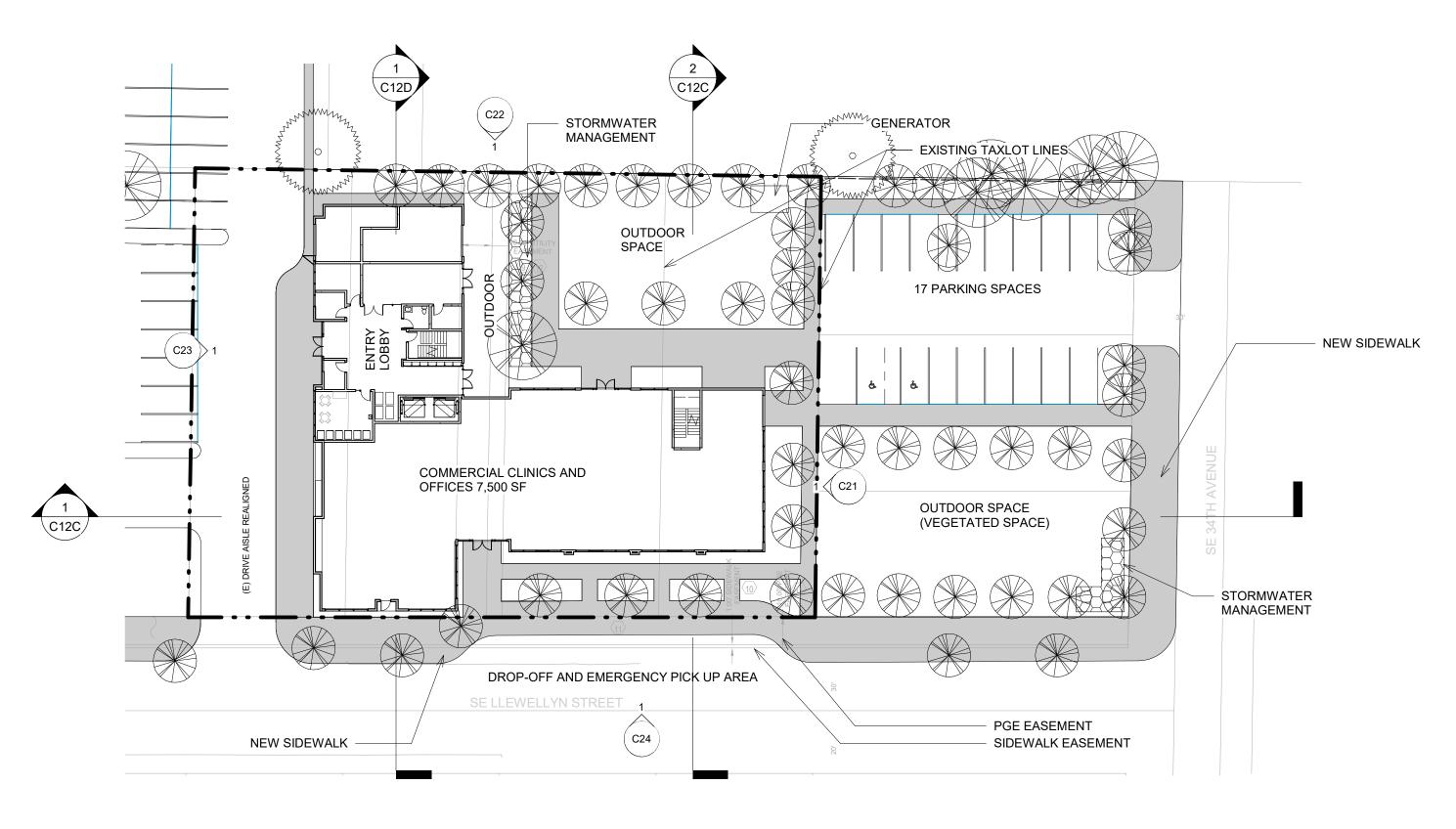
Providence Senior Housing



SITE SECTION LOOKING EAST - A 1



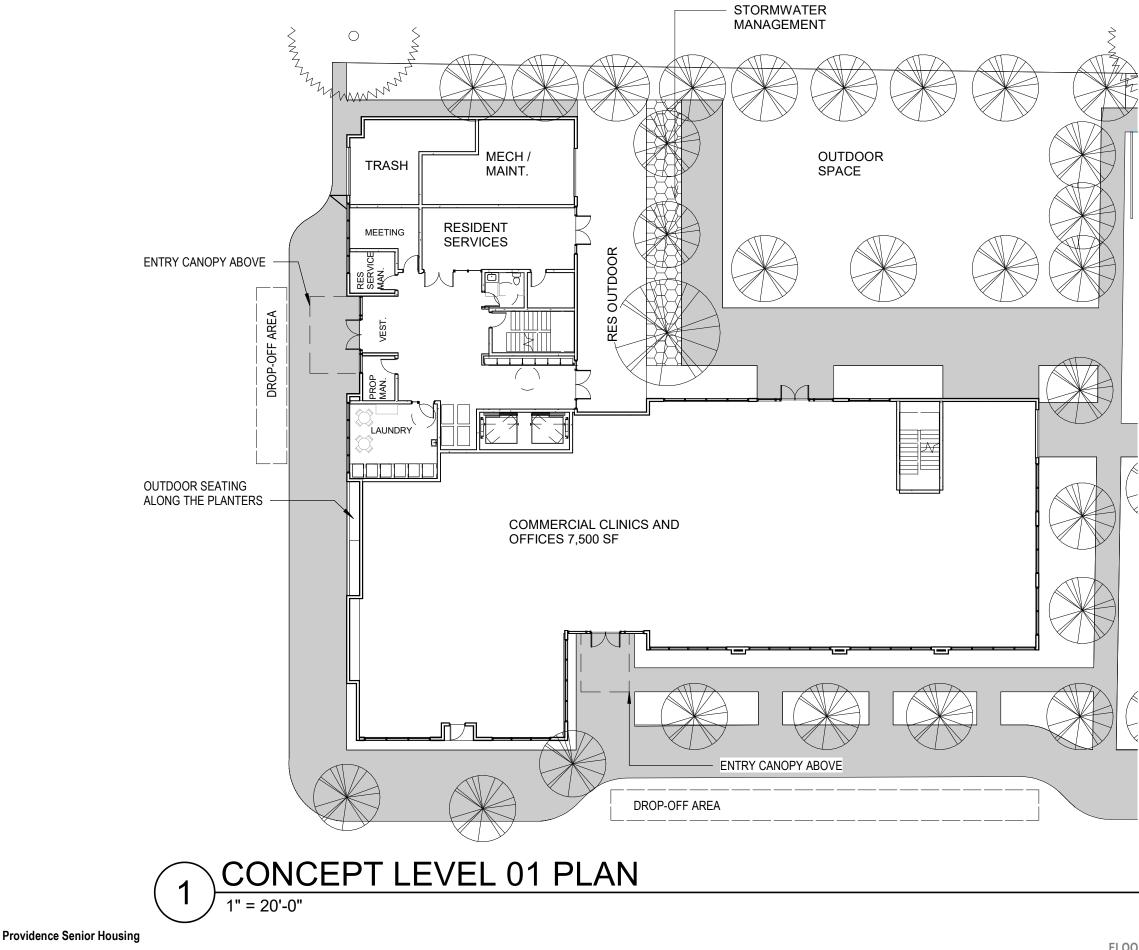




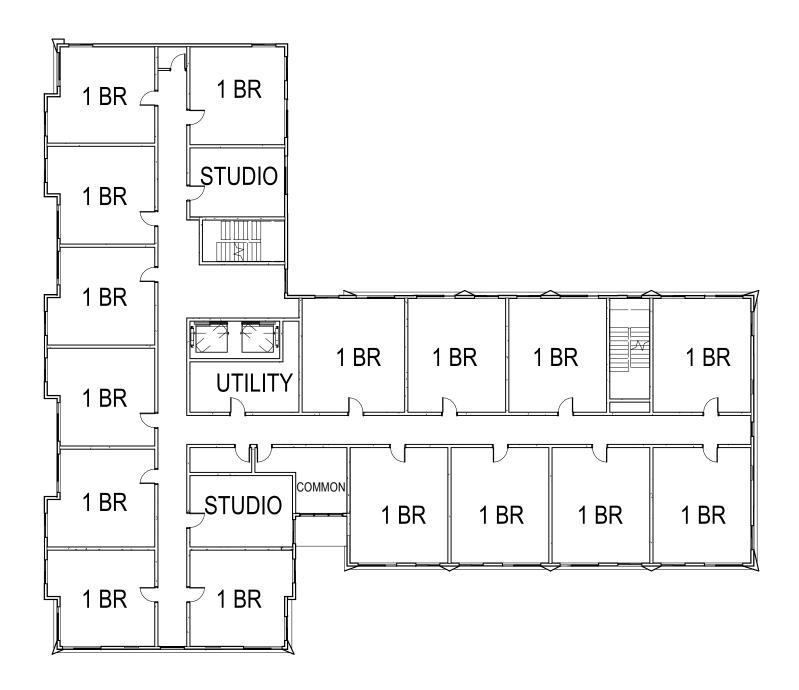




Providence Senior Housing

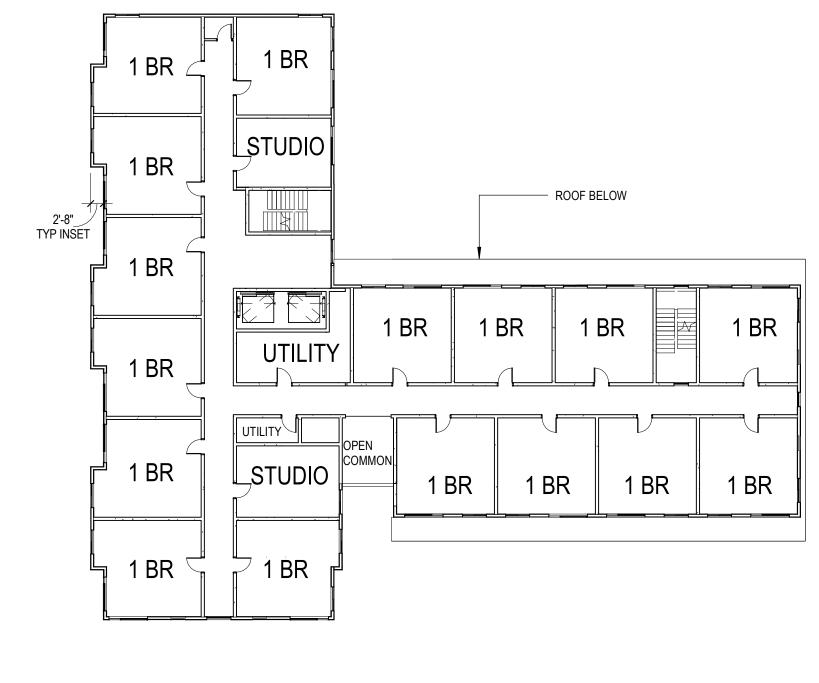


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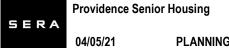








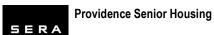
1) CONCEPT PLAN LEVEL 05



FLOOR PLANS LEVEL 05



BUILDING ELEVATION - EAST 1/16" = 1'-0"

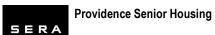


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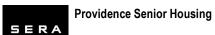


04/05/21



2'-0" SETBACK

1 BUILDING ELEVATION - WEST



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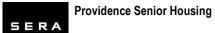


BUILDING ELEVATION - SOUTH 1 1/16" = 1'-0"



Providence Senior Housing 04/05/21





PLANNING COMMISSION REVIEW

04/05/21

SOUTHEAST VIEW



CEMENTITIOUS PANEL BOARD

CEMENTITIOUS PANEL BOARD

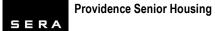
CEMENTITIOUS PANEL BOARD



TONGUE AND GROOVE WOOD SOFFIT

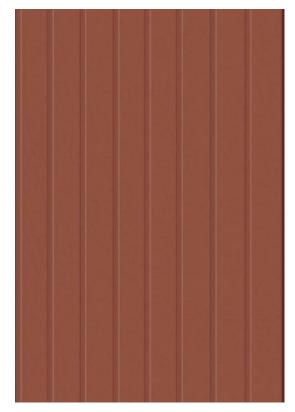


BRICK VENEER - COAL CREEK



04/05/21

PLANNING COMMISSION REVIEW



CEMENTITIOUS PANEL BOARD







ENVELOPE MATERIAL