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DRAWINGS (SEPARATE DOCUMENT, ATTACHED)

PRELIMINARY DRAINAGE REPORT (SEPARATE DOCUMENT, ATTACHED)

FLOODPLAIN HYDRAULICS ANALYSIS (SEPARATE DOCUMENT, ATTACHED)

NATURAL RESOURCE REVIEW (SEPARATE DOCUMENT, ATTACHED)

TRANSPORTATION IMPACT ANALYSIS (SEPARATE DOCUMENT, ATTACHED)

PRE-APPLICATION REPORT (SEPARATE DOCUMENT, ATTACHED)

COMPILED PARKING STALL STANDARDS (SEPARATE DOCUMENT, ATTACHED)

PRELIMINARY LEED SCORECARD (SEPARATE DOCUMENT, ATTACHED)

TRANSPORTATION DEMAND MANAGEMENT PROGRAM (SEPARATE DOCUMENT, ATTACHED)

BASIC PROJECT DATA

Applicant: Coho, LLC
8191 N. Lombard St. Suite #113
Portland, OR 97203

Contact: Jones Architecture – Ryan Scanlan
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Portland, OR 97209
Phone: 503.477.9165
rscanlan@jonesarc.com

Location: 11103 SE Main Street, Milwaukie, OR 97222

BUILDING DATA

Base Zone	DMU
Tax Lot Numbers	11E35AD01200 11E35AD01300 11E35AD01302 11E35AD01301 11E35AD01100
Site Area:	42,541 SF
Built Site Area:	35,894 SF
Building Area:	172,077 SF
Stories, per MMC 19.200	6 stories
Zoning Use Types:	Multi-family Residential, Retail Sales, Restaurant

PROJECT DESCRIPTION

Coho Point is a new multi-family project in downtown Milwaukie. The building will house 195 dwelling units. The ground story will feature retail spaces oriented toward Main Street and a corner restaurant space with an outdoor seating area that overlooks Dogwood Park and Kellogg Creek.

Coho Point is located at the gateway to Milwaukie. It is a public-private partnership on a complex site within the floodplain. The site fronts two primary downtown streets as well as Dogwood Park and Kellogg Creek, creating a dynamic relationship between the urban goals for downtown development and need to embrace the valuable adjacent natural resources. This dynamic has been a primary factor in the building and site design. Additionally, the building's proximity to SE McLoughlin and the Willamette River introduces another set of design challenges in terms of site access. The City of Milwaukie is a partner in this project, and the project addresses goals identified in the Comprehensive Plan and the Housing and Residential Land Needs Assessment. In addition, the project incorporates the development of significant public amenities and improvements, including floodplain mitigation, Kellogg Creek bank improvements, improvements to Dogwood Park, an extended public pedestrian path connecting Main Street to McLoughlin and provisions for a future public bike path.

FLOODPLAIN MITIGATION

The site characteristics are unique, due to its location adjacent to Kellogg Creek and associated water quality resources and habitat conservation areas. In order to maximize the site and respond to City goals for housing and economic development in the downtown district, development in the floodplain is required. To address the permanent WQR and HCA impacts, the project includes mitigation in the Adams Street right-of-way and nearby Dogwood Park. These off-site mitigation measures have been developed in partnership with the City and provide permanent improvements to the adjacent publicly owned sites.

SITE DESIGN

The site design takes advantage of the rich cultural setting and natural beauty to create a project that blends into the natural surrounding and provides an amenity for its users and the public. As the building fronts SE Main Street and SE Washington Street, street tree plantings were chosen to provide large mature trees that would reinforce the building as a gateway development into Milwaukie. The landscape along McLoughlin Boulevard is rich in texture and foliage and provides year round color. The site design takes advantage of the close proximity of Dogwood Park to the project. The park's open space, adjacent gabion structure and paved open space at the intersection of Main Street and Adams Street create a fluid form that softens the edge of the Adams Street right-of-way and provides pedestrian connection between Main Street and McLoughlin Boulevard. With an addition of a patio space next to a future restaurant at the base of the building, there is an opportunity to activate this corner of the park along with supporting many of the events on Main Street including the Farmer's Market.

BUILDING DESIGN

In response to the City's projected housing needs, the building will provide 195 dwelling units with a variety of unit types and sizes. The introduction of these residential units to the downtown district will invigorate the district and support its growing economy. The site is well-suited for apartment dwelling because of its close proximity to multiple public transportation options and a well-used bicycle path that connects to the Springwater Corridor Trail. The site's location, with views to the Willamette River to the west and Kellogg Creek and Dogwood Park to the south, will be attractive for residents seeking access to both natural and urban amenities.

Tenant spaces for future retail and restaurant uses are included at the ground story. These spaces open to SE Main Street and will generate activity throughout the day and evening. The future restaurant space will be located on the southeast corner of the building to offer views of Dogwood Park and Kellogg Creek and support the activities of the nearby Farmer's Market.

The building design responds to the unique site characteristics. The building is situated so that the tallest portions face SE Main and SE Washington Streets, to create an urban edge oriented toward the rest of the downtown

area. The building's massing steps down on the park and river sides, to respect the natural areas and provide multiple view opportunities. Exterior material selections respond to the downtown context on the north and east facades, utilizing brick, aluminum storefront and high quality fiberglass windows. The south, southwest and west facades incorporate softer and less prominent materials and defer to the landscape.

The project offers a unique opportunity to address both urban design and development and substantial natural resource enhancement. Working in close partnership with the City has provided a means to achieve a significant mixed-use development with many long-term benefits.

BASE ZONE STANDARDS

19.304 DOWNTOWN ZONES

19.304.5A FLOOR AREA RATIO. Maximum FAR allowed by Table 19.304.4 is 4:1 plus bonus for structured parking (.5 SF of additional FAR for every 1 SF of structured parking).

Response: The proposed FAR is 3.71 : 1. This criterion is met.

Basement Area (does not include private garage)	3,902 GSF
Ground Story Area	34,077 GSF
Second Story Area	30,062 GSF
Third Story Area	30,967 GSF
Fourth Story Area	30,967 GSF
Fifth Story Area	22,812 GSF
Sixth Story Area	19,290 GSF
<hr/> Building Area	<hr/> 172,077 GSF

Private Garage Area 30,801 GSF

Maximum FAR: 4 + Bonus
 FAR Bonus 30,801 x 0.5 = 15,401

Allowable FAR 172,077 + 15,401 = 185, 565 SF

$(172,077 / 185,565) \times 4 = 3.71 \text{ FAR}$

19.304.5B.3 BUILDING HEIGHT BONUSES. 3 stories and 45' base height are allowed by Table 19.304.4. Height bonuses of 2 stories (5 stories max) and 24' (69' max) are available if two of the following incentives are included:

- 1 story or 25% of gross area in residential
- Lodging
- Green building certification
- Building height variance (Type III process)

Response: The building is mixed-use and includes several stories of multi-family residential area. The residential area is 72% of the gross building area. The building is pursuing LEED certification and is anticipated to reach Silver. A preliminary LEED Scorecard has been included with this application.

5 stories and 69' maximum height are allowed with the bonuses. The proposed building is 6 stories and 78' from the zoning base point. A Type III variance is requested for the additional height at the end of this narrative.

19.304.5C.2.b(1) FLEXIBLE GROUND FLOOR SPACE. Requires 14' minimum clear ceiling at 75% of the ground story.

Response: A 14' clear ceiling height is provided at the ground story. This criterion is met.

19.304.5C.2.b(2) FLOOR AREA ADJACENT TO MAIN STREET. Requires interior area adjacent to Main Street to be 20' deep minimum.

Response: The interior areas adjacent to Main Street are a minimum of 20' deep. This criterion is met.

19.304.5D.2.b STREET SETBACKS/BUILD-TO LINES. Requires 75% of the first floor to be built to the front lot line (zero setback) for Main Street, Washington Street and the Adams Street right-of-way.

Response: The Main Street frontage at the ground story is built to the lot line, with the exception of the restaurant entry area. The restaurant entry is set back 19'-0" from the Main Street lot line. This setback makes up 8% of the Main Street frontage and is allowed by 19.304.5D.2.b(1).

The remaining Main Street frontage includes recessed areas at entrances, storefront bays and wall material transitions. The recesses occur beneath the datum line established by the canopies. The remaining portion of the ground story wall above the datum line is built to the lot line. The recesses provide façade articulation, allow for appropriate construction detailing where different materials intersect and prevent doors from swinging over the right-of-way.

The lineal foot percentages of recessed areas beneath the canopy line along Main Street are as follows:

<i>At lot line/0'</i>	<i>16%</i>
<i><2'</i>	<i>50%</i>
<i>>2' (doors)</i>	<i>26%</i>
<i>19' (restaurant)</i>	<i>8%</i>

The Washington Street frontage at the ground story is similarly built to the lot line at the ground story for the commercial portion of the building, with slightly recessed storefront bays and a recessed area at the garage entry/pedestrian door. The residential portion of the ground story (which is above the sidewalk level due to significant grade change) is also slightly recessed to differentiate the residential area and to allow space for plants to grow up the garage screen walls. These recesses occur beneath the same datum line as the Main Street recesses.

The lineal foot percentages of recessed areas along Washington Street are as follows (measured from the Main Street corner to the start of the ROW curve at McLoughlin per Figure 19.304-5):

<i>At lot line/0'</i>	<i>8%</i>
<i><2'</i>	<i>81%</i>
<i>>2' (doors)</i>	<i>11%</i>

The commercial portion of the Adams Street ROW frontage is set 2-1/2" off the lot line for the full height of the building. This is due to the dimensions of a brick module. Extending the footprint all the way to the lot line would result in small slivers of brick at the Main Street/Adams Street corner.

The commercial storefront bays along Adams Street are slightly recessed from the brick face in the same manner as the Main and Washington Street facades and occur beneath the same datum line. The restaurant entry area is recessed 20'.

At the point where the building transitions to residential use along the Adams Street ROW, the ground story is set back approximately 6' to mark the change of use and to allow for a residential deck. As the Kellogg Creek bank turns and cuts across the property, the building geometry angles to the northwest, which results in a deeper setback that generally follows the line of the bank.

The lineal foot percentages of recessed areas along Adams Street ROW are as follows (measured to the point where the creek bank turns northwest per Figure 19.304-5):

<i>At lot line/0'</i>	<i>0%</i>
<i>2-1/2"</i>	<i>18%</i>
<i><2'</i>	<i>36%</i>
<i>>2' (residential)</i>	<i>29%</i>

20' (restaurant/angled residential) 14%
>20' (far angled wall) 3%

This criterion is not met. A Type III variance is requested at the end of this narrative.

19.304.5E FRONTAGE OCCUPANCY. Requires 90% of the site frontage along Main Street and 75% of the site frontage along Washington Street to be occupied by a building.

Response: 100% of the site frontages along Main Street and Washington Street are occupied by the building. This criterion is met.

19.304.5F.c PRIMARY ENTRANCES. Requires that building entrances be oriented toward the sidewalk. If a development is on the corner of Main Street and another street, the main entrance shall be oriented towards Main Street.

Response: The residential lobby entrance, restaurant entrance, and retail entrances all open onto Main Street. This criterion is met.

19.304.5G OFF-STREET PARKING. Requires off-street parking per 19.600.

Response: See 19.600 Section Responses below.

OVERLAY ZONES AND SPECIAL AREAS

WILLAMETTE GREENWAY CONDITIONAL USE

19.401.6 Criteria

A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;

Response: The zoning of the site is Downtown Mixed Use, which allows the proposed urban uses (residential, retail, restaurant). This criterion is met.

B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;

Response: The site is not located immediately adjacent to the river and therefore does not directly affect the scenic or recreational character of the river itself. The building and site development do include measures to improve and enhance the tributary Kellogg Creek and Dogwood Park with floodplain mitigation and landscaping design.

The site is adjacent to a WQR area, Kellogg Creek, which has associated vegetated corridors between 50 and 100 feet in width from the ordinary high water line, depending on the adjacent slopes. As described in response to MMC 19.402, impacts to the WQR area (vegetated corridors) are proposed to facilitate the development. These permanent impacts will be mitigated off-site within Dogwood Park and the Adams Street right-of-way adjacent to Kellogg Creek.

For all of the mitigation areas, native plants are being used per the City of Milwaukie's standards. In other areas, a combination of native, indigenous, and drought-tolerant plants is being utilized.

A new public pedestrian path to link SE Main St. to the river along the Kellogg Creek bank is incorporated into project scope. This is a significant public connection that will greatly improve the ability of the public to enjoy Kellogg Creek and access the Willamette River. Provisions have been included for a future public bike path to similarly connect SE Main St. to the river.

The building form and massing are in direct response to Kellogg Creek and the proximity of the river. Additional detailed descriptions of the project's design response to the natural environment are included in other parts of this narrative.

This criterion is met.

C. Protection of views both toward and away from the river;

Response: Washington Street is identified as a view corridor. This project will not block views along the view corridor. Additionally, the project includes the development of a new public pedestrian path to link SE Main St. to the river. This is a significant new public amenity that will offer opportunities to view the Willamette River. It will also provide views of Kellogg Creek and its associated wetland improvements. Provisions have been included for a future public bike path to similarly connect SE Main St. to the river, so additional views will be offered along the route of the bike path.

Views from the river toward the site will include the new path and the improved Kellogg Creek natural area. Views from the river will also include the new building. The building design strategy has taken into account the visibility of the building from the river, Dogwood Park, and the new path along Kellogg Creek. The building massing strategy are in direct response to the proximity of these resources and are designed to soften the view of the building from these areas. Similarly, the material palette for the facades facing the natural resources has been selected to visually recede and not compete with the resources. Planted screens have been added at the parking garage walls to soften the appearance of the building when viewed from the river, Dogwood Park and along the new pedestrian path.

In addition to the public views to and from the site, views to the river are provided from the building's interior as well as from multiple roof decks. Additionally, in response to early feedback, the restaurant has been relocated to the southeast corner of the building in order to maximize views of Dogwood Park and Kellogg Creek from the restaurant's outdoor seating area. Strategically locating the outdoor seating area in this location will help generate interest in the new public path and Kellogg Creek.

This criterion is met.

D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;

The site is not located immediately adjacent to the river and therefore does not directly impact the river itself. The building site design includes landscaping on the south, southwest and west sides, adjacent to the natural resources. Additionally, extensive floodplain mitigation is included at the banks of Kellogg Creek and the adjacent Dogwood park. A new public pedestrian path connecting SE Main St. to the river is included in the project scope. The path design incorporates smaller scale landscaping, quality materials and bollard lighting to aesthetically enhance the public experience. This criterion is met.

E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;

Response: The site is not immediately adjacent to the river. Public access to the river is improved by the new public pedestrian path from SE Main St. This is a significant connection that will greatly improve the ability of the public to enjoy Kellogg Creek and the Willamette River. Provisions have been included for a future public bike path to similarly connect SE Main St. to the river. This criterion is met.

F. Emphasis on water-oriented and recreational uses;

Response: The site is not immediately adjacent to the river. Water-oriented and recreational uses are not appropriate for this site, nor allowed by the zoning. This criterion does not apply.

G. Maintain or increase views between the Willamette River and downtown;

Response: The views from the river to this area of downtown will be increased with the addition of the new public pedestrian path. The views will be improved by the extensive landscaping, bank improvements at Kellogg Creek, and planted screens along the river-facing sides of the building. The building design steps down toward the river and transitions to different building materials on the river facing sides in order to provide an attractive and varied view. Planted screens are included on the river facing sides of the building to further soften the building's edges. This criterion is met.

H. Protection of the natural environment according to regulations in Section 19.402;

Response: The site is adjacent to a WQR area, Kellogg Creek, which has associated vegetated corridors between 50 and 100 feet in width from the ordinary high water line, depending on the adjacent slopes. As described in response to MMC 19.402, impacts to the WQR area (vegetated corridors) are proposed to facilitate the development. These permanent impacts will be mitigated off-site within Dogwood Park and the Adams Street right-of-way adjacent to Kellogg Creek.

For all of the mitigation areas, native plants are being used per the City of Milwaukie's standards. In other areas, a combination of native, indigenous, and drought-tolerant plants is being utilized.

This criterion is met.

I. Advice and recommendations of the Design and Landmark Committee, as appropriate;

Response: This project will be presented to the Design and Landmark Committee. The presentation is anticipated for the DLC meeting on May 3, 2021. This criterion will be met.

J. Conformance to applicable Comprehensive Plan policies;

Response: The project is a partnership between the applicant and the City of Milwaukie, and the development strategy has been coordinated closely with the City's development team assigned to the project. The proposed uses are consistent with the goals and policies of the Comprehensive Plan as well as the Housing and Residential Land Needs Assessment. Specific Comprehensive Plan goals are listed and described individually in Section 19.905.A.6 Conditional Use Approval Criteria. This criterion is met.

K. The request is consistent with applicable plans and programs of the Division of State Lands;

Response: The proposed project is not inconsistent with any known plans or programs of the Department of State Lands (DSL). The project does not propose removal-fill activities below the ordinary high water line (OHW) or within waters of the State, and no permits from DSL or the US Army Corps. Of Engineers (USACE) are required. This criterion is met.

L. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

Response: The buffer plan is addressed in 19.401.8 below.

19.401.8 Vegetation Buffer Requirements

A. A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location 25 ft upland from the ordinary high water line. This area shall be preserved, enhanced, or reestablished, except for development otherwise allowed in this title, and subject to the requirements of Subsection 19.401.8.B below.

Response: The site is not immediately adjacent to the river and therefore a buffer along the river itself cannot be provided. However, the site is adjacent to a WQR area, Kellogg Creek, which has associated vegetated corridors between 50 and 100 feet in width from the ordinary high water line, depending on the adjacent slopes. As described in response to MMC 19.402, impacts to the WQR area (vegetated corridors) are proposed to facilitate the development. These permanent impacts will be mitigated off-site within Dogwood Park and the Adams Street right-of-way adjacent to Kellogg Creek. This criterion is met.

B. Prior to development (e.g., removal of substantial amounts of vegetation or alteration of natural site characteristics) within the buffer, a vegetation buffer plan for the buffer area shall be submitted for review and approval. The plan shall address the following areas and is subject to the following requirements:

1. RIVERBANK STABILIZATION. The plan shall identify areas of riverbank erosion and provide for stabilization. Bioengineering methods for erosion control shall be used when possible. When other forms of bank stabilization are used, pocket plantings or other means shall be used to provide vegetative cover.

Response: The site is not immediately adjacent to the river and therefore riverbank stabilization cannot be provided. However, the site is adjacent to a WQR area, Kellogg Creek, which has associated vegetated corridors between 50 and 100 feet in width from the ordinary high water line, depending on the adjacent slopes. As described in response to MMC 19.402, impacts to the WQR area (vegetated corridors) are proposed to facilitate the development. These permanent impacts will be mitigated off-site within Dogwood Park and the Adams Street right-of-way adjacent to Kellogg Creek.

Stabilization efforts will be utilized to recreate a stable bank for Kellogg Creek, including gabion walls. Plantings will be included on the gabion walls to provide vegetative cover. This criterion is met.

2. SCENIC VIEW PROTECTION (SCREENING). The plan shall identify the impact of the removal or disturbance of vegetation on scenic views from the river, public parks, public trails, and designed public overlooks.

Response: The site is not immediately adjacent to the river and therefore the project will not be disturbing scenic views from the river from any public parks, trails or purpose-built public overlooks. The project is adjacent to Kellogg Creek, and improvements to Dogwood Park are proposed that will enhance the public access and views to this natural area. Mitigation plantings adjacent to the park will increase the natural feel through the use of native plants and removal of invasive, non-native and noxious vegetation. This criterion is met.

3. RETAIN EXISTING NATIVE VEGETATION AND LARGE TREES. The plan shall provide for the retention of existing large trees and existing native vegetation, including small trees, ground covers, and shrubs, within the vegetation buffer area. Removal of native vegetation and large trees is allowed pursuant to the following standards:

- a. Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.

b. Grading or tree removal is allowed in conjunction with establishing a permitted use. Only the area necessary to accommodate the permitted use shall be altered.

c. Tree and vegetation removal may be allowed to create 1 view window from the primary residential structure to the river when suitable views cannot be achieved through pruning or other methods. The width of a view window may not exceed 100 ft or 50% of lineal waterfront footage, whichever is lesser. The applicant must clearly demonstrate the need for removal of trees and vegetation for this purpose.

Response: The site is not immediately adjacent to the river and therefore the removal of existing native vegetation and trees with the river's vegetation buffer area is not proposed. However, the project is adjacent to Kellogg Creek, a WQR area, which includes adjacent vegetated corridors as previously described. As identified in response to MMC 19.402 in this narrative, permanent impacts are proposed to this WQR area. As shown on the existing conditions plan, sheet 46 of the plan set, various trees are proposed for removal within the vegetated corridor. Impacts to the vegetated corridors that are resulting from the proposed development, a mixed-use residential and commercial building that is a permitted use in the DMU zone, will be mitigated adjacent to Dogwood Park and the Adams Street right-of-way, which include native plantings consistent with the Milwaukie Native Plant List. Prior to plantings, invasive, non-native and noxious vegetation will be removed within the mitigation area. Proposed plantings are identified on sheets 12 and 13 of the plan set. These criteria are met.

4. RESTORE NATIVE VEGETATION. The plan shall provide for restoring lands within the buffer area which have been cleared of vegetation during construction with native vegetation.

Response: For all of the mitigation areas, native plants are being used per the City of Milwaukie's standards. In other areas, a combination of native, indigenous, and drought-tolerant plants is being utilized. This criterion is met.

5. ENHANCE VEGETATION BUFFER AREA. The plan may provide for enhancing lands within the buffer area. Regular pruning and maintenance of native vegetation shall be allowed. Vegetation that is not native, except large trees, may be removed. New plant materials in the buffer strip shall be native vegetation.

Response: The site is not immediately adjacent to the river and therefore the removal of existing native vegetation and trees with the river's vegetation buffer area is not proposed. However, the project is adjacent to Kellogg Creek, a WQR area, which includes adjacent vegetated corridors as previously described. As identified in response to MMC 19.402 in this narrative, permanent impacts are proposed to this WQR area. As shown on the existing conditions plan, sheet 46 of the plan set, various trees are proposed for removal within the vegetated corridor. Impacts to the vegetated corridors that are resulting from the proposed development, a mixed-use residential and commercial building that is a permitted use in the DMU zone, will be mitigated adjacent to Dogwood Park and the Adams Street right-of-way, which include native plantings consistent with the Milwaukie Native Plant List. Prior to plantings, invasive, non-native and noxious vegetation will be removed within the mitigation area. Proposed plantings are identified on sheets 12 and 13 of the plan set. This criterion is met.

C. The vegetation buffer requirements shall not preclude ordinary pruning and maintenance of vegetation in the buffer strip.

19.402 NATURAL RESOURCES NR**19.402.3 Applicability**

A. The regulations in Section 19.402 apply to all properties that contain or are within 100 ft of a WQR and/or HCA (including any locally significant Goal 5 wetlands or habitat areas identified by the City of Milwaukie) as shown on the Milwaukie Natural Resource Administrative Map (hereafter “NR Administrative Map”).

Response: The Coho Point site, Adams Street right-of-way, and Dogwood Park site contain City mapped Water Quality Resource (WQR) and Habitat Conservation Areas (HCA) associated with Kellogg Creek, a primary protected water feature, per the City’s NR Administrative Map. As a result, these sites contain an associated vegetated corridor that varies between 50 and 100 feet—depending on adjacent slopes—along the WQR (Kellogg Creek). Therefore, the provisions of this section are applicable.

The applicant’s environmental consultant, Pacific Habitat Services (PHS), has prepared a Natural Resources Review (PHS report), which further demonstrates the project’s compliance with applicable criteria of this section, including the general discretionary review criteria.

B. For properties that do not contain, but are within 100 ft of, a WQR and/or HCA, as shown on the NR Administrative Map, and where an activity not listed as exempt in Subsection 19.402.4.A will disturb more than 150 sq ft, a construction management plan is required in accordance with Subsection 19.402.9 (see also Table 19.402.3).

Response: The Coho Point site, Adams Street right-of-way, and Dogwood Park site contain City mapped WQR and HCA areas. As the proposed development results in approximately 2,311 square feet of permanent HCA impacts and approximately 279 square feet of temporary HCA impacts, as well as approximately 16,904 square feet of permanent vegetated corridor (WQR) impacts and approximately 10,405 square feet of temporary WQR impacts, as identified on Figure 5 of the PHS report, a construction management plan is required per MMC 19.402.3.G, and is included as sheet 49 of the plan set.

C. The NR Administrative Map, which shows WQRs and HCAs, is adopted by reference. The NR Administrative Map shall be used to determine the applicability of Section 19.402 and shall be administered in accordance with Subsection 19.402.15.

Response: As previously identified, the Coho Point site, Adams Street right-of-way, and Dogwood Park site contain City mapped WQR and HCA areas. Therefore, the provisions of this section are applicable.

D. Designated natural resources are shown on the NR Administrative Map as follows:

1. Water quality resources (WQRs) include protected water features and their associated vegetated corridors, as specified in Table 19.402.15. The vegetated corridor is a buffer around each protected water feature, established to prevent damage to the water feature. The width of the vegetated corridor varies depending on the type of protected water feature, upstream drainage area served, and slope adjacent to the protected water feature. The NR Administrative Map is a general indicator of the location of vegetated corridors; the specific location of vegetated corridors shall be determined in the field in accordance with Table 19.402.15.
2. Habitat conservation areas (HCAs) include significant Goal 5 wetlands, riparian areas, and fish and wildlife habitat. HCAs are designated based on a combination of inventory of vegetative cover and analysis of habitat value and urban development value. HCA locations on the NR Administrative Map are assumed to be correct unless demonstrated otherwise; verifications and corrections shall be processed in accordance with the procedures established in Subsection 19.402.15.

Response: As previously identified, the Coho Point site, Adams Street right-of-way, and Dogwood Park site contain City mapped WQR and HCA areas. The PHS report includes the City mapping showing HCA, vegetated corridor, and wetlands within the sites (See Figure 3). The HCA areas have been field verified by PHS in accordance with MMC Table 19.402.15 and are shown to exist within the sites. The field verified HCA line is shown on Figure 8 within the PHS report. Therefore, the provisions of this section are applicable.

E. To determine whether a proposed activity on a given property will trigger any requirements of Section 19.402, the City shall use the latest available aerial photographs; a copy of the applicable section of the NR Administrative Map; and, in the case of WQRs, the parameters established in Table 19.402.15. If a property owner or applicant believes that the NR Administrative Map is inaccurate, they may propose corrections according to the standards established in Subsection 19.402.15.

Response: As previously identified, the Coho Point site, Adams Street right-of-way, and Dogwood Park site contain City mapped WQR and HCA areas. The HCA areas have been field verified by PHS and are shown to exist within the sites. Therefore, the provisions of this section are applicable.

F. In the context of designated natural resources, "disturbance" is a condition or result of an act that "disturbs" as defined in Section 19.201. Disturbance can be either temporary or permanent as noted below.

1. Temporary disturbances are those that occur during an allowed or approved development or activity but will not persist beyond completion of the project. Temporary disturbances include, but are not limited to, accessways for construction equipment; material staging and stockpile areas; and excavation areas for building foundations, utilities, stormwater facilities, etc.

2. Permanent disturbances are those that remain in place after an allowed or approved development or activity is completed. Permanent disturbances include, but are not limited to, buildings, driveways, walkways, and other permanent structures.

Response: The proposed development results in approximately 2,311 square feet of permanent HCA impacts and approximately 279 square feet of temporary HCA impacts, as well as approximately 16,904 square feet of permanent WQR impacts and approximately 10,405 square feet of temporary WQR impacts. These permanent and temporary impacts are necessary to facilitate the construction of the proposed mixed-use development on the Coho Point site and improvements to the City's Dogwood Park.

G. If more than 150 sq ft of area will be disturbed in conjunction with a proposed activity listed as exempt in Subsection 19.402.4.B, a construction management plan shall be submitted according to the provisions of Subsection 19.402.9. This requirement applies even when the proposed activity will not occur within a designated natural resource but is within at least 100 ft of the resource, in accordance with Table 19.402.3.

Response: As identified on Figure 5 of the PHS report, approximately 2,311 square feet of permanent HCA impacts and approximately 279 square feet of temporary HCA impacts, as well as approximately 16,904 square feet of permanent WQR impacts and approximately 10,405 square feet of temporary WQR impacts result from the project. Therefore, a construction management plan is required, and is included in the plan set as sheet 49. As identified in response to MMC 19.402.9, the construction management plan provides all required information.

H. Proposed activities that are listed as exempt or occur more than 100 ft from a WQR or HCA, as shown on the NR Administrative Map or determined in accordance with Table 19.402.15, do not require review under the provisions of Section 19.402.

Response: The applicant is proposing a mixed-use residential and commercial building within the Coho Point site, as well as improvements to Dogwood Park and the Adams Street right-of-way, which all

contain WQR and HCA areas. The proposed activities are not exempt per MMC 19.402.4. and require review under the provisions of this section.

I. Those portions of streams, creeks, and other protected water features that appear on the NR Administrative Map but are enclosed in pipes, culverts, or similar structures are not subject to the provisions of Section 19.402, except where a proposed activity will expose or directly disturb the protected water feature, such as with excavation. For WQRs, the underground portion of the protected water feature is not considered a protected water feature for purposes of determining the WQR location as outlined in MMC Table 19.402.15. For HCAs, the boundary verification options provided in MMC 19.402.15 may be used as necessary to determine whether the aboveground characteristics of the underground portion of the protected water feature affects the representation of HCA on the NR Administrative Map.

Response: As previously identified, the Coho Point site, Adams Street right-of-way, and Dogwood Park site contain City mapped WQR and HCA areas. The PHS report includes the City mapping showing HCA, vegetated corridor, and wetlands within the sites (See Figure 3). The HCA areas have been field verified by PHS in accordance with MMC Table 19.402.15 and are shown to exist within the sites per Figure 8 of the PHS report. Therefore, the provisions of this section are applicable.

J. The requirements of Section 19.402 apply, as shown in Table 19.402.3, both to properties that include a WQR and/or HCA, and to properties that do not include a WQR or HCA but where an activity is proposed within 100 ft of a WQR or HCA.

Response: As previously identified, the Coho Point site, Adams Street right-of-way, and Dogwood Park site contain City mapped WQR and HCA areas. A copy of City mapping showing HCA, vegetated corridor, and wetlands within the sites is included with the PHS report as Figure 3. The HCA areas have been field verified by PHS in accordance with MMC Table 19.402.15 and are shown to exist within the sites per Figure 8 of the PHS report. Therefore, the provisions of this section are applicable.

K. Activities that are not exempt per Subsection 19.402.4, or prohibited per Subsection 19.402.5, are subject to the Type I, II, or III review process as outlined in Table 19.402.3.K.

Response: The applicant is proposing a mixed-use residential and commercial building within the Coho Point site, as well as improvements to Dogwood Park and the Adams Street right-of-way, which contain WQR and HCA areas. The proposed activities are not exempt per MMC 19.402.4. and require review under the provisions of this section. As identified in response to MMC 19.402.8.A, a Type III review is required.

19.402.8 Activities Requiring Type III Review

Within either WQRs or HCAs, the following activities are subject to Type III review and approval by the Planning Commission under Section 19.1006, unless they are otherwise exempt or permitted as a Type I or II activity.

A. The activities listed below shall be subject to the general discretionary review criteria provided in Subsection 19.402.12:

1. Any activity allowed in the base zone that is not otherwise exempt or permitted as a Type I or II activity.
2. Within HCAs, development that is not in compliance with the nondiscretionary standards provided in Subsection 19.402.11.D.
3. New roads to provide access to protected water features, necessary ingress and egress across WQRs, or the widening of an existing road.

4. Improvement of existing public utility facilities that cannot meet the applicable standards of Subsection 19.402.11.E.
5. New stormwater facilities that cannot meet the applicable standards of Subsection 19.402.11.E.
6. New public or private utility facility construction that cannot meet the applicable standards of Subsection 19.402.11.E.
7. Walkways and bike paths that are not exempt per Subsection 19.402.4 or cannot meet the applicable standards of Subsection 19.402.11.E.
8. Tree removal in excess of that permitted under Subsections 19.402.4 or 19.402.6.
9. Landscaping and maintenance of existing landscaping that would increase impervious area by more than 150 sq ft.
10. Routine repair and maintenance, alteration, and/or total replacement of existing legal buildings or structures that increases the existing disturbance area by more than 150 sq ft within the WQR.
11. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, and parking improvements that would disturb more than 150 sq ft within the WQR.

Response: The applicant is proposing a mixed-use residential and commercial building within the Coho Point site, as well as improvements to Dogwood Park and the Adams Street right-of-way, which contain WQR and HCA areas. As identified in response to MMC 19.402.3.K, the activities proposed are not exempt from review under this section. This project is also subject to a Type III downtown design review. Therefore, the project is subject to a Type III review under the provisions of this section.

B. The activities listed below shall be subject to the review criteria for partitions and subdivisions provided in Subsections 19.402.13.H and I, respectively:

1. The partitioning of land containing a WQR or HCA that cannot meet the standards provided in Subsection 19.402.13.G.
2. The subdividing of land containing a WQR or HCA.

Response: A partition or subdivision is not proposed. Therefore, the review criteria contained in MMC 19.402.13.H and I are not applicable.

19.402.9 Construction Management Plans

A. Construction management plans are not subject to Type I review per Section 19.1004 but shall be reviewed in similar fashion to an erosion control permit (MMC Chapter 16.28).

B. Construction management plans shall provide the following information:

1. Description of work to be done.
2. Scaled site plan showing a demarcation of WQRs and HCAs and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.
3. Location of site access and egress that construction equipment will use.

4. Equipment and material staging and stockpile areas.
5. Erosion and sediment control measures.
6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. The root protection zone shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project. The perimeter of the root protection zone shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Material storage and construction access is prohibited within the perimeter. The root protection zone shall be maintained until construction is complete.

Response: As the proposed development includes approximately 2,311 square feet of permanent HCA impacts and approximately 279 square feet of temporary HCA impacts, as well as approximately 16,904 square feet of permanent WQR impacts and approximately 10,405 square feet of temporary WQR impacts, a construction management plan is required, and is included as sheet 49 of the plan set. As shown, the construction management plan shows all details identified above, including excavation areas, construction access and egress for equipment, staging and stockpile areas, erosion and sediment control measures, and city-mapped and field verified HCA lines.

19.402.11 Development Standards

A. PROTECTION OF NATURAL RESOURCES DURING SITE DEVELOPMENT. During Development of any site containing a designated natural resource, the following standards shall apply:

1. Work areas shall be marked to reduce potential damage to the WQR and/or HCA.

Response: Apart from WQR and HCA areas that are temporarily and permanently impacted as a result of the proposed development, all other WQR and HCA areas will be demarcated during construction to avoid disturbance and further permanent impacts. A construction management plan is included with this submittal as sheet 49 of the plan set and identifies specified erosion and sediment control measures, including protection for all inlets, sediment fences, sediment curtains, and biobags. Construction staging and stockpile areas are shown on the construction management plan and will be clearly marked on-site.

2. Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment.

Response: Trees and other vegetation within the WQR and HCA areas will not be used as anchors for stabilizing construction equipment.

3. Native soils disturbed during development shall be conserved on the property.

Response: All native soils disturbed during development will be conserved on the property as required.

4. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in the City's Public Works Standards.

Response: A construction management plan is included with this submittal as sheet 49 of the plan set and identifies specified erosion and sediment control measures, including protection for all inlets, sediment fences, sediment curtains, and biobags. These measures have been

implemented in compliance with City's Public Works Standards as required. Erosion and sediment control measures are also shown on the grading plan, sheet 48 of the plan set.

5. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to any WQR adjacent to the project area.

Response: A construction management plan is included with this submittal as sheet 49 of the plan set and identifies specified erosion and sediment control measures, including protection for all inlets, sediment fences, sediment curtains, and biobags. These measures have been implemented in compliance with City's Public Works Standards as required. Erosion and sediment control measures are also shown on the grading plan, sheet 48 of the plan set. All prescribed measures will be followed during site work to prevent further impacts to WQR areas adjacent to the development.

6. Stormwater flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows.

Response: A stormwater drainage report is included with this submittal. As identified in Table 2-1 of the report, the total impervious area on-site is decreasing. Therefore, on-site stormwater flows post-development will be less than pre-development conditions. Stormwater runoff from the hardscape and plaza areas around the building will be managed through permeable pavers. Stormwater runoff from the building's roof will be treated in planter facilities located on the second-floor terrace, which will discharge to the storm pipe in SE Main Street, which flows to an outfall into Kellogg Creek and eventually to the Willamette River.

7. Prior to construction, the WQR and/or HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Such markings shall be maintained until construction is complete.

Response: Apart from WQR and HCA areas that are temporarily and permanently impacted as a result of the proposed development, all other WQR and HCA areas will be demarcated during construction to avoid disturbance and further permanent impacts. These areas will remain undisturbed for the duration of on-site construction activities.

8. The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.

Response: Apart from WQR and HCA areas that are temporarily and permanently impacted as a result of the proposed development, all other WQR and HCA areas will be demarcated during construction to avoid disturbance and further permanent impacts. A construction management plan is included with this submittal as sheet 49 of the plan set and identifies specified erosion and sediment control measures, including protection for all inlets, sediment fences, sediment curtains, and biobags. Construction staging and stockpile areas are shown on the construction management plan and will be clearly marked on-site.

9. Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.

Response: Proposed lighting elements have been placed to avoid shining directly into any WQR and HCA areas adjacent to the site. Proposed lighting elements are shielded and aimed down when possible, to avoid excess light impacts to adjacent natural areas. An exterior lighting plan is included as sheet 25 of the plan set.

10. All work on the property shall conform to a construction management plan prepared according to Subsection 19.402.9.

Response: A construction management plan is included with this submittal as sheet 49 of the plan set and identifies specified erosion and sediment control measures, including protection for all inlets, sediment fences, sediment curtains, and biobags. This construction management plan has been prepared in accordance with MMC 19.402.9 as previously identified in this narrative. Prescribed erosion and sediment control measures have been implemented in compliance with City’s Public Works Standards.

B. GENERAL STANDARDS FOR REQUIRED MITIGATION. Where mitigation is required by Section 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply.

1. Disturbance

a. Designated natural resources that are affected by temporary disturbances shall be restored, and those affected by permanent disturbances shall be mitigated, in accordance with the standards provided in Subsection 19.402.11.C for WQRs and Subsection 19.402.11.D.2 for HCAs, as applicable.

b. Landscape plantings are not considered to be disturbances, except for those plantings that are part of a non-exempt stormwater facility, e.g., raingarden or bioswale.

Response: The proposed development will result in temporary and permanent impacts to WQR and HCA areas. Impacts are to be mitigated in accordance with MMC 19.402.11.C and MMC 19.402.D.2. Additional details on proposed mitigation are identified in the PHS report, and Figure 9 and Figure 9A within the report.

2. Required Plants. Unless specified elsewhere in Section 19.402, all trees, shrubs, and ground cover planted as mitigation shall be native plants, as identified on the Milwaukie Native Plant List. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc.

Response: Proposed mitigation plantings will consist of species identified in the Milwaukie Native Plant List. Plantings have been selected based on the native soils and the hydrology of the site, their natural occurrence in the area, wildlife habitat enhancement value and local availability. Additional details on the proposed plantings are identified in the PHS report. Species specified are identified on Figure 9A of the report. A planting plan is also included as sheets 12 and 13 of the plan set.

3. Plant Size. Required mitigation trees shall average at least a ½-in caliper—measured at 6 in above the ground level for field-grown trees or above the soil line for container-grown trees—unless they are oak or madrone, which may be 1-gallon size. Required mitigation shrubs shall be at least 1-gallon size and 12 in high.

4. Plant Spacing. Trees shall be planted between 8 and 12 ft on center. Shrubs shall be planted between 4 and 5 ft on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

5. Plant Diversity. Shrubs shall consist of at least 2 different species. If 10 trees or more are planted, then no more than 50% of the trees shall be of the same genus.

Response: Species of proposed mitigation plantings are identified on Figure 9A of the PHS report and meet the requirements size, spacing, and diversity identified above. Planting plans are also included as sheets 12 and 13 of the plan set.

6. Location of Mitigation Area

a. On-Site Mitigation. All mitigation vegetation shall be planted on the applicant’s site within the designated natural resource that is disturbed, or in an area contiguous to the resource area; however, if the vegetation is planted outside of the resource area, the applicant shall preserve the contiguous planting area by executing a deed restriction such as a restrictive covenant.

b. Off-Site Mitigation

(1) For disturbances allowed within WQRs, off-site mitigation shall not be used to meet the mitigation requirements of Section 19.402.

(2) For disturbances allowed within HCAs, off-site mitigation vegetation may be planted within an area contiguous to the subject-property HCA, provided there is documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site. If the off-site mitigation is not within an HCA, the applicant shall document that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

Response: All mitigation plantings for WQR and HCA impacts are proposed off-site within the Dogwood Park site and Adams Street right-of-way immediately adjacent to the Coho Point development site. As off-site mitigation for WQR impacts is not allowed, the applicant is requesting a variance to allow off-site mitigation for these impacts. Applicable approval criteria for the variance request per MMC 19.911 are addressed in this narrative.

7. Invasive Vegetation. Invasive nonnative or noxious vegetation shall be removed within the mitigation area prior to planting, including, but not limited to, species identified as nuisance plants on the Milwaukie Native Plant List.

Response: Invasive, nonnative, or noxious vegetation will be removed from the mitigation area prior to planting.

8. Ground Cover. Bare or open soil areas remaining after the required tree and shrub plantings shall be planted or seeded to 100% surface coverage with grasses or other ground cover species identified as native on the Milwaukie Native Plant List. Revegetation shall occur during the next planting season following the site disturbance.

Response: As identified in the PHS report, following proposed mitigation plantings, all remaining bare or open soil areas will be planted or seeded with a native grass seed mixture or other ground cover species during the following planting season. Ground cover species utilized will be species identified as native on the Milwaukie Native Plant List.

9. Tree and Shrub Survival. A minimum of 80% of the trees and shrubs planted shall remain alive on the second anniversary of the date that the mitigation planting is completed.

a. Required Practices. To enhance survival of the mitigation plantings, the following practices are required:

(1) Mulch new plantings to a minimum of 3-in depth and 18-in diameter to retain moisture and discourage weed growth.

(2) Remove or control nonnative or noxious vegetation throughout the maintenance period.

b. Recommended Practices. To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:

(1) Plant bare root trees between December 1 and April 15; plant potted plants between October 15 and April 30.

(2) Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and the resulting damage to plants.

(3) Water new plantings at a rate of 1 in per week between June 15 and October 15 for the first 2 years following planting.

Response: To meet the minimum of 80% tree and shrub survival for proposed mitigation plantings on the second anniversary of the date that mitigation planting is completed, the applicant will follow the required and recommended practices identified above. Additional details on proposed mitigation maintenance are included in the PHS report

c. Monitoring and Reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind as needed to ensure the minimum 80% survival rate. The Planning Director may require a maintenance bond to cover the continued health and survival of all plantings. A maintenance bond shall not be required for land use applications related to owner-occupied single-family residential projects. An annual report on the survival rate of all plantings shall be submitted for 2 years.

Response: As identified in the PHS report, an annual site monitoring visit will be conducted. Following this site visit, a report will be submitted to the City for two years following planting. Plants will be replaced as necessary to ensure the minimum 80% survival rate. Additional maintenance measures per MMC 19.402.11.B.9.b will be utilized as required.

10. Light Impacts. Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.

Response: Proposed lighting elements have been placed to avoid shining directly into any WQR and HCA areas adjacent to the site. Proposed lighting elements are shielded and aimed down when possible, to avoid excess light impacts to adjacent natural areas. An exterior lighting plan is included as sheet 25 of the plan set.

C. MITIGATION REQUIREMENTS FOR DISTURBANCE WITHIN WQRS

1. The requirements for mitigation vary depending on the existing condition of the WQR on the project site at the time of application. The existing condition of the WQR shall be assessed in accordance with the categories established in Table 19.402.11.C.

2. When disturbance within a WQR is approved according to the standards of Section 19.402, the disturbance shall be mitigated according to the requirements outlined in Table 19.402.11.C and the standards established in Subsection 19.402.11.B.

Response: Mitigation for proposed WQR area impacts is proposed per the requirements identified above and identified in MMC Table 19.402.11.C. Responses demonstrating that the proposed mitigation will comply with MMC 19.402.11.B are included with this narrative and in the PHS report. As previously identified, mitigation for WQR impacts is proposed off-site within the Dogwood Park site and Adams Street right-of-way, which requires a variance. Applicable approval criteria for the variance request per MMC 19.911 are included in this narrative. Additional details on proposed mitigation plantings are included in the PHS report, including species of plants and their reason for inclusion in the proposed mitigation area based on specific site criteria. A planting plan is also included as sheets 12 and 13 of the plan set.

19.402.12 General Discretionary Review

This subsection establishes a discretionary process by which the City shall analyze the impacts of development on WQRs and HCAs, including measures to prevent negative impacts and requirements for mitigation and enhancement. The Planning Director may consult with a professional with appropriate expertise to evaluate an application, or they may rely on appropriate staff expertise to properly evaluate the report's conclusions.

A. Impact Evaluation and Alternatives Analysis

An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria for general discretionary review and to evaluate development alternatives for a particular property. A report presenting this evaluation and analysis shall be prepared and signed by a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist. At the Planning Director's discretion, the requirement to provide such a report may be waived for small projects that trigger discretionary review but can be evaluated without professional assistance.

The alternatives shall be evaluated on the basis of their impact on WQRs and HCAs, the ecological functions provided by the resource on the property, and off-site impacts within the subwatershed (6th Field Hydrologic Unit Code) where the property is located. The evaluation and analysis shall include the following: [...]

Response: The criteria of this section are addressed in detail within the PHS report and demonstrate the project's compliance with this section as well as the functions and values that contribute to water quality and wildlife habitat per MMC 19.402.1.C.2. As discussed in the PHS report, the applicant considered alternative site plans utilizing different a building layout that would not result in impacts to HCA or WQR areas. As shown on Figure 6 of the PHS report, the construction of a building outside HCA and WQR areas would result in a building that is 21% smaller and does not meet the goals of the DMU zone, which encourages denser developments that are built to the property line, which wouldn't be possible within the Coho Point site without impacting HCA and WQR areas adjacent to Kellogg Creek. Please see the PHS report for further details and findings of compliance with the criteria of this section.

B. Approval Criteria

1. Unless specified elsewhere in Section 19.402, applications subject to the discretionary review process shall demonstrate how the proposed activity complies with the following criteria: [...]

Response: The approval criteria of this section are addressed in detail within the PHS report and demonstrate the project's compliance with each applicable approval criterion. Please see the PHS report for findings of compliance.

19.402.14 Adjustments and Variances

B. Variances

1. Requests to vary any standards beyond the adjustments allowed in Subsections 19.402.14.A or B shall be subject to the review process and approval criteria for variances established in Section 19.911.

Response: The applicant is requesting a variance to MMC 19.402.11.B.6.b, which prohibits off-site mitigation for disturbances within WQRs. Applicable criteria contained in MMC 19.911 are addressed in this narrative.

SUPPLEMENTARY DEVELOPMENT STANDARDS

19.508 DOWNTOWN SITE AND BUILDING STANDARDS

19.508.2 Applicability. The design standards in this section generally apply to the street-abutting façades of nonresidential, mixed-use, and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of each specific standard. Development is subject to the standards of this section as described below.

A. New Development

1. All new development is subject to the standards of this section.

2. New development that does not meet one or more standards of this section is subject to Type III Downtown Design Review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.

Response: The project does not meet every standard in 19.508 and therefore a Type III Downtown Design Review process is required. See responses to the individual standards below.

19.508.3 Review Process. Design standards for development in downtown Milwaukie are applied through downtown design review as established in Section 19.907. Projects subject to downtown design review are described in the applicability language in Subsection 19.907.2.

C. Type III. This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the Milwaukie Downtown Design Guidelines document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

Response: The project seeks a discretionary Type III Design Review process for the standards in 19.508 that are not being met.

19.508.4 Building Design Standards. All buildings that meet the applicability provisions in Subsection 19.508.2 shall meet the following design standards. An architectural feature may be used to comply with more than one standard.

A. Building Façade Details

1. Purpose. To provide cohesive and visually interesting building façades in the downtown, particularly along the ground floor.

2. Nonresidential and Mixed-Use Buildings. The following standards apply only to nonresidential and mixed-use buildings.
 - a. Vertical Building Façade. Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

(1) Base. The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

- (a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 ft on center. For the purpose of this standard, an architectural

bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.

(b) The building base shall be constructed of brick, stone, or concrete to create a “heavier” visual appearance.

(c) Weather protection that complies with the standards of Subsection 19.508.4.C.

(d) Windows that comply with the standards of Subsection 19.508.4.E.

Response:

(a). The ground story residential portion of the Washington Street façade is not articulated with 30’ bays. The ground story along SE McLoughlin and the residential portion of the Adams Street façade include bay spacing wider than 30’. This criterion is not met.

(b). The ground story residential portions of the Washington Street and Adams Street facades and all of the McLoughlin Street façade are clad in wood. This criterion is not met.

(c). The weather protection provided on the Washington Street façade is less than 50% of the elevation. This criterion is not met.

(d). The percentages of glazed areas at the ground story on Main, Washington and Adams Streets are slightly under the requirements. This criterion is not met.

The building design does incorporate a visual base meeting the purpose of this standard however, the base does not provide all of the prescriptive elements of 19.508.4.A.2a(1) (a)-(d). Please see the general response to Section A below.

(2) Middle. The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

(a) Windows that comply with the standards of Subsection 19.508.4.E.

(b) One of the following elements:

(i) A change in exterior cladding and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.

(ii) Street-facing balconies or decks at least 2 ft deep and 4 ft wide for at least 25% of the length of the building.

(c) A change in wall plane of not less than 24 in. deep and 24 in. wide. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

(d) Provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4.

Response:

(a). The upper story glazing meets the requirements of 19.508.4.E. See response in 19.508.4E below.

(b). There is a change of materials at the residential portions of the Washington and Adams Street facades and the McLoughlin Street facades. There is not a change in

materials at the commercial portions of the Washington Street and Adams Street facades nor at the Main Street façade. The length of decks provided at the street facing facades is less than 25% of the length of the building. This criterion is not met.

(c). There is at least (1) wall plane changes on each façade greater than 24" deep. This criterion is met.

(d). The building massing does step back for some portions of the building however, the step backs do not meet the prescriptive requirements. This criterion is not met.

The building design does incorporate a visual middle however, the middle does not provide all of the prescriptive elements of 19.508.4.A.2a(2) (a)-(d). Please see the general response to Section A below.

(3) Top. The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and it is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide roofs that comply with the standards of Subsection 19.508.4.F.

Response: The building design does incorporate a visual termination of the façade at the roof levels however, the design does not comply with all of the roof standards of 19.508.4.F. This criterion is not met. Please see the general response to Section A below.

b. Horizontal Building Façade

(1) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—shall line up with adjacent façades if applicable.

(2) Significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building. The area or areas created by this break shall meet the standards of Subsection 19.304.5.H.

Response: The building design does incorporate horizontal datum lines, however, there are not truly adjacent buildings to match our datum line except for a single building across the Right-of-Way, which does not line up. Additionally, there is not a significant break on the Main Street façade, which is more than 150' long. This criterion is not applicable however, since there is no truly adjacent building to align too. Please see the general response to Section A below.

General Response to 19.504.A: Because of the special nature of the site on the edge between urban and natural areas, not all of the prescriptive requirements of 19.508.4A can be met while also addressing the location's duality. The building design, therefore, must be reviewed comprehensively instead of as a series of itemized parts. The purpose of this section, to provide cohesive and visually interesting facades in downtown, has been met in the site-specific building design. Detailed discussions of the building's façade strategy and design are included in Section 19.907 DOWNTOWN DESIGN REVIEW. The following guidelines apply:

- *Downtown Design Guideline 1 - Milwaukie Character*
 - *Reinforce Milwaukie's Sense of Place*
 - *Integrate the Environment*
 - *Establish Gateways*
 - *Consider View Opportunities*
 - *Consider Context*
 - *Use Architectural Context Wisely*

- *Downtown Design Guideline 3 – Architecture Guidelines*
 - *Wall Materials.*
 - *Wall Structure*
 - *Silhouette and Roofline*

B. Corners

1. Purpose. To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.
2. Nonresidential or Mixed-Use Buildings. Nonresidential or mixed-use buildings at the corner of two public streets—or at the corner of a street and a public area, park, or plaza—shall incorporate two of the following features (for the purposes of this standard an alley is not considered a public street):
 - a. The primary entry to the building located within 5 ft of the corner.
 - b. A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at the corner of the building or within 20 ft of the corner of the building.
 - c. The corner of the building cut at a 45° angle or a similar dimension “rounded” corner.
 - d. A combination of special paving materials; street furnishings; and, where appropriate, plantings, in addition to the front door.

Response:

The Intersection of Main Street and Washington Street - creates a strong corner with the overall building design to establish the significance of this urban corner. A retail entrance is located near the corner, however, the existing grade along SE Washington does not allow for an accessible entrance immediately on the building corner. The entrance is therefore shifted to the south. The corner features generous glazing and a sweeping canopy to establish a focal point and provide visual interest from the sidewalk; the corner marks the start of the building's commercial frontage along SE Main Street. While not providing a building cut for added visibility, the storefront provides a clear line of sight from the adjacent street. As mentioned, natural grade does not allow the corner retail entrance to occur within 5 ft of the corner as prescribed; to create a compliant and functional entrance to this unit, the entry is shifted south from the corner to provide an accessible entry that is compatible with the adjacent site condition. To address the corner, a stormwater planter is proposed to soften the edge condition and create an inviting pedestrian experience.

The intersection of Main Street and the Adams Street ROW - is treated differently as it occurs at the transition from a dense downtown urban condition to the natural areas of Kellogg Creek and Dogwood Park. The future restaurant space is located at this corner in response to early feedback from the City. The restaurant entry is set back to provide a prominent covered area for restaurant customers and allow for a view from Main Street to Kellogg Creek and the new pedestrian path. A combination of special paving and street furnishings are presented in the corner to enhance the connection to Dogwood Park, the adjacent pedestrian access way, and the farmers market. The special paving creates an axis with the neighboring property that pulls the pedestrian through the site and allows free and safe access onto the landscaped public walkway that connects SE Main Street and SE McLoughlin Boulevard. The special paving and walkway access strengthens the pedestrian experience at this corner and provides a unifying feature between the building and neighboring sites. The cut at the building corner, while not meeting the letter of the code, acts in a similar fashion as a rounded corner, and provides a visual connection and direct access from SE Main Street to the adjacent park and public walkway.

The intersection of Washington Street and McLoughlin blvd - is part of the residential portion of the building and therefore has different architectural language from the commercial corners. This corner is also influenced by the large right-of-way curve and the significant slope along Washington. The corner is angled to follow the curve of the right-of-way and allows for greater

visibility between the adjoining streets. An entry is located at this corner to provide access to a shared bike storage as well as the shared parking garage. The entry is offset from the corner to accommodate the steep grade along SE Washington Street and provide barrier free access to the interior of the building. Large sections of planted walls soften the otherwise utilitarian garage access. The living walls are a prominent and lush building element that both buffer the adjacent building program and enhance the surrounding urban environment.

This criterion is not met. The purpose of this section, to create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety, has been met by alternative design means. Detailed discussions of the building's design strategy are included in Section 19.907 DOWNTOWN DESIGN REVIEW. The following guidelines are relevant to this standard:

- *Downtown Design Guideline 2 – Pedestrian Emphasis*
 - *Integrate Barrier Free Design*
- *Downtown Design Guideline 3 – Architecture Guidelines*
 - *Corner Doors*

C. Weather Protection

1. Purpose. Create an all-season pedestrian environment.

2. Weather Protection Required. All buildings shall provide weather protection for pedestrians as follows:

a. Minimum Weather Protection Coverage

(1) All ground-floor building entries shall be protected from the weather by canopies or recessed behind the front building façade at least 3 ft.

(2) Permanent awnings, canopies, recesses, or similar weather protection shall be provided along at least 50% of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian accessway.

(3) Weather protection used to meet the above standard shall extend at least 4 ft, and no more than 6 ft, over the pedestrian area, and a maximum of 4 ft into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.

(4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.

b. Weather Protection Design. Weather protection shall comply with applicable building codes and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

Response:

a(1). All ground floor building entries are protected by canopies and are recessed at least 3' behind the front building façade. This criterion is met.

a(2). Permanent canopies and recesses are provided along 50% of the Main Street façade. Less than 50% of the commercial portion of the Washington Street façade includes canopies. This criterion is not met.

a(3). Weather protection extends a minimum of 4' over the pedestrian area and a maximum of 4' over the public ROW. This criterion is met.

a(4). The residential portions of the ground story façade are not included in the calculations since the residential entry is covered.

b. The canopies will be designed to meet all applicable building codes and will be reviewed with the building permit application. The canopies will be able to accommodate future blade signage without encroaching the required vertical clearance. This criterion is met.

The building design incorporates weather protection coverage to provide an all-season pedestrian environment, however, not all of the standards are met. Because the parking garage door reduces the available façade area for canopies, the canopy coverage on Washington Street is not 50%. The purpose of this standard, to create an all-season pedestrian environment, has been met by including weather protection at every location available. Detailed discussions of the building's weather protection design strategy are included in Section 19.907 DOWNTOWN DESIGN REVIEW. The following guidelines are relevant to this standard:

- *Downtown Design Guideline 2 – Pedestrian Emphasis*
 - *Reinforce and Enhance the Pedestrian System*
 - *Define the Pedestrian Environment*
 - *Protect the Pedestrian from the Elements*
 - *Create Successful Outdoor Spaces*

D. Exterior Building Materials

1. Purpose. To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukee and the surrounding built and natural environment.

2. Exterior Wall Standards. The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary, and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 65% of each applicable building façade.
- b. Secondary materials are permitted on no greater than 35% of each applicable building façade.
- c. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.

Response:

a. Primary materials make up 73% of the Main Street façade. Primary materials make up 64% of the Washington Street façade. Primary materials make up 66% of the Adams Street façade. Primary materials make up 12% of the McLoughlin Street facades. This criterion is not met. Please see the general response to Section D below.

b. Secondary materials make up 23% of the Main Street façade, 32% of the Washington Street façade and 32% of the Adams Street façade. Secondary materials make up 88% of the McLoughlin Street facades. This criterion is not met. Please see the general response to Section D below.

c. Accent materials include metal PTHP screens, ornamental metal screens over the ground story storefront and the projecting cornice. Accent materials make up 4% of the Main Street façade, 4% of the Washington Street façade, 7% of the Adams Street façade and 1% of the McLoughlin Street facade. This criterion is met.

d. No prohibited materials are proposed. This criterion is met.

General Response to Section 19.504.D: The building includes primary (brick and wood siding) and secondary (finished metal panels) materials that are compatible with downtown Milwaukee

and the adjacent natural resources. However, due to the overall approach to distributing the materials along varying façade conditions, the prescriptive percentages are not met. The overall building design must be reviewed comprehensively. The purpose of this section, to encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment, has been met in the site-specific building design. Detailed discussions of the building's material strategy are included in Section 19.907 DOWNTOWN DESIGN REVIEW. The following guidelines apply:

- *Downtown Design Guideline 1 - Milwaukie Character*
 - *Reinforce Milwaukie's Sense of Place*
 - *Integrate the Environment*
 - *Consider Context*
 - *Promote Architectural Compatibility*
 - *Use Architectural Context Wisely*
- *Downtown Design Guideline 3 – Architecture Guidelines*
 - *Wall Materials.*
 - *Wall Structure*

E. Windows and Doors

1. Purpose. To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.

2. Main Street. For block faces along Main St, 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.

Response: Glazing makes up 43% of the ground story wall area at Main Street. This criterion is not met. The ground story design provides visual interest, daylighting of interior space and multiple points of visual connection between interior and exterior space. Due to the proportions of the storefront bays in relation to the overall building proportions, the prescriptive percentage is not met. Please see the general response to Section E below.

3. Other Streets. For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.
- b. Along McLoughlin Blvd the required coverage is 30%.

Response: Glazing makes up 37% of the ground story wall area along Washington Street and 37% of the ground story wall area at Adams Street. Glazing makes up 39% of the ground story wall area at McLoughlin Street. This criterion is not met. Due to the proportions of the storefront bays in relation to the overall building proportions, the prescriptive percentage is not met. Additionally, these facades contain residential units, which require some solid wall area for furnishings and other practical needs. Please see the general response to Section E below.

4. Upper Level. Along all block faces, the following standards are applicable on the upper-level building façades facing a street or public space.

- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.

- b. The required upper-floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- c. A minimum of 60% of all upper-floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows.

Response: The Main Street and Washington Street façades each include 31% glazing. The Adams Street façade includes 30% glazing. The McLoughlin Street façade includes 31% glazing. No sloped roofs or dormer windows are proposed. 100% of upper floor windows are vertically oriented. These criteria are met.

5. General Standards

- a. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.
- b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.
- c. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in above the abutting walkway surface.
- e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including, but not limited to, curtains, shades, signs, or shelves.
- f. Signs are limited to a maximum coverage of 20% of the required window area.

Response:

a. The windows within the brick clad walls are set back 4". The windows in the metal panel walls are not set back. This criterion is not met. The design goal is for the metal panel walls to be very simple in appearance in order to visually recede and allow for the brick facades to be more hierarchically prominent. The plane of the windows will be very close to the plane of the metal panel cladding. Please see the general response to Section E below.

b. The ground story commercial windows will be aluminum framed storefront with glazing to meet the minimum VT of 0.6. This criterion is met.

c. Doors and primary entrances are located on the street facing facades. Future business entrances will be unlocked when the building is open. The residential entrance, which serves all residential units, will be locked. This criterion is met.

d. The bottom edge of the commercial storefront abutting the public ways is less than 30" above the abutting sidewalk surfaces. This criterion is met.

e. Ground story commercial storefront will not have more than 50% coverage of the window area. This criterion is met.

f. No signs within the window area are proposed. This criterion is met.

6. Prohibited Window Elements. For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

- a. Reflective, tinted, or opaque glazing.
- b. Simulated divisions (internal or applied synthetic materials).
- c. Exposed, unpainted metal frame windows.

Response: No prohibited window elements are proposed. This criterion is met.

General Response to 19.504.E. Because of the special nature of the site on the edge between urban and natural areas, and the mixed use nature of the building, not all of the prescriptive requirements of 19.508.4E are met. The building design, therefore, must be reviewed comprehensively instead of as a series of itemized parts. The purpose of this section, to enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces, has been met in the site-specific building design. Detailed discussions of the building's design strategy are included in Section 19.907 DOWNTOWN DESIGN REVIEW. The following guidelines apply:

- *Downtown Design Guideline 1 – Milwaukie Character*
 - *Promote Architectural Compatibility*
 - *Use Architectural Context Wisely*
- *Downtown Design Guideline 2 – Pedestrian Emphasis*
 - *Provide Places for Stopping and Viewing*
 - *Create Successful Outdoor Spaces*
- *Downtown Design Guideline 3 – Architecture Guidelines*
 - *Windows*
 - *Building Security*

F. Roofs and Rooftop Equipment

1. Purpose. To create a visually interesting condition at the top of the building that enhances the quality and character of the building.

2. Roof Forms

a. The roof form of a building shall follow one (or a combination) of the following forms:

- (1) Flat roof with parapet or cornice.
- (2) Hip roof.
- (3) Gabled roof.
- (4) Dormers.
- (5) Shed roof.

b. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.

c. All hip or gabled roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.

d. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.

e. When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.

Response:

a. The building steps in height and has multiple roof levels. All roof forms are flat. The roofs have either a parapet or a projecting cornice. This criterion is met.

b. Some of the parapets are 12" high while others are only 6". The cornices project 3'-6". This criterion is not met. Please see the general response to Section F below.

c. No hip or gabled roofs are proposed. This criterion does not apply.

d. No sloped roofs are proposed. This criterion does not apply.

e. This building is not existing. This criterion does not apply.

3. Rooftop Equipment and Screening

a. The following rooftop equipment does not require screening:

(1) Solar panels, wind generators, and green roof features.

(2) Equipment under 2 ft high, if set back a minimum of 5 ft from the outer edge of the roof.

b. Elevator mechanical equipment may extend above the height limit a maximum of 16 ft, provided that the mechanical shaft is incorporated into the architecture of the building.

c. Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft high, shall be set back a minimum of 10 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:

(1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building, wood fencing, or masonry.

(2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

d. Required screening shall not be included in the building's maximum height calculation.

Response:

a. The building includes solar panels at the roof. The panels are not screened. This criterion is met.

b. The elevator penthouse extends 10' above the roof. This is more than 16' above the height limit. This criterion is not met. A Type III variance for additional building height is requested at the end of this document.

c. All mechanical equipment is set back more than 10' away from the roof edges. The equipment is not screened with prescriptive materials because it is surrounded by solar panels, which will serve as the screens. This criterion is not met. Please see the general response to Section F below.

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

Response: The building design includes a trellis over one of the roof decks. The trellis is 10' high. This criterion is met.

General Response to 19.504.F. Because of the special nature of the site on the edge between urban and natural areas, the building massing steps down toward the adjacent natural resources. This creates a complex roofline that includes parapets and cornices. Some of the parapets are set at 6" above the roof to maintain the horizontal datum line of the adjacent window sills, which does not meet the prescriptive requirement for parapets. Additionally, the building a significant number of solar panels. Because the solar panels effectively screen the mechanical equipment, no additional equipment screening has been provided. The purpose of this section, to create a

visually interesting condition at the top of the building that enhances the quality and character of the building, has been met in the site-specific building design. Detailed discussions of the building’s massing and roofline strategy are included in Section 19.907 DOWNTOWN DESIGN REVIEW. The following guidelines apply:

- *Downtown Design Guideline 3 – Architectural Guidelines*
 - *Silhouette and Roofline*
 - *Rooftops*

G. Open Space/Plazas

1. Intent. To assure adequate public and private open space in the downtown.

2. Mixed-Use and Residential Development

The following standards apply to mixed-use buildings with more than 4 residential units and residential-only multifamily developments.

a. Outdoor Space Required

50 sq ft of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use, or it may be a combination of the two uses.

b. Common Open Space

(1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

(2) With the exception of roof decks or gardens, outdoor common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

c. Private Open Space

(1) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.

(2) The private open space provided shall be contiguous with the unit.

(3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.

(4) Balconies may project up to a maximum of 4 ft into the public right-of-way.

d. Credit for Open Space

An open space credit of 50% may be granted when a development is directly adjacent to, or across a public right-of-way from, an improved public park.

Response:

50 SF outdoor space x 195 units = 9,750 SF total required outdoor space

9,750 x .50 (open space credit) = 4,875 SF required outdoor space

Private outdoor space provided = 3,832 SF

Including: 1st, 2nd, 5th & 6th story Unit Patios/terraces

Common outdoor space provided = 4,832 SF

Including: 5th story Amenity Rooms & Landscaped roof terrace

Total outdoor space provided = 8,664 SF

This criterion is met.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

19.605.1 MINIMUM AND MAXIMUM REQUIREMENTS.

1 space per dwelling unit.	1 x 195 units = 195 spaces
2 spaces per 1,000 SF retail floor area	3,900 / 2 = 8 spaces
4 spaces per 1,000 SF restaurant floor area	3,100 / 4 = 12 spaces

Total required spaces 215

Response: 81 spaces have been provided with the following ratios.

<i>.48 space per dwelling unit.</i>	<i>.48 x 195 units = 94 spaces</i>
<i>2 spaces per 1,000 SF retail floor area</i>	<i>3,900 / 2 = 8 spaces</i>
<i>4 spaces per 1,000 SF restaurant floor area</i>	<i>3,100 / 4 = 12 spaces</i>
Total spaces before By-Right reductions	114
<i>By-Right reduction: proximity to MAX</i>	<i>114 x .25 = 29</i>
<i>By-Right reduction: additional bike parking</i>	<i>6 per 1 add'l bike space</i>
	<i>39 additional spaces / 6 = 6</i>
<i>Total By-Right reductions</i>	<i><35></i>
	<i>112 - 35 = 79</i>
Total spaces after By-Right reductions	81

A Modification of the required residential parking ratio has been requested at the end of this narrative.

19.605.3.B EXEMPTIONS AND BY-RIGHT REDUCTIONS TO QUANTITY REQUIREMENTS. Allows a 25% reduction in required parking spaces in the DMU zone when the site is within 1,000 feet walking distance from a light rail stop. Allows an additional reduction of 1 parking space per 6 additional secured bike spaces.

Response: The site is located 800' walking-distance from the MAX Orange-line stop and is eligible for the 25% by-right reduction. The project includes 36 additional secured bike parking spaces over the required minimum and is eligible for a by-right deduction of one parking space per 6 additional bike spaces. See the tables above for calculations based on a modification of the required residential parking ratio. See the Modification Request at the end of this narrative for the proposed residential parking ratio. The proposed ratio results in 114 required spaces. The combined by-right deductions reduce this requirement to 79 spaces. 81 spaces are provided.

19.606 PARKING AREA DESIGN REQUIREMENTS

19.606.1 PARKING SPACE AND AISLE DIMENSIONS. Requires parking spaces and abutting drives to meet the dimensions shown in Table 19.606.1. 90-degree stalls are required to be 9'-0" wide x 18'-0" deep, minimum. Two-way aisles serving 90-degree stalls must be 22' wide, minimum.

Response: The parking garage includes 81 90-degree surface parking stalls.

41 of the surface parking stalls are 9'-0" wide x 18'-0" deep and meet the requirements of Table 19.606.1

Reduced width for the remaining 40 stalls is requested as part of this application. 34 of the stalls will be slightly narrower than required, at 8'-9" wide x 18'-0" deep. The six remaining stalls will be considered "compact" at 8'-6" wide x 18'-0" deep.

This proposal is based on dimensions the City of Portland minimum width requirement for standard 90-degree stalls, which is 8'-6" wide. In this proposal, only three stalls are reduced to the City of Portland standard width. The 34 8'-9" stalls still exceed COP standards. Please note the proposed narrower stalls in this application are 18'-0" deep, which meets the depth requirements of Table 19.606.1. Additionally, all drive aisles are 24' wide or wider, which exceeds the requirements of Table 19.606.1.

For additional reference, the City of Seattle only requires 8'-6" wide stalls for "large" vehicles. Standard stall widths are smaller for "medium" and "small" vehicles. Please see City of Portland and City of Seattle parking stall standards, which are included as a separate Exhibit.

Since the project includes fewer total spaces than required, permitting a portion of the spaces to be compact allows for more total spaces. This helps to mitigate the impact of the reduced number of total spaces provided. The requested width is based on parameters set in other jurisdictions and is a reasonable means to gain more total parking stalls.

- 19.606.3** ADDITIONAL DESIGN STANDARDS. Requires parking areas to meet the requirements of the following:
- A. Paving and Striping
 - B. Wheel Stops
 - C. Site Access and Drive Aisles
 - D. Pedestrian Access and Circulation
 - E. Internal Circulation

Response: Paving, striping and wheel stops are provided throughout the garage and comply. 24' wide drive aisles are provided and comply. Pedestrian access is provided from a dedicated entrance and elevator on SE Washington St. as well as the primary shared tenant circulation system. Internal circulation is provided within the garage. This criterion is met.

19.609 BICYCLE PARKING

- 19.602.2A** QUANTITY OF SPACES. Requires 1 space per unit for multi-family development and 10% of the minimum required vehicle parking for other uses.

1 space per dwelling unit.	1 x 195 units = 195 spaces
.10 x 8 for retail	1 space
.10 x 12 for restaurant	2 spaces
Total required spaces	198

Response: 237 spaces are provided. This criterion is met.

- 19.602.2B** COVERED OR ENCLOSED BICYCLE PARKING. Requires that 50% of required bicycle spaces be covered and/or enclosed in a secure room.

Response: 90% of the required bicycle parking is covered and enclosed in secure rooms. This criterion is met.

- 19.606.3** SPACE STANDARDS AND RACKS. Requires bike spaces to be 2' x 6' minimum with a 5' access aisle behind the spaces. 7' of overhead clearance is required. Racks must be securely anchored and allow the frame and one wheel to be locked.

Response: All bike spaces will be wall-mounted racks. The racks will be securely anchored to the walls. All racks will be of a design that allows the frame and one wheel to be locked.

The bike spaces are proposed as 1'-6" wide x 4'-2" deep with an 8" vertical stagger from one rack to the next. Reduced depth of bike spaces is requested as part of this application.

The project provides more bike spaces than the minimum requirement. The proposed spacing allows for more bike parking than the minimum requirement, which is beneficial to occupants and

visitors to the building. The proposed spacing is common in similar buildings within the City of Portland and the metro area, and bicycle users are accustomed to this type of bike parking.

Because the racks are wall-mounted, they do not take up as much length as a floor-mounted rack and the 6'-0" length is therefore not needed. The vertical stagger allows for the narrower spacing by minimizing handlebar conflicts. The City of Portland allows for wall-mounted rack spacing to be 1'-6" wide (with an 8" vertical stagger) x 3'-4" deep. The proposed spaces have more depth than what the City of Portland allows.

- 19.606.4** LOCATION. Requires bicycle parking facilities to be within 50' of the main entrance, closer to the entrance than the nearest non-ADA vehicle parking stall, provide direct access to a public right-of-way, be dispersed for multiple entrances, be in a location that is visible to building occupants or from the main parking lot, not impede pedestrians in the public right-of-way and be separated from vehicle parking areas by physical barriers.

Response: Due to the size and mixed-use nature of the building, the bicycle parking facilities are dispersed throughout the building. 60% are located in the parking garage and ground story with (3) being in the public ROW and have easy access to the building entrances and elevators, as well as direct access to the public ROW. The remaining 40% are located on residential floors for proximity to individual apartment units. These spaces have easy access to the building elevators.

19.611 PARKING STRUCTURES

- 19.611.2B** COMPLIANCE WITH OTHER SECTIONS OF 19.600.
 B. The space and drive aisle dimensions required in Subsection 19.606.1 shall apply to structured parking unless the applicant requests that the dimensions be reduced. Dimensions may be reduced if the applicant can demonstrate that the reduced dimensions can safely accommodate parking and maneuvering for standard passenger vehicles.

Response: Please see request to reduce the width of a small portion of the parking stalls in Section 19.606.1 above.

- 19.611.3** STANDARDS AND DESIGN CRITERIA. Requires structured parking to meet the requirements of the following:
 - A. 75% of the length of any street-facing façade shall provide ground-story windows or wall openings.
 - B. The structure shall be visually compatible with related structures.
 - C. Required setbacks shall be landscaped per 1906.2.D.3
 - D. Safe pedestrian connections between the parking structure and the public right-of-way and principal building.
 - E. The structure shall provide adequate lighting.

Response: The parking structure is part of the overall building. Due to the significant grade change across the site, some of parking portion of the building is below grade.

*The east (SE Main) and south façades do not have above grade parking walls
 The north (SE Washington) façade has 91' lineal feet of above grade parking wall and 100% of the length includes openings.
 The west (SE McLoughlin) façade has 79 lineal feet of above grade parking wall and 100% of this length includes openings.
 The southwest (SE McLoughlin) façade has 144 lineal feet of above grade parking wall and 100% of this length includes openings.*

The portion of the parking structure that is visible to view is visually compatible with the rest of the building. The building setbacks are landscaped. There are safe pedestrian connections between

the building, including the parking portion, and the right-of-way. The parking garage lighting will meet the requirements of 19.606.3F. Since the lighting is interior to the building, no light trespass will occur.

These criteria are met.

LAND USE APPLICATIONS

19.905 CONDITIONAL USES

19.905.4 Conditional Use Approval Criteria

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

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

Response: The characteristics of the lot are suitable for the proposed uses in the Willamette Greenway, as supported by the DMU zoning designation of the entire site, including the portion that is in the Greenway. The size and shape of the site area allow for the proposed uses to function appropriately. The location of the site is extremely favorable for the proposed uses due to its proximity to public transportation, bicycle paths and the downtown district. The proposed uses will greatly improve the site from its current condition. Additionally, the project will provide significant public benefit by providing floodplain mitigation and landscaping improvements on the adjacent Adams St. ROW, the Kellogg Creek natural resource and Dogwood Park, while also providing a new, important pedestrian connection from SE Main to the river. Provisions for a future public bike path have also been included in the design. This criterion is met.

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

Response: The proposed uses (multi-family residential, retail, restaurant) are the same as the nearby uses and therefore the operating and physical characteristics of the proposed use will have minimal impacts. This criterion is met.

3. All identified impacts will be mitigated to the extent practicable.

Response: The impacts that have been identified (building height, parking quantity and site access) have been mitigated to the extent practicable. See requested variances and modifications below for detailed descriptions.

4. 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.

Response: The proposed uses are allowed outright at the site by the Zoning Code. No nuisances greater than usually generated for these allowed uses are proposed. Any potential nuisance impacts will comply with all applicable codes. This criterion is met.

5. 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.

Response: The proposed uses comply with the development requirements of all applicable zoning, overlay and special area standards, with the exception of the variances and modifications requested below. Please see detailed descriptions below.

6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

Response: The project is a partnership between the applicant and the City of Milwaukie, and the development strategy has been coordinated closely with the City's development team assigned to the project. The proposed uses are consistent with the goals and policies of the Comprehensive Plan as well as the Housing and Residential Land Needs Assessment. Specific Comprehensive Plan goals are summarized below. Please refer to the remainder of the application for detailed descriptions of the proposed development.

2.2.4. Incentivize development sites to include spaces conducive to public events, community gathering and the provision of public art (adjacency to Farmer's Market and tabletop).

3.2 Water Quality and Resources: Enhance the quality of Milwaukie's water resources and ensure they have adequate flows and quantity to support their long-term health (multiple sub-goals addressed by the floodplain mitigation and vegetation).

3.3 Flora and Fauna Habitat: Protect and Conserve aquatic, aerial, arboreal and terrestrial wildlife and habitat (multiple sub-goals addressed by the floodplain mitigation and vegetation.)

3.5.2 Incorporate sustainable and low-impact building and site planning technologies, habitat-friendly development strategies and green infrastructure into city codes and standards (LEED certification, on-site stormwater treatment, native plant selections, solar array).

4.4 Natural Resource Protection: Protect and conserve the natural resources within the Willamette River Greenway while recognizing recreation needs (multiple sub-goals addressed by the floodplain mitigation and vegetation).

6.1.5 Create a more energy efficient land use pattern that is not limited to infill and cluster development, neighborhood hubs and increased density (infill and increased density on underutilized site).

6.1.6 Encourage the creation of compact, walkable neighborhoods and neighborhood hubs throughout the city that provide a mix of uses and help reduce transportation emissions and energy usage (increases residential use downtown, proximity to a variety of uses and transportation options).

7.3 Sustainability: Promote environmentally and socially sustainable practices associated with housing development and construction (multiple sub-goals addressed by green building measures, proximity to a variety of other uses and transportation options).

7.4 Livability: Enhance the ability of Milwaukie's neighborhoods to meet community members' economic, social and cultural needs and promote their contributions to health, well-being and universal access and design (multiple sub-goals addressed by increased residential density in downtown, proximity to public amenities and gathering areas, proximity to a variety of uses and transportation options).

8.1.1 Downtown Milwaukie Policies (multiple policies addressed by increased residential density, safety, proximity to natural resources, pedestrian-friendly design and materials, proximity to a variety of uses and transportation options).

8.2 Livability: Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment (multiple sub-goals addressed by pedestrian-friendly and accessible design and materials, new inclusive pedestrian path, safety, small storefront retail spaces, pedestrian space landscaping).

9.3.2 Ensure that bicycle trails, sidewalks and walking trails provide convenient access for pedestrians and bicyclists to natural areas, parks and recreation opportunities (new pedestrian path from Main Street connecting Dogwood Park to Willamette River).

10.4.1 Preserve and restore natural functioning and historic floodplains and healthy uplands to better manage floor events, provide and enhance wildlife habitat, improve water quality, ensure late season water availability and increase climate change resiliency (extensive floodplain mitigation).

10.4.3 To the extent possible, stormwater should be managed with green infrastructures such as green roofs, water quality swales, rain gardens and the intentional placement of appropriate trees (on-site green roofs and stormwater planters).

11.1.10 Make downtown Milwaukie a regional destination with uses and amenities that capitalize on its proximity to the Willamette waterfront and multimodal transportation options (increases residential density in downtown, adds commercial space and increases trips).

12.6.2 To use land more efficiently, encourage infill on underutilized parcels and encourage intensification of redevelopment of land and buildings in the downtown mixed use districts and areas designated for commercial, industrial or employment use (development of underutilized site, increased density in mixed-use zone).

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

Response: The site is 800' from the MAX Orange Line station, as well as falling within walking distance of a Trimet bus transfer area. Public utilities are adequate to serve the proposed uses. This criterion is met.

19.907 DOWNTOWN DESIGN REVIEW

MILWAUKIE DOWNTOWN DESIGN GUIDELINES

1. Milwaukie Character

These guidelines address Milwaukie's unique "sense of place," its special quality and personality. People's image of Milwaukie is that of an All-American riverfront town which is hospitable and family oriented. The guidelines address what gives Milwaukie this feeling, this "character" as a unique collection of spaces and buildings, not simply a group of individual projects that could be anywhere. The Milwaukie Character Guidelines consist of the following sections:

- Reinforce Milwaukie's Sense of Place: Strengthen the qualities and characteristics that make Milwaukie a unique place.

Response: The Willamette River and Kellogg Creek are defining features of downtown Milwaukie. The project site sits on the bank of Kellogg Creek and enjoys proximity to the Willamette River. This location serves as a gateway to downtown from McLoughlin Street to the west and the less dense neighborhoods to the south.

The building design responds directly to its immediate surroundings. The footprint and massing are site specific. The tallest portion of the building is located at the corner of Main Street and Washington Street and extends south along the Main Street Frontage. The taller height provides a strong corner at this important intersection and creates an urban edge that responds to the gateway nature of the location. The building's height and massing step down on the Kellogg Creek and Willamette River sides to soften the edges adjacent to these natural resources. The southwest corner is a diagonal wall defined by Kellogg Creek and the associated wetland area and marks the shortest part of the building. The massing strategy allows the building to visually recede where it abuts the natural areas instead of overwhelming them. It also provides view opportunities from residential units and the amenity roof decks.

The materials on the street-facing facades are primarily brick with glazed aluminum storefront at the ground story that tie into the material palette of the existing historic downtown buildings and the retail nature of the district. The north and south facades transition from brick to metal and wood cladding as the building approaches Kellogg Creek. The southwest façade is completely clad with metal and wood cladding. The change in material palette softens the portions of the building that are adjacent to natural resources, helping the building to be quieter on these sides instead of imposing itself visually onto the natural areas. Planted screens are provided on the river-facing sides of the building to further soften the appearance.

Because of the special nature of the site on the edge between urban and natural areas, not all of the prescriptive requirements of 19.508 can be met while also addressing the location's duality. The proposed design meets the intention of this guideline by embracing the aspects of the site that make it unique and specific to downtown Milwaukie. This building could not occur in any other location.

- Integrate the Environment: Building design should build upon environmental assets.

Response: The building design takes its cue from its immediate environmental surroundings. The footprint and massing are site specific and respond to adjacent environmental features. The footprint of the building is derived directly from the path of Kellogg Creek as it crosses the site. The building's height and massing step down on the Kellogg Creek and Willamette River sides to soften the edges adjacent to these natural resources. The southwest corner marks the shortest part of the building. The massing strategy allows the building to visually recede where it abuts the natural areas instead of overwhelming them. Extensive public site improvements on the adjacent sites include floodplain mitigation and a new public pedestrian path along new gabion walls. Provisions for a future public bike path are also included in the site design.

The master plan for Dogwood Park is integrated into the project by maintaining the park's large open grass area and providing an opportunity for overlooking Kellogg Creek and the Willamette River beyond. Native plants and trees create a newly restored bank that will attract birds and wildlife and provide an opportunity for environmental education.

- Consider View Opportunities: Building design should maximize views of natural features or public spaces.

Response: The building design incorporates opportunities for views of the Willamette River, Kellogg Creek and Dogwood Park. height steps down on the Kellogg Creek and Willamette River sides to allow for views from multiple areas within the building's interior. Two occupied roof decks are also provided at the 5th story. These are located on the southwest angled wing of the building to maximize views of the natural resources.

A new public pedestrian path along Kellogg Creek will provide views of Kellogg Creek, Dogwood Park and the Willamette River. Outdoor seating for the future restaurant space has been located on the southeast corner of the building to provide views for the dining public and foster interest in the adjacent natural areas.

Additionally, balconies are provided on the north and east sides of the building to provide views of the surrounding downtown blocks.

- Consider Context: A building should strengthen and enhance the characteristics of its setting, or at least maintain unifying features.

Response: The building design responds directly to its immediate context. The footprint and massing are site specific. The north and east facades are taller to provide a strong corner and create an urban edge that reflects the gateway nature of the location. The building's height and massing step down on the Kellogg Creek and Willamette River sides to soften the edges adjacent to these natural resources and allow for views. The southwest corner is a diagonal wall defined by Kellogg Creek and the associated wetland area.

The materials on the street-facing facades are primarily brick with glazed aluminum storefront at the ground story that tie into the material palette of the existing historic downtown buildings and the retail nature of the district. The north and south facades transition from brick to metal and wood cladding as the building approaches Kellogg Creek. The southwest façade is completely clad with metal and wood cladding. The change in material palette softens the portions of the building that are adjacent to natural resources, helping the building to be quieter on these sides instead of imposing itself visually onto the natural areas.

- Promote Architectural Compatibility: Buildings should be "good neighbors." They should be compatible with surrounding buildings by avoiding disruptive excesses. New buildings should not attempt to be the center of attention.

Response: The building's mixed-use nature is compatible with district's identity as a historic small-town downtown and an emerging contemporary urban center. The high floor-to-floor height at the ground story and generous glazed storefront promote pedestrian activity and interest, and retail entrances along Main Street foster commercial activity. The street-facing facades are clad primarily in brick to tie into the material palette of the existing downtown buildings. The ample ground story storefront and canopies respond to the commercial retail nature of the downtown location.

The material palette includes a modest number of materials to avoid flashiness. Demarcations of the tripartite aspects of the building design are subtle and include strong datum lines, minor wall plane and material transitions. Fussy and disruptive architectural features have been avoided.

- Use Architectural Contrast Wisely: Contrast is essential to creating an interesting urban environment. Used wisely, contrast can provide focus and drama, announce a socially significant use, help define an area and clarify how the downtown is organized.

Response: The building incorporates architectural contrast in two ways: height/mass and materials. These contrasts reflect the contrasting character of each side of the building site.

The north and east facades are six stories tall to create a strong corner and an urban edge on the downtown side, and to respond to the gateway location. In contrast, the south, west and southwest facades step down on the Kellogg Creek and Willamette River sides. Additionally, the ground story wall plane on the west and southwest facades is broken into angled sections that further erode and soften the edges adjacent to the natural resources.

The north and east facades are clad primarily in brick with aluminum storefront at the ground story.

The brick and storefront tie into the material palette of the existing downtown buildings for a sense of permanence and to foster an active pedestrian and commercial environment. The north and south facades transition from brick to metal and wood cladding as the building approaches Kellogg Creek. The southwest façade is completely clad with metal and wood cladding. The change in material palette softens the portions of the building that are adjacent to natural resources, helping the building to be quieter on these sides instead of imposing itself visually onto the natural areas.

These architectural contrasts not only address the contrasting aspects of the building site, but also provide visual interest and diversity when the building is viewed from its different sides.

2. Pedestrian Emphasis

In Downtown Milwaukie, the pedestrian is the priority. These guidelines address the ways in which buildings and spaces may be designed to create a convenient, comfortable, human-scaled environment that people will want to be in.

The Pedestrian Emphasis Guidelines include the following:

- Reinforce and Enhance the Pedestrian System: Barriers to pedestrian movement and visual and other nuisances should be avoided or eliminated so that the pedestrian is the priority in all development projects.

Response: All retail and restaurant entrances, as well as the residential lobby entrance, are located on Main Street. This orientation promotes and enhances pedestrian traffic along Main Street. Generous glazed storefront is included on both facades to provide visual interest from the sidewalk. Canopies are located over each storefront bay to protect pedestrians from weather and minimize glare on the glazing. The parking garage entrance is located on Washington Street to minimize disruption to pedestrian activity and avoids interference with the Farmer's Market activities. A public pedestrian path will be created on the south side of the building to provide an important connection from Main Street to McLoughlin and the river.

- Define the Pedestrian Environment: Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.

Response: The high floor-to-floor height at the ground story distinguishes the pedestrian level from the rest of the building. Ample storefront provides visual interest from the sidewalk. Storefront bays include bulkheads below the glazing and decorative metal screens at the tops of the bays to bring the scale down within each bay. Canopies are provided over each storefront bay to offer protection from the elements as well as to provide visual demarcation of the pedestrian level. Additionally, planted screens are provided as the building steps down on the Kellogg Creek and Willamette River sides, to screen the parking garage from the sidewalk and create a colorful and enlivened transition from the urban pedestrian area to the adjacent natural resources.

- Protect the Pedestrian from the Elements: Protect pedestrians from wind, sun and rain.

Response: The building entrances are set back from the edge of the building to provide cover at the doors. Canopies are also provided over all the entrances and each fixed storefront bay to provide additional protection along the sidewalk.

- Provide Places for Stopping and Viewing: Provide safe, comfortable places where people can stop to sit and rest, meet and visit with each other and otherwise enjoy the downtown surroundings.

Response: The high floor-to-floor height at the ground story and generous glazed storefront promote window shopping and provide visual interest at the sidewalk level. The restaurant's outdoor seating area creates opportunities for outdoor dining with views of the surrounding natural environment. Planted screens are provided as the building steps down towards Kellogg Creek and the river, to screen the parking garage from the sidewalk and create a colorful and interesting transition from the

urban pedestrian area to the adjacent natural resources.

- Create Successful Outdoor Spaces: Spaces should be designed for a variety of activities during all hours and seasons.

Response: The outdoor restaurant seating is adjacent to the public sidewalk and looks over Kellogg Creek. The location provides an inviting and attractive place to dine outdoors and supports activity at the nearby Farmer's Market. The seating area connects to new public pedestrian path along the Kellogg Creek side and fosters interest in the adjacent natural areas. Planted screens soften the edges of the building as it steps down toward the on the Kellogg Creek and Willamette River sides and provide visual interest to passers-by. Two occupied rooftop decks are located strategically to maximize views of the creek and the river. One deck is covered to encourage use throughout the year, and the other is uncovered for a different type of outdoor experience.

- Integrate Barrier-Free Design: Accommodate handicap access in a manner that is integral to the building and public right-of-way and not designed merely to meet minimum building code standards.

Response: All the building pedestrian entrances except for the shared parking garage entrance are located along SE Main Street, where more favorable grading conditions exist. The corner retail entrance has been shifted away from the intersection, where there are grading challenges, in order to provide an accessible and more comfortable entry. All of the building entrances will meet ADA and other accessibility requirements. Elevators and an internal accessible route to all areas of the building will be provided. Accessible toilet rooms to serve the commercial spaces will also be provided. Accessible parking stalls and paths will be included in the parking garage. All residential units will meet ADA and Fair Housing requirements and all shared residential service areas and amenities will be accessible. The new public pedestrian path linking Main Street to McLoughlin is designed to be inclusive and accessible for all users.

3. Architecture Guidelines

The Architecture Guidelines promote quality development while reinforcing the individuality and spirit of Milwaukie. The guidelines promote architectural types indigenous to Milwaukie and/or the Northwest. Buildings in Milwaukie should seem to be “at home” there, reflecting its character and heritage, suiting its climate, landscape and downtown street grid.

Within each downtown planning area, building proposals must consider and respond to selected requirements from the following architectural criteria:

- Corner Doors: Locate entry doors on corners of commercial and retail buildings wherever possible.

Response: The entrance to the retail space at the intersection of Main and Washington is set back somewhat from the corner of the building. The existing grade along SE Washington does not allow for an accessible entrance at the building corner, therefore the entrance is shifted to the south to provide a more comfortable entry for all users. Wide glazed storefront bays are provided on either side of the corner instead, which create a strong visual statement. A canopy extending over each storefront bay and wrapping the corner is provided. Since an accessible entrance at the corner is not technically feasible, the intention of the criterion is met with the expansive glazing and corner canopy.

A future restaurant space is located at the corner at Main Street and the Adams Street ROW, based on early feedback from the City. This building corner is treated differently than the Washington Street corner since it occurs at the transition from the denser built downtown blocks to the natural areas of Kellogg Creek and Dogwood Park. The restaurant entry occurs in this corner, although it is set back from the primary building faces. This deeper recess provides a covered area for restaurant customers as well as views through the corner from Main Street to Kellogg Creek and vice versa. The recess also creates a visual flow between the sidewalk, the new public path, the restaurant outdoor seating area and the farmer's market.

The intersection of Washington Street and McLoughlin is part of the residential portion of the building and this guideline does not technically apply. However, since the corner is at a significant

intersection, additional information is provided here for reference. Since this corner is within the residential portion of the building, it has different architectural language than the two commercial corners and is not intended to resemble them or compete with their primary nature. This corner is also influenced by the large right-of-way curve and the significant slope along Washington Street. The building is angled at this corner instead of square, to respond to the shape of the large curve and also to provide a visual "sweep" from northbound McLoughlin to Washington Street.

- Wall Materials: Use materials that create a sense of permanence.

Response: Wall materials have been employed to respond to the building's unique location at the intersection of the urban downtown district and Kellogg Creek and Dogwood park to the south. The wall materials have been strategically located to respond to each façade's surroundings, as well as to provide hierarchy among the different facades.

At the Main Street and Washington Street sides, brick and ground story glazed storefront are used to create a strong corner and reflect permanence. Additionally, the brick cladding ties into the existing downtown building palette and reflects the commercial nature of the district. Vertical and horizontal brick reveals are included to break down the wall planes and create shadow lines. Decorative metal screens are included above the ground story canopies to bring additional scale to each storefront bay. A cornice is provided at the upper level roof lines to emphasize the primary nature of the brick walls and mark the transition to the secondary metal clad walls above.

High-quality metal cladding is utilized at the upper level walls and the facades that do not face the streets, distinguishing these walls from the primary street-facing walls. This material selection also allows for the non-street facing walls to visually recede and not overwhelm the adjacent natural resources.

Wood cladding is employed at recessed alcoves and along the recessed base level of the non-street-facing facades. This creates visual depth at the street level and provides a softer edge on the walls immediately adjacent to the natural areas.

The exterior wall materials and their strategic locations create a sense of permanence, respond to the existing downtown material palette while also responding to the unique and diverse site frontages.

- Wall Structure: Use scale-defining devices to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure by establishing an uninterrupted street edge.

Response: The building employs a tripartite system. The material palette includes a modest number of materials to avoid flashiness. Demarcations of the tripartite aspects of the building design are subtle and include strong datum lines, minor wall plane transitions and material transitions.

The ground story is taller than the upper stories to visually set it apart from the rest of the building. At the street-facing facades, the base is differentiated from the middle portion of the building by a strong horizontal datum line created by the storefront bays and canopies. The height of these bays is maintained even as the grade changes along the commercial section of the SE Washington façade. Decorative metal screens are provided above the canopies to visually terminate the base level.

There is discernable building middle that extends several stories on the primary street-facing facades. A cornice at the top of the walls distinguishes the middle from the top. Above the cornice line, the wall materials change to metal panels, to break down the visual mass of the building and further define the wall hierarchy.

At the non-street facing facades, the base is differentiated by the use of wood cladding. The base level wood clad walls are set back from the wall plane above, and the walls are angled on the west, southwest and portions of the south side. This treatment creates less imposing and softer edges adjacent to the natural resources.

The middle and top portions of the non-street facing walls are clad in metal panel to visually tie into the upper level street-facing walls. The building height steps along the non-street facing walls. The design of these facades is less concerned with maintaining a strong tripartite hierarchy and instead focuses more on responding to the adjacent natural areas.

The combination of material transitions, wall plane changes, datum lines and general approach to building massing allow the building to create a strong edge while also breaking up the longitudinal dimensions of the walls.

- Retail Windows. Use windows that create an open and inviting atmosphere.

Response: At the ground story, each bay of commercial space will be glazed with aluminum storefront. The expansive glazing will allow views into and from the commercial spaces for visual interest and promotion of pedestrian activity. The openness of the ground story will invite pedestrians into the commercial spaces and also provide eyes on the street for safety.

The storefront will have solid panels at the base. The color will dark, not clear anodized aluminum. The residential lobby storefront will be high-quality wood cladding and will sit on top of a concrete base.

- Silhouette and Roofline. Create interest and detail in silhouette and roofline.

Response: The roofline along Main Street varies along the length of the facade to break up the overall mass and provide visual interest. The roofline along Washington Street steps down with the building to respond to the adjacent natural resources and significant grade change. Cornices at the primary roof line are provided on street-facing facades.

The overall building massing approach and strategic roofline strategy create an interesting and straightforward silhouette. The roofline design articulates and reinforces the hierarchy of the building's parts.

- Rooftops. Integrate rooftop elements into building design.

Response: Two occupied rooftop decks are located strategically to maximize views of Kellogg Creek and the Willamette River. One deck is covered to encourage use throughout the year, and the other is uncovered for a different type of outdoor experience. Additional non-occupied green roof areas are included to reduce rooftop heat and to provide a better visual experience from nearby buildings. Mechanical units are setback from building edges and will not be visible from the sidewalk. Solar arrays are also included at the roof level and will not be visible.

The roof plan and components are an integral part of the overall building design.

- Green Architecture. New construction or building renovation should include sustainable materials and design.

Response: The project anticipates receiving LEED Silver certification. A solar array will be installed on the roof. Stormwater from the hardscape and plaza areas around the building will be managed through permeable pavers and pervious concrete. Storm water from the roof area will be treated in a planter facility located on the second-floor terrace.

There are also a number of green building measures being utilized in the landscape areas. For all of the mitigation areas, native plants are being used per the City of Milwaukie's standards. In other areas, a combination of native, indigenous, and drought-tolerant plants is being utilized. In addition, a smart irrigation controller will be specified that will monitor the rainfall to avoid irrigation when it is not

necessary. The major public pedestrian path that connects Main Street to McLoughlin Boulevard will be a steel grate surface that will allow water to filter into the native grade.

Additionally, the project scope includes extensive floodplain mitigation, which is, by its nature, sustainable design.

- Building Security. Buildings and site planning should consider and employ techniques that create a safe environment.

Response: The active, mixed-use nature of the building will generate activity during the day and at night, with “eyes on the street” throughout. The retail spaces will have continued visitors during the day and the restaurant hours can extend into the evening. Residents will come and go at all hours.

Residential units overlook the new pedestrian path, which will provide a safety factor for the new public amenity. Lighting has been included along the path.

The development of a new building at this scale will create a level of activity that is much greater than the current activity level. Overall, this will provide significantly more security for the district.

TYPE III VARIANCES REQUESTED

1. Variance to MMC 19.402.11.B.6.b

19.911.2 Applicability

A. Eligible Variances. Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

Response: The applicant is requesting a variance to MMC 19.402.11.B.6.b, which prohibits off-site mitigation for disturbances within WQRs. As identified in response to MMC 19.911.2.B, this is not a prohibited variance.

B. Ineligible Variances. A variance may not be requested for the following purposes:

1. To eliminate restrictions on uses or development that contain the word “prohibited.”
2. To change a required review type.
3. To change or omit the steps of a procedure.
4. To change a definition.
5. To increase, or have the same effect as increasing, the maximum permitted density for a residential zone.
6. To justify or allow a Building Code violation.
7. To allow a use that is not allowed outright by the base zone. Requests of this nature may be allowed through the use exception provisions in Subsection 19.911.5, nonconforming use replacement provisions in Subsection 19.804.1.B.2, conditional use provisions in Section 19.905, or community service use provisions in Section 19.904.

Response: The applicant is requesting a variance to MMC 19.402.11.B.6.b, which prohibits off-site mitigation for disturbances and permanent impacts within WQR areas. As identified in response to the applicable criteria of MMC 19.402, the applicant’s proposed multi-use development will result in approximately 16,904 square feet of permanent and 10,405 square feet of temporary vegetated corridor impacts adjacent to an WQR (Kellogg Creek). The applicant is proposing mitigation to these WQR impacts on a site immediately adjacent to the Coho Point site, Dogwood Park and Adams Street right-of-way. This applicant’s variance request is not for any of the purposes identified above. Additionally, MMC19.402.11.B.6.b does not contain the word ‘prohibited’. Therefore, this variance request is allowed, and the standards of this section are applicable.

C. Exceptions. A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either “by right” or as part of a specific land use application review process.

Response: MMC 19.402.11.B.6.b does not allow off-site mitigation for WQR impacts by right, and does not include provisions for exceptions, adjustments or modifications. Therefore, a variance is required to allow for off-site WQR impacts.

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’s variance request will allow for off-site mitigation to WQR impacts. As previously identified in response to MMC 19.402, the applicant is proposing permanent impacts to HCA and WQR areas to allow for the development of a mixed-use development. As the applicant’s development requires a Type III Natural Resources review per MMC 19.402.8, this variance is also subject to the Type III process.

A second variance, to allow for an increase in the allowed buildable height of the proposed multi-use building, is also requested. The applicant’s requested height variance is subject to approval criteria identified in MMC 19.911.6. Responses demonstrating the project’s compliance with those criteria are included in this narrative.

A third variance, to allow a reduction in the minimum percentage of first floor zero setback is also requested. The requested variance is subject to approval criteria in 19.911.4. Responses demonstrating the project’s compliance with those criteria are included in this narrative.

B. Type II Variances. Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.

3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.

Response: As previously identified, the applicant's variance request to allow off-site mitigation to permanent WQR impacts is subject to the Type III process. Therefore, these standards are not applicable.

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's variance request will allow for off-site mitigation to WQR impacts. As previously identified in response to applicable standards of MMC 19.402, the applicant is proposing temporary and permanent impacts to HCA and WQR areas to allow for the development of a mixed-use development that is constructed to the property line and maximizes use of the site. As the applicant's development requires a Type III Natural Resources review per MMC 19.402.8, this variance is also subject to the Type III process. This request is not to a numerical standard, or to a standard of MMC 19.505, 19.901, or to fence height standards. Therefore, this variance is subject to the Type III process.

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: The applicant is requesting a Type III variance to allow for off-site mitigation to WQR impacts. As previously identified in response to MMC 19.402, the applicant is proposing temporary and permanent impacts to HCA and WQR areas to allow for the development of a mixed-use building on the subject property which will provide 84 studio apartments, 56 one-bedroom apartments, 187 two-bedroom apartments, and seven (7) three-bedroom apartments that will range in size from 570 to 1,150 square-feet. The ground story of the building will include commercial retail spaces facing Main Street, and a corner restaurant oriented toward Dogwood Park and Kellogg Creek with outdoor seating.

The site is currently partially vacant and located in Downtown Milwaukie, adjacent to SE McLoughlin Boulevard (Hwy 99E) to the west, Kellogg Creek and Dogwood Park to the south, SE Main Street to the east, and SE Washington Street to the north. The site is located entirely within Milwaukie's Downtown Mixed Use (DMU) zone, which promotes mixed-use development, densities higher than other City zones, and development that extends to the right-of-way frontage and property line. The DMU zone includes many incentives for higher density and unique development, including height bonuses, flexible ground-floor space, and 0-foot minimum setbacks. As stated in MMC 19.304, minimal buildable land remains in Downtown, and the City encourages unique mixed-use and residential projects that maximize density and complete site utilization.

Off-site mitigation will allow for maximum utilization of the Coho Point site for the mixed-use development, maximizing the number of residential units and leasable commercial space, allowing the building to be constructed as close to the property line as possible consistent with other recent developments within the DMU zone in downtown Milwaukie. The off-site mitigation will provide native tree and shrub plantings compliant with the Milwaukie Native Plan List. Mitigation plantings will occur in the mitigation areas as identified in Figure 9 of the PHS report, located within the Adams Street right-of-way and Dogwood Park.

Alternatives to the mixed-use development's design were contemplated within the PHS report, including a design that reduced the development's footprint to the limit of the HCA and WQR areas. As identified in Figure 6 of the PHS report, building within the HCA and vegetated corridor adjacent to the WQR (Kellogg Creek) allows for a building that is approximately 204,253 square-feet; a building that is built to the HCA line, and does not impact the WQR vegetated corridors, results in a building that is approximately 165,310 square-feet, or a reduction of approximately 21% of the preferred alternative's building size. In this alternative, HCA and WQR impacts would not occur, and mitigation would not be necessary. This alternative would provide a project that is not financially feasible due to the reduce number of residential units, however. The applicant's proposed development has been designed to maximize the use of the site consistent with other recent developments in the DMU zone and Downtown Milwaukie, including the Axeltree Apartments located at SE 21st Avenue and SE Washington Street.

Alternatives that reduce the development's footprint but still result in WQR and HCA impacts that require mitigation would ultimately require this to be done off-site due to the site's constraints previously identified, which includes public right-of-way on north, east, and west sides, and Kellogg Creek and a public park to the south. Alternatives to off-site mitigation do not exist in these scenarios; mitigation would still be required off-site, whether mitigation occurs within in Adams Street right-of-way and Dogwood Park, or elsewhere. While off-site mitigation is not allowed for WQR impacts per MMC 19.401.11.B.6.b, the proposed off-site mitigation meets all other baseline code requirements for mitigation to WQR impacts, including:

- Areas of temporary impacts will be restored and permanent impacts to WQR and HCA impacts will be mitigated (MMC 19.401.11.B.1);*
- Proposed mitigation plantings consisting of native species consistent with MMC 19.401.11.B.2 will be provided;*
- Proposed plantings will meet the plant size, spacing, and diversity requirements as identified on sheets 12 and 13 of the plan set and Figure 9A of the PHS report (MMC 19.401.11.B.3-5);*
- Invasive non-native and noxious vegetation, and nuisance plants will be removed from the mitigation area prior to planting (MMC 19.401.11.B.7);*
- Following the installation of mitigation plantings, remaining bare/open soil areas will be planted or seeded to 100% coverage with a native grass seed mix or other ground cover species (MMC 19.401.11.B.8);*

- *Required and recommended practices identified in MMC 19.0401.11.B.9 will be utilized by the applicant on the second anniversary of mitigation plantings being installed to meet the minimum of 80% tree and shrub survival as required (MMC 19.401.11.B.9);*
- *An annual monitoring site visit will be conducted, and a report prepared and submitted to the City for two years following plantings (MMC 19.401.11.B.10); and*
- *Proposed mitigation plantings have been selected based on the existing conditions of the WQR areas being impacted and the conclusion that the area could be enhanced through vegetation enhancement and mitigation, as identified in the PHS report. (MMC 19.401.11.C.1)*

While the Adams Street right-of-way and Dogwood Park are not considered part of the Coho Point development site per the City's definition of "site", these areas are immediately adjacent to the Coho Point site development area and include improvements that will be constructed in conjunction with the applicant's proposed mixed-use development. As identified in detail within the PHS report, the proposed mitigation will improve the overall quality of wildlife habitat within the mitigation areas and will also improve the functional value of Kellogg Creek, which is the resource (WQR) being impacted by the applicant's proposed mixed-use development.

As identified above, the proposed mitigation will meet all other baseline requirements per MMC 19.401.11.B.1-10, as well as specific mitigation requirements for WQR impacts per MMC 19.401.11.C.1. As identified in response to MMC 19.911.4.B.1.b-c below, the proposed variance for off-site mitigation avoids impacts to surrounding properties, results in desirable public benefits, responds to the natural and built environment in a creative and sensitive manner, and will not result in impacts that need to be mitigated. Therefore, the applicant's proposal to allow for off-site mitigation for permanent disturbances to WQR areas will meet the baseline code requirements for required WQR impact mitigation and does not result in any adverse impacts.

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.

Response: The requested variance is to allow for off-site mitigation for disturbances and permanent impacts within WQR areas adjacent to Kellogg Creek as a result of the proposed mixed-use development. As identified in Figure 9 of the PHS report, the off-site mitigation is proposed within the Adams Street right-of-way and Dogwood Park and is not anticipated to impact surrounding properties due to the nature of the request. The proposed mitigation plantings will include native trees and shrubs that are compliant with the Milwaukie Native Plant List, which will further enhance Dogwood Park's natural character, and will soften the transition from the public park space toward Kellogg Creek.

As a part of the mitigation, man-made debris and non-native and noxious vegetation will be removed within the planting area prior to the installation of mitigation plantings. The removal of non-native and noxious plantings will provide an improved environment for the proposed and existing native plantings that could otherwise be harmed by the presence of non-native and noxious plants and man-made debris. The proposed off-site mitigation will not diminish the natural character of the areas adjacent to and within Dogwood Park and will provide additional public benefits by enhancing these natural areas. As described in the PHS report, the mitigation plantings will complement the existing diverse plant community within the WQR and provide other benefits such as bank stabilization and sediment pollution control, while adequately mitigating impacts caused by the proposed mixed-use development.

Therefore, the proposed variance for off-site mitigation plantings for WQR impacts will avoid impacts to surrounding properties, including the City's Dogwood Park.

(2) The proposed variance has desirable public benefits.

Response: The requested variance for off-site mitigation will provide native tree and shrub plantings compliant with the Milwaukie Native Plant List adjacent to and within Dogwood Park as identified on Figure 9 of the PHS report. These plantings will further enhance Dogwood Park's natural feel and will act to soften the transition from Dogwood Park and the existing built areas adjacent to Main Street toward Kellogg Creek.

These mitigation plantings will benefit the existing diverse plant community within the WQR areas and provide water filtration, infiltration, and natural purification functions for Kellogg Creek, as well as bank stabilization and sediment pollution control. As further identified in the PHS report, the proposed tree plantings will also better provide microclimate regulation and shade for Kellogg Creek as compared to the existing plant community. These trees will complement the existing trees that will remain within the vegetated corridor and provide the potential for large wood recruitment and retention functions. Additionally, non-native and noxious plantings will be removed within the planting area prior to installation of mitigation plantings, increasing the overall health of the area adjacent to Kellogg Creek and Dogwood Park as compared to current conditions.

Therefore, the proposed variance for off-site mitigation plantings for WQR impacts will result in a desirable public benefit as natural areas adjacent to Kellogg Creek will be enhanced with native plantings that will only contribute to the health of Kellogg Creek and existing native vegetation within the mitigation area, which will enhance the public's use of these areas for passive and active recreational purposes.

(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Response: The requested variance is for off-site mitigation for disturbances to WQR areas adjacent to Kellogg Creek resulting from the applicant's proposed mixed-use development within the Coho Point site. Off-site mitigation will allow for maximum utilization of the Coho Point site for the mixed-use development, maximizing the number of residential units and leasable commercial space, allowing the building to be constructed as close to the property line as possible consistent with other recent developments within the DMU zone in downtown Milwaukie. The off-site mitigation will provide native and tree shrub plantings compliant with the Milwaukie Native Plan List. Mitigation plantings will occur in the mitigation areas as identified in Figure 9 of the PHS report, located within the Adams Street right-of-way and Dogwood Park.

As the variance is for required mitigation due to the project's impacts to WQR areas, the plantings are inherently needed as a response to the project's permanent impacts on the natural environment adjacent to Kellogg Creek. These mitigation plantings will benefit the existing diverse plant community within the undisturbed WQR areas and provide water filtration, infiltration, and natural purification functions for Kellogg Creek, as well as bank stabilization and sediment pollution control. As further identified in the PHS report, the proposed tree plantings will also better provide microclimate regulation and shade for Kellogg Creek as compared to the existing plant community. Proposed tree plantings will complement the existing trees that will remain within the vegetated corridor and provide the potential for large wood recruitment and retention functions. Additionally, non-native, and noxious plantings will be removed within the mitigation planting area prior to installation of mitigation plantings, increasing the overall health of the area adjacent to Kellogg Creek and Dogwood Park as compared to current conditions.

Therefore, the proposed variance for off-site mitigation responds to the existing natural environment in a creative and sensitive manner by providing mitigation plantings that adequately mitigate impacts from the applicant's proposed mixed-use development within the Coho Point site, while also benefiting the overall health and functional value of Kellogg Creek and the adjacent undisturbed WQR areas. Additionally, proposed mitigation plantings will complement the built environment within Dogwood Park and the Adams Street right-of-way by providing native plantings

that will supplement the park’s more natural areas and provide a more natural transition from these areas to Kellogg Creek.

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

Response: The proposed off-site mitigation includes plantings of native trees and shrubs that are compliant with the Milwaukie Native Plant List as identified in Figure 9 of the PHS report. Invasive and non-native or noxious vegetation will be removed within the mitigation planting areas prior to planting; additional species listed as nuisance plants by the City will also be removed, as well as man-made debris. As identified on Figure 9 of the PHS report, the mitigation area will occur adjacent to and within the City’s Dogwood Park. The proposed mitigation plantings will not result in impacts that require mitigation in their own right. Conversely, these plantings will further enhance Dogwood Park’s natural feel, and will eliminate non-native and invasive species that could otherwise harm existing natural resource areas adjacent to Kellogg Creek.

Therefore, the applicant’s variance request to allow for off-site mitigation required for WQR impacts within the Coho Point site does not result in additional impacts that would require mitigation.

2. Economic Hardship Criteria

a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.

Response: The applicant is electing to meet the discretionary relief criteria. Therefore, the economic hardship criteria are not applicable.

2. Variance to MMC 19.304.5.B.3

19.911.6 Building Height Variance in the Downtown Mixed Use Zone

A. Intent. To provide a discretionary option for variances to maximum building heights in the Downtown 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 maximum heights or stories allowed through the bonuses specified in Figure 19.304-4, Subsection 19.304.5.B.3, and Section 19.510.

Response: The applicant is requesting a variance to MMC 19.304.5B, which allows 5 stories and 69’ maximum height with the bonuses specified in Figure 19.304-4, Subsection 19.304.5.B.3 and Section 19.510. The proposed building is 6 stories and 78’ from the zoning base point. Therefore, this variance request is allowed, and the standards of this section are applicable.

C. Review Process. The building height variance shall be subject to Type III review and approval by the Design and Landmarks Committee and the Planning Commission, in accordance with Chapter 19.907 and Section 19.1011. The building height variance shall be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall sign a waiver of the 120-day decision requirement.

Response: The signed waiver is included in this response.

2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.

Response: The City of Milwaukie is a partner in this project and has been involved in the design discussions since the beginning of the project. An informal pre-application conference was attended in addition to the formal pre-application conference. A formal presentation will be made to the DLC.

3. Design advice requests may not be made for a specific project or site with an active land use review application.

Response: No design advice request is being made.

4. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

Response: The fees associated with this application have been identified by City staff.

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

1. Substantial consistency with the Downtown Design Guidelines.

Response: The proposed building is substantially consistent with the Downtown Design Guidelines. A Type III Downtown Design Review is included in this application. Applicable guidelines are addressed in 19.907 above.

2. The proposed height variance will result in a project that 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 building is designed for the prominent gateway location it occupies. The downtown district façade requirements identified in the Downtown Design Guidelines are addressed, including a tripartite design, durable, high-quality materials, and ample façade openness. Downtown pedestrian standards are also met with weather protection, ground story glazing, places for stopping and viewing, among others.

The additional story requested in this variance occurs along the SE Main and SE Washington facades. The building form and massing respond directly to the site conditions. The overall building massing approach pushes the taller portion of the building to the downtown facing sides to create an urban edge. The massing erodes on the south, west and southwest facades in response to adjacent natural resources. This site specific approach can be described diagrammatically as taking a 5-story building, removing one story from a portion of the building and adding it to another portion of the building. In other words, the overall mass of the proposed building is the same as it would be if the entire building utilized the 5 stories that are allowed outright. The proposal is to simply shift the mass around to create the urban edge on the downtown sides and a softer edge on the more sensitive natural resource sides. See Drawing sheet 8 for diagrams that illustrate this approach.

There are several building design considerations that factor into the additional height requested. The Milwaukie Downtown Design Guidelines require a tall ground story height. In addition, the steps in the massing and the inclusion of occupied roof decks require deeper structural members in some portions of the building. In order to provide these positive design features, the building height must be raised to allow for a livable floor-to-floor height on the upper floors and an appropriate ceiling height in the 5th story amenity space.

There will be inherent impacts by building any new building, particularly a multi-family housing structure

that brings more people to the neighborhood. It is important to understand that these impacts are positive, not negative. The impacts include increased pedestrian activity, increased security from residential activity and more eyes on the street, and general economic improvements from more people residing in the district. The project addresses needs identified in the Housing and Residential Land Assessment. The project provides 195 units of housing with a variety of housing types. The development of this needed housing mitigates the impact of the requested additional height.

Additionally, the project scope includes extensive floodplain mitigation, development of a significant pedestrian connection from SE Main St to SE McLoughlin and the river and provisions for a future public bike path. These are not directly related to the height of the building but reinforce the partnership with the City of Milwaukie and the good faith intention for the project to have a strong positive impact on the surrounding area.

3. The proposed height variance preserves important views to the Willamette River, limits shadows on public open spaces and ensures step downs and transitions to neighborhoods at the edge of the Downtown Mixed Use Zone.

Response: The project does not block the defined view corridor along Washington Street. The project creates new views from and along the Adams Street ROW by developing a new public path connecting Main Street to McLoughlin. From this path, views of Kellogg Creek, Dogwood Park, and the Willamette River will be provided.

The overall building massing approach pushes the taller portion of the building to the downtown facing sides to create an urban edge. The massing erodes on the south, west and southwest facades in response to adjacent natural resources. This approach minimizes shadowing from the taller portion of the building on the adjacent natural areas and the farmer's market to the south.

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

Response: The project provides 195 units of needed housing with a variety of unit types, as identified in the Housing and Residential Land Assessment. In addition, the increased activity from residential dwellers and active retail spaces promotes economic development and provide increased security for the neighborhood. The increased height allows for building amenities that will make the housing units attractive and provide desired views while also meeting the need for a taller, active ground story.

Additionally, the project scope includes extensive floodplain mitigation, development of a significant pedestrian connection from SE Main St to SE McLoughlin and the river and provisions for a future public bike path. These are not directly related to the height of the building but reinforce the partnership with the City of Milwaukie and the good faith intention for the project to have a strong positive impact on the surrounding area.

The impacts to the adjacent natural areas have been reduced by the massing approach described above. Pushing the mass toward the urban edge conforms to the Downtown Design Guidelines while at the same time respects and defers to the adjacent natural areas along the remaining facades. The inclusion of roof decks and the resulting views will help attract the residents that the City wishes to draw into the downtown district. The numerous benefits of having increased activity and dwelling downtown mitigate the additional height.

3. Variance to MMC 19.304.5.D.2.b(1)

19.911.2 Applicability

A. Eligible Variances. Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

Response: The applicant is requesting a variance to MMC 19.304.5D.2.b(1), which requires 75% of the first floor to be built to the front lot line. As identified in 19.911.2B, this is not an ineligible variance.

B. Ineligible Variances. A variance may not be requested for the following purposes:

1. To eliminate restrictions on uses or development that contain the word “prohibited.”
2. To change a required review type.
3. To change or omit the steps of a procedure.
4. To change a definition.
5. To increase, or have the same effect as increasing, the maximum permitted density for a residential zone.
6. To justify or allow a Building Code violation.
7. To allow a use that is not allowed outright by the base zone. Requests of this nature may be allowed through the use exception provisions in Subsection 19.911.5, nonconforming use replacement provisions in Subsection 19.804.1.B.2, conditional use provisions in Section 19.905, or community service use provisions in Section 19.904.

Response: The applicant is requesting a variance to MMC 19.304.5D.2.b(1), which requires 75% of the first floor to be built to the front lot line. This applicant’s variance request is not for any of the purposes identified above, therefore this is not an ineligible variance.

C. Exceptions. A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either “by right” or as part of a specific land use application review process.

Response: MMC 19.304.5D.2.b(1) does not allow for a reduction in the minimum percentage of first floor zero setback by right, and does not include provisions for exceptions, adjustments or modifications. Therefore, a variance is required to allow for a reduction in the percentage of first floor zero setbacks.

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's variance request will allow for a reduction in the percentage of zero setbacks along Main and Washington Streets and the Adams Street right-of-way. This is the third variance request included in this application

A variance to MMC 19.402.11.B.6.b, which prohibits off-site mitigation for disturbances and permanent impacts within WQR areas, is also requested. The variance is subject to approval criteria identified in MMC 19.911.4. Responses demonstrating the project's compliance with those criteria are included in this narrative.

A variance to allow for an increase in the allowed buildable height of the proposed multi-use building is also requested. The applicant's requested height variance is subject to approval criteria identified in MMC 19.911.6. Responses demonstrating the project's compliance with those criteria are included in this narrative.

B. Type II Variances. Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.

Response: This request is not to a numerical standard, or to a standard of MMC 19.505, 19.901, or to fence height standards. Therefore, this variance is subject to the Type III process.

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: This request is not to a numerical standard, or to a standard of MMC 19.505, 19.901, or to fence height standards. Therefore, this variance is subject to the Type III process.

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: MMC 19.304.5.D.2.b(1) and Figure 19.304-5 require that buildings along Main and Washington Streets and the Adams Street right-of-way have zero setbacks for 75% or more of the frontages. This section does not include provisions for shallow recesses incorporated for façade articulation, similar to 19.304.5E.2.d.

Façade articulation is required by 19.508.4 Building Design Standards and the Milwaukie Downtown Design Guidelines. The proposed design achieves the required façade articulation in part by providing slight recesses at the storefront bays, wall material changes and where the building transitions from commercial uses to residential use. These recesses are generally less than 2' deep, with a few specific exceptions. All of the recesses occur beneath the datum line set by the canopies, and the remaining ground story wall areas above are at the lot lines.

Recesses less than 2' deep are not experienced as interruptions in the continuous urban enclosure and instead provide visual interest and help to engage passers-by. The proposed building is large, with over 200' of frontage on Main Street and 150'-6" of frontage on Washington Street (as measured per Figure 19.304-5). Without façade articulation, these long frontages would be monolithic and imposing and would not support the standards in 19.508.4 and the Milwaukie Downtown Design Guidelines.

Each of the frontages responds to unique considerations that factor into the proposed facade articulation strategy. Specific percentages of recessed areas for each frontage are described in the response to 19.304.5D.2.b.

The Washington Street frontage contains both commercial and residential uses. There is also a significant grade change, and the ground story is above the sidewalk level for part of the frontage. At the commercial portion of the Washington Street frontage, the brick wall is set at the property line the full height of the building. The storefront bays are recessed 1'-0" to provide façade articulation and allow for sound construction detailing of wall material transitions. The pedestrian access door is recessed more than 2' to protect the entry from the elements and to allow the door to open without swinging over the right of way.

The ground story residential portion of this frontage is recessed less than 2' from the lot line. This recess occurs at a change in wall materials and visually differentiates the residential portion of the building from the commercial portion. Additionally, planted metal screen walls are provided in front of the open garage below. These walls are recessed approximately 1'-4" from the lot line. Because the plants require a minimum of 12" of growing space, the screen walls must be set back from the property line to allow room for the plants and for the planted screen concept to be viable.

At the Adams Street right of way, the brick walls is not set exactly to the lot line. This is due to the brick coursing. The brick coursing starts at the zero lot line of the Washington/Main Street corner and progresses south. The Adams/Main Street corner is 2-1/2" off the lot line in order for the wall to terminate at a brick module in lieu of cutting small slivers of bricks, which is not practical or attractive.

The brick wall at the Adams Street frontage is located 2-1/2" from the lot line for the entire height. Practically and visually, the wall is at the lot line.

Similar to Washington Street, the storefront bays are set back from the face of the brick wall less than 1' to provide façade articulation. The restaurant entrance bay is set back 20'. This provides covered circulation space for restaurant customers and also allows a view through the corner from Main Street to Kellogg Creek and the new public path, and vice versa.

There is approximately 35' of residential frontage at Adams Street (as measured per Figure 19.304-5). The residential portion is set back to distinguish it from the commercial part of the building, and to mark the change in wall materials. This set back is approximately 6' from the property line to allow for an outdoor deck. Due to the path of the Kellogg Creek bank, which crosses the property line and travels northwest, the building wall also angles to the northwest. This geometry results in a section of wall that is between 2' and 20', and a very small section that is more than 20' from the lot line.

The Main Street frontage has several subtle variations in recess depths. This is the longest wall of the building and is anticipated to have the most pedestrian activity. The residential entrance is located on this frontage, alongside the commercial entrances. Façade articulation on this frontage is particularly important.

The brick wall is located at the lot line for its full height. All but one of the commercial storefront bays are recessed less than 2' for façade articulation and to create a rhythm of bays along the sidewalk. The commercial retail entrance doors are recessed approximately 3' to provide additional protection from the elements and to allow the doors to open without swinging over the right of way. The restaurant entrance is set back 19'-0". This provides covered outdoor circulation space for restaurant customers and also allows a view through the corner from Main Street to Kellogg Creek and the new public path, and vice versa.

The middle portion of the Main Street frontage contains the residential entry and lobby. The wood clad wall at the residential entry and lobby is set back less than 2' from the lot line to differentiate it from the commercial portion of the frontage. The residential entrance doors are recessed another 5'. This provides more maneuvering room for residents who may be carrying bags, managing bikes, etc.

Adjacent to the residential entry and lobby is a service area, which includes doors to the trash room and electrical room. The wood clad wall at the service area is additionally recessed to provide a buffer between the service doors and the right-of-way. The commercial storefront bay adjacent to the north aligns with this wood clad wall, to achieve balance on the elevation. This is the sole commercial storefront bay that is recessed more than 2'.

The intent statement of 19.304.5D.2.b reads: Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone. Required build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.E and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-5). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

At all three facades, the majority of the walls are at or less than 2' off the lot line. 19.304.5E.d Frontage Occupancy allows for recesses incorporated to comply with façade articulation requirements to be considered to be occupying the site frontage if the recesses do not exceed 2'. A similar argument can be made for Build-To line requirements. Slight recesses that are used to provide scale and variety to long walls do not reduce the urban enclosure effect. The recesses support the goals of Milwaukie Downtown Design Guidelines, including:

Define the pedestrian environment: Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm

Wall Structure: Use scale-defining devices to break up the longitudinal dimensions of buildings, creating a comfortable sense of enclosure by establishing an uninterrupted street edge

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 variance has minimal negative impact to surrounding properties. The slight recesses along the sidewalk level wall planes do not create voids in the urban edge or otherwise reduce the sense of urban enclosure.

The proposed variance has desirable public benefits, including façade articulation that provides human scale and visual interest at the sidewalk level, and differentiates between commercial and residential uses.

The proposed variance responds to the existing built environment by utilizing a traditional storefront bay language and scale-defining façade articulation techniques. The proposed articulation helps the long ground story walls to engage the right-of-way.

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

Response: There are few negative impacts from the proposed variance. At Washington Street, the plants growing on the screens will occupy the space between the lot line and the building walls, which will create another edge of sorts. At the Adams Street right-of-way, the avoidance of awkward small slivers of brick at the corner mitigates the 2-1/2" setback from the lot line.

2. Economic Hardship Criteria

a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.

Response: The applicant is electing to meet the discretionary relief criteria. Therefore, the economic hardship criteria are not applicable.

MODIFICATION REQUESTED

Modification to MMC 19.605.1

MMC 19.605.1 requires a ratio of one parking space per residential dwelling unit in the DMU zone, for a total of 195 residential parking spaces. .48 spaces per residential unit are proposed, for a total of 94 residential spaces (before by-right deductions). The proposed total number of spaces for the project, after by-right deductions, are as follows:

<i>.48 space per dwelling unit.</i>	<i>.48 x 195 units = 94 spaces</i>
<i>2 spaces per 1,000 SF retail floor area</i>	<i>3,900 / 2 = 8 spaces</i>
<i>4 spaces per 1,000 SF restaurant floor area</i>	<i>3,100 / 4 = 12 spaces</i>
<i>Total spaces before By-Right reductions</i>	<i>114</i>

<i>By-Right reduction: proximity to MAX</i>	$114 \times .25 = 29$
<i>By-Right reduction: additional bike parking</i>	6 per 1 add'l bike space 36 additional spaces / 6 = 6
<i>Total By-Right reductions</i>	<35>
<hr/> Total spaces after By-Right reductions	<hr/> 81

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, etc.).

Response: The building is mixed-use with retail, restaurant and multi-family residential uses. The restaurant and retail spaces will be completed as shell spaces to be leased and built-out separately with future tenant improvement permits. Information about future employees and customers is not known at this time. The modification to the required parking ratios only applies to the residential uses. The required restaurant and retail use parking ratios will be met.

2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.

Response: The site is located within 800' of the MAX Orange line station. A Tri-Met bus transfer area is also nearby, as well as a public bike path that connects to the Springwater Corridor Trail for access to Portland and other destinations.

Historically, dense urban areas and city centers have relied more on mass transit and pedestrian/bicycle transit than individually-owned cars. Downtown Milwaukie is transforming from a small city downtown to a modern and forward-thinking urban center and the current development projects must serve to foster this growth and encourage a diversity of residents and visitors. Higher density residential projects such as the proposed tend to appeal to smaller and, often, younger households. As regional costs of living continue to increase, many people no longer wish to pay for ongoing vehicle costs. Many people also do not want to contribute to climate change and environmental degradation and prefer to use alternative means of transportation. The proximity to mass transit and established bicycle paths provides and encourages alternative means of transportation. As more services and amenities develop in the downtown area, residents will be able to walk to nearby amenities and will not need to rely so much on driving to services located in other parts of the city. The rise of the gig economy provides popular ride services such as Lyft and Uber. Additionally, the nature of workplaces is rapidly changing, and the need for as many people to commute to work daily is diminishing. All of these factors reduce the current and future demand for parking.

3. Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning Director may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.

- a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.

b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.

c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.

Response: The City of Portland requires a minimum of .33 spaces per unit for residential projects with more than 51 units within mixed-use commercial zones and high-density residential zones. The proposed ratio is .48 spaces per unit. This exceeds Portland's minimum requirement for mixed-use and high-density residential zones.

Given the project's proximity to the MAX Orange Line station, Trimet bus transfer area and the district's goals for development and growth, the proposed ratio is a reasonable middle ground between current code requirements and the nearby, denser districts of Portland.

4. Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.

Response: The minimum ratio proposed for the multi-family portion of the project is .48 spaces per unit. The ratios for the retail and restaurant portions of the project will meet the standards of 19.605.1

5. Address the approval criteria in Subsection 19.605.2.C.

Response: See responses below.

C. Approval Criteria

The Planning Director shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Director, based on the applicant's materials and other data the Planning Director deems relevant, shall set the minimum parking requirement and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.

Response: The City of Portland requires a minimum of .33 spaces per unit for residential projects with more than 51 unit within mixed-use commercial zones and high-density residential zones. The proposed ratio is .48 spaces per unit. This exceeds Portland's minimum requirement for mixed-use and high-density residential zones.

Given the project's proximity to the MAX Orange Line station, Trimet bus transfer area and the district's goals for development and growth, the proposed ratio is a reasonable middle ground between current code requirements and the nearby, denser districts of Portland.

2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria:

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

Response: The site is located within 800' of the MAX Orange line station. A Tri-Met bus transfer area is also nearby, as well as a public bike path that connects to the Springwater Corridor Trail for access to Portland and other destinations.

Higher density residential projects such as the proposed tend to appeal to smaller and, often, younger households. As regional costs of living continue to increase, many people no longer wish to pay for ongoing vehicle costs. Many people also do not want to contribute to climate change and environmental degradation and prefer to use alternative means of transportation. The proximity to mass transit and established bicycle paths provides and encourage alternative means of transportation. As more services and amenities develop in the downtown area, residents will be able to walk to nearby amenities and will not need to rely so much on driving to services located in other parts of the city. The rise of the gig economy provides popular ride services such as Lyft and Uber. Additionally, the nature of workplaces is rapidly changing, and the need for as many people to commute to work daily is diminishing. All of these factors reduce the current and future demand for parking.

The requested reduction only applies to the multi-family residential portion of the project. These users will not be able to park long-term on the street because the on-street parking has time limitations. The retail and restaurant portions of the project, which will draw short term parkers, will have the required number of parking spaces, therefore, the request will not adversely affect available on-street parking.

The proposed reduction is the smallest needed based on the specific circumstances of the project. Mitigation measures have been taken in order to maximize the number of spaces, which includes a percentage of narrower, "compact" stalls. The proposed ratio is a reasonable alternative to these more extreme measures.

3. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:

- a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
- b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
- c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

Response: An increase in the amount of maximum allowed parking is not requested. This does not apply.