MEMORANDUM

PROJECT 17-021 COHO POINT

SUBJECT COMPLETENESS 3.1 LETTER RESPONSE

DATE AUGUST 25, 2021

RECIPIENTS Brett Kelver, City of Milwaukie

The list below summarizes the response to the items noted in the Completeness Letter dated July 22, 2021. Please see the individual revised application components for detailed responses.

1. MMC Section 19.304 Downtown Zones (beginning on page 55 of narrative)

MMC Subsection 19.304.5.D establishes requirements for street setbacks and build-to lines, with reference to block faces identified on MMC Figure 19.304-5, including the Washington Street, Main Street, and Adams Street frontages of the subject property. The requirement is that at least 75% of the first floor along each block face must be built to the lot line, with a 0-ft setback. Based on the information provided as part of the revised submittal, it appears that none of the three block faces of the proposed building meet this standard. Each of the first-floor façades appears to be generally within 1-3 ft of the lot line, but each appears to be well under the 75% standard of an actual 0-ft setback.

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 statemen 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.

2. MMC Section 19.508 Downtown Site and Building Design Standards (beginning on page 26)

i. Incompleteness item Response sent to the city on August 05, 2021, no changes have been made to the response for the 3.1 Narrative Submission

1. Purpose. To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

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*

3. **MMC Title 18 Flood Hazard Regulations**.

Please see attached response from DOWL.

APPROVABILITY ITEMS

1. MMC Chapter 19.600 Off-Street Parking

a) Please see separate Transport Demand Management Program Document.

b) Please see separate Transport Demand Management Program Document.

c) On-site safe and convenient access to changing facilities, including showers and lockers, will be provided to bike commuters located within the fitness facility on the parking level. These facilities are a strong incentive to encourage bicycle use, and will be available for all non resident bike commuters.

d) The Façade of the parking structure that faces Washington st. and McLughlin Blvd. are open air metal planted screens that provide natural light and air into the parking garage. These screens start +/- 6" above grade and remain unblocked by any building structure until its termination at the ground story concrete podium floor. Vegetation will be planted on these screens to soften the building façade and create a more inviting sidewalk interaction with pedestrians, while still providing some visibility into the parking structure. Adequate lighting will also be provided and located on the ceiling of the parking structure to ensure a safe environment for all vehicular and pedestrian traffic.

2. Public Area Requirements (MMC Subsection 19.304.6 and MMC Subsection 19.708.1.C)

a) (3) Public Bike Racks are provided and locations have been provided on the Ground Story Site Plan on page 19 of the Graphic Narrative.

MEMORANDUM

PROJECT 17-021 COHO POINT

SUBJECT Question Responses/Clarifications

DATE AUGUST 25, 2021

RECIPIENTS Brett Kelver, City of Milwaukie

The list below summarizes the response to the items noted in the Completeness Letter dated July 22, 2021. Please see the individual revised application components for detailed responses.

- **Question**: Are there any openings in the concrete foundation that serves as the wall of the parking garage where exposed (on the north, west, and southwest elevations)? The narrative (page 36) indicates that 100% of the exposed façade lengths have openings, but the elevations and renderings do not provide views that would confirm this (we just see the metal screen with plantings).

  Added notes in graphic narrative to call out screen material (Parking Plan page #18)

- **Question**: Page 33 of the narrative provides gross figures of private open space (3,832 sq ft) and common open space (4,832 sq ft), but it would be helpful to get a little more info/detail about the open space, such as a list or breakdown of what constitutes private open space (is it all patios/balconies?) and what constitutes common open space (different rooftop terraces, interior recreation rooms, lobby, etc.?). Our code is a little inconsistent in its language in this section with respect to the common open space, where it mentions "outdoor" space but is really talking overall about any kind of common space, whether inside or outside.

  Added some clarity on what were counting as part of that area in the written narrative

  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.

- **Question**: For the exterior building materials (19.508.4.D), where you mention the Adams St and McLoughlin Blvd façades (page 28), can you confirm that you're only considering the Adams St façade to be the short length that directly faces south, and that the McLoughlin façade you're considering to be the southwest and west elevations (like you indicated on the window calculation doc you just sent)? I'm assuming that is how you got such a high percentage of secondary materials on the McLoughlin façade but want to be sure.

  Confirmed, facades that we consider to be on Adams st is directly parallel with the ROW. Mcloughlin street facades starts as soon as the façade rotates away from Adams street.

These are just a couple of notes about places where I came to a different conclusion than the narrative, usually where I thought that a standard was in fact met:

- My rough measure of the façades shows that all four elevations do seem to provide 30-ft architectural bays. Even the garage door opening on Washington Street looks pretty close to a 30-ft width. I'd be curious to hear how you calculated this and concluded differently, to see if I'm missing something.

  Facades on Main st, Adam st and Washington st have bays that range from 23'-35' so its not quite 30' but it is close to it. However, we also have continuous metal screens at the sidewalk level on Washington st & McLoughlin facades that do not differentiate bay lengths, for these (2) reasons we determined that we did not meet the required 30-ft bay requirement.

- Regarding wall planes in the Middle part of the vertical Building Façade Details section (19.508.4.A.2.a(2-c)), the code doesn't specify how many changes in wall plane are required per façade, so it seemed reasonable to me to conclude that all you have to do is provide one per façade. My look at the graphics made it seem like the design provides that, so it looked like the standard is met. Again, it would be helpful to hear how your team thought about this, to understand whether I'm missing something.

  Re-evaluating each façade, with a clearer understanding that we just need (1) plane change per façade we do in fact meet this criteria. The narrative has been updated to reflect this change (page 25)

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

- Similarly, since there are no truly adjacent buildings (only buildings set across the right-of-way on one side or the other, I considered the belt-line standard in 19.508.4.A.2.b(1) to be not applicable. Were you thinking about "adjacent" buildings across the street from the project?

  Yes, we were considering "adjacent" buildings to be across the street from the project, mainly referring to Axletree. The narrative is updated to explain more that the beltline alignments are for across the right-of-way so the section of the code is not applicable (page 25)

  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.

CITY OF MILWAUKIE

July 22, 2021

Ryan Scanlan
c/o Jones Architecture
120 NW 9th Ave, Suite 210
Portland, OR 97209

Master File: #DR-2021-001

Site: 11103 SE Main St

Dear Ryan:

Please be advised that the above-referenced land use application has been deemed complete as of July 19, 2021, per your direction that the application be deemed complete. This is in accordance with Milwaukie Municipal Code (MMC) Subsection 19.1003.3 and Oregon Revised Statutes 227.178.

The 120-day deadline by which the City would ordinarily be required to take final action is November 16, 2021. However, on April 20, 2021, you provided an extension of the 120-day clock as required by MMC Subsection 19.911.6.C.1 because the requested building height variance requires additional time for public input and technical evaluation of the proposal.

A design review meeting with the Design and Landmarks Committee (DLC) will be scheduled for mid- to late August if possible. A public hearing on your application by the Milwaukie Planning Commission is tentatively scheduled for September 28, 2021. We will contact you with more information and to confirm these dates.

Sign Posting Requirement
Per MMC Subsection 19.1005.3.C, you are responsible for posting notice of the application on the subject property no later than 10 days before the DLC meeting and no later than 14 days before the Planning Commission hearing. **I will prepare a sign for your use, with instructions and an affidavit of posting—these items will be available at the Planning office on Johnson Creek Boulevard.** It is your responsibility to ensure that the signs remain continuously posted until a decision is issued.

Completeness Items

The following items were previously identified as being incomplete or missing in your application and have not yet been resolved:

1. MMC Section 19.304 Downtown Zones

   MMC Subsection 19.304.5.D establishes requirements for street setbacks and build-to lines, with reference to block faces identified on MMC Figure 19.304-5, including the Washington Street, Main Street, and Adams Street frontages of the subject property. The requirement is that at least 75% of the first floor along each block face must be built to the lot line, with a 0-ft setback. Based on the information provided as part of the revised submittal, it appears that none of the three block faces of the proposed building meet this standard. Each of the first-floor façades appears to be generally within 1-3 ft of the lot line, but each appears to be well under the 75% standard of an actual 0-ft setback.

   The most recommendable option (without adjusting the building footprint itself) would be to request a variance from this standard. The current application includes a variance component that allows up to three variance requests before an additional application fee is necessary—to date, only two variances have been requested, so a third variance can be added to the submittal with no additional fee. The narrative would need to be expanded to address the relevant Type III variance approval criteria of MMC Subsection 19.911.4.B (most likely the discretionary relief criteria of 4-B(1)). An argument might be made that the proposed vegetative screens along the Washington Street frontage effectively bring that façade to the property line. Arguments for the Adams Street and Main Street frontages could emphasize other ways that the proposed building setbacks function to engage the street right-of-way.

2. MMC Section 19.508 Downtown Site and Building Design Standards

   MMC 19.508.4.B establishes design standards for building corners, whether at the corners of two public streets or of a public street and a public area, park, or plaza. The current application addresses the corner of Washington Street/Main Street but not the corners of Washington Street/McLoughlin Boulevard or Adams Street/Main Street. Please expand the narrative to include these two other corners in the discussion of how the building is consistent with this design standard and applicable guidelines.

3. MMC Title 18 Flood Hazard Regulations

   City staff have communicated with the applicant's engineering team about the need to augment the hydrologic and hydraulic (H&H) analysis of the floodplain, including some direction and guidance that should help make the H&H analysis complete and sufficient for purposes of land use review.

The City's Engineering staff have confirmed that the Transportation Impact Study (TIS) prepared as part of this application is acceptable for purposes of the land use review. Any remaining transportation issues can be addressed either with conditions of approval or through the development/plan review process farther down the line.

Approvability Items

The following items are approvability items, not completeness items. They are listed here for your information and should be resolved at the beginning of the review process so that staff has sufficient time to analyze your proposal and formulate a recommendation with regard to approvability.

1. MMC Chapter 19.600 Off-Street Parking

    a. The proposed parking arrangement is based on both a by-right reduction (25% for being in the Downtown Mixed Use (DMU) zone, plus up to another 5% for additional bike parking) and a proposed modification of the required parking ratio. The current rationale presented for the parking modification is that the site is downtown and near transit facilities, which is already covered with the by-right reduction. Essentially, the current request is to double the by-right reduction for the DMU zone from 25% to 50%.

    The applicant should offer additional reasons for why the parking ratio should be reduced for this project. A general suggestion is to propose a Transportation Demand Management program featuring actions such as proactively discouraging (or perhaps even disallowing, to some degree) building tenants from keeping personal vehicles, providing transit passes for tenants, educating about and emphasizing alternative travel modes, etc.

    b. Note that MMC Subsection 19.605.1.D provides guidance for rounding in the calculation of required parking. For minimum parking, numbers are rounded down to the nearest whole number (e.g., a calculation of 7.8 spaces would round down to 7). Using this methodology and the numbers provided in the narrative for the minimum number of spaces required by the code (i.e., 195 multifamily units, 3,900 sq ft of retail floor area, and 3,100 sq ft of restaurant floor area), the total would be 195 + 7 + 12 = 214 spaces. The 25% by-right reduction for being in the DMU zone would drop the minimum required number of spaces to 160 (214 x 0.75 = 160.5).

    The total allowed reduction of 30% (25% DMU plus 5% bike parking, in this case) would result in an adjusted minimum of 149 spaces required (214 x 0.7 = 149.8), assuming the applicant could provide 66 additional bike parking spaces beyond what would be required and therefore drop from 160 to 149 required spaces (the formula is one vehicle space reduced per each six excess bike spaces). Since there are approximately 36 extra bike spaces provided, it appears the maximum bike-related reduction would be six vehicle spaces as proposed, which would get the number of required vehicle parking spaces down to 154. Beyond that, the applicant would need to make a case for modifying the number further based on the suggestions noted above in 1-a.

    c. Since the applicant is proposing to use the by-right reduction of five or more vehicle spaces by providing extra bike parking, the code requires on-site changing facilities for bicyclists, including showers and lockers (see MMC Subsection 19.605.3.B.5).

Please provide some description and/or detail of these facilities as they relate to the non-residential aspects of the proposed development.

d. MMC Subsection 19.611.3 establishes design standards for parking structures. Please provide sufficient information to confirm that the parking structure will be adequately lighted to ensure safety. Also, at least 75% of any façade of the parking structure that faces a street must provide ground-floor windows or wall openings. Please provide sufficient information to confirm this standard is met for the Washington Street and McLoughlin Boulevard façades.

2. Public Area Requirements (MMC Subsection 19.304.6 and MMC Subsection 19.708.1.C)

   The memo responding to the list of incompleteness items states that no [public] bike racks will be installed as part of the project (page 2 of 4 in DOWL's portion of the memo). However, the preapplication conference notes did indicate that some public improvements like bike racks would be required. Please explain why the Public Area Requirements would not be applicable to this project.

Informational Item(s)

The following items are informational items, not completeness items. They are meant to help you prepare for review by the review authority, improve your application in ways that are unrelated to completeness and approvability, and anticipate future building permit requirements.

1. MMC Subsection 19.401.8 Vegetation Buffer Requirements (Willamette Greenway)

   The original narrative notes that the site is not immediately adjacent to the river but goes on to address this subsection in the context of Kellogg Creek. Please note that this subsection of the code is not applicable to the project and that the accompanying narrative (beyond stating the lack of applicability) may be removed at the applicant's discretion.

If you decide to withdraw your application before a decision is rendered, please be aware that application fees are nonrefundable. The City may retain some or all of the deposits for technical reviews, such as traffic studies or natural resource studies, based on actual costs incurred by the City.

If you have any questions or concerns, you can call me at 503-786-7657 or email me at kelverb@milwaukieoregon.gov.

Sincerely,

Brett Kelver

Brett Kelver, Associate Planner

Attachments:
None

cc: Angela Creais and Farid Bolouri, property owner team (via email)
Laura Weigel, AICP, Planning Manager (via email)
Kelly Brooks, Interim Community Development Director (via email)
Alison Wicks, Development Project Manager (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
File(s): DR-2021-001 (master file)