



CITY OF MILWAUKIE

January 26, 2022

Land Use File(s): VR-2021-017; TRF-2021-003; P-2021-002; DR-2021-004

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on January 25, 2022.

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

Applicant(s):	SODO, LLC
Location(s):	2206 SE Washington St
Tax Lot(s):	11E36BC01700
Application Type(s):	Variance; Transportation Facilities Review; Parking Modification; Downtown Design Review
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Section 19.304 Downtown Mixed Use Zone• MMC Subsection 19.505.3 Multifamily Housing• MMC Section 19.510 Green Building Standards• MMC Section 19.605 Vehicle Parking Requirements• MMC Section 19.609 Bicycle Parking• MMC Chapter 19.700 Public Improvements• MMC Section 19.907 Downtown Design Review• MMC Subsection 19.911.6 Building Height Variance in Downtown Mixed Use Zone• MMC Section 19.1006 Type III Review• MMC Section 19.1011 Design Review Meetings
Neighborhood(s):	Historic Milwaukie

Appeal period closes: 5:00 p.m., February 10, 2022

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Senior Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on February 10, 2022, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

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

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. At the time of submittal of the associated development permit application(s), the following must be resolved:
 - a. Final plans submitted for development permit review must be in substantial conformance with the plans and drawings approved by this action, which are the revised plans and drawings received by the City on October 19, 2021 and revised through December 1, 2021, except as otherwise modified by these conditions of approval.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.

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

- c. As per Finding 6, provide confirmation of the necessary green building certification submittal.
 - d. As per Finding 7-e, provide sufficient detail to confirm that the dimensional requirements for bicycle parking are met (as established in MMC Subsection 19.609.3) or are reasonably sufficient for use for the proposed vertical racks provided in the bike-storage room.
2. Prior to final inspection of the required building permit and issuance of a certificate of occupancy, the following must be resolved:
- a. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of development permits that are not related to these conditions of approval.
 - b. As per Finding 6, submit documentation confirming that the necessary green building certification has been awarded.
 - c. Submit documentation from the project landscape designer attesting that all proposed site plantings been completed in conformance with the approved site plans and with applicable City standards.
 - d. Confirm that all required street and utility improvements under the required City Right-of-Way permit have been installed and inspected.
3. As per Finding 7-b-2, the ongoing implementation of a Transportation Demand Management (TDM) program is required as part of the operation of the approved development, including: the provision of 43 off-site parking spaces as identified in the application package, lobby monitors displaying TriMet bus and light rail schedule information, the drop off and pick up space in front of the building, and the dedicated ZipCar located in a space across the street from the development. The applicant must provide additional detail to City staff sufficient to demonstrate how the various strategies included in the TDM program that was provided as part of the applicant's submittal materials will be implemented, including the establishment of performance benchmarks and a regular monitoring component. Responsibility for ongoing implementation of the TDM program is not limited to the applicant but will transfer to any future owner/operator of the approved development.

Other requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code (MMC) and Public Works Standards that are required at various points in the development and permitting process.

1. At the time of submittal of the associated development permit application(s), the following must be resolved:

- a. The applicant must submit an application for Development Review in accordance with the standards established in MMC Section 19.906.
 - b. Submit a final stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan must be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Submit full-engineered plans for construction of all required public improvements to be reviewed and approved by the City of Milwaukie Engineering Department. All utilities must conform to the Milwaukie Public Works Standards.
2. Prior to commencement of any earth-disturbing activities, the applicant must obtain a City erosion control permit.
 3. Obtain a City ROW permit for construction of all required public improvements.
 - a. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - b. Provide a payment and performance bond for 130% of the cost of the required public improvements.
 - c. Upgrade or install all necessary underground utilities, including water and wastewater service laterals.
 - d. The existing driveway must be removed and replaced with curb, gutter, and sidewalk in conformance with the Americans with Disabilities Act and Milwaukie Public Works Standards.
 - e. The final site plan must be approved by the City Engineer prior to construction.
 - f. Provide a 12-month Maintenance Bond for 10% of the cost of the required public improvements upon completion of the construction.
 - g. Provide a final approved set of electronic (PDF file) “As Constructed” drawings to the City of Milwaukie prior to final inspection.
 6. Expiration of Approval

As per MMC Subsection 19.1001.7.E, the land use approval granted with this decision will expire and become void unless the following criteria are satisfied. For proposals requiring any kind of development permit, the development must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four years of land use approval.



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: SODO, LLC (Jennifer Dillan) (via email)
Jessamyn Griffin, Works Progress Architecture (via email)
Jessy Ledesma, HomeWork Development (via email)
Planning Commission (via email)
Design and Landmarks Committee (via email)
Joseph Briglio, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Tim Salyers, Code Enforcement Coordinator (via email)
Alex McGladrey, CFD#1 (via email)
NDA(s): Historic Milwaukie (via email)
Interested Persons
Land Use File(s): VR-2021-017

ATTACHMENT 1
Findings in Support of Approval
File #VR-2021-017, TFR-2021-003, P-2021-002, DR-2021-004 – Dogwood Station

Sections of the Milwaukie Municipal Code addressed in these findings are specific to downtown design review and the building height variance only.

1. The applicant, Jessamyn Griffin, on behalf of SODO, LLC, has applied for approval to construct a multiunit residential building at 2206 SE Washington St. This site is in the DMU Zone. The land use application master file number is VR-2021-017.
2. The proposal is to construct a 6-story multi-unit building with 55 workforce dwelling units. The proposed development does not include any on-site vehicular parking (but does include bicycle parking), so a parking modification is requested to allow no on-site parking. 43 off-site parking spaces are proposed on two different properties in the downtown for lease to tenants of the proposed building. The building height complies with the maximum measured building height, but at 6 stories (not the max. 5 stories) a height variance is required.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.304 Downtown Mixed Use Zone
 - MMC Subsection 19.505.3 Multifamily Housing
 - MMC Section 19.510 Green Building Standards
 - MMC Section 19.605 Vehicle Parking Requirements
 - MMC Section 19.609 Bicycle Parking
 - MMC Chapter 19.700 Public Improvements
 - MMC Section 19.907 Downtown Design Review
 - MMC Subsection 19.911.6 Building Height Variance in Downtown Mixed Use Zone
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.1011 Design Review Meetings

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A design review meeting was held on January 3, 2022, and a public hearing was held on January 25, 2022, as required by law.

4. MMC Section 19.304 Downtown Zones (including Downtown Mixed Use DMU)
MMC 19.304 establishes standards for the downtown zones, including the Downtown Mixed Use (DMU) zone.
 - a. MMC Subsection 19.304.2 Uses
MMC 19.304.2 establishes the uses allowed in the DMU zone, including multifamily residential dwellings and commercial uses such as eating and drinking establishments and retail-oriented sales.

The proposed development is a 55-unit residential. This use is allowed outright in the DMU zone.

This standard is met.

b. MMC Subsection 19.304.3 Use Limitations, Restrictions, and Provisions

MMC Subsection 19.304.3.A.1 establishes limitations for residential uses in downtown Milwaukie. Along Main Street south of Scott Street, residential dwellings are not permitted on the ground floor. Lobbies for upper-floor units are permitted on the ground floor only if a commercial use is located along a majority of the property's street frontage. Live/work units and rowhouses are not permitted on Main Street.

The proposed development is a standalone residential building along Washington St.

This standard is met.

c. MMC Subsections 19.304.4 and 19.304.5 Development Standards and Detailed Development Standards

MMC Table 19.304.4 lists the general categories of development standards for the DMU zone and MMC 19.304.5 provides additional detail for each category.

(1) MMC Subsection 19.304.5.A Floor Area Ratios

The Floor Area Ratio (FAR) is a tool for regulating the intensity of development. The minimum FAR is established in MMC Table 19.304.4.B.1 and Figure 19.304-3 and applies to nonresidential development, including mixed-use buildings. Standalone residential densities are controlled by minimum density requirements.

The proposed development is a standalone residential building.

The FAR standard is not applicable to the proposed development.

(2) MMC Subsection 19.304.5.B Building Height

Base maximum building heights are specified in MMC Figure 19.304-4, with height bonuses available for buildings that meet the standards of MMC Subsection 19.304.5.B.3. In the majority of downtown, the base maximum building height is three stories or 45 ft. One additional story (or 12 ft of additional building height) is allowed for new buildings that devote at least one story or 25% of the gross floor area to a residential or lodging use. An additional story is allowed for new buildings that receive approvals and certification as identified in MMC Section 19.510. Additional building height beyond these bonuses requires a Type III variance per MMC Subsection 19.911.6.

The proposed building is six stories and 65 ft in height, as measured from the base point defined in MMC Subsection 19.202.2.B.1. As a building that provides at least one story of residential use, it is allowed one additional story above the three-story base standard. The applicant has also indicated that they are planning to construct the building to either LEED or Earth Advantage standards, which are listed in MMC Section 19.510 as

approved green building programs (see Finding 6.) With these allowed height bonuses, the building is approvable up to a height of five stories or 69 ft. A condition has been established to ensure that evidence of the necessary green building certification is submitted. A variance has been requested to allow the sixth story and is discussed in Finding 10-d.

As proposed, as conditioned, and with the approval of the building height variance discussed in Finding 10-d, this standard is met.

(3) MMC Subsection 19.304.5.D Street Setbacks/Build-To Lines

Required build-to lines are used in combination with the frontage occupancy requirements of MMC Subsection 19.304.5. to ensure that the ground floors of buildings engage the street. No minimum street setbacks are required. MMC Figure 19.304-5 identifies block faces where zero setbacks are required (first-floor build-to lines), where 75% of the first floor must be built with a zero setback and the remaining 25% may be set back from the front lot line a maximum of 20 ft. The front setback must provide usable open space that meets the requirements of MMC Subsection 19.304.5.H. For other block faces, there is no build-to line requirement and the maximum setback is 10 ft. The front setback must provide usable open space. The portions of the building used to meet the build-to line requirement must have a depth of at least 20 ft.

As identified on MMC Figure 19.304-5, the subject property does not have a zero-setback requirement, but does have a maximum setback of 10 ft. The project has a required 5-ft dedication along the Washington Street frontage. The main entry, lobby, and exit access along Washington Street are recessed 3 ft.

As proposed, this standard is met.

(4) MMC Subsection 19.304.5.E Frontage Occupancy

To ensure that buildings are used to create a “street wall” that contributes to a walkable and pedestrian-friendly environment, minimum frontage occupancy requirements are established for block faces identified on MMC Figure 19.304-6 and are used in combination with the required build-to line of MMC Subsection 19.304.3.D. MMC Figure 19.304-6 identifies block faces where either 90%, 75%, or 50% of the site’s street frontage must be occupied by a building or buildings. If the site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.

The subject property has frontage on Washington Street and is subject to the 50% requirement. The property has 83 ft of frontage on Washington St and has, as proposed, nearly 72 ft of frontage occupancy.

This standard is met.

(5) MMC Subsection 19.304.5.F Primary Entrances

All new buildings must have at least one primary entrance facing an abutting street or connected to the public sidewalk with a pedestrian walkway. If a development is on the corner of Main Street and another street, the primary entrance must be oriented toward Main Street. If the development is on the corner of McLoughlin Boulevard and another street, the primary entrance may be oriented toward either street.

The proposed residential building has two main entrances off Washington Street.

This standard is met.

(6) MMC Subsection 19.304.5.G Off-Street Parking

Off-street parking for residential uses is required at the ratios established in MMC Table 19.605.1, and all other applicable standards of MMC Chapter 19.600 apply. All nonresidential uses are exempt from the off-street parking requirements.

The proposed building provides 55 multifamily residential units. The applicant has proposed a parking quantity modification to reduce the minimum number of required parking spaces. The proposed modification and the requirements of MMC 19.600 are addressed in Finding 7.

As proposed, and with the approval of the parking quantity modification discussed in Finding 7, this standard is met.

(7) MMC Subsection 19.304.5.H Open Space

When a building is set back from the sidewalk, at least 50% of the setback area must provide usable open space, such as a public plaza or pedestrian amenities, that is abutted on at least two sides by retail shops, restaurants, offices, services, or residences with windows and entrances fronting on the space. Usable open space must be accessible at grade adjacent to the sidewalk and may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, outdoor seating, and small parks.

The proposed design includes a 680-sq ft ground floor terrace which abuts the building to the west, provides a screen wall to the east, and is contained to the south via a large rock retaining wall.

As proposed, this standard is met.

(8) MMC Subsection 19.304.5.I Transition Measures

For properties north of Harrison Street and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), transition area measures apply. Within 50 ft of the property line abutting lower-density residential zones, buildings must provide a step back of at least 6 ft for any portion of the building above 35 ft and the height bonuses established in MMC Subsection 19.304.5.B.3 cannot be applied.

The subject property is south of Harrison Street and is not adjacent to any residentially zoned properties.

This standard is not applicable.

(9) MMC Subsection 19.304.5.J Residential Density

Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

The proposed development is a six-story residential building with 55 dwelling units. The site is 10,277 sq ft with translates into a minimum density of 7 dwelling units. The FAR requirements and building height limitations are discussed above in Findings 4-c-1 and 4-c-2, respectively, in conjunction with a building height variance discussed in Finding 10-d.

As proposed, and with the approval of the building height variance discussed in Finding 15-d, this standard is met.

The proposed development meets the applicable development standards, including the detailed development standards, of MMC 19.304.4 and 19.304.5.

d. MMC Subsection 19.304.6 Public Area Requirements

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan and are intended to ensure a safe, comfortable, contiguous pedestrian-oriented environment as revitalization occurs in downtown. The PAR are defined as improvements within the public ROW and include such features as sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through MMC Chapter 19.700 and the Public Works Standards.

As discussed in Finding 12-f, curb and stormwater facilities have already been installed along the Washington Street frontage as part of the TriMet Orange Line Light Rail Project and will not be required except where the existing driveway is to be removed. A Right-of-Way Permit is required to remove the existing driveway and to install new curb and sidewalk.

As conditioned, this standard is met.

As proposed, and as conditioned or discussed elsewhere in these findings, the Planning Commission finds that the applicable standards of the DMU zone are met.

5. MMC Chapter 19.500 Supplementary Development Regulations

a. MMC Subsection 19.505.3 Multifamily Housing

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

sustainability. The design elements, established in MMC Subsection 19.505.3.D, are applicable to all new multifamily housing developments with 3 or more units.

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

The proposed development will have 55 dwelling units on a single lot and is considered multifamily. The proposed development meets the applicability standards of MMC 19.505.3.B.

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

The proposed multifamily development is following the Design Guidelines for the Discretionary Process. The application meets the standards of this section as described in Table 2 below.

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
1. Private Open Space	<p>The development should provide private open space for each dwelling unit, with direct access from the dwelling unit and visually and/or physically separate from common areas.</p> <p>The development may provide common open space in lieu of private open space if the common open space is well designed, adequately sized, and functionally similar to private open space.</p>	<p><i>The project proposes significant common open space in lieu of private open space. Common open space is provided at multiple locations through the building to maximize access and variety of use. Common open spaces include a terrace at grade level, central courtyard and rooftop deck, totaling approximately 2,500 sq ft.</i></p>
2. Public Open Space	<p>The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.</p>	<p><i>Common open space is provided at multiple locations throughout building to maximize access and variety of use. Common open spaces include a terrace at grade level, central courtyard and roof top deck, totaling approximately 2,500 sq ft (over 20% of the total 10,227 sq ft site area). The roof top deck provides a total area of 815 sq ft, the terrace contributes approximately 680 sq ft, and the central courtyard provides over 1,000 sq ft of common open space with a variety of casual seating areas.</i></p>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
3. Pedestrian Circulation	Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.	<i>The project offers multiple points of entry. Two public facing entries are provided along Washington Street, as well as a terrace entrance at the north west corner which is set back to provide transition from the street. Ground floor units are provided a more direct and protected entry point along the east side. Additionally, ground floor units are buffered from the more public facing lobby and public entries via the central courtyard, where tenants transition from public interior to the exterior egress balconies that serve each individual unit.</i>
4. Vehicle and Bicycle Parking	Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.	<i>The applicant has requested a parking modification to provide off-site parking for the development. 82 bicycle parking spaces are provided in the fully secure basement bike storage area.</i>
5. Building Orientation and Entrances	Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.	<i>The principal façade, and two protected public entries, are proposed on Washington Street.</i>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
<p>6. Building Façade Design</p>	<p>Changes in wall planes, layering, horizontal & vertical datums, building materials, color, and/or fenestration should be incorporated to create simple and visually interesting buildings</p> <p>Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</p> <p>Windows should be used to provide articulation to the façade and visibility into the street.</p> <p>Building facades should be compatible with adjacent building facades.</p> <p>Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.</p>	<p><i>All facades, including the street-facing façade, are broken down into rhythms which correspond to unit locations via vertical flashing breaks in the material. The base of the building has differentiated material and glazing strategies from the remainder of the building. Along the north façade and north east corner, the building provides a material change at the ground floor common and support spaces where flat metal panels create a base and delineate from the box rib finish applied at private units. Changes in parapet height, material, and other massing designs at the top and base of the building are located based on these vertical breaks.</i></p> <p><i>Window fenestration is organized in simple, vertically interesting patterns. Windows are detailed to accentuate openings through a hemmed flashing extension of the frame.</i></p> <p><i>The building's massing and façade have been developed to maximize tenants' access to natural light and air. As the building approaches the west it is set back to allow a comfortable distance from the adjacent rail line which also stepping down at the southwest corner to break up the mass and transition to the adjacent lower commercial buildings.</i></p> <p><i>The garage door color and location are integrated into the massing and material transition at the ground floor. The color matches the color of the building wall in which it is located.</i></p>
<p>7. Building Materials</p>	<p>Buildings should be constructed with architectural materials that provide a sense of permanence and high quality, incorporating a hierarchy of building materials that are durable.</p> <p>Street-facing facades should consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.</p> <p>Split-faced block and gypsum reinforced fiber concrete (for trim elements) should only be used in limited quantities.</p> <p>Fencing should be durable, maintainable, and attractive.</p>	<p><i>Durable and contemporary box rib siding will clad the main facades along the north, south, east and west, with metal panel at the ground floor façade along the public faces. No split-faced block, gypsum reinforced fiber concrete is proposed. A fence is proposed along the west and south edges of the terrace to provide visual and sound buffering from the adjacent rail line, as well as separating the more public facing terrace from the private courtyard below.</i></p>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
8. Landscaping	Landscaping should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water should be included. Hardscapes should be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.	<i>Five trees will be located at the courtyard to provide canopy coverage for portions of the upper terrace and the lower open space areas within the courtyard. Overall, the trees have been selected and located such that at least one-third of the terrace and courtyard will be covered within 5 years. Paving materials with a solar reflective index value of at least 29 will be used for at least 25% of the hardscape surfaces. The helps to reject solar heat absorption. Landscape buffering through the use of tall shrubs is proposed for the south and west property lines. A permanent irrigation system using drip and subsurface irrigation is proposed.</i>
9. Screening	Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.	<i>Trash, recycling, and all utilities are proposed to be completely enclosed at the ground floor and separated from the main entrance by over 5 ft. The generator would be located sub-grade in the basement. Rooftop mechanical equipment would be set back from the parapet so that no equipment will be visible from the street sight lines.</i>
10. Recycling Areas	Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste/recycling haulers. Recycling areas located outdoors should be appropriately screened or located so they are not prominent features viewed from the street.	<i>A recycling area will be located in the ground floor trash room. Access is provided along the street face at the north east corner of the building, allowing for convenient use by both residents and trash haulers. The room is completely enclosed.</i>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
<p>11. Sustainability</p>	<p>Development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements should be incorporated to increase occupant health and maximize a building's positive impact on the environment. When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.</p>	<p><i>The building's massing has been developed to maximize tenant's access to natural light and air. Each unit has both courtyard facing and exterior facing spaces, allowing for optimal cross ventilation and a variety of natural lighting throughout. Glazing percentages have been maximized along the north facing façade at Washington Street (26%), and glazing reduced to 20% along the south face of the property. With corner units being the only spaces exposed at east and west, windows have been excluded on the east face and glazing reduced at the west. Additionally, each unit has multiple operable windows, all of which will be provided with interior window treatments for individual control of each window light.</i></p> <p><i>As proposed, the project would be built to meet Earth Advantage or LEED certification per MMC 19.510.</i></p> <p><i>The building has been sited and the roof laid out such that the main north and south bays could be easily adapted for solar in the future and will be designed for solar ready application.</i></p>
<p>12. Privacy Considerations</p>	<p>Development should consider the privacy of, and sight lines to, adjacent residential properties, and should be oriented and/or screened to maximize the privacy of surrounding residences.</p>	<p><i>There are no adjacent residential properties.</i></p>

Table 19.505.3.D
Design Guidelines—Multifamily Housing

Design Element	Guideline	Findings
<p>13. Safety</p>	<p>Development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design (CPTED):</p> <ul style="list-style-type: none"> • Natural Surveillance • Natural Access Control • Territorial Reinforcement 	<p>80% of the units have direct views into the central courtyard and all units have views into the open air egress balconies serving as access to all residents. Additionally, the location of unit windows and open air balconies allows for views of the surrounding sites from all sides of the property.</p> <p>Public entries along the street façade open into a highly visible shared lobby space, buffered to the south by the central courtyard providing both a visual and physical change in access to the more private unit entries. Additionally, a fence is proposed along the west and south edge of the terrace to provide visual and sound buffering from the adjacent rail line, as well as separating the more public facing terrace from the private courtyard below. Site lighting will be provided to highlight safety and circulation and will meet the 0.5 footcandle minimum requirement. No feature exterior architectural uplights are proposed, avoiding any chance of sky pollution and lights shining into residential units.</p>

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

6. MMC Section 19.510 Green Building Standards

Green building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building’s life cycle. For the purposes of height bonuses, a green building is defined as a building that will achieve certification or similar approval documentation at any level of one of the following programs: Living Building Challenge, LEED, Earth Advantage, Passive House, Enterprise Green Communities, or Energy Trust of Oregon’s New Buildings program (confirming participation in the Path to Net Zero program offering).

Height bonus eligibility will be verified at the time of building permit submittal and is contingent upon a green building certification submittal. Height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve the required energy reduction and/or certification.

As discussed in Finding 4-c-2, the proposed development includes a request for height bonuses to add one story of building height, which is based on the new building qualifying for a LEED or Earth

Advantage certification. A condition has been established requiring confirmation of the necessary green building certification submittal and subsequent award at relevant parts of the development review process.

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

7. MMC Chapter 19.600 Off-Street Parking and Loading

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

a. MMC Section 19.602 Applicability

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

The proposed development is a six-story standalone residential building with 55 residential units.

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

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

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

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum quantity requirements for multifamily dwellings containing three or more dwelling units. For multifamily dwelling units located in the DMU zone, a minimum of one space per unit is required and a maximum of two spaces per unit is allowed. As per MMC Subsection 19.304.5.G.3, all nonresidential uses in the DMU are exempt from the off-street parking requirements.

The proposed development would establish 55 residential units. A minimum of 38 off-street spaces are required; a maximum of 110 spaces are allowed. A total of 43 off-site parking spaces are proposed; exemptions and by-right reductions to the quantity requirements are discussed below in Finding 7-b-3.

(2) MMC Subsection 19.605.2 Quantity Modifications and Required Parking Determinations

MMC 19.605.2 establishes a process for modifying the minimum and maximum parking ratios listed in MMC Table 19.605.1.

(a) MMC Subsection 19.605.2.B Application

The application for a parking determination must include a description of the proposed uses of the site and identification of factors specific to the proposed use and/or site (e.g., proximity of transit, parking demand management programs, etc.) that affect parking demand. Additionally, the application must provide data and analysis to support the determination or modification request (i.e., parking demand information from professional literature, parking standards for similar uses in other jurisdictions, and parking quantity and use data from similar existing developments). The Planning Manager may waive any of the specific data analysis requirements if the information is not readily available or relevant, as long as sufficient documentation is provided to support the request.

The applicant has included a description of the site and addressed the factors specific to the site, including proximity to transit, proposed off-site parking available for lease, and a site-specific analysis of the need for off-street parking at this location. Given that the City has a downtown parking management strategy (adopted in September 2018), the Planning Manager has waived the requirement for new specific data analysis. The downtown parking management strategy itself is based on the collection and analysis of parking demand and usage data from Milwaukie to assess the actual-use dynamics and access characteristics of the on- and off-street parking systems in the downtown area. The strategy reflects the City's intention to actively manage parking with the expectation that continued growth will impact the existing parking supply downtown. The Planning Manager's waiver is also based on the parking analysis document and off-site parking proposal included with the applicant's submittal materials, which outlines the principles designed to make the proposed parking arrangement work.

(b) MMC Subsection 19.605.2.C Approval Criteria

MMC Subsection 19.605.2.C.1 provides the baseline approval criteria for granting a parking modification, including a demonstration that the proposed parking quantities are reasonable based on the data and information that the Planning Manager has deemed relevant. In addition, MMC Subsection 19.605.2.C.2 requires that requests for modifications to decrease the amount of minimum required parking must demonstrate that (1) 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; (2) that the reduction of off-street parking will not adversely affect available on-street parking; and (3) that the requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.

As noted above, the Planning Manager has determined that it is reasonable to ground an assessment of the proposed parking modification in consideration of the City's adopted downtown parking management strategy and the applicant's

proposed parking solution/transportation demand management program (TDM). The subject property's location downtown, in close proximity to the Milwaukie light rail station and bus routes, with access to a public sidewalk network and bikeways like the Trolley Trail and Springwater Trail corridor, provides a number of alternatives to vehicle use and will help reduce the need for vehicle parking.

The applicant's proposed parking solution provides 43 off-site parking spaces available for lease to tenants for a monthly fee, 82 secure bike parking spaces, lobby monitors for TriMet bus and train departures, a designated ride-share pick up and drop off area at the front of the building, and a ZipCar for use by tenants that would be parked directly across the street.

A condition has been established to ensure that the TDM program is implemented and monitored over the life of the proposed development and that responsibility for implementation of the program transfers to subsequent owners/operators of the development. The success of the City's parking management strategy will depend in part on a combination of consistent enforcement actions and targeted adjustments to parking regulations in response to the evolving parking situation downtown. Together, the TDM program and the City's downtown parking management strategy will ensure that the proposed reduction in parking for the new building will not adversely affect available on-street parking.

Based on the specific circumstances of the proposed use and the site and taken together with the implementation of the proposed TDM program and the City's downtown parking management strategy, the requested parking modification is effectively the smallest reduction needed for the proposed development to function as designed.

The Planning Commission finds that the proposed parking modification satisfies the applicable approval criteria.

As proposed, the Planning Commission finds that the minimum required off-street parking for the proposed use can be modified as proposed, to zero on-site spaces and 43 off-site spaces.

(3) MMC Subsection 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

MMC 19.605.3 establishes certain exemptions and reductions to the quantity requirements of MMC 19.605.1, including a 25% reduction for locations in the DMU zone and a 10% reduction for the provision of covered and secure bicycle parking in addition to what is required by MMC Section 19.609 (at a ratio of one reduced vehicle parking space for each six additional bicycle parking spaces). Applicants are allowed to utilize multiple reductions, provided the total reduction allowed in the DMU zone is no more than 30%.

For the proposed 55 multifamily residential units, the applicant has proposed a by-right reduction to the minimum required parking quantity, in addition to a parking quantity

modification to further reduce the number of required spaces. With the 25% reduction allowed for being in the DMU zone, the project qualifies for a reduction of 14 spaces. With the bike storage room in the lower level of the building, the project provides 82 bicycle parking spaces where 55 are required, resulting in 27 extra spaces and qualifying the project for an additional reduction of five vehicle spaces.

In total, the proposed development is entitled to a by-right reduction of 30% or 17 spaces, bringing the adjusted minimum requirement down to 38 spaces.

As proposed, and as per the by-right reductions allowed and the approval of the proposed parking quantity modification to further reduce the minimum number of required parking spaces, the Planning Commission finds that the proposed development meets the vehicle parking quantity requirements of MMC 19.605.

c. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation. These standards are intended primarily for outdoor parking areas, though some of the standards are applicable to parking structures as well.

MMC Subsection 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 90°-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft, with 22-ft drive aisles. MMC Subsection 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

The proposed development does not propose any off-street parking, but 43 off-site parking spaces are proposed for lease to tenants.

As proposed, and subject to approval of the requested parking modification, the Planning Commission finds that this standard is not applicable.

d. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Manager to determine whether loading spaces are required. Off-street loading is not required in the DMU zone. Where loading spaces are required, spaces must be at least 35 ft long and 10 ft wide, with a height clearance of 13 ft, and located where not a hindrance to drive aisles or walkways.

The subject property is zoned DMU, so no off-street loading is required. However, the parallel parking spaces in front of 2236 SE Washington St are proposed to be converted into loading zone parking.

This standard is met.

e. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking for new development, including for multifamily housing and commercial uses. Unless otherwise specified, the number of bicycle parking spaces is at least 10% of the minimum required vehicle parking for the use. For multifamily residential development with four or more units, MMC Subsection 19.609.2 requires a minimum of one bicycle parking space per unit, with at least 50% of the spaces covered and/or enclosed (in lockers or a secure room). MMC Subsection 19.609.3.A requires that each bicycle parking space have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

For the proposed residential building in the DMU zone, 55 bicycle spaces are required, one for each of the 55 multifamily residential units. At least 28 of the bike spaces must be covered or enclosed.

As proposed, 82 bicycle parking spaces will be provided within the new building in a fully secure basement bike room. The bike parking will be provided through a combination of 28 standard spaces and 54 vertically hung spaces. The vertical racks require less clearance between adjacent bikes, allowing for a more compact footprint. A condition has been established to ensure that the proposed racks are installed in such a way that the minimum dimensional standards are met.

The Planning Commission finds that the proposed bicycle parking exceeds the minimum number of required spaces, is all within the building and covered/enclosed, and, as conditioned, that the other applicable standards are met.

f. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes carpool parking standards for new industrial, institutional, and commercial development with 20 or more required parking spaces.

The proposed development is a residential building in the DMU zone, with 55 multifamily residential units. This standard is not applicable.

As proposed, and as conditioned where necessary, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

8. MMC Chapter 19.700 Public Facility Improvements

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

a. MMC Section 19.702 Applicability

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

The applicant proposes to develop a six-story residential building with 55 residential units. The proposed new construction triggers the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

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

The applicant had a preapplication conference with City staff on April 15, 2021, prior to application submittal. The proposed development does not require a full Transportation Impact Study; however, a traffic memo is required (as addressed in Finding 8-c). The proposal's compliance with MMC 19.700 has been evaluated through a concurrent Transportation Facilities Review application.

c. MMC Section 19.704 Transportation Impact Evaluation

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

While the proposed development will trigger an increase in trip generation above the existing use on the site, a full Traffic Impact Study is not required. A traffic memorandum outlining how the increased vehicle trips will be mitigated as well as outlining option off-site parking and/or loading zones was required.

As submitted, and with a condition established to ensure that sufficient mitigation measures are in place, the applicant's traffic memorandum is sufficient to meet the requirements of MMC 19.704.

d. MMC Section 19.705 Rough Proportionality

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

The proposed development will result in an increase in both AM and PM peak hour trips; however, the traffic memo submitted by the applicant concluded that Transit-Oriented Developments typically see less increased trip than those proposed by the ITE. Per the memo, the existing on-street parking and off-street parking (via shared parking agreements) will absorb the increased parking needs for this development. Further, the traffic memo concludes that the addition of a designated onsite pick-up/drop-off spot will accommodate growing demand for delivery and ridesharing parking needs.

As proposed and conditioned, mitigation for the transportation impacts of the proposed development is consistent with MMC 19.705.

e. MMC Section 19.707 Agency Notification and Coordinated Review

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

The application was referred to ODOT Rail Division, Clackamas County Department of Transportation and Development (DTD), TriMet, and Metro for comment.

f. MMC Section 19.708 Transportation Facility Requirements

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

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

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

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

(2) MMC Subsection 19.708.2 Street Design Standards

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

Curb and stormwater facilities have already been installed along the Washington Street frontage as part of the TriMet Orange Line Light Rail Project and will not be required except where the existing driveway is to be removed. A Right-of-Way Permit is required to remove the existing driveway and to install new curb and sidewalk.

As conditioned, the development is consistent with all applicable standards of MMC 19.708.2.

(3) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 provides standards for transit facilities.

Washington Street is classified as a transit route in the Milwaukie TSP, but no new routes or facilities are proposed.

These standards are not applicable.

As proposed, the development meets all applicable standards of MMC 19.708.

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

9. MMC Section 19.907 Downtown Design Review

MMC 19.907 establishes the applicability, procedure, and approval criteria for design review of development downtown.

a. MMC Subsection 19.907.2 Applicability

For new development that is a stand-alone multifamily residential building, there are two options for review: addressing the multifamily development code section 19.505.3 or downtown design review in 19.907.

An applicant may elect to meet the design guidelines in Table 19.505.3.D or process the application through Type II downtown design review if the applicant prefers to meet the design standards of MMC Section 19.508.

As addressed in Finding 5, the applicant has elected to design the building in compliance with the multifamily design guidelines in Table 19.505.3.D.

The Planning Commission finds that downtown design review does not apply to the proposed development.

10. MMC Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone

MMC 19.911.6 provides a discretionary option for variances to maximum building heights in the Downtown Mixed Use (DMU) 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. 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 MMC Figure 19.304-4, MMC Subsection 19.304.5.B.3, and MMC Section 19.510.

The building height variance is subject to Type III review and approval by the Design and Landmarks Committee and the Planning Commission, in accordance with MMC Chapter 19.907 and MMC Section 19.1011. The building height variance will be consolidated with downtown design review. 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 must sign a waiver of the 120-day decision requirement.

The proposed building is utilizing allowable bonuses (for residential development and green building) to qualify for two additional stories above the base maximum height of three stories. In addition, the applicant has requested a variance to add one more story to the design. The proposed building would be approximately 65 ft tall, which complies with the measured maximum building height of 69 ft. However, it is proposed to have 6 stories, rather than 5 stories, which would allow for 9 additional dwelling units and the roof deck. The additional story is subject to the review procedures and approval criteria established in MMC 19.911.6 for building height variances in the DMU zone.

(1) MMC Subsection 19.911.6.D establishes the following approval criteria for building height variance requests:

b. Substantial consistency with the Downtown Design Guidelines.

(a) Per MMC 19.907.2.C.11, a new stand-alone multifamily residential building may be reviewed against the multifamily design guidelines in Table 19.505.3.D. An applicant may elect to meet these design guidelines rather than the downtown design standards in 19.508.

The applicant has designed the building per Table 19.505.3.D. However, the building height variance requires consistency with the Downtown Design Guidelines that are applicable to a building height variance – see Table 2.

Table 2. Downtown Design Guidelines

MILWAUKIE CHARACTER GUIDELINES	
Guideline	Recommended Findings
Consider View Opportunities	<p><i>The building is designed to orient views toward downtown and the Willamette River and includes a rooftop deck. 80% of the units have direct views into the central courtyard, and all units have windows on at least 2 sides, providing an opportunity for views from multiple directions in each living space. The location of unit windows and open air balconies allow for views of the surrounding sites from all sides of the property/building.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Consider Context	<p><i>The proposed building would be approximately 65 ft tall, which complies with the measured maximum building height of 69 ft. However, it is proposed to have 6 stories, rather than 5 stories, which would allow for 9 additional dwelling units and the roof deck. The site is nearby or adjacent to a variety of building scales, styles, and sizes. The proposed design is appropriate for a location close to the new high school, the Axeltree development, and the recently-approved Coho Point development.</i></p> <p><i>To further breakdown the scale of the building, all facades, including the street-facing façade, are broken down into rhythms which correspond to a more residential scale, delineating between individual units with vertical flashing breaks in the material as well as jogged parapet heights.</i></p> <p><i>Material applications support both a break down of scale and delineation of</i></p>

	<p><i>use with box rib, vertical wood siding, and metal panels depending on area of the building and corresponding use. The materials selected (box rib, wood siding, and metal panels) are not inconsistent with other development in the area.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p>Promote Architectural Compatibility</p>	<p><i>The proposed building would be approximately 65 ft tall, which complies with the measured maximum building height of 69 ft. However, it is proposed to have 6 stories, rather than 5 stories, which would allow for 9 additional dwelling units and the roof deck. The site is nearby or adjacent to a variety of building scales, styles, and sizes. The proposed design is appropriate for a location close to the new high school, the Axeltree development, and the recently-approved Coho Point development.</i></p> <p><i>To further breakdown the scale of the building, all facades, including the street-facing façade, are broken down into rhythms which correspond to a more residential scale, delineating between individual units with vertical flashing breaks in the material as well as jogged parapet heights.</i></p> <p><i>Material applications support both a bread down of scale and delineation of use with box rib, vertical wood siding, and metal panels depending on area of the building and corresponding use. The materials selected (box rib, wood siding, and metal panels) are not inconsistent with other development in the area.</i></p> <p><i>The proposed development meets this guideline.</i></p>
PEDESTRIAN EMPHASIS GUIDELINES	
Guideline	Recommended Findings

<p>Reinforce and Enhance the Pedestrian System</p> <p>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.</p>	<p><i>The additional story and height allow the building's program to be dispersed more vertically, allowing for opportunities for open space and pedestrian interaction on the ground floor/public right of way. The project includes a 5-ft dedication along the north, as well as an open terrace directly accessible off Washington St. The building's main entries are set back 3 ft to provide protection from the weather as well as enhanced pedestrian walkways. All trash rooms are located inside the building and all utilities will be located inside the building.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p>Define the Pedestrian Environment</p> <p>Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.</p>	<p><i>The additional story and height allow the building's program to be dispersed more vertically, allowing for opportunities for public/common open space and pedestrian interaction on the ground floor/public right of way. The project includes a 5-ft dedication along the north, as well as an open terrace directly accessible off Washington St. The building's main lobby entry is set back 3 ft to provide protection from the weather as well as enhanced pedestrian access and interaction. The main lobby is highly visible to Washington St with extensive storefront glazing and at the northwest corner where the building steps back to provide an open terrace for additional access and interaction. The building façade material changes from box rib to define the private unit levels to a high grade metal panel at the ground floor, which delineates a more public realm and scale.</i></p> <p><i>The proposed development meets this guideline.</i></p>

Guideline	Recommended Findings
<p>Silhouette and Roofline</p>	<p><i>The additional height and story provides the project a way to maintain the 4:1 FAR, while applying the area/program to a U-shaped footprint, as well as a step down at the southwest corner to further break down the roof area and provide a roof deck for residents. All facades include jogged parapet heights, aligning with deep vertical flashing breaks to visually delineate between units and provide a more residentially scaled roofline in conjunction with the façade. At the ground level, recessed entries and overhangs align with the proposed parapet jogs and vertical breaks.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p>Rooftops</p>	<p><i>The proposed design includes jogged parapet heights and a roof deck for residents. Rooftop mechanical equipment will be set back from the parapet so that no equipment will be visible from the street sight lines.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p>Green Architecture</p>	<p><i>The building is proposed to be constructed to achieve with LEED or Earth Advantage certification.</i></p> <p><i>The proposed development meets this guideline.</i></p>

The proposed design is substantially consistent with the downtown design guidelines applicable to a standalone residential building and the requested building height variance.

- c. 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.

With the height bonuses allowed by MMC 19.304.5.B.3, the proposed development is allowed five stories. In order to pull some of the building massing back from the rail line and provide additional residential units and a roof deck, the proposed building would comply with the

maximum building height at 65 ft, but has been designed at 6 stories, rather than 5. The massing has been designed to maximize tenants' access to natural light and air and step the building down at the southwest corner to break up the mass and transition to the adjacent lower commercial buildings.

- d. 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 DMU zone.

The proposed design meets the maximum building height at 65 ft, but requests a variance to allow 6 stories, rather than 5 stories. The building is designed to maximize views to downtown and the Willamette River for the residential units, with a step back on the top floor to provide a large roof deck for tenants.

- e. 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.

The proposed development will provide 55 units of needed workforce housing in downtown Milwaukie, which is consistent with the goals and policies of the City's recently updated Comprehensive Plan. The project takes a very small site directly adjacent to the light rail line and creatively provides a combination of housing units, generous bike parking space, and 5,000 sq ft of common outdoor and amenity spaces for the tenants that will help revitalize the downtown in a key transition area. The height variance allows the new building to include 9 additional dwelling units and roof deck under the maximum building height.

The proposed development complies with the approval criteria in MMC 19.911.6.

11. MMC Section 19.1011 Design Review Meetings

MMC 19.1011 establishes the procedures and requirements for the design review meetings that are required in conjunction with applications for downtown design review. These include designating the Design and Landmarks Committee (DLC) as the body that conducts design review meetings and setting rules of procedure, identifying requirements for providing public notice, and outlining the components of the recommendation report that is to be provided to the Planning Commission.

The DLC held a public design review meeting to consider the proposed development on January 3, 2022 and recommended approval. However, there was not a quorum at this meeting, so a rescheduled design review meeting was held on January 20, 2022. This finding serves as the required report to Planning Commission.

The DLC reviewed the downtown design review portion of the proposed development against the approval criteria established for Type III building height variance review in MMC Subsection 19.911.6.D. The facts that the DLC relied on for its determination are reflected in Finding 10. The DLC voted unanimously to recommend approval of the requested building height variance, as discussed in Finding 10.

12. The application was referred to the following departments and agencies on December 10, 2021:

- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Clackamas Fire District #1 (CFD)
- Metro
- Oregon Department of Transportation (ODOT)
- TriMet
- North Clackamas School District
- NW Natural

Public notice was sent to all properties within 300 ft of the site on January 5, 2022. Comments received are as follows:

- **Sandra Jones, Axeltree Apts:** questions and concerns about the lack of on-site parking and the proposed off-site parking.