

# Summary of Proposed Amendments (2022)

## Downtown Design Review Process

### Key Changes to MMC 19.508.4 (downtown design standards)

#### A. Site Frontage *(new element)*

**Purpose/Intent** – *To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.*

**Background** – The current code includes three different development standards that all relate to a site’s frontage: (1) Flexible Ground-Floor Space, intended to ensure that new buildings are designed to accommodate active uses (e.g., retail and eating/drinking establishments); (2) Street Setbacks / Build-To Lines, to ensure that the ground floors of buildings engage the street right-of-way, for compatibility and harmony between buildings; and (3) Frontage Occupancy, to ensure that buildings are used to create a “street wall” that contributes to a walkable and pedestrian-friendly environment.

In the current code, a proposal that does not meet these development standards would have to request a variance. The proposed amendments combine them into a new design element and establish some guidelines for use in the discretionary review process, allowing an opportunity for alternative designs that still meet the intent.

#### Key Changes

- Frontage Occupancy
  - Revise Figure 19.304-6 to more clearly indicate the frontages that have the 50% standard.
- Street Setbacks / Build-To Lines
  - No changes proposed.
- Active Ground Floor Space
  - Rename from “flexible ground-floor space” to be clearer about the intention.
  - Raise the minimum ground-floor height from 14 ft to 15 ft, to allow slightly more flexibility for ground-floor uses and the infrastructure that may be necessary (e.g., HVAC, etc., such as for restaurants).

#### B. Wall Structure and Building Façade Detail *(existing element)*

**Purpose/Intent** – *To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building in order to create comfortable, pedestrian-friendly environments and enclosure to public areas.*

**Background** – This element is currently labeled simply as Building Façade Details and is intended to provide cohesive and visually interesting building façades, particularly along the ground floor. The design standards are focused on nonresidential and mixed-use buildings and address both vertical and horizontal aspects of the façade. Rowhouses (townhouses) and

live-work units are exempted from this design element and directed to the applicable provisions in MMC Section 19.505.

### Key Changes

- Vertical Articulation
  - Base
    - ❖ Shift the ground-floor architectural bay requirement into the Horizontal Articulation subsection of this element.
    - ❖ Eliminate the redundant requirements to comply with the standards of the Weather Protection and Windows elements, leaving only the requirement to construct the ground-floor façade of brick, stone, or concrete.
    - ❖ The updated guidelines allow flexibility for tripartite design or an alternative “human scale” design.
  - Middle
    - ❖ Reduce the design requirement from providing each of three different features to choosing from a menu of options.
    - ❖ The requirement for changes in wall plane has been shifted to the Horizontal Articulation section in favor of a more general requirement to provide horizontal architectural features that extend along at least 75% of the façade length.
    - ❖ Move the 6-ft step back option to Building Massing (Element H) as a requirement for buildings exceeding the maximum base height.
  - Top
    - ❖ Require that the top be distinguished from the rest of the façade, depending on the roof type (e.g., flat/low-slope versus pitched/overhang). *(The current code has no specific requirement for the building top, only a reference to Roofs (Element J).)*
- Horizontal Articulation
  - Incorporate some standards previously in the Vertical Articulation subsection to establish more options for dividing the street-facing façade.
  - Eliminate the requirement for a significant break in façades over 150 ft in length to allow for a more coherent design.
- Residential-only Buildings
  - Require residential-only buildings downtown to address the downtown design standards of MMC 19.508 (with no option to address the multifamily MMC Subsection 19.505.3 instead)—this is something that is changing throughout MMC 19.508 for residential-only buildings.

### C. Exterior Building Materials *(existing element)*

**Purpose/Intent** – *To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, are compatible with downtown Milwaukie and the surrounding built and natural environment, and activate the building around the pedestrian realm.*

**Background** – In the current code, this design element is applicable to the street-facing façades of new buildings and to façade modifications that affect more than 50% of the

existing façade area. It distinguishes primary, secondary, and accent materials by percentage of use—primary materials are required on at least 65% of the façade, secondary materials on no more than 35%, and accent materials on no more than 10%. A table lists material types and indicates whether each is allowed as a primary, secondary, or accent material for either nonresidential/mixed-use or residential buildings. The table also lists five materials that are prohibited.

### **Key Changes**

- Differentiation in the building materials list for ground-floor and upper-floor materials, while eliminating distinctions for residential and nonresidential uses.
- Refinements to the materials themselves are intended to align the list with modern construction practices while retaining a focus on durable and quality materials. For example, finished wood siding is proposed as an accent material rather than a primary material in favor of primary materials such as brick and concrete that provide greater durability and presence.
- Remove prohibited materials from the list, to have the table simply show what materials are allowed.
- For ground-floor façades, raise the standard of required primary materials to a minimum of 90%, with 0% secondary materials and no more than 10% accent materials. For upper-floor façades, maintain the same percentages as present for primary (65% min), secondary (35% max), and accent (10% max) materials.
- Add flexibility to use a Director's Determination to propose similar materials not listed in the table.
- Require ground-floor materials to wrap around to non-street-facing façades to a minimum depth of 10 ft or the edge of the abutting building (whichever is less).
- Establish an applicability threshold for expansions or additions to existing street-facing façades (25% of existing façade area or 500 sq ft, whichever is less). Maintain the 50% threshold for modifications to existing street-facing façades.

### **D. Façade Transparency (new element)**

**Purpose/Intent** – *To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces.*

**Background** – The current code includes a design element that combines standards for windows and doors.

### **Key Changes**

- Separate the features addressed by windows and doors into three distinct elements, including this one that focuses on the concept of façade transparency. Doors and building entrances are addressed in Element E, and the design and material nature of windows are the focus of Element F.
- Establish distinct standards for transparency at the ground-floor level versus for upper floors and for nonresidential/mixed-use versus residential-only buildings.

- Raise the ground-floor glazing percentage on McLoughlin Boulevard from 30% to 40%.
- Redefine the ground-floor level as 3 ft above finished grade to the bottom of ceiling joists or roof rafters or 12 ft above finished grade (whichever is less). (*The current definition is from grade level up to finished ceiling height or 15 ft above grade. The rationale for change is that the building does not benefit as much from transparency at the lowest part of the façade, so the emphasis should be on providing windows starting at a height where they make the biggest design difference.*)
- Limit blank street-facing walls to no more than 450 sq ft or 30 linear ft (whichever is less) without windows or doorways. Require Horizontal Articulation treatments (from Element B) and offer two alternatives if this blank-wall standard cannot be met: (1) provide landscaping in front of the wall (screening at least 50% of the wall surface in three years), or (2) provide an art mural on at least 50% of the wall.
- Eliminate the standards related to views into buildings and limiting window coverings, as these are more about post-construction operation and performance.

#### **E. Building Entrances** (*new element*)

**Purpose/Intent** – *To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.*

**Background** – Currently, there are design standards for windows and doors, with a single development standard for primary entrances.

##### **Key Changes**

- With the proposal to establish separate elements for façade transparency and windows, the remaining design standards for doors and primary entrances have been combined and expanded in this new element.
- Establish requirements for entrance locations on higher classification streets, with greater detail on the prioritization of streets.
- Maintain the requirement for a primary entrance facing an abutting street or oriented to within 45° of the abutting street property line. But eliminate the option of meeting this standard by simply providing a connecting walkway to the sidewalk (if the entrance is turned more than 45°), as a walkway is not enough to provide the desired effect.
- Require design elements to define the primary entrance for nonresidential and mixed-use buildings, with a menu of options (choose one of three).
- Require 75% glazing on doors at primary entrances of nonresidential/mixed-use buildings.
- Require illumination of all entrances.
- Remove the requirement to maintain primary entrances and doors on street-facing block faces unlocked during business hours (commercial use)—this is a performance issue and not something to be addressed with design.

## F. Windows (existing element)

**Purpose/Intent** – *To integrate windows made of high-quality materials that are compatible with the building design in order to visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.*

**Background** – As noted above, the current code includes design standards for windows. Although windows by their nature are major contributors to façade transparency, they also have physical aspects that need to be addressed specifically as a separate element.

### Key Changes

- Eliminate the visible transmittance (VT) requirement to avoid conflict with energy code and building code standards.
- Eliminate requirements to require views into storefronts and limit window coverings— this is more of a performance standard and not directly a design issue.
- Eliminate the requirement about sign coverage in windows as unnecessary/redundant— the sign code sets the standard.
- Limit the use of spandrel glass to floor lines and parapets.
- Eliminate the requirement that a minimum of 60% of all upper-floor windows be vertically oriented. (*The nature of contemporary design and the challenges of multistory construction naturally push windows to be vertically oriented.*)
- Adjust the requirement for the bottom edge of nonresidential/mixed-use windows along pedestrian walkways to no more than 1 ft above grade and no more than 3 ft above grade. (*The 3-ft maximum is intended to be consistent with the Façade Transparency element, which only counts transparency starting at 3 ft above grade.*)
- Establish a list of approvable materials for new window frames (anodized or painted aluminum, frameless, fiberglass, wood).
- Require consistency of materials and dimensions when replacing windows.
- With respect to prohibited elements, acknowledge that tinting can be allowed in conjunction with the energy code. Remove the prohibition on unpainted metal frame windows, due to the clarification above that anodized or painted aluminum windows are the only kind of new metal windows allowed. Allow opaque glazing on non-Main-Street façades, since it may be necessary for privacy (e.g., bathrooms).

## G. Corners (existing element)

**Purpose/Intent** – *To create a strong architectural statement at street corners, provide opportunities for pedestrian-scale activity, establish visual landmarks, and enhance visual variety.*

**Background** – The current code includes a Corners element, with standards for nonresidential and mixed-use buildings only— the proposed amendments maintain that focus.

### Key Changes

- Add to and clarify the menu of design options for distinct corner treatment:
  - A lobby or retail space (100-sq-ft minimum) with 90% transparency within 5 ft of the corner.

- Pedestrian canopy or marquee (10-ft-long minimum).
- Chamfered corner (or rounded or stepped corners) at least 10 ft wide.
- More specific options for providing “enhanced pedestrian amenities.”
- Create subset of priority corners along Main Street at prominent east-west streets identified in the Downtown Framework Plan, where stronger building presence directly on the corner (elements like a tower or corner inset that anchor the corner) is promoted.

#### **H. Building Massing and Transitions** *(new element)*

**Purpose/Intent** – *To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings, including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.*

**Background** – There are currently development standards for both building height and transition measures. Building height would continue to be addressed as a development standard; but building mass and transition measures are aspects that are better addressed together as design standards, where the option for discretionary design review would allow consideration of alternative methods for mitigating mass. Options for height bonuses and a special variance for building height would continue to be addressed as a development standard and not a design standard, though the DLC’s recommendations for clarifying language would be incorporated into the development standard.

##### **Key Changes**

- Discussion issue = Maintain the current requirement for a 6-ft step back for street-facing portions of a building over the base maximum height; or consider requiring the step back along only 50% of the building façade, with no portion less than 20 ft long to create meaningful “skylights” for light and air at the pedestrian level. In either case, provide an option to design the step back area as recessed balconies, roof-top gardens, or other open spaces.
- Establish a requirement to vary building façade height, with options for breaking up bulk and mass. At least one variation in height must be provided for every 50-ft interval along the street-facing façade.
- Alternative approaches may be proposed to meet the design guidelines for this element, utilizing techniques to mitigate impacts of additional height and mass, ensuring access to light, privacy, and views for pedestrians and building occupants.

#### **I. Weather Protection** *(existing element)*

**Purpose/Intent** – *To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.*

**Background** – The current code includes a Weather Protection element.

### **Key Changes**

- Minimum Weather Protection Coverage
  - Eliminate the 3-ft minimum requirement for recesses (keep it general).
  - Adjust the maximum distance that weather protection can extend into the public right-of-way as needed to remain consistent with the Public Works Standards.
  - Add requirement to provide a minimum of 8 ft of clearance between any weather protection and the finished grade.
- Weather Protection Materials, Design, and Details
  - Provide specific material standards for awnings, canopies, and marquees.
  - Provide additional standards related to the location, installation, and illumination of awnings, canopies, and marquees.
  - Insert reference to ensure consistency with the applicable sign code standards.

### **J. Roofs and Rooftop Equipment Screening** *(existing element)*

**Purpose/Intent** – *To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.*

**Background** – The current code includes design standards for Roofs and Rooftop Equipment.

#### **Key Changes**

- Add “screening” to the title of this element, to emphasize that screening is a key part of this aspect of consideration.
- Enhance the design guidelines to facilitate use of the discretionary design review process if needed to achieve the goal of creating a visually interesting building.
- Clarify that the way elevator mechanical equipment is “incorporated into the architecture of the building” *(existing language)* is by using consistent exterior building materials for the mechanical shaft or penthouse.
- Clarify the idea that “screened from public view” is about being viewable from the pedestrian level from across the adjacent public street rather than being viewable from adjacent buildings.
- Clarify that rooftop screening does not count in the calculation of maximum building height.

### **K. Service Areas (Screening)** *(new element)*

**Purpose/Intent** – *To preserve well-designed building frontages and pedestrian environments by minimizing the potential negative impacts of service areas on visual design and circulation while maintaining sufficiently accessible and functional loading, waste collection, utility, and other service areas.*

**Background** – There are currently no standards that require screening for the utilitarian aspects of new buildings. At present, garbage and recycling facilities for existing buildings

are sometimes stored on public sidewalks. Some requirements are necessary to ensure that new buildings are designed to efficiently meet their utilitarian needs while maintaining a pedestrian-friendly street environment.

#### **Key Changes**

- Define service areas as including external utility structures, loading docks, recycling facilities, and trash containers, among others.
- Require that service areas be located on the more minor street (for multi-frontage sites).
- Require screening. When structural forms of screening are used, materials must match the primary or secondary materials and colors of the building.
- Require waste collection areas to be located within the building itself.

#### **L. Resident Open Space** *(existing element)*

**Purpose/Intent** – *To promote livability in the downtown environment by providing open space amenities within the development site for use by residents.*

**Background** – The current code includes design standards for open space and plazas that primarily address the open space intended for residents of mixed-use and residential-only buildings (MMC Subsection 19.508.4.G). There are requirements for both private and common open space.

#### **Key Changes**

- Establish minimum dimensions for common open space (15 ft by 15 ft).
- Eliminate the limitation on counting landscaped buffer areas as common open space—the minimum required dimensions should prevent conflicts with adjacent uses, and the provision regarding the integration of active and passive uses was too discretionary for the objective review process.
- Revise the requirement that at least two sides of common open space abut the building, down to abutting the building on at least one side (including with at least one window and one door) and to be bordered on at least one other side by fencing, landscaping, low walls, or other building walls.
- Eliminate the existing 50% open-space credit for adjacency to an improved public park, to ensure that usable open space is provided on site.
- Introduce a reference to Outdoor and Exterior Building Lighting (Element N).

#### **M. Plazas and Usable Open Space** *(new element)*

**Purpose/Intent** – *To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors, businesses, and residents; promote livability; and help soften the effects of built and paved areas.*

**Background** – The current code includes development standards for open space that serves not just building residents but the larger public passing by as well (more externally oriented space).

### **Key Changes**

- Move the requirement that at least 50% of any building setback area be developed as usable open space to Site Frontage (Element A).
- Eliminate the requirement that usable open space be abutted on at least two sides by a building; replace with requirement to provide at least one window or door with at least 50% glazing when abutted by a building wall.
- Clarify that hardscaping must be concrete or unit paving and not asphalt or gravel.
- Establish new requirements for at least 10% landscaping of open space areas, with a limit on bark dust or mulch (20% max) and prohibition of nuisance species from the Milwaukie Native Plant List.
- Require at least 3 ft of bench seating for each 60 sq ft of plaza or open space area.
- Introduce a reference to Outdoor and Exterior Building Lighting (Element N).

### **N. Outdoor and Exterior Building Lighting** *(new element)*

**Purpose/Intent** – *To incorporate outdoor and exterior building lighting that increases pedestrian comfort, accentuates design and architectural features, enhances safety, and minimizes light pollution (both spill and casting or glare).*

**Background** – The current Downtown Design Guidelines address lighting, but there are no current standards requiring exterior building lighting or lighting of outdoor open spaces.

### **Key Changes**

- Establish standards for lighting, though applicable only when lighting is provided. The standards address minimum lighting for building entrances, resident open space, and plazas and usable open space. A photometric plan will be required with proposed developments to determine compliance.
- Establish additional standards to limit light trespass.

### **Changes to MMC 19.304** (downtown development standards)

- Change “rowhouse” term to “townhouse,” to be consistent with other recent code changes related to middle housing.
- Remove building height limit based on number of stories—focus instead only on the height in feet.
- Move certain development standards out of this section, incorporating them into the design standards of MMC 19.508.4:
  - Flexible ground-floor space *(move to Site Frontage element)*
  - Maximum street setback and build-to lines *(to Site Frontage element)*
  - Frontage occupancy requirements *(to Site Frontage element)*
  - Primary entrances *(to Building Entrances element)*
  - Open space *(to Plazas and Usable Open Space element)*
  - Transition measures *(to Building Massing and Transitions element)*

### **Changes to MMC 19.907 (downtown design review process)**

- Eliminate the option for residential-only buildings downtown to use the multifamily design standards/guidelines of MMC Subsection 19.505.3—instead, require multifamily buildings downtown to address the downtown design standards of MMC Section 19.508.
- Eliminate references to variances being needed for issues that shift from being development standards to design standards, since the design review process has a discretionary option that can consider what previously needed a variance.
- Remove the application requirement for a Downtown Design Review Checklist, since there will be greater clarity about which design guidelines are applicable to a project. Likewise, remove references to “substantial consistency” with the purpose statement of the relevant design standard, as the new criterion is to simply show compliance with the applicable standards and guidelines.
- *Suggested*—Adjust applicability of the design review process to certain actions, removing those for which there are no development or design standards to use as approval criteria.
- *Suggested*—Allow all new buildings downtown (and substantial redevelopment and expansions) to use the Type I review process (with public notice) if they meet applicable downtown design standards.