



CITY OF MILWAUKIE

June 28, 2023

Land Use File(s): HR-2023-001; DR-2023-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 27, 2023.

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):	Travis Henry, City Hall Holdings, LLC
Location(s):	10722 SE Main Street
Tax Lot(s):	1S1E36BB02500
Application Type(s):	Historic Resource Review; Downtown Design Review
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC 19.304 Downtown Zones• MMC 19.403 Historic Preservation Overlay• MMC 19.508 Downtown Site and Building Design Standards and Guidelines• MMC 19.907 Downtown Design Review• MMC 19.1006 Type III Review
Neighborhood(s):	Historic Milwaukie

Appeal period closes: 5:00 p.m., July 13, 2023

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 or visit the project webpage at <http://www.milwaukieoregon.gov/planning/HR-2023-001>.

This decision may be appealed by 5:00 p.m. on July 13, 2023, 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.

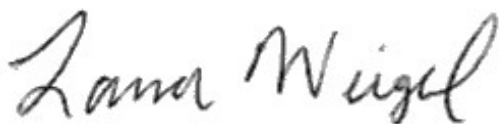
Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years 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. The final permit application and plans for construction improvements to the building must address the following:
 - a. Final plans submitted for development permit review must be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on May 16, 2023, except as otherwise modified by these conditions.
 - b. Applicant ensures that any replacement exterior materials match pre-existing materials and that all work must comply with the Secretary of the Interior's standards for rehabilitation of an historic structure.



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support 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.

cc: Travis Henry, City Hall Holdings, LLC (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Shawn Olson, CFD#1 (via email)
Design and Landmarks Committee (via email)
NDA(s): Historic Milwaukie (via email)

Land Use File(s): HR-2023-001; DR-2023-002

ATTACHMENT 1
Findings in Support of Approval
Primary File #HR-2023-001; City Hall adaptive re-use historic review

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Travis Henry on behalf of City Hall Holdings, LLC, has applied for approval to alter the historic structure at 10722 SE Main St. This site is in the Downtown Mixed Use (DMU) Zone. The primary land use application file number is HR-2023-001.
2. The applicant is seeking land use approval to alter the structure by replacing an existing 6 ft x 5 ft window on the north wall with a pair of full-lite storefront entrance doors for access to a new business.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.304 Downtown Mixed Use Zone
 - MMC 19.403 Historic Preservation Overlay
 - MMC 19.508 Downtown Site and Building Design Standards and Guidelines
 - MMC 19.907 Downtown Design Review
 - MMC 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public review meeting with the Design and Landmarks Committee was held on June 5, 2023 where the committee voted to recommend approval of the application. A public hearing was held on June 27, 2023, as required by law.

4. MMC 19.304 Downtown Zones
 - a. MMC 19.304.3 Uses

MMC Table 19.304.3 establishes the uses that are allowed in the Downtown Mixed Use Zone (DMU).

The building at the subject property is currently used by the City of Milwaukie as a city hall, including city offices on the first floor and city offices, council chambers, and meeting spaces on the second floor.

The proposed adaptive re-use of the building will include office and restaurant space, both of which are uses that are permitted outright in the DMU zone.

The site has been in use as a city hall since it was constructed in 1939. The site has had This standard is met.

- b. MMC 19.304.4 Development Standards

MMC 19.304.4 establishes standards for new development projects in the downtown zones.

This site is an existing building which will contain office space, community space, and restaurants; no changes are proposed that are affected by the development standards. This standard does not apply to the proposal.

5. MMC 19.403 Historic Preservation Overlay

MMC 19.403 provides standards and procedures for review of applications related to identified historic resources.

The subject property is identified on the City historic and cultural resources inventory as a "Significant" historic resource; therefore, the regulations in MMC 19.403 apply.

a. MMC 19.403.5 Alteration and Development

- (1) MMC 19.403.5.A requires review for any exterior alteration of a landmark deemed "Significant" in the City historic inventory.

The subject property is designated a "Significant" historic resource and the proposed improvements are for minor exterior alterations. The proposed improvements are subject to review under the provisions of MMC 19.403.

- (2) MMC 19.403.5.B requires that an application for exterior alteration of a landmark be submitted to the Planning Director, in such form and detail as prescribed by the Director. Applications that do not meet the requirements for projects subject to administrative approval as per MMC 19.403.5.C shall follow the Type III review process outlined in MMC 19.1006.

An application with sufficient detail has been submitted for Type III review. This standard is met.

- (3) MMC 19.403.5.D provides for approval of alteration requests that do not qualify for administrative approval.

The proposed improvement replaces one existing 6 ft x 5 ft window with a pair of full-lite wood storefront doors to provide access to a new tenant space. Stairs and an accessible ramp are also proposed, as well as an unattached pergola to provide weather protection. Because the addition of a new set of doors does not meet the standards for administrative approval, the application has been combined under a Type III review, per MMC 19.1006.

- (4) MMC 19.403.5.E establishes approval criteria for alterations to landmarks.

The proposed improvements have been evaluated against the relevant approval criteria as follows:

(a) Retention of Original Construction

The proposed alteration to the window opening on the north façade does not destroy the distinguishing original qualities defining the resources character; nor does it alter any distinctive architectural features. The proposal replaces a large window with a pair of wood storefront doors. This alteration is located on the north façade which is approximately 50 ft from Harrison St, which is not the primary

street-facing façade on Main St. The doors are proposed to be painted to match existing trim.

The proposed improvement will not alter any remaining historic features or qualities of the landmark.

This criterion is met.

(b) **Building Height**

No changes to existing building height are proposed. This criterion is not applicable.

(c) **Horizontal Additions**

No additions are proposed. This criterion is not applicable.

(d) **Windows**

This proposal includes replacing one window opening on the north façade with a pair of full-lite, glazed wood storefront doors, painted to match the surrounding window trims. The design and proposed materials are consistent with the original time period and will match the visual qualities of the existing windows.

As communicated by the applicant, the State Historic Preservation Office (SHPO) and the National Park Service (NPS) have commented favorably on the proposal.

This criterion is met.

(e) **Restoration Possible**

If desired in the future, the proposed new entrance door and its associated landing and ramp could be removed. Further restoration in the future would not be precluded.

This criterion is met.

(f) **Signs and Lighting**

No tenant signage is proposed to be attached to the building. Any signage would be attached to the new wood pergola structures adjacent to, but not connected to, the building.

The proposal includes new lighting fixtures over the roll up doors that are visually compatible with the original character of the building and consistent with NPS and SHPO requirements to maintain eligibility for listing on the National Register of Historic Places.

This criterion is met.

(g) **Time Period Consistency**

The proposal matches existing materials and finishes currently present on and around the building exterior. The proposed new wood storefront doors will be painted to match existing window trim so that they will blend in and will be enhance and preserve the historic character of the building and serve the functional needs of the new tenant space.

This criterion is met.

(h) Visual Integrity/Style

The proposed improvements will not diminish any of the distinctive stylistic features that remain on the building. No distinctive stylistic features, primary structural elements, or examples of skilled craftsmanship are affected by the proposed design. Modifications made to the existing window to create a new accessible storefront entry have been proposed with the existing window proportions in mind, and all materials selected correspond to existing building materials. The proposal is respectful of the existing building while still meeting current code requirements. The proposed alteration supports and strengthens the geometry and material palette for the building, while also enhancing the pedestrian experience, which is consistent with the goals of this emerging mixed-use district.

This criterion is met.

(i) Replacement or Additional Materials

The existing building façade appears to be in good condition relative to its age and no additional work is expected. Nevertheless, there may be some elements found during the renovation that may require replacement. If this is the case, the applicant will ensure that any replacement materials and finishes will match pre-existing materials, and all work will comply with the Secretary of the Interior's standards for rehabilitation. The applicant will also pay careful attention to detail to keep the original historic character of the building and consistent with requirements from NPS and SHPO to maintain eligibility for listing on the National Register of Historic Places.

This criterion is met.

(j) Buffering

This requirement relates to screening or buffering when a new commercial or industrial improvement or use is proposed on a designated resource. However, the proposal involves an adaptive re-use of the existing building with permitted uses with only the proposed new entry door as an alteration to the structure. Screening or buffering is not proposed and is not required. However, if required in the future, buffering or screening will be consistent with requirements from NPS and SHPO to maintain eligibility for listing on the National Register of Historic Places.

This criterion is met.

The proposed improvements meet the applicable standards of MMC 19.403.

6. MMC 19.508 Downtown Site and Building Design Standards and Guidelines

- a. Per MMC 19.508.2, the design standards and guidelines generally apply to the street-facing façade of nonresidential, mixed-use, and residential-only multifamily buildings within the DMU zone.

The proposed alteration is on the north façade of the city hall building and is therefore subject to the applicable standards of MMC 19.508.

- (1) Per MMC 19.508.2.B.2, expansions, additions, and/or changes to the street-facing façade are subject to certain standards.

The proposed new storefront entrance and modified front plaza and seating areas are subject to the following standards: Subsection 19.508.4.D Façade Transparency and Activation, Subsection 19.508.4.E Building Entrances, Subsection 19.508.4.I Weather Protection, and Subsection 19.508.4.M Plazas and Usable Open Space.

- b. Per MMC 19.508.4, Downtown Design Elements, development that meets the applicability provisions in Subsection 19.508.2 must meet certain design standards for each element.

- (1) MMC 19.508.4.D provides the standards for façade transparency and activation.

*The proposed improvements replace a 6 ft x 5 ft window with 6 ft x 8 ft storefront doors which will increase the transparency to the north façade of the building.
This criterion is met.*

- (2) MMC 19.508.4.E provides the standards for building entrances.

The proposed alterations are to an existing building which already has a primary building entrance facing Main St. The property is converting from a single occupant building to a multi-tenant building, so another entrance is proposed facing Harrison St (north façade). The proposed set of new full lite glazed doors will create a new storefront entrance for a new separate business, and will include a ramp and stairs connecting to an improved plaza and seating area in the Main St front area.

- (3) MMC 19.508.4.I provides the standards for weather protection.

- (a) MMC 19.508.4.I.2.a includes the standards for minimum weather protection coverage:

- (i) All ground-floor building entries must be protected from the weather by awnings, canopies, or similar weather protection.

The proposed new entrance on the north façade of the building will include constructing a new concrete landing adjacent to the building that will be accessible via a new concrete staircase and ramp. The landing will include an integrated free standing covered walkway canopy structure that will be constructed out of heavy timber and/or steel (likely painted to match the existing window trim) that will complement the architecture and historical character of the building, provide overhead weather protection, as well as outdoor seating/waiting area for customers and visitors.

This criterion is met.

- (ii) Awnings, canopies, or similar weather protection must be provided along at least 50% of the ground-floor elevation of a nonresidential

building where the building abuts a sidewalk, plaza, courtyard, or similar pedestrian space.

The proposed canopy structure will be immediately adjacent to the proposed new entrance on the north façade, which is not adjacent to a sidewalk. The canopy structure will cover the entirety of the new entrance and will extend approximately 10 ft off the façade of the building, thereby covering the proposed new landing leading to the new doors.

This criterion is met.

- (iii) Weather protection must extend at least 4 ft over the pedestrian area.

The proposed canopy structure will extend approximately 10 ft off the façade of the building over the proposed new landing at the entrance.

This criterion is met.

- (iv) Weather protection must be at least 8 ft above the finished grade.

The proposed canopy structure will be approximately 9 ft tall.

This criterion is met.

- (b) MMC 19.508.4.I.2.a includes the standards for weather protection materials, design, and details:

- (i) Canopies must be constructed of rigid plastic, metal, glass, or a material similar in appearance and texture. The structure or frame materials for awnings and canopies must be aluminum or steel.

The proposed free standing canopy structure will be constructed out of heavy timbers and/or steel and covered with a clear, rigid plastic roofing material.

As conditioned, this criterion is met.

- (ii) Awnings or canopies must be attached directly above an entry or window.

The proposed weather protection is not a typical canopy that is attached to the building and only over the doors. Because of the requirements for listing on the National Register of Historic Places, the proposed weather protection is a canopy structure that will be constructed immediately adjacent to the new entry doors, providing the required weather protection while maintaining the integrity of the historic building.

As conditioned, this criterion is met.

- (c) MMC 19.508.4.M.2 includes design standards for plazas and usable open space.

- (i) Usable open space must be directly accessible at grade adjacent to the public sidewalk.

The existing building and front area facing Main St and adjacent to the public sidewalk already includes public open space. The proposed improvements include an expansion of this area with additional seating areas in front of the new ground floor businesses.

This criterion is met.

- (ii) Hardscaping in open spaces must utilize concrete or unit paving and may not use asphalt or gravel surfacing.

The proposed new hardscaped plaza spaces along Main St will be constructed out of concrete.

This criterion is met.

- (iii) Landscaping must be integrated into open spaces as follows:

- (i) A minimum of 10% of the open space area must be landscaped areas incorporating trees, shrubs, and ground cover.

- (ii) No more than 20% of the landscaped area can be covered in mulch or bark dust.

- (iii) Nuisance species are prohibited.

The front open space and plaza area is approximately 5,000 sq ft, which would require a minimum of 500 sq ft of landscaped area. The proposed plans show over 1,300 sq ft of landscaped area, which is planted with shrubs, trees, and lawn. No more than 20% of the landscaped areas will contain mulch or bark dust. No nuisance species are proposed.

This criterion is met.

- (iv) Open spaces must provide at least 3 ft of seating area (bench, ledge, etc.) or one individual seat, including movable seating for outdoor seating areas, per 60 sq ft of plaza or open space area.

The front open space and plaza area is approximately 5,000 sq ft, which would require 77 seats. The proposed plans show 78 seats in the form of benches and individual chairs.

This criterion is met.

The Planning Commissions find that, as conditioned, these criteria are met.

7. MMC 19.907 Downtown Design Review

- a. Per MMC 19.907.2, the standards for downtown design review are applicable to modifications of existing development in the DMU zone.

The proposed new store front entry and plaza area is a modification to an existing development in the DMU zone and is therefore subject to the standards for downtown design review as provided in MMC 19.907.

- b. MMC 19.907.3.B.1 requires that exterior alterations that meet the applicable downtown design standards of Section 19.508 be processed with Type I review.

The proposed improvement includes replacing an existing window with a new set of storefront doors and modifying the front area of the building with a new plaza and seating area, which is shown in these findings to meet the applicable downtown design standards of Section 19.508. The application has been reviewed in accordance with the Type I Downtown Design Review process. This criterion is met.

- c. MMC 19.907.5.A establishes the approval criteria for Type I Downtown Design Review.

(1) Compliance with Title 19

As addressed in Finding 4, the proposed improvement complies with the applicable standards for downtown zones, as provided in MMC 19.304. As addressed in Finding 5, the proposed improvement complies with the applicable standards for historic resources, as provided in MMC 19.403. As addressed in Finding 6, the proposed improvement complies with the applicable standards for downtown design standards. No other standards in Title 19 are applicable to the proposed improvement.

(2) Compliance with applicable design standards in Section 19.508 and any prior land use approvals

As addressed in Finding 6, the proposed improvements have been reviewed against the relevant design standards for Subsection 19.508.4.D Façade Transparency and Activation, Subsection 19.508.4.E Building Entrances, Subsection 19.508.4.I Weather Protection, and Subsection 19.508.4.M Plazas and Usable Open Space.

Prior land use approvals did not contain relevant conditions of approval to the proposed improvements.

The proposed improvements meet the approval criteria of MMC 19.907.5.A Type I Downtown Design Review.

8. The application was referred to the following departments and agencies on June 7, 2023:
- Milwaukie Building Division
 - Milwaukie Engineering Department
 - Milwaukie Public Works Department
 - Clackamas County Fire District #1
 - Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee