

MILWAUKIE PLANNING
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Primary File #: DR-2024-001;

Review type*: I II III IV V

VR-2024-002

CHECK ALL APPLICATION TYPES THAT APPLY:

<input type="checkbox"/> Amendment to Maps and/or	<input type="checkbox"/> Land Division:	<input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Comprehensive Plan Map Amendment	<input type="checkbox"/> Partition	<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Zoning Text Amendment	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Replat	
<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Transportation Facilities Review**
<input type="checkbox"/> Community Service Use	<input type="checkbox"/> Miscellaneous:	<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Barbed Wire Fencing	<input type="checkbox"/> Use Exception
<input type="checkbox"/> Development Review	<input type="checkbox"/> Mixed Use Overlay Review	<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Director Determination	<input type="checkbox"/> Modification to Existing Approval	<input type="checkbox"/> Willamette Greenway Review
<input checked="" type="checkbox"/> Downtown Design Review	<input type="checkbox"/> Natural Resource Review**	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Extension to Expiring Approval	<input type="checkbox"/> Nonconforming Use Alteration	Use separate application forms for:
<input type="checkbox"/> Historic Resource:	<input type="checkbox"/> Parking:	• Annexation and/or Boundary Change
<input type="checkbox"/> Alteration	<input type="checkbox"/> Quantity Determination	• Compensation for Reduction in Property Value (Measure 37)
<input type="checkbox"/> Demolition	<input type="checkbox"/> Quantity Modification	• Daily Display Sign
<input type="checkbox"/> Status Designation	<input type="checkbox"/> Shared Parking	• Appeal
<input type="checkbox"/> Status Deletion	<input type="checkbox"/> Structured Parking	
	<input type="checkbox"/> Planned Development	

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Terry Amundson, Koble Creative Architecture LLC

Mailing address: 2117 NE Oregon St., Suite 301, Portland State/Zip: OR, 97232

Phone(s): 503-539-4300 Email: terry@koblecreative.com

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

SITE INFORMATION:


Address: 1915 & 1925 SE Scott St., Milwaukie, OR 97222 Map & Tax Lot(s): 11E35AA00101 & 11E35AA00200

Comprehensive Plan Designation: TC Zoning: DMU Size of property: 0.47 acres

PROPOSAL (describe briefly):

The new 1847 Food Park includes an open-air timber Canopy structure and a Taproom building with a bar, permanent restrooms, and indoor/outdoor seating areas. Utility infrastructure for food vendors will be provided. Existing on-site parking is preserved.

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:  Terry Amundson, Koble Creative Date: 04/05/2024

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	DR-2024-001	\$ 2,000			
Concurrent application files	VR-2024-002	\$ 1,500	25%		
		\$			
		\$			
	Total	\$ 3,500			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	

TOTAL AMOUNT RECEIVED: \$

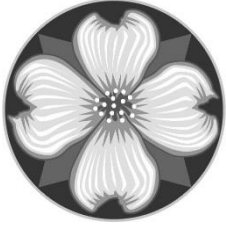
RECEIPT #:

RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s): HISTORIC MILWAUKIE

Notes:



MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

Submittal Requirements

**For all Land Use Applications
(except Annexations and Development Review)**

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

Applications without the required application forms and fees will not be accepted.

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

C. Compliance with the Tree Code (MMC 16.32): www.milwaukieoregon.gov/trees

These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. **Copy of valid preapplication conference report**, when a conference was required.

G:\Planning\Internal\Administrative - General Info\Applications & Handouts\Submittal Rqmts_Form_revised.docx—Rev.

APPLICATION PREPARATION REQUIREMENTS:

- Electronic copies of all application materials are required at the time of submittal.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

As the authorized applicant I, (print name) Terry Amundson, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature:  Terry Amundson, Koble Creative Architecture LLC

Date: 04/05/2024

Official Use Only

Date Received (date stamp below):

Received by: _____

April 5, 2024

Milwaukie Planning Department
10501 SE Main Street
Milwaukie, OR 97222

Re: Letter of Authorization - 1847 Food Park
Type III Downtown Design Review & Variance
1915 & 1925 SE Scott Street

Dear Planning Department,

This letter serves as my formal authorization for Koble Creative Architecture LLC to initiate a Land Use Review for proposed development on properties that I own. The subject properties are located at 1915 and 1925 SE Scott Street, Milwaukie, OR 97222, and are comprised of tax lots 11E35AA00101 and 11E35AA00200. Representatives of Koble Creative are authorized to act on my behalf for the duration of the application and review process.

Regards,

Eric Saunders
Owner
RMCC Development

Date April 5, 2024

Project 1847 Food Park

Site Address 1915 & 1925 SE Scott Street
Milwaukie, OR 97222
Tax Lots 11E35AA00101 & 11E35AA00200

**Architect/
Applicant** Koble Creative Architecture LLC
Terry Amundson
2117 NE Oregon St. #301
Portland, OR 97232

**Owner/
Developer** RMCC Development
Eric Saunders

Re: Type III Downtown Design Review
Type III Variance (FAR)

Project Description

The 1847 Food Park is proposed for 1925 SE Scott Street, the former home of the Peake Funeral Chapel, now demolished. The name "1847 Food Park" honors the year Milwaukie was first settled by the Luelling family. The Project includes two permanent structures designed to take advantage of the existing topography and "ruins" left by the old chapel. Utility connections for gas, water, and electricity will be provided for food vendors throughout the site.

The foundation of the former chapel becomes a recessed dining area, 2/3 of which is sheltered by a new, open-air canopy. The timber canopy structure is located at the property line on Scott Street and creates an entry to the Food Park at the corner of Scott and Main Streets.

At the northern property line, a new taproom building occupies the location of the apartment dwellings that once stood there. The multi-story taproom incorporates a bar, indoor and roof-deck seating areas, and permanent restrooms to serve the development. The existing parking lot at the west side of the property remains, providing on-site parking for patrons of the food park.

The Applicant anticipates applying for the consolidation of the two lots comprising the Project (tax lots 11E35AA00101 & 11E35AA00200) prior to building permit application.

Background

A Preapplication Conference was conducted on November 16, 2023, with the Preapplication Report being issued November 30th, 2023 under Project ID: 23-009PA. A copy of the Preapplication Report has been included as an attachment to this submittal.

Following the Preapplication, the Owner and Applicant presented the Project to the Historic Milwaukie Neighborhood District Association on January 8th, 2024 at their regular meeting. The proposal was well-received, and the Applicant expects favorable support of the Project from neighboring residents and business owners during this review process.



Request

Given that this is a unique proposal for the DMU zone, the Applicant acknowledges that the Project will need to meet the Downtown Site and Building Design Standards of MMC 19.508 through a Type III, Downtown Design Review process consistent with MMC 19.907. The following pages detail specific responses to each required design element.

The Project is also requesting a variance to the minimum required Floor Area Ratio (FAR) defined by Table 19.304.4 and Figure 19.304-3. A detailed description of the variance request can be found under Chapter 19.911 – Variances in the pages that follow. The Applicant respectfully requests that the City review the Type III Land-Use application materials as submitted herein.

Conformance to Applicable Standards

Chapter 19.300 – Base Zone Standards

19.304 Downtown Zones

The subject site falls in the DMU (Downtown Mixed Use) zone. The standards of this chapter apply as the Base Zone, in addition to the standards of 19.508 - Downtown Site and Building Design Standards and Guidelines. See further information in Section 19.508 below.

19.304.2 Uses

As detailed in Table 19.304.2, the DMU zone allows for a variety of uses, including eating and drinking establishments, which is how the City would categorize the proposed food cart pod and taproom. As such, the proposed Food Park is a permitted use for this zone.

19.304.3 Use Limitations, Restrictions, and Provisions

Per Section 19.304.3.A.3, eating/drinking establishments are limited to 20,000 SF on the ground floor. The entire ground floor area of the 1847 Food Park measures approximately 11,545 SF. That includes indoor, outdoor, covered and uncovered areas for dining and food preparation. The proposed Food Park is within the use limitations of this section.

19.304.4 Development Standards

Table 19.304.4 summarizes development standards for downtown zones.

Table 19.304.4 Section A – Lot Standards

1. *Minimum lot size:* 750 SF
2. *Minimum street frontage:* 15 FT

RESPONSE: Prior to issuance of a building permit, the Applicant acknowledges that the two lots comprising the Project must be consolidated. The resulting property will total approximately 20,576 SF or 0.47 acres, with approximately 419 FT of combined street frontage on Scott Street, Main Street, and McLoughlin Boulevard. This standard is met.



Table 19.304.4 Section B – Development Standards

1. Floor area ratio: 1:1 Minimum, 6:1 Maximum (Min FAR per Figure 19.304-3)

RESPONSE: Total area of the Taproom Building is 4,032 SF. Total site area after lot consolidation is approximately 20,576 SF.

4,032 SF / 20,576 SF = 0.2 FAR Proposed

The proposed 0.2 FAR is below the minimum required, and a variance is being requested. A detailed description of the variance request can be found under Chapter 19.911 – Variances in the pages that follow.

2. Building height: 25 FT Minimum, 45-55 FT Maximum

RESPONSE: As shown on the East Elevation, the Taproom measures approximately 30'-11" high. This standard is met.

3. Setbacks
 - a. Minimum street setback: 0
 - b. Side and rear setbacks: None

RESPONSE: As the site has no minimum street, side, or rear setbacks, this standard is met.

4. Off-street parking required: Yes, where applicable

RESPONSE: As confirmed in the Preapplication Report, Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440 prohibit the City mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop.

No off-street vehicle parking is required for the proposed development. However, parking is proposed for the development, so the general parking design standards apply. See additional discussion of chapter 19.600 that follows. This standard is met.

Table 19.304.4 Section C – Other Standards

1. Residential density requirements

RESPONSE: As the Project contains no residential uses, this standard is not applicable.

2. Signs: See section 14.16.060 Downtown Zones - A. Freestanding Sign

In the downtown zones, freestanding signs shall be monument type only. The sign face shall be no less than 60% of the total area of the monument. Pole signs are prohibited.

RESPONSE: The site had an existing pole sign at the west property line. This sign was non-conforming, and it has been removed. New signage at this location will be of the monument type, conforming with current codes. The site also has an existing monument sign at the east property line that will be retained and repurposed for the 1847 Food Park. The existing monument sign measures approximately 7' x 7'. At this time, final graphics and branding for the project have not been confirmed. Placeholder graphics are included with this land-use submittal.



Chapter 19.400 – Overlay Zone Standards

There are no special overlays on the subject property. This section does not apply.

Chapter 19.500 – Supplementary Development Regulations

19.508 Downtown Site and Building Design Standards

19.508.4 Downtown Design Elements

A. Site Frontage

1. Purpose

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.

2. Design Standards

a. Frontage Occupancy

Table 19.508.4.A.2.a.(1) Minimum Frontage Occupancy Requirements		
Block Faces ¹	Minimum Frontage Occupancy Requirement	Notes
Main Street	90%	If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.

b. Build-To Lines / Street Setbacks

c. Active Ground-Floor Space

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for frontage and therefore must address the Design Guidelines below.

3. Design Guidelines

a. A strong and high-percentage presence of buildings on the site edge, and spacious active ground-floor spaces and uses should be provided to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities. Building placement along the street should contribute to a continuous street wall that integrates storefront opportunities and architectural interest along the street, and should bring buildings up to the sidewalk for pedestrian interest. The amount of building presence should be scaled to the uses and intensity of the street.



RESPONSE: The 1847 Food Park by its very nature creates spacious and active ground-floor spaces. The transparent perimeter fencing defines the sidewalk edge while inviting pedestrians into the site to engage with food vendors, and the ample indoor/outdoor seating areas encourage patrons to stay and enjoy their food and drink. The open-air Canopy is a building without walls that is brought to the property's edge on Scott Street. The canopy brings a pedestrian scale and shelter to the Park's entrance at the corner of Scott and Main streets.

b. Where buildings are set back from the property line and sidewalk, the setback distance should be minimized and plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and pedestrian realm. The plaza and open space area should incorporate pedestrian-scale features consistent with guidelines in Subsection 19.508.4.M.

RESPONSE: The open-air Canopy is built to the south property line on Scott Street, and 9' to 10' from the Main Street (east) property line. The proposed setback on Main Street is governed by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design.

The Taproom is located at the heart of the site, approximately 71'-4" from Main Street, and 81'-4" from Scott Street. The areas between the Taproom and these streets act as pedestrian plazas, populated with active uses: food vendors, gathering places, furniture for sitting and dining.

c. Ground floors of commercial, public, and mixed-use buildings should be flexible and offer ample space for active uses serving occupants and visitors, such as retail, service, or food service. The amount of active ground-floor space should be scaled to match the uses and intensity of the street, with the greatest amount in new buildings along Main Street. High ground-floor heights and adequate depths should provide flexible interior spaces for active uses.

RESPONSE: Ground floor areas of the Food Park act as pedestrian plazas, populated with active uses: food vendors, gathering places, furniture for sitting and dining. Ceiling heights at the Canopy range from 12' at the sidewalk to 17' at the sunken dining area. See the Building Section. Site furniture provides a variety of seating options that can be reconfigured for new uses or special events.

B. Wall Structure and Building Façade Detail

1. Purpose

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 to create comfortable, pedestrian-friendly environments and enclosure to public areas.

2. Design Standards...

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for vertical and horizontal articulation and therefore must address the Design Guidelines below.



3. Design Guidelines

a. *Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.*

RESPONSE: The open-air Canopy engages the south property line on Scott Street and is 9' to 10' from the Main Street (east) property line. The proposed setback on Main Street is governed by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design. Site perimeter fencing gives definition to the sidewalk edge while its transparency allows visual connection to activities of interest within the site.

b. *Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.*

RESPONSE: Both the Taproom and Canopy share a structural expression that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays. Both structures are modestly scaled relative to other downtown buildings. The Taproom reads as a two-story building with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass such that additional vertical articulation features aren't warranted.

c. *Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.*

RESPONSE: The 1847 Food Park does not present any blank walls to the street. The Canopy is an open, visually transparent structure. The Taproom features large openings, both fixed and operable, on its east, south, and west elevations. The metal fencing at the site perimeter is visually transparent.

d. *Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.*

RESPONSE: The Project's entrance at prominent corner of SE Scott & Main Streets is articulated as a portal into the Canopy structure, which is further accentuated by the repurposed monument sign.

e. *Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.*

RESPONSE: Both the Taproom and Canopy share a structural expression that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays. Their gable roof forms and shared use of materials strengthen their visual relationship.



Both structures are modestly scaled relative to other downtown buildings. The Taproom reads as a two-story building with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass such that additional vertical articulation features aren't warranted.

C. Exterior Building Materials

1. Purpose

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

2. Design Standards

Table 19.508.4.C.2 specifies the primary, secondary, accent, and prohibited material types referenced in this standard.

Table 19.508.4.C.2 Exterior Building Materials for Street-Facing Façades		
Material Type	Allowed Status of Material P = Primary S = Secondary A = Accent R = Review needed X = Prohibited	
	Ground Floor (First story down to sidewalk grade)	Upper Floors
Brick or brick veneer	P	P
Architectural concrete block or veneer	P	S
Architectural treated poured in place concrete	P	S
Tilt-up concrete walls (finished)	P	P
Pre-cast concrete	P	P
Stone veneer (natural or manufactured)	A-R	A-R
Stucco (topcoat with sand finish)	P	P
Exterior insulation finishing system (EIFS) or other synthetic stucco panels	P-R	P-R
Metal siding = Finished metal panels (e.g., anodized aluminum, stainless steel, copper) featuring a polished, brushed, or patina finish	P	P
Composite wall panels	P	P
Ceramic tile	A	S
Finished natural wood siding and composite wood siding	A	A
Fiber-reinforced cement siding and panels (5/16-in or thicker)	A	P
Through color reinforced cement siding and panels	A	S
Glazing (refer to Façade Transparency element)	P	P
Table 19.508.4.C.2 CONTINUED Exterior Building Materials for Street-Facing Façades		
Material Type	Ground Floor (First story down to sidewalk grade)	Upper Floors
Vinyl siding	X	X
Plywood paneling	X	X
Plastic or vinyl fencing	X	X
Chain-link fencing	X	X

RESPONSE: The Taproom building features prefinished metal siding panels, which is approved as a primary exterior building material. The expression of the wood structural columns serves as an accent material. This standard is met.

3. Design Guidelines...

RESPONSE: See the preceding response to Design Standards.



D. Façade Transparency and Activation

1. Purpose

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. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

2. Design Standards...

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for Façade Transparency and Activation and therefore must address the Design Guidelines below.

3. Design Guidelines

a. *Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.*

RESPONSE: The street faces of the 1847 Food Park are extremely transparent, as they are not defined by walls per se. The Canopy structure and perimeter fencing are purposefully left open to the air, allowing pedestrians a visual connection to the active site interior.

b. *Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.*

RESPONSE: The upper floors of the Taproom, while not sited directly on the street face, feature large operable openings measuring up to 14' wide by 8' tall. These openings frame bar-style seating counters, effectively advertising the activity happening within while affording panoramic views for Taproom patrons.

c. *Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.*

RESPONSE: The project does not contain any residential uses. This guideline is not applicable.

d. *Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.*

RESPONSE: Reference Taproom Elevation drawings. The street-facing/street-visible east, south, and west facades are articulated with a combination of large windows, doors, and other features. The north elevation is built within three feet of the interior property line, at which distance openings are not permitted by the building code.

e. *Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrated into planned and future*



building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors.

RESPONSE: The 1847 Food Park is flexible by necessity. Food carts vary in size and design, and different vendors may come and go as the project matures. Outdoor paved areas will allow for various configurations of food carts and site furniture for patrons. The Taproom building interior has an open-concept plan on each floor with large openings to the exterior.

E. Building Entrances

1. Purpose

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.

2. Design Standards

a. All new buildings must have at least one primary entrance facing an abutting street. For purposes of this standard, "facing" means within 45 degrees of the street property line.

RESPONSE: The Project entrance faces Main Street at the Scott Street corner. While not an enclosed building, the open-air Canopy is both the functional and symbolic entry point to the 1847 Food Park. This standard is met.

b. For lots with frontage along more than one street, including multiple lots under common ownership being developed as a single site, the primary entrance must be located as follows:

(1) For lots with one frontage along a transit street, the primary entrance must be oriented to the transit street with the exception of Subsection 19.508.4.E.2.c.

(2) For lots with frontage along 2 transit streets, the primary entrance must be oriented to the street with higher-frequency transit service or the corner of the 2 streets.

(3) For lots with frontage along Main Street, the primary entrance must be oriented to Main Street or the corner of the 2 streets, even if the other frontage is along a transit street.

RESPONSE: The Project entrance faces Main Street at the Scott Street corner. While not an enclosed building, the open-air Canopy is both the functional and symbolic entry point to the 1847 Food Park. This standard is met.

(4) For lots without frontage on Main Street or a transit street, the primary entrance may be oriented to either street.

c. Where a development contains multiple buildings or multiple individual storefronts or residential units and there is insufficient street frontage to meet the above entrance location standards for all buildings, storefronts, or residential units



on the subject site, the primary entrances for each building, storefront, or residential unit may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances must be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space as shown in Figure 19.508.4.E.2.

RESPONSE: The Taproom building, set back in the site, has its entrance oriented to a pedestrian courtyard used by patrons of the food park for gathering and dining. This standard is met.

d. For nonresidential and mixed-use buildings:

(1) Primary entrances for mixed-use and nonresidential buildings must be clearly defined and distinguished from other parts of the building by incorporating at least one of the following design elements:

(a) Recessed or projected entry.

(b) Entry surrounds such as arches, columns, insets, and design elements above and/or flanking the entrance.

RESPONSE: The Project entrance on Main Street at the Scott Street corner is defined by being pulled back from the sidewalk and anchored by the repurposed monument sign. While not an enclosed building, the open-air Canopy is both the functional and symbolic entry point to the 1847 Food Park. This standard is met.

(c) Transom windows above the entrance door.

(2) The glazed portions of doors for primary entrances must be 75% or more of the door area.

RESPONSE: The entrance on the south elevation of the Taproom is a fully glazed door. This standard is met.

3. Design Guidelines...

RESPONSE: See the preceding responses to Design Standards.

F. Windows

1. Purpose

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

2. Design Standards...

RESPONSE: The proposed 1847 Food Park does not meet prescriptive Design Standards for windows and therefore must address the Design Guidelines below.



3. Design Guidelines

a. *Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.*

RESPONSE: The windows proposed are aluminum storefront. Aluminum storefront is the standard of quality for commercial windows and entrances. The typical window and door details incorporate a projecting metal trim profile for a deep shadow line. Reference the Typical Window Trim detail shown on drawing sheet A5.0.

b. *Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.*

RESPONSE: The project proposes no windows directly on the street front. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The Taproom incorporates large, glazed overhead doors connecting the Taproom interior to adjacent site areas.

c. *Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).*

RESPONSE: The project proposes no windows directly on the street face. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The Taproom incorporates large, glazed overhead doors connecting the Taproom interior to adjacent site areas.

d. *Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.*

RESPONSE: Both the Taproom and the Canopy have an inherent rhythm established by their expressed structure. The Canopy is a windowless structure. The Taproom incorporates regular, large, aligned openings within the framework of its structural bays. Reference the South Elevation of the Taproom.

G. Corners

1. Purpose

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

2. Design Standards

a. *Nonresidential or Mixed-Use Buildings*

On corner lots or development sites consisting of more than one lot under common ownership at the corner of 2 public streets—or at the corner of a street and a public



area, park, or plaza—nonresidential or mixed-use buildings must incorporate at least 2 of the following features:

(1) *The primary entrance located within 5 ft of the corner of the building.*

RESPONSE: The main entrance to the Project is at the corner of SE Main and Scott Streets, through a gate into the canopy which is further demarcated by the monument sign. Reference the Site Plan. This standard is met.

(2) *A lobby or retail space a minimum of 100 sq ft in floor area with 90% transparency on facing windows and entrances within 5 ft of the corner of the building.*

RESPONSE: The main entrance at SE Main and Scott Street enters an area populated by food vendors and dining areas. The surrounding fencing is transparent. This standard is met.

(3) *A pedestrian canopy or marquee at least 10 ft long at the corner of the building.*

(4) *A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner.*

(5) *Enhanced pedestrian amenities including at least 2 of the following 3 options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of 2 pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.*

(6) *Only for corner lots with frontage along Main Street and either Harrison, Monroe, Washington or Adams Streets, a prominent architectural element including one of the following...*

RESPONSE: The Project, while it is on Main Street, is not at the Harrison, Monroe, Washington, or Adams Street intersections. This standard is not applicable.

3. Design Guidelines...

RESPONSE: See the preceding responses to Design Standards.

H. Building Massing and Transitions

1. Purpose

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.



2. Design Standards

a. Building Massing

For any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4, buildings must include:

- (1) A step back of at least 6 ft along the street-facing portion of the building.*
- (2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.*

RESPONSE: The base maximum height identified in Figure 19.304-4 is 45 feet for the Site. The tallest structure proposed for the 1847 Food Park is the Taproom, which measures 30'-11" to the average roof height. As the proposed structures are below the maximum base height, this standard is not applicable.

b. Building Façade Height Variation

The height of building elements along street-facing façades must be varied in order to break up the overall bulk and mass of buildings as illustrated in Figure 19.508.4.H.2.b. At least one variation in height along the street-facing façade(s) must be provided for every 50-ft interval or portion thereof. Exact spacing of variations may vary provided that the total number of variations required is met and no portion of the façade exceeds 50 ft without a variation. Building façade height variation must be accomplished by using one or more of the following methods:

- (1) Vertical offset of height along the façade by minimum of 4 ft.*

RESPONSE: The Taproom building's longest elevation measures 54' and faces Scott Street to the south. The roofline is broken by a vertical offset between the pitched roof/covered area and the guardrail/parapet. See South Elevation – Taproom. This standard is met.

- (2) Dormer or other projecting element along or within 2 ft of the façade with minimum 4-ft height and 4-ft width.*
- (3) Recessed balcony or step back from the façade on the upper floor with a minimum 4-ft depth and minimum 6-ft width.*
- (4) Other techniques approved by the Planning Manager, shown to create variation along the top of street-facing façade through modulations in height, mass or bulk.*

RESPONSE: The Canopy measures 48' along Scott Street (its longest dimension) and is divided into three 16' structural bays. Because it is an open-air structure, each bay is effectively a recess that reduces the perceived mass of the structure. In addition, it is only a single-story structure. As such, its perceived scale and mass is well-managed and this standard is met.



c. *Building Transitions*

For any property in the Downtown Mixed Use (DMU) zone that is north of Harrison Street and within 50 ft of the property line abutting the moderate density residential zone (R-MD), the following transition measures are required for any new building (see Figure 19.508.4.H.2.c):

(1) The new building must be located at least 6 ft from any property line abutting a low-density residential zone. This requirement supersedes the applicability of the transition area measures provided in Subsection 19.504.6.

(2) The new building must provide a step back of at least 6 ft for any portion of the building above 35 ft in height above grade.

RESPONSE: The 1847 Food Park is located north of Harrison Street but is not within 50 feet of the R-MD zone. This standard is not applicable.

3. *Design Guidelines*

RESPONSE: See the preceding responses to Design Standards.

I. Weather Protection

1. *Purpose*

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.

2. *Design Standards...*

RESPONSE: See responses to the Design Guidelines below.

3. *Design Guidelines*

a. *Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.*

RESPONSE: The Canopy structure abuts the sidewalk at the Scott Street property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. The Canopy projects approximately 2'-8" into the Scott Street right-of-way. See the Building Section – Canopy drawing.



b. *Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.*

RESPONSE: The entrance to the Taproom is protected with a steel canopy. See South Elevation – Taproom. The Canopy structure is, in itself, a canopy providing shelter at the main entrance to the Project.

c. *The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.*

RESPONSE: The steel canopy at the Taproom entry is sized to match the opening it serves. The Canopy structure is, in itself, the building it serves. In this case, the guideline is not applicable.

d. *Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.*

RESPONSE: The steel canopy at the Taproom entry is sized to match the opening it serves. The Canopy structure is, in itself, the building it serves. In this case, the guideline is not applicable.

e. *Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.*

RESPONSE: The Canopy structure abuts the sidewalk at the Scott Street property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. The Canopy projects approximately 2'-8" into the Scott Street right-of-way and provides over 11' of vertical clearance. See the Building Section – Canopy drawing.

f. *Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.*

RESPONSE: The canopy at the Taproom entry is steel. The open-air Canopy is a wood structure protected by standing-seam metal roofing.

g. *Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.*

RESPONSE: The Project will not propose uplighting the canopies.



J. Roof and Rooftop Equipment Screening

1. Purpose

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.

2. Design Standards

a. Rooftop Design

(1) The roof of a building must follow one (or a combination) of the following forms:

(a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch)

RESPONSE: The Project proposes a gabled roof with a 4/12 pitch at the Canopy structure. The Taproom building features both a gable with a 4/12 pitch in addition to a flat-roofed occupiable area.

(b) Hip roof

(c) Gabled roof

RESPONSE: The Project proposes a gabled roof with a 4/12 pitch at the Canopy structure. The Taproom building features both a gable with a 4/12 pitch in addition to a flat-roofed occupiable area.

(d) Dormers

(e) Shed roof

(2) Roofs are subject to the following standards as applicable:

(a) All flat or low-slope roofs must be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in. See Figure 19.508.4.B.2.a(3).

RESPONSE: The flat-roofed portion of the Taproom is surrounded by a metal-guardrail that is face-mounted to the curb surrounding the roof. These elements provide articulation to the parapet condition.

(b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 4/12 pitch.

RESPONSE: The proposed gable roofs have a 4/12 pitch.



(c) Sloped roofs with a 4/12 pitch or higher must have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.

RESPONSE: The proposed sloped roofs have typical overhangs of 2'-6". See exterior elevations of the Taproom and Canopy.

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

RESPONSE: The Project is not an addition to an existing structure. This standard is not applicable.

b. Rooftop Equipment Screening

(1) The following rooftop elements do not require screening:

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

(b) Equipment under 2 ft high, if set back a minimum of 10 ft from the outer edge of the roof.

(2) If visible from public street view, elevator mechanical equipment or a mechanical penthouse may not extend above the height limit by more than 16 ft, and must use a consistent exterior building material for the mechanical shaft or penthouse.

(3) Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment must be set back a minimum of 10 ft from the roof edge and must be screened from public street view. For purposes of this standard, "public street view" means the pedestrian level from across the adjacent public street and does not include views from adjacent buildings. If necessary, screening from public street view must be achieved by one of the following methods that is at least as tall as the tallest part of the equipment being screened:

(a) A screen around the equipment that is made of an exterior building material used on other portions of the building, or masonry.

(b) Vertical green roof features or regularly maintained, dense foliage that forms an opaque barrier year-round when planted.

(4) Required screening will not be included in the building's maximum height calculation.

RESPONSE: The Project does not propose any rooftop equipment.

3. Design Guidelines...

RESPONSE: See the preceding responses to Design Standards.



K. Service Areas (Screening)

1. Purpose

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.

2. Design Standards...

RESPONSE: See responses to the Design Guidelines below.

3. Design Guidelines

a. Service areas, loading docks, waste enclosures, external utility structures, and other similar features should be located away from pedestrian areas, public street frontages especially Main Street, or at a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

RESPONSE: The Trash & Recycling Enclosure is accessed from SE Scott Street, the lowest classification street of the three streets bounding the property. It is located at the back or the existing parking lot, far from pedestrian areas.

b. Whenever possible, all sides of service areas, loading docks, waste enclosures, and other outbuildings should be screened and concealed. Solid gates or doors should be used on sides requiring access.

RESPONSE: The Trash & Recycling Enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. A solid metal gate provides access and screening on the south elevation.

c. Screening, fencing, landscaping, decorative walls, or other treatments should be used to provide screening, using materials and designs compatible with the primary building they serve. Screening should be of a height, width, and opacity necessary to sufficiently screen all equipment and service areas.

RESPONSE: The Trash & Recycling Enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. The Enclosure's walls are 7' tall and will be clad in metal siding to match the Taproom building. A solid metal gate provides access and screening on the south elevation.

d. Waste collection areas should be located and designed to minimize visual, odor, and noise nuisances, and should be integrated into the building. If separate waste collection enclosures are utilized, they must be screened, covered with a roof or be self-contained.

RESPONSE: The Trash & Recycling Enclosure is located at the north end of the existing parking lot to minimize the impact on pedestrians while being commonly accessible to all food vendors on site. It is screened on all four sides, and its stand-alone location allows for ample ventilation.



e. *Residential-only multifamily and mixed-use buildings should provide recycling areas that are 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 and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.*

RESPONSE: The 1847 Food Park has no residential uses. This guideline is not applicable.

L. Resident Open Space

RESPONSE: The 1847 Food Park has no residential uses. This standard is not applicable.

M. Plazas and Usable Open Space

1. Purpose

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.

2. Design Standards...

RESPONSE: See responses to the Design Guidelines below.

3. Design Guidelines

a. *Plazas and open spaces should be inviting and create opportunities for a variety of uses.*

RESPONSE: The 1847 Food Park creates a variety of outdoor spaces for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas. See the Site Plan.

b. *Plazas and open spaces should avoid separation from the street by visual barriers or significant change of grade. Plazas and open spaces should create visual and physical connections to abutting buildings.*

RESPONSE: The 1847 Food Park maintains visual connections to the street through its transparent perimeter. It is of key importance that the activities of the Food Park be readable and inviting to pedestrians on the sidewalk. The Site Plan is designed to work with existing grading and site features to allow multiple points of entry to the Project.

c. *Plazas and open spaces should be human-scaled, accessible, durable, and attractive, and should enhance users' comfort and enjoyment by integrating features such as:*

(1) *Pedestrian amenities such as water features, drinking fountains, and/or distinctive paving or artwork*

(2) *Permanent or movable seating*



(3) *Weather protection, especially weather protection that can be moved or altered to accommodate conditions*

(4) *Transitional zones along building edges to allow for outdoor eating areas and a planted buffer*

(5) *Lighting*

RESPONSE: The 1847 Food Park provides a variety of human-scaled spaces and furnishings for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas.

d. *Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.*

RESPONSE: A combination of new and existing landscape areas are located at the site perimeter. Hardscaped areas are a combination of existing and new asphalt and concrete. See the Site Plan.

e. *Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.*

RESPONSE: A combination of new and existing landscape areas are located at the site perimeter. The new open-air Canopy is the primary source of shade and shelter for the Food Park's plaza-like outdoor spaces. The combination of outdoor furnishings, new structures, and spaces created of various size and elevation lend visual interest and texture to the project.

f. *Buildings adjacent to plazas and open spaces should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.*

RESPONSE: The new Taproom building features large, glazed overhead doors opening to its outdoor spaces.

g. *Plazas and open space should be designed to integrate sustainability and enhance the relationship to the natural environment, including consideration of the sun angle at noon and the wind pattern in the design of the space and incorporation of water treatment features such as rain gardens.*

RESPONSE: The site design for the 1847 Food Park incorporates stormwater planters for rainwater management. Reference preliminary Civil drawings.

N. Outdoor and Exterior Building Lighting

1. Purpose

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).



2. Design Standards

a. *Lighting must be designed to comply with the following standards:*

(1) *Primary building entrances required in Subsection 19.508.4.E must have a minimum illumination of 2.0 foot-candles.*

(2) *All other building entrances and areas underneath weather protection elements described in Element I (Weather Protection) must have a minimum illumination of 1.0 foot-candles.*

(3) *Common open spaces for residents subject to Subsection 19.508.4.L must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 1.0 foot-candles throughout the space.*

(4) *Plazas and usable open space subject to Subsection 19.508.4.M must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 2.0 foot-candles throughout the space.*

(5) *If off-street parking areas are present, lighting must comply with standards in Subsection 19.606.3.F.*

b. *Lighting luminaires must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed downward, except as provided for up-lighting of flags and permitted building-mounted signs.*

c. *Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at all shared property lines of the site, with the exception of property lines along public right-of-way.*

d. *Flashing or strobe lights, fluorescent tube lights, and security spotlights are prohibited on building exteriors.*

3. Design Guidelines...

RESPONSE: Providing a well-lit and secure site is important for the 1847 Food Park. While an engineered lighting plan has not been finalized, the Applicant acknowledges the standards with the intent that they be met or exceeded in the final design. Safety and crime prevention will be considered through good lighting design.

Chapter 19.600 – Off-Street Parking and Loading Standards and Requirements

19.605.1 Minimum and Maximum Requirements

A. *Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605.*



Table 19.605.1 CONTINUED		
Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
B. Community Service and Other Public Uses CONTINUED		
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary/junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of floor area.	1.2 spaces per 1,000 sq ft of floor area.
7. Residential care facilities.	1 space per 4 beds.	1 space per 3 beds.
C. Lodging Places		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	3 spaces for each 1,000 sq ft of floor area.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	1 space per 4 seats.	1 space per 3 seats.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments.	4 spaces per 1,000 sq ft floor area.	15 spaces per 1,000 sq ft of floor area.

RESPONSE: As confirmed in the Preapplication Report, per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop.

No off-street vehicle parking is required for the proposed development. However, parking is proposed for the development, so the Maximum Allowed and Parking Area Design standards apply.

Eating and drinking establishments have a minimum parking ratio of 4 spaces per 1,000 sq ft of floor area to a maximum of 15 spaces per 1,000 sq ft of floor area. The floor areas of the taproom basement, first and second levels total 4,032 square feet. Based on this floor area, the maximum number of parking spaces permitted on the site is 60. The 16 existing parking spaces retained on the Site Plan comply with the maximum quantity requirements in MMC 19.605.

Chapter 19.606 – Parking Area Design and Landscaping

19.606.1 Parking Space and Aisle Dimensions

A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.



Table 19.606.1 Minimum Parking Space And Aisle Dimensions					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

RESPONSE: The existing parking lot maintains 16 parking spaces. The dimensions provided meet the minimum requirements of Table 19.606.1. Reference the Site Plan.

19.606.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

C. Perimeter Landscaping

Table 19.606.2.C.1 Minimum Perimeter Landscape Strip Dimensions		
Location	Downtown Zones	All Other Zones
Lot line abutting a right-of-way	4'	8'
Lot line abutting another property, except for abutting properties that share a parking area	0'	6'

RESPONSE: As shown on the submitted existing site Survey and proposed Site Plan, an existing perimeter buffer area along McLoughlin Blvd measures 4' minimum. The existing landscape buffers along SE Scott Street, while do measure 4' minimum, straddle the property line. Landscaping at the south property line will be expanded to measure 4' minimum from the property line to meet this requirement. See the Site Plan.

D. Interior Landscaping

1. General Requirements

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.606.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.606.2.D.



2. Required Amount of Interior Landscaped Area

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

RESPONSE: The existing parking lot maintains 16 parking spaces. Based on 25 sf of landscaping per space, this totals 400 square feet of required interior landscaping.

3. Location and Dimensions of Interior Landscaped Areas

a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.

b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).

RESPONSE: The proposed Site Plan creates a new landscape island at the northwest end of the parking lot. The landscape island produces approximately 520 square feet of new landscaping beyond the perimeter buffer. The size and location of the landscaping meet the requirements of this section.

19.608 Loading

B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. Less than 20,000 sq ft of total floor area: no loading spaces required.

RESPONSE: The Project proposes 4,032 SF of floor area at the Taproom Building. Therefore, no dedicated loading space is required, and this standard is met.

19.609 Bicycle Parking

19.609.2 Quantity of Spaces

A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.

1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.

RESPONSE: The minimum number of vehicle spaces for the 4,032 square foot taproom would be 4 vehicles / 1,000 SF or 16 vehicles. Therefore, the minimum number of bicycles shall be at least 10% of 16, or 2 bicycles. Four bike parking spaces have been provided at the main entrance to the Project at the southeast corner of the site. This standard is met.

B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

1. When 10% or more of vehicle parking is covered.



2. *If more than 10 bicycle parking spaces are required.*

RESPONSE: Covered or enclosed bicycle parking is not required.

Chapter 19.700 – Public Facility Improvements

RESPONSE: As established in the Preapplication Report dated November 30, 2023, facility improvements are required for the Project. Construction and replacement of existing sidewalk on both Scott Street and Main Street frontages will be required. Existing accessways that will not be retained will be abandoned and new sidewalk and curb will be constructed in place. Reference preliminary Civil drawings. Specific requirements will be addressed through a public works permit process.

Chapter 19.703 – Review Process

RESPONSE: As established in the Preapplication Report dated November 30, 2023, the proposed development does not trigger a Transportation Facilities Review.

Chapter 19.704 – Transportation Impact Evaluation

RESPONSE: As established in the Preapplication Report dated November 30, 2023, the proposed development does not trigger a Transportation Impact Study.

Chapter 19.907 – Downtown Design Review

RESPONSE: The Applicant acknowledges that the 1847 Food Park is subject to Type III Downtown Design Review, which is the subject and purpose of this Statement of Compliance.

Chapter 19.911 – Variances

19.911.3.C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

RESPONSE: The Project is requesting a variance for FAR which must be evaluated through a Type III review.

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.



1. *Discretionary Relief Criteria*

- a. *The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.*

RESPONSE: The variance requested is for a reduction to the minimum required FAR of 1:1. Total area of the Taproom Building is 4,032 SF. Total site area after lot consolidation is approximately 20,576 SF.

4,032 SF / 20,576 SF = 0.2 FAR Proposed

The intent of FAR standards is to regulate the intensity of development. However, for a project like the 1847 Food Park, project intensity is not proportional to enclosed floor area. The 1847 Food Park creates a variety of covered and uncovered outdoor spaces for the express purpose of being actively engaged by the public.

It is understood that floor area is defined as area within exterior building walls. While the open air Canopy and covered roof deck of the Taproom do not count as floor area, it's worth noting that these structured areas do contribute to perceived mass and intensity of use for the Project.

The 1847 Food Park is experienced more like a public park or plaza than a building per se. In fact, Milwaukie code section 19.304.5.A.3 offers exemptions to the minimum FAR for public parks and plazas in recognition of their value to the community. However, because the Food Park will be privately owned, it cannot claim this exemption and must request a variance.

- b. *The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:*

(1) *The proposed variance avoids or minimizes impacts to surrounding properties.*

(2) *The proposed variance has desirable public benefits.*

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

(4) *The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.*

RESPONSE: The 1847 Food Park creates desirable public spaces designed to be engaged by the community year-round through a combination of indoor, outdoor, covered, and uncovered areas. The Project is designed to respond to the history and topography of the site that was once Peake Funeral Chapel.

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

RESPONSE: The impacts of the Food Park and its associated FAR will be significantly less than a conventional, full-block building would be. The retention of the existing parking lot provides on-site parking for a project type that can rarely offer such an amenity. The ample site area ensures that disruptions during construction will be minimized, as the site has plenty of room for construction staging and material storage.



Chapter 16.32 – Tree Code

RESPONSE: The Applicant acknowledges that trees in the right-of-way (sidewalk) are regulated by Milwaukie Tree Code. Specific requirements for street trees will be identified in a public works permit process.

On-site trees on private property are not regulated by tree code in this zone.

Conclusion

The preceding sections address conformance of the proposed 1847 Food Park with the applicable approval criteria of Milwaukie Development Code. The Applicant respectfully requests that the City review the Type III Downtown Design Review and Variance application materials as submitted.

