



February 23, 2015

Land Use File(s): P-14-02

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on February 23, 2015.

Applicant: Milwaukie Chiropractic Center/Milwaukie Massage Center
Location: 3716 SE International Way
Tax Lot: 11E36DA 00500, 00501, 00502, 00600
Application Types: Parking Quantity Modification
Decision: Approved with Conditions
Review Criteria: Milwaukie Zoning Ordinance:

- Section 19.1005 Type II Review
- Chapter 19.600 Off-Street Parking and Loading
- Chapter 19.700 Public Facility Improvements

Neighborhood: Milwaukie Business Industrial

Appeal period closes: 5:00 p.m., March 10, 2015

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review 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, Associate Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on March 10, 2015, which is 15 days from the date of this decision. 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

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, Milwaukie Chiropractic Center/Milwaukie Massage Center, has applied for approval to construct additional off-street parking at the company's medical office building at 3716 SE International Way. The proposal requires modification of the maximum allowed parking quantity for the medical office use. This site is in the Business Industrial Zone. The land use application file number is P-14-02.
2. The proposed development will expand the off-street parking area that currently exists on the east side of the medical office building, extending it to the south and reconfiguring some of the existing layout. The proposed parking lot plan shows a total of 27 spaces, resulting in a net increase of 14 spaces. Three (3) spaces will be designated for carpool use and 2 spaces will be designated as handicapped spaces.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1005 Type II Review
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
4. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.
5. MMC Chapter 19.600 Off-Street Parking and Loading

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

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600.

(1) MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

The subject property includes existing off-street parking areas. The proposed development is an activity that meets the applicability standards of MMC 19.602.4.

(2) MMC Subsection 19.602.2 Maintenance Applicability

MMC 19.602.2 provides that property owners shall ensure conformance with the standards of MMC 19.600 with regard to ongoing maintenance, operations, and use of off-street parking areas. Any change to an existing off-street parking area shall not bring the area out of conformance, or further out of conformance if already nonconforming.

The proposed development will expand an existing off-street parking area. The proposed improvements are in conformance with the applicable standards of MMC 19.606, including for stall dimensions, landscaping, and lighting.

(3) MMC Subsection 19.602.4 Applicability not Associated With Development or Change in Use

MMC 19.602.4.A addresses applicability for parking projects developed to serve an existing use but not associated with other development activity or a change in use. Such activity shall conform to the requirements of MMC Sections 19.604 and 19.606-19.611. In addition, the total number of new spaces in the existing and new parking areas shall not exceed the maximum allowed quantity of parking as established in MMC Section 19.605.

The proposed development will serve an existing use on the subject property and is not associated with other development activity or a change in use. As addressed in Findings 5-c and 5-e through 5-h, the proposed development will meet all applicable standards of MMC Sections 19.604 and 19.606-611. As discussed in Finding 5-d, the applicant has requested a modification to the maximum allowed parking quantity.

The Planning Director finds that the standards and requirements of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.603 Review Process and Submittal Requirements

(1) MMC Subsection 19.603.1 Review Process

MMC 19.603.1 establishes the Planning Director as the entity with authority to apply the provisions of Chapter 19.600 unless an application is subject to a quasi-judicial review or appeal, in which case the body reviewing the application has the authority.

(2) MMC Subsection 19.603.2 Submittal Requirements

MMC 19.603.2 establishes the requirements for submittal of a parking plan, including the various details that must be presented.

The applicant has submitted a parking plan and supporting information with sufficient detail to demonstrate compliance with the applicable standards of Chapter 19.600.

The Planning Director finds that this standard is met.

c. MMC Section 19.604 General Parking Standards

MMC 19.604 establishes general standards for off-street parking areas, including requirements related to the provision of parking in conjunction with development activity, the location of accessory parking, and use and availability of parking areas.

The proposed development is an expansion of an existing off-street parking area related to an ongoing office use on the subject property. The new parking will be on the same site as the primary medical office use and will be available for the medical office use.

The Planning Director finds that this standard is met.

d. MMC Section 19.605 Vehicle Parking Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking based on estimated parking demand.

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. For medical office uses, a minimum of 3.9 spaces per 1,000 sq

ft of floor area are required; a maximum of 4.9 spaces per 1,000 sq ft are allowed.

The subject property is developed with a medical office building approximately 2,620 SF in area. A minimum of 10 parking spaces are required for that size of medical office use; a maximum of 13 spaces are allowed. The site's existing off-street parking area provides a total of 13 spaces.

The proposed development would result in a total of 27 spaces, with 3 of the spaces reserved for carpool vehicles (the carpool spaces are exempt from the maximum parking requirement). The applicant has requested a quantity modification as per the standards provided in MMC Subsection 19.605.2. The quantity modification request is addressed in Finding 5-d-(2).

The Planning Director finds that, with the approved modification discussed in Finding 5-d-(2), this standard is met.

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

MMC 19.605.2 establishes a process for modifying parking requirements and determining the requirements for uses not similar to those listed in the table.

(a) MMC 19.605.2.B Application

An application for determination of parking ratios shall be reviewed as a Type II land use decision, and shall include a description of the site and site users, factors such as proximity of transit and parking demand management programs, data and analysis to support the determination request, and proposal of a minimum and/or maximum ratio.

The applicant has submitted a narrative that includes the information required by MMC 19.605.2.B, including a proposed maximum ratio of 9.2 spaces per 1,000 sq ft of office space.

(b) MMC 19.605.2.C Approval Criteria

MMC 19.605.2.C.1 establishes the approval criteria for parking quantity modification requests, with an allowance for placing conditions of approval to ensure compliance with the parking determination. In addition, MMC 19.605.2.C.3 provides other specific criteria for requests to increase the maximum amount of parking allowed for a particular use.

(i) *Demonstration that the proposed parking quantities are reasonable, based on existing parking demand for similar use in other locations, parking quantity requirements for the use in other jurisdictions, and professional literature about the parking demands of the proposed use.*

The applicant's narrative provides a comparison of the maximum allowed parking ratio for medical office uses established in MMC Table 19.605.1 (4.9 spaces per 1,000 sq ft) with the ratios from several other nearby jurisdictions. In general, the Milwaukie maximum allowance is more restrictive than that from other nearby jurisdictions, which allow up to 5.9 spaces per 1,000 sq ft.

The applicant has noted that the professional literature on this specific issue is inconclusive and indicates a wide variety of standards across the country. There is some description of a growing trend in medical practices that shows a shift from single doctor practices to group style

practices with multiple providers seeing clients at the same time. As more employees occupy a fixed square footage, the potential demand for parking increases and the existing ratio fails to adequately address this reality.

Milwaukie Chiropractic Center/Milwaukie Massage Center is not increasing the building square footage, though the company is experiencing growth in employment. Despite the company's efforts to manage parking demand—by offering transit pass subsidies, a monthly incentive program for users of alternative means of transportation and providing bicycle parking and amenities—the applicant reports a continued increase in parking demand and that the existing parking areas are filled to capacity. The company has also worked to establish shared parking agreements with two abutting businesses, but has not been successful, due to liability concerns on the part of those businesses. The proposal also includes 3 carpool spaces to encourage shared travel. The proposed increase in parking ratio (to 9.2 spaces per 1,000 sq ft) is a reasonable request given the current use of existing parking.

- (ii) *The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.*

The medical office use at the subject property includes 5 physicians and 10 massage therapists, in addition to administrative staff, which are more employees than in a traditional single-provider medical office. According to the applicant's materials, Milwaukie Chiropractic Center/Milwaukie Massage Center has a very high ratio of employees to square footage, at approximately 6.9 employees per 1,000 sq ft. This is 40% higher than the 4.9 ratio established in MMC Table 19.605.1.F as the maximum number of spaces allowed for medical office uses. Further, this ratio does not account for patients/clients and other visitors to the business.

There is one transit service stop near the subject property. A TriMet bus line (#152) stops on SE International Way approximately 500 feet east of the site. The route 152 bus provides 20-minute peak hour service, but it is the only line within one-quarter mile that does so. The nearest station for the new light rail line opening in 2015 is in the south downtown area, nearly 1 mile from the subject property. Despite the company's provision of subsidies for transit passes, mass transit is not conveniently located to significantly reduce parking demand.

- (iii) *The parking demand cannot be accommodated by shared or joint arrangements or by increasing the supply of spaces that are parking exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.*

According to the Applicant, in the past, employees of Milwaukie Chiropractic Center/Milwaukie Massage Center were able to park at the Mar-Hy business just east of the site. However, because of potential liability, this was discontinued by Mar-Hy. The applicant also contacted Public Storage, located immediately north of the site, about shared parking, but permission was not granted. Shared parking with adjacent businesses, the only sites reasonably located in proximity to the site, is not possible.

As proposed, the site will provide a total of 3 carpool spaces, which is approximately 11% of the total number of spaces that will be provided on the entire site. The applicant would have to designate 11 more carpool spaces to stay below the maximum of 13 allowed by the parking code. The total of 14 carpool spaces would equate to 52% of the total spaces on site. It would be highly unusual to require more than 10% carpool parking on the site in order to meet parking demand.

- (iv) *The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.*

According to MMC Table 19.605.1, the maximum number of spaces allowed for medical office uses is 4.9 spaces per 1,000 sq ft of floor area. Considering the exemptions to the maximum parking allowance provided in MMC Subsection 19.605.3.A, the applicant is proposing a total of 27 spaces, or 9.2 spaces per 1,000 sq ft of office use. Given the high ratio of employees per square foot within the medical office building, and the applicant's efforts to reduce parking demand including by providing transit passes, bicycle parking, and promotion of carpooling, the requested increase represents the smallest increase needed.

The Planning Director finds that the approval criteria of MMC 19.605.2. are met.

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

MMC 19.605.3.A provides exemptions to the maximum quantity of parking allowed, including for employee carpool parking and fleet parking.

The proposed development will result in a gross total of 27 parking spaces. Three (3) spaces will be reserved for carpool vehicles.

As proposed, the Planning Director finds that the proposed development will result in net total of 24 spaces that count toward the maximum allowed parking quantity.

- e. MMC Section 19.606 Parking Area Design and Landscaping

- (1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For perpendicular (90° angle) spaces, the minimum width is 9 ft and minimum depth is 18 ft, with 22 ft-wide drive aisles.

The applicant has submitted a parking plan that utilizes perpendicular spaces. As proposed, the dimensions for new or reconfigured spaces and drive aisles appear to meet the minimum standards. A condition has been established to ensure that the final construction plans provided at the time of development permit submittal demonstrate that the applicable dimensional requirements are met.

As conditioned, this standard will be met.

- (2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between 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.

(a) MMC 19.606.2.C Perimeter Landscaping

In the BI zone, perimeter landscaping areas along lot lines abutting other properties must be at least 6-ft wide. At least 1 tree must be planted for every 40 lineal feet of landscaped buffer area, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

As proposed, perimeter landscaping areas at the lot line abutting the property to the east is 6 ft in width. A condition has been established to ensure that the final construction plans provided at the time of development permit submittal demonstrate that the applicable interior landscaping requirements are met.

As conditioned, this standard will be met.

(b) MMC 19.606.2.D Interior Landscaping

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, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least 1 tree shall be planted per island, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

As a result of the proposed development, the new parking area will provide an additional 17 spaces, which require a total of 425 sq ft of interior landscaping. A condition has been established to ensure that the final construction plans provided at the time of development permit submittal demonstrate that the applicable interior landscaping requirements are met.

As conditioned, this standard will be met.

(c) MMC 19.606.2.E Other Parking and Landscaping Provisions

Preservation of existing trees in the off-street parking area is encouraged and may be credited toward the total number of trees required. Parking area landscaping must be installed prior to final inspection, unless a performance bond is posted with the City. Required landscaping areas may serve as stormwater management facilities, and pedestrian walkways are allowed within landscape buffers if the buffer is at least 2 ft wider than required by MMC 19.606.2.C and 19.606.2.D.

There are no existing trees within the new parking area. As required, parking area landscaping will be installed prior to final inspection, unless a bond is posted with the City.

This standard is met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

(a) MMC 19.606.3.A Paving and Striping

Paving and striping are required for all required maneuvering and standing areas, with a durable and dust-free hard surface and striping to delineate spaces and directional markings for driveways and accessways.

As proposed, the expanded parking area will be paved and striped, including designations for carpool spaces.

This standard is met.

(b) MMC 19.606.3.B Wheel Stops

Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

As proposed, wheel stops along the newly expanded perimeter of the parking area will be provided. The width of all perimeter landscaping areas is at least 6 ft, which provides the required 4-ft width plus an additional 2 ft, sufficient to prevent vehicles from encroaching into the minimum required perimeter landscaping width.

This standard is met.

(c) MMC 19.606.3.C Site Access and Drive Aisles

Accessways to parking areas shall be the minimum number necessary to provide access without inhibiting safe circulation on the street. Drive aisles shall meet the dimensional requirements of MMC 19.606.1.

The existing parking area has only 1 access onto a public street. Access is provided onto SE International Way at the north end of the lot. No new accessways are proposed and no modifications to the existing accessway are proposed. As proposed, all new drive aisles, as well as drive aisles modified by the proposed development, appear to meet the minimum dimensional requirements.

This standard is met.

(d) MMC 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of Subsection 19.504.9.E.

As proposed, none of the new or modified parking spaces will be further than 100 ft from a pedestrian walkway. All new and modified pedestrian walkways will be reviewed through the development permitting process to ensure compliance with the various applicable standards established in Subsections 19.606.3.D and 19.504.9.E.

This standard is met.

(e) MMC 19.606.3.E Internal Circulation

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modification of drive aisle dimensions.

The Planning Director has reviewed the proposed parking plan and determined that no additional requirements are necessary to ensure safe and efficient on-site circulation.

This standard is met.

(f) MMC 19.606.3.F Lighting

Lighting is required for parking areas with more than 10 spaces and must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface. Lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site, and shall provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas. Where practicable, lights shall be placed so they do not shine directly into any Water Quality Resource (WQR) and/or Habitat Conservation Area (HCA) location.

The proposed development will result in a total of 27 parking spaces. All new lighting will be reviewed through the development permitting process to ensure compliance with the various applicable illumination standards established in Subsection 19.606.3.F.

This standard is met.

As conditioned, the applicable additional design standards of MMC 19.606.3 will be met.

As conditioned, the Planning Director finds that the applicable design and landscaping standards of MMC 19.606 will be met.

f. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking, including a requirement to provide a number of bicycle spaces equal to at least 10% of the minimum number of required vehicle spaces. If more than 10 bicycle spaces are required, then a minimum of 50% of the bicycle spaces must be covered and/or enclosed in lockers or a secure room.

The existing medical office use requires a minimum of 10 vehicle spaces; a minimum of one (1) bicycle space is required. According to the applicant's materials, the existing development provides 5 bicycle spaces. No additional bicycle parking is proposed.

The Planning Director finds that this standard is met.

g. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes parking standards for vehicles used to carpool. For new development that requires at least 20 parking spaces, a minimum of 10% of the minimum amount of required parking shall be dedicated to carpool or vanpool vehicles. Carpool spaces shall be located closer to the main entrances of the building than other employee parking and shall be clearly designated with signage or pavement markings.

The medical office use requires a minimum of 10 vehicle spaces; no carpool spaces are required. The existing development does not provide any carpool spaces; the proposed improvements will provide 3 carpool spaces near the building entrance, for a total of 3 designated carpool spaces on the site.

The Planning Director finds that this standard is met.

6. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts. MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including land divisions, new construction, expansions of existing structures, and changes or intensifications in use.

The proposed development consists of expansion of an existing parking area, which in and of itself does not increase the vehicle trip generation to and from the site. The Engineering Department has reviewed the application and finds that MMC 19.700 does not apply to this application.

The Planning Director finds that the standards and requirements of MMC 19.700 are not applicable to the proposed development.

7. The application was referred to the following departments and agencies on January 28, 2015:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1

The comments received are summarized as follows:

- a. **Milwaukie Building Department:** The proposal to add 14 additional parking spaces for a total of 27 spaces will require 2 ADA compliant spaces, one of which will need to be van accessible.
- b. **Milwaukie Engineering Department:** Comments regarding a stormwater management plan which have been incorporated into this decision.
- c. **Matt Amos, Clackamas Fire District:** No comments on the proposal.

Conditions of Approval

1. An application for Type I development review is required in conjunction with the submittal of the associated development permit application. Final construction plans provided at the time of development permit submittal shall demonstrate that the applicable design, landscaping, and lighting requirements are met.

Other requirements

1. Stormwater Management

Submit a stormwater management plan prepared by a qualified professional engineer with required development/building permits as part of the proposed development. The plan shall conform to Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards.

- a. The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing stormwater management facilities serving the development site.
- b. The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.

Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.

2. Expiration of Approval

As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.

As per MMC 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.



Dennis Egner, AICP
Planning Director

cc: Dr. Keith D. Johns (3716 SE International Way, Milwaukie, OR 97222)
Steve Miller (c/o Emerio Design, LLC, 8285 SW Nimbus Ave, Ste 180, Beaverton, OR 97008)
Jason Rice, Engineering Director/ Acting Community Development Director (*via e-mail*)
Brad Albert, Civil Engineer (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Matt Amos, CCFD#1 (*via e-mail*)
Interested Persons
Land Use File: P-14-02