



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Appeal of Land Use Decision

File #AP-2017-001

RESPONSIBLE PARTIES:

APPELLANT: <u>SCOTT CHURCHILL</u>	
Mailing address: <u>2708 SE MONROE ST</u>	Zip: <u>97222</u>
Phone(s): <u>503 929 9138</u>	E-mail: <u>SCOTTCHURCHILL@EARTHLINK.NET</u>
APPELLANT'S REPRESENTATIVE (if different than above):	
Mailing address:	Zip:
Phone(s):	E-mail:

APPEAL INFORMATION:

Appeal of File #: <u>DR-2017-001</u>	Review Type of Appealed Decision: <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III
Site Address: <u>2036 SE WASHINGTON ST</u>	Map & Tax Lot(s): <u>11E36BC01600</u>
Comprehensive Plan Designation: ... <u>TC</u> Zoning: ... <u>DMU</u> Size of property: <u>0.58 AC</u> ...	

STANDING FOR APPEAL (check applicable box):

<input type="checkbox"/> Applicant or applicant's representative from Type I, II, or III decision
<input type="checkbox"/> Person or organization adversely affected or aggrieved by Type II decision
<input checked="" type="checkbox"/> Person or organization that participated or provided testimony or evidence on the record for Type III decision. List the date and briefly describe the form of participation, testimony, or evidence: <u>SEE ATTACHED LETTER + EMAILS</u>

BASIS OF APPEAL (attach a detailed statement describing the basis of the appeal):

Identify which approval criterion or development standard is believed to have been overlooked or incorrectly interpreted or applied and/or which aspect of the proposal is believed to have been overlooked or incorrectly evaluated.

For appeal of a Type II decision, identify either an error as described above or the manner in which the person filing the appeal was adversely impacted or aggrieved by the decision. SEE ATTACHED

SIGNATURE:

ATTEST: I have standing to appeal the land use decision identified on this application and have provided the necessary items and information for filing an appeal per Milwaukie Municipal Code (MMC) Subsection 19.1010.1. To the best of my knowledge, the information provided within this appeal package is complete and accurate.

Submitted by: [Signature] Date: 9/26/17

IMPORTANT INFORMATION ON REVERSE SIDE

Attach required statement describing basis of appeal.

SUBMIT

RESET

APPEAL HEARINGS (excerpted from MMC Subsections 19.1001.5 and 19.1010.3) :

Appeals of Type I and II decisions:

Appeals of Type I and II decisions are heard by the Planning Commission. The appeal hearing is an unrestricted de novo hearing, which means that new evidence, testimony, and argument that were not introduced in the original decision can be introduced in the appeal. The standard of review for the Planning Commission is whether the initial decision has findings and/or conditions that are in error as a matter of fact or law. The Planning Commission's decision on the appeal is the City's final decision on the initial land use application per ORS 227.178. Further appeals of the application may be made to the Oregon Land Use Board of Appeals or other court.

Appeals of Type III decisions:

Appeals of Type III decisions are heard by the City Council. The appeal hearing is an on-the-record de novo hearing, which means that new evidence that was not introduced in the original decision cannot be introduced in the appeal. New testimony is allowed. New argument is also allowed that is based on evidence already in the record and on testimony that is new or already in the record. The standard of review for the City Council is a new evaluation of existing evidence, new and existing testimony, and new and existing arguments. The City Council's decision on the appeal is the City's final decision on the initial land use application per ORS 227.178. Further appeals of the application may be made to the Oregon Land Use Board of Appeals or other court.

DECISIONS NOT SUBJECT TO LOCAL APPEAL:

The initial hearing for Type IV and V decisions is held by the Planning Commission. The Planning Commission does not issue a decision on these types of review and, instead, issues a recommendation to the City Council. This recommendation is not a final decision and is not appealable.

The review authority for Type IV and V decisions is the City Council. Since there is no higher authority within the City, the City Council's decisions on these types of reviews are the City's final decision on the land use application. Appeals of these types of applications may be made to the Oregon Land Use Board of Appeals or other court.

Downtown Design Review applications are considered at a public meeting by the Design and Landmarks Committee. The Design and Landmarks Committee does not issue a decision on these types of review and, instead, issues a recommendation to the Planning Commission. This recommendation is not a final decision and is not appealable.

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	<p>RECEIVED SEP 26 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT</p>
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$		RECEIPT #:			RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)



Transaction Receipt

Record Number: 601-17-000118-PLNG

Receipt Number: 13486

MILWAUKIE

6101 SE Johnson Creek Blvd

Milwaukie, OR 97206

Phone: 503-786-7575

www.milwaukieoregon.gov

building@milwaukieoregon.gov

Address: 2036 SE WASHINGTON ST, MILWAUKIE, OR 97222

Parcel Number: 11E36BC01600

Receipt Date: 9/26/17

Fee Items Paid

DESCRIPTION	ACCOUNT CODE	AMOUNT PAID
Type III Quasi-Judicial Review	110-000-4480-0000	\$1,000.00
		\$1,000.00

Payment Summary

PAYMENT METHOD	PAYER	COMMENTS	AMOUNT PAID
Check Number - 3998	6710 LLC	PAYOR IS 6710 LLC PO BOX 82448 PORTLAND OR 97282	\$1,000.00
			\$1,000.00

Scott Churchill
2708 SE Monroe Street
Milwaukie. OR 97222

RECEIVED
SEP 26 2017
CITY OF MILWAUKIE
PLANNING DEPARTMENT

September 26, 2017

Milwaukie Planning Department

Dear Mr. Egner,

I am not in agreement with the Planning Commission findings for DR 2017 001 located at 2036 SW Washington Street in Milwaukie. The Variance to the required 6'-0" setback for bonus floors above the base height of this zone was not granted properly. I am appealing the decision accordingly.

The proposed development is NOT consistent with MMC 12.16.040.C.4.c. 6. MMC 19.304

Downtown Zones MMC 19.304.2 identifies allowed uses in the Downtown Mixed Use Zone DMU. Multifamily residential uses and a wide variety of commercial uses are permitted in the DMU Zone. The proposed development is a mixed-use building with retail and commercial uses on the ground floor and residential apartment dwelling units on the upper floors.

The proposed development is NOT consistent with MMC 19.304.2. MMC 19.304.4 and 19.304.5 which are the development standards that are applicable to this site.

Reference Table 1. Compliance is required with relevant DMU standards

Building height

35-65 ft max (height bonus available); 6-ft step back on floors above base maximum

This is consistent with my earlier public and written testimony on this and other matters in relationship to this Variance request.

Regards,



Scott Churchill

Written comment on Galaxy Development

RECEIVED

SEP 26 2017

From: Scott Churchill <scottchurchill@earthlink.net>
To: egnerd@milwaukieoregon.gov, kelverb@milwaukieoregon.gov, Vera Kolas
Subject: Written comment on Galaxy Development
Date: Sep 1, 2017 9:35 AM

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Re: Galaxy Development Project - 2036 SE Washington - application # DR-2017-001, VR-2017-007

Dear Ms. Kolas,

I remain very concerned about the design proposals by the applicant for 2036 SE Washington. I spent a great deal of time as a Planning Commissioner and as a City Councilor to make sure of proper "bulk and mass" and "pedestrian scaled experience" in regards to building development.....especially in the downtown zone.

This application...and it's recent new shadow box additions along Washington street.....unfortunately.....still fall short of the intent of the code. These additional shadow box features actually INCREASE the Bulk and Mass of the building.....from the pedestrian experience along the south side of Washington street.

The base building height in this zone is 3 floors. Floors 4 and 5when allowed.....are BONUS FLOORSand as such require by code to have a 6'-0" setback. They are NOT a project entitlement. This setback is critical to the proper "bulk and mass" and "pedestrian scaled experience" in regards to building development. These upper floors are not required.....they are a BONUS which requires a set back to reduce BULK AND MASS.

Many cities have code to address these important concerns of Bulk and Mass and address them in a similar fashion to the intent of the Milwaukie code. Below is an example of code from Riverdale, GA :



There are additional examples of set backs being very effective to REDUCE BULK AND MASS. Below is one under construction in Portland at 52nd and Division.



Another long time example of the use of setbacks for reduce BULK AND MASS and improve the PEDESTRIAN EXPERIENCE is the Sellwood Library building as seen below:



The recent rendering submitted by the applicant for an additional SHADOW BOX as new evidence is from an aerial perspective far away from the site. It does not address the PEDESTRIAN experience of increased bulk and mass of the building along Washington street.

Below is an photo example here in Portland of how "shadow boxes" or "eyebrows" overhang the pedestrian corridor INCREASE the BULK AND MASS of buildings and as such limit access to views and daylight from a pedestrian experience.



On planning commission and city councilwe worked hard to define how building height bonuses should be allowed. As you know, the code allows a BONUS FLOOR for housing.....as long as it sets back from the street side property line by a minimum of 6'-0". It also allows an additional bonus floor for EXCEPTIONAL ENVIRONMENTAL building standards.....again.....as long as it sets back from the street side property line by a minimum of 6'-0".

In conclusion, I want to say that I support appropriate scale housing development in Milwaukie. This building has some features that comply.....but it falls short in many, many other areas. I feel that the 6'-0" setback for both the 4th and 5th floor as approved by previous Planning Commission and City Council are VERY important to retain as part of this project developmentin order to reduce "bulk and mass" and enhance the pedestrian experience and that the ADDITIONAL SHADOW BOX along Washington street does nothing to improve the pedestrian experience.

Thank you for your attention to this concern.

Scott Churchill

Planning commission re: Galaxy development project

RECEIVED

From: Scott Churchill <scottchurchill@earthlink.net>
To: Vera Kolias
Subject: Planning commission re: Galaxy development project
Date: Aug 22, 2017 3:08 PM

SEP 26 2017

CITY OF MILWAUKIE
PLANNING DEPARTMENT

> Re: Galaxy Development 2036 SE Washington - application # DR-2017-001, VR-2017-007

>

> Dear Ms Kolias,

>

> I am writing you to object to the variance request reduction of the 4th and 5th story required 6'-0" setback as required by planning code. I spent a great deal of time as a Planning Commissioner and as a City Councilor to make sure of proper "bulk and mass" and "pedestrian scaled experience" in regards to building development. Removal or reduction of this setback leads to a very poor pedestrian experience and is out of proportion to the current and future context of buildings in Milwaukie.

> I support appropriate scale development in Milwaukie and feel that this 6'-0" setback for both the 4th and 5th floor as approved by previous Planning Commission and City Council is very important to retain as part of this project development.

>

> Sincerely,

>

> Scott Churchill

>

>

>

>

>

From: Scott Churchill [mailto:scottchurchill@earthlink.net]

Sent: Friday, September 01, 2017 11:51 AM

To: Egner, Dennis <EgnerD@milwaukieoregon.gov>; Kelper, Brett <KelperB@milwaukieoregon.gov>; Koliass, Vera <KoliassV@milwaukieoregon.gov>

Subject: Re: Written comment on Galaxy Development

Images included. They dropped off the first time

Scott Churchill

On Sep 1, 2017, at 9:35 AM, Scott Churchill <scottchurchill@earthlink.net> wrote:

Re: Galaxy Development Project - 2036 SE Washington - application # DR-2017-001, VR-2017-007

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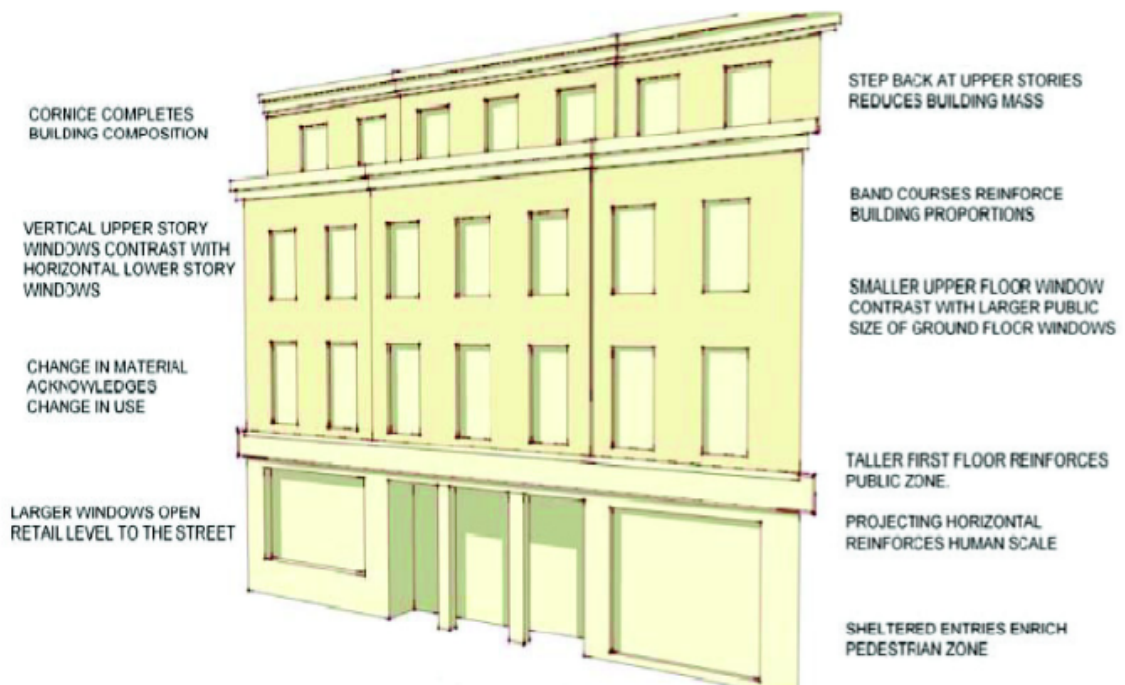
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Code of Ordinances



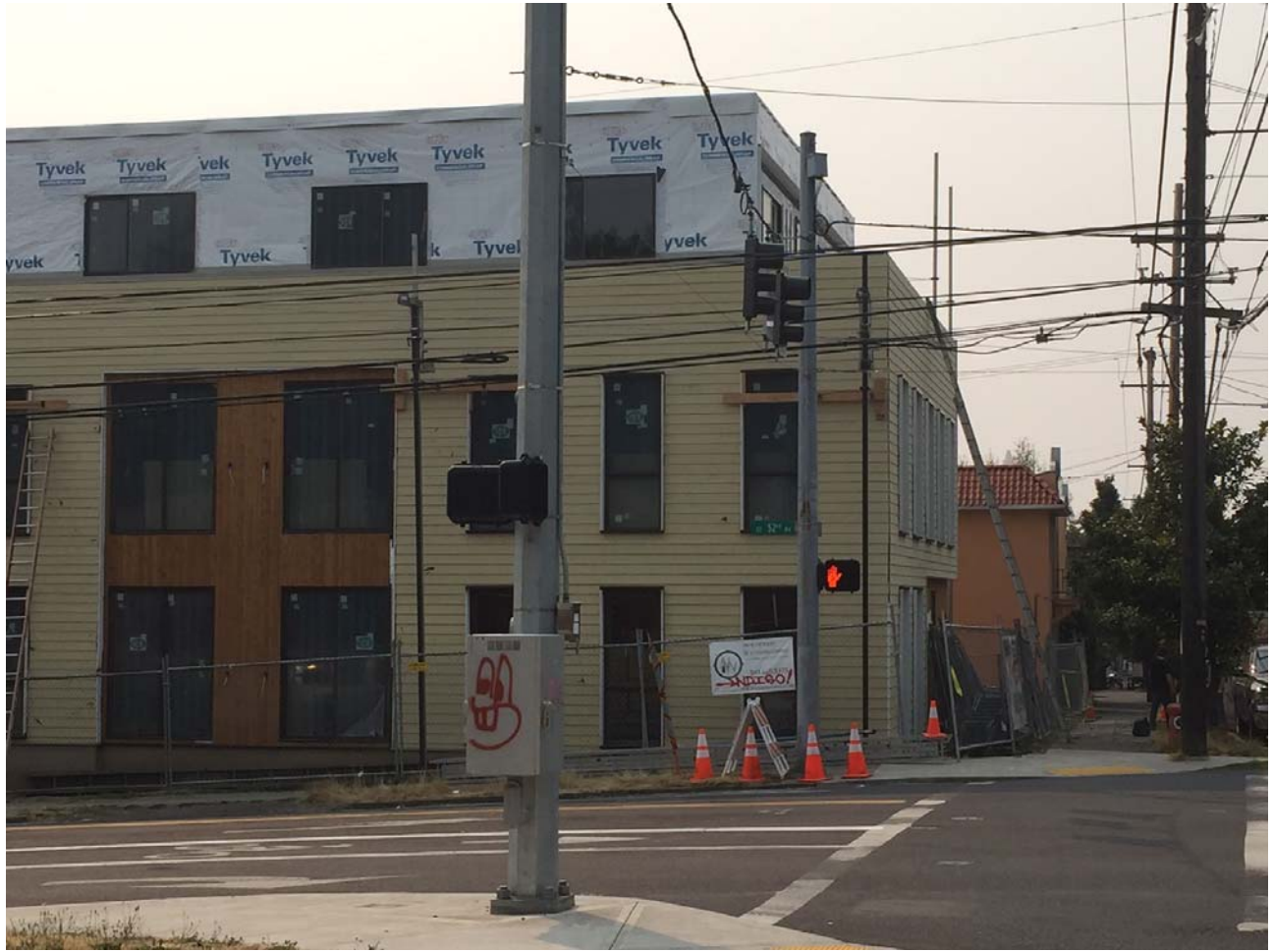
8.6.3-7.1.3. Mixed use buildings shall use proportions to give legibility to building uses including cornices to complete the building composition, a change in materials acknowledging a change in use, larger windows that are open the first floor to the street, a step-back at upper stories reduces building mass, a band course reinforces building proportions, a smaller upper floor window contrasting with larger public size of ground floor windows, a taller first floor reinforces the public zone, and sheltered entries enrich the pedestrian zone.



8.6.3-7.1.4. Minimum required side setback yard, zero. In order to achieve a continuous front building edge in the district, side yards between adjoining buildings shall be minimized to the greatest extent possible.

8.6.3-7.1.5. Individual buildings should use human-scaled/pedestrian oriented architectural features. Individual buildings should clearly articulate the first story and primary entrances, with display windows encouraged for retail stores. The ground floor should be clearly delineated from the upper stories and the upper floors from

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