



CITY OF MILWAUKIE

November 15, 2018

Land Use File(s): HR-2018-001; DR-2018-002; CSU-2018-016

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on November 13, 2018.

Applicant(s):	Tracy Orvis, DiLoreto Architecture
Appellant (if applicable)	
Location(s):	10722 SE Main St
Tax Lot(s):	1S1E36BB02500
Application Type(s):	Historic Resource Review; Downtown Design Review; Community Service Review
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC 19.304 Downtown Mixed Use Zone• MMC 19.403 Historic Preservation Overlay• MMC 19.904 Community Service Use Review• MMC 19.907 Downtown Design Review• MMC 19.1006 Type III Review
Neighborhood(s):	Historic Milwaukie

Appeal period closes: 5:00 p.m., November 30, 2018

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review 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 Kolas, Associate Planner, at 503-786-7653 or koliasv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on November 30, 2018, 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, Tracy Orvis on behalf of the City of Milwaukie, has applied for approval to alter the historic structure at 10722 SE Main St. This site is in the Downtown Mixed Use (DMU) Zone. The master land use application file number is HR-2018-001.
2. The current council chambers in Milwaukie City Hall are proposed to be moved into the existing garage bay in the same building. The space will be updated to accommodate the necessary functional requirements of a civic space, including upgrades to meet current energy code as well as acoustical and security needs. The scope of work includes replacing the existing wood windows in the garage bay with new energy efficient fiberglass-clad wood windows, replacing the existing garage doors with new energy efficient garage doors, replacing the existing swing door on the south façade, creating a new second accessible exit from the garage bay, and providing new exterior lighting above both swing doors.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.304 Downtown Mixed Use Zone
 - MMC 19.403 Historic Preservation Overlay
 - MMC 19.904 Community Service Use Review
 - MMC 19.907 Downtown Design Review
 - MMC 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public review meeting with the Design and Landmarks Committee was held on October 1, 2018. Public hearings were held on October 23 and November 13, 2018, as required by law.

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

MMC Table 19.304.3 establishes the uses that are allowed in the various downtown sub-zones, which allows Community Service Uses (CSUs) as a Limited Use.

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

The City considers facilities that were established prior to CSU regulations in 1984 but were otherwise properly permitted and meet the definition for CSUs provided in MMC 19.904.2 to be de facto CSUs. MMC 19.904.2.A specifically includes government office buildings such as city halls in its definition of CSUs.

The site has been in use as a city hall since it was constructed in 1939. The site has had subsequent site and use modifications that have been approved under applicable Community Service Overlay (CSO) or Community Service Use (CSU) code provisions (the most recent was CSU-2018-014). Therefore, the Milwaukie City Hall is considered a de facto CSU. This standard is met.

b. MMC 19.304.4 Development Standards

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

This site is an existing governmental building; no changes are proposed that are affected by the development standards. This standard does not apply to the proposal.

5. MMC 19.403 Historic Preservation Overlay

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

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

a. MMC 19.403.5 Alteration and Development

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

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

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

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

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

The proposed improvement replaces the existing fire bay doors (which were installed in 2013) with new energy efficient and secure doors that have the same appearance as the current doors as well as the installation of a new accessible entrance near the rear parking lot. Because the addition of a new accessible entrance does not meet the standards for administrative approval, the application has been combined under a Type III review, per MMC 19.1006.

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

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

(a) Retention of Original Construction

The proposal minimizes alterations to the exterior façade while striving to meet current building and energy code requirements. For example, to provide a code-required accessible second exit, a new door will be placed within the width of an existing window opening and will be custom sized to work with existing window proportions. This alteration is located at an interior corner at the rear of the building, away from primary street-facing facades.

The garage doors were replaced in 2013 but do not meet energy code, acoustical, and security requirements for the proposed use. The proposal includes replacing the doors with new insulated doors that match the clear glazing of the current and original garage doors. To address privacy and security issues, an interior curtain track will be hung so that a solid curtain can be drawn during sensitive proceedings. The goal for the project is to replace the existing wood garage doors with new wood garage doors with insulated glazing and perimeter seals. The wood would be painted to match the existing garage doors and trim. If wood doors that meet energy code are not available, however, then the doors would be made of another material (such as insulated metal) that would be painted to match the existing doors.

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

(b) Building Height

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

(c) Horizontal Additions

No additions are proposed. This criterion is not applicable.

(d) Windows

This proposal includes replacing the original wood windows affected by the scope of work (6 total, not including the 2 roll up garage doors) with new fiberglass clad wood windows that closely match the existing windows and meet current energy code.

As recommended by the DLC and the State Historic Preservation Office (SHPO), the applicant sought the advice of historic window restoration contractors. It was determined that restoration of the original windows is possible. As conditioned, this criterion is met.

(e) Restoration Possible

If desired in the future, the proposed second exit door and its associated landing and ramp could be removed. The window and portion of wall affected by the proposed second exit could be replaced. Further restoration in the future would not be precluded. This criterion is met.

(f) Signs and Lighting

The proposal includes new exterior lighting above both exterior swing doors. The existing door on the south elevation has a vertical rectangular security fixture above it. The proposal would replace it with a small cylindrical downlight in a dark bronze finish to match other exterior fixtures. The same fixture is proposed above the new exit door, and given its small size, puts more focus on the building itself and on the existing historic fixtures at the main entrance.

New signage is proposed that will direct visitors to the accessible entrance to Council Chambers, which is the door located on the south façade of the building. There is one sign proposed to the right of the garage doors as well as one adjacent to the accessible entrance. The signage will meet code requirements and will match existing signage present on the building to the greatest extent possible.

This criterion is met.

(g) Time Period Consistency

The proposal matches existing materials and finishes currently present on and around the building exterior. The proposed new garage doors reference both the current and original garage doors and seek to blend them and create doors that are relevant to the building's history while meeting both code and functional needs of the space within. This criterion is met.

(h) Visual Integrity/Style

The proposed improvements will not diminish any of the distinctive stylistic features that remain on the building. No distinctive stylistic features, primary structural elements, or examples of skilled craftsmanship are affected by the proposed design. Modifications made to the existing window to create a second accessible exit have been proposed with the existing window proportions in mind, and all materials selected correspond to existing building materials. The proposal is respectful of the existing building while still meeting current code requirements. As conditioned, requiring restoration of the 6 remaining original windows, this criterion is met.

(i) Replacement or Additional Materials

No As identified in Finding 5.a (4)(d), restoration and repair of the original wood windows is possible. The garage doors are proposed to be replaced with new doors that

reference the panel proportions, glazing, and materials of the currently installed doors. The new ADA exit door, landing, and sloped walkway are treated with similar materials and style as adjacent exits. As conditioned, this criterion is met.

(j) Buffering

No new use is proposed. This is a shifting of existing uses within the existing building footprint. This criterion is not applicable.

The proposed improvements meet the applicable standards of MMC 19.403.

6. MMC Section 19.904 Community Service Uses

MMC Subsection 19.904.5.C authorizes the Planning Director's approval of minor modifications to an approved community service per Section 19.1004 Type I Review, provided that such modification:

a. Does not increase the intensity of any use.

The existing Council Chambers and conference room are located on the 2nd floor of City Hall. The conference room has been converted into much needed office space for 4-6 staff. The existing garage bay on the 1st floor of City Hall is currently underutilized, serving as overflow storage for events. The proposed project relocates Council Chambers to the garage bay, thus freeing up the Council Chambers space on the 2nd floor for additional office use. Currently, at peak meeting time, which is the most intense use of the building, both the Council Chambers and the conference room are used. At peak meeting times with the proposed configuration, only the fire bay would be used for meetings, streamlining the use of the building during peak use to one space. No new uses are proposed. The intensity of use of the building will remain virtually the same; the proposed use of the fire bay as the new Council Chambers, along with the additional new workspaces on the 2nd floor will have a neutral effect on the overall use of the building.

b. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19.

The proposed modification does not affect any standards of the underlying zone for the existing site.

c. Does not result in deterioration or loss of any protected natural feature or open space, and does not negatively affect nearby properties.

The subject property does not include any mapped natural resources and will not affect any nearby properties.

d. Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council.

No changes to any of the conditions of any prior approvals will occur as part of the proposed project.

- e. Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.

The proposed project does not cause any public facility to fail to meet applicable standards relating to the adequacy of the public facility.

As proposed, the applicable standards of MMC 19.904 are met.

7. MMC 19.907 Downtown Design Review

- a. Per MMC 19.907.2, the standards for downtown design review are applicable to minor exterior alterations to buildings in the downtown zones.

The proposed roll up door replacement, which is less than 25% of the surface area of the street-facing wall, is a minor exterior alteration to an existing building in the Downtown Mixed Use (DMU) zone and is therefore subject to the standards for downtown design review as provided in MMC 19.907. The addition of an accessible entrance to the rear of the building is an exempt activity, as it is needed to bring the building into compliance with the Americans with Disabilities Act.

- b. MMC 19.907.3.B.1 requires that exterior alterations that meet the list of projects in Subsection 19.907.2.B be processed with Type I review.

The proposed improvement includes replacing the garage roll up doors, which is less than 25% of the surface area of the street-facing wall, and has been reviewed in accordance with the Type I Downtown Design Review process. This criterion is met.

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

(1) Compliance with Title 19

As addressed in Finding 4, the proposed improvement complies with the applicable standards for downtown zones, as provided in MMC 19.304. As addressed in Finding 5, the proposed improvement complies with the applicable standards for historic resources, as provided in MMC 19.403. As addressed in Finding 6, the proposed improvement complies with the applicable standards for modifications to community service uses, as provided in MMC 19.904. No other standards in Title 19 are applicable to the proposed improvement.

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

The proposed improvements have been reviewed against the relevant design standard for ground floor windows and doors, which requires a minimum of 50% glazing. The building was constructed before this standard was in place, and had a percentage of glazing of 42% as originally built (ground floor façade with an area of 1,230 sq ft and 520 sq ft of glazing). Therefore, the percentage of glazing on the original structure is legally nonconforming.

The proposal includes replacement of the existing roll-up doors with doors that provide needed security and privacy, as well as meet energy code requirements. The proposed doors are intended to blend design with utility, given the new use of the fire bay, and the need for

increased security and energy efficiency. The proposed replacement roll-up doors will match the amount of glazing of the current garage doors as well as the original garage doors and will result in no decrease in glazing on the ground floor.

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

8. The application was referred to the following departments and agencies on September 7, 2018:
- Milwaukie Building Division
 - Milwaukie Engineering Department
 - Milwaukie Public Works Department
 - Clackamas County Fire District #1
 - Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee
 - Milwaukie Historical Society
 - State Historic Preservation Office (SHPO)

Comments received are summarized as follows:

Jason Allen, Historic Preservation Specialist, SHPO: The applicant should explore more appropriate replacement windows or repair of existing windows; repair of the original windows is the preferred approach. Mr. Allen provided a list of wood window preservation and repair specialists. Upon review of revised materials, the applicant was still encouraged to explore window restoration, but that the new proposed replacement window is a better choice than the original proposal.

Conditions of Approval

1. The applicant shall submit a Type I Development Review application with final plans for construction of the building. The final plans shall address the following:
 - a. Final plans submitted for development permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on September 6, 2018 and revised on November 2, 2018, except as otherwise modified by these conditions.
2. The 6 original wood windows affected by the project, other than the 1 window to be removed for the new accessible entrance, shall be repaired and restored.
3. The proposed 4 removeable bollards are to be located at the back of sidewalk.

Recommendations

The following are not conditions of approval, but are recommendations from the Planning Commission:

1. The fire pole is to remain on-site. Informational signage detailing the history of the fire bay space and the building is to be installed.
2. Each seat at the dais in the renovated meeting room is to include electrical outlets for electronic devices.



Dennis Egner, FAICP
Planning Director

cc: Tracy Orvis, DiLoreto Architecture (200 NE 20th Ave, Suite 200, Portland, OR 97232)
Damien Farwell, Fleet and Facilities Supervisor (via email)
Peter Passarelli, Public Works Director (via email)
Planning Commission (via email)
Alma Flores, Community Development Director (via email)
Kelly Brooks, Acting Engineering Director (via email)
Alex Roller, Engineering Technician II (via email)
Dalton Vodden, Associate Engineer (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Izak Hamilton, Mike Boumann, and Matt Amos, CFD#1 (via email)
NDA(s): Historic Milwaukie (via email)
Design and Landmarks Committee (via email)
Land Use File(s): HR-2018-001