



CITY OF MILWAUKIE

AGENDA

June 27, 2023

PLANNING COMMISSION

milwaukieoregon.gov

Hybrid Meeting Format: The Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time. To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/planning/planning-commission-2>) and follow the Zoom webinar login instructions.

1.0 Call to Order – Procedural Matters — 6:30 PM

1.1 Native Lands Acknowledgment

2.0 Planning Commission Minutes – Motion Needed

2.1 April 25, 2023

2.2 May 23, 2023

3.0 Information Items

4.0 **Audience Participation** — This is an opportunity for the public to comment on any item not on the agenda

5.0 Community Involvement Advisory Committee (CIAC)

6.0 Hearing Items

6.1 HR-2023-001 Historic City Hall modifications

Summary: Historic Resource Review (Type III); Downtown Design Review (Type I)

Staff: Senior Planner Vera Koliias

7.0 Work Session Items

7.1 Bicycle Parking Standards

Summary: Bicycle Parking Standards

Staff: Assistant Planner Ryan Dyar

8.0 Planning Department/Planning Commission Other Business/Updates

9.0 Forecast for Future Meetings

July 11, 2023 Work Session: Review work program/Prep for annual meeting with CC on Aug 1.

July 25, 2023 No items at this time.

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.

1. **PROCEDURAL MATTERS.** If you wish to register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue an agenda item to a future date or finish the item.

Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience but may ask questions of anyone who has testified.
8. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
9. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

Milwaukie Planning Commission:

Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Aaron Carpenter
Joseph Edge
Amy Erdt
Greg Hemer
Lauren Loosveldt

Planning Department Staff:

Laura Weigel, Planning Manager
Brett Kelter, Senior Planner
Vera Koliass, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Assistant Planner
Petra Johnson, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

April 25, 2023

Present: Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Aaron Carpenter
Joseph Edge
Greg Hemer

Staff: Justin Gericke, City Attorney
Adam Heroux, Assistant Planner
Vera Kolias, Senior Planner

Absent: Amy Erdt
Lauren Loosveldt

(00:16:57)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

Note: *The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

(00:17:25)

2.0 Planning Commission Minutes

2.1 February 14, 2023, minutes were approved with a 5-0 vote.

2.2 February 28, 2023, minutes were approved with a 5-0 vote.

(00:19:06)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:19:25)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:19:39)

5.0 Community Involvement Advisory Committee (CIAC)

Senior Planner Vera Koliass updated the commission on the boards and committees' recruitment process, total number of applicants, and number of applicants specifically applying for the planning commission. **Koliass** also updated the commission on the planning staff's informational presentation plan to engage the NDA's regarding land use applications. **Commissioner Greg Hemer** complimented the Community Development director's quarterly report. **Hemer** also commented on Milwaukie's bylaws as being prohibitive and suggested allowing NDA members to sit in on the planning commission's work session meetings. **Chair Jacob Sherman** and **City Attorney, Justin Gericke** discussed the current bylaw process.

(00:27:01)

6.0 Hearing Items

(00:27:14)

6.1 Housekeeping and Code Amendments; ZA-2023-002

Vera Koliass announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.902, MMC19.100. **Koliass** presented the staff report.

Background; Project goals:

- -Review of Type III variance applications
- -Clarification
- -More substantive
- -Not a departure from established policy
- The process included; Planning Commission: 1 worksession, City Council: 1 worksession, notification provided to the NDAs, code commentary posted with a 30-day notice, as well as a public hearing.

Proposed Amendment: Title 12 Access Management

- Expand City Engineer's authority to modify requirements
 - Modification with access study rather than variance).

Hemer questioned the existence of the type III variance, **Koliass** noted not having the legislative history specific to type III variances. **Commissioner Joseph Edge** expressed concern and questioned if the City Engineer's decisions would be consistent with policies in the comprehensive plan & transportation system plan and if there would be any assurances that the City Engineer would not override any of the city's adopted policies. **Koliass** clarified that the specified planning documents encompass capital improvement projects that are part of the engineering departments scope of work.

Proposed Amendment: New definition for 'plex development'.

Proposed Amendment: Corner lots; specifically for town house development. The purpose of the amendment is related to the lot size for townhouses, currently the

maximum lot size for townhouse development is 2,999 square feet. This has the effect of disallowing townhouses on corner lots because of the street side yard setback requirements. The intent of the code amendment to is increase the maximum lot size of townhouses on a corner lot to 3,500 square feet.

Proposed Amendment: MMC 19.303 – GMU Zone; was removed from the code amendment package.

Proposed Amendment: MMC 19.312 – NMIA

-Revise the applicability of design standards

- Only for development within 50 ft of a front or street side lot line
- 2017 SE Moores St example (VR-2022-009)

Proposed Amendment: Supplementary Development Regulations (MMC 19.500)

-Allow back decks to encroach up to 6 ft into rear yard setback: same standard as front porches. Pertains to ground level back decks only, the deck back may have a roof but cannot be enclosed.

-Revise applicability of design standards to a Type B accessory structure

- up to 600 square feet = metal siding

Chair Sherman clarified that the proposed amendment only pertains to the characteristic of the siding material. **Hemer** asked a clarifying question regarding the definition of 'not enclosed'. **Kolias** explained that the city currently defines 'not enclosed' as only having posts, no walls. Given the use of a back porch, staff may review each application on a case-by-case basis. If there are only partial sections of one wall, it is arguably not enclosed. **Hemer** asked if the proposed amendment is changing the current design standards. **Kolias** responded that it would not change the current design standards. **Commissioner Aaron Carpenter** asked what the specific issue is that the proposed amendment is addressing in regards to the back yard setbacks for decks. **Kolias** responded that because residents have been wanting covers over their decks, all applicants were needing to also apply for a Type III variance. **Chair Sherman** clarified the current setbacks and building expectations. **Kolias** read the current code for porches.

Proposed Amendment: Cottage Clusters (MMC 19.505.4)

-Allow up to 3 attached cottages in the R-MD

- Provides for more efficient construction
- All other size standards for dwellings remain

-Limit attached cottages in the R-HD to 4

- Eliminate perceived conflict with multi-unit development

Chair Sherman asked a clarifying question regarding the limit of 4 attached units in the R-HD zone. **Kolias** replied that you can build a maximum of 12 units total in a cottage cluster, attached cottage clusters are 4 units or less, **Kolias** then explained the difference between a multi-unit structure and a cottage cluster. **Carpenter** asked a clarifying question regarding lot size and cottage clusters. **Hemer** asked a clarifying question regarding the term plex development. **Kolias** explained the requirements for the various development options. **Carpenter** emphasized making sure that the addition of allowing 3 units to be attached doesn't preclude the other requirements regarding

access to the green space. **Kolias** confirmed the intent is that everything would stay the same.

Proposed Amendment: Parking (MMC 19.600)

-Clarify applicability of EV infrastructure requirements

- New parking spaces AND new structure
- Includes new commercial parking structure

Edge asked how the proposed amendment relates to a car dealership. **Associate planner Adam Heroux** clarified the requirements and defined what constitutes creating new parking spaces. **Chair Sherman** asked if the term 'new structure' includes major renovations. **Heroux** replied that there is still some ambiguity whereas projects would need to be reviewed on a case-by-case basis for final determination.

Proposed Amendment: Conditional Uses (MMC 19.905)

-Revise standards for vacation rentals

- Require screening similar to flag and back lots.
- Sight obscuring fencing/landscaping required alongside and rear lot lines.

Carpenter asked a clarifying question regarding exemption from the requirement.

Kolias replied that there are no considerations for exemption. **Carpenter** asked if there is a definition for 'screening'. **Kolias** replied that the code does not provide guidance other than 'sight obscuring fencing/landscaping'. **Vice Chair Joshua Freeman** commented that the proposed amendment is a departure from the existing policy.

Freeman asked what qualifies a major change in policy or departure from established policy. **Kolias** clarified that this proposal would be adding an additional requirement and is not technically a policy change. **Carpenter** asked to clarify if vacation rentals are separate from short term and long-term rentals. **Kolias** replied yes, vacation rentals are the only one that requires a conditional use application.

Staff recommended approval of the amendments to City Council.

Chair Sherman closed the public testimony portion of the hearing.

The commission discussed each proposed amendment.

The commission held a straw vote to remove proposed amendment: Conditional Uses (MMC 19.905) from the package of Housekeeping and Code Amendments; ZA-2023-002.

Commissioner Edge made a motion to approve the package of amendments ZA-2023-002 as proposed by staff except for access management title 12 with a recommendation of the addition of criteria for review that considers the adopted comprehensive plan, goals and polices, transportation system plan polices and those of any other adopted plan and that they do not recommend conditional uses for the vacation rental screening. **Vice Chair Freeman** seconded the motion.

The motion was approved by a 4-1 vote.

(02:52:09)

7.0 Work Session Items

(02:52:42)

7.1 Neighborhood Hubs Project Update

Associate Planner, Adam Heroux presented the Neighborhood Hubs Project Update. **Heroux** defined what Neighborhood Hubs are and gave a brief history of the project. **Heroux** described the different types of Hubs and presented what actions the City can take regarding zoning, development, and program support.

Heroux provided the following bullet points:

Equity Considerations:

- Gentrification & displacement
- Communities engaged
- Distribution of Hubs

Proposed approach:

- Focused community engagement
- Hub refinement – types and location
- Update zoning and development code
- Economic development & placemaking programs
- Coordination with other City projects

Community engagement

- Engage with property & business owners to explore possibilities
- Focused engagement with people of color, renters, immigrants, and people with disabilities.
- Explore how neighborhood needs have changed since the pandemic.

Next Steps

- Continue to upgrade the Engage Milwaukie webpage
- Outreach to property and business owners
- Code review and analysis

Edge asked about zoning / regulating the neighborhood hubs. **Heroux** explained that the program is still in its infancy and more information is needed. **Kolias** reminded the commission that every hub is different, and goals still need to be established for each hub. **Vice Chair Freeman** asked about public outreach for those who do not want to register their information through Engage Milwaukie. **Heroux** detailed the different strategies staff is currently working on to reach more community members. **Chair Sherman** expressed concern regarding the relationship between land use and transportation as well as zoning and economic competition. **Edge** agreed with Chair Sherman's sentiments.

(03:24:00)

8.0 Planning Department/Planning Commission Other Business/Updates

Hemer announced that May is preservation month.

Edge announced that the 6th and final meeting of the housing capacity technical committee is happening later in the week. They will be reviewing the proposed housing production strategy.

(03:25:37)

9.0 Forecast for Future Meetings

May 9, 2023		Canceled
May 23, 2023	Hearing Items:	1. Psilocybin Code Amendments 2. Housing Capacity Analysis
	Work Session Item:	1. Housing Production Strategy Review

Meeting adjourned at approximately 10:00 p.m.

Respectfully submitted,

Petra Johnson, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

May 23, 2023

Present: Jacob Sherman, Chair
Aaron Carpenter
Joseph Edge
Amy Erdt
Greg Hemer
Lauren Loosveldt

Staff: Joseph Briglio, Community
Development Director
Justin Gericke, City Attorney
Vera Kolias, Senior Planner
Laura Weigel, Planning Manager

ECONorthwest consultant, Beth
Goodman

Absent: Joshua Freeman, Vice Chair

(00:13:45)

1.0 Call to Order — Procedural Matters*

Chair Sherman called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

Note: *The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

(00:14:53)

2.0 Planning Commission Minutes

No information was presented for this portion of the meeting.

(00:15:00)

3.0 Information Items

Laura Weigel, Planning Manager gave an update regarding the open position on the planning commission.

(00:15:54)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:16:14)

5.0 Community Involvement Advisory Committee (CIAC)

Weigel gave an update on staff's process regarding recent NDA education & outreach, ways the planning department has been engaging with the community, as well as the monthly community development overview. **Hemer** gave an update on the recent Linwood NDA meeting regarding the Neighborhood Hubs presentation.

(00:27:15)

6.0 Hearing Items

6.1 ZA-2023-003 Psilocybin Code Amendments

Vera Kolias, Senior Planner announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.902 and MMC19.1000. **Kolias** presented the staff report via a power point presentation. Both are included in the meeting packet. The psilocybin code amendments were prompted based on Ballot Measure 109, known as the Oregon Psilocybin Service Act, which allows for the manufacture, delivery, and administration of psilocybin at licensed facilities. All types of psilocybin facilities are licensed and regulated by the state. Staff presented the City's options for regulations and proposed amendments. Staff recommended the approval of the amendments to City Council. **Chair Sherman** closed the public testimony portion of the hearing.

Commission Discussion:

Hemer expressed safety concerns regarding the hours of operation for psilocybin service centers as well as those centers being cash run businesses. **Erdt** and **Edge** expressed concern restricting the hours of operation and location requirements for psilocybin service centers. **Kolias** clarified that the proposed code amendments place no additional restrictions on service centers / clinics, the current restrictions for service centers are regulated by the state. **Hemer** asked if service centers can be mixed use. **Kolias** replied that the state is regulating that as well. **Edge** motioned to recommend approval of za-2023-003 to City Council as presented by staff. **Hemer** seconded the motion. The motion was passed with a 6-0 vote.

(01:17:08)

6.2 CPA-2023-001 Housing Capacity Analysis

Laura Weigel, Planning Manager announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.902 and MMC19.1008. The Housing Capacity Analysis will be included as an ancillary document to the Comprehensive Plan once adopted. **Weigel** presented the staff report via a power point presentation. Both are included in the meeting packet along with the Housing Capacity Analysis document. The staff report included background information about the HCA and an overview of community engagement. Staff recommended approval to City Council. **Chair Sherman** closed the public testimony portion of the hearing.

Commission Discussion:

Edge motioned to recommend approval of cpa-2023-001 to City Council as presented by staff. **Loosveldt** seconded the motion.

The motion was passed with a 6-0 vote.

(01:38:51)

7.0 Work Session Items

7.1 Housing Production Strategy Review

Weigel and **Joseph Briglio, Community Development Director** addressed the commission and prefaced the report. **Beth Goodman, Project Director of ECONorthwest** presented the report which outlined the housing capacity analysis, the housing production strategy, changes made after the project is complete, and an implementation schedule. To view the entire report, please see the power point presentation. **Chair Sherman** asked a clarifying question regarding the interviews with service providers that took place. **Goodman** sited the service providers background and current experience. **Hemer** asked a clarifying question regarding construction excise tax. **Goodman** and **Briglio** explained the requirements & incentives of the construction excise tax. **Carpenter** asked what the repercussion would be from the DLCD for not meeting the deadlines of the schedule. **Goodman** replied that it isn't clear what the gravity of that situation is at this time. **Chair Sherman** asked if there are ways that city council could provide seed funding to planning in order to be competitive for federal grants. **Briglio** replied that there are still a lot of unknowns, but staff is comfortable forecasting the next two years, and that it will require grant money to be successful. **Edge** reiterated that the 6-year implementation schedule is tailored to be an attainable goal, it is both ambitious and conservative.

(02:33:51)

8.0 Planning Department/Planning Commission Other Business/Updates

Hemer advertised for the Ledding Library's upcoming program, 'The Mayors'. **Edge** provided feedback from the recent Metro Technical Advisory meeting.

(02:38:10)

9.0 Forecast for Future Meetings

June 13, 2023,	Hearing Item(s):	Canceled
June 27, 2023,	Hearing Item(s):	Proposed City Hall improvements
	Work Session Item(s):	Bicycle Parking Standards

Meeting adjourned at approximately 9:00 p.m.

Respectfully submitted,

Petra Johnson, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Vera Kolas, Senior Planner

Date: June 20, 2023, for June 27, 2023, Public Meeting

Subject: **File:** HR-2023-001; DR-2023-002
Applicant: Travis Henry, City Hall Holdings, LLC
Owner(s): City of Milwaukie
Address: 10722 SE Main St
Legal Description (Map & Tax Lot): 1S1E36BB02500
NDA: Historic Milwaukie

ACTION REQUESTED

Approve applications HR-2023-001 and DR-2023-002 and adopt the Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the renovation of a portion of the northern first floor of City Hall by replacing a set of windows with storefront entrance doors, construct a covered entrance area, and make improvements to the front plaza area.

BACKGROUND INFORMATION

In August 2019, City Council authorized the purchase of the Advantis Credit Union building (10501 Main Street) to serve as the next Milwaukie City Hall. The city outgrew the current City Hall building (10722 Main Street) several decades ago and has purchased and built other facilities to accommodate staff and provide essential services. Purchasing the Advantis building will allow the city to consolidate staff and services and create a "one-stop-shop" for Milwaukie residents and businesses, as well as provide room for the city to continue to grow into the future.

In March 2020, the City Council appointed the City Hall Blue Ribbon Committee (CHBRC). From September 2020 to March 2021, the committee held public meetings to learn about the site's history, associated building costs, construction limitations, and developed a set of project

goals using feedback from the community. In Spring 2021, the CHBRC recommended its project goals for the adaptive re-use of City Hall to the City Council. The goals included:

- Historic preservation
- Create a destination
- Maintain open space
- Sustainable building practices
- Minority / Women Business Enterprise Contracting

After a competitive process, the city selected Henry Point Development to reimagine its historic City Hall. The selection committee was impressed with how Henry Point’s proposal focused on the project’s five adopted community goals (listed above). The reuse of City Hall will preserve the building’s iconic façade and the renovated interior will house a variety of tenants, becoming home to a brewery, restaurant, and bakery, along with community art and office space.

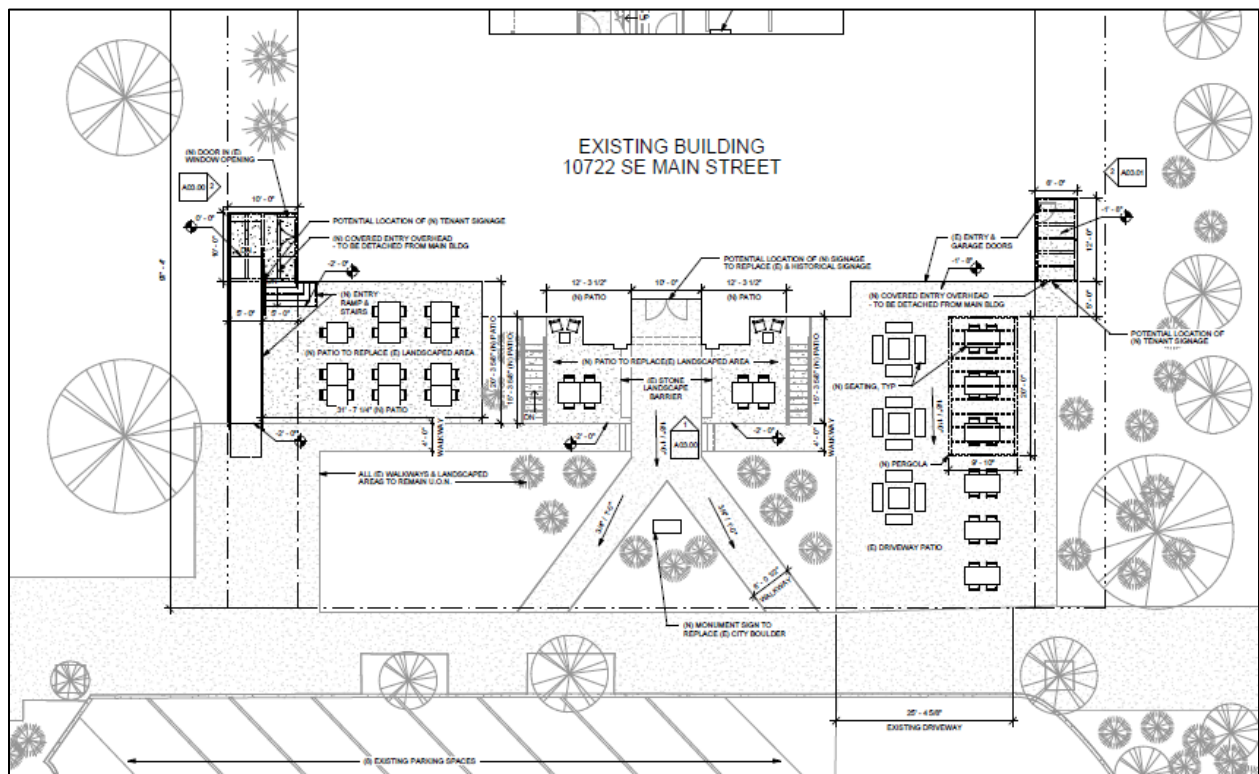


Figure 1. Proposed site plan

A. Site and Vicinity

The site is located at 10722 SE Main St. The overall site contains City Hall, a sculpture garden, and an adjacent parking lot. The project site is only the area of City Hall and the front entrance and plaza area to the sidewalk (see Figure 2).

The surrounding area consists of downtown commercial and residential properties, the TriMet bus area, the Waldorf School, and a municipal parking lot.



Figure 2. Site area and vicinity

B. Zoning Designation

The site is in the Downtown Mixed Use Zone (DMU).

C. Comprehensive Plan Designation

Town Center - TC

D. Land Use History

- **2022:** R-2022-001: Approval to separate the building from the rest of the property.
- **2018:** HR-2018-001: Approval for a remodel of the fire bay (not constructed).
- **2018:** CSU-2018-008: Approval to install a welcome sign.
- **2018:** CSU-2018-014: Approval to install a new ballot box.
- **2015:** DR-015-002; CSU-2015-005: Approval to install a bicycle repair stand in front of City Hall.
- **2014:** CSU-2014-001: Approval to install an information kiosk.
- **2013:** HR-2013-001: Approval to replace the garage doors.
- **2010:** HR-2010-001; CSU-2010-005: Approval to install the sculpture garden.
- **1998:** HR-1998-002: Approval to install an HVAC unit and window replacement.
- **1997:** HR-1997-002: Approval to install a 7-space bike rack.
- **1997:** HR-1997-004: Approval to remove 3 street trees and replace them with 4 Norway Maple trees.

E. Proposal

The applicant is seeking land use approval to alter the structure by replacing an existing 6 ft x 5 ft window on the north wall with a pair of full-lite storefront entrance doors for access to a new business. The proposal includes installation of a covered entry area and improvements to the front plaza area to provide seating for the new tenants.

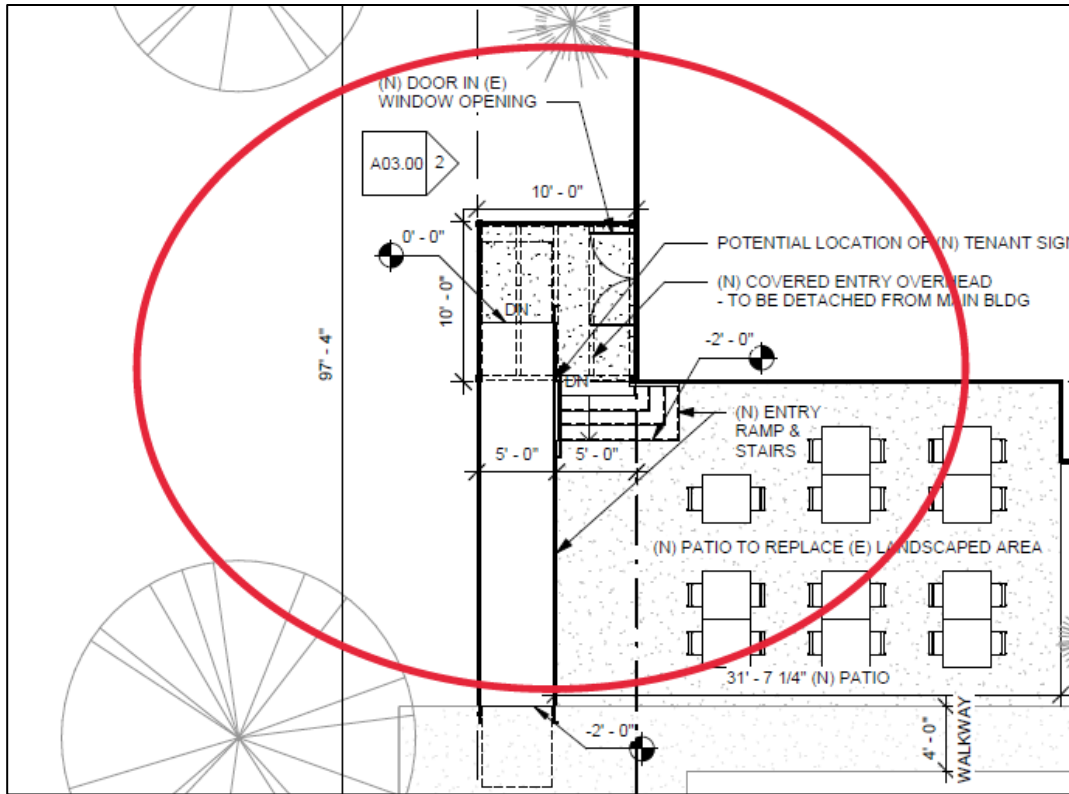


Figure 3. Proposed location of new doors

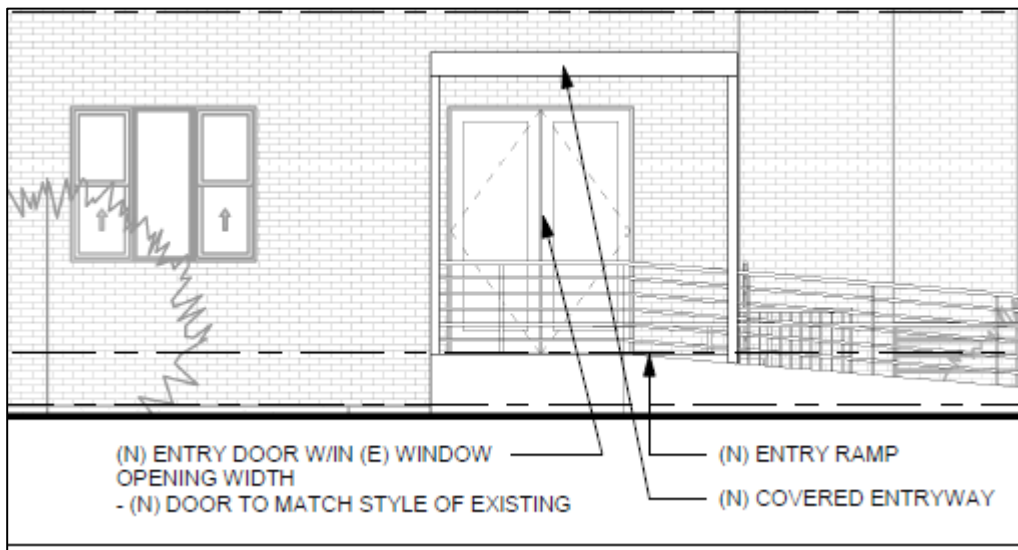


Figure 4. Elevation



Figure 5. Proposed storefront doors



Figure 6. North façade with area of work identified.



Figure 7. Proposed weather protection

The project requires approval of the following applications:

1. HR-2023-001: Type III Historic Resource review (exterior alteration of a landmark)
2. DR-2023-002: Type I Downtown Design Review

Analysis

The proposal includes the installation of a covered entry structure (pergola) and improvements to the front plaza and open space area. These aspects of the application, in addition to the proposed new entry, comply with the relevant downtown design standards as detailed in Attachment 1 – Findings. Therefore, Type I Downtown Design Review is the appropriate review type in addition to the Type III Historic Resource Review.

Staff has identified the following question for the Commission’s deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion.

A. Is the proposal consistent with the visual integrity or style of City Hall?

The proposed alteration to the north façade of City Hall provides an exterior entrance to a new tenant space as part of the adaptive re-use of the building. The door is not a new opening – it is replacing an existing large window in the façade. The proposed doors are wood with a storefront design, keeping with the design of the existing window and allowing for a large amount of light. The materials are consistent with the original time period and the original windows as well. It should be noted that the window being removed is not original to the building; it was installed in the 1990s and is not wood-framed. The applicant has indicated that the proposal has been received favorably by the National Parks Service and the State Historic Preservation Office, with an eye toward having City Hall placed on the National Register of Historic Places.

Also, from a pedestrian’s standpoint, the proposed door location is not adjacent to the sidewalk and does not have a direct relationship with pedestrians unless they are customers of the business. This façade does not face Main St and is set back approximately 50 ft from the edge of the nearest sidewalk. The proposal does not impact the primary façade of the building, rather it is located on a less visible section of the building.

The proposed entry from the plaza provides a covered, accessible entry to the new tenant while minimizing visual impacts to the primary façade. Simple and understated door hardware is proposed to compliment the overall façade design of the building. Existing brick will be saved during the renovation process in case it is needed in the future, should a window be re-installed in place of the new doors.

The proposed pergola, which will not be attached to the building, provides the necessary weather protection while not impacting the façade of the structure. Selected materials will compliment the building and the structure can be removed in the future if necessary without compromising the structure.

Design and Landmarks Committee

The Design and Landmarks Committee (DLC) was established to advise the Planning Commission on matters specified in MMC 2.16.010.9-10, which includes alterations to a landmark. The proposed development was presented to the DLC on June 5, 2023. Based on the application materials submitted, the DLC voted to recommend approval of the application and include the following recommendations to the Planning Commission:

- Applicant should save any existing bricks during the installation process for future use.
- Applicant should use simple door hardware that is sympathetic to the building design.
- Applicant should ensure that any replacement exterior materials match pre-existing materials, and all work must comply with the Secretary of the Interior’s standards for rehabilitation of an historic structure.

Note: The applicant agreed to all of these items during the DLC meeting.

CONCLUSIONS

A. Staff recommendation to the Design and Landmarks Committee:

1. Approve the Historic Resource review and Downtown Design Review applications. This will result in new storefront doors where an existing window is located, providing access to a new business, a new covered entry area, and improvements to the front plaza area.
2. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC 19.304 Downtown Zones
- MMC 19.403 Historic Preservation Overlay
- MMC 19.508 Downtown Site and Building Design Standards and Guidelines
- MMC 19.907 Downtown Design Review
- MMC 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public meeting.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by September 14, 2023, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes will be provided prior to the public hearing to the following agencies and persons: City of Milwaukie Engineering, Building, and Public Works Departments, Clackamas Fire District #1, and the Historic Milwaukie Neighborhood District Association (NDA). Notice was also sent to all properties within 300 ft of the site.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation received May 16, 2023.				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Detail Sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to DLC at the time of application referral.

PC Packet = paper materials provided to DLC 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the PC meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/planning/planning-commission-73>.

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

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

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

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

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

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

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

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

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

- b. MMC 19.304.4 Development Standards

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

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

5. MMC 19.403 Historic Preservation Overlay

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

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

a. MMC 19.403.5 Alteration and Development

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

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

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

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

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

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

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

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

(a) Retention of Original Construction

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

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

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

This criterion is met.

(b) **Building Height**

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

(c) **Horizontal Additions**

No additions are proposed. This criterion is not applicable.

(d) **Windows**

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

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

This criterion is met.

(e) **Restoration Possible**

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

This criterion is met.

(f) **Signs and Lighting**

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

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

This criterion is met.

(g) **Time Period Consistency**

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

This criterion is met.

(h) Visual Integrity/Style

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

This criterion is met.

(i) Replacement or Additional Materials

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

This criterion is met.

(j) Buffering

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

This criterion is met.

The proposed improvements meet the applicable standards of MMC 19.403.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This criterion is met.

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

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

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

This criterion is met.

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

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

This criterion is met.

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

The proposed canopy structure will be approximately 9 ft tall.

This criterion is met.

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

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

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

As conditioned, this criterion is met.

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

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

As conditioned, this criterion is met.

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

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

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

This criterion is met.

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

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

This criterion is met.

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

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

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

(iii) Nuisance species are prohibited.

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

This criterion is met.

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

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

This criterion is met.

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

7. MMC 19.907 Downtown Design Review

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

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

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

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

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

(1) Compliance with Title 19

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

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

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

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

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

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

ATTACHMENT 2
Recommended Conditions of Approval
Primary File #HR-2023-001; City Hall adaptive re-use

1. The final permit application and plans for construction improvements to the building must address the following:
 - a. Final plans submitted for development permit review must be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on May 16, 2023 except as otherwise modified by these conditions.
 - b. Applicant ensures that any replacement exterior materials will match pre-existing materials and that all work must comply with the Secretary of the Interior's standards for rehabilitation of an historic structure.