



AGENDA

MILWAUKIE DESIGN AND LANDMARKS COMMITTEE Monday, August 7, 2017, 6:30 PM

CITY HALL CONFERENCE ROOM
10722 SE MAIN ST

- 1.0 **Call to Order—Procedural Matters**
- 2.0 **Meeting Notes—Motion Needed**
 - 2.1 June 5, 2017
 - 2.2 July 10, 2017
- 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 **Public Meetings—**Public meetings will follow the procedure listed on reverse
 - 5.1 Recommendation Hearing: Willamette Greenway review for Kellogg Creek replacement bridge in Riverfront Park (Land use master file #WG-2017-003)
 - 5.2 Recommendation Hearing: Downtown Design review for new mixed-use development at 2036 SE Washington St (Land use master file #DR-2017-001)
- 6.0 **Worksession Items**
 - 6.1 Summary: Downtown Design Guidelines Update, Session 19
Facilitator: Brett Kelper, Associate Planner
- 7.0 **Other Business/Updates**
- 8.0 **Design and Landmark Committee Discussion Items—**This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 **Forecast for Future Meetings:**
 - Sept 11, 2017 (*tent.*) Continue work on DDG updates
 - Oct 2, 2017 TBD

Milwaukie Design and Landmarks Committee Statement

The Design and Landmarks Committee is established to advise the Planning Commission on historic preservation activities, compliance with applicable design guidelines, and to review and recommend appropriate design guidelines and design review processes and procedures to the Planning Commission and City Council.

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@milwaukieoregon.gov. Thank You.
2. **DESIGN AND LANDMARKS COMMITTEE MEETING MINUTES.** Approved DLC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov.
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.

Public Meeting Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Committee members.

1. **STAFF REPORT.** Each design review meeting 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 recommendation with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Committee was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMITTEE MEMBERS.** The committee members will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the Committee will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC MEETING.** The Chairperson will close the public portion of the meeting. The Committee will then enter into deliberation. From this point in the meeting the Committee will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMITTEE DISCUSSION AND ACTION.** It is the Committee's intention to make a recommendation this evening on each issue on the agenda. Design and Landmarks Committee recommendations are not appealable.
11. **MEETING CONTINUANCE.** Prior to the close of the first public meeting, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Design and Landmarks Committee will either continue the public meeting to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Design and Landmarks Committee:

Laurent Loosveldt, Chair
Michael Corrente, Vice Chair
Cynthia Schuster
(Vacant Position)
(Vacant Position)

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kever, Associate Planner
Vera Koliass, Associate Planner
Mary Heberling, Assistant Planner
Avery Pickard, Administrative Specialist II
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE
DESIGN AND LANDMARKS COMMITTEE
NOTES
Milwaukie City Hall
10722 SE Main St
Monday, June 5, 2017
6:30 PM**

COMMITTEE MEMBERS PRESENT

Lauren Loosveldt, Chair
Michael Corrente
Cynthia Schuster

MEMBERS ABSENT

None

STAFF PRESENT

Brett Kelper, Associate Planner (staff liaison)

OTHERS PRESENT

Greg Hemer, Milwaukie Historical Society
Michelle Hemer, Milwaukie Historical Society
Milo Denham, Milwaukie Historical Society
Ceci Denovo
Sarah Silva

1.0 Call to Order – Procedural Matters

Chair Lauren Loosveldt called the meeting to order at 6:36 p.m.

2.0 Design and Landmarks Committee Notes

2.1 May 1, 2017

Chair Loosveldt called for any revisions to the notes from the May meeting. There were none, and the notes were approved unanimously.

3.0 Information Items

Associate Planner Brett Kelper thanked everyone for being flexible with the meeting location, as there had been a conflict with the truancy court using the conference room, resulting in the Committee meeting shifting over to a much smaller room within the City Manager and Recorder's office portion of City Hall.

4.0 Audience Participation

Greg Hemer, Vice President of the Milwaukie Historical Society, was joined by **Milo Denham** and **Michelle Hemer** to present information about the "Lot's Loop" walking tour the historical society is working to put together. **Mr. Hemer** handed out a brochure for the Milwaukie Museum and a map of the proposed route. The tour would be self-guided, with numbered stops extending from City Hall downtown through Milwaukie Bay Park and Island Station, around Elk Rock Island, through Oak Grove, to the Park Avenue light rail station, up the Trolley Trail, and back through downtown. Participants can start at any point along the route, and each stop marker would have a QR code that could be scanned to connect to the historical society's website for a short video about that spot. Essentially, it is an advertisement for Milwaukie and Milwaukie businesses, with sponsorship opportunities at several different dollar levels.

They were looking for the Committee's endorsement of the overall project, as well as suggestions and feedback on sign samples. **Chair Loosveldt** asked whether the signs would tie in to the larger wayfinding signage being developed for downtown. **Mr. Hemer** said that was still a question being discussed and added that they wanted to the signs to be distinct but noticeable. He added that they were looking for direction on where to place the signs, whether

in the public right-of-way, on buildings themselves, or elsewhere.

Vice Chair Michael Corrente suggested that the map should label the various bike trails and paths or should include them in the legend as additional points of reference. **Mr. Denham** indicated that he is working to further develop the map and hopes to coordinate with Jordan Imlah in the City Manager's office to improve it. He noted that the original idea for Lot's Loop came from a desire to improve things in Milwaukie, including to boost tourism. They have been exploring the idea to tie in the schools, as there are a number of subjects that can be addressed at the various stops (history, ecology, etc.). **Mr. Hemer** said that the Museum has previously developed two walks, the lantern walk along the Trolley Trail and a historical walk downtown—Lot's Loop is essentially a combination of those two routes, with the addition of ecological and business-related stops.

Chair Loosveldt was concerned about branding and how the signs would reflect on Milwaukie, in the context of ensuring that they are maintained and are clearly identified as a Milwaukie effort. Perhaps the signs could be tied in to the larger wayfinding project downtown; if not, it might be important for them to have their own brand instead of being simple signs with no logo. Consistency was a key. She wondered whether someone could develop an app that would allow smartphone users to follow the route instead of a paper map, with GPS used to locate people along the loop. With that kind of technology, it would be easier to update information. **Mr. Denham** noted that the current version of the route is a starting point ("version 1.0") and that they expected to expand and improve it over time, but they wanted to get something up and running as soon as possible. **Member Cynthia Schuster** suggested that an aluminum screened sign be considered instead of engraved plastic, for durability.

Mr. Kelper attempted to summarize the Committee's suggestions, noting the ideas about materials as well as logo and branding. He suggested that the historical society group talk with the Public Works Department and also coordinate with the wayfinding signage program to understand whether there was an opportunity to integrate the Lot's Loop signs. **Mr. Hemer** thanked the Committee for its suggestions and noted that their larger hope is to expand the route through all neighborhoods in the city.

5.0 Public Meetings – None

6.0 Worksession Items

- 6.1 Downtown Design Guidelines Update, cont.
Staff Person: Brett Kelper, Associate Planner

Mr. Kelper introduced **Sarah Silva**, who had applied and been interviewed for one of the open spots on the Committee. She was attending to meet the members and get a feel for the group and what it is working on. The members quickly introduced themselves and **Ms. Silva** shared her background as an elementary school teacher for ELL (English Language Learners).

Mr. Kelper reopened the ongoing discussion of the Downtown Design Guidelines (DDG) update. **Vice Chair Corrente** unrolled a printout of the evaluation matrix he had created for comparing the guidelines with the downtown development standards. Both he and **Chair Loosveldt** had filled in their portions of the matrix; **Member Schuster** had been unable to access the online documents and **Mr. Kelper** had also not completed the matrix review. **Vice Chair Corrente** noted that so far, most of the specific evaluations had been very clear one way or another, with few "unsure" responses. **Member Schuster** suggested that the Architecture section needs to better match up with the current version of the code.

There was a suggestion that the evaluation matrix could be used by staff as a guide for preparing reports for the Committee and Planning Commission in the context of specific design

review applications. The matrix could help suggest which specific guidelines were relevant to a given project. Another suggestion was to identify the scope-of-work items that a third-party consultant could work on, to improve the way it looks and how it reads and what it conveys.

After further discussion about how to proceed, the group agreed that it was important to finish filling out the matrix, with all members looking at the entire list of elements. **Mr. Kelper** agreed to share the Word versions of the specific guidelines from the Milwaukie Character and Pedestrian Emphasis elements that the group has revised over the past year; **Vice Chair Corrente** agreed to post them to a shared online space where all members could review them and make additional suggestions. **Chair Loosveldt** agreed to try drafting a scope of work for the third-party consultant solicitation.

7.0 Other Business/Updates – None

8.0 Design and Landmarks Committee Discussion Items – None

9.0 Forecast for Future Meetings:

July 10, 2017	DDG revisions (<i>continued</i>)
August 7, 2017	TBD

Chair Loosveldt adjourned the meeting at 8:29 p.m.

Respectfully submitted,
 Brett Kelper, Associate Planner

Lauren Loosveldt, Chair

**CITY OF MILWAUKIE
DESIGN AND LANDMARKS COMMITTEE
NOTES**

**Milwaukie City Hall
10722 SE Main St
Monday, July 10, 2017
6:30 PM**

COMMITTEE MEMBERS PRESENT

Lauren Loosveldt, Chair
Michael Corrente

STAFF PRESENT

Brett Kelper, Associate Planner (staff liaison)

MEMBERS ABSENT

Cynthia Schuster

OTHERS PRESENT

Sarah Silva

1.0 Call to Order – Procedural Matters

Chair Lauren Loosveldt called the meeting to order at 6:36 p.m.

2.0 Design and Landmarks Committee Notes

2.1 June 5, 2017

Approval of the June 5 minutes was postponed until a quorum could be established.

3.0 Information Items

Associate Planner Brett Kelper noted that the August 7 meeting would involve two public meetings, one for Willamette Greenway review of the replacement Kellogg Bridge and the other for the mixed-used development proposed at 2036 SE Washington St. **Chair Loosveldt** offered some feedback about the Historic Resource demolition review that the group had conducted at the May meeting, observing that it felt a little uncomfortable to be deliberating in front of the applicant without more of a chance to confer as a group in advance. She also wondered how the group was supposed to know what happened next with the recommendations they make. **Vice Chair Michael Corrente** agreed that the process could have been clearer.

Mr. Kelper acknowledged that the open deliberation aspect of public meetings in general could feel awkward, particularly in the conference room setup, where there is no dais or presentation table to more formally delineate the spaces for the Committee and an applicant. He observed that it was also the group's first such review meeting and that there is a learning curve with the process that will improve with time and experience. He agreed it was important to clarify his role in future proceedings, to provide more guidance and direction when necessary and to more clearly frame the Committee's formal recommendations with respect to the larger process (using the example of the suggestion from that review meeting that a historical marker should be placed along Railroad Avenue near the historic property being demolished).

Regarding the question of tracking the Committee's recommendations, **Mr. Kelper** agreed that he could report back to the group and suggested that it would also be appropriate (and especially desired for significant projects) to have the Chair attend the related Planning Commission hearing to directly present the group's recommendation. There was a question about whether it was allowable for the members to communicate with one another in advance of a review meeting. **Mr. Kelper** speculated that it would not be advisable to do that, since it would be a form of deliberation and discussion outside the public meeting process. He agreed to check with the Planning Director and get back to the group. *[Note: Staff confirmed that it is not appropriate for members to discuss upcoming projects with each other outside the public meeting format.]*

4.0 Audience Participation – None

5.0 Public Meetings – None

6.0 Worksession Items

- 6.1 Downtown Design Guidelines Update, cont.
Staff Person: Brett Kever, Associate Planner

Having taken time to review the group's work to date, **Vice Chair Corrente** said he was satisfied with the proposed revisions to the Downtown Design Guidelines (DDG). The group then spent the rest of the meeting discussing the evaluation matrix, identifying several ways to use it to consider how the design guidelines relate to the design standards. One is to determine whether the guidelines can still be deemed to be applicable to most projects; another is to identify gaps in whether or how the design standards reflect the principles or ideals of the various guidelines. There may be new standards needed to address certain guidelines that may not be consistently captured in the current menu of design standards.

Mr. Kever asked for clarification about absent Member Cynthia Schuster's suggestion at a previous meeting to shuffle the guidelines within the Architectural element—**Chair Loosveldt** and **Vice Chair Corrente** explained the rationale of realigning those guidelines (and potentially all the other ones as well) to better match the various categories of design standards. **Mr. Kever** promised to send a blank version of the matrix to the group in advance of the upcoming design review meeting on August 7, and there was an extensive discussion about how best to use the matrix as an effective tool. **Chair Loosveldt** lobbied for being more definitive about which guidelines would regularly be applicable to specific design standards, or at least which would likely not be applicable in most cases.

On August 7, following the scheduled design review meetings, the group agreed to debrief afterwards with an eye toward both making the evaluation matrix more useful and identifying whether any new design standards might be needed in the code.

7.0 Other Business/Updates

Mr. Kever noted that the Committee is scheduled for a joint meeting with the Planning Commission to update the City Council at its October 17 meeting. He promised to confirm whether it was necessary or just encouraged for all members to attend, and he clarified that the October 17 meeting would be in addition to the group's regular first-Monday meetings in October and November.

For future meetings, the group expressed its preference for adjourning closer to 8:00 p.m. if possible, though members remain willing to stay a little later if necessary.

8.0 Design and Landmarks Committee Discussion Items – None

9.0 Forecast for Future Meetings:

- August 7, 2017 2 public meetings for design review
Sept 5, 2017 (*tent.*) TBD (*location might be at Pond House*)

Chair Loosveldt adjourned the meeting at 8:38 p.m.

Respectfully submitted,
Brett Kever, Associate Planner

Lauren Loosveldt, Chair



To: Design and Landmarks Committee

Through: Dennis Egner, Planning Director

From: Vera Koliass, Associate Planner

Date: July 31, 2017, for August 7, 2017 Public Meeting

Subject: Master File: #WG-2017-003

Applicant/Owner: City of Milwaukie, Engineering Division

Address: 11211 SE McLoughlin Blvd (Riverfront Park)

Legal Description (Map & Tax lot): 1S1E35AD01000

NDA: Historic Milwaukie; Island Station

ACTION REQUESTED

Recommend that the Planning Commission approve application WG-2017-003 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the removal and replacement of the Kellogg Creek Bridge with a newly constructed bridge. This project also includes an application (NR-2017-002) seeking approval for slope stabilization and restoration work on the south bank of Kellogg Creek to repair significant damage caused by the 2016 storm and high-water event, which is outside the purview of the Design and Landmarks Committee (DLC).

BACKGROUND INFORMATION

The City of Milwaukie has submitted an application for approval to remove the existing Kellogg Creek Bridge in Riverfront Park and replace it with a newly constructed bridge. The Kellogg Creek Bridge connects the main parking lot and boat ramp to the boat trailer parking area. The new bridge will continue to serve that function but will also incorporate a pedestrian crossing as part of the bridge. The project proposes a more efficient and aesthetically appropriate crossing within Riverfront Park.

The bridge replacement project involves the following:

- Construction of protective fencing and installation of required erosion control measures.

- Construction of a new structure with abutments outside of the ordinary high water and scour influence of Kellogg Creek Bridge including new structure, impact panels, bridge rails, wing walls, etc.
- Reconstruction of approaches to allow easier access for boat trailers onto the new bridge.
- Approach reconstruction includes: reconstruction of the roadway (curbs, asphalt, etc.), drainage, illumination and pedestrian facilities as well as restoration of traffic signal infrastructure, restoration and mitigation for disturbance to natural resources and water quality requirements
- Widen the structure to accommodate wider travel lanes and installation of an 8-ft sidewalk on downstream side connecting both parking lots with overlook and parking area.
- Remove the old structure and abutments and then stabilize and restore the streambanks and re-vegetate the area.

The project site is adjacent to the confluence of Kellogg Creek with the Willamette River. The site includes designated natural resource areas in the form of Water Quality Resource (WQR) and Habitat Conservation Area (HCA), and is entirely covered by the Willamette Greenway zoning overlay.

The proposed activity will be conducted in accordance with plans that require Natural Resource review as per MMC Section 19.402. The removal of the existing bridge and construction of a new bridge, in addition to substantial slope restoration work constitutes “development” in the context of the Willamette Greenway overlay on the site, requiring conditional use review as per MMC Section 19.401.

A. Site and Vicinity

The site is located at 11211 SE McLoughlin Blvd (Riverfront Park) (see Figure 1 with the bridge circled in red). The park property is comprised of multiple tax lots and is developed for open space use. The total site area is approximately 3.4 acres and is developed with parking areas, a restroom facility, seating and formal walking paths, a vehicular bridge spanning Kellogg Creek, and a dock.

To the east is McLoughlin Blvd and downtown Milwaukie, to the north of the park are residential areas, to the south is the Kellogg Creek Wastewater Treatment Plant, and the Willamette River is adjacent to the west.



Figure 1. Project site

B. Zoning Designations

The site is zoned Downtown Open Space OS (see Figure 2), with Water Quality Resource (WQR) and Habitat Conservation Area (HCA) designations for natural resources (see Figure 3) and the Willamette Greenway overlay covering the entire site.

C. Comprehensive Plan Designation

Park

D. Land Use History

- **2010:** Design Review, Variance, Transportation Plan Review, Willamette Greenway, and Water Quality Resource review for proposed Riverfront Park (file #s DR-09-01, TPR-09-03, VR-09-03, WQR-09-01 and WG-09-01). The request was approved.

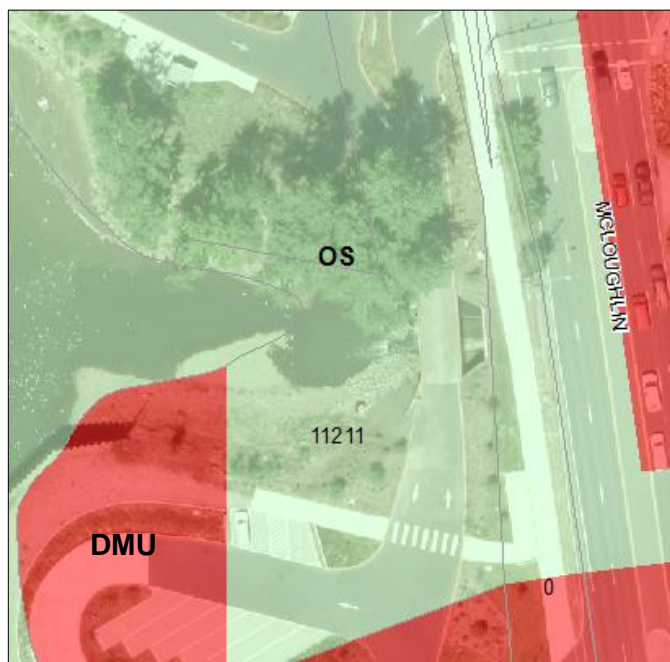


Figure 2. Zoning designations

E. Proposal

The applicant is seeking land use approval for temporary and permanent disturbance of designated natural resource areas and conditional use approval related to the Willamette Greenway overlay.

The proposed activity involves removing a vehicular bridge; stabilizing the adjacent steep slopes; replacing the bridge; and planting native species trees, shrubs, and groundcover to restore the project area. The applicant has submitted a Willamette Greenway vegetation buffer plan to address MMC 19.401.8. (see Figure 4).

The project requires approval of the following applications:

1. Willamette Greenway review (file #WG-2017-003)
2. Natural Resource review (file #NR-2017-002)

The Applicant's Narrative and Supporting Documentation includes more information and detail about the proposed activity (see Attachment 3). Note: Per MMC 19.401.6.I, the DLC is reviewing the Willamette Greenway application in order to submit a recommendation to the Planning Commission. The Natural Resources portion of this project is not being reviewed by the DLC.

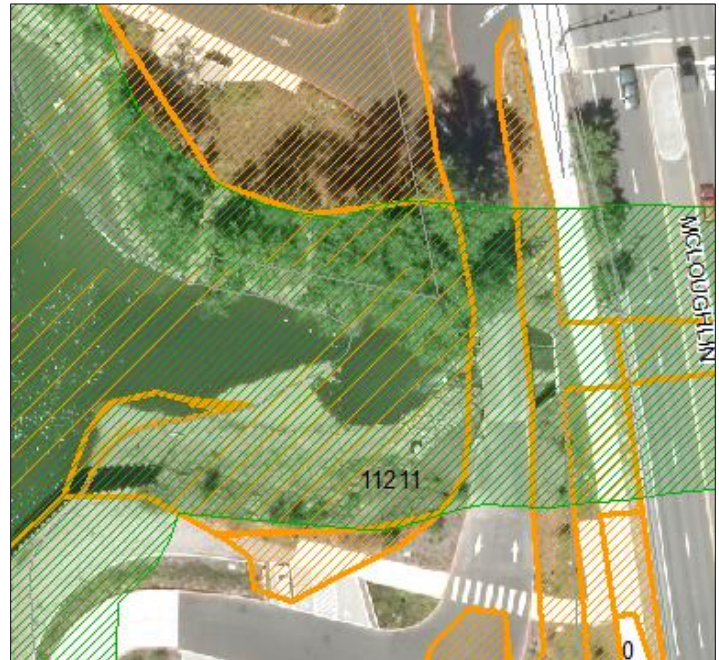


Figure 3. Natural resource designations

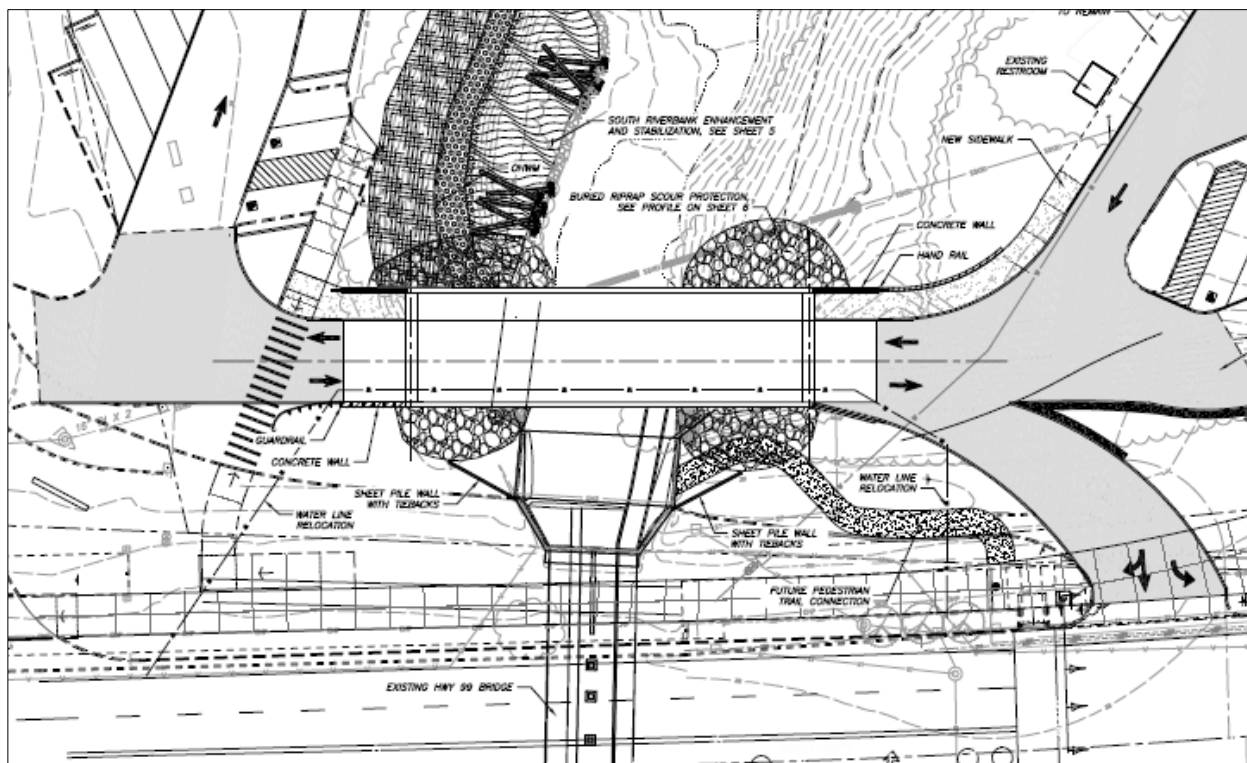


Figure 4. Proposed site plan

KEY ISSUES

Summary

Staff has identified the following key issue for the Committee's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Committee.

Analysis

Is the proposed bridge replacement project, and the bridge design, consistent with the objectives and policies for the Willamette Greenway?

The proposed activity is intended to replace the current bridge with one that is both more efficient and more aesthetically appropriate for Riverfront Park. It includes an 8-ft-wide pedestrian access way, which the current bridge does not. The removal of the old bridge abutments from the edge of the active channel will also improve the function of the creek at this location by widening the streambed.

The project will not create any perceptible change to the historic, economic or recreational character of the river. The scenic and natural character of both the Willamette River and Kellogg Creek will be enhanced by this project. Along with the bank stabilization and restoration activities done on the south bank of Kellogg Creek, the widening of the stream banks directly underneath the new bridge will result in lower velocities for Kellogg Creek and will make it more conducive for anadromous fish species. The stabilization and restoration of

the scoured and eroded portions of stream bank within the project area will enhance views from the Willamette River.

The character and aesthetic value of the views toward and away from the river will not be substantially altered by this project. Any impact will likely be positive due to the aesthetic design elements incorporated into the bridge, such as a decorative concrete rail and ornamental light stands (see Figure 6). The existing bridge does not include any decorative elements save for the existing ornamental light fixtures (see Figure 5). The proposed design is an improvement and will create a sense of permanence as well as serve as a gateway for people using Riverfront Park. Any disturbance of the stream banks directly associated with the bridge replacement will be returned to natural conditions.



Figure 5. Existing bridge with slope scour

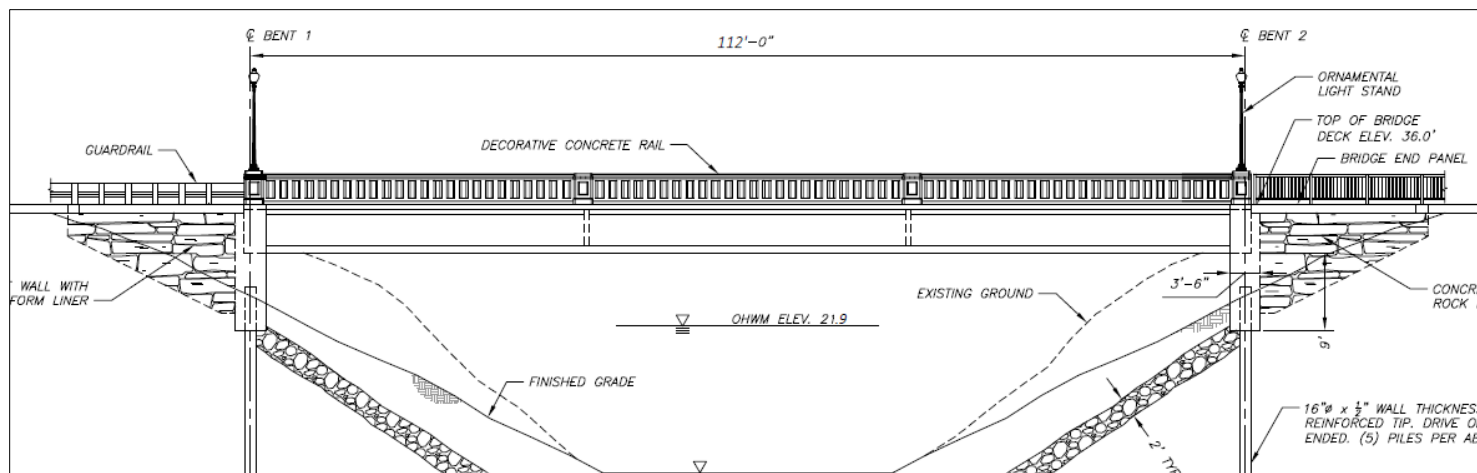


Figure 6. Proposed bridge profile

The removal of the existing bridge and construction of the new bridge will result in the following:

- Removal of the vertical concrete end-abutments from the waterway;
- Widening of the portion of the waterway directly beneath the new bridge; and
- Placement of rock for bank stabilization to address scour issues directly beneath the new bridge.

The streambanks directly adjacent to the new bridge will be replanted in accordance with the approved planting plan of the Riverfront Park Plan. The new bridge will incorporate aesthetic elements such as decorative concrete rail and incorporation of the current bridge illumination. The stabilization and restoration of the south bank area will result in a more natural and aesthetically pleasing stream bank environment.

The bridge is necessary to provide public access to the boat ramp and other elements of Riverfront Park. If this project is not undertaken, this access is in jeopardy. Construction schedule and planning has been structured to inhibit public access as minimally as possible. The bank stabilization and restoration activities on the south bank should have no impact on public access. The project helps ensure water-oriented and recreational uses remain possible at this location, as required by MMC 19.401.6.

The widening of the waterway beneath the new bridge will reduce the velocity of Kellogg Creek at the point, making the confluence of Kellogg Creek and the Willamette River more conducive to the development of fish habitat. The project will restore areas of the waterway immediately adjacent to the new bridge to a more natural state and will repair the erosion and scour issues occurring in the vicinity. Planting throughout the area will be done in accordance with the approved Riverfront Park Planting Plan (see Attachment 3.g).

CONCLUSIONS

A. Staff recommendation to the Design and Landmarks Committee is as follows:

1. Recommend approval of the Willamette Greenway conditional use application for the proposed bridge replacement and slope stabilization project. This will result in the

construction of a new Kellogg Creek Bridge and restoration of damaged bank area, and replacement plantings consistent with the approved Riverfront Park Planting Plan.

2. Recommend adoption of the attached Findings 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 19.401 Willamette Greenway
- MMC 19.402 Natural Resources
- MMC 19.905 Conditional Uses
- 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 applicable Willamette Greenway reviews, the Commission considers the DLC recommendation, assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Committee has 3 decision-making options as follows:

- A. Recommend approval of the application subject to the recommended Findings of Approval.
- B. Recommend approval of the application with modified Findings of Approval. Such modifications need to be read into the record.
- C. Recommend denial of the application upon finding that it does not meet approval criteria.

The final decision on the application, which includes any appeals to the City Council, must be made by October 20, 2017, 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 was given to the following agencies and persons: City of Milwaukie Community Development, Building, and Engineering Departments; Clackamas Fire District #1; Historic Milwaukie and Island Station Neighborhood District Associations (NDAs); Clackamas County; Metro; Oregon Department of Transportation; Oregon Marine Board; Oregon Department of Fish and Wildlife; Oregon Division of State Lands Wetlands and Waterways; Oregon Parks and Recreation; and North Clackamas Parks and Recreation District.

The comments received are summarized as follows:

- a. **Alex Roller, Engineering Tech II, Milwaukie Engineering Department:** comments related to the requirement of a stormwater management plan which have been included in the conditions of approval.

- b. **Rob Livingston, Environmental Services Coordinator, Milwaukie Public Works Department:** comments relative to the submitted erosion control plan, which have been provided to the applicant for review and response.
- c. **Tom Madden, Historic Milwaukie Neighborhood Land Use Committee Chair:** The NDA has no objections to the proposed project.

ATTACHMENTS

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

	DLC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation received July 7, 2017			
a. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Impact Evaluation and Alternative Analysis	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. WQR and HCA Mitigation Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Willamette Greenway Vegetation Buffer Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Construction Management Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Erosion Control Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Plan set	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Riverfront Park Planting Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

DLC 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 DLC meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/design-and-landmarks-committee-72>.

ATTACHMENT 1
Recommended Findings in Support of Approval
File # WG-2017-003
Kellogg Creek Bridge Replacement

Staff has prepared the following Findings in Support of Approval for the review by the Milwaukie Design and Landmarks Committee (DLC) of application WG-2017-003. Following the DLC review of the proposal, the DLC's recommended findings will be incorporated into the staff report to the Milwaukie Planning Commission (PC) for the public hearing on this proposal.

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, the City of Milwaukie Engineering Department, has applied for approval to remove the existing Kellogg Creek Bridge in Riverfront Park and replace it with a newly constructed bridge. The Kellogg Creek Bridge connects the main parking lot and boat ramp to the boat trailer parking area. The new bridge will continue to serve that function but will also incorporate a pedestrian crossing as part of the bridge. The Riverfront Park site consists of multiple tax lots, addressed as 11211 SE McLoughlin Blvd, and is zoned Downtown Open Space OS with Natural Resource and Willamette Greenway overlays. The proposed activity triggers land use review against the applicable standards of the Natural Resource and Willamette Greenway sections of the zoning code. The land use application master file number is WG-2017-003 with associated file number NR-2017-002.
2. The proposed activity involves removing a vehicular bridge; stabilizing the adjacent steep slopes; replacing the bridge; and planting native species trees, shrubs, and groundcover to restore the project area. The applicant has submitted a Willamette Greenway vegetation buffer plan to address MMC 19.401.8.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.304 Downtown Zones
 - MMC 19.401 Willamette Greenway
 - MMC 19.402 Natural Resources
 - MMC 19.905 Conditional Uses
 - MMC 19.1006 Type III Review

The proposed activity does not result in the expansion of any existing structures. The municipal code relies on an increase in building square footage to calculate vehicle trip generation to and from the site. The Engineering Department has determined that MMC Chapter 19.700 Public Facility Improvements does not apply to this application.

4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on August 22, 2017, as required by law.
5. MMC Section 19.401 Willamette Greenway Zone

MMC 19.401 establishes standards for the Willamette Greenway overlay designation. The subject property is entirely within the Willamette Greenway zone as shown on the City's zoning map.

 - a. MMC Subsection 19.401.5 Procedures

MMC 19.401.5 establishes procedures related to proposed uses and activities in the Willamette Greenway zone. Development in the Willamette Greenway zone requires conditional use review, subject to the standards of MMC Section 19.905 and in accordance with the approval criteria established in MMC Subsection 19.401.6.

The removal of the existing bridge and construction of a new bridge, in addition to substantial stope restoration work constitutes “development” in the context of the Willamette Greenway overlay on the site, requiring conditional use review as per MMC Section 19.401. The proposed activity is subject to the conditional use review standards of MMC 19.905 and the approval criteria of MMC 19.401.6.

b. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

- (1) Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan

The State Willamette River Greenway Plan defines “lands committed to urban use” in part as “those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate.”

The land on which this project takes place has already been approved for park use. The land is committed to an urban use.

- (2) Compatibility with the scenic, natural, historic, economic, and recreational character of the river

The project area is adjacent to and overlooks the confluence of Kellogg Creek with the Willamette River. The project will not create any perceptible change to the historic, economic or recreational character of the river. The scenic and natural character of both the Willamette River and Kellogg Creek will be enhanced by this project. Along with the bank stabilization and restoration activities done on the south bank of Kellogg Creek, the widening of the stream banks directly underneath the new bridge will result in lower velocities for Kellogg Creek and will make it more conducive for anadromous fish species. The south bank activities will include large woody debris (LWD) and other elements to increase fish habitat. The stabilization and restoration of the scoured and eroded portions of stream bank within the project area will enhance views from the Willamette River.

- (3) Protection of views both toward and away from the river

The project area is adjacent to the river and includes steep slopes on the site. The character and aesthetic value of the views toward and away from the river will not be substantially altered by this project. Any impact will likely be positive due to the aesthetic design elements incorporated into the bridge such as a decorative concrete rail and ornamental light stands. The existing bridge does not include any decorative elements save for the existing ornamental light fixtures. The proposed design is an improvement and will create a sense of permanence as well as serve as a gateway for people using Riverfront Park. Any disturbance of the stream banks directly associated with the bridge replacement will be returned to natural conditions.

- (4) Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable

The removal of the existing bridge and construction of the new bridge will result in the following: removal of the vertical concrete end-abutments from the waterway, a widening of the portion of the waterway directly beneath the new bridge, and placement of rock for bank stabilization to address scour issues directly beneath the new bridge. The streambanks directly adjacent to the new bridge will be replanted in accordance with the approved planting plan of the Riverfront Park Plan. The new bridge will incorporate aesthetic elements such as stained rock façade, decorative concrete rail and incorporation of the current bridge illumination. The stabilization and restoration of the south bank area will result in a more natural and aesthetically pleasing stream bank environment.

- (5) Public access to and along the river, to the greatest possible degree, by appropriate legal means

The Kellogg Creek bridge is necessary to provide public access to the boat ramp and other elements of Riverfront Park. If this project is not undertaken, this access is in jeopardy. Construction schedule and planning has been structured to inhibit public access as minimally as possible. The bank stabilization and restoration activities on the south bank should have no impact on public access.

- (6) Emphasis on water-oriented and recreational uses

The project helps ensure “water-oriented and recreational uses” remain possible at this location by decreasing the chances of complete stream bank failure.

- (7) Maintain or increase views between the Willamette River and downtown

This project will maintain and enhance the current view between the Willamette River and downtown.

- (8) Protection of the natural environment according to regulations in Section 19.402

An application for Natural Resources review has been submitted along with the subject application. The intent of the proposed activity is to repair and restore the existing natural area on the site, a significant portion of which includes WQR and HCA natural resource designations. The proposed activity will be reviewed against the standards for natural resource protection as provided in MMC Section 19.402. The project includes mitigation for impacts to the designated natural resource areas on the subject property and will improve the overall ecological health of the natural environment. In-water work will follow Oregon Department of Fish & Wildlife guidelines and will involve isolation and fish removal if necessary. The project area will be re-planted in accordance with the approved Riverfront Park Planting Plan. All disturbed soils will be returned to original or enhanced conditions.

- (9) Advice and recommendations of the Design and Landmark Committee, as appropriate

The Design and Landmarks Committee (DLC) reviewed and submitted a recommendation to the Planning Commission on August 7, 2017.

(10) Conformance to applicable Comprehensive Plan policies

The Willamette Greenway Element in the Milwaukie Comprehensive Plan includes policies related to land use, public access and view protection, and maintenance of private property. These policies include the requirement of a conditional use permit for new development and intensification of existing uses, evaluation of development impacts to visual corridors, and limitations on authorizing the unrestricted public use of private land.

The Natural Hazards Element includes policies that prohibit development in known areas of natural disasters and hazards without appropriate safeguards. The Open Spaces, Scenic Areas, and Natural Resources Element includes policies to conserve open space and protect and enhance natural and scenic resources.

The proposed activity is being reviewed through the Willamette Greenway conditional use process as provided in MMC Subsection 19.401.5. The project will not significantly or permanently impact visual corridors. The proposed activity maintains and improves public access to the river. The proposed project is also being reviewed through the general discretionary review process for natural resource areas as provided in MMC Section 19.402.

(11) The request is consistent with applicable plans and programs of the Division of State Lands

The proposed activity is not inconsistent with any known plans or programs of the Department of State Lands (DSL). This project does include removal-fill activities within the waters of the state and the appropriate permits from DSL U.S. Army Corps of Engineers will be acquired before any remove-fill activities take place within Kellogg Creek.

(12) A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C

The proposed activity involves stabilization of a steep slope on the site, with accompanying plantings to repair and restore riverbank areas damaged by scour following a December 2015 high-water storm event. The applicant's materials include a mitigation plan that proposes to restore the bank where the existing access road will be removed with native grasses and plant a vegetation buffer area adjacent to the location where the slope will be stabilized. 3 trees have been tagged from removal per the approved Riverfront Park plan. They will be removed as part of this project. No additional trees will be removed from within the Willamette Greenway vegetation buffer and scenic views will not be significantly affected over the long term. The proposed activity will enhance the vegetation buffer area. In addition, while some minor removal of vegetation will occur during this project, the overall goal of the project is to restore vegetation that has been lost due to erosion, scour and past development practices. Planting throughout this area will be done in accordance with the Riverfront Park Planting Plan (See Attachment 3.h).

The Planning Commission finds that the proposed activity meets all relevant approval criteria provided in MMC 19.401.6.

The Planning Commission finds that the proposed activity meets all applicable standards of the Willamette Greenway zone.

6. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional uses, including standards for reviewing modifications to existing conditional uses. As noted in Finding 6-a and as provided in MMC Subsection 19.401.5.A, activities within the Willamette Greenway zone that trigger Willamette Greenway review are subject to the provisions of Section 19.905 as conditional uses.

a. MMC Subsection 19.905.3 Review Process

MMC 19.905.3 establishes the process by which a new conditional use, or a major or minor modification of an existing conditional use, must be reviewed.

As noted in Finding 6-a, the proposed development is an activity within the Willamette Greenway zone that requires review as a conditional use. The existing use on the subject property is a city park, which is an allowed use in the underlying Downtown Open Space zone OS. The proposed activity involves removing and replacing an existing bridge spanning Kellogg Creek, as well as slope stabilization and plantings, which represents a major modification to the existing use.

MMC 19.905.3.A requires that a major modification of an existing conditional use be evaluated through the Type III review process per MMC Section 19.1006.

b. MMC Subsection 19.905.4 Approval Criteria

MMC 19.905.4.A establishes the approval criteria for a new conditional use or a major modification to an existing conditional use.

- (1) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

The subject property is a park approximately 3.4 acres in size. The property is developed with parking areas, a restroom facility, seating and formal walking paths, a vehicular bridge spanning Kellogg Creek, and a dock. The site is adjacent to the confluence of Kellogg Creek and the Willamette River and includes WQR and HCA natural resource areas. The proposed activity is intended to provide a more efficient and aesthetically appropriate bridge crossing and repair significant slope damage due to scour and erosion.

The Planning Commission finds that this standard is met.

- (2) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

The subject property is an active public park that is adjacent to Kellogg Creek and the Willamette River. The project area is located at the confluence of Kellogg Creek and the Willamette River and includes replacement of the existing bridge crossing and streambank slope stabilization, repair and restoration. The bridge and the slopes in question are visible from both the river and from McLoughlin Blvd. The project is intended to improve the existing conditions both in the performance and aesthetics of the bridge, but also in the health and stability of the stream banks. The project's impacts on nearby uses will be minimal.

The Planning Commission finds that this standard is met.

- (3) All identified impacts will be mitigated to the extent practicable.

The primary impact of the proposed activity will be the temporary disturbance of the designated natural resource areas (WQR and HCA) on the site. The project includes planting native species of trees, shrubs, and groundcover to mitigate the disturbance.

The Planning Commission finds that this standard is met.

- (4) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The proposed activity will not result in any different use of the subject property than currently exists and will not generate any unmitigated nuisance impacts.

The Planning Commission finds that this standard is met.

- (5) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

The subject property is in the Downtown Open Space Zone OS. The proposed project is in keeping with existing public park use as well as the approved development plans for Riverfront Park.

As addressed in these Findings, the proposed activity will comply with the relevant standards of the Natural Resource and Willamette Greenway overlay zones, respectively. As addressed elsewhere in Finding 6, the proposed activity is compliant with the other standards of MMC 19.905.

The Planning Commission finds that this standard is met.

- (6) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

As addressed in Finding 5-b-10, the proposed development is consistent with all relevant policies in the Comprehensive Plan.

The Planning Commission finds that this standard is met.

- (7) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

The Engineering Department has reviewed the proposal and confirmed that existing public transportation facilities and public utilities are adequate to serve the proposed development.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets all of the approval criteria outlined in MMC 19.905.4.A for a major modification to an existing conditional use.

c. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 establishes the types of conditions that may be imposed on a conditional use to ensure compatibility with nearby uses. Conditions may be related to a number of issues, including access, landscaping, lighting, and preservation of existing trees.

The Planning Commission finds that, as proposed, the new development sufficiently mitigates any negative impacts as proposed and that no additional conditions are necessary to ensure compatibility with nearby uses.

d. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes standards for issuance of a conditional use permit, including upon approval of a major modification of an existing conditional use. The provisions include a requirement to record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

An advisory note has been included with the conditions of approval to outline the conditional use permit process.

The Planning Commission finds that the proposed development is consistent with the relevant standards established in MMC 19.905 for conditional uses.

7. As per MMC Subsection 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 two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC Subsection 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.

8. The application was referred to the following departments and agencies on July 14, 2017:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Operations Department (Environmental Services Division)
- Clackamas Fire District #1
- Historic Milwaukie and Island Stations Neighborhood District Associations (NDAs) Chairperson and Land Use Committee (LUC)
- Oregon Parks and Recreation Department
- Oregon Department of State Lands (DSL)
- Oregon Department of Fish and Wildlife
- Oregon State Marine Board
- Oregon Department of Transportation (ODOT)

The comments received are summarized as follows:

- a. **Alex Roller, Engineering Tech II, Milwaukie Engineering Department:** comments related to the requirement of a stormwater management plan which have been included in the conditions of approval.
- b. **Rob Livingston, Environmental Services Coordinator, Milwaukie Public Works Department:** comments relative to the submitted erosion control plan, which have been provided to the applicant for review and response.

- c. **Tom Madden, Historic Milwaukie Neighborhood Land Use Committee Chair:**
The NDA has no objections to the proposed project.

ATTACHMENT 2
Recommended Conditions of Approval
File #s WG-2017-003; NR-2017-002,
Kellogg Creek Bridge Replacement Project

Conditions

1. At the time of submittal of the associated development permit application(s), the following shall be resolved:
 - 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 July 7, 2017, except as otherwise modified by these conditions.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various point in the development and permitting process.

1. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon approval of an application to allow major modification of an existing conditional use (including Willamette Greenway conditional uses). The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.
2. Development Standards

Projects affecting designated natural resources are subject to the standards provided in MMC Subsection 19.402.11.A for protection of natural resources during development. In addition, projects requiring mitigation for impacts to natural resource areas are subject to the standards provided in MMC Subsection 19.402.11.B, including survival rates, minimum plant sizes, and others.
3. Erosion Control

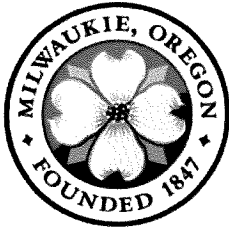
Provide a revised Erosion Control plan that addresses issues identified by the Environmental Services Coordinator.
4. Limitations on Development Activity

Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC 8.08.070(I).
5. 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 two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (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.



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

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

Application for Land Use Action

Master File #: WG-2017-003, NR-2017-002

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

Willamette Greenway Review

Natural Resource Review

...

...

...

- Use separate application forms for:**
- Annexation and/or Boundary Change
 - Compensation for Reduction in Property Value (Measure 37)
 - Daily Display Sign
 - Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Rick Buen - City of Milwaukie

Mailing address: 6101 SE Johnson Creek Blvd, Milwaukie, OR Zip: 97206

Phone(s): 503-786-7602 E-mail: buenr@milwaukieoregon.gov

APPLICANT'S REPRESENTATIVE (if different than above): Randy Reeve and Aaron Sherwood

Mailing address: 4790 NW Anthony Place, Albany, OR Zip: 97321

Phone(s): 541-231-9475 E-mail: rreeve@reevesherwood.com

SITE INFORMATION:

Address: 11211 SE McLoughlin Blvd, Milwaukie, OR 97222 Map & Tax Lot(s): 11E35AD-01000

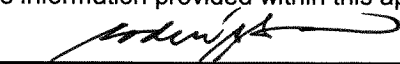
Comprehensive Plan Designation: P Zoning: OS Size of property: 1.46 Acres

PROPOSAL (describe briefly):

The proposed project will replace the Kellogg Creek Bridge (BR #22142), as well as make additional improvements to the crossing, in Milwaukie Riverfront Park.

SIGNATURE:

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

Submitted by:  Date: 07-06-17

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

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

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

REVIEW TYPES:

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

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

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	RECEIVED JUL _ 7 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT
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)

INTRODUCTION

This document fulfills the application requirements for a land use application to the City of Milwaukie for the Kellogg Creek Bridge Emergency Replacement Project, located within Riverfront Park. This document supports the concurrent review of this project in regards to the following:

- Willamette Greenway Review (Type III)
- Natural Resource Review (Type III)

This document summarizes the work to be done for this project and its compliance with the approval criteria and development standards of the Milwaukie Municipal Code (MCC) Sections 19.401 (Willamette Greenway Zone) and 19.402 (Natural Resources). Compliance with these criteria and standards is outlined both in this document and the following attached appendices:

- Impact Evaluation and Alternatives Analysis (Appendix A)
- HCA Mitigation Plan (Appendix B)
- Willamette Greenway Vegetation Buffer Plan (Appendix C)
- Construction Management Plan (Appendix D)
- Erosion Control Plan (Appendix E)

PROJECT NARRATIVE

Existing Uses

This project will replace an existing bridge within Riverfront Park that connects the main parking lot and boat ramp to the boat trailer parking area. The south bank of Kellogg Creek was damaged during a recent high-water event and the resulting scour and erosion issues are threatening the integrity of the bank itself, a sanitary infrastructure access point and the south end of the existing bridge.

Proposed Uses

The proposed uses of the project area post-project are essentially unchanged. The new bridge will still serve to connect the two parking lots, but will also incorporate a pedestrian crossing as part of the bridge. The south bank will be stabilized and restored to a more natural condition and will contain elements that will increase fish habitat and usage within the Kellogg Creek-Willamette River confluence.

Proposed Construction

The proposed construction of the Kellogg Creek Bridge Emergency Replacement Project will help correct the current scour and erosion issues that have damaged the south bank and the area around the sanitary manhole cover by doing bank stabilization and adding fish habitat structures and vegetation. The project will also create a more efficient and aesthetically appropriate crossing within Milwaukie Riverfront Park. The project will involve the following:

- Construction of protective fencing and installation of required erosion control measures.
- Construction of a new structure with abutments outside of the ordinary high water and scour influence of Kellogg Creek Bridge including new structure, impact panels, bridge rails, wing walls, etc.
- Reconstruction of approaches to allow easier access for boat trailers onto the new bridge.
- Approach reconstruction includes: reconstruction of roadway (curbs, asphalt, etc.), drainage, illumination and pedestrian facilities as well as restoration of traffic signal infrastructure, restoration and mitigation for disturbance to natural resources and water quality requirements.

- Widen structure to accommodate wider travel lanes and installation of 8' sidewalk on downstream side connecting both parking lots with overlook and parking area.
- Design and construction of a new 10" waterline within the new structure and abandonment of the existing waterline on the old structure.
- Reconstruction of currently over-steepened south bank between the existing bridge and the existing soldier pile wall, reestablishing the bank around the sanitary sewer manhole and raise the manhole cover and providing streambank improvements.
- Establish vegetation onto streambanks similar to previously approved Riverfront Park planting guidelines. (Plan Sheets 5 and 5A and Riverfront Park Planting Plan sheets).
- Isolation and fish removal for any areas where in-water work will occur.
- Placement of three (3) multi-log structures to enhance fish usage in Kellogg Creek (discussed and approved by ODFW).
- Construct temporary sheet pile wall from the Highway 99 bridge over to re-sloped streambank. (see Plan Sheet 7). This sheet pile wall is to hold back Highway 99 embankment temporarily since we are moving the new bridge downstream slightly, moving the end abutments further away from the creek and fully removing the old bridge. Currently, the Kellogg Creek Bridge abutments are containing the Hwy 99 fill. This sheet pile will be removed when ODPT reconstructs the Hwy 99 Bridge.
- Remove old structure and abutments and then restore streambanks and vegetate the area.
- Planting and seeding the areas and then, once established, removing all of the protective fencing and erosion control measures.

This work will be done all below the 100- year flood elevation since the current bridge is below this elevation (~36' NAVD 88). The project does impact some of the previously planted vegetation which will be dug up if impacted and then replanted after construction is complete. Some low quality vegetation on the south bank which is within the vegetation buffer for Kellogg Creek will be impacted as the over-steepened bank is worked on but the area will be fully replanted as previously described. The end product will be a well-vegetated streambank and improved habitat due to the placement of large woody debris (LWD) in three large structures at the toe of slope on the south bank. The removal of the old bridge abutments from the edge of the active channel will also improve the function of the creek at this location by widening the streambed.

COMPLIANCE WITH APPROVAL CRITERIA AND DEVELOPMENT STANDARDS

The property on which this portion of the Kellogg Creek Bridge Emergency Replacement Project will take place is zoned Open Space (OS) and is within the Willamette Greenway and Natural Resources overlays. Therefore, the project work will need to be in compliance with or exempted from the base zone standards given in MMC Section 19.300, the Willamette Greenway standards given in MMC Section 19.401 and the Natural Resources standards in MMC Section 19.402. Compliance with or exemption from the approval criteria and development standards are discussed below.

Base Zone Standards (19.300)

The project addressed in this application consists of replacement of the current bridge and bank stabilization and restoration activities within an existing park. The Open Space Base Zone standards do not directly address projects of this nature, as this project is not technically a structure and not listed in Table 19.304.2, nor does it fall under prohibited or non-conforming uses.

Willamette Greenway (19.401)

The approval criteria given in MCC 19.401.6 are met as follows:

- A. *Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan* – The land on which this project takes place has already been approved for park use.
- B. *Compatibility with the scenic, natural, historic, economic, and recreational character of the river* – The project will not create any perceptible change to the historic, economic or recreational character of the river. The scenic and natural character of both the Willamette River and Kellogg Creek will be enhanced, however, by this project. Along with the bank stabilization and restoration activities done on the south bank of Kellogg Creek, the widening of the stream banks directly underneath the new bridge will result in lower velocities for Kellogg Creek and makes is much more conducive for fish species use. The south bank activities will include large woody debris (LWD) and other elements to increase fish habitat. The stabilization and restoration of the scoured and eroded portions of stream bank within the project area will enhance views from the Willamette River.
- C. *Protection of views both toward and away from the river* – The character and aesthetic value of the views toward and away from the river will not be substantially altered by this project. Any impact will likely be positive due to the aesthetic design elements incorporated into the bridge (see Plan Sheets 9 and 10) and the restoration of the south bank area. Any disturbance of the stream banks directly associated with the bridge replacement will be returned to natural conditions.
- D. *Landscaping, aesthetic enhancement, open space and vegetation between the activity and the river, to the maximum extent practicable* – The removal of the existing bridge and construction of the new bridge will result in the following: removal of the vertical concrete end-abutments from the waterway, a widening of the portion of the waterway directly beneath the new bridge, and placement of rock for bank stabilization to address scour issues directly beneath the new bridge. The streambanks directly adjacent to the new bridge will be replanted in accordance with the approved planting plan of the Riverfront Park Plan. The new bridge will incorporate aesthetic elements such as stained rock façade, decorate concrete rail and incorporation of the current bridge illumination. The stabilization and restoration of the south bank area will result in a more natural and aesthetically pleasing stream bank environment.
- E. *Public access to and along the river, to the greatest possible degree, by appropriate legal means* – The bridge in question is necessary to provide public access to the boat ramp and other elements of Riverfront Park. If this project is not under taken, this access is in jeopardy. Construction schedule and planning has been structured to inhibit public access as minimally as possible. The bank stabilization and restoration activities on the south bank should have no impact on public access.
- F. *Emphasis on water-oriented and recreational uses* – The project helps ensure “water-oriented and recreational uses” remain possible at this location by decreasing the chances of complete stream bank failure.

- G. *Maintain or increase views between the Willamette River and downtown* – This project will maintain the current view between the Willamette River and downtown.
- H. *Protection of the natural environment according to regulations in Section 19.402* – The attached appendices will be followed in order to meet the approval criteria and standards of MCC 19.402. In-water work will follow ODFW guidelines and will involve isolation and fish removal if necessary. Project area will be re-planted in accordance with the Riverfront Park Planting Plan. All disturbed soils will be returned to original or enhanced conditions.
- I. *Advice and recommendations of the Design and Landmark Committee, as appropriate:* No advice or recommendations from the Design and Landmark Committee were received for this specific project.
- J. *Conformance to applicable Comprehensive Plan policies* – This project will conform to the “Open Spaces, Scenic Areas and Natural Resources” element of the Environmental and Natural Resources portion of the Comprehensive Plan. The project will create no new negative impacts to the resources of Kellogg Creek. The rock placed directly beneath the new bridge will protect the stream banks from the erosion and scour that is happening currently. The widening of the waterway beneath the new bridge will reduce the velocity of Kellogg Creek at the point, making the confluence of Kellogg Creek and the Willamette River more conducive to the development of fish habitat. The project will restore areas of the waterway immediately adjacent to the new bridge to a more natural state and will repair the erosion and scour issues occurring in the vicinity. Placement of the LWD in the south bank area will improve fish habitat within Kellogg Creek. In-water work will occur in accordance with Oregon Department of Fish and Wildlife (ODFW) timing requests.
- K. *The request is consistent with applicable plans and programs of the Division of State Lands* – This project does include removal-fill activities within the waters of the state and the appropriate permits from the Oregon Department of State Lands U.S. Army Corps of Engineers will be acquired before any remove-fill activities take place within Kellogg Creek.
- L. *A vegetation buffer plan meeting the conditions of Subsections 19.401.8A through C.* – This project falls within the Riverfront Park Plan and will be subject to the Vegetation Buffer Plan included in that project for this specific area. In addition, while some minor removal of vegetation will occur during this project, the overall gist of the project is to actually restore vegetation that has been lost due to erosion, scour and past development practices. Planting throughout this area will be done in accordance with the Riverfront Park Planting Plan.

Natural Resources (19.402)

It has been determined by the City of Milwaukie that, per MCC 19.402.4(A.3.) that the bridge replacement portion of project is exempt from the regular Natural Resources criteria review. This portion of the project has been deemed an emergency action due to the nature of the scour and erosion activity that has taken place within the project area and that is threatening various elements of City of Milwaukie public access and sanitary infrastructure. Any “impacts to the designated natural resource resulting from [this] emergency action” will be repaired in such a way to meet the Willamette Greenway criteria above. **However, in order to meet MCC 19.401.6H, both portions of the project will addressed in the Natural Resources plans and analysis.**

Approval Criteria

Compliance with the requirements of MCC 19.402.12 are discussed in the Kellogg Creek Bridge Emergency Replacement in the attached Impact Evaluation and Alternatives Analysis (Appendix A), HCA Mitigation Plan (Appendix B) and Willamette Greenway Vegetation Buffer Plan (Appendix C). It is not possible to avoid some minor initial impact to the natural resources. However, all these impacts will be minimized and mitigated. Due to the nature of the bank stabilization and restoration activities associated with this project, this project will result in a net improvement and restoration of the natural resources within the project area.

Development Standards

Compliance with the standards of MCC 19.402.11 is outlined in the attached Impact Evaluation and Alternatives Analysis (Appendix A), HCA Mitigation Plan (Appendix B), Willamette Greenway Vegetation Buffer Plan (Appendix C), Construction Management Plan (Appendix D) and Erosion Control Plan (Appendix E).

APPENDIX A: IMPACT EVALUATION AND ALTERNATIVE ANALYSIS

The City of Milwaukee conducted an alternative analysis and concluded that the Kellogg Creek Bridge needed to be replaced (per the Milwaukee Riverfront Park Bridge Report). The city then put this project out to bid as a design-build project. The various teams looked at the proposed project and developed various methods and designs on building this bridge and stabilizing the over-steepened and eroding streambank. The City of Milwaukee picked the HP Civil team as having the best way to address all of the various issues. The team analyzed various bridge designs and concluded that lengthening the bridge and lowering the profile as low as possible was the best alternative. Widening the bridge was also looked at and by doing so it allowed pedestrian better access to the boat parking area. The bridge will be 8 feet wider so as to accommodate a sidewalk outside of the travel lanes.

The impacts of these actions are a bridge foot print that is closer to the Willamette River by approximately 35 feet. The benefit of this design is that the stream will not be restricted as it currently is by the old bridge end abutments that are currently on the edge of the water. The new end abutments will be way outside of the active channel and the stream banks will be sloped back to allow for unrestricted flow. The old bridge structure will be fully removed and, due to the high amount of erosion that is occurring, the banks will have rock placed so as to eliminate bank erosion. The current manhole on the sewer line will be raised and the area around it fortified with rock.

The streambanks downstream on this feature were looked at for various ways of stabilization methods. Full rock from toe of slope to top was looked at, but this method would not allow for native vegetation to be reestablished effectively. A fully bio-engineered hillside was looked at but due to the large volume of water the concern here was the high failure rate would be likely. A compromise was finally agreed to that incorporated rock and large woody debris (LWD) at the toe of slopes followed by rock that would go partially up the hill but would be buried with dirt so vegetation could be established. Biodegradable matting will be placed on top of the dirt to keep the dirt in place until vegetation is established.

Oregon Department of Fish and Wildlife has concluded that LWD placed in groupings would be beneficial in creating fish habitat for the area. They also agreed that planting the streambank would benefit multiple species as well as being aesthetically pleasing for the park users.

Various reports commissioned for the Riverfront Park project were consulted for this project including the Milwaukee Riverfront Park Bridge Report, Geotechnical Engineering Report and Stormwater Report. For propriety reasons, they are not able to attached to this application, but they are available as standalone documents.

APPENDIX B: WQR AND HCA MITIGATION PLAN

Mitigation Requirements

MMC 19.402.11A

This project will comply with all standards listed in MMC 19.402.11A.

MMC 19.402.11B

All temporary or disturbances permanent disturbances will be either restored or mitigated. The permanent disturbances associated with the bridge replacement portion of the project are technically exempted from the requirements of MMC 19.402 due to its emergency nature (per MMC 19.402(A.3)). The new bridge will place its end abutments outside of OHW and remove fill from the creek banks and bed, thus allowing a more natural creek channel. The removal of the old bridge abutments will reduce the velocity of the creek by widening the channel. This action combined with the addition of fish habitat structures downstream more than mitigates for the temporary and permanent impacts to Kellogg Creek. The south bank portion of the project is self-mitigating. Plantings within the project will comply with the previously approved Riverfront Park Planting Plan.

MMC 19.402.11C

Per Table 19.402.11C, the existing conditions of the WQR (Kellogg Creek) within the project area is Class C – “Poor” (see attached photo). The requirements for this classification of existing conditions will be met by compliance with the Riverfront Park Planting Plan.

MMC 19.402.11D

Not applicable for this project.

MMC 19.402.11E

Not applicable for this project.

Looking west towards
Willamette River, from
existing bridge





Looking south towards south bank of Kellogg Creek, from north bank

APPENDIX C: WILLAMETTE GREENWAY VEGETATION BUFFER PLAN

Requirements

The entirety of the bank stabilization and restoration activities associated with the south bank portion of the project area and the areas impacted by the bridge replacement work fall within the “buffer strip of native vegetation” defined by “a location 25 ft. upland from the ordinary high water line (MMC 19.401.8A). Due to scour and erosion issues that have created the need for this project, minimal native vegetation remains within the portions of this buffer that the project will impact. Indeed, the very purpose of the slope stabilization and restoration work on the south bank of Kellogg Creek is to reestablish the vegetation that has previously been eliminated (see attached site photos). This project will address the requirements of MMC 19.401.8B as follows:

1. *Riverbank Stabilization* – As stated previously, bank stabilization is a central purpose of this project (see “Project Narrative” and Appendix D: Construction Management Plan).
2. *Scenic View Protection* – This project will enhance and restore the scenic views within the project area by restoring native vegetation to areas where it has been previously eliminated due to scour and erosion. This project will also follow the previously approved Riverfront Park Planting Plan (see attached).
3. *Retain Existing Native Vegetation and Large Trees* – This specific project will not remove any large trees (though some trees have been identified to be removed in this area in association with other Riverfront Park actions). Some low quality vegetation on the south bank of r Kellogg Creek will be impacted as the over-steepened bank is worked on, but the area will be fully replanted per the Riverfront Park Planting Plan.
4. *Restore Native Vegetation* – As previously stated, the project area will be replanted in accordance with the Riverfront Park Planting Plan.
5. *Enhance Vegetation Buffer Area* - As previously stated, the project area will be replanted in accordance with the Riverfront Park Planting Plan.
6. *Security that the Plan will be Carried Out* – All elements of this plan are included in a contractual agreement with the City of Milwaukie, who will oversee the completion of this project.

Plantings in this area will be salvaged and replanted

This vegetation may end being mostly removed, but this area will be replanted according to the Riverfront Park Planting Plan

Looking south towards south bank of Kellogg Creek, from north bank



APPENDIX D: CONSTRUCTION MANAGEMENT PLAN

Introduction

This memo addresses the construction management plan requirements of Milwaukie Municipal Code (MMC) Subsection 19.402.D for the bridge replacement and slope stabilization work at the south end of Riverfront Park. The Kellogg Creek Bridge (BR #22142) is located at roughly 11211 SE McLoughlin Blvd. The proposed project will improve access to the Milwaukie Riverfront Park. This plan is required per development standard 10 of MMC 19.402.11.A “Protection of Natural Resources During Site Development.”

Project Description

The Kellogg Creek Bridge Emergency Replacement Project is a project that will replace the current parking lot/overlook access bridge (BR #22142) adjacent to the west side of the Hwy 99E Bridge over Kellogg Creek with a single, joint-use structure (vehicles and pedestrian). While creating a more efficient and aesthetically appropriate crossing within Milwaukie Riverfront Park, this project will also help correct current scouring issues that have damaged the south bank and area around the sanitary manhole cover by doing bank stabilization and adding fish habitat structures and vegetation. The project will include the following:

- Construction of protective fencing and installation of required erosion control measures.
- Construction of a new structure with abutments outside of the ordinary high water and scour influence of Kellogg Creek Bridge including new structure, impact panels, bridge rails, wing walls, etc.
- Reconstruction of approaches to allow easier access for boat trailers onto the new bridge.
- Approach reconstruction includes: reconstruction of roadway (curbs, asphalt, etc.), drainage, illumination and pedestrian facilities as well as restoration of traffic signal infrastructure, restoration and mitigation for disturbance to natural resources and water quality requirements.
- Widen structure to accommodate wider travel lanes and installation of 8’ sidewalk on downstream side connecting both parking lots with overlook and parking area.
- Design and construction of a new 10” waterline within the new structure and abandonment of the existing waterline on the old structure.
- Reconstruction of currently over-steepened south bank between the existing bridge and the existing soldier pile wall, reestablishing the bank around the sanitary sewer manhole and raise the manhole cover and providing streambank improvements.
- Establish vegetation onto streambanks similar to previously approved Riverfront Park planting guidelines. (Plan Sheets 5 and 5A and Riverfront Park Planting Plan sheets).
- Isolation and fish removal for any areas where in-water work will occur.
- Placement of three (3) multi-log structures to enhance fish usage in Kellogg Creek (discussed and approved by ODFW).
- Remove old structure and abutments and then restore streambanks and vegetate the area.
- Construct temporary sheet pile wall from the Highway 99 bridge over to re-sloped streambank. (see Plan Sheet 7). This sheet pile wall is to hold back Highway 99 embankment temporarily since we are moving the new bridge downstream slightly, moving the end abutments further away from the creek and fully removing the old bridge. Currently, the Kellogg Creek Bridge abutments are containing the Hwy 99 fill. This sheet pile will be removed when ODPT reconstructs the Hwy 99 Bridge.

- Planting and seeding the areas and then, once established, removing all of the protective fencing and erosion control measures.

This work will be done all below the 100- year flood elevation since the current bridge is below this elevation (~36' NAVD 88). The project does impact some of the previously planted vegetation which will be dug up if impacted and then replanted after construction is complete. Some low quality vegetation on the south bank which is within the vegetation buffer for Kellogg Creek will be impacted as the over-steepened bank is worked on but the area will be fully replanted as previously described. The end product will be a well-vegetated streambank and improved habitat due to the placement of large woody debris (LWD) in three large structures at the toe of slope on the south bank. The removal of the old bridge abutments from the edge of the active channel will also improve the function of the creek at this location by widening the streambed.

Compliance with MMC 19.402.9.B

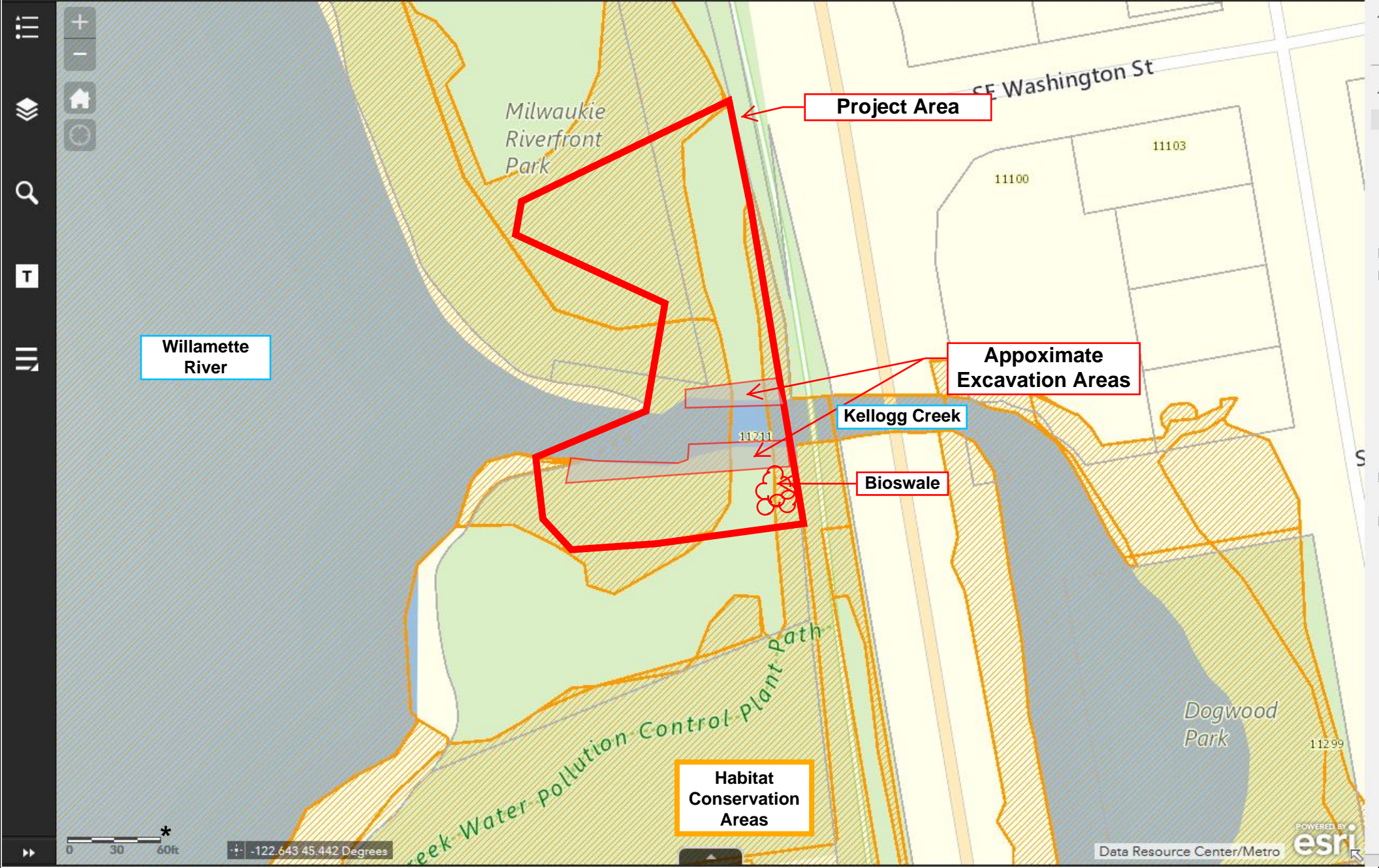
1. *Description of work to be done* – see Project Description section of this memo
2. *Scaled site plan showing demarcation of WQRs, HCAs, and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.* - (see attached Habitat Conservation Areas Map)
3. *Location of site access and egress that construction equipment will use* - (see attached Proposed Access Points sheet) The site currently has vehicular, pedestrian and equipment access from Highway 99 and from the north end of Riverfront Park. Machinery access down the south bank to place the LWD structures and do the bank stabilization work will be kept to a minimum and all access points will be incorporated into the bank stabilization work and thus fully removed. Removal of the old bridge will be from the ends of the bridge and these areas will be re-sloped with the placement of rock and soil as the machinery pulls out so the creek will have a wider opening than currently available.
4. *Equipment and Material staging and stockpile areas* - (see Plan Sheet 3)
5. *Erosion and sediment control measures* - The erosion control methods employed for this project include perimeter controls, wattles, sediment fencing, biodegradable erosion control matting, seeding, and permanent vegetation (see Appendix E: Erosion Control Plan and attached Construction Management Site Plan)
6. *Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA* - Protective fencing will be placed so no work occurs outside of the fencing and will also help in keeping the public from getting into the work areas.

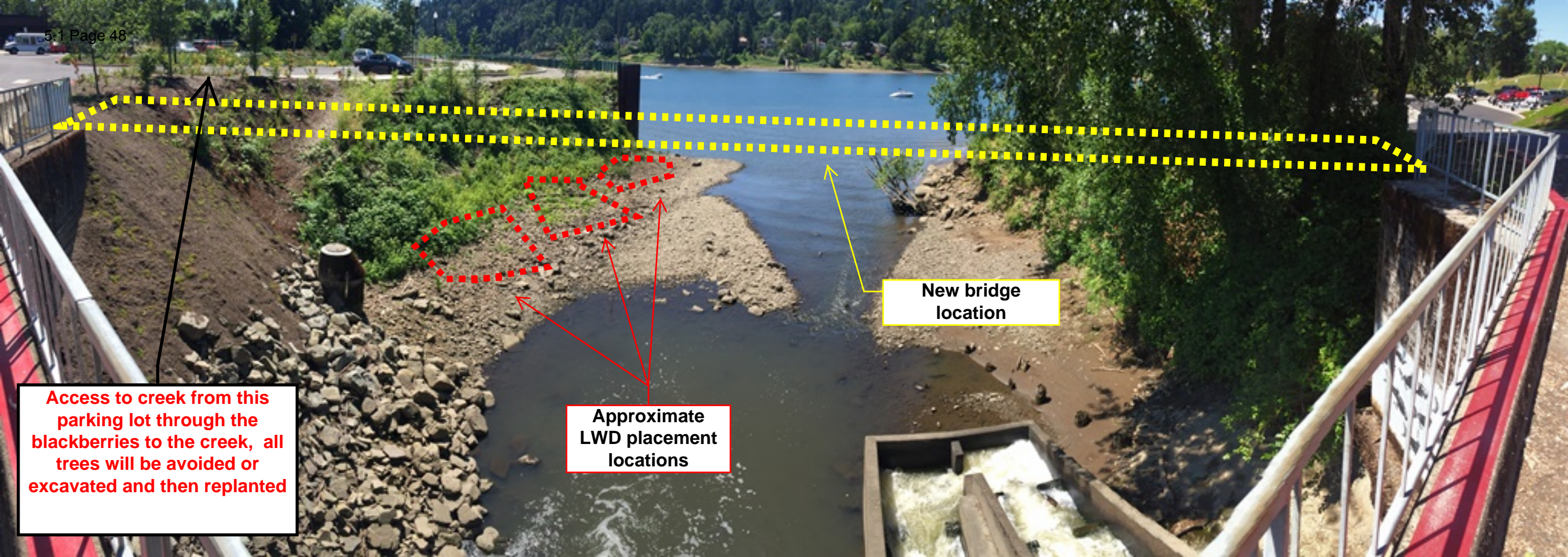
Attachments

Construction Management Site Plan Sheets (at end of document)

Habitat Conversation Areas Map

Proposed Access Points Plan Sheet





New bridge location

Approximate LWD placement locations

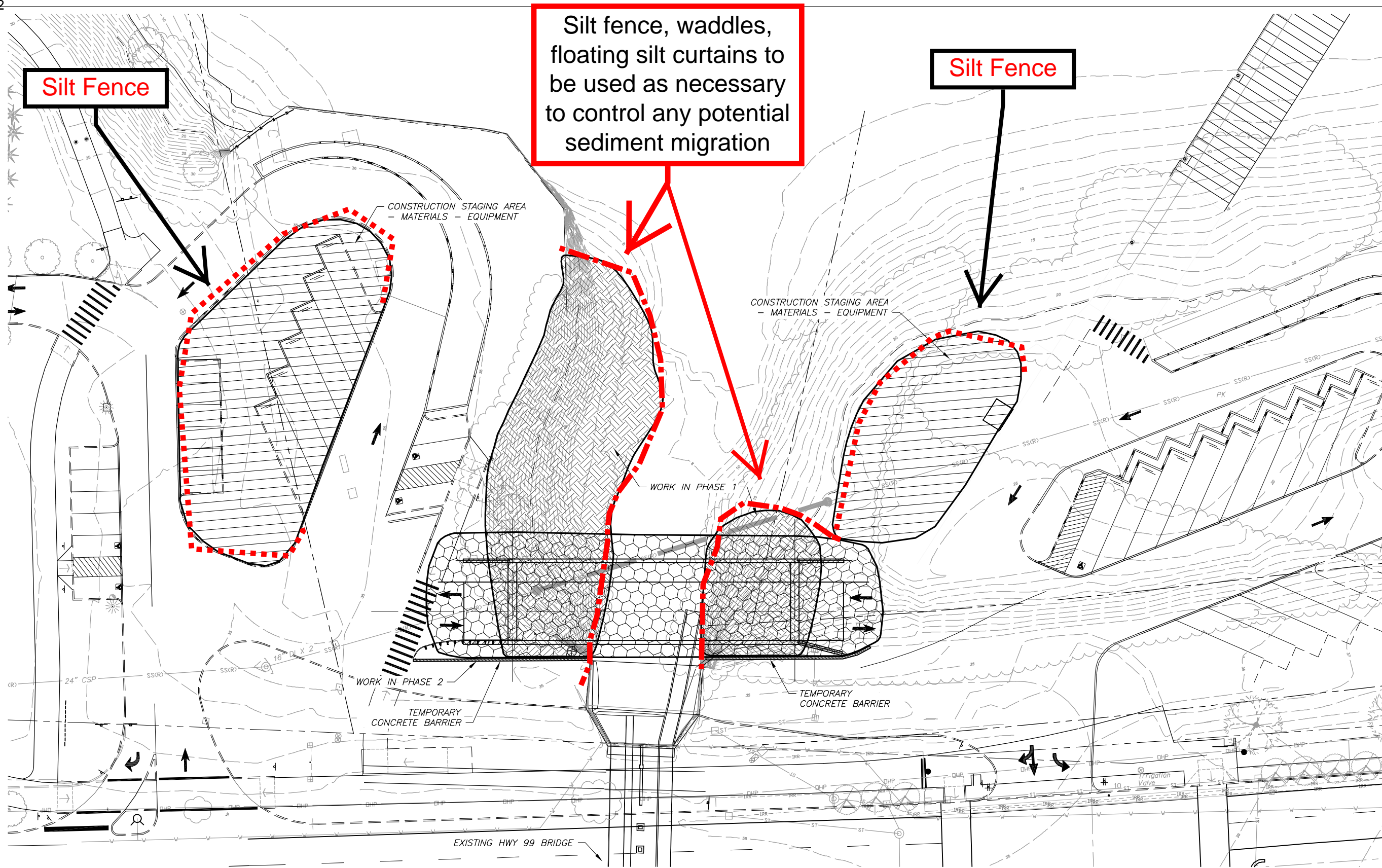
Access to creek from this parking lot through the blackberries to the creek, all trees will be avoided or excavated and then replanted

APPENDIX E: EROSION CONTROL PLAN

Erosion Control

Prior to the initiation of construction work, the work areas will be clearly marked out so that the impacts from construction will be limited to the designated areas shown on the attached Erosion Control Plan sheet. Erosion control measures will consist of silt fence, bio bags, straw waddles and biodegradable matting. Construction of the fish habitat and bank stabilization actions will be completed as much as practicable in the dry during low flow and low tide periods. Any work in the water will only be done after the area has been de-fished and isolated through the use of cofferdams, sandbags, floating silt curtains etc. All fish removal will be done in close association with Oregon Department of Fish and Wildlife and with a fish salvage permit.

Soils placed over any buried rock will have biodegradable matting placed on it and then planted with the appropriate seeds and plants as designated in the Riverfront Park Planting Plan.



Silt fence, waddles, floating silt curtains to be used as necessary to control any potential sediment migration

Silt Fence

Silt Fence

- EXISTING TRAFFIC FLOW IS MAINTAINED.
- PROVIDE 20 MINUTE TRAFFIC CLOSURES (FLAGGING) FOR PILE DRIVING AND ERECTION OF GIRDERS

PHASES 1 & 2
 1. AUGUST - OCTOBER 2017 - ALL WORK BELOW OHWM
 2. OCTOBER 2017 - APRIL 2018 - CONSTRUCT NEW BRIDGE

Erosion control plan



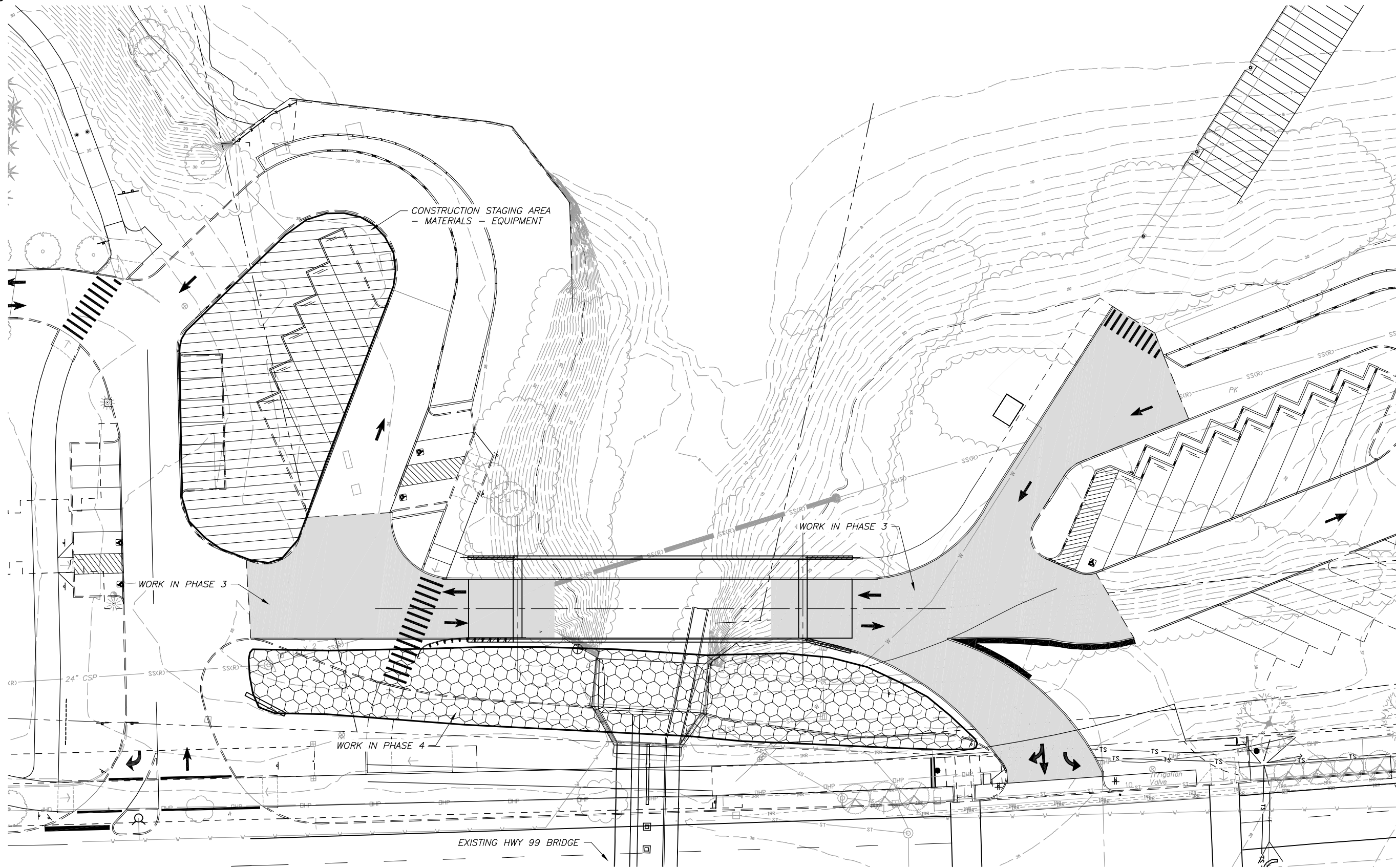
808 SW Third Avenue
 Suite 300
 Portland, Oregon 97204
 Phone: (503) 287-6825
 FAX: (503) 415-2304
 www.otak.com

KELLOGG CREEK BRIDGE (BR #22142)
 EMERGENCY REPLACEMENT
 CITY OF MILWAUKIE, OREGON

ENGINEER:	NB	DATE:	04-13-17
DRAWN:	NB	CHECKED:	DS
DESCRIPTION			
NO.			
DATE			

R E V I S I O N S

Plotted: Apr 17, 2017 - 4:28pm
 ncb
 I:\PROJECT\18300\18300\CADD\DWG\18300-BR02 - Staging Phases 1 and 2.dwg
 Layout Name: Construction Staging Plan 1



PHASES 3 & 4
 3. APRIL 2018 - MAY 2018
 4. MAY 2018 - SEPTEMBER 2018

- APPROACH TIE-INS, PAVING
- PARK CLOSURE (2 WEEKS) - TRUCKS FROM PLANT - RIGHT TO SOUTH BOUND LANE
- BRIDGE DEMOLITION, SHEET PILE WALL
- NO CLOSURE, INTERMEDIATE 20 MINUTE CLOSURES (FLAGGING)

CONSTRUCTION STAGING PLAN - PHASES 3 & 4
 1" = 20'-0"



808 SW Third Avenue
 Suite 300
 Portland, Oregon 97204
 Phone: (503) 287-6825
 FAX: (503) 415-2304
 www.otak.com

KELLOGG CREEK BRIDGE (BR #22142)
 EMERGENCY REPLACEMENT
 CITY OF MILWAUKIE, OREGON
 CONSTRUCTION STAGING PLAN - PHASES 3 & 4

ENGINEER:	NB	DATE:	04-13-17
DRAWN:	NB	CHECKED:	DS
DESCRIPTION			
NO.			
DATE			

SHEET NO.	4
OF	10
JOB NO.	18328

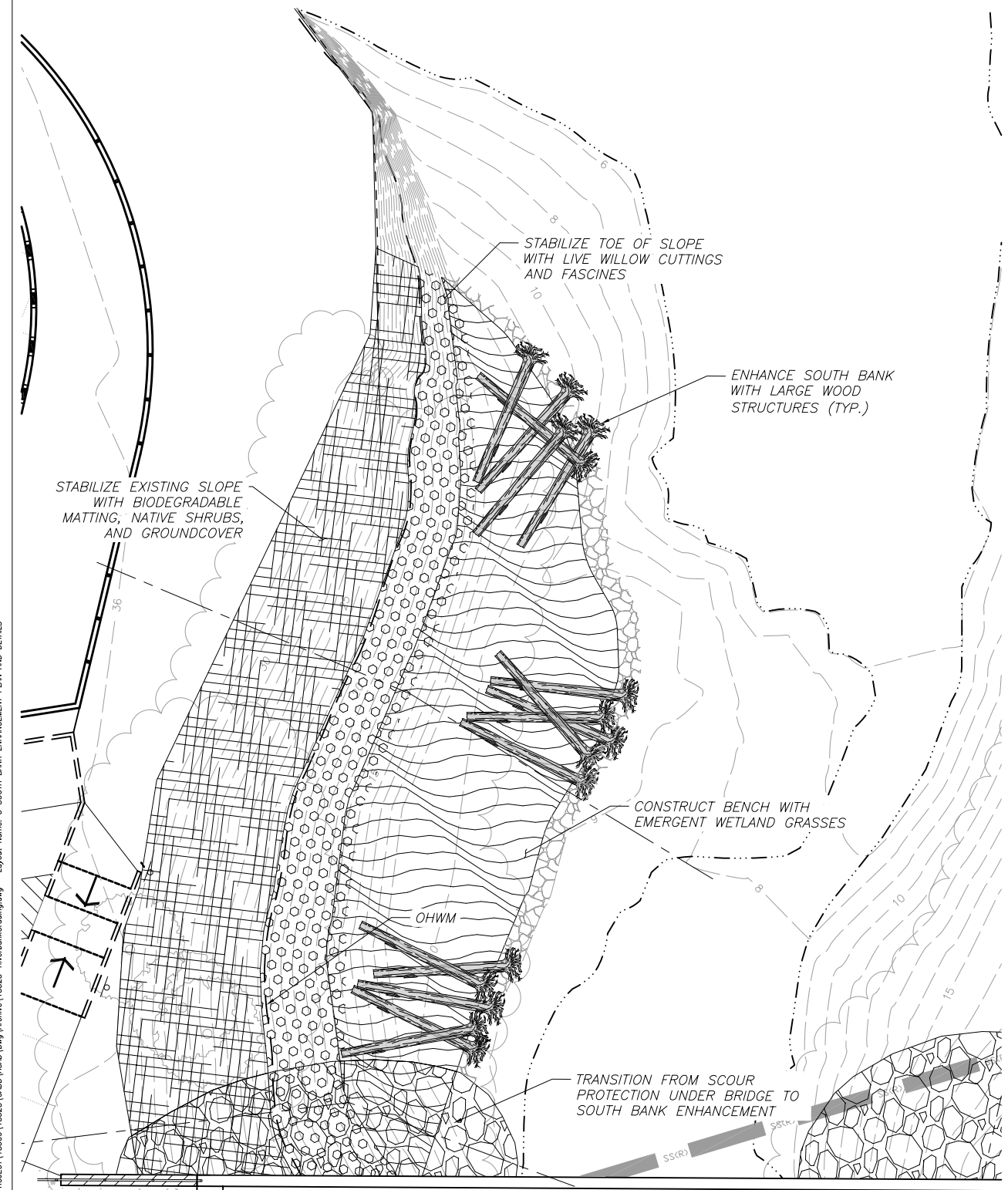
Plotted: Apr 17, 2017 - 4:28pm
 ncb
 I:\PROJECT\18328\CAD\DWG\18328-BR03 - Staging Phases 3 and 4.dwg
 Layout Name: Construction Staging Plan 1

otak
 808 SW Third Avenue
 Suite 300
 Portland, Oregon 97204
 Phone: (503) 287-6825
 FAX: (503) 415-2304
 www.otak.com

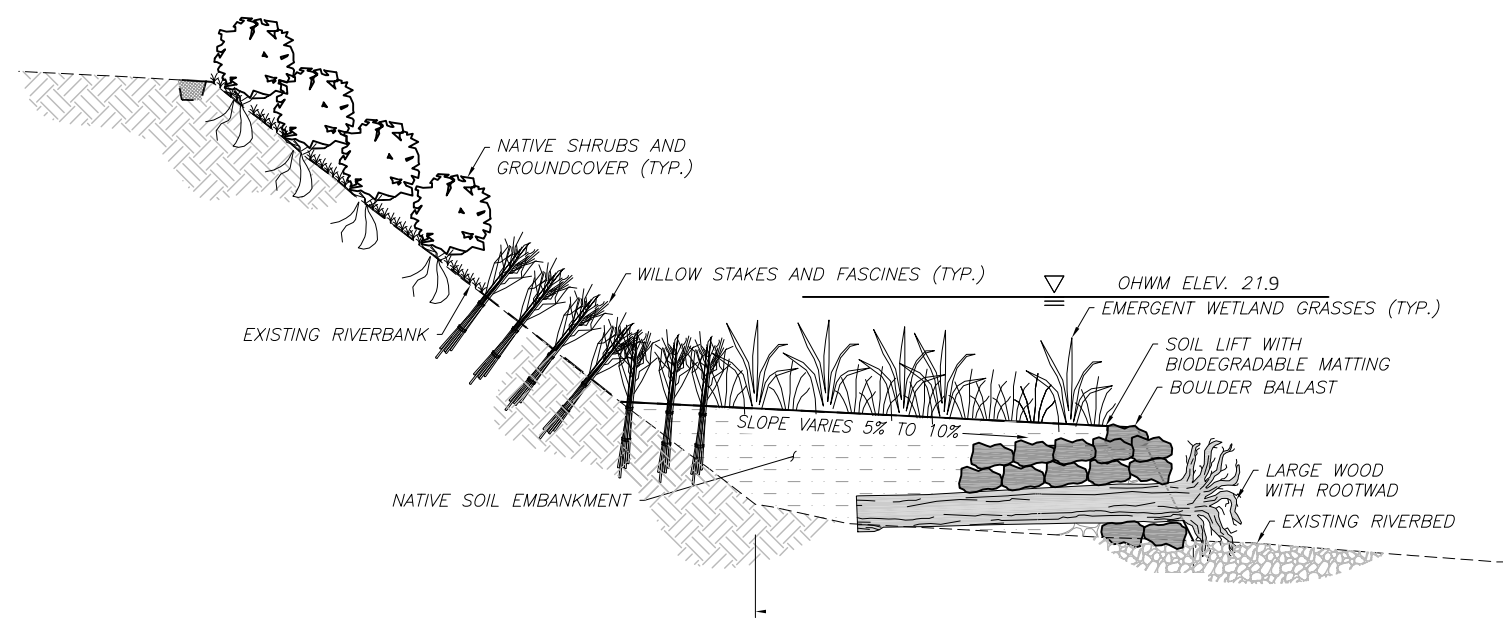
KELLOGG CREEK BRIDGE (BR #22142)
 EMERGENCY REPLACEMENT
 CITY OF MILWAUKIE, OREGON
 SOUTH BANK ENHANCEMENT PLAN AND DETAILS

ENGINEER:	KJT
DRAWN:	MCK
CHECKER:	KJT
DATE:	04-15-17

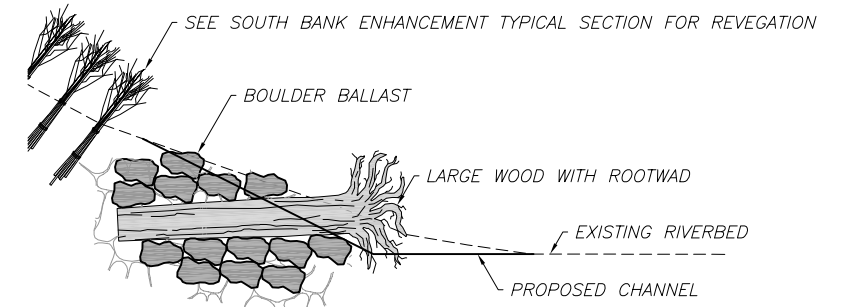
SHEET NO.	5	
	5	10
JOB NO.	18328	




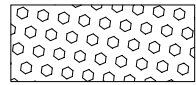

SOUTH BANK GRADING PLAN



SOUTH BANK ENHANCEMENT TYPICAL SECTION
 NOT TO SCALE

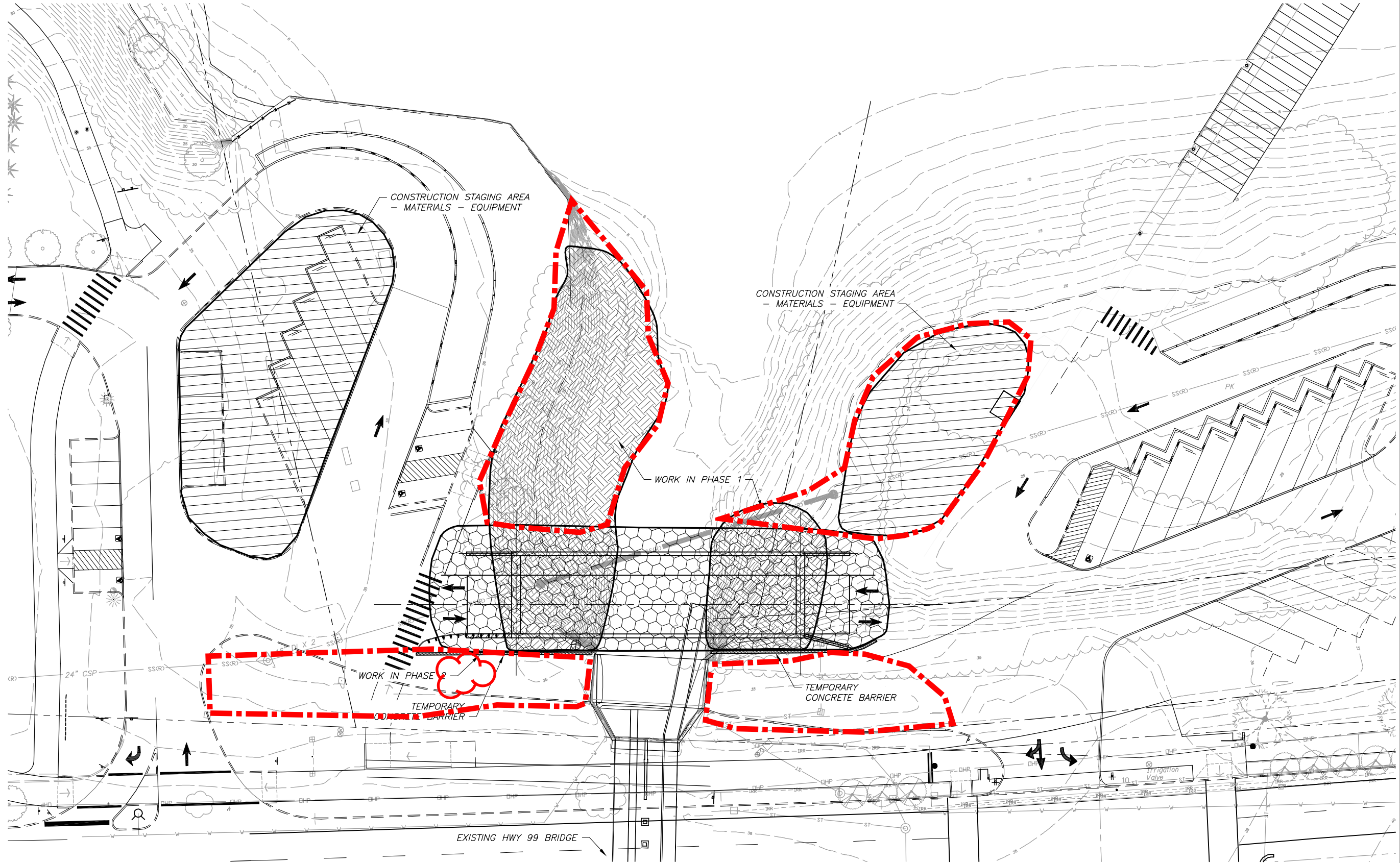


SOUTH BANK TRANSITION TYPICAL SECTION
 NOT TO SCALE

-  UPLAND: NATIVE SHRUBS AND GROUNDCOVER
-  RIPARIAN: WILLOW STAKES AND FASCINES
-  EMERGENT: NATIVE WETLAND GRASSES

Plotted: Jun 25, 2017 9:22am melaniem
 V:\PROJECT\183001_18328\CADD\Draw\Archive\18328-RiverbankGrading.dwg Layout Name: 5 SOUTH BANK ENHANCEMENT PLAN AND DETAILS

otak
 808 SW Third Avenue
 Suite 300
 Portland, Oregon 97204
 Phone: (503) 287-6825
 FAX: (503) 415-2304
 www.otak.com



KELLOGG CREEK BRIDGE (BR #22142)
 EMERGENCY REPLACEMENT
 CITY OF MILWAUKIE, OREGON
 CONSTRUCTION STAGING PLAN - PHASES 1 & 2


ENGINEER:	NB	DATE:	04-13-17
DRAWN:	NB	CHECKED:	DS
DESCRIPTION			
NO.			
DATE			

SHEET NO.
 3 **5-A** 10
 JOB NO.
 18328

- EXISTING TRAFFIC FLOW IS MAINTAINED.
- PROVIDE 20 MINUTE TRAFFIC CLOSURES (FLAGGING) FOR PILE DRIVING AND ERECTION OF GIRDERS

PHASES 1 & 2
 1. AUGUST - OCTOBER 2017 - ALL WORK BELOW OHWM
 2. OCTOBER 2017 - APRIL 2018 - CONSTRUCT NEW BRIDGE

 Proposed Bioswale

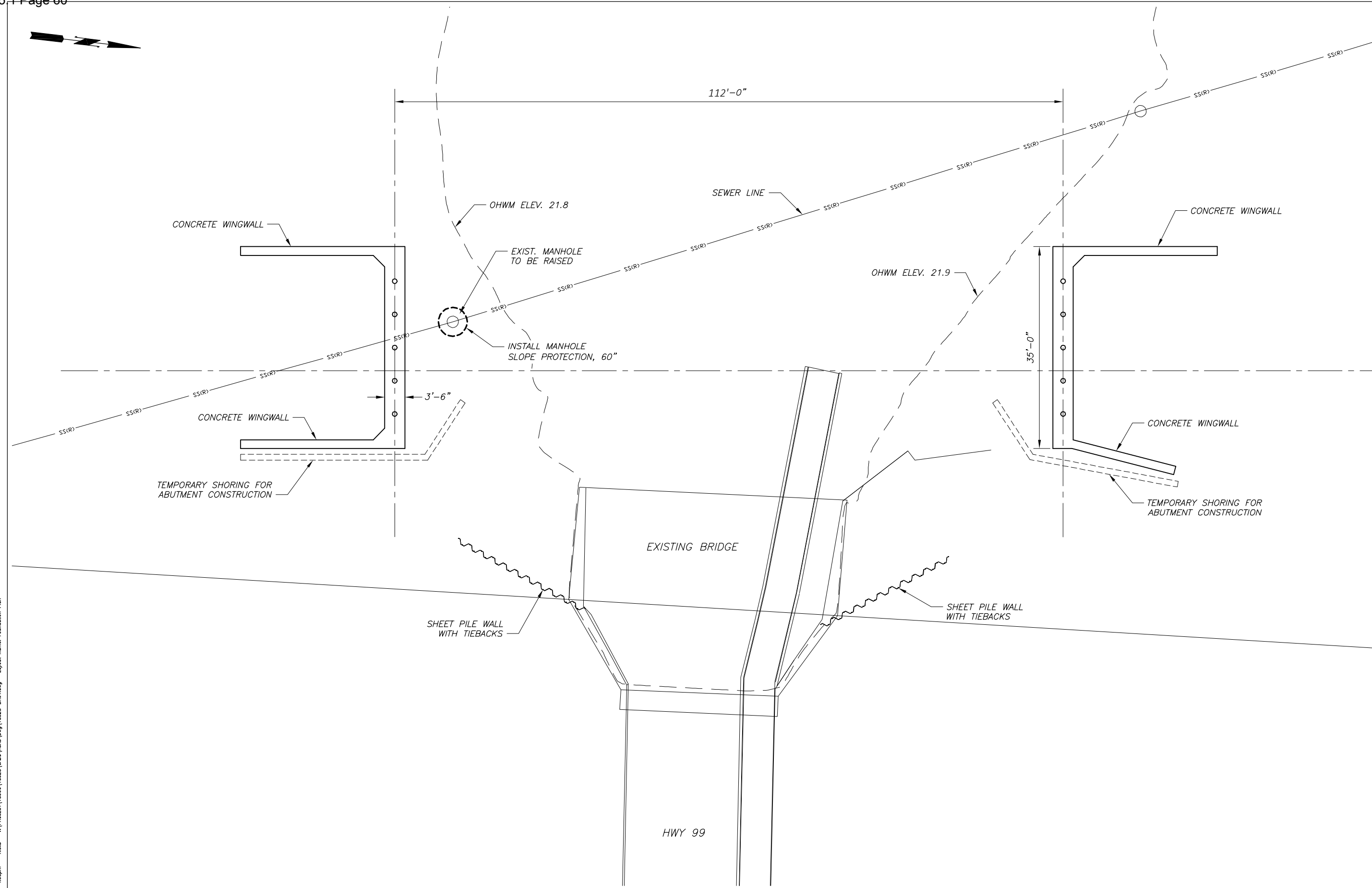
 Proposed Planting Areas



Plotted: Apr 17, 2017 - 4:28pm
 ncb
 I:\PROJECT\18300\18328\CAD\DWG\18328-BR02 - Staging Phases 1 and 2.dwg
 Layout Name: Construction Staging Plan 1



808 SW Third Avenue
Suite 300
Portland, Oregon 97204
Phone: (503) 287-6825
FAX: (503) 415-2304
www.otak.com



KELLOGG CREEK BRIDGE (BR #22142)
EMERGENCY REPLACEMENT
CITY OF MILWAUKIE, OREGON
FOUNDATION PLAN

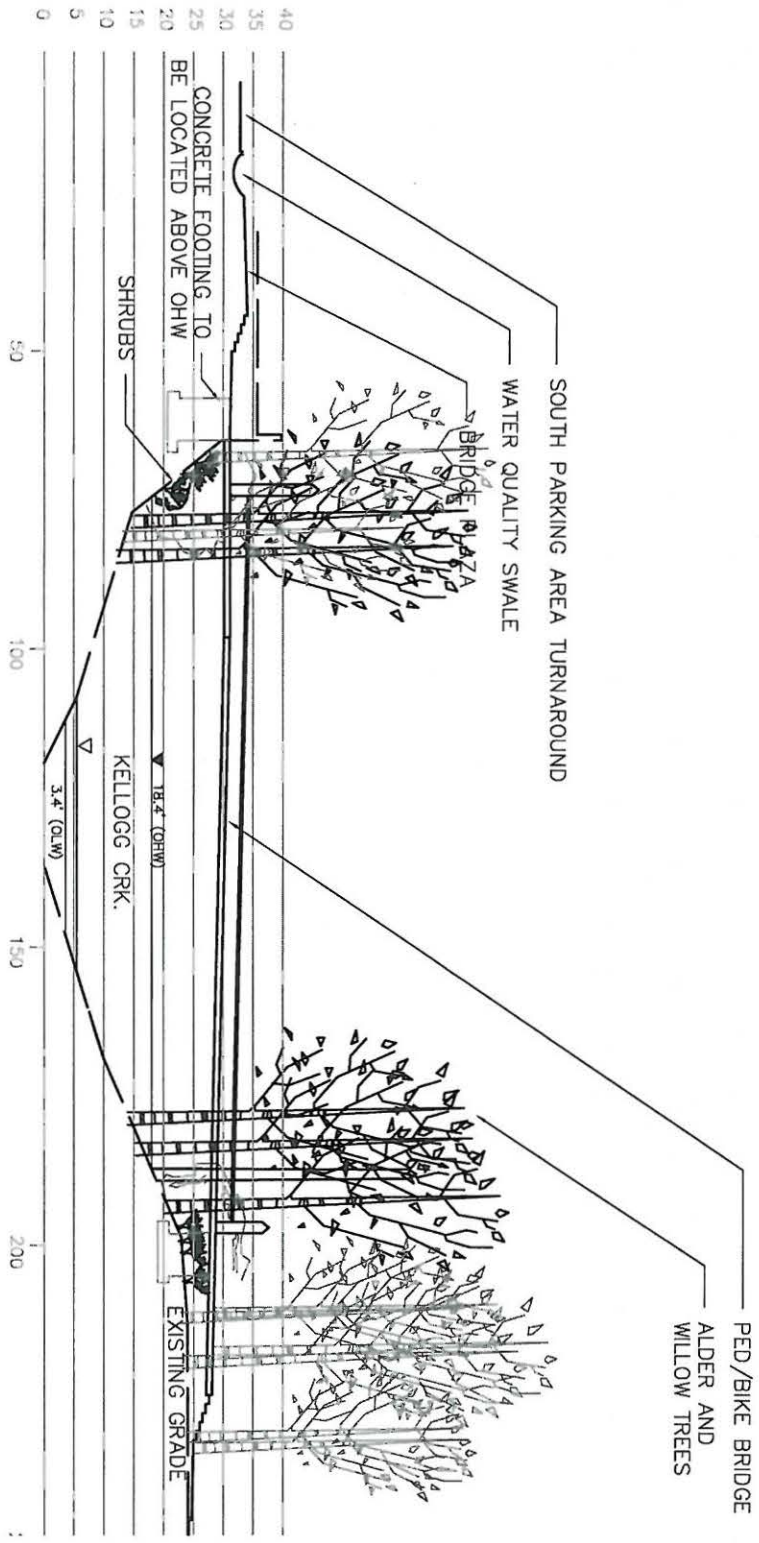
ENGINEER:	NB
DRAWN:	NB
CHECKED:	DS
DATE:	04-13-17

SHEET NO.	7	OF	10
JOB NO.	18328		

FOUNDATION PLAN
1/8" = 1'-0"

Plotted: Apr 17, 2017 - 4:28pm
 nlsdb 1:\PROJECT\18328\CADD\ACAD\DWG\18328-BR01.dwg
 Layout Name: Foundation Plan

PROPOSED CONDITIONS
 TYPICAL FOR KELLOGG CRK
 NOTE: NO CUT/FILL
 ACTIVITY IN THIS AREA



SECTION P2- KELLOGG CREEK
 (REFER TO FIGURE 6A)

PROJECT **Milwaukie Riverfront Park** SHEET

TITLE **Proposed Site Plan**

Cross Section P2

7B

DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
C-1	MAEX0018	1"=30'	0.0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
BAR	CRM, RGWI	ENCLOSURE 1	05-15-09



PLANTING COMMUNITIES LEGEND



EM - Emergent Shrub
 10% Tree Cover
 60% Shrub Cover
 90% Herbaceous Cover



UP - Upland Shrub and Herbaceous
 20% Tree Coverage
 60% Shrub Coverage
 20% Herbaceous Coverage



MD - Native meadow
 100% Herbaceous Coverage



OS - White Oak and Shrub Mix
 30% Tree Coverage
 20% Shrub Coverage
 90% Herbaceous Coverage



FM - Doug Fir and Bigleaf maple
 60% Tree Coverage
 40% Shrub Coverage
 60% Herbaceous Coverage



LW - Lawn
 100% Herbaceous Coverage



AW - Ash and Willow
 60% Tree Coverage
 40% Shrub Coverage
 60% Herbaceous Coverage



SW - Stormwater planting
 20% Tree Coverage
 40% Shrub Coverage
 40% Herbaceous Coverage

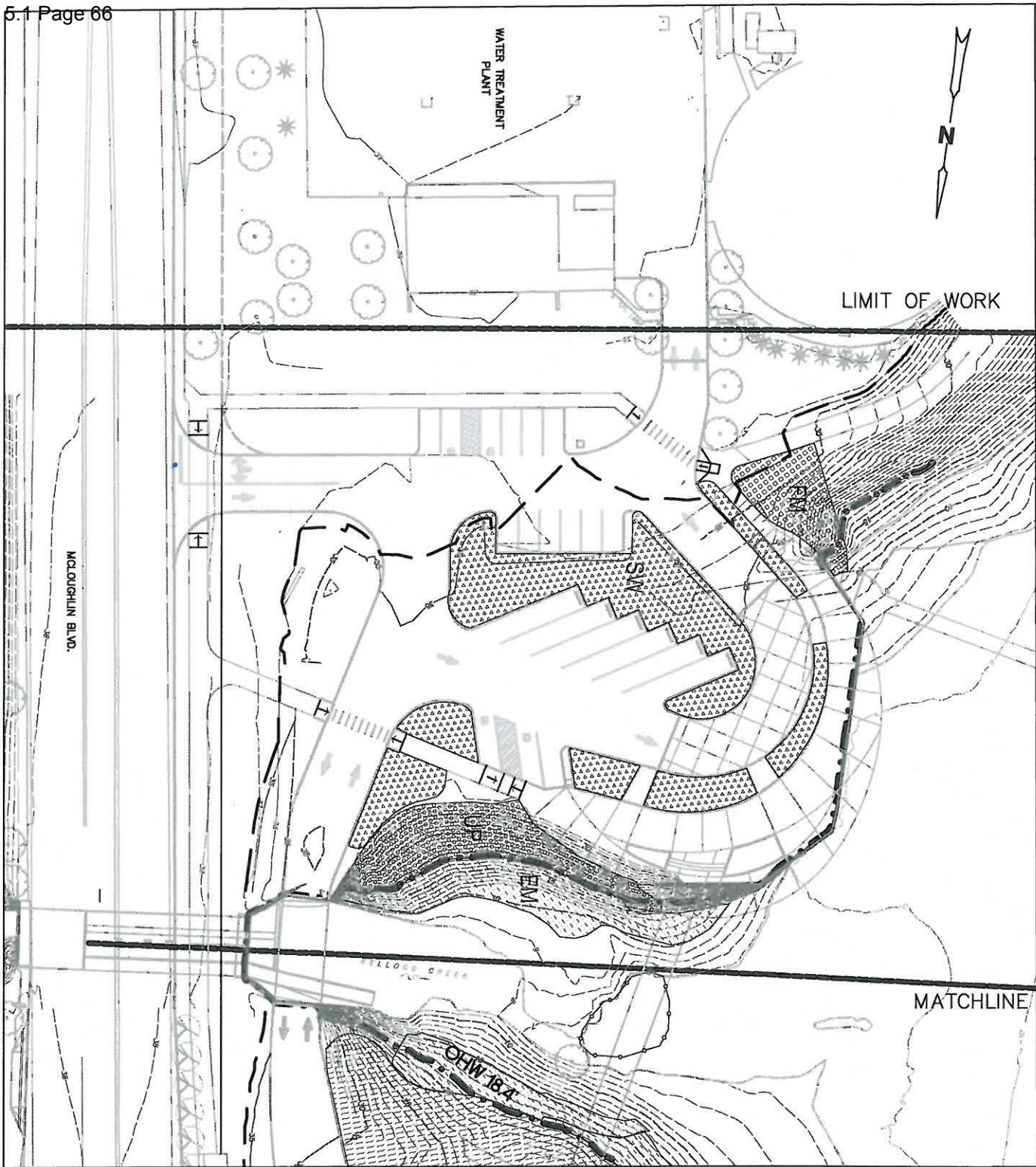
SHEET

9A

PROJECT	Milwaukie Riverfront Park		
TITLE	Proposed Planting Plan		
	Plant Community Key		
DWG. REF.	PROJECT	SCALE	AMENDMENT NO.
C-1	MAEX0018	1" = 60'	0.0
DRAWN BY	DESIGN BY	APPROVED BY	DATE
BAR	BXM, BAR	ENCLOSURE 1	05-15-09

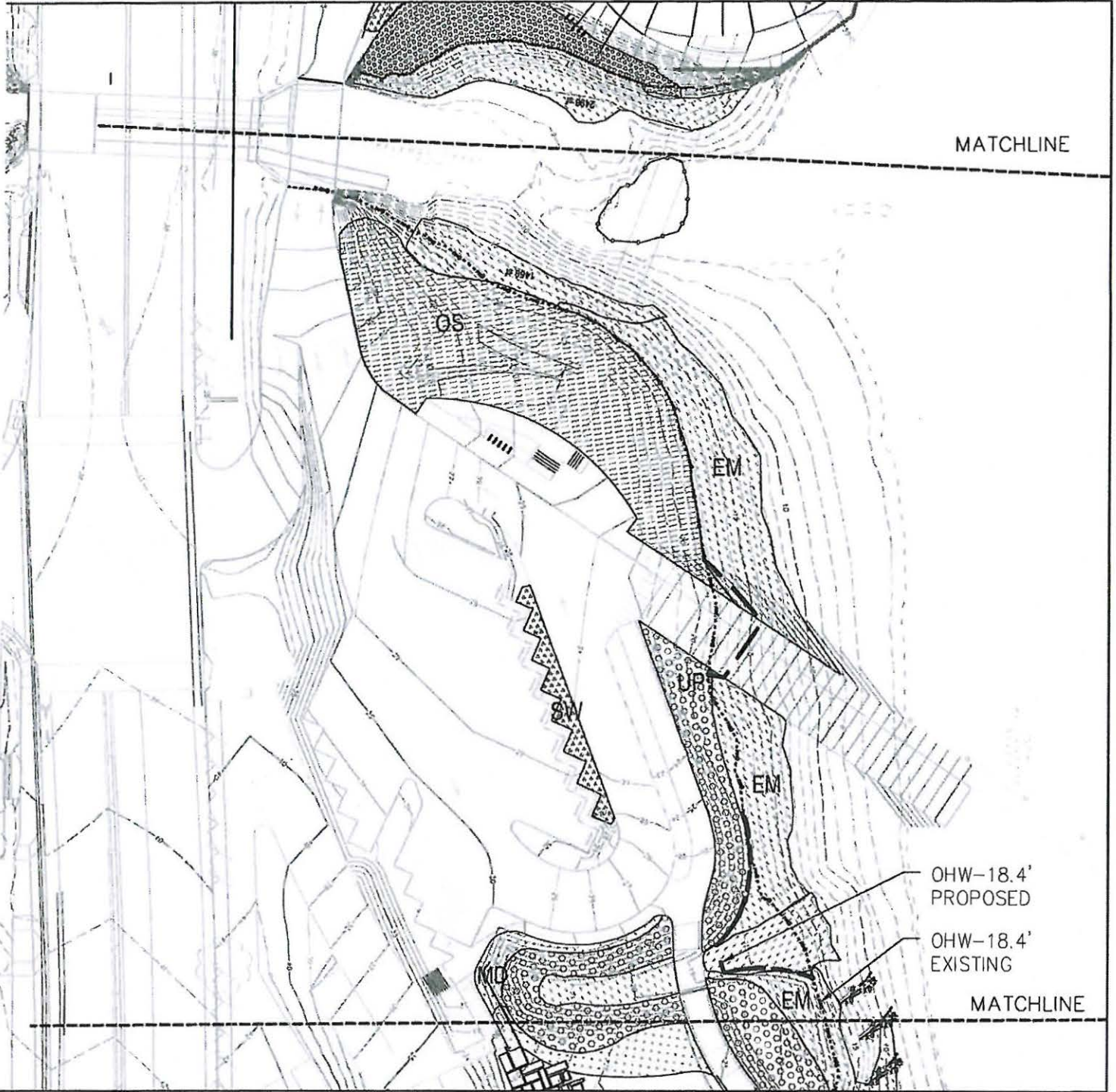


DAVID EVANS AND ASSOCIATES INC.
 2100 Southwest River Parkway
 Portland Oregon 97201
 Phone: 503.223.6663



**DAVID EVANS
AND ASSOCIATES, INC.**
2100 Southwest River Parkway
Portland, Oregon 97201
Phone: 503.233.0933

PROJECT		Milwaukie Riverfront Park		SHEET
TITLE		Proposed Planting Plan		9B
Reach 1				
DWG. REF.	PROJECT	SCALE	AMENDMENT NO.	
C-1	MAEX0018	1" = 60'	0.0	
DRAWN BY	DESIGN BY	APPROVED BY	DATE	
BAR	BXM, BAR	ENCLOSURE 1	05-15-09	



0 15 30 60



PROJECT

Milwaukie Riverfront Park

SHEET

TITLE

Proposed Planting Plan

Reach 2

9C

**DAVID EVANS
AND ASSOCIATES INC.**

2100 Southwest River Parkway
Portland Oregon 97201
Phone: 503.223.6663

DWG. REF.

C-1

PROJECT

MAEX0018

SCALE

1" = 60'

AMENDMENT NO.

0.0

DRAWN BY

BAR

DESIGN BY

BXM, BAR

APPROVED BY

ENCLOSURE 1

DATE

05-15-09



June 29, 2017

Rick Buen
City of Milwaukie

Re: Preapplication Report

Dear Rick:

Enclosed is the Preapplication Report Summary from your meeting with the City on June 15, 2017, concerning your proposal for action on property located at Kellogg Creek Bridge.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

A handwritten signature in blue ink that reads "Alicia Martin".

Alicia Martin
Administrative Specialist II

Enclosure

cc: Chuck Eaton, Engineering Director
Larry Gescher, HP Civil Inc.
Aaron Sherwood, Reeve Sherwood Consulting, LLC
Randy Reeve, Reeve Sherwood Consulting, LLC

CITY OF MILWAUKIE

PRE-APPLICATION CONFERENCE REPORT

PreApp Project ID #: 17-012PA

This report is provided as a follow-up to a meeting that was held on **6/15/2017** at **10:00am**

Applicant Name: Rick Buen
Company: City of Milwaukie Engineering
Applicant 'Role': Owner
Address Line 1: 6101 SE Johnson Creek Blvd
Address Line 2:
City, State Zip: Milwaukie OR 97206
Project Name: Kellogg Creek Bridge Replacement
Description: Replace Kellogg Creek Bridge and additional improvements to the crossing in Riverfront Park
ProjectAddress: 11211 SE McLoughlin Blvd
Zone: Downtown Open Space OS
Occupancy Group:
ConstructionType:
Use: Public (P) and Town Center (TC)
Occupant Load:
AppsPresent: Larry Gescher, Aaron Sherwood, Randy Reeve
Staff Attendance: Denny Egner, Vera Koliias, Alex Roller, Richard Nasiombe, Rick Buen

BUILDING ISSUES

ADA:
Structural:
Mechanical:
Plumbing:
Plumb Site Utilities:
Electrical:
Notes: N/A

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: See attached.

PUBLIC WORKS ISSUES

Water: Water line relocation will be covered under construction plans.

Sewer: Storm manhole raising will be covered under construction plans.

Storm: Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works Standards.
The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland 2016 Stormwater Management Manual for design of water quality facilities.
All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings.

Street: Development property fronts McLoughlin Blvd.

Frontage: Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Frontage improvements will not be required, as they have already been completed under previous Capital Improvement Project.

Right of Way: This development does not trigger any dedication requirements.

Driveways: n/a

Erosion Control: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use; a transportation impact study will be required. The City of Milwaukie Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created. No TIS will be required.

PW Notes: none

PLANNING ISSUES

Setbacks: The setback requirements do not apply to the proposed project in the OS Zone.

Landscape: Based on the proposal, landscaping requirements are related to the MMC 19.402 Natural Resources requirements.

Parking: Minimum parking requirements per MMC 19.600 do not apply to the proposed project.

Transportation Review: Please see the Public Works notes for any information about the requirements of MMC 19.700.

Application Procedures: The proposed work is a revision to an approved plan for Riverfront Park as well as installation of improved slope stabilization infrastructure.

Land use applications required:

- * Willamette Greenway review (Type III)
- * Natural Resources (Type III)

Willamette Greenway WG (MMC 19.401): A greenway conditional use is required for all intensification or change of use, or alteration of the vegetation buffer area, or development. Approval shall be granted only if the criteria in Subsection 19.401.6 are met. A new conditional use is subject to Type III review and approval by the Planning Commission under Section 19.1006.

Per 19.401.6, the following shall be taken into account in the consideration of a greenway conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;
- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;
- C. Protection of views both toward and away from the river;
- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;
- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;
- F. Emphasis on water-oriented and recreational uses;
- G. Maintain or increase views between the Willamette River and downtown;

- H. Protection of the natural environment according to regulations in Section 19.402;
- I. Advice and recommendations of the Design and Landmark Committee, as appropriate;
- J. Conformance to applicable Comprehensive Plan policies;
- K. The request is consistent with applicable plans and programs of the Division of State Lands;
- L. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

More information on the requirements for a WG conditional use can be found in MMC 19.401.

Natural Resources (MMC 19.402): The regulations in Section 19.402 apply to all properties that contain, or are within 100 ft of a WQR and/or HCA as shown on the Milwaukie Natural Resource Administrative Map. The area of work contains both WQR and HCA and is entirely within 100 ft of the WQR. The proposed work exceeds 150 sf within the HCA and within 100 ft of a WQR, and therefore is subject to Type III review and approval by the Planning Commission under Section 19.1006.

The application materials should include the following information:

- Information found required in 19.402.9 Construction Management Plans
- Demonstrate compliance with 19.402.11 Development Standards
- Type III Natural Resource review is subject to 19.402.12 General Discretionary Review.
 - o 19.402.12.B identifies the approval criteria for Type III applications. Application materials should demonstrate how the proposal complies with the listed criteria.

Both applications may be filed together and they will be reviewed concurrently.

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the Island Station and Historic Milwaukie Neighborhood District Associations (NDAs), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.

Prior to submitting the application, the applicant is encouraged to present the project at a regular meeting of the Historic Milwaukie and Island Station NDAs.

Natural Resource Review: The project area includes a designated Water Quality Resource (WQR) area and a Habitat Conservation Area (HCA), extending from the river up onto the area of work. The proposed project will disturb both the WQR and HCA and is subject to Type III Natural Resources review.

The subject property is entirely within the Willamette Greenway (MMC 19.401): A greenway conditional use is required for all intensification or change of use, or alteration of the vegetation buffer

area, or development. Approval shall be granted only if the criteria in Subsection 19.401.6 are met. A new conditional use is subject to Type III review and approval by the Planning Commission under Section 19.1006.

Please refer to application procedures above.

Lot Geography:

The subject property is an irregular shaped lot along the Willamette River with frontage on McLoughlin Blvd.

Planning Notes:

The proposal is to replace and relocate the existing bridge with associated slope stabilization in nearby areas of slope failure in Riverfront Park, which has approved plans and a Notice of Decision.

The applicant's narrative should address the question of whether and/or how much the proposed bridge and slope work will impact views both from the river to the site and toward the river from the street and neighboring properties. Photo simulations or rendered elevations of the proposed bridge would be one effective way to demonstrate the degree of anticipated impact. Neighboring properties within 300 ft of the site will receive notice of the proposed development and may submit comments or testify at the hearing. As noted above, it might be useful to discuss the project with City Council and the Historic Milwaukie and Island Station NDAs to gauge support for the project.

Assuming the Willamette Greenway conditional use request is approved, the City will prepare a conditional use permit that must be recorded with Clackamas County before work commences.

The preapplication conference is valid for purposes of submitting future land use applications as described in MMC 19.1002.4. A preapplication conference is valid for 2 years.

The full zoning code is available online at:
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=on>

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Richard Nasiombe - Associate Engineer - 503-786-7694

Alex Roller - Engineering Tech II - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652

Alicia Martin - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egnor - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kolver - Associate Planner - 503-786-7657

Vera Kolas - Associate Planner - 503-786-7653

Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1 Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 6/29/2017
Re: Kellogg Creek Bridge 17-012PA

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

The Fire District has no comments for this proposal.

MEMORANDUM

TO: Community Development Department

THROUGH: Charles Eaton, PE, Engineering Director

FROM: Alex Roller, Engineering Technician II

RE: WG-2017-003, NR-2017-002 Staff Response
11211 SE McLoughlin Blvd

DATE: July 21, 2017

Kellogg Creek Bridge replacement.

No notes

Recommended conditions of approval:

- A. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.

From: [Amos, Matt](#)
To: [Kolias, Vera](#)
Subject: WG-2017-003, NR-2017-002
Date: Wednesday, July 19, 2017 1:44:09 PM

Good afternoon Vera,

Clackamas Fire has no additional comments for this project.

Thank you,

Matt Amos

Fire Inspector | Fire Prevention

direct: [503.742.2661](tel:503.742.2661)

main: [503.742.2600](tel:503.742.2600)



*To Safely Protect & Preserve
Life & Property*

CLACKAMAS FIRE DISTRICT #1

www.clackamasfire.com

The information contained in this transmission may contain privileged and confidential information, including patient information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: [Livingston, Robert](#)
To: [Kolias, Vera](#)
Subject: Kellogg Bridge comments
Date: Wednesday, July 26, 2017 10:41:11 AM

Vera,

Thanks for the opportunity to comment on this plan. I have briefly read through the document and have the following comments:

- The erosion control plan relies on basic, simple measures to control erosion next to a waterway- would like to see a more detailed plan. Text box on plan states that “silt fence, waddles (SIC), floating silt curtains to be used *as necessary* to control any potential sediment mitigation”. Need to see more detail than just “as necessary”.
- The revegetation plan indicates plantings and soil placement below OHW mark with soil placement over rip-rap style boulders and matting over the soil. High river levels from the Willamette and high flows from Kellogg Creek during winter storms in this area will likely scour and erode this placed soil. Would like to see boulders placed over fabric without the addition of soil up to the OHW mark, plantings above the OHW could be done per current plan.
- The proposed planting area on the south bank of Kellogg Creek calls for following the Riverfront Park planting plan (appendix C). If larger trees could be planted in the south bank that could offer shade to the creek, it would meet some of the City’s measurable goals in the City’s TMDL Implementation Plan for stream temperature reductions and also could create cold-water refugia areas for salmon migrating up the Willamette River as Kellogg Creek is typically colder than the Willamette.
- The Proposed Site Plan Cross Section P2, sheet 7B, indicates trees planted on the south bank but the Riverfront Park Planting Plan detail (sheet 5) calls out small shrubs and groundcover. Would like to see consistency in the planting plans.

ROB LIVINGSTON

Environmental Services Coordinator
o: 503.786.7691 c: 503.572.4659
City of Milwaukie
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

From: [Tom Madden](#)
To: [Kolias, Vera](#); [Ray Bryan](#)
Subject: Development Plan File#(s): WG-2017-003; NR-2017-002
Date: Thursday, July 27, 2017 5:17:38 PM

Dear Ms. Kolias,

I'm writing to inform you that the Historic Milwaukie Neighborhood Association's Development Committee has reviewed the above Application and approves of the Development Plan.

Thank you for requesting our input, Tom Madden, Vice President and Committee Chairperson



To: Design and Landmarks Committee
Through: Dennis Egner, Planning Director
From: Vera Koliass, Associate Planner
Date: July 31, 2017 for August 7, 2017 Public Meeting
Subject: File(s): DR-2017-001; VR-2017-007
Applicant: Kurt Schultz, SERA Architects
Address: 2036 SE Washington St
Legal Description (Map & Taxlot): 11E36BC01600
NDA: Historic Milwaukie

ACTION REQUESTED

Recommend that the Planning Commission approve applications DR-2017-001 and VR-2017-007, and the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow the construction of a new 5-story mixed-use building on the property located at 2036 SE Washington St.

BACKGROUND INFORMATION

A. Site and Vicinity

The project site is located at 2036 SE Washington St and has additional frontages on SE Main St and SE 21st Ave. The project site is approximately 25,545 sq ft in size and currently contains an auto repair building and an attached retail building. The site is less than 100 ft from the Adams Street Connector and approximately 250 ft from the Orange Line light rail station on SE 21st Ave. (see Figure 1).

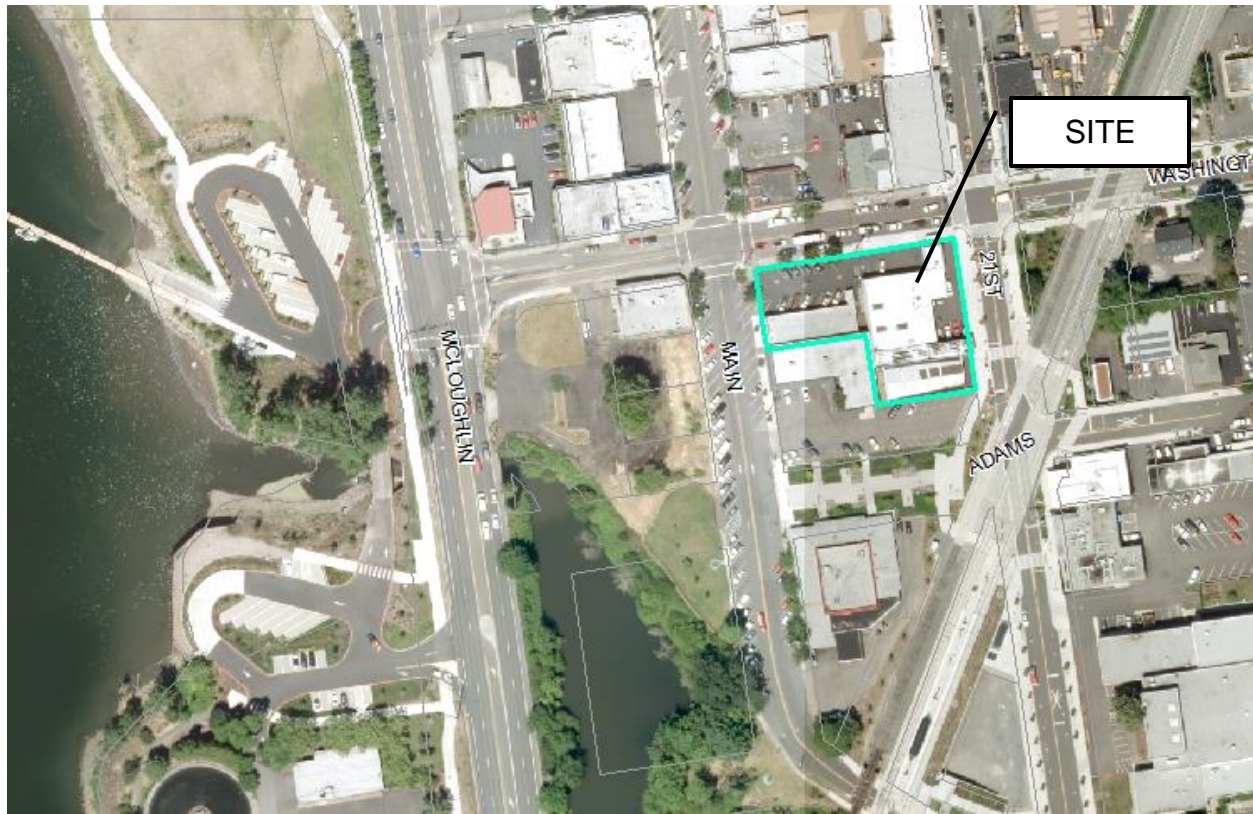


Figure 1. Site Vicinity

B. Zoning Designation

The site is zoned Downtown Mixed Use DMU.

C. Comprehensive Plan Designation

Town Center (TC).

D. Proposal

The applicant is seeking Downtown Design Review and Variance approval for construction of a 5-story mixed-use building. The building will have 8,800 sq ft of retail and commercial space on the first floor and 109 multi-family dwelling units on the top 4 floors. Interior mechanical parking for 78 vehicles as well as 90 bicycle parking spaces are proposed. An outdoor rooftop terrace is proposed on Level 2, which will include stormwater planting areas. In order to receive a height bonus for the 5th story, the applicant is proposing Green Globes certification for the building. Variances are requested from the 6-ft step back requirement for Levels 4 and 5 and from the minimum access spacing standards (see Figures 2-5 and Attachment 3).



Figure 2. Architectural Rendering – looking southwest at the corner of 21st Ave and Washington St



Figure 3. Architectural Rendering - Main St – birds-eye view



Figure 4. Architectural Rendering - Main St facade



Figure 5. Architectural Rendering - 21st Ave façade

The project requires approval of the following applications:

1. Downtown Design Review (DR-2017-001)

The Design and Landmarks Committee is charged with reviewing and making a recommendation to the Planning Commission on the Downtown Design Review application for the new building.

2. Variance (VR-2017-007)

The Design and Landmarks Committee is charged with reviewing and making a recommendation to the Planning Commission on the Variance application as it requests a variance from the 6-ft step back requirement for floors above the base maximum height and from minimum driveway spacing standards (included here because it is part of the application package).

KEY ISSUES

Summary

Staff has identified the following key issues for the Design and Landmark Committee's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Committee.

- A. Does the proposed design meet the downtown site and building design standards (MMC 19.508)?
- B. Does the proposed design sufficiently address the Downtown Design Guidelines?

- C. Is the requested variance to the 6-ft step back requirement reasonable?
- D. Should the proposed design address the blank wall facing Adams Street Connector? If so, how?
- E. Should the proposed design address the future development of 11138 SE Main St (Bloom Garden Supply)? If so, how?

Analysis

A. Does the proposed design meet the downtown site and building design standards (MMC 19.508)?

The proposed design meets all the site and building design standards in MMC 19.508 except for the following:

19.508.4.A.2.b(2): In the horizontal building façade, significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building.

The Washington St façade, as proposed, does not meet this standard. The façade is 205 ft long. To meet this standard, a 15-ft wide break is required, which has not been proposed. The proponent has elected Type III Downtown Design Review rather than meet this standard. As mitigation, and to address this standard, the applicant proposes to use a vertical band of 4 projecting windows and color and material changes to give variety to the façade and break up the wall. In addition, the proposal includes public art, in the form of a mural, on the wall area on either side of the parking garage entrance door.

19.508.4.E.3: The proposed development does not comply with the standard requiring 40% of the ground-floor street wall area to consist of openings. Along Washington St, 39% of the ground-floor street area consists of openings. The garage entrance area is not glazed, but the proposed development includes a wall mural on the wall area on both sides of the parking garage entrance door to mitigate for the 1% of opening area on this wall. The applicant has responded to this standard by addressing the applicable Downtown Design Guidelines (see Attachment 3).

19.508.4.E.4.c: The proposed development does not comply with the standard requiring a minimum of 60% of all upper-floor windows to be vertically oriented. Approximately 50% of the upper-floor windows are vertically oriented. The applicant has proposed oversized windows with an abundance of glass rather than installing windows with vertical mullions which would potentially block the view. The applicant has responded to this standard by addressing the applicable Downtown Design Guidelines (see Attachment 3).

B. Does the proposed design sufficiently address the Downtown Design Guidelines?

Per MMC 19.907.3.C, an applicant may elect to have a project reviewed through a Type III discretionary review process. In such cases, the applicant can address downtown design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only and the purpose statement of the applicable design standard. The proposed design meets the design standards detailed in MMC 19.508, except for 19.508.4.A.2.b(2), 19.508.4.E.3(a), and 19.508.4.E.4(c) as described above. Specifically:

- the proposed design does not include significant breaks in facades at least every 150 ft;
- the Washington St ground-floor area is 26.6 sq ft short of meeting the minimum required glazing/opening area;
- approximately 50% of the upper floor windows are vertically oriented, rather than the minimum 60% required.

The purpose of the Building Façade Details standard is:

- “To provide cohesive and visually interesting buildings, particularly on the ground floor.”

The proposed development addresses this purpose statement by using a vertical band of 4 projecting windows and color and material changes to give variety to the façade and break up the wall. In addition, the proposal includes public art, in the form of a mural, on the wall area on either side of the parking garage entrance door. The retail/commercial ground floor is designed in brick with large roll-up doors for retail uses and large glass windows and double doors to activate the storefront area.

The purpose of the Windows and Doors standards is:

- “To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.”

The proposed development address this purpose statement by designing the retail/commercial ground floor with large roll-up doors for retail uses and large glass windows and double doors to activate the storefront area. Although the garage entrance area is not glazed, the proposed development includes a mural on the wall area on both sides of the parking garage entrance door to add visual interest and integrate art into the building’s design.

Although the application would therefore only need to address the applicable guidelines, the application materials detail how the proposed design responds to each of the Downtown Design Guidelines and the purpose statement of the applicable design standard.

The Applicable Downtown Design Guidelines to review in connection with these 3 areas of non-compliance are:

- Milwaukie Character Guidelines
- Pedestrian Emphasis Guidelines
- Architectural Guidelines
- Lighting Guidelines

1. Milwaukie Character Guidelines

The Milwaukie Character Guidelines are intended to help create a lively street experience for the downtown. The proposal addresses Milwaukie Character through a mixed-use design for a building with an active retail storefront on all 3 of its frontages. An active storefront presence contributes to a lively downtown and the proposal includes double doors and large roll-up windows for retail spaces to actively connect the building to the street. The Willamette River plays a large role in downtown's identity and the building is designed with views oriented to the river, including a 2nd floor podium terrace with patio space to provide an additional visual connection to the river. Views to the river are emphasized in the design, as well as to the future south downtown plaza and farmers market.

Another way the proposal connects with pedestrians is through a proposed ground floor mural on the Washington St façade, which will also integrate art into the building's design. The City encourages murals, particularly in the downtown, with the Milwaukie High School mural by Chris Haberman being a recent example.

By using natural stained cedar siding as a prominent exterior construction material, the building's design relates to both local context with a natural material, but also connects to Milwaukie's horticultural history. This material, in addition to the ground floor brick, provides compatibility with surrounding buildings, including the buildings directly north and west which are brick and wood frame buildings. The fiber cement middle is compatible with surrounding masonry buildings.

The design includes prominent corners which serve to create both a strong architectural statement at key street corners, but also establish visual landmarks. Although this is a taller and larger building than surrounding development, the cornice roofline, asymmetrical massing, and cantilevered shadowbox effect with the fiber cement panels reduces the bulk of the building. The taller height and larger size are also an advantage as they establish the site as a visual gateway into downtown from the south, particularly for light rail transit

riders and those in vehicles arriving in downtown via Washington St or Lake Rd. The building also addresses a fundamental concept in the Downtown Design Guidelines: to provide active retail at both ends of Main St.

In addition, providing quality housing, particularly apartments, in south downtown is a land use feature of the Downtown and Riverfront Land Use Framework Plan.

2. Pedestrian Emphasis Guidelines

The proposed design addresses pedestrians, and creates a human-scale environment, in a number of ways:

- Includes active retail storefronts on all 3 frontages with glass overhead doors for shops
- Significant entrances at both corners with Washington St
- New sidewalks are proposed on Main St and Washington St
- Fixed canopies over all entrances are proposed to protect pedestrians from the elements
- A ground floor mural is proposed on the Washington St facade
- The building is proposed with a zero lot line, establishing a street wall to reflect an urban character

3. Architecture Guidelines

The Architecture Guidelines are intended to promote quality development while reinforcing the “individuality and spirit” of Milwaukie. The guidelines promote architectural types indigenous to Milwaukie and/or the Northwest.

Corner entrances are both a design standard in the code, but also an element of good urban form. Street corners are important, as they establish a visual landmark on the street, but also help to create a stopping point. The design includes prominent retail/commercial entrances at both corners on Washington St.

Storefronts are proposed to have full glass doors, including double doors with transom lights and side lights and glass overhead garage doors to retail shops to connect the building to the street and pedestrians. Built-in canopies are proposed not only to protect pedestrians from the elements but also to help create a distinct building base.

The use of 3 distinct building materials establishes a clear base, middle and top for the building (tripartite façade division): brick base, fiber cement clad middle with cantilevered shadowbox feature, and natural cedar siding top. Bay windows clad in cedar siding, vertical stacking of windows, and balconies creates vertical articulation in the façade. The bay windows also provide variation and relief to the façade.

The proposed design includes a continuous deep cornice overhang at the roof line which expresses the top of the building wall. The proposed cornice is of sufficient depth (48”) to be proportional to the height of the wall.

A second-floor podium roof with terrace and stormwater plantings is proposed to further define the L-shaped asymmetrical building, which reduces the bulk of the building and also provides significant visual interest and outdoor space for residents.

The building is proposed to be constructed to achieve Green Globes certification as follows: maximize natural light, high performance envelope, recycled and low VOC materials, stormwater gardens on Level 2, and energy efficient lighting, HVAC, and appliances.

All the proposed parking and loading will be located inside the building so that it is not visible to the public, further supporting a creative architectural design rather than allotting exterior space to parking.

4. Lighting Guidelines

The proposed design includes exterior building lighting integral to the façade, particularly on the ground floor. Landscape lighting is proposed to highlight street trees and the second-floor podium landscaping.

C. Is the requested variance to the 6-ft step back requirement reasonable?

Per MMC 19.304.5, buildings shall provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height. The intent of this standard is to promote a compatible building scale. This development standard is also part of the Building Façade Details design standard in MMC 19.508.4.A. The purpose of this standard is to provide cohesive and visually interesting building façades in the downtown. The middle of a building extends from the top of the building base to the ceiling of the highest building story and is distinguished from the top and base of the building by use of building elements, such as a 6-ft minimum building step-back on the third floor or higher, for at least 25% of the length of the building.

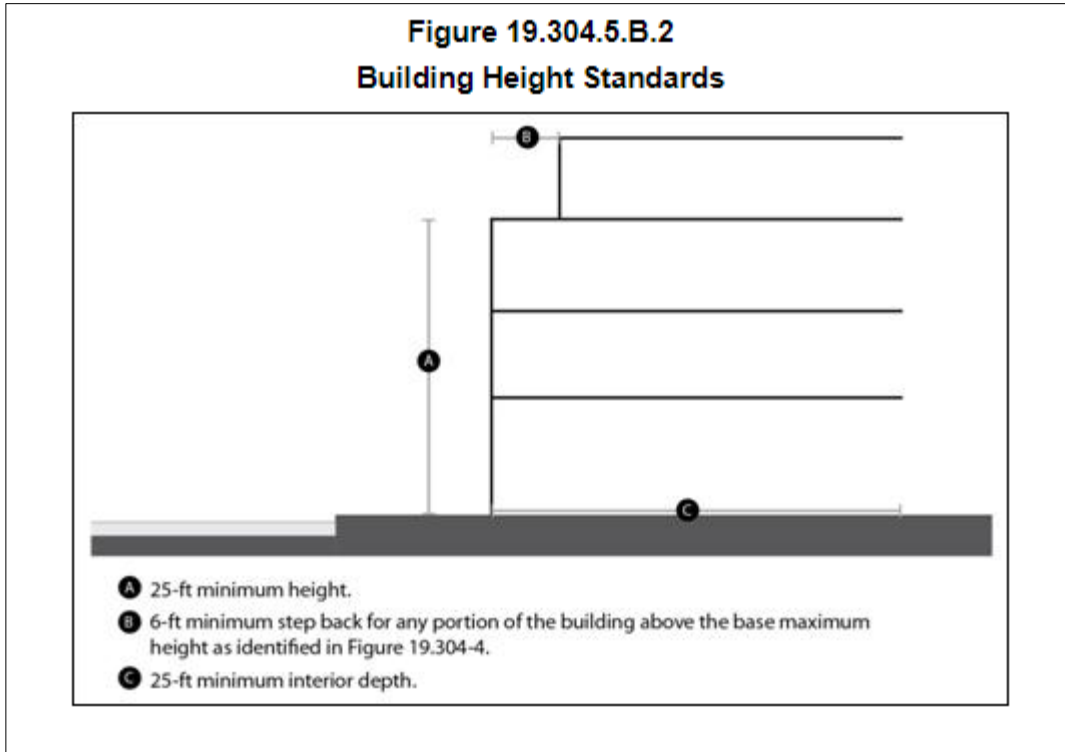


Figure 6. MMC 19.304.5.B.2



Figure 7. Proposed 21st Ave Elevation

The building has been designed to “convey a contemporary Northwest style of architecture”, with a brick base, fiber cement clad middle, and cedar siding at the top and on the projecting windows. As demonstrated in Figure 7, the proposed change in materials creates the base, middle, and top vertical façade details as described in MMC 19.508.4.A. The 5th floor is differentiated to reduce the building’s perceived height to be more compatible with surrounding development. The overall bulk of the building, and perceived height, is reduced through a mix of materials as well as deliberate use of fiber cement with cantilever shadowbox paneling in key sections of the façade, breaking up the overall wall. Further, the cornice roof overhang and balconies on upper floors create the illusion of a step back.

The proposal also satisfies the purpose statement on the building façade design standard by successfully creating a cohesive and visually interesting façade.

D. Should the proposed design address the blank wall facing Adams Street Connector? If so, how?

The blank south-facing wall that is visible from SE 21st Ave and the Adams Street Connector does not contribute to the pedestrian environment or serve as a positive gateway to downtown from the light rail station. The applicant has indicated that a mural would be proposed for the wall to create visual interest on the south facing façade. A large mural on the wall would provide visual interest to anyone exiting the light rail station or traveling along 21st Ave or Adams Street Connector. Landscaping is not possible as the

building is located right up to the property line. A condition of approval has been recommended to address this requiring that a mural be installed on the southern-facing wall as well as the northern façade adjacent to the garage entrance door. It is recommended that the Applicant consult with ArtMob in developing the artwork.



Figure 8. Proposed 21st Ave facade

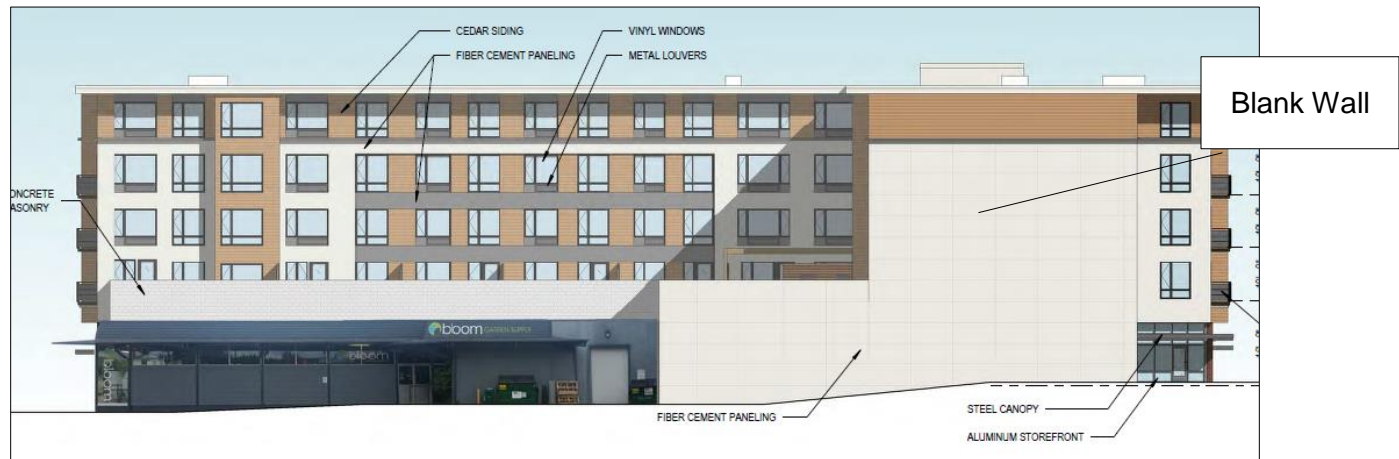


Figure 9. Proposed southern facade elevation

E. Should the proposed design address the future development of 11138 SE Main St (Bloom Garden Supply)? If so, how?

The applicant does not control the adjacent property to the southwest which is currently developed with a single-story building and surface parking. This raises the question about the future redevelopment of the property. The design of the proposed building is based on the current configuration of the adjacent lot, but there is potential that it could, in the future, redevelop with a large building not dissimilar to the one proposed. Should that happen, the second-floor podium and terrace area would be enclosed and surrounded by 3 stories of structure and a very narrow opening to the west and above.

Development on the adjacent property would predominantly affect the terrace area, particularly as an open space amenity. Given that the applicant does not control the adjacent property, and there is no way of knowing when or if it will ever redevelop, the City cannot place conditions on the proposed development to address some future eventuality. However, changes to the building may be required, such as alternative open space, to account for redevelopment on the adjacent parcel. The applicant may wish to include a notice in the leases that acknowledge potential redevelopment of the adjacent property.

CONCLUSIONS

A. Staff recommendation to the Design and Landmarks Committee is as follows:

1. Recommend approval of the Downtown Design Review application for the proposed 5-story mixed-use building.
2. Recommend adoption of the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Subject to MMC 20.04, a mural is required to be installed on the southern-facing wall as well as the northern façade adjacent to the garage entrance door. It is recommended that the Applicant consult with ArtMob in developing the artwork.

Other conditions of approval may be generated by the Design and Landmarks Committee and Planning Commission.

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 19.508 Downtown Site and Building Design Standards
- MMC 19.600 Off-Street Parking and Loading
- MMC 19.700 Public Facility Requirements
- MMC 19.907 Downtown Design Review
- MMC 19.911 Variances
- 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 considers the DLC recommendation, assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Committee has 3 decision-making options as follows:

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

The final decision on the application, which includes any appeals to the City Council, must be made by October 20, 2017, 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 was given to the following agencies and persons: City of Milwaukie Community Development, Building, and Engineering Departments; Clackamas Fire District #1; Historic Milwaukie Neighborhood District Association (NDA); Clackamas County; Metro; Oregon Department of Transportation; North Clackamas School District; and the Design and Landmarks Committee.

- **Ray Bryan, Chair, Historic Milwaukie NDA:** The NDA asked about:
 - the impact of this project on the adjacent property at 11138 SE Main St;
 - the blank wall on the south-facing façade and if vegetation or design elements could be added to address it;
 - any outdoor public amenities and if pedestrian access would be compromised on the sidewalk;
 - the potential for improving the signalized intersections in the immediate vicinity;
 - proposed signage,
 - the name of the development, and if the existing neon Bernard's sign will be incorporated.

Staff response: Staff expressed similar concerns about the potential redevelopment of the 11138 SE Main St property and the blank wall facing Adams Street Connector. A condition of approval has been included to address the blank wall. The proposal is required to install public area improvements as part of the project. The Washington St sidewalk will be 12 ft wide; the Main St sidewalk will be 16 ft wide. The public area requirements include installation of street furniture, such as benches, trash receptacles, and bollards. If a business requests to do so, the City permits outdoor seating subject to specific requirements including the provision of a minimum of 5 ft of clear path for pedestrians. The applicant is not proposing any signage as part of this application.

- **Seth Brumley, ODOT Region 1 Planner on behalf of ODOT Rail:** Comments included the following:
 - Any proposed vegetation along the SE 21st St frontage shall provide acceptable sight lines for pedestrian safety
 - Changes to signal timing at 21st St and Washington and 21st St and Adams St will require authorization
 - Changes to roadway or sidewalk widths, crosswalk modifications, or bike lane modifications will require authorization through a Crossing Order
 - Ultimate tenant occupancy and build out conditions may necessitate additional traffic studies
 - Degradation to the existing traffic control system due to construction shall be immediately remedied per the Crossing Orders for the impacted locations.

Staff response: All comments received were shared with the Applicant.

- **Matt Amos, Clackamas Fire District #1:** comments regarding a required access and water supply test to be submitted during the development permit process.

Staff response: All comments received were shared with the Applicant.

- **Doug Naef, owner of 2025-2045 SE Washington St:** supports approval of the application as submitted.

ATTACHMENTS

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

	DLC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation received June 2, 2017 and revised July 20, 2017.			
a. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Plan Sheets C01 – C18	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Window area calculations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

DLC 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 DLC meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/design-and-landmarks-committee-72>.

ATTACHMENT 1
Recommended Findings in Support of Approval
File # DR-2017-001
Project Galaxy, 2036 SE Washington St.

Staff has prepared the following Findings in Support of Approval for the review by the Milwaukie Design and Landmarks Committee (DLC) of application DR-2017-001. Following the DLC review of the proposal, the DLC's recommended findings will be incorporated into the staff report to the Milwaukie Planning Commission (PC) for the public hearing on this proposal.

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

1. The applicant, Kurt Schultz, SERA Architects, on behalf of Guardian Development LLC, has applied for approval to construct a 5-story mixed-use building on the property located at 2036 SE Washington St. The site is in the Downtown Mixed Use Zone and the proposal requires Downtown Design Review. The land use application file number is DR-2017-001.
2. The proposal is for a new 5-story mixed-use building located at 2036 SE Washington Street. The building will have 8,800 sq ft of retail and commercial space on the first floor and 109 multifamily dwelling units on the top 4 floors. Access to the proposed parking area will be from SE Washington St. Variances are requested from the 6-ft step back requirement and from the minimum access spacing standards. The Applicant has elected to have the project reviewed through the Type III Downtown Design Review process.
3. The proposal is subject to the Milwaukie Downtown Design Guidelines and the following MMC provisions:
 - MMC 12.16 Access Management
 - MMC 19.304 Downtown Zones
 - MMC 19.508 Downtown Site and Building Design Standards
 - MMC 19.600 Off-Street Parking and Loading
 - MMC 19.700 Public Facility Requirements
 - MMC 19.907 Downtown Design Review
 - MMC 19.911 Variances
 - MMC 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and MMC Section 19.1011 Design Review Meetings. A public design review meeting was held on August 7, 2017, and a public hearing was held on August 22, 2017, as required by law.
5. MMC 12.16 Access Management
MMC Chapter 12.16.040 establishes standards for access (driveway) requirements
 - MMC 12.16.040.C regulates accessway locations. MMC 12.16.040.C.6 regulates the distance of an accessway from an intersection for multifamily development.

Driveway access for development on a collector street (SE Washington St) is required to be at least 300 ft from the nearest street intersection. The proposed development includes an accessway that is located midpoint of the proposed building, which is less than 150 ft from the intersections with SE 21st Ave and SE Main St. A variance application has been submitted to address this standard.

With variance approval, the proposed development is 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 consistent with MMC 19.304.2.

MMC 19.304.4 and 19.304.5 establish the development standards that are applicable to this site.

Table 1. Compliance with relevant DMU standards

DMU	Standards	Proposed
FAR	1:1 min/4.5:1 max with bonus for structured parking	4:1
Building height	35-65 ft max (height bonus available); 6-ft step back on floors above base maximum	57 ft utilizing 2 height bonuses (residential and green building); variance requested to 6-ft step back standard
Flexible ground-floor space	14-ft ground floor ceiling height; Main St interior floor area minimum 20 ft deep	14-ft ceiling height; 35-55 ft
Street setback/build to lines	0 ft	0 ft
Frontage Occupancy	75% (Washington St); 90% (Main St)	100%
Primary entrances	If at the corner of Main St and another street, must be oriented to Main St.	Retail/commercial entrance faces Main St.

DMU	Standards	Proposed
Off-street parking	Nonresidential uses are exempt from the off-street parking requirements.1 space/dwelling unit; reductions per MMC 19.605 apply	<i>With reductions for proximity to transit and additional bicycle parking, per MMC 19.605, 77 spaces required; 78 provided</i>

Subject to the approval of the requested variance, this criterion is met.

7. MMC 19.508 Downtown Site and Building Design Standards

MMC 19.508.4 establishes the building design standards for development in the DMU Zone.

19.508.4.A.2.a Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

The proposed development complies with this standard with a tripartite façade division with a brick base, fiber cement clad middle, and cedar siding at the top.

(1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

- (a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 ft on center.
- (b) The building base shall be constructed of brick, stone, or concrete to create a “heavier” visual appearance.
- (c) Weather protection that complies with the standards of Subsection 19.508.4.C.
- (d) Windows that comply with the standards of Subsection 19.508.4.E.

The proposed development complies with this standard by proposing a brick base with structural canopies. Refer below to compliance with window standards.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

- (a) Windows that comply with the standards of Subsection 19.508.4.E.
- (b) One of the following elements:

- (i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.
- (ii) Either street-facing balconies or decks at least 2 ft deep and 4 ft wide, or a 6-ft minimum building step-back on the third floor or higher, for at least 25% of the length of the building.
- (c) A change in wall plane of not less than 24 in. deep and 24 in. wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

The proposed development complies with this standard by proposing cedar siding combined with fiber cement and cantilevered shadowbox to distinguish the middle. Balconies are also proposed.

(3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and it is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide roofs that comply with the standards of Subsection 19.508.4.F.

The proposed development complies with this standard by proposing a 48" cornice that distinguishes it from the middle of the building and establishes a visual termination of the building.

19.508.4.A.2.b. Horizontal Building Façade

- (1) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—shall line up with adjacent façades if applicable. Complies.
- (2) Significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building. The area or areas created by this break shall meet the standards of Subsection 19.304.5.H.

This standard is not met on the SE Washington St facade. This requirement is mitigated by the use of multiple bay windows and architectural features to give variety to the north building facade, as well as public art on the ground floor. The applicant has elected to have the project reviewed against the Downtown Design Guidelines as detailed in Finding 10.

The proposed development complies with this standard as the SE Washington St façade complies with Downtown Design Guidelines (see Finding 10).

19.508.4.B.2 Corners

Nonresidential or mixed-use buildings at the corner of two public streets— or at the corner of a street and a public area, park, or plaza—shall incorporate two of the following features (for the purposes of this standard an alley is not considered a public street):

- a. The primary entry to the building located within 5 ft of the corner.

The proposed development complies with this standard. The primary entry to the building is located at the corner of Main St. and Washington St.

b. A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at the corner of the building or within 20 ft of the corner of the building.

The proposed development complies with this standard. A cantilevered shadow box element is included in the façade at the corner of Washington St and Main St.

c. The corner of the building cut at a 45° angle or a similar dimension “rounded” corner.

d. A combination of special paving materials; street furnishings; and, where appropriate, plantings, in addition to the front door.

19.508.C.2 Weather Protection

All buildings shall provide weather protection for pedestrians as follows:

a. Minimum Weather Protection Coverage

(1) All ground-floor building entries shall be protected from the weather by canopies or recessed behind the front building façade at least 3 ft.

(2) Permanent awnings, canopies, recesses, or similar weather protection shall be provided along at least 50% of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian accessway.

(3) Weather protection used to meet the above standard shall extend at least 4 ft, and no more than 6 ft, over the pedestrian area, and a maximum of 4 ft into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.

(4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.

b. Weather Protection Design

Weather protection shall comply with applicable building codes and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

The proposed development complies with this standard. All street frontages have steel canopies meeting these standards.

19.508.D.2 Exterior Building Materials

The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary, and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 65% of each applicable building façade.
- b. Secondary materials are permitted on no greater than 35% of each applicable building façade.
- c. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.

The proposed development complies with this standard. The project utilizes brick masonry and cedar wood siding as a primary building material and fiber reinforced cement siding as a secondary building material.

19.508.4.E Windows and Doors

19.508.4.E.2 Main Street

For block faces along Main St, 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.

The proposed development complies with this standard. Along Main St, 71% of the ground-floor street area consists of openings.

19.508.4.E.3 Other Streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.

The proposed development does not comply with this standard. Along Washington St, 39% of the ground-floor street area consists of openings. Along 21st Ave, 62% of the ground-floor street area consists of openings.

The garage entrance area is not glazed, but the proposed development includes a wall mural on the wall area on both sides of the parking garage entrance door to mitigate for the 1% that is not open or glazed on the wall. The applicant responds to this standard by addressing the applicable Downtown Design Guidelines (see Finding 10)..

19.508.4.E.4 Upper Level

Along all block faces, the following standards are applicable on the upper-level building façades facing a street or public space.

- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.

The glazing amount for the upper floors are as follows:

Uppers floors West: 35% glazing

Uppers floors East: 32% glazing

Uppers floors North: 38% glazing

b. The required upper-floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.

c. A minimum of 60% of all upper-floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows.

Approximately 50% of the upper-floor windows are vertically oriented. The applicant has proposed oversized windows with an abundance of glass rather than installing windows with vertical mullions which would block the view. The applicant responds to this standard by addressing the applicable Downtown Design Guidelines (see Finding 10).

19.508.4.E.5. General Standards

a. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.

b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

c. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.

d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in above the abutting walkway surface.

e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including, but not limited to, curtains, shades, signs, or shelves.

f. Signs are limited to a maximum coverage of 20% of the required window area.

The proposed development complies with this standard. The applicant acknowledges these standards and will ensure compliance with window glass material and first-floor tenants for signage and window coverings. The bottom edge of windows are designed to be located at sidewalk level.

19.508.6. Prohibited Window Elements

For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

a. Reflective, tinted, or opaque glazing.

b. Simulated divisions (internal or applied synthetic materials).

c. Exposed, unpainted metal frame windows.

The applicant has stated that the proposed development will comply with this standard.

19.508.4.F Roofs and Rooftop Equipment

19.508.4.F.2 Roof Forms

a. The roof form of a building shall follow one (or a combination) of the following forms:

- (1) Flat roof with parapet or cornice.
- (2) Hip roof.
- (3) Gabled roof.
- (4) Dormers.
- (5) Shed roof.

b. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.

The proposed development has a flat roof and complies with this standard. The cornice projects from the building face approximately 48”.

19.508.4.F.3. Rooftop Equipment and Screening

a. The following rooftop equipment does not require screening:

- (1) Solar panels, wind generators, and green roof features.
- (2) Equipment under 2 ft high, if set back a minimum of 5 ft from the outer edge of the roof.

b. Elevator mechanical equipment may extend above the height limit a maximum of 16 ft, provided that the mechanical shaft is incorporated into the architecture of the building.

c. Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft high, shall be set back a minimum of 10 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:

- (1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building, wood fencing, or masonry.
- (2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

d. Required screening shall not be included in the building's maximum height calculation.

As proposed the development will meet these standards.

19.508.4.G. Open Space/Plazas

19.508.2 Mixed-Use and Residential Development

The following standards apply to mixed-use buildings with more than 4 residential units and residential-only multifamily developments.

a. Outdoor Space Required

50 sq ft of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use, or it may be a combination of the two uses.

b. Common Open Space

(1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

(2) With the exception of roof decks or gardens, outdoor common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

c. Private Open Space

(1) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.

(2) The private open space provided shall be contiguous with the unit.

(3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.

(4) Balconies may project up to a maximum of 4 ft into the public right-of-way.

d. Credit for Open Space

An open space credit of 50% may be granted when a development is directly adjacent to, or across a public right-of-way from, an improved public park.

The proposed development complies with this standard. Common open space is provided in the form of the building lobby, fitness room, 2nd floor amenity room, and outdoor roof deck. Private open space is provided on the second-floor private terraces.

MMC 19.907 Downtown Design Review – Discretionary Review

Per MMC 19.907.3.C, applicants may elect to have a project reviewed through a Type III discretionary review. In such cases, applicants can address downtown design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only. Through Type III

review, applicants can address downtown design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines instead. The application materials indicate that the proposed design meets the design standards detailed in MMC 19.508, except for 19.508.4.A.2.b(2), 19.508.4.E.3(a), and 19.508.4.E.4(c). Specifically, the proposed design does not meet the following standards:

- The proposed design does not include significant breaks in facades at least every 150 ft;
- The Washington St ground-floor area is 26.6 sq ft short of meeting the minimum required glazing area;
- Approximately 50% of the upper floor windows are vertically oriented, rather than the minimum 60% as required.

The purpose of the Building Façade Details standard is to provide cohesive and visually interesting buildings, particularly on the ground floor. The purpose of the Windows and Doors standards are to enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.

The Applicable Downtown Design Guidelines to review in connection with these 3 areas of non-compliance are:

- Milwaukie Character Guidelines
- Pedestrian Emphasis Guidelines
- Architectural Guidelines
- Lighting Guidelines

Finding 10 details consistency with the applicable Downtown Design Guidelines as they relate to the above-mentioned design standards.

8. MMC 19.600 Off-Street Parking and Loading

MMC 19.605.1 Off-Street Parking Requirements

MMC 19.605.1 establishes minimum and maximum off-street parking requirements. The minimum number of off-street parking spaces required for multi-family dwellings in the DMU is 1 space per dwelling unit; the maximum is 2 spaces per dwelling unit.

MMC 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

MMC 19.605.3.B establishes standards for reductions to minimum parking requirements. The total reduction top required parking allowed in the DMU is 30%. Parking for all uses may be reduced by 25% if the development is within 1,000-ft walking distance of a light rail transit stop. The amount of required parking for all non-single-family residential uses may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609.

The proposed development is a mixed-use development with 109 multi-family dwelling units, for a base minimum requirement of 109 parking spaces and 27 bicycle parking spaces (50% of which must be covered or secured). The proposed development is within 1,000 ft of the downtown Orange Line light rail station and includes 90 covered and secured bicycle parking spaces. The proposal is entitled to a 30% reduction in the minimum required parking for a total reduction of 33 spaces. The minimum required number of spaces, with reductions, is 76 spaces. 78 parking spaces in mechanical spaces are provided.

This criterion is met.

9. MMC 19.700 Public Facility Requirements

MMC 19.700 contains regulations for Public Facility Improvements. The proposal complies with these regulations as described in this finding.

- A. MMC Chapter 19.700 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to construct a new 5-story mixed-use building. The proposal triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

- B. MMC 19.703 contains the requirements for the review process for all proposed developments subject to Chapter 19.700.
- (1) MMC 19.703.1 requires a pre-application conference for proposals that require a land use application. The requirement was satisfied on January 26, 2017.
 - (2) MMC 19.703.3.B requires that development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per MMC 19.705. The applicant will provide transportation improvements and mitigation in rough proportion to the potential impacts of the development. As conditioned, the proposal is consistent with MMC 19.703.3
- C. MMC 19.704 requires submission of a transportation impact study documenting the development impacts on the surrounding transportation system.
- The applicant submitted a transportation impact study, which was reviewed and approved by the City and its consulting engineer.
- The proposed development is consistent with MMC 19.704.
- D. MMC 19.705 requires that transportation impacts of the proposed development be mitigated in rough proportion of the impacts.
- The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding

transportation system will continue to operate at the level of service prior to the proposed development.

The proposed development, as conditioned, is consistent with MMC 19.705.

- E. MMC 19.708.1 requires that all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

19.708.1.A – Access Management

Access requirements shall comply with access management standards contained in Chapter 12.16.

19.708.1.B – Clear Vision

Clear vision requirements shall comply with clear vision requirements contained in Chapter 12.24.

19.708.1.C – Development in Downtown Zones

Per Public Works standard drawing 718B – Washington Street Cross Section, applicant is responsible for construction of a 12-foot wide sidewalk, curb and gutter, street lighting and half street asphalt reconstruction. Improvements will also include undergrounding of all overhead utilities.

Per Public Works standard drawing 711C – Main Street Cross Section, applicant is responsible for construction of a 16-foot wide sidewalk, curb and gutter, and half street asphalt reconstruction. Improvements will also include undergrounding of all overhead utilities.

The driveway approach on SE 21st Ave shall be removed and replaced with standard curb & gutter and sidewalk.

The existing right-of-way width of SE Washington St, SE 21st Ave and SE Main St fronting the proposed development are adequate width and applicant is not responsible for any right-of-way dedication.

As conditioned, the development shall conform to MMC 19.708.1.C.

- F. MMC Section 19.708.2 establishes standards for street design and improvement.

Street design standards have been addressed above under MMC 19.708.1.D.

- G. MMC 19.708.3 requires that sidewalks shall be provided on the public street frontage of all development.

The construction of sidewalks along the proposed development property abutting all public rights-of-way is included in the street frontage requirements.

The proposed development, as conditioned, will conform to MMC 19.708.3.A.2 through Condition of Approval.

- H. MMC 19.708.4 establishes standards for bicycle facilities.

The portion of SE Washington St fronting the proposed development is not classified as a bike route in the Milwaukie Transportation System Plan. Construction of bicycle

facility improvements on the SE Washington St frontage are not required for the proposed development.

The SE Main St frontage is identified as a shared bike facility, and construction of a bike lane will not be required.

The proposed development as proposed is consistent with MMC 19.708.4

- I. MMC 19.708.5 establishes standards for pedestrian and bicycle paths.

The proposed development does not present an opportunity to provide a pedestrian or bicycle path, and is not required to provide them.

MMC 19.708.5 does not apply to the proposed development.

- J. MMC Section 19.708.6 establishes standards for transit facilities.

Transit facilities have already been constructed with previous improvements. Therefore, MMC 19.708.6 does not apply to the proposed development.

10. MMC 19.907 Downtown Design Review

MMC 19.907.7 establishes the approval criteria for design review applications and the process for modifications to the downtown design standards. The approval authority may approve, approve with conditions, or deny a design review application based on the following criteria:

- a. Compliance with Title 19 Zoning Ordinance

As detailed in Findings 3-9, the proposed development complies with Title 19. As conditioned, and subject to variance approval, this criterion is met.

- b. Compliance with applicable design standards in Section 19.508.

As detailed in Finding 7, the proposed development complies with Section 19.508, except for 19.508.4.A.2.b(2), 19.508.4.E.3(a), and 19.508.4.E.4(c) which are reviewed against the applicable Downtown Design Guidelines.

- c. Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of the applicable design standard(s).

Refer to Table 1 below for detailed findings for Downtown Design Guidelines as related to Building Façade Details specified in 19.508.4.A.2.b(2): horizontal building façade; 19.508.4.E.3(a) and 19.508.4.E.4(c): windows and doors.

The purpose of the Building Façade Details standard is to provide cohesive and visually interesting buildings, particularly on the ground floor.

The proposed development addresses this purpose statement by using a vertical band of 4 projecting windows and color and material changes to give variety to the façade and break up the wall. In addition, the proposal includes public art, in the form

of a mural, on the wall area on either side of the parking garage entrance door. The retail/commercial ground floor is designed in brick with large roll-up doors for retail uses and large glass windows and double doors to activate the storefront area.

The purpose of the Windows and Doors standards are to enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.

The proposed development address this purpose statement by designing the retail/commercial ground floor with large roll-up doors for retail uses and large glass windows and double doors to activate the storefront area. Although the garage entrance area is not glazed, the proposed development includes a mural on the wall area on both sides of the parking garage entrance door to add visual interest and integrate art into the building's design.

Applicable Downtown Design Guidelines, of which specific sections are analyzed, are:

- *Milwaukie Character Guidelines*
- *Pedestrian Emphasis Guidelines*
- *Architectural Guidelines*
- *Lighting Guidelines*

Table 1. Downtown Design Guidelines

MILWAUKIE CHARACTER GUIDELINES	
Guideline	Recommended Findings
Reinforce Milwaukie's Sense of Place	<p><i>The proposed development is a 5-story mixed-use building with active retail storefront on all frontages. The building has been designed to orient views toward the Willamette River and is asymmetrical to reduce the bulk of the building to ensure compatibility with surrounding buildings. The Washington St frontage will include a ground floor mural to reflect the City's heritage and character. The proposed use of natural stained cedar siding reflects the City's horticultural history.</i></p> <p><i>The proposed development, as conditioned, meets this guideline.</i></p>
Integrate the Environment	<p><i>The building is designed to orient views toward the Willamette River and includes a second-floor podium terrace with patios and stormwater gardens overlooking the river. The building is</i></p>

	<p><i>designed to achieve Green Globes certification and all off-street parking is interior to the building.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Promote Linkages to Horticultural Heritage	<p><i>The Washington St frontage will include a ground floor mural to reflect the City's heritage and character. The proposed use of natural stained cedar siding reflects the City's horticultural history as well as the use of dogwoods and flowering ornamental trees as street trees at the sidewalk and on the second-floor terrace.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Establish or Strengthen Gateways	<p><i>This site occupies a key location in downtown, being very visible from the northbound lanes of McLoughlin Blvd as well as its proximity to the Orange Line light rail station for people exiting the train in downtown. Its design, with distinct corner entrances at both corners of Washington St and 21st Ave and Main St as well as cantilevered shadowbox façade treatments and cornice roofline provide downtown with a solid architectural anchor at the south end.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Consider View Opportunities	<p><i>The building is designed to orient views toward the Willamette River and includes a second-floor podium terrace with patios and stormwater gardens overlooking the river.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Consider Context	<p><i>The proposed building will be the tallest building in south downtown. However, it is designed with a brick base to establish a pedestrian context and a cornice roofline to be compatible with other surrounding buildings. Although a new, modern building, the materials selected (brick, cement panels, and cedar siding) are not inconsistent with other development in the area.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Promote Architectural Compatibility	<p><i>The proposed building design includes natural stained cedar siding which, in addition to the ground floor brick, is compatible with surrounding buildings, including the buildings directly north and west which are brick and wood frame buildings. The fiber cement middle is compatible with surrounding masonry buildings.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Preserve Historic Buildings	<p><i>This guideline does not apply to the proposed development as the site is not identified as an Historic Resource.</i></p>
Use Architectural Contrast Wisely	<p><i>In addition to the materials selection of brick,</i></p>

	<p><i>fiber cement, and cedar siding, the cantilevered shadowbox effect and bay windows reduce the bulk of the building and provide contrast.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Integrate Art	<p><i>The proposed development includes a ground floor mural on the Washington St façade and on the south-facing façade visible from Adams Street Connector which will integrate art into the building's design.</i></p> <p><i>The proposed development, as conditioned, meets this guideline.</i></p>

PEDESTRIAN EMPHASIS GUIDELINES	
Guideline	Recommended Findings
<p>Reinforce and Enhance the Pedestrian System</p> <p>Barriers to pedestrian movement and visual and other nuisances should be avoided or eliminated, so that the pedestrian is the priority in all development projects.</p>	<p><i>The proposed development is proposing new sidewalks that meet the Public Area Requirements on the SE Main St and SE Washington St frontages. All trash rooms are located inside the building and all utilities will be located inside the building or in sidewalk vaults.</i></p>
<p>Define the Pedestrian Environment</p> <p>Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.</p>	<p><i>The proposed design addresses pedestrians, and creates a human-scale environment, in a number of ways:</i></p> <ul style="list-style-type: none"> • <i>Includes active retail storefronts on all 3 frontages with glass overhead doors for shops</i> • <i>Significant entrances at both corners with SE Washington St</i> • <i>New sidewalks are proposed on the SE Main St and SE Washington St frontages</i> • <i>Fixed canopies over all entrances are proposed to protect pedestrians from the elements</i> • <i>A ground floor mural is proposed on the SE Washington St facade</i> • <i>The building is proposed with a zero lot line, establishing a street wall to reflect an urban character</i> <p><i>The proposed development, as conditioned, meets this guideline.</i></p>
<p>Protect the Pedestrian from the Elements</p>	<p><i>Fixed canopies are proposed to protect from elements.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p>Provide Places for Stopping and Viewing</p>	<p><i>The proposed development provides places for stopping and view by including the following:</i></p> <ul style="list-style-type: none"> • <i>Active retail storefronts on all 3 frontages</i>

	<p><i>with glass overhead doors for shops</i></p> <ul style="list-style-type: none"> • <i>Significant entrances at both corners with SE Washington St</i> • <i>Fixed canopies over all entrances are proposed to protect pedestrians from the elements</i> • <i>A ground floor mural is proposed on the SE Washington St facade</i> <p><i>The proposed development, as conditioned, meets this guideline.</i></p>
Create Successful Outdoor Spaces	<i>This guideline does not apply to the Building Façade Details standard.</i>
Integrate Barrier-free Design	<i>This guideline does not apply to the Building Façade Details standard.</i>

ARCHITECTURE GUIDELINES	
Guideline	Recommended Findings
Corner Doors	<p><i>The proposed design includes prominent retail/commercial entrances at both corners on the site with Washington St.</i></p> <p><i>The proposed development, as conditioned, meets this guideline.</i></p>
Retail and Commercial Doors	<p><i>Storefronts are proposed to have full glass door, including double doors with transom lights and side lights and glass overhead garage doors to retail shops to connect the building to the street and, thereby, to pedestrians.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Residential Doors	<i>This guideline does not apply to the proposed development.</i>
Wall Materials	<p><i>The proposed development promotes permanence through a design intended to convey a contemporary northwest style of architecture with a brick base, fiber cement clad middle, and cedar siding at the top and on the bay windows.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Wall Structure	<p><i>The proposed development provides scale defining devices through:</i></p> <ul style="list-style-type: none"> • <i>The facades have a tripartite façade division of base, middle, and top with an overhanging cornice like established neighbors (compatibility)</i> • <i>Brick base establishes the pedestrian scale</i>

	<p><i>like established neighbors</i></p> <ul style="list-style-type: none"> • <i>The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale</i> • <i>Vertical stacking of windows, piers, and bay windows</i> <p><i>The proposed development meets this guideline.</i></p>
Retail Windows	<p><i>The proposed design creates successful retail windows through:</i></p> <ul style="list-style-type: none"> • <i>Large glass storefront windows at all retail locations</i> • <i>All doors are double doors</i> • <i>All doors have transom lights and side lights</i> • <i>All retail locations have canopies</i> <p><i>The proposed development meets this guideline.</i></p>
Residential Bay Windows	<p><i>Residential projecting windows extend from levels 2-5 and occur on every building elevation and all projecting windows are clad in cedar siding.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Silhouette and Roofline	<p><i>Project Galaxy creates interest and detail in Silhouette and Roofline through:</i></p> <ul style="list-style-type: none"> • <i>Residential projecting windows that extend from levels 2-5 occur on every building elevation</i> • <i>Continuous cornice overhang at the roof line</i> • <i>The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale</i> <p><i>The proposed development meets this guideline.</i></p>
Rooftops	<p><i>The proposed design includes a continuous deep cornice overhang at the roof line which expresses the top of the building wall. The proposed cornice is of sufficient depth (48") to be proportional to the height of the wall.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Green Architecture	<p><i>The building is proposed to be constructed to achieve Green Globes certification as follows: maximize natural light, high performance envelope, recycled and low VOC materials, stormwater gardens on Level 2, and energy efficient lighting, HVAC, and appliances.</i></p> <p><i>The proposed development meets this guideline.</i></p>
Building Security	<p><i>This guideline does not apply to the Building Façade Details standard.</i></p>
Parking Structures	<p><i>This guideline does not apply to the Building Façade Details standard.</i></p>

LIGHTING GUIDELINES	
Guideline	Recommended Findings
Exterior Building Lighting	<i>The proposed design includes exterior building lighting integral to the façade, particularly on the ground floor.</i> <i>The proposed development meets this guideline.</i>
Parking Lot Lighting	<i>This guideline does not apply to the Building Façade Details standard.</i>
Landscape Lighting	<i>This guideline does not apply to the Building Façade Details standard.</i>
Sign Lighting	<i>No signs are proposed as part of this application. This guideline is not applicable to this project.</i>

SIGN GUIDELINES	
Guideline	Recommended Findings
(7 guidelines related to Signs)	<i>No signs are proposed as part of this application. The Sign guidelines are not applicable to this project.</i>

The DLC recommends finding that the proposal, as conditioned, is substantially consistent with the applicable Downtown Design Guidelines and that this approval criterion has been met.

The DLC recommends finding that with the listed conditions the approval criteria for Downtown Design Review are met.

11. MMC 19.911 Variances

A. MMC 19.911.3 establishes the review process for variance applications.

The applicant has requested the following variances:

- A variance to the requirement in MMC 19.304.5.B.2.d for a 6-foot step back for a street-facing portion of the building. This type of variance is not specified in the list of Type II variances.
- A Variance from the access spacing standards in MMC 12.16.040.C.4.c., which is not specified in the list of Type II variances

The Planning Commission finds that the Variance application for the 2 variances is subject to Type III Variance review.

B. MMC 19.911.4.B establishes criteria for approving Type III Variance applications.

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

The applicant has chosen to address the criteria of 19.911.4.B.1 Discretionary Relief Criteria.

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

The applicant's narrative addresses this code section as follows:

- *Street Spacing: The SE Washington street frontage is 210 ft in length. The development is required to have a single curb cut on SE Washington to access the parking garage as vehicular access is prohibited on SE Main St and SE 21st Ave. The curb cut to access the garage is located mid-block to stay as far away from either corner as possible. SE Washington St is a collector road. The code requires 300-ft spacing for accessways on collector roads and the spacing proposed is less than 150 ft.*
- *Step Back: To address the variance to the 6-ft step back requirement, the applicant states that the building exterior is designed to promote permanence and quality. The facades have a tripartite façade division of base, middle, and top with an overhanging cornice. The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale. Level 5 has a continuous cornice at the roof line and is materially differentiated from the body of the building by being clad in cedar siding. A metal trim band also defines this level at the 5th floor line.*

If the 4th and 5th floors were set back 6 ft on 3 sides, the project would lose approximately 5,000 sq ft of residential leasable area and at least 16 residential units.

There would also be a significant increase in structural and exterior skin costs to set back the top floor (transfer beams must be added, plumbing runs would not stack in the units, HVAC ducts would not stack, and the roofs at the setback areas would require significant waterproofing as part of the wood frame construction).

The loss of the residential leasable area coupled with the cost of construction would severely impact the feasibility of the project. The proposed design of the building addresses the purpose of this standard, resulting in a building that has a reduced perceived bulk, particularly as it is an asymmetrical design and L-shaped.

The Planning Commission finds that this criterion is met.

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

- (a) The proposed variance avoids or minimizes impacts to surrounding properties.

No impacts to surrounding properties by either variance have been identified.

The proposed curb cut to the garage has been located at mid-block to stay as far away from either corner as possible. The applicant submitted a traffic study to the City of Milwaukie that shows minimal impact to the street system from the parking garage.

For the step-back requirement, the 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale, and is treated similar to the setback architecturally to create the desired architectural scale desired by the zoning code

As conditioned, the Planning Commission finds that this criterion is met.

- (b) The proposed variance has desirable public benefits.

“Public benefits” are typically understood to refer to benefits to be enjoyed by members of the general public as a result of a particular project, or preservation of a public resource.

The variances allow for the project to move forward and for more housing units to be built in the downtown, which addresses a need identified in the Housing Needs Analysis.

As conditioned, the Planning Commission finds that this criterion is met.

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

This criterion encourages flexibility in site planning and development when the existing built or natural environment provide challenges to standard development or site planning.

The Planning Commission finds that this criterion is not applicable.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

As noted in Finding 11.B (1), the Commission finds there are no negative impacts. As conditioned, the proposed variances to minimum access spacing and required 6-ft step back requirement are reasonable and design solutions have been proposed to provide an alternative to reduce structural bulk.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that the Variance criteria are satisfied.

12. Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Community Development, Building, and Engineering Departments; Clackamas Fire District #1; Historic Milwaukie Neighborhood District Association (NDA); Clackamas County; Metro; Oregon Department of Transportation; North Clackamas School District;

and the Design and Landmarks Committee. The comments received are summarized as follows:

- **Ray Bryan, Chair, Historic Milwaukie NDA:** The NDA asked about:
 - the impact of this project on the adjacent property at 11138 SE Main St;
 - the blank wall on the south-facing façade and if vegetation or design elements could be added to address it;
 - any outdoor public amenities and if pedestrian access would be compromised on the sidewalk;
 - the potential for improving the signalized intersections in the immediate vicinity;
 - proposed signage,
 - the name of the development, and if the existing neon Bernard's sign will be incorporated.
- **Seth Brumley, ODOT Region 1 Planner on behalf of ODOT Rail:** Comments included the following:
 - Any proposed vegetation along the SE 21st St frontage shall provide acceptable sight lines for pedestrian safety
 - Changes to signal timing at 21st St and Washington and 21st St and Adams St will require authorization
 - Changes to roadway or sidewalk widths, crosswalk modifications, or bike lane modifications will require authorization through a Crossing Order
 - Ultimate tenant occupancy and build out conditions may necessitate additional traffic studies
 - Degradation to the existing traffic control system due to construction shall be immediately remedied per the Crossing Orders for the impacted locations.
- **Matt Amos, Clackamas Fire District #1:** comments regarding a required access and water supply test to be submitted during the development permit process.
- **Doug Naef, owner of 2025-2045 SE Washington St:** supports approval of the application as submitted.

ATTACHMENT 2
Recommended Conditions of Approval
File # DR-2017-001
Project Galaxy, 2036 SE Washington St.

Staff has prepared the following Conditions of Approval for the review by the Milwaukie Design and Landmarks Committee (DLC) of application DR-2017-001. Following the DLC review of the proposal, the DLC's recommended conditions will be incorporated into the staff report to the Milwaukie Planning Commission (PC) for the public hearing on this proposal.

1. The applicant shall submit a Type I Development Review application with final construction plans for construction of the building.
 - 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 July 7, 2017 and revised on July 20, 2017, except as otherwise modified by these conditions.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

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 two (2) years of land use approval.
 - b. Pass final inspection and/or obtain a certificate of occupancy within four (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.

3. Prior to final inspection, the following shall be resolved:
 - a. Subject to MMC 20.04, a mural is required to be installed on the southern-facing wall as well as the northern façade adjacent to the garage entrance door. It is recommended that the Applicant consult with ArtMob in developing the artwork.
 - b. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of

acceptance of the storm system design from the Department of Environmental Quality.

- c. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
- d. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
- e. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
- f. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
- g. Provide an erosion control plan and obtain an erosion control permit.
- h. Install all underground utilities, including stubs for utility service prior to surfacing any streets.
- i. Construct 12-foot sidewalks, curb and gutter, street lighting and utility undergrounding on Washington Street frontage. Construct 16-foot sidewalks, curb and gutter, street lighting and utility underground on Main Street frontage. Remove driveway approach on 21st Frontage and replace with curb & gutter and sidewalk.
- j. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 24 feet and 36 feet in width.
- k. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
- l. Provide a final approved set of Mylar and electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
- m. Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
- n. Submit an access and water supply test as required by the Clackamas Fire District #1 for full review and approval.



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

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

Application for Land Use Action

Master File #: DR-2017-001; VR-2017-007

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse):

Mailing address: _____ Zip: _____

Phone(s): _____ E-mail: _____

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: _____ Zip: _____

Phone(s): _____ E-mail: _____

SITE INFORMATION:

Address: _____ Map & Tax Lot(s): _____

Comprehensive Plan Designation: _____ Zoning: _____ Size of property: _____

PROPOSAL (describe briefly):

--	--

SIGNATURE:

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

Submitted by: _____ Date: _____

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

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

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

REVIEW TYPES:

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

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

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
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)



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

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

Submittal Requirements

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

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

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets the following:
 - A. All applicable development standards (listed below):
 1. **Base zone standards** in Chapter 19.300.
 2. **Overlay zone standards** in Chapter 19.400.
 3. **Supplementary development regulations** in Chapter 19.500.
 4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
 - B. All applicable application-specific approval criteria (check with staff).
These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

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

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

Applicant Signature: 

Date: June 5, 2017

Official Use Only

Date Received (date stamp below):

Clackamas County Official Records Sherry Hall, County Clerk	2017-029983 05/03/2017 03:05:02 PM
D-D Cnt=1 Stn=0 STEPHEN \$20.00 \$16.00 \$10.00 \$22.00	\$68.00

After recording send to:

Benjamin Leedy
Stoll Berne
209 SW Oak Street, Suite 500
Portland, OR 97204

**Until a change is requested,
all tax statements shall be sent to:**

B37 Milwaukie Owner LLC
c/o Guardian Development LLC
760 SW 9th Avenue, Suite 2200
Portland, Oregon 97205

STATUTORY WARRANTY DEED

MILWAUKIE DOWNTOWN DEVELOPMENT ASSOCIATION, LLC, an Oregon limited liability company, Grantor, conveys and warrants to the **B37 MILWAUKIE OWNER LLC**, an Oregon limited liability company, Grantee, the real property legally described on attached Exhibit A, free of encumbrances except as set forth on attached Exhibit B:

The true and actual consideration for this transfer is \$1,800,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

[Signature Page Follows]

45141428584-01-0

Fidelity National Title of Oregon

After recording send to:

Benjamin Leedy
Stoll Berne
209 SW Oak Street, Suite 500
Portland, OR 97204

**Until a change is requested,
all tax statements shall be sent to:**

B37 Milwaukie Owner LLC
c/o Guardian Development LLC
760 SW 9th Avenue, Suite 2200
Portland, Oregon 97205

45141428584-01-0

STATUTORY WARRANTY DEED

MILWAUKIE DOWNTOWN DEVELOPMENT ASSOCIATION, LLC, an Oregon limited liability company, Grantor, conveys and warrants to the **B37 MILWAUKIE OWNER LLC**, an Oregon limited liability company, Grantee, the real property legally described on attached Exhibit A, free of encumbrances except as set forth on attached Exhibit B:

The true and actual consideration for this transfer is \$1,800,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

[Signature Page Follows]

Fidelity National Title of Oregon

DATED as of May 3, 2017.

"GRANTOR"

MILWAUKIE DOWNTOWN DEVELOPMENT ASSOCIATION, LLC, an Oregon limited liability company

By: James M Bernard
Name: James M. Bernard
Title: Member

STATE OF OREGON)
COUNTY OF MULTNOMAH)ss.

On May 2, 2017, this instrument was acknowledged before me by James M. Bernard, as Member of Milwaukie Downtown Development Association, LLC, an Oregon limited liability company.

Shawnda Reszel
Notary Public for Oregon
My Commission Expires: 6.17.19

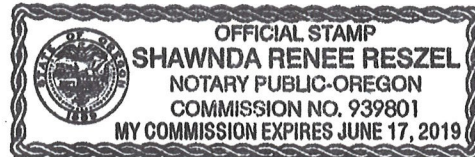


EXHIBIT A

Legal Description

Lots 2 through 6, Block 37, MILWAUKIE, in the City of Milwaukie, County of Clackamas and State of Oregon.

TOGETHER WITH that portion of the vacated alley which inured thereto by reason of Vacation Ordinance No. 35 of the City of Milwaukie, a copy of which was recorded September 7, 1956 in Book 516, Page 124, records of Clackamas County, Oregon.

EXCEPTING from said Lot 6 the South 21 feet 9.48 inches thereof.

EXHIBIT B

Permitted Exceptions

1. Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the alley shown below:

Ordinance No.: 35

Purpose: Utilities

Recording Date: September 7, 1956

Recording No: Book 516, Page 124

2. Easement and Settlement Agreement

Filing Date: May 24, 1974

Case No.: 87454

3. The rights of tenants holding under written but unrecorded leases, without any rights of first refusal or rights of first offer.

DOWNTOWN DESIGN REVIEW CHECKLIST

Project/Applicant Name: Project Galaxy
 Project Address: 2036 SE Washington St. Milwaukie OR
 Application Submission Date: June 2, 2017
 Zoning: DMU
 Building Use: Mixed Use - Retail and Apartments
 Completed By: Kurt Schultz - SERA on: 6/2/17

STANDARDS AND GUIDELINES

A. Development and Design Standards	Complies		
	Yes	No	NA
1. Development Standards (Per list of MMC Table 19.304.4)			
a. Permitted Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Minimum Lot Size	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Minimum Street Frontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Floor Area Ratio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Building Height	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Flexible Ground Floor Space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Street Setbacks/Build-to Lines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Frontage Occupancy Requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Primary Entrances	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Off-street Parking Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Open Space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Transition Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Residential Density Requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Design Standards (Per list of MMC 19.508) <i>N.A.</i>			
a. Building Façade Details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Corners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Weather Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Exterior Building Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Windows and Doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Roofs and Rooftop Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Open Space/Plazas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Design Guidelines			
1. Milwaukie Character			
a. Reinforce Milwaukie's Sense of Place	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Integrate the Environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Promote Linkages to Horticultural Heritage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Establish or Strengthen Gateways	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Consider View Opportunities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Consider Context	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Promote Architectural Compatibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Preserve Historic Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Use Architectural Contrast Wisely	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Integrate Art	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DOWNTOWN DESIGN REVIEW CHECKLIST

		Complies		
		Yes	No	NA
2. Pedestrian Emphasis				
a.	Reinforce and Enhance the Pedestrian System.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Define the Pedestrian Environment.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Protect the Pedestrian from the Elements.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Provide Places for Stopping and Viewing.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Create Successful Outdoor Spaces.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Integrate Barrier-Free Design.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Architecture				
a.	Corner Doors.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Retail and Commercial Doors.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Residential Doors.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Wall Materials.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Wall Structure.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Retail Windows.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Residential Bay Windows.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h.	Silhouette and Roofline.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i.	Rooftops.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	Green Architecture.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Building Security.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Parking Structures.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Lighting				
a.	Exterior Building Lighting.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Parking Lot Lighting.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Landscape Lighting.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Sign Lighting..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Signs				
a.	Wall Signs..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Hanging or Projecting Signs..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Window Signs..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Awning Signs..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Information and Guide Signs..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Kiosk Monument Signs..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	Temporary Signs..... <i>NA</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Notes:

REVISION

Memorandum

RECEIVED BY THE MILWAUKIE
PLANNING DEPARTMENT ON
JULY 20, 2017.



Date 07/20/2017
Project Name Project Galaxy Milwaukie
Subject Type III Downtown Design Review Application

LAND USE REVIEWS REQUESTED

- Type III downtown design review
- Type III variance
 - Variance from the MMC 19.304.5.B.2.d requirement for a 6-foot step back for a street-facing portion of the building...
 - Variance from the access spacing standards in MMC 12.16.040.C.4.c.

PROJECT GALAXY NARRATIVE

Project Galaxy is a new 5 story mixed-use Transit Oriented Development in downtown Milwaukie. The project is located on the present location of Bernard's Garage at 2036 SE Washington Street. The 25,523 SF "L" shaped lot is bounded by SE Washington Street to the north, SE Main Street to the west, and SE 21st Ave to the east. The Milwaukie/Main Street orange line Max station is located 1 block to the south near SE 21st Ave and SE Adams Street. Currently Bloom garden supply is located to the south of the property. Project Galaxy will be a highly sustainable project that is pursuing a Green Globes certification.

Project Galaxy will provide 110 market rate apartments ranging from studios, 1 bedroom lofts, traditional 1 bedrooms units, and 2 bedroom units on levels 2-5. The ground floor will provide 8,000 sf of retail/commercial space fronting SE 21st Ave and SE Main Street. The residential lobby will face east towards SE 21st Ave to be convenient to the max stop. Parking is accessed midblock on SE Washington Street and 78 mechanical parking spaces will be provided for the building residents. Bike parking will also be located adjacent to the vehicular parking. The ground floor will be built property line tight on all sides to reinforce its urban location.

The residential floors on levels 2-5 will be in an "L" shaped configuration with the wings aligning with SE 21st Ave and SE Washington Street. An occupied rooftop will be provided on level 2 on top of the concrete podium below. A building common room and fitness room will have access out onto the roof terrace. There will also be private residential patios on this podium roof as well as storm-water planters to treat water collected on the roof.

The building exterior will be designed to promote permanence and quality as well as comply with the Milwaukie Downtown Design Guidelines. The facades have a tripartite façade division of base, middle, and top with an

overhanging cornice. The exterior is designed to convey a contemporary northwest style of architecture with a brick base, fiber cement clad body (middle), and cedar siding at the top and on the bay windows. The building is deliberately asymmetrical to convey that this is an inviting residential building meant for modern living in the urban environment. The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale.

Project Galaxy is designed to be a model for sustainable transit oriented mixed use infill projects in downtown Milwaukie.

1. BASE ZONE STANDARDS

19.304 DOWNTOWN ZONES COMPLIANCE

19.304.5A

FAR 4:1, bonus for structured parking (.5 SF of additional FAR for every 1 SF of structured parking)

Complies. Site area is 25,523 SF. Base FAR allowable is 102,092 SF. We provide 10,000 SF of structured parking for a bonus of 5,000 SF. Total FAR allowable is then 107,692. Actual Project FAR is 103,146 SF, below the maximum allowable.

19.304.5B

HEIGHT: 3 stories and 45' base height (both together, not either-or) Height bonus of 2 stories (5 max) and 24' (57' max) if you do achieve a minimum of 2 incentive bonuses listed

- a) 25% of gross area in residential
- b) Lodging
- c) Green building certification
- d) Building height variance (Type III process)

Complies. Height is 57'. 12' height bonus achieved through bonus a. An additional story is achieved through bonus c. green building (Green Globes certification)

19.304.5B2d

Requires a 6' setback for any street facing portion of the building that is above the base maximum height. The 6' top floor setback can also be modified through a Type III variance.

Per 19.304.8 we are seeking a variance from this standard. See variance application narrative

19.304.5C2b1

14' minimum clear ceiling at level 1 on Main Street

Complies.

19.304.5C2b2

Interior area adjacent to main street 20' deep minimum

Complies.

19.304.5D2b

Street setbacks/build to lines

Complies.

19.304.5E

Frontage occupancy

Complies.

19.304.5F

Primary Entrance Standards. If a development is on the corner of Main street and another street, the main entrance shall be oriented towards Main street (or can be 45 degrees at corner). Retail entrances also meet this requirement.

Complies.

19.304.5G

Off Street Parking

Off street parking required per 19.600. 1 space per dwelling unit (800 sf or less). 1.25 spaces per dwelling unit (over 800 sf)

Complies. 8 units over 800 SF=10 stalls required. 101 units less than 800 SF=101 stalls required. (111 total required).

- 25% reduction for proximity to public transit= 27 stall reduction
- 10% reduction for additional bicycle parking=11 stall reduction
- 30% maximum reduction in the downtown mixed use zone =33 stall reduction max
- 111-33=78 stalls required, 78 stalls provided in mechanical parking

REVISED SECTION



2. OVERLAY ZONE STANDARDS

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

19.508.1 Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style.

19.508.4 Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.508.2 shall meet the following design standards. An architectural feature may be used to comply with more than one standard.

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building façades in the downtown, particularly along the ground floor.

2. Nonresidential and Mixed-Use Buildings

The following standards apply only to nonresidential and mixed-use buildings.

a. Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

Complies.

(1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

- (a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 ft on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.
- (b) The building base shall be constructed of brick, stone, or concrete to create a “heavier” visual appearance.
- (c) Weather protection that complies with the standards of Subsection 19.508.4.C.
- (d) Windows that comply with the standards of Subsection 19.508.4.E.

Complies.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

- (a) Windows that comply with the standards of Subsection 19.508.4.E.
- (b) One of the following elements:
 - (i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.

Complies.

- (ii) Either street-facing balconies or decks at least 2 ft deep and 4 ft wide, or a 6-ft minimum building step-back on the third floor or higher, for at least 25% of the length of the building.

- (c) A change in wall plane of not less than 24 in. deep and 24 in. wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

Complies.

(3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and it is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide roofs that comply with the standards of Subsection 19.508.4.F.

Complies.

b. Horizontal Building Façade

(1) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—shall line up with adjacent façades if applicable.

Complies.

(2) Significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building. The area or areas created by this break shall meet the standards of Subsection 19.304.5.H.

This standard is not met on SE Washington. This requirement is mitigated by the use of multiple bay windows and architectural features to give variety to the north building facade, as well as public art on the ground floor.

3. Residential Buildings

a. Stand-alone multifamily residential buildings are subject to the objective standards of Subsection 19.505.3.D.6 Building Façade Design, with the exception of the private and public open space requirements of Subsections 19.505.3.D.1 and 2. The open space requirements of Subsection 19.508.5 apply to stand-alone multifamily residential buildings in downtown.

b. Rowhouses are subject to the objective standards of Subsection 19.505.5 Rowhouses, as revised by Subsection 19.304.3.B.

c. Live/work units are subject to the objective standards in Subsection 19.505.6 Live/Work Units.

B. Corners

1. Purpose

To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

2. Nonresidential or Mixed-Use Buildings

Nonresidential or mixed-use buildings at the corner of two public streets—or at the corner of a street and a public area, park, or plaza—shall incorporate two of the following features (for the purposes of this standard an alley is not considered a public street):

a. The primary entry to the building located within 5 ft of the corner.

Complies.

b. A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at the corner of the building or within 20 ft of the corner of the building.

Complies.

c. The corner of the building cut at a 45° angle or a similar dimension “rounded” corner.

d. A combination of special paving materials; street furnishings; and, where appropriate, plantings, in addition to the front door.

C. Weather Protection

1. Purpose

Create an all-season pedestrian environment.

2. Weather Protection Required

All buildings shall provide weather protection for pedestrians as follows:

a. Minimum Weather Protection Coverage

(1) All ground-floor building entries shall be protected from the weather by canopies or recessed behind the front building façade at least 3 ft.

(2) Permanent awnings, canopies, recesses, or similar weather protection shall be provided along at least 50% of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian accessway.

(3) Weather protection used to meet the above standard shall extend at least 4 ft, and no more than 6 ft, over the pedestrian area, and a maximum of 4 ft into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.

(4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.

b. Weather Protection Design

Weather protection shall comply with applicable building codes and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

Complies.

D. Exterior Building Materials

1. Purpose

To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

2. Exterior Wall Standards

The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary, and prohibited material types referenced in this standard.

a. Buildings shall utilize primary materials for at least 65% of each applicable building façade.

b. Secondary materials are permitted on no greater than 35% of each applicable building façade.

c. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).

d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.

Complies. The project utilizes brick masonry and cedar wood siding as a primary building material and fiber reinforced cement siding as a secondary building material.

E. Windows and Doors

1. Purpose

To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.

2. Main Street

For block faces along Main St, 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.

Complies for East and West walls; does not comply for North wall (39%) - see accompanying material calculations.

3. Other Streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.
- b. Along McLoughlin Blvd the required coverage is 30%.

Complies - see accompanying materials.

4. Upper Level

Along all block faces, the following standards are applicable on the upper-level building façades facing a street or public space.

- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
- b. The required upper-floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- c. A minimum of 60% of all upper-floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows.

The proposal includes over 30% glazing on the upper floors, but less than 50% are vertically oriented due to the proposed oversized windows.

5. General Standards

- a. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.
- b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.
- c. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in above the abutting walkway surface.
- e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including, but not limited to, curtains, shades, signs, or shelves.
- f. Signs are limited to a maximum coverage of 20% of the required window area.

Complies.

6. Prohibited Window Elements

For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

- a. Reflective, tinted, or opaque glazing.
- b. Simulated divisions (internal or applied synthetic materials).

- c. Exposed, unpainted metal frame windows.

Complies.

F. Roofs and Rooftop Equipment

1. Purpose

To create a visually interesting condition at the top of the building that enhances the quality and character of the building.

2. Roof Forms

a. The roof form of a building shall follow one (or a combination) of the following forms:

- (1) Flat roof with parapet or cornice.
- (2) Hip roof.
- (3) Gabled roof.
- (4) Dormers.
- (5) Shed roof.

b. All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.

c. All hip or gabled roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.

d. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 in

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

3. Rooftop Equipment and Screening

a. The following rooftop equipment does not require screening:

- (1) Solar panels, wind generators, and green roof features.
- (2) Equipment under 2 ft high, if set back a minimum of 5 ft from the outer edge of the roof.

b. Elevator mechanical equipment may extend above the height limit a maximum of 16 ft, provided that the mechanical shaft is incorporated into the architecture of the building.

c. Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft high, shall be set back a minimum of 10 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:

(1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building, wood fencing, or masonry.

(2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

d. Required screening shall not be included in the building's maximum height calculation.

4. Rooftop Structures

Rooftop structures related to shared outdoor space—such as arbors, trellises, or porticos related to roof decks or gardens—shall not be included in the building's maximum height calculation, as long as they do not exceed 10 ft high.

Complies.

G. Open Space/Plazas

1. Intent

To assure adequate public and private open space in the downtown.

2. Mixed-Use and Residential Development

The following standards apply to mixed-use buildings with more than 4 residential units and residential-only multifamily developments.

a. Outdoor Space Required

50 sq ft of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use, or it may be a combination of the two uses.

b. Common Open Space

(1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

(2) With the exception of roof decks or gardens, outdoor common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

c. Private Open Space

(1) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.

(2) The private open space provided shall be contiguous with the unit.

(3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.

(4) Balconies may project up to a maximum of 4 ft into the public right-of-way.

d. Credit for Open Space

An open space credit of 50% may be granted when a development is directly adjacent to, or across a public right-of-way from, an improved public park.

Complies. Common open space is provided in the form of the building lobby, fitness room, 2nd floor amenity room, and outdoor roof deck. Private open space is provided on the second floor private terraces.

MILWAUKIE DOWNTOWN DESIGN GUIDELINES

1. Milwaukie Character Guidelines

These guidelines address Milwaukie's unique "sense of place," its special quality and personality. People's image of Milwaukie is that of an All-American riverfront town which is hospitable and family oriented. The guidelines address what gives Milwaukie this feeling, this "character" as a unique collection of spaces and buildings, not simply a group of individual projects that could be anywhere. The Milwaukie Character Guidelines consist of the following sections:

- Reinforce Milwaukie's Sense of Place

Project Galaxy reinforces Milwaukie Character through:

- Active retail storefront at all street frontages
- Use of natural stained cedar siding to reinforce Milwaukie's rich heritage of tree horticulture
- Use of a ground floor mural that reflects Milwaukie heritage and character on SE Washington Street
- Views oriented to the riverfront
- Small town urban character

- Integrate the Environment

Project Galaxy integrates the environment through:

- Views oriented to the riverfront
- Second floor podium roof is an occupied terrace with patios and storm-water gardens overlooking the river
- All parking located inside the building
- Green building certification

- Promote Linkages to Horticultural Heritage

Project Galaxy promotes linkages to Horticultural Heritage through:

- Use of natural stained cedar siding to reinforce Milwaukie's rich heritage of tree horticulture
- Use of a ground floor mural that reflects Milwaukie heritage and character on SE Washington Street
- Use of dogwoods and flowering ornamental trees at the sidewalk and podium level of the building

- Establish or Strengthen Gateways

Project Galaxy strengthens gateways through:

- Strong architectural features at both primary building gateways (NE and NW corners) with shadowbox cantilever form with cedar siding infill and staggered windows
- Retail/commercial anchors both primary building gateways (NE and NW corners)

- Consider View Opportunities

Project Galaxy maximizes view opportunities through:

- Building organized to maximize residential units with river views
- Second floor podium roof is an occupied terrace with patios and storm-water gardens overlooking the river

- Consider Context

Project Galaxy enhances the Milwaukie Context through:

- The facades have a tripartite façade division of base, middle, and top with an overhanging cornice like established neighbors
- Brick base establishes the pedestrian scale like established neighbors

- **Promote Compatibility**

Project Galaxy promotes compatibility through:

- The facades have a tripartite façade division of base, middle, and top with an overhanging cornice like established neighbors
- Brick base establishes the pedestrian scale like established neighbors
- The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale

- **Preserve Historic Buildings**

Not applicable

- **Use Architectural Contrast Wisely**

Project Galaxy promotes wise contrast through:

- The facades have a tripartite façade division of base, middle, and top with an overhanging cornice like established neighbors (compatibility)
- Brick base establishes the pedestrian scale like established neighbors (compatibility)
- The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale (compatibility)
- The building is clearly the largest building downtown. The building is deliberately asymmetrical to convey that this is an inviting residential building meant for modern living in the urban environment

- **Integrate Art**

Project Galaxy integrates art through:

- Use of a ground floor mural that reflects Milwaukie heritage and character on SE Washington Street

2. Pedestrian Emphasis Guidelines

In Downtown Milwaukie, the pedestrian is the priority. These guidelines address the ways in which buildings and spaces may be designed to create a convenient, comfortable, human-scaled environment that people will want to be in.

The Pedestrian Emphasis Guidelines include the following:

- **Reinforce and Enhance the Pedestrian System**

Project Galaxy reinforces the pedestrian system through:

- Active retail storefront at all street frontages
- New sidewalks all frontages
- All parking located inside the building
- All trash rooms are inside the building
- All utilities are in sidewalk vaults or inside the building
- All street frontage have canopies to protect the pedestrian

- Glass overhead garage doors open up retail shops onto Main Street and the future framers market

- Define the Pedestrian Environment

Project Galaxy provides human scale to pedestrian system through:

- Active retail storefront at all street frontages with large storefront windows
- Walls have brick masonry piers at comfortable bays
- All street frontage have canopies to protect the pedestrian
- Use of a ground floor art that reflects Milwaukie heritage and character on SE Washington Street

- Protect the Pedestrian from the Elements

Project Galaxy protects the pedestrian system through:

- All street frontage have fixed canopies to protect the pedestrian

- Provide Places for Stopping and Viewing

Project Galaxy provides places to stop and visit in the pedestrian system through:

- Active retail storefront at all street frontages with large storefront windows
- Setbacks at all building entrances
- All street frontage have fixed canopies to protect the pedestrian
- Project Galaxy is predominantly property line tight at all frontages to reinforce the urban character of this location

- Create Successful Outdoor Spaces

Project Galaxy creates successful outdoor spaces through:

- Building organized to maximize residential units with river views and to optimize southern exposure
- Second floor podium roof is an occupied terrace with patios and storm-water gardens overlooking the river

- Integrate Barrier-Free Design

All building entrances and features are accessible

3. Architecture Guidelines

The Architecture Guidelines promote quality development while reinforcing the individuality and spirit of Milwaukie. The guidelines promote architectural types indigenous to Milwaukie and/or the Northwest. Buildings in Milwaukie should seem to be “at home” there, reflecting its character and heritage, suiting its climate, landscape and downtown street grid. Within each downtown planning area, building proposals must consider and respond to selected requirements from the following architectural criteria:

- Corner Doors

Project Galaxy creates successful entrances through:

- Retail/commercial anchors both primary building corners (NE and NW corners) with corner entrances
- Doors are of storefront glass

- Retail and Commercial Doors

Project Galaxy creates successful entrances through:

- Large glass storefront doors at all retail entrances
- All doors are double doors
- All doors have transom lights and side lights
- Glass overhead garage doors open up retail shops onto Main Street and the future framers market

- Residential Doors

Not applicable

- Wall Materials

Project Galaxy promotes permanence through:

- The exterior is designed to convey a contemporary northwest style of architecture with a brick base, fiber cement clad middle, and cedar siding at the top and on the bay windows

- Wall Structure

Project Galaxy provides scale defining devices through:

- The facades have a tripartite façade division of base, middle, and top with an overhanging cornice like established neighbors (compatibility)
- Brick base establishes the pedestrian scale like established neighbors
- The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale
- Vertical stacking of windows, piers, and bay windows

- Retail Windows

Project Galaxy creates successful retail windows through:

- Large glass storefront windows at all retail locations
- All doors are double doors
- All doors have transom lights and side lights
- All retail locations have canopies

- Residential Bay Windows

Project Galaxy creates incorporates bay windows:

- Residential bay windows extending from level 2-5 occur on every building elevation
- All bay windows are clad in cedar siding

- Silhouette and Roofline

Project Galaxy creates interest and detail in Silhouette and Roofline through:

- Residential bay windows extending from level 2-5 occur on every building elevation
- Continuous cornice overhang at the roof line
- The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale

- Rooftops

Project Galaxy integrates and uses rooftops through:

- Second floor podium roof is an occupied terrace with patios and storm-water gardens overlooking the river

- Green Architecture

Project Galaxy promotes green architecture through:

- Green building certification (Green Globes)
- Maximizes natural light
- High performance envelope
- Recycled and low VOC materials
- Storm-water gardens on level 2
- Energy efficient lighting, appliances, and HVAC systems

- Building Security

Project Galaxy creates a safe environment through:

- Eyes on the street at all street frontages (retail or building lobby)
- Parking and loading are inside the buildings
- After hours all entrances will have card reader secure entries
- No security gates are provided

- Parking Structures

Project Galaxy integrates parking through:

- All parking is located inside the building in a mechanized parking system and is not visible to the public

4. Lighting Guidelines

Lighting should not only provide nighttime security, but also encourage nighttime patronage of businesses and restaurants. Lighting should create an atmosphere of festivity and activity - especially where special elements or places are concerned. Utilitarian application of glaring, offensively colored lights is not appropriate for downtown. Each development proposal must consider and respond to selected requirements from the following lighting criteria:

- Exterior Building Lighting

All exterior lighting is integral to the façade composition

- Parking Lot Lighting

Not applicable. All parking is inside the building

- Landscape Lighting

Lighting is used to highlight street trees and second floor podium landscaping

- Sign Lighting

Not applicable. Signage is not part of this application

5. Sign Guidelines

Signs should make it easy to locate and identify businesses as well as providing other information relevant to getting around and doing business in downtown; however, signs should never overwhelm either buildings or landscape. Moreover, signs should provide information in a highly graphic format that is complementary to downtown architecture. Tasteful logos, symbols and graphics are encouraged. A strong pedestrian orientation should be encouraged for all signs. Development proposals must consider and respond to selected requirements from the following sign criteria:

Not applicable. Signage is not part of this application

- Wall Signs
- Hanging or Projecting Signs
- Window Signs
- Awning Signs
- Information and Guide Signs
- Kiosks and Monument Signs
- Temporary Signs

3. OFF STREET PARKING AND LOADING STANDARDS

Off Street Parking

Off street parking required per 19.600. 1 space per dwelling unit (800 sf or less). 1.25 spaces per dwelling unit (over 800 sf)

Complies. 8 units over 800 SF=10 stalls required. 101 units less than 800 SF=101 stalls required. (111 total required).

- 25% reduction for proximity to public transit= 27 stall reduction
- 10% reduction for additional bicycle parking=11 stall reduction
- 30% maximum reduction in the downtown mixed use zone =33 stall reduction max
- 111-33=78 stalls required, 78 stalls provided in mechanical parking
- Loading spaces not required in the DMU zone

4. PUBLIC FACILITY STANDARDS

19.702 Applicability

19.702.1 General

Chapter 19.700 applies to the following types of development in all zones:

- A. Partitions.
- B. Subdivisions.
- C. Replats that increase the number of lots.
- D. New construction. **Applicable**
- E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single-family residential development and development in downtown zones.
 1. A new dwelling unit. **Applicable**
 2. Any increase in gross floor area. **Applicable**
 3. Any projected increase in vehicle trips, as determined by the Engineering Director. **Applicable**

19.708.1 General Street Requirements and Standards

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16. **Complies**

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24. **Complies**

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection 19.304.6. **Complies**

TYPE III VARIANCES REQUESTED

Variance from the MMC 19.304.5.B.2.d requirement for a 6-foot step back for a street-facing portion of the building

MMC 19.304.5.B.2.d requires that buildings shall provide a step back of at least 6' for any street facing portion of the building above the base maximum height (45'). We propose a 5 story building 57' in height. MMC 19.304.5.B.2.d would require a 6' setback above 45' at level 5, the top floor of the project, along SE Main, SE Washington, and SE 21st Ave.

1. Discretionary Relief Criteria

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

The building exterior is be designed to promote permanence and quality as well as the Milwaukie Downtown Design Guidelines. The facades have a tripartite façade division of base, middle, and top with an overhanging cornice. The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale. Level 5 has a continuous cornice at the roof line and is materially differentiated from the body of the building by being clad in cedar siding. A metal trim band also defines this level at the 5th floor line.

If the 5th floor was set back 6' on 3 sides, the project would lose 2,500 SF of residential leasable area on level 5 and at least 8 residential units. There would also be a significant increase in structural and exterior skin costs to set back the top floor (transfer beams must be added, plumbing runs would not stack in the units, HVAC ducts would not stack, and the roofs at the setback areas would require significant waterproofing in wood frame construction).

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

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

The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale, and is treated similar to the setback architecturally to create the desired architectural scale desired by the zoning code

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

The variance allows more housing units to be built in the downtown zone and mitigates a loss of residential capacity if the variance was not requested

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

The facades have a tripartite façade division of base, middle, and top with an overhanging cornice. The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale. Level 5 has a continuous cornice at the roof line and is materially differentiated from the body of the building by being clad in cedar siding. A metal trim band also defines this level at the 5th floor line.

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

The 5th floor is differentiated to reduce its overall perceived height to be compatible with the Milwaukie downtown scale, and is treated similar to the setback architecturally to create the desired architectural scale desired by the zoning code

Variance from the access spacing standards in MMC 12.16.040.C.4.c.

MMC 12.16.040.C.4.c.requires:

Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curb, the distance shall be measured from the nearest intersecting street edge of pavement.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

1. Discretionary Relief Criteria

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

SE Washington street frontage (total block length) is 210' long. We are required to have a single curb cut on SE Washington to access our parking garage as vehicular access is prohibited on SE Main and SE 21st Ave. We have located the curb cut mid-block to stay as far away from either corner as possible.

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

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

SE Washington street frontage (total block length) is 210' long. We are required to have a single curb cut on SE Washington to access our parking garage as vehicular access is prohibited on SE Main and SE 21st Ave. We have located the curb cut mid-block to stay as far away

from either corner as possible. We have submitted a traffic study to the City of Milwaukie that shows minimal impact to the street system from the parking garage

(2) The proposed variance has desirable public benefits. The variance allows the housing project to be built, creating new residential units in the downtown zone

(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.
See criteria 1 response

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

We have located the curb cut mid-block to stay as far away from either corner as possible. We have submitted a traffic study to the City of Milwaukie that shows minimal impact to the street system from the parking garage

From Kurt Schultz, SERA

cc



December 14, 2016

Levi Curran, Mike Andrews, Angela Guo, Briana Murtaugh, Tom Brenneke
Guardian Real Estate Services LC
760 SW 9th Ave
Portland, OR 97025

Re: Preapplication Report

Dear Levi et al:

Enclosed is the Preapplication Report Summary from your meeting with the City on November 9, 2016, concerning your proposal for action on property located at the Project Galaxy address.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Avery Pickard
Administrative Specialist II

Enclosure

cc: Michael Rudis, BC Group
Kyle Anderson, GBD Architects

CITY OF MILWAUKIE PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on **11/17/2016** at **10:00am**

Applicant Name: LEVI CURRAN

Company: GUARDIAN REAL ESTATE SERVICES LLC

Applicant 'Role': Other

Address Line 1: 760 SW 9TH AVE, STE 2200

Address Line 2:

City, State Zip: PORTLAND OR 97025

Project Name: PROJECT GALAXY

Description: PROJECT GALAXY

ProjectAddress: PROJECT GALAXY

Zone: Downtown Mixed Use (DMU)

Occupancy Group: R-2, M, B

ConstructionType:

Use: Proposed mixed-use building and associated parking in a 5-story building: 1 story retail; 4 stories

Occupant Load:

AppsPresent:

Staff Attendance:

BUILDING ISSUES

ADA: ADA Parking will need to be provided in the parking garage.

Structural:

Mechanical: The mechanical parking device will be inspected by the Milwaukie Building Department. (Per the State of Oregon Elevator Chief Inspector)

Plumbing: Gray water can only be directed to a public or private sewer system in the plumbing code. To take gray water and use it for irrigation requires a permit from DEQ and has to follow their regulations.

Plumb Site Utilities:

Electrical:

Notes: We do not have any mechanism in place for fee reductions.

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers: A fully compliant NFPA 13 system will be required throughout.

Fire Alarms: A manual fire alarm system will be required throughout.

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes:

PUBLIC WORKS ISSUES

Water: Three City of Milwaukie water mains, 10" on SE Washington St, 8" on SE Main St, and 8" on SE 21st Avenue, will serve the proposed development. The water System Development Charge (SDC) is based on the size of water meters serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued. Water calculations will be required by the applicant for fire flows.

Sewer: City of Milwaukie 12-inch wastewater mains on SE 21st Avenue and SE Main Street will serve the proposed development. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1075.00 and the second component is the County's SDC for treatment of \$6,130 that the City collects and forwards to the County. Both SDC charges are per dwelling unit. Apartments are worth .8 dwelling units for the County SDC. For Milwaukie's SDC, each 1 bedroom and studio apartment are worth .65 dwelling units, while the 2 bedroom units are worth 1 unit. For commercial uses, the Milwaukie wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm: Submission of a storm water management plan by a qualified professional engineer is required 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 site stormwater management plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland Stormwater Management Manual for design of water quality facilities.
All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for

design and construction standards and detailed drawings.

No Storm SDC's will be required as the site is currently 100% impervious.

Street:

The proposed development fronts the south side of SE Washington Avenue, a collector street. The portion of SE Washington Avenue fronting the proposed development has a right-of-way width of 60 feet, a paved width of 30 feet, and curb and sidewalk improvements on the both sides of the street.

The proposed development fronts the west side of SE 21st Avenue, an arterial street. The portion of SE 21st Avenue fronting the proposed development has a right-of-way width of 70 feet, a paved width of 24 feet, and curb and sidewalk improvements on both sides of the street.

The proposed development fronts the east side of SE Main Street, a collector street. The portion of SE Main Street fronting the proposed development has a right-of-way width of 80 feet, paved width of 55 feet, and curb and sidewalk improvements on both sides of the street.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

SE Washington Avenue

According to Public Works Standards; the applicant shall continue the 12-foot sidewalk improvements already completed through the Light Rail improvement project to the west end of the Washington Avenue frontage. These improvements include lighting and tree planting according to PAR requirements.

SE 21st Avenue

The necessary improvements to 21st Avenue were previously constructed with the Light Rail Improvement Project. The applicant is not responsible for any additional improvements, other than removal of unused driveways.

SE Main Street

According to Public Works Standards; Main Street requires a 16' wide sidewalk and parallel parking, trees and lighting. The applicant will be responsible for constructing these improvements.

Some of these improvements may be eligible for Funds in Lieu of Construction (FILOC). Which will be determined with the application

Right of Way:

The existing right-of-way on SE Washington Avenue fronting the proposed development is of adequate width and no right-of-way dedication is required.

The existing right-of-way on SE 21st Avenue fronting the proposed development is of adequate width and no right-of-way dedication is required.

The existing right-of-way on SE Main Street fronting the proposed development is of adequate width and no right-of-way dedication is required

Driveways:

Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with

Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards. Any unused driveway approaches shall be removed at time of construction.

Erosion Control:

Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: City has determined that with the loading and resident driveway configuration proposed, a TIS will be required.

The transportation impact study triggers a Transportation Facilities Review (TFR) Land Use Application to be filed concurrent with the land use application. Applicant shall pay a deposit of \$1000.00 to scope the traffic impact study. The City of Milwaukie will provide a detailed transportation impact study scope for the traffic study. When the traffic impact study is completed in accordance with the TIS scope, the applicant shall submit the completed TIS to the City with a \$2500.00 deposit to review the TIS. Lastly, a second pre-application meeting with Milwaukie Engineering Staff will be scheduled along with the payment of \$100.00. This meeting is to provide comments on the applicant's traffic impact study prior to submission of any land use applications. Upon completion of the second pre-application meeting, the applicant may submit their land use applications

PW Notes:

TRANSPORTATION SDC

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,921 per trip generated. Credits will be given for any demolished structures, which shall be based upon the existing use of the structures.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Multi-Family Residence is \$3,608.00. Credit is applied to any demolished structures and is based upon the existing use of the structures. Commercial space SDC's will be charged at 60\$ per employee. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

REQUIREMENTS AT FINAL PLAT

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.

- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.

- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.

- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.

- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection.

PLANNING ISSUES

- Setbacks:** In the Downtown Mixed Use (DMU) Zone: Minimum street setback = 0 feet; maximum street setback = 10-20 feet. Please review the following sections in the zoning code for additional information: Figure 19.304-5 First-Floor Build-To Lines; Subsection 19.304.5.D Street Setbacks/Build-To Lines; Subsection 19.304.5.I Transition Measures; Subsection 19.501.2 Yard Exceptions
- Landscape:** Per MMC 19.508.4.G, mixed-use buildings with more than 4 residential units must provide 50 sq ft of private or common open space for each dwelling unit. Details regarding type of open space and credit for existing open space can be found in MMC 19.508.4.G.
- Parking:** Off-street parking for residential uses is required at the ratios established in Table 19.605.1. (Multi-family residential = 1 parking space per dwelling unit in the DMU Zone). All other applicable standards of Chapter 19.600 apply. All nonresidential uses are exempt from the off-street parking requirements. By-right reductions and the parking ratio modification process are described in MMC 19.605.2 and MMC 19.605.3.
- Transportation Review:** The City's transportation requirements are located in MMC 19.700. Please review the Public Works section for these requirements.
- Application Procedures:** Application procedures are described below.
- Downtown Design Review:
- Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards. Per MMC 19.906.2.B, Type II development review does not apply to development proposals in the downtown zones as these zones have a separate downtown design review process.
- This application would be reviewed through either a Type II or a Type III process, depending upon whether or not the project meets all of the design standards of MMC 19.508 (Downtown Site and Building Design Standards).
- Designing this project to the design standards would result in a Type II review process. However, applicants, at their option, may choose to use Type III discretionary review. Through Type III review, applicants can address downtown design review requirements through a combination of satisfying certain design standards and, in instances where they elect not to utilize design standards, satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.
- Per MMC 19.508.5, variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards in this section must be reviewed through a Type III downtown design review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907. A Type III review process would include a review by the Design and Landmark Committee in addition to the Planning Commission.
- Applicant is encouraged to carefully review the following zoning code sections applicable to this

project:

1. MMC 19.304 – Downtown zones
2. MMC 19.508 – Downtown site and design standards
3. MMC 19.600 – Off-street parking
4. MMC 19.907 – Downtown design review

Application fees are based on the current fee schedule. Fees are typically updated on July 1st of each year. Current application fees are as follows: Type I = \$200; Type II = \$1,000; Type III = \$2,000. For concurrent applications, a 25% discount is applied (no discount for the most expensive application).

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application will be required for referral to other departments, the Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

Land use application submission materials are listed below for your convenience. Please refer to the handouts distributed at the pre-application conference for more detailed information.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed "Submittal Requirements".
4. 5 copies of an existing conditions and a proposed conditions site plan, both to scale.

Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.

For Type II review, public notice of the application will be mailed to property owners and residents within 300 ft of the subject property no later than 7 days after the application is deemed complete, with 14 days allowed for comments in response. Within 7 days of being deemed complete, a sign giving notice of the application must also be posted on the subject property, to remain until the decision is issued. A decision by the Planning Director will not be issued before the end of the 14-day comment period.

Type III applications are quasi-judicial in nature and are decided by the Planning Commission at a public hearing. The Planning Commission hears land use applications on the second and fourth Tuesdays of every month, and completed applications need to be submitted to the Planning Department no later than 45 days prior to the target Planning Commission hearing. In general, staff recommends that applications be submitted one to two weeks before the 45-day deadline in order to ensure that there is time to make the applications complete if they are initially deemed incomplete. Once the Planning Commission renders a decision, there is a fifteen calendar-day appeal period. Building permits will be accepted for review only after the appeal period for all land use decisions has expired.

Concurrent applications are reviewed together and follow the review procedure of the highest level of review.

Natural Resource Review: The property does not contain any mapped natural resource areas.

Lot Geography: The site is rectilinear in shape.

Planning Notes: 1. The pre-application conference is valid for purposes of submitting future land use applications as

Dated Completed:

City of Milwaukie DRT PA Report

Page 6 of 8

described in MMC 19.1002.4. A preapplication conference is valid for 2 years. Construction of new single-family homes on the newly created lots will require another pre-application conference.

2.The site is located in the Historic Milwaukie Neighborhood District Association (NDA) boundary. Staff strongly encourages the applicant to present any proposed Type II or Type III application to the NDA and/or its Land Use Committee, as well as to the immediate property owners. The NDA's webpage is on-line at <http://www.milwaukieoregon.gov/citymanager/historic-milwaukie-nda>. Their meetings are held at 6:30pm on the second Monday of the month at Libbie's Restaurant at 11056 SE Main St. The NDA Chairperson is Ray Bryan (503-794-9354, ray1bryan2@gmail.com). Please contact the Chair to coordinate a meeting to discuss the proposal.

3.As discussed in the conference, the applicant is reminded that the City has a program to allow for the Bancroft financing of SDCs in semi-annual payments over a period of 10 years or less. For more information, please contact Amy Koski at 503-786-7624 (koskia@milwaukieoregon.gov) or Alma Flores at 503-786-7652 (floresa@milwaukieoregon.gov).

4.The applicant submitted several questions for discussion at the conference. Relative to Planning items, the responses are as follows:

- a.FAR bonus for structured parking includes both above and below grade parking. No other FAR bonus is provided in the code.
- b.The 6-foot setback is required for portions of a building above the base maximum height of 3 stories/45 ft.
- c.Parking reductions and modifications to minimum required are covered in MMC 19.600. Tandem parking stalls are generally not considered 2 parking spaces, but are not covered in the code. Applicant may use tandem spaces as part of an application to request reduction in minimum parking required.
- d.Goals for SE 21st Ave are to activate the street front similarly to SE Main street.

5.The Vertical Housing Tax Credit was discussed as an incentive and a general timeline of March 2017 was mentioned for expansion of the City's Vertical Housing Development Zone. Since the conference, that timeline has been slightly modified with anticipated approval of the proposed expansion by the State in May 2017. For more information, please contact Amy Koski at 503-786-7624 (koskia@milwaukieoregon.gov).

6.Information about the Strategic Investment Program (SIP) was shared and one clarification is necessary regarding the conversation at the conference. Specifically, the SIP is only available for projects developed by "traded-sector" businesses defined in Oregon law as "industries in which member firms sell their goods or services into markets for which national or international competition exists." For more information, please contact Amy Koski at 503-786-7624 (koskia@milwaukieoregon.gov) or Alma Flores at 503-786-7652 (floresa@milwaukieoregon.gov).

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Sam Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Stacy Stubblefield - Civil Engineer - 503-786-7602

Vacant - Civil Engineer - 503-786-7610

Chrissy Dawson - Engineering Tech II - 503-786-7610

Alex Roller - Engineering Tech I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores, Comm. Dev. Director - 503-786-7652

Marcia Hamley - Admin Specialist - 503-786-7656

Joyce Stahly -Admin Specialist - 503-786-7603

Alicia Martin -Admin Specialist - 503-786-7669

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

Li Alligood - Senior Planner - 503-786-7627

Brett Kelter - Associate Planner - 503-786-7657

Vera Koliass - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2660



REVISION

RECEIVED BY THE MILWAUKIE PLANNING DEPARTMENT ON JULY 20, 2017.

TABLE OF CONTENTS

- C01 VIEW FROM NE
- C02 TABLE OF CONTENTS
- C03 AERIAL VIEW FROM SW
- C04 VIEW FROM EAST
- C06 EXISTING CONDITIONS - AERIAL
- C07 SITE IMAGES
- C08 SITE UTILITY / SIDEWALK PLAN
- C09 SITE PLAN
- C10 FLOOR PLAN - LEVEL 1
- C11 FLOOR PLAN- LEVEL 2
- C12 FLOOR PLAN- LEVELS 3-4
- C13 FLOOR PLAN - LEVEL 5
- C14 ROOF PLAN
- C15 NORTH ELEVATION
- C16 EAST ELEVATION
- C17 SOUTH ELEVATION
- C18 WEST ELEVATION
- C19 MAIN STREET STREETSCAPE











View of Bloom Garden Supply (Looking NE)



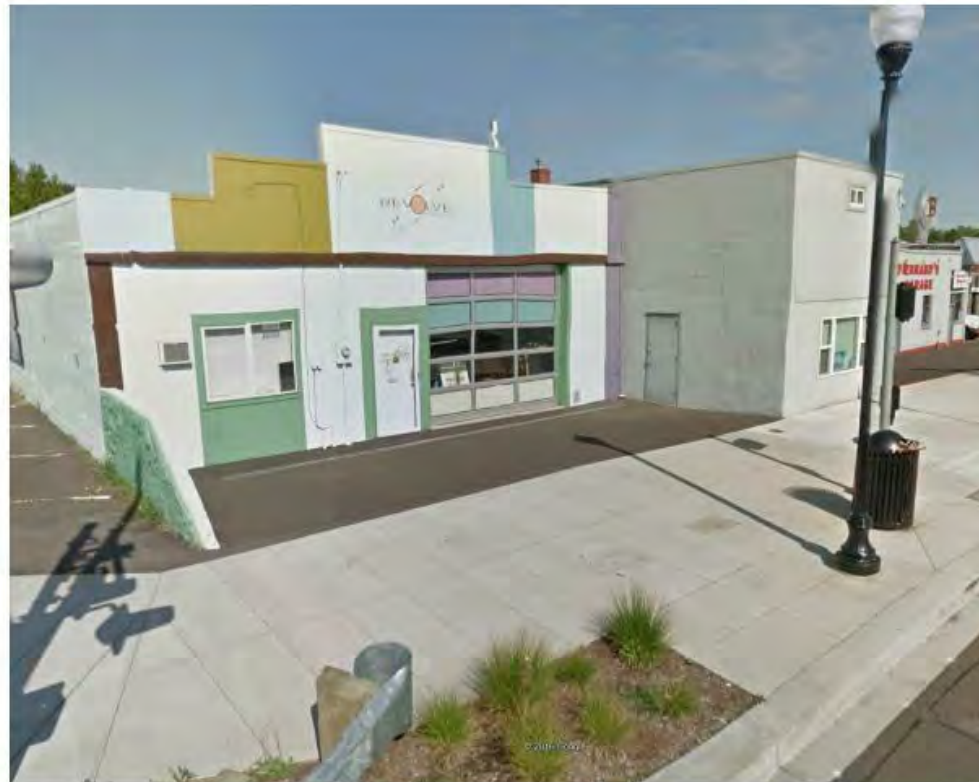
View of Parking (Looking E)



From Corner of Site (Looking SE)



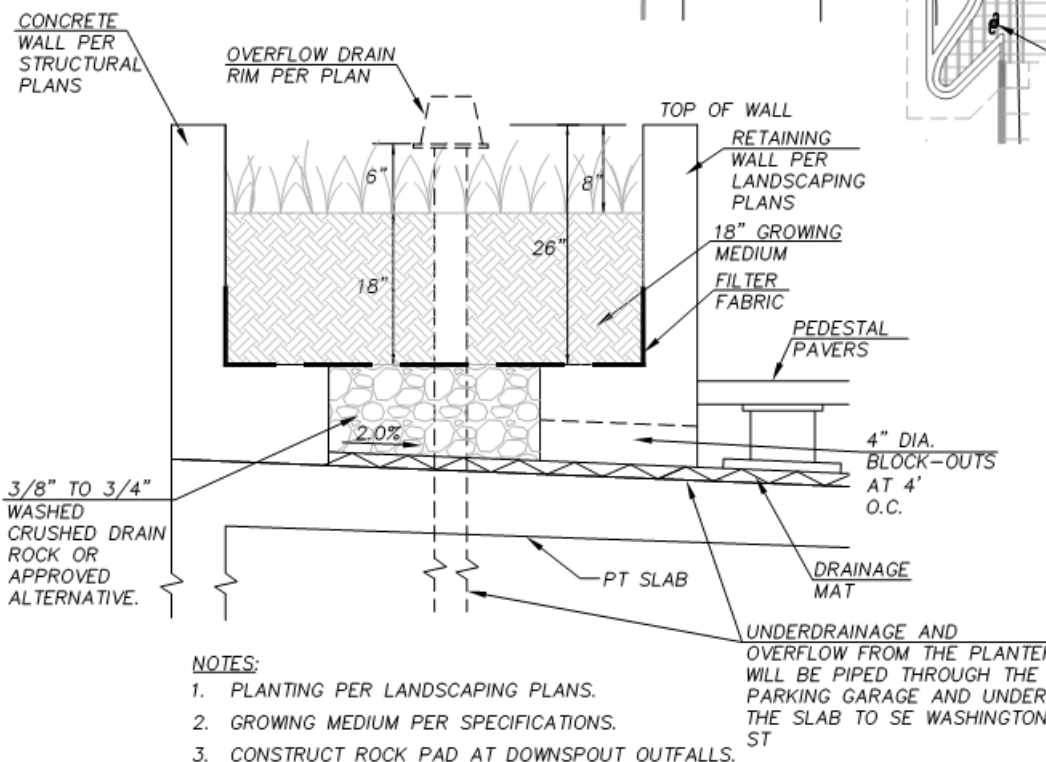
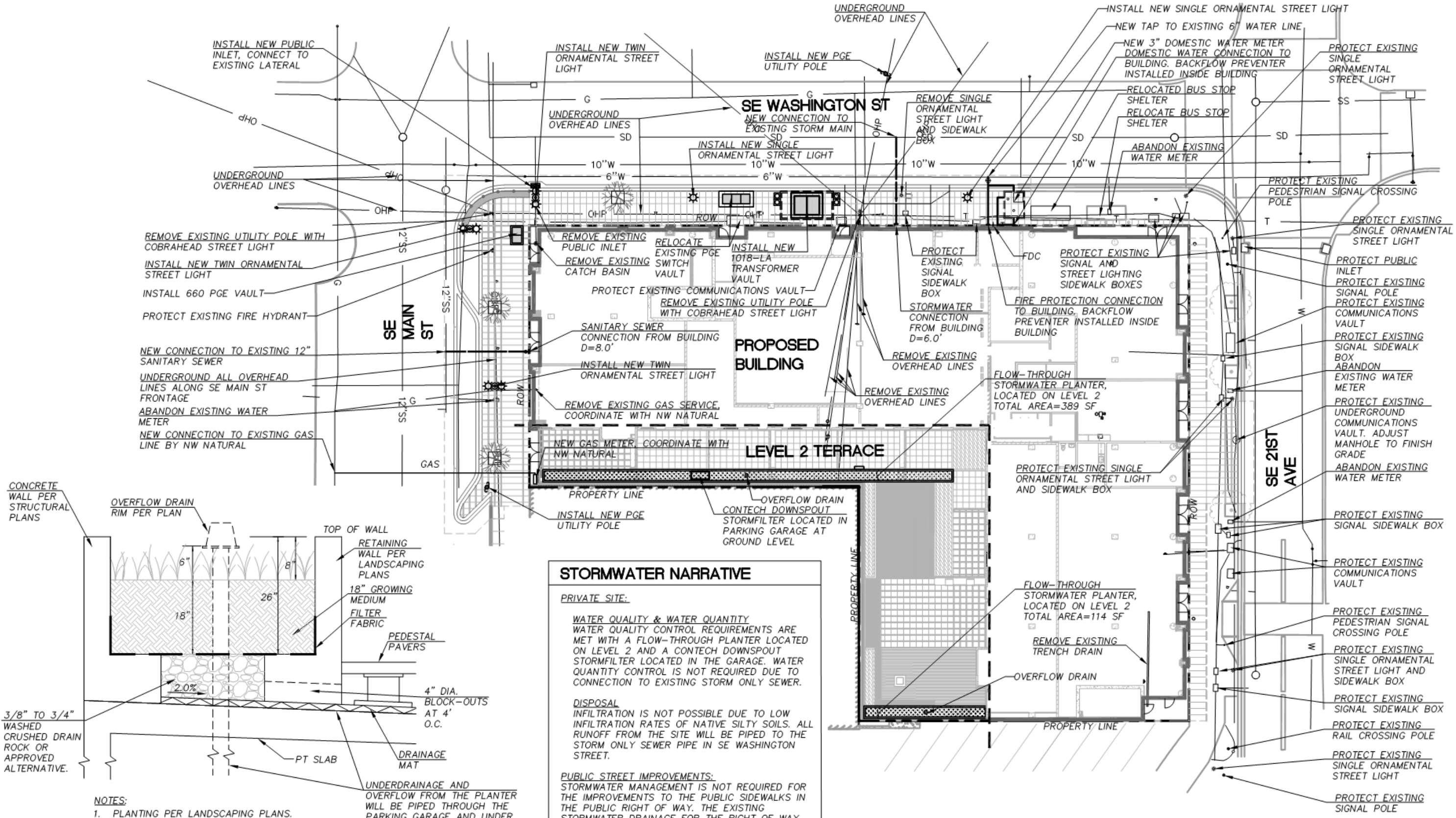
View of Bernards Garage (looking SW)



View of Revolver Vintage (existing on site)



View of SE Corner of Site, looking From MaxLine



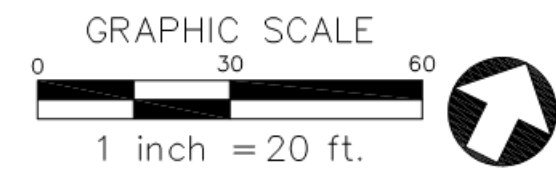
STORMWATER NARRATIVE

PRIVATE SITE:

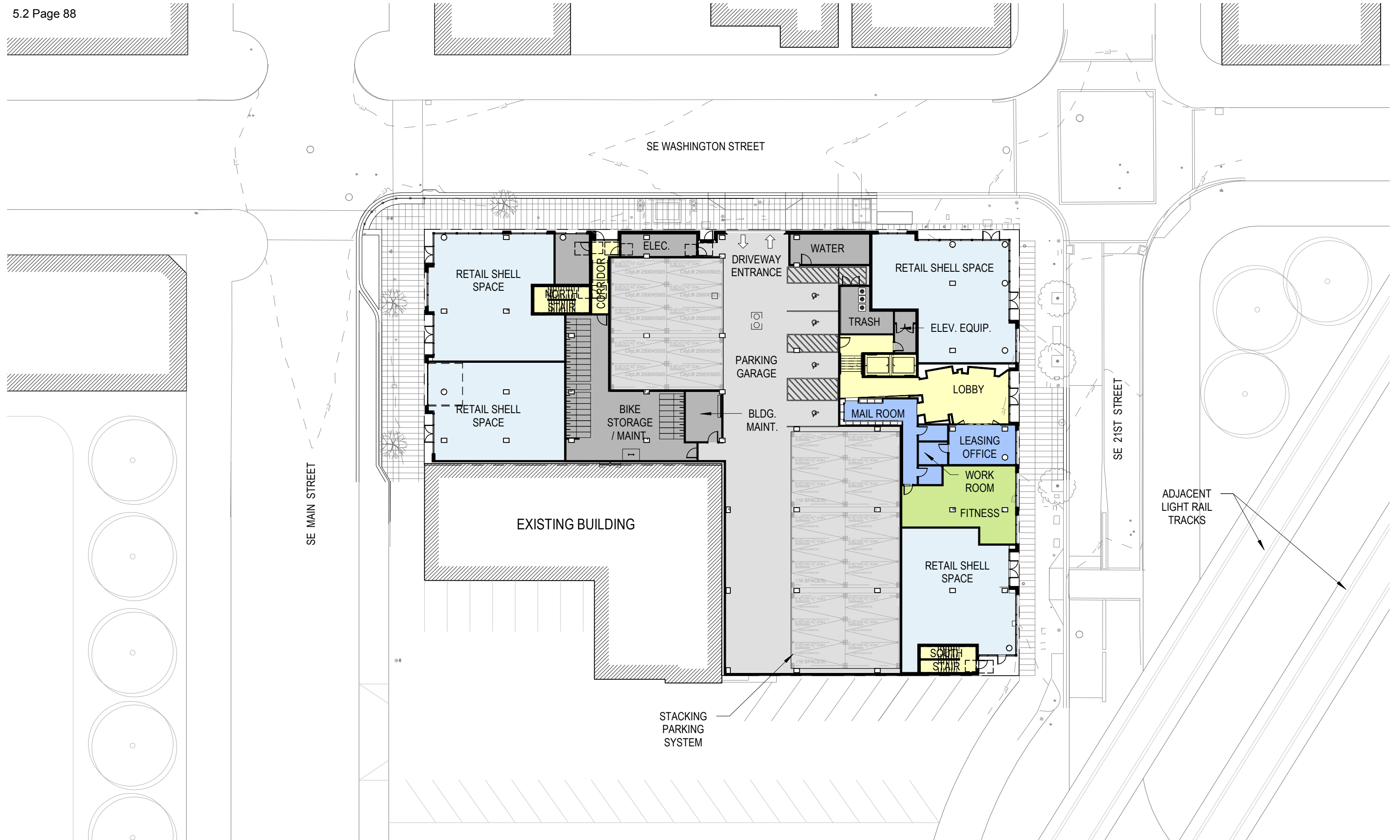
WATER QUALITY & WATER QUANTITY
 WATER QUALITY CONTROL REQUIREMENTS ARE MET WITH A FLOW-THROUGH PLANTER LOCATED ON LEVEL 2 AND A CONTECH DOWNSPOUT STORMFILTER LOCATED IN THE GARAGE. WATER QUANTITY CONTROL IS NOT REQUIRED DUE TO CONNECTION TO EXISTING STORM ONLY SEWER.

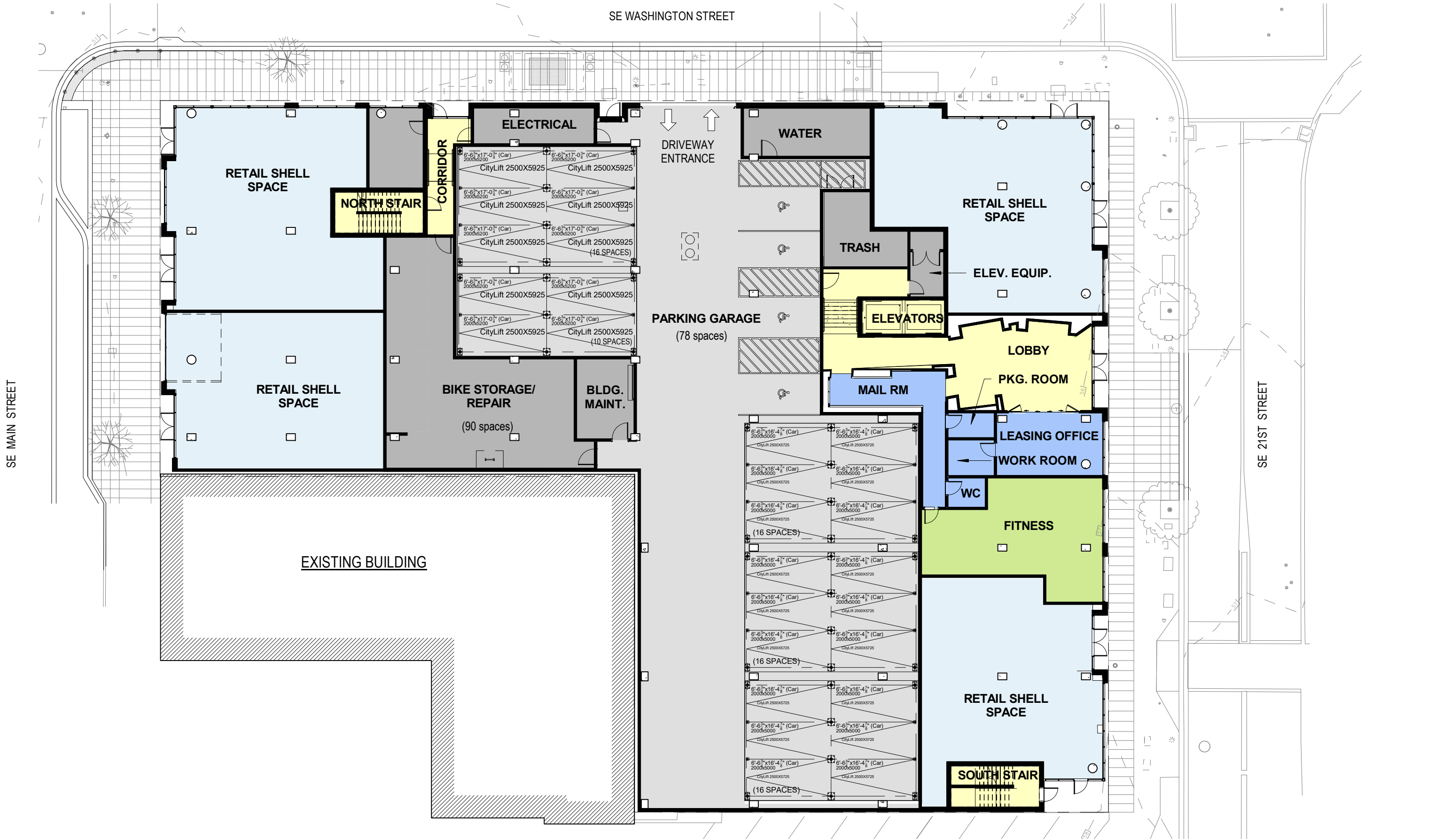
DISPOSAL
 INFILTRATION IS NOT POSSIBLE DUE TO LOW INFILTRATION RATES OF NATIVE SILTY SOILS. ALL RUNOFF FROM THE SITE WILL BE PIPED TO THE STORM ONLY SEWER PIPE IN SE WASHINGTON STREET.

PUBLIC STREET IMPROVEMENTS:
 STORMWATER MANAGEMENT IS NOT REQUIRED FOR THE IMPROVEMENTS TO THE PUBLIC SIDEWALKS IN THE PUBLIC RIGHT OF WAY. THE EXISTING STORMWATER DRAINAGE FOR THE RIGHT OF WAY WILL BE PROTECTED DURING CONSTRUCTION.

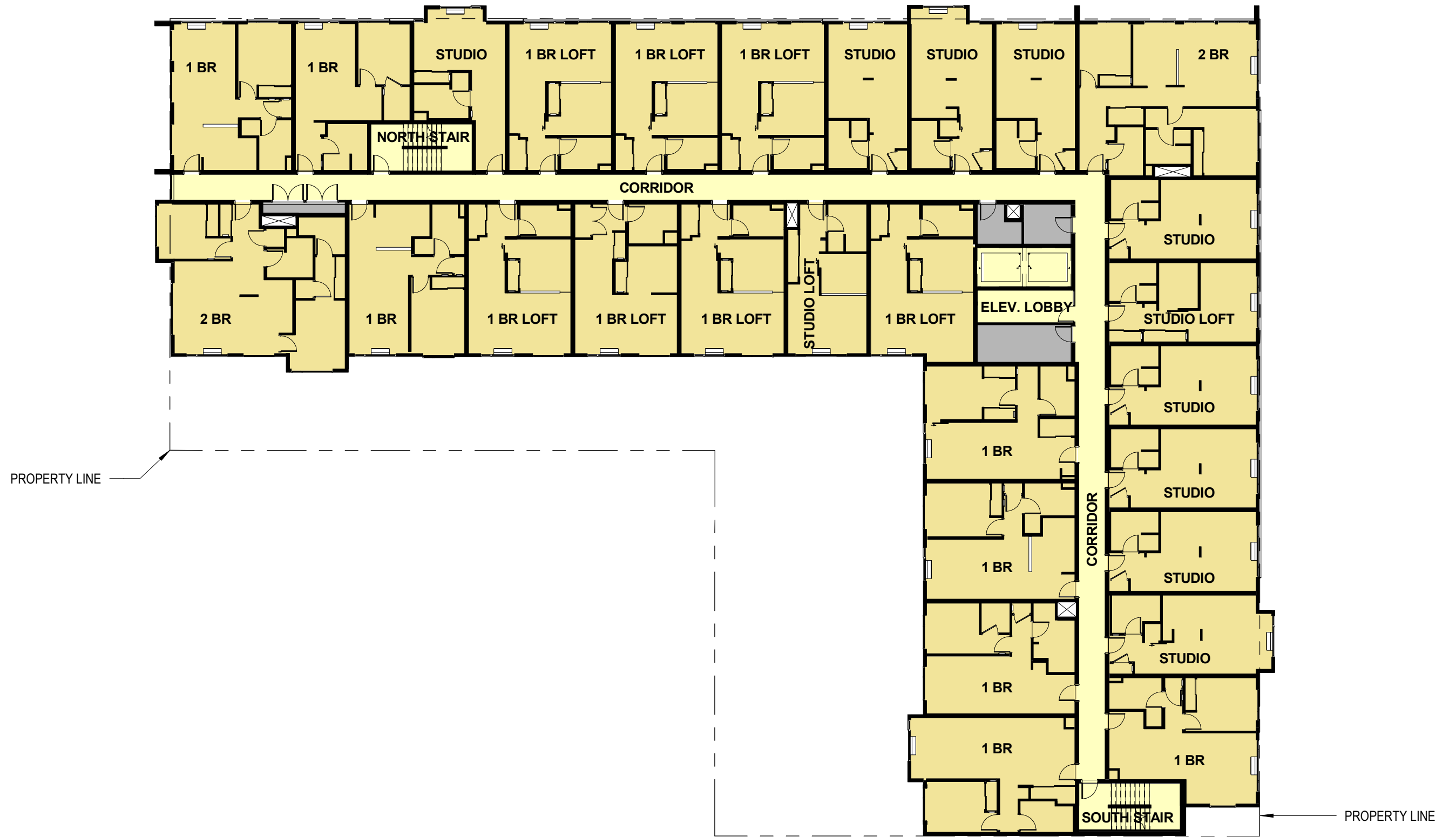


1 STORMWATER FLOW-THROUGH PLANTER
 NTS

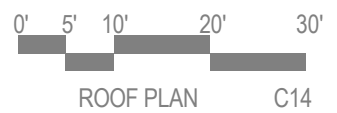
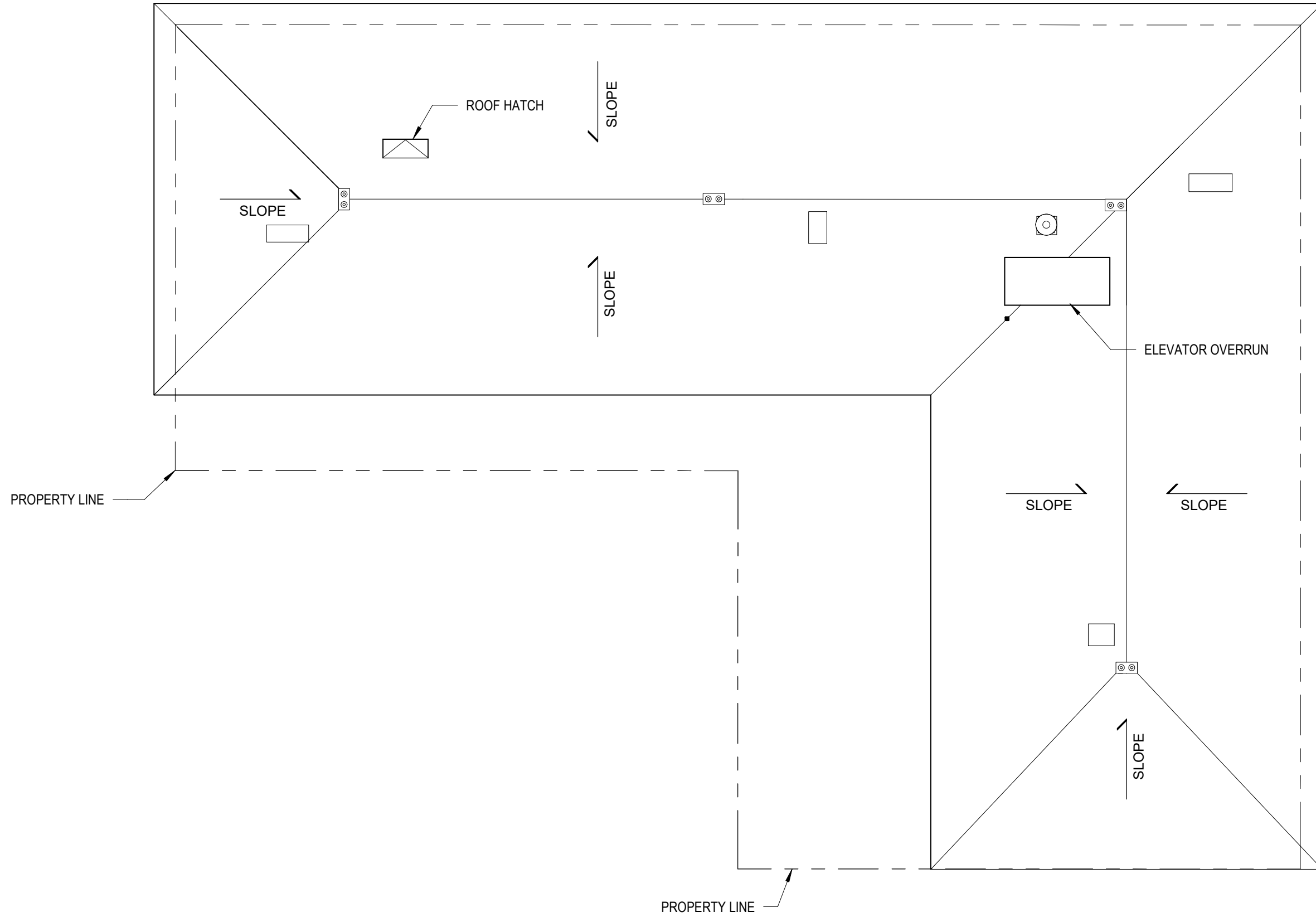


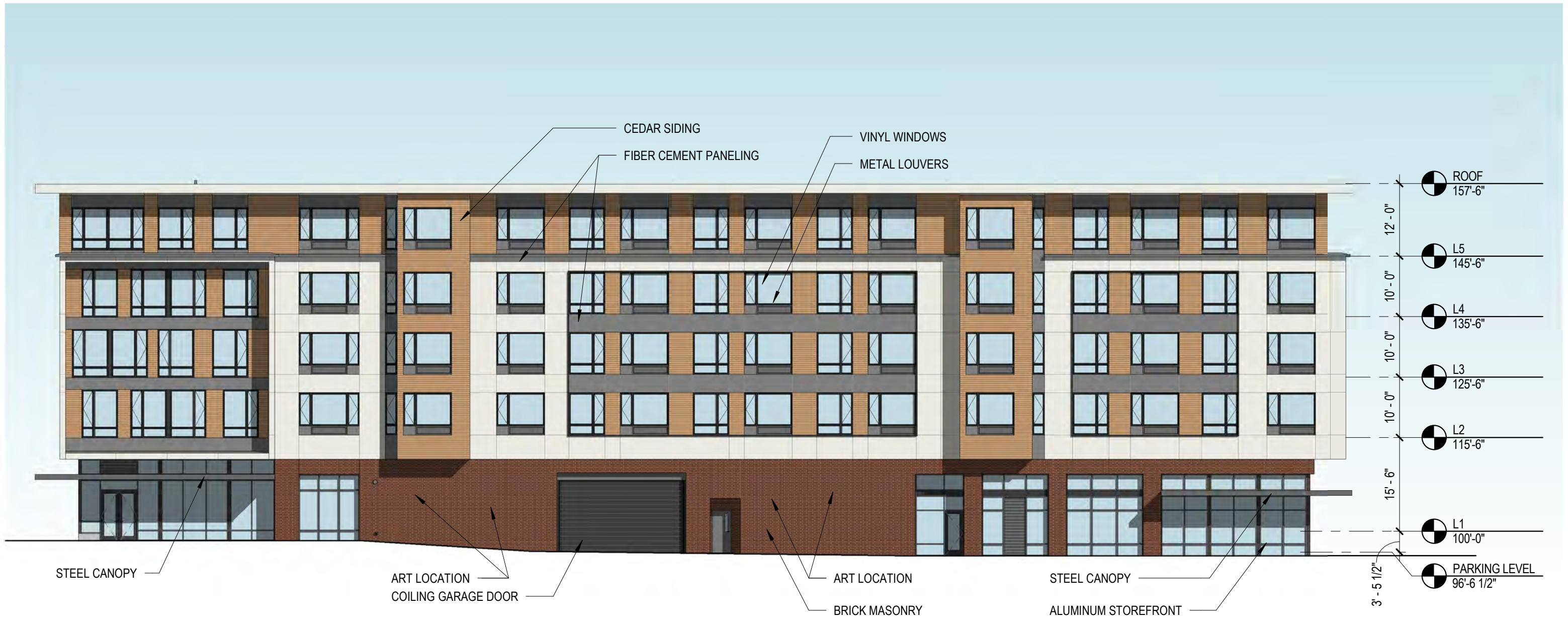


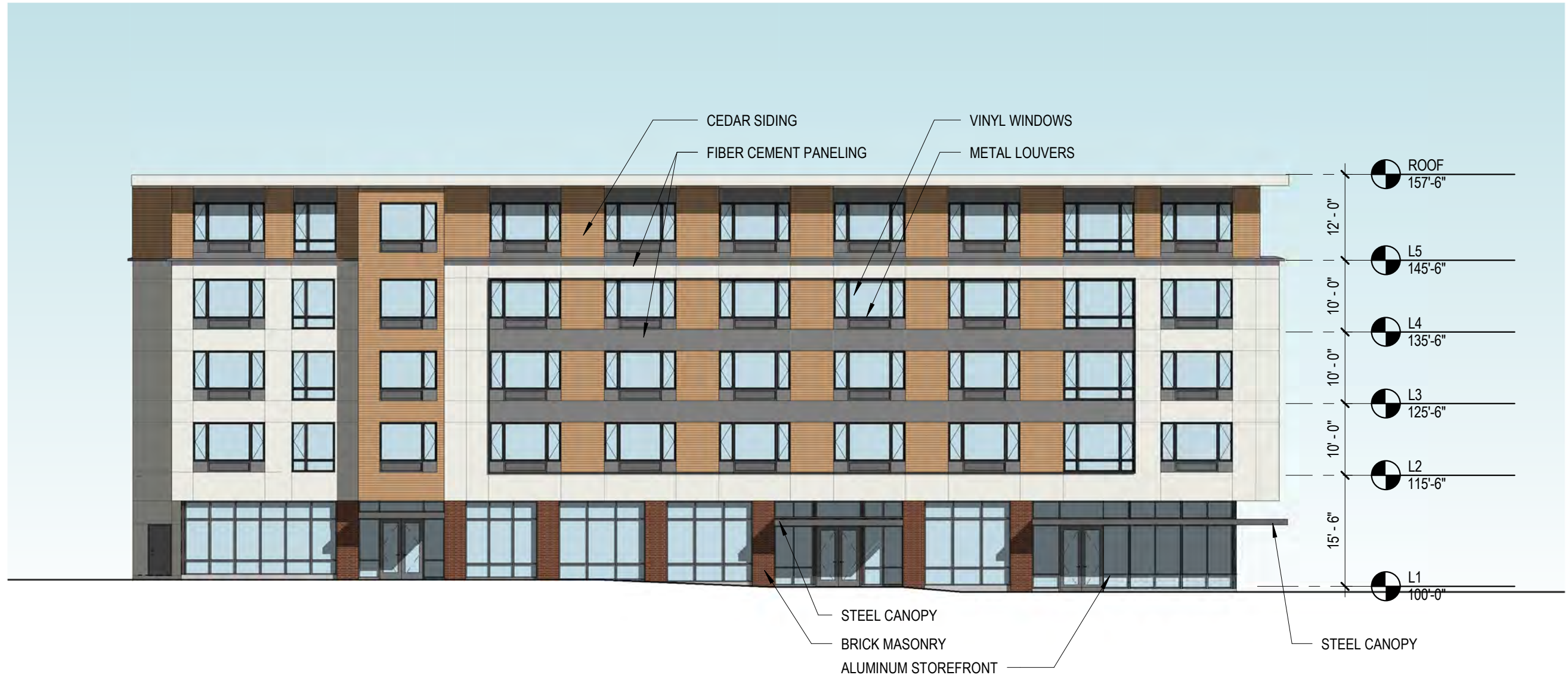




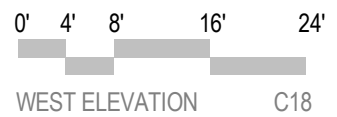














EAST ELEVATION - WINDOW AREA CALCULATIONS:
 LEVELS 2-5 WALL AREA - 6,612 SF (100%)
 WINDOW AREA - 2,104 SF (32%)

GROUND FLOOR WALL AREA - 2,209 SF (100%)
 STOREFRONT AREA - 1,373 SF (62%)

REVISION



WEST ELEVATION - WINDOW AREA CALCULATIONS:
 LEVELS 2-5 WALL AREA - 3,138 SF (100%)
 WINDOW AREA - 1,201 SF (38%)

GROUND FLOOR WALL AREA - 1,225 SF (100%)
 STOREFRONT AREA - 875 SF (71%)

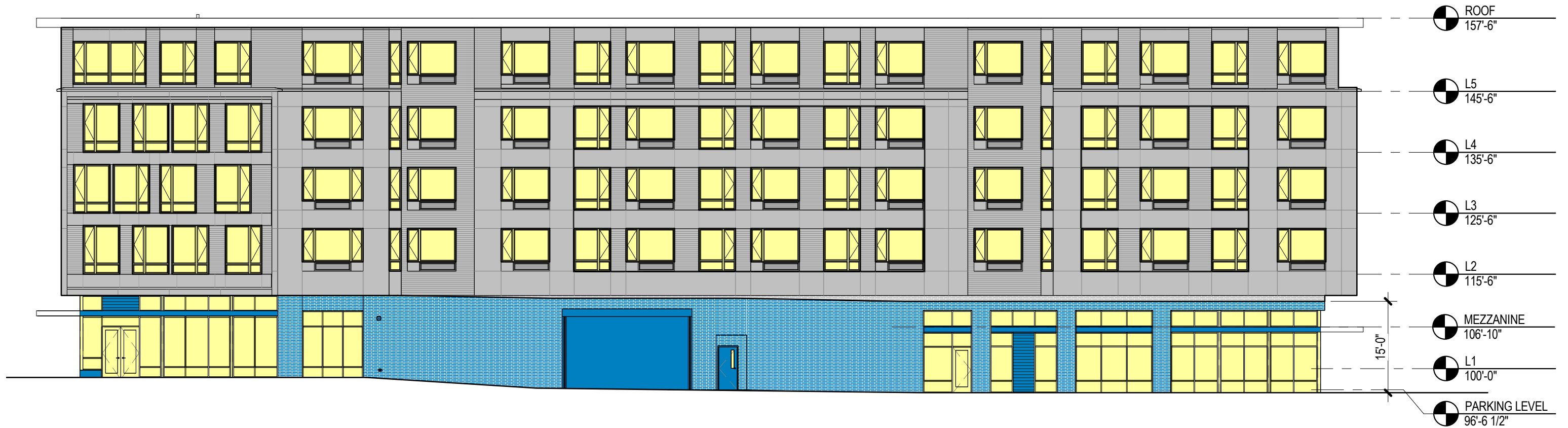


REVISION

NORTH ELEVATION - WINDOW AREA CALCULATIONS:

LEVELS 2-5 WALL AREA - 9,439 SF (100%)
 WINDOW AREA - 3,325 SF (35%)

GROUND FLOOR WALL AREA - 3,064 SF (100%)
 STOREFRONT AREA - 1,199 SF (39%)



The Historic Milwaukie Land Use District Review Committee convened on July 2, 2017 and discussed the Galaxy application.

As representatives of all residents of the NDA, it should be noted that there has long been resistance to tall buildings in downtown Milwaukie. Those concerns have been voiced at dozens of public meetings, including the NDA's June meeting with Guardian Real Estate and SERA Architects. It is our understanding the height of the building is not up for review and 5 stories are allowed under current zoning.

Our comments and questions:

What impact will this development have on the potential for the Bloom property? If a building allowed under current code was to be built there, what impacts would that have on the south side of the Galaxy building especially the outdoor areas?

There is a blank wall with a stairway and apartments behind it that appears to be 4 stories tall on the SE corner of the Galaxy building. The building is shown to be built out to the property line eliminating the option of covering with vegetation as shown in the drawings. What design elements or architectural treatment can be added to make the wall that faces both the Adams St connector and Light Rail Station more inviting?

We would like more clarification on the outdoor/sidewalk space around the building. Particularly, what amenities will be available to the public, such as a place to sit? Will there be ample room to pass by if tables and chairs are located outside the ground floor businesses?

Our meeting was held before the transportation study was made public. As a committee we recognize the existing conditions on Washington St. often lead to frustration. We discussed the potential of improving the signals at Washington & Mcloughlin. Reevaluating turning movements and signal time, perhaps copying what has been done at Harrison and Mcloughlin. We also voiced our support for flashing lights that are activated when a pedestrian uses the cross walks at Washington and Mcloughlin.

We would like a short discussion on the design approval process apparently there are two routes available to the applicant. (MMC 19.508 is not applicable)

We noticed that there is not a request for signage. Will the building have a name and will it be displayed? Will the current neon sign somehow be incorporated into the façade?

We encourage the planning commission to be very thoughtful in their consideration of the variances requested by the applicant. Given this is the first major development in the downtown in quite some time, granting a variance could be interpreted as being easy and open the door to more requests, while denying the request might be discouraging to other developers.

Thank you for the opportunity to comment,

Ray Bryan

For the Historic Milwaukie Land Use District Review Committee

From: [BRUMLEY Seth A](#)
To: [Kolias, Vera](#)
Subject: DR-2017-001: Project Galaxy
Date: Tuesday, July 11, 2017 3:17:49 PM

Hello Vera,

ODOT has no highway concerns regarding the proposed mixed use building. ODOT rail asked that I submit the following:

Comments to this MUD are as follows:

- No access is proposed along the SE 21st Street frontage. This is acceptable and preferred. ODOT RPTD would most likely object to any accesses along this frontage due to the complexity of rail operations along SE 21st Street through town.
- With nearly 200 trains operating through the Washington St & Adams St crossings – and a mixture of freight and LRT – pedestrian (and vehicular/bicycle) safety is paramount. Any proposed vegetation along the SE 21st Street frontage shall be such to provide acceptable sight lines and conspicuity for traffic control devices. This should be taken into account with any proposed landscape/vegetation plan.
- Changes to traffic signal timing due to any capacity and operational issues for the intersections of 21st & Washington and/or 21st & Adams will likely require authorization through a crossing Order. (A great deal of time, effort, and resources have gone into increasing capacity and safety of these two rail interconnected signalized intersections as part of the TriMet Orange line extension).
- Changes to roadway widths, sidewalk widths, crosswalk modifications within RPTD's regulatory jurisdiction, bike lane addition/modifications will likely trigger the need for authorization through a crossing Order.
- Additional traffic study(ies) may be required by RPTD relative to pedestrian/vehicular/train interaction based on ultimate tenant occupancy and ultimate build out conditions.
- Degradation to the existing traffic control due to construction – such as Ordered pavement markings for the rail crossings – shall be immediately refreshed/maintained to an acceptable condition per the crossing Orders for the impacted locations.

Thank you for the opportunity to comment.

David R Smith

Please contact me if you have any questions,

Thank you,

Seth Brumley
ODOT Region 1 Planner

123 NW Flanders St.
Portland, OR 97209
(503) 731-8234

From: [Amos, Matt](#)
To: [Kolias, Vera](#)
Subject: RE: [Spam score:8%] RE: DR-2017-001
Date: Friday, July 21, 2017 10:18:59 AM

Vere,

After review, the applicant did not include an access and water supply test as required for full review and approval. They will need to include site plan that has the following information:

- 1) Fire apparatus access including aerial apparatus provisions
- 2) Fire lanes
- 3) Fire Hydrants
- 4) Fire lines
- 5) Available fire flow
- 6) FDC location
- 7) Building square footage
- 8) Building construction type

Thank you,

Matt Amos

Fire Inspector | Fire Prevention

direct: 503.742.2661

main: 503.742.2600



*To Safely Protect & Preserve
Life & Property*

CLACKAMAS FIRE DISTRICT #1

www.clackamasfire.com

From: Kolias, Vera [mailto:KoliasV@milwaukieoregon.gov]
Sent: Thursday, July 20, 2017 7:47 AM
To: Amos, Matt <Matt.Amos@clackamasfire.com>
Cc: Martin, Alicia <MartinA@milwaukieoregon.gov>
Subject: [Spam score:8%] RE: DR-2017-001

Matt,

The referral for 2036 SE Washington went out on June 23rd. You should have received the plan set weeks ago. Here is the application electronically so that you can take a look.

-Vera

VERA KOLIAS, AICP

Associate Planner

503.786.7653

City of Milwaukie
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

From: Amos, Matt [<mailto:Matt.Amos@clackamasfire.com>]
Sent: Thursday, July 20, 2017 7:01 AM
To: Koliias, Vera <KoliiasV@milwaukieoregon.gov>
Subject: RE: [Spam score:8%] RE: WG-2017-003, NR-2017-002

Good morning,

I may have comments, but those plans have not come across my desk yet.

I have been working with them to ensure they have all our access needs met due to the height of the building. I think the only other part of the project would be water supply.

Matt Amos

Fire Inspector | Fire Prevention
direct: 503.742.2661

From: Koliias, Vera [<mailto:KoliiasV@milwaukieoregon.gov>]
Sent: Wednesday, July 19, 2017 1:53 PM
To: Amos, Matt <Matt.Amos@clackamasfire.com>
Subject: [Spam score:8%] RE: WG-2017-003, NR-2017-002

Thank you!

May I assume you will have comments on DR-2017-001 (the 5-story building at 2036 SE Washington St)?

VERA KOLIAS, AICP

Associate Planner
503.786.7653
City of Milwaukie
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

From: Amos, Matt [<mailto:Matt.Amos@clackamasfire.com>]
Sent: Wednesday, July 19, 2017 1:44 PM
To: Koliias, Vera <KoliiasV@milwaukieoregon.gov>
Subject: WG-2017-003, NR-2017-002

Good afternoon Vera,

Clackamas Fire has no additional comments for this project.

Thank you,

Matt Amos

Fire Inspector | Fire Prevention

direct: 503.742.2661

main: 503.742.2600



CLACKAMAS FIRE DISTRICT #1
www.clackamasfire.com

The information contained in this transmission may contain privileged and confidential information, including patient information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information, including patient information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

The information contained in this transmission may contain privileged and confidential information, including patient information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: dougnaef@aol.com
To: Kolas_Vera; KURTS@SERADESIGN.COM
Subject: File DR--2017-001:VR-2017-007
Date: Monday, July 31, 2017 10:07:46 AM

7/31/2017

TO: MILWAUKIE DESIGN AND LANDMARKS COMMITTEE

RE: File DR--2017-001:VR-2017-007

PLEASE ACCEPT THIS AS MY WRITTEN COMMENT REGARDING THE ABOVE DEVELOPMENT:

I AM A PROPERTY OWNER DIRECTLY ACROSS THE STREET FROM THE PROPOSED MIXED USE BUILDING. MY PROPERTY IS LOCATED AT 2025/2035/2045 SE WASHINGTON STREET. I AM IN FAVOR OF THIS DEVELOPMENT ALONG WITH REQUESTED VARIANCES.

RESPECTFULLY,

DOUG NAEF



To: Design and Landmarks Committee
Through: Dennis Egner, Planning Director
From: Brett Kelter, Associate Planner
Date: July 31, 2017, for August 7, 2017, Worksession
Subject: Downtown Design Guidelines Update – Session 19

ACTION REQUESTED

None. This report is preparation for the Committee's ongoing efforts to update the Downtown Design Guidelines (DDG) document.

BACKGROUND INFORMATION

History of Prior Actions and Discussions

- **Winter 2016 - Present:** Based on the Committee's adopted DLC Work Program for 2016-17, the group has been drafting revisions to the DDG, beginning with the Milwaukie Character and Pedestrian Emphasis elements

PROCESS TO UPDATE DOWNTOWN DESIGN GUIDELINES

City staff is working on an application packet for the interim adoption of the Committee's work to date on revisions to the DDG. Staff will update the group on the adoption timeline at the August 7 meeting and will aim to provide a draft of the application materials at the September meeting.

In the meantime, one of the two public meetings scheduled for the August 7 meeting is for downtown design review (file #DR-2017-001, at 2036 SE Washington St), providing the Committee's first opportunity to go through its part of the larger process. This will give members a chance to see firsthand how the guidelines mesh with the downtown development and design standards and will hopefully help in the identification of gaps or other issues that could be addressed in the DDG update process. Given that the public meetings will likely take most of the meeting time on August 7, staff suggests that the group focus any remaining time on debriefing from the design review meeting.

ATTACHMENTS

None

Note: E-Packet materials will be available online at <http://www.milwaukieoregon.gov/planning/design-and-landmarks-committee-72>.