



CITY OF MILWAUKIE

September 11, 2024

Land Use File(s): DR-2024-001; VR-2024-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on September 10, 2024.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	Terry Amundson, Koble Creative Architecture, LLC
Location(s):	1915-1925 SE Scott St
Tax Lot(s):	11E35AA00101; 11E35AA00200
Application Type(s):	Downtown Design Review; Variance
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Municipal Code: <ul style="list-style-type: none">• Title 12: Streets, Sidewalks, and Public Places Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Section 19.304 Downtown Mixed Use Zone• MMC Section 19.508 Downtown Site and Building Design Standards and Guidelines• MMC Chapter 19.600 Off-Street Parking and Loading• MMC Chapter 19.700 Public Improvements• MMC Section 19.907 Downtown Design Review• MMC Section 19.911 Variances• MMC Section 19.1006 Type III Review
Neighborhood(s):	Historic Milwaukie

Appeal period closes: 5:00 p.m., September 26, 2024

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, City Hall, 10501 SE Main St. Please contact Vera Koliass, Senior Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <https://www.milwaukieoregon.gov/planning/dr-2024-001>.

This decision may be appealed by 5:00 p.m. on September 26, 2024, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Expiration of Approval

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. Prior to submittal of the associated development permit application(s), the required application and survey plans to consolidate the parcels on the site must be submitted to the Planning Department.
2. At the time of submittal of the associated development permit application(s), the following must be resolved:
 - a. Final plans submitted for development permit review must be in substantial conformance with the plans and drawings approved by this action, which are the revised plans and drawings received by the City on April 15, 2024, except as otherwise modified by these conditions of approval.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

- c. As per Finding 7-e, provide sufficient detail to confirm that the dimensional requirements for bicycle parking are met (as established in MMC Subsection 19.609.3) for the bike racks. Additional bike racks will be installed in one vehicle parking space in the parking lot.
 - d. Development plans must show that perimeter fencing will not exceed 6 ft in height.
3. Prior to final inspection of the required building permit and issuance of a certificate of occupancy, the following must be resolved:
 - a. Submit documentation from the project landscape designer attesting that all required site plantings have been completed in conformance with the approved site plans and with City standards.
 - b. As per Finding 4, two existing accessways for the development must be abandoned and reconstructed with new curb. The remaining accessway on Scott Street must be limited to right turn only movements to mitigate conflicts with McLoughlin Boulevard.
 - c. As per Finding 8-e, construct all pedestrian improvements including: new curb sidewalk on the Scott Street and Main Street frontages, a new ADA ramp at the corner of Scott Street and McLoughlin boulevard, and a new ADA ramp at the corner of Scott Street and Main Street.
4. A minimum of 25% of the site perimeter must remain open during business hours.
5. Applicant must preserve and re-install the existing historic horse tie rings adjacent to the site in the curb.

Other 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 (MMC) and Public Works Standards that are required at various points in the development and permitting process.

1. At the time of submittal of the associated development permit application(s), the following must be resolved:
 - a. Submit a final stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan must be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department. All utilities must conform to the Milwaukie Public Works Standards.
2. Prior to commencement of any earth-disturbing activities, the applicant must obtain a city erosion control permit.
3. Obtain a city right-of-way (ROW) permit for construction of all required public improvements and accessway alterations.

- a. Provide an engineering estimate for the cost of the public improvements.
 - b. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - c. Provide a payment and performance bond for 130% of the cost of the required public improvements.
 - d. Install all underground utilities, including stubs for utility service prior to surfacing any streets. Utilities must be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters. Relocate or provide a private utility easement for all utilities encroaching onto adjacent properties.
 - e. Clear vision areas must be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection. Remove all signs, structures, or vegetation more than 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
 - f. The final site plan must be approved by the City Engineer prior to construction.
 - g. Provide a 12-month Maintenance Bond upon completion of the construction.
 - h. Provide a final approved set of electronic (PDF) “As Constructed” drawings to the City of Milwaukie prior to final inspection.
4. As discussed in Finding 7-c(2), note that perimeter parking landscaping adjacent to a right-of-way must have a continuous visual screen in the abutting landscape perimeter area (opaque year-round from one ft to four ft above the ground). These standards must be met at the time of planting.



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: Terry Amundson, Koble Creative Architecture LLC (via email)
Karl Refi, Koble Creative Architecture LLC (via email)
Eric Saunders, Headwater Development (via email)

Garrett Stephenson, Schwabe (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Jeff Tolentino, Assistant City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Coordinator (via email)
Shawn Olson, CFD#1 (via email)
NDA(s): Historic Milwaukie (via email)
Interested Persons

Land Use File(s): DR-2024-001; VR-2024-002

ATTACHMENT 1
Findings in Support of Approval
Primary File #DR-2024-001; 1847 Food Park

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, Terry Amundson, Koble Creative Architecture LLC, on behalf of RMCC Development, has applied for approval to develop a food park and make improvements to an existing parking lot on the two lots that comprise the development site at 1915-1925 SE Scott St. The site is in the Downtown Mixed Use (DMU) zone. The land use application file numbers are DR-2024-001 and VR-2024-002, with applications for downtown design review and a variance to the minimum FAR development standard.
2. The subject property is 0.47 acres in area and is comprised of two tax lots: a lot developed with an existing parking lot and a second lot which would be developed with the food park. The site fronts McLoughlin Blvd, Scott St, and Main St.

The proposed development of the food park includes: improvements to the parking area; an open-air timber canopy structure over a sunken seating area; spaces for a variety of food vendors; and a multi-story taproom building with seating areas (including a rooftop area) and permanent restrooms to serve the development.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Title 12: Streets, Sidewalks, and Public Places
 - MMC Section 19.304 Downtown Mixed Use Zone
 - MMC Section 19.508 Downtown Site and Building Design Standards and Guidelines
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Improvements
 - MMC Section 19.907 Downtown Design Review
 - MMC Section 19.911 Variances
 - MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. Public hearings with the Planning Commission were held on June 11, 2024, August 13, 2024, and September 10, 2024 as required by law.

4. MMC Chapter 12.16 Access Management

MMC Section 12.16.040 establishes standards for access (driveway) requirements, including access spacing, number and location of accessways, and limitations for access onto collector and arterial streets. New driveways accessing arterial streets must be spaced at least 600 ft from the nearest intersection and at least 10 ft from the side property line. New multifamily driveways onto local streets must be at least 100 ft from the nearest

intersection. For multifamily residential uses with more than eight units, the driveway apron must have a minimum width of 24 ft and maximum width of 30 ft.

Site access is provided via existing accessways on Scott and Main Streets. As established in the Preapplication Report dated November 30, 2023, the project is permitted to retain one existing accessway on Scott Street and one accessway on Main Street. The abandonment of the two other existing accessways will be required as part of the public works improvements. As also discussed in the Preapplication Report, the Scott Street driveway will be limited to right turn in and right turn out movements only to prevent conflicts with McLoughlin Boulevard.

The project has frontage on three streets: Main Street, Scott Street, and McLoughlin Boulevard. Scott Street has the lowest classification of the three. Access to on-site parking is provided from Scott Street through an existing driveway. The second existing accessway on Scott Street will be closed and the curb rebuilt.

SE McLoughlin Blvd is an arterial street, but no access is provided at the McLoughlin frontage. Neither Scott St nor Main Street is an arterial street, where access is provided. This standard is met.

Main Street is a collector street. The Project has 110' of frontage and two existing accessways on Main Street. One existing accessway will be closed and the curb rebuilt. The remaining accessway will be a service entrance for cart access and deliveries only.

The existing driveway to be retained at Scott Street measures approximately 24'-9" from the SW property corner and meets this standard. The existing driveway to be retained at Main Street is tight to the north side property line. While it does not meet the current distance standard, it is existing and will be utilized for service and deliveries only.

Scott Street is a local street. The existing parking lot access measures approximately 31' from the McLoughlin Curb face, and 148' from the Main Street curb face. Given that the Scott Street property line measures only 197.78', it would be impossible to meet the 100' minimum in both directions. The City Engineer has determined that limiting the Scott Street accessway to right turn in and right turn out movements will help mitigate any conflicts with the proximity to McLoughlin Boulevard.

Main Street is a collector street. As the Project's Main Street property line measures only 110', it would be impossible to meet the 300' minimum on the Main Street frontage.

The Applicant acknowledges that that driveway approaches must meet accessibility and other jurisdictionally required standards.

The Project proposes a net reduction in access points to the site. The access points retained are existing. As discussed in the Preapplication Report, the Scott Street driveway will be limited to right turn in and right turn out movements only to prevent conflicts with McLoughlin Boulevard. The Applicant acknowledges the City Engineer's authority to restrict access points.

The existing paved areas accessed by the retained existing driveways allow for onsite vehicle maneuvering so that backing into the right-of-way is not required. The existing accessway at Scott measures approximately 36'. The existing accessway at Main Street measures approximately 18'.

As proposed, the Planning Commission finds that the proposed development is consistent with the applicable standards of MMC 12.16.

5. MMC Section 19.304 Downtown Zones (including Downtown Mixed Use DMU)

MMC 19.304 establishes standards for the downtown zones, including the Downtown Mixed Use (DMU) zone.

a. MMC Subsection 19.304.2 Uses

MMC 19.304.2 establishes the uses allowed in the DMU zone, including eating and drinking establishments.

The proposed development is a food cart pod and taproom.

This standard is met.

b. MMC Subsection 19.304.3 Use Limitations, Restrictions, and Provisions

MMC Subsection 19.304.3.A.3 establishes limitations for eating and drinking establishments on the ground floor at no more than 20,000 sq ft.

The entire ground floor area of the 1847 Food Park measures approximately 11,545 sq ft, which includes indoor, outdoor, covered, and uncovered areas for dining and food preparation.

This standard is met.

c. MMC Subsections 19.304.4 and 19.304.5 Development Standards and Detailed Development Standards

MMC Table 19.304.4 lists the general categories of development standards for the DMU zone and MMC 19.304.5 provides additional detail for each category.

(1) MMC Subsection 19.304.5.A Floor Area Ratios

The Floor Area Ratio (FAR) is a tool for regulating the intensity of development. The minimum FAR established in MMC Table 19.304.4.B.1 apply only to nonresidential development. The minimum FAR is 1:1 and the maximum FAR is 6:1.

The total area of the taproom building is 4,032 sq ft on a total consolidated site area of 20,576 sq ft which results in an FAR of 0.2. A variance has been requested to the minimum FAR.

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

(2) MMC Subsection 19.304.5.B Building Height

Base maximum building heights are specified in MMC Figure 19.304-4, with height bonuses available for buildings that meet the standards of MMC Subsection 19.304.5.B.3. The minimum building height is 25 ft and the base maximum is 45 ft.

The proposed taproom building is 30'-6" high.

This standard is met.

(3) MMC Subsection 19.304.5.G Off-Street Parking

No off-street parking is required for non-residential uses, but if it is provided, then the parking maximums MMC Table 19.605.1, and all other applicable standards of MMC Chapter 19.600, apply. Off-street surface parking lots (including curb cuts) must not be located within 50 ft of the Main Street ROW. Off-street parking must not be located between a building and the street-facing lot line.

The site has an existing parking area that is proposed to be maintained to serve the development.

As discussed in Finding 7 for off-street parking, this standard is met.

d. MMC Subsection 19.304.6 Public Area Requirements

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan and are intended to ensure a safe, comfortable, contiguous pedestrian-oriented environment as revitalization occurs in downtown. The PAR are defined as improvements within the public ROW and include such features as sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through MMC Chapter 19.700 and the Public Works Standards.

As discussed in Finding 8-e, the required street improvements are minimal and are consistent with the applicable standards of MMC 19.700 and the Public Works Standards.

This standard is met.

e. MMC Subsection 19.304.7 Additional Standards

Depending upon the type of use and development proposed, the standards for general site design (MMC Section 19.504), for general building design (MMC Section 19.505), and/or downtown site and building design (MMC Section 19.508) may apply.

The design standards of MMC 19.508 are applicable to the proposed development. As discussed in Finding 6 and elsewhere in these findings, the applicable standards of MMC 19.508 are met or are addressed with the necessary variances or conditions of approval as needed.

As proposed, and as discussed and approved elsewhere in these findings, the Planning Commission finds that the applicable standards of the DMU zone are met.

6. MMC Section 19.508 Downtown Site and Building Design Standards

MMC 19.508 establishes design standards for downtown development, to encourage building design and construction with durable, high-quality materials. The design standards are applicable to all new development. MMC Subsection 19.508.4 establishes standards for seven different elements of design.

The proposed development is for a new food cart pod with a covered sunken seating area and a multi-story taproom. The findings for each of the applicable design elements are provided in Table 1, below. The applicant has opted to meet the design guidelines for each design element.

**Table 1
 Downtown Design Elements**

A. SITE FRONTAGE <u>Purpose:</u> To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.	
Standard	Findings
To address this design element, the development can opt to address the Design Guidelines rather than the standards of active ground floors space, frontage occupancy, and build-to lines.	<i>The proposed development is a food cart pod with a covered, sunken seating area and a multi-story taproom building.</i>
a. A strong and high-percentage presence of buildings on the site edge, and spacious active ground-floor spaces and uses should be provided to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities. Building placement along the street should contribute to a continuous street wall that integrates storefront opportunities and architectural interest along the street, and should bring buildings up to the sidewalk for pedestrian interest. The amount of building presence should be scaled to the uses and intensity of the street.	<i>The proposal is for a food cart pod, not a large building, so by its very nature creates spacious and active ground-floor spaces. The transparent perimeter fencing defines the sidewalk edge while inviting pedestrians into the site to engage with food vendors, and the ample indoor/outdoor seating areas encourage patrons to stay and enjoy their food and drink. The open-air canopy is a building without walls that is brought to the property's edge on Scott Street to establish an edge for the site. The canopy brings a pedestrian scale and shelter to the development's entrance at the corner of Scott and Main Streets.</i> <i>This guideline is met.</i>

A. SITE FRONTAGE

Purpose: To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.

Standard	Findings
<p>b. Where buildings are set back from the property line and sidewalk, the setback distance should be minimized and plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and pedestrian realm. The plaza and open space area should incorporate pedestrian-scale features consistent with guidelines in Subsection 19.508.4.M.</p>	<p><i>The open-air canopy would be built to the south property line on Scott St, and 9 ft to 10 ft from the Main St (east) property line. The proposed setback on Main St is controlled by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design.</i></p> <p><i>The multi-story taproom is proposed to be located in the center rear of the site, approximately 71 ft from Main St, and 81 ft from Scott St; it creates a structural frame for the site. The areas between the taproom and these streets will act as pedestrian plazas, populated with active uses: food vendors, gathering places, and furniture for sitting and dining.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Ground floors of commercial, public, and mixed-use buildings should be flexible and offer ample space for active uses serving occupants and visitors, such as retail, service, or food service. The amount of active groundfloor space should be scaled to match the uses and intensity of the street, with the greatest amount in new buildings along Main Street. High groundfloor heights and adequate depths should provide flexible interior spaces for active uses.</p>	<p><i>Ground floor areas of the food park will act as pedestrian plazas, populated with active uses: food vendors, gathering places, furniture for sitting and dining. Ceiling heights at the open-air canopy range from 12 ft at the sidewalk to 17 ft at the sunken dining area. Site furniture will provide a variety of seating options that can be reconfigured for new uses or special events.</i></p> <p><i>This guideline is met.</i></p>

B. WALL STRUCTURE AND BUILDING FAÇADE DETAIL

Purpose: To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards of vertical and horizontal articulation.</p> <p>a. Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.</p>	<p><i>The open-air canopy engages the south property line on Scott St and is 9 ft to 10 ft from the Main Street (east) property line. The proposed setback on Main St is governed by the existing monument sign and landscape areas that are being retained, as well as the existing chapel foundation that is incorporated into the design. Site perimeter fencing gives definition to the sidewalk edge while its transparency allows visual connection to activities of interest within the site.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.</p>	<p><i>Both the taproom and open-air canopy share a structural appearance that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays. Both structures are modestly scaled relative to other downtown buildings. The taproom appears as a two-story building with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass such that additional vertical articulation features are not necessary.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.</p>	<p><i>The food park does not present any blank walls to the street. The open-air canopy is an open, visually transparent structure. The taproom features large openings, both fixed and operable, on its east, south, and west elevations. The metal fencing at the site perimeter is visually transparent.</i></p> <p><i>This guideline is met.</i></p>

B. WALL STRUCTURE AND BUILDING FAÇADE DETAIL

Purpose: To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

Standard	Findings
<p>d. Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.</p>	<p><i>The project's entrance at the prominent corner of Scott St and Main St is articulated as a portal into the open-air canopy structure, which is further accentuated by the repurposed monument sign.</i></p> <p><i>This guideline is met.</i></p>
<p>e. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.</p>	<p><i>Both the open-air canopy and the taproom share a structural appearance that gives them a common rhythm and scale. Wood columns support wood trusses in equally spaced bays, and their gable roof form and shared use of materials strengthen their visual relationship.</i></p> <p><i>Both structures are modestly scaled relative to other downtown buildings. The taproom is a two-story structure with a partially covered roof deck. Its large, glazed openings further decrease the sense of building mass so that additional vertical articulation features are not necessary.</i></p> <p><i>This guideline is met.</i></p>

C. EXTERIOR BUILDING MATERIALS

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.

Standard	Findings
<p>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.</p> <p>a. Buildings shall utilize primary materials for at least 90% and 65% of each applicable building façade (groundfloor and upper floor facades respectively).</p>	<p><i>The Taproom building features prefinished metal siding panels, which is approved as a primary exterior building material. The expression of the wood structural columns serves as an accent material on no more than 10% of the building façade. No prohibited materials are proposed.</i></p> <p><i>This standard is met.</i></p>
<p>b. Secondary materials are permitted on no greater than 35% of each applicable building façade.</p>	
<p>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.).</p>	
<p>d. Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.</p>	

D. FAÇADE TRANSPARENCY AND ACTIVATION

Purpose: To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to glazing in doors and windows.</p> <p>a. Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.</p>	<p><i>The street faces of the 1847 Food Park are extremely transparent, as they are not defined by walls per se. The open-air canopy structure and perimeter fencing are purposefully left open to the air, allowing pedestrians a visual connection to the active site interior.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.</p>	<p><i>The upper floors of the Taproom, while not sited directly on the street face, feature large operable openings measuring up to 14 ft wide by 8 ft tall. These openings frame bar-style seating counters, effectively advertising the activity happening within while affording panoramic views for taproom patrons.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.</p>	<p><i>The project does not contain any residential uses. This guideline is not applicable.</i></p>
<p>d. Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.</p>	<p><i>As shown on the taproom architectural drawings, the street-facing/street-visible east, south, and west facades are articulated with a combination of large windows, doors, and other features. The north elevation is built within three feet of the interior property line, at which distance openings are not permitted by the building code.</i></p> <p><i>This guideline is met.</i></p>

D. FAÇADE TRANSPARENCY AND ACTIVATION

Purpose: To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

Standard	Findings
<p>e. Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrated into planned and future building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors. 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.</p>	<p>The 1847 Food Park design is flexible by necessity. Food carts vary in size and design, and different vendors may come and go as the project matures. Outdoor paved areas will allow for various configurations of food carts and site furniture for patrons. The taproom building interior has an open-concept plan on each floor with large openings to the exterior.</p> <p>This guideline is met.</p>

E. BUILDING ENTRANCES

Purpose: To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

Standard	Findings
<p>a. All new buildings must have at least one primary entrance facing an abutting street. For purposes of this standard, "facing" means within 45 degrees of the street property line.</p>	<p>The primary project entrance faces Main St at the Scott St corner. While not an enclosed building, the open-air canopy is both the functional and symbolic entry point to the food park.</p> <p>This standard is met.</p>

E. BUILDING ENTRANCES

Purpose: To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

Standard	Findings
<p>b. For lots with frontage along more than one street, including multiple lots under common ownership being developed as a single site, the primary entrance must be located as follows:</p> <p>(1) For lots with one frontage along a transit street, the primary entrance must be oriented to the transit street with the exception of Subsection 19.508.4.E.2.c.</p> <p>(2) For lots with frontage along 2 transit streets, the primary entrance must be oriented to the street with higher-frequency transit service or the corner of the 2 streets.</p> <p>(3) For lots with frontage along Main Street, the primary entrance must be oriented to Main Street or the corner of the 2 streets, even if the other frontage is along a transit street.</p> <p>(4) For lots without frontage on Main Street or a transit street, the primary entrance may be oriented to either street.</p>	<p><i>The primary project entrance faces Main St at the Scott St corner. While not an enclosed building, the open-air canopy is both the functional and symbolic entry point to the food park.</i></p> <p><i>This standard is met.</i></p>
<p>c. Where a development contains multiple buildings or multiple individual storefronts or residential units and there is insufficient street frontage to meet the above entrance location standards for all buildings, storefronts, or residential units on the subject site, the primary entrances for each Building, storefront, or residential unit may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances must be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space</p>	<p><i>The taproom building, set back in the site, has its entrance oriented to a pedestrian courtyard used by patrons of the food park for gathering and dining.</i></p> <p><i>This standard is met.</i></p>

E. BUILDING ENTRANCES

Purpose: To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

Standard	Findings
<p>d. For nonresidential and mixed-use buildings:</p> <p>(1) Primary entrances for mixed-use and nonresidential buildings must be clearly defined and distinguished from other parts of the building by incorporating at least one of the following design elements:</p> <ul style="list-style-type: none"> (a) Recessed or projected entry. (b) Entry surrounds such as arches, columns, insets, and design elements above and/or flanking the entrance. (c) Transom windows above the entrance door. <p>(2) The glazed portions of doors for primary entrances must be 75% or more of the door area.</p>	<p><i>The project entrance on Main St at the Scott St corner is defined by being pulled back from the sidewalk and anchored by the repurposed monument sign. While not an enclosed building, the open-air canopy is both the functional and symbolic entry point to the food park.</i></p> <p><i>The entrance on the south elevation of the taproom is a fully glazed door.</i></p> <p><i>This standard is met.</i></p>

F. WINDOWS

Purpose: To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to window openings, materials, placement, and proportion.</p> <p>a. Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.</p>	<p><i>The windows proposed are aluminum storefront. Aluminum storefront is the standard of quality for commercial windows and entrances. As shown in the architectural drawings, the typical window and door details incorporate a projecting metal trim profile for a deep shadow line.</i></p> <p><i>This guideline is met.</i></p>

F. WINDOWS

Purpose: To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

Standard	Findings
b. Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.	<p>The project proposes no windows directly on the street front. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The taproom incorporates large, glazed overhead doors connecting the interior to adjacent site areas.</p> <p><i>This guideline is met.</i></p>
c. Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).	<p>The project proposes no windows directly on the street face. Rather, visibility through the metal perimeter fencing provides views in and out of the activities on the site. The taproom incorporates large, glazed overhead doors connecting the interior to adjacent site areas.</p> <p><i>This guideline is met.</i></p>
d. Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.	<p>Both the taproom and the open-air canopy have an inherent rhythm established by their expressed structure. The canopy is an open, windowless structure. As shown in the architectural drawings, the taproom incorporates regular, large, aligned openings within the framework of its structural bays.</p> <p><i>This guideline is met.</i></p>

G. CORNERS

Purpose: To create a strong architectural statement at street corners, provide opportunities for pedestrian-scale activity, establish visual landmarks, and enhance visual variety.

Standard	Findings
<p>On corner lots or development sites consisting of more than one lot under common ownership at the corner of 2 public streets—or at the corner of a street and a public area, park, or plaza—nonresidential or mixed-use Buildings must incorporate at least 2 of the following features:</p> <p>(1) The primary entrance located within 5 ft of the corner of the building.</p> <p>(2) A lobby or retail space a minimum of 100 sq ft in floor area with 90% transparency on facing windows and entrances within 5 ft of the corner of the building.</p> <p>(3) A pedestrian canopy or marquee at least 10 ft long at the corner of the building.</p> <p>(4) A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner.</p> <p>(5) Enhanced pedestrian amenities including at least 2 of the following 3 options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of 2 pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.</p>	<p><i>As shown on the submitted site plan, the main entrance to the project is at the corner of Main St and Scott St, through a gate into the open-air canopy structure. The main entrance is further demarcated by the re-purposed monument sign.</i></p> <p><i>The main entrance at the corner of Main St and Scott St enters an area populated by food vendors and dining areas. The surrounding fencing is transparent.</i></p> <p><i>This standard is met.</i></p>

H. BUILDING MASSING AND TRANSITIONS

Purpose: To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.

Standard	Findings
<p>a. Building Massing For any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4, buildings must include:</p> <ul style="list-style-type: none">(1) A step back of at least 6 ft along the street-facing portion of the building.(2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.	<p><i>The base maximum height identified in Figure 19.304-4 is 45 ft for the site. The tallest structure proposed for the development is the taproom, which measures 30'-11" to the average roof height.</i></p> <p><i>As the proposed structures are below the maximum base height, this standard is not applicable.</i></p>

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Standard	Findings
<p>b. Building Façade Height Variation The height of building elements along street-facing façades must be varied in order to break up the overall bulk and mass of buildings as illustrated in Figure 19.508.4.H.2.b. At least one variation in height along the street-facing façade(s) must be provided for every 50-ft interval or portion thereof. Exact spacing of variations may vary provided that the total number of variations required is met and no portion of the façade exceeds 50 ft without a variation. Building façade height variation must be accomplished by using one or more of the following methods:</p> <ul style="list-style-type: none"> (1) Vertical offset of height along the façade by minimum of 4 ft. (2) Dormer or other projecting element along or within 2 ft of the façade with minimum 4-ft height and 4-ft width. (3) Recessed balcony or step back from the façade on the upper floor with a minimum 4-ft depth and minimum 6-ft width. (4) Other techniques approved by the Planning Manager, shown to create variation along the top of street-facing façade through modulations in height, mass or bulk. 	<p><i>The taproom building's longest elevation measures 54 ft and faces Scott St to the south. As shown in the submitted architectural drawings, the roofline is broken by a vertical offset between the pitched roof/covered area and the guardrail/parapet.</i></p> <p><i>The open-air canopy measures 48 ft along Scott St (its longest dimension) and is divided into three 16-ft structural bays. Because it is an open-air structure, each bay is effectively a recess that reduces the perceived mass of the structure. In addition, it is only a single-story structure. As such, its perceived scale and mass is sufficiently managed.</i></p> <p><i>This standard is met.</i></p>

I. WEATHER PROTECTION

Purpose: To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to weather protection coverage, materials, design, and details.</p> <p>a. Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.</p>	<p><i>The open-air canopy structure abuts the sidewalk at the Scott St property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. As shown on the architectural drawings, the canopy projects approximately 2'-8" into the Scott St right-of-way providing an eave for weather protection.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.</p>	<p><i>As shown on the architectural drawings, the entrance to the taproom is protected with a steel canopy. The canopy structure is, in itself, a canopy providing shelter at the main entrance to the project.</i></p> <p><i>This guideline is met.</i></p>
<p>c. The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.</p>	<p><i>The steel canopy at the taproom entry is sized to match the opening it serves. The canopy structure is effectively the building it serves. In this case, the guideline is not applicable.</i></p>

I. WEATHER PROTECTION

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Standard	Findings
<p>d. Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.</p>	<p><i>The steel canopy at the taproom entry is sized to match the opening it serves. The canopy structure is effectively the building it serves. In this case, the guideline is not applicable.</i></p>
<p>e. Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-Way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.</p>	<p><i>The open-air canopy structure abuts the sidewalk at the Scott St property line. Its primary purpose is to provide weather protection for patrons (pedestrians) who visit the Food Park. The canopy projects approximately 2'-8" into the Scott St right-of-way and provides over 11 ft of vertical clearance.</i></p> <p><i>This guideline is met.</i></p>
<p>f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.</p>	<p><i>The canopy at the taproom entry is steel. The open-air canopy is a wood structure protected by standing-seam metal roofing.</i></p> <p><i>This guideline is met.</i></p>
<p>g. Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.</p>	<p><i>No uplighting is proposed.</i></p>

J. ROOFTOPS AND ROOFTOP SCREENING

Purpose: To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.

Standard	Findings
<p>The following standards are applicable to rooftop design and screening of rooftop equipment.</p> <p>Design Standards</p> <p>a. Rooftop Design</p> <p>(1) The roof of a building must follow one (or a combination) of the following forms:</p> <ul style="list-style-type: none">(a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch)(b) Hip roof(c) Gabled roof(d) Dormers(e) Shed roof	<p><i>The project proposes a gabled roof with a 4/12 pitch on the open-air canopy structure. The taproom building features both a gable with a 4/12 pitch in addition to a flat-roofed occupiable area.</i></p> <p><i>This standard is met.</i></p>

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Standard	Findings
<p>(2) Roofs are subject to the following standards as applicable:</p> <p>(a) All flat or low-slope roofs must 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. See Figure 19.508.4.B.2.a(3).</p> <p>(b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 4/12 pitch.</p> <p>(c) Sloped roofs with a 4/12 pitch or higher must have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.</p> <p>(d) 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) must have the same slope and be constructed of the same materials as the existing roofing.</p> <p>b. Rooftop Equipment Screening</p>	<p><i>The flat-roofed portion of the taproom is surrounded by a metal guardrail that is face-mounted to the curb surrounding the roof. These elements provide articulation to the parapet condition.</i></p> <p><i>The proposed gable roofs have a 4/12 pitch.</i></p> <p><i>The proposed sloped roofs have typical overhangs of 2'-6".</i></p> <p><i>The project does not propose any rooftop equipment.</i></p> <p><i>This standard is met</i></p>

K. SERVICE AREAS (SCREENING)

Purpose: To preserve well-designed building frontages and pedestrian environments by minimizing the potential negative impacts of service areas on visual design and circulation while maintaining sufficiently accessible and functional loading, waste collection, utility, and other service areas.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to service areas location and screening.</p> <p>a. Service areas, loading docks, waste enclosures, external utility structures, and other similar features should be located away from pedestrian areas, public street frontages especially Main Street, or at a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.</p>	<p><i>The trash and recycling enclosure is accessed from Scott St, the lowest classification street of the three streets bounding the property. It is located at the back of the existing parking lot, far from pedestrian areas.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Whenever possible, all sides of service areas, loading docks, waste enclosures, and other outbuildings should be screened and concealed. Solid gates or doors should be used on sides requiring access.</p>	<p><i>The trash and recycling enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. A solid metal gate provides access and screening on the south elevation.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Screening, fencing, landscaping, decorative walls, or other treatments should be used to provide screening, using materials and designs compatible with the primary building they serve. Screening should be of a height, width, and opacity necessary to sufficiently screen all equipment and service areas.</p>	<p><i>The trash and recycling enclosure is screened on all four sides. Solid walls form its north, east, and west elevations. The enclosure's walls are 7 ft tall and will be clad in metal siding to match the taproom building. A solid metal gate provides access and screening on the south elevation.</i></p> <p><i>This guideline is met.</i></p>
<p>d. Waste collection areas should be located and designed to minimize visual, odor, and noise nuisances, and should be integrated into the building. If separate waste collection enclosures are utilized, they must be screened, covered with a roof or be self-contained.</p>	<p><i>The trash and recycling enclosure is located at the north end of the existing parking lot to minimize the impact on pedestrians while being commonly accessible to all food vendors on site. It is screened on all four sides, and its stand-alone location allows for ample ventilation.</i></p>

L. PLAZAS AND USABLE OPEN SPACE

Purpose: To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors, businesses, and residents; promote livability; and help soften the effects of built and paved areas.

Standard	Findings
<p>To address this design element, the development can opt to address the Design Guidelines rather than the design standards related to size, design, seating, and lighting of plazas and open space areas.</p> <p>a. Plazas and open spaces should be inviting and create opportunities for a variety of uses.</p>	<p><i>The 1847 Food Park creates a variety of outdoor spaces for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas.</i></p> <p><i>This guideline is met.</i></p>
<p>b. Plazas and open spaces should avoid separation from the street by visual barriers or significant change of grade. Plazas and open spaces should create visual and physical connections to abutting buildings.</p>	<p><i>The 1847 Food Park maintains visual connections to the street through its transparent perimeter. As described in the application materials, it is of key importance that the activities of the development be inviting to pedestrians on the sidewalk. The proposed site plan is designed to work with existing grading and site features to allow multiple points of entry to the Project.</i></p> <p><i>This guideline is met.</i></p>
<p>c. Plazas and open spaces should be human-scaled, accessible, durable, and attractive, and should enhance users' comfort and enjoyment by integrating features such as:</p> <ul style="list-style-type: none"> (1) Pedestrian amenities such as water features, drinking fountains, and/or distinctive paving or artwork (2) Permanent or movable seating (3) Weather protection, especially weather protection that can be moved or altered to accommodate conditions (4) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer (5) Lighting 	<p><i>The 1847 Food Park creates a variety of outdoor spaces for food service and dining. Seating arrangements for different sized groups are provided in a combination of covered and uncovered areas.</i></p> <p><i>This guideline is met.</i></p>

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Standard	Findings
<p>d. Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.</p>	<p><i>A combination of new and existing landscape areas are located at the site perimeter. As shown on the site plan hardscaped areas are a combination of existing and new asphalt and concrete.</i></p> <p><i>This guideline is met.</i></p>
<p>e. Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.</p>	<p><i>A combination of new and existing landscape areas are located at the site perimeter. The new open-air canopy is the primary source of shade and shelter for the development's plaza-like outdoor spaces. The combination of outdoor furnishings, new structures, and spaces created of various size and elevation lend visual interested and texture to the project.</i></p> <p><i>This guideline is met.</i></p>
<p>f. Buildings adjacent to plazas and open spaces should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.</p>	<p><i>The proposed taproom building features large, glazed overhead doors opening to the development's outdoor spaces.</i></p> <p><i>This guideline is met.</i></p>
<p>g. Plazas and open space should be designed to integrate sustainability and enhance the relationship to the natural environment, including consideration of the sun angle at noon and the wind pattern in the design of the space and incorporation of water treatment features such as rain gardens.</p>	<p><i>The site design for the development integrates stormwater planters for rainwater management.</i></p> <p><i>This guideline is met.</i></p>

M. OUTDOOR AND EXTERIOR BUILDING LIGHTING

Purpose: To incorporate outdoor and exterior building lighting that increases pedestrian comfort, accentuates design and architectural features, enhances safety, and minimizes light pollution (both spill and casting or glare).

Standard	Findings
<p>The following lighting standards apply to the site and building.</p> <p>Design Standards</p> <p>a. Lighting must be designed to comply with the following standards:</p> <ul style="list-style-type: none"> (1) Primary building entrances required in Subsection 19.508.4.E must have a minimum illumination of 2.0 foot-candles. (2) All other building entrances and areas underneath weather protection elements described in Element I (Weather Protection) must have a minimum illumination of 1.0 foot-candles. (3) Common open spaces for residents subject to Subsection 19.508.4.L must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 1.0 foot-candles throughout the space. (4) Plazas and usable open space subject to Subsection 19.508.4.M must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 2.0 foot-candles throughout the space. (5) If off-street parking areas are present, lighting must comply with standards in Subsection 19.606.3.F. <p>b. Lighting luminaires must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed downward, except as provided for uplighting of flags and permitted building-mounted signs.</p> <p>c. Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at all shared property lines of the site, with the exception of property lines along public right-of-way.</p> <p>d. Flashing or strobe lights, fluorescent tube lights, and security spotlights are prohibited on building exteriors.</p>	<p><i>As stated in the application materials, providing a well-lit and secure site is important for the development. While an engineered lighting plan has not been finalized, the Applicant acknowledges the standards with the intent that they be met or exceeded in the final design. Safety and crime prevention will be considered through good lighting design.</i></p> <p><i>As conditioned, to include a photometric plan with the development permit plans, this standard is met.</i></p>

As discussed in these findings, and as conditioned, the Planning Commission finds that the proposed design meets the applicable design standards of MMC 19.508.

7. MMC Chapter 19.600 Off-Street Parking and Loading

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

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600, and MMC Subsection 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600. Development of a vacant site is required to provide off-street parking and loading areas that conform fully to the requirements of MMC 19.600.

Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop. However, all other provisions of MMC 19.600 may still apply.

The proposed development includes improvements to an existing off-street parking area to serve the proposed food cart pod. The parking area is required to conform fully to the requirements of MMC 19.600.

The Planning Commission finds that the provisions of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand.

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum quantity requirements for eating and drinking establishments. For these uses located in the DMU, no off-street parking is required; the maximum parking permitted is 15 spaces per 1,000 sq ft of floor area.

The proposed development would include a taproom with a total floor area of 4,032 square feet. Based on this floor area, the maximum number of parking spaces permitted on the site is 60. The existing parking area has 16 spaces.

c. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

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

The existing parking area includes 16 surface parking spaces with 90°-angle stalls that measure 9 ft by 18 ft, with a minimum 22-ft-wide drive aisle.

As proposed, this standard is met.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

In the DMU zone, perimeter buffer areas abutting a ROW must be at least four ft wide (measured from the inside of curbs); no buffer is required abutting another property. Within perimeter buffer areas, at least one tree must be planted every 30 lineal feet. All parking areas adjacent to a residential use must have a continuous visual screen in the abutting landscape perimeter area (opaque year-round from one ft to four ft above the ground).

At least 25 sq ft of interior landscaped area must be provided for each parking space, either a divider median between opposing rows of parking or a landscape island in the middle or at the end of a parking row. Interior landscaped areas must be a minimum of 6 ft wide (measured from the inside of curbs). For landscape islands, at least one tree must be planted per island; for divider medians, at least one tree must be planted every 40 lineal feet.

The landscaping requirements apply to outdoor parking lots, and the proposed development includes one adjacent to the development site. As shown on the submitted existing site survey and proposed Site Plan, an existing perimeter buffer area along McLoughlin Blvd measures 4 ft. The existing landscape buffers along Scott St, while do measure 4 ft, they straddle the property line. Landscaping at the south property line will be expanded to measure 4 ft from the property line to meet this requirement.

The existing parking lot maintains 16 parking spaces. Based on 25 sq ft of landscaping per space, this totals 400 sq ft of required interior landscaping. The proposed site plan creates a new landscape island at the northwest end of the parking lot. The landscape island produces approximately 520 sq ft of new landscaping beyond the perimeter buffer.

The applicable standards are met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various additional design standards for off-street parking areas. Paving and striping are required for all required maneuvering

and standing areas. Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public rights-of-way, adjacent landscaped areas, or pedestrian walkways. Driveways and on-site circulation must be designed so that vehicles enter the ROW in a forward motion. Pedestrian access must be provided so that no off-street parking space is farther than 100 ft away from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of MMC Subsection 19.504.9.E. Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site and must provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas.

The existing parking area is proposed to be improved to meet the requirements of this section. A condition has been established to ensure that this standard is met.

As conditioned, the applicable standards are met.

As proposed and conditioned, the Planning Commission finds that the applicable design and landscaping standards of MMC 19.606 are met.

d. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Manager to determine whether loading spaces are required. Off-street loading is not required in the DMU zone. Where loading spaces are required, spaces must be at least 35 ft long and 10 ft wide, with a height clearance of 13 ft, and located where not a hindrance to drive aisles or walkways.

The subject property is zoned DMU, so no off-street loading is required. This standard is not applicable.

e. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking for new development of various uses, however, eating and drinking establishments are not included. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

The minimum number of vehicle spaces for the 4,032-sq ft taproom would be 4 spaces per 1,000 sq ft, for a total of 16 spaces. Therefore, the minimum number of bicycle spaces must be at least 10% of 16, or 2 bicycles. Four bike parking spaces are proposed at the main entrance to the project at the southeast corner of the site. Additional bike parking spaces are proposed to be installed in one vehicle parking space as well.

As proposed and conditioned, the Planning Commission finds that the applicable standards are met.

f. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes carpool parking standards for new industrial, institutional, and commercial development with 20 or more required parking spaces.

The existing parking area has 16 parking spaces. This standard is not applicable.

As proposed and conditioned, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

8. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction.

The applicant proposes to develop a food park with a multi-story taproom building, outdoor seating, permanent restrooms, and space for a variety of food vendors. The proposed new construction triggers the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and providing approval criteria.

The applicant had a preapplication conference with City staff on November 16, 2023, prior to application submittal. The City Engineer determined that the proposed development does not trigger a Transportation Impact Study. Finding 8-e addresses the proposal's compliance with the approval criteria established in MMC Subsection 19.703.3, particularly the required frontage improvements.

c. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts. Mitigation of impacts, due to increased demand for transportation facilities associated with the proposed development, must be provided in rough proportion. Guidelines require consideration of a ½ mile radius, existing use within the area, applicable TSP goals, and the benefit of improvements to the development property.

Based on proportionality guidelines found in MMC 19.705.2, the City Engineer has determined that the applicant is found responsible for constructing pedestrian improvements for the development.

The existing pedestrian facilities on all three frontages of the subject property were found to be insufficient, however, the City Engineer has determined that frontage improvements for all three frontages would not be proportional to the development impacts. A condition has been

established to require pedestrian improvements on both the Main Street and Scott Street frontages only.

These improvements include new curb, two new pedestrian ramps (on Scott Street at the corners of McLoughlin Boulevard and Main Street), and new sidewalk in compliance with the Americans with Disabilities Act and the City of Milwaukie Public Works Standards.

As conditioned, this standard is met.

d. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

The subject property fronts Main Street, which is classified as a collector street and is part of a transit route. The subject property also abuts McLoughlin Blvd, which is a state-controlled highway. The application was referred to the Oregon Department of Transportation (ODOT), Clackamas County Department of Transportation and Development (DTD), TriMet, and Metro for comment.

This standard is met.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 provides general standards for streets, including access management, clear vision, street layout and connectivity, and intersection design and spacing.

As proposed and conditioned, the development is consistent with the applicable standards of MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC 19.708.2 provides design standards for streets, including dimensional requirements for the various street elements (e.g., travel lanes, bike lanes, on-street parking, landscape strips, and sidewalks).

Pedestrian improvements for the development include new sidewalks for the Main Street and Scott Street frontages. Downtown standards for Main Street from the City of Milwaukie Public Works Standards require curb-tight sidewalk to be 12'-16' wide. Standards for Scott Street require a minimum curb-tight sidewalk width of 8'. Street tree planting in compliance with the City of Milwaukie Public Works Standards will be required where able.

As conditioned, this standard is met.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 provides standards for public sidewalks, including the requirement for compliance with applicable standards of the Americans with Disabilities Act (ADA).

The proposed development includes two new ADA ramps on Scott Street at the corners of McLoughlin Boulevard and Main Street.

Sidewalks shall conform to the City of Milwaukie Public Works Standards and the Americans with Disabilities Act requirements.

As conditioned, the development is consistent with all applicable standards of MMC 19.708.3.

(4) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 provides standards for transit facilities.

The portion of Main Street fronting the proposed development is classified as a transit route in the Milwaukie Transportation System Plan (TSP). However, transit facilities are already in place. As a result, transit facility improvements are not required for the proposed development.

As proposed, the development is consistent with all applicable standards of MMC 19.708.6.

As conditioned and proposed, the development will meet all applicable standards of MMC 19.708 and any other applicable City requirements.

The Planning Commission finds that the proposed development meets the applicable public facility improvement standards of MMC 19.700.

9. MMC Section 19.907 Downtown Design Review

MMC 19.907 establishes the applicability, procedure, and approval criteria for design review of development downtown.

a. MMC Subsection 19.907.2 Applicability

A project, addition, or expansion that proposes to meet one or more of the design guidelines of Section 19.508 in lieu of complying with the design standards of Section 19.508 is subject to Type III review.

As addressed in Finding 6, the design does not meet all of the downtown design standards of MMC 19.508. The proposed development is subject to Type III review.

b. MMC Subsection 19.907.5 Approval Criteria

MMC 19.907.5 establishes the approval criteria for Type I, II, and III downtown design review. For Type III review, projects must meet the following criteria:

(1) Compliance with MMC Title 19.

- (2) Compliance with applicable design standards in MMC 19.508.
- (3) 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).

For the proposed development, compliance with the applicable standards of MMC Title 19 is discussed throughout these findings. Finding 6 discusses the project's compliance with the applicable design standards of MMC 19.508, as well as consistency with the purpose statement of any design standards that are not met and any applicable downtown design guidelines.

As discussed throughout these findings, and particularly in Finding 6, and as conditioned where necessary, the proposed development satisfies the approval criteria for downtown design review.

As addressed throughout these findings (particularly in Findings 6 and 10), and as conditioned where necessary, the Planning Commission finds that the proposed development meets the approval criteria for Type III downtown design review.

10. MMC Section 19.911 Variances

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word "prohibited."

The applicant has requested a variance from the minimum FAR standard in the DMU zone.

The requested variance meets the eligibility requirements.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.B establishes the Type II review process for limited variations to certain numerical standards. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The requested variance is not eligible for Type II review; it is subject to the Type III review process.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. For Type III variances, MMC Subsection 19.911.4.B.1 provides approval criteria related to discretionary relief and MMC Subsection 19.911.4.B.2 provides approval criteria related to economic hardship.

(1) MMC Subsection 19.911.4.B.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 variance requested is for a reduction to the minimum required FAR of 1:1. The total area of the taproom building is 4,032 SF. Total site area after lot consolidation is approximately 20,576 SF.

$$4,032 \text{ SF} / 20,576 \text{ SF} = 0.2 \text{ FAR Proposed}$$

The intent of FAR standards is to regulate the intensity of development. However, for a project like the 1847 Food Park, project intensity is not proportional to enclosed floor area. The food park creates a variety of covered and uncovered outdoor spaces for the express purpose of being actively engaged by the public.

It is understood that floor area is defined as area within exterior building walls. While the open-air canopy and covered roof deck of the Taproom do not count as floor area, staff notes that these structured areas do contribute to perceived mass and intensity of use for the development.

The 1847 Food Park is experienced more like a public plaza than a building per se. MMC 19.304.5.A.3 offers exemptions to the minimum FAR for public parks and plazas in recognition of their value to the community. However, because the Food Park will be privately owned, it cannot claim this exemption and must request a variance.

The Planning Commission finds that the analysis of the impacts and benefits of the requested variance compared to the baseline requirements is adequate. This criterion is met.

- (b) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
- The proposed variance avoids or minimizes impacts to surrounding properties.
 - The proposed variance has desirable public benefits.
 - The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The proposed development creates desirable public spaces designed to be engaged by the community year-round through a combination of indoor, outdoor, covered, and uncovered areas. As described in the application materials, the project was

designed to respond to the history and topography of the site that was once Peake Funeral Chapel.

The Planning Commission finds that the requested variance is reasonable and appropriate and that it meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

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

The impacts of the food park and its associated FAR will be significantly less than a conventional, full-block building would be. The retention of the existing parking lot provides onsite parking for a project type that typically does not offer it, leaving on-street parking for the surrounding businesses. The large site area ensures that disruptions during construction will be minimized, as the site has plenty of room for construction staging and material storage.

The Planning Commission finds that the requested variance will not result in any impacts that require mitigation. This criterion is met.

As proposed, the Planning Commission finds that the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911.

11. The application was referred to the following departments and agencies on May 1, 2024:

- Milwaukie Community Development Department
- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- City Attorney
- Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Clackamas Fire District #1 (CFD #1)
- Clackamas County Department of Transportation & Development
- Metro
- ODOT
- TriMet
- NW Natural

Comments were received as follows:

- ODOT: summary of permitting requirements for any work performed in the state highway right-of-way
- Janice Harlan: questions about available parking in downtown
- Rory Bialostosky, Mayor of West Linne: shared experience with a similar application in West Linn
- Comments in support of the application:
 - Hamid Shibata Bennett
 - Kerrie Gianelli
 - Miranda Greenleaf
 - Arian Livengood
 - Linda Wilson
 - G Widmer
 - Susan Shuman
 - Katy Abby
 - Alicia Hamilton
 - Colleen Lewy
 - Jeanie Ritz
 - Ryan Crivellone
 - Kevin Miller
 - Anna Bain
 - Amanda Szeto
- Comments in opposition to the application:
 - Paul Kittipat
 - Siri Bernard
 - Valerie Sutton
 - Cheryl Campbell
 - Catherine Dowd
 - Tim Gerald