



AGENDA
REVISED

MILWAUKIE PLANNING COMMISSION
Tuesday, September 12, 2017, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes – Motion Needed**
 - 2.1 May 25, 2017 (*postponed to October 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 Hearings – Public hearings will follow the procedure listed on reverse**
 - 5.1 Summary: Eton Ln Vacation Rental
Applicant/Owner: Karleanne Rogers and Kevin Berigan
Address: 1524 SE Eton Ln
File: CU-2017-001
Staff: Mary Heberling
 - 5.2 Summary: Project Galaxy Design Review *Continued from 8/22/2017*
Applicant/Owner: Kurt Schultz, SERA Architects
Address: 2036 SE Washington St
File: DR-2017-001, VR-2017-007
Staff: Denny Egner for Vera Kolias
- 6.0 Worksession Items**
 - 6.1 Summary: Comprehensive Plan Update Project Advisory Committee Appointment
Staff: David Levitan/Denny Egner
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Planning Commission Supplemental Notebook Pages
- 8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.**
- 9.0 Forecast for Future Meetings:**
 - September 26, 2017 1. TBD
 - October 10, 2017 1. Worksession: North Milwaukie Industrial Area Code Amendments *tentative*

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to 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@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
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.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing 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 Commissioners.

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

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 Planning Commission:

Greg Hemer, Chair
Adam Argo, Vice Chair
John Burns
Sherry Grau
Scott Jones
Kim Travis

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kolver, Associate Planner
Vera Kolas, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II



To: Planning Commission
Through: Dennis Egner, Planning Director
From: Mary Heberling, Assistant Planner
Date: Sept. 1, 2017, for Sept. 12, 2017, Public Hearing
Subject: **File:** CU-2017-001
Applicant: Karleanne Rogers & Kevin Berigan
Address: 1524 SE Eton Ln.
Legal Description (Map & Tax Lot): 11E26DC01602
NDA: Historic Milwaukie

ACTION REQUESTED

Approve application CU-2017-001 and adopt the recommended Findings found in Attachment 1. This action would allow for the existing home to be used as a vacation rental.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is located at 1524 SE Eton Ln (see Figure 1). The 0.55 acre site is a lot with an existing single family residence.



Figure 1

The surrounding area consists of other residential uses in the R-10 zone. It is close to Waverly Golf Course and Country Club, which is west of the property. To the southeast of the site, the zoning becomes R-2 and farther east it becomes zoned Manufacturing (M) (See Figure 2 below).

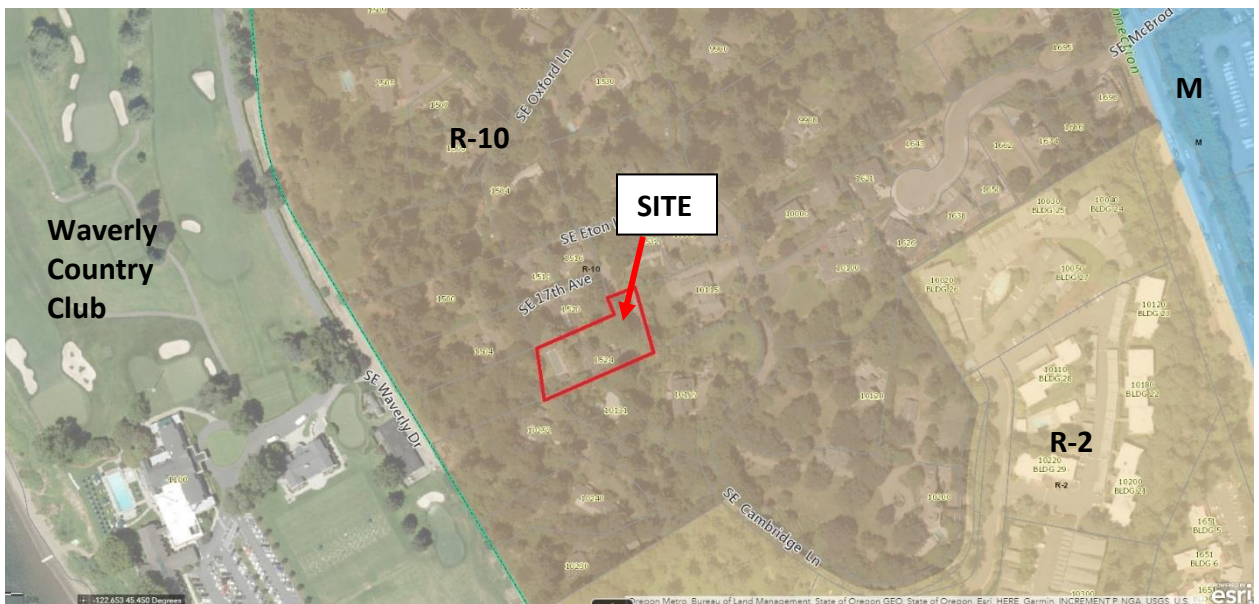


Figure 2

B. Zoning Designation

R-10 – Low Density Residential Zones

C. Comprehensive Plan Designation

LD – Low Density Residential

D. Land Use History

City Records indicate no previous land use actions for this site.

E. Proposal

The application is seeking land use approval for the existing home to be a vacation rental. The proposal includes a narrative.

The project requires approval of the following application: Conditional Use – CU-2017-001

KEY ISSUES

Approval Criteria for a Conditional Use

Summary

MMC 19.905 establishes criteria for approval for a new conditional use. The two criteria that relate the most to a vacation rental in a low density residential zone are:

1. All identified impacts will be mitigated to the extent practicable; and
2. 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 application states that the proposed vacation rental will not result in any change to any physical characteristics of the existing house or property. The residential use of the property will not change. The applicant believes there will be minimal impact on the nearby uses since they will usually have only 4-6 rentals per year and the property is well screened from surrounding properties. The applicants have stated a desire to limit use in order to avoid overuse and too much wear and tear on the existing house. The intent of the proposed use is not to rent out the property constantly, but to help offset costs to the property owners while they are living in another state for work.

The applicants have developed “house rules” to mitigate any impacts to the existing house, property, and surrounding neighbors. Those rules include requiring renters to respect a 10pm noise ordinance and noting failure to do so may lead to immediate eviction. They also request that outside activity and noise be extremely limited after 9pm and do not allow parties or any sort of large gathering or event.

The staff believes that the applicant has provided information that shows how they can meet the approval criteria for a conditional use, especially any impact that may occur with the surrounding neighbors.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Conditional Use for 1524 SE Eton Ln. This will result in the existing home to be used as a vacation rental.
3. Adopt the attached Findings.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Subsection 19.1006 Type III Review
- MMC Section 19.301 Low Density Residential Zones
- MMC Subsection 19.905 Conditional Uses

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

The Commission has 4 decision-making options as follows:

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

The final decision on these applications, which includes any appeals to the City Council, must be made by November 14, 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 Engineering and Building Departments, Historic Milwaukie Neighborhood District Association (NDA), Clackamas County, Metro, and Trimet. The following is a summary of the comments received by the City. See Attachment 2 for further details.

- **Tom Madden, Vice President and Committee Chair, Historic Milwaukie NDA:** “I’m writing to confirm that the Historic Milwaukie Neighborhood Association’s Development Committee has reviewed this Application and will support the proposal contingent up confirmation that the neighbors indeed support the proposal.”
- **Alex Roller, Engineering Department, City of Milwaukie:** No comments or any conditions of approval from the Engineering Department.

Public Comments

- **Lyndon and Cindy Murray, Property Owners at 9908 SE Cambridge Ln:** They do not believe having a vacation rental in the community contributes positively to the area and request it not be approved. Their main concerns revolve around noise abatement, especially with the owners out of state, and a potential increase in volume of traffic.

Staff Response: The applicants have two property managers year-round who welcome guests, review all house rules and noise ordinances, and service any guest issue during occupancy. They are “on-call” while guests are present at the vacation rental. They have also issued “house rules” that include guests to respect a 10pm quiet time and a 9pm quiet

time for any outside activity. Large gatherings or parties are not allowed for the vacation rental.

Currently the applicants limit rentals to 4-6 per year to limit overuse for their home and any wear and tear. They have proposed to continue this amount of rentals with the approval of the Conditional Use application. The amount of rentals, at 4-6 per year, could have less traffic than if the property owners lived at the home year-round and may have minimal impact on traffic. The City Engineering Department reviewed the application and did not see any potential issues with affects to traffic in the area.

Staff believes that the applicants have provided information that shows how they will mitigate any potential impacts to the surrounding community with the continuation of their vacation rental.

ATTACHMENTS

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

	PC Packet	Public Copies	E- Packet
1. Attachment 1: Findings in Support of Approval	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

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

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/planning/planning-commission-177>.

Recommended Findings in Support of Approval File # CU-2017-001, Eton Ln Vacation Rental

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

1. The applicants, Karleanne Rogers and Kevin Berigan, have applied for approval to use the existing home at 1524 SE Eton Ln as a vacation rental. This site is in the R-10 Zone. The land use application file number is CU-2017-001.

The applicant is proposing to use the existing home on the property as a vacation rental through the conditional use process. The applicants live in a different state for over 10 months out of the year due to their jobs. This vacation rental will help them offset mortgage

The property has been used as a vacation rental since 2011. The applicant was unaware that it needed to be approved through the conditional use process. Upon learning that their vacation rental required a conditional use approval, they have applied for approval to bring the use into compliance with the code.

2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Subsection 19.1006 Type III Review
 - MMC Section 19.301 Low Density Residential Zones
 - MMC Subsection 19.905 Conditional Uses
3. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on September 12, 2017, as required by law.
4. MMC 19.301 Low Density Residential Zones

- a. MMC 19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2. Bed and breakfast or Vacation rental commercial uses are Conditional Uses (CU) in the R-10 zone.

The proposed use on the site is a Vacation Rental. It will be evaluated through the conditional use process.

5. MMC 19.905 Conditional Uses

- a. 19.905.4 Approval Criteria

This subsection establishes criteria for approval of a new conditional use. The approval criteria is addressed below:

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

The existing house is 3,400 sq ft in size with 3+ bedrooms and 2 ½ bathrooms. It is located on a 0.55 acre property that is fenced and screened from the surrounding neighbors to limit any negative impacts. The rear of the property faces a vacant forested property. All of the neighboring lots are large lots over 12,000 sq ft with large vegetated lots, similar to the applicant's property. All of the surrounding homes are placed 45 -180 ft from the applicant's home. All properties are heavily vegetated with a majority of each property completely covered by the tree canopy.

The location of the surrounding homes and large lot sizes that are heavily vegetated with a privacy fence make the lot characteristics suitable for a vacation rental.

The Planning Commission finds that this criterion 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 proposed use as a vacation rental will not change any physical characteristic of the existing house or property. It will be used for residential purposes by people who rent out the property. The applicant believes there will be minimal impact on the nearby uses since they will usually have only 4-6 rentals per year. The site has a circle driveway that can accommodate 2+ vehicles and prevents the need for any renters to park on the street. The property also has a large backyard with an outdoor pool for any recreational activities.

The Planning Commission finds that this criterion is met.

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

The applicants have developed "house rules" to mitigate any impacts to the existing house, property, and surrounding neighbors. Those rules include requiring renters to respect a 10pm quiet time and noting failure to do so may lead to immediate eviction. They also request that outside activity and noise be extremely limited after 9pm and will not allow parties or any sort of large gathering or event.

The Planning Commission finds that this criterion 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 use will have restrictions on the renters to ensure there are not any unmitigated nuisance impacts. As stated above, the applicants will not allow parties or any sort of large gathering or event and noise impacts will be mitigated through "house rules" proposed by the applicants.

The Planning Commission finds that this criterion 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.

There are no proposed changes to the existing house or lot. As it currently exists, the property meets the development standards for a single-family home in the R-10 zone. There are no overlay zones or special areas and the standards are met in Section 19.905 as demonstrated in the findings.

The Planning Commission finds that this criterion is met.

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

There are no specific Comprehensive Plan policies or objectives that provide clear guidance regarding whether a newly recognized vacation rental should be permitted in a given zone. Rather, the policies and objectives speak generally about maintaining the residential character of existing neighborhoods and opportunities for employment and home occupations. The applicant is proposing no changes to the existing single family residence and it will still exist in that manner and continue its

residential character and is consistent with the surrounding homes and properties. The vacation rental also allows the opportunity for the applicants to have a stream of income while they are away from the property.

For these reasons the proposal is consistent with the following goals, objectives, and policies:

Residential Land Use and Housing Element:

- *Objective #4 – Neighborhood Conservation*
- *Objective #4 – Policy #5*

Economic Base and Industrial/Commercial Land Use Element:

- *Objective #2 – Employment Opportunity*
- *Objective #2 – Policy #4*

Neighborhood Element:

- *The Neighborhood Element Goal Statement*
- *Objective #1 – Neighborhood Character*
- *Objective #1 – Policy #2*

The Planning Commission finds that this criterion 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.

There are adequate public transportation facilities and public utilities for the site. Renters for the proposed use will generally have a personal/rented vehicle that they can park on the property. The applicants have a large circle driveway that can accommodate 2+ vehicles and prevents the need for any renters to park on the street.

The Planning Commission finds that this criterion is met.

Planning Commission finds that the approval criteria for a condition use are met with this proposal.

6. The application was referred to the following departments and agencies on August 3, 2017:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee

The comments received are summarized as follows:

- **Tom Madden, Vice President and Committee Chair:** “I’m writing to confirm that the Historic Milwaukie Neighborhood Association’s Development Committee has reviewed this Application and will support the proposal contingent up confirmation that the neighbors indeed support the proposal.”
- **Alex Roller, Engineering Department, City of Milwaukie:** No comments or any conditions of approval from the Engineering Department.



To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Koliass, Associate Planner
Date: September 5, 2017 for September 12, 2017 Public Hearing
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

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 and approve variances to the 6-ft step back requirement and to minimum access spacing standards.

BACKGROUND INFORMATION

A. Proposal

The applicant is seeking Downtown Design Review and Variance approval for construction of a 5-story mixed-use building. The building will have 7,190 sq ft of retail and commercial space on the first floor and 110 multifamily dwelling units on the top 4 floors. Interior mechanical parking for 78 vehicles as well as 94 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, which acknowledges a certain level or degree of sustainable components and is an approved green building rating system. Variances are requested from the 6-ft step back requirement for Levels 4 and 5 and from the minimum access spacing standards.

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.

As proposed, the Washington Street façade, which is 205 ft long, does not meet this standard. As allowed by MMC 19.907.3.C, the proponent has elected Type III Downtown Design Review rather than meet this standard. As mitigation, the applicant proposes to use a vertical band of 4 projecting windows, cantilevered shadowboxes, 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 or other art installations, on the wall area on either side of the parking garage entrance door.

19.508.4.E.4.c: For the upper floors, along all block faces, a minimum of 60% of all upper-floor windows shall be vertically oriented. This standard applies to the upper-level building façades facing a street or public space.

The proposed development does not comply with the standard requiring a minimum of 60% of all upper-floor windows to be vertically oriented. As proposed, approximately 50% or less of all upper-floor windows are vertically oriented. As an alternative to strict compliance, 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.

The project requires approval of the following applications:

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

Type III Downtown Design Review for the new development.

2. Variance (VR-2017-007)

Type III Variance application for the following:

- A variance from the 6-ft step back requirement for floors above the base maximum height;
- A variance from minimum driveway spacing standards.

B. Land Use Review

On August 22, 2017, the Planning Commission held a hearing on these applications, during which the Commission discussed the project and listened to testimony both in favor and in opposition, particularly to the proposed height and the requested variance to the step back requirement. Particular interest was paid to the Washington Street façade. After the Commission closed the public testimony portion of the hearing, the applicant handed the Commission a rough sketch showing the Washington Street façade with a shadowbox to provide additional façade relief to mitigate the variance request. A member of the audience requested a continuation of the hearing to allow for review of this new evidence.

The Commission then provided the applicant with up to seven days to submit new drawings and provided seven days for interested parties to submit written comments related to the new drawings for inclusion in the record.

The applicant submitted new drawings on August 25 and materials were distributed to interested parties on that day. The seven-day comment period ended on Friday, September 1, 2017 at 5:00 PM.

The applicant's new drawings depict the following changes:

- an additional shadowbox on the Washington Street elevation;
- 4 more windows on ground floor of the Washington Street elevation above the art locations bringing to the glazing percentage to 45% (40% required).

The Commission noted that the purpose of the continued public hearing was for deliberation regarding the proposal. No additional oral or written testimony will be taken at the hearing.

KEY ISSUES

Summary

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

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

Analysis

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 (see Figure 1). 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 3rd floor or higher, for at least 25% of the length of the building.

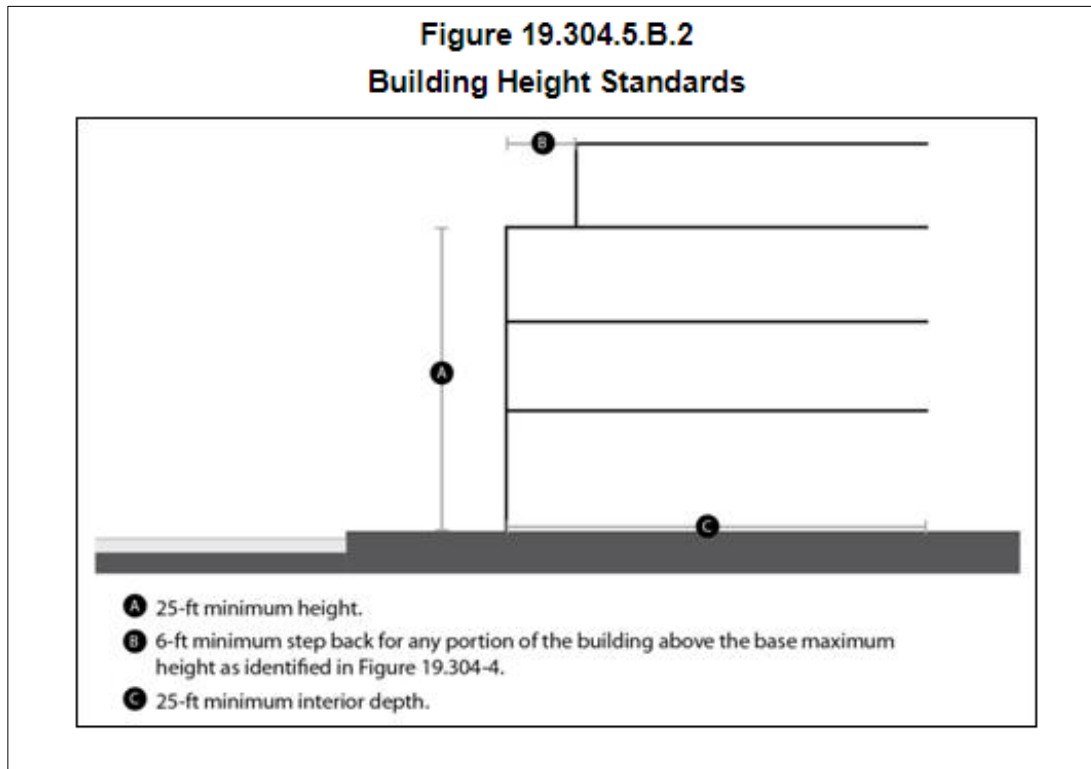


Figure 1. MMC 19.304.5.B.2

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. Supplemental materials submitted on August 25 show an additional shadowbox on the Washington Street façade, further reducing the perceived bulk of the building and adding additional relief to the façade (See Figures 2 and 3).

As demonstrated in Figure 2, 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 applicant revised the Washington Street elevation to add windows above the art locations, providing more transparency on the ground floor, and increasing the total glazing to 45% of the area.

The proposal also satisfies the purpose statement of the Building Façade Details design standard by successfully creating a cohesive and visually interesting façade.



Figure 2 Revised Washington Street facade
 Figure 3. Revised Washington Street elevation

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approval of the Downtown Design Review application and the Variance application for the proposed 5-story mixed-use building.
2. 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, murals are required to be installed on the southern-facing wall as well as the Washington Street façade on either side of 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 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 Commission has 4 decision-making options as follows:

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

The final decision on 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

On August 22, 2017, the Planning Commission continued the public hearing to September 12, 2017. The Commission kept the record open for the applicant to submit new drawings of the Washington St façade of the proposed building. The Commission kept the record open for an additional seven days for comments related to the new drawings. The drawings were submitted on August 25, 2017 and comments were accepted until September 1, 2017.

The revised drawings were posted on the land use application webpage on August 25, 2017. Notice of the submitted drawings was sent to all identified Interested Parties; written comments were due on September 1, 2017. A summary of the written testimony that was submitted is included here.

Comments related to the new drawings of the building façade include:

- **Jim Bernard – August 25, 2017** – Mr. Bernard stated that he believes the proposed façade changes will reduce the impact of the building height.
- **Nathaniel Taylor – August 28, 2017** – Mr. Taylor stated that the proposed shadow box feature is an attempt to use an unproven illusion to create a sense of less height. He argues that the building feature will block light for buildings on the north side of Washington St.
- **Scott Churchill – September 1, 2017** – Mr. Churchill expressed concern that the shadow box feature would actually increase the bulk and mass of the building for pedestrians on Washington St. He submitted photographs of projects in Portland where buildings have been and are being constructed using a step back for upper floors.

Comments unrelated to the new building façade drawings include:

- **Troy Reichlein – August 26, 2017** – Mr. Reichlein commented that he has a CPA office across the street from the property and he supports the project.
- **Kristi Reichlein – August 28, 2017** - Ms. Reichlein commented that as owner of Duffy's Irish Pub, she is excited about the project.
- **John Balzer and Barbara Eiswerth – September 1, 2017** – Mr. Balzer and Ms. Eiswerth stated that they oppose the development with the variances.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's revised Washington Street façade drawings (received on August 25, 2017)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

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

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

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-177>.

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

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 7,190 sq ft of retail and commercial space on the first floor and 110 multifamily dwelling units on the top 4 floors. Access to the proposed parking area will be from Washington Street. 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 and September 12, 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 (Washington Street) 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 21st Avenue and Main Street. 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	<i>57 ft utilizing 2 height bonuses (residential and green building); variance requested to 6-ft step back standard</i>
Flexible ground-floor space	14-ft ground floor ceiling height; Main Street 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 Street); 90% (Main Street)	100%
Primary entrances	If at the corner of Main Street and another street, must be oriented to Main Street.	<i>Retail/commercial entrance faces Main Street.</i>
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 Washington Street 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 Washington Street 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 Street. and Washington Street.

- 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 Street and Main Street.

- 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 Street, 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 Street, 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~~complies with this standard. Along Washington Street, 4539% of the ground-floor street area consists of openings. Along 21st Avenue, 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. With 110 dwelling units, 5,500 sq ft of open space is required. 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. The proposed development includes 8,571 sq ft of open space.

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 Street 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 to 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 110 multi-family dwelling units, for a base minimum requirement of 110 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 94 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 77 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 21st Avenue shall be removed and replaced with standard curb & gutter and sidewalk.

The existing right-of-way width of Washington Street, 21st Avenue and Main Street 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 Washington Street fronting the proposed development is not classified as a bike route in the Milwaukie Transportation System Plan. Construction of bicycle facility improvements on the Washington Street frontage are not required for the proposed development.

The Main Street 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 Street 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 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 Street 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 Street and 21st Avenue and Main Street 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>

	<i>The proposed development meets this guideline.</i>
Promote Architectural Compatibility	<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> <i>The proposed development meets this guideline.</i>
Preserve Historic Buildings	<i>This guideline does not apply to the proposed development as the site is not identified as an Historic Resource.</i>
Use Architectural Contrast Wisely	<i>In addition to the materials selection of brick, fiber cement, and cedar siding, the cantilevered shadowbox effect and bay windows reduce the bulk of the building and provide contrast.</i> <i>The proposed development meets this guideline.</i>
Integrate Art	<i>The proposed development includes a ground floor mural on the Washington Street façade and on the south-facing façade visible from Adams Street Connector which will integrate art into the building's design.</i> <i>The proposed development, as conditioned, meets this guideline.</i>

PEDESTRIAN EMPHASIS GUIDELINES

Guideline	Recommended Findings
Reinforce and Enhance the Pedestrian System 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.	<i>The proposed development is proposing new sidewalks that meet the Public Area Requirements on the Main Street and Washington Street frontages. All trash rooms are located inside the building and all utilities will be located inside the building or in sidewalk vaults.</i>
Define the Pedestrian Environment Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.	<i>The proposed design addresses pedestrians, and creates a human-scale environment, in a number of ways:</i> <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 Washington Street</i> • <i>New sidewalks are proposed on the Main Street and Washington Street frontages</i> • <i>Fixed canopies over all entrances are proposed to protect pedestrians from the elements</i>

	<ul style="list-style-type: none"> • A ground floor mural is proposed on the Washington Street facade • The building is proposed with a zero lot line, establishing a street wall to reflect an urban character <p>The proposed development, as conditioned, meets this guideline.</p>
Protect the Pedestrian from the Elements	Fixed canopies are proposed to protect from elements. The proposed development meets this guideline.
Provide Places for Stopping and Viewing	<p>The proposed development provides places for stopping and view by including the following:</p> <ul style="list-style-type: none"> • Active retail storefronts on all 3 frontages with glass overhead doors for shops • Significant entrances at both corners with Washington Street • Fixed canopies over all entrances are proposed to protect pedestrians from the elements • A ground floor mural is proposed on the Washington Street facade <p>The proposed development, as conditioned, meets this guideline.</p>
Create Successful Outdoor Spaces	This guideline does not apply to the Building Façade Details standard.
Integrate Barrier-free Design	This guideline does not apply to the Building Façade Details standard.

ARCHITECTURE GUIDELINES

Guideline	Recommended Findings
Corner Doors	<p>The proposed design includes prominent retail/commercial entrances at both corners on the site with Washington Street.</p> <p>The proposed development, as conditioned, meets this guideline.</p>
Retail and Commercial Doors	<p>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.</p> <p>The proposed development meets this guideline.</p>
Residential Doors	This guideline does not apply to the proposed development.
Wall Materials	<p>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.</p> <p>The proposed development meets this guideline.</p>
Wall Structure	The proposed development provides scale defining devices through:

	<ul style="list-style-type: none"> • 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 <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"> • 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 <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"> • Residential projecting windows that extend from levels 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 <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 Planning Commission finds that the proposal, as conditioned, is substantially consistent with the applicable Downtown Design Guidelines and that this approval criterion has been met.

The Planning Commission finds that 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 Washington Street frontage is 210 ft in length. The development is required to have a single curb cut on Washington Street to access the parking garage as vehicular access is prohibited on Main Street and 21st Avenue. The curb cut to access the garage is located mid-block to stay as far away from either corner as possible. Washington Street 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. In addition, the applicant proposes a cement panel cantilevered shadowbox on the Washington Street façade to reduce the perceived height and bulk of the building and to provide relief and give the illusion of a step back at the upper floors.*

According to the applicant, 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 21st Avenue frontage shall provide acceptable sight lines for pedestrian safety
 - Changes to signal timing at 21st Avenue and Washington Street and 21st Avenue and Adams Street 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.
 - **Neil Hankerson, Exec VP, Dark Horse Comics:** strongly supports approval of the application, including the variances.
 - **William Place, Owner, 11049 SE 21st Ave:** supports the project; comments about a Living Wall
 - **Megan Gibb, Metro:** support the project – project has received a \$500,000 Metro TOD grant.
 - **Kelli Keehner, K.Marie, DMBA:** opposes approval of the variance for appropriately scaled development
 - **Patrick Jones, 12 500 Window Coverings:** opposes approval of the variance for appropriately scaled development

- **Nathaniel Taylor, 2836 SE Washington St:** opposed to the 5th story and to the variance request
- **Scott Churchill, 2708 SE Monroe St:** opposes approval of the variance for appropriately scaled development.

13. On August 22, 2017, the Planning Commission continued the public hearing to September 12, 2017. The Commission kept the record open for the applicant to submit new drawings of the Washington St façade of the proposed building. The Commission kept the record open for an additional seven days for comments related to the new drawings. The drawings were submitted on August 25, 2017 and comments were accepted until September 1, 2017.

Comments related to the new drawings of the building façade include:

- **Jim Bernard – August 25, 2017** – Mr. Bernard stated that he believes the proposed façade changes will reduce the impact of the building height.
- **Nathaniel Taylor – August 28, 2017** – Mr. Taylor stated that the proposed shadow box feature is an attempt to use an unproven illusion to create a sense of less height. He argues that the building feature will block light for buildings on the north side of Washington St.
- **Scott Churchill – September 1, 2017** – Mr. Churchill expressed concern that the shadow box feature would actually increase the bulk and mass of the building for pedestrians on Washington St. He submitted photographs of projects in Portland where buildings have been and are being constructed using a step back for upper floors.

Comments unrelated to the new building façade drawings include:

- **Troy Reichlein – August 26, 2017** – Mr. Reichlein commented that he has a CPA office across the street from the property and he supports the project.
- **Kristi Reichlein – August 28, 2017** - Ms Reichlein commented that as owner of Duffy's Irish Pub, she is excited about the project.
- **John Balzer and Barbara Eiswerth – September 1, 2017** – Mr Balzer and Ms Eiswerth stated that they oppose the development with the variances.

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

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~~ through July 20 August 25, 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, murals, or other art installation, are required to be installed on the southern-facing wall as well as the Washington Street façade on either side of the garage entrance door, as illustrated in the submitted plans. 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.





NORTH ELEVATION - WINDOW AREA CALCULATIONS:

LEVELS 2-5 WALL AREA - 9,439 SF (100%)
 WINDOW AREA - 3,416 SF (36%)

GROUND FLOOR WALL AREA - 3,064 SF (100%)
 STOREFRONT AREA - 1,371 SF (45%)



From: [Jim Bernard](#)
To: [Kolias, Vera](#)
Subject: Re: DR-2017-001: Supplemental Materials Notice
Date: Friday, August 25, 2017 10:59:51 AM

Milwaukie Planning Commission

As former Mayor and owner of the property being developed I believe that the facade reduces the impact of height sufficient to address the concerns of the community. It was never the shadowing nor was it the view that was the concern of the community, it was the quality of the development. People that know Tom Brenneke know that he is a stickler for quality. A project such as this is a once in a lifetime opportunity that I believe and everyone I speak to believes will be the catalyst that draws the long awaited investment into the community. Walking down Washington street the view will be not just an apartment but a vibrant active community enhanced by not only a beautiful building but wide sidewalks, trees, street lighting, and retail that without question will improve the quality of life of all the residents of Milwaukie.

Respectfully,
Jim Bernard

All is good at the ranch!
Sent from iPhone

On Friday, August 25, 2017, 10:13 AM, Kolias, Vera <KoliasV@milwaukieoregon.gov> wrote:

Good morning,

Attached please find a Supplemental Materials Notice and attached drawings regarding the proposed development at 2036 SE Washington Street. Please note the deadline and other instructions for written comments.

Thank you,

Vera

VERA KOLIAS, AICP

Associate Planner

[503.786.7653](tel:503.786.7653)

City of Milwaukie

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

Kelver, Brett

From: Troy Reichlein, CPA <troy@reichleincpa.com>
Sent: Saturday, August 26, 2017 7:25 AM
To: Egner, Dennis; Kelver, Brett; Koliass, Vera
Subject: Written Comment - 2036 SE Washington Street

My name is Troy Reichlein and I am providing written comment on the proposed development of the property at 2036 SE Washington Street.

My office as a CPA was located across the street from this property for approximately 15 years and I am the owner of the commercial property at that location, which is on the corner of Washington and 21st.

I welcome the proposed development plans for the Bernard's Garage site. It brings welcomed change in a thoughtful manner to the area, which desperately lacks residential housing and modern development. One of the reasons my office as a CPA moved was because the downtown corridor of Milwaukie is stale dated. It lacks interest from investors, business owners and consumers. This development is a significant step in the right direction for this area that is welcomed by my tenants, employees, business neighbors and myself. We encourage the Planning Commission to work with and approve the site development.

Thank you.

Troy Reichlein
Certified Public Accountant, LLC
155 B Avenue, Suite 100
Lake Oswego, OR 97034
Phone: 503-653-9592
Fax: 503-653-9058

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Kelver, Brett

From: Kristi Reichlein <kristi.reichlein@gmail.com>
Sent: Saturday, August 26, 2017 4:48 PM
To: Kelver, Brett
Subject: Bernard's Garage

Good afternoon.

As a local business owner in downtown Milwaukie we are very excited about the proposed development of the former Bernard's Garage property.

Thank you,

Kristi Reichlein
(Duffy's Irish Pub)

Kelver, Brett

From: Natan Taylor <2836washington@gmail.com>
Sent: Thursday, August 31, 2017 5:50 AM
To: Egner, Dennis; Kelter, Brett; Kolias, Vera
Subject: Land Use File# DR-2017- 001; VR-2017-007 comments on submitted drawings

Land Use File# DR-2017- 001; VR-2017-007 comments on submitted drawings

Hello,

I'd like to comment on the new drawing highlighting the shadow box along the entire length of Washington street. The architect has stated that this illusion is to lessen the effect of the perceived height AS they are asking for a variance on the 6ft setback on BOTH the 4th and 5th floors.

Again, I state that this is an attempt to use an unproven illusion to create a sense of less height along Washington street.

I argue, the shadow box creates an increased overhang that looms over the street. This overhang further blocks sunlight from reaching the pedestrian below and further shades the opposite side of the street. In no way does this reduce the height perception. In all possibility, only increases it!

The 6ft set back in the code serves a purpose to lessen the impacts of 4 and 5 story buildings. The technique is obvious and does not use illusion, that is subjective, and rather uses an objectivity borne of practice. This setback has many desirable effects for the pedestrian and adjacent buildings, one of which is to increase the light available (increased light plane (and airflow!)), by exposing the sky (greater sky exposure plane) which does in fact lessen the perceived height of the building.

As well, How effective is the Shadow Box Illusion on the NORTH side of a street, more or less, always in shadow? I again argue that this is a weak illusion only weakened by the north facing facade.

There is no analysis of its impact on the adjacent buildings and the skyline as one walks down Washington Street. I say this analysis would prove an increased impact by the shadowbox on both, and thereby an increased perception of height. I ask that the architect shows further set of drawings with the setback so that we might compare.

Prior and current planning committees thoughtfully considered the effect of 4 and 5 story development and their impact on the architectural landscape of Milwaukie. The code was designed to grant each floor, as a bonus floor if certain guidelines are met. Each of these bonus floors are to have a 6ft setback to maintain the spirit of what we, the citizens of Milwaukie, wish for in our architectural landscape.

All the best,

Nathaniel Taylor
2836 SE Washington Street
Milwaukie, Oregon
August 31, 2017

Martin, Alicia

From: Kelper, Brett
Sent: Tuesday, September 05, 2017 9:01 AM
To: Martin, Alicia
Subject: FW: Written comment on Galaxy Development

From: Scott Churchill [<mailto:scottchurchill@earthlink.net>]
Sent: Friday, September 01, 2017 11:51 AM
To: Egner, Dennis <EgnerD@milwaukieoregon.gov>; Kelper, Brett <KelperB@milwaukieoregon.gov>; Kolas, Vera <KolasV@milwaukieoregon.gov>
Subject: Re: Written comment on Galaxy Development

Images included. They dropped off the first time

Scott Churchill

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

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

Dear Ms. Kolas,

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

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

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

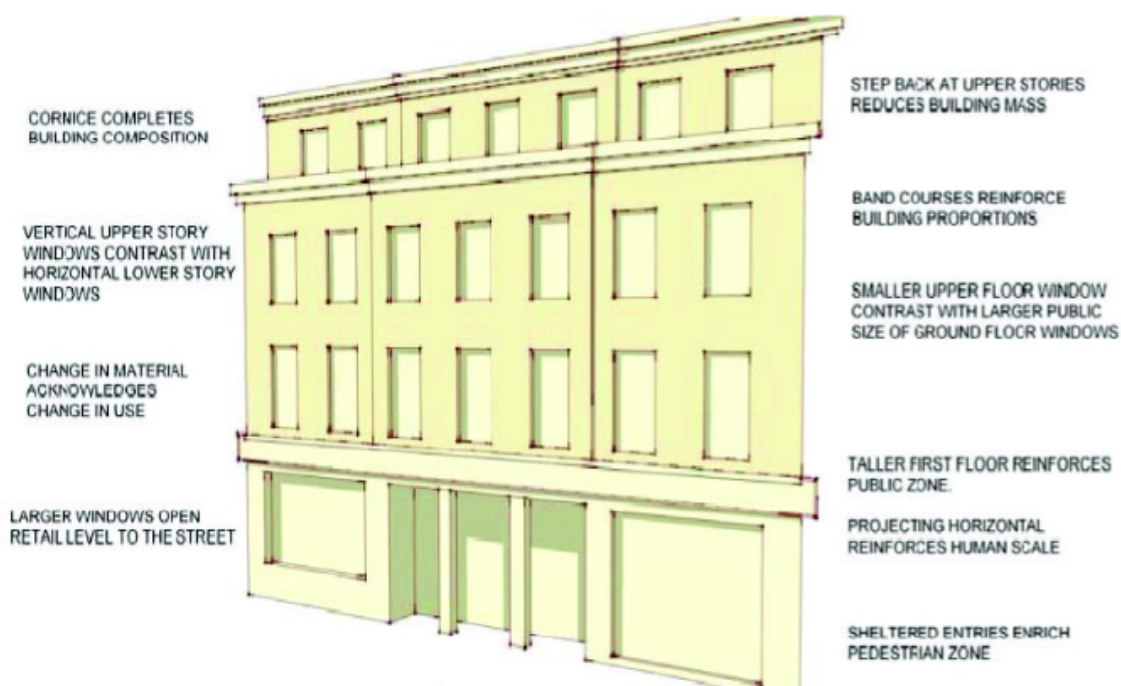
Many cities have code to address these important concerns of Bulk and Mass and address them in a similar fashion to the intent of the Milwaukie code. Below is an example of code from Riverdale, GA :



Code of Ordinances



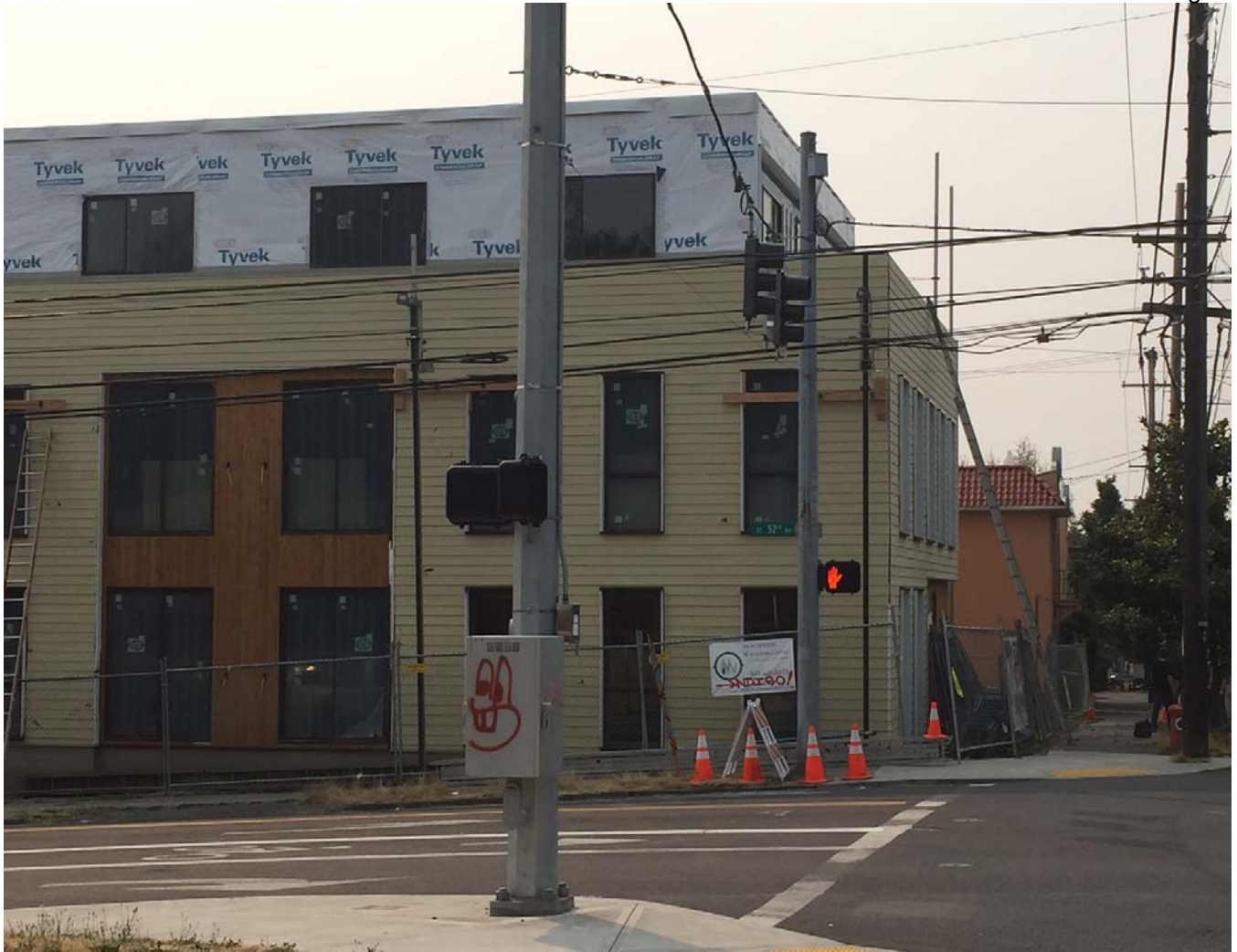
8.6.3-7.1.3. Mixed use buildings shall use proportions to give legibility to building uses including cornices to complete the building composition, a change in materials acknowledging a change in use, larger windows that are open the first floor to the street, a step-back at upper stories reduces building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



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

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

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



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





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

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



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

In conclusion, I want to say that I support appropriate scale housing development in Milwaukie. This building has some features that comply.....but it falls short in many, many other areas. I feel that the 6'-0" setback for both the 4th and 5th floor as approved by previous Planning Commission and City Council

are VERY important to retain as part of this project developmentin order to reduce "bulk and mass" and enhance the pedestrian experience and that the ADDITIONAL SHADOW BOX along Washington street does nothing to improve the pedestrian experience.

Thank you for your attention to this concern.

Scott Churchill

Kelver, Brett

From: John Balzer <johnbalzer52@gmail.com>
Sent: Friday, September 01, 2017 2:46 PM
To: Egner, Dennis; Kelver, Brett; Koliass, Vera
Subject: Galaxy Development Project

Hi,

My partner and I live on Washington street and oppose the Galaxy Development Project with the variances. This project will set the standard for downtown Milwaukie. The present development in Sellwood is destroying the character of the town. We don't want that to happen to us. We don't oppose development, but want it to reflect good, smart design. Please let us take time to get this right.

Thanks, John Balzer, Barbara Eiswerth.

Sent from my iPad



MILWAUKIE

Dogwood City of the West

To: Planning Commission
From: Denny Egner, Planning Director
 David Levitan, Senior Planner
Date: September 5, 2017, for September 12, 2017 Worksession
Subject: Appointment of Member to Comprehensive Plan Advisory Committee

ACTION REQUESTED

Staff is requesting that the Planning Commission appoint a member to serve on the Comprehensive Plan Advisory Committee (CPAC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

July 25, 2017: Staff provided an update on the Community Vision and proposed framework for the Comprehensive Plan, and asked for a Planning Commission representative to serve on the Comprehensive Plan Advisory Committee.

January 10, 2017: Staff provided an update on upcoming public events for the Community Vision, including the second Town Hall on February 15.

October 25, 2016: Staff briefed the Planning Commission on Phase I of the public outreach for the Community Vision that had occurred to date, and provided an overview of the November 2 Town Hall.

April 26, 2016: Staff provided the Planning Commission with a brief update on the Comprehensive Plan and the Community Vision, including the Request for Proposals (RFP) for consultant services and a proposal to form a Project Action Group (since renamed the Vision Advisory Committee) and a Steering Committee.

February 23, 2016: Staff briefed the Planning Commission on the proposed process and community outreach for the Community Vision, summarizing the presentation that visioning consultant Steven Ames gave to the City Council on February 18 and the feedback that the City Council provided.

January 12, 2016: Staff provided the Planning Commission with an overview of the history and planned approach for the Comprehensive Plan Update and the feedback that the City Council provided on the approach at their December 15, 2015 meeting.

BACKGROUND

At its July 25 meeting, the Planning Commission was briefed on the formation of the Comprehensive Plan Advisory Committee (CPAC), which will meet approximately 18 times over the next two years and will serve to help guide public involvement and review documents for the Comprehensive Plan Update. Based on direction provided by the City Council during their August 1 meeting, the CPAC will be selected through an at-large application process, with the

exception of designated members from the the City Council and Planning Commission. As of September 5, the City has received 26 at-large applications.

Commissioners were asked at the July 25 meeting if they would prefer to apply for the designated spot through the general application process or appoint a member of their own, and indicated that they would like to appoint a member during their August 22 meeting. During the July 25 work session and in subsequent emails to staff, Chair Hemer and Vice Chair Argo both expressed their interest in serving on the CPAC.

DISCUSSION

The Planning Commission representative on the CPAC will serve as a liaison between the two bodies and serve to keep the Commission apprised of the public involvement for the Comprehensive Plan. As previously noted by staff, the Commission will be integrally involved in the update to the Comprehensive Plan, with regular updates and work sessions occurring. There will also be opportunities for commissioner to serve on technical advisory groups for individual topic area such as housing, infrastructure, natural resources, economic development, and transportation.

RECOMMENDATION

Staff is requesting that the Commission discuss, nominate, and appoint a member to the Comprehensive Plan Advisory Committee.

ATTACHMENTS

None.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-177>.