



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

May 11, 2021

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Amy Erdt
Greg Hemer
Adam Khosroabadi
Robert Massey
Jacob Sherman

Staff: Laura Weigel, Planning Manager
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

(00:16:44)

1.0 Call to Order – Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

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

(00:18:02)

2.0 Informational Items

No information was presented for this portion of the meeting.

(00:18:12)

3.0 Audience Participation

No information was presented for this portion of the meeting.

(00:19:00)

4.0 Public Hearing Items

(00:22:24)

4.1 VR-2021-002 Milwaukie High School Sign Variance Continued Hearing

This was a continued hearing from April 13, 2021. **Mary Heberling, Assistant Planner** shared the staff report for V-2021-002 for Milwaukie High School. The applicant proposed an electronic reader board to share messages with the Milwaukie High School community and neighbors. The size of the electronic reader sign would be 18.56

square feet (sf) and the display size would be 16.93 sf. The applicant would like to locate the electronic reader sign at the main parking lot entrance, which would be the northeast corner of Willard St and 23rd Ave. At the last hearing, the Planning Commission requested additional information from the applicant. The Planning Commission wanted to know how a Category 4 designation created a unique situation and circumstance to grant a sign adjustment and how a Category 4 designation satisfied the findings required for an approval of an adjustment under MMC 14.032.030? The applicant shared that being a Category 4 building was a unique situation because the electronic reader sign would be able to meet the needs of the school's community and the wider community during a catastrophic event. The proposed electronic reader board would be connected to the high school's generator and would be operational in the event of a power outage.

The Planning Commission asked the applicant additional questions. **Commissioner Sherman** asked about the applicant's connection to the Clackamas County's joint information system and if there was a Memorandum of Understanding with the County? **The applicant** shared, they haven't reached out to the County and would do so after receiving approval for their electronic reader board. **Commissioner Massey** asked, if Category 4 buildings were designated by a governmental agency? **The applicant** responded, they believed there were national rules to follow for establishing a seismic building. For the school, their structural engineer designed and designated the building as so. **Chair Loosveldt** added, it was common for a structural engineer to design and re-designate a building as seismic category specific to location and occupancy.

The Planning Commission discussed the necessary code for evaluation. **Commissioner Edge** asked, if the applicant needed to meet all subsections of Milwaukie Municipal Code (MMC) 14.32.030 Circumstances for Granting Adjustment. **Heberling** confirmed that the applicant needed to consider and make findings to each subsection of MMC 14.32.030.

The Planning Commission discussed the approval criteria of the application. **Vice Chair Edge** asked, since the electronic reader sign was created to provide information during a catastrophic event, was it possible to have a conditional of approval that the electronic reader board must connect to the generator? **Justin Gericke, City Attorney**, reminded the Planning Commission that the applicant shared that the electronic reader sign would be connected to the generator. Gericke suggested there was a possibility that in a catastrophic event the electronic reader sign could be the first thing to lose power if too many things were connected to the generator and wasn't sure if we should add that as a condition of approval. **Commissioner Hemer** shared, there could be a concern about the illumination and its effects on neighbors. He wanted to condition the electronic reader sign to display two colors and no animation. **Vice Chair Edge** shared, he did not support the application as is because the applicant did not satisfy MMC 14.32.030.C, which stated "that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district." An electronic reader sign was not allowed in the residential zone. Denying the application would not deprive the applicant a privilege that someone in the Residential R-2 (R-2)

zone would get. **Commissioner Khosroabadi** asked, since the high school is part of the community and is a conditional use in the R-2 zone, did C really apply to the school given their special situation? **Gericke** responded, C applied to the school. The subsections of MMC 14.32.030 were written to apply to all zones and there were not any exceptions because of the school use in the R-2 zone. **Commissioner Hemer** wanted to understand how to approve the proposal due to their unique offer to the city as a Category 4 building and emergency shelter. **Vice Chair Edge** responded, as the code was written, the applicant did not meet the requirements of C. **Commissioner Massey** agreed with Commissioner Hemer. They believed any building in the R-2 that was a Category 4 and seismic building would be eligible for an electronic reader sign. **Vice Chair Edge** responded, the Planning Commission needed to base their decision on the code as it was written and not a code that might be implemented in the future. **Chair Loosveldt** shared, it would be best to send this to City Council because they had an ability to create a policy that was favorable for this and future applicants that would like to serve the public as a Category 4 building. **Commissioner Hemer** responded, a City Council hearing would not solve the problem at hand. He suggested that C applied if Council agreed with "therefore the strict or literal interpretation of the sign ordinance would deprive the applicant the privileges as a critical essential building that were not applicable to the other uses in the R-2 zone." If Council believed this was a false statement, he would like to hear that. If it was not a false statement, the applicant met the standard for C. **Gerick** responded, the statement did not align with C. **Commissioner Sherman** responded, the code did not tell the Planning Commission that each subsection needed to be met. **Gerick** responded, the code said, "the review authority shall consider and make findings with respect to each of the following," which listed criteria for A through E.

Commissioner Hemer introduced a motion approve the application with a condition of approval to limit the number of colors for the electronic reader sign to two and no animation. There was a 3 – 3 vote, as a result, the motion and application was denied. **Commissioner Sherman** suggested the Planning Commission write a letter explaining how to improve the sign code for unique buildings. **Commissioner Hemer** agreed and would like the Planning Commission to send a letter to City Council whether the applicants appealed their decision or not. **Commissioner Edge** shared, if the Planning Commission sent a letter the Chair or Vice Chair should present the letter to City Council. The Planning Commission agreed.

(01:20:14)

4.2 VR-2021-006 Providence Supportive Housing Height Variance

The purpose of the hearing was to request a variance on a vacant lot located on the northwest corner of Llewellyn St and 34th Ave. The applicant was attempting to seek approval for their height variance for the 4th and 5th stories and reduced step and setbacks prior to seeking federal funding.

Heberling shared the staff report. On April 13, 2021, the Planning Commission discussed land use file CU-2021-001, which was related to today's hearing. On April 13th, the applicant was interested in developing a vacant lot with a 17-space parking lot,

outdoor space to serve the mixed-use building, and multi-family/commercial related uses. The goal of the hearing on April 13th was to ensure the applicant met the criteria for a conditional use for the parking lot. The parking lot would be in the R-3 zone and be used by residents only. Additional parking for the clinic/office and employees would be on a different parcel in the GMU zone and would meet all of MMC standards.. Today's hearing was to discuss the applicant's request for a 5-story mixed use building which would include 72 affordable units for seniors with zero to 30% of the median family income (MFI) and Elder Place PACE Center, which is a medical clinic for the residents. The proposal had three variances, which included reduced front and rear transition measures setbacks, reduction in building setback requirements for the street-facing stories above 5 ft, and a GMU building height bonus for the 4th and 5th stories. By code, the GMU offered the applicant an opportunity to seek two bonus stories. The code allowed one bonus if the development was at least 25% housing and the second bonus was if a building received a green building certification. The applicant was seeking the two bonuses. More than 25% of the building would be housing and the applicant was currently seeking a green building certification. The code required the applicant to meet the setback standards of the lower density zone because the property abutted and/or was across the right-of-way of a lower density zone. The NE and S property lines were abutting the R-3 zone and had 15 ft setbacks for the front and rear yards. The applicant was seeking a variance to the setbacks. Any street-facing façade over 45 ft needed a setback of 15 ft. The applicant proposed a 2 ft setback from the front of the western side of the building because the office and clinic would be located on the first floor and this would reduce the distance patients had to walk to access the clinic. The minimum setback for the GMU zone is 0 ft, if there were no transition measures the proposed building could be built on the property lines. The eastern portion of the building would have a 20 ft setback to allow a transition from commercial to residential. The further east the building would go, the more residential it would become, which would align with the surrounding properties. The rear setback would be 11 ft only for the first floor and floors 2 – 5 would meet the 15 ft setback. Some benefits of the proposal were the development would have some mature vegetation that separates the site from the northern neighbors and there would be over 50 ft from this development to the northern neighbors. Another potential impact mentioned was shadowing issues on the southern properties, which was why the building would have a 50 ft setback to mitigate that issue. The development would provide quite a few public benefits. The reduced setbacks, step backs, and height would allow the applicant to provide 18 more affordable units for senior. The building would be designed to meet Earth Advantage Gold certification, and provide an electric vehicle charging station. The applicant would work to meet the Central Milwaukie Bikeway plans if approved for Llewellyn St.

Heberling also discussed the height variance impacts and mitigations. 44 ft of the 142 ft of the front façade would be within 2 ft of Llewellyn St. Some concerns could be the lack of privacy from a taller building. The applicant shared, the topography slopes up higher than the development site both to the east and north. The first few residential buildings east of 34th Ave and on either side of SE King Ave will be on level with the 4th or 5th story of this development if not higher due to the raised topography. The neighborly concerns around the lack of privacy from a taller building as such is mitigated. On the East and West sides of the building, there would be articulation to mitigate possible vision impacts. An important benefit of the proposal was there would be 72 deeply affordable housing for seniors within the 5 story building. Lastly, Heberling shared, the proposal received 5 comments from neighbors who were opposed to the development. Based on the approval criteria, the Planning Staff recommended approval of the proposal.

The applicant testified, they would preserve the trees on the property to ensure they do not interfere with the Northern properties' privacy. In the most impacted areas on Llewellyn St, the development would meet the setback. The proposed development was different than other senior housing because this development would allow residents to age in place. As residents age and may need additional resources they would not be required to move or relocate to another unit because the units were designed to create a permanent residence for the seniors. Residents would be 62 years old and older. The building would foster an environment for mobility access for all residents. The units and hallways are bigger to accommodate wheelchairs and other mobility equipment. The applicant would use material that matches the homes of the neighborhood. They would introduce more green space, trees, and vegetation to the site. The majority of the vegetation/open space would exist east of the proposed building. ElderPlace would occupy part of the first floor. The clinic would offer free health care to people who are Medicaid and Medicare eligible.

The group discussed the site's vegetation. **Commissioner Khosroabadi** asked how many trees would be removed, replanted, and if the vegetation would be a net positive. **The applicant** responded, there would be a net positive of vegetation, including planting a lot of different species in the green space.

The group discussed the changes in the applicant's proposal. **Commissioner Hemer** shared, the applicant went before the Ardenwald-Johnson Creek Neighbor District Association (NDA) and proposed a 4-story building. During the hearing, the applicant presented a 5-story building. Commissioner Hemer asked about the changes and why they were proposing an additional floor. **The Applicant** responded, that was correct. They added an additional floor to house more seniors and ensure they were a competitive applicant for federal funding.

The public shared testimony of support. **Arnold Rhodacker** said, they supported the project and the services that would be offered to seniors. They were concerned that the hospital did not have more support for the neighborhood. They wanted to see an urgent care clinic in the neighborhood. The nearest urgent care clinic was about two hours away and one needed to catch three buses to the clinic.

The public shared testimony of opposition. **Caroline Krause** lived on the corner of 34th and Llewellyn ST. They had three concerns, which were scale, parking, and safety. There were not any buildings similar in size and this development would be a misfit. They believed 17 parking spaces were not enough and the site would need more parking. There would be a massive influx of people and there were not sidewalks to accommodate the current or future residents. This was not the appropriate location for the proposed project. **Alle Bernards** lived on 34th Ave. They agreed with Krause's statements. The setbacks not being met was alarming as it does not offer a transition to the residential properties. **Mark Gossage** owned an adjacent property to the north of the site. They shared, the scale of this size building did not protect the current residents and was concerned about the removal of trees. **Ronelle Coburn** was a resident of the Ardenwald – Johnson Creek NDA. They were concerned regarding design issues and asked why the south side of the building did not have a 15 ft setback. Lastly, they agreed the proposed building was too high. She asked if there was a time limit for the

residents occupying the space? **Lisa Gunion-Rinker** was the Land Use Chair of the Ardenwald -Johnson Creek NDA. They were concerned that the hospital would not have enough parking and about the building height. They agreed with Ronelle Coburn regarding the set and step backs. Overall, the residents were concerned about the traffic influx, building height, and questioned receiving notifications about the project. **Commissioner Sherman** asked, if the neighbors received any public notices about the proposal and **Heberling** responded that properties within 300 ft received a notice on March 23rd.

The applicant responded to the testimonies. **The applicant** stated, the property must remain as affordable senior housing for a minimum of 50 years. When the applicant submits their final application, they would complete a traffic impact study to the City of Milwaukie. They shared that the building height bonus maximum was 69 ft and they were seeking 62 ft.

The Planning Commission decided to continue the hearing and keep the record open for seven days for new written testimony from the public and additional seven day for the applicant and community members to respond to any new written testimony that was received. No testimony will be taken at the next continued hearing.

(03:09:36)

5.0 Planning Department Other Business/Updates

Laura Weigel, Planning Manager shared they met with the Chair and Vice Chair to prepare for the joint Neighborhood Associate District meeting. They were tentatively scheduling the meeting for July 22, 2021 although the summer was proving to be a difficult time to schedule the meeting.

(03:09:36)

6.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(03:15:09)

7.0 Forecast for Future Meetings

May 25, 2021: Comprehensive Plan Update and amendments.

June 9, 2021: Two accessory structure variances.

Meeting adjourned at approximately 8:30 PM.

Respectfully submitted,

N. Janine Gates

Assistant Planner



CITY OF MILWAUKIE

AGENDA

May 11, 2021

PLANNING COMMISSION

milwaukieoregon.gov

Zoom Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw) or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-72>) and follow the Zoom webinar login instructions.

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

2.0 Information Items

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

4.0 Hearing Items

4.1 Milwaukie High School (MHS) Sign Variance Continued Hearing

Summary: MHS Variance Continued Hearing

Applicant: Mercedes Serra, 3J Consulting

Address: 2301 SE Willard St

File: VR-2021-002

Staff: Assistant Planner Mary Heberling

4.2 Providence Supportive Housing Height Variance

Summary: Providence Housing Variance

Applicant: Li Alligood, AICP, Otak

Address: Vacant Lot, NW corner of Llewellyn St and 34th Ave,
Taxlots: 11E25DC05800, 5900, 6000

File: VR-2021-006

Staff: Assistant Planner Mary Heberling

5.0 Planning Department Other Business/Updates

6.0 Planning Commission Committee Updates and Discussion Items — This is an opportunity for comment or discussion for items not on the agenda.

7.0 Forecast for Future Meetings

May 25, 2021 Work Session Item: Comprehensive Plan Implementation – Draft Code/Map Amendments

June 8, 2021 Hearing Item: 5840 SE Morris St Accessory Structure Variance
Hearing Item: 11503 SE Wood Ave Accessory Structure Variance

Milwaukie Planning Commission Statement

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

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

Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and place of residence for the record, and remain available 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.

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

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

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

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

Milwaukie Planning Commission:

Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Greg Hemer
Robert Massey
Amy Erdt
Adam Khosroabadi
Jacob Sherman

Planning Department Staff:

Laura Weigel, Planning Manager
Vera Kolias, Senior Planner
Brett Kelter, Associate Planner
Mary Heberling, Assistant Planner
Janine Gates, Assistant Planner
Tempest Blanchard, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Mary Heberling, Assistant Planner

Date: May 5, 2021, for May 11, 2021, Public Hearing

Subject: **File:** VR-2021-002
Applicant: North Clackamas School District (NCSD)
Address: 2301 SE Willard St.
Legal Description (Map & Tax Lot): 11E36BC05600
NDA: Historic Milwaukie

ACTION REQUESTED

This is a continued hearing from April 13, 2021. Review the additional information provided by the applicant.

BACKGROUND INFORMATION

[April 13, 2021:](#) The Planning Commission opened the public hearing, heard the staff report and the applicant's presentation, and took public testimony. Some deliberation occurred. During the discussion, the following information was requested by the Commission:

- Are there any other public facilities that meet Category 4 designation within Milwaukie city limits?
- How does the Category 4 designation create a unique situation and circumstance to grant a sign adjustment in comparison to other Community Service Uses (CSUs) (schools, hospitals, religious institutions, etc)?
- Clarification from the state official/emergency manager on any requirements for signage or standards for communication with the public for Category 4 buildings.
- How does the Category 4 designation satisfy the findings required for approval of an adjustment under MMC 14.032.030?

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning 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.

- Does the applicant adequately address the questions and additional information requested by the Planning Commission to approve the variance?

Analysis

Are there any other public facilities that meet Category 4 designation within Milwaukie city limits?

Applicant response: North Clackamas School District (NCSD) contacted the Oregon Office of Emergency Management (OEM), Clackamas County Fire Department, the local chapter of the American Red Cross, the Clackamas County Department of Disaster Management, the City of Milwaukie Building Official, and the State of Oregon Department of Geology and Mineral Industries. According to multiple local, state, and federal emergency agencies and the City of Milwaukie Building Official, there are no other known Category 4 Critical/Essential Building structures in the City of Milwaukie. The County does not have a record of County 4 standards, however, the Oregon Safety Assessment Program (SAP) administered by the State Fire Marshal's Office recently passed by the legislature will likely create an inventory of buildings with enhanced seismic design.

How does the Category 4 designation create a unique situation and circumstances to grant a sign adjustment/variance in comparison to other CSUs (schools, hospitals, religious institutions, etc.)?

Applicant response: Milwaukie High School is the only known Category 4: Critical/Essential Building located in the City of Milwaukie. The high school is the largest public school within the City of Milwaukie, with a maximum capacity of 1,500 students. OEM guidance on Community Preparedness advises that in the case of a catastrophic disaster, the organizations which deal with emergencies (police, fire, hospitals, emergency managers, the Red Cross, etc.) will not be able to meet the surge of needs and many people within the community will need to contact trusted organizations for help. OEM advises that community preparedness plans create partnerships between non-profits, faith-based organizations, schools, and colleges.

Existing emergency alert systems rely on Wireless Emergency Alerts (WEAs) sent out by national, state, and/or local public safety officials, Emergency Alert Systems (EAS) sent out by the president through broadcasters, satellite digital audio services, direct broadcast satellite providers, cable television systems, wireless cable systems and NOAA Weather Radio All Hazards (NWR). These alert systems rely on communications infrastructure that may be damaged or inaccessible during a catastrophic emergency. The proposed electronic reader board sign will be connected to the school's generator and will be operational in the event of a power outage. The sign will have the capability to provide emergency updates without any

reliance on communications infrastructure that may not be operational in a catastrophic emergency.

Clarification from the state official/emergency manager on any requirements for signage or standards for communication with the public for Category 4 buildings.

Applicant response: There are no requirements for an electronic sign for Category 4 buildings. For example, Milwaukie High School was not required to have an electronic sign. While it is not required, OEM emphasized the importance of having multiple channels to provide information to the public and stated that the electronic sign would be a great tool for messaging in an emergency. The District was encouraged to contact Clackamas County to plug into the County's joint information system. The local chapter of the American Red Cross is not aware of any other facilities that have the capability of using an electronic reader board sign in the event of a disaster and stated that an electronic reader board sign would be a valuable resource.

How does the Category 4 designation satisfy the findings required for approval of an adjustment under MMC 14.032.030?

The updated findings under MMC 14.032.030 are found in Attachment 1: Recommended Findings in Support of Approval.

If Planning Commission finds that the questions/comments from the April 13, 2021 hearing have been addressed adequately, staff has provided recommended findings in support of approval. If the Planning Commission finds that the additional information does not adequately address the approval criteria, staff would like direction from Planning Commission on findings for denial and continue the hearing to grant a denial at the next hearing.

CONCLUSIONS

Based on the applicant's additional information, provide staff with direction for findings of approval or findings of denial.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 14.32 Sign Adjustment
- MMC 14.08.090 Conditional and Community Service Use Signs
- MMC 14.16.010 Residential Zone Sign District
- MMC 19.1006 Type III Review

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

The Commission has 4 decision-making options as follows:

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

The final decision on these applications, which includes any appeals to the City Council, must be made by June 25, 2021, 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 Department, City Attorney, Historic Milwaukie Neighborhood District Association (NDA).

No comments were provided.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Applicant's Additional Information	☐	☒	☒	☒

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.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-72>

ATTACHMENT 1
Recommended Findings in Support of Approval
File #VR-2021-002, MHS Sign Adjustment

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

1. The applicant, North Clackamas School District (NCSD), has applied for approval for a sign adjustment to allow an electronic reader board sign at 2301 SE Willard St. This site is in the R-2 Zone. The land use application file number is VR-2021-002.
2. The North Clackamas School District (NCSD) is proposing an adjustment to the Sign Code to permit an electronic message sign at Milwaukie High School (MHS). The high school is located in the R-2 (Residential) zoning district, which does not permit electronic message signs for institutional uses, such as a school, without an approved sign adjustment.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 14.32 Sign Adjustment
 - MMC Subsection 14.08.090 Conditional and Community Service Use Signs
 - MMC Subsection 14.16.010 Residential Zone Sign District
 - MMC 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on April 13, 2021, as required by law.

4. MMC 14.08.090 Conditional and Community Service Use Signs
 - a. MMC 14.08.090.A states that signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.

Milwaukie High School is an existing Community Service Use (CSU) and has an underlying zone of R-2. Beyond standards listed in 14.08.090.B and C, the proposed sign will follow the standards for signs in residential zones, except for the electronic function of the sign, where a sign adjustment is being requested. The sign adjustment findings are below in Finding #6.

The Planning Commission will review the sign adjustment request below.

- b. MMC 14.08.090.C lists the standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review. This includes standards for monument or freestanding signs.

The applicant is proposing a monument sign and the standards are listed below in Table 19.08.090.C:

Table 14.080.090.C Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review			
Standard	Required	Proposed	Staff Comment
Monument or Freestanding Sign			
Size	Max. 40 SF per display surface, Max. length 20 ft	Total sign size: 18.56 sq ft Total display area size: 16.83 sq ft Length: 5'5"	Complies with standard.
Number	1	1	Complies with standard.
Height	Max. 12 ft above ground	Sign height: 3' 3-3/4", the sign will be on the ground	Complies with standard.
Location	Not in the public right of way	On Milwaukie High School property	Complies with standard.

The proposed sign complies with the standards for a Community Service Use sign with minor quasi-judicial review. Sign illumination is mentioned in the residential sign code and not within the CSU sign standards.

The Planning Commission finds that the standards are met.

5. MMC 14.16.010 Residential Zone

All allowed signs in residential zones require external illumination only. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. More information is listed in MMC Section 14.24.020.

The applicant's proposed electronic display sign is not external illumination and will require a sign adjustment per MMC 14.32.

A sign adjustment review is listed below.

6. MMC 14.32 Sign Adjustment

a. MMC 14.32.010 Authorization to Grant or Deny Adjustments

Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment,

the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

The Planning Commission is reviewing the proposed sign adjustment through a Type III Review. The basis for granting or denying the proposed adjustment is listed below.

- (1) MMC 14.32.010.C Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria:

- (a) Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or

The applicant proposes that the adjustment is based on special and unusual circumstances related to the specific property and the specific sign. Milwaukie High School (MHS) is the only public high school in the R-2 zoning district (and the only North Clackamas high school in the Milwaukie City limits).

The applicant states that the proposed electronic sign at Milwaukie High School would allow information to be quickly, efficiently and accurately provided to a student body and Milwaukie community that includes many people without regular internet access. They also state that MHS is the only high school in the North Clackamas School District that does not have an electronic reader board; a communication tool considered essential by the District and seen as an inequity to the students, parents, staff and the Milwaukie Community.

Milwaukie High School is also the only known Category 4: Critical/Essential Building located in the City of Milwaukie. The high school is the largest public school within the City of Milwaukie, with a maximum capacity of 1,500 students. OEM guidance on Community Preparedness advises that in the case of a catastrophic disaster, the organizations which deal with emergencies (police, fire, hospitals, emergency managers, the Red Cross, etc.) will not be able to meet the surge of needs and many people within the community will need to reach out to trusted organizations for help. OEM advises that community preparedness plans to create partnerships between non-profits, faith-based organizations, schools, and colleges.

Existing emergency alert systems rely on Wireless Emergency Alerts (WEAs) sent out by national, state, and/or local public safety officials, Emergency Alert Systems (EAS) sent out by the president through broadcasters, satellite digital audio services, direct broadcast satellite providers, cable television systems, wireless cable systems and NOAA Weather Radio All Hazards (NWR). These alert systems rely on communications infrastructure that may be damaged or inaccessible during a catastrophic emergency. The proposed electronic reader board sign will be

connected to the school's generator and will be operational in the event of a power outage. The sign will have the capability to provide emergency updates without any reliance on communications infrastructure that may not be operational in a catastrophic emergency.

Strict application of the chapter would inhibit the ability for Milwaukie High School to disseminate important and vital emergency information during a catastrophic event creating undue or unnecessary hardship.

The Planning Commission finds that this criterion is met.

- (b) The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

The applicant does not propose that this sign adjustment is to protect or enhance significant features on the site.

Planning Commission finds that this criterion does not apply.

(2) MMC 14.32.030 Circumstances for Granting Adjustment

The review authority shall consider and make findings with respect to each of the following:

- (a) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance;

The applicant states that an electronic reader board sign is a versatile communication tool with the capability to rotate through messages and provide information in multiple languages. These signs can be easily and quickly changed by the school administration to provide updates about current and upcoming events. A non-electronic sign is limited in space to how many magnetic letters can fit on the static sign and the letters provided with the sign. High schools are active places with many events happening during the same week. A static sign creates issues for the school in determining which activity gets posted and which gets left out. This can create inequities. Additionally, a static sign relies on a custodial staff member or signs are changed less frequently than an electronic sign. To keep with the school's events and communications at the rate that an electronic sign would create a practical difficulty and unnecessary physical hardship for the custodial staff.

The applicant also states that the installation of an electronic reader board sign at Milwaukie High School would meet all of the objectives and purpose statements of the Sign Ordinance. Precluding the high school from installing this sign will result in practical difficulty of students, families of students, teachers, school administrators and the general public not having quick and easy access to important school-and Milwaukie community-related information. The applicant

states that this is directly in contrast with the first purpose of the Sign Ordinance: Protect the health, safety, property and welfare of the public. As seen in recent months with the COVID-19 Pandemic and the wildfires in Clackamas County and elsewhere in the state, it is imperative that citizens have ready access to up-to-date information. According to the applicant, a standard sign cannot do this in the same way an electronic sign can. Some residents in Milwaukie may not have reliable access to the internet and other information sources, therefore a community messaging system such as this would reduce unnecessary physical hardship for both school and Milwaukie community populations.

Milwaukie High School is also the only known Category 4: Critical/Essential Building located in the City of Milwaukie. The high school is the largest public school within the City of Milwaukie, with a maximum capacity of 1,500 students. OEM guidance on Community Preparedness advises that in the case of a catastrophic disaster, the organizations which deal with emergencies (police, fire, hospitals, emergency managers, the Red Cross, etc.) will not be able to meet the surge of needs and many people within the community will need to reach out to trusted organizations for help. OEM advises that community preparedness plans to create partnerships between non-profits, faith-based organizations, schools, and colleges.

Existing emergency alert systems rely on Wireless Emergency Alerts (WEAs) sent out by national, state, and/or local public safety officials, Emergency Alert Systems (EAS) sent out by the president through broadcasters, satellite digital audio services, direct broadcast satellite providers, cable television systems, wireless cable systems and NOAA Weather Radio All Hazards (NWR). These alert systems rely on communications infrastructure that may be damaged or inaccessible during a catastrophic emergency. The proposed electronic reader board sign will be connected to the school's generator and will be operational in the event of a power outage. The sign will have the capability to provide emergency updates without any reliance on communications infrastructure that may not be operational in a catastrophic emergency.

Planning Commission finds that this criterion is met.

- (b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties classified in the same zoning district;

The applicant states Milwaukie High School is in the R-2 Zoning District, a residential zoning district. Section 14.16.010 identifies sign types permitted in residential zones. All sign types permitted are related to residential development, not schools or institutional sites. According to the applicant, this results in exceptional or extraordinary circumstances applied to this property (Milwaukie

ATTACHMENT 1

High School) that do not generally apply to other properties in the R-2 Zone (generally housing).

Within the City of Milwaukie, there are four public elementary schools, two public middle schools, and one public high school. The high school is the largest public school within the City, with a maximum capacity of 1,500 students. Milwaukie High School is also the only known Category 4: Critical/Essential Building to be used as a community shelter during a disaster located within the City of Milwaukie.

OEM guidance on Community Preparedness advises that in the case of a catastrophic disaster, the organizations which deal with emergencies (police, fire, hospitals, emergency managers, the Red Cross, etc.) will not be able to meet the surge of needs and many people within the community will need to reach out to trusted organizations for help. OEM advises that community preparedness plans create partnerships between non-profits, faith-based organizations, schools, and collages.

Existing emergency alert systems rely on communications infrastructure that may be damaged or inaccessible during a catastrophic emergency. The proposed electronic reader board sign will be connected to the school's generator and will be operational in the event of a power outage. The sign will have the capability to provide emergency updates without any reliance on communications infrastructure that may not be operational in a catastrophic emergency.

Planning Commission finds that this criterion is met.

- (c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

The applicant states owners of other properties in the same zoning district are generally residential. Section 14.16.010 provides standards by which residential developments may install signs that are appropriate to residential developments. There is no such standard provided by which a high school may install signs that are appropriate to a high school and community information center, such as Milwaukie High School. The high school is the only known Category 4: Critical/Essential Building within the City of Milwaukie. The school's capability to be operational as a shelter in a catastrophic emergency provides a unique circumstance that is not currently applicable to existing community service use or residential uses in residential zones within the city. Therefore, the strict or literal interpretation of the Sign Ordinance would deprive the applicant of the privileges as a Critical/Essential Building that are not applicable to other uses within the R-2 zone.

The Planning Commission finds that this criterion is met.

ATTACHMENT 1

- (d) That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and,

The applicant states that Milwaukie High School is the only known Category 4: Critical/Essential Building within the City of Milwaukie. The school's capability to be operational as a shelter in a catastrophic emergency provides a unique circumstance that is not currently applicable to existing community service uses or residential uses in residential zones within the city. As discussed above, section 14.16.010 provides the ability of residential property in the R-2 zoning district to install appropriate types of signage. The granting of this adjustment will allow the high school the ability to install signage appropriate to the use on the site as well. This does not constitute a grant of special privilege inconsistent with the limitations on other properties in the R-2 zone.

The Planning Commission finds that this criterion is not met.

- (e) That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The applicant states that the granting of the adjustment will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity. According to the applicant, many Milwaukie High School students and nearby community neighbors do not have reliable, regular internet access. They also state that Milwaukie High School has also recently been designated as Category 4: Critical/Essential Building that can be an evacuation site for natural disasters such as wildfires. An electronic reader sign at the high school would provide both students and Milwaukie community members timely, accurate, important information about both the school and the city.

The sign hours will be from the time of 7am-9pm, limiting any negative or detrimental impacts to the surrounding properties. The sign also meets the requirements for electronic signs in MMC 14.24.020.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that the criteria for granting an adjustment is met.

April 28, 2021

Lauren Loosveldt, Chair
Milwaukie Planning Commission
10722 SE Main St.
Milwaukie, OR 97222

Milwaukie High School Sign Variance (VR-2021-002)

Dear Chair Loosveldt,

3J Consulting represents North Clackamas School District (NCSd) in matters related to the Milwaukie High School Sign Code Variance (VR-2021-002). This letter has been prepared to provide additional information into the record relating to the Category 4: Critical/Essential Building designation of Milwaukie High School which was raised in the hearing held on April 13, 2021. A summary of the key issues raised by the Planning Commission and Staff have been provided below with a response from the applicant following each item.

1. Are there any other public facilities that meet Category 4 designation within Milwaukie city limits?

Applicant's Response: NCSd reached out to the Oregon Office of Emergency Management (OEM), Clackamas County Fire Department, the local chapter of the American Red Cross, the Clackamas County Department of Disaster Management, the City of Milwaukie Building Official and the State of Oregon Department of Geology and Mineral Industries. According to multiple local, state, and federal emergency agencies and the City of Milwaukie Building Official, there are no other known Category 4: Critical/Essential Building structures in the City of Milwaukie currently. The County does not have a record of Category 4 standards, however the Oregon Safety Assessment Program (SAP) administered by the State Fire Marshal's Office recently passed by the legislature will likely create an inventory of buildings with enhanced seismic design.

2. How does the Category 4 designation create a unique situation and circumstance to grant a sign adjustment in comparison to other CSUs (schools, hospitals, religious institutions, etc)?

Applicant's Response: Milwaukie High School is the only known Category 4: Critical/Essential Building located in the City of Milwaukie. The high school is the largest public school within the City of Milwaukie, with a maximum capacity of 1,500 students. OEM guidance on Community Preparedness advises that in the case of a catastrophic disaster, the organizations which deal with emergencies (police, fire, hospitals, emergency managers, the Red Cross, etc.) will not be able to meet the surge of needs and many people within the community will need to reach out to trusted organizations for help. OEM advises that community preparedness plans create partnerships between non-profits, faith-based organizations, schools and colleges.

Existing emergency alert systems rely on Wireless Emergency Alerts (WEAs) sent out by national, state and/or local public safety officials, Emergency Alert Systems (EAS) sent out by the president through



broadcasters, satellite digital audio services, direct broadcast satellite providers, cable television systems, wireless cable systems and NOAA Weather Radio All Hazards (NWR). These alert systems rely on communications infrastructure that may be damaged or inaccessible during a catastrophic emergency. The proposed electronic reader board sign will be connected to the school's generator and will be operational in the event of a power outage. The sign will have the capability to provide emergency updates without any reliance on communications infrastructure that may not be operational in a catastrophic emergency.

3. Clarification from the state official/emergency manager on any requirements for signage or standards for communication with the public for Category 4 buildings.

Applicant's Response: There are no requirements for an electronic sign for Category 4 buildings. For example, Milwaukie High School was not required to have an electronic sign. While it is not required, OEM emphasized the importance of having multiple channels to provide information to the public and stated that the electronic sign would be a great tool for messaging in an emergency. The District was encouraged to reach out to Clackamas County to plug into the County's joint information system. The local chapter of the American Red Cross is not aware of any other facilities which have the capability of using an electronic reader board sign in the event of a disaster and stated that an electronic reader board sign would be a valuable resource.

4. How does the Category 4 designation satisfy the findings required for approval of an adjustment under MMC 14.032.030 – we'll need re-worked findings from you all with this emphasis on the Category 4 designation as the ultimate "uniqueness" on why a sign adjustment is needed, but as mentioned in the hearing, you can also add other elements on top of the Category 4 designation (equity and inclusion, for example).

Applicant's Response: The findings for MMC 14.032.030 have been updated below.

14.32.030 CIRCUMSTANCES FOR GRANTING ADJUSTMENT

The review authority shall consider and make findings with respect to each of the following:

- A. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance;*

An electronic reader board sign is a versatile communication tool with the capability to rotate through messages and provide information in multiple languages. These signs can be easily and quickly changed by the school administration to provide updates about current and upcoming events. A non-electronic sign is limited in space to how many magnetic letters can fit on the static sign and the letters provided with the sign. High schools are active places with many events happening during the same week. A static sign creates issues for the school in determining which activity gets posted and which gets left out. This can create inequities. Additionally, a static sign relies on a custodial staff member or administrative staff member to physically change the sign. Staff resources are often limited, and static signs are changed less frequently than an electronic sign. To keep up with the school's events and communications at the rate that an electronic sign would create a practical difficulty and unnecessary physical hardship for the custodial staff.



The installation of an electronic reader board sign at Milwaukie High School would meet all of the objectives and purpose statements of the Sign Ordinance. Precluding the high school from installing this sign will result in practical difficulty of students, families of students, teachers, school administrators and the general public not having quick and easy access to important school- and Milwaukie community-related information. This is directly in contrast with the first purpose of the Sign Ordinance: Protect the health, safety, property and welfare of the public. As seen in recent months with the COVID-19 Pandemic and the wildfires in Clackamas County and elsewhere in the state, it is imperative that citizens have ready access to up-to-date information. Some residents in Milwaukie may not have reliable access to the internet and other information sources, therefore a community messaging system such as this would reduce unnecessary physical hardship for both school and Milwaukie community populations.

- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties classified in the same zoning district;*

Applicant's Findings: Milwaukie High School is in the R-2 Zoning District, a residential zoning district. Section 14.16.010 identifies sign types permitted in residential zones. All sign types permitted are related to residential development, not schools or institutional Community Service Use sites. This results in exceptional or extraordinary circumstances applied to this property (Milwaukie High School) that do not generally apply to other properties in the R-2 Zone (generally housing).

Within the City of Milwaukie, there are four public elementary schools, two public middle schools and one public high school. The high school is the largest public school within the City of Milwaukie, with a maximum capacity of 1,500 students. Milwaukie High School is also the only known Category 4: Critical/Essential Building to be used as a community shelter during a disaster located within the City of Milwaukie.

OEM guidance on Community Preparedness advises that in the case of a catastrophic disaster, the organizations which deal with emergencies (police, fire, hospitals, emergency managers, the Red Cross, etc.) will not be able to meet the surge of needs and many people within the community will need to reach out to trusted organizations for help. OEM advises that community preparedness plans create partnerships between non-profits, faith-based organizations, schools and colleges.

Existing emergency alert systems rely on communications infrastructure that may be damaged or inaccessible during a catastrophic emergency. The proposed electronic reader board sign will be connected to the school's generator and will be operational in the event of a power outage. The sign will have the capability to provide emergency updates without any reliance on communications infrastructure that may not be operational in a catastrophic emergency.

- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;*

Applicant's Findings: Owners of other properties in the same zoning district are generally residential. While Community Service Uses are allowed within residential zoning districts, section



14.16.010 provides standards by which developments within residential zones may install signs that are appropriate to residential developments. There is no such standard provided by which a high school may install signs that are appropriate to a high school and community information center, such as Milwaukie High School. The high school is the only known Category 4: Critical/Essential Building within the City of Milwaukie. The school's capability to be operational as a shelter in a catastrophic emergency provides a unique circumstance that is not currently applicable to existing community service uses or residential uses in residential zones within the City. Therefore, the strict or literal interpretation of the Sign Ordinance would deprive the applicant of privileges as a Critical/Essential Building that are not applicable to other uses within the R-2 zone.

D. That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and,

Applicant's Findings: Milwaukie High School is the only known Category 4: Critical/Essential Building within the City of Milwaukie. The school's capability to be operational as a shelter in a catastrophic emergency provides a unique circumstance that is not currently applicable to existing community service uses or residential uses in residential zones within the City. As discussed above, section 14.16.010 provides the ability of residential property in the R-2 zoning district to install appropriate types of signage. The granting of this adjustment will allow the high school the ability to install signage appropriate to the use on the site as well. This does not constitute a grant of special privilege inconsistent with the limitations on other properties in the R-2 zone.

E. That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Applicant's Findings: The granting of the adjustment will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity. Many Milwaukie High School students and nearby community neighbors do not have reliable, regular internet access. Milwaukie High School has also recently been designated as an evacuation site for natural disasters such as wildfires. An electronic reader sign at the high school would provide both students and Milwaukie community members timely, accurate, important information about both the school and the city.

Conclusion

In closing, we very much appreciate your consideration of this additional information. We would request that the Planning Commission approve the Milwaukie High School Sign Code Variance (Resolution PC 20 VAR-2021-002).

Sincerely,



Mercedes Serra
Senior Planner
3J Consulting, Inc.



copy: Cindy Detchon, NCSD Assistant Superintendent, Operations
Ron Stewart, NCSD Senior Director of Capital Projects
Kevin Moisan, Project Manager

Attach: Email Correspondence- Curtis Peetz, American Red Cross
Email Correspondence – Nancy Bush, Clackamas County Department of Disaster Management
Email Correspondence – Jay Wilson, Clackamas County Department of Disaster Management
Email Correspondence – Gregg Ramirez, Clackamas Fire District
Email Correspondence – Samantha Vandagriff, Milwaukie Building Official
Email Correspondence – Ian Madin, Oregon Department of Geology and Mineral Industries
Email Correspondence – Andrew Phelps, Oregon Office of Emergency Management



ATTACHMENT 2

From: [Ron Stewart](#)
To: [Mercedes Serra](#)
Subject: Fwd: [EXTERNAL] Category 4 buildings / Emergency Shelters
Date: Tuesday, April 27, 2021 12:11:37 PM

----- Forwarded message -----

From: **Peetz, Curtis** <Curtis.Peetz@redcross.org>
Date: Wed, Apr 14, 2021 at 1:58 PM
Subject: RE: [EXTERNAL] Category 4 buildings / Emergency Shelters
To: stewartro@nclack.k12.or.us <stewartro@nclack.k12.or.us>
Cc: Carter, Chad <chad.carter@redcross.org>

Good Afternoon Ron,

Chad shared your questions with me to follow-up on.

1. Is there an inventory of Category 4 buildings in Clackamas County?
 - a. I am not aware if there is an inventory of Category 4 Buildings. My suggestion is to reach out to Jay Wilson, JayWilson@clackamas.us. Jay is with Clackamas County Disaster Management and would be aware of any potential inventory lists.
2. Is there an inventory of designated emergency shelters in the event of a major disaster?
 - a. Language is really important. The Red Cross maintains a list of potential shelter sites that may be utilized when a disaster occurs. The Red Cross though does not designate sites as shelters because our agreements only allows us to ask permission to use a site. Designating sites as shelters is something the local government may evaluate, but they only generally do that with government owned facilities.
 - b. If you are curious about other potential shelter sites, I am happy to share the list.
3. Is there value in having an electronic sign (with emergency back-up power) at an emergency shelter?
 - a. Yes, I believe that this type of a resource would be really valuable. I am not aware of many other sites with this capability.

If I can be of any additional assistance, please do not hesitate to reach out to me.

Take care,

Curtis

Curtis Peetz | Deputy Regional Disaster Officer

American Red Cross

(971) 563-6664 (c)

curtis.peetz@redcross.org



[website](#) | [facebook](#) | [twitter](#) | [instagram](#) | [blog](#)

From: Ron Stewart <stewartro@nclack.k12.or.us>

Date: Wednesday, April 14, 2021 at 10:16 AM

To: Carter, Chad <chad.carter@redcross.org>

Subject: [EXTERNAL] Category 4 buildings / Emergency Shelters

Hi Chad,

I hope all is well with you and your family.

My name is Ron Stewart and I serve as the Senior Director of Capital Projects for the North Clackamas School District in Clackamas County, Oregon.

We have recently completed a renovation on Milwaukie High School located in Milwaukie Oregon to make it a Seismic Category 4 structure (able to occupy after a major earthquake) and make it able to serve as an emergency shelter for the community.

We are working with the City of Milwaukie on installing an electronic sign (reader board display) at the street that has emergency back-up power to enable messages / instructions / directions to be communicated to the community in the event of a major disaster. The sign could share information in multiple languages when electricity, internet, and cellular services are not working.

ATTACHMENT 2

The North Clackamas School District and the City of Milwaukie has three questions:

1. Is there an inventory of Category 4 buildings in Clackamas County?
2. Is there an inventory of designated emergency shelters in the event of a major disaster?
3. Is there value in having an electronic sign (with emergency back-up power) at an emergency shelter?

We would greatly appreciate your responses.

Please direct me to others if these questions should be asked of someone else.

Thank you for your assistance.

Ron

--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

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--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

ATTACHMENT 2

From: [Ron Stewart](#)
To: [Mercedes Serra](#)
Subject: Fwd: Category 4 buildings / Emergency Shelters
Date: Tuesday, April 27, 2021 12:22:20 PM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)

----- Forwarded message -----

From: **Bush, Nancy** <NBush@clackamas.us>
Date: Thu, Apr 15, 2021 at 1:28 PM
Subject: RE: Category 4 buildings / Emergency Shelters
To: PHELPS Andrew * OMD <andrew.phelps@mil.state.or.us>, Ron Stewart <stewartro@nclack.k12.or.us>
Cc: Wilson, Jay <JayWilson@clackamas.us>, Nibouar, Daniel <DNibouar@clackamas.us>

Hello Ron,

Thank you for your inquiry. Jay Wilson on my team is looking into the category 4 buildings for you with our Building Codes Division. He will reach out ASAP.

Take care.

nb

Nancy Bush, MBA, MA

Director

CLACKAMAS COUNTY DEPARTMENT OF DISASTER MANAGEMENT

1710 Red Soils Court, Oregon City, OR 97045

desk: 503-655-8665

mobile: 971-806-3379

www.clackamas.us/dm

ATTACHMENT 2

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

From: PHELPS Andrew * OMD <andrew.phelps@mil.state.or.us>
Sent: Wednesday, April 14, 2021 12:35 PM
To: Ron Stewart <stewartro@nclack.k12.or.us>
Cc: Bush, Nancy <NBush@clackamas.us>
Subject: RE: Category 4 buildings / Emergency Shelters

Warning: External email. Be cautious opening attachments and links.

Hi Ron,

Thanks for your email, and I'm glad to hear about the structural upgrades you've made to Milwaukie HS. I've copied the Clackamas County emergency management director, Nancy Bush, who may have insight into any inventory of seismically sound facilities in the county, and what the emergency shelter landscape looks like for Clackamas Co.

As for the question about messaging and signage, it is important to have multiple channels to provide emergency information to the public, and dynamic message boards can be a great tool for that. I'd encourage you to work with the county to ensure you are plugged in to their joint information system and are available as an information-sharing resource.

Thanks again for reaching out and supporting the county's efforts to take care of your community after a disaster.

Best regards,

Andrew

Andrew Phelps, Director

Oregon Office of Emergency Management

Office 503-378-3933

ATTACHMENT 2



Cell 971-283-4258

andrew.phelps@state.or.us



Executive Assistant: Cira Murray (cira.murray@state.or.us /503-378-4578)

From: Ron Stewart <stewartro@nclack.k12.or.us>
Sent: Wednesday, April 14, 2021 10:01 AM
To: PHELPS Andrew * OMD <andrew.phelps@mil.state.or.us>
Subject: Category 4 buildings / Emergency Shelters

Hi Andrew,

I hope all is well with you and your family.

My name is Ron Stewart and I serve as the Senior Director of Capital Projects for the North Clackamas School District in Clackamas County, Oregon.

We have recently completed a renovation on Milwaukie High School located in Milwaukie Oregon to make it a Seismic Category 4 structure (able to occupy after a major earthquake) and make it able to serve as an emergency shelter for the community.

We are working with the City of Milwaukie on installing an electronic sign (reader board display) at the street that has emergency back-up power to enable messages / instructions / directions to be communicated to the community in the event of a major disaster. The sign could share information in multiple languages when electricity, internet, and cellular services are not working.

The North Clackamas School District and the City of Milwaukie has three questions:

1. Is there an inventory of Category 4 buildings in Clackamas County?
2. Is there an inventory of designated emergency shelters in the event of a major disaster?
3. Is there value in having an electronic sign (with emergency back-up power) at an emergency shelter?

We would greatly appreciate your responses and input.

ATTACHMENT 2

Please direct me to others if these questions should be asked of someone else. We also welcome any advice.

Thank you for your assistance.

Ron

--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

ATTACHMENT 2

From: [Ron Stewart](#)
To: [Mercedes Serra](#)
Subject: Fwd: Category 4 Buildings / Emergency Shelters
Date: Tuesday, April 27, 2021 12:13:28 PM

----- Forwarded message -----

From: Wilson, Jay <JayWilson@clackamas.us>
Date: Thu, Apr 22, 2021 at 11:18 AM
Subject: RE: Category 4 Buildings / Emergency Shelters
To: Ron Stewart <stewartro@nclack.k12.or.us>
Cc: Bush, Nancy <NBush@clackamas.us>

Hello Ron,

At this time, the County hasn't recorded Category 4 standards, but our Building Official, Matthew Rozzell is working on having this captured. I know there is a new Oregon Safety Assessment Program (SAP) administered by the State Fire Marshal's Office that was recently passed by the Legislature and this program will likely inventory these buildings with enhanced seismic design.

If I hear any updates, I will let you know.

Thank you,

Jay

Jay Wilson

Clackamas County Disaster Management

From: Ron Stewart [mailto:stewartro@nclack.k12.or.us]
Sent: Wednesday, April 14, 2021 3:58 PM
To: Wilson, Jay <JayWilson@clackamas.us>
Subject: Re: Category 4 Buildings / Emergency Shelters

Thank you Jay.

ATTACHMENT 2

I have reached out to Nancy Bush as well.

Early next week would work.

Thank you,

Ron

On Wed, Apr 14, 2021 at 3:47 PM Wilson, Jay <JayWilson@clackamas.us> wrote:

Hello Ron,

Thank you for reaching out with these question on behalf of the NCSD. I'll need to check and verify the details and will get back to you on these at the beginning of next week, if that's alright?

I'm so glad to hear that Milwaukie HS has been renovated to this higher seismic performance standard. That's not a small task for an existing building.

Best regards,

Jay

Jay Wilson

Resilience Coordinator

Clackamas County Disaster Management

1710 Red Soils Ct, Suite 225, Oregon City, OR 97045

Desk: 503-723-4848

Cell: 503-209-2812

From: Ron Stewart [mailto:stewartro@nclack.k12.or.us]

Sent: Wednesday, April 14, 2021 3:39 PM

To: Wilson, Jay <JayWilson@clackamas.us>

ATTACHMENT 2

Subject: Category 4 Buildings / Emergency Shelters

Warning: External email. Be cautious opening attachments and links.

Hi Jay,

I hope all is well with you and your family.

My name is Ron Stewart and I serve as the Senior Director of Capital Projects for the North Clackamas School District .

We have recently completed a renovation on Milwaukie High School to make it a Seismic Category 4 structure (able to occupy after a major earthquake) and make it able to serve as an emergency shelter for the community.

We are working with the City of Milwaukie on installing an electronic sign (reader board display) at the street that has emergency back-up power to enable messages / instructions / directions to be communicated to the community in the event of a major disaster. The sign could share information in multiple languages when electricity, internet, and cellular services are not working.

The North Clackamas School District and the City of Milwaukie has three questions:

1. Is there an inventory of Category 4 buildings in Clackamas County?
2. Is there an inventory of designated emergency shelters in the event of a major disaster?
3. Is there value in having an electronic sign (with emergency back-up power) at an emergency shelter?

We would greatly appreciate your responses.

Please direct me to others if these questions should be asked of someone else.

Thank you for your assistance.

Ron

--

Ron Stewart

ATTACHMENT 2

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

--

Ron Stewart

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ATTACHMENT 2

From: [Ron Stewart](#)
To: [Mercedes Serra](#)
Subject: Fwd: Category 4 buildings / emergency shelters
Date: Tuesday, April 27, 2021 12:10:07 PM

----- Forwarded message -----

From: **Ramirez, Gregg** <Gregg.Ramirez@clackamasfire.com>
Date: Wed, Apr 14, 2021 at 12:49 PM
Subject: RE: Category 4 buildings / emergency shelters
To: Ron Stewart <stewartro@nclack.k12.or.us>

Good morning Ron -

Clackamas Fire does not track the shelters in our District. I believe you will have the best luck reaching out to the County Department of Disaster Management and the local chapter of the American Red Cross.

We are excited to hear that MHS will be able to be used as a shelter. What a great resource for our community!

Regarding your questions:

3. I think reader boards are a GREAT idea. I am looking into purchasing a couple for the Fire District.
4. Most of our stations have been seismically upgraded (not certain of the numeric rating).

Please never hesitate to call me directly if you have questions.

Thank you!

Gregg

ATTACHMENT 2

Gregg D. Ramirez CCEMT P

He / Him / His

Emergency Manager

Clackamas Fire District #1

(503) 754-2902

From: Ron Stewart <stewartro@nclack.k12.or.us>
Sent: Wednesday, April 14, 2021 10:13 AM
To: Ramirez, Gregg <Gregg.Ramirez@clackamasfire.com>
Subject: Category 4 buildings / emergency shelters

Hi Greg,

I hope all is well with you and your family.

We have recently completed a renovation on Milwaukie High School to make it a Seismic Category 4 structure (able to occupy after a major earthquake) and make it able to serve as an emergency shelter for the community.

We are working with the City of Milwaukie on installing an electronic sign (reader board display) at the street that has emergency back-up power to enable messages / instructions / directions to be communicated to the community in the event of a major disaster. The sign could share information in multiple languages when electricity, internet, and cellular services are not working.

The North Clackamas School District and the City of Milwaukie has four questions:

1. Is there an inventory of Category 4 buildings in Clackamas County?
2. Is there an inventory of designated emergency shelters in the event of a major disaster?
3. Is there value in having an electronic sign (with emergency back-up power) at an emergency shelter?
4. Are all the fire and police stations rated as category 4 in Milwaukie?

We would greatly appreciate your responses.

Please direct me to others if these questions should be asked of someone else.

Thank you for your assistance.

ATTACHMENT 2

Ron

--

Ron Stewart

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Ron Stewart

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503-353-6216

ATTACHMENT 2

From: [Ron Stewart](#)
To: [Mercedes Serra](#)
Subject: Fwd: Category 4 buildings
Date: Tuesday, April 27, 2021 12:23:46 PM

----- Forwarded message -----

From: **Samantha Vandagriff** <VandagriffS@milwaukieoregon.gov>
Date: Wed, Apr 21, 2021 at 2:42 PM
Subject: RE: Category 4 buildings
To: Ron Stewart <stewartro@nclack.k12.or.us>, Brenna Cruz
<CruzB@milwaukieoregon.gov>

Hi Ron, I reached out to Brenna who is now our emergency response liaison (cc'd here). I couldn't find anywhere that we had a list of shelters that meets the category 4 requirements. Most of our buildings in Milwaukie pre-date this requirement. The only one I can think of that might meet it is the new library we just constructed, but I'm not sure that was even done with that in mind.

Samantha Vandagriff

Building Official

City of Milwaukie

o: 503.786.7600 d.503.786.7611

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

The City of Milwaukie remains open for business. In response to the COVID-19 pandemic, all facilities except the Public Safety Building and the Ledding Library are closed to the public. City employees are continuing to work in remote locations. For general inquiries, please visit [*****.milwaukieoregon.gov/contact](https://www.milwaukieoregon.gov/contact) or call us at 503-786-7555 to be connected to an operator at City Hall. If your call is not answered, please leave a message. Thank you for your patience and understanding.

From: Ron Stewart <stewartro@nclack.k12.or.us>
Sent: Wednesday, April 21, 2021 1:54 PM
To: Samantha Vandagriff <VandagriffS@milwaukieoregon.gov>
Subject: Re: Category 4 buildings

ATTACHMENT 2

This Message originated outside your organization.

Hi Samantha,

Thank you for your help with this.

Any chance you would be able to provide an update on your efforts to find information by Friday 4/23/21 ?

Thank you,

Ron

On Fri, Apr 16, 2021 at 8:21 AM Samantha Vandagriff
<VandagriffS@milwaukieoregon.gov> wrote:

Good Morning Ron. That's a good question. Let me do some research and see what I can find, and I'll get back to you.

Samantha Vandagriff

Building Official

City of Milwaukie

o: 503.786.7600 d.503.786.7611

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

The City of Milwaukie remains open for business. In response to the COVID-19 pandemic, all facilities except the Public Safety Building and the Ledding Library are closed to the public. City employees are continuing to work in remote locations. For general inquiries, please visit <https://www.milwaukieoregon.gov/contact> or call us at 503-786-7555 to be connected to an operator at City Hall. If your call is not answered, please leave a message. Thank you for your patience and understanding.

From: Ron Stewart <stewartro@nclack.k12.or.us>

Sent: Thursday, April 15, 2021 7:22 PM

To: Samantha Vandagriff <VandagriffS@milwaukieoregon.gov>

Subject: Category 4 buildings

ATTACHMENT 2

This Message originated outside your organization.

Hi Samantha,

I hope all is well with you and your family.

As you may know, NCSD made seismic improvements to a portion of MHS bringing it to level Category 4 / emergency shelter after a major earthquake.

We will be working with other agencies on disaster preparedness.

Does the City of Milwaukie have records of or knowledge of any other Category 4 buildings in the City ? Fire station? Police station?

Thank you,

Ron

--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

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ATTACHMENT 2

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Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

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--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

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ATTACHMENT 2

From: [Ron Stewart](#)
To: [Mercedes Serra](#)
Subject: Fwd: Category 4 Buildings/Emergency Shelters
Date: Tuesday, April 27, 2021 12:28:07 PM

----- Forwarded message -----

From: **MADIN Ian * DGMI** <Ian.MADIN@oregon.gov>
Date: Thu, Apr 15, 2021 at 5:18 PM
Subject: Re: Category 4 Buildings/Emergency Shelters
To: stewartro@nclack.k12.or.us <stewartro@nclack.k12.or.us>
Cc: CALARRUDA Lori * DGMI <Lori.CALARRUDA@oregon.gov>, HOUSTON Robert * DGMI <Robert.HOUSTON@oregon.gov>

Dear Mr . Stewart,

I have been asked to help with your questions, but I am afraid that this is outside of my area of expertise. I did send your questions along to Jeff Rubin, who was an emergency manager for TVFR for many years, and he has the following suggestions.

There's no single person who can answer all. Here are a few options:

- 1. I'd start with Jay Wilson (I'd guess the answer is no, but it's just a guess).*
- 2. Jay could probably handle that, too, or someone else in his office (ClackCo Disaster Mgmt) as counties identify potential shelter sites – it should be in their EOP. Note emphasis on “potential” – we don't know what we'll need, where we'll need it, or what will be accessible in advance, which is why we don't pre-assign shelter sites for the public.*
- 3. I'd call it a coin toss – nice to have but not essential, but the question is where the info is coming from and on whose behalf it's being posted. That seems another question for CCDM but also City of Milwaukie.*
- 4. Normally this would be City of Milwaukie, period, but they can only answer for PD facilities. Clackamas Fire District #1 serves Milwaukie, so he'd need to ask them about their stations. My guess is none of public safety facilities in Milwaukie are Cat4, but that's just another guess.*

Hope this helps,

JNR

Jeff Rubin, PhD, CEM (he/him)

ATTACHMENT 2

Greetings:

I hope all is well with you and your family.

We have recently completed a renovation on Milwaukie High School in Clackamas County to make it a Seismic Category 4 structure (able to occupy after a major earthquake) and make it able to serve as an emergency shelter for the community.

We are working with the City of Milwaukie on installing an electronic sign (reader board display) at the street that has emergency back-up power to enable messages / instructions / directions to be communicated to the community in the event of a major disaster. The sign could share information in multiple languages when electricity, internet, and cellular services are not working.

The North Clackamas School District and the City of Milwaukie has four questions:

1. Is there an inventory of Category 4 buildings in Clackamas County?
2. Is there an inventory of designated emergency shelters in the event of a major disaster?
3. Is there value in having an electronic sign (with emergency back-up power) at an emergency shelter?
4. Are all the fire and police stations rated as category 4 in Milwaukie?

We would greatly appreciate your responses.

Please direct me to others if these questions should be asked of someone else.

Thank you for your assistance.

Ron

--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

ATTACHMENT 2

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

Ian Madin

Senior Scientist and Earthquake Hazard Geologist

Oregon Department of Geology and Mineral Industries

800 NE Oregon St. Suite 965, Portland OR 97232

[971 673 1542](tel:9716731542) office, [503 807 9975](tel:5038079975) mobile

Ian.madin@oregon.gov

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.

--

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

503-353-6216

ATTACHMENT 2

From: [Ron Stewart](#)
To: [Mercedes Serra](#)
Subject: Fwd: Category 4 buildings / Emergency Shelters
Date: Tuesday, April 27, 2021 12:08:49 PM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image001.png](#)

----- Forwarded message -----

From: **PHELPS Andrew * OMD** <andrew.phelps@mil.state.or.us>
Date: Wed, Apr 14, 2021 at 12:34 PM
Subject: RE: Category 4 buildings / Emergency Shelters
To: Ron Stewart <stewartro@nclack.k12.or.us>
Cc: Bush, Nancy <nbush@co.clackamas.or.us>

Hi Ron,

Thanks for your email, and I'm glad to hear about the structural upgrades you've made to Milwaukie HS. I've copied the Clackamas County emergency management director, Nancy Bush, who may have insight into any inventory of seismically sound facilities in the county, and what the emergency shelter landscape looks like for Clackamas Co.

As for the question about messaging and signage, it is important to have multiple channels to provide emergency information to the public, and dynamic message boards can be a great tool for that. I'd encourage you to work with the county to ensure you are plugged in to their joint information system and are available as an information-sharing resource.

Thanks again for reaching out and supporting the county's efforts to take care of your community after a disaster.

Best regards,

Andrew



Andrew Phelps, Director

Oregon Office of Emergency Management

Office 503-378-3933

Cell 971-283-4258

andrew.phelps@state.or.us



ATTACHMENT 2

Executive Assistant: Cira Murray (cira.murray@state.or.us /503-378-4578)

From: Ron Stewart <stewartro@nclack.k12.or.us>
Sent: Wednesday, April 14, 2021 10:01 AM
To: PHELPS Andrew * OMD <andrew.phelps@mil.state.or.us>
Subject: Category 4 buildings / Emergency Shelters

Hi Andrew,

I hope all is well with you and your family.

My name is Ron Stewart and I serve as the Senior Director of Capital Projects for the North Clackamas School District in Clackamas County, Oregon.

We have recently completed a renovation on Milwaukie High School located in Milwaukie Oregon to make it a Seismic Category 4 structure (able to occupy after a major earthquake) and make it able to serve as an emergency shelter for the community.

We are working with the City of Milwaukie on installing an electronic sign (reader board display) at the street that has emergency back-up power to enable messages / instructions / directions to be communicated to the community in the event of a major disaster. The sign could share information in multiple languages when electricity, internet, and cellular services are not working.

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3. Is there value in having an electronic sign (with emergency back-up power) at an emergency shelter?

We would greatly appreciate your responses and input.

Please direct me to others if these questions should be asked of someone else. We also welcome any advice.

Thank you for your assistance.

Ron

--

ATTACHMENT 2

Ron Stewart

North Clackamas School District, Senior Director of Capital Projects

Two Town Center building

10135 SE Sunnyside Rd, Suite 120, Clackamas Oregon 97015

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--

Ron Stewart

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ATTACHMENT 2

Site Name	Address	Facility City	Facility State	Zip
Damascus Community Church	14251 Se Rust Way	Damascus	OR	97089
Sandy Senior Center	38348 Pioneer Blvd	Sandy	OR	97055
Milwaukie Presbyterian Church	2416 Se Lake Rd	Portland	OR	97222
Canby United Methodist Church	1520 N Holly St	Canby	OR	97013
Clackamas Community College	19600 Molalla Ave	Oregon City	OR	97045
Estacada High School	355 Ne 6Th Ave	Estacada	OR	97023
Estacada Jr High School	500 Ne Main St	Estacada	OR	97023
Gaffney Lane Elementary School	13521 S Gaffney Lane	Oregon City	OR	97045
Gardiner Middle School	180 Ethel St	Oregon City	OR	97045
Holcomb Elementary	14625 S Holcomb Blvd	Oregon City	OR	97045
John Mccloughlin Elementary	19230 S South End Rd	Oregon City	OR	97045
King Elementary School	995 South End Rd	Oregon City	OR	97045
Mt Hood Lions Club	24730 E. Woodsey Way	Welches	OR	97067
Mt Pleasant Elementary School	1232 Linn Ave	Oregon City	OR	97045
Ogden Middle School	14133 S Donovan Rd	Oregon City	OR	97045
Oregon City Senior High School	19761 S Beavercreek	Oregon City	OR	97045
Jackson Building	1306 12Th St	Oregon City	OR	97045
Park Place Elementary	16075 S Front Ave	Oregon City	OR	97045
Redland Elementary School	18131 S Redland Rd	Oregon City	OR	97045
River Mill Elementary School	850 N Broadway St	Estacada	OR	97023
Lake Oswego United Methodist Church	1855 South Shore Blvd	Lake Oswego	OR	97034
Gladstone Christian Church	305 E Dartmouth St	Gladstone	OR	97027
Clackamas County Fairgrounds	694 Ne 4Th	Canby	OR	97013
Canby Adult Center	1250 S. Ivy Street	Canby	OR	97013
Canby Christian Church	444 N. Holly Street	Canby	OR	97013
Hollyview Family Fellowship	14095 Se 257Th Avenue	Damascus	OR	97089
Abundant Life Church	17241 Se Hemrich Rd	Damascus	OR	97089
Estacada First Baptist Church	29101 Se Eagle Creek Road	Estacada	OR	97023
Christ Church Episcopal Parish	1060 Chandler Road	Lake Oswego	OR	97034
Lake Grove Presbyterian Church	4040 Sunset Drive	Lake Oswego	OR	97035
Our Savior'S Lutheran Church Of Lake Oswego	15751 Quarry Road	Lake Oswego	OR	97035
Good Shepherd Community Church And K-8 School	28986 Se Haley Road	Boring	OR	97009
Clackamas River Elementary	301 Ne 2Nd Ave	Estacada	OR	97023
Eagle Wings Ministries	10902 Se Garret Dr	Milwaukie	OR	97222
The Living Hope Church	19691 Meyers Rd	Oregon City	OR	97045
Clackamas Park Friends Church	8120 Sw Thiessen Rd	Milwaukie	OR	97267
Valley View Evangelical	11501 Se Sunnyside Rd	Happy Valley	OR	97015
Milwaukie Center	5440 Se Kellogg Creek Drive	Milwaukie	OR	97222
Zoar Lutheran Church	190 Sw 3Rd Ave	Canby	OR	97013
Oak Grove United Methodist Church	14700 Se Rupert Drive	Oak Grove	OR	97267
King Of Kings Lutheran Church	5501 Se Thiessen Rd	Milwaukie	OR	97267
Hoodland Senior Center	65000 E. Hwy 26 Welches	Welches	OR	97067
Sandy High School	37400 Bell Street	Sandy	OR	97055
Trinity Lutheran Church	16000 S Henrici Rd	Oregon City	OR	97045
River West Church	2000 Country Club Rd	Lake Oswego	OR	97034
Charbonneau Country Club	32000 Sw Charbonneau Drive	Wilsonville	OR	97070
Gladstone Park Seventhday Adventist Church	8378 Cason Rd	Gladstone	OR	97027
Lake Oswego High School	2501 Country Club Road	Lake Oswego	OR	97034
Lakeridge High School	1235 Overlook Drive	Lake Oswego	OR	97034
Lake Oswego Stake Center	14903 Sw Westlake Drive	Lake Oswego	OR	97035



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Mary Heberling, Assistant Planner

Date: May 4, 2021, for May 11, 2021, Public Hearing

Subject: **File:** VR-2021-006
Applicant: Providence Supportive Housing
Address: Vacant lots on the NW corner of Llewellyn St and 34th Ave
Legal Description (Map & Tax Lot): 11E25DC05800, 5900, 6000
NDA: Ardenwald-Johnson Creek

ACTION REQUESTED

Approve application VR-2021-006 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for a 4th and 5th story with reduced step backs to the proposed mixed-use building with a rear setback of 11 ft and front setback between 2-20 ft.

BACKGROUND INFORMATION

Providence Supportive Housing is proposing a future mixed-use building on the General Mixed Use (GMU) zoned parcels listed above. The mixed-use building is proposed as clinic space on the first floor and affordable housing for seniors on the additional floors.

The proposal before Planning Commission is for a building height variance to grant a 4th and 5th floor to the mixed-use building. The applicant is also proposing a reduction to the required transition measures front setback on Llewellyn St from 15 ft to 2-20 ft and a reduction from the 15 ft rear yard setback to 11 ft. They are also proposing a variance to the building height step back. Portions of buildings along a street that are above 45 ft are required to step back at least 15 ft above the 45 ft height. The proposed building is 62 ft in height and the 5th story steps back 4 ft on the eastern wing along the Llewellyn St. The rest of the building does not step back along the street frontage.

The site is located at the NW corner of Llewellyn St and 34th Ave. The site consists of three existing lots with an area of 0.65 acres or 28,395 sq ft. The lots are currently in an unimproved condition and the largest taxlot (11E25DC05800) has part of the Providence parking lot within its boundary.

4.2 Page 2

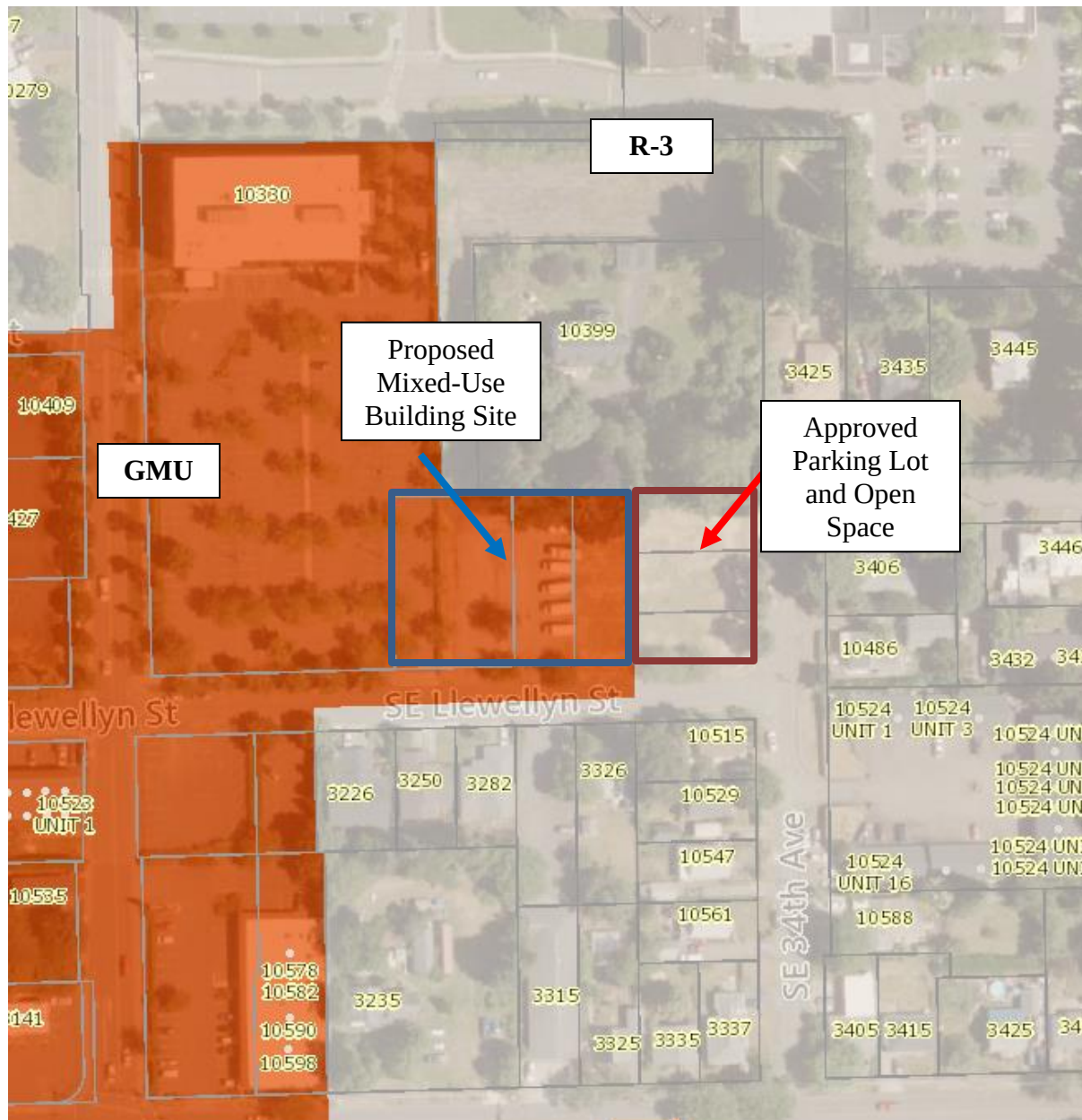


Figure 2: Zoning Map

B. Zoning Designation

General Mixed Use (GMU)

C. Comprehensive Plan Designation

Town Center (TC)

D. Land Use History

CU-2021-001 – Conditional Use for a parking lot and open space on the eastern taxlots approved by Planning Commission on April 13, 2021.

E. Proposal

The applicant, Providence Supportive Housing, requests Type III Variance approvals for:

- Reduced front and rear transition measures setbacks,
- a reduction in building step back requirements for the street-facing stories above 45 ft, and
- the GMU building height variance for the 4th and 5th stories.

Approval of the variances would assist in future development of the 3 existing lots with a mixed-use building containing affordable housing for seniors and a clinic (ElderPlace PACE Center).

The development site consists of 6 tax lots and is split-zoned: the 3 tax lots fronting on 34th Ave are zoned R-3 and the 3 tax lots fronting Llewellyn St are zoned GMU (see Figure 3). This unusual zoning pattern has directed the proposed development, which consists of three phases:

1. Phase 1 Complete

Type III Conditional Use Review: To approve a parking lot in the R-3 zone to serve the future multifamily residential uses on the site. Multifamily development is permitted in the R3 zone as a Conditional Use. This application was approved by Planning Commission on April 13, 2021. (Casefile #CU-2021-001)

2. Phase 2 This Application

Type III Variance Review: To approve reductions to transition measures setbacks, building step back requirements, and to permit the addition of a 4th and 5th story to the building. These requests are included in this application.

3. Phase 3 Future Application

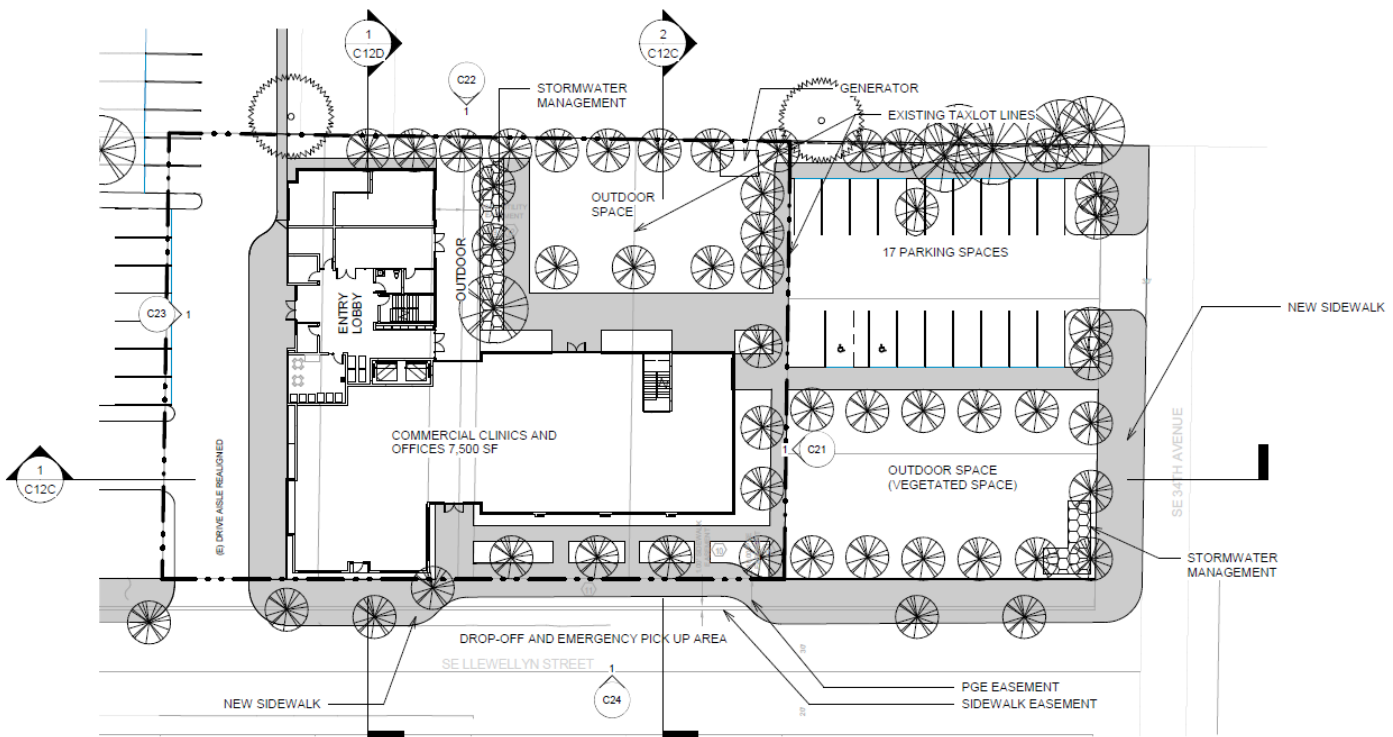
Type I Development Review/Type II Parking Adjustment Review: To approve a new mixed-use building in the GMU zone and reduce the overall off-street parking requirements for the site. The development will consist of 72 deeply affordable units for seniors as well as an ElderPlace PACE Center clinic. Mixed-use development is permitted by right in the GMU zone subject to Type I Development Review. This application will require preparation of a traffic impact study and conceptual grading and utility plans and will trigger a review of site compliance with applicable development standards.

This phased submittal is intended to provide the applicant with sufficient certainty to submit an application to the United States Department of Housing and Urban Development (HUD) for funding to support the deeply affordable senior housing units proposed for the GMU portion of the site. This application is due on May 24th and does not allow adequate time for the preparation, submittal, and review of the multifamily building and site development proposed for the GMU zone to the west. The anticipated

timing of this application would be early fall of 2021 once the project has successfully been awarded funding.

The applicant proposes to develop a mixed-use building with residential housing for seniors and an ElderPlace PACE Center. The residential development will have 72 units, primarily one-bedroom, and common areas for the residents. The residential common areas will be located on the first floor and upper levels. The residential units will be located on the 2nd, 3rd, 4th, and 5th floors. The ElderPlace PACE Center will be located on the first floor of the development. A pull out along SE Llewellyn Street will enable seniors visiting the PACE Center to safely access the 7,500 SF of medical and social services.

The PACE facility would be relocated from its current location in the Medical Office Building to the west of the site. The PACE Center currently serves seniors in the City of Milwaukie and surrounding region and would continue to serve this population.



1 DEVELOPMENT SITE PLAN

1" = 30'-0"

Figure 3: Development Site Plan

Building Height Variance:

A building in the GMU Zone can utilize up to two of the development incentive bonuses in Subsection 19.303.4.B.3.a. and Section 19.510, for a total of 2 stories or 24 ft of additional height, whichever is less. The two bonuses are:

1. New buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.
2. Project proposals that receive “green building” approvals and certification as identified in Section 19.510 are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

The applicant is proposing 4 of the 5 stories as residential and the building will also receive a green building Earth Advantage Gold or higher certification. It qualifies for 2 additional stories or 24 ft, whichever is less.

Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone. The proposed mixed-use building is 5 stories, which necessitates Building Height Variance review. Adding the 5th story to the development allows Providence Supportive Housing to increase the number of units in the building, which is critical to their mission to serve low-income elderly residents.



Figure 4: Conceptual Drawing of Proposed Building on Llewellyn St from the 32nd Ave side



Figure 5: Conceptual Drawing of Proposed Building on Llewellyn St from the 34th Ave side

Transition Measures Front and Rear Setbacks Variance:

MMC 19.504.6 Transition Area Measures states that where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, transition measures are required. Measures apply to all yards that abut, or are adjacent across a right-of-way from, a lower-density zone and need to be at least as wide as the required front yard width of the adjacent lower-density zone.

The site is zoned GMU and a permitted mixed-use development is proposed. The site abuts the R-3 zone to the north and east and is adjacent across a right-of-way from the R-3 zone to the south (see Figure 2). As such, the front, east side, and rear setbacks of the proposed development are increased from 0 ft. to a minimum of 15 ft., which is the required front and rear yard width of the abutting/adjacent R-3 zone.

The proposed front yard setback ranges from 2 ft to 20 ft. A variance to this requirement is requested for the front yard setback along 44 ft of the western portion of the building. The yard along the southern building setback will be maintained as open space (see Figure 6).

The proposed rear yard setback ranges from 15 ft to 11 ft. A variance to this requirement is requested for the rear yard setback along the western portion of the building. Though stories 2 to 5 of the building are set back 15 ft, the ground floor is set back 11 ft. at some points. Trees and shrubs are anticipated along the rear property line (see Figure 6).

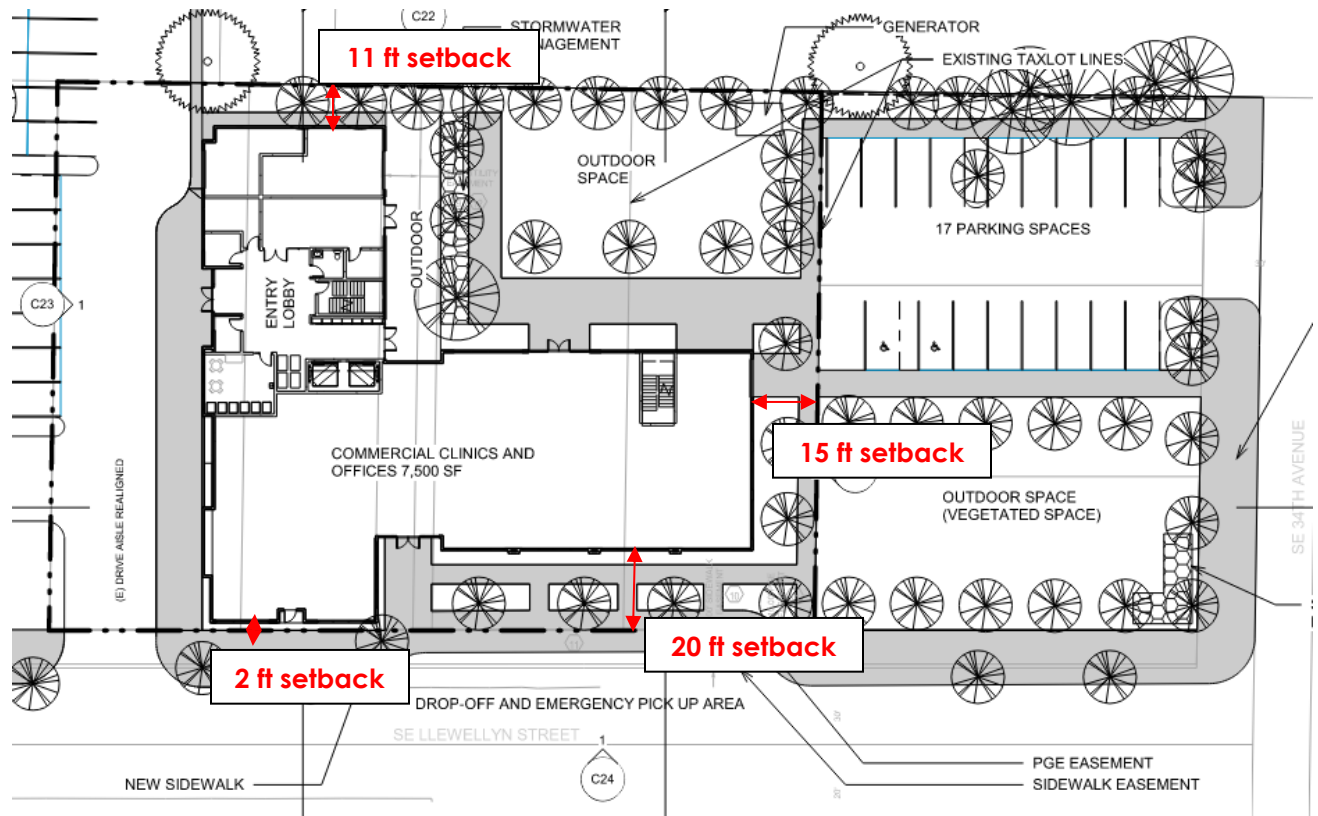


Figure 6: Site Plan with Proposed Setbacks

Building Step Back Variance:

Per MMC 19.303.4.B.2 Building Height Standards, buildings in the GMU Zone will provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height of 45 ft. The proposed building is 62 ft in height and the 5th story steps back 4 ft on the eastern wing along the Llewellyn St. The rest of the building does not step back along the street frontage. The façade is highly articulated to create the appearance of a step back along the southern façade and to reduce the visual massing of the structure (see Figure 7). A variance has been requested by the applicant to this standard.



Figure 7: Building Elevation facing Llewellyn St

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning 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.

- A. Does the proposal address the discretionary relief criteria for the transition measure setback variances and building step back variance?
- B. Does the proposal meet the approval criteria for the Building Height Variance?

Analysis

A. Does the proposal address the discretionary relief criteria?

The discretionary relief approval criteria are listed below:

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.

Analysis:

Front Yard Setback

Baseline street setback requirement of the GMU zone is 0 ft and is intended to ensure that buildings engage with the right-of-way. However, because the site abuts the R-3 zone to the north, east, and south, the Transition Area Measures of Subsection 19.504.6 apply. Those measures increase the setbacks of the GMU zone to the residentially zoned property setback.

The required front setback of the R-3 zone is a minimum of 15 ft. Therefore, the required front yard setback of the subject site is also 15 ft.

The building meets the base zone setbacks of the GMU zone along the western 44 ft of the façade with a 2 ft setback. This portion of the building includes office and clinic uses on the ground floor, which are intended to engage with and activate Llewellyn St. In addition, the location of the office and clinic area near the street reduces the distance clients must walk from the proposed drop-off area on Llewellyn St.

The eastern portion of the building is set back by 20 ft, which is the maximum setback of the GMU zone. This setback provides a transition from the more commercial character of the GMU zone to the west to the more residential character of the existing neighborhood to the east.

Potential impacts of a reduced front yard setback are reduced open space on the site and potential shadowing of buildings to the south. However, as shown through a shade analysis, the building will not cast shade on existing structures. Also, a significant portion of the site will be retained in open space.

Rear Yard Setback

The base zone rear yard setback is 0 ft. However, as noted previously, the site abuts the R-3 zone to the north and the 15 ft minimum rear yard setback of the R-3 zone applies per 19.504.6.

The ground floor of the building is set back 11 ft along the western 44 ft of the mass. Floors 2 through 5 of the building, where dwelling units are located, are set back 15 ft from the property line.

Potential impacts of a reduced side yard setback are reduced open space on the site and potential conflicts between the proposed uses and existing uses to the rear. However, the upper levels of the building meet the transition area setback requirements. In addition, the existing building to the north is separated from the site by substantial mature vegetation and at least 50 ft of distance. Also, a significant portion of the site will be retained in open space.

Upper Level Step Back

Per Subsection 19.303.4.B.2.b, buildings in the GMU zone that exceed the base height of 45 ft are required to step back at least 15 ft above 45 ft of height. The proposed building is 62 ft in height and the 5th story steps back 4 ft on the eastern wing along the Llewellyn St. The rest of the building does not step back along the street frontage.

The intent of the building height standards of 19.303.4 is to “promote a compatible building scale and relationship of one structure to another.” The required step back requirement is intended to reduce the apparent mass of the building by shifting everything above the base height back so that it is less visible from the street. In that case, even a taller building would appear as a 45 ft building.

The proposed building abuts a parking lot to the west and a future open space area and parking lot to the east. Therefore, the focus of the analysis is on the existing structures to the south.

This immediate area is developed with single-level homes, many of which have been converted to offices. The development to the south of the proposed building are single-level homes, offices, and parking lots. Potential impacts of the request as compared to the base zone requirements are that the building will appear taller than it otherwise would and could cast shadow on existing buildings to the south.

From a shade analysis, it is shown that the proposed building will not cast shadow on existing buildings to the south. The façade is highly articulated to create the appearance of a step back along the southern façade and to reduce the visual massing of the structure. A tri-partite building articulation is employed to fit well with the residential neighborhood and the upper 4 stories are articulated to bring the building scale to neighborhood scale.

Staff finds that this criterion is met for all variances.

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:
 - (i) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (ii) The proposed variance has desirable public benefits.
 - (iii) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Analysis:

Front Yard Setback

Potential impacts of the reduced front yard setback are reduced open space on site, shadowing of the buildings to the south, and potential conflicts between the proposed office/clinic uses on the ground floor of the building and the existing uses in the R-3 zone. However, as described below, these potential impacts are mitigated through thoughtful site design and by the eclectic character of the surrounding neighborhood.

The R-3 zone is a residential zone that permits office and multifamily uses as Conditional Uses. Due to the presence of Providence Hospital next door, many medical office uses have been established nearby. Though the sites directly to the south of the site are zoned R-3, they are developed with a mix of uses: the parking lot for the JSE Lab Medical Offices, an office use fronting on Harrison St, is located across the street; two doors down, a home has been converted to a medical office.

As noted above, the uses to the south of the site are a mix of office, medical, and residential, which are functionally consistent with the proposed office/clinic uses in the southwest portion of the building. Also, the applicant is planning to maintain the eastern portion of the development site, which is located within the R-3 zone, largely as open space to ease the transition to the more residential character to the east. Finally, the setback reduction is

requested at the southern building façade, which will not cast a shadow over the existing building across the street.

The building is set back 0 ft at the western end, and transitions to a 20 ft setback moving east. This finally transitions to a large open space to the east, which provides substantial buffering from existing homes to the east and southeast. The portion of the building that will be closest to the street is on the portion of the site that is nearest these existing office uses. As such, the impact of a 0 ft setback on the western portion of the site will be minimal and would be permitted on another GMU-zoned site.

Rear Yard Setback

As noted previously, the site abuts the R-3 zone to the north and the 15-ft. minimum rear yard setback of the R-3 zone applies. The ground floor of the building is set back 11 ft from the rear yard line, but upper levels of the building step back to meet the 15 ft distance. The dwelling units in the building are in floors 2 to 5 and are not located on the ground floor.

Potential impacts of the reduced rear yard setback are potential visual or noise conflicts between the proposed multifamily residential uses proposed for the rear of the site and the existing uses in the R-3 zone. However, these potential impacts are mitigated by existing site conditions.

The existing building on the site to the north is set back at least 50 ft from the rear property line and is separated from the development site by mature, thick vegetation which will protect the existing building from visual and noise impacts from the proposed development. In addition, the site to the north is a mapped Significant Landmark, and the building can be used for a number of office or commercial uses as an incentive for its preservation.

As noted above, the proposed building program minimizes the window openings on the portion of the building that comes closest to the northern property line. Unit windows are pulled back from the north property line and provide views to an internal courtyard in the rear of the building.

Public Benefits

The requested setback and step back variances, combined with the requested Building Height Variance, result in significant public benefits:

- The reduced setbacks, step back, and increased height will allow Providence Supportive Housing to add 18 dwelling units to the proposed project. This increases the total number of dwelling units from 54 units to 72 units deeply affordable senior housing units. Increased units within this development will serve low-income seniors and provide access to medical care on site.*
- The R-3 portion of the site will remain as usable landscaped open space and will provide surface parking to serve the site (approval of this parking area has been approved through a separate Conditional Use application). This open space eases the transition from the new building on the western portion of the site to the existing residential development to the east.*

- *The building is being designed to meet at least Earth Advantage Gold certification, which means the building will be designed and constructed with an eye toward energy use reduction, indoor air quality, durability, and comfort for occupants.*
- *The site will provide electrical vehicle charging infrastructure, and the building will be “solar ready,” for ease of future retrofitting with solar panels.*
- *Since the proposed development is intended to serve low-income seniors, it will not impact school capacity.*
- *The proposed development will construct new half street improvements with a sharrow for bicyclists, curb, and sidewalk along the site frontage on Llewellyn St and 34th Ave, increasing comfort for pedestrians and cyclists. This is if Llewellyn is determined to be a bicycle route through the Central Milwaukie Bikeway project.*

Staff finds that this criterion is met.

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

Analysis:

As described above, the potential impacts of the proposed variances are mitigated by existing vegetation, the building location, the proposed building programming, and the mix of office and residential uses south of the site.

Staff finds that this criterion is met.

B. Does the proposal meet the approval criteria for the Building Height Variance?’

The Building Height Variance approval criteria are listed below:

1. The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant’s alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Analysis:

The residential neighborhood starts south east of the site. The topography slopes up higher than the development site both to the east and north. The first few residential buildings east of 34th Ave and on either side of King Ave will be on level with the 4th of 5th story of this development if not higher due to the raised topography. The concerns around the lack of privacy from a taller building as such is mitigated. The development also sets itself away from the eastern neighborhood by keeping within the GMU zone and leaving the R-3 parcels as open space, which will be an amenity in the neighborhood and open to the public.

Along Llewellyn St, major portion of the building frontage is set back to the maximum setback of 20 ft allowed by the GMU zone. Only 44 ft of the proposed building towards the Providence parking lot is closer to the right of way along Llewellyn St.

To visually mitigate the taller height of the building, a tri-partite building articulation is employed to fit well with the residential neighborhood. The building has a very strong brick base that is enhanced with large storefront windows with substantial glazing and transparency. The upper 4 stories are articulated to bring the building scale to neighborhood scale. The 5th story steps back 4 ft on the eastern wing along the Llewellyn St. The west wing of the building has bay projections to reduce the building scale that reflects the adjacent neighborhood.

Staff finds that this criterion is met.

2. The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.

Analysis:

The project design creates a positive unique relationship to its surroundings and provides a transition from the commercially- and institutionally developed area to the west of the site to the residentially developed area to the east. The building is brought close to the sidewalk in the northwest corner, where the transition begins. The building and site are progressively stepped back as it moves to the east – the “east wing” is set back 18 ft behind the “west wing” and transitions to a landscaped open space in the southeast area of the site.

The conceptual building design is highly articulated to reduce the visual mass of the building while accommodating the target number of affordable dwelling units and the necessary area of clinic space for the PACE Center.

The proposed materials include a brick base with a glazed storefront system and high-quality cementitious panel board and metal panel accents, and natural wood soffits which have been selected for their visual appeal, durability, and low environmental impact.

Staff finds that this criterion is met.

3. The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.

Analysis:

The proposed development provides generous open space adjacent that allows a gentle transition to the east; deeply affordable housing for extremely low-income seniors; services that complement the adjacent Providence Hospital, electrical vehicle (EV) charging infrastructure; photovoltaic (PV) panel readiness; and Earth Advantage certification. Earth Advantage measures include efficient mechanical, lighting and plumbing systems, water efficient landscaping, and interior materials that are low VOC.

Finally, the proposed development will provide “eyes on the street” and further activate Llewellyn St by bringing the interior close to the street (as desired by the GMU base zone standards) and through construction of frontage improvements including half street, curb, gutter, planter strip, and sidewalk along the entire project frontage.

Staff finds that this criterion is met.

4. The proposed project ensures adequate transitions to adjacent neighborhoods.

Analysis:

As described earlier, the site is somewhat unique. It is split-zoned GMU and R-3, so essentially the transition between adjacent neighborhoods happens on site. The most urban component of the property is in the southwest portion of the site, adjacent to the Providence Hospital parking lot and the GMU zone. Though Providence Hospital has no known plans to expand, a 45-ft. structure would be permitted on that site by right and could be increased to 57 ft. or 4 stories through height bonuses.

The applicant has preserved the R-3 area of the site for open space and surface parking to provide an extended transition from the proposed building to the existing residential uses to the east. The applicant plans to retain a significant portion of the R-3 area as open space. This area will be landscaped and include stormwater ponds and will provide additional outdoor space for the residents of the building and clients of the clinic.

Staff finds that this criterion is met.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

Approve the building height variance and transition measures and building step back variances for the vacant lots on the corner of Llewellyn St and 34th Ave (taxlots: 11E25DC05800, 5900, 6000). This will result in a 5-story mixed use building with medical/clinic space on the first floor and residential, affordable housing for seniors on the additional 4 stories.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.303 Commercial Mixed-Use Zones
- MMC 19.504 Site Design Standards
- MMC 19.911 Variances
- MMC 19.1006 Type III

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.
- 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 July 14, 2021, 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 Department, Ardenwald-Johnson Creek Neighborhood District Association (NDA), Hector Campbell NDA, Clackamas Fire District, Trimet, Metro, and Clackamas County.

The following is a summary of the comments received by the City. See Attachment 3 for further details.

- Alex McGladrey, Clackamas Fire District: Clackamas Fire has comments for when the proposed building will submit for permits and what to include.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Applicant's Narrative and Supporting Documentation dated April 5, 2021.				
a. Narrative	☒	☒	☒	☒
b. Submittal Requirements	☒	☒	☒	☒
c. Exhibits	☒	☒	☒	☒
d. Preapplication Conference Report	☒	☒	☒	☒
3. Comments Received	☐	☒	☒	☒

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.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-72>.

ATTACHMENT 1
Recommended Findings in Support of Approval
File #VR-2021-006, Providence Supportive Housing

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

The applicant, Providence Supportive Housing, has applied for approval of a building height variance for a 5th floor, reduced transition measure setbacks, and a reduction in the building step back at the vacant lots on the northwest of the corner of Llewellyn St and 34th Ave (taxlots: 11E25DC05800, 5900, 6000). This site is in the General Mixed Use (GMU) Zone. The land use application file number is VR-2021-006.

1. Providence Supportive Housing is proposing a future mixed-use building on the General Mixed Use (GMU) zoned parcels listed above. The mixed-use building is proposed as clinic space on the first floor and affordable housing for seniors on the additional floors.

The proposal before Planning Commission is for a building height variance to grant a 4th and 5th floor to the mixed-use building. The applicant is also proposing a reduction to the required transition measures front setback on Llewellyn St from 15 ft to 2-20 ft and a reduction from the 15 ft rear yard setback to 11 ft. They are also proposing a variance to the building height step back. Portions of buildings along a street that are above 45 ft are required to step back at least 15 ft above the 45 ft height. The proposed building is 62 ft in height and does not step back along Llewellyn St.

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

- MMC 19.303 Commercial Mixed-Use Zones
- MMC 19.504 Site Design Standards
- MMC 19.911 Variances
- MMC 19.1006 Type III

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 May 11, 2021, as required by law.

3. MMC 19.303 Commercial Mixed-Use Zones

- a. MMC 19.303.2 Uses Allowed in Commercial Mixed-Use Zones

Mixed-use buildings are a permitted use in the GMU zone.

The applicant is proposing a 5-story mixed-use building with medical/clinic space on the first floor and residential/multifamily use on the following four floors.

The proposed use is a permitted use in the GMU. This standard is met.

ATTACHMENT 1

Recommended Findings in Support of Approval—Providence Supportive Housing
Master File #VR-2021-006—NW Corner of Llewellyn St and 34th Ave

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b. MMC 19.303.3 Development Standards

A summary of development standards that apply to the proposed mixed-use development are listed below in Table 1:

Table 19.303.3 Commercial Mixed-Use Zones - Development Standards			
Standard	Required	Proposed	Staff Comment
1. Minimum Lot Size	1,500 sq ft	The existing site is 0.65 acres/28,300 sq. ft.	Complies with standard.
2. Minimum Street Frontage	25 ft	Llewellyn St – approx. 97 ft 34 th Ave – approx. 140 ft	Complies with standard.
3. Minimum floor area ratio	0.5:1	The proposed FAR is 2:1	Complies with standard.
4. Building height: Base Maximum	45 ft	62 ft	A Building Height Variance has been requested per 19.911.7. With approval of that variance, this standard is met.
5. Building height: Maximum with Height Bonus	57-69 ft		
6. Minimum & Maximum Street Setbacks (from Llewellyn St)	Minimum: Front: 0-15 ft Maximum: 10-20 ft	Front: 2-20 ft	The development is subject to the Transition Area Measures of 19.504.6. They are addressed in this table below.
7. Lot Coverage	85% max.	38%	Complies with standard.
8. Minimum Vegetation	15%	24%	Complies with standard.
9. Primary Entrances	Yes, per 19.303.4.E	Two primary entrances; one faces Llewellyn	Complies with standard.
10. Transition Measures per 19.504.6	Setbacks for property lines abutting R-3 parcels: Front: 15 ft Rear: 15 ft East side: 15 ft West side: 0 ft	Front: 2 ft to 20 ft Rear: 11 ft East side: 15 ft West side: 0 ft	A variance has been requested to reduce the front and rear setbacks to less than 15 ft.

With approval of the building height variance and the transition measure setback variances, Planning Commission finds that the standards are met.

c. MMC 19.303.4 Detailed Development Standards

(1) MMC 19.303.4.B.2 Building Height Standards

- (a) The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.

The applicant is proposing a 5-story building. Height bonuses are listed below.

- (b) Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.

The applicant is proposing a 0 ft step back for the 4th and 5th floor stories. A variance has been requested.

With approval of the variance, the Planning Commission finds that the building height standards are met.

(2) MMC 19.303.4.B.3 Height Bonuses

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and Section 19.510, for a total of 2 stories or 24 ft of additional height, whichever is less.

- (a) Residential

New buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

The proposed building has 4 of the 5 buildings as residential and qualifies for an additional story or an additional 12 ft. This standard is met.

- (b) Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

The building will also receive Earth Advantage Gold or higher certification, and the building qualifies for an additional bonus. This standard is met.

- (c) Building Height Variance

Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

The applicant has requested a building height variance.

With approval of the building height variance, Planning Commission finds that the standards are met.

4. MMC 19.504 Site Design Standards

a. MMC 19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

- (1) All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
- (2) All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen lower-density residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.

The site is zoned GMU and a permitted mixed-use development is proposed. The site abuts the R-3 zone to the north and east and is adjacent across a right-of-way from the R-3 zone to the south. As such, the front, east side, and rear setbacks of the proposed development are increased from 0 ft. to 15 ft., which is the required front and rear yard width of the abutting/adjacent R-3 zone.

The proposed front yard setback ranges from 2 ft. to 20 ft. A variance to this requirement is requested for the front yard setback along 44 ft. of the western portion of the building. The yard along the southern building setback will be maintained as open space. No fencing is proposed within the front yard as that contradicts the intent of the GMU standards to provide activity near the street.

The proposed rear yard setback ranges from 15 ft. to 11 ft. A variance to this requirement is requested for the rear yard setback along the western portion of the building. Though stories 2 to 5 of the building are set back 15 ft., the ground floor is set back 11 ft. at some points. Trees and shrubs are anticipated along the rear property line. Compliance with (2) above will be verified at the time of site development permit.

With approval of the requested variances, the Planning Commission finds that these standards can be met.

5. MMC 19.911 Variances

a. MMC 19.911.3 establishes the appropriate review process for variance applications.

The applicant proposes three variances: building height, building step back, and transition area measure setbacks. This MMC section requires a Type III Variance review for this kind of modification to the standards.

The Planning Commission finds that the request is subject to a Type III Variance review.

- b. MMC 19.911.4 establishes criteria for approving a variance request.

The applicant has chosen to address the discretionary relief criteria of MMC 19.911.4.B.1.

(1) Discretionary relief criteria

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

Front Yard Setback

Baseline street setback requirement of the GMU zone is 0 ft. and is intended to ensure that buildings engage with the right-of-way. However, because the site abuts the R-3 zone to the north, east, and south, the Transition Area Measures of Subsection 19.504.6 apply. Those measures increase the setbacks of the GMU zone to the residentially zoned property setback. The required front setback of the R-3 zone is 15 ft. Therefore, the required front yard setback of the subject site is also 15 ft.

The building meets the base zone setbacks of the GMU zone along the western 44 ft. of the façade. This portion of the building includes office and clinic uses on the ground floor, which are intended to engage with and activate Llewellyn St. In addition, the location of the office and clinic area near the street reduces the distance clients must walk from the proposed drop-off area on Llewellyn St.

The eastern portion of the building is set back by 20 ft., which is the maximum setback of the GMU zone. This setback provides a transition from the more commercial character of the GMU zone to the west to the more residential character of the existing neighborhood to the east.

Potential impacts of a reduced front yard setback are reduced open space on the site and potential shadowing of buildings to the south. However, as shown through a shade analysis, the building will not cast shade on existing structures. Also, a significant portion of the site will be retained in open space.

Rear Yard Setback

The base zone rear yard setback is 0 ft. However, as noted previously, the site abuts the R-3 zone to the north and the 15 ft minimum rear yard setback of the R-3 zone applies per 19.504.6.

The ground floor of the building is set back 11 ft along the western 44 ft of the mass. Floors 2 through 5 of the building, where dwelling units are located, are set back 15 ft. from the property line.

Potential impacts of a reduced side yard setback are reduced open space on the site and potential conflicts between the proposed uses and existing uses to the rear. However, the upper levels of the building meet the transition area setback requirements. In addition, the existing building to the north is separated from the

site by substantial mature vegetation and at least 50 ft. of distance. Also, as shown in Sheet C13, a significant portion of the site will be retained in open space.

Upper Level Step Back

Per Subsection 19.303.4.B.2.b, buildings in the GMU zone that exceed the base height of 45 ft. are required to step back at least 15 ft. above 45 ft. of height. The proposed building is 62 ft. in height and does not step back along the street frontage.

The intent of the building height standards of 19.303.4 is to “promote a compatible building scale and relationship of one structure to another.” The required step back requirement is intended to reduce the apparent mass of the building by shifting everything above the base height back so that it is less visible from the street. In that case, even a taller building would appear as a 45-ft. building.

The proposed building abuts a parking lot to the west and a future open space area and parking lot to the east. Therefore, the focus of the analysis is on the existing structures to the south.

This immediate area is developed with single-level homes, many of which have been converted to offices. The development to the south of the proposed building are single-level homes, offices, and parking lots. Potential impacts of the request as compared to the base zone requirements are that the building will appear taller than it otherwise would and could cast shadow on existing buildings to the south.

As shown on Sheet C12D, the proposed building will not cast shadow on existing buildings to the south. As shown on Sheets C23, C24, and C25, the façade is highly articulated to create the appearance of a step back along the southern façade and to reduce the visual massing of the structure.

The Planning Commission finds that this criterion is met.

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

Front Yard Setback

Potential impacts of the reduced front yard setback are reduced open space on site, shadowing of the buildings to the south, and potential conflicts between the proposed office/clinic uses on the ground floor of the building and the existing uses in the R-3 zone. However, as described below, these potential impacts are mitigated through thoughtful site design and by the eclectic character of the surrounding neighborhood.

The R-3 zone is a residential zone that permits office and multifamily uses as Conditional Uses. Due to the presence of Providence Hospital next door, many medical office uses have been established nearby. Though the sites directly to the south of the site are zoned R-3, they are developed with a mix of uses: the parking lot for the JSE Lab Medical Offices, an office use fronting on SE Harrison St, is located across the street; two doors down, a home has been converted to a medical office.

As noted above, the uses to the south of the site are a mix of office, medical, and residential, which are functionally consistent with the proposed office/clinic uses in the southwest portion of the building. Also, the applicant is planning to maintain the eastern portion of the development site, which is located within the R-3 zone, largely as open space to ease the transition to the more residential character to the east. Finally, the setback reduction is requested at the southern building façade, which will not cast a shadow over the existing building across the street.

The building is set back 0 ft. at the western end, and transitions to a 20-ft. setback moving east. This finally transitions to a large open space to the east, which provides substantial buffering from existing homes to the east and southeast. The portion of the building that will be closest to the street is on the portion of the site that is nearest these existing office uses. As such, the impact of a 0 ft. setback on the western portion of the site will be minimal and would be permitted on another GMU-zoned site.

Rear Yard Setback

As noted previously, the site abuts the R-3 zone to the north and the 15-ft. minimum rear yard setback of the R-3 zone applies. The ground floor of the building is set back 11 ft. from the rear yard line, but upper levels of the building step back to meet the 15 ft. distance. The dwelling units in the building are in floors 2 to 5 and are not located on the ground floor.

Potential impacts of the reduced rear yard setback are potential visual or noise conflicts between the proposed multifamily residential uses proposed for the rear of the site and the existing uses in the R-3 zone. However, these potential impacts are mitigated by existing site conditions.

The existing building on the site to the north is set back at least 50 ft. from the rear property line and is separated from the development site by mature, thick vegetation which will protect the existing building from visual and noise impacts from the proposed development. In addition, the site to the north is a mapped Significant Landmark, and the building can be used for a number of office or commercial uses as an incentive for its preservation.

As noted above, the proposed building program minimizes the window openings on the portion of the building that comes closest to the northern property line. Unit windows are pulled back from the north property line and provide views to an internal courtyard in the rear of the building.

ATTACHMENT 1

Public Benefits

The requested setback and step back variances, combined with the requested Building Height Variance, result in significant public benefits:

- *The reduced setbacks, step back, and increased height will allow Providence Supportive Housing to add 18 dwelling units to the proposed project. This increases the total number of dwelling units from 54 units to 72 units deeply affordable senior housing units. Increased units within this development will serve low-income seniors and provide access to medical care on site.*
- *The R-3 portion of the site will remain as usable landscaped open space and will provide surface parking to serve the site (approval of this parking area has been approved through a separate Conditional Use application). This open space eases the transition from the new building on the western portion of the site to the existing residential development to the east.*
- *The building is being designed to meet at least Earth Advantage Gold certification, which means the building will be designed and constructed with an eye toward energy use reduction, indoor air quality, durability, and comfort for occupants.*
- *The site will provide electrical vehicle charging infrastructure, and the building will be “solar ready,” for ease of future retrofitting with solar panels.*
- *Since the proposed development is intended to serve low-income seniors, it will not impact school capacity.*
- *The proposed development will construct new half street improvements with a sharrow for bicyclists, curb, and sidewalk along the site frontage on Llewellyn St and 34th Ave, increasing comfort for pedestrians and cyclists. This is if Llewellyn is determined to be a bicycle route through the Central Milwaukie Bikeway project.*

The Planning Commission finds that the criteria is met.

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

As described above, the potential impacts of the proposed variances are mitigated by existing vegetation, the building location, the proposed building programming, and the mix of office and residential uses south of the site.

The Planning Commission finds that the discretionary relief criteria are met.

- c. MMC 19.911.7 Building Height Variance in the General Mixed-Use Zone

- (1) Intent

To provide a discretionary option for variances to maximum building heights in the General Mixed-Use Zone to reward buildings of truly exceptional design

that respond to the specific context of their location and provide desired public benefits and/or amenities.

(2) Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Subsection 19.303.4.B.2.b and elect to use both of the available height bonuses of Subsection 19.303.4.B.2 for a total building height of 5 stories.

The proposed building height is 62 ft. and 5 stories. The proposed height exceeds the 57 ft. that is permitted by 19.303.4.B.2.b and proposes to use both of the height bonuses available per 19.303.4.B.3. The applicant requests a Building Height Variance to allow the use of both height bonuses, for a cumulative height of 5 stories and 50 ft.

This section is applicable.

(3) Approval Criteria

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

- (i) The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The residential neighborhood starts south east of the site. The topography slopes up higher than the development site both to the east and north. The first few residential buildings east of 34th Ave and on either side of King Ave will be on level with the 4th of 5th story of this development if not higher due to the raised topography. The concerns around the lack of privacy from a taller building as such is mitigated. The development also sets itself away from the eastern neighborhood by keeping within the GMU zone and leaving the R-3 parcels as open space, which will be an amenity in the neighborhood and open to the public.

Along Llewellyn St, major portion of the building frontage is set back to the maximum setback of 20 ft. allowed by the GMU zone. Only 44 ft. of the proposed building towards the Providence parking lot is closer to the right of way along Llewellyn St.

To visually mitigate the taller height of the building, a tri-partite building articulation is employed to fit well with the residential neighborhood. The building has a very strong brick base that is enhanced with large storefront windows with substantial glazing and transparency. The upper 4 stories are articulated to bring the building scale to neighborhood scale. The 5th story steps back 4 ft. on the eastern wing along the Llewellyn St. The west wing of

the building has bay projections to reduce the building scale that reflects the adjacent neighborhood.

The Planning Commission finds that this criterion is met.

- (ii) The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.

The project design creates a positive unique relationship to its surroundings and provides a transition from the commercially- and institutionally developed area to the west of the site to the residentially developed area to the east. The building is brought close to the sidewalk in the northwest corner, where the transition begins. The building and site are progressively stepped back as it moves to the east – the “east wing” is set back 18 ft. behind the “west wing” and transitions to a landscaped open space in the southeast area of the site.

The conceptual building design is highly articulated to reduce the visual mass of the building while accommodating the target number of affordable dwelling units and the necessary area of clinic space for the PACE Center.

The proposed materials include a brick base with a glazed storefront system and high-quality cementitious panel board and metal panel accents, and natural wood soffits which have been selected for their visual appeal, durability, and low environmental impact.

The Planning Commission finds that this criterion is met.

- (iii) The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.

The proposed development provides generous open space adjacent that allows a gentle transition to the east; deeply affordable housing for extremely low-income seniors; services that complement the adjacent Providence Hospital, electrical vehicle (EV) charging infrastructure; photovoltaic (PV) panel readiness; and Earth Advantage certification. Earth Advantage measures include efficient mechanical, lighting and plumbing systems, water efficient landscaping, and interior materials that are low VOC.

Finally, the proposed development will provide “eyes on the street” and further activate Llewellyn St by bringing the interior close to the street (as desired by the GMU base zone standards) and through construction of frontage improvements including half street, curb, gutter, planter strip, and sidewalk along the entire project frontage.

The Planning Commission finds that this criterion is met.

ATTACHMENT 1

- (iv) The proposed project ensures adequate transitions to adjacent neighborhoods.

As described earlier, the site is somewhat unique. It is split-zoned GMU and R-3, so essentially the transition between adjacent neighborhoods happens on site. The most urban component of the property is in the southwest portion of the site, adjacent to the Providence Hospital parking lot and the GMU zone. Though Providence Hospital has no known plans to expand, a 45-ft. structure would be permitted on that site by right and could be increased to 57 ft. or 4 stories through height bonuses.

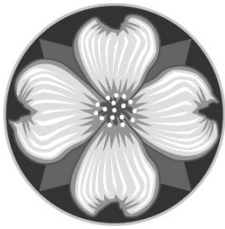
The applicant has preserved the R-3 area of the site for open space and surface parking to provide an extended transition from the proposed building to the existing residential uses to the east. The applicant plans to retain a significant portion of the R-3 area as open space. This area will be landscaped and include stormwater ponds and will provide additional outdoor space for the residents of the building and clients of the clinic.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that the approval criteria for a height variance are met.

6. The application was referred to the following departments and agencies on March 22, 2021:
- Milwaukie Building Division
 - Milwaukie Engineering Department
 - Clackamas County Fire District #1
 - Clackamas County Engineering Department
 - Metro: Land Use Notifications
 - Trimet: Transit Development Group
 - Ardenwald-Johnson Creek Neighborhood District Association Chairperson and Land Use Committee
 - Hector Campbell Neighborhood District Association Chairperson and Land Use Committee

Alex McGladrey, Clackamas Fire District: Clackamas Fire has comments for when the proposed building will submit for permits and what to include.

**MILWAUKIE PLANNING**

6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

ATTACHMENT 2

Application for Land Use Action

Exhibit A

Master File #: _____

Review type*: ☐ I ☐ II ☐ III ☐ IV ☐ V**CHECK ALL APPLICATION TYPES THAT APPLY:**

- | | | |
|---|---|--|
| ☐ Amendment to Maps and/or Ordinances:
☐ Comprehensive Plan Text Amendment
☐ Comprehensive Plan Map Amendment
☐ Zoning Text Amendment
☐ Zoning Map Amendment
☐ Code Interpretation
☐ Community Service Use
☐ Conditional Use
☐ Development Review
☐ Director Determination
☐ Downtown Design Review
☐ Extension to Expiring Approval
☐ Historic Resource:
☐ Alteration
☐ Demolition
☐ Status Designation
☐ Status Deletion | ☐ Land Division:
☐ Final Plat
☐ Lot Consolidation
☐ Partition
☐ Property Line Adjustment
☐ Replat
☐ Subdivision
☐ Miscellaneous:
☐ Barbed Wire Fencing
☐ Mixed Use Overlay Review
☐ Modification to Existing Approval
☐ Natural Resource Review**
☐ Nonconforming Use Alteration
☐ Parking:
☐ Quantity Determination
☐ Quantity Modification
☐ Shared Parking
☐ Structured Parking
☐ Planned Development | ☐ Residential Dwelling:
☐ Accessory Dwelling Unit
☐ Duplex
☐ Manufactured Dwelling Park
☐ Temporary Dwelling Unit
☐ Sign Review
☐ Transportation Facilities Review
☒ Variance:
☐ Use Exception
☐ Variance
☐ Willamette Greenway Review
☐ Other: _____
☐ Use separate application forms for:
Annexation and/or Boundary Change
• Compensation for Reduction in Property
• Value (Measure 37)
Daily Display Sign
• Appeal
• Appeal |
|---|---|--|

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

Mailing address:

State/Zip:

Phone(s):

Email:

*Please note: The information submitted in this application may be subject to public records law.***APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address:

State/Zip:

Phone(s):

Email:

SITE INFORMATION:

Address:

Map & Tax Lot(s):

Comprehensive Plan Designation:

Zoning:

Size of property:

PROPOSAL (describe briefly):**SIGNATURE:**

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

Submitted by:

Date:

IMPORTANT INFORMATION ON REVERSE SIDE

4.2 Page 28

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

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION? Exhibit A

(excerpted from MMC Subsection 19.1001.6.A):

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

REVIEW TYPES:

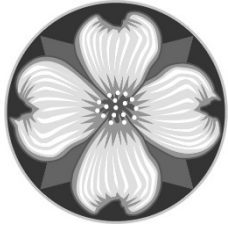
This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

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

****Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form.

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT (after discount, if any)	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file		\$			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				☐ Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s):					
Notes:					



MILWAUKIE PLANNING
 6101 SE Johnson Creek Blvd
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planning@milwaukieoregon.gov

Submittal Requirements

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

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

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

1. **All required land use application forms and fees**, including any deposits.

Applications without the required application forms and fees will not be accepted.

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

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

ADDITIONAL INFORMATION:

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

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

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

Applicant Signature: Walter Zisette

Date: _____

Official Use Only

Date Received (date stamp below):

Received by: _____



CITY OF MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7600
planning@milwaukieoregon.gov
building@milwaukieoregon.gov
engineering@milwaukieoregon.gov

ATTACHMENT 2

Preapplication Conference Report

Project ID: 20-009PA

This report is provided as a follow-up to the meeting that was held on 10/1/2020 at 2 PM

The Milwaukie Municipal Code is available here: www.qcode.us/codes/milwaukie/

APPLICANT AND PROJECT INFORMATION

Applicant:	Li Alligood	Applicant Role: Planner
Applicant Address:	808 SW 3 rd Ave, Suite 800, Portland, OR 97204	
Company:	OTAK, Inc.	
Project Name:	Providence Milwaukie Supportive Housing Project	
Project Address:	Vacant lots on 34 th Ave and Llewellyn St	Zone: GMU & R-3
Project Description:	Mixed use building with clinic space for Providence and affordable housing residential units for seniors	
Current Use:	Vacant lots	
Applicants Present:	Li Alligood, Lynn Lindgren-Schreuder, Walter Zisette, Josh SERA, David Stephenson SERA, Martha Williamson, Gauri SERA	
Staff Present:	Mary Heberling, Steve Adams, Janine Gates	

PLANNING COMMENTS

Zoning Compliance ([MMC Title 19](#))

☒	Use Standards (e.g., residential, commercial, accessory)	GMU 19.303 : Mixed use is a permitted use in this zone R-3 19.302 : Multifamily and office/clinic uses are a Conditional Use (CU)
☒	Dimensional Standards & Development Standards	R-3 lots must comply with the R-3 dimensional and development standards of MMC Table 19.302.4. GMU lots must comply with the GMU dimensional and development standards of MMC Table 19.303.3. GMU Detailed Development Standards in 19.303.4, including FAR for mixed use buildings (AKA nonresidential development in the code), building height, and height bonuses. R-3 Additional Development Standards: 19.302.5.E Height Exceptions - 1 additional story may be permitted in excess of the required maximum standard. For each additional story,

		an additional 10% of site area beyond the minimum is required to be retained in vegetation. <u>A variance may not be needed to building height in the R-3 lot if this can be met.</u> Lots will need to be consolidated to one lot with a split zone. Building(s) cannot go over lot lines. See section Land Division (Title 17) for more details.
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Land Use Review Process

☒	Applications Needed	1) Type I Development Review for mixed use building in GMU zone and other development in the R-3 zone, except open space 2) Type II Parking Quantity Modification 3) Type II Transportation Facilities Review 4) Type III Conditional Use for multifamily in R-3 zone or other development related to the office/clinic in R-3 (such as parking) 5) Type III Variance for transition area measures, may be needed for access spacing and driveway placement (see pg 7 and "access requirements") 6) Type I Lot Consolidation 7) Type I Final Plat (submitted <u>after</u> approval of the lot consolidation)
☒	Fees	Type I: \$200 Type II: \$1,000 Type III: \$2,000 Up to three (3) variance requests may be included in one variance application; additional variance requests would need a second variance application and fee. For multiple applications, the most expensive fee is collected in full, with a 25-percent discount for each additional application.
☒	Review Type: Type I Type II Type III	See review types above Land Use Application form: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/42771/landuse_fillable_application.pdf Submittal requirements for: Land Use Applications: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/39251/submittal_ramts_form.pdf Plat for lot consolidation: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/preliminaryplatchecklist_form0.pdf Final plats: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/finalplat-checklist_form.pdf

Overlay Zones (MMC 19.400)

☐	Willamette Greenway	
☐	Natural Resources	
☐	Historic Preservation	
☐	Flex Space Overlay	

Site Improvements/Site Context		
☒	Landscaping Requirements	R-3: Minimum vegetation: 35% of the total lot area, at least half of the minimum required vegetation area must be suitable for outdoor recreation by residents (Table 19.302.4 and 19.302.5.C) R-3: At least 40% of the front yard must be vegetated (19.302.5.D) GMU: Minimum vegetation: 15% of the total lot area (Table 19.303.3) Both R-3 & GMU: No more than 20% of the required vegetation area shall be covered in mulch or bark dust
☒	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	19.606.3.D Pedestrian Access and Circulation: Additional standards are provided around pedestrian access in off-street parking areas on site. 19.606.3.E Internal Circulation: Additional standards around general circulation and connections to adjacent parking areas. 19.609 Bicycle Standards: Mixed use and multifamily buildings must follow these standards for on-site bicycle parking
☐	Connectivity to surrounding properties	
☒	Circulation	19.504.9: Mixed use buildings are required to provide onsite walkways and circulation. Multifamily is exempt.
☒	Building Design Standards (MMC 19.504 & 19.505)	19.505.7 Nonresidential Development: Mixed use buildings follow these design standards in the GMU. 19.505.3 Multifamily Housing: Stand-alone multifamily buildings follow these design standards in both GMU and R-3. 19.504.6 Transition Area Measures: Where mixed-use development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the transition measures shall be required in this section. <u>A Type III variance may be needed to this section.</u>
☐	Downtown Design Standards (MMC 19.508)	
Parking Standards (MMC 19.600)		
☐	Residential Off-Street Parking Requirements	
☒	Multi-Family/Commercial Parking Requirements	19.605.1 Minimum and Maximum Parking Quantities per use. 19.605.2 Quantity Modifications and Required Parking Determinations, Type II review, approval criteria listed in this section. Any data you have from previous Providence affordable housing buildings and parking would be important to include and why little residential parking is needed. 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements, options to reduce parking in this section. Total reduction in required parking cannot exceed 25% of the minimum quantity requirement listed in Table 19.605.1. 19.605.4 Shared Parking, standards to create a shared parking agreement are in this section, use as part of the 19.605.2 Quantity Modification review. 19.606 Parking Area and Design Landscaping: Mixed use and multifamily building off-street parking areas must follow the requirements in this section.

Approval Criteria (MMC 19.900)		
☐	Community Service Use (CSU) (MMC 19.904)	
☒	Conditional Use (MMC 19.905)	19.905.4.A Approval Criteria for new Conditional Use (CU) Multifamily building in R-3 zone will be a CU. Development related to the multifamily/office/clinic use in the R-3 zone may require a CU. Check with the Planning Department to confirm what will or will not require a CU. All conditional uses will be required to go through a Type III review
☒	Development Review (MMC 19.906)	Type I Development Review for mixed use building on GMU zone, for multifamily using the clear and objective standards in Table 19.505.3.D. Type II Development Review for multifamily using the discretionary standards in Table 19.505.3.D. Approval Criteria for both Type I and II development review in 19.906.4.
☒	Variance (MMC 19.911)	Type II Variances, approval criteria in 19.911.4.A Type III Variances, approval criteria in 19.911.4.B 19.911.7 Building Height Variance in GMU (Type III), includes approval criteria
Land Division (MMC Title 17)		
☒	Design Standards	17.28.040 lists out general lot design standards that must be met
☒	Preliminary Plat Requirements	Type I Parcel consolidation replat to combine all of the lots into one lot with a split zone. 17.12.030 Approval Criteria for lot consolidation
☒	Final Plat Requirements (See Engineering Section of this Report)	17.24 lists out the requirements for submittal of a final plat <u>after</u> approval of the parcel consolidation replat. Must be submitted within 6 months of approval. 17.12.050 Approval Criteria for Final Plat
Sign Code Compliance (MMC Title 14)		
☒	Sign Requirements	14.16.040 Commercial Zones – code around signage in GMU
Noise (MMC Title 16)		
☐	Noise Mitigation (MMC 16.24)	

Neighborhood District Associations

☒	Ardenwald-Johnson Creek	https://www.milwaukieoregon.gov/citymanager/ardenwald-johnson-creek-nda Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Ardenwald-Johnson Creek Milwaukie NDA. <u>Ardenwald-Johnson Creek Milwaukie NDA Chair</u> Matt Rinker matrinker@hotmail.com Would also recommend getting in touch with Hector Campbell NDA, since the NDA boundary is very close to Hector Campbell https://www.milwaukieoregon.gov/citymanager/hector-campbell-nda <u>Hector Campbell NDA Chair</u> David Aschenbrenner 2dasch@gmail.com
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Other Permits/Registration

☐	Business Registration	
☐	Home Occupation Compliance (MMC 19.507)	

Additional Planning Notes

Condominium Plat – no special process or application needed for this. The Planning Department does not treat condominiums or rental apartments any differently.

ENGINEERING & PUBLIC WORKS COMMENTS

Public Facility Improvements ([MMC 19.700](#))

☒	Applicability (MMC 19.702)	Chapter 19.700 of the Milwaukie Municipal Code (MMC) applies to partitions, subdivisions, new construction and modification and or expansions of existing structures or uses that produce a projected increase in vehicle trips.
☒	Transportation Facilities Review (MMC 19.703)	As per MMC Subsection 19.703.2, because the proposed development triggers a transportation impact study (TIS), a Transportation Facilities Review (TFR) application is required. The TFR application will be processed and reviewed concurrently with the other required applications discussed in these notes.
☒	Transportation Impact Study (MMC 19.704)	A TIS is required. A scope for the TIS will be prepared by the Engineering Department and the City's traffic consultant (DKS). Actual costs are charged for both the scope preparation and technical review of the completed TIS; a reserve deposit of \$1,500 will be collected for the scoping and a reserve deposit of \$2,500 will be collected for the technical report review.
☒	Agency Notification (MMC 19.707)	As per the stipulations of MMC Subsection 19.707.1, the following agencies will receive notification of the proposed development: Metro, Clackamas County, and TriMet.
☒	Transportation Requirements (MMC 19.708)	This Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

		Street improvements to Llewellyn St to include minimum 6-ft sidewalk, curb & gutter and 20-ft wide reconstructed asphalt streets (two travel lanes). Street improvements (sidewalk) must start 6 inches inside of the ROW. No additional ROW dedication is required, however if the proposed public sidewalk is located outside of the ROW to accommodate drop-off/pull-out area, or save existing trees, a public sidewalk easement is required. Sidewalk can be curb tight, but an off-set sidewalk is preferred. If on-street parallel parking is provided, street improvements must be minimum of 28 feet. City is okay with drop off area along Llewellyn St., similar to a bus pull-out area for dropping off and picking up patients or residents.
☒	Utility Requirements (MMC 19.709)	All overhead utilities to be brought underground within a new 6-ft PUE adjacent to both Llewellyn and 34th to be provided by the applicant. City is okay with abandoning the existing public easement. Applicant responsible for relocating private SS line and providing a private easement. City is okay if this SS line ties into a different public SS main (34th Ave seems like the best other option). No water, sanitary or storm improvements are foreseen to be needed.
Flood Hazard Area (MMC 18)		
☐	Development Permit (MMC 18.04.100)	
☐	General Standards (MMC 18.04.150)	
☐	Specific Standards (MMC 18.04.160)	
☐	Floodways (MMC 18.04.170)	
Environmental Protection (MMC 16)		
☐	Weak Foundation Soils (MMC 16.16)	The proposed development is not within the regulatory City-mapped soil hazard area.
☒	Erosion Control (MMC 16.28)	An erosion control permit will be required for disturbances over 500 sq ft.
☒	Tree Cutting (MMC 16.32)	Any tree removal within the public right-of-way or on City-owned land requires a permit.
Public Services (MMC 13)		
☒	Water System (MMC 13.04)	Connection to water mains for service lines 2" and less shall be made by City crews. Excavation and paving shall be the responsibility of the applicant. A utility billing form must be submitted, and fees paid prior to connection. A 6" water main is adjacent to the development lot.
☒	Sewer System (MMC 13.12)	All structures with sanitary facilities are required to be connected to the City sanitary sewer system. The sewer system user at all times shall, at their expense, operate and maintain the service lateral and building sewer in a sanitary manner to the collection trunk or interceptor sewer at no expense to the City. Grease interceptors and/or traps shall be provided by the food service facility owner to prevent FOG (fats, oil, and grease) from entering the sanitary sewer system.

☒	Stormwater Management (MMC 13.14)	All stormwater shall be managed on site with mitigation facilities designed in accordance with the 2016 Portland Stormwater Management Manual. Where onsite infiltration has been determined to be unfeasible by a geotech professional, connection to the public storm sewer system may be applied for.
☒	System Development Charge (MMC 13.28.040)	Final determination shall be made at building permit process. Contact the Engineering Department for a more detailed analysis. Link to a handout on SDC charges in Milwaukie: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/engineering/page/91381/sdchandout_aug2019.pdf
☒	Fee in Lieu of Construction (MMC 13.32)	A fee in lieu of construction may be available for some public improvements. One or more of the following conditions must be met: an inability to achieve proper design standard, the creation of a safety hazard, are already included in a funded city project, cannot be completed without significant offsite improvements, or the full improvements are not proportional to proposed impacts.
Public Places (MMC 12)		
☒	Right of Way Permit (MMC 12.08.020)	Any work within the right-of-way shall require a right-of-way permit. The permit application should include a site plan for all work proposed and a traffic control plan where traffic, including bike and pedestrian, is impacted.
☒	Access Requirements (MMC 12.16.040)	Modification of existing nonconforming accessways shall be brought into conformance with the access management requirements of this chapter. The nearest edge of the driveway apron shall be at least ten (10) feet from the side property line. This standard does not apply to accessways shared between two (2) or more properties. At least one hundred (100) feet minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons. Multifamily residential uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, shall have a minimum driveway apron width of twenty-four (24) feet and a maximum width of thirty (30) feet. Commercial, office, and institutional uses shall have a minimum driveway apron width of twelve (12) feet and a maximum width of thirty-six (36) feet. Mixed commercial residential meeting the above criteria shall have an accessway between twelve (12) and (30) thirty feet. <u>Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance and use application.</u>
☒	Clear Vision (MMC 12.24)	The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." The clear vision area for all street and driveway or accessway intersections shall be that area within a twenty (20)-foot radius from where the lot line and the edge of a driveway intersect. The clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum height of six (6) feet.

Additional Engineering & Public Works Notes

BUILDING COMMENTS

All drawings must be submitted electronically through www.buildingpermits.oregon.gov

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at www.buildingpermits.oregon.gov. Each permit type and subpermit type are separate permits and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.

Note: Plumbing and electrical plan reviews (when required) are done off site so two (2) paper copies will be required for those reviews only. Paper copies should be delivered to our office for processing.

Site utilities require a separate plumbing permit. This permit will require plumbing plan review so two (2) paper copies will be required for this review. Paper copies should be delivered to the Building Division office for processing. The grading plan submitted to the Engineering Department does not cover this review.

If you have any building related questions, please email us at building@milwaukieoregon.gov.

Additional Building Notes

This project will require multiple permits, including but not limited to: Building, plumbing, electrical, mechanical, fire sprinkler, fire alarms, fire line (in ground install), backflow, and site utility (plumbing). Each of these submittals is subject to the initial review time that the building department is experiencing. (Currently 6-8 weeks). Based on information provided by the applicant, a preliminary estimate of fees is included as Attachment 1.

Condominium Plat – no special process or application needed for this. The Building Department does not treat condominiums or rental apartments any differently.

OTHER FEES

☐	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *12% (.12)
☐	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
☐	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)

FIRE DISTRICT COMMENTS

COORDINATION WITH OTHER AGENCIES

Applicant must communicate directly with outside agencies. These may include the following:

- Metro
- Trimet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS

State or County Approvals Needed

☐	Boiler Approval (State)	
☐	Elevator Approval (State)	
☐	Health Department Approval (County)	

Arts Tax

☐	Neighborhood Office Permit	
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Other Right-of-Way Permits

☐	Major:	
☐	Minor:	
☐	Painted Intersection Program Permits:	
	☐ artMOB Application	
	☐ Traffic Control Plan (Engineering)	
☐	Parklet:	
	☐ Parklet Application/ Planning Approval	
	☐ Engineering Approval	
	☐ Building Approval	
☐	Sidewalk Café:	

☐	Tree Removal Permit:	
Infrastructure/Utilities		
Applicant must communicate directly with utility providers. These may include the following: • PGE • NW Natural • Clackamas River Water (CRW) • Telecomm (Comcast, Century Link) • Water Environmental Services (WES) • Garbage Collection (Waste Management, Hoodview Disposal and Recycling)		
Economic Development/Incentives		
☐	Enterprise Zone:	
☒	Vertical Housing Tax Credit:	Contact Christina Fadenrecht, the Housing and Economic Development Assistant. Email: FadenrechtC@milwaukieoregon.gov
☐	New Market Tax Credits:	
☒	Housing Resources:	There may be CET money for affordable housing. Contact Christina Fadenrecht, the Housing and Economic Development Assistant. Email: FadenrechtC@milwaukieoregon.gov
PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE		

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

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff	Building Official	503-786-7611
Harmony Drake	Permit Specialist	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

ENGINEERING DEPARTMENT

Steve Adams	City Engineer	503-786-7605
Dalton Vodden	Associate Engineer	503-786-7617

PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Kolas	Senior Planner	503-786-7653
Brett Kolver	Associate Planner	503-786-7657
Mary Heberling	Assistant Planner	503-786-7658

COMMUNITY DEVELOPMENT DEPARTMENT

Leila Aman	Community Development Director	503-786-7616
Alison Wicks	Development Programs Manager	503-786-7661
Alicia Martin	Administrative Specialist II	503-786-7600
Tempest Blanchard	Administrative Specialist II	503-786-7600

CLACKAMAS FIRE DISTRICT

Mike Boumann	Lieutenant Deputy Fire Marshal	503-742-2673
Matt Amos	Fire Inspector	503-742-2660

Structural Permit**Fees based on Valuation of 32,000,000 provided by applicant**

Fee Item	Fees	
Structural plan review fee	\$ 145,537.88	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 23,286.06	
Technology Fee	\$ 9,702.53	
Fire life safety plan review	\$ 97,025.25	
Structural building permit fee	\$ 194,050.50	
		\$ 469,602.22

CET Taxes collected on the building permit:

Affordable Housing - Developer incentives (Com)	\$ 153,600.00	
Affordable Housing - Programs and incentives (Com)	\$ 153,600.00	
Affordable Housing Construction Excise Tax - Admin Fee (Con	\$ 12,800.00	
Metro Construction Excise Tax	\$ 11,400.00	
Metro Construction Excise Tax - Admin Fee	\$ 600.00	
CET - North Clackamas - Com Use	\$ 33,363.00	
CET - North Clackamas - Admin Fee - Com Use	\$ 337.00	
		\$ 365,700.00

Mechanical Permit**Fees based on Valuation of 3,000,000 provided by applicant**

Commercial mechanical permit (based on mechanical job val	\$ 36,954.30	
Mechanical plan review	\$ 18,477.15	
State of Oregon Surcharge - Mech (12% of applicable fees)	\$ 4,434.52	
Technology Fee	\$ 1,847.72	
		\$ 61,713.69

Fire Sprinkler Permit**Fees based on Valuation of 416,000 provided by applicant**

Structural plan review fee	\$ 2,225.48	
Fire life safety plan review	\$ 1,483.65	
Structural building permit fee	\$ 2,967.30	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 356.08	
Technology Fee	\$ 148.37	
		\$ 7,180.88

Fire Alarm Permit**Fees based on Valuation of 200,000 provided by applicant**

Structural plan review fee	\$ 1,245.38	
Fire life safety plan review	\$ 830.25	
Structural building permit fee	\$ 1,660.50	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 199.26	
Technology Fee	\$ 83.03	
		\$ 4,018.42

Note: These fees are based on the parameters given and subject to change of the parameters change.

Plumbing and Electrical fees are shown on the individual applications. To obtain a fee estimate for either, please fill out the application and email it to building@milwaueioregon.gov and note that this is for estimation purposes only in the description of work box.



Memorandum

To: Mary Heberling, AICP, Associate Planner, City of Milwaukie
From: Li Alligood, AICP, Senior Planner
Copies: Walter Zisette, Providence Supportive Housing
Lynn Lindgren-Schreuder, Housing Development Center
Joshua Lupkin, SERA Architects, Inc.
Date: April 5, 2021
Subject: Providence Supportive Housing Type III Variance Application - Findings of Conformance
Project No.: 19836.100

The applicant, Providence Supportive Housing, requests Type III Variance approval and Type III Building Height Variance approval for future development of 3 existing lots with a mixed-use building containing affordable housing for seniors and an ElderPlace PACE Center.

The development site consists of 6 tax lots and is split-zoned: the 3 tax lots fronting on SE 34th Ave are zoned R-3 and the 3 tax lots fronting SE Llewellyn St is zoned GMU. This unusual zoning pattern has directed the proposed development, which consists of three phases:

1. Type III Conditional Use Review: To approve a parking lot in the R-3 zone to serve the future multifamily residential uses on the site. Multifamily development is permitted in the R3 zone as a Conditional Use. This application is currently under review by the City of Milwaukie (Casefile #CU-2021-001) and is scheduled for a hearing before the Planning Commission on April 13, 2021.
2. Type III Variance Review: To approve reductions to required setbacks, building step back requirements, and to permit the addition of a 5th story to the building. These requests are included in this application.
3. Type I Development Review/Type II Parking Adjustment Review: To approve a new mixed-use building in the GMU zone and reduce the overall off-street parking requirements for the site. The development will consist of 72 deeply affordable units for seniors as well as an ElderPlace PACE Center clinic. Mixed-use development is permitted by right in the GMU zone subject to Type I Development Review. This application will require preparation of a traffic impact study and conceptual grading and utility plans and will trigger a review of site compliance with applicable development standards.

This phased submittal is intended to provide the applicant with sufficient certainty to apply to HUD for funding to support the deeply affordable senior housing units proposed for the GMU portion of the site. A key criterion of this funding is that no further discretionary review is required to permit the project. This application is due on May 26th and does not allow adequate time for the preparation, submittal, and review of the multifamily building and site development proposed for the GMU zone to the west. The anticipated timing of the award of this application is September 2021. If the proposed development receives the requested funding, the Development Review application submittal is anticipated in winter 2021/2022.

The subject tax lots (TLIDs 11E25DC05800, 5900, 6000) are zoned GMU. The applicant proposes to develop a mixed-use building with residential housing for seniors and an ElderPlace PACE Center. The residential development will have 72 units, primarily one-bedroom, and common areas for the residents. The residential common areas will be located on the first floor and upper levels. The residential units will be located on the 2nd, 3rd, 4th, and 5th floors. The ElderPlace PACE Center will be located on the first floor of the development. A pull out

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along SE Llewellyn Street will enable seniors visiting the PACE Center to safely access the 7,500 SF of medical and social services.

The PACE facility would be relocated from its current location in the Medical Office Building to the west of the site. The PACE Center currently serves seniors in the City of Milwaukie and surrounding region and would continue to serve this population.

The proposed mixed-use building is 5 stories, which necessitates Building Height Variance review. However, adding the 5th story to the development also allows Providence Supportive Housing to increase the number of units in the building, which is critical to their mission to serve low-income elderly residents.

Storefront windows will be provided on the ground floor along the west and south face of the building to provide a connection between the street and the new development. Fenestration for the units will provide a sense of scale that reflects the residential neighborhood. The building would be designed to meet Earth Advantage Gold, utilizing sustainable construction measures and the potential for a roof mounted PV system.

A parking reduction will be requested for the development under a separate Type II land use application. The development's compliance with applicable site development and design standards, public utility infrastructure requirements, transportation requirements, and applicable building codes will be reviewed at the time of the future Type I Development Review submittal. This application focusses specifically on the building massing (height, setbacks, and articulation).

The applicant attended a pre-application conference with City staff on October 1, 2020. The notes are included as Attachment A. The applicable provisions of MMC Title 19 Zoning are addressed below.

19.303 COMMERCIAL MIXED-USE ZONES

[...]

19.303.2 Uses

Response: The proposed future uses are multifamily residential and medical office. Both uses are permitted outright in the GMU zone. This standard is met.

19.303.3 Development Standards

Response: As demonstrated below, the proposed development meets the applicable development standards of the GMU zone, except for transition area setbacks, upper level step backs, and allowable height. The applicant is requesting a Type III Building Height Variance to permit a 5-story building and a Type III Variance to reduce the front and rear setbacks and reduce the required street facing building step back.

Standard	Required	Proposed	Finding
Minimum Lot Size	1,500 sq. ft.	The GMU-zoned portion of the existing site is 0.65 acres/28,300 sq. ft.	This standard is met.
Minimum Street Frontage	25 ft.	The SE Lewellyn St frontage will be ~97 ft. after right-of-way dedication. The SE 34th Ave street frontage will be ~140 ft. after right-of-way dedication.	This standard is met.

Minimum Floor Area Ratio	0.5:1	The proposed FAR is 2:1	This standard is met.
Building height			
Base Maximum	45 ft.	62 ft.	A Building Height Variance has been requested per 19.911.7. With approval of that variance, this standard is met.
Maximum with Height Bonus	57-69 ft.		
Street Setbacks (from Llewellyn)			
Minimum	Front: 0-15 ft.	Front: 2 ft. to 20 ft.	The development is subject to the Transition Area Measures of 19.504.6. They are addressed below.
Maximum	20 ft.	Front: 2 ft. to 20 ft.	This standard is met.
Maximum Lot Coverage	85%	38%	This standard is met.
Minimum Vegetation	15%	24%	This standard is met.
Primary Entrances	Yes, per 19.303.4.E	Two primary entrances; one faces Llewellyn	This standard is met.
Off-Street Parking Required	Yes, per 19.600	The applicant will submit an application to request a reduction of off-street parking requirements.	This standard will be addressed through a future Site Plan Review/Parking Adjustment application.
Transition Measures per 19.504.6	Front: 15 ft. Rear: 15 ft. East side: 15 ft. West side: 0 ft.	Front: 2 ft. to 20 ft. Rear: 11 ft. East side: 15 ft. West side: 0 ft.	The side abuts the R-3 zone on the north, east, and south. A variance has been requested to reduce the front and rear setbacks to less than 15 ft. in the front and rear.

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

A. Floor Area Ratio**1. Intent**

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum FAR in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum FAR shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of FAR to determine conformance with minimum FAR.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

- a. *Parking facilities.*
- b. *Public parks and plazas.*

Response: The proposed development is a mixed-use development and both residential and non-residential floor area is included in the FAR calculation. The proposed development has an FAR of 2:1 which exceeds the 0.5:1 minimum. This standard is met.

B. *Building Height*

1. *Intent*

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. *Standards*

- a. *The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.*
- b. *Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.*
- c. *The maximum building height in the NMU Zone is 3 stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.*

Response: The proposed building height is 62 ft., which slightly exceeds the maximum height permitted by the height bonuses provided below. To achieve the proposed height, a Type III Building Height Variance is requested. With approval of the requested variance, this standard will be met.

Per B.2.b above, the building must step back at least 15 ft. from any street-facing portion of the building between the height of 45 ft. and 62 ft. The street-facing portion of the building is the southern façade, which faces Llewellyn St. Though the eastern façade of the building faces 34th Ave, it is separated from that frontage by more than 50 ft.

The applicant requests a variance to reduce the step back dimension on the southern façade from 15 ft. to 0 ft. With approval of the requested variance, this standard will be met.

3. *Height Bonuses*

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and Section 19.510, for a total of 2 stories or 24 ft of additional height, whichever is less.

Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. *Residential*

New buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

b. *Green Building*

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

c. *Building Height Variance*

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

Response: The base height allowance of the GMU zone is 45 ft. The proposed development is 62 ft. and 5 stories tall. Four of the 5 building stories are devoted to residential uses, and the building qualifies for a bonus of

12 ft. or 1 story per 3.a. above, whichever is less. The building will also receive Earth Advantage Gold or higher certification, and the building qualifies for an additional bonus of 12 ft. or 1 story per 3.b above. To add an additional 2 stories, a Building Height Variance is required. A Building Height Variance has been requested per Subsection 19.911.7.

C. Street Setbacks

1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the commercial mixed-use zones. This ensures that buildings engage the street right-of-way.

2. Standards

- a. *No minimum street setbacks are required, except for residential street edges per Subsection 19.303.5.*
- b. *In the GMU Zone, maximum street setback is 20 ft. For properties shown as having a commercial edge on Figure 19.303.4.C.2.b, the following standards apply:*
 - (1) *No minimum street setback is required. Maximum street setback is 10 ft.*
 - (2) *The area within the street setback, if provided, shall be landscaped.*
- c. *In the NMU Zone, the maximum street setback is 10 ft unless the yard exception standards of Subsection 19.501.2 apply.*
- d. *The setback area may include usable open space such as plazas, courtyards, terraces, and small parks.*
- e. *Usable open space may be counted toward the minimum vegetation requirement in Subsection 19.303.3.B.6.*
- f. *No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings, except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.*

Response: The total project site consists of two zones: the GMU zone and the R-3 zone. The proposed building is located entirely within the GMU zone, and no minimum street setback is required by the base zoning. However, the site abuts the R-3 zone to the north (rear) and the east (side) and is located across the street from the R-3 zone to the south (front). Therefore, the Transition Area Measures of Subsection 19.504.6 are applicable to the proposed development. These measures increase the minimum front, side, and rear yard setbacks to 15 ft.

The building's front yard setback is from 2 ft to 20 ft, and a variance to this measure is required. The building's rear yard setback is 11 ft., and a variance to this measure is required. The applicant has requested a variance to the front and rear setbacks. With approval of the variance, this standard can be met.

D. Frontage Occupancy Requirements

1. Intent

The intent of this standard is to establish a consistent street wall along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.303.4.D.

2. Standards

- a. *For block faces identified in Figure 19.303.4.D, 50% of the site frontage must be occupied by a building or buildings.*
- b. *If the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.*

Response: The subject site is not located on a block face identified in Figure 19.303.4.D. This standard is not applicable.

E. Primary Entrances

1. Intent

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

2. Standards

- a. *All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.*
- b. *Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.*
- c. *If a development is on a corner in the GMU Zone, the primary entrance may be oriented toward either street.*
- d. *If a development is on the corner of 32nd Ave or 42nd Ave and another street in the NMU Zone, the primary entrance must be oriented toward 32nd Ave or 42nd Ave.*

Response: The proposed building includes two separate uses: affordable multifamily residential uses and office/clinic uses, with a separate entrance for each. The primary entrance for the office/clinic uses faces SE Llewellyn St. The primary entrance for the multifamily residential uses faces west and is connected to the public street with a pedestrian walkway. This standard is met.

F. Residential Density

1. Intent

Minimum densities are applied to residential development in the commercial mixed-use zones to assure efficient use of land at densities that support transit use and nearby businesses.

2. Standards

- a. *Minimum density for stand-alone residential development in the GMU Zone is 25 units per acre, and maximum density is 50 units per acre.*
- b. *Minimum density for stand-alone residential development in the NMU Zone is 11.6 units per acre, and maximum density is 14.5 units per acre.*

3. Exemptions

There are no minimum or maximum density requirements when residential units are developed as part of a mixed-use building. Maximum residential densities for mixed-use buildings are controlled by height limits.

Response: The proposed building is a mixed-use building in the GMU zone. These standards are not applicable.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 Site Design Standards

[...]

19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

- A. *All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.*
- B. *All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen*

lower-density residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.

Response: The site is zoned GMU and a permitted mixed-use development is proposed. The site abuts the R-3 zone to the north and east and is adjacent across a right-of-way from the R-3 zone to the south. As such, the front, east side, and rear setbacks of the proposed development are increased from 0 ft. to 15 ft., which is the required front and rear yard width of the abutting/adjacent R-3 zone.

The proposed front yard setback ranges from 2 ft. to 20 ft. A variance to this requirement is requested for the front yard setback along 44 ft. of the western portion of the building. The yard along the southern building setback will be maintained as open space. No fencing is proposed within the front yard as that contradicts the intent of the GMU standards to provide enclosure and activity near the street.

The proposed rear yard setback ranges from 15 ft. to 11 ft. A variance to this requirement is requested for the rear yard setback along the western portion of the building. Though stories 2 to 5 of the building are set back 15 ft., the ground floor is set back 11 ft. at some points. Trees and shrubs are anticipated along the rear property line. Compliance with B above will be verified at the time of site development permit.

With approval of the requested variances, these standards can be met.

CHAPTER 19.911 VARIANCES

19.911.1 Purpose

Variances provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variances are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variances may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variances shall not be granted that would be detrimental to public health, safety, or welfare.

[...]

19.911.3 Review Process

A. General Provisions

1. *Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.*
2. *Variance applications may be combined with, and reviewed concurrently with, other land use applications.*
3. *One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.*

Response: The applicant requests three variances: building height, building step back, and transition area measure setbacks.

[...]

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Response: The applicant requests two variances under this section: to reduce the front and rear yard setbacks from 15 ft. to 2 ft. and 11 ft., respectively; and to reduce the step back requirement of Subsection 19.303.4.B.2 from 15 ft. above the base height of 45 ft. to 0 ft. These variance requests exceed the threshold for Type II Variances and are subject to Type III Variance review. A Type III Building Height Variance is requested under the provisions of 19.911.7.

19.911.4 Approval Criteria

[...]

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 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.

1. Discretionary Relief Criteria

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

Response: Each of the variance requests is addressed below.

Front Yard Setback

Baseline street setback requirement of the GMU zone is 0 ft. and is intended to ensure that buildings engage with the right-of-way. However, because the site abuts the R-3 zone to the north, east, and south, the Transition Area Measures of Subsection 19.504.6 apply. Those measures increase the setbacks of the GMU zone to the residentially zoned property setback. The required front setback of the R-3 zone is 15 ft. Therefore, the required front yard setback of the subject site is also 15 ft.

The building meets the base zone setbacks of the GMU zone along the western 44 ft. of the façade. This portion of the building includes office and clinic uses on the ground floor, which are intended to engage with and activate SE Lewellyn St. In addition, the location of the office and clinic area near the street reduces the distance clients must walk from the proposed drop-off area on SE Lewellyn St.

The eastern portion of the building is set back by 20 ft., which is the maximum setback of the GMU zone. This setback provides a transition from the more commercial character of the GMU zone to the west to the more residential character of the existing neighborhood to the east.

Potential impacts of a reduced front yard setback are reduced open space on the site and potential shadowing of buildings to the south. However, as shown on Sheet C12D, the building will not cast shade on existing structures. Also, as shown in Sheet C13, a significant portion of the site will be retained in open space.

Rear Yard Setback

The base zone rear yard setback is 0 ft. However, as noted previously, the site abuts the R-3 zone to the north and the 15-ft. minimum rear yard setback of the R-3 zone applies per 19.504.6.

The ground floor of the building is set back 11 ft. along the western 44 ft. of the mass. Floors 2 through 5 of the building, where dwelling units are located, are set back 15 ft. from the property line.

Potential impacts of a reduced side yard setback are reduced open space on the site and potential conflicts between the proposed uses and existing uses to the rear. However, as shown on Sheet C21, the upper levels of the building meet the transition area setback requirements. In addition, the existing

building to the north is separated from the site by substantial mature vegetation and at least 50 ft. of distance. Also, as shown in Sheet C13, a significant portion of the site will be retained in open space.

Upper Level Step Back

Per Subsection 19.303.4.B.2.b, buildings in the GMU zone that exceed the base height of 45 ft. are required to step back at least 15 ft. above 45 ft. of height. The proposed building is 62 ft. in height and does not step back along the street frontage.

The intent of the building height standards of 19.303.4 is to “promote a compatible building scale and relationship of one structure to another.” The required step back requirement is intended to reduce the apparent mass of the building by shifting everything above the base height back so that it is less visible from the street. In that case, even a taller building would appear as a 45-ft. building.

The proposed building abuts a parking lot to the west and a future open space area and parking lot to the east. Therefore, the focus of the analysis is on the existing structures to the south.

This immediate area is developed with single-level homes, many of which have been converted to offices. The development to the south of the proposed building are single-level homes, offices, and parking lots. Potential impacts of the request as compared to the base zone requirements are that the building will appear taller than it otherwise would and could cast shadow on existing buildings to the south.

As shown on Sheet C12D, the proposed building will not cast shadow on existing buildings to the south. As shown on Sheets C23, C24, and C25, the façade is highly articulated to create the appearance of a step back along the southern façade and to reduce the visual massing of the structure.

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

- (1) The proposed variance avoids or minimizes impacts to surrounding properties.*
- (2) The proposed variance has desirable public benefits.*
- (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.*

Response: The proposed variances are both reasonable and appropriate, minimize impacts to surrounding properties, and have desirable public benefits.

Front Yard Setback

Potential impacts of the reduced front yard setback are reduced open space on site, shadowing of the buildings to the south, and potential conflicts between the proposed office/clinic uses on the ground floor of the building and the existing uses in the R-3 zone. However, as described below, these potential impacts are mitigated through thoughtful site design and by the eclectic character of the surrounding neighborhood.

The R-3 zone is a residential zone that permits office and multifamily uses as Conditional Uses. Due to the presence of Providence Hospital next door, many medical office uses have been established nearby. Though the sites directly to the south of the site are zoned R-3, they are developed with a mix of uses: the parking lot for the JSE Lab Medical Offices, an office use fronting on SE Harrison St, is located across the street; two doors down, a home has been converted to a medical office.

As noted above, the uses to the south of the site are a mix of office, medical, and residential, which are functionally consistent with the proposed office/clinic uses in the southwest portion of the building. Also, the applicant is planning to maintain the eastern portion of the development site, which is located within

the R-3 zone, largely as open space to ease the transition to the more residential character to the east. Finally, the setback reduction is requested at the southern building façade, which will not cast a shadow over the existing building across the street.

The building is set back 0 ft. at the western end, and transitions to a 20-ft. setback moving east. This finally transitions to a large open space to the east, which provides substantial buffering from existing homes to the east and southeast. The portion of the building that will be closest to the street is on the portion of the site that is nearest these existing office uses. As such, the impact of a 0 ft. setback on the western portion of the site will be minimal and would be permitted on another GMU-zoned site.

Rear Yard Setback

As noted previously, the site abuts the R-3 zone to the north and the 15-ft. minimum rear yard setback of the R-3 zone applies. The ground floor of the building is set back 11 ft. from the rear yard line, but upper levels of the building step back to meet the 15 ft. distance. The dwelling units in the building are in floors 2 to 5 and are not located on the ground floor.

Potential impacts of the reduced rear yard setback are potential visual or noise conflicts between the proposed multifamily residential uses proposed for the rear of the site and the existing uses in the R-3 zone. However, these potential impacts are mitigated by existing site conditions.

The existing building on the site to the north is set back at least 50 ft. from the rear property line and is separated from the development site by mature, thick vegetation which will protect the existing building from visual and noise impacts from the proposed development. In addition, the site to the north is a mapped Significant Landmark, and the building can be used for a number of office or commercial uses as an incentive for its preservation.

As noted above, the proposed building program minimizes the window openings on the portion of the building that comes closest to the northern property line. Unit windows are pulled back from the north property line and provide views to an internal courtyard in the rear of the building.

Public Benefits

The requested setback and step back variances, combined with the requested Building Height Variance, result in significant public benefits:

- The reduced setbacks, step back, and increased height will allow Providence Supportive Housing to add 18 dwelling units to the proposed project. This increases the total number of dwelling units from 54 units to 72 units deeply affordable senior housing units. There is still a need, but increased units within this development will serve low-income seniors and provide access to medical care on site.
- The R-3 portion of the site will remain as a landscaped open space and will provide surface parking to serve the site (approval of this parking area has been requested through a separate Conditional Use application). This open space eases the transition from the new building on the western portion of the site to the existing residential development to the east.
- The building is being designed to meet at least Earth Advantage Gold certification, which means the building will be designed and constructed with an eye toward energy use reduction, indoor air quality, durability, and comfort for occupants.
- The site will provide electrical vehicle charging infrastructure, and the building will be “solar ready,” for ease of future retrofitting with solar panels.
- Since the proposed development is intended to serve low-income seniors, it will not impact school capacity.

- The proposed development will construct new half street improvements with a sharrow for bicyclists, curb, and sidewalk along the site frontage on SE Lewellyn St and SE 34th Ave, increasing comfort for pedestrians and cyclists.

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

Response: As described above, the potential impacts of the proposed variances do not rise to the level of actual impacts because they are mitigated by existing vegetation, the building location, the proposed building programming, and the mix of office and residential uses south of the site. This criterion is met.

[...]

19.911.7 Building Height Variance in the General Mixed Use Zone

A. Intent

To provide a discretionary option for variances to maximum building heights in the General Mixed Use Zone to reward buildings of truly exceptional design that respond to the specific context of their location and provide desired public benefits and/or amenities.

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Subsection 19.303.4.B.2.b and elect to use both of the available height bonuses of Subsection 19.303.4.B.2 for a total building height of 5 stories.

Response: The proposed building height is 62 ft. and 5 stories. The proposed height exceeds the 57 ft. that is permitted by 19.303.4.B.2.b and proposes to use both of the height bonuses available per 19.303.4.B.3. The applicant requests a Building Height Variance to allow the use of both height bonuses, for a cumulative height of 5 stories and 50 ft. This section is applicable.

[...]

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

1. *The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.*

Response: The residential neighborhood starts south east of the site. The topography slopes up higher than the development site both to the east and north. The first few residential buildings east of 34th Ave and on either side of SE King Ave will be on level with the 4th or 5th story of this development if not higher due to the raised topography. The neighborly concerns around the lack of privacy from a taller building as such is mitigated. The development also sets itself away from the eastern neighborhood by keeping within the GMU zone and leaving the R-3 parcels as open space, which will be an amenity in the neighborhood.

Along SE Lewellyn St, major portion of the building frontage is set back to the maximum setback of 20 ft. allowed by the GMU zone. Only 44 ft. of the proposed building towards the Providence parking lot is closer to the right of way along SE Lewellyn St.

To visually mitigate the taller height of the building, a tri-partite building articulation is employed to fit well with the residential neighborhood. The building has a very strong brick base that is enhanced with large storefront windows with substantial glazing and transparency. The upper 4 stories are articulated to bring the building scale to neighborhood scale.

The 5th story steps back 4 ft. on the eastern wing along the SE Lewellyn St. The west wing of the building has bay projections to reduce the building scale that reflects the adjacent neighborhood.

2. *The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.*

Response: The project design creates a positive unique relationship to its surroundings and provides a transition from the commercially- and institutionally developed area to the west of the site to the residentially developed area to the east. The building is brought close to the sidewalk in the northwest corner, where the transition begins. The building and site are progressively stepped back as it moves to the east – the “east wing” is set back 18 ft. behind the “west wing” and transitions to a landscaped open space in the southeast area of the site.

The conceptual building design is highly articulated to reduce the visual mass of the building while accommodating the target number of affordable dwelling units and the necessary area of clinic space for the PACE Center.

The proposed materials include a brick base with a glazed storefront system and high-quality cementitious panel board and metal panel accents, and natural wood soffits which have been selected for their visual appeal, durability, and low environmental impact.

3. *The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.*

Response: The proposed development provides generous open space adjacent that allows a gentle transition to the east; deeply affordable housing for extremely low-income seniors; services that complement the adjacent Providence Hospital, electrical vehicle (EV) charging infrastructure; photovoltaic (PV) panel readiness; and Earth Advantage certification. Earth Advantage measures include efficient mechanical, lighting and plumbing systems, water efficient landscaping, and interior materials that are low VOC.

Finally, the proposed development will provide “eyes on the street” and further activate SE Lewellyn St by bringing the interior close to the street (as desired by the GMU base zone standards) and through construction of frontage improvements including half street, curb, gutter, planter strip, and sidewalk along the entire project frontage.

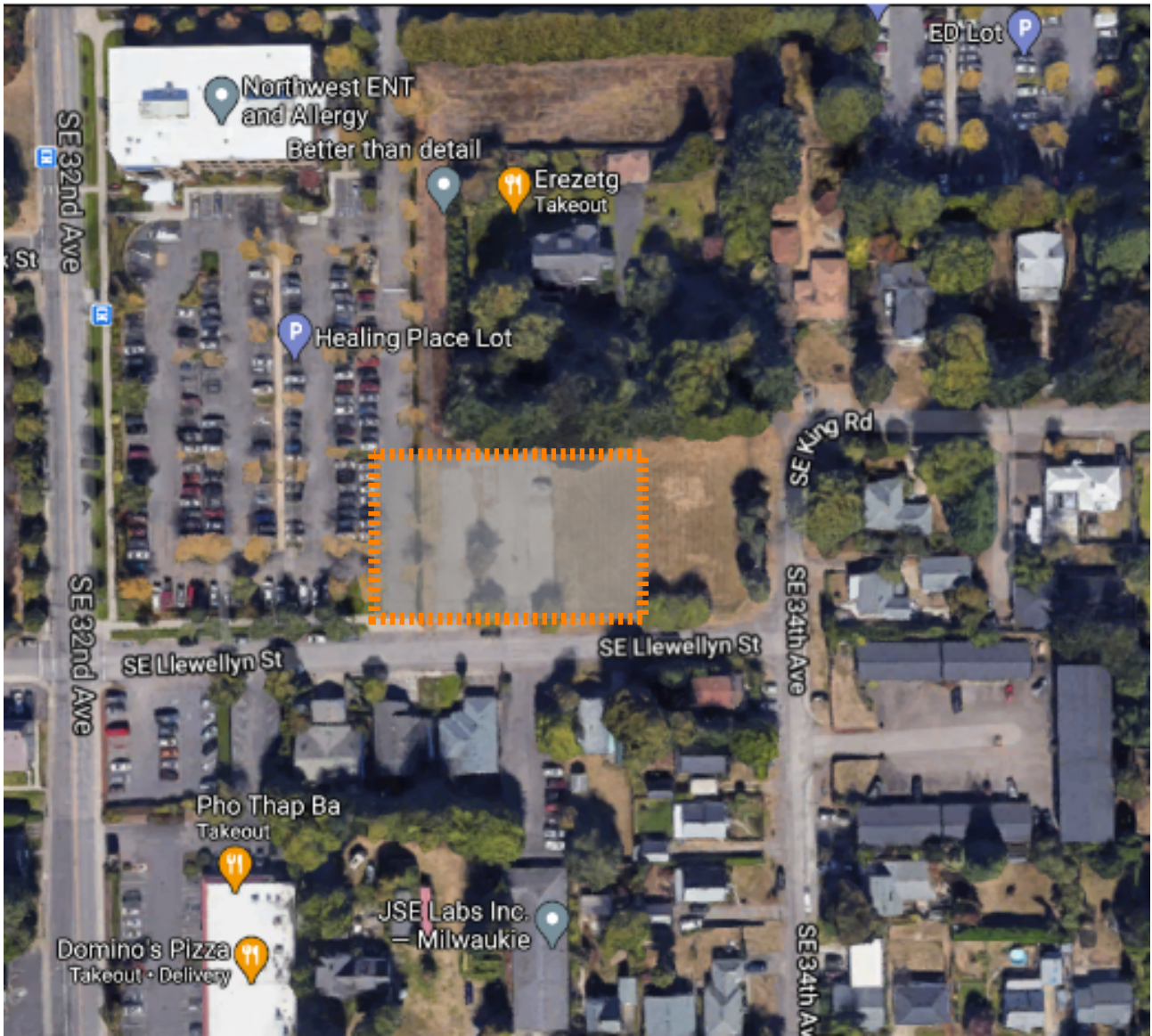
4. *The proposed project ensures adequate transitions to adjacent neighborhoods.*

Response: As described earlier, the site is somewhat unique. It is split-zoned GMU and R-3, so essentially the transition between adjacent neighborhoods happens on site. The most urban component of the property is in the southwest portion of the site, adjacent to the Providence Hospital parking lot and the GMU zone. Though Providence Hospital has no known plans to expand, a 45-ft. structure would be permitted on that site by right and could be increased to 57 ft. or 4 stories through height bonuses.

The applicant has preserved the R-3 area of the site for open space and surface parking to provide an extended transition from the proposed building to the existing residential uses to the east. The applicant plans to retain a significant portion of the R-3 area as open space. This area will be landscaped and include stormwater ponds and will provide additional outdoor space for the residents of the building and clients of the clinic.

As detailed in these responses, the proposal meets the applicable standards and approval criteria of MMC Title 19, and the applicant respectfully requests approval of the request.





SITE LOCATION - NTS

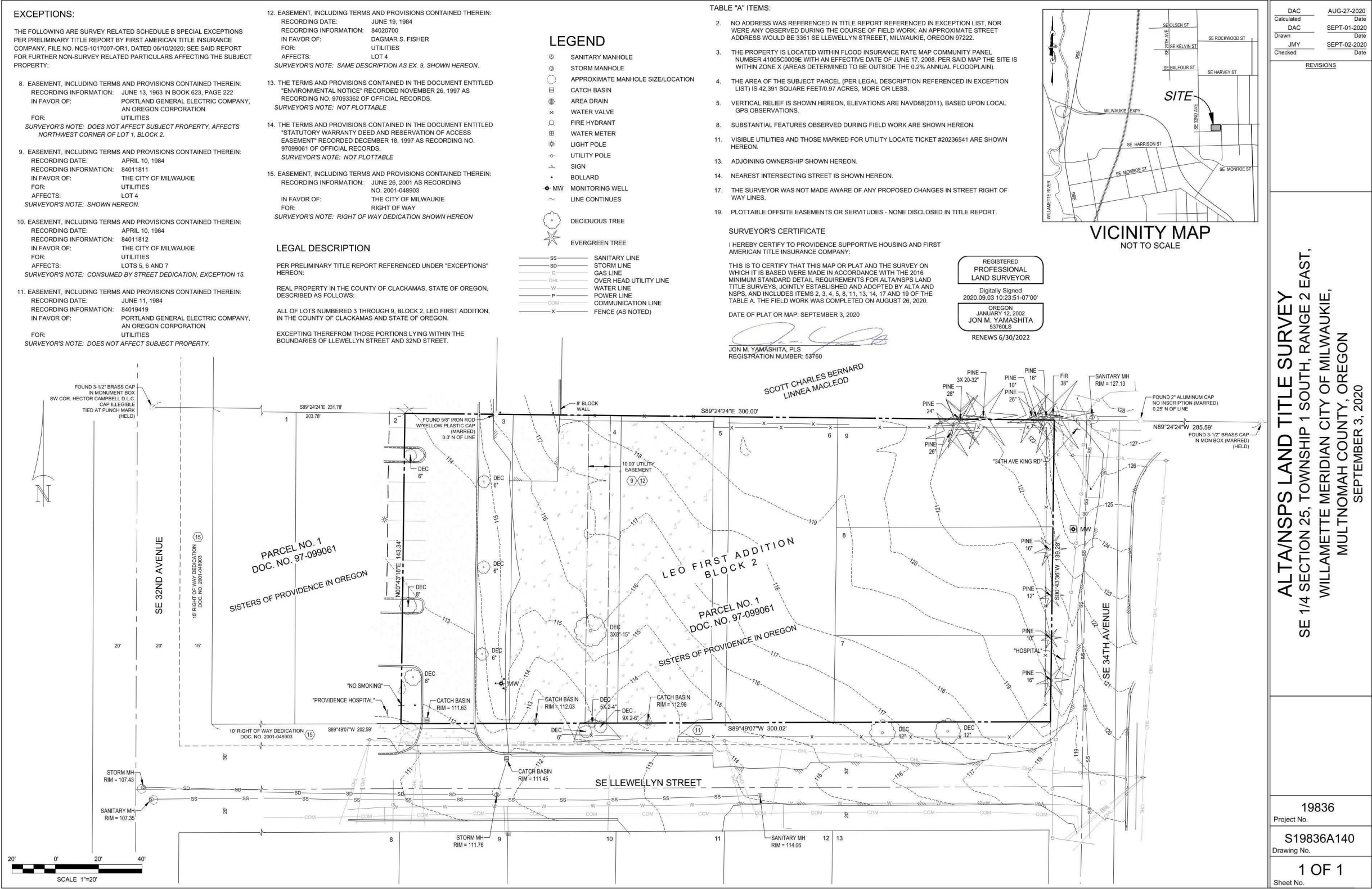
PROVIDENCE
MILWAUKIE
HOSPITAL

EXSITING TREE
BUFFER ALONG
NORTH EDGE

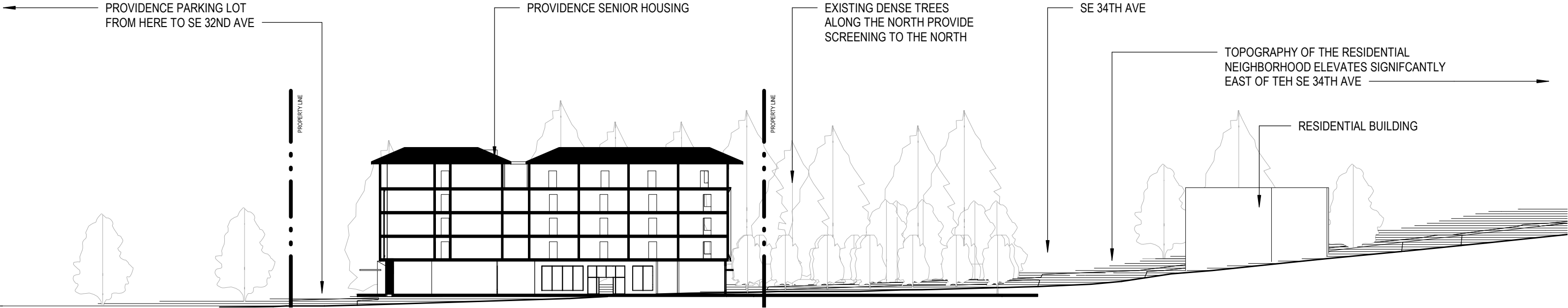
TOPOGRAPHY
ELEVATES TO THE
NORTH AND EAST



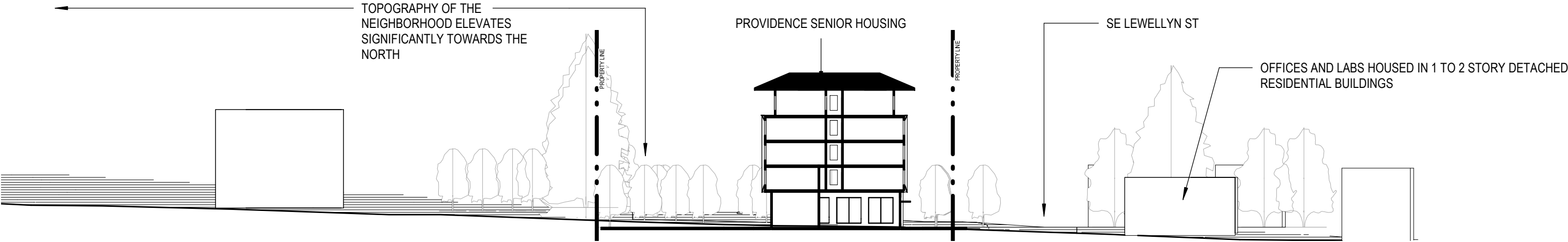
SITE CONTEXT



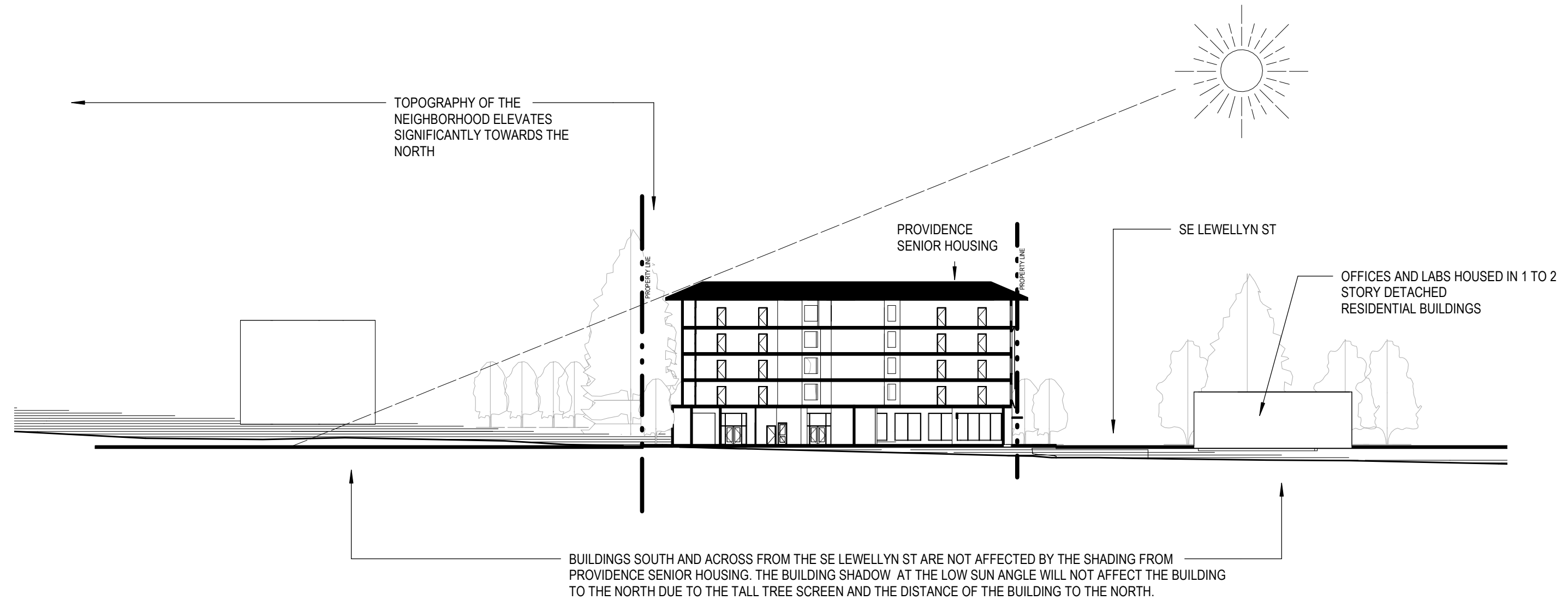
1 SURVEY
NTS



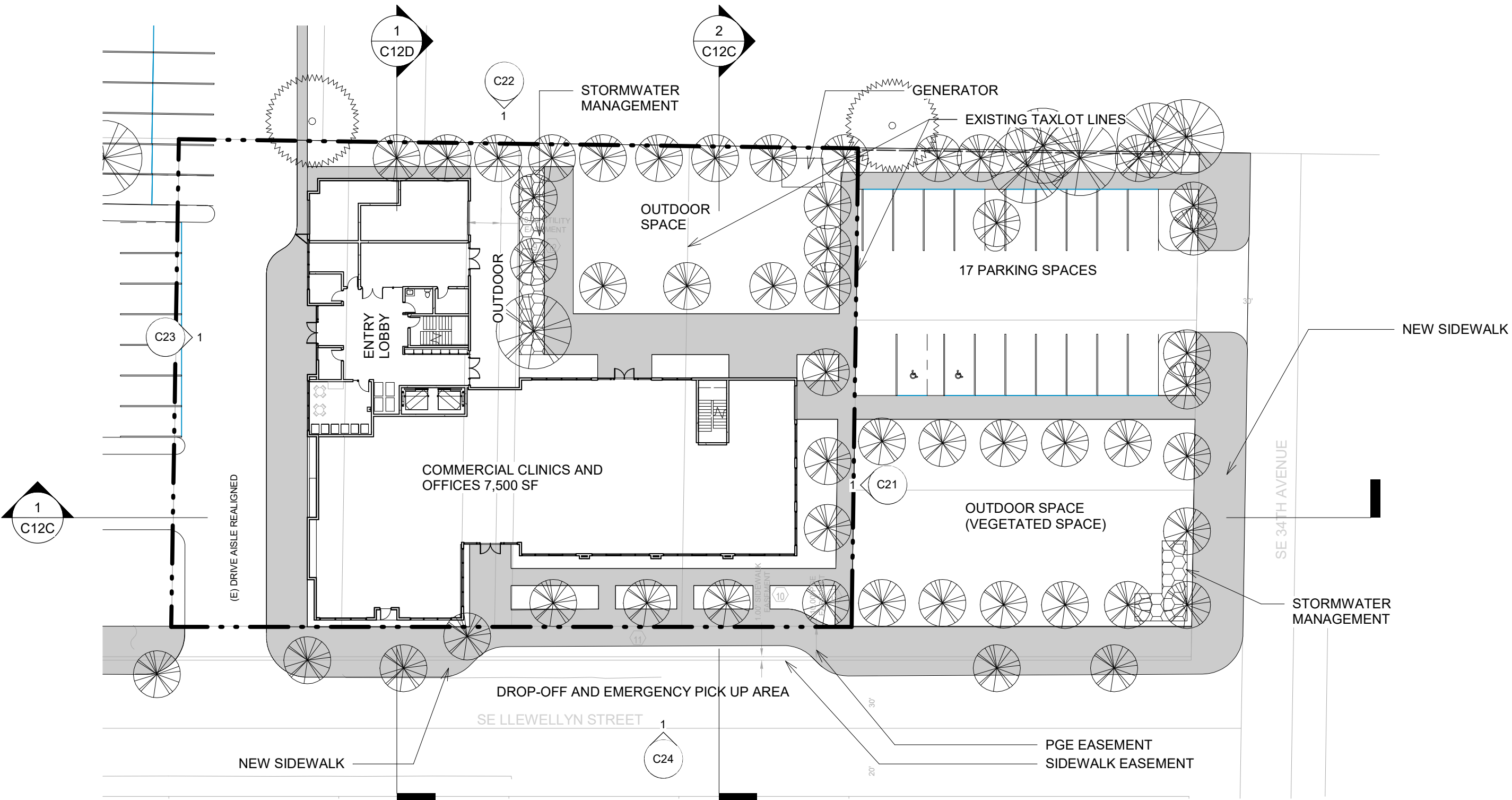
1 SITE SECTION LOOKING NORTH
1" = 40'-0"



2 SITE SECTION LOOKING EAST
1" = 40'-0"

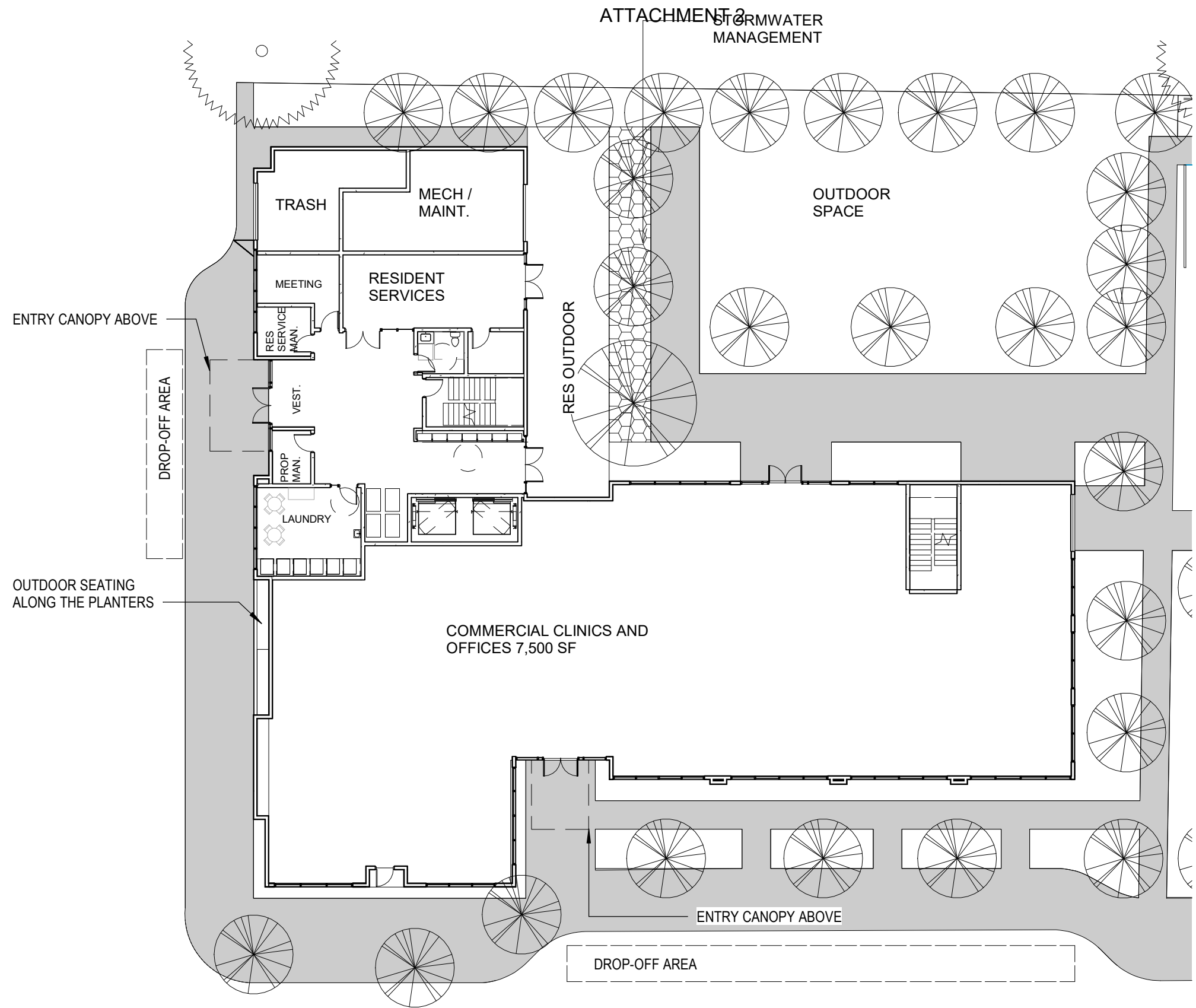


1 SITE SECTION LOOKING EAST - A
1" = 40'-0"



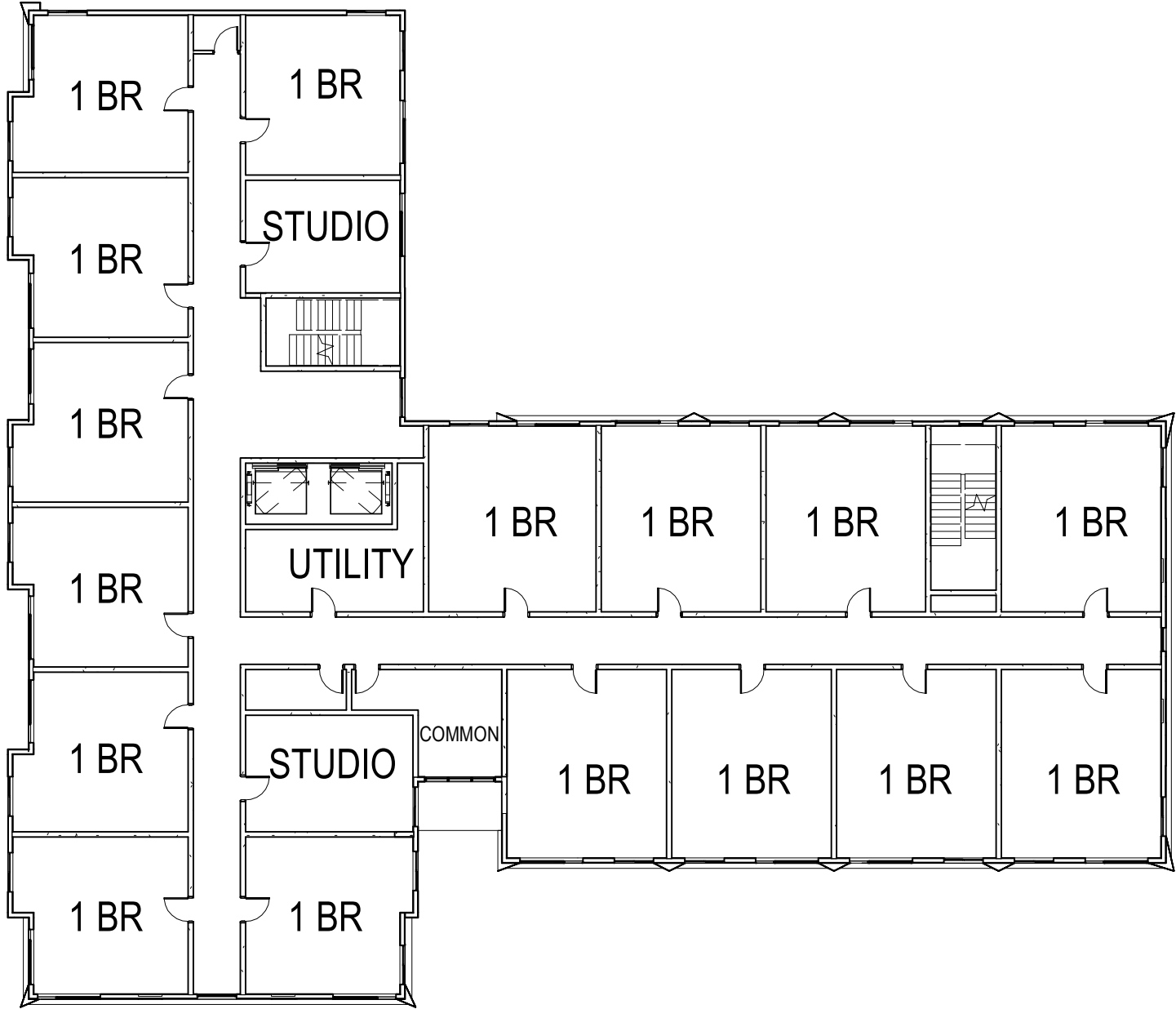
1 DEVELOPMENT SITE PLAN

1" = 30'-0"

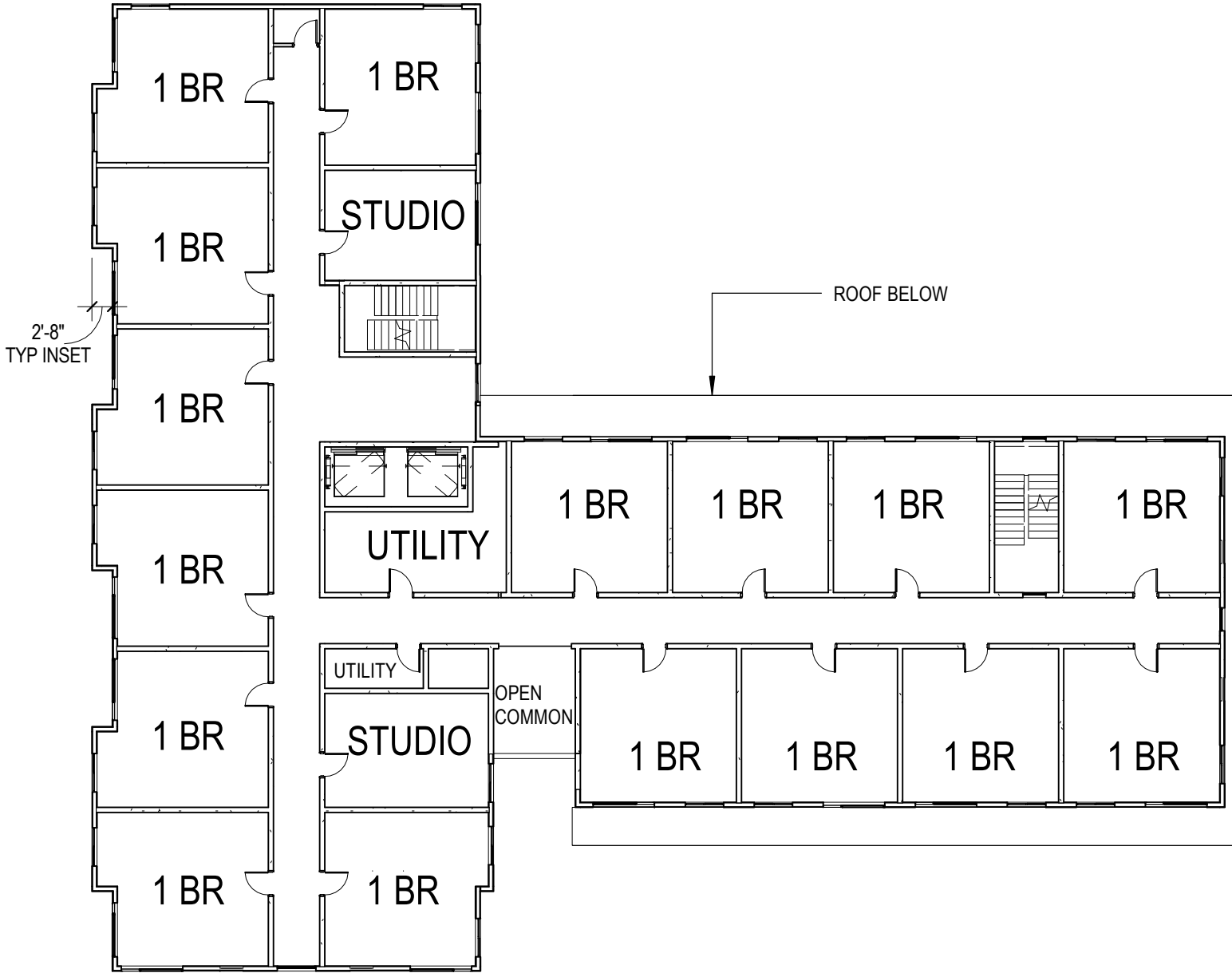


1 CONCEPT LEVEL 01 PLAN

1" = 20'-0"



1 TYPICAL L02-L04
1" = 20'-0"



1 CONCEPT PLAN LEVEL 05
1" = 20'-0"



1 BUILDING ELEVATION - EAST
1/16" = 1'-0"



1 BUILDING ELEVATION - NORTH
1/16" = 1'-0"

EXISTING TALL TREES ALONG THE NORTH
PROVIDE NATURAL SCREENING TO THE
RESIDENTIAL PROPERTY TO THE NORTH



1

BUILDING ELEVATION - WEST

1/16" = 1'-0"

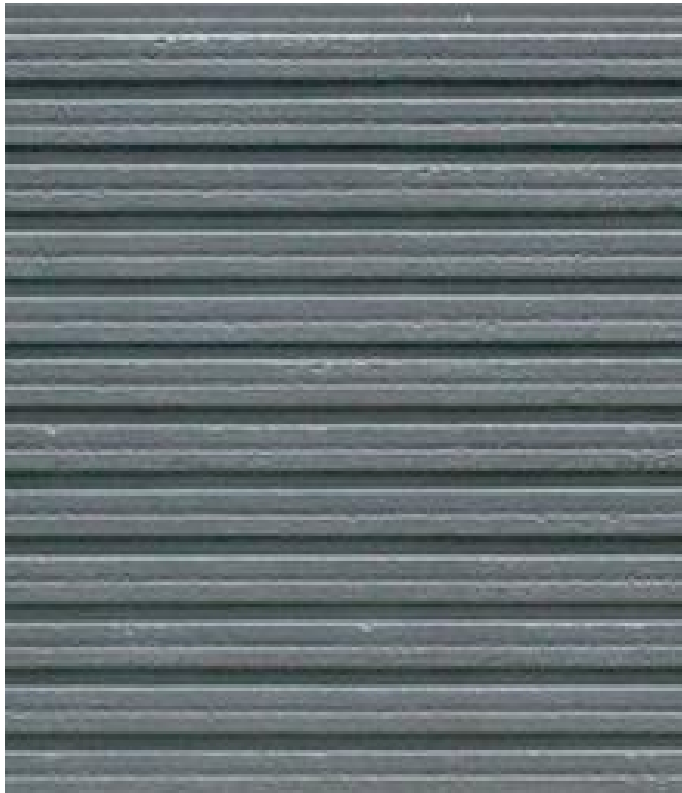
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BUILDING ELEVATION - SOUTH

1/16" = 1'-0"



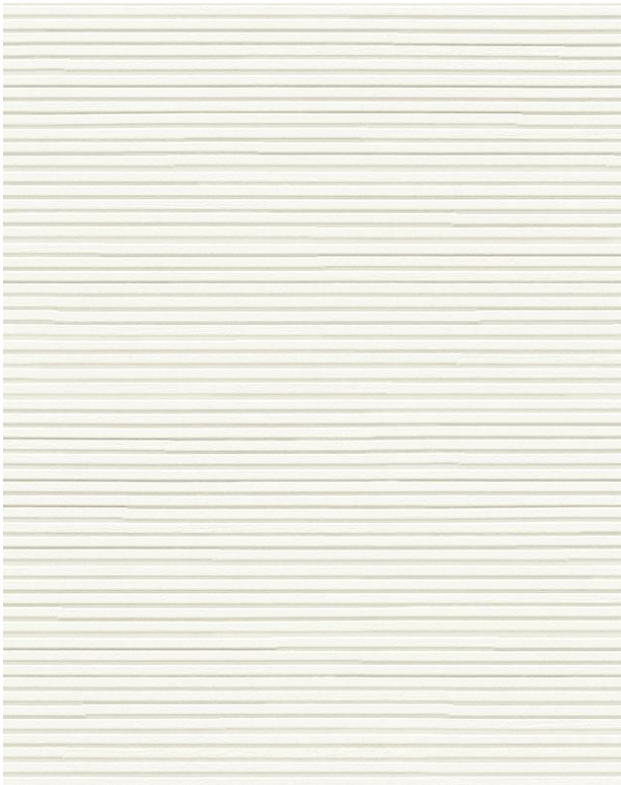




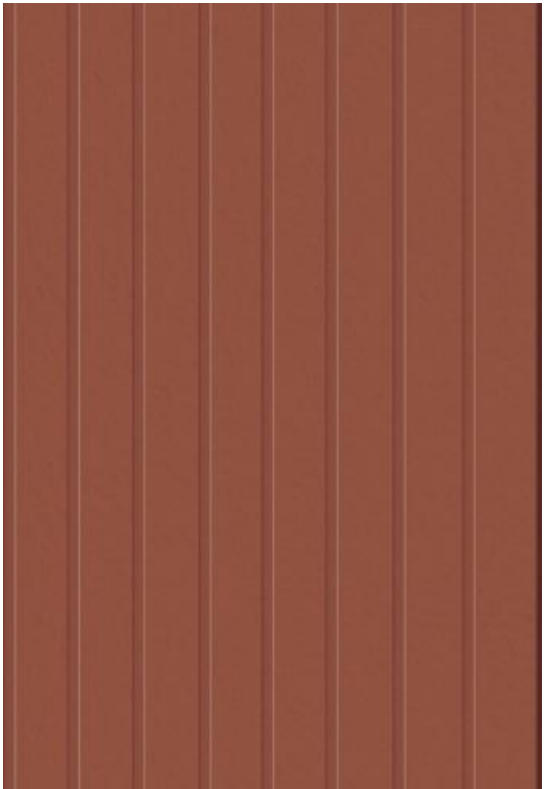
CEMENTITIOUS PANEL BOARD



CEMENTITIOUS PANEL BOARD



CEMENTITIOUS PANEL BOARD



CEMENTITIOUS PANEL BOARD



TONGUE AND GROOVE WOOD SOFFIT



BRICK VENEER - COAL CREEK

ENVELOPE MATERIAL

Date: April 15, 2021

ATTACHMENT 3

To: Mary Heberling, City of Milwaukie

RE: VR-2021-006

A land use plan review was conducted for the listed property. It has been determined that this property is in an area with public water supply, and there are no site conditions that would prevent the applicant from constructing the proper access. Fire department access and water supply are reviewed in accordance with the 2019 edition of the Oregon Fire Code (OFC).

When submitting plans for fire department access and water supply approval please include the following information:

- ☐ Fire apparatus access
- ☐ Fire lanes
- ☐ Fire hydrants
- ☐ Fire lines
- ☐ Available fire flow
- ☐ FDC location (if applicable)
- ☐ Building square footage
- ☐ Construction type
- ☐ Fire flow test per NFPA 291 no older than 12 months

Access and water supply plans can be submitted to Clackamas Fire District #1 via e-mail to alex.mcgladrey@clackamasfire.com (503)742-2662.

For design assistance we provide additional information including the Fire Code Application Guide, please visit our new construction website at <http://www.clackamasfire.com/fire-prevention/new-construction-resources/>

Note: This review is to determine if the project can be designed and constructed to meet the requirements of the Oregon Fire Code, and should not be considered approval of the design as submitted.

Alex McGladrey
Clackamas Fire District #1
Deputy Fire Marshal

ATTACHMENT 3

From: [Jennifer Bowlin](#)
To: [Mary Heberling](#)
Subject: proposed 5 story building on 34th
Date: Tuesday, May 11, 2021 4:29:17 PM

This Message originated outside your organization.

I have lived across the street from proposed building in apt. on 34th for 20 plus years. My neighbor Caroline Krause sent a letter to you and I have the same concerns that she does along with a few others. It is the only green space around and the North side of lot has 120 year old trees lining the boarder with a residence behind it. all the roads in the area, esp. King road and 34th need major work. There is only one grocery store that is stretched to the limit[Safeway] and with more residents that may not drive? So sad to see this town growing in the wrong ways. I hope you say no to 5 stories and no variance and be thoughtful. I will lose my sunset either way, but nobody seems to care about things so simple but essential to feed your soul.

Jennifer Bowlin
10524 s.e. 34th

ATTACHMENT 3

Regarding Project Proposal for Vacant Lots @ Llewellyn & SE 34th Ave

I live on SE 34th at the corner affected by this project and have grave concerns. My three primary concerns as listed below are SCALE, PARKING and SAFETY. All are serious and need to be addressed. Including but not limited to the following.

SCALE:

-The adding of a 5th floor is significant overreach. Absolutely vote No! Terrible idea. 4 stories is already double any other structure on 34th or Llewellyn, making this building massive and bigger than anything else in this area. Even the existing building on 32nd & Llewellyn is only THREE stories and on a major roadway.

-4 (or 5, NO!!!) stories will be towering over the road on Llewellyn without a setback. All existing homes top out at 2 stories. Many are only 1 story. Including the ones across the street from this proposed behemoth, dwarfing them in shadow by comparison.

- No setback is a terrible idea. Not in keeping with the rest of the street. At all. ALL existing buildings on both streets have setbacks.

-Sheer overwhelming height & scale that is not in keeping with the neighborhood of single family homes on the 3 affected sides.

-18 residential units per floor? Meaning 54 (or 72, again No to 5th floor!!!) Units of residents adding to the crowded nature of the neighborhood. Plus the Clinic clients. Not realistic!!! At all!!! Overreach in the extreme.

-Plan seems to lack focus too about the aesthetics of the proposed Greenspace. Need additional clarification on the design to both planned green spaces. Note whether they are for the neighborhood use or only for the building itself. Will the area(s) be fenced and landscaped with benches, trees and grass? Concern it may well become a tent encampment. Is there an artist's rendering of the building as seen from the corner of Llewellyn & SE 34th Ave and also from the corner of King & SE 34th Ave? Current neighbors deserve to see what that looks like in advance of moving forward with this project. No such views are shown in the current proposal. Only from the angle as seen from Llewellyn & 32nd Ave. Misleading as it omits what the other low structures look like by comparison. And is unclear how the green space mitigates that effect. Especially from the Llewellyn side.

This project scale is dissonant beyond belief! I urge you in the strongest possible way to require it be scaled back.

SAFETY:

-Lack of sidewalks on both sides of SE 34th Ave currently. Meaning pedestrians are regularly pushed precariously into the roadway with no traffic control. The new proposed sidewalks on the side of the street by the project on Llewellyn and the corner toward the parking only connect to 32nd. Not 34th. That cannot continue.

ATTACHMENT 3

-There are 2 TriMet bus stops nearby. One on SE 32nd Ave in front of the existing buildings by the intersection of C Street & SE 32nd Ave. The other is at SE 34th Ave & Harrison. No safe way to get pedestrians there. What about added sidewalks for SE 34th Ave? All the way to Harrison??? For those seeking to use TriMet, as would be necessary due to massive lack of parking, this needs to be a priority. Especially for Seniors and those with mobility impairments and those with special needs. It should be anyway. Even as we currently stand.

-Lack of 3 way stop signs on the roads at Llewellyn and SE 34th. Lack of Stop signs at King & SE 34th. There is NO existing traffic control. Unsafe to cross the road at many times of day without being struck by a speeding car. A huge oversight. This is a major hazard already. These signs MUST be added.

- Sheer volume increase of additional traffic due to this project. We ALREADY have a problem with Providence employees and others flying down King in cars at speeds well in excess of posted speed and turning the corner at Llewellyn & SE 34th nearly striking pedestrians and the homes on the corner at King & 34th as well as at 34th & Llewellyn regularly as it is. Especially in the mornings and evenings when there are children, special needs children, seniors, mobility impaired and disabled current residents and visitors out and about. Only a matter of time before we see someone killing pedestrians in their vehicles at these locations thanks to the current reckless lack of traffic safety controls.

PARKING:

-Adding a huge volume of overflow on street parking due to the scale of this project will overwhelm the neighborhood even more. As it is, the Doctor's office on Llewellyn has to use the parking at 32nd & Llewellyn for several overflow spaces for her clients.

-More overflow on street parking due to this project will end up taking away spaces from existing residents.

-3 (or 4 floors!?? No!!!!) of residents PLUS a Clinic with clients and employees using only 17 parking spaces? That is wholly inadequate and unrealistic in the extreme.

-Is it expected that the parking lot that exists already on 32nd & Llewellyn will pick up the slack? It is ALREADY FULL to capacity daily. Again. Not realistic.

SAFETY:

-What sort of clinic is planned on the 1st floor? Safety concerns there with possible served population. Drug treatment clients possibly in a residential neighborhood? Will there be onsite security both during construction and afterwards once they building opens??? Also safety for the green spaces to prevent them becoming tent encampments.

-Ability of Providence to change the nature of the clinic down the line? Would neighborhood be allowed input?

-Ability to change the nature of the Housing from Senior Housing to mixed or other use down the line??? Again, would neighborhood have input?

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-As it is, walking on King, Llewellyn, and SE 34th Ave in particular, can be treacherous for people walking pets, children, special needs children plus those who are in wheelchairs or otherwise mobility challenged for residents already living here and trying to navigate safely.

-SE 34th Ave, Llewellyn and King are all very narrow in the neighborhood and it is not a main thoroughfare. This project makes these streets de facto become one. Unwelcome.

-Already experiencing frequent attempted break ins, littering and trespassing in the yards of many current residents. Adding this volume of people and traffic to this degree in our neighborhood is bound to compound this issue.

-Already experiencing issues with Overnight Parking and biohazard and trash dumping by those experiencing houselessness onto the private properties on these affected streets. Enforcement by an increased Police presence must be a focus added to this plan.

To recap:

This scale of project is excessive. Especially for such a residential side street not designed for such volume.

Parking is wholly inadequate and bound to negatively impact the neighborhood to a major degree. No Parking zones & Resident Only Parking must be added to the project mitigate this issue.

The potential safety stresses on the neighborhood are significant on multiple fronts.

I urge the Planning Department to do the following:

-Say No to the 5th Floor.

-Say No to the Variance on setbacks.

-Clarify the design to the green spaces. Note whether they are for the neighborhood or only for the building itself. Will the area(s) be fenced and landscaped with trees and grass?

-Recognize that the scale of this project is massive overreach and overpowers this residential neighborhood.

-Add 3 way stop signs at Llewellyn & SE 34th Ave.

-Add 2 Way Stop Sign at King & SE 34th Ave.

-Add No Parking Tow Zones and Resident Only Parking along King, Llewellyn & 34th on opposite side of Street from Project.

-Enforce No Overnight Parking.

-Add sidewalks and crosswalks to SE 34th Ave and possibly King to accommodate current and future residents to provide safe crossings to access route to Tri-Met bus stops.

-Eliminate the proposed possible Bike Route under consideration separately down Llewellyn & 34th as this project will already overtax already too narrow roads.

-Clarify the nature of the type of patients served by this Clinic.

-Clarify if the neighborhood can have input on the nature of the clinic use and patients served were to be changed down the line?

-Clarify if the Senior Housing can be changed to any other sort of housing down the line.

-Clarify what sort of Security will be added to this project on-site during construction of the structure and once it is open.

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Thank you. I welcome your courage to adequately address these issues, hold a firm line against overreach, address parking and safety. I await your reply. I will be present at the meeting and wish to speak.

Sincerely,

Caroline Krause
10515 SE 34th Ave
Milwaukie OR 97222

ATTACHMENT 3

From: [Alison Perkins](#)
To: [Mary Heberling](#)
Subject: Comments on Providence Supportive Housing variance requests
Date: Tuesday, May 11, 2021 4:35:09 PM

This Message originated outside your organization.

Dear Ms. Heberling:

I wanted to make a couple quick comments on the proposed height additions to the Providence Supportive Housing. As a Milwaukie resident, I am concerned about what we are doing to the character of our city. This development was planned as infill, and now it seems like they are trying to do an end run around any kind of thoughtful development planning. They've already been approved for a small (relatively tiny) additional parking lot that will fill up quickly, removes greenspace, and really does very little to alleviate the issue they will have with parking.

Now they are adding 4th and 5th !!! floors (plus the additional setback variances). We all know problems with parking, access, traffic etc will quickly become even more of an issue once this project is complete because there is little if any long-term planning at this point. They clearly are trying to squeeze as much out of this project as possible.

This is why we have planning!

How long will it take before they come back to the planning commission and say that they don't have enough street access, parking, whatever, and require the city to pick up those pieces? 5 years? 1 year? When do we get to say enough is enough?

Thank you for your important work here!

Best,
Alison Perkins
12525 SE Linwood Ave.

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Mary Heberling
Assistant Planner
City of Milwaukie

5/10/2021

VR-2021-006

Planning Commissioners,

The applicant for VR-2021-006 presented information at three Ardenwald-Johnson Creek Neighborhood meetings. The first meeting to inform the neighborhood about the pre-application for low income senior housing that had been submitted for a 63 unit, 4 story building in the GMU and connecting R-3 zones, the second to discuss the need for the parking lot in the R-3 zone to serve the residential uses of the proposed 63 unit 4 story building for low-income senior housing that needed to be approved or they would miss out on funding , and the third meeting to discuss the new height variance request for a 62' building higher than the allowed 57', step back variance to 0' on the south facing upper floors across from single story residences and setback variances on the front at 2' and rear at 11' collectively for the newly proposed 72 unit, more than 5 story building that must receive approval for grant submission by May 26th.

Neighborhood members did not want to oppose this project as we all see the great need for low-income senior housing and the hospital's need for the PACE Center, but as this building will set precedent in the GMU and surrounding R-3 zones, most feel that this project, now at 62' in height and requiring a height variance and other multiple variances to be built, should not be approved. This is not the first time that the neighborhood has opposed a height variance, but most felt that adding this 4th story to the height for a project like this was a legitimate need. Now at more than 5 stories with no step backs on the south and lesser setbacks shows little regard for neighboring residences, especially to the south. (There are 3 residential homes and 2 offices, but one of the offices is for sale and with the shortage of affordable single-family homes will most likely revert to this use.) This 5th plus story addition is a difference of 9 units for this project as it was presented to the neighborhood.

At the last meeting discussing this project our NDA chair asked the applicant if they had reached out to the surrounding neighbors who would be most impacted by this project and he stated he had not, but that he would follow up with our chair to discuss the proposed more than 5th story with those neighbors. Nothing has materialized from that discussion. Another person asked if the additional story would make it more likely to receive grant funding and the response was that with only \$150 million available nationwide for entities to apply for, it would not hurt. Others asked about the trees to the north of the project and if they would be impacted by this construction and he stated that a few of them may have to be removed, but that discussion would come later. Another asked if this project could still receive funding if there was conditional approval of this project and the submitted paperwork suggested that it might, but this was not really answered. In the presentation the applicant stated that no matter who owned this property that it's use would still be utilized as low-income senior housing implying that the property may be sold in the future. The question was then posed, "So Providence Hospital won't own the building?" The applicant replied that Providence Health & Services of Washington will own this building.

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A few of us reached out to affected neighbors to 1) ensure that they knew about this project, and 2) to listen to their view of the project and how it would impact their lives. We visited 6 homes, all single story with a minimum of 2 or more occupants. One of the neighbors stated that they felt the city did not care about the people who live here now, they only care about money and development. They stated that they were opposed to the approval of the variances as traffic would increase with one of the drop off entrances for the site across the street from them and their front windows would look out at a 62' building, with no step backs on upper floors, and a building setback of 2' from the sidewalk. Other neighbors said that a lady had come around with a petition to sign in opposition to this project, but we could not confirm who that person was. Other neighbors hoped that Providence would be a good neighbor and take care not to harm the large evergreen trees to the north of the project as this would be detrimental to and greatly reduce the privacy of one of Milwaukie's loveliest, registered historic homes.

19.303.4

B. Building Height

1. Intent: Maximum building height standards promote a compatible scale and relationship of one structure to another.

Response: The proposed building height of 62' or more than the potential 5 stories granted under this variance request should not be given as it is not possible to meet this standard and will set precedent for all GMU sites throughout Milwaukie. No 62' building can promote a compatible scale and relationship with the 1 story homes across the street on the south side. Especially with a 2' setback and 0' step backs above 45' on the south side. Another location on the Providence Milwaukie campus closer to 32nd Avenue would be a much more appropriate site for a structure this tall away from R-3 zones and single - story homes. Was this considered?

2. Standards

a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.

b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.

Response: The proposed building height exceeds the 2-story bonus height of 57' and is listed at 62', but not sure if that include the roofline in that figure or if that is also in addition to the 62' as has been previously seen in other unrelated project submissions. Without the required step backs on the south side of this building, and a building setback of only 2' from the sidewalk and not 15', the residents who live in the R-3 zone on the south side of Llewellyn Street will have reduced quality of life. Why does caring about one cohort of people mean that another cohort of people must face reduced quality of life? Why can't we get this right and equally care about all?

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to

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meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

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

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

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

Response: The proposed variances do seem to have step backs and reduced setbacks, 11' instead of the 15', to the north of the development for 1 property, the east of the property also does have some transition because the required parking lot for the residents and yard act as a buffer, but the south side of the project definitely does not meet minimizing impacts to surrounding properties criteria with only a 2' setback for the building and no step backs on the street facing side at 45' and above. I am sure if you spoke to the folks who live on the south side of Llewelyn they would question being called "eclectic" as a reason to reduce their quality of life with a 5 story plus building. Again, the medical office on the south side was originally a single-story home and is currently for sale most likely becoming a family home again like the 3 other existing family homes. This raises the question of why the step backs are on the north side and not the south, and why the set back of 11' is on the north side and not the south side? Since it cannot meet the criteria, it should be obvious that this "more than 5 stories building" is not right for this site and if more than 5 stories are required, why not choose another parking lot on campus without R-3 zoning on 3 sides. Is the addition of 9 units to this development equal to causing lesser quality of life for more than 9 others?

19.911.7 Building Height Variance in the General Mixed-Use Zone

A. Intent

To provide a discretionary option for variances to maximum building heights in the General Mixed-Use Zone to reward buildings of truly exceptional design that respond to the specific context of their location and provide desired public benefits and/or amenities.

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights specified in Subsection 19.303.4.B.2.b and elect to use both of the available height bonuses of Subsection 19.303.4.B.2 for a total building height of 5 stories.

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the building height variance based on the following approval criteria:

1. The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall

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provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Response: This building site is in a GMU zone located within a residential neighborhood that is all around it. There are residential homes currently existing on the south side of Llewellyn directly across from this property. Without the step backs required by code on the south side of this building, and a building setback of only 2' from the sidewalk and not 15', the residents who live in the R-3 zone on the south side of Llewellyn Street will have reduced quality of life. Why are the step backs for this building on the rear of the building and not the front? At 44' long and 62' tall, how is that mitigated for the folks on Llewellyn Street?

2. The proposed project is creative and is exceptional in the quality of detailing, appearance, and materials or creates a positive unique relationship to other nearby structures, views, or open space.

Response: Since most of this information would be contained in the development review, I am not sure how this can be commented on. Much of the information provided is superficial and will need to go through development standards review, utility plans, and a traffic impact study apparently at a later date.

3. The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.

Response: This project is a public benefit by itself and that is why it bothers us to have to bring up arguments against it, but once a precedent is set, it is set.

4. The proposed project ensures adequate transitions to adjacent neighborhoods.

Response: This project at 4 stories and 63 units with no step back variances or set back variances as was initially presented to the neighborhood would be best. The current variance requests do not ensure any transitions to the adjacent 1 story homes on Llewellyn Street.

In closing, to get this project to work it needed to have the lots for parking be approved by a Type 3 conditional review, it needs to have height, step back, and set back Type 3 variances reviewed and approved, and will still need to have future Type 2 parking adjustment review and approval and Type 1 development standards review, utilities review and approval requiring traffic impact studies. It also has liens that require access to north neighboring properties and sewer line easements that need to be taken care of as neighbors to the north have been proactively cordial in making their needs known.

Again, the neighborhood leaders are not opposed to this project itself, but to the requested variances very recently proposed for height, step backs, and setbacks. This is not the only development that will be occurring in our neighborhood, but it will create precedent for future development in other areas of our neighborhood and our city. What do codes such as "3 stories or 45' whichever is less" or bonus stories of 12' even mean when variances like these seem to always be requested? This precedent setting building, taller than 5 stories, could have been built anywhere on the Providence Milwaukie Hospital campus. Providence has many parking lots and shows a need for a parking garage on site as staff park on neighborhood streets to increase parking for patients. If this project had been proposed at its current height of 62' closer or on 32nd Ave instead of next to R-3 zoning on 3 sides, I think there would have

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been different thoughts and discussions. As it stands, one can only infer that this is the precedent setting building for this site and that any future proposed structures by Providence will be of equal or greater height.

Neighborhood leaders respectfully request that these variances for VR-2021-006 be denied.

Best regards,

Matt Rinker

Lisa Gunion-Rinker