



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

May 25, 2021

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

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

(00:07:17)

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>.

(00:08:28)

2.0 Minutes

The Planning Commission reviewed the March 23, 2021 minutes. Commissioner Massey's titled needed to be changed from Chair to Commissioner. The Planning Commissioner approved the amended minutes.

(00:10:34)

3.0 Informational Items

Laura Weigel, Planning Manager informed the Planning Commission that Waverly Woods was now referred to as Birnam Oaks. The developer submitted their final plat and were working on their tree protection activities. Also, the Monroe Apartments project was not going to continue and there was a developer who may take over the project.

(00:11:31)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:12:12)

5.0 Public Hearing Items

(00:12:27)

5.1 VR-2021-006 Providence Supportive Housing Height Variance Continued

This was a continued hearing from May 11, 2021. The applicant was requesting a variance on a vacant lot located on the northwest corner of Llewellyn St and 34th Ave. The applicant applied for three variances, which included reduced front and rear transition measures setback, reduced building setback requirements for the street-facing stories above 45 ft, and general mixed use (GMU) building height variance for the 4th and 5th stories. They were seeking approval for the three variances prior to applying for federal funding. As proposed, the development will be a 5-story mixed use building with 72 affordable units for seniors with zero to 30% of the median family income (MFI). Elder Place PACE Center, which is a medical clinic for the residents will be onsite. During the hearing on May 11, the Planning Commission decided to continue the hearing and kept the record open until May 18th for new written testimony from the public and applicant. From May 18th until the 25th, the applicant and public had an opportunity to respond to any new information that was presented the week prior.

Mary Heberling, Assistant Planner shared the staff report. The first week the City of Milwaukie received four new public comments and additional testimony from the applicant. The second week the City of Milwaukie received comments from two community members and rebuttal testimony from the applicant. The Planning Department recommended approval of the variances and findings.

The Planning Commission discussed the state laws for land use review timelines of the project. **Heberling** shared, the state recently changed the law that affordable housing developments needed to receive a decision within 100 days after the application was deemed complete. Appeals needed to be completed within this timeframe as well. All other land use applications must have a decision within 120 days after the application is deemed complete.

The Planning Commission discussed the proposed building height. **Chair Loosveldt** asked about the proposed building height and why the applicant was seeking a building height of 62ft. **Heberling** responded, the GMU zone allowed height bonuses beyond the maximum height. To receive a bonus 25% of the building needed to be residential and the applicant met that, which meant they could apply for an additional story. Another incentive for a height bonus was to develop a certified green building. With the bonus height criteria, the applicant had a chance to apply for a bonus height of 69 ft and decided to propose 62 ft as the building height.

The Planning Commission discussed the setback variances. **Chair Loosveldt** asked the Planning Department to explain why they supported the variances. **Heberling** responded, the site was surrounded by the Residential R – 3 (R-3) zone to the north, south, and east. The GMU zone stated that if a development was next to a lower

density zone, which the R-3 was, the proposed development must meet the setbacks of the lower density zone. In this case, the applicant must meet the setback requirements for the R-3 zone. The eastside of the building, which was closer to 34th Ave, had a 15 ft setback, which was consistent with the R-3 zone. To the north, which was the back of the property, the applicant was asking for a 11 ft setback for the first floor only. The Planning Department supported that variance because the applicant addressed possible impacts and mitigation activities. Currently, on the site there were trees between the site and properties on the northside. The applicant would like to keep the trees there to serve as a buffer between the properties. The applicant applied for a variance for the front (south side) of the building as well. As proposed, 40 ft of the building on the western half, which would be closer to 32nd Ave, would be setback 2 ft versus the 15 ft setback requirement of the R-3 zone. On the eastern half and remaining 90 ft of the building, the setback would be 20 ft versus the 15 ft. A 20 ft setback was also the maximum setback for the GMU zone. The GMU zone was intended for buildings to be closer to the street. The Planning Department was comfortable approving this application because the setbacks the applicant was seeking setback variances for were portions of the building that would be closer to Providence Hospital and their parking lot. The applicant wanted the building to be closer to the street to better serve the residents and seniors who would visit the clinic. **Vice Chair Edge** asked, if the front setbacks and transition requirements were based on the zone designation or the uses of the buildings. **Heberling** responded, it was technically the zone designation. However, in the R-3 zone a variety of uses were allowed. An applicant had the ability to apply for a conditional use for a commercial use in the R-3 zone. **Commissioner Sherman** asked, if the zone across the street was GMU, many of the issues being discussed would not be a concern, correct? **Heberling** responded, yes, especially for the transition measure setbacks. The applicant could have submitted a proposal for a zero setback.

The Planning Commission asked the applicant final questions about their proposal. **Commissioner Erdt** asked if the unoccupied clinic was available to non-Providence medical providers? **The applicant** responded, the clinic could be used by medical professionals outside of Providence. **Commissioner Khosroabadi** shared that there were concerns about the trees on the property. However, the arborist report stated the impact to trees would be low. They wanted the applicant to further explain the impact to the trees based on their proposed development. **The applicant** responded, the arborist shared with them that there would not be any impacts to the trees. Development may be close to the drip line and revisions to the structure of the building was possible to avoid impacts to the trees on the site. **Commission Hemer** asked, why the applicant was not constructing their building completely within the R-3 zone. **The applicant** responded, based on environmental impacts the parking lot was not ideal for residential which determined how they proceeded with developing their project.

The Planning Commission discussed the set and step backs of the proposal. **Commissioner Edge** shared, the applicant did not submit a proposal that aligned with the R-3 setbacks and transition requirements. However, after rereading the applicant's and Planning Department's reports and understanding the surrounding properties this was an approvable proposal. **Commissioner Hemer** shared, many years ago, there were conversations about set and step backs and ensuring 5-story building were not dominating the neighborhood. If the building was in the middle of a GMU and not as

close to the R-3 zone, they would support the proposal and variances. **Commissioner Sherman** shared, the design of the proposal, proposed open spaces, and other activities would provide some of those transition measures.

The Planning Commission discussed the building height. **Commissioner Hemer** said, the applicant 100% qualified for the building height variance. The applicant met the criteria for a variance.

The proposal was approved with a 6-1 vote.

(01:02:52)

6.0 Work Session

(01:02:52)

6.1 Comprehensive Plan Implementation - Draft Code / Map Amendments

Vera Kolias, Senior Planner shared an update about the Comprehensive Plan Implementation Project. The project schedule had changed slightly. Originally the goal was to adopt the code in June, but that had been pushed to fall or winter of 2021. Staff was required to submit a draft code to DLCD in June to comply with a DLCD grant. The goal for the code updates were to increase the supply of middle housing, increase the tree canopy and preserve existing trees, and manage parking to enable middle housing. There was a virtual open house that ended in April. Respondents were asked about parking options. Most of the respondents supported allowing a combination of on and off-street parking to meet the parking requirements. Respondents were asked if they supported allowing less than one parking space per dwelling unit. 53% of the respondents said no, 35% of the respondents said yes, and 13% of the respondents were unsure. Respondents were asked about building form and trees. 55% of the survey respondents preferred buildings to be stacked and 70% of the respondents preferred multiple buildings on a lot. 58% of the respondents supported allowing a three story building to preserve a mature tree. **Commissioner Massey** asked, how and who would determine the maturity of a tree? **Kolias** responded, the purpose of this question was to understand how the public felt about residential building heights. If this became a policy, standards would be created.

Kolias said, there were options for how the City proceeded with adopting HB 2001 and whether the City used the model code. The model code was prepared by the Department of Land Conservation & Development (DLCD) for communities to implement house bill, outlined in Division 46. The model code was intended to provide guidance in implementing HB 2001. If the City does not adopt a code that is compliant with HB 2001 by June 2022 they must adopt the model code. Again, the City had options. It could adopt the model code as is, adopt portions of the model code, or adopt a completely new code that still met Division 46. The City of Milwaukie will not adopt the model code but will use it as a guide to develop its own code unique to Milwaukie that complies with HB 2001.

The parking recommendations were amending Table 19.605.1 to reduce parking minimums for newly defined middle housing types to one space per dwelling unit and amending 19.607 to allow parking within the front and street side yard setbacks. The parking space will be allowed within the front yard. **Commissioner Hemer** asked if the committee thought about electric vehicle charging stations. **Kolias** responded, the garage could be used for an electronic vehicle charging station. The goal was not intended to discourage garages. **Chair Loosveldt** shared, charging stations were evolving and plugs may not be necessary in the future.

The Planning Commissioner discussed parking alternatives related to the new code. **Commissioner Sherman** would like to know if the community would support houses without driveways or garages if that meant the houses cost less. The City had the ability to reduce parking on private property and allowing residents to park on the street. With this option, there would be ample parking available. There were several initiatives within the City's programs and policies to reduce parking and parking requirements. For the minimum parking requirements, it should be zero parking required. **Kolias** responded, the community supported a combination of on and off-street parking options. There were certain streets that had difficulties providing on-street parking which needed to be taken into consideration. **Commissioner Sherman** shared, if the City realized there was not enough on-street parking in the future, they could require permits and implement other tools to manage on-street parking. **Chair Loosveldt** shared, if the City allowed on-street parking it should also ensure the infrastructure followed, which included adequate sidewalks, curbs, and proper drainage. **Commissioner Erdt** shared, less parking will be needed due to fewer people owning cars and utilizing Uber, Lyft, and autonomous vehicles. **Chair Loosveldt** shared, if we allowed zero cars to be parked it would allow the market to drive whether a driveway or garage would be built, which could make building a house more affordable and cost effective. There must be a balance between on-street parking and necessary infrastructure. **Vice Chair Edge** shared, that the younger generations were owning fewer cars than baby boomers. With that being said, we cannot apply outdated information when it was no longer true or effective. There were new preferences and those needed to go into effect. The city was overbuilt with parking and they liked that residents were allowed to convert their garages into housing. The policy needed to be housing for people and not housing for cars. There was a process currently for developers to apply for a parking reduction through a Type II land use review process. This was an opportunity to create an amendment or process that was more accessible to seek parking reductions or modifications. **Commissioner Khosroabadi** agreed with Chair Loosveldt and Vice Chair Edge that parking reduction should be part of the code and the infrastructure needed to be in place to allow on-street parking. **Commissioner Hemer** asked, what was an on-street parking credit? **Kolias** responded, it basically meant that the applicant received credit for the parking requirement that was located on-street. **Commissioner Hemer** shared, off-street parking was still needed and was not as expensive as long as the applicant was not building a garage. They wanted the City to require one off-street parking space per unit. **Commissioner Massey** shared, the pandemic has caused individuals to purchase cars and fewer people were using public transit. They were unsure if it was a great idea to reduce the minimum off-street parking requirement to zero. This was something the group needed to think about further and prior to changing the requirement. They also shared, ride share was the way of the future. **Commissioner**

Edge asked Kolas if they would discuss cluster parking and chicane design. **Kolas** responded, as the City and community discussed on-street parking it was important that they considered street design and the various ways parking should be allowed. There were conversations about angled and parallel parking, alternative street cross sections, and other activities that would allow flexible and accessible parking options. The Planning Department had meetings with the Engineering and Public Works departments to understand what options were available and feasible. **Commissioner Sherman** shared, the Transportation System Plan was a great resource to assist with next steps and best parking activities for the future. **Kolas** agreed.

Kolas shared the recommendations for consolidated zones. There was a plan to have two residential zones instead of eight. The two zones were R1 (high density zones) and R2 (R-5, R-7, and R-10). Some key ideas were that 1,500 sq ft lots would be allowed for townhouses and cottage clusters and 3,000 ft lots would be allowed for single unit homes and duplexes. The goal was to allow smaller lots to be buildable and provide opportunities for homeownership. Zoning standards would be based on the lot size and if there was a smaller lot abutting a bigger lot both lots must comply with the setback standards of the bigger lot. **Commissioner Erdt** shared, there was a need for smaller lot sizes and suggested changing the front yard setback to 10 ft to give homeowners an opportunity to have a bigger backyard. **Commissioner Khosroabadi** shared, a smaller lot size and smaller houses would make ownership more attainable for individuals who could not afford to participate in the bidding war. They would like to see less setbacks for smaller lots to allow more living space or bigger backyards. **Commissioner Hemer** shared, setbacks were inconsistent in their neighborhood and should change to 0 ft or 5 ft from the property lines. The City should not regulate the type of housing on any lot. There should be one set of rules for all of the residential zones. **Vice Chair Edge** agreed with Commissioner Hemer and shared, the City should eliminate the setback requirements. **Commissioner Sherman** encouraged the Planning Department to consider every parcel and street when determining the new zones. Commissioners Hemer and Sherman wanted to mitigate any confusions regarding the new zoning and setback requirements.

Kolas shared the recommendations for housing types. The Comprehensive Plan Implementation Committee (CPIC) had discussed how the Planning Department should evaluate duplexes, triplexes, and quadplexes and whether they should be attached or detached. **Commissioner Sherman** shared his concerns for detached triplexes. Based on the example Kolas shared, they were concerned about vegetation and the lack of opportunity to grow anything. They also shared concerns about fire, safety, and access between the units. **Commissioner Hemer** shared, the importance of defining the various types of housing. Also, detached structures should have their own lot. The CPIC agreed that both attached and detached options should be allowed. Kolas asked the Planning Commission if ADU's should be allowed with middle housing. If so, what limits needed to be in place? **Commissioner Erdt** shared, they supported ADUs being allowed with middle housing. **Commissioner Massey** supported the idea as well. They were not concerned about housing types and constraints were not needed. **Commissioner Edge** shared, the Planning Commission should not be concerned about attached or detached units. They believed it was important to clearly explain the relationship between an accessory dwelling unit (ADU) and the primary structure. This was

important because the City could not require a parking space an ADU. **Commissioner Sherman** shared, they were reminded of the flag lot discussion and believed ADUs should have a similar privacy code. **Commissioner Khosroabadi** encouraged the Planning Department to be mindful of their tree canopy goals and ensuring ADUs aligned with the goals.

This concluded Koliass's presentation. They will return to the Planning Commission on June 8th to discuss the code adoption process.

Chair Loosveldt asked Koliass about the project process and a letter the Planning Commission and Department received from a community member. The community member wrote, the process was rushed and wanted to see more public engagement. **Koliass** responded, the next phase, which was the code adoption process, would respond to the community member's concerns. Koliass wanted to know if the community member thought June was the final step in the code process and that was not the case. There were still six months or more of work to do, including review opportunities for the public. **Chair Loosveldt** shared, the community member said, the process was built on an idea of equity and inclusion and participation of communities of color. The person wanted to know how communities of color would be included moving forward. **Koliass** responded, the Planning Department was working with the City's Equity Manager and would continue to do so to ensure there was participation from diverse community members. All information had been available in Spanish, there were separate meetings with a BIPOC group, and one that was run exclusively in Spanish. Moving forward the Planning Department will have in person opportunities to interact with the public.

(02:50:04)

7.0 Planning Department Other Business/Updates

(02:50:04)

8.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(02:53:06)

9.0 Forecast for Future Meetings

TBD: Staff is still determining the best date for a joint meeting with the Planning Commission and the Neighborhood District Associations.

June 8, 2021: Two accessory structure variances.

July 13: Comprehensive Plan Implementation Update

Meeting adjourned at approximately 8:30 PM.

Respectfully submitted,

N. Janine Gates
Assistant Planner



CITY OF MILWAUKIE

AGENDA

May 25, 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-73>) and follow the Zoom webinar login instructions.

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

2.0 Planning Commission Minutes – Motion Needed

2.1 March 23, 2021

3.0 Information Items

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

5.0 Hearing Items

5.1 Providence Supportive Housing Height Variance Continued Hearing

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

6.0 Work Session Items

6.1 Summary: Comprehensive Plan Implementation – Draft Code / Map Amendments

Staff: Senior Planner Vera Kolas

7.0 Planning Department Other Business/Updates

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

9.0 Forecast for Future Meetings

June 8, 2021

Hearing Item: 5840 SE Morris St Accessory Structure Variance
Hearing Item: 11503 SE Wood Ave Accessory Structure Variance
Work Session Item: Comprehensive Plan Implementation – Draft Code / Adoption Process

June 22, 2021

Hearing Item: 11103 SE Main St (Coho Point) Downtown Design Review

July 13, 2021

Work Session Item: Comprehensive Plan Implementation – Draft Code / Map Amendments

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 city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY 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

PLANNING COMMISSION MINUTES

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

March 23, 2021

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

Staff: Laura Weigel, Planning Manager
Vera Kolias, Senior Planner
Brett Kelter, Associate Planner
Steve Adams, City Engineer
Justin Gericke, City Attorney

Absent: Laura Loosveldt, Chair

(00:13:58)

1.0 Call to Order – Procedural Matters*

Chair Massey 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>.

(00:15:03)

2.0 Planning Commission Minutes

Commissioner Hemer had corrections to the minutes. Steve Adams was referred to as the City Attorney instead of City Engineer. On page 15, he was referring to tripping over chords. **Vice Chair Edge** had a correction under item 8.0, the Vice Chair's name needed to change to Edge.

Commissioner Sherman recommended approval that the commission approve the minutes as amended from January 12, 2021. Commissioner Hemer seconded the motion. The commission approved the motion.

(00:17:02)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:17:12)

4.0 Audience Participation

Commissioner Hemer shared that Chair Loosveldt's video about the Comprehensive Plan was excellent and he enjoyed the message.

(00:18:34)

5.0 Public Hearings

(00:18:34)

5.1 Hillside Master Plan PD-2020-002

Vice Chair Edge shared, the purpose of the hearing was to request conditional approval of a preliminary development plan and program for a planned development on property located at 2889 SE Hillside Court.

Vera Kolas, Senior Planner shared the applicable provisions of the Municipal Code (MMC), which were:

- MMC 19.302: Medium and High Density Residential Zones
- Chapter 19.311: Plan Development Zone
- Chapter 19.505.3: Multi-family Housing
- Chapter 19. 600: Off-Street Parking and Loading
- Chapter 19.700 Public Facility Improvements
- Chapter 19.902: Amendments to Maps and Ordinances
- Chapter 19.1006 Type III Review
- Chapter 12.16: Access Management

Kolas and **Steve Adams, City Engineer** presented the staff report. The subject property is zoned Residential R-3, which is a high density residential zone. The proposal was a mixed income multi-family community with 600 units (400 new units) on the property. In addition to the Hillside Manor units which will remain, there were currently 100 units on site that would be replaced and would be affordable to accommodate the individuals who were currently living onsite. The new buildings would consist of small commercial and office uses, affordable, and market rate housing. There would be a variety of housing choices, which included walk-up town homes and three- and four-story mixed income apartment buildings. The phasing included removing structures, demolition of existing roads, and removal or abandonment of the underground infrastructure. A new street grid and an infrastructure plan was proposed with the streets to be re-aligned. The plan included assisting current residents with relocation into one of the new units upon completion. The first phase anticipated the Housing Authority developing at least 100 replacement units that were projected to be leased to low income residents. The Applicant was seeking a rezoning and change to the Comprehensive Plan Designation in order to reach the density goals and include mixed-use development. The northern portion of the site was proposed as R-1 and Comprehensive Plan Designation of high density residential. The southern portion of the site was proposed at General Mixed Use (GMU) and had a Comprehensive Plan Designation of Town Center. This zoning change would be consistent with

the property directly to the south across Meek St. The applicant was requesting to use the Planned Development process, which allowed for adjustments in lot sizes, dimensions, and some development standards. The hearing was an approval in principle of the preliminary plan. Part of the review of this proposal will include a Transportation Facilities Review and understanding the needs of vehicles, cyclists, and pedestrians and whether transportation improvements are warranted. This applicant applied for a Type III Land Use review, which meant properties within 300 ft were notified of the hearing. If the Planning Commission approved the preliminary plan in principle, then the applicant would need to apply for a Type IV review process by submitting a final development plan, the proposed subdivision, and the other applicable reviews within 18 months of the approval. City Council will issue the final approval through a public hearing.

There were three key issues identified for discussion which were: the project's impacts on traffic, impacts on utilities, and if the development satisfied the provision of a Planned Development as described in MMC 19.311. **Adams** shared information about the Transportation Impact Study. During the study, the Engineering Department looked at ten intersections and there were two intersections that would experience sufficient traffic. One intersection that was mentioned was Meek St and 32nd Ave and the goal was to construct a left turn lane to mitigate traffic impacts for individuals who would travel northbound on 32nd Ave. There will be improvements to create a safer walking experience for pedestrians as well. The other intersection was Harrison and 42nd and it would fail whether this development was approved or not. The negative impacts the development would cause are at Meek St / 32nd Ave and the applicant will mitigate the problem by installing a turning lane.

Commissioner Hemer asked about the bicycle connection at 29th and Meek. The Applicant would be responsible for improving 29th up to the North property boundary. **Commissioner Sherman** asked, will be there would be a sidewalk, plants, and a bike lane on 32nd Ave? **Adams** responded, there would be a bus pickup zone, improved sidewalk, pavement for parallel parking, and a bike lane was not required. **Vice Chair Edge** and **Commissioner Sherman** asked, if a multi-use connection was possible without improving the full road. **Adams** responded, a multi-use street was a possibility and needed to be further explored.

Adams continued his presentation. He shared that all of the streets and the utilities in the area would be brand new with this development. The streets would align with 32nd Ave and the new development would not create a fire or water pressure issue according to the study's findings. **Vice Chair Edge** asked, the bus stop design called for a pull out on Dwyer and 32nd Ave and not the other stop that was about 500 feet to the North? **Adams** responded, the street was already wide enough for parallel parking.

Kolias shared the next key issue, pertaining to the preliminary planned development review. The applicant proposed a blended density on the site between the R-1 and GMU zones. The lower density units would be adjacent to the single unit dwelling neighborhood and the higher density proposed units would be near the GMU zone and the Murphy Site. Overall, 41% of the site would be open space and 29% tree canopy. There would be green building construction, which was a requirement. The proposal would be mixed income with units offered at rents affordable for people at 30% - 80% Area Median Income (AMI). Some modified development standards were sought including a 5 ft minimum setback, except where adjacent to the R - 7 zone. A 15 ft setback to the R-7 zone to the North would be maintained. The applicant would like to use metal panels and fiber cement siding as primary materials. Lastly, the applicant was seeking a parking modification, which included 0.82 parking spaces per unit (including on-street) and 375 bike parking spaces, which is less than the one bike per unit to encourage residents to use alternative modes of transportation. The site would have bike repair stations, an e-scooter program, and onsite coordinator to assist with accessing the various transportation options in the area and onsite. The approval criteria were compliance with 19.311 and other code requirements, including compatibility with surrounding area, and providing public benefit/amenities. The staff recommendation was for the Planning Commission to approve, in principle, the preliminary development plan and program. If the applicant received approval, by code they had to file a final development plan and program within 18 months. The 120-day deadline for the application was waived by the applicant.

The Commission further discussed transportation as it relates to the project. **Commissioner Sherman** asked, if the applicant planned to provide residents with any subsidized transit passes. **Kolias** replied, she was unsure and that was not something the applicant included in their application.

There was a discussion about the project's timeline. **Kolias** shared, the code allowed a seven-year construction period for the entirety of the project.

The applicant presented the project. The applicant shared that affordable housing was a need with 27% of Milwaukie residents being severely cost burdened and were paying more than 50% of their monthly income on rent. The applicant has spent a significant amount of time engaging with the public about their project dating back to July of 2018 and were still participating in public engagement. Their time moving forward was seeking final approval and confirmed that the three phases of the project would be completed within seven years. Due to the existing conditions of the site, the applicant determined a full redevelopment site was needed. The master plan included, 600 apartments, reintroduced the grid, contained a variety of housing options that were not on the site previously including, townhomes for families, walkup apartments, high density mix-used buildings that would be limited to 32nd Ave, and elevator/multi-story apartment buildings. There would be studios, one bedrooms, and two bedrooms for

families. The development will have a plethora of trees, including street trees and different species. The trees will be maintained by the City of Milwaukie. The Applicant informed the Planning Commission that there was an error in their application. They did not intend to create a bike lane on 32nd Ave. There will be sidewalks throughout the development to ensure residents have easy access to the other buildings and bus stops. There will be bike parking throughout the development, including inside and outside of the buildings. There will be drop off sites for ride share, such as Uber, Lyft, and etc. The applicant discussed there will be three the phasing of the project. Phase one includes selling Lot A for the capital improvements they needed to make to the site and allow flexibility for phases two and three. They were seeking parking reductions based on shared parking between the commercial and residential uses, exterior street parking, and nearby public transit. The Applicant believed, the requested zone changes were compatible with the neighborhood as they did not have one particular character.

The Planning Commission discussed the buildings' efficiencies.

Commissioner Khosroabadi asked if the applicant considered adding solar panels? **The applicant** responded, solar was an option that they were willing to consider. **Commissioner Sherman** asked about their plan for alternative options for stormwater and bio swales. **The applicant** responded, this was site dependent and based on City of Milwaukie's stormwater code. **Adams** shared, that the City of Milwaukie will adopt new stormwater standards in the near future.

The Planning Commission discussed transportation activities. **Commissioner Khosroabadi** asked, if the 375 bike parking was the cap? **The applicant** responded, it was the minimum and where they would like to start. If there was a need for more bike spaces, they were willing to add more. They were willing to consider subsidizing bus passes and needed to discuss this further with their current partners and TriMet. **Commissioner Sherman** shared, he was excited to hear about this and believed subsidized transit passes were probably more valuable than a scooter or bike share program.

Commissioner Khosroabadi asked, if their alternative transportation programs such as the bike parking, a transportation coordinator, and other activities were proposed for the parking reduction or something that would be implemented either way? The applicant responded, they offered the various transportation options to justify their request for a parking reduction.

Commissioner Massey shared, he hoped the bike plan on 29th Ave would be in place before the development is completed. He also asked the applicant to clarify if they were asking if the Commissioners wanted a bike path on 29th. **The applicant** responded, they were asking, if a vehicle connection was needed. They designed the street to only be a bike and pedestrian street. **Commissioner Massey** and **Vice Chair Edge** were happy to hear that. **Vice Chair Edge** asked, did the applicant consult TriMet regarding their pullout and other transportation activities that involve TriMet? **The applicant** responded, they coordinated with TriMet and shared their proposed development. They also discussed that the two bus stops on 32nd needed to be upgraded.

The Planning Commission discussed the zoning of the development and financing the project. There was a discussion about the GMU zone and the proposed PD overlay. **Commissioner Massey** suggested, the applicant needed to simplify their explanation regarding the financing of the project, especially when meeting with the public. **The applicant** agreed.

The Planning Commission discussed emergency access on the site. **Commissioner Khosroabadi** asked, with the increased density would the emergency agencies have the ability to serve the new residents? **Kolias** shared, Clackamas County Fire participated in the Pre-Application Conference and were aware of the project. **Adams** shared, the police were aware of the project and Providence Hospital across street.

Vice Chair Edge invited the public to testify.

Elvis Clarke shared, they were supportive of keeping 29th Ave for pedestrians and cyclists.

Kristine Ackerman asked, about the handicapped parking and/or access by TriMet LIFT program.

The applicant responded, all projects were required to meet the building codes for accessibility from the State of Oregon. There will be ADA parking. They were opened to having TriMet LIFT to assist their residents.

Irisa (last name unclear) testified, the plan looked misleading and wondered about the trees and parking structures. Both did not seem realistic. They also shared, the parking areas looked cramped and believed TriMet LIFT busses would need more space.

This concluded the public comments.

The **Commission** discussed the GMU Zone. **Commissioner Hemer** was interested in understanding how the businesses would impact traffic. **Kolias** responded, the updated zone must comply with the transportation planning rules for trip generation impact. **Commissioner Hemer** shared, the commercial business had the ability to positively impact the residents, Providence Hospital visitors, and other businesses in the area.

The group discussed the relocation criteria. **Vice Chair Edge** questioned, if they needed to include the relocation aspect of the proposed development in mind while deliberating. **Kolias** responded, the relocation

program is beyond the approval criteria. **Justin Gericke, City Attorney** agreed with Kolas and shared this was more of an internal process for the applicant and didn't have any implications in the land use context. **The applicant** shared, the relocation program was part of the HUD process and definitely would occur.

The group discussed the transportation activities on and near the site. **Commissioner Hemer** was concerned about parking. He was unsure if the residents would get rid of their cars. He believed the commute to Safeway was intense and residents may not be interested in using public transportation or walking to get their groceries. **Commissioner Sherman** would like the applicant to look closer at subsidized transit passes as part of the TDM. **Vice Chair Edge** shared that he wanted to see more transportation options that aligned with the Comprehensive Plan section 8.2.4.B. He asked the Commission if they were interested in approving with a condition. He wanted the applicant to revisit their transit bus stop location, as well as, design and collaborate with TriMet. The Commissioners agreed with and approved Vice Chair Edge's amendment.

The group discussed affordable housing. **Commissioner Massey** was excited about the increase in affordable housing units. **Commissioner Sherman** shared, affordable housing was needed and will meet the needs of our many individuals in our community.

The group discussed the Central Milwaukie Bikeways Concept Plan which intercepts with the project. There were three routes the Planning Department was discussing, which were base case from the transportation system plan, 32nd Ave, and Llewellyn St and 34th Ave. The group has conducted community engagement with property owners and business owners, community partners, and the general public.

Commissioner Sherman recommended to approve the preliminary development plan and program in principle with the added condition that the applicant consult with TriMet and implement best practices on the location and design of proposed bus stops, pullouts, and other transit services on the site. Commissioner Massey seconded the motion. The commission approved the motion.

(02:54:14)

6.0 Work Session Items

(02:54:14)

6.1 Central Milwaukie Bikeway Connection Update

Brett Kelter, Associate Planner and **Derek Abe, Consultant** with Alta Planning and Design shared an update on the Central Milwaukie Bikeway Connection project, following up on the last report to the Commission in December 2020. **Kelter** shared a slide presentation and pointed out some

of the key development sites (Hillside Manor, Murphy, Providence hospital, and Monroe Apartments) and main streets in the project area (32nd Ave, Harrison St, and Highway 224 and the railroad tracks). This project was a result of the Central Milwaukie Land Use and Transportation Plan, which identified the need to design a safe bikeway route connecting the southern end of 29th Ave with the Monroe St greenway. Although some of the responses to the public outreach effort included a call for a better route to downtown on Harrison St, that will be the focus of a different project. This project has looked at three routes, each with a different crossing of Harrison St—the Base Case option crosses Harrison St near the railroad tracks and 31st Ave; Option 1 crosses at the intersection with 32nd Ave; Option 2 crosses at 34th Ave.

Abe presented some of the technical analysis, which included the conceptual design report and the routes matrix options. The Llewellyn St and 34th Ave route (Option 2) had the best score across the board. The ranked measures included traffic safety, route comfort, route directness, access to destinations in the project area, alignment with development plans of key properties, feasibility, and cost. Alta Planning recommended Option 2. This route will be user friendly, especially for individuals who will be beginners in cycling or new to the area. Alta Planning also recommended a marked crossing at 34th Ave with a median and/or rectangular rapid flashing beacons. There could also be a relocation of the existing TriMet stop to provide better visibility of those who will use the bike route. There were also recommendations for traffic-calming features at other crossings on the bike route. The route would use the dead-end portion of 34th Ave south of Harrison St and a new pathway through the City's water-treatment facility site to continue the route through to connect with the Monroe greenway. The public responses also indicated a lot of interest in the Base Case, which the most direct route. The next steps included refining the draft report on the route options, solidifying a recommendation, and providing cost estimates for implementation. Staff would share a similar update with the City Council on April 6, hoping to bring the final concept plan forward for adoption in May.

The group discussed safety concerns regarding routes. **Commissioner Hemer** requested that the Planning Department or Alta consult with Clackamas Fire and the City of Milwaukie Police to ensure they can safely access 34th Ave with any new bulb-outs and/or median refuge island in place. **Commissioner Hemer** wondered about whether a new crosswalk would back up traffic, including near the railroad. **Abe** and **Kelver** shared that there would probably be a median and not a bulb-out. Also, there would be a conversation with Clackamas Fire and Milwaukie Police during the design phase.

Chair Massey asked about the Railroad/Oak/Monroe intersection and asked about the traffic control. **Kelver** shared that he believed the intersection may change with the Monroe Apartments development. **Chair Massey** asked, whether cyclists would have the right of way at the

intersection over the vehicles on Railroad and Monroe. **Kelver** and **Abe** shared that cyclists would not have the right of way beyond what happens in a regular marked crosswalk. **Adams** added that the area would be studied with the Monroe Greenway project and would not be improved based on the Monroe Apartments project. **Adams** shared, Clackamas County's Traffic Maintenance division would not be concerned about the 34th Ave crossing as it is 500 ft from the 32nd Ave intersection.

Commissioner Khosroabadi wanted to further discuss the route option on 32nd Ave (Option 1). **Kelver** responded that this route is very direct but was too narrow. It would not feel the safest because there was not any room for a bike path. **Abe** noted that the Option 1 route would be congested since there were currently a lot of vehicles moving through the 32nd/Harrison intersection and many unpredictable turning movements.

Commissioner Sherman commented that he wished more public engagement had been done with the current residents along 34th Ave, as they would be affected by Option 2. He appreciated the proposed safety improvements along the Option 2 route but wondered how they would be paid for, where it seemed much of the Base Case route would be paid for by the developer of the Murphy site. Any concessions made now that facilitate Murphy site development should be remembered when/if the developer asks for additional concessions in the future. **Kelver** clarified that Option 2 has much lower estimated costs than either of the other two routes, with several of the proposed improvements being ones that are needed regardless of the route chosen (e.g., a safe crossing of 32nd Ave at Meek St). He added that the report would encourage continued efforts to make the Base Case route happen over the longer term but that a more feasible alternative was needed in the more immediate term.

Adams shared that he did not believe the community would support a route that would go between buildings and the railroad tracks based on previous experience as the City Engineer. He added that ODOT-Rail has specific distances that a crossing must be from a railroad and that the tracks are too close to the 32nd/Harrison intersection to keep an enhanced pedestrian crossing near the tracks from significantly impacting the signal at that intersection. **Adams** noted that an undercrossing of Harrison St was not a realistic option (too many underground pipes in that location) and that an overcrossing would likely be more expensive than the cost of the rest of the entire bikeway route.

The group discussed financing the routes. **Commissioner Khosroabadi** was interested in exploring the Option 1 route, especially since the upcoming nearby developments would seem to provide an opportunity to make needed improvements to the 32nd/Harrison intersection. **Adams** responded that improving the intersection would cost over 1 million dollars.

Commissioner Edge noted that it would be nice to have the political will and finances to create the route that was most user-friendly and designed

to get people to the places they would be interested in traveling to, rather than winding around and away from key destinations. It would be ideal to be able to develop the Base Case route in the future as a type of "bike highway" option for commuters. In the meantime, he felt Option 2 was the most practical option and should be designed well as an intentional gateway to the Ardenwald neighborhood.

(03:50:04)

7.0 Planning Department Other Business/Updates

Laura Weigel, Planning Manager shared that the CPIC survey was on Engage Milwaukie. She encouraged the Commissioners to take the survey and requested Commissioner Erdt to post it on her Facebook group.

(03:52:12)

8.0 Planning Commission Committee Updates and Discussion

(03:52:23)

9.0 Forecast for Future Meetings

- | | |
|----------------|--|
| April 13, 2021 | 1. Milwaukie High School sign variance. |
| | 2. Providence Hospital Conditional Use |
| | 3. Worksession Item: Review Draft Comprehensive Plan |
| May 11, 2021 | CoHo presentation (tentative) |

Meeting adjourned at approximately 10:00 PM.

Respectfully submitted,

N. Janine Gates
Assistant Planner



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Mary Heberling, Assistant Planner

Date: May 18, 2021, for May 25, 2021, Continued 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

This is a continued hearing from May 11, 2021. Review the additional written evidence, arguments or testimony and approve application VR-2021-006 and adopt the recommended Findings found in Attachments 1. 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.

A. Site and Vicinity

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.

The site is located at the western perimeter of a GMU zone. Zoning to the north, south and east is R-3. Development to the east is single-family residential, with a multifamily residential building to the southeast. The residence to the north, at 10399 SE 34th Ave, is a mapped Significant Historic Resource. (See Figure 1 for a site map). Development to the south is a combination of single-family residential and commercial (office) purposes. Zoning to the west is GMU. (See Figure 2 for a zoning map) The site directly to the west is parking for Providence Hospital and under the same ownership as the subject site.



Figure 1: Site Map



General Mixed Use (GMU)

Town Center (TC)

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

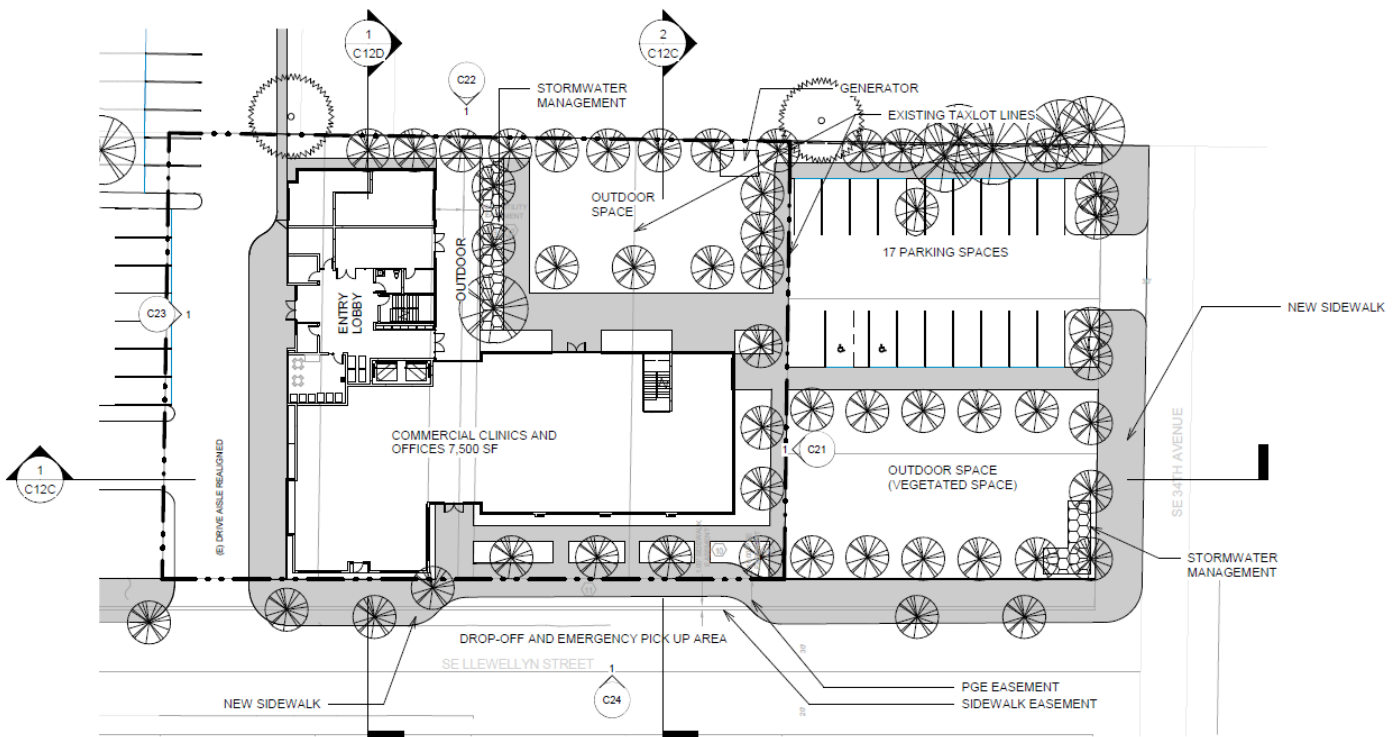
Type I Development Review/Type II Parking Adjustment Review: To approve a new mixed-use building in the GMU zone and reduce the overall off-street parking requirements for the site. The development will consist of 72 deeply affordable units for seniors as well as an ElderPlace PACE Center clinic. Mixed-use 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).

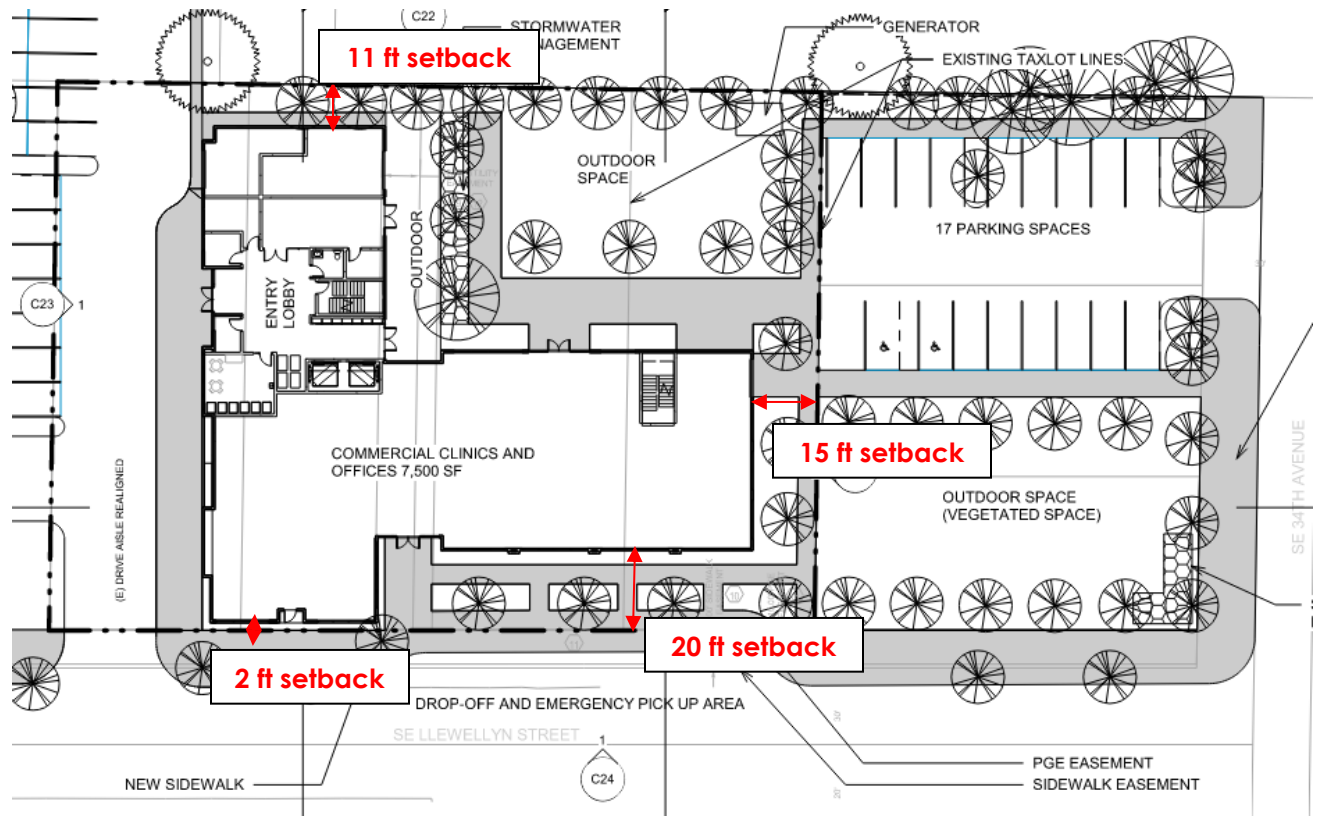


Figure 6: Site Plan with Proposed Setbacks

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

As provided in ORS 197.763(6), the record in the above-referenced matter will remain open for the submittal of additional written evidence, arguments or testimony pursuant to the following schedule:

- **May 18th by 5pm** – Due date for all **new** written evidence, arguments or testimony submitted by the public and/or the applicant
- **May 25th by 5pm** – Due date for written rebuttal by the public and/or the applicant to the new written evidence, arguments or testimony submitted by May 18th

All written evidence, arguments or testimony are provided in Attachment 3.

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 up to May 18, 2021	☐	☒	☒	☒

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-73>.

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.

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.

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.

- (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.

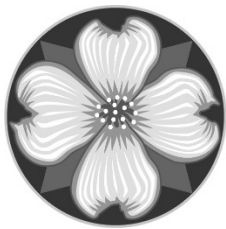
The Planning Commission finds that this criterion is met.

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

Application for Land Use Action

Master File #: VR-2021-006Review 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): Walter Zisette, Providence Supportive Housing

Mailing address: 800 Fifth Ave, Suite 1200, Seattle State/Zip: WA, 98104

Phone(s): 206.552.4288 Email: walter.zisette@providence.org

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

Mailing address: 808 SW Third Ave, Suite 800, Portland State/Zip: OR, 97204

Phone(s): 503.415.2384 Email: li.alligood@otak.com

SITE INFORMATION:

Address: NW corner of Llewellyn St and 34th Ave Map & Tax Lot(s): 11E25DC05800, 5900, and 6000

Comprehensive Plan Designation: TC Zoning: GMU Size of property: 0.65 ac

PROPOSAL (describe briefly):

Building height variance to allow a 5-story building on the GMU-zoned portion of the site.

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: Walter Zisette

Date: 03/30/2021

IMPORTANT INFORMATION ON REVERSE SIDE

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

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

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

REVIEW TYPES:

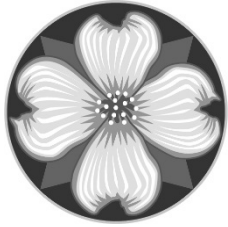
This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

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

****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	VR-2021-006	\$ 2,000			4/5/2021		
Concurrent application files		\$					
		\$					
		\$					
		\$					
Deposit (NR only)				☐ Deposit Authorization Form received			
TOTAL AMOUNT RECEIVED: \$2,000			RECEIPT #:		RCD BY:		
Associated application file #s (appeals, modifications, previous approvals, etc.):							
Neighborhood District Association(s): Ardenwald-Johnson Creek							
Notes:							



MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
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) Walter Zisette, 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

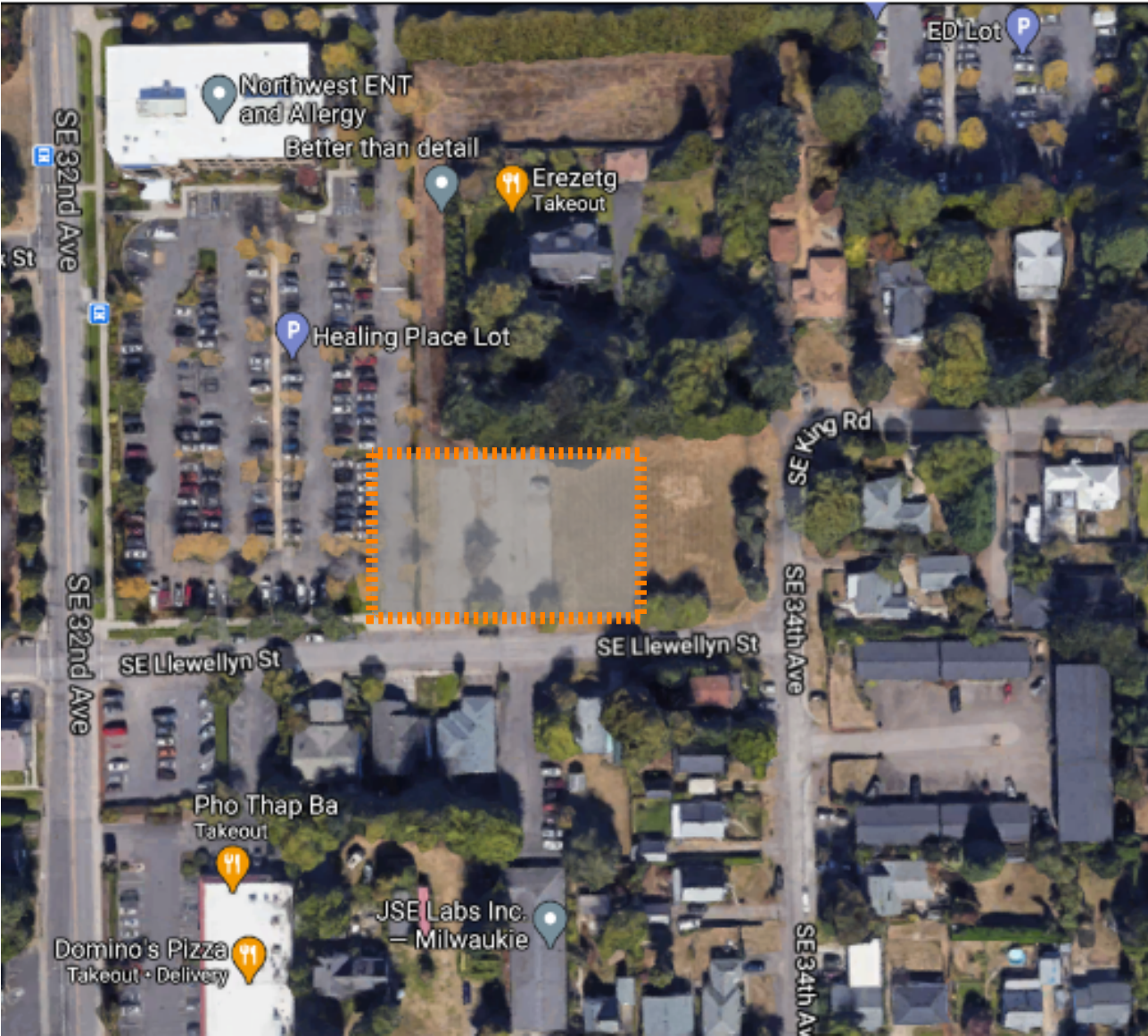
Date: 03/30/2021

Official Use Only

Date Received (date stamp below):

Received by: _____





SITE LOCATION - NTS

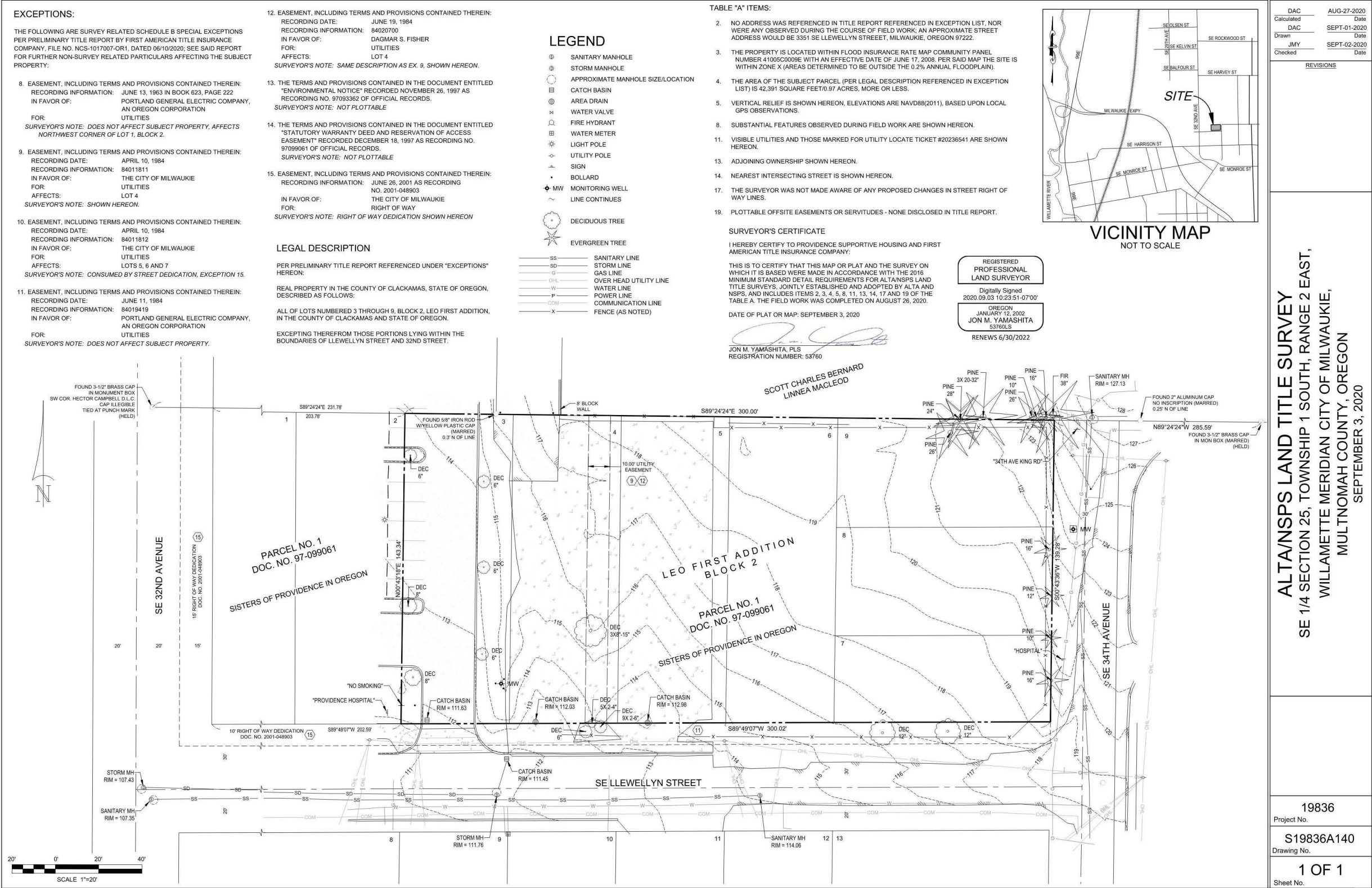
PROVIDENCE
MILWAUKIE
HOSPITAL

EXSITING TREE
BUFFER ALONG
NORTH EDGE

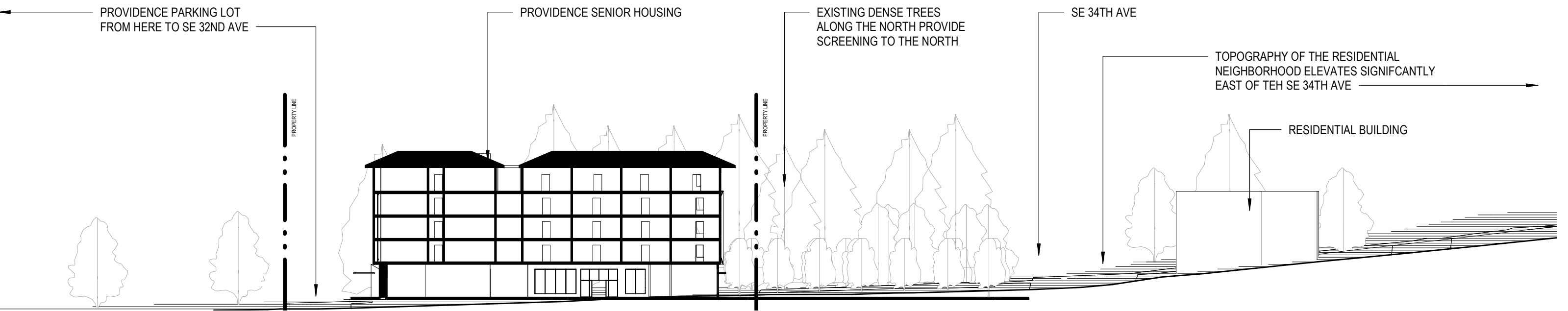
TOPOGRAPHY
ELEVATES TO THE
NORTH AND EAST



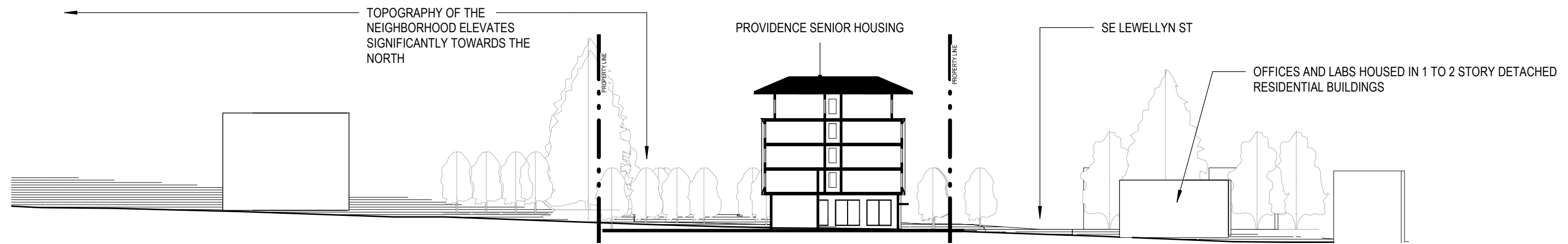
SITE CONTEXT



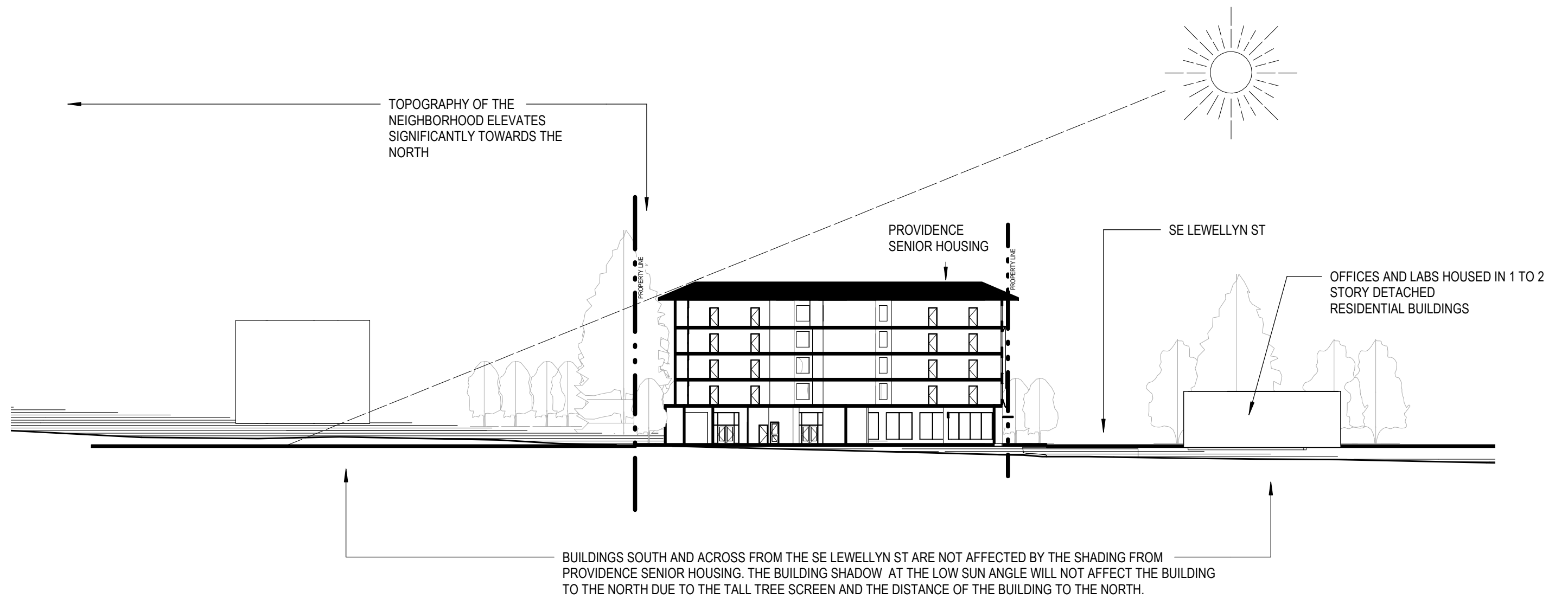
1 SURVEY NTS



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

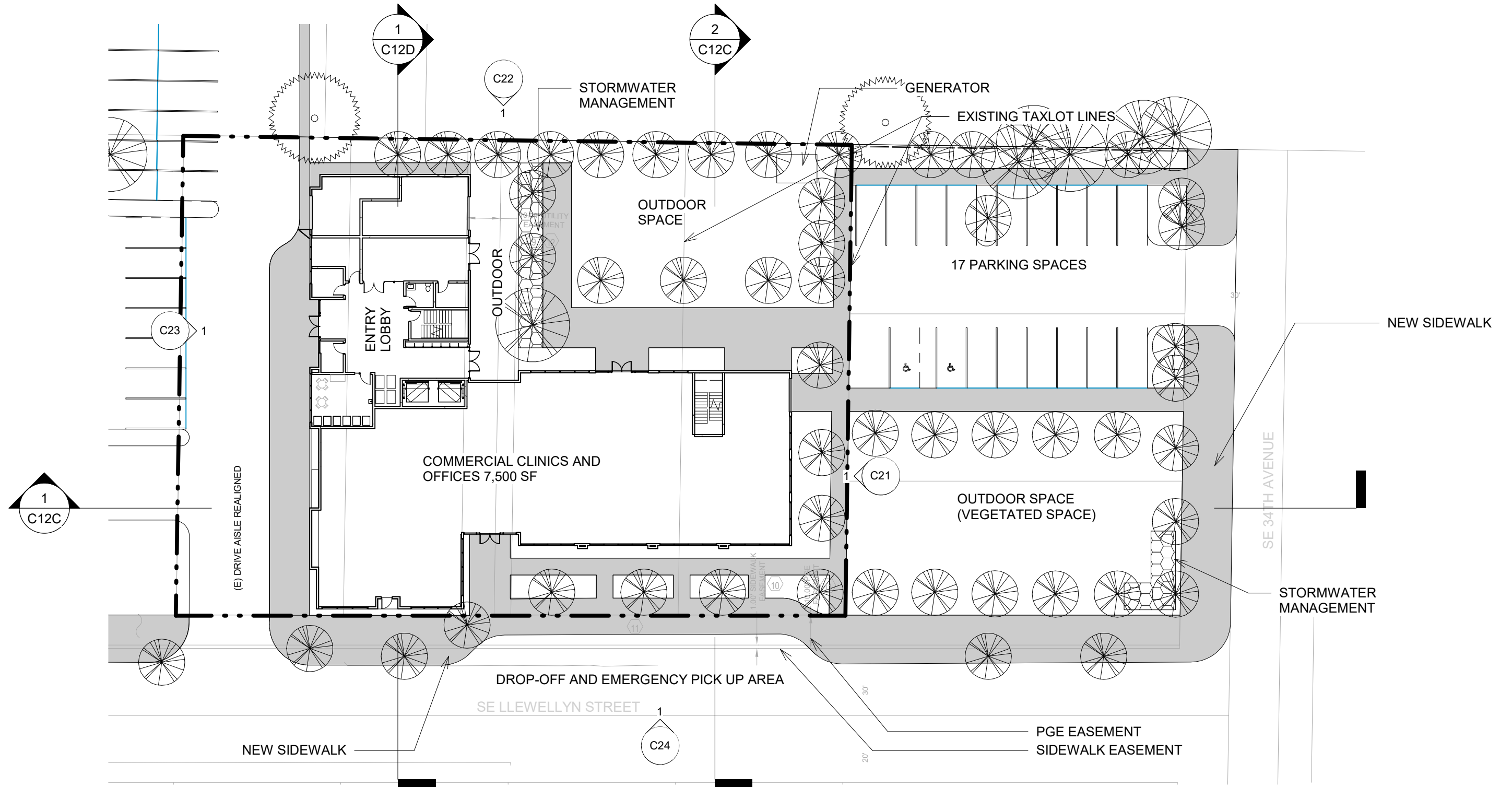


2 SITE SECTION LOOKING EAST
1" = 40'-0"



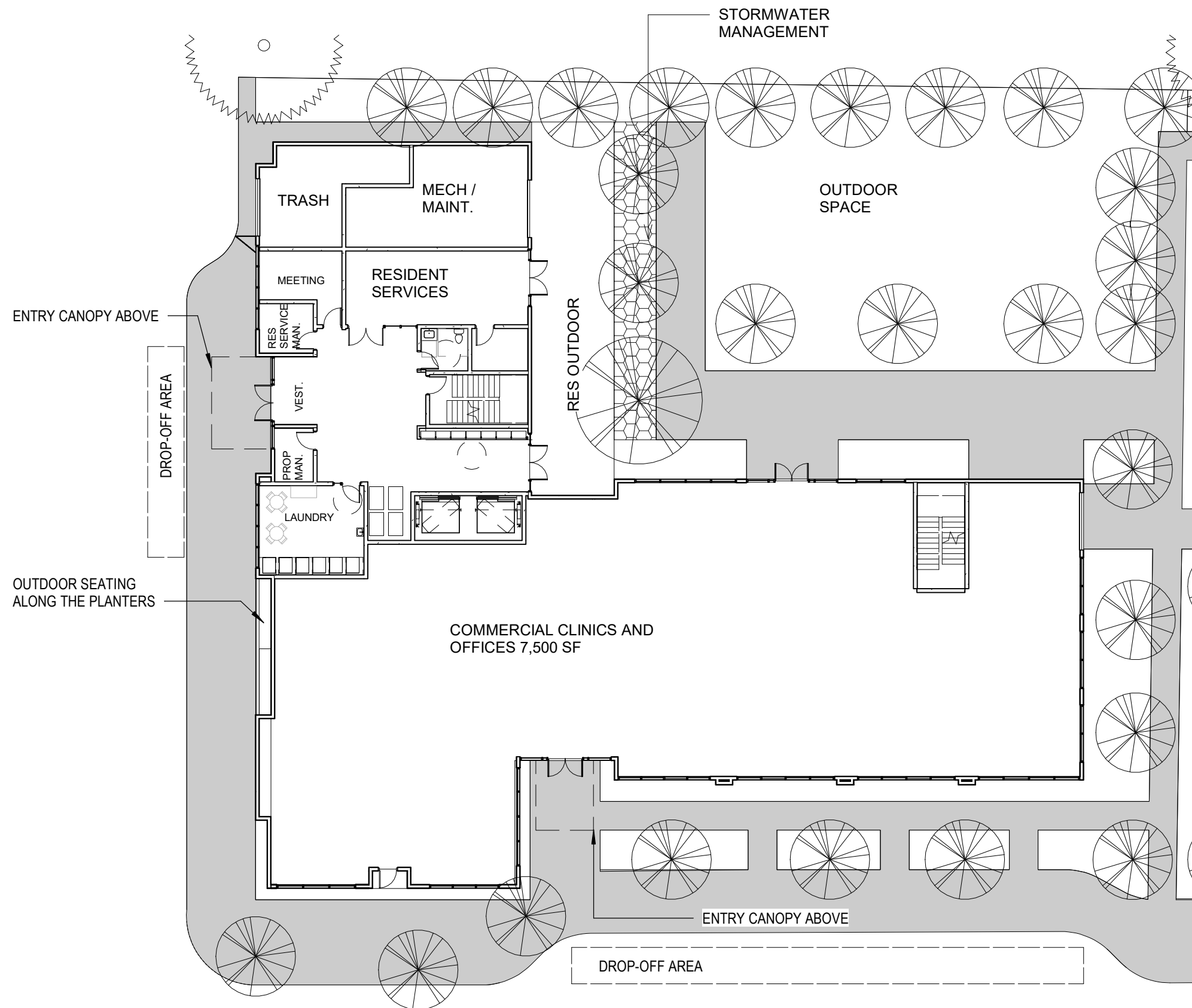
1 SITE SECTION LOOKING EAST - A

1" = 40'-0"



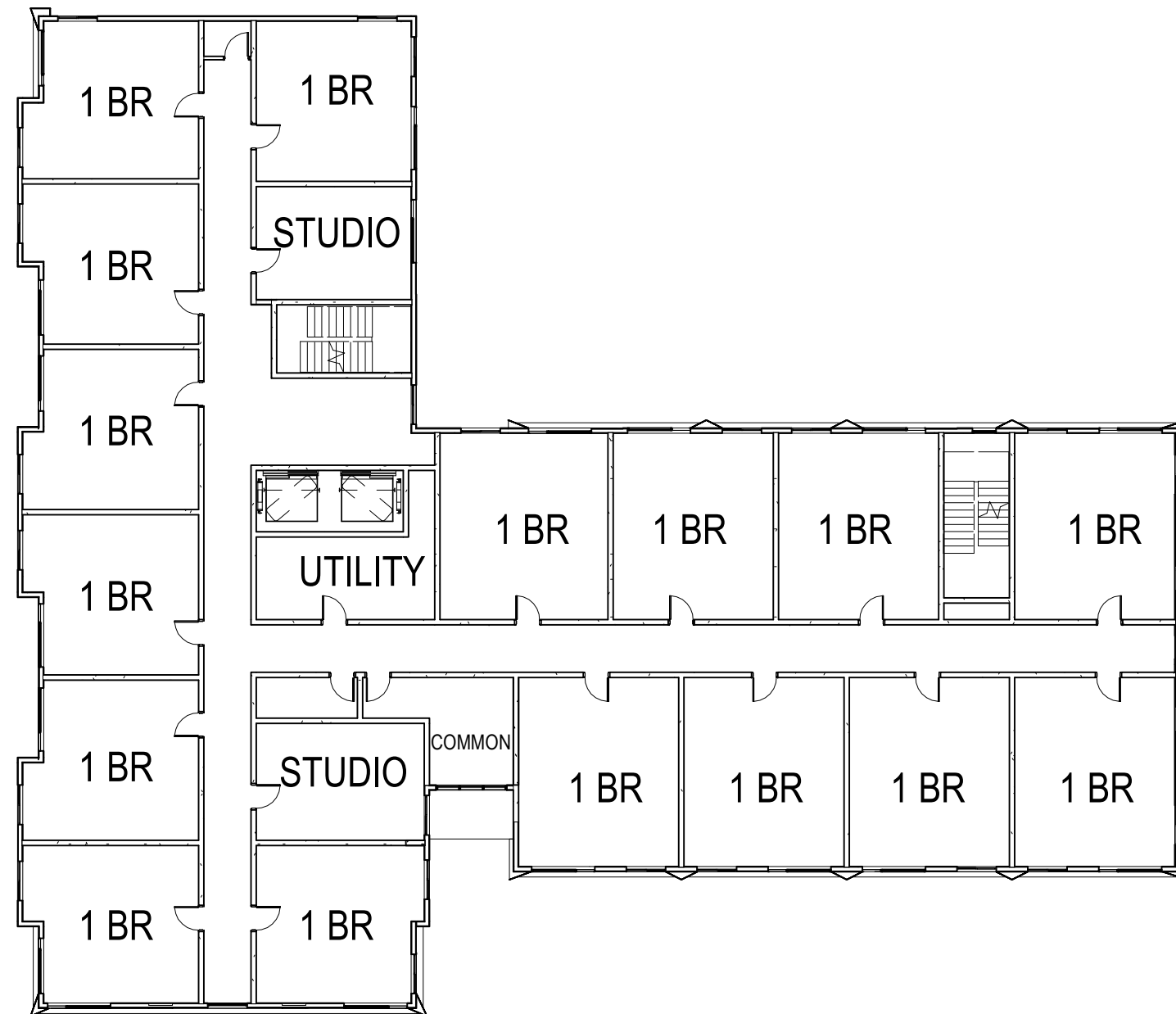
1 DEVELOPMENT SITE PLAN

1" = 30'-0"



1 CONCEPT LEVEL 01 PLAN

1" = 20'-0"



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



1 BUILDING ELEVATION - EAST

1/16" = 1'-0"



1 BUILDING ELEVATION - NORTH

1/16" = 1'-0"

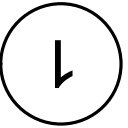
EXISTING TALL TREES ALONG THE NORTH
PROVIDE NATURAL SCREENING TO THE
RESIDENTIAL PROPERTY TO THE NORTH



1

BUILDING ELEVATION - WEST

1/16" = 1'-0"



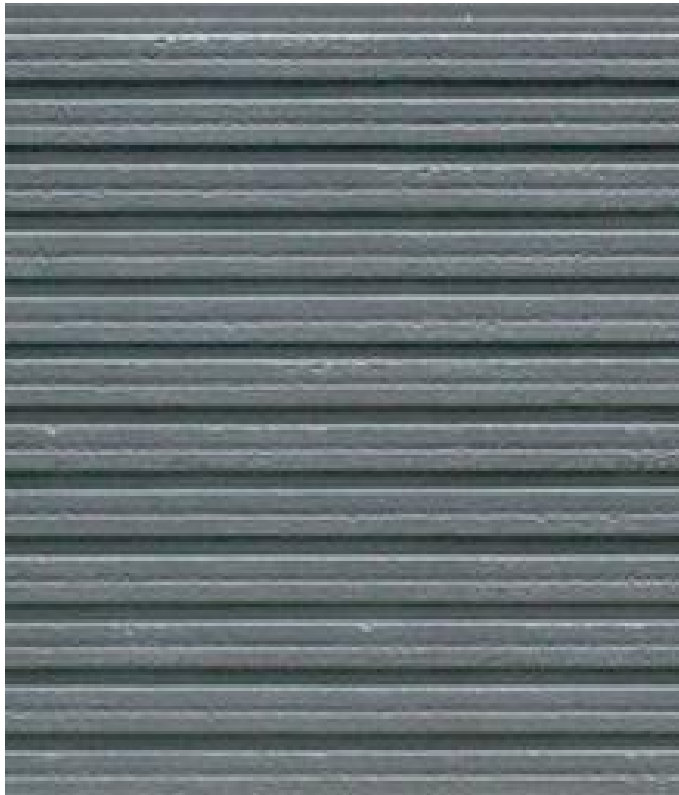
1/16" = 1'-0"

BUILDING ELEVATION - SOUTH

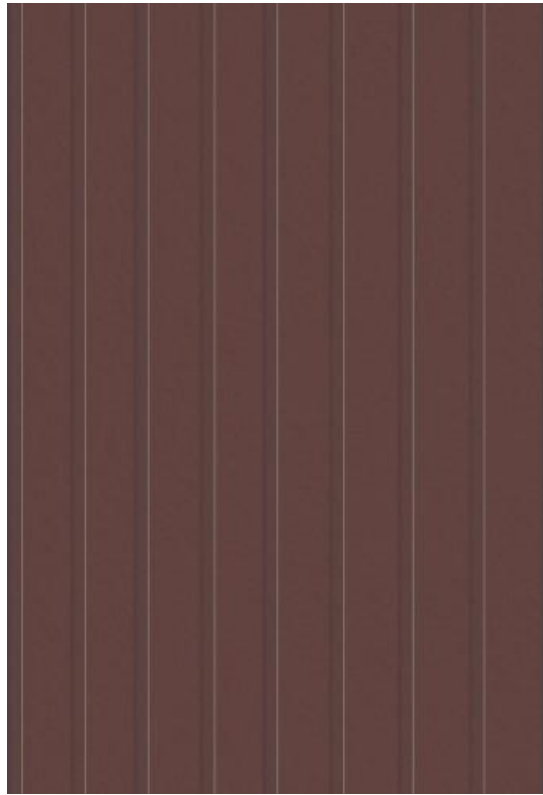


SOUTH ELEVATION





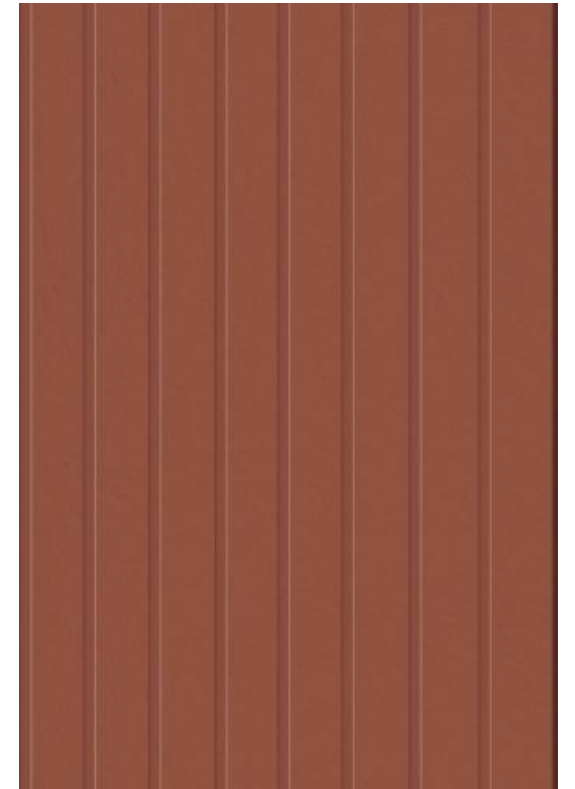
CEMENTITIOUS PANEL BOARD



CEMENTITIOUS PANEL BOARD



CEMENTITIOUS PANEL BOARD



CEMENTITIOUS PANEL BOARD



TONGUE AND GROOVE WOOD SOFFIT



BRICK VENEER - COAL CREEK

ENVELOPE MATERIAL



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

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.
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_rgmts_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

Attachment 1

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

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.



May 17, 2021

Dear Mary Heberling, Associate Planner City of Milwaukie,

Providence ElderPlace is based on a national care model called PACE ~ Program of all-inclusive care for the Elderly. Providence ElderPlace Milwaukie currently serves over 200 frail and vulnerable seniors in Clackamas County. PACE serves individuals who are age 55 or over. The average participant is 76 years old and has multiple, complex medical conditions, cognitive and/or functional impairments, and significant health and long-term care needs. Approximately 90 percent are dually eligible for Medicare and Medicaid.

PACE Participants average 5.8 chronic conditions, including congestive heart failure, chronic obstructive pulmonary disease, vascular disease, diabetes with chronic complications, and major depressive bipolar and paranoid disorders. Our Clackamas county participants have a wide array of needs and many come to us not having received the services they need for years, if ever. We are also often supporting them in transitioning to a more appropriate living situation. Our participants reside in supported settings, including adult care homes, assisted living, and residential care facilities. A high percentage of our Clackamas county participants also reside in their own homes or home with others. It is our goal to keep our participants living in the community, avoiding hospitalizations and nursing facility stays.

Providence ElderPlace provides the entire continuum of medical care and long-term services and supports required by frail older adults. These include primary and specialty medical care; in-home services; prescription drugs; specialty care such as audiology, dentistry, optometry, podiatry and speech therapy; respite care; transportation; adult day services, including nursing, meals, nutritional counseling, social work, personal care, and physical, occupational and recreational therapies; and hospital and nursing home care, when necessary. In short, PACE covers all Medicare Parts A, B and D benefits, all Medicaid-covered benefits, and any other services or supports that are medically necessary to maintain or improve the health status of PACE program participants. PACE Participants Are Served by a Comprehensive Team of Professionals: Upon enrollment in PACE, participants and their caregivers meet with an interdisciplinary team (IDT) that includes doctors, nurses, therapists, social workers, dietitians, personal care aides, transportation drivers and others.

Having a larger footprint within the Providence Senior Housing project will allow us to serve more seniors in Clackamas County. Our current location within the Providence Milwaukie Healing Place is just under 4000 square feet. Our projected location within the Senior Housing project will be close to double the square footage. This new location for us will allow us to serve over 300 participants in Clackamas County. We hope to increase enrollment of and service provision to additional diverse communities in the areas, including the Russian community. The new location also allows us the opportunity to be part of a supportive housing campus, and the potential to have apartments designated to PEP Participants, as well as the opportunity to have outdoor space available to our Participants. This location may also offer the opportunity to offer some workforce development opportunities for diverse employee populations in partnership with Clackamas Community College. We would also strive to partner with organizations serving the disabled LGBTQBT population. We have partnered and have recognition from SAGE in serving this population both in our own housing and in our program overall. Partnering with Supportive Housing to increase our service provision to veterans, the homeless population, and the LGBTQBT population will greatly benefit Clackamas county and those individuals in greatest need. With the ability to expand our capacity in a larger space, we will also be able to increase the Clackamas County zip codes we are able to serve.

Thank You for considering the important work we do, serving some of the most frail individuals in Clackamas county. Thank you for your support of our program and the Providence Supportive Housing project on the Providence Milwaukie campus.

Sincerely,

Lori Frank

Lori Frank, MBA
Director PACE Operations
Providence ElderPlace Oregon

From: **ALLE MACLEOD** hello@studio-macleod.com 
Subject:
Date: May 18, 2021 at 3:13 PM
To:



Date of Written Submission: 05/18/2021

Time of Written Submission: 3:13p PST

Summary: Submission of written evidence, arguments and testimony from Bernards/MacLeod Family regarding VR-2021-006

Property Owner Address: 10399 SE 34th Avenue Milwaukie, OR 97222 (Northern property line of proposed development, tax lots #5500 and #5501)

Position with respect to variance request: OPPOSED

To: Mary Heberling, AICP

Assistant Planner

6101 SE Johnson Creek Blvd. Milwaukie, OR 97206

Continuation Hearing Scheduled 5/25/21: VR-2021-006

City of Milwaukie + Planning Commission -

These comments are in response to the continuance granted during the Planning Commission Meeting on May 11th at 6:30p PST in regards to VR-2021-006. We appreciate the additional time to communicate and address in written form the concerns we have regarding the proposed request for variance.

Opening

We want to first acknowledge Providence Milwaukie Hospital (PMH, Applicant) and their objective to create affordable and low-cost housing for elderly community members to 'age in place'. As an adjoining neighbor to the proposed development property, we have had numerous discussions and correspondence with the Applicant over the past 18 months, including quite recently, with respect to:

- The initial proposed project (a 3-story structure 45' tall with 54 units) and
- Relocating the existing recorded utility sewer easement running directly under the proposed building site which solely benefits tax lot #5501.

Some of these written discussions included City and/or County employees as well. **At no point in time did the City of Milwaukie (CoM) planners or the applicant (PMH) indicate to us that an application was in motion for the Planning Commission to: (a) decrease the required setback from the North elevation and property line, and (b) increase the building height from 3 floor to 5 floors without adhering to the required 15' step back above 45'.**

Setback restrictions and maximum building heights without step backs were established in the municipality to minimize negative impacts to adjacent properties when new development is being planned. This is especially true when a commercial project in a GMU aligns with an adjoining residential neighborhood and R3 zoned area such as ours. The applicant is requesting to modify not one of these key requirements but both.

Issues to Consider

Scale. Placement.

In materials presented to the City/Commission in the May 11th meeting, the Applicant attempted to justify in a variety of ways that the mature stand of trees on the project's North elevation will minimize the negative effects of granting approval of a 62' tall building 11' off of the residential property line and without step back for to comply with height requirements. Those statements are simply false and create potentially devastating impact on the beauty and value of the property owner to the North. This property includes an original home listed on the Historical Registry of the City of Milwaukie and State of Oregon. No specifics were provided with respect to the suggested mitigation; it was simply stated as if it were fact that there would be no impact. This is completely unfounded.

Height restrictions were created to lessen the overwhelming impact of large commercial zones adjacent to residential areas. The applicant wants to waive these restrictions yet the only justification provided is that the applicant wants to have more residential units. Their desire does not mitigate the reason these height restrictions exist.

The Applicant and the City planners stated several times that the long time historic family home was 50' away from said property line as part of their 'mitigation' argument for reducing the building's property line setbacks. This point is completely irrelevant. **Building code setback requirements were created and are reinforced by municipalities to protect the property lines of adjacent properties;** the location of the dwellings and other structures on those adjacent properties are not relevant to the application of those rules.

Stand of Trees

The suggested mitigation for the proposed variance to encroach into the established 15' building setback requirements on the North property line is also based on the existing trees to the North. Given this, having an informed opinion provided by a certified arborist

regarding the potential damage or death which could occur to these trees seems paramount. **The Applicant clearly indicated that no such study has been prepared to date.** *If not, why not? Why should this variance be granted in the absence of such analyses given the requested reliance on these trees as important mitigation for approval?* All of the large, mature trees are on Lot #5501 to the North of the proposed development. Should such death/damage occur, the impact would be devastating to our property. The completely secluded historic property would instead be directly facing a 5 story building. Without the trees, the negative visual, noise and shadowing impact from the building would be devastating.

To construct a building with an 11' setback will require further substantial building activity much closer to the North property line. A building 62' high would require a minimum of a 3' overdig to support the foundation for a project of this scale and associated SOW. This overdig would likely result in serious damage to the root systems of these large trees, many of which are 120 years old. Further, there is an additional encroachment of a soffit which would require additional pruning or shearing of these trees. Common practice when working around large trees is that there be no work in the "drip line" of the canopies of each individual tree. **When a Planning Commissioner asked the applicant if the trees on the Northern elevation would be cut down, the applicant provided a vague, ambiguous answer,** shifting focus to talk about other trees that would be added elsewhere on the property in the green spaces or garden area for residents of the development. In other words, the Applicant is not only asking for a 4' encroachment into the code-required setback, the required overdig of a foundation this size will create an even further impact on the existing root systems and inevitably, the canopy of the trees on the Lot #5501 to the North will have to be sheared or severely pruned and defaced in order to get the building in, siding on and the exterior finished.

Question: If this mature stand of trees is being held up as the basis for the mitigation for the variance, if they are destroyed or severely damaged in the process, how can this be justified as appropriate mitigation? This is circular reasoning and disingenuous. We believe that a certified arborist's opinion is crucial and respectfully request that the Planning Commission require this before this variance approval is considered further.

Other Options for Building Location

Given the issues we raised above and those raised by others in opposition (including but not limited to the completely inconsistent commercial structure relative to the 1 and 2 story surrounding homes and the potential impact of parking, traffic, etc.), we wonder whether the Applicant provided information to the City and Planning Commissioners about:

1. Whether any other property location(s) within the PMH site were considered for this development?
2. Whether a different footprint was considered on the current proposed site which would not require a variance of property line setback to the North?
3. Whether other structure design options were considered which would not require any variances in height or setbacks?

Since early 2019, we have been in frequent and specific communication with both the City of Milwaukie (CoM) Planning Department, PMH and the Applicant as we considered buying and saving the original historic Skulason family home (Lot #5501) from almost certain (98%) demolition. Our message has been clear from the beginning. We want to be positive and good neighbors in our efforts to restore this historic home. We ask for the applicant to treat us with the same respect. The arguments put forth as mitigation do not do so.

Other Points of Concern

- We have had multiple discussions in person (pre-COVID), via phone and email with the CoM and PMH regarding the development being proposed and current utility easements in place solely benefiting tax lot #5501 since mid-2019. At no point did the City Planner or Applicant ever indicate there had been a proposed change to the building size/scale, location, etc.
- We asked about the perimeter protocols for mail notifications surrounding #CU-2021-001 (tax lots #6100, 6200 and 6300) and VR-2021-006 (tax lots #5800, 5900 and 6000). The City Planner stated that all properties within a 300' radius were given a weeks notice in the mail. At no point did our directly adjacent property at 10399 SE 34th Avenue 97222 (Northern property line to proposed development, tax lot #5501) ever receive any paperwork surrounding either matter. We only became aware of information for VR-2021-006 because a neighbor mentioned a call the day of the May 11th Planning Commission meeting. This left us no time to send over additional information which we believed would have been relevant to be shared with the Commissioners prior to the meeting.
- As an observation, the summary presented to the Planning Commission by City Planners discussed the impact on 3 of the 4 elevations, skipping over the elevation to the North. The summary provided by the Applicant did the same. *Yet this North elevation is where the variances are being requested and has the greatest negative impact and in fact is the sole neighboring property which directly abuts the proposed development property.* This failure to impartially address issues to the North appears at best careless and at worst intentionally misleading.
- Applicants clearly stated they are pushing for a larger scale building with 5 stories to obtain additional funding and tax breaks available if they hit a certain threshold with HUD. This objective shouldn't be at the mercy of the neighborhood nor should the City set a precedent unduly favoring a large corporation while overlooking the needs and livability of those adjacent residential properties directly affected by the proposed development. This only gives way for future developers to feel confident they, too, will successfully get variances approved by the City to the detriment of the residents of the community.

- The Applicant refers to proposed setbacks from the North property line as the "Rear Yard Setback". In their comments included in the Agenda packet provided for the May 11th meeting, Applicant stated that adjacent property Lot #5501 can and has been used for a number of office or commercial uses as an incentive for its preservation. This is simply untrue. This mapped Significant Landmark is on the Historical Registry with the State of Oregon and the City of Milwaukie and has continuously been an occupied single family residence dating back to 1912.
- Will a variance also be required for setbacks for the generator and watershed facility (storm water management) also located on the Northern elevation/property line?
- The Applicant suggested that there is a 50 year minimum for the proposed building to maintain the same use as a elderly aging in place facility. What is the penalty for PMH if the building changes functions before the 50 years? Does PMH have to outline what the intended use at year 51 is prior to HUD funding and City approval for development?
- *Attached below* are photos dated 5/16/21 briefly displaying the current stand of trees that sit on on tax lot #5501 (North property line of proposed development) and their extensive canopies that would be dangerously impacted by these variances. Furthermore, a few photos are also included of the recorded private utility easement (solely benefiting tax lot #5501) location that runs directly underneath the proposed development from the Applicant.

We appreciate the time and consideration of the Planning Commissioners and CoM officials and look forward to the meeting scheduled for May 25th in this continuance.

Best,

Alle Bernards, PMP, CPM, LEED AP, ASID, IIDA, NCIDQ

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From: [matt hauck](#)
To: [Milwaukie Planning](#); [Mary Heberling](#)
Cc: [Matt Rinker](#); [Lisa Gunion-Rinker](#)
Subject: VR-2021-006 Continued Hearing_Opposition in Written Comments (HAUCK/CROCKER FAMILY)
Date: Tuesday, May 18, 2021 4:42:28 PM

This Message originated outside your organization.

To:

City of Milwaukie and Providence Supportive Housing
C/O:
Mary Heberling, AICP
Assistant Planner
6101 SE Johnson Creek Blvd. Milwaukie, OR 97206

From:

Matt Hauck and Melany Crocker (homeowners immediately adjacent to proposed project of VR-2021-006)
3425 SE King Rd
Milwaukie, OR 97222

Summary Overview

My wife Melany and I are homeowners at 3425 SE King Rd, a property immediately adjacent to the proposed project from Providence Milwaukie Hospital (PMH) that also is bordered by PMH's main building and emergency room parking lot to the North. Melany and I wish to communicate our concerns of the proposed variances to building height and setbacks codes on the lot located at the intersection of Llewellyn St and 34th. We are supportive of further development in our residential area by PMH, however, have concerns over specific points listed below.

Key Points

Building Height, Setbacks, and Placement: the proposed variance of building height to allow for a structure standing 62' in height were partially addressed on page C12D in the SERA Providence Senior Housing planning commission review document. If there is an assumption of correct scale and building placement within the drawing, the concept presented does not address changes in angles to the sun during *the course of each season during the year, at all times of day during daylight hours*. In our case at the adjacent property of 3425 SE King, we have concerns that through the late fall, winter, and early spring months that any sunlight present during the midafternoon onwards into the evening may be significantly blocked out. These are months where sunlight is already limited in our region due to weather.

We also have concerns with the proposed setback variances, as our property already runs up against

the parking lot to the emergency room and hospital building itself on our North property line at 3425 SE King Rd. With the proposed variance in setbacks moving the large building closer to our own property as well as the neighboring property, we will be in the middle of 2 large, busy buildings in a single-family home, residential area. Specifically, we have concerns about added noise due to closer setbacks and property placement, and as seen on page C13 in the SERA Providence Senior Housing planning commission review document there is a generator being placed on the North property line on the East side of the proposed building.

Lastly, there will be a parking lot placement on the East side of this proposed lot contributing to additional traffic flow to both King Rd and 34th. While the added traffic from this parking lot placement by the intersection of King Rd and 34th will increase noise for our property, there is also a safety concern that must be addressed as a minimum of 3 separate driveways (3425 SE King, 10399 SE 34th, and the proposed PMH lot) will be entering the flow of traffic at what is currently a small, mostly blind corner. A traffic study of at least King Rd, 34th as well as Llewellyn St must be done to further understand the impact of traffic flow as it stands now. Especially given the fact that the city of Milwaukie has recently announced plans to divert a preferred bike path from 32nd, down Llewellyn St, up to 34th to then head towards the area of the fire station.

Conclusion: Opposed to request for variance in current version of proposal

We are in favor of maintenance, care, and *thoughtful* development of the vacant lot of the proposed development location. We also believe that the excessive height and setbacks requested in the variance proposal could potentially have a significant, negative impact to our properties, property value, and quality of living in our neighborhood.

In regard to the specific variances being requested, we are ***opposed*** to their acceptance in their current state by the Planning Commission. However, we wish to be active participants in helping produce an outcome that allows for PMH to continue their mission of knowing, caring, and easing the way of the communities they serve while being mindful the neighboring community itself. The clinic and senior living space, when optimized, will be a welcomed addition to our area.

We look forward to enhanced dialogue from the City of Milwaukie, the Planning Commission, and Providence itself with the neighboring community. As dedicated community members, we are excited about the potential for this area and believe that working in concert together will help realize that potential.

Thank you for your time and consideration on this matter, we look forward to your correspondence.

Respectfully,

Matt Hauck and Melany Crocker
3425 SE King Rd
Milwaukie, OR 97222

Re: VR-2021-006

The deadline assigned to us to respond, within a week's time to the Applicant's variance request, and overall proposal, is absurdly short as it is. We as residential neighbors should be able to contract with subject matter experts in the following areas. Only then should the variance requests be put forward to a vote.

The rush to expedite this vote next week so that the Applicant can apply for the HUD money on their timeline a little over a week from now seems to have been more of a concern to the Planning Department and Planning Commission than our numerous objections as residents to the inappropriate nature of these rushed variance requests without time for neighborhood review in addition to other related issues. I strongly urge the Commission to grant a continuance for 120 days rather than vote.

One of the speakers in favor of NOT approving these variances asked VERY clearly during the meeting for an additional 120 days to respond. Which is more than reasonable given the needs to have qualified subject matter experts create studies, reports and assessments of the overreach on this project. That request was seemingly either forgotten ignored or not considered. Either way it put an undue burden on the residents. The Applicant has had loads of time to work on this proposal. We got 1 additional week after the meeting and only were allowed 3 minutes each to speak during the meeting while the applicant had an unlimited amount of time. Seems pretty unfair.

Seeing this project go from what had long been expressed to the community as a much smaller 3 story building with a clinic on the first floor and 2 floors of elderly housing above mushrooming to this last minute switch nearly doubling the building capacity and now looming over single and only a few 2 story residences is deeply concerning.

The South side of Llewellyn is all residential except for 1 doctor's office that is located inside a 1 story former single family home and still maintains the required setback. The small parking lot belongs to the

commercial building which is located and fronted on Harrison, not Llewellyn. During the meeting everyone spoke as if under the current use the South side of the street was already commercial. It isn't.

None of the South side of the street can even be 3 stories tall if it were to be rebuilt under R-3 zoning. To have a building across the street with a height nearly doubling that is incongruous in the extreme. It would be one thing if the R-3 areas were GMU also. They aren't.

One of the renderings in the actual report is a photo taken of my home located at 10515 SE 34th Ave is a 2 story bungalow painted grey with white trim and a white front porch. Notice how the rendering shows the project towers over me. Aesthetically not pleasing in the least. I will lose all privacy into my back yard. The 3rd, 4th and 5th floors would have a direct sight line in to my private space. My current 6 foot fence will do nothing to mitigate the loss of my privacy. The current trees inside my fence planted 10 years ago by the previous owners have totally overgrow the lot and spacing. Two must be removed now by an arborist as they are not healthy and damaging my exterior and fence. Once removed I have an unsightly view of most of the building. A 120 day continuance is requested to allow us to come up with a plan or request modifications.

Granting this project the 4th & 5th Floors they are seeking makes it loom over the street. It also sets a disturbing precedent for other sites along the street as well as in similar situations elsewhere in the city. What is to stop the Applicant for applying to build something else 5 stories tall on the corner of 32nd & Llewellyn since this will set the precedent?

Next is the issue of the request for a decrease to the setback on the North side of the property. There is a line of magnificent tall historic 100 plus year old trees there. This massive project sited so close to the property line is extremely likely to negatively impact their root system, quite possibly killing them. By the Applicant's design architect's own admission during the meeting he said he is "not an arborist". An arborist must be contacted to assess this impact and provide a report. An environmental impact study must also be done. If these trees were to die, the North side home would lose their privacy screening as well as

not being able to replace them with the same trees at remotely that height. Again, a 120 day continuance is requested.

We also have been told that this project at this scale will now significantly decrease our single family home property values. That is a major sticking point. We have reached out to several appraisers for their input. Full assessments and reports could not be generated in this one week timeline. We request 120 day continuance to gather that vital information. Homes are the single biggest investment most of us have made. We deserve a fair answer to how this affects us all.

It has come to our attention that there are two major additional flaws to this Application. One is that it takes away an existing easement to grant access to the North side property owner to their separate lot adjacent to them on the back side of their home. Currently a driveway exists to access it coming in from Llewellyn through the current small parking area. That is eliminated in the Applicant's plan. The building will be sited directly over it. The other issue is their existing sewer line which cuts through to Llewellyn directly through this project. That has not been addressed. Please add it into the next discussion after a 120 day continuance.

The request for the variance to site the building front portion so close to the street and allow a shortened setback sets a bad precedent as well. Again I urge you to not approve it. The road is already too narrow for the existing traffic flow. Not leaving any room there only worsens an already negative situation for cars and pedestrians alike.

While we are on the subject there has been no mention of a traffic study. We request that the applicant complete one with input from the neighbors. No existing stop signs has resulted in many near misses of striking homes and pedestrians as we have no sidewalks. With elderly residents and clinic patients this is a hazard. Again please grant a 120 day continuance here.

I conditionally could support a clinic being built in the future. I can agree that benefits the community and the elders who do want and need those services. 2 floors of housing above the clinic seems appropriate and in scale with the street and the R3 zone on the South side of the

street. That could allow a good quality of life for all of us, continue most of our privacy and enjoyment. Fixing the easement, sewer and more appropriate setbacks all around are my request. Going forward for HUD money right now is the cart before the horse. None of this should go forward without all the other issues listed above resolved.

Caroline S Krause
10515 SE 34th Ave
Milwaukie OR 97222
(941) 323-5073



Memorandum

To: Mary Heberling, AICP, Associate Planner, City of Milwaukie
From: Li Alligood, AICP, Senior Planner
Copies: Waller Zisette, Providence Supportive Housing
Lynn Lindgren-Schreuder, Housing Development Center
Gauri Rajbaidya, SERA Architects
Date: May 18, 2021
Subject: Additional Applicant Testimony for File #VR-2021-006
Project No.: 19836.100

The applicant, Providence Supportive Housing, submits this additional information in response to public comments submitted prior to the May 11, 2021 Planning Commission as well as public testimony provided at the hearing. As stated at the Planning Commission hearing and in subsequent communication from the City, new information can be submitted until 5:00pm on May 18 and responses to any new information can be submitted until 5:00pm on May 25.

The applicant has an additional 7 days to respond to comments submitted between May 18 and May 25. However, in order to hold a second hearing on the application prior to the May 26, 2021 deadline for the HUD 202 funding application, the applicant waives the final 7-day response period and agrees to end the public comment period at 5:00pm on May 25.

The submitted comments and testimony generally addressed scale (height and setbacks), green space, traffic, and parking. Each of these items is addressed in more detail below. The applicable criteria for the current variance requests address impacts to adjacent properties; creative design and unique relationship to other structures; public benefits and amenities and meeting sustainability goals; and transition to adjacent neighborhoods.

Comments were also submitted related to criteria that are not applicable to the current request, including the location of the development, parking, traffic, and infrastructure. The Building Height Variance and Variance applications do not directly trigger analysis of traffic impacts or parking needs. As noted elsewhere in the record, traffic impacts and any mitigation measures will be evaluated at the time of Site Plan Review. In addition, parking requirements will be addressed at the time of Site Plan Review through a Type II Parking Adjustment application. However, parking is often a neighborhood concern when new development is proposed, and the parking analysis has been completed to inform the current project design and is addressed by a memo provided by Kittelson and Associates, Inc.

Responses to Public Comments & Testimony Related to Approval Criteria

Scale/Height

The GMU zone height limit is 45 ft. A 12-ft. height increase (for a total height of 57 ft.) is permitted by right (without Planning Commission review and approval) if the project devotes at least one story or 25 percent of the gross floor area to residential uses or if the project receives a green building certification. An additional height bonus of 12 ft. (for a total height of 69 ft.) is permitted through the Type III Building Height Variance process. This provision acknowledges that there is a benefit to both residential uses and green certified buildings in the General Mixed Use zone, and provides a clear path to request the full allowable height bonus through a discretionary

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review process. The proposed building height is 62 ft., or 5 ft. higher than the height permitted by right (i.e. through Type I Site Plan Review).

It is true that, if approved, this would be the tallest building in the Central Milwaukie area (with the exception of Hillside Manor to the northwest, which is 9 stories tall). The nearest commercial building is the Providence Milwaukie Healing Place, which is 3 stories tall. However, the surrounding neighborhood is changing quickly. The Hillside Park Planned Unit Development preliminarily approved by the Planning Commission on March 23, 2021 (File #PD-2020-002) includes 4-story buildings along SE 32nd Ave, which will provide additional context for the requested height. The Murphy Plywood site to the southwest of the Providence Healing Place was identified as an "opportunity site" through the Moving Forward Milwaukie code and plan amendments and mixed-use development is anticipated on that site in the future. Any development within the GMU zone will have the opportunity to request height bonuses through the provisions of MMC 19.304.3.

Opponents have suggested that approving a 5th story for the proposed building will set a precedent in the immediate area. While it is true that all development in the GMU zone has the ability to request bonus height either by right, or through Type III Building Height Variance review, each development requesting height beyond 4 stories will need to demonstrate conformance with the specific considerations and context applicable to the site. For that reason, the Planning Commission can find that approval of this request would not result in setting a precedent for future development in the GMU zone.

Stepbacks

Opponents expressed concern that the reduced upper level stepbacks would have negative impacts on properties to the south. The setback requirements of the base zone are intended to reduce the apparent height of buildings that exceed the base height of 45 ft., so that taller buildings would still appear as 3-4 story buildings. The proposed building steps back above the 4th floor along the eastern side of the building so that the upper level is visually less obtrusive.

Street trees will be planted along SE 34th Ave and SE Llewellyn St as part of the frontage improvements triggered by the development. These trees will soften the apparent height of the building.

As shown in Attachment A Diagram 2, the appearance of the building from the street would change only slightly if the 4th and 5th floors were stepped back the full 15 ft. required by code.

Setbacks

During testimony, questions were posed regarding the location of the proposed building setbacks – why aren't the requested reductions to the setbacks requested to the rear/north of the building rather than the front/south of the building? There are a number of drivers for this decision.

To serve the community in the most optimal way and meet the demand, Providence requires the ElderPlace PACE Clinic to be no less than 7,500 sf of ground floor area. Furthermore, for the "aging in place" model for the senior residents, the HUD funding stipulates the provision more spacious ground floor entry lobby and upper floor units to address the varying mobility needs as residents age than is typical in other affordable housing projects. By keeping the building compliant along the eastern wing, the development team realized that their only way to meet the ground floor clinic area requirements would be to ask for variance in the setback for the western wing of the building. The site does not afford enough area to the north of the western wing to meet this area requirement. The design of the building limits the setback variance to 44'-0" of the building frontage (only about 1/3 of the total frontage) along SE Llewellyn Street.

The proposed building setbacks provide ample area along Llewellyn St to allow for people to gather during drop-off and pick-up for the ground floor clinic function while maintaining a pedestrian oriented urban edge. The

proposed setbacks on the north side of the site provide ample room for new landscaping, planting and a modest maintenance access walkway between the building and the north property line in addition to providing a buffer to the existing trees adjacent to the property line and on the neighboring lot.

Surrounding Uses

This area is in transition, as recent development applications indicate. The homes to the south of the site in the R-3 zone were built in the 1990s or earlier and are modest in size (from 800 sq. ft. to 1744 sq. ft.). The home to the north is approximately 5,400 sq. ft. The home was most recently sold in 2019. The current owner of the property to the north, Alle Bernards, indicated that no commercial uses were being or had been considered for the site.

While this may be the case, it remains true that this property has the option for additional uses per MMC 19.403.8 due to its status as a Significant Historic Landmark. These uses must be approved by the Planning Commission as Conditional Uses and include art and music studios, galleries, offices/clinics, crafts shops, bed and breakfast, gift shops, museum, catering services, bookstores, boutiques, restaurants, antique shops, community centers, or other uses as approved by the Planning Commission.

Likewise, any of the existing buildings to the south of the site could request Conditional Use approval for conversion to an office or clinic use. The building at 3250 SE Llewellyn Street has been converted to medical office use as allowed in the R-3 zone (File # CU-02-02), and the lot to the rear of 3315 SE Harrison St serves JSE Labs and is also permitted as a conditional use. Submitted testimony suggests that the Milwaukie Vein Center is likely to revert to single-family residential use, but given the cost and time associated with converting a home to an office, as well as the physical appearance of the site, may present obstacles to use as a single-family home.

Open Space & Trees

The current application is for the building itself; a proposed open space and surface parking area to the east of the site was approved through CU-2021-001. As noted in that application, the southeast corner of the site will be developed with landscaping and hardscaping. The specifics of the design will be revised for the Site Plan Review application, but this area is intended to provide opportunities for enjoyment of the outdoors and will be available for use by neighbors.

The existing conditions survey included as Sheet C12B of the land use submittal shows that most of the trees on site are located along the northeastern and eastern property lines, with some smaller deciduous trees located along the southern property line. The trees along the northeastern property line consist of pine trees. Based on a visual inspection, these trees are in poor condition. The trees along the eastern and southern property lines will need to be removed to construct the required frontage improvements along SE 34th Ave and SE Llewellyn St, and will be replaced with street trees from the City's approved street tree list.

Most of the trees along the northern property line are located on the property at 10399 SE 35th Ave. A tree protection plan has been prepared by Walsh Construction Co. and is included as Attachment B. Any tree removal would require approval from the property owner. As such, impacts to these trees will be avoided.

Additional Responses to Approval Criteria

Additional responses to the Building Height Variance approval criteria of MMC 19.911.7.D are provided 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.*

Additional Response: The applicant submitted an alternatives analysis with the initial land use application submittal.

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.*

Additional Response: The proposed design is fairly conceptual at this point, and will be refined for the site plan review application. However, the design team is committed to the use of high-quality materials (as shown on Sheet C26 of the land use application submittal).

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.*

Additional Responses: None of the opponents disagree that the proposed development will provide desired public benefits, and the Rinkers specifically note that the project is a public benefit itself. The City's zoning code identifies residential uses in the GMU zone and green building certification as the requirements for additional height in the GMU zone, which indicates the importance of these policies to the City.

As noted in the materials that have been submitted into the record, the project will provide 71 affordable dwelling units for very low-income seniors, 1 dwelling unit for an on-site manager, and the ElderPlace clinic to serve low-income seniors. The City adopted a Community Vision in September 2017 that identifies availability of affordable housing as an integral component of an equitable, livable, and sustainable City. This development will fill a critical need within the community.

As noted in the record, the project will also receive Earth Advantage Gold certification, which meets the City's goals for sustainability.

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

Additional Response: The design team conducted significant site analysis and the proposed design is intended to respond to the very specific context of the site. As noted in the submitted application materials and in the staff report, the sites to the south are zoned R-3. As shown in Sheet C12D, the proposed building will not cast shadow on existing buildings to the south. Any shadows to the north will be mitigated by the existing mature trees and the distance between the buildings.

Though the existing structures to the south of the site are single-story dwellings and offices, the maximum height of the R-3 zone is 2.5 stories or 35 ft., whichever is less. Office uses are permitted in the R-3 zone as conditional uses. As shown in Diagram 1, the uses directly south of the "west wing" of the building include a medical office and a single-family residential dwelling, each of which is separated from the building by 69 ft. or more.

Testimony submitted suggested that the proposed scale of the building, at 5 stories or 62 feet, is unresponsive to the existing development surrounding the site and state that the existing residences to the south of the site will be negatively impacted by the proposed development. Specific impacts noted include shade and visual impacts.

As shown in the applicant's submittal materials (Sheet C12D), the proposed building will not cast shade over the existing buildings to the south of the site. As shown in the new Diagram 2, the visual impacts to the residential properties to the east will be mitigated by the open space to the east of the building.

The setback reductions are requested because the site is adjacent to the R-3 zone to the north, east, and south. Transition area measures are applicable to the north, east, and south property lines and require 15 ft. setbacks, a significant increase from the GMU zone 0 ft. setback requirement. This creates a unique situation for this site.

As noted in the submitted application materials, the portion of the building directly across from the surface parking lot and medical office is closer to the sidewalk to reflect the non-residential character of the ground floor of the building. The portion of the building across from the single-family residential uses to the south is set back by 20 ft. from the southern property line to reflect the single-family residential uses to the south.

Response to Public Comments & Testimony Not Related to Approval Criteria

Development Operations and Management

Providence is a long term and responsible owner of property and member of the communities where it resides. A letter from Providence ElderPlace, responding to community concerns regarding ElderPlace/PACE Clinic operations, is included as Attachment D.

The use of the affordable housing being developed at Providence Milwaukie House will be tightly regulated under a Regulatory Agreement executed between Providence (acting as owner of the property) and the federal Department of Housing and Urban Development (acting as a project funder). The Regulatory Agreement is recorded on the title of the property and protects HUD's interest in ensuring that the housing portion of the project serves very low-income seniors (ages 62+). The regulatory Agreement begins on the date of execution of the agreement by both parties and ends 50 years later.

Any parking violations or dumping caused by residents of Providence Milwaukie House will be monitored and corrected immediately by on-site staff whose job will be to ensure the cleanliness of the grounds themselves and the surrounding area. Onsite management staff of Providence Housing properties are often invited to participate in community councils and activities through which they build trust and connections with neighbors that help to preempt disruptions that interfere with the quality of life of neighbors of Providence Housing properties, and the quality of life of residents of these affordable housing properties.

Location

Submitted testimony suggests that the proposed development would be more appropriate in another location. Though the purpose of quasi-judicial land use review is the review a submitted proposal, rather than suggest alternative locations, the applicant has considered other locations on the Providence Hospital site and has determined that they are inappropriate for the development. Very few sites that meet HUD criteria for funding are currently available.¹ This site is appropriate for the proposed development for several reasons:

- The site is owned by Providence; therefore, the cost to develop on the land is effectively \$0, which helps to enhance the financing feasibility of the project.
- It is close to healthcare services provided at the hospital that residents of the building will need (e.g., primary care, and behavioral health care services).
- Once developed, the site will include many trees, shaded areas, opportunities for walking, and other healthy activities.
- The site is already zoned for and intended for the mixed-use activities as proposed by the applicant – activities that will promote independence, health, housing stability and well-being for many of Milwaukie's most vulnerable senior citizens.

Providence Hospital has conducted extensive environmental testing on the existing Providence Hospital parking lot at the northeast corner of SE Llewellyn St and SE 34th Ave. This site was previously owned and operated by Stanley Proto-Tools, which sold the property to Providence Hospital in 1996. According to the DEQ

¹ These criteria include existing zoning or timeline for rezone, ownership (time and cost to transfer ownership can present significant obstacles to development), site contamination, and location.

Recommendation for No Further Action for Soils memo dated August 6, 1997,² "The activities on the site while under Stanley Proto-Tools ownership included tool and die work, forging, heat treatment, machining, assembly, calibration, plating, and painting. Chemical and waste storage areas were located both inside and outside the manufacturing building."

The northern portion of the area, which contains the Providence clinic, was cleared for by the DEQ for development in 2001. The southern portion of the property requires site mitigation to meet environmental requirements for residential buildings. The southeastern portion of the property (where the subject development is proposed) is the only portion of the Providence Hospital site that is supportive of residential uses without site mitigation.

Parking

As noted in the submitted land use application materials, the applicant will submit a Parking Determination request to reduce the off-street parking requirements for the proposed development and approve a shared parking agreement for use of the existing Providence Hospital parking lot at the southeast corner of SE 32nd Ave and SE Llewellyn Street. Though the current application does not include this parking determination, analysis in support of the future request has been completed and is included as Attachment D.

Residents of subsidized affordable housing tend to have much lower vehicle ownership rates. Given that very low-income residents of affordable housing are typically earning a fixed income (from Social Security and/or disability), they do not have additional resources to support the costs of owning a vehicle (maintenance, insurance, gas, etc.).

Providence Supportive Housing has gathered data on several similar projects and has found that the parking ratio for existing deeply affordable senior housing projects is 0.3 spaces per dwelling unit. For the 72 proposed dwelling units, that would result in a parking demand of 21.6 parking spaces.

The surface parking lot to the east as approved by CU2021-001 includes 17 surface parking spaces and 1 loading space to support the residential uses on the site. An additional 23 parking spaces will be available for employees at the southeast corner of SE 32nd Ave and Llewellyn St. These spaces are currently used by employees of the ElderPlace and the use will remain when the new ElderPlace facility is constructed in Providence Milwaukie House. See Attachment A for further discussion.

Traffic & Safety

A full traffic impact analysis (TIA) will be completed at the time of site plan review. This TIA will address the function of nearby intersections and identify any impact mitigation measures and safety measures.

Regardless of the findings of the TIA, the application will construct a new shared vehicle and bicycle travel lane, curb, gutter, planter strip (with street trees) and sidewalk along the entire site frontages on SE 34th Ave and SE Llewellyn St. The project will also underground the existing power lines along those frontages. These improvements will extend the sidewalk on the north side of SE Llewellyn St from the current terminus west of the site to the corner of SE 34th Ave and will extend sidewalks to the northern property line along SE 34th Ave. These sidewalk improvements will create an accessible route to the TriMet stops on SE 32nd Ave.

Potential safety mitigation could include installing stop signs at existing uncontrolled intersections, among other approaches.

² Available online at <https://www.deq.state.or.us/Webdocs/Controls/Output/PdfHandler.ashx?p=118e8f77-9eb2-43e2-bd83-e3b9aa6b892a.pdf&s=ECSI%20No.1171%20Stanley%20Tools%20Soil%20Staff%20Memo.pdf>.

Existing Sewer Line Easement

The existing sewer line easement is shown on Sheet C12B of the submitted application exhibits. This easement is for the benefit of the property to the north (10399 SE 34th Ave). The property owner testified at the hearing that they had not been consulted about this easement; however, the applicant has been in discussions with the property owner regarding the potential relocation of this sewer line and easement for several months. The applicant and design team are aware of this easement and have considered its location and relocation in the site plans.

Conclusion

In conclusion, the applicant continues to believe that the requested building height, setback, and stepback variances meet both the intent and the criteria of MMC 19.911. The applicant respectfully requests approval of the development as proposed.

Attachments

- A. ElderPlace Letter of Support
- B. Site Diagrams and Building Renderings
- C. Tree Protection Plan
- D. Parking Memo



May 17, 2021

Subject: Additional Applicant Testimony for File #VR2021-006

Dear Ms. Heberling & City of Milwaukie Planning Commission

Providence ElderPlace is based on a national care model called PACE ~ Program of all-inclusive care for the Elderly. Providence ElderPlace Milwaukie currently serves close to 250 frail and vulnerable seniors in Clackamas County. PACE serves individuals who are age 55 or over. The average participant is 76 years old and has multiple, complex medical conditions, cognitive and/or functional impairments, and significant health and long-term care needs. Approximately 90 percent are dually eligible for Medicare and Medicaid.

PACE Participants average 5.8 chronic conditions, including congestive heart failure, chronic obstructive pulmonary disease, vascular disease, diabetes with chronic complications, and major depressive bipolar and paranoid disorders. Our Clackamas county participants have a wide array of needs and many come to us not having received the services they need for years, if ever. We are also often supporting them in transitioning to a more appropriate living situation. Our participants reside in supported settings, including adult care homes, assisted living, and residential care facilities. A high percentage of our Clackamas county participants also reside in their own homes or home with others. It is our goal to keep our participants living in the community, avoiding hospitalizations and nursing facility stays.

Providence ElderPlace provides the entire continuum of medical care and long-term services and supports required by frail older adults. These include primary and specialty medical care; in-home services; prescription drugs; specialty care such as audiology, dentistry, optometry, podiatry and speech therapy; respite care; transportation; adult day services, including nursing, meals, nutritional counseling, social work, personal care, and physical, occupational and recreational therapies; and hospital and nursing home care, when necessary. In short, PACE covers all Medicare Parts A, B and D benefits, all Medicaid-covered benefits, and any other services or supports that are medically necessary to maintain or improve the health status of PACE program participants. PACE Participants Are Served by a Comprehensive Team of Professionals: Upon enrollment in

PACE, participants and their caregivers meet with an interdisciplinary team (IDT) that includes doctors, nurses, therapists, social workers, dietitians, personal care aides, transportation drivers and others.

Having a larger footprint within the Providence Senior Housing project will allow us to serve more seniors in Clackamas County. Our current location within the Providence Milwaukie Healing Place is just under 4000 square feet. Our projected location within the Senior Housing project will be close to double the square footage. Partnering with Senior Health to increase our service provision to veterans, the homeless population, and the LGBTQ population will greatly benefit Clackamas county and those individuals in greatest need. With the ability to expand our capacity in a larger space, we will be able to increase the Clackamas County zip codes we are able to serve.

Thank You for considering the important work we do, serving the most frail in Clackamas county. Thank you for your support of our program and the Senior Housing project on the Providence Milwaukie campus.

Sincerely,

Lori Frank

Lori Frank, MBA
Director PACE Operations
Providence ElderPlace Oregon

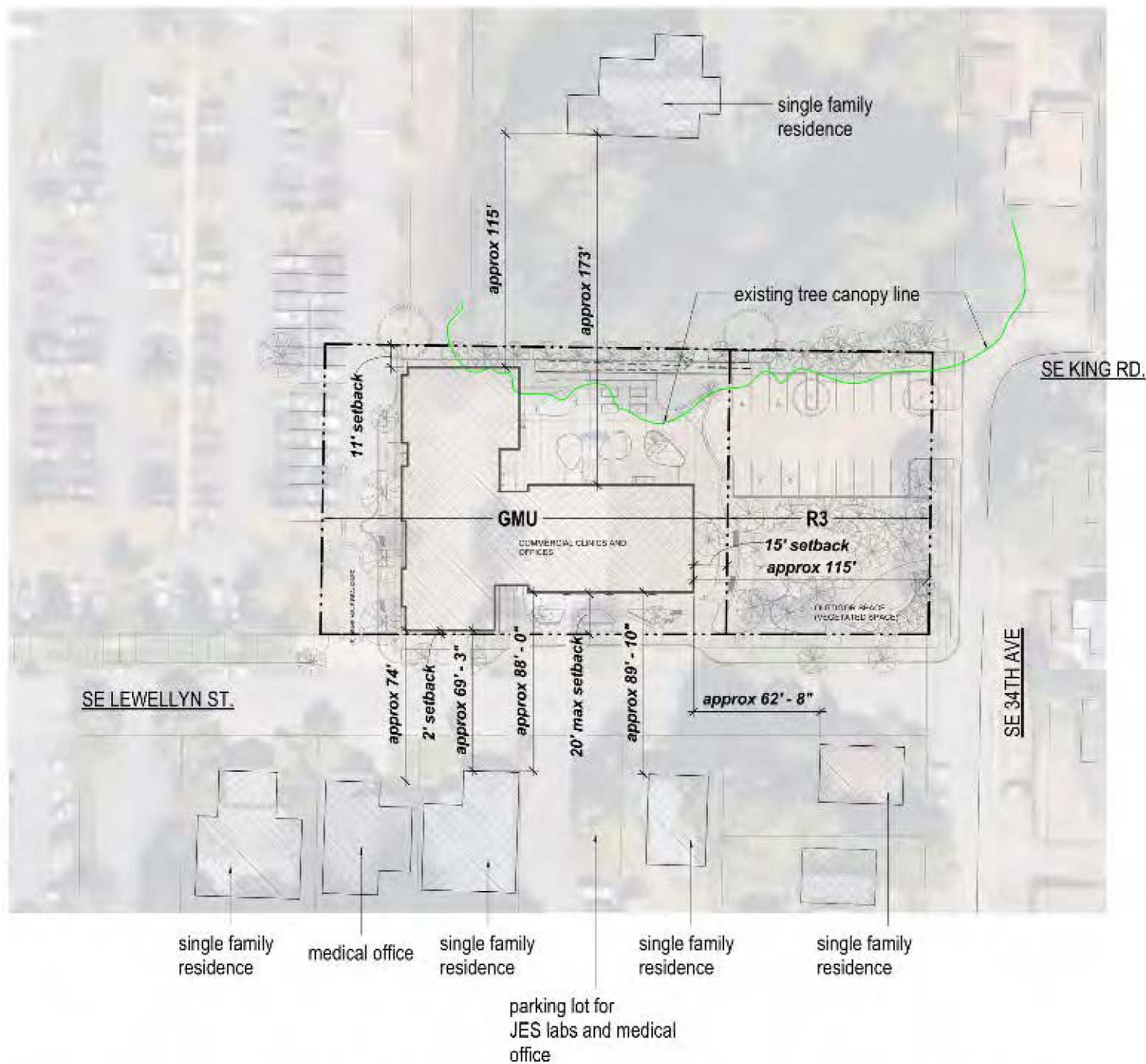


Diagram 1: Distance to neighboring properties and existing tree canopy line

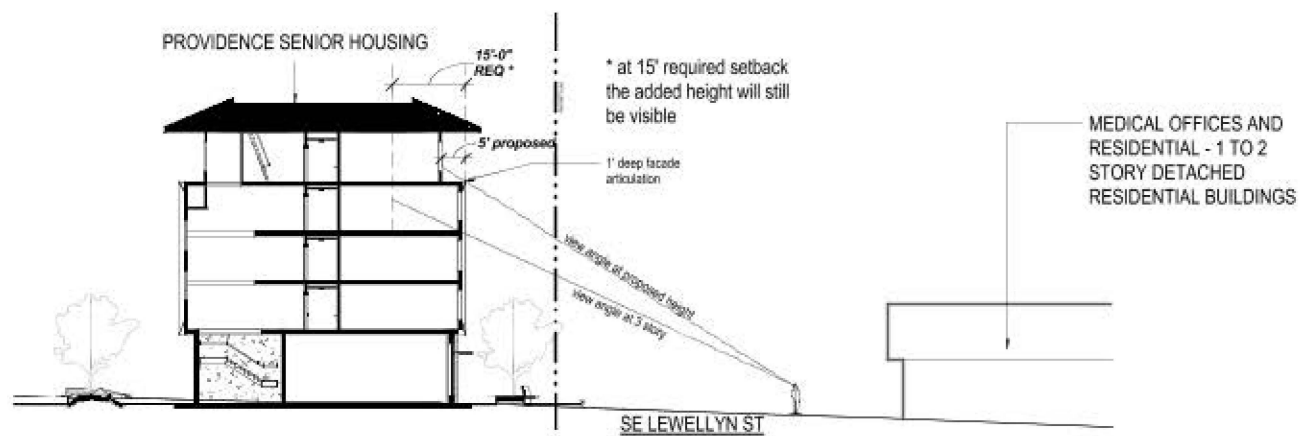


Diagram 2: View angle analysis of the 5th floor step back along the east building wing



View from the corner of SE 34th Ave and SE Lewellyn St



View from the corner of SE 34th Ave and SE Lewellyn St



View from the corner of SE 34th Ave and SE King Rd



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Milwaukie Providence Tree Protection

Walsh Construction will undertake the following measures when working in the root zone to ensure the health and protection of the trees located at north of the project property line at 10399 SE 34th Ave, Milwaukie, OR

A. Intent. Tree protection during development helps to reduce the negative impacts of construction. The tree protection regulations keep the foliage crown, branch structure and trunk clear from direct contact and injury by equipment, materials or disturbances; preserve roots and soil in an intact and non-compacted state; and visibly identify the root protection zone in which no soil disturbance is permitted and other activities are restricted. Maintaining these protections through development will lessen undesirable consequences that may result from uninformed or careless acts, preserve both trees and property values, and reduce risks associated with damaged or destabilized trees.

B. Applicability. These standards apply to any tree that is required to be retained on site or in the street during a development activity. Proposed tree protection shall meet the requirements of Subsection C., below, except that the City Forester may approve or require alternate protection methods for Street or City Trees.

C. Protection methods. The Tree Plan shall show that trees retained are adequately protected during construction using one of the methods described below:

1. Prescriptive Path

a. A root protection zone is established as follows:

(1) For trees on the development site - a minimum of 1 foot radius (measured horizontally away from the face of the tree trunk) for each inch of tree diameter (see Subsection 11.80.020 C., Measurements):

(2) Street Trees – the City Forester may prescribe greater or lesser protection than required for on-site trees.

(3) Existing encroachments into the root protection zone, including structures, paved surfaces and utilities, may remain. New encroachments into the root protection zone are allowed provided:

(a) the area of all new encroachments is less than 25 percent of the remaining root protection zone area when existing encroachments are subtracted; and

(b) no new encroachment is closer than 1/2 the required radius distance (see Figure 60-1);

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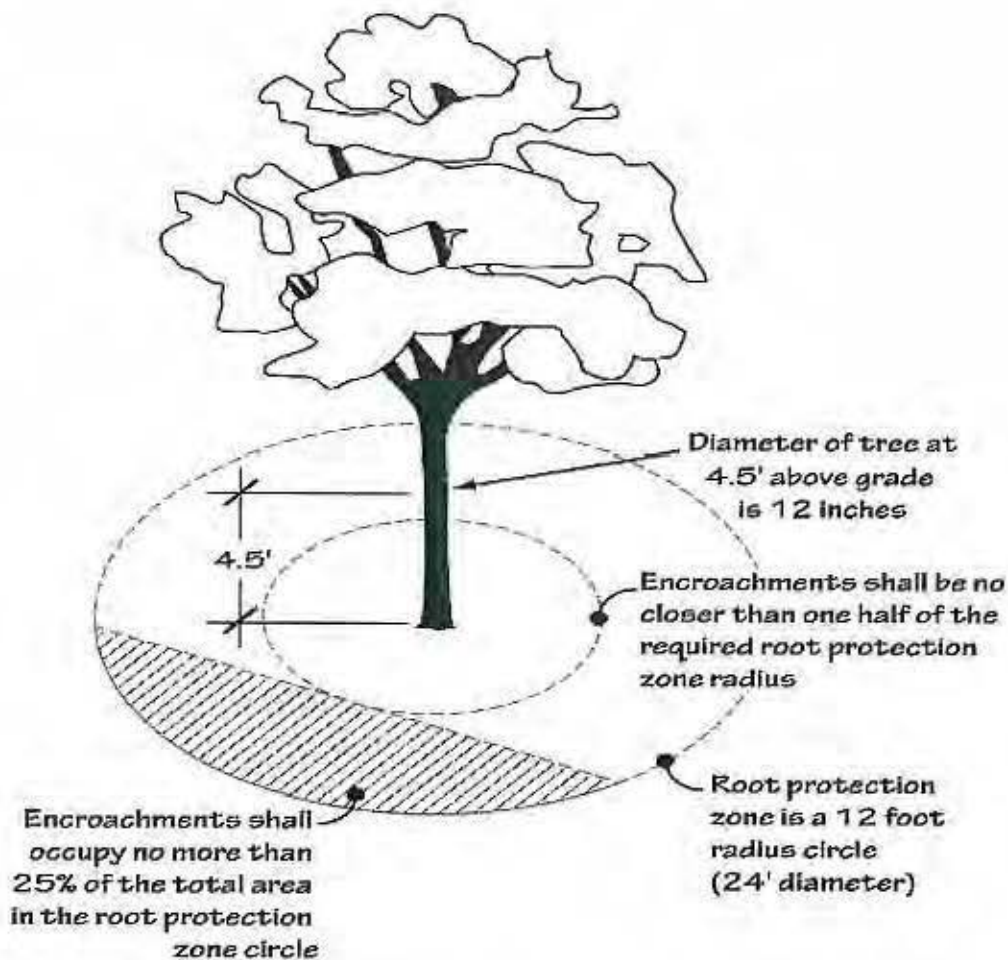
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Figure 60-1

Permissible RPZ Encroachments



b. Protection fencing

(1) Protection fencing consisting of a minimum 6-foot high metal chain link construction fence, secured with 8-foot metal posts shall be established at the edge of the root protection zone and permissible encroachment area on the development site. Existing structures and/or existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.



(2) When a root protection zone extends beyond the development site, protection fencing is not required to extend beyond the development site. Existing structures and/or existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.

c. Signage designating the protection zone and penalties for violations shall be secured in a prominent location on each protection fence;

d. Installation of landscaping required by Title 33 is allowed within the root protection zone and is not an encroachment. Any in-ground irrigation systems are considered encroachments.

e. The following is prohibited within the root protection zone of each tree or outside the limits of the development impact area: ground disturbance or construction activity including vehicle or equipment access (but excluding access on existing streets or driveways), storage of equipment or materials including soil, temporary or permanent stockpiling, proposed buildings, impervious surfaces, underground utilities, excavation or fill, trenching or other work activities; and

f. The fence shall be installed before any ground disturbing activities including clearing and grading, or construction starts; and shall remain in place until final inspection.

2. Performance Path. When the prescriptive path is not practicable, the applicant may propose alternative measures to modify the prescriptive root protection zone, provided the following standards are met:

a. The alternative root protection zone is prepared by an arborist who has visited the site and examined the specific tree's size, location, and extent of root cover, evaluated the tree's tolerance to construction impact based on its species and health, and identified any past impacts that have occurred within the root zone;

b. The arborist has prepared a plan providing the rationale used to demonstrate that the alternate method provides an adequate level of protection based on the findings from the site visit described above;

c. The protection zone shall be marked with signage, stating that penalties will apply for violations, and providing contact information for the arborist;

d. If the alternative methods require the arborist be on site during construction activity, the applicant shall submit a copy of the contract for those services prior to permit issuance and a final report from the arborist documenting the inspections and verifying the viability of the trees prior to the City's final inspection;



- e. If the alternative tree protection method involves alternative construction techniques, an explanation of the techniques and materials used shall be submitted;
- f. The arborist shall sign the tree preservation and protection plan and include contact information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Snow', followed by a long horizontal flourish line.

Dan Snow
Walsh Construction Co.
Project Executive

MEMORANDUM

Date:	May 18, 2021	Project #: 25930
To:	Walter Zisette, Providence Supportive Housing Lynn Lindgren-Schreuder, Housing Development Center	
From:	Julia Kuhn & Chris Brehmer	
Project:	Provide Milwaukie Senior Supportive Housing	
Subject:	Vehicular Parking Quantity Modification – Updated Analyses	

Providence Supportive Housing (“Providence”) is proposing to develop a five-story building on a vacant property to the northeast of the SE 34th Avenue/SE Llewellyn Street intersection adjacent to its Milwaukie Hospital Campus. This new building will include 72 attached senior housing units and 7,500 square feet of space to house services for ElderPlace, which is being relocated from the Healing Place building immediately to the northwest of the site within the Providence Milwaukie campus. The site is subject to the vehicular parking standards in Table 19.605.1 of the Milwaukie Municipal Code (MMC). Per this City requirements, the following minimum vehicular parking supply applies to the site development:

- 1 space per dwelling unit for units less than 800 square feet; and,
- 3.9 spaces per 1,000 square feet of medical/dental offices.

Per the City’s parking requirements, 101 vehicular parking spaces are needed for the building (i.e., 72 spaces for the residential and 29 for ElderPlace) whereas Providence is proposing to supply 41 spaces plus shared use of the parking in the lot directly to the west. The proposed parking includes 17 spaces adjacent to the building for use by the housing (these spaces were approved through CU-2021-001), an agreement with Providence Milwaukie Hospital to utilize parking supply within the existing 178-space Providence/Healing Place building parking immediately west of the building (and within the property boundary of the site), and continued use of the 23-space parking lot to the southeast of the SE 34th Avenue/SE Llewellyn Street intersection that is designated for use by the existing ElderPlace staff today. This staff will be transferring over to the new building.

The remainder of this memo provides technical documentation that can assist with the City’s review of the requested parking quantity modification. As discussed herein, we conclude that the proposed parking supply can be considered reasonable and appropriate to serve the new residents and will avoid unmitigable impacts to the existing campus uses and/or the neighborhood streets.

Parking Quantity Modification

The requested modification for the senior housing vehicular parking requires a Type II determination. Per MMC Section 19.605.2, the following criterion apply to the request:

- *“All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.”*
- *“The use of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1.”*
- *“The reduction of off-street parking will not adversely affect available on-street parking.”*
- *“The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.”*

Housing Development Center has prepared the overall narrative to address the above criteria. This memorandum helps support this narrative and addresses the following:

- A brief description of the residents that will be served by proposed housing;
- A review of the applicability of various land use categories and associated parking rates contained in the *Parking General Manual 5th Edition*, as published by the Institute of Transportation Engineers, to understand the potential parking demand for the proposed housing;
- A review of information provided by Providence Supportive Housing staff regarding the parking supplied at other comparable sites operated by Providence in Washington; and,
- A recommended parking supply based on our review of the available data sources. This recommendation can be used to support the request in demonstrating that the request is “reasonable” and will not result in adverse parking impacts to the surrounding uses.

Proposed Housing

Income-restricted seniors will reside in the 72 units proposed and very few of the residents will drive and/or own vehicles. Instead, they will rely primarily on shuttle services offered by ElderPlace as well as transportation provided by family members and/or care givers not residing on-site. Given these characteristics, 17 parking spaces under the proposed building will be provided and additional spaces will be made available through an agreement with Providence Milwaukie Hospital in the existing 178-space parking lot immediately west of the building. This combined supply is proposed to serve the residents versus the 72 vehicular spaces (i.e., 1 space per unit) required by Table 19.605.1 in the MMC.

Information Contained in Parking Generation

There are no immediately comparable land use identified in the *Parking Generation Manual, 5th Edition*, as published by the Institute of Transportation Engineers. Accordingly, we reviewed three possible residential categories to help understand the potential parking demand for the proposed housing. These are outlined below.

- ***Land Use 223 – Affordable Housing for Seniors:*** this land use is described as multifamily housing rented at below market rate to households that “include at least one employed member.” Eligibility can be a “function of limited household income and resident age.” This is a new land use added within the 5th Generation of the *Parking Generation Manual* and as such, there is a limited number of data points available at this time. However, based on the description and the data provided, it appears that this land use could loosely offer a proxy for the housing proposed. The *Parking Generation Manual* cites an average parking ratio needed of 0.38 spaces per unit. This would equate to 27 spaces for the proposed housing but is predicated on data where the households include an employed member (not the case at the proposed facility whose residents will not need to commute to/from work).
- ***Land Use 253 – Congregate Care:*** this land use is described as an “independent living development that provides centralized amenities such as dining, housing keeping, communal transportation, and organized social/recreational activities.” Further, “limited medical services” may or may not be provided on-site. Given the centralized services and communal transportation as well as the potential for on-site medical services, this land use category also seems to be a reasonable proxy for the proposed housing. The *Parking Generation Manual* cites an average parking ratio needed of 0.30 spaces per unit. This would equate to 22 spaces for the proposed housing.
- ***Land Use 254 – Assisted Living:*** this land use is one that “provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons.” Further, its “centralized services typically include dining, housekeeping, social and physical activities, medical administration and communal transportation.” Given the centralized services, medical facilities and communal transportation, this description could also be a reasonable proxy for the proposed housing. One could posit that Assisted Living parking demand may be primarily attributable to significant on-site staff needs but prior discussions with other assisted living providers indicate that some residents store their cars on-site. The *Parking Generation Manual* cites an average parking ratio needed of 0.40 spaces per unit, which would equate to 29 spaces for the proposed housing.

If one were to take an average of the three land uses provided (given that no one use is identical to that proposed by Providence at this site but all could be considered reasonable proxies), the parking ratio would suggest 0.36 spaces per unit is “reasonable and appropriate” for consideration for the Supportive Housing proposed. As such, we conclude that applying this ratio would equate to 26 spaces for the 72 units proposed and could help address the findings related to the proposed modification criteria.

Other Comparable Site Information

In addition to the information contained in the *Parking Generation Manual*, Providence Supportive Housing provided parking supply data gathered at two comparable sites in the Seattle Metro area. These are described below.

- *Providence John Gabriel House* – this site is located in Redmond, Washington and includes 74 residential units available for reduced income senior residents. Like the proposed site, this site is also co-located with ElderPlace facilities. There are 29 vehicular parking spaces available for residents of the building, 2 spaces for designated for use by residential staff, and 11 designated for use by ElderPlace. For the residential component, this translates to 0.42 spaces per unit (including residential staff spaces) or 0.39 spaces per unit when considering only the residents' needs. If one were to apply these same ratios to the Milwaukie site, the 72 units proposed would need 28 – 30 spaces.
- *Providence Joseph House* – this site is located in Burien, Washington and includes 64 residential units available for reduced income senior residents. This site is co-located with King County Housing Authority (KCHA) administrative offices and programmatic space. There are 24 vehicular parking spaces available for residents of the building and 32 spaces provided for KCHA staff/program use (not for residents of the building). For the residential component, this translates to 0.38 spaces per unit to serve the residents' needs. If one were to apply this same ratios to the Milwaukie site, the 72 units proposed would need 27 spaces.
- *Average of both sites* – averaging the needs of the two Washington sites operated by Providence would suggest 28 – 29 spaces would be needed to serve the Milwaukie residents.

Recommended Parking Supply

There is not a directly comparable site in terms of operations to assess parking demand. Further, the continued effect of COVID-19 on "typical travel patterns" prevents the collection of parking demand data today even if a comparable site were identified. Insights can be drawn from national trends documented through ITE data as well as through Providence Supportive Housing's experiences in Washington at similar senior, restricted-income facilities. Given the available data reviewed, provision of 26 – 29 vehicular parking spaces is recommended to serve the residents of the proposed building.

Other Considerations Related to the Parking Modification Quantity Request

With 17 spaces within the building currently proposed for use by the housing, we also offer the following considerations for review in determining whether this modification request is “reasonable and appropriate:”

- The proposed housing is within/adjacent to the Providence Milwaukie Hospital Campus. Per information obtained from Providence, the current campus has 374 parking spaces which equates to an overall campus supply of 104 spaces more than are needed per the MMC requirements. Based on the overall campus supply exceeds that needed by code, one could reasonably conclude that:
 - The 104 space surplus within the overall Hospital Campus (beyond the City’s requirement) provides flexibility for atypical demands associated with the campus as well as the proposed housing and/or the existing ElderPlace operations.
- The parking lot located immediately west of the proposed building contains 178 spaces today (this is part of the 374 space campus supply). This parking lot primarily serves the “Healing Place” building immediately to the north of the lot within the Hospital Campus but is also within the boundaries of the site. Today, this building houses clinical uses and the existing ElderPlace staff and operations. The ElderPlace staff are not housed in the 178-space lot. Instead, they are required to park in the 23-space lot located immediate south of SE Llewelyn Street from this lot.
- Per Providence, the Healing Place building is 42,000 square feet in size and no tenants are proposed to occupy the current ElderPlace portion of the building when the operations shift into the new building. Based on the MMC requirements, the Healing Place would require 164 spaces if all of the building were occupied by clinical uses (i.e., 3.9 spaces per 1,000 square feet × 42,000 square feet). As noted above, there are 178 spaces in the parking lot immediately south of this building and the existing ElderPlace staff is prohibited from parking in this location; they instead use the 23-space lot. Given that the overall campus has an excess of 104 spaces (as noted in the bullet above) and this 178-space lot is 14 spaces in excess of the MMC requirements, only could reasonably conclude that:
 - There is adequate and appropriate supply to house a potential future clinical tenant that could move into the former ElderPlace space; and,
 - There are at least 14 additional spaces that could be used by the proposed residents and still maintain an adequate supply for the Healing Place and overall campus. Providence Supportive Housing will enter in an agreement with Providence Milwaukie Hospital to use this parking supply for the proposed residents’ needs.

- The existing ElderPlace staff and operations are moving from the Healing Place building immediately northwest of the site into the proposed building, which represents a distance change of less than 300 feet. This new building is closer to the surface parking lot designated for use by ElderPlace staff (i.e., the 23-space parking lot in the southeast quadrant of the SE Llewellyn Street/SE 32nd Avenue intersection). Per Providence, no new staff will be added when the operations are relocated into the new parking lot and this lot is *very rarely* utilized to its capacity. Based on this information, one could reasonably conclude that:
 - The 23-space lot is in excess of the actual demand associated with ElderPlace;
 - With no change in staffing levels from the existing ElderPlace operations, the existing parking is adequate and appropriate to continue to serve the staff when the new building is occupied and the space re-located; and,
 - The existing 23-space parking lot is closer to the new building than the existing Healing Place building, which makes it even more convenient for ElderPlace staff to access.
- At the Providence John Gabriel House in Redmond, the co-located ElderPlace has 11 designated parking spaces beyond the 29 available for residents and 2 spaces for residential staff. Per Providence representatives, only 5 of these spaces are utilized at any given time. Based on this information, one could reasonably conclude that:
 - The 23-space parking lot at the Milwaukie Campus for ElderPlace exceeds the demand experienced at the comparable facilities in Redmond and, per Providence operations, is more than adequate to serve the existing staff.

Conclusions

When taken altogether, the findings outlined herein support Providence's proposed parking quantity modification to provide 17 spaces for use by the housing, an agreement with Providence Milwaukie Hospital to utilize parking supply within the existing 178-space Providence/Healing Place building parking immediately west of the building (and within the property boundary of the site), and continued use of the 23-space parking lot to the southeast of the SE 34th Avenue/SE Llewellyn Street intersection that is designated for use by the existing ElderPlace staff today. Based on the available data, we conclude the housing needs 26 – 29 spaces and that there are 14 spaces in the parking area south of the Healing Place building and adjacent to the proposed housing (and within the site boundaries) that can reasonably and appropriately serve the proposed residential uses to avoid any unforeseen parking impacts. Utilization of these 14 spaces would ensure that (1) the overall campus has 90 more spaces available for use than the needed supply per the MMC (i.e., 104 space surplus less the 14 space that could be used by the future residents), (2) a new clinical tenant of the Healing Place that replaces the existing ElderPlace space can still be served within the designated 169 spaces (assuming 9 are designated for the housing), and (3) the projected housing demand is only anticipated to need 10 – 13 of the 14 spaces (i.e., 26 – 29 spaces needed less the 17 spaces supplied under the new building). With all of these considerations, we conclude that the proposed parking quantity modification is reasonable and appropriate and avoids unmitigable parking impacts to the existing campus users and/or surrounding neighborhood streets.

Please let us know if you need any additional information and/or have any questions about the information provided.



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Vera Kolas, Senior Planner

Date: May 18, 2021, for May 25, 2021, Worksession

Subject: Comp Plan Implementation Project Update – Refined Code Concepts and Recommendations – Part 1

ACTION REQUESTED

As part of this project update, staff would like the Planning Commission's feedback on a collection of refined code concepts and code recommendations. Staff is bringing these amendments to CPIC, City Council, and the Planning Commission to confirm the direction.

ANALYSIS

This update and discussion relates to the first set of refined code concepts and code recommendations.

Project Background

Creating and supporting housing opportunities, primarily middle housing options in all neighborhoods, has been a key goal for Council and the community. The adopted Comprehensive Plan (Plan) policies call for expanded housing opportunities throughout the city and House Bill 2001 (HB 2001), passed by the state legislature in July 2019, requires the expansion of middle housing options throughout the state. In November 2019, Council discussed how to proceed with code amendments after the updated plan was adopted, setting the stage for the recently initiated implementation project.

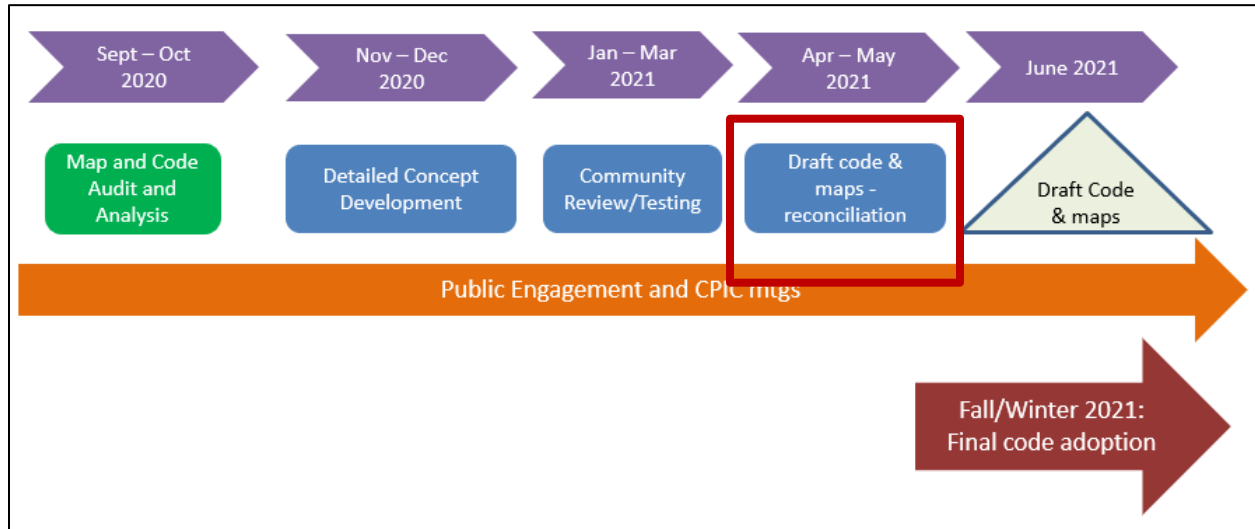
The focus of this phase of plan implementation is housing, but it also includes related changes to parking requirements in residential areas and tree protection and preservation related to residential land. The outcome will be code amendments that balance the city's goal for a 40% tree canopy and implementation of the housing policies outlined in the plan in compliance with HB 2001.

The scope of work for this project includes the following tasks:

1. Public Engagement
2. Map and Code Audit and Analysis
3. Detailed Concept Development
4. Community Review and Testing

5. Draft Code Changes and Map Amendments
6. Code and Map Review and Reconciliation
7. Final Code and Map Changes and Adoption

Project Schedule



The previous staff update to the Commission included a detailed discussion about flag lots and the minimum lot size and location-based approaches to allowing middle housing in the city.

OAR Division 46 - HB 2001 and the Model Code

As part of the rulemaking for HB 2001, a model code for large cities (Milwaukie is a large city) was developed. Development of the large cities model code serves two purposes: 1) it will provide guidance to cities in implementing code provisions that comply with the intent of HB 2001, and 2) it will apply directly to a city that does not adopt a code that is consistent with HB 2001 provisions and the provisions of any administrative rule adopted by the commission before the statutory deadline of June 30, 2022.

As outlined in HB 2001, a city may either adopt the model code as-is, or the city can adopt other code provisions outside of the model code so long as the standards are in compliance with the intent of HB 2001 and do not, individually or cumulatively, cause unreasonable cost and delay to the development of middle housing. The model code is drafted such that all of its standards do not cause unreasonable cost or delay and is considered best practices for the development of middle housing.

Oregon Administrative Rules Chapter 660, Division 46 - Middle Housing in Medium and Large Cities (OAR 660-046) is a new set of rules to implement HB 2001. Division 46 establishes the minimum standards that a city must meet to be deemed compliant with the provisions of HB 2001. The standards outlined in Division 46 constitute the range of reasonable siting and design standards that local governments may adopt to regulate the development of middle housing. These standards

are intended to allow local governments more flexibility than the standards included in the model code.

Division 46 provides flexibility to local governments in how they regulate middle housing within the parameters of the minimum compliance standards, while the model code is a set of specific standards a city can apply without further interpretation or amendments.

The direction of Milwaukie's code amendments is to not adopt the model code, but to develop code that complies with HB 2001 and reflects the specific goals and characteristics of the city. The project team is using the model code to help guide the development of our code amendments.

Key issues

The project team is working through sets of code recommendations that will lead toward a full set of code amendments. Staff would like to engage the Planning Commission in a discussion of some key amendments as we work through the amendments on a rolling basis. The following key issues are the subjects for discussion at the study session:

1. Less complex amendments
 - a. Parking
 - b. Accessory dwelling unit (ADU) and duplex standards and review process
2. Refined code concepts (see Attachment 2)
 - a. Consolidated residential zones
 - b. Standards in the new zones
 - c. Definitions of housing types
 - d. Form based approach in consolidated Zone 2 (R-5, R-7, R-10)

1. Less complex amendments

- a. Parking

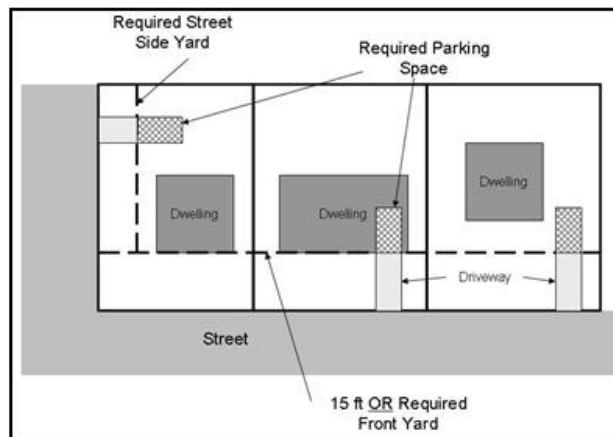
One of the policy mandates for this project is to manage parking to enable middle housing and protect trees. Goals 6 and 8 of the Comprehensive Plan, along with strategies identified in the Climate Action Plan and Milwaukie Housing Affordability Strategy, offer strong support for minimizing parking in new developments in order to reduce vehicle emissions and encourage the use of alternate transportation.

The vision and comprehensive plan are both clear that the desire is to increase its share of people who do not have to own cars, who own fewer cars, and who bike or walk for many of their needs. That said, it will continue to be important to consider parking that allows people to store their cars at or near their homes for the foreseeable future.

Parking requirements are another area where the current zoning code (Milwaukie Municipal Code (MMC) 19.600 Off-Street Parking and Loading) places additional burdens on middle housing. Parking requirements can impact the affordability of housing in a number of ways. The current parking requirements for a minimum of one space per dwelling unit and 1.25 spaces for housing that includes 3 or more dwelling

units that are over 800 square feet present physical and financial barriers to the development of middle housing. In order to comply with HB 2001, only one parking space may be required for middle housing, and on-street parking may be allowed to count toward the requirement.

Additional design standards in MMC 19.607 further regulate the location and design of parking and have an impact on the feasibility and cost of developing middle housing. For example, off-street parking is not permitted within the required front or side yard or within 15 feet of the front lot line. This requirement essentially requires two parking spaces for each unit as the parking cannot be provided in the first 15 feet of the driveway approach. This standard has been a barrier to the conversion of garages to ADUs and reduces the potential developable area for middle housing types.



Required parking space location

To address the goals of the Comprehensive Plan and to comply with HB 2001, the recommended amendments to MMC 19.600 are:

- Amend Table 19.605.1 to reduce parking minimums for newly defined middle housing types to one space per dwelling unit
- Amend 19.607 to remove requirement that precludes vehicle parking space being located (a) inside of front setback or within 15 feet of front lot line, or (b) inside street side yard

To confirm compliance with HB 2001, it is helpful to review the rules for implementation of HB 2001 (Division 46 Middle Housing in Medium and Large Cities), which contain standards related to off-street parking for middle housing.

The key takeaway is that a *city cannot require more than one off-street parking per dwelling unit for middle housing*. However, if a city chooses to permit middle housing (other than duplexes) on a lot that is less than the minimum area established in Division 46, then the minimum parking requirements are reduced.

- Duplexes
 - May not require more than 1 off-street space per dwelling unit
 - Can choose to allow on-street parking to satisfy the parking requirement
- Triplexes
 - Lots or Parcels of less than 3,000 square feet: one space in total;
 - Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and
 - Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.
- Quadplexes
 - Lots or Parcels of less than 3,000 square feet: one space in total;
 - Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;
 - Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and
 - Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.
- Cottage Clusters
 - May not require more than one off-street parking space per dwelling unit in a Cottage Cluster.
 - May allow but may not require off-street parking to be provided as a garage or carport.
 - Can choose to allow on-street parking credits to satisfy off-street parking requirements.
- Townhouses
 - May not require more than one off-street parking space per Townhouse dwelling unit.
 - Can choose to allow on-street parking credits to satisfy off-street parking requirements.
 - Must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.

The current proposal is to establish minimum lot sizes for middle housing in keeping with the minimum compliance approach in Division 46, so the minimum required off-street parking requirement is proposed to be one parking space per dwelling unit. A further recommendation is to remove the requirement that precludes vehicle parking space from being located (a) inside of front setback or within 15 feet of front lot line, or (b) inside street side yard.

Does the Planning Commission have any questions or issues with the proposed amendments to the minimum off-street parking requirements?

b. ADU and duplex standards and the review process for each

Current code includes land use review (Type I or Type II) for ADUs and for duplexes in certain areas. The recommendation is to remove the land use review process for both housing types.

Another recommendation is to align the ADU approval and design standards with state regulations and to reflect current policies to reduce some of the barriers to ADU development. This includes the following:

- Revise the maximum size requirements related to the conversion of an accessory structure into a detached ADU.
- Revise the design and development standards, as needed, to comply with current state law.

Does the Planning Commission have any questions or issues with the proposed amendments to the ADU and duplex design standards and review processes?

c. Clarification on ADUs with Middle Housing

Questions have been asked about allowing ADUs with middle housing dwellings. It appears that the intent in the language of both the OAR and Model Code is to allow for flexibility so that a jurisdiction can choose to either count a single detached dwelling with an ADU as a duplex OR to accommodate a duplex and an ADU on the same lot.

More detail is offered in OAR 660-046-0205 (4) with specific numerical standards. Large cities may choose to allow more dwelling units on a lot or parcel, including ADUs. For example, “large cities may allow more than four dwelling units on a lot, including any accessory dwelling units.” This seems to say that a city has the choice to allow more units on a lot, so, for example, allowing ADUs with duplexes for a total of four units (1 ADU per each duplex unit). This is a policy decision the city would make and include in the revised code. But the language is not entirely clear.

The Model Code is more specific. In the definition of duplex, there is the following language: “In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.”

In the Model Code, the development standards for triplexes and quadplexes note the number of units: “This code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.” If the City were using Model Code language, then the code would state the total number of units on a lot as a “not to exceed” number. So, there could be a duplex and each unit could have an ADU for a total of four units, but there could not be a quadplex and then additional ADUs on the lot. Also important is how the units are classified given recent discussions about SDC and frontage improvement charges and probably more importantly given the lack of off-street parking required for an ADU.

Does the Planning Commission have a position on allowing ADUs associated with middle housing units?

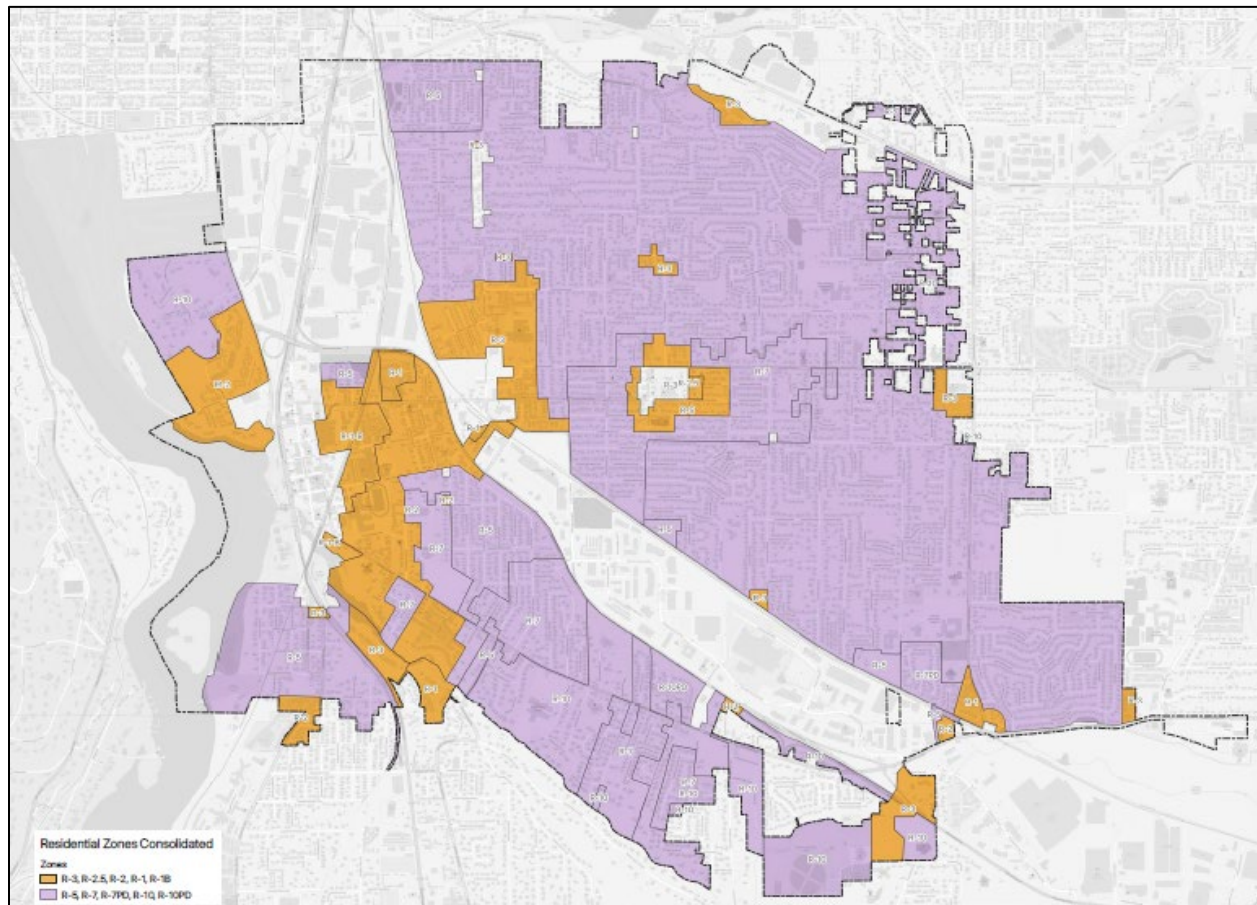
2. Refined code concepts

- a. Consolidated residential zones (Zones 1 & 2)
- b. Siting and development standards in Residential 2 zone

As part of the initial Code Concepts phase of the project, staff and the Comprehensive Plan Implementation Committee (CPIC) looked at simplifying the number of residential zones of which there are currently eight. This amendment is not strictly needed to comply with HB 2001, but may help the city implement Comprehensive Plan goals for equitable distribution of housing choices. A few implementation options or choices were presented, including consolidating the current eight zones to two or three. The recommendation, based on recent CPIC discussion (and polling), is to consolidate the eight zones into two:

Two new proposed residential zones:

- Residential 1 – Consolidation of R-3, R-2.5, R-2, R-1, and R-1-B zones (medium and high-density residential zones).
- Residential 2 – Consolidation of R-5, R-7, and R-10 zones (low density residential zones).



Proposed residential zoning map – two consolidated zones

The name and purpose statement for each zone will need to be updated to reflect the Comprehensive Plan goals and the middle housing types that will be permitted.

A new table is proposed that summarizes the permitted housing types and siting and development standards for the Residential 2 zone (see Table 1). Included is a row that describes a new lot size category for detached single dwellings (fee simple cottage cluster developments would be addressed separately).

One of the key ideas in this table is that Option 2 includes a new minimum lot size for single-unit dwellings (and duplexes): 3,000 sq ft.

Table 1. Proposal for current Low-Density Residential Zones (R-5, R-7, R-7PD, R-10, and R-10PD)

	Lot size	Permitted housing types	Development standards that apply
New Zone: Residential 2	1,500 sq ft	- Rowhouse (Townhouse) - Cottage¹	For discussion: Apply development standards to the edges of new lots where they abut 5,000, 7,000, or 10,000 sq ft lots. ²
	Between 1,500 and 5,000 sq ft ³	- Detached single dwelling (3,000 sq ft) - Duplex	
	5,000 sq ft – 6,999 sq ft (Option two: 3,001 sq ft – 4,999 sq ft) ⁵	- Detached single dwelling - Detached single dwelling with ADU - Duplex - Triplex⁵	Those that currently apply within the R-5 zoning district
	7,000 sq ft – 9,999 sq ft (Option two: 5,001 sq ft – 6,999 sq ft)	- Detached single dwelling - Detached single dwelling with ADU - Duplex - Triplex - Quadplex⁵ - Cottage Clusters⁵	Those that currently apply within the R-7 zoning district
	10,000 sq ft or greater (Option two: 7,001 sq ft or greater)	- Detached single dwelling - Detached single dwelling with ADU - Duplex - Triplex - Quadplex - Cottage Clusters	Those that currently apply within the R-10 zoning district

¹ For a Cottage within a Cottage Cluster only

² Development standards at the edge where a newly created small lot abuts a larger or pre-existing lot may follow this formula: Where abutting a 5,000 sq ft lot, R-5 standards apply; where abutting a 7,000 sq ft lot, R-7 standards apply, and where abutting a 10,000 sq ft lot, R-10 standards apply. If the abutting lot is zoned consolidated new zone (R-3, R-2.5, R-2, R-1, and R-1-B), then, in addition to the applicable setback the less severe sloped plane would apply to that edge.

³ For discussion: Establish a lot size that is in between a 1,500 sq ft Rowhouse lot and a 5,000 sq ft lot that allows for one single detached dwelling. Such a lot would only exist with approval of a land division, same as for a Rowhouse lot. These types of lot and land division options will allow more homeownership options. The exact size of the lot needs further analysis, if it is determined that such a housing option should be created. Other cities have lot sizes ranging from 2,500 to 3,050 sq ft. Consider smaller lots for detached cottages that are part of a fee-simple cluster of cottages.

⁴ This assumes that 3,000 square feet is the minimum lot size of the previous category.

⁵ If Option 2 is selected for this proposed amendment, then Triplex would not be permitted in this zone, because Triplexes are only required to be permitted on lots 5,000 sq ft or greater. Quadplex and Cottage Clusters would not be permitted because they are only required to be permitted on lots 7,000 sq ft or greater.

Does the Planning Commission have any questions or issues with the direction of the proposed amendments to the standards for the new consolidated Residential 2 zone?

Which Option does the Commission prefer?

What additional information or details are needed to help clarify the amendment?

c. Definitions of housing types

This discussion is about how the city will define housing types to implement the goals of the Comprehensive Plan and comply with HB 2001. The Comprehensive Plan calls for greater housing choices in all neighborhoods, as well as flexible site designs that are able to accommodate specific site constraints, such as trees. There has been support at the CPIC for allowing the greatest range of flexibility, which translates to a proposal that all of the HB 2001-required housing types be granted flexibility to be attached and detached.

The online open house and community survey that closed on April 15 also showed support for flexibility from the public at large as well. When asked for a preference in the building form scenario, 66% of respondents preferred a building form in multiple buildings to allow for more site design options, including tree preservation. That scenario received the highest support. There were also several comments in the open house stations that address this notion:

- *"I love the idea of the split buildings, not just because of the tree protection, but also because it would make people in middle housing feel more independent and the middle housing options more appealing. I also like the additional stories as I like making use of vertical space as well - but I like the separate option best because of the freedom of independence."*
- *"...the ability for multiple stories and multiple buildings per lot allows for greater variation in design. It also allows for more space for gardens, green space, trees, etc "*
- *"Allowing a second story on the structure, and/or allowing two buildings on the lot, gives more flexibility for preserving trees or optimizing the available yard space on a particular lot."*

Does the Planning Commission have any questions or issues with the proposal to allow middle housing to be either attached or detached?

Next Steps

- Technical review meetings of proposed recommendations
- Draft code language that is HB 2001 compliant
- Detailed code adoption process schedule
- Draft tree code

ATTACHMENTS

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

	PC Packet	Public Copies	Packet
1. May 20, 2021 CPIC meeting packet	☒	☒	☒

Key:

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

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

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-71>.



CITY OF MILWAUKIE

To: CPIC
From: Project Team
Date: May 13, 2021
Subject: CPIC Meeting #8

Hello Milwaukie Comprehensive Plan Implementation Committee members,

Thank you in advance for preparing for this Comprehensive Plan Implementation Committee (CPIC) Meeting. The eighth CPIC meeting is scheduled for May 20th, from 6 – 9 PM. Important Note: Due to public health concerns, this meeting will be held entirely over Zoom. Please do not plan to attend this meeting in person. City staff will send an email to you with your individual Zoom panelist link. Please log in to the meeting approximately 15 minutes early to avoid any potential technology issues.

Please review the information provided in this packet thoroughly in advance of the meeting. We will have a full agenda and look forward to receiving your guidance on these topics. Additionally, it may be helpful to keep a copy of this packet close by in the event that technology does not cooperate as we intend. We will reference packet page numbers when we are discussing specific items.

Request for Review and Comment on Meeting Packet Materials

In the spirit of working quickly and efficiently to meet our project deadlines, careful review of meeting packet materials is essential. It is expected that CPIC members come to each meeting prepared having read the materials and ready to discuss each topic in detail.

The primary objectives for CPIC #8 are to:

1. Discuss open house #2 engagement results
2. Discuss key issues related to some proposed amendments and key issues
3. Opportunity to learn more about and ask questions about the code adoption process and next steps
4. Opportunity for open discussion

CPIC Meeting Packet #8 Materials List

Number	Packet Item
1	Agenda (this document)
2	Attachment A: Memo from staff re: project timeline and key issues
3	Attachment B: Open House Results analysis
4	Attachment C: Letter from Ronelle Coburn

If you have any questions on the materials in this packet, please feel free to contact me via phone or email, my information is listed below. We are grateful for your participation in this important work.

Thank you,

Vera Kolas, Senior Planner
kolasv@milwaukieoregon.gov
503-786-7653

Milwaukie Community Vision

In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable. It is a safe and welcoming community whose residents enjoy secure and meaningful work, a comprehensive educational system, and affordable housing. A complete network of sidewalks, bike lanes, and paths along with well-maintained streets and a robust transit system connect our neighborhood centers. Art and creativity are woven into the fabric of the city.

Milwaukie's neighborhoods are the centers of daily life, with each containing amenities and community-minded local businesses that meet residents' needs. Our industrial areas are magnets for innovation, and models for environmentally-sensitive manufacturing and high wage jobs.

Our residents can easily access the training and education needed to win those jobs. Milwaukie nurtures a verdant canopy of beneficial trees, promotes sustainable development, and is a net-zero energy city. The Willamette River, Johnson Creek, and Kellogg Creek are free flowing, and accessible. Their ecosystems are protected by a robust stormwater treatment system and enhanced by appropriate riparian vegetation. Milwaukie is a resilient community, adaptive to the realities of a changing climate, and prepared for emergencies, such as the Cascadia Event.

Milwaukie's government is transparent and accessible, and is committed to promoting tolerance and inclusion and eliminating disparities. It strongly encourages engagement and participation by all and nurtures a deep sense of community through celebrations and collective action. Residents have the resources necessary to access the help they need. In this great city, we strive to reach our full potential in the areas of education, environmental stewardship, commerce, culture, and recreation; and are proud to call it home.

Comprehensive Plan Implementation Committee Charge

The CPIC will support the City by helping to involve a variety of different stakeholders in the decision-making process, offering feedback on a code audit and draft code concepts and ensuring that the diverse interests of the Milwaukie community are reflected in the code and map amendments.

The CPIC are the primary liaisons to the Milwaukie community, and are expected to provide feedback on public involvement efforts, code concepts and amendments, and advance recommendations to the Planning Commission and City Council.

The CPIC will interact with City of Milwaukie staff, particularly the Planning Division and its consultant team. The CPIC will meet monthly throughout the code amendment process, with adoption of the final code package plan targeted for early Summer 2021. Subcommittees may also be established to work on specific tasks and will hold meetings as necessary. CPIC members are also encouraged to help facilitate meetings with their neighborhood district associations and other community organizations. The CPIC is encouraged to promote opportunities for public involvement, disperse information to the Milwaukie community, and solicit feedback concerning the Comprehensive Plan Implementation project.

MILWAUKIE COMPREHENSIVE PLAN IMPLEMENTATION | ATTENDEES

CPIC Members

Joel Bergman
Micah Meskel
Nicole Zdeb
Renee Moog
Sharon Johnson
Celestina DiMauro
Daniel Eisenbeis
Matthew Bibeau
Stephan Lashbrook
Ada Gonzalez
Dominique Rossi
Eugene Zaharie
Jennifer Dillan
Councilor Lisa Batey – City Council Liaison
Joseph Edge – Planning Commission Liaison

City Staff

Vera Kolias, Senior Planner
Laura Weigel, Planning Manager
Leila Aman, Community Development Director
Mary Heberling, Assistant Planner

Milwaukie Comprehensive Plan Implementation Committee Virtual Meeting (CPIC #8)

May 20, 2020; 6:00 pm – 9:00 pm

By Zoom Web Conference

This meeting will be recorded and posted to the city website.

Comprehensive Plan Implementation Committee Meeting #8 - Agenda		
Time	Topic	Who
5:45 – 6:00 pm	Login to Webinar and Conference Line	CPIC members
15 minutes 6:00 – 6:15 pm	Welcome - Overview of Process – where we are, where we are going - Open House #2 update	Vera Kolias and Mary Heberling
40 minutes 6:15 – 6:55pm	Proposed code amendments - Parking, ADUs, duplexes - Zone consolidation and standards	Laura Weigel and Vera Kolias
45 minutes 6:55 – 7:40 pm	Flag Lot Standards	Vera Kolias
30 minutes 7:40 – 8:10 pm	Next Steps - Draft adoption process - CPIC role	Vera Kolias
30 minutes 8:10 – 8:40pm	Open discussion	CPIC
15 minutes 8:40 – 8:55 pm	Public comment period	Public
5 minutes 8:55 – 9:00 pm	Wrap up	Vera Kolias
9:00 pm	Adjourn	Vera Kolias



CITY OF MILWAUKIE

To: CPIC

From: Project Team

Date: May 13, 2021

Subject: CPIC Meeting #8

This memo, for CPIC meeting #8, describes the project timeline and some key issues and recommendations for discussion at the May 20th meeting.

Project Schedule

Project overview and timeline – Part 1			
September 2020	January – April 2021	March – May 2021	May - June 2021
Code Audit Identified existing policies and regulations that prevent implementation of the Comprehensive Plan.	Code Concepts Based on the code audit findings, described six multi-faceted approaches for amending Milwaukie's implementing ordinances.	Selected Proposed Code Amendments (this memo) Specifically identifies which code sections will be amended to remove barriers associated with building middle housing, and residential parking.	Milestone: Adoption-ready draft amendments Presentations to NDAs Open House #3
Code Adoption Process			
July – Aug 2021	September 2021	Oct - Nov 2021	December 2021
Planning Commission worksessions Engage Milwaukie Written comments–tracked in spreadsheet	Revised draft code and maps 35-day public notice Code posted Social media; postcards; Engage Milwaukie	Planning Commission public hearings Public testimony Spreadsheet tracking written comments Final Draft Code and Maps	City Council public hearings Public testimony Spreadsheet tracking written comments Adopted Code and Maps

HB 2001 and the Model Code

This section is intended to provide clarification regarding HB 2001 and the “model code” that is sometimes referenced in these discussions.

As part of the rulemaking for HB 2001, a model code for large cities (Milwaukie is a large city) was developed. Development of the large cities model code serves two purposes: 1) it will provide guidance to cities in implementing code provisions that comply with the intent of HB 2001, and 2) it will apply to cities that do not adopt a code that is consistent with HB 2001 by the statutory deadline of June 30, 2022.

As outlined in HB 2001, a city may either adopt the model code, or the city can adopt different code provisions than the model code as long as the standards are in compliance with the intent of HB 2001 and do not, individually or cumulatively, cause unreasonable cost and delay to the development of middle housing. The model code is based on best practices for the development of middle housing.

OAR Division 46

Oregon Administrative Rules Chapter 660, Division 46 - Middle Housing in Medium and Large Cities (OAR 660-046) - is a new set of rules to implement HB 2001. Division 46 establishes the minimum standards that a city must meet to be deemed compliant with the provisions of HB 2001. Division 46 provides flexibility to local governments in how they regulate middle housing within the parameters of the minimum compliance standards. The standards outline a range of reasonable siting and design standards that local governments may adopt to regulate the development of middle housing.

Milwaukie is using the model code to help guide the development of the code amendments, but is not adopting the model code. Our code standards will reflect the specific goals and characteristics of the city while complying with HB 2001.

Key issues for discussion with CPIC

The project team is working through sets of code recommendations that will lead to a full set of code amendments. Staff would like to engage CPIC in a discussion of some key amendments as we work through the amendments on a rolling basis. The following key issues are the subject for discussion at the May CPIC meeting:

1. Parking, ADU, and duplex amendments, including:
 - a. Parking
 - b. ADU and duplex standards and review process
 - c. ADUs and middle housing
2. Refined code concepts (see Attachment 2)
 - a. Consolidated residential zones
 - b. Standards in the new zones
 - c. Form based approach in consolidated Zone 2 (R-5, R-7, R-10)
3. Flag lots: standards and easement vs flag pole design

1. Less complex amendments

This first section includes a subset of amendments that represents those amendments which are emerging as the least complex that can be most readily done. Staff is bringing these amendments to CPIC, City Council, and the Planning Commission to confirm the direction. While Code Concepts delve into deeper issues that cut across multiple policy areas and are being further refined, the proposed amendments catalogued below are smaller fixes. Six months in, these amendments are generally recognized as achieving success or making progress toward the project objective of updating the Milwaukie municipal code and zoning and Comprehensive Plan maps to implement the housing element, change residential parking requirements, and develop new code provisions to protect trees.

These amendments do not include minor amendments or updates for cross referencing and consistency.

These proposed amendments share one or more of the following characteristics:

- The team has **clear Comprehensive Plan policy direction**. The Code Audit identified a barrier in achieving the policy. In many cases, the issue was discussed with staff, CPIC members and the community for guidance on how to resolve the issue.
- The team has a **defined path to fix** an identified barrier. For example, a specific Title, Chapter, Article, etc. has been identified that needs to change in order to implement a Comprehensive Plan policy or in order to be in compliance with HB 2001 requirements.
- An amendment is required. While the primary emphasis in amendments is implementing the goals and policies of the Comprehensive Plan, specific code amendments are **required in order to be in compliance with HB 2001**.

The amendments are summarized in Table 1. They reflect the findings from the detailed Code Audit e.g., the Excel spreadsheet included in the packet for CPIC #4. Each amendment implements specific Comprehensive Plan goals/policies, and those are catalogued in Table 2. Future additional sets of proposed amendments will be similarly catalogued and developed into draft amendments.

Table 1: Proposed Amendments (Set 1) – Summary Table

Proposed Amendment	
Title 19, related to housing types	These amendments remove certain development standards and approval standards for middle housing types (ADUs and manufactured homes). As a result, ADUs and manufactured homes will be subject to the same level of review currently used for single dwellings, and this will allow the city to meet policy goals of increasing housing that is affordable at a range of income levels. <i>Addresses Comprehensive Plan, Housing Affordability Strategy, and House Bill 2001. Some additional amendments may be required for consistency with other changes to defined housing types.</i> · Remove minimum structure size for manufactured homes · Amend review type for ADUs and Duplexes to allow out right (same as single dwellings currently) · Amend approval standards and design standards for ADUs to be consistent with state regulations · Remove approval standards and design standards for duplexes (MMC 19.910.2)
Title 19, related to parking	This set of amendments clarifies locations for on-site parking and lowers the minimum number of on-site parking spaces required for each home (currently one space/single dwellings including rowhouses and manufactured homes and 1 – 1.25 spaces for dwellings with 3 or more units based on square floor area). Reducing the requirement for parking on-site can reduce the cost of housing and can reduce impervious surfaces. <i>Address Comprehensive Plan and House Bill 2001.</i> · Amend minimum on-site parking requirements to one space per dwelling unit · Remove standard for location of off-street parking space precluding it be located within front setback or within 15 feet of front lot line or within side setback

a. Parking

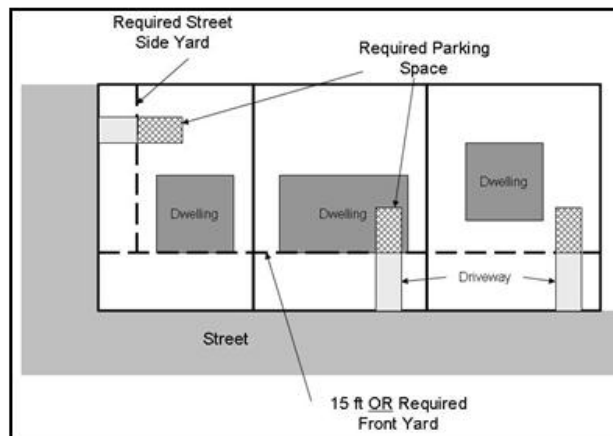
One of the policy mandates for this project is to manage parking to provide flexibility for middle housing and to protect trees. Additionally, Goals 6 – Climate Change and Energy - and 8 -Urban Design and Land Use of the [comprehensive plan](#), along with strategies identified in the [Climate Action Plan](#) and [Milwaukie Housing Affordability Strategy](#), offer strong support for minimizing parking in new developments in order to reduce vehicle emissions and encourage the use of alternate transportation.

The community has expressed a clear desire to increase its share of people who don't have to own cars, who own fewer cars, and who bike or walk for many of their needs. That said, it will continue to be important consider parking that allows people to store their cars at or near their homes for the foreseeable future.

Parking requirements in the current zoning code ([MMC 19.600 Off-Street Parking and Loading](#)) place burdens on middle housing. Parking requirements can impact the affordability of housing in a number of ways. Currently the requirement for a minimum

of one space per dwelling unit in single unit dwellings and duplexes, and 1.25 spaces for housing that includes 3 or more dwelling units that are over 800 square feet can make many forms of middle housing infeasible, financially and physically. As discussed with CPIC in past meetings, on-site parking is expensive to build and reduces the area available for a dwelling. In order to comply with HB 2001, only one parking space per unit may be required for middle housing.

Additional design standards in [Section 19.607](#) further regulate the location and design of parking and have an impact on the feasibility and cost of developing middle housing. For example, off-street parking is not permitted within the required front or side yard or within 15 feet of the front lot line. This requirement essentially requires two parking spaces for each unit as the parking cannot be provided in the first 15 feet of the driveway approach. This standard has been a barrier to the conversion of garages as ADUs and reduces the potential developable area for middle housing types. HB 2001 states that on-street parking may be allowed to count toward the parking requirement.



MMC 19.607.1.B.2 - Existing code on required parking space location

Recommendation:

To address the goals of the comprehensive plan and to comply with HB 2001, the recommended amendments to MMC 19.600 are:

- Amend Table 19.605.1 to reduce parking minimums for newly defined middle housing types to one space per dwelling unit
- Amend 19.607 to remove requirement that precludes vehicle parking space being located a) inside of front setback or within 15 feet of front lot line b) inside street side yard

The key takeaway from HB 2001 is that a city cannot require more than one off-street parking per dwelling unit for middle housing. The findings from the residential parking study

confirm that requiring one parking space for each dwelling unit, in combination with existing on-street parking, will meet the average demand for parking. Key findings from the study:

- Minimum parking demand averages approximately 1.99 vehicles per residential unit at the peak hour; this includes both the on and off-street parking systems.
- On-site demand is approximately 1.52 vehicles per unit (1.44 in driveways, an additional 0.7 in surface lots).
 - The on-street parking system has low demand currently (about 0.48 vehicles per unit). As such, there is an abundance of on-street parking availability (likely due to COVID). Occupancies in the on-street supply could be higher (post-COVID) but the user would be non-residential, and demand would occur during the mid-day, not at the 2AM peak demand for residential parking.

b. ADU and duplex standards and the review process for each

ADU's are not specifically included as a type of middle housing and are therefore not regulated as part of HB 2001. However, policy 7.2.4 in the Housing chapter of the comprehensive plan specifically calls for a simplified permitting process for ADUs. Current code ([19.910.1](#)) requires land use review (Type I or Type II) for ADUs and for duplexes in certain areas. To comply with the comprehensive plan and with HB 2001 for duplexes, the recommendation is to remove the land use review process for both housing types.

Another recommendation is to reflect current policies to reduce some of the barriers to ADU development. This includes the following:

- Revise the maximum size requirements related to the conversion of an accessory structure into a detached ADU.
- Revise the design and development standards, as needed, to comply with current state law.

c. Clarification on ADUs with Middle Housing

Questions have been asked about allowing ADUs with middle housing dwellings (not just single unit dwellings as in current city code). Language within the OAR states that large cities may choose to allow more dwelling units on a lot or parcel, including ADUs: "Large cities may allow more than four dwelling units on a lot, including any accessory dwelling units." Staff took a closer look at the OAR and the Model Code for guidance on this question.

In one example, it appears that the intent in the language of both the OAR and Model Code is to allow for flexibility so that a jurisdiction can choose to either:

- allow a single detached dwelling and an ADU on the same lot and call it a duplex (equal to two dwelling units)
OR
- allow a duplex and an ADU on the same lot (equal to three dwelling units)

In another example, the city could allow two ADUs with a duplex for a total of four units (1 ADU per each duplex unit).

The Model Code includes specific language about this. In the definition of duplex, there is the following language: "In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU." Current city code has the same language, and this is important because system development charges (SDCs) are determined by the housing type. This specificity is also important because the city cannot require off-street parking for ADUs but can require it for a duplex.

The bottom line is that HB 2001 gives the city the flexibility about allowing ADUs with middle housing – we are not required to do so.

The key question from staff is: Does CPIC have a position on allowing ADUs associated with middle housing units?

2. Refined code concepts

Draft Code Concepts were presented to city staff and CPIC at the February 25th meeting. This section of the memo further refines some of these Code Concepts based on feedback from CPIC and staff. This section also includes technical findings from the team including 1) additional analyses to address questions raised by city staff and the CPIC and 2) additional technical review conducted through meetings with a larger city review team. These Refined Code Concepts delve deeper into the specifics of the code concepts, investigating issues and discussing potential means of resolution to inform draft code language.

This detailed analysis will be used in the next phase of work from May through June to write draft and final code amendments. At the June CPIC meeting draft code language resulting from the Refined Code Concepts analysis will be presented along with a resolution of input from the public collected through outreach efforts throughout March, April, and May.

Let's start with the code concept:

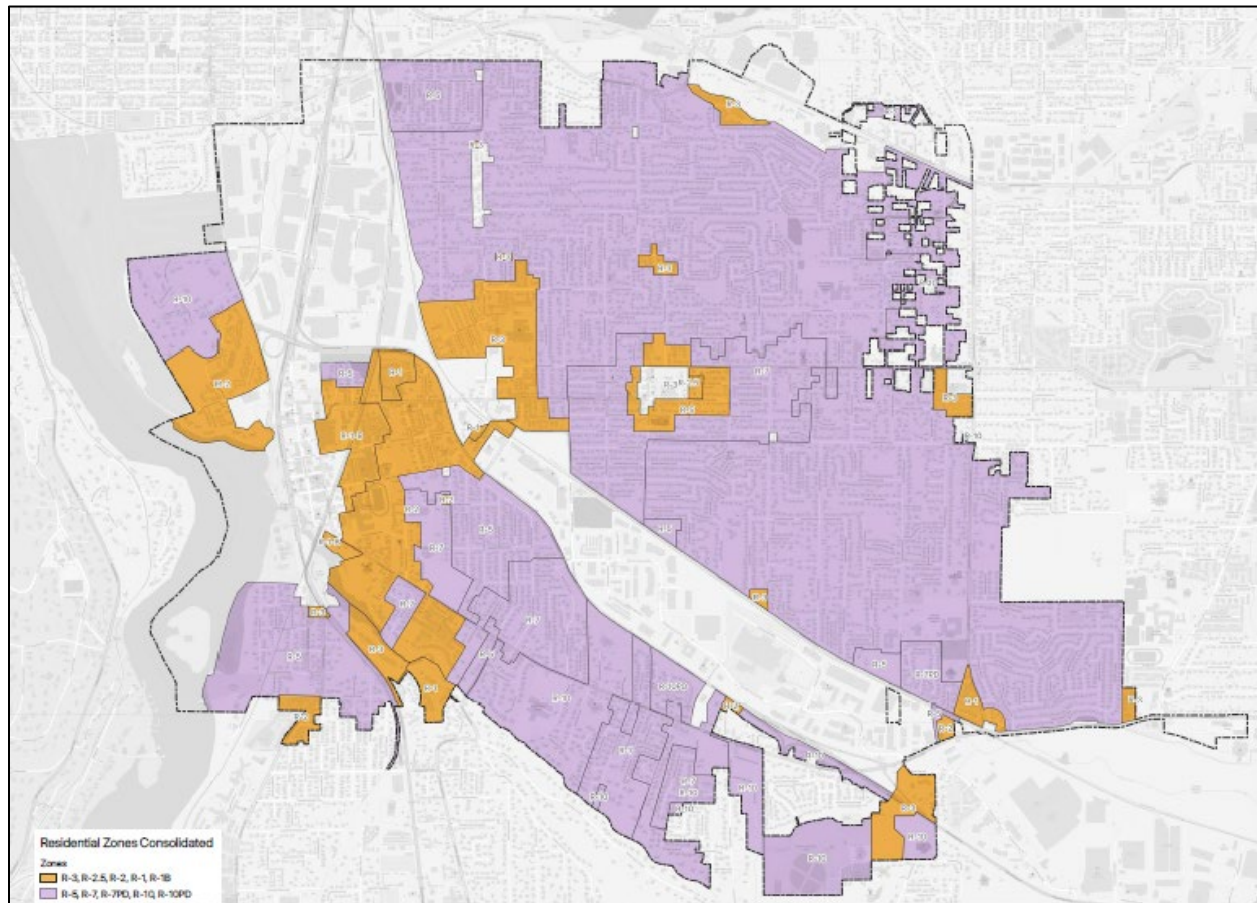
a. Consolidated residential zones (Zones 1 & 2)

As part of the initial Code Concepts phase of the project, staff and the CPIC looked at simplifying the number of residential zones of which there are currently eight. This amendment is not strictly needed to comply with HB 2001, but may help the city implement Comprehensive Plan goals for equitable distribution of housing choices. A few implementation options or

choices were presented, including consolidating the current eight zones to two or three. The recommendation, based on recent CPIC discussion (and polling), is to consolidate the eight zones into two:

Two new proposed residential zones:

- Residential 1 – Consolidation of R-3, R-2.5, R-2, R-1, and R-1-B zones (medium and high density residential zones).
- Residential 2 – Consolidation of R-5, R-7, and R-10 zones (low density residential zones).



Proposed residential zoning map – two consolidated zones

Next let's look at the code concept:

b. Siting and development standards in Residential 2 zone

A new table is proposed that summarizes the permitted housing types and siting and development standards for the Residential 2 zone (see Table 2). Included is a row that describes a new lot size category for detached single dwellings (fee simple cottage cluster developments would be addressed separately). Fee simple means that the cottages would each be on their lot rather than all of the cottages on one lot.

Table 2. Proposals for current Low Density Residential Zones (R-5, R-7, R-7PD, R-10, and R-10PD)

	Lot size	Permitted housing types	Development standards that apply
New Zone: Residential 2	1,500 sq ft – 2,999 sq ft	- Rowhouse (Townhouse) - Cottage¹	For discussion: Apply development standards to the edges of new lots where they abut 5,000, 7,000, or 10,000 sq ft lots. ²
	Between 3,000 and 5,000 sq ft ³	Detached single dwelling (min 3,000 sq ft); must also allow a duplex	
	5,000 sq ft – 6,999 sq ft (Option two: 3,001 sq ft – 4,999 sq ft) ⁴	- Detached single dwelling - Detached single dwelling with ADU - Duplex - Triplex⁵	Those that currently apply within the R-5 zoning district
	7,000 sq ft – 9,999 sq ft (Option two: 5,001 sq ft – 6,999 sq ft)	- Detached single dwelling - Detached single dwelling with ADU - Duplex - Triplex - Quadplex⁵ - Cottage Cluster⁵	Those that currently apply within the R-7 zoning district
	10,000 sq ft or greater (Option two: 7,001 sq ft or greater)	- Detached single dwelling - Detached single dwelling with ADU - Duplex - Triplex - Quadplex - Cottage Clusters	Those that currently apply within the R-10 zoning district

¹ For a Cottage within a Cottage Cluster only² Development standards at the edge where a newly created small lot abuts a larger or pre-existing lot may follow this formula: Where abutting a 5,000 sq ft lot, R-5 standards apply; where abutting a 7,000 sq ft lot, R-7 standards apply, and where abutting a 10,000 sq ft lot, R-10 standards apply. If the abutting lot is zoned consolidated new zone (R-3, R-2.5, R-2, R-1, and R-1-B), then, in addition to the applicable setback the less severe sloped plane would apply to that edge.³ For discussion: Establish a lot size that is in between a 1,500 sq ft Rowhouse lot and a 5,000 sq ft lot that allows for one single detached dwelling. Such a lot would only exist with approval of a land division, same as for a Rowhouse lot. These types of lot and land division options will allow more homeownership options. The exact size of the lot needs further analysis, if it is determined that such a housing option should be created. Other cities have lot sizes ranging from 2,500 to 3,050 sq ft. Consider smaller lots for detached cottages that are part of a fee-simple cluster of cottages.⁴ This assumes that 3,000 square feet is the minimum lot size of the previous category.⁵ If Option 2 is selected for this proposed amendment, then Triplex would not be permitted in this zone, because Triplexes are only required to be permitted on lots 5,000 sq ft or greater. If Option 2 is selected, then Quadplex and Cottage Clusters would not be permitted because they are only required to be permitted on lots 7,000 sq ft or greater.

Does CPIC have any questions or issues with the direction of the proposed amendments to the standards for the new consolidated Residential 2 zone?

Does CPIC have concerns about the proposal of a 3,000 sq ft minimum lot size for single unit dwellings and duplexes?

What additional information or details are needed to help clarify the proposed amendment?

c. Definitions of housing types

This discussion is about how the City will define housing types to implement the goals of the Comprehensive Plan and comply with HB 2001. Comprehensive Plan goals call for greater housing choices in all neighborhoods, as well as flexible site designs that are able to accommodate specific site constraints, such as trees. There has been support at the CPIC for allowing the greatest range of flexibility. One proposal is to allow all of the HB 2001-required housing types the flexibility to be attached or detached.

The April online open house and community survey also showed support for flexibility from the public. 66% of respondents preferred allowing detached buildings to allow for site design options, including tree preservation. There were also several comments in the open house stations that address this notion:

- *"I love the idea of the split buildings, not just because of the tree protection, but also because it would make people in middle housing feel more independent and the middle housing options more appealing. I also like the additional stories as I like making use of vertical space as well - but I like the separate option best because of the freedom of independence."*
- *"...the ability for multiple stories and multiple buildings per lot allows for greater variation in design. It also allows for more space for gardens, green space, trees, etc "*
- *"Allowing a second story on the structure, and/or allowing two buildings on the lot, gives more flexibility for preserving trees or optimizing the available yard space on a particular lot."*

The recommendation is to allow middle housing that is either attached or detached. (Revisions to the city's definition of multifamily development would be required to ensure consistency throughout the code.)

Does CPIC have any questions or issues with the proposal to allow middle housing as either attached or detached units?

What additional information or details are needed to help clarify the amendment?

3. Flag lots

Over the last several years, planning department staff have responded to questions about potential infill development on lots that are narrow and deep. These are lots that are between 70-80 ft wide, over 200 ft deep, and are over 15,000 sq ft in size. Although flag lots can be proposed in any residential zone, the lots that are both narrow and deep are mostly found in the R-7 zone in the Ardenwald neighborhood. These lots are part of subdivisions from the 1920s. Because the lots are narrow, land division in the form of a flag lot is currently the only way to split the property and develop the large area in the back yard to accommodate more housing units.

A flag lot is defined as follows in the zoning code: "Flag lot" means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot, the development area, or "flag," which comprises the actual building site, and the access strip, or "pole," which provides access from the street to the flag.



Flag lot potential in the Ardenwald neighborhood.

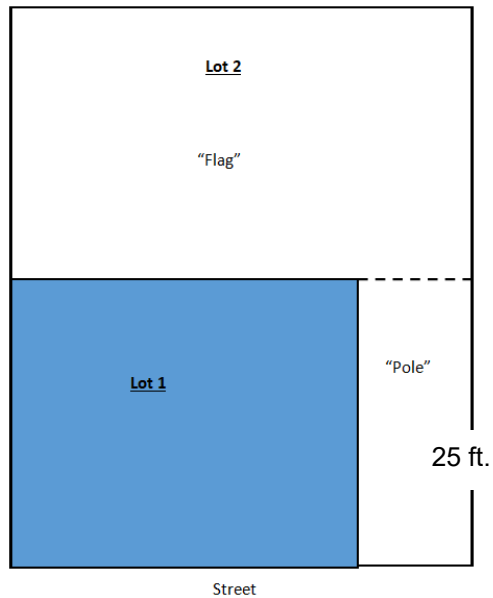
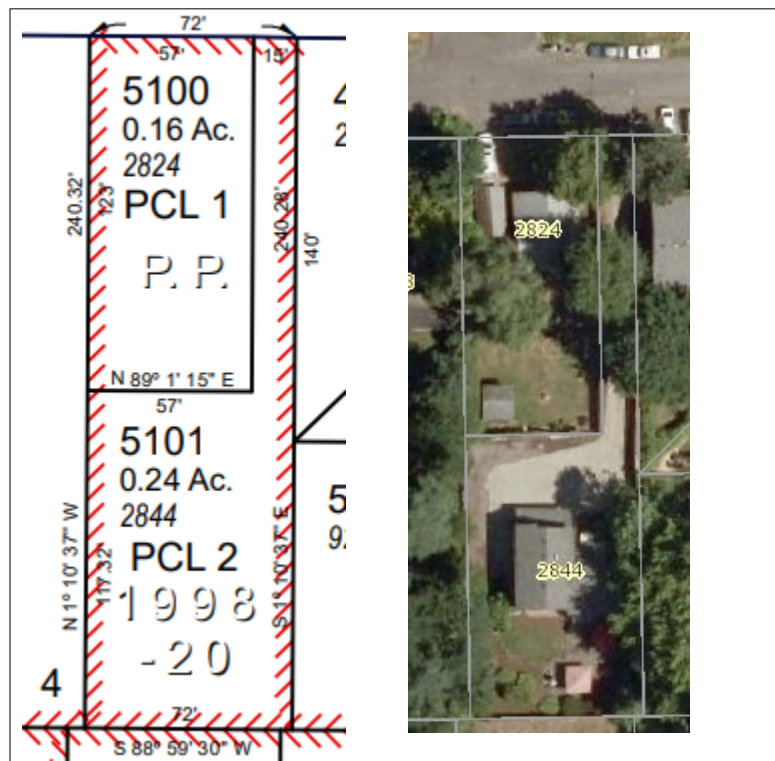


Diagram of a basic flag lot



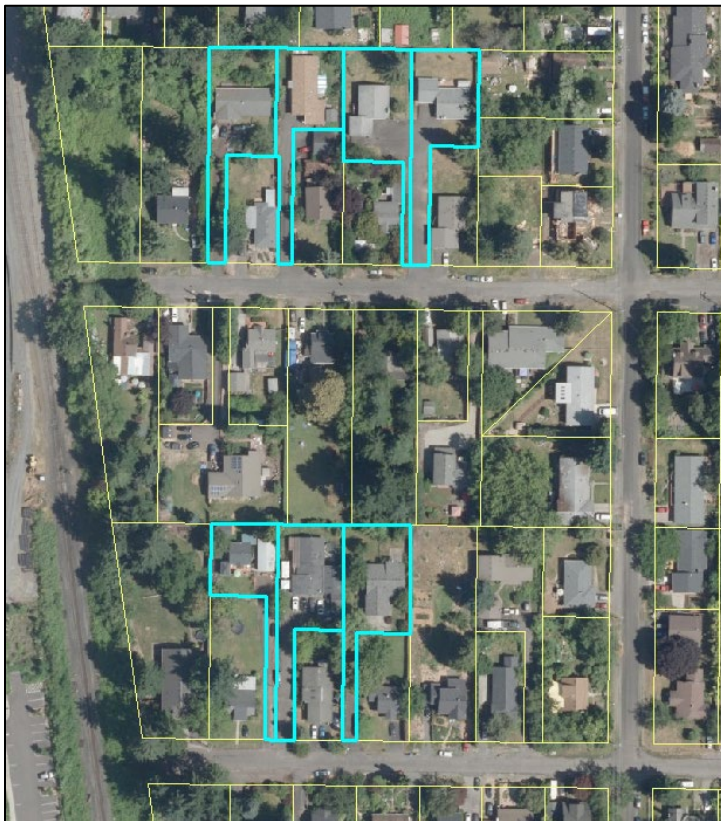
Flag lot at 2824-2844 SE Malcolm St. created in 1998

Over the years, the city's flag lot standards have become increasingly difficult to meet. In the 1990s and earlier, the "pole" portion of a flag lot could be 15 ft wide. This was increased to 20 ft and then as a result of a code amendment in 2003, the pole must now be a minimum

of 25 ft wide and variances to that width (or any aspect of the flag lot) are not permitted⁶. This is a difficult standard to meet when there is an existing home on the property.

In addition, the minimum lot size for a flag lot must be met with only the “flag” portion of the lot. The pole does not count toward the minimum lot size. The minimum setbacks are increased to 30 ft for front and rear setbacks and 10 ft for the side yard setbacks (generally, regular lots have a 20 ft front and rear setback and 5-ft or 7-ft side yard setbacks).

Combined, these increased standards mean that folks with very large, narrow lots, do not have many options for infill development that includes land division, which provides the opportunity for land and home ownership for the buyer and income for the seller.



One of the questions staff is asking through is process is whether the development of more flag lots is a desired outcome? The homes on these flag lots are likely to be single-unit homes or duplexes that would provide additional homeownership opportunities. One of the ways to increase the development potential would be to reduce some of the development standards, such as the minimum pole width and the minimum setbacks. This could result in more flag lots on a street with a similar lot size pattern as was seen prior to 2003.

Staff raised these questions with the City Council and Planning Commission on April 20th and April 27th respectively. Both discussions concluded with a general agreement that there is support for reducing some of the requirements for flag lots for the development of middle housing.

One of the ways to increase the development potential would be to reduce some of the development standards, such as the minimum pole width and the minimum area

⁶ MMC 19.504.8 – Flag Lot Design and Development Standards:

http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_500-19_504&frames=on

calculation for middle housing development, while keeping the minimum setbacks the same. Maintaining the existing larger setbacks addresses concerns that were shared in the past regarding lack of privacy from the new flag lot homes. Making these adjustments to the flag lot standards would not only incentivize the development of middle housing, it could also help to keep the original home on the property. However, reducing the setbacks to mirror those of a standard lot would provide another incentive.



Rear lots at Cereghino Farms

Alternatively, the city could go one step further and not require minimum street frontage for these flag lots and allow access easements rather than the pole as part of the lot. Clackamas County allows this type of development for rear lots without frontage and there are recent examples in the Cereghino Farms development. This provides flexibility in the creation of new lots while assuring proper access to city streets and services.

In a review of other communities' flag lot regulations, the following is a summary of the pros and cons of requiring a flag pole and of allowing "rear lot" flag lots:

Pros for rear lots with an access easement:

- Allows for use of land that is otherwise difficult to access without formal land division process.
- Allows for some flexibility to access 'land locked properties' without having to go through a land division process to modify the property to have a physical pole. This could be lot area standards and setback issues that can be avoided.

Cons for rear lots with an access easement:

- Transfer of ownership from one or both parties can create issues about responsibility of easement area, travel surface etc.

- Real physical dimensions are not captured by the easement; dispute over access because there is travel across one property to another.
- Emergency Services coordination and identification.



Photo of rear lot development at Cereghino Farms

Does CPIC support relaxing the flag lot standards (pole width, minimum lot size calculation, requiring street frontage, setbacks) for middle housing?



Project Memorandum

May 11, 2021

To: Milwaukie Comprehensive Plan Implementation Project Management Team

From: Kimi Sloop, Barney & Worth, Inc.

Re: Community Engagement Spring 2021 Survey Summary

In March and April, community outreach was conducted for the Milwaukie Comprehensive Plan Implementation Project. This outreach included a series of meetings in a box and a virtual open house on the Engage Milwaukie site. The virtual open house was available from March 22 through April 15, 2021. In total, we received 121 completed surveys and 149 people either providing comments and/or completing the survey.

In an effort to encourage as many people as possible to take the survey, city staff facilitated ten virtual discussions about the project and the open house with each NDA at their regular monthly meetings as well as an open meeting via Zoom that was advertised on Nextdoor and the city's Facebook and Instagram sites. Additionally, staff facilitated two virtual small group discussions: one entirely in Spanish, and one with BIPOC community members. Also included in this effort were: bookmarks at the Ledding Library, articles in the Pilot, email blasts, and numerous posts on city social media outlets.

Spanish language small group meeting

On April 14, city staff and a professional Spanish language interpreter, facilitated a virtual small group discussion for people who preferred to engage in Spanish. The meeting included a PowerPoint presentation (in Spanish) that summarized the project goals and process and the entire discussion was held in Spanish with city staff providing answers to questions in English, which were then translated into Spanish. Twelve people participated in the meeting, including a member of CPIC. The participants asked a lot of questions and shared many thoughts about housing in Milwaukie, and housing in general:

- Support for ADUs and multiple ADUs on properties for multigenerational or larger families
- Support for allowing a cottage cluster on the same property as a single-family home
- Duplexes and triplexes are very important for larger families
- Participants preferred to not have a parking maximum, as larger families may have multiple vehicles
- Access to trees and parks in all neighborhoods is very important
- The American Dream is to be a homeowner, and participants really want the opportunity to be able to have their own home. Affordability is a key concern because housing is so expensive in the Portland region.
 - Several comments included the lack of resources for first time Latinx homebuyers and those without documentation, such as credit or a social security number

- The participants greatly appreciated the opportunity to hear about the project, to share their thoughts, and that they could do so in Spanish

BIPOC small group meeting

On April 1, city staff, including the city's Equity Manager, facilitated a virtual small group discussion for BIPOC community members. The meeting included a PowerPoint presentation that summarized the project goals and process as part of a larger open discussion. Three people participated in the meeting. The participants asked many questions and shared many thoughts about housing in Milwaukie, and housing in general:

- Encouraged the city to provide an arborist assistance program for residents to help take care of the trees on their property.
 - Offering help will encourage people to preserve their trees.
 - Provide incentives to help plant more trees and help maintain the trees.
- Affordability is very important to the BIPOC community.
- The group encouraged the city to look at successful examples of where these kinds of codes have worked.
- The group encouraged the city to include deconstruction requirements like the city of Portland does.

The following summary provides the key takeaways from the community survey, demographics of survey respondents, and a summary of the input received.

Key Takeaways

- When considering the trade-offs between housing, trees and parking, people appeared to prioritize trees and housing over on-site parking. People did not question the concept that trade-offs are required.

"I strongly support allowing on-street parking to count towards parking requirements. Preserving lot area for trees and homes is a much more important use of space."

"It seems a good compromise for human & tree living space"

"Maintaining trees, reducing concrete (high embodied carbon) and use of valuable site area with parking should be the top priorities."

- **Preserving trees, open space and yards is a benefit that resonates with people.** In the written open-ended comments, over 435 responses included the term "trees" or "open space."

"Trees are necessary infrastructure for communities and their preservation should be prioritized over aesthetic or convenience"

"Please save our trees"

"Trees provide more public benefit than cars and pavement for parking"

- **Flexibility is important to encourage middle housing.** In the comments provided, many people mentioned that how development fits in to the existing neighborhood is important and that the application of the code should be flexible to encourage the right type of development in each neighborhood.

"We need more flexibility to accommodate new housing options"

"I think its most important to make parking, height and yards sizes requirements as flexible as possible to maximize tree protections."

"Let's allow more flexibility for individual applicants that are trying to help the City meet its middle housing goals on a micro level, rather than heavily favoring developers on a macro level."

"Flexibility is key to successful growth. Allowing for taller buildings and a variety of styles that can consume up to 35-75% of a lot and be able to provide affordable housing."

- People generally support a change in the existing parking location requirements, but not necessarily a significant change in the number of parking spaces required. There are concerns that the existing car ownership trends and available transit do not support a reduction in parking spaces required.

"Most Milwaukians have to drive for work, shopping, family activities. Most families have 2 or more cars"

"People need their own space for their cars, and is best if it is on their own property (rented or owned) so that there is no competition for public parking space"

"I don't believe that Milwaukie currently has the public transportation infrastructure to support less than one parking space per dwelling unit"

"I am in support of a future with less cars and more human-propelled transportation, but we are not there yet."

- **Counting on-street parking as part of the required parking has mixed reviews.** Some people are in support of counting the on-street parking if it means that the site can be developed with more efficiently. Many have concerns about neighborhood aesthetics and pedestrian and bicycle safety with on-street parking, in addition to the logistics of on-street parking for residents and visitors.

"Too crowded, not safe for pedestrians, bicyclists, children."

"I don't want to live in a neighborhood where everyone parks on the street"

"As a previous renter (and female), that can create a potentially dangerous situation with street parking"

- People seemed to prefer the opportunity for creative design with multiple buildings on a site for multi-plex middle housing rather than having one long and skinny structure. Key benefits cited include privacy and autonomy for residents as well as neighbors, preservation of trees and the ability for buildings to blend into the neighborhoods more seamlessly.

"The ability for multiple stories and multiple buildings per lot allows for greater variation in design. It also allows for more space for gardens, green space, trees, etc."

"I really think smaller detached homes is the way of the future. It provides more feelings of autonomy for those who live in them. Aesthetically the preservation of trees makes a neighborhood feel more protected."

"Multiple buildings and more trees is nicer for the trees and those living in those homes – more privacy, more trees, more interesting shape."

Survey Demographics

- There were 121 completed surveys, including one Spanish survey and one paper copy.
- Of the responses, 81 people stated that they live in Milwaukie, 79 people stated they own a home in Milwaukie while 9 people stated they rent a home in Milwaukie. Note that people could select more than one response or could choose to select just one response.
- The neighborhoods with the most responses included Ardenwald-Johnson Creek, Lake Road and people who live outside Milwaukie (Oak Grove, unincorporated Clackamas County and Portland). Eighteen percent of the respondents did not specify the neighborhood they live in.
- The age of the participants was well spread out: 11% under the age of 34; 26% between the ages of 35 and 44; 17% between the ages of 45 and 54; 13% between the ages of 55 and 64; and 26% over the age of 65.
- Approximately 84% of the respondents self-identified as Caucasian, 12% as people of color and 3% as other.

Survey Responses

Parking Questions

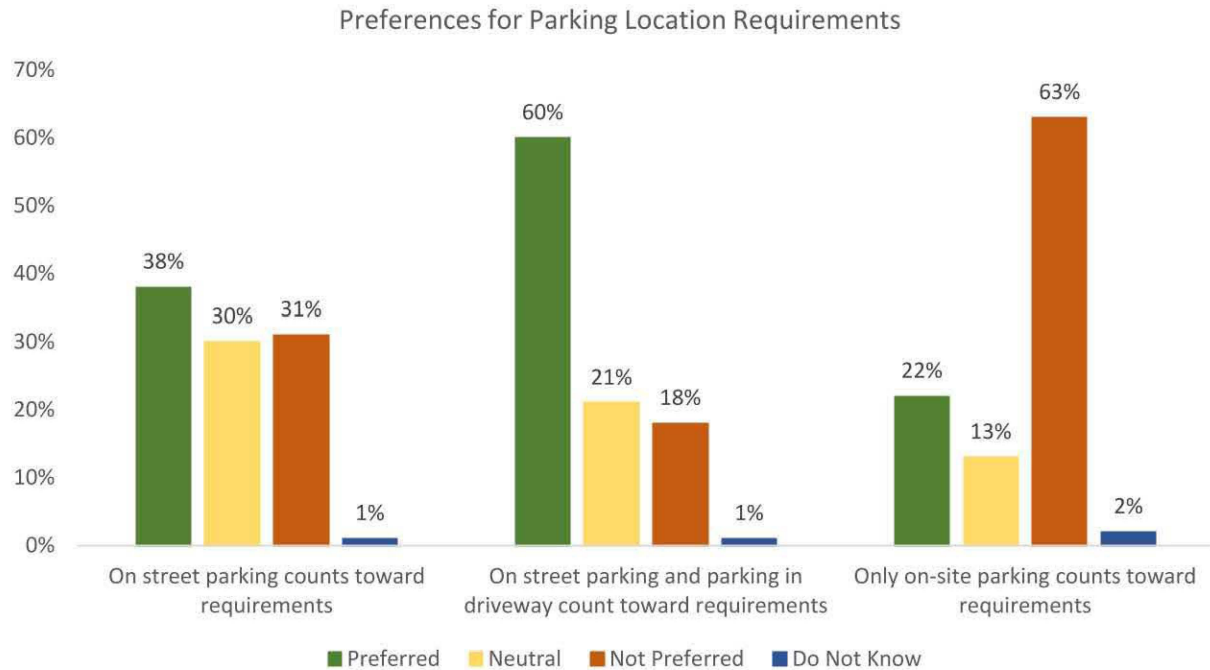
Survey responses and comments related to parking indicated a clear preference for modifying the current parking requirements. There was not clear direction on whether fewer parking spaces should be required.

Location of Parking

When asked about preferences for parking, three options were given:

1. On-street parking counts toward requirements
2. On-street parking and parking in the driveway count toward requirements
3. Only on-site parking counts toward requirements

Most respondents preferred being able to include on-street parking and/or driveways as part of the parking requirements. The current code requirement of only counting on-site parking was significantly the least preferred.



Respondents mentioned the following reasons why either on-street parking and/or parking in driveway should count toward the parking requirements:

- protect greenspace and saving trees
- create more livable spaces on the lots, increase the efficiency of space
- increase the flexibility for developers and site development (assuming that developers are not prohibited from building more parking spaces on site if they want)
- provide options for people who do not drive

Concerns about on-street parking and parking in the driveway followed several themes:

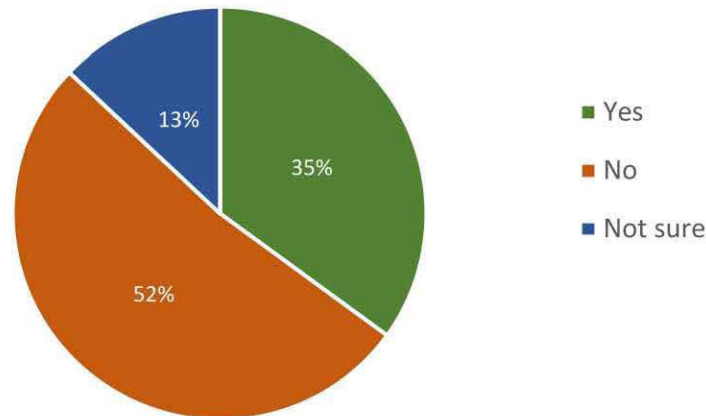
- access to properties – cars on the street blocking driveways
- pedestrian and bicycle safety – cars blocking sidewalks, unsafe walking environment next to street edge, reduced visibility for both drivers and pedestrians
- aesthetics – streets being lined with cars
- daily logistics of parking – distance of the on-street parking space to the home, challenge of parking in a different on-street location each day, electric vehicle plug-ins, safety of walking from parking to homes, visitor/guest parking

The flexibility to provide different parking standards in different locations was also mentioned in the comments. For example, allowing on-street parking to count toward parking requirements in areas near transit, or requiring off street parking where sidewalks do not exist.

Number of Parking Spaces

When asked whether they support less than one parking space per dwelling unit, 52% said that they would *not* support less than one parking space per dwelling unit. Thirty-five percent said they would support less than one parking space per dwelling unit.

Do you support allowing less than one parking space per dwelling unit?



Reasons cited for not supporting fewer than one parking space per dwelling unit included:

- lack of available transit throughout Milwaukie
- perceived current car ownership trends of people owning more than one car per dwelling unit – cars would have to park on the street
- perceived street conditions, aesthetics and safety of cars being parked on the streets
- perceived lack of available parking for visitors, care providers, etc.

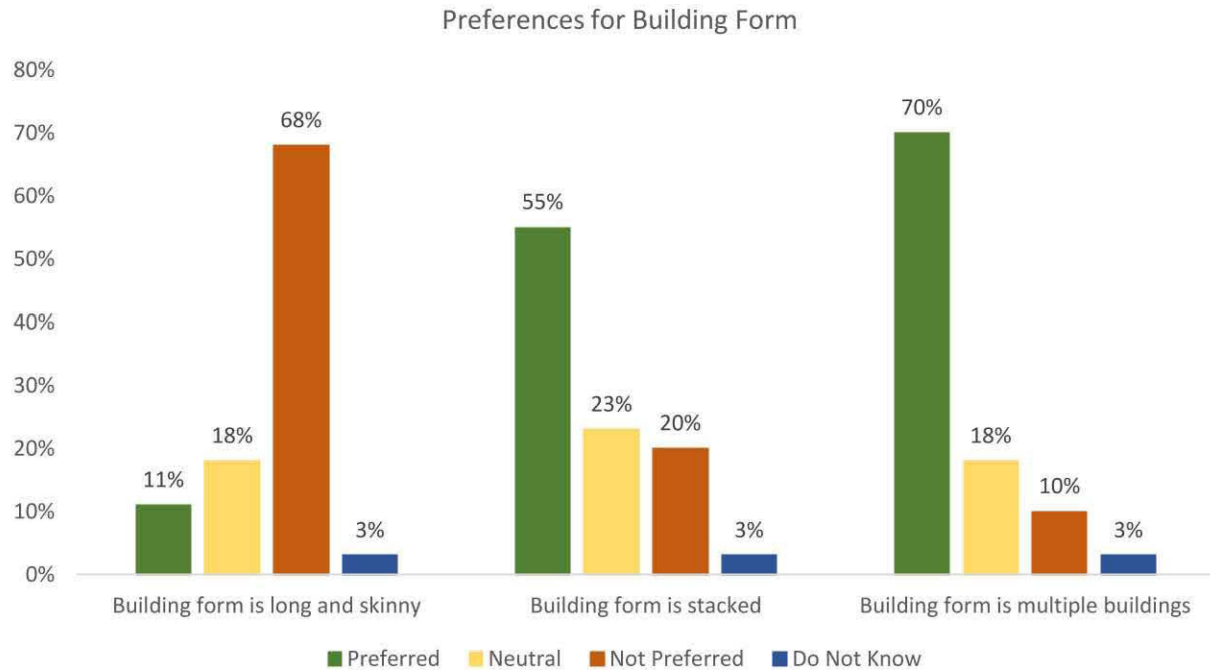
Building Form

Survey responses and comments related to building form indicated a clear preference for stacked or multiple buildings on a lot. They are not supportive of long skinny buildings.

Building Form on Sites

When asked about preferences for building form, three options were given:

1. Building form is long and skinny
2. Building form is stacked
3. Building form is multiple buildings

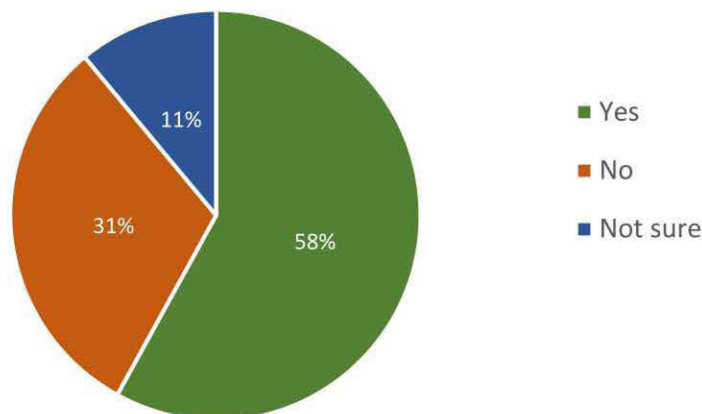


The primary reason that people preferred stacked buildings is the ability to preserve and maintain landscaping, green space, and trees. People preferred multiple smaller buildings because it provides privacy and autonomy for residents, better quality of life with not having another dwelling above or below your unit, creative use of space and design, preserving trees and green space, and blending in better with the neighborhood.

Building Height

When asked if they would support the building height going up to three stories if it meant a tree on the site could be preserved, 58% said that they would.

Do you support allowing a three story building to preserve a mature tree?



People are generally supportive of taller buildings to preserve mature trees, with many comments related to the importance of preserving trees. Concerns about the building height noted were:

- impacts to view corridors and sight lines
- privacy of adjacent neighbors
- solar access on adjoining lots
- consistency with neighborhood style and feel

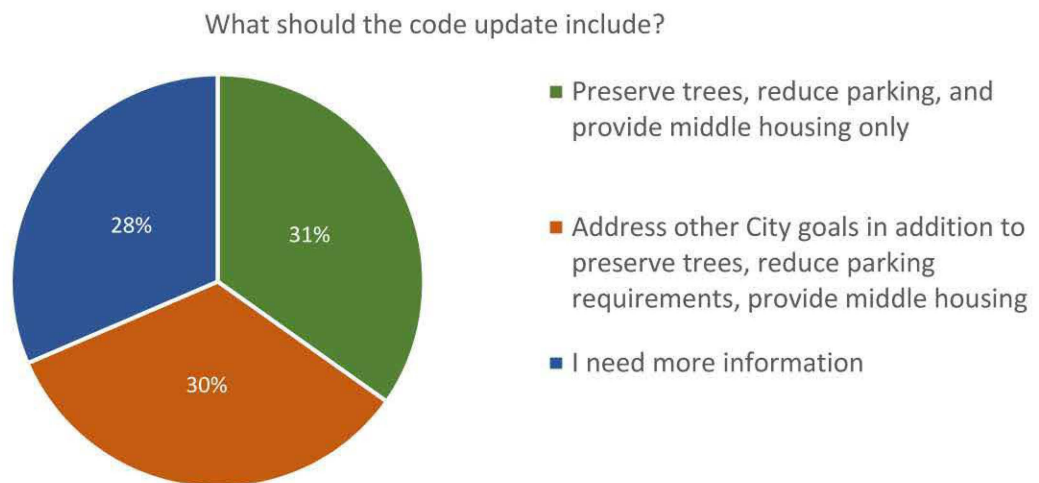
Comments were also made regarding the ability to count the basement as a third story and allowing three stories based on specific location and consistency with the existing neighborhood feel.

Code Flexibility

Survey participants were asked to weigh in on what the code update should include:

- Option 1: Flexibility to preserve trees on site and reduce parking requirements in addition to the state mandated middle housing requirements, only when certain conditions are met.
- Option 2: Flexibility to address other City goals, in addition to providing middle housing, preserving trees, and reducing parking requirements, only when certain conditions are met.

Responses were split evenly between the two options and needing more information to give an opinion.



When asked what conditions needed to be met, many of the responses related to conditions to allow for parking reductions. People suggested that parking reductions could be granted if the following conditions were met:

- increase in outdoor space
- cohousing situation with access to car sharing
- near transit, specifically high frequency transit
- near neighborhood greenways, bikeable/walkable area
- provision for bike parking/facilities
- parking study that adequate street parking is available
- preservation of trees

- addition to the social/ecological well-being of the community (i.e., bioswale, community garden)
- specialized housing for those who may not drive

Respondents identified the following topics as other City goals that could met by the code update related to middle housing, parking, and trees:

- green building practices (i.e., solar panels, stormwater treatment)
- affordable housing
- walkability
- passive house design
- sidewalk and street frontage improvements

Envisioning Your Neighborhood

To get a better understanding of the elements that are important to define the look and feel of neighborhoods, the public's input on the importance of certain site design features was sought. The following includes the percentage of respondents who noted each photo as being important for their household.

Size/width of yard (front, back, side setbacks)



37%
Small yard



79%
In between small and large



19%
Large yard

Location of parking



42%
In the front of the house



53%
In the front of house & on-street



64%
In an alley or behind the house

The amount/ size the building takes up on a lot (lot coverage)



24%

Building covers over 50% of lot



72%

Building covers 35% - 50% of lot



43%

Building covers 35% of lot

Height of building(s)



50%

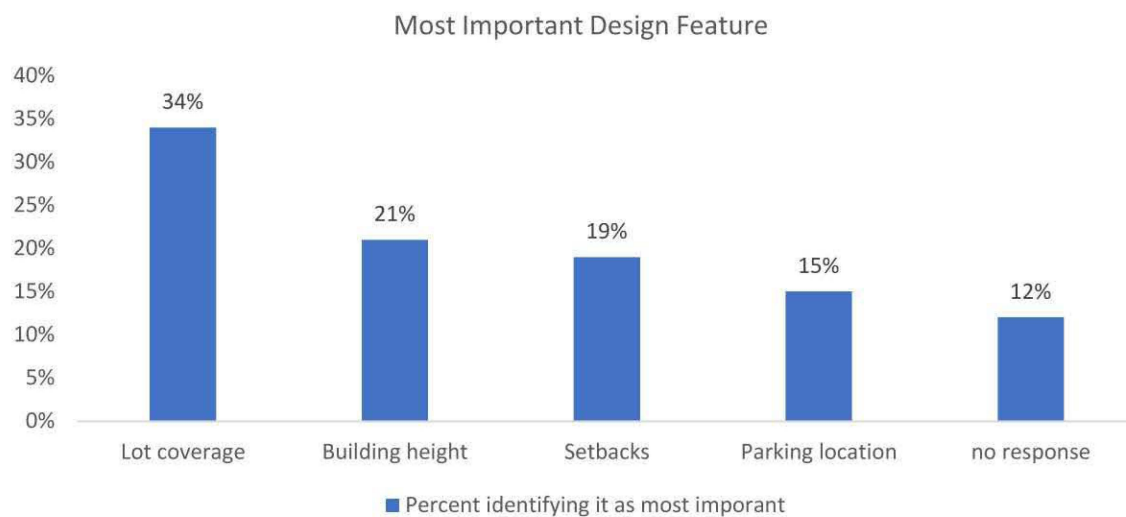
Maximum two and one-half stories (current code)



57%

Maximum three stories

Participants were asked to identify their most important design feature. Overall, lot coverage was the most important design feature to people. Many people also noted that, regardless of the design standards, it is the quality of design and the ability for the building to fit into the aesthetics of the neighborhood that is most important element.



Individual comments

People who viewed the virtual open house had the opportunity to provide comments through the community survey or within each station of the open house. In addition to the over 450 open ended survey responses received, there were over 130 station comments. The themes of the comments included:

- Clarification of the middle housing requirements in Oregon HB 2001
- Role of the City regarding tree regulation on private property, including replacement and maintenance
- Areas within Milwaukie for future development
- Development review process, including the difficulty of developing middle housing currently and public review of plans
- Loss of green space around the city due to development and need for more green space
- Housing needs and types of housing in Milwaukie, including affordable housing and home ownership
- Examples/discussion of housing developments that people like or do not like
- Concerns about higher density housing, Airbnb use, etc.
- Importance of the Vision and Comprehensive Plan and relationship to other City goals
- Importance of linking the transportation infrastructure (transit, biking, and walking) to housing
- On-street parking, existing street improvements and parking requirements
- Design features of middle housing
- Neighborhood livability
- Green buildings
- Need for regulation and flexibility (both in support and opposition)
- Appreciation for communication, open house materials and survey
- Technical difficulty related to the survey and open house (note: staff responded and fixed the issues immediately)

Next Steps

The information from the community survey has been reviewed and discussed by the Project Team. The feedback, along with the CPIC direction and city priorities, will be reflected in the recommendations presented to the CPIC for the code update.

Before the code amendments are presented to the Planning Commission in July, the public will be given an opportunity to review the draft amendments. The public will have an opportunity to comment through the code adoption process.

May 11, 2021 | City Council Study Session

Dear City Council and CPIC Committee

There is an insane amount of work-in-process on everyone's plate and everything to do with zoning code reformation is being crammed to try and get done a full year in advance of the actual June 2022 deadline for HB2001. All of us who are deeply involved residents are keenly aware of this AND of all the hard work that is being done by everyone involved in the Comprehensive Plan process that is underway.

Sadly, the results of the current CPIC "too much, too fast" process is resulting in "All big, no bold" (see further on for why this is due to CPIC meeting design, impossible deadlines, and continuing ineffective public engagement). (And have I heard correctly that a *grant* is dictating how much time is (not) spent on reformulating our housing codes???)

But I'd rather start with some BOLD IDEAS, from several Milwaukie residents, and light up your brains UP to start today.

These are the sorts of things CPIC should be coming up with, but the process and extremely limited time just don't encourage or make space for.

Where's the "Bold"? HERE'S SOME BOLD!

While the CPIC meetings are BIG...full of information overload...there is not much BOLD coming out of them. Here are three actual BOLD ideas for consideration (from different Milwaukie residents I've sat down with and presented some of our conundrums to) to solve crucial problems we are facing with the huge increase in density and number of housing units:

CARS, TREES, & PARKING

Problem: How do we manage available space to save trees (and plant more), allow HB2001 units, and have enough on-site car parking?

Everyday thinking: To save mature trees and accommodate enough on-site parking, allowing developers to go up to 3 floors or allowing higher lot coverage through a second building, was presented. Allowing an on-street parking space to count toward parking requirements was also presented. (and parking consultant found that there is an average of TWO vehicles per residential unit across Milwaukie and that the parking ratio should **not** be less than 1 space : 1 unit).

Creative thinking: If developers want to build a third floor (for any reason, whether to save trees, keep lot coverage down, maintain on-site parking, or green yard space) they can **go down instead of up**.

Most older house foundations cannot support another floor (much less two) and the house has to be put on jacks and the old foundation removed and a new foundation put in. Developers could easily excavate and put in "daylit garden" level to get a third floor/unit for middle housing.

Benefits & Bonuses: *These units would be MORE energy efficient than third floor additions. This is 1. better for tenants' expenses, better for the environment on 3 counts (2. save trees/more space to plant trees, 3. More green space/carbon sink, and 4. reduced carbon emissions), and 5. maintain the city's goal of neighborhood livability. It's a quintuple win.*

INCREASED DEMAND FOR STREET PARKING DUE TO INCREASED AMOUNT OF HOUSING

Given the parking consultant's conclusions that, in practical reality, there is an *average of 2 cars per residential unit*, demand for street parking is going to skyrocket with the addition of residential infill. All we have to do is look at *any* urban center that is a couple of steps ahead of us with development to see the hard truth of this. (I've searched for exceptions and have found none in the US). As long as people need cars to get things done, and transit is insufficient, inconvenient, and deemed unsafe, people will choose to own and drive personal cars.

Everyday thinking: Reduce parking requirements to make it harder to own a car (without concomitant irresistible transit options that make it a no-brainer. And did you know that houses close to SE 32nd and the train station, in Ardenwald, are granted only a 45/100 on real estate sites for transit convenience?).

Creative thinking: "Parking Parks." We all know the streets are going to fill up with parked cars (and many of us know that we do need to use the on-street spaces available, but are concerned that there just won't be enough in some neighborhoods). And, in the longer-term, as the Planning Commission has discussed, self-driving vehicles are coming. Also, electric vehicles and their need for charging will become a larger part of the picture in the mid-term. One local resident had a really great idea that combines likely short-term, mid-term, *and* long-term parking needs into account as well as addressing the lack of open green space coming our way.

What if the city bought some of the open space properties in our neighborhoods and made them into "Parking Parks." These lots could be "paved" with some kind of pervious surface to provide more parking, be planted with some large trees, and include a few benches for neighbors crossing paths who want to stop and chat. Electrical charging stations could be placed in them as well so we don't end up with long extension cords running from houses to the curb. As the need for parking reduces over time, the pervious pavement could be pulled and these lots could be converted into open space parks!

Benefits & Bonuses: Enough parking to meet *actual practical demand* as unit and resident densities and vehicles increase. Electric car charging stations. Open space preserved. Trees preserved/multiplied. City livability also increased by neighbors crossing paths and getting to know one another. **Another quintuple win.**

FLAG LOTS, MULTIPLEX DEVELOPMENT & CARS

Problem: How to deal with flag lots. There are a LOT of them.

Everyday thinking: Allow narrower "poles" to the "flags" for vehicle (and utility) access. This adds a LOT of concrete for easements and large driveways outside of garages (pics of a current flag lot development show an insane amount of concrete and little space for greenery or trees).

Creative thinking: All parking at street & residents walk in. Keep as much space as possible for trees, setbacks, and green spaces. Require a "green easement" where utilities can be run to back lot. Require some kind of minimal width gravel/pervious paver path for walking/bicycling in, and for rolling furniture in on hand carts, and vehicles could get in for utility type repairs (or just for moving in/out, but not for parking).

This can work for many building configurations: If front house is to be taken down and *any kind of multiplex units are to be put in vis-à-vis HB2001, as is likely since many flag lots have zero access to back lot due to garages.*

If front house is to be maintained and owner wants to sell their back lot: allow parallel parking on street in current right of way.

If front house is to be taken down and entire lot developed, parking can also be relegated to right of way and to front of property.

Side Note: Realize this may not work everywhere, depending on existing street, but dedicated spots in Parking Parks could also pick up some slack for cars to these units. And there could be many more ideas that can be brought to light as well. An idea that could use more work, of course, but it's a place to start for these sequestered lots.

Benefits & Bonuses: More room for setbacks for open green space and trees, less pavement, maintaining privacy, and keeping vehicle noise down for all residents on these narrow lots, and no need to build more parking for cars that may well go away in the long-term. **It's a sextuple win!**

And now...

Here Are The Concerns

And, as ever, we all have MANY concerns at this juncture about the intensely rushed processes and poor community involvement due to continuing ineffective public outreach. These concerns presented here are all in regards to the CPIC meetings and the public outreach surveys related to current CPIC activities regarding housing zoning code reformation. All comments in this missive are based on numerous conversations with both "the usual cadre" of deeply involved resident activists (CPIC meetings & surveys), as well as about two dozen neighbors spoken to independently as they walk by on the street (re online surveys).

CPIC Online Surveys

The new Engage Milwaukie website IS a great idea, but due to poor conception and construction the CPIC survey content it is performing poorly on several metrics:

- **Extremely low participation numbers** (with just 121 survey takes for 21,500 residents, the last CPIC survey gleaned a participation rate of only 0.005%). And yes, the discussion area was much more useful. Also, I personally know at least a half-dozen better-than-average-informed residents who *abandoned* the survey in frustration because they were unable to answer to questions presented due to answer choices not making sense. Yes, this did include me.
- **Questionable survey results** due to egregiously poor construction of online surveys. Visit numbers are decent, but page abandon rates are high. People visit to check out the surveys (from public outreach efforts...mainly via city email lists...given the numbers on these lists, the visit numbers ARE good coming from these lists), but statistically, overall, very few have completed the CPIC housing code/zoning surveys.

Which begs a few important questions:

- **What is the stated intention/goal** of these surveys?
- **How will data from these surveys be used?** By CPIC? By city commissions, elected, staff?
- Why are surveys not being adequately front-end tested by a variety of people *before* release to the general public? (If they were, they would not be so confusing...in every way; text content, visual layout, arrangement of material, unnecessary repetition of material...many people are complaining and telling us they simply abandoned the surveys either before getting to them or in the process of trying to take them. Feedback has been submitted to staff and requests that some sort of survey design standards be applied to surveys, but clearly none have been.)
- **Why are there no questions asked of participants to evaluate the clarity, effectiveness, and ease of taking the surveys?** (for example: Do you feel you understood the information presented for this section? Do you feel you were able to answer the survey questions easily? Accurately? What can we do to improve this survey? Will you recommend this survey to others? How did you find out about this survey?)
- **Why is there no page abandon pop-up** asking why the visitor is not completing the information pages or survey?

This leads to an item of concern on the Planning Commission agenda on April 27th regarding “Changes to the Planning Commission Bylaws” on page 52:

"CIAC may be formed by the City Council. Each Commissioner shall be considered appointed to the CIAC at the same time as he or she is appointed to the Commission and shall serve on the CIAC for the duration of their term **or until December 31, 2022 when a separate CIAC may be formed.** Upon the formation of a separate CIAC, the Commission shall no longer serve as the CIAC.

a. The CIAC shall implement the City’s Citizen Involvement Program pursuant to the requirements and relevant guidelines set forth in Statewide Planning Goal 1 and the Comprehensive Plan. **The Planning Commission reserves time on every agenda to meet if needed as the CIAC, and holds at least one annual meeting to review the Citizen Involvement Guidelines and program as it relates to land use."**

Q1: Where are the above-referenced “citizen involvement guidelines?” And what “program” is being referred to here? Where can I reference it please?

Q2: Why is Planning Commission continuing to be tapped as the CIAC (at least through Dec 31, 2022) *when, by their own repeated comments in public meetings, including this one, they have openly avowed to zero interest in the job and little to no expertise in the area of public outreach and communications? The Planning Commission wants OUT of its CIAC function.* What does the Planning Commission actually do, in practical terms (other than holding a 1x per year meeting with the NDAs) about community involvement? (problem further to this is that the NDA folks also have no expertise in public outreach, so deferring to them is also nothing more than a weak insubstantial “show” of public engagement).

The city is making good efforts at upping the game over citizen involvement. What’s interesting is that these efforts are magnifying the same root deficiency that has been problematic all along: the city does not have anyone with community public communications and outreach expertise and/or someone with a successful real-world applied experience in such. A bigger “megaphone” is great and an important piece of what’s needed, but without well-crafted effective content it’s just a larger iteration of what the tech world calls GIGO (“garbage in, garbage out”). The one place where there is some useful data is in the discussion section of the surveys (where it has been included). And this information is problematic because it is subject to much (mis)interpretation that formal surveys are best-suited minimize handle. And participation in these discussion is still too low to be statistically significant for use in justifying zoning code reformation decisions (if such is one of the intents of the surveys).

Concerns About CPIC Meetings/Process

“Way too much, way too fast.”

Minimal time for creativity, whole group work or brainstorming, thoughtfulness, group consensus, stopping to see if everyone understands topics being presented.

The big question that comes out of all the concerns is:

Code Reformation Deadline: WHAT IS THE HURRY?

HB2001 mandates the deadline of **June 30, 2022**, more than a year from now, for cities within the metropolitan service district to adopt land use regulations to implement HB2001. **WHY is Milwaukie trying to get it done an entire year in advance? Why is a grant dictating the amount of time spent on the most important issues facing us today when it is imposing limitations that prohibit the creative thinking needed most right now?**

Why this question is being asked in light of CPIC meetings:

CPIC Meetings Mostly “Force Feeding”

There is little to no time for questions, clarifications, or discussions. Meetings are extremely packed with and constrained by presentations and very little discussion time...particularly no discussion time as an entire group. CPIC members requested more time for these things and 30 minutes was added to meeting times, but it has not resulted in any dedicated time for CPIC members to engage in further understanding of material and issues presented. Instead, the 30 minutes has consistently been filled up with even more presentation time. Things are always “on-script” due to lack of time. Many CPIC members are lost due to rapid-fire information overload and therefore can’t participate in an informed manner.

When substantive questions are asked in the meetings when entire group is together, they are often brushed off or dodged. Nothing is put together by the group as a whole, the results of break out groups are only summarized. No cohesive delineation of the group’s consensus is happening on any of the issues.

As with most city processes that are supposed to be about “community involvement,” participants are being relegated to the role of “spectating” for the majority of the time and are asked to participate only within **extremely tightly controlled parameters**. Creative thinking and thoughtfulness are being stifled when it is needed most to face and find solutions to the massive changes coming to our city.

CPIC members are participating less and less with each passing meeting. Most recently, only 2-3 participants even attempt to speak up. Cameras are increasingly turned off and more CPIC members are leaving the meetings early. When participants in any process are excluded from dialogue it is natural for them to start to “tune-out.” *This is a problem of the process and system itself, not that of uncommitted committee members or the staff stuck “going along for the ride.” It’s a systemic problem that you can plug different people into and get the same poor results.* As with the surveys: is this the intent of the CPIC? To do a bunch of one-way presentations to an audience who just sits and listens passively? And how will so-called “conclusions drawn” be used to justify the zoning code decisions that will be made? And then by whom are they being made??

Public Comment Time: Non-CPIC resident participants are relegated to 10 minutes (at best...if it is not used up by presentations) of comment time at the END of the meeting. Questions and concerns that have arisen are well-informed and relevant. These participants are all residents who have been involved for many years more than many of the CPIC members, are more conversant and steeped in city codes, zoning, the comp plan, HB2001, and all the city's aspirational documents, reports, and studies relevant to the to the complex topics at-hand. But there is zero time for answers or any discussion. Basically, there is no reason for any non-CPIC member to bother bringing anything up in the last 10 minutes because the meeting is already OVER. These knowledgeable, thoughtful, creative, and resourceful participants are rushed along and pressured because they are "keeping everyone overtime" at an overloaded meeting that has already gone on for 3 solid hours. Questions being brought by these dedicated residents could be answered in the course of the meeting (as is done at other city meetings) without undue time being taken.

"Changes will be incremental..." This is being repeated ad-naseum as a way to dismiss real questions and concerns that participants do manage to bring up. It comes across as a put-down of participants' concerns and a dismissal of the realities we all see happening around us every day. And why do those who use the phrase assume it is even true given:

- A. The rapidity of development right next door in Portland, there is no evidence that changes will be "incremental." Developers seek out the *least expensive property* to re-develop. Milwaukie's land and Clackamas property taxes are both less expensive than all of Portland's that is a comparable distance to downtown and the concentration of activities and amenities of "inner Portland" (i.e. inside 82nd). Particularly, in the Ardenwald neighborhood west of SE 32nd, many residents are already bombarded by offers to sell their properties to developers wanting to subdivide (or merge) the large lots. Realtors and developers are literally "prowling" the streets in very expensive cars everyday (we see them). Developers are just waiting to glean the higher profits to be made on Milwaukie's preponderance of larger than 10K ftsq lots.
- B. In-migration to our region is not going to stop, even if it's slowed at the moment. Bigger high paying white collar businesses—and their jobs—have already begun moving from larger high-cost cities and people who want to work at them will continue relocating here. The pressures on housing will continue unabated, which will keep rents and home prices at the highest market-rate. It seems Milwaukie does not have any solid plan to address middle and low income affordability in any significant numbers. In a CPIC presentation there was even something presented, that when questioned, was reluctantly professed to just be an idea right now, not an actual plan (pardon me, but that was a blatant misleading of the CPIC members by the consultant, many of whom are very concerned about diversity and equity of all kinds). There is much talk about "affordable" or "attainable" housing, but little solid planning given how unlikely it is that sheer increases in units alone will increase anything but market rate housing.
- C. The goal of the CPIC is to think of the impacts of today's policy making 20-40 years from now. Even if changes DO turn out to be "incremental," why is thinking about the potential results in the future (once those "incremental" changes have occurred) not a valid topic to bring up? Isn't this the GOAL of the CPIC? To consider the possible accumulation of development and whether it is going to move us toward our stated vision and goals 20-40 years out? To think about the goals related to climate, open space, livability, equity, etc.?
- D. In addition, "incremental" is not an accurate descriptor for residents who WILL have a front row seat to much more dense development sooner rather than later (by mass, height, number of units, number of

vehicles, etc.) going up next door and/or across the street, especially on all of our larger lots. There is nothing “incremental” about this scenario for all of the neighbors to the larger multi-plex “cottage cluster” developments that HB2001 and our zoning code will allow. The immediate loss of privacy and solar access and increases in noise and traffic at the development site are not “incremental.” The dismissive use of “but it will be incremental” is counterproductive to the CPIC’s mission and discourages big picture thinking and the creative ideas so badly needed if Milwaukie actually does not want to simply become “Sellwaukie.”

- E. And who says many of our lots won’t sell fast and be developed quickly? Just look at Sellwood. Nothing “incremental” going on there, just 1 mile away.

No Equity Expert at CPIC Meetings

Why has city’s new DEI staff member not attended any CPIC meetings? The word “equity” is thrown around at CPIC meetings, but there has been no explanation of what “equity lens” or criteria are being applied to the current housing zoning code reformation process or how it is being employed and applied. As housing accessibility and affordability is the most fundamental issue for creating true equity and diversity (for all races, socioeconomic classes, and more) to creating the equitable and inclusive Milwaukie avowed by our city’s visioning process, where is it in the CPIC process and why isn’t it more explicit? Why has there been no dedicated pro-active address of potential equity issues in regard to middle housing?

Thank you, as ever~

Ronelle Coburn

Ardenwald Resident

Milwaukie RIP

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