



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

August 9, 2022

Present: Joseph Edge, Vice Chair
Greg Hemer
Robert Massey
Jacob Sherman

Staff: Adam Heroux, Associate Planner
Brett Kelper, Senior Planner
Vera Kolias, Senior Planner
Laura Weigel, Planning Manager

Absent: Lauren Loosveldt, Chair
Amy Erdt

(00:02:26)

1.0 Call to Order — Procedural Matters*

Vice Chair Edge called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:04:25)

2.0 Meeting Minutes

(00:04:26)

2.1 May 24, 2022 Meeting Minutes

The May 24, 2022 minutes were approved as written with a 4-0 vote.

(00:05:23)

2.2 June 28, 2022 Meeting Minutes

The June 28, 2022 minutes were approved as written with a 4-0 vote.

(00:06:00)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:16:07)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:6:31)

5.0 Community Involvement Advisory Committee (CIAC)

Laura Weigel, Planning Manager, noted that staff is working to provide direction to the CIAC and plan to provide an update at the following meeting when Chair Loosveldt returns. Weigel also noted that Commissioner Massey will represent the CIAC at the Quarterly Neighborhood District Association (NDA) leadership meeting September 15. **Commissioner Massey** requested that staff provide direction at the next meeting regarding what role he should serve at the quarterly NDA meeting.

(00:08:24)

6.0 Work Session Items

(00:08:25)

6.1 Code Amendments: Downtown Design Review

Brett Kelter, Senior Planner, shared that staff has worked with the Design and Landmarks Committee (DLC) since March of 2016 to update the Downtown Design Guidelines document (DDG) and the downtown design review code. Project goals evolved throughout the process, originally focusing on updating images in the DDG and later broadening to include updating the DDG text and the downtown design review code itself. The relevant code sections are MMC 19.304 Downtown Development Standards, 19.508 Downtown Design Standards, MMC 19.907 Downtown Design Review, and the DDG. Nonresidential and mixed-use buildings downtown that meet design standards are subject to a Type II review; those buildings that do not are subject to Type III review to address the applicable design guidelines. Multifamily buildings downtown may be subject to a Type I, II, or III review and can elect to be reviewed under multifamily or downtown design standards or guidelines.

Kelter continued, the DLC identified several issues with the current code and review processes including misalignment of design standards and guidelines, unclear applicability of guidelines, and development standards that impact design. To remedy the identified issues the DLC has recommended revising code sections related to downtown design review, aligning design standards and guidelines, and repealing the DDG. Key changes include expanding the design standards from seven elements to 14, moving design-related development standards into the design standards section, and updating graphics. Additionally, the DLC proposed requiring multifamily buildings downtown to address the downtown design standards/guidelines while retaining a Type I review process. Notably, the proposed Type I review process would include a public notice to inform nearby properties of the proposed development but without an opportunity for public comment.

Commissioner Hemer noted the difficulty in defining Milwaukie's downtown character and expressed a preference for clear and objective standards. Hemer suggested requiring applicants for any new downtown building to meet with the Historic Milwaukie NDA prior to application submittal. Hemer suggested that meeting with the NDA could replace public noticing for the proposed Type I review process. **Vice Chair Edge** reiterated Commissioner Hemer's suggestion. **Commissioner Massey** asked staff if the City can require applicants to meet with the applicable NDA. **Weigel** responded yes in general, but that staff would need to confirm that the City can require meeting with the applicable NDA for a Type I application. **Commissioner Sherman** expressed concerns about extending timelines for applicants and suggested eliminating the NDA requirement in favor of simply encouraging applicants to meet with the NDA. **Vice Chair Edge** reiterated Commissioner Sherman's concerns regarding longer timelines due to NDA requirements but noted support for the requirement even so. **Commissioner Hemer** suggested there is often a long amount of time between a preapplication conference and the application submittal. **Kelver** responded that the time between preapplication conference and application submittal varies. Kelver continued, noting the importance of clear and objective standards when establishing design regulations and cautioning against inviting public comment in situations where applicants have met the current standards. **Commissioner Hemer** responded that conversations between the applicant and the NDA early in the application process could result in design changes that are preferable to community members. **Commissioner Sherman** noted that the Commission can recommend design standards to City Council that voice the community's preferences, which could prevent the need to meet with the NDA for each application.

Commissioner Massey asked for clarification regarding the proposed review processes for development in the Downtown Mixed Use (DMU) zone. **Kelver** responded that staff proposes to eliminate the current Type II review for nonresidential and mixed-use buildings that meet design standards and instead use the Type I review process currently used by multifamily residential buildings that meet the design standards. **Vice Chair Edge and Commissioner Sherman** expressed support for reducing the review process of any building that meets design standards from a Type II to a Type I process.

Commissioner Hemer asked if the activities proposed to no longer require downtown design review will be reviewed under another process. **Kelver** responded that some activities may be reviewed under other parts of the zoning code where applicable. Kelver added, the activities staff is proposing to remove from the list of those needing downtown design review do not currently have any design standards against which to review. **Vice Chair Edge, Commissioner Massey, and Commissioner Sherman** noted support for removing certain activities lacking applicable design standards from the downtown design review process.

Kelver continued, the DLC suggested reducing the step back standard for

buildings that exceed the base height from 6 ft along the entire frontage to 6 ft for at least 50% of frontage, with a minimum setback length of 20 ft.

Commissioner Hemer noted the controversy of the previous increases in maximum building height, with those increases acting as the impetus for the step back standard. Hemer requested public engagement if the standard will be reduced as proposed and suggested using Engage Milwaukie for the public engagement.

Kelver noted additional housekeeping items, including increasing the minimum density standard for townhouses to maintain consistency with density standards in the R-MD zone and removing the maximum height limit based on number of stories while retaining the maximum height limit measured in feet. **Vice Chair Edge and Commissioner Sherman** noted support for the proposed amendments. **Commissioner Hemer** requested background information regarding why both height measures are currently being used. **Commissioner Massey** expressed concern for removing the number of stories measure as it is a more accessible way to understand proposed building heights.

Commissioner Hemer requested that public art installations, zero-energy buildings, and electric vehicle (EV) charging station requirements be included in further downtown design discussions. **Kelver** requested clarification on the suggested zero-energy requirement. **Hemer** responded that the requirement would ensure that buildings produce zero greenhouse gasses. **Commissioner Sherman** suggested implementing energy efficiency requirements through building performance standards like what is used by the City of Portland. **Kelver** added that staff is working on a code package for EV charging requirements that will be reviewed by the Commission before the end of the year. **Commissioner Sherman** noted similar EV charging requirements being implemented by the City of Portland and regulations coming from the US Access Board regarding EV parking space design. **Commissioner Massey** suggested using LEED certification levels as standards for new buildings in the downtown mixed-use zone. **Vice Chair Edge** noted support for using third-party certifications or standards for City performance standards.

(01:29:15)

6.2 Code Amendments: Boarding House - definitions

Adam Heroux, Associate Planner and Vera Koliass, Senior Planner, shared the staff report, provided background on boarding houses in the City, historic use of the dwelling type and proposed a replacement definition. Boarding houses are permitted on a conditional use basis within the City and have been included in City code since the first code created in 1946, currently there are no existing boarding houses. Historically a low-cost residential room with some shared facilities including kitchen, eating, and bathroom and separated units has been referred to as residential hotels, boarding houses, rooming houses, and lodging houses. The term single room occupancy (SRO) is used to encapsulate all these terms. Staff proposes removing the current term boarding house from City code

and replacing it with micro-unit development. A micro-unit development is a room offered for rent which would not otherwise constitute an independent dwelling. **Commissioner Hemer** asked if a single-family home renting two rooms individually would be considered a micro development under the new definition. **Heroux** responded that if the units were fully separated, having their own locks, then yes.

Commissioner Hemer expressed concern with a definition that reclassifies single-unit homes that are currently renting rooms such that the use is no longer permitted and suggested adding language specifying the development as a multi-unit building.

Commissioner Massey asked if there is a demand for market-rate SROs. **Heroux** responded that there is current demand in larger markets such as New York and Seattle.

Commissioner Sherman asked for clarification around the distinction between SROs and similar units where the length of stay is typically less than a month. **Heroux** responded similar configurations with shorter stays would be considered a hotel and subsequently a commercial use.

Commissioner Hemer asked for clarification regarding the distinction between micro-unit developments and transitional housing. **Kolias** responded that staff will review both definitions to ensure each are used to describe a unique use. **Commissioner Sherman** asked what the distinction was between micro units and adult foster care facilities. **Kolias** responded that adult foster care facilities are defined by the state and are intended for facilities where residents receive care from licensed nurses.

Vice Chair Edge asked why the development located at NW 14th and NW Pettygrove in Portland wasn't included as an example of micro-units in Portland. **Weigel** responded that it may have been inadvertently excluded from staff's research.

Commissioner Hemer asked if there are any restrictions preventing a micro unit development from being built under our current code and if a micro unit development is a unique use.

Commissioner Sherman suggested staff research Kevin Cavanaugh's properties in the Portland metro.

(02:07:00)

8.0 Planning Department/Planning Commission Other Business/Updates

Weigel shared that a new Planning Commissioner was appointed at the last Council meeting.

(02:08:45)

10.0 Forecast for Future Meetings:

August 23, 2022	Hearing Item(s):	1. VR-2022-005, 2433 SE Dove St 2. NR-2022-001, Milwaukie Bay Park, 11211 SE McLoughlin Blvd
	Work Session Item(s):	1. Downtown Design Review 2. Code Amendments: High Density Zones
September 13, 2022	Hearing Item(s):	1. VR-2022-007, 9696 SE Omark Dr.
	Work Session Item(s):	1. Code Amendments: Climate Friendly Equitable Communities

Meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Will First, Administrative Specialist II



CITY OF MILWAUKIE

AGENDA

August 9, 2022

PLANNING COMMISSION

milwaukieoregon.gov

Hybrid Meeting Format: the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfae3OnDWLQKSB_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-101>) and follow the Zoom webinar login instructions.

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

1.1 Native Lands Acknowledgment

2.0 Planning Commission Minutes – Motion Needed

2.1 May 24, 2022

2.2 June 28, 2022

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 Community Involvement Advisory Committee (CIAC)

6.0 Work Session Items

6.1 Code Amendments: Downtown Design Review

Summary: Review and provide feedback on the staff proposal to update the downtown design review code language and review process.

Staff: Senior Planner Brett Kelver

6.2 Code Amendments: Boarding House - definitions

Summary: Review and provide feedback on the staff proposal to update the code language definition of boarding house.

Staff: Senior Planner Vera Koliass and Associate Planner Adam Heroux

8.0 Planning Department/Planning Commission Other Business/Updates

9.0 Forecast for Future Meetings

August 23, 2022	Hearing Item(s):	VR-2022-005, 2433 SE Dove St NR-2022-001, Milwaukie Bay Park, 11211 SE McLoughlin Blvd
	Work Session Item(s):	Downtown Design Review Code Amendments: High Density Zones
September 13, 2022	Hearing Item(s):	VR-2022-007, 9696 SE Omark Dr
	Work Session Item:	Code Amendments: Climate Friendly Equitable Communities

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 an agenda item to a future date or finish the 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.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **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.
8. **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.
9. **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
Jacob Sherman

Planning Department Staff:

Laura Weigel, Planning Manager
Vera Kolias, Senior Planner
Brett Kelter, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Assistant Planner
Will First, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

May 24, 2022

Present: Lauren Loosveldt, Chair
Greg Hemer
Adam Khosroabadi
Robert Massey
Jacob Sherman

Staff: Steve Adams, City Engineer
Jennifer Backhaus, Engineering
Technician III
Justin Gericke, City Attorney
Brett Kelver, Senior Planner
Vera Kolias, Senior Planner
Laura Weigel, Planning Manager

Absent: Joseph Edge, Vice Chair
Amy Erdt

(00:15:21)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

Commissioner Hemer shared a personal statement regarding the importance of life and requested the commission take a moment of silence to honor those who lost their lives in the recent mass shootings in Buffalo, NY and Uvalde, TX.

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

(00:18:00)

2.0 Meeting Minutes

(00:18:00)

2.1 April 12, 2022 Meeting Minutes

Commissioner Massey noted that although staff stated they did not recommend the applicants for VR-2021-012 meet with the applicable NDA it was later clarified that they did recommend that the applicants meet with the NDA during the preapplication conference.

The April 12, 2022 minutes were approved as written with a 5-0 vote.

(00:20:52)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:21:03)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:21:53)

5.0 Community Involvement Advisory Committee (CIAC)

Laura Weigel, Planning Manager, noted that NDA leaders agreed to allow a member of the CIAC to attend the quarterly NDA leadership meetings.

Commissioner Khosroabadi suggested that CIAC members attend regular NDA meetings in addition to the quarterly NDA leadership meetings. **Weigel** noted that CIAC members may voluntarily attend any NDA meeting but reiterated that members would represent the CIAC not the Commission at these meetings.

Commissioner Khosroabadi noted that some NDA members are looking for clarification about the land use process. **Weigel** noted that city staff is in the process of creating and publishing material to help explain the land use process. Staff has already produced a land use 101 presentation and presented to NDA members as the first step in this process. **Commissioner Massey** explained that Commissioners are often asked about Commission business when attending NDA meetings and that he typically provides upcoming meeting information or summaries of past decisions when asked about Commission business.

Commissioner Hemer noted that when he attends NDA meetings he often provides information regarding land use applications but nothing outside of what is included in city materials (e.g. staff reports and decision notices).

(00:29:50)

6.0 Hearing Items

(00:29:51)

6.1 VR-2021-012, 9285 SE 58th Dr

Vera Kolas, Senior Planner, shared the staff report, aerial and street views of where the site is located, and provided context of existing site conditions. The site is 0.08 acres, zoned for manufacturing use, was formerly used for storage by the adjacent Smith Rock business, and now sits vacant. Kolas reviewed the proposal details, the applicants propose a 1,848 sq ft manufacturing building with full improvements on 58th Dr. The proposal includes a parking modification request to allow for the one required on-site parking space to be an accessible space and variances to front yard setback, driveway spacing, and width of landscaping at parking area requirements. Staff did not identify any negative impacts from the application and believed the variance requests to be both reasonable and appropriate. Staff recommended approval of the proposed application with the recommended findings and conditions of approval.

Since the April 12, 2022 Planning Commission hearing, staff received the following public comments. **Robert Vancreveld** provided comments in opposition. **Michael Connors** provided comments stating there was not enough time to review the materials submitted for the April 12 hearing, summarized previous comments, and commented on the February 22 emails with Clackamas County. **Troy Lyver, a member of the Applicant Team**, provided comments related to Michael Connors testimony on the February 22 emails with Clackamas County. Lyver also submitted the Applicant's final written argument which summarized prior testimony and arguments.

Robert Price, a member of the Applicant Team, noted that some comments provided during the April 12 meeting by the property owners, Carol and Keith Phelps, regarding conversations between them and Smith Rock throughout the past 15 years were not included in the meeting minutes. **Justin Gericke, City Attorney**, noted that because the omitted comments were included in the applicant's final written argument they are still included in the official record. **Commissioner Sherman** suggested amending the April 12 minutes to accurately reflect the testimony provided by Carol and Keith Phelps. **Connors** noted that despite the record closing following the April 26 deadline for the applicant's final written argument, Robert Price introduced new information and therefore Connors requested a continuation of the hearing. Additionally, Connors noted that the final written argument should not contain new evidence and therefore cannot be the first time the comments in question are mentioned. On these grounds Connors raised a procedural objection.

The Commission took a 10-minute recess.

Connors asked for clarification about the hearing process and how staff and the Commission are addressing the procedural objection. **Kolias** responded that staff proposes to continue the hearing to June 28, 2022, where no additional testimony will be taken. The record will be left open for seven days, until May 31, for any additional testimony regarding the Carol and Keith Phelps comments from the April 12 hearing which were omitted from the meeting minutes. Any comments submitted for the May 31 deadline will be posted and responses to the testimony will be taken for an additional seven days, until June 7. The applicant team will have an additional seven days, until June 14, to submit their final written argument. **Connors** requested that the Commission leave the record open for fourteen days for any additional testimony regarding the omitted comments from Carol and Keith Phelps and afterwards close the public testimony portion of the hearing. **Gericke and Price** agreed to the alternative proposal from Connors on behalf of the City and the applicant respectively.

The Commission continued the hearing to a date certain of June 28, 2022, allowing fourteen days, until June 7, 2022, for additional evidence to be submitted by a 5-0 vote.

(01:32:14)

6.2 CSU-2022-003, 2301 SE Willard St

Brett Kelper, Senior Planner, presented the staff report and shared aerial images of the north side of Milwaukie High School, showing the area between 23rd Ave and the Adams St right-of-way (ROW). The purpose of the application is to modify a condition of approval from land use application CSU-2017-007. The request was initiated by the City Engineering department on behalf of the North Clackamas School District (NCSD). The modification requested is to condition 5(d), which called for NCSD to dedicate a "25-ft half right-of-way at the east end of Adams St to connect 23rd Ave to Adams St." The intention of this condition was to preserve the opportunity of a future street connection from Adams St to 23rd Ave, which can be accomplished through a public access easement instead. The request to modify condition 5(d) changes the required a 25-ft ROW dedication to a 25-ft public access easement. Staff recommended approval and believes an easement is better suited for this piece of land, as the City would not need to assume the maintenance responsibilities they would for a ROW dedication.

Chair Loosveldt asked about the fee in lieu of construction (FILOC) paid for the proposed stairs, which were intended to provide a pedestrian connection between Adams St and 23rd Ave. **Steve Adams, City Engineer**, responded that the stairs were unable to be built because of an existing water main that ran through the location of the proposed stairs. Alternative paths were not feasible because they would force people to exit the stairs into the Adams St ROW where no sidewalks exist, violating rules set forth in the Public Right-of-Way Accessibility Guidelines. The FILOC will be used to increase pedestrian infrastructure somewhere else in the neighborhood.

Commissioner Hemer reflected on the original application, CSU-2017-007, and noted that this proposed pedestrian connection received little to no attention throughout the application review process.

CSU-2022-003, 2301 SE Willard St, was approved by a 5-0 vote.

(01:53:26)

7.0 Planning Department Other Business/Updates

No information was presented for this portion of the meeting.

(01:53:42)

8.0 Planning Commission Committee Updates and Discussion Items

Weigel shared that City staff would like to set up small group meetings to discuss how the Commission conducts hearings and share ways City staff can be a resource to Commissioners.

Commissioner Massey asked whether the Commission as a whole could meet to have similar conversations. **Gericke** responded that the entire group cannot meet without providing public notice and meeting publicly but any number of Commissioners can meet as long as there is no quorum present. **Chair Loosveldt** requested that small groups contain Commissioners with a variety of experience levels.

(02:01:13)

9.0 Forecast for Future Meetings:

June 14, 2022	Canceled
June 28, 2022	1. Public Hearing: VR-2021-012, 9285 SE 58 th Dr 2. Public Hearing: CSU-2022-004, Waldorf School Sign 1. Work Session: Code Amendments: High Density Zones – definitions

Meeting adjourned at approximately 8:20 p.m.

Respectfully submitted,

Will First, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

June 28, 2022

Present: Lauren Loosveldt, Chair
Amy Erdt
Greg Hemer
Robert Massey

Staff: Steve Adams, City Engineer
Jennifer Backhaus, Engineering Technician III
Justin Gericke, City Attorney
Adam Heroux, Associate Planner
Vera Kolias, Senior Planner
Laura Weigel, Planning Manager

Absent: Joseph Edge, Vice Chair
Jacob Sherman

(00:13:45)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:14:57)

2.0 Meeting Minutes

(00:15:04)

2.1 March 22, 2022 Meeting Minutes

The March 22, 2022 minutes were approved as written with a 4-0 vote.

(00:15:40)

2.2 April 26, 2022 Meeting Minutes

The April 26, 2022 minutes were approved as written with a 4-0 vote.

(00:16:25)

3.0 Information Items

Laura Weigel, Planning Manager, discussed the vacant Planning Commission position, formerly Adam Khosroabadi's seat. Weigel shared the various methods the City is using to recruit potential Commissioners and noted that recruiting will take place until mid-July. **Commissioner Massey** asked whether the Planning Commission received any applicants during the City's annual recruitment.

Weigel responded that the Commission did not receive any applicants during the annual recruitment but received several applicants since the annual recruitment closed.

(00:18:03)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:18:52)

5.0 Community Involvement Advisory Committee (CIAC)

Weigel noted that during the last NDA leadership meeting, attendees agreed and were excited about having a CIAC member attend the meetings. **Weigel** noted that Commissioner Massey will act as the representative for the CIAC and the next meeting is September 15.

Chair Loosveldt asked if there had been any discussions with NDA members about attending CIAC meetings. **Weigel** responded that it had not been discussed but suggested that Commissioner Massey could offer that as an opportunity to NDA members when attending the NDA leadership meetings.

Chair Loosveldt opened a discussion about ways to better engage NDA members and use the CIAC meeting time to better accomplish the goals established by Council. **Loosveldt** suggested inviting NDA members to either an annual or bi-annual meeting by NDAs or together as one group. **Commissioner Massey** expressed support for meeting with individual NDAs and noted the success of the annual meeting with the NDAs held the previous year. **Commissioner Hemer** suggested including the NDA land use chair given the CIAC's focus on land use. **Val Hubbard, Vice-Chair and Land Use Committee Chair of the Historic Milwaukie NDA**, expressed support for involving the NDA's land use committee in meetings with the CIAC. **Commissioner Hemer** asked whether it would be reasonable for the CIAC to ask NDA Land Use Committee members to attend one CIAC meeting each year. **Hubbard** respond that it wouldn't be an issue. **Chair Loosveldt** requested that staff set up another meeting with all NDAs so the Commission can meet as the CIAC with the NDAs bi-annually. **Weigel** noted that the annual meeting with the NDAs is acting as the Commission and asked if the Commission would like the second meeting with the NDAs to also meet in their role as the Commission or as the CIAC. **Chair Loosveldt** asked if different content would be discussed in meetings if the Commission was acting as the Commission as opposed to the CIAC. **Weigel** responded that there would be different content discussed but staff would need to work on what would be discussed at each meeting. **Commissioner Hemer** requested that the CIAC meet with each NDA individually before the annual meeting in October to inform the October meeting agenda and discussion. **Weigel** noted that staff will work to develop a meeting schedule that will work with the Commission and NDAs and report back to the Commission.

Commissioner Massey offered to present the proposed meeting schedule to the NDAs at the September NDA Leadership meeting.

(00:33:33)

6.0 Hearing Items

(00:33:35)

6.1 CSU-2022-004, 2300 SE Harrison St

Vera Kolias, Senior Planner, shared the staff report, showed aerial images of the site, and images of the proposed sign. The applicants propose to install a 34.67 square foot non-illuminated wall sign on the main entrance of the Portland Waldorf School which faces Harrison St. The application package includes a community service use sign application and a historic resource review. The sign will be mounted into existing mortar lines as to not disturb the building façade. The primary approval criterion for the community service use application is proximity to residences, the main entrance of the Waldorf school is 260 feet from the nearest residences. Approval criteria for the historic resource review includes retention of original construction, time period consistency, and visual integrity and style. No comments were received regarding the application. Staff recommended approval of the application as the proposed sign is visually compatible with the original character of the building and surrounding development, set back from the street, non-illuminated, and less than 40 square feet.

Commissioner Hemer asked whether the applicants submitted historic photos of the building showing whether there was a sign on the building at some point.

Keisha Ochoa, a member of the Applicant Team, noted that there was previously a sign on the building but the applicant team is not aware of when the sign was removed.

Hubbard asked whether there were graphics of the proposed sign other than what was included in the meeting materials, whether the sign will be on the front or side face of the building, if the proposed sign exceeds the size limitations, and if there is an existing sign there. **Chair Loosveldt** responded that there are no graphics outside of the meeting materials, there is no sign currently, and that the sign will be on the front face of the building above the main entrance. **Kolias** responded that the proposed sign does not exceed size limitations under a Type III Community Service Use review where signs cannot exceed 40 square feet and the proposed sign is 34.67 sq ft.

Hubbard asked why the recently approved Milwaukie High School sign went through a different approval process than this application. **Weigel** responded that the Milwaukie High School sign went through the same land use process as the current application.

Christy Schaeffer, a Milwaukie resident, expressed concern for the size of the sign and asked what material the sign will be. **Ochoa** responded that the sign will be made of aluminum.

Commissioner Hemer expressed support for the application and noted that the proposed sign would restore a historic element of the building as the sign is similar to what was used historically. **Commissioner Massey** expressed support for the application and noted its conformance with the character of the building and surrounding area.

CSU-2022-004, 2300 SE Harrison St was approved by a 4-0 vote.

(00:58:46)

6.2 VR-2021-012, 9285 SE 58th Dr

Kolias presented the staff report and noted that the hearing is a continuation from May 24 and no public testimony will be taken at the hearing. The staff report contained aerial and street-view images of the site and summarized the proposal and information provided at the January 25, April 12, and May 24 hearings. Staff did not identify any negative impacts, believes the application to be reasonable and appropriate, and recommended the application for approval.

Commissioner Hemer expressed concern for adequate loading space with the limited off-street parking area and that loading and unloading in the Right-of-Way (ROW) will create unsafe conditions for pedestrians.

Chair Loosveldt expressed support for the application and stated that the applicant can use on-street spaces for safe loading.

Commissioner Massey noted the uncertainty of the site's eventual use and the effect the use will have on the loading and parking space needed. Massey expressed concern voting against the application solely based on potential loading issues.

Commissioner Erdt expressed support for the application.

VR-2021-012, 9285 SE 58th Dr was approved by a 3-1 vote, with Commissioner Hemer in opposition.

(01:21:00)

7.0 Work Session Items

(01:21:02)

7.1 Code Amendments: High Density Zones - definitions

Adam Heroux, Associate Planner, presented the staff report, to remove barriers

and bias from the code, update outdated terminology, and streamline overly complicated use categories and review processes in the city's High Density zones City Council has made high density zoning code updates a priority. Staff proposes a two-step review process where the Commission will first review definitions used in high density zones, then review the review processes and permitted uses and consider consolidating the existing zones. The proposed review schedule includes three Commission work sessions happening through August and a hearing in September as well as one Council work session in October and hearing in December.

Heroux continued, the current high density residential zones contain both outdated terms and inconsistent uses. The following terms are considered outdated: residential home, congregate housing facility, senior and retirement housing, and boarding house. Despite having similar land use impacts some uses require different review processes these uses include senior and retirement housing requiring a conditional use in the R-2 zone, boarding houses requiring a conditional use in all zones, and nursing or convalescent homes which are undefined in the high-density residential code sections. Proposed updated definitions conform with similar definitions at the state level and from the aging and disability resource center and align with license types administered by the state. The proposed definitions consolidate uses into two categories, adult foster or care homes and residential care facilities, residential care facilities are further split into three types, assisted living facility, nursing facility, and memory care. Staff included proposed definitions of each of these terms for discussion.

Commissioner Massey asked whether staff has compared proposed definitions with other municipalities within the region. **Heroux** responded yes, staff has considered other definitions within the region and the cities of Beaverton, Tigard, and Wilsonville use similar categories to consolidate several types of care facility under one use.

Commissioner Massey asked whether there was a proposal from the state to increase the max number of non-related persons in adult foster care from 5 to 6 persons and requested that staff revise the definition to conform with the state. **Heroux** responded that staff will look into the state proposal.

Chair Loosveldt expressed concern for oversimplification of definitions and requested that staff retain clear distinctions between different residential uses.

Chair Loosveldt asked about the inconsistent review process noted in the staff report for senior and retirement housing in the R-2 zone. **Heroux** responded that senior and retirement housing developments require a conditional use review in the R-2 zone when other developments, like multi-unit developments, which are not visually distinguishable in their built form do not. Additionally, the proposed umbrella of residential care facility aims to streamline approval processes for those developments where currently overly burdensome Type III reviews are required. **Chair Loosveldt** requested that staff provide examples at the August

work session of how the current Type III review processes create overly burdensome reviews for care facility developments.

Commissioner Erdt expressed support for the proposed definitions and consolidation of uses.

Commissioner Hemer noted that care facilities themselves have changed over time which necessitates the proposed definition updates.

(01:47:51)

8.0 Planning Department Other Business/Updates

Commissioner Hemer asked why the Commission reviews historic resource review applications as opposed to the Design and Landmarks Committee (DLC). **Kolias** responded that the code confines the DLC reviews to downtown design review. **Chair Loosveldt** asked if the DLC provided any feedback on application CSU-2022-004. **Kolias** responded that they did not because the application did not require review by the DLC.

Commissioner Hemer shared that the Milwaukie Heritage YouTube channel features a video from June 1, 2022 about historic preservation featuring the State Historic Preservation Office Bureau Chief Jason Allen. Hemer added that the group involved in creating the video will be working to provide resources and info to staff to help update code related to historic preservation.

(01:52:11)

9.0 Planning Commission Committee Updates and Discussion Items

Chair Loosveldt asked for clarification about the differences between other business and updates and discussion agenda items. **Weigel** responded that other business is intended to provide staff an opportunity to share information with the Commission while updates and discussion items are intended to provide the Commission with an opportunity to share information with staff and other commissioners. **Commissioner Hemer** added that committee updates were historically used by commissioners representing the Commission to provide updates to the Commission about the committees they sat on. **Chair Loosveldt and Commissioner Hemer** suggested eliminating the committee updates and discussion items agenda item and using other business to address any additional topics.

(01:55:10)

10.0 Forecast for Future Meetings:

July 12, 2022	Canceled
July 26, 2022	Canceled

Meeting adjourned at approximately 8:20 p.m.

Respectfully submitted,

Will First, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Brett Kelter, Senior Planner
Date: August 2, 2022, for August 9, 2022, Work Session
Subject: Code Amendments for Downtown Design Review

ACTION REQUESTED

None. Staff is briefing the Planning Commission on proposed amendments to the zoning code regarding the downtown design review process.

BACKGROUND INFORMATION

The Problem Being Addressed

For projects in the Downtown Mixed Use (DMU) zone that trigger a need for downtown design review, the current review process established in Milwaukie Municipal Code (MMC) Section 19.907 involves both the design standards established in MMC Section 19.508 and the design guidelines provided in a separate Downtown Design Guidelines (DDG) document. The code gives an option for an administrative type of review based on meeting the clear and objective design standards of MMC 19.508. Alternately, a project that does not meet the design standards must go through a more discretionary review and demonstrate “substantial consistency” with both the purpose statement of the design element(s) it does not meet as well as consistency with any applicable design guidelines.

The most significant problem with the current code is that the design standards of MMC 19.508 do not directly align with the guidelines in the DDG. Additionally, the design review process does not directly involve the downtown development standards established in MMC Section 19.304, even though some of the development standards have a significant impact on design. This arrangement highlights a gap between the codified requirements and the community’s intentions for downtown design, and it creates uncertainty about what constitutes the actual approval criteria for a particular project.

The Design and Landmarks Committee (DLC) has worked over the past several years to assess the situation, resolve inconsistencies, and streamline the review process while still setting an appropriate bar for downtown design.

The Current Code

The current version of the **downtown design guidelines** was adopted as a separate document by City Council in April 2003 and has not been updated since then. The guidelines are grouped into the following five categories and are completely discretionary in nature:

- Milwaukie Character (10 guidelines)
- Pedestrian Emphasis (6 guidelines)
- Architecture (12 guidelines)
- Lighting (4 guidelines)
- Signs (7 guidelines)

The **downtown design standards** were originally established in the zoning code in 2000 but were significantly reorganized in September 2015. They are used for clear and objective (non-discretionary) review. There are seven design elements, each with an accompanying purpose statement and specific standards/requirements (in MMC Subsection 19.508.4):

- A. Building Façade Details
- B. Corners
- C. Weather Protection
- D. Exterior Building Materials
- E. Windows and Doors
- F. Roofs and Rooftop Equipment
- G. Open Space/Plazas

Some version of the **downtown development standards** in MMC Subsections 19.304.4 and 19.304.5 were originally established in 2000. They were revised in September 2015 in conjunction with the creation of the downtown design standards. The development standards are also used for clear and objective review, but they are not directly part of the downtown design review process, so when a specific development standard cannot be met a variance is required. There are ten sets of development standards for downtown:

1. Floor Area Ratio
2. Building Height
3. Flexible Ground-Floor Space
4. Street Setbacks/Build-To Lines
5. Frontage Occupancy
6. Primary Entrances
7. Off-street Parking
8. Open Space
9. Transition Measures
10. Residential Density

Current Review Process

MMC Subsection 19.907.3 outlines the review processes available for various types of downtown development. For new mixed-use and nonresidential buildings, the non-discretionary path involves Type II review (MMC Section 19.1005), which requires that public notice of the proposal be sent to property owners within 300 ft of the site and provides an

opportunity to comment. However, the approval criteria for Type II design review are limited to demonstrating compliance with applicable standards, so there is little room for discretion by the Planning Manager as decision-maker and little chance that any public comment will have a meaningful impact on the outcome.

When a development cannot or chooses not to meet the downtown design standards of MMC 19.508, the Type III track is available for discretionary review. This is where the design guidelines come into play and where the current code needs improvement as discussed above.

For stand-alone multifamily residential buildings downtown, there are currently three options for review. Type I review is available for multifamily buildings that meet the objective standards for multifamily design in MMC Subsection 19.505.3. Type II review can be used for multifamily buildings that choose to meet either (1) the discretionary guidelines for multifamily design in MMC 19.505.3 or (2) the clear and objective downtown design standards of MMC 19.508. Type III review is the option for multifamily buildings that desire additional design flexibility and elect to utilize the discretionary downtown design review process.

PROPOSED AMENDMENTS

Overview

When a new building can meet the downtown design standards (i.e., non-discretionary review), the design review process works well in most situations. But for discretionary review, the existing design guidelines need to be pulled into the code and aligned with the appropriate design standards to make the approval criteria clearer. The DLC has proposed to establish many of the existing design guidelines as “guidance” points for each design element, which will create a more solid framework for both the applicant and decision makers to use in discretionary design review. In some cases, however, the existing design guidelines cannot easily be linked to relevant standards and so are being phased out. This is particularly the case for the Milwaukie Character set of guidelines.

For some design elements, the change involves expanding the guidance section to incorporate certain points or ideas expressed by the current design guidelines. In other cases, new design standards have been added to correspond with important guidelines that are not represented in the current code. The list of design elements itself has also been expanded in acknowledgment of the fact that some of the development standards have a significant impact on design and should be considered in the design review process.

The proposed amended list of design elements is as follows:

- A. Site Frontage (*new design element, combines three existing development standards*)
- B. Wall Structure and Building Façade Detail (*existing design element*)
- C. Exterior Building Materials (*existing design element*)
- D. Façade Transparency (*existing design element*)
- E. Building Entrances (*existing design element, combining existing design and development standards*)
- F. Windows (*existing design element*)

- G. Corners (*existing design element*)
- H. Building Massing and Transitions (*new design element incorporating development standard*)
- I. Weather Protection (*existing design element*)
- J. Roofs and Rooftop Equipment Screening (*existing design element*)
- K. Service Areas (Screening) (*new design element*)
- L. Resident Open Space (*existing design element*)
- M. Plazas and Usable Open Space (*new design element incorporating development standard*)
- N. Outdoor and Exterior Building Lighting (*new design element*)

There was some discussion about adding a new design element for Green Architecture, but the decision was to wait until a more extensive code amendment can be made regarding green building and implementation of the Climate Action Plan. Additional elements related to Pedestrian Circulation and Landscaping were also considered—however, the existing standards for on-site walkways and circulation in MMC Subsection 19.504.8 were deemed adequate for Pedestrian Circulation, and Landscaping principles were incorporated into the two open space elements (Resident Open Space and Plazas and Usable Open Space).

Several existing downtown development standards were deemed most appropriate to remain as development standards:

- ❖ Floor area ratio
- ❖ Building height
- ❖ Off-street parking
- ❖ Transition measures
- ❖ Residential density

See Attachments 1-a, 1-b, and 1-c for the proposed amendments to MMC Sections 19.304, 19.508, and 19.907, respectively.

Note that Attachments 1-a and 1-c are shown in “~~strikeout~~/underline” format to illustrate the relatively limited changes proposed to MMC 19.304 and 19.907, respectively. The changes to MMC 19.508 are more comprehensive, so the heart of that section (Subsection 19.508.4) is effectively being repealed and replaced in its entirety. Therefore, Attachment 1-b is shown in a “clean” format for most of the section, with a ~~strikeout~~/underline markup for the shorter subsections that have more minor changes.

Key Changes

See Attachment 2 for a more detailed summary of the proposed amendments, particularly the changes to MMC 19.508.4.

See Attachment 3 for a comparative review of the five recent major projects that have gone through the downtown design review process—Axletree, Ledding Library, Henley Place, Coho Point, and Dogwood Station. The attachment outlines the primary design issues for each and suggests what might be different if each were to be reviewed with the proposed amendments in place.

There are a couple of specific proposed changes that are worth noting:

- ❖ **Multifamily Buildings** = In the current code, residential-only buildings downtown have the option of addressing the multifamily design standards of MMC Subsection 19.505.3 or the general downtown design standards of MMC Subsection 19.508.4. Given that much effort has been made to develop design standards so that downtown buildings will create a coherent fabric, it seems counterproductive to continue to allow multifamily buildings to opt out and just be reviewed through the multifamily design standards.

A comparison of the two sets of design standards illustrates that downtown is a unique environment, with different considerations of building height and density. Across the higher density residential zones where multifamily development is allowed, the expectation is that such developments will likely be sprinkled among other types of development. Within the more compact and block-focused downtown grid, however, space is more limited and there is a reasonable expectation that multiple multi-story buildings will fill in the space over time.

Where architectural elements are concerned (e.g., building orientation, façade design, exterior materials), the downtown design standards set an appropriately higher bar for multifamily buildings. Certain considerations addressed in the multifamily standards are simply not as relevant downtown (e.g., pedestrian circulation, parking, landscaping, privacy considerations), while others in the downtown standards are appropriately prescriptive for the downtown environment (e.g., private and public open space, rooftop and service area screening). Where the downtown standards do not directly address certain issues (e.g., recycling areas, sustainability, safety), it seems safe to assume that, between the market and other incentive forces and the overall effect of the collective downtown design standards, the desired outcomes will be achieved.

The DLC and staff agree that it is important to ensure that residential-only buildings downtown are held to the same design standards as nonresidential and mixed-use buildings—thus the recommendation to eliminate the option to use the multifamily standards of MMC 19.505.3 in lieu of the downtown standards of MMC 19.508.4. As long as a nondiscretionary (Type I) level of review remains available for multifamily buildings downtown, the code will remain compliant with applicable state law.

- ❖ **Repeal of Downtown Design Guidelines document** = The focus of this code amendment project is to eliminate gaps between the downtown design standards and downtown design guidelines. By bringing the guidelines into the code, the update makes it unnecessary to continue maintaining the Downtown Design Guidelines document as a separate entity outside the code.

Because design guidelines are not useful (or applicable) if there are no corresponding design standards, and because some of the existing design guidelines are difficult to translate into meaningful standards, there are some existing guidelines that will simply disappear. For example, most of the Milwaukie Character guidelines are subjective and nebulous and difficult to standardize—they will be eliminated, with the understanding that the principles and ideals they express are represented by the remaining standards and guidelines. The Pedestrian Emphasis guidelines are addressed across various design elements (e.g., Weather

Protection, Plazas and Usable Open Space), as are the Architecture guidelines. The Lighting and Signs guidelines are vague and largely informational instead of being actionable or enforceable—a new element has been established for Outdoor and Exterior Building Lighting (with standards), but there are no new standards for downtown signs that are not already established in the sign code (MMC Title 14).

The Downtown Design Guidelines document was intended in part to serve as a guide for potential developers about Milwaukee's vision for its downtown. By pulling that guidance into the code and aligning it with actual standards (including updated graphics to illustrate various principles), the proposed amendments effectively make the code that guide. If it seems useful in the future to have a simple brochure or handout that highlights key design elements as an educational or outreach piece, the DLC and staff can coordinate to develop some new materials.

Other Items for Discussion

Staff is interested to hear what the Planning Commission thinks about a couple of other possible adjustments to the downtown design review code:

- ❖ **Review Process** = For new buildings and substantial redevelopment or expansions, there continue to be two paths for review—the largely clear and objective Type II process (decision by Planning Manager, public notice provided but no public hearing) and the more discretionary Type III process (decision by Planning Commission, with public notice and public hearing). Where proposals meet all applicable design standards, the notification component is largely a formal courtesy.

State law requires that multifamily-only developments be afforded a clear and objective path with Type I review. If the Planning Commission agrees with the proposal that multifamily-only buildings downtown should be subject exclusively to the downtown design standards of MMC 19.508, then the revised code needs to offer a Type I option for those projects. And if that happens for multifamily buildings, it is fair to suggest that any nonresidential or mixed-use building that meets all applicable design standards should also have the opportunity for Type I review instead of Type II.

Question: Is the Commission open to offering the Type I review option for all new buildings downtown that can meet the design standards, perhaps with a new requirement for basic public notice? *(That is, make the options for new buildings and substantial redevelopment/expansions either Type I (meet the standards) or Type III review (discretionary review), instead of Type II vs Type III.)*

- ❖ **Applicability** = Looking at the lists of activities in MMC Subsection 19.907.2 that require different levels of review, one is reminded that the approval criteria (MMC Subsection 19.907.5) include not only a general address of Title 19 but also any applicable design standards from MMC 19.508. Several of the actions listed under Type I or Type II review involve things for which there are neither specific development standards in Title 19 nor relevant downtown design standards in MMC 19.508; therefore, it seems appropriate to consider removing those items from the applicability list.

Consider removing from Type I review list (MMC 19.907.2.B):

5. *For commercial and mixed-use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.*
6. *Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.*
7. *Addition of new fences and/or retaining walls of 4 ft height or less.*
8. *Change of existing grade.*

Consider removing from Type II review list (MMC 19.907.2.C):

4. *For commercial and mixed-use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.*
5. *Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.*
6. *Addition of new fences and/or retaining walls more than 4 ft high.*

Question: Can those actions that do not have some associated standards to use as approval criteria be removed from the lists of things needing review in MMC 19.907.2?

ATTACHMENTS

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

	Public Copies	E-Packet
1. Draft code amendments		
a. MMC 19.304 Downtown Zones	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. MMC 19.508 Downtown Site and Building Design Standards	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. MMC 19.907 Downtown Design Review	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Summary of Proposed Amendments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Comparative Review of Downtown Projects	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/za-2022-003>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-101>.

19.304 DOWNTOWN ZONES

19.304.1 Purpose

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees, and residents.

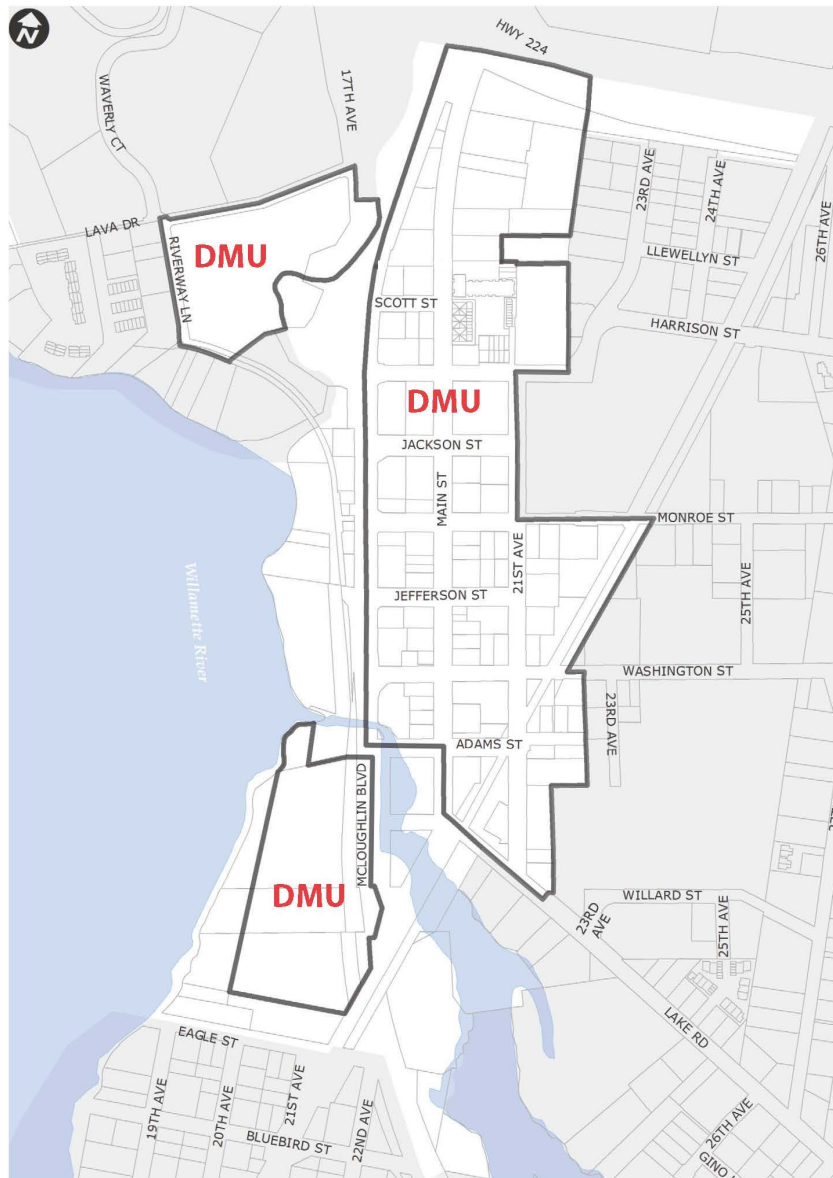
A. Downtown Mixed Use (DMU)

The Downtown Mixed Use Zone provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent main street and connections to the riverfront, and which includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.

FIGURE 19.304 -1- DOWNTOWN ZONING



19.304.2 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.2 with a “P.” These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.304.2 as “CU” are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the downtown zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through a Type II downtown design review pursuant to Section 19.907. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses listed in Table 19.304.2 with an “N,” or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Similar uses not listed in Table 19.304.2 may be allowed through a Director determination pursuant to Section 19.903.

Table 19.304.2 Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Residential			
Boarding house	CU	N	Section 19.905 Conditional Uses
Rowhouse <u>Townhouse</u>	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Figure 19.304-2 <u>Downtown Residential Use Limitations</u> Subsection 19.505.5 <u>Rowhouses Townhouses</u>
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Permitted Downtown Residential Use Limitations Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 <u>Multifamily Housing</u>
Live/work units	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 <u>Live/Work Units</u>
Second-story housing	P	N	Section 19.508 <u>Downtown Site and Building Design Standards</u>
Senior and retirement housing	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 <u>Multifamily Housing</u>
Commercial			
Traditional office Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects, or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.	P/CU	N	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial CONTINUED			
<p>Production-related office</p> <p>Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</p> <p>Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, marijuana testing and research facilities, and medical and dental labs.</p>	P/CU	N	<p>Subsection 19.304.3.A.2 Main St limitations</p> <p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Subsection 19.509.2 Security and odor control for certain marijuana business</p> <p>Section 19.905 Conditional Uses</p> <p>Note: Production, processing, packaging, and assembly uses must meet the standards listed below under Manufacturing.</p>
<p>Eating and drinking establishment</p> <p>Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.</p> <p>Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P/CU	CU	<p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p>
<p>Indoor recreation</p> <p>Indoor recreation consists of facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include gyms; dance studios; tennis, racquetball, and soccer centers; recreational centers; skating rinks; bowling alleys; arcades; shooting ranges; and movie theaters.</p>	P/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations</p> <p>Section 19.905 Conditional Uses</p>

Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial CONTINUED			
<p>Retail-oriented sales</p> <p>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P/CU	P/CU	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</p>
<p>Personal/business services</p> <p>Personal/business services are involved in providing consumer services.</p> <p>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</p>	P/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</p>
<p>Repair-oriented</p> <p>Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.</p>	P/CU	N	<p>Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses</p>
<p>Day care</p> <p>Day care is the provision of regular child care, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</p> <p>Examples include nursery schools, before- and after-school care facilities, and child development centers.</p>	P	N	<p>Subsection 19.304.3.A.5 Day care limitation</p>

Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial CONTINUED			
<p>Commercial lodging Commercial lodging includes for-profit residential facilities where tenancy is typically less than 1 month. Examples include hotels, motels, vacation rentals, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P/CU	N	Section 19.905 Conditional Uses (for vacation rentals only)
<p>Parking facility Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a parking facility. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, and commercial shuttle parking.</p>	CU	P	Subsection 19.304.3.A.6 OS Zone parking limitations Section 19.905 Conditional Uses Chapter 19.600 Off-Street Parking and Loading
<p>Marijuana retailer Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</p>	P/CU	N	Subsection 19.509.1 Standards for Marijuana Retailers
Manufacturing			
<p>Manufacturing and production Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; marijuana processors; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.</p>	P	N	Subsection 19.304.3.A.8 Manufacturing and production limitations Subsection 19.509.2 Security and odor control for certain marijuana businesses

Table 19.304.2 CONTINUED Uses Allowed in Downtown Zones			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Institutional			
Parks and open space Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings. Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves, and community gardens.	P	P	
Community service uses	CSU	CSU	Section 19.904 Community Service Uses
Accessory and Other			
Accessory use	P	P	Subsection 19.304.2.E Accessory Uses Section 19.503 Accessory Uses
Home occupation	P	N	Section 19.507 Home Occupation Standards
Short-term rentals	P	P	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

19.304.3 Use Limitations, Restrictions, and Provisions

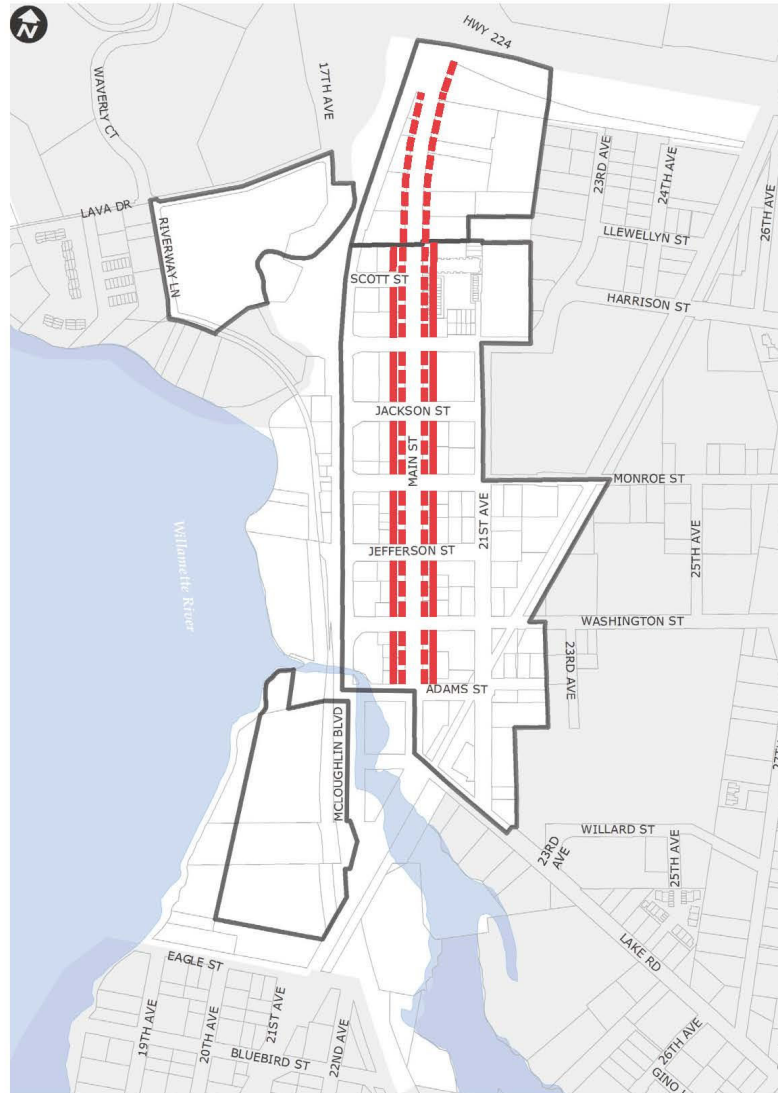
A. Use Limitations and Restrictions

The following provisions describe the limitations for uses listed in Table 19.304.2.

1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations and as shown in Figure 19.304-2.
 - a. Along Main Street south of the intersection with Scott Street, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage.

- b. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage. Along Main Street north of the intersection with Scott Street and on all other streets, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.
- c. Live/work units and rowhouses townhouses are not permitted on Main Street.

FIGURE 19.304 -2- MAIN STREET GROUND-FLOOR RESIDENTIAL PERMITTED



LEGEND

----- LIVE/WORK UNITS AND TOWNHOUSES NOT PERMITTED

————— GROUND-FLOOR RESIDENTIAL DWELLINGS NOT PERMITTED

2. Production-related office uses are not permitted on the ground floor along Main Street.
 3. Commercial uses are permitted throughout downtown, subject to the following limitations:
 - a. In the ~~Downtown Mixed Use~~ DMU Zone, the following uses are limited to 20,000 sq ft in floor area per use on the ground floor.
 - (1) Traditional office
 - (2) Eating/drinking establishments
 - (3) Indoor recreation
 - (4) Retail-oriented sales
 - (5) Personal-service-oriented
 - (6) Repair-oriented
 - b. In the ~~Open Space~~ OS Zone, retail-oriented sales are limited to 20,000 sq ft in floor area per use on the ground floor.
 - c. Uses listed in Subsections 19.304.3.A.3.a-b that are larger than 20,000 sq ft in floor area on the ground floor may be approved through a conditional use review pursuant to Section 19.905.
 - d. In the DMU Zone, production-related office uses are limited to 20,000 sq ft in total area.
 - e. Uses listed in Subsection 19.304.3.A.3.d that are larger than 20,000 sq ft in total area may be approved through conditional use review pursuant to Section 19.905.
 4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the ~~Downtown Mixed Use~~ DMU Zone only when conducted within a completely enclosed building.
 5. Day care and childcare uses are limited to 5,000 sq ft.
 6. Parking facilities in the ~~Open Space~~ OS Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
 7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production. Marijuana production is prohibited.
- B. Use Provisions
1. The limit of 4 consecutive ~~rowhouses~~ townhouses established in Subsection 19.505.5.D does not apply in the DMU Zone. In the DMU Zone, there is no limit on the number of consecutive ~~rowhouses~~ townhouses.

19.304.4 Development Standards

In the downtown zones, the development standards in Table 19.304.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.304.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.4 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.5.

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	750	None	
2. Minimum street frontage (ft)	15	None	Section 19.201 Definitions
B. Development Standards			
1. Floor area ratio a. Minimum b. Maximum	0.5:1–1:1 4:1 (FAR bonus available)	None None	Section 19.201 Definitions Subsection 19.304.5.A Floor Area Ratios Figure 19.304-3 Minimum Floor Area Ratios Subsection 19.611.4 Incentives for Provision of Structured Parking
2. Building height (ft) a. Minimum b. Maximum	25 45–69 (height bonus available)	None 15	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses Section 19.510 Green Building Standards Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone
3. Flexible ground floor space	Yes, where applicable	None	Subsection 19.304.5.C Flexible Ground Floor Space
43. Street setbacks/build to lines (ft) a. Minimum street setback b. Maximum street setback eb. Side and rear setbacks	0 10–20 None	0 None None	Figure 19.304-5 First Floor Build To Lines Subsection 19.304.5.DC Street Setbacks/Build To Lines Subsection 19.304.5.I Transition Measures Subsection 19.501.2 Yard Exceptions

Table 19.304.4 CONTINUED			
Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
B. Development Standards CONTINUED			
5. Frontage occupancy requirements	50–90%	None	Subsection 19.304.5.E Frontage Occupancy Requirements Figure 19.304.6 Minimum Frontage Occupancy
6. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
74. Off-street parking required	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.GD Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.H Open Space Subsection 19.508.4.G Open Space/Plazas
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.6 Transition Area Measures
C. Other Standards			
1. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations Subsection 19.304.5.JE Residential Density Subsection 19.501.4 Density Exceptions
a. Rewhouses-Townhouses and live/work units			
(1) Minimum	10	None <u>n/a</u>	
(2) Maximum	None	None <u>n/a</u>	
b. Stand-alone multifamily			
(1) Minimum	30	None <u>n/a</u>	
(2) Maximum	None	None <u>n/a</u>	
c. Mixed-use buildings	None	None <u>n/a</u>	
2. Signs	Yes	Yes	Section 14.16.060 Downtown Zones

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

Figure 19.304.3 Minimum Floor Area Ratios

Figure 19.304.4 Base Maximum Building Heights

Figure 19.304.5 First Floor Build To Lines

Figure 19.304.6 Minimum Frontage Occupancy

FIGURE 19.304 -3- MINIMUM FLOOR AREA RATIOS

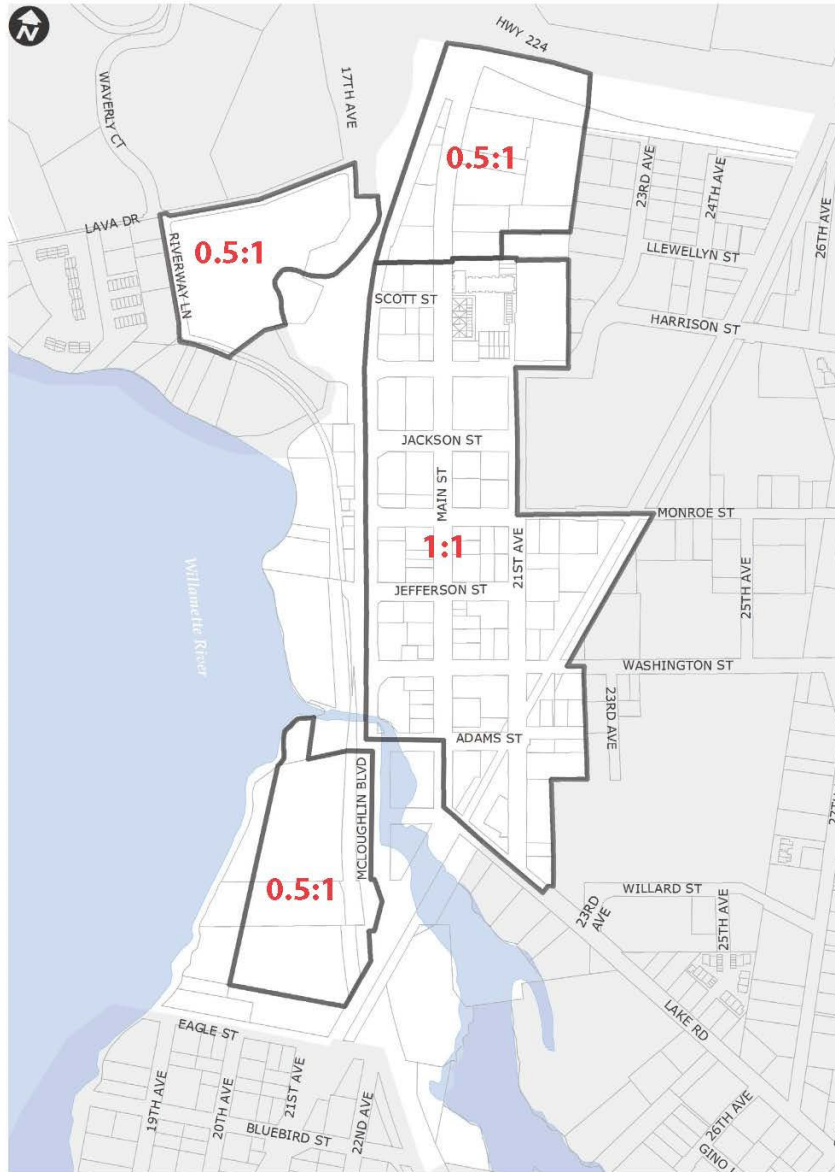
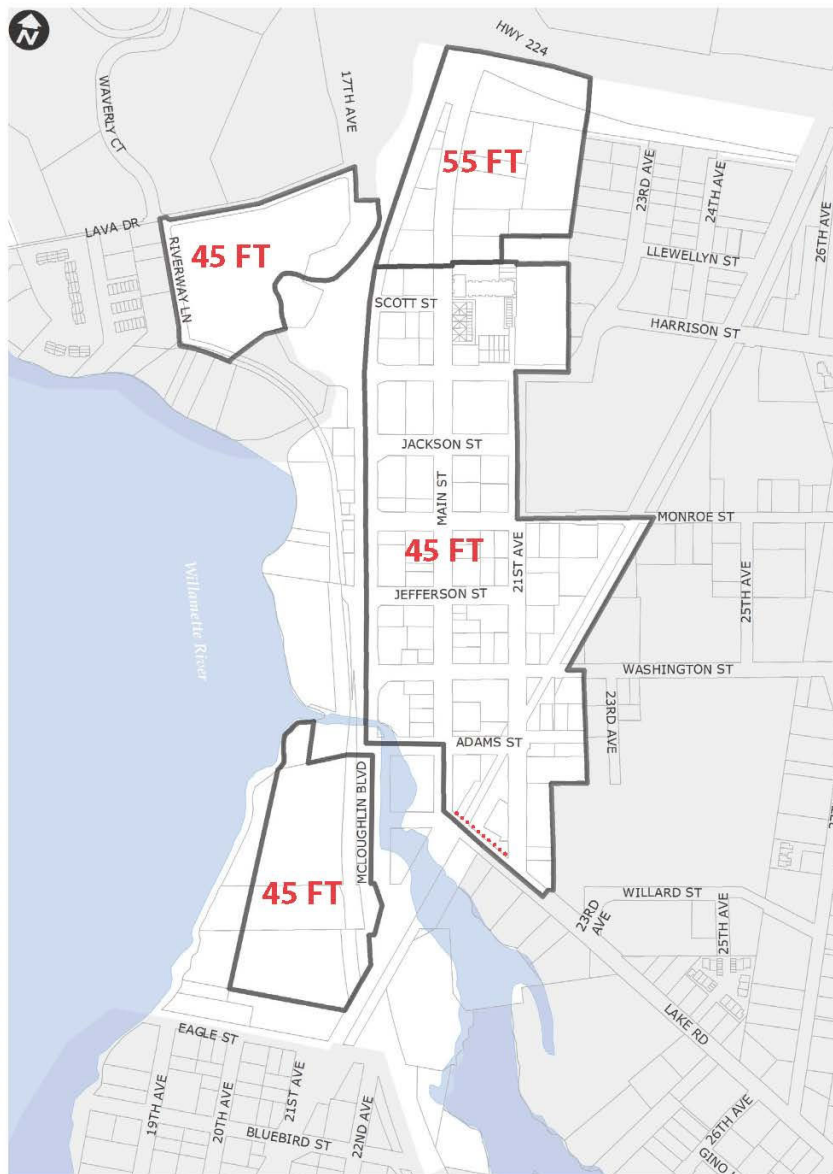
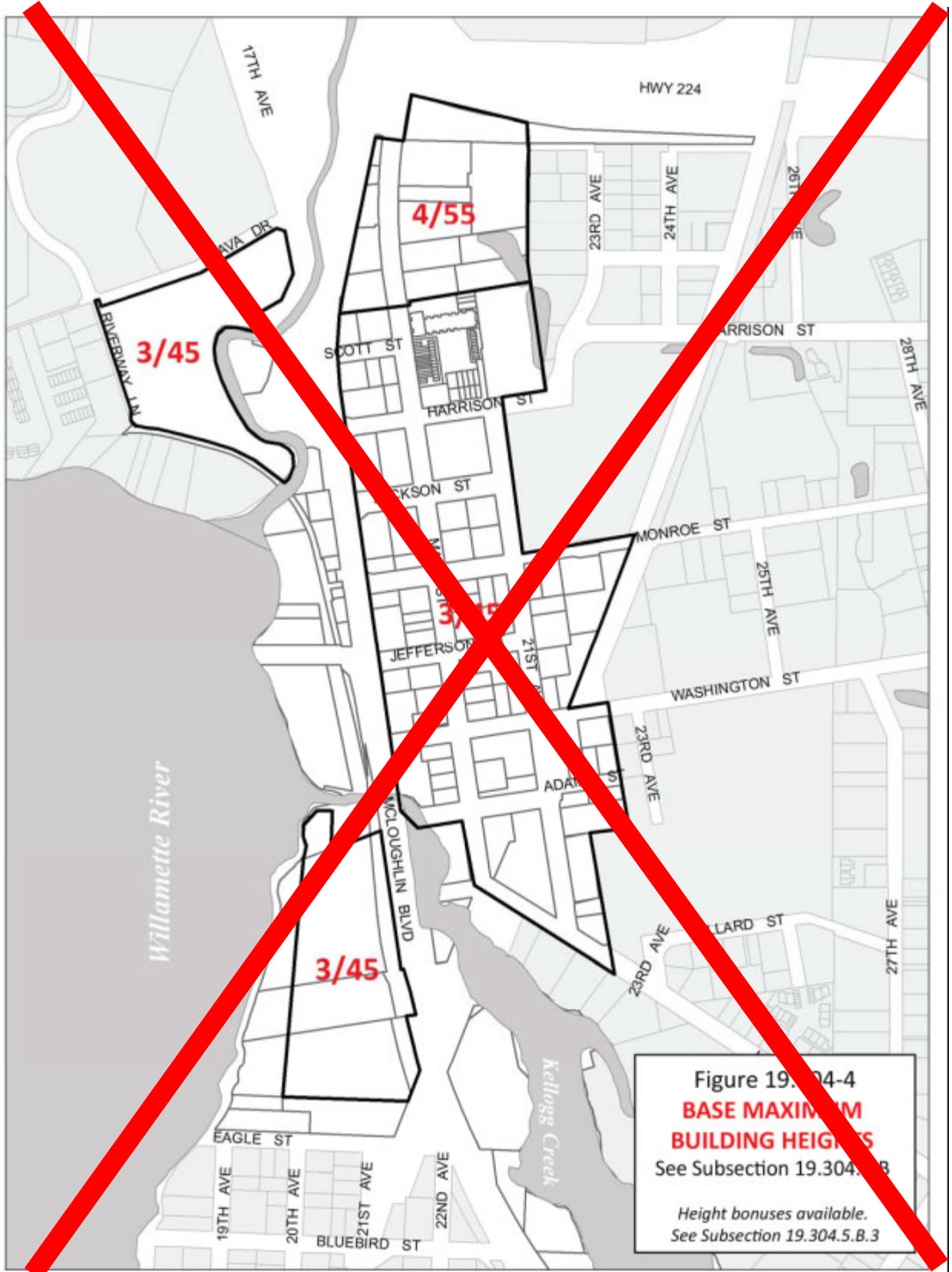


FIGURE 19.304 -4- BASE MAXIMUM BUILDING HEIGHTS

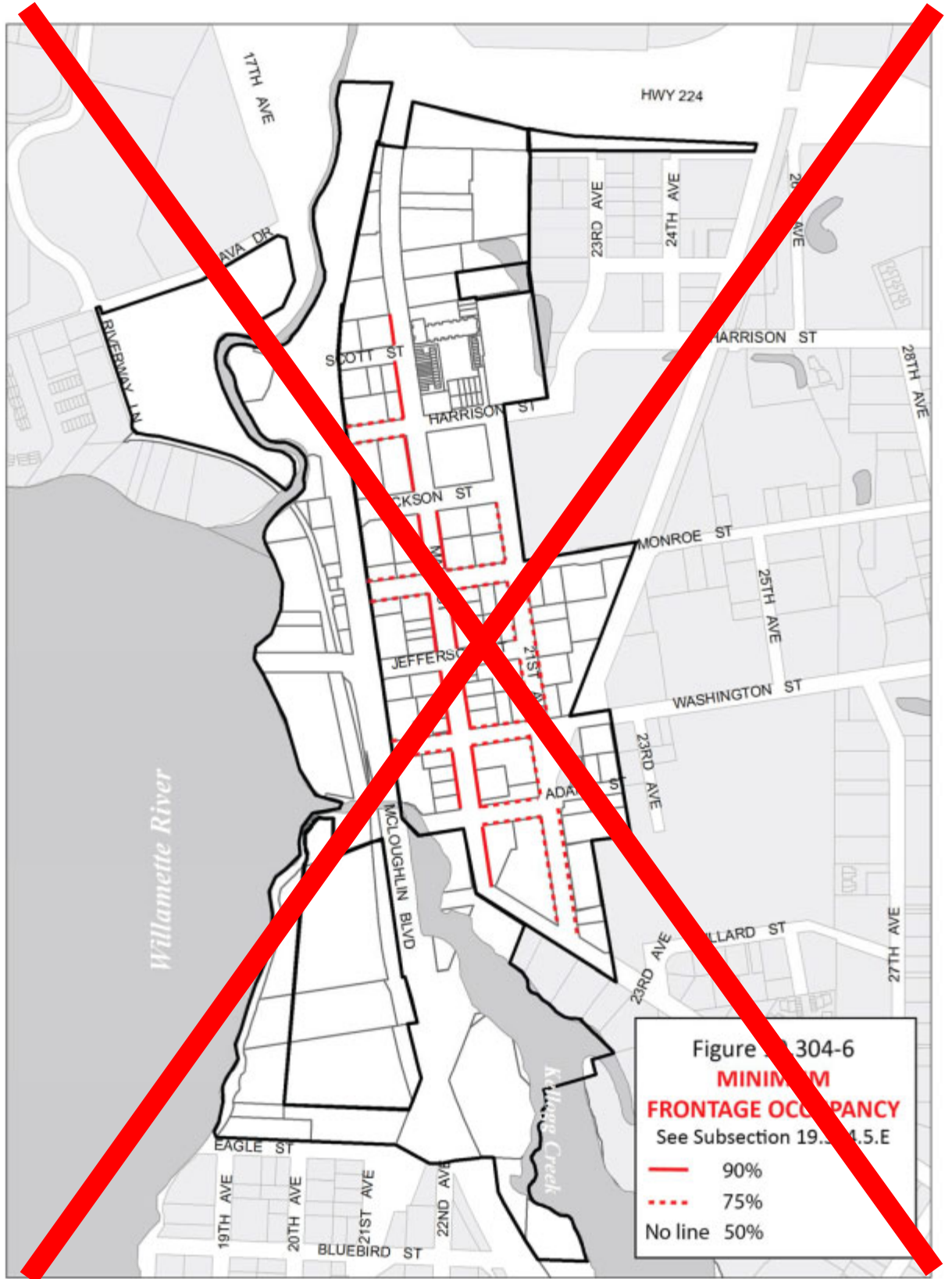


[delete the four following existing maps]









19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

A. Floor Area Ratios

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratios in Subsection 19.304.4.B.1 apply to all nonresidential building development. Stand-alone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios 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 floor area ratio to determine conformance with minimum FARs.
- 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.
- d. FAR bonuses are available for provision of structured parking per Subsection 19.611.4.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

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

B. Building Height

1. Intent

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed-use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 ft shall be met along all street frontages for a depth of at least 25 ft from the front of the building.

- c. Base maximum building heights are specified in Figure 19.304-4. Height bonuses are available for buildings that meet the standards of Subsection 19.304.5.B.3.

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 downtown vibrancy; and/or help meet sustainability goals.

A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories or 24 ft of additional height, whichever is less, above the height maximum specified in Figure 19.304-4.

Height bonuses cannot be applied within 50 ft of the moderate density residential (R-MD) 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. The residential height bonus cannot be used in combination with the lodging height bonus.

b. Lodging

New buildings that devote at least one story, or 25% of the gross floor area, to lodging uses are permitted 1 additional story, or an additional 12 ft of building height, whichever is less. The lodging height bonus cannot be used in combination with the residential height bonus.

c. 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.

d. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.6 Building Height Variance.

4. Exemptions

The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

~~C. Flexible Ground Floor Space~~

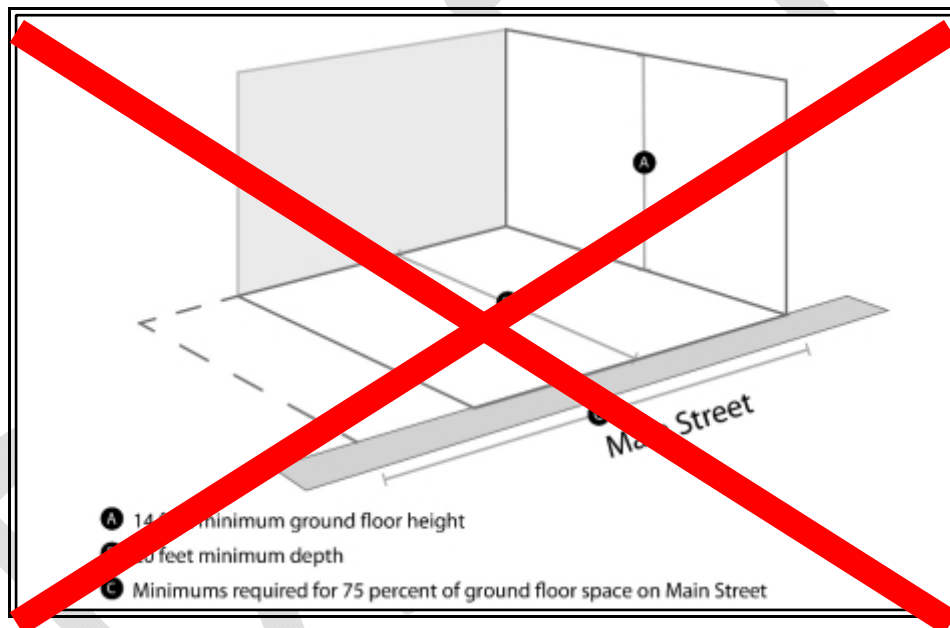
~~1. Intent~~

~~To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.~~

2. Standards

- a. This standard applies to new buildings fronting Main St.
- b. This standard is met when at least 75% of the ground floor space in a new building meets the following requirements:
 - (1) The ground floor height must be at least 14 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
 - (2) The interior floor area adjacent to Main St must be at least 20 ft deep, as measured from the inside building wall or windows facing Main St.

**Figure 19.304.5.C.2
Flexible Ground-Floor Space Standards**



3. Exemptions

Stand-alone residential buildings on Main St as specified in Figure 19.304-2 are exempt from this requirement.

DC. Street Setbacks/Build-To Lines

1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone. Required build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.E and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right of way (see Figure 19.304-5). The build-to line ensures compatibility and harmony between buildings, enabling a series of different

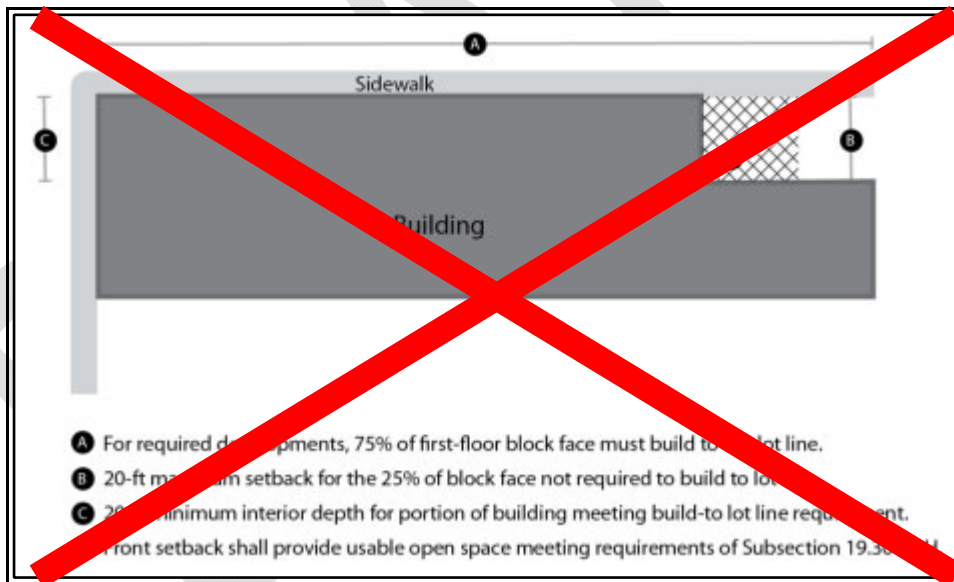
~~buildings to maintain or establish a continuous vertical street wall. Minimum setbacks are used in combination with the Site Frontage design element in Subsection 19.508.4.A. to ensure that the ground floors of buildings engage the street right-of-way.~~

2. Standards

- a. No minimum street setbacks are required.
- ~~b. First floor build to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:~~

- ~~(1) For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 ft. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the requirements of Subsection 19.304.5.H.~~

**Figure 19.304.5.D.2.b(1&3)
First-Floor Build To Lines
for Block Faces Identified on Figure 19.304-5**



- ~~(2) For other block faces, there is no build to line requirement and the maximum setback shall be 10 ft. The front setback shall provide usable open space that meets the requirements of Subsection 19.304.5.H.~~
- ~~(3) The portions of the building used to meet the build to line requirement in (1) above shall have a depth of at least 20 ft.~~

3. Exemption

The DMU Zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Blvd.

~~E. Frontage Occupancy~~

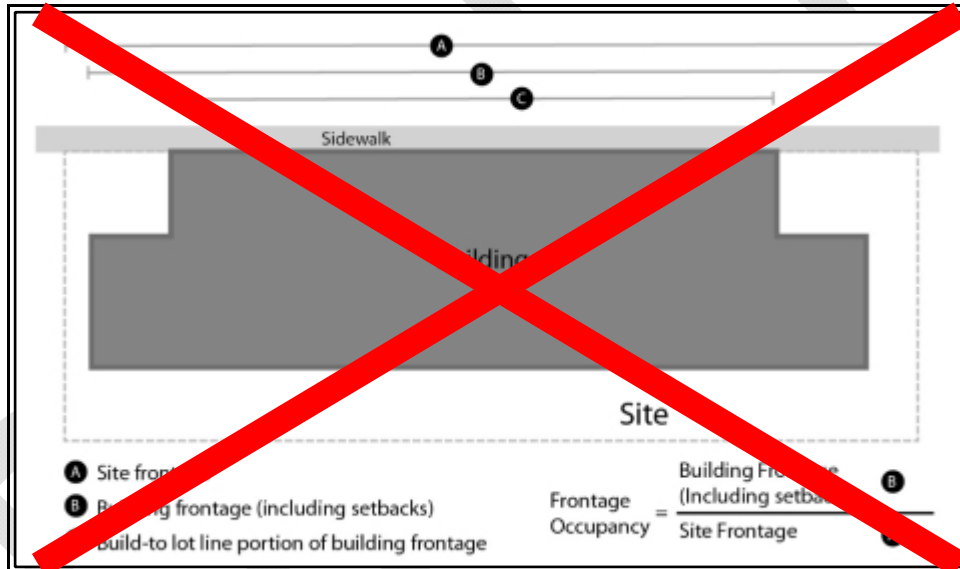
~~1. Intent~~

~~To ensure that buildings are used to create a “street wall” that contributes to a walkable and pedestrian friendly environment.~~

~~2. Standards~~

~~Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:~~

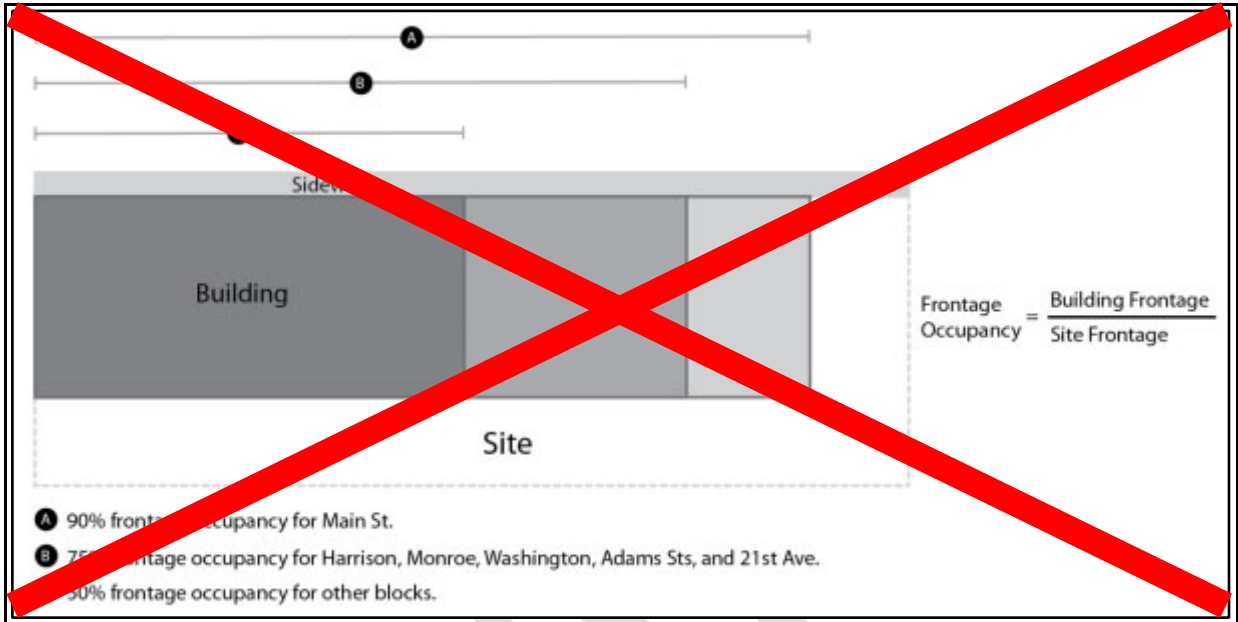
**Figure 19.304.5.E.2
Frontage Occupancy Requirements and Build-To Line**



- ~~a. For block faces that front on Main St, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main St and another street, the frontage occupancy requirement must be met on Main St only.~~
- ~~b. For block faces that front on Harrison, Monroe, Washington, and Adams Sts and 21st Ave, 75% of the site frontage must be occupied by a building or buildings. Except for Subsection 19.304.5.E.2.a above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.~~
- ~~c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for Subsections 19.304.5.E.2.a b above, if the~~

~~development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.~~

**Figure 19.304.5.E.2.a-c
Frontage Occupancy Requirements**



~~d. Building façades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 in.~~

F. 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

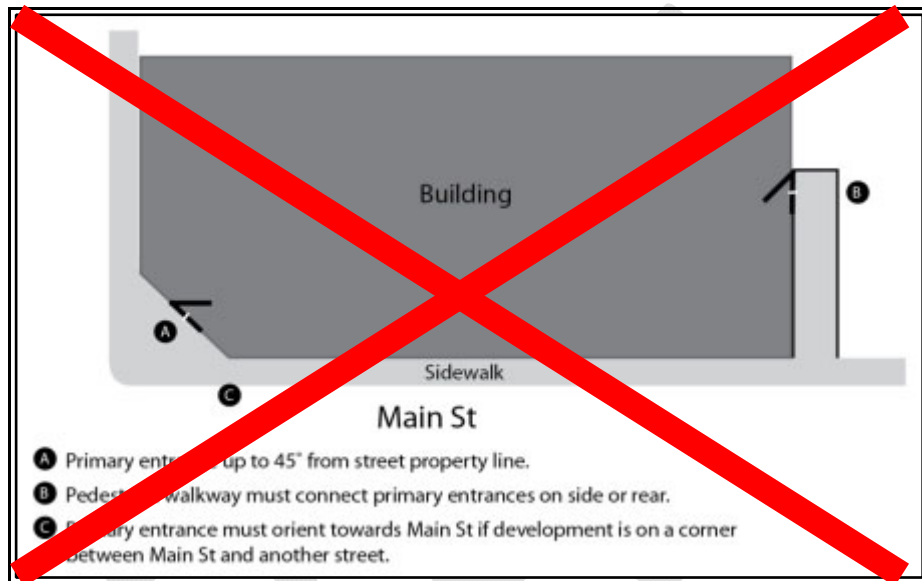
~~a. All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45° of the street property line) or, if the building entrance must be turned more than 45° from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.~~

~~b. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to 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.~~

- ~~e. If a development is on the corner of Main St and another street, the primary entrance shall be oriented toward Main St. If the development is on the corner of McLoughlin Blvd and another street, the primary entrance may be oriented toward either street.~~

~~**Figure 19.304.5.F.2
Primary Entrance Standards**~~



GD. Off-Street Parking

1. Intent

The desired character for the DMU Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

2. Standards

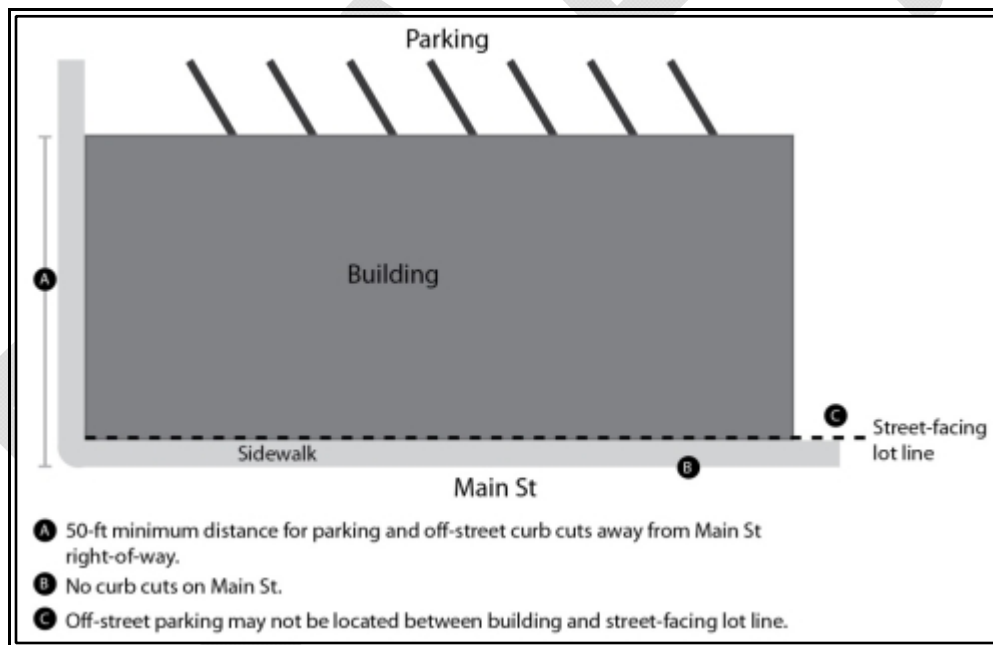
- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. No off-street parking is required for nonresidential uses. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October

31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street.
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street.
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2
Off-Street Parking Standards**



~~3. Exemptions~~

~~All nonresidential uses are exempt from the off-street parking requirements.~~

~~H. Open Space~~

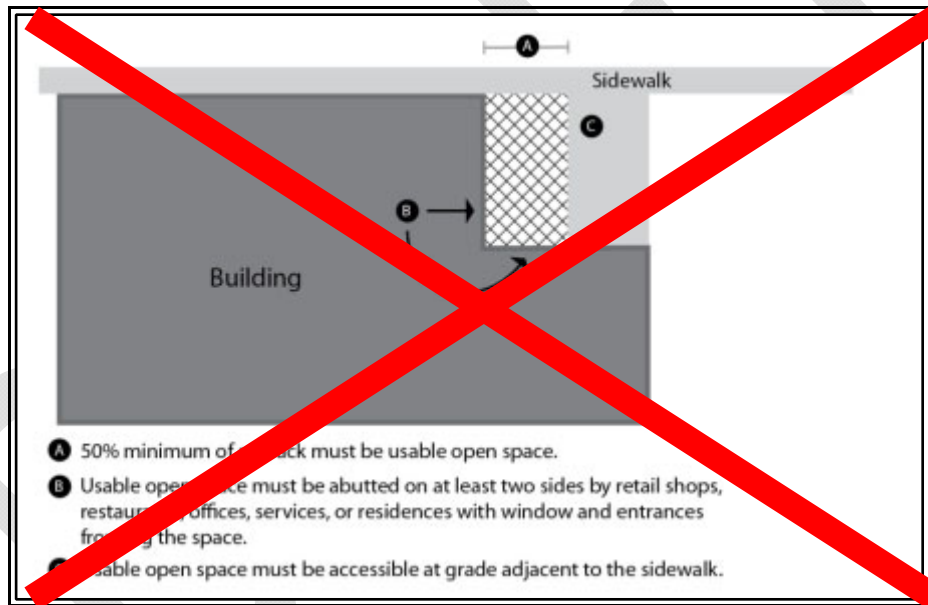
~~1. Intent~~

~~To provide amenities for downtown visitors and residents, promote livability, and help soften the effects of built and paved areas.~~

~~2.—Standards~~

- ~~a.—When a building is set back from the sidewalk, at least 50% of the setback area shall provide usable open space, such as a public plaza or pedestrian amenities, that meets the standards of this subsection. Building setbacks cannot exceed the maximum setbacks established by Subsection 19.304.5.D and the frontage occupancy requirements of Subsection 19.304.5.E.~~
- ~~b.—Usable open space shall be abutted on at least two sides by retail shops, restaurants, offices, services, or residences with windows and entrances fronting on the space.~~
- ~~c.—Usable open space must be accessible at grade adjacent to the sidewalk.~~
- ~~d.—Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, outdoor seating, and small parks.~~

~~Figure 19.304.5.H.2
Open Space Standards~~



~~1.—Transition Measures~~

~~1.—Intent~~

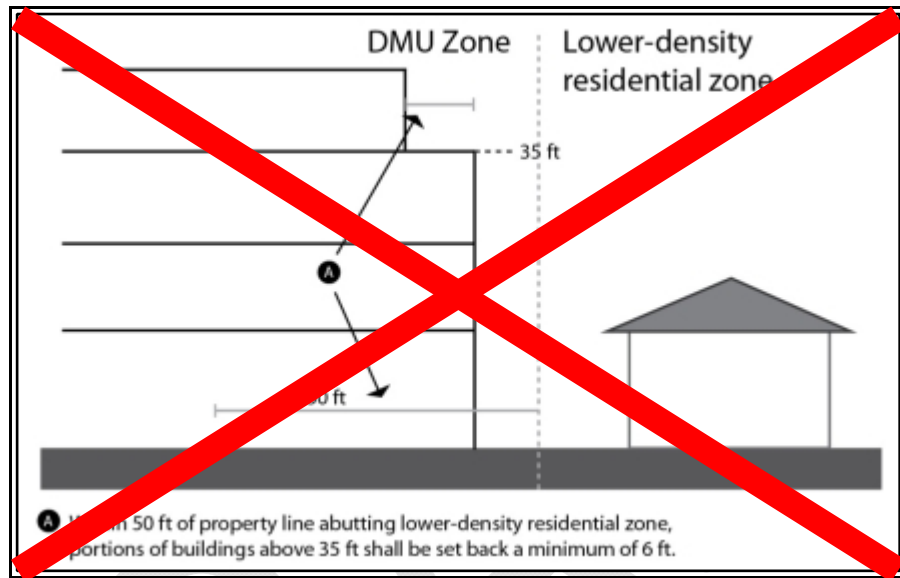
~~To minimize impacts of commercial or mixed-use development on lower-density residential uses.~~

~~2.—Standards~~

~~For properties north of Harrison St and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), the transition area measures in Subsection 19.504.6 apply. In addition:~~

- a. ~~Within 50 ft of the property line abutting lower-density residential zones, buildings shall provide a step back of at least 6 ft for any portion of the building above 35 ft.~~
- b. ~~The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 ft of a lower-density residential zone.~~

**Figure 19.304.5.1.2
Transition Measure Standards**



JE. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

- a. Minimum densities for ~~rowhouses~~ townhouses and live/work units shall be 10 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed-use building.

19.304.6 Public Area Requirements

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

19.304.7 Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

A. Section 19.504 Site Design Standards

B. Section 19.505 Building Design Standards

C. Section 19.508 Downtown Site and Building Design Standards and Guidelines

19.304.8 Variances

The Planning ~~Director~~ Manager or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911.

(Ord. 2170 § 2, 2019; Ord. 2168 § 2, 2019; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2094 § 2, 2015; Ord. 2059 § 2, 2013; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

Note: Although the bulk of MMC 19.508 is effectively being repealed and replaced, the introductory sections will remain largely intact. The strikeout-underline format is used for these sections to more clearly show where minor changes are proposed.

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS AND GUIDELINES

This section contains building design standards to be used with ~~Type I and II downtown design reviews, as established in Section 19.907, and to provide additional direction when the Downtown Design Guidelines are applied through a Type III~~ all downtown design reviews process. This section includes both objective standards for Type I and Type II reviews as well as discretionary guidelines for Type III reviews.

19.508.1 Purpose

The design standards and guidelines contained in this section are intended to encourage high-quality building design and construction with durable, high-quality materials that complements district development patterns, fosters human-scale design, and adds vitality. The design standards and guidelines will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards and guidelines do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II These standards and guidelines apply to all downtown design reviews.

19.508.2 Applicability

The design standards and guidelines in this section generally apply to the street-abutting-facing façades of nonresidential, mixed-use, and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of Any exceptions are detailed within each specific standard design element. Development is subject to the standards of this section as described below.

A. New Development

1. All new development is subject to the standards design elements of this section.
- ~~2. New development that does not meet one or more standards of this section is subject to Type III downtown design review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.~~
2. Townhouse and live/work units, where permitted, are subject to the following design elements and additional standards:
 - a. Subsection 19.508.4.A Site Frontage.
 - b. Subsection 19.508.4.E Building Entrances.
 - c. Subsection 19.508.4.M Plazas and Usable Open Space.
 - d. Townhouses are subject to the standards of Subsection 19.505.5 Townhouses, as revised by Subsection 19.304.B.
 - e. Live/work units are subject to the standards of Subsection 19.505.6 Live/Work Units.

B. Expansions, Additions, and/or Changes to Existing Buildings or Structures

The following elements are applicable to expansions of, and/or additions to, existing buildings or structures. Elements that are applicable to expansions or additions do not apply to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Section 19.907 Downtown Design Review.

1. Expansions or additions that add 250 sq ft or less—and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways—are exempt from the design ~~standards~~ elements of Section 19.508.
 2. Expansions or additions to the street—~~abutting~~ facing façade are subject to the following ~~standards~~ elements.
 - a. Subsection 19.508.4.A Site Frontage.
 - ~~a.b.~~ Subsection 19.508.4.A.2 Wall Structure and Building Façade Details, Nonresidential and Mixed-Use Buildings, for the area of expansion or addition only.
 - c. Subsection 19.508.4.C Exterior Building Materials, For Existing Buildings, only for the area of the expansion.
 - d. Subsection 19.508.4.D Façade Transparency, only for the area of expansion or addition.
 - e. Subsection 19.508.4.E Building Entrances, if the addition or expansion includes a building entry.
 - f. Subsection 19.508.4.F Windows, only for the area of expansion or addition.
 - ~~b.g.~~ Subsection 19.508.4.BG Corners, if applicable.
 - ~~c.h.~~ Subsection 19.508.4.GI Weather Protection, if the addition or expansion includes a building entry.
 - ~~d.~~ Subsection 19.508.4.D.3 Exterior Building Materials, For Existing Development, only for the area of the expansion.
 - ~~e.~~ Subsection 19.508.4.E Windows and Doors, only for the area of expansion or addition.
 - f.j. Subsection 19.508.4.FJ Roofs and Rooftop Equipment Screening, for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
 - ~~g.j.~~ Subsection 19.508.4.GL Resident Open Space/Plazas.
 - k. Subsection 19.508.4.M Plazas and Usable Open Space.
 - l. Subsection 19.508.4.N Outdoor and Exterior Building Lighting, if the addition or expansion includes lighting.
- C. Replacement of Materials
- The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the façade on which the new materials are installed or the structural element being replaced.
1. ~~Subsection 19.508.4.A.2.a(1)(b)~~ B.2.a(1) for replacement of more than 25% of the building façade materials.
 2. ~~Subsection 19.508.4.A.2.a(2)(b)~~ B.2.a(2) for replacement of more than 25% of the building façade materials.

3. Subsection 19.508.4.A.2.b ~~B.2.b~~, for replacement of more than 25% of the building façade materials.
4. Subsection 19.508.4.D-3 ~~C.2.b~~ for existing development.

D. Other Activities

Any activity not described in Subsections 19.508.2.A-C is exempt from the design standards elements of this section.

19.508.3 Review Process

Design standards and guidelines for development in downtown Milwaukie are applied through downtown design review as established in Section 19.907. Projects subject to downtown design review are described in the applicability language in Subsection 19.907.2.

For those projects that are subject to downtown design review, ~~there are three possible review paths. Regardless of the review process,~~ the applicant must demonstrate how the applicable standards or guidelines are being met.

A. Applicants may elect to meet all of the applicable design standards for each design element in Section 19.508.4. Such projects can be reviewed through an administrative Type I or II downtown design review as established in Section 19.907.

B. Applicants that do not meet all of the applicable design standards may demonstrate compliance with individual design elements by meeting either the design standards or the design guidelines for a specific element. Such projects must be reviewed through a discretionary Type III downtown design review as established in Section 19.907.

~~A.—Type I~~

~~This provides for a Type I review process using clear and quantifiable design standards. It is intended to apply limited design standards to smaller building and site renovation projects.~~

~~B.—Type II~~

~~This provides for a Type II process that requires staff review utilizing clear and quantifiable design standards. It generally applies to new development and renovation/remodeling projects.~~

~~C.—Type III~~

~~This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the Milwaukie Downtown Design Guidelines document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.~~

~~Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or II) review process. However, applicants, at their discretion, may choose to use the Type III process with the Design and Landmarks Committee and Planning Commission.~~

19.508.4 Building Downtown Design Elements Standards

All buildings development that meets the applicability provisions in Subsection 19.508.2 shall must meet the following design standards or guidelines for each design element. An architectural design feature may be used to comply with more than one standard or guideline.

[Proposal is to repeal and replace the rest of the existing MMC 19.508.4.]

A. Site Frontage

1. Purpose

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

2. Design Standards

a. Frontage Occupancy

- (1) Minimum frontage occupancy requirements are established for block faces identified in Figure 19.508.4.A.2.a.(1) and detailed in Table 19.508.4.A.2.a.(1). Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.508.4.A.2.b.

FIGURE 19.508.4.A.2.A – MINIMUM FRONTAGE OCCUPANCY

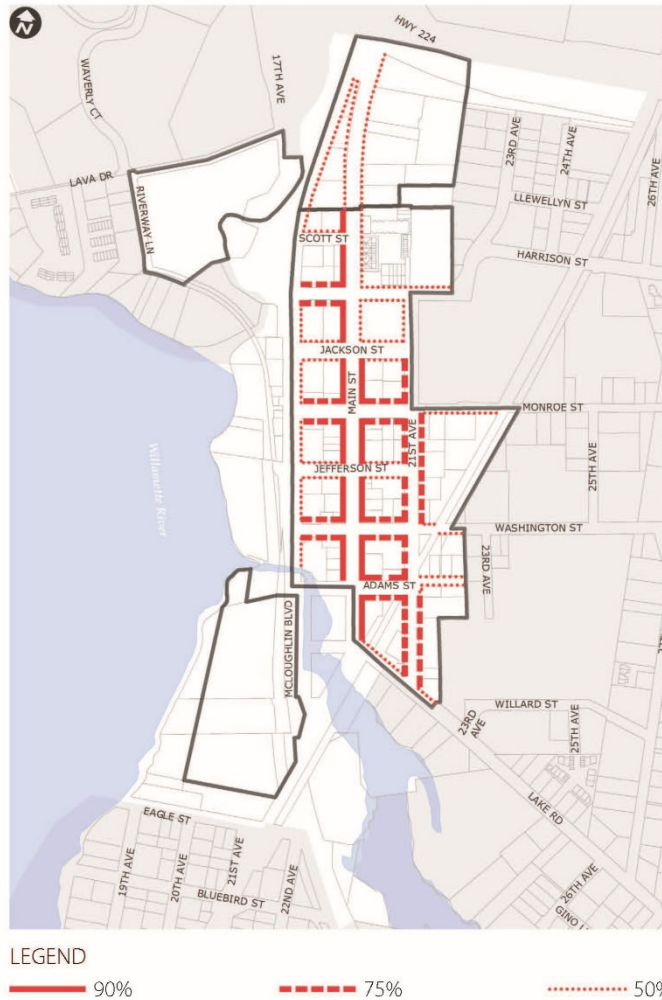


Table 19.508.4.A.2.a.(1) Minimum Frontage Occupancy Requirements		
Block Faces¹	Minimum Frontage Occupancy Requirement	Notes
Main Street	90%	If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.
Secondary Streets (Harrison Street, Monroe Street, Washington Street, Adams Street, and 21 st Avenue)	75%	If the development site has frontage on one of the streets listed here and another street where neither frontage is on Main Street, the frontage occupancy requirement must be met on the streets listed here only.
Tertiary Streets (All others)	50%	

1. As illustrated in Figure 19.508.4.A.2.a, which controls in the instance of a conflict with the street names as listed here.

(2) Frontage occupancy is calculated as the building frontage divided by the site frontage, as illustrated in Figure 19.508.4.A.2.a.(2). The building frontage includes both portions of the building at the build-to line and portions of the building set back from the front lot line consistent with maximum setbacks, as specified in Subsection 19.508.4.A.2.b.

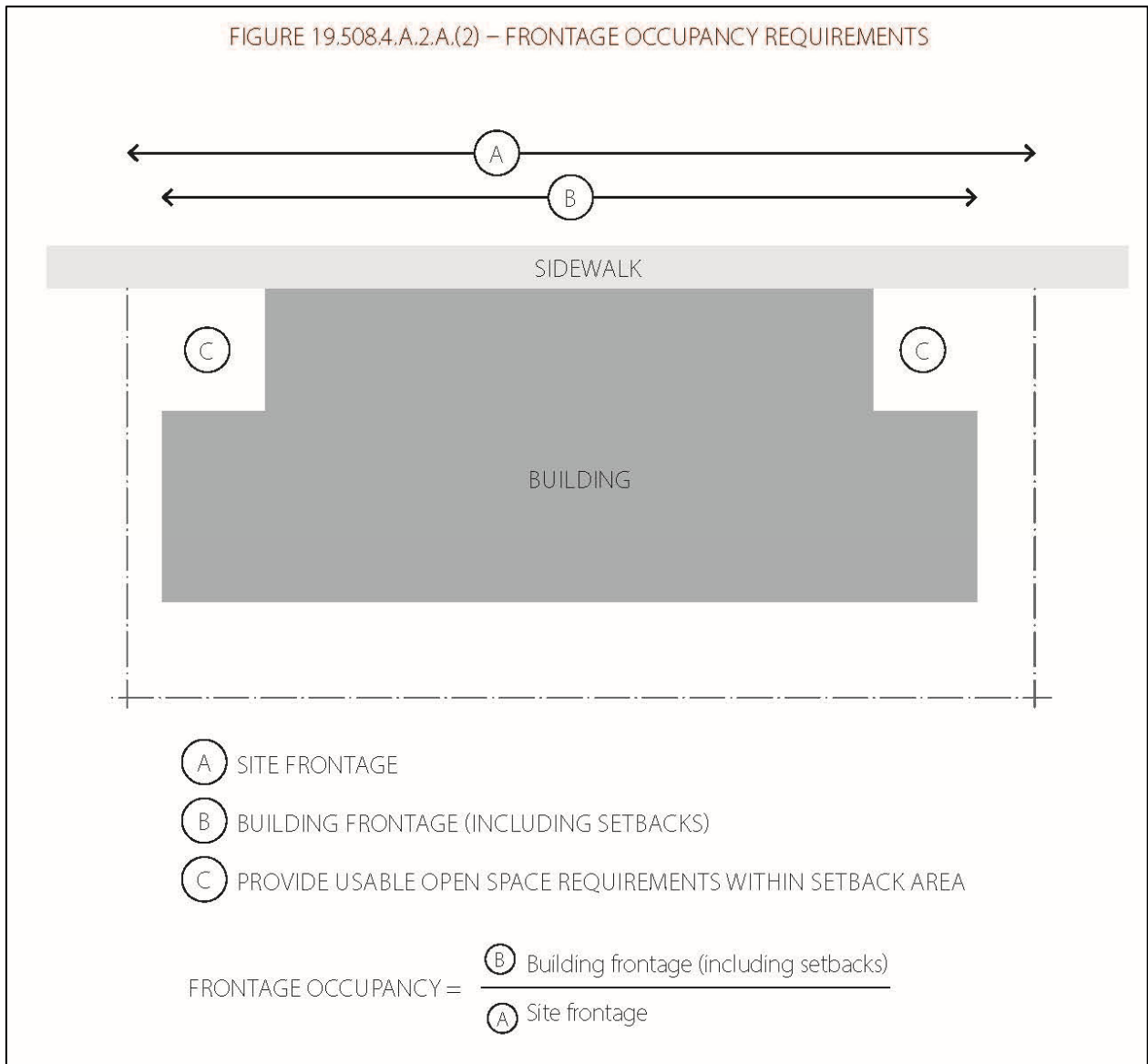
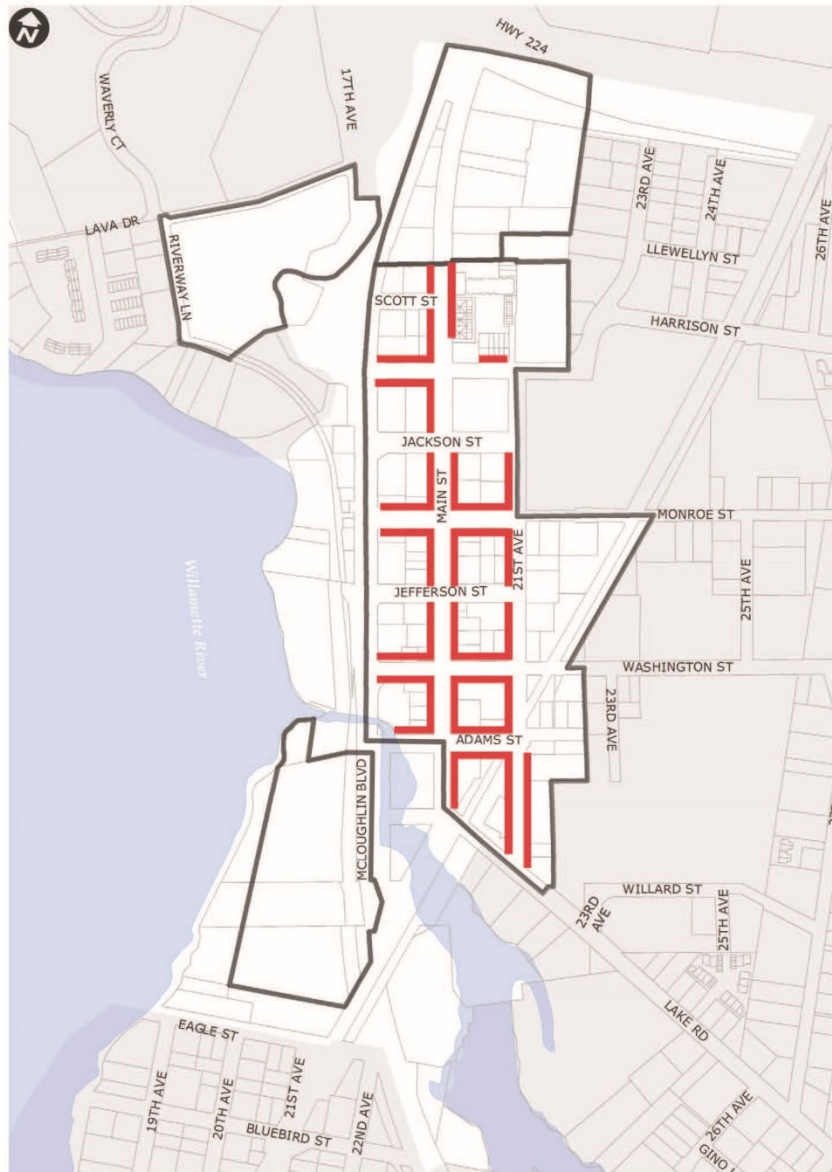


FIGURE 19.508.4.A.2.b – FIRST-FLOOR BUILD-TO REQUIREMENTS



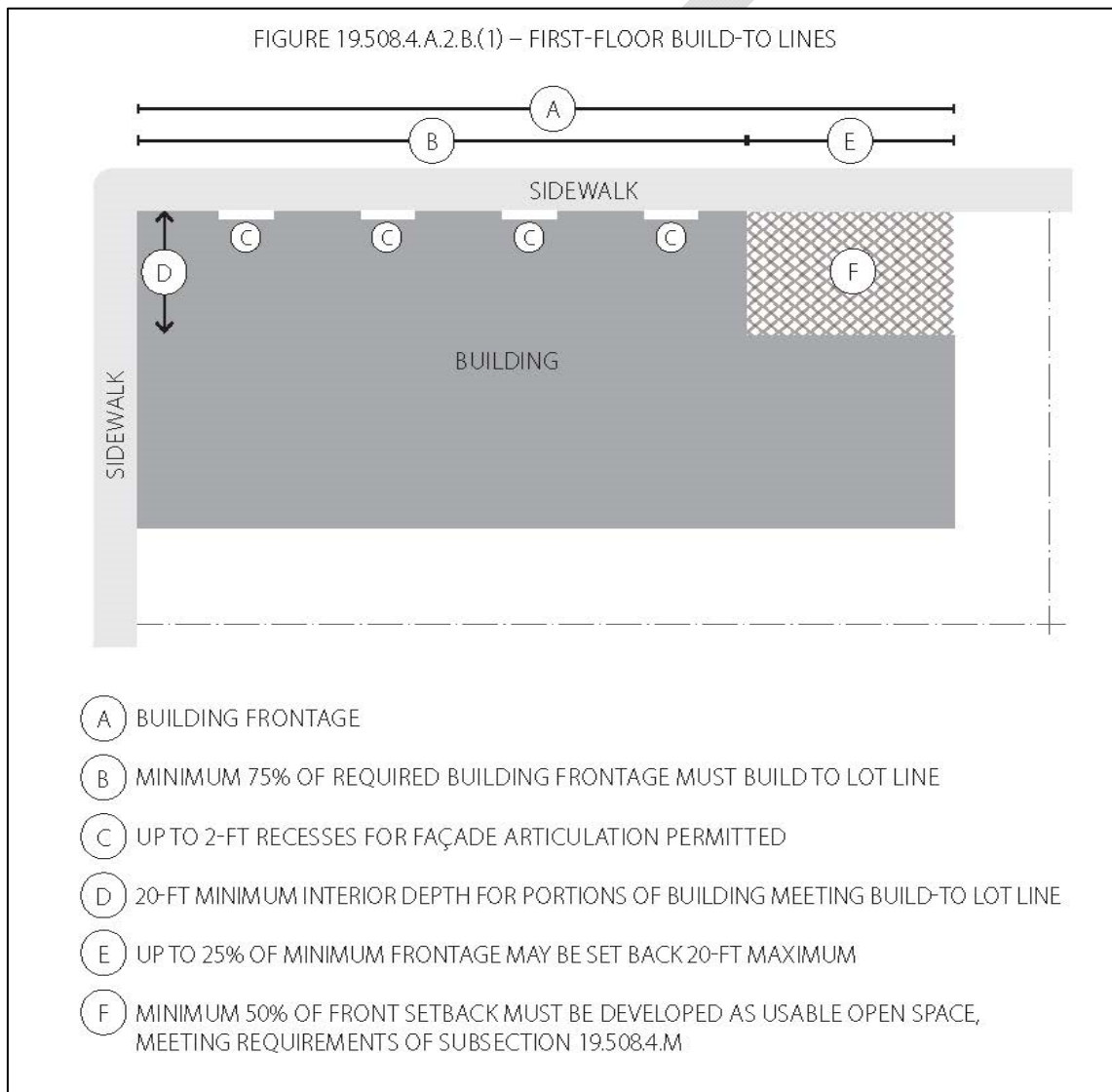
b. Build-To Lines / Street Setbacks

(1) A build-to line as illustrated in in Figure 19.508.4.A.2.b.(1) must be met for those block faces identified in Figure 19.508.4.A.2.b as follows:

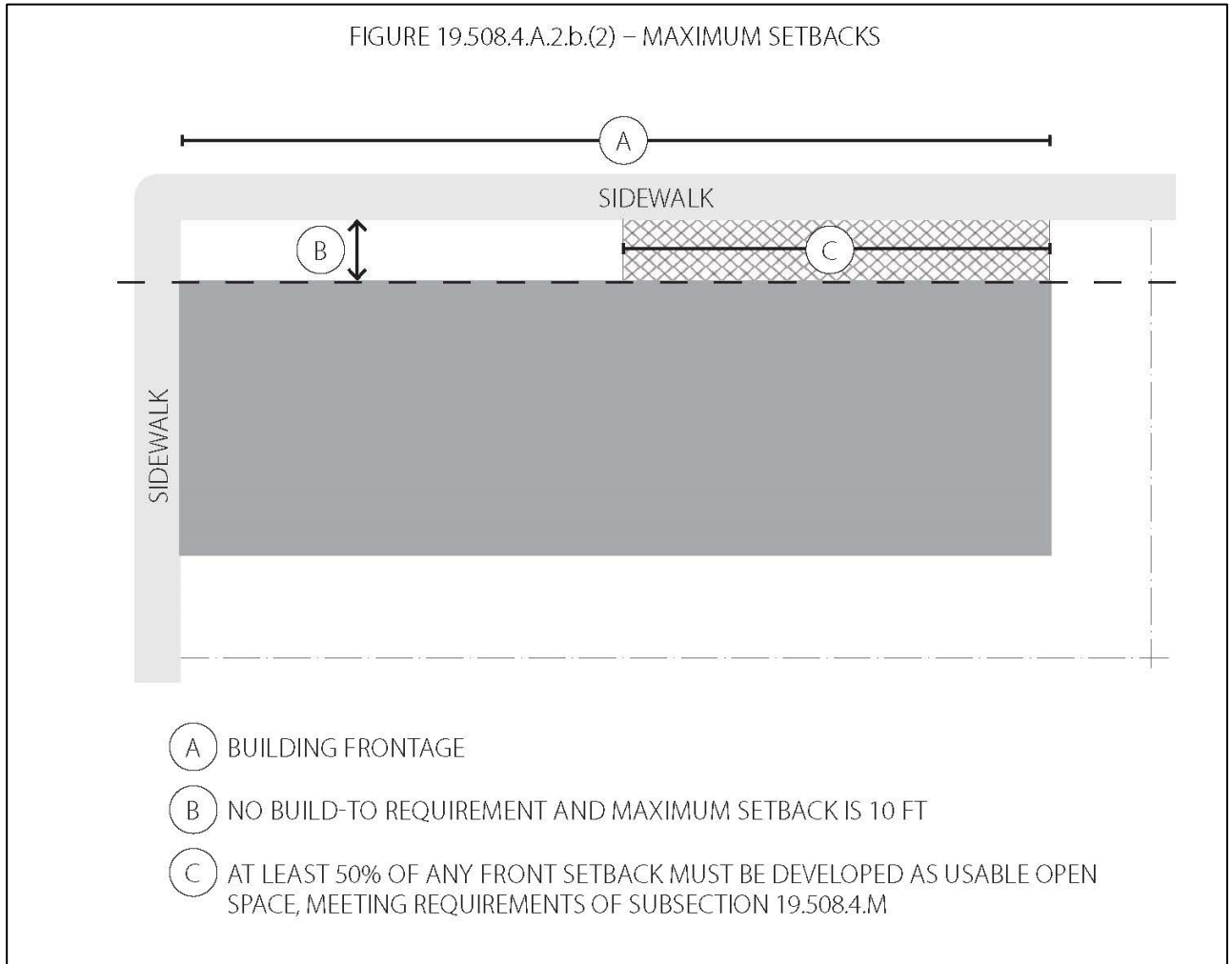
(a) Of the minimum frontage occupancy required for the site per Subsection 19.508.4.A.2.a, a minimum of 75% of the building’s first floor must be built to the front lot line with a zero-foot setback, or up to a 2-ft setback for recesses

in the building façade incorporated to comply with façade articulation requirements.

- (b) The portions of the building used to meet the build-to-line requirement must have an interior depth of at least 20 ft.
- (c) The remaining 25% of the first floor used to meet the build-to-line requirement may be set back from the front lot line a maximum of 20 ft. At least 50% of any front setback area must be developed as usable open space, such as a plaza or pedestrian amenities, that meets the requirements of Subsection 19.508.4.M.2.



- (2) For other block faces, there is no build-to-line requirement and the maximum setback is 10 ft. At least 50% of any front setback area must be developed as usable open space, such as a plaza or pedestrian amenities, that meets the requirements of 19.508.4.M.2. (See Figure 19.508.4.A.2.b.(2).)



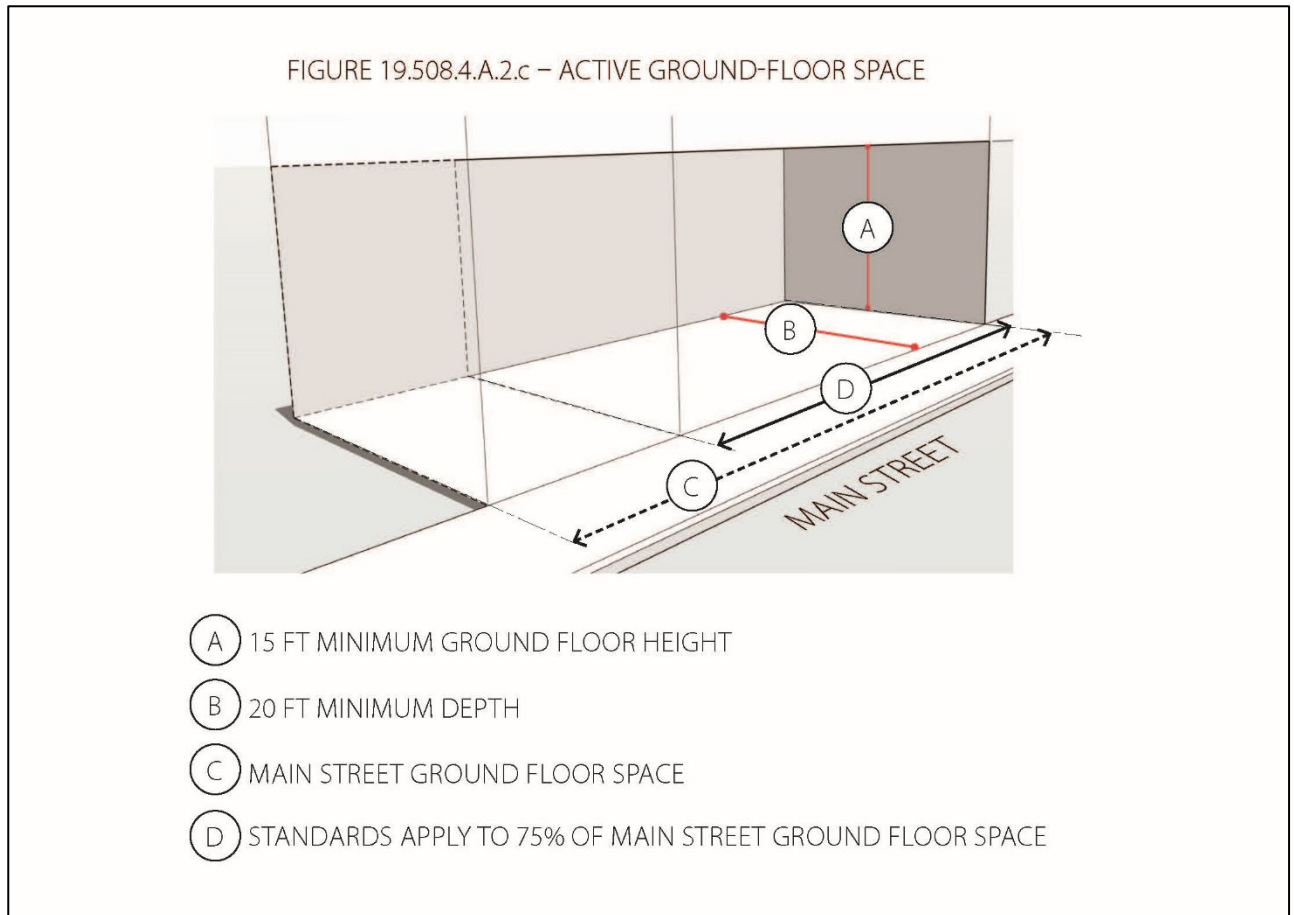
- (3) The Downtown Mixed Use (DMU) zone is exempt from the clear vision area requirements of Chapter 12.24, with the exception of driveway and street intersections with McLoughlin Boulevard.

c. Active Ground Floor Space

For new buildings fronting Main Street, excluding ground-floor residential, the following standards must be met as illustrated in Figure 19.508.4.A.2.c:

- (1) At least 75% of the ground-floor height must be at least 15 ft, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams.

- (2) At least 75% of the interior floor area adjacent to Main Street must be at least 20 ft deep, as measured from the inside building wall or windows facing Main St.



3. Design Guidelines

- a. A strong and high-percentage presence of buildings on the site edge, and spacious active ground-floor spaces and uses should be provided to create a continuous building frontage on the street to create compatibility and harmony between buildings and to encourage pedestrian activities. Building placement along the street should contribute to a continuous street wall that integrates storefront opportunities and architectural interest along the street, and should bring buildings up to the sidewalk for pedestrian interest. The amount of building presence should be scaled to the uses and intensity of the street.
- b. Where buildings are set back from the property line and sidewalk, the setback distance should be minimized and plazas and open space should be located between the building and sidewalk edge, helping to enliven the street edge and pedestrian realm. The plaza and open space area should incorporate pedestrian-scale features consistent with guidelines in Subsection 19.508.4.M.
- c. Ground floors of commercial, public, and mixed-use buildings should be flexible and offer ample space for active uses serving occupants and visitors, such as retail, service, or food service. The amount of active ground floor space should be scaled to

match the uses and intensity of the street, with the greatest amount in new buildings along Main Street. High ground-floor heights and adequate depths should provide flexible interior spaces for active uses.

B. Wall Structure and Building Façade Detail

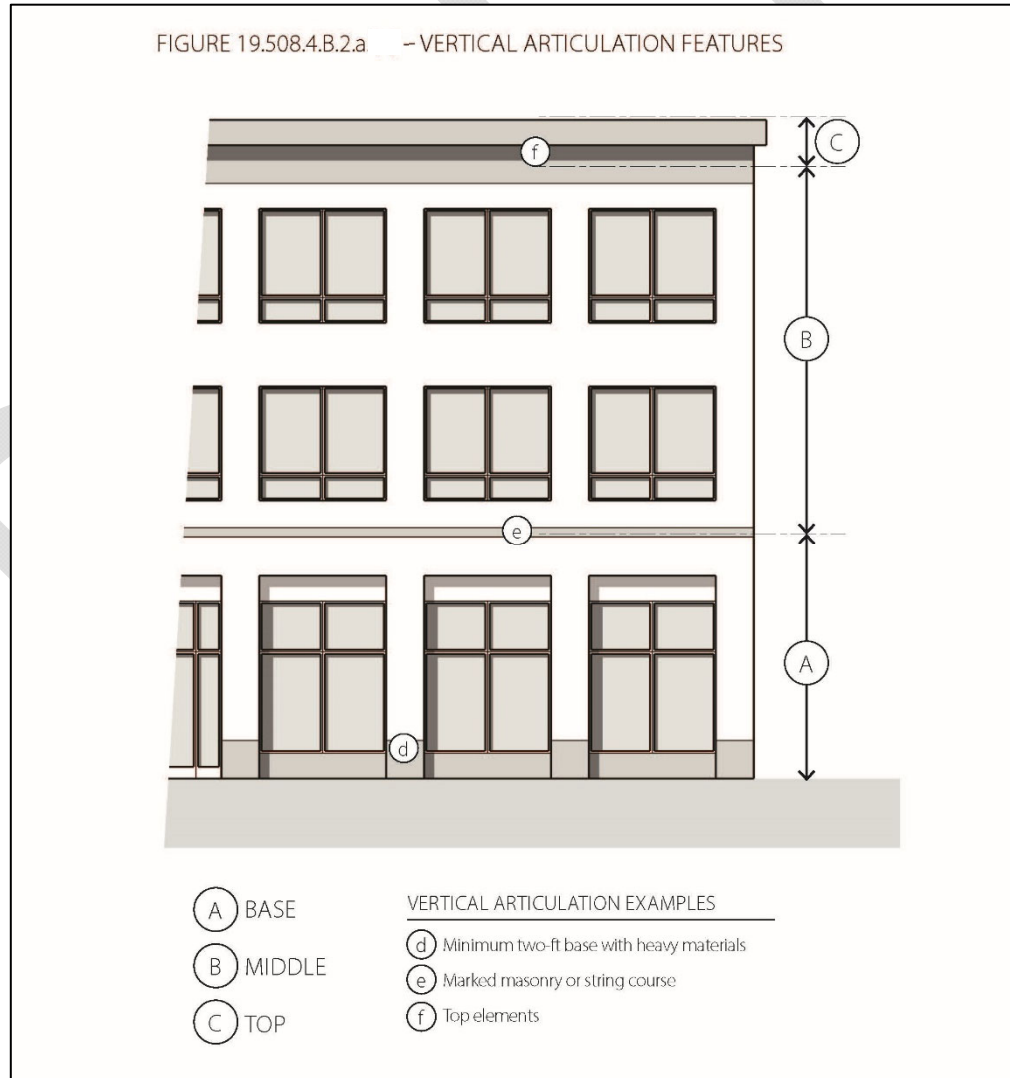
1. Purpose

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

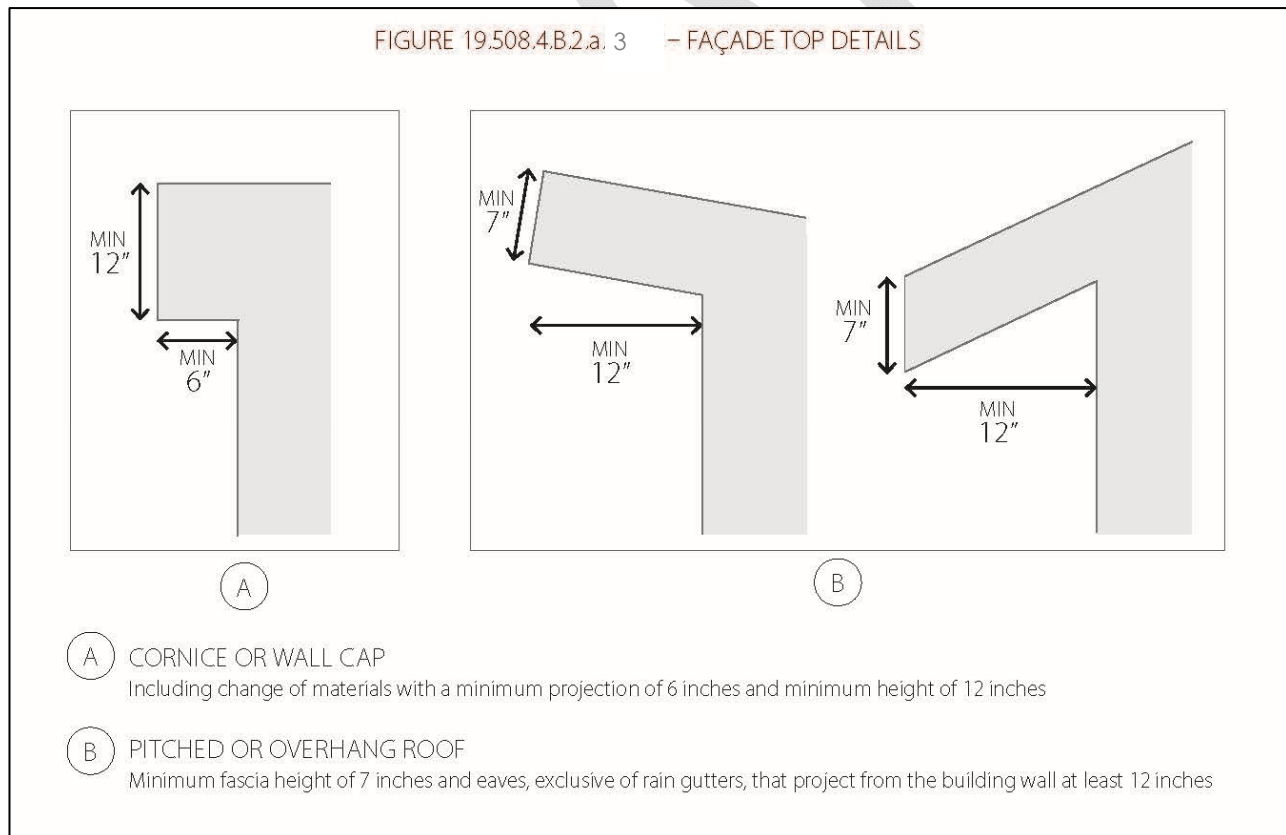
2. Design Standards

a. Vertical Articulation

Buildings of two stories and above must be divided vertically to create a defined base, middle, and top by incorporating the following elements as shown in Figure 19.508.4.B.2.a:



- (1) **Base.** The base of the building extends between the sidewalk and the top of the ground floor or the belt course/string course that separates the ground floor from the middle of the building. A minimum of the first 2 ft above finished grade of the ground-floor street-facing façade must be constructed of brick, stone, or concrete, excluding windows, entrances, and garage openings. The remainder of the base must meet the exterior building materials standards in Subsection 19.508.4.C.
- (2) **Middle.** The middle of the building between the top of the ground floor and top of the highest floor must incorporate at least one of the following elements:
 - (a) A change in exterior building materials and/or material color between the ground floor and upper floors.
 - (b) Street-facing balconies or decks at least 2 ft deep and 4 ft wide for at least 25% of the length of the building façade.
 - (c) Horizontal architectural elements such as masonry string courses, ledges, and water tables at least 8 in tall that project or recess at least 1 in from the building face and extend across a minimum of 75% of the façade length.
- (3) **Top.** The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building. The building top must be distinguished from the building facades by one of the following (see Figure 19.508.4.B.2.a.(3)):



- (a) Cornice or wall cap including a change of materials with a minimum projection of 6 in and minimum height of 12 in.
 - (b) A pitched or overhang roof with a minimum fascia height of 7 in and eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
- b. Horizontal Articulation
- (1) The street-facing façade must create a sense of rhythm and variation by incorporating the following as illustrated in Figure 19.508.4.B.2.b:
 - (a) The ground floor façade must include columns, piers, pilasters or revealed structural elements projecting a minimum of 4 in from the building face no less than every 30 ft.
 - (b) The upper story façade must include one of the following no less than every 30 ft:
 - (1) A change in wall plane of not less than 2 ft deep and 2 ft wide. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column or similar architectural feature.



- (2) Architectural bays at least 6 ft wide projecting 4 inches or more from the building face, with windows covering at least 50% of the projected wall area.
 - (c) As an alternative to complying with (a) and (b) separately, features meeting the requirements of either (a) or (b) may be extended vertically across all stories.
 - (2) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—must line up with adjacent facades if applicable.
- 3. Design Guidelines
 - a. Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.
 - b. Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.
 - c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.
 - d. Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.
 - e. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.

C. Exterior Building Materials

1. Purpose

To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, are compatible with downtown Milwaukee and the surrounding built and natural environment, and activate the building around the pedestrian realm.

2. Design Standards

Table 19.508.4.C.2 specifies the primary, secondary, accent, and prohibited material types referenced in this standard.

Table 19.508.4.C Exterior Building Materials for Street-Facing Façades		
	Allowed Status of Material P = Primary S = Secondary A = Accent R = Review needed X = Prohibited	
Material Type	Ground Floor (First story down to sidewalk grade)	Upper Floors
Brick or brick veneer	P	P
Architectural concrete block or veneer	P	S
Architectural treated poured in place concrete	P	S
Tilt-up concrete walls (finished)	P	P
Pre-cast concrete	P	P
Stone veneer (natural or manufactured)	A-R	A-R
Stucco (topcoat with sand finish)	P	P
Exterior insulation finishing system (EIFS) or other synthetic stucco panels	P-R	P-R
Metal siding = Finished metal panels (e.g., anodized aluminum, stainless steel, copper) featuring a polished, brushed, or patina finish	P	P
Composite wall panels	P	P
Ceramic tile	A	S
Finished natural wood siding and composite wood siding	A	A
Fiber-reinforced cement siding and panels (5/16-in or thicker)	A	P
Through color reinforced cement siding and panels	A	S
Glazing (refer to Façade Transparency element)	P	P
Vinyl siding	X	X
Plywood paneling	X	X
Plastic or vinyl fencing	X	X
Chain-link fencing	X	X

a. New Buildings

The following standards are applicable to the street-facing façades of all new buildings, as well as façades facing plazas and/or open spaces.

(1) Façade coverage

(a) For ground-floor or street-level façades:

- i. Primary materials (including glazing) must be utilized for at least 90% of each applicable building façade.
- ii. Accent materials are permitted on no greater than 10% of each applicable building façade.

(b) For upper-floor façades:

- i. Primary materials (including glazing) must be utilized for at least 65% of each applicable building façade.
- ii. Secondary materials are permitted on no greater than 35% of each applicable building façade.
- iii. Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g., flashing, projecting features, ornamentation, etc.).

Table 19.508.4.C.2.a.(1) summarizes these façade coverage requirements.

Table 19.508.4.C.2.a.(1) Façade Coverage Materials Requirements			
Façade Type	Primary Materials (Minimum)	Secondary Materials (Maximum)	Accent Materials (Maximum)
Ground-floor façades	90%	n/a	10%
Upper-floor façades	65%	35%	10%

(c) The use of the following materials requires a Director’s Determination consistent with Section 19.903. The Planning Manager must consult with Design and Landmarks Commission in making the determination, and the applicant must provide materials specifications and proposed installation details to inform the determination.

- i. Materials permitted as review uses in Table 19.508.4.C.
- ii. Materials similar to the primary, secondary, and accent materials listed in Table 19.508.4.C.

(d) Materials prohibited in Table 19.508.4.C may not be used on any exterior wall, whether or not it is a street-facing façade.

(2) Ground-floor or street-level materials must wrap around to the non-street-facing façade of the building to minimum depth of 10 ft or to the edge of the abutting building, whichever is less.

- b. Existing Buildings
 - (1) Street-facing façade modifications that affect more than 50% of the existing façade area must comply with standards of Subsection 19.508.4.C.2.a for the modified portion of the façade.
 - (2) Building expansions or additions that add street-facing façade area greater than 25% of the existing façade area, as measured in square feet, or 500 sq ft of façade area, whichever is less, must meet the standards of Subsection 19.508.4.C.2.a for the façade of the building expansion or addition.
- 3. Design Guidelines
 - a. Exterior materials and finishes should be durable, long-lasting, and low-maintenance and create a sense of permanence and high quality.
 - b. Exterior materials for street-facing façades should include a palette that is visually interesting, coherent, compatible, related to its place, and observant of environmental elements of our region.
 - c. Ground-floor materials should consist primarily of a simple palette of long-lasting materials such as brick, stone, or concrete to create a sense of groundedness.
 - d. Upper-floor materials should be attractive and compatible with the dominant materials and colors used on ground-floor facades of the building. Upper-floor materials should not overwhelm ground floor materials.
 - e. Street-facing façade materials should be wrapped around the edge to non-street facing façades to create a seamless appearance.
 - f. For renovations to existing development, new and existing materials should create a unified appearance.

D. Façade Transparency

- 1. Purpose

To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces.
- 2. Design Standards
 - a. Transparency must be created through glazing, defined here as windows and the glazed portions of doors.
 - b. Nonresidential and Mixed-Use Buildings
 - (1) Ground Floor
 - (a) Along Main Street, a minimum of 50% of the ground-floor street-facing wall area must consist of glazing.
 - (b) For all other block faces, a minimum of 40% of the ground-floor street-facing wall area must consist of glazing.
 - (c) The ground-floor street-facing wall area is defined as the area from 3 ft above finished grade to 12 ft above finished grade or to the bottom of the

ceiling joists or, where there is no ceiling, to the bottom of the roof rafters of the space fronting the street, whichever is less.

(2) Upper Floors

Along all block faces, the following standards are applicable on street-facing upper-floor building façades:

- (a) The wall area of street-facing upper floors must include a minimum of 30% glazing.
- (b) The required street-facing upper-floor glazing does not apply to floors where sloped roofs and dormer windows are used.

See Figure 19.508.4.D.2.b for an illustration of these standards.

FIGURE 19.508.4.D.2.b – GLAZING STANDARDS FOR NONRESIDENTIAL AND MIXED USE BUILDINGS



- (A) AREA SUBJECT TO TRANSPARENCY STANDARD: 3 FT ABOVE FINISHED GRADE TO 12 FT ABOVE FINISHED GRADE
REQUIRED GLAZING IN (A): 50% ALONG MAIN STREET, 40% ELSEWHERE
- REQUIRED GLAZING IN AREA (B): 30% ON ALL BLOCK FACES

- (3) Street-facing blank walls that contain no glazing are limited to 450 sq ft or 30 linear ft, whichever is less, unless required by the Building Code. In instances where a blank wall exceeds 450 sq ft or 30 linear ft, at least one of the following techniques must be employed in addition to the horizontal articulation requirements of Subsection 19.508.4.B.2.a.(2):
 - (a) Provide a landscaped planting bed or raised planter bed at least 3 ft wide along at least 50% of the length of the blank wall with plant materials capable of obscuring or screening at least 50% of the blank wall's surface area within three years.
 - (b) Provide a public art mural or original art mural, as defined in Section 20.04.020, over at least 50% of the blank wall surface.
- c. Residential-Only Buildings
 - (1) Twenty-five percent (25%) of the total street-facing façade for all floors must consist of glazing.
 - (2) Street-facing blank walls that contain no glazing are limited to 450 sq ft or 30 linear ft, unless required by the Building Code. In instances where a blank wall exceeds 450 sq ft or 30 linear ft, at least one of the following techniques must be employed:
 - (a) Articulate the wall with projections or recesses consistent with Subsection 19.508.4.B.2.a.(2).
 - (b) Provide a landscaped planting bed or raised planter bed at least 3 ft wide in front of the wall, with plant materials that obscure or screen at least 50% of the wall's surface within three years.
 - (c) Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50% of the blank wall surface.
- 3. Design Guidelines
 - a. Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.
 - b. Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.
 - c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.
 - d. Arrange glazing to provide balanced coverage of the façade and prevent blank walls.
 - e. Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrate into planned and future building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors.

E. Building Entrances

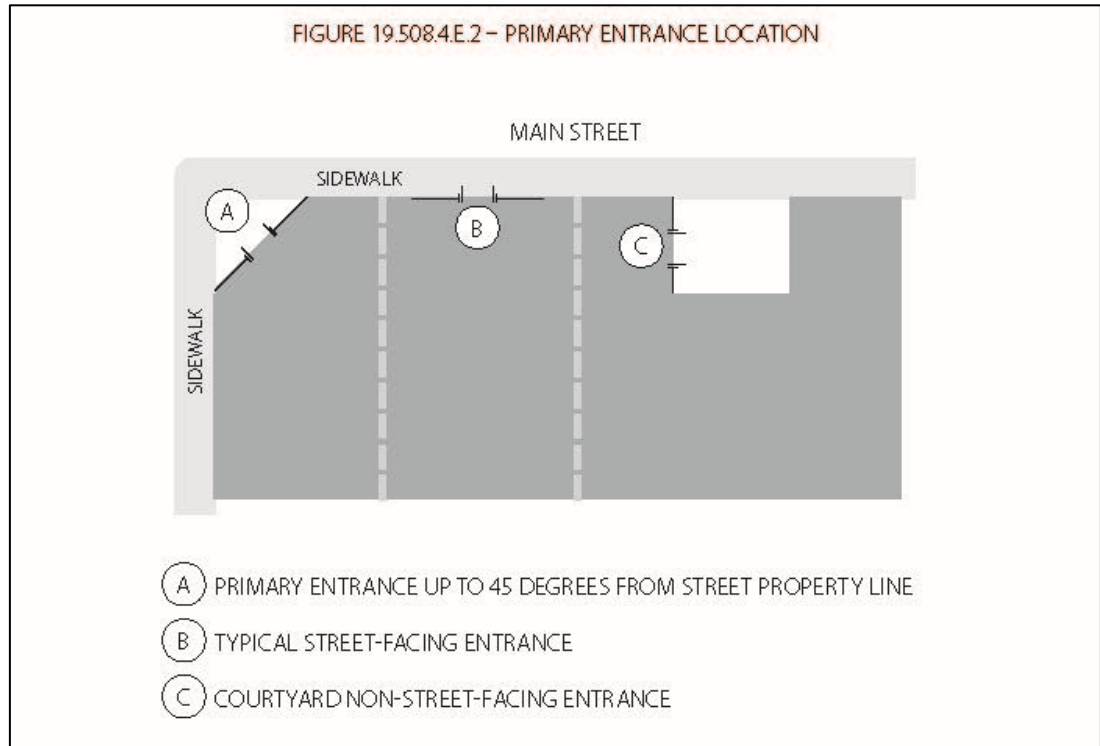
1. Purpose

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

2. Design Standards

- a. All new buildings must have at least one primary entrance facing an abutting street. For purposes of this standard, “facing” means within 45 degrees of the street property line.
- b. For lots with frontage along more than one street, including multiple lots under common ownership being developed as a single site, the primary entrance should be located as follows:
 - (1) For lots with one frontage along a transit street, the primary entrance must be oriented to the transit street with the exception of Subsection 19.508.4.E.2.c.
 - (2) For lots with frontage along two transit streets, the primary entrance must be oriented to the street with higher-frequency transit service or the corner of the two streets.
 - (3) For lots with frontage along Main Street, the primary entrance must be oriented to Main Street or the corner of the two streets, even if the other frontage is along a transit street.
 - (4) For lots without frontage on Main Street or a transit street, the primary entrance may be oriented to either street.
- c. Where a development contains multiple buildings or multiple individual storefronts or residential units and there is insufficient street frontage to meet the above entrance location standards for all buildings, storefronts or residential units on the subject site, the primary entrances for each building, storefront or residential units may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances shall be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space.
- d. For mixed-use and nonresidential buildings:
 - (1) Primary entrances for mixed-use and nonresidential buildings must be clearly defined and distinguished from other parts of the building by incorporating at least one of the following design elements:
 - (a) Recessed or projected entry.
 - (b) Entry surrounds such as arches, columns, insets, and design elements above and/or flanking the entrance.
 - (c) Transom windows above the entrance door.
 - (2) The glazed portions of doors for primary entrances must be 75% or more of the door area.

See Figure 19.508.4.E.2 for an illustration of these standards.



- e. For residential-only buildings, primary entrances must:
 - (1) Incorporate one of the design elements in Subsection 19.508.4.E.2.d.(1) above;
or
 - (2) Incorporate a covered porch, stoop, or patio with a minimum depth of 4 ft that may be elevated from sidewalk grade by no more than 8 ft.
 - f. All entrances must be lighted consistent with Subsection 19.508.4.N.
3. Design Guidelines
- a. Entryways should be sited to provide access where the highest amount of pedestrian activity is planned and where the pedestrian experience is designed to be exceptional. Primary building entries should be located along the Main Street or transit street frontage, where present, or at the corner of two such frontages for corner lots, whenever possible. Primary entries should not be oriented towards parking lots and service areas.
 - b. Building entries should be designed as prominent architectural features that are clearly defined and demarcated. Entryways should integrate features such as scale, materials, glazing, projecting or recessed forms, architectural details, and color in entryway areas, along with accent features such as lighting and landscaping to set an entry apart.
 - c. Nonresidential doors should create a strong connection to the street through the use of techniques such as storefront doors and surrounding windows with a high percentage of glazing, double doors, and large glazed sectional doors.

- d. Residential entryways should incorporate vertical and horizontal layering by including a comfortable change of grade or entry features such as porches, terraces, stoops, or covered landings to create a connection to the street while maintaining a respectful separation for resident privacy. Residential doors should be substantial enough to suggest privacy yet still express a welcoming sense of friendly contact for those who approach and enter.

F. Windows

1. Purpose

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

2. Design Standards

a. General Standards

- (1) Window openings must provide shadowing by recessing windows 4 in into the façade and/or incorporating exterior trim of at least 4-in reveal and of a contrasting material or color.
- (2) The following materials are approved for new window frames:
 - (a) Anodized or painted aluminum windows
 - (b) Wood
 - (c) Fiberglass
 - (d) Alternatively, frameless window systems may be used.
- (3) The use of spandrel glass is limited to floor lines and parapets.
- (4) For modification and expansion of existing buildings, replacement windows must match existing windows with respect to materials and dimensions. Alternatively, landmarks subject to Section 19.403 must comply with Subsection 19.403.5.E.4.

b. Prohibited Window Elements

For all street-facing building windows, the following window elements are prohibited:

- (1) Opaque, reflective or mirrored glazing. Opaque glazing is allowed on non-Main-Street façades as necessary for privacy (such as for bathrooms).
- (2) Glazing tinted beyond energy code requirements.
- (3) Simulated divisions (internal or applied synthetic materials).

c. Window Placement and Proportion

- (1) For nonresidential ground-floor windows, the bottom edge of windows along pedestrian ways must be an average of no less than 1 ft and an average of no more than 3 ft above the abutting finished grade.
- (2) For all windows on street-facing façades, each window must comply with at least one of the following to create a sense of pattern and compatible design:

- (a) Window shares the same width or height as another window on the same façade.
 - (b) The top or bottom edge of the window aligns with the top or bottom edge of another window on the same façade.
 - d. For modification and expansion of existing buildings, replacement windows must match existing windows with respect to materials and dimensions. Alternatively, landmarks subject to Section 19.403 must comply with Subsection 19.403.5.E.4.
- 3. Design Guidelines
 - a. Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.
 - b. Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.
 - c. Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).
 - d. Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.

G. Corners

1. Purpose

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

2. Design Standards

a. Nonresidential or Mixed-Use Buildings

On corner lots or development sites consisting of more than one lot under common ownership at the corner of two public streets—or at the corner of a street and a public area, park, or plaza—nonresidential or mixed-use buildings must incorporate at least two of the following features:

- (1) The primary entrance located within 5 ft of the corner of the building.
- (2) A lobby or retail space a minimum of 100 sq ft in floor area with 90% transparency on facing windows and entrances within 5 ft of the corner of the building.
- (3) A pedestrian canopy or marquee at least 10 ft long at the corner of the building.
- (4) A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner.
- (5) Enhanced pedestrian amenities including at least two of the following three options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of two pieces of street furniture such as a bench or

garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.

- (6) Only for corner lots with frontage along Main Street and either Harrison, Monroe, Washington or Adams Streets, a prominent architectural element including one of the following:
 - (a) Height modulation element such as tower, turret or cupola, defined as an architectural feature that projects a minimum of 5 ft and maximum of 10 ft above the surrounding building, with a minimum width of 8 ft, which has a separate roof structure and is uniquely identifiable from the rest of the building. Such features are exempt from maximum height standards in 19.304.4.B provided they are not used for human occupancy.
 - (b) Corner offset projecting at least 2 ft from the main façade and extending at least 10 linear ft on both sides of the corner, incorporating distinctive materials compared to the main facade and extending a minimum height of one story.
 - (c) Corner inset from the building face by at least 8 ft on at least the first story and extending at least 10 linear ft on both sides of the corner, including a recessed entrance. A pedestrian canopy or marquee at least 10 ft long at the corner of the building. A chamfered corner at least 10 ft wide with an entry on the chamfer, or a similarly dimensioned rounded or stepped corner. Enhanced pedestrian amenities including at least two of the following three options adjacent to the public right-of-way: a minimum of 100 sq ft of special paving materials, a minimum of two pieces of street furniture such as a bench or garbage can, water fountain, and/or a minimum of 20 sq ft of landscaping or planters.

3. Design Guidelines

- a. For all nonresidential and mixed-use buildings at the corner of two public streets or at the corner of a street and a public area, park, or plaza, highlight and make the corner prominent through the use of features such as:
 - (1) Change in building material
 - (2) Window coverage pattern
 - (3) Chamfered, rounded or stepped corner
 - (4) Increased building height at the corner, potentially incorporating features such as tower, turret or cupola
 - (5) Façade articulation
 - (6) Projecting or recessed building entrances
 - (7) Canopies or marquees
 - (8) Active retail and semi-public spaces such as building lobbies
- b. Design of the corner should have a scale and character compatible with the scale of the corner and other buildings at the corner and the level of activity at the corner.

- c. For all nonresidential and mixed-use buildings, create active exterior spaces at site corners, particularly where building corners are set back, in ways that emphasize pedestrian use and encourage people to come together and gather through features such as street furnishings, special paving materials and planting materials.

H. Building Massing and Transitions

1. Purpose

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

2. Design Standards

a. Building Massing

For any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4, buildings must include:

[Staff is presenting two options and looking for feedback on which to put in code.]

Option 1: Full step back (no change from current code)

- (1) A step back of at least 6 ft along the street-facing portion of the building.
- (2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.

Option 2: Partial step back (alternative to current code)

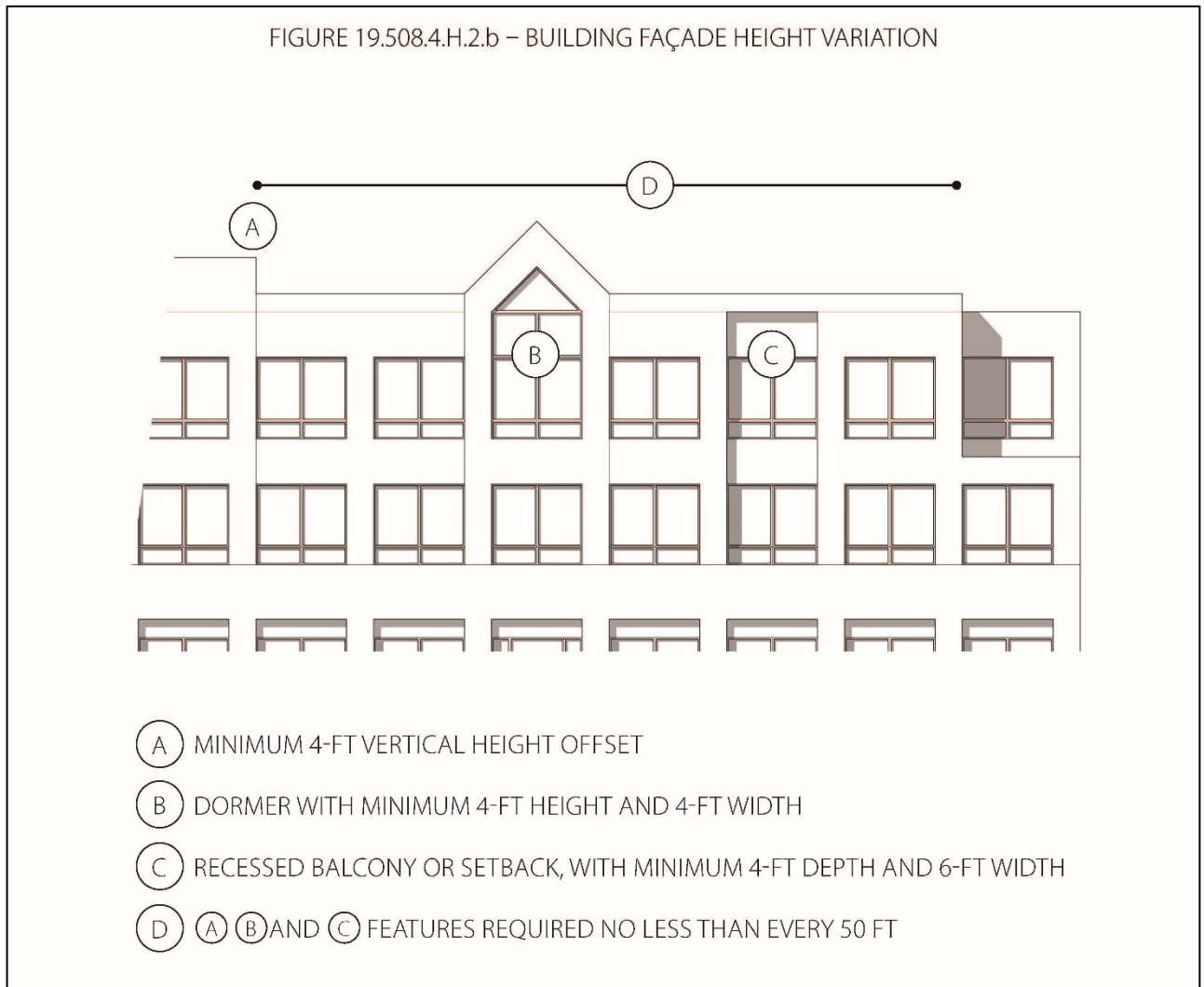
- (1) A step back of at least 6 ft along at least 50% of the street-facing portion of the building. The portions that are stepped back must be a minimum of 20 ft long.
- (2) The step back area may be used for balconies, roof-top gardens, or other common or private open spaces.

b. Building Façade Height Variation

The height of building elements along street-facing façades must be varied in order to break up the overall bulk and mass of buildings as illustrated in Figure 19.508.4.H.2.b. At least one variation in height along the street-facing façade(s) shall be provided for every 50-ft interval or portion thereof. Exact spacing of variations may vary provided that the total number of variations required is met and no portion of the façade exceeds 50 ft without a variation. Building façade height variation must be accomplished by using one or more of the following methods:

- (1) Vertical offset of height along the façade by minimum of 4 ft.
- (2) Dormer or other projecting element along or within 2 ft of the façade with minimum 4-ft height and 4-ft width.
- (3) Recessed balcony or step back from the façade on the upper floor with a minimum 4-ft depth and minimum 6-ft width.

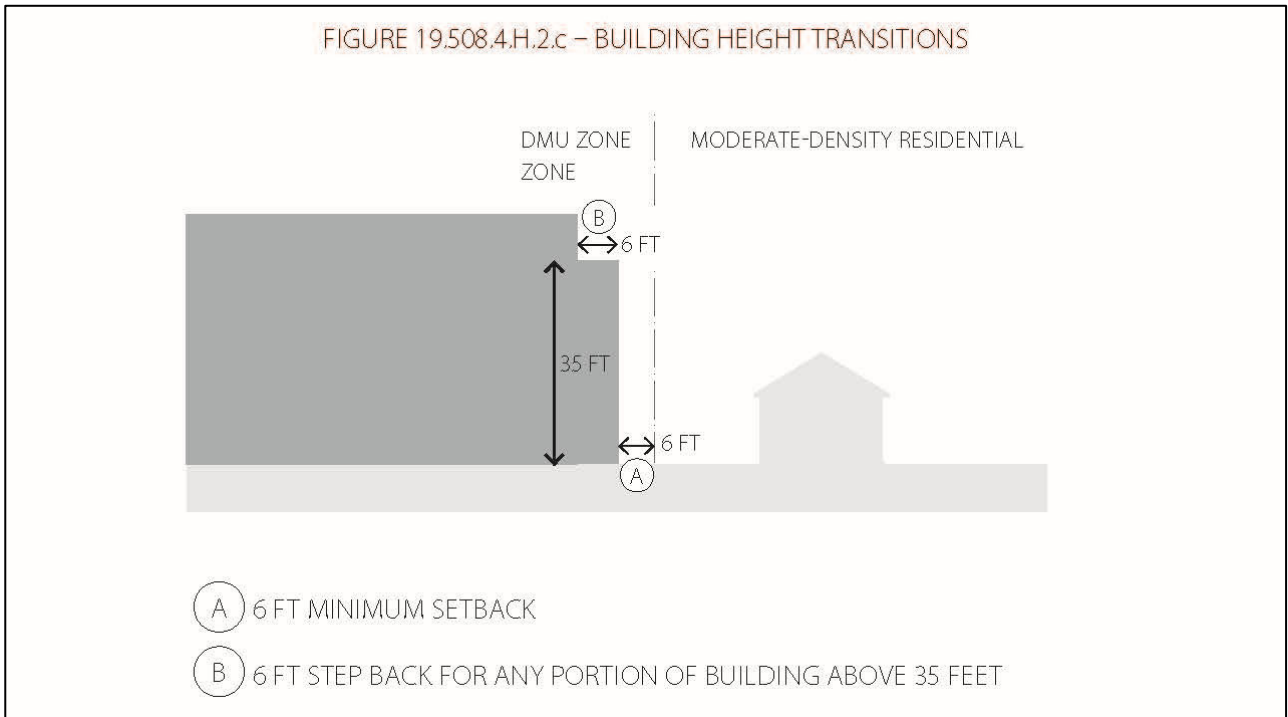
- (4) Other techniques approved by the Planning Manager, shown to create variation along the top of street-facing façade through modulations in height, mass or bulk.



c. Building Transitions

For any property in the Downtown Mixed Use (DMU) zone that is north of Harrison Street and within 50 ft of the property line abutting low-density residential zones (i.e., R-10, R-7, or R-5), the following transition measures are required for any new building (see Figure 19.508.4.H.2.c):

- (1) The new building must be located at least 6 ft from any property line abutting a low-density residential zone. This requirement supersedes the applicability of the transition area measures provided in Subsection 19.504.6.
- (2) The new building must provide a step back of at least 6 ft for any portion of the building above 35 ft in height above grade.



3. Design Guidelines
 - a. Building massing should contribute to a welcoming and pedestrian-scaled sense of enclosure and definition of the street.
 - b. Buildings that utilize bonus height should mitigate impacts of additional height and mass by including step backs, façade insets, high façade permeability, and other perceived mass-reducing techniques to ensure access to light, privacy, and sky views for nearby building occupants and people on the street.
 - c. Building façades should incorporate variation in height or character to break up the perceived bulk and mass of the building into pedestrian-scale components that create a sense of pattern and rhythm. Such variation should be aligned with horizontal articulation elements to create a harmonious design. (See 19.508.4.B.3.)
 - d. For buildings abutting low-density residential zones, building setbacks, step backs, façade articulation, landscaping, fencing, and/or transition measures should be deployed to blend building massing between downtown and any adjacent residentially zoned neighborhoods to reduce perceived mass of buildings.

I. Weather Protection

1. Purpose

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

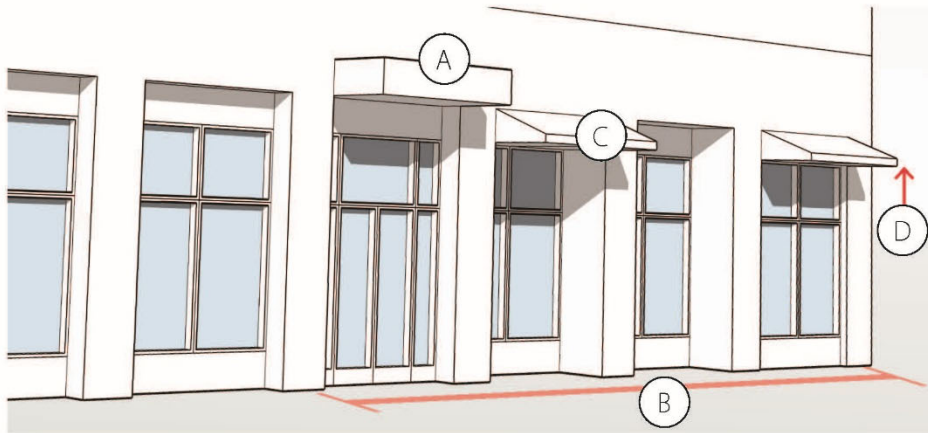
2. Design Standards

a. Minimum Weather Protection Coverage

- (1) All ground-floor building entries must be protected from the weather by awnings, canopies, marquees, recesses, or similar weather protection.
- (2) Awnings, canopies, marquees, recesses, or similar weather protection must be provided along at least 50% of the ground-floor elevation(s) of a nonresidential or mixed-use building where the building abuts a sidewalk, plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M, or on-site pedestrian walkway.
- (3) Weather protection used to meet this section must extend at least 4 ft over the pedestrian area but no more than 4 ft into the right-of-way. Balconies and recesses meeting these dimensional requirements can be counted toward this requirement.
- (4) Weather protection used to meet the above standards must be at least than 8 ft above the finished grade, including any valance.

See Figure 19.508.4.I.2.a for an illustration of these standards.

FIGURE 19.508.4.I.2.a – WEATHER PROTECTION MEASURES



- (A) WEATHER PROTECTION OVER BUILDING ENTRY, SPANNING WIDTH OF ENTRY
- (B) TOTAL WIDTH OF CANOPIES, RECESSES, OR SIMILAR MUST EQUAL 50% OF THE GROUND-FLOOR BUILDING FRONTAGE
- (C) MINIMUM 4-FT CANOPY OVER PEDESTRIAN AREA WITH A MAXIMUM 4-FT EXTENSION INTO RIGHT OF WAY (ROW)
- (D) MINIMUM 8-FT HEIGHT FOR ELEMENTS ABOVE SIDEWALK

- b. Weather Protection Materials, Design, and Details
 - (1) Materials
 - (a) Awnings must be constructed of a non-vinyl cloth or canvas with a matte finish or a material similar in appearance and texture.
 - (b) Canopies must be constructed of rigid plastic, metal, glass, or a material similar in appearance and texture.
 - (c) Marquees must be constructed of metal, glass, wood, or a material similar in appearance and texture.
 - (d) Vinyl or any similar flexible plastic sheet material is prohibited for all weather protection features.
 - (e) The structure or frame materials for awnings and canopies must be aluminum or steel.
 - (2) Awnings or canopies must be attached directly above an entry or window. Awning and canopy width must not exceed the width of the entry or associated window opening and may not extend over more than one storefront opening. Marquees must be attached to the building directly above the entrance and may extend past the entrance.
 - (3) For awnings and canopies, only lighting that illuminates the building and/or sidewalk is allowed. Awnings and canopies must not be illuminated from below or internally.
 - (4) Any signage on awnings, canopies or marquees must be consistent with requirements of Subsection 14.16.060.C.
- 3. Design Guidelines
 - a. Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.
 - b. Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.
 - c. The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.
 - d. Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy

spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.

- e. Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.
- f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.
- g. Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.

J. Roofs and Rooftop Equipment Screening

1. Purpose

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

2. Design Standards

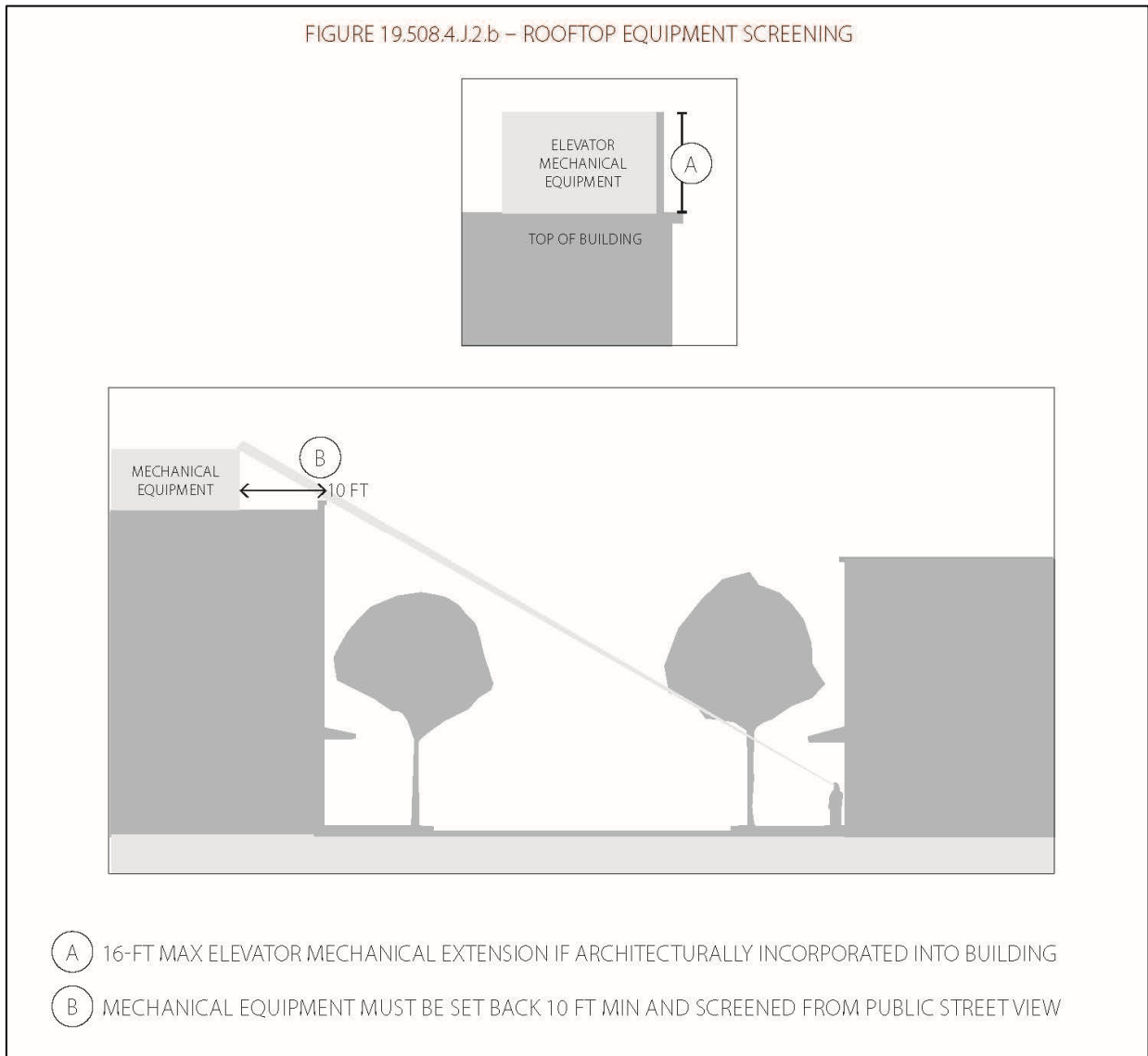
a. Rooftop Design

- (1) The roof of a building must follow one (or a combination) of the following forms:
 - (a) Flat roof (less than 1/12 pitch) or low-slope roof (between 1/12 and 4/12 pitch)
 - (b) Hip roof
 - (c) Gabled roof
 - (d) Dormers
 - (e) Shed roof
- (2) Roofs are subject to the following standards as applicable:
 - (a) All flat or low-slope roofs must be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in. See Figure 19.508.4.B.2.a(3).
 - (b) All hip or gabled roofs exposed to view from adjacent public streets and properties must have a minimum 4/12 pitch.
 - (c) Sloped roofs with a 4/12 pitch or higher must have eaves, exclusive of rain gutters, that project from the building wall at least 12 in.
 - (d) When an addition to an existing structure, or a new structure, is proposed in an existing development, the roof forms for the new structure(s) must have the same slope and be constructed of the same materials as the existing roofing.

b. Rooftop Equipment Screening

- (1) The following rooftop elements do not require screening:
 - (a) Solar panels, wind generators, and green roof features.
 - (b) Equipment under 2 ft high, if set back a minimum of 10 ft from the outer edge of the roof.
- (2) If visible from public street view, elevator mechanical equipment or a mechanical penthouse may not extend above the height limit by more than 16 ft, and must use a consistent exterior building material for the mechanical shaft or penthouse.
- (3) Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment must be set back a minimum of 10 ft from the roof edge and must be screened from public street view. For purposes of this standard, “public street view” means the pedestrian level from across the adjacent public street and does not include views from adjacent buildings. If necessary, screening from public street view must be achieved by one of the following methods that is at least as tall as the tallest part of the equipment being screened:
 - (a) A screen around the equipment that is made of an exterior building material used on other portions of the building, or masonry.
 - (b) Vertical green roof features or regularly maintained, dense foliage that forms an opaque barrier year-round when planted.
- (4) Required screening will not be included in the building’s maximum height calculation.

See Figure 19.508.4.J.2.b for an illustration of these standards.



3. Design Guidelines

- a. Building rooflines should enliven the pedestrian experience and be of visual interest, with detail and variation that will create a skyline composed of interesting forms and shadows. Building silhouette should be compatible with those of other buildings along the existing streetscape.
- b. Roof shape, surface materials, colors, mechanical equipment and other penthouse functions should all be integrated into the overall building design and should be considered an additional façade to complement the building’s design.
- c. Roof mounted mechanical equipment should be hidden from public street view by parapets, screening walls, vertical landscaping or green roof features, enclosures installed as an integral part of the architectural composition, strategic placement, or similar treatments. If such treatments are not practicable, mechanical units may be

Painted in lieu of screening with muted, neutral colors that make the equipment visually subordinate to the building and any adjacent buildings.

K. Service Areas (Screening)

1. Purpose

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

2. Design Standards

Service areas include external utility structures, loading docks, recycling facilities, trash containers, and other similar areas; they exclude off-street parking areas which are subject to Subsection 19.304.5.C.

- a. Service areas must be located for access from the most minor street.
- b. Screening must be established on all sides of service areas, except where an opening is required for access. If access is possible only on a side that is visible from a public street, a solid gate or door is required.
- c. Landscaping, structural elements, painting, and/or murals or other public art must be used to screen service areas that are located along a public street frontage. The required screening must result in an opaque barrier to a minimum height of 6 ft.
- d. Where structural forms of screening are utilized, the materials must match the primary or secondary building materials and colors as described in Subsection 19.508.4.C.
- e. For new buildings, waste collection areas must be located within the building itself rather than a stand-alone waste enclosure.
- f. Residential-only multifamily and mixed-use buildings must meet the recycling area standards of Table 19.505.3.D.10.

3. Design Guidelines

- a. Service areas, loading docks, waste enclosures, external utility structures, and other similar features should be located away from pedestrian areas, public street frontages especially Main Street, or at a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.
- b. Whenever possible, all sides of service areas, loading docks, waste enclosures, and other outbuildings should be screened and concealed. Solid gates or doors should be used on sides requiring access.
- c. Screening, fencing, landscaping, decorative walls, or other treatments should be used to provide screening, using materials and designs compatible with the primary building they serve. Screening should be of a height, width, and opacity necessary to sufficiently screen all equipment and service areas.
- d. Waste collection areas should be located and designed to minimize visual, odor, and noise nuisances, and should be integrated into the building. If separate waste

collection enclosures are utilized, they shall be screened, covered with a roof or be self-contained.

- e. Residential-only multifamily and mixed-use buildings should provide recycling areas that are appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.

L. Resident Open Space

1. Purpose

To promote livability in the downtown environment by providing open space amenities within the development site for use by residents.

2. Design Standards

- a. The following standards apply to mixed-use buildings and residential-only multifamily buildings with four or more units.
- b. Fifty (50) sq ft of resident open space is required for each dwelling unit. The open space may be developed entirely as private open space or common open space, or it may be a combination of the two types of open space. Usable open space required by Subsection 19.508.4.A.2.b that meets the design standards of Subsection 19.508.4.M.2 may also be counted towards the resident open space requirement.
- c. Private Open Space
 - (1) Private open space, if provided, must be contiguous to the unit it serves shall be directly accessible from the interior of the dwelling unit.
 - (2) Private open space may be provided in the form of a porch, deck, balcony, patio, terrace, or other private outdoor area.
 - (3) Areas used for entrances or exits will not be considered as private open space except where such entrances or exits are for the sole use of the unit they serve.
 - (4) Balconies, decks, porches and patios must have a minimum depth of 4 ft and may project up to a minimum of 4 ft into the public right-of-way.
- d. Common Open Space
 - (1) Common open space, if provided, must be at least 15 ft by 15 ft in dimension and may be provided in the form of decks, shared patios, plazas, courtyards, landscaped areas, roof gardens, recreation rooms, lobbies, or other gathering spaces created strictly for the occupants and not associated with storage or circulation.
 - (2) Outdoor common open space areas must integrate amenities such as tables, benches, movable seating, trees, shrubs, landscaping areas or planters, garden plots, and/or fountains.
 - (3) Outdoor common open space must be lighted as required by Subsection 19.508.4.N.

- (4) When provided at ground level, outdoor common open space must be abutted on at least one side by the building, with at least 1 window and 1 door to access the space; and must be bordered on at least one other side by fencing or walls less than 42 in high, landscaping strip or planters at least 2 ft wide, site furnishings, or other building walls.
- (5) Regardless of location (ground-level or above), where any building wall abuts an outdoor common open space, the wall must include at least 1 window or door with a minimum of 50% glazing.

3. Design Guidelines

- a. Building design should incorporate ample open space opportunities for residents with a mix of private and/or common open spaces to provide access to outdoor recreation, scenic amenity, or shared outdoor space for people to gather.
- b. Any private open spaces should be scaled to enhance usability by residents and have direct access from the dwelling unit and should be visually and/or physically separate from common areas.
- c. Any common open spaces should be inviting and enhance opportunities for use by residents. These spaces should be human-scaled, accessible, durable, attractive, and secure.
- d. Any common open spaces should integrate amenities for residents' use and enjoyment, including landscaping in outdoor spaces.
- e. Any common open spaces should be well-defined by surrounding buildings, walls, fences, landscaping, or other techniques to provide visual definition for the space. Adjacent buildings should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.

M. Plazas and Usable Open Space

1. Purpose

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

2. Design Standards

Open spaces such as plazas, courtyards, gardens, terraces, outdoor seating, small parks, and similar spaces, including usable open space provided to meet the standards of Subsection 19.508.4.A.2.b, must meet the following standards.

- a. Where any building wall abuts an open space, the wall must include at least one window or door with a minimum of 50% glazing.
- b. Usable open space must be directly accessible at grade adjacent to the public sidewalk.
- c. Hardscaping in open spaces must utilize concrete or unit paving and may not use asphalt or gravel surfacing.

- d. Landscaping must be integrated into open spaces to meet the following:
 - (1) A minimum of 10% of the open space area must be landscaped areas incorporating trees, shrubs, and ground cover.
 - (2) No more than 20% of this landscaped area can be covered in mulch or bark dust. This requirement excludes mulch or bark dust under the canopy of trees or shrubs.
 - (3) Nuisance species listed in the Milwaukie Native Plant List are prohibited.
 - e. Open spaces must provide at least 3 ft of seating area (e.g., bench, ledge, etc.) or one individual seat, including movable seating for outdoor seating areas, per 60 sq ft of plaza or open space area.
 - f. Open spaces must be lighted as required by Element N (Outdoor & Exterior Building Lighting).
3. Design Guidelines
- a. Plazas and open spaces should be inviting and create opportunities for a variety of uses.
 - b. Plazas and open spaces should avoid separation from the street by visual barriers or significant change of grade. Plazas and open spaces should create visual and physical connections to abutting buildings.
 - c. Plazas and open spaces should be human-scaled, accessible, durable, and attractive, and should enhance users' comfort and enjoyment by integrating features such as:
 - (1) Pedestrian amenities such as water features, drinking fountains, and/or distinctive paving or artwork
 - (2) Permanent or movable seating
 - (3) Weather protection, especially weather protection that can be moved or altered to accommodate conditions
 - (4) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer
 - (5) Lighting
 - d. Plazas and open spaces should create visual interest by including a mix of hardscape and landscape elements such as trees, shrubs, and plants.
 - e. Landscaping in plazas and open spaces should be integrated to provide shade for hardscaped areas and to provide visual interest and texture.
 - f. Buildings adjacent to plazas and open spaces should incorporate transparent windows and doors to provide physical and visual access to the space and should include active use areas that front the open space.
 - g. Plazas and open space should be designed to integrate sustainability and enhance the relationship to the natural environment, including consideration of the sun angle at noon and the wind pattern in the design of the space and incorporation of water treatment features such as rain gardens.

N. Outdoor and Exterior Building Lighting

1. Purpose

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

2. Design Standards

a. Lighting must be designed to comply with the following standards:

- (1) Primary building entrances required in Subsection 19.508.4.E must have a minimum illumination of 2.0 foot-candles.
- (2) All other building entrances and areas underneath weather protection elements described in Element I (Weather Protection) must have a minimum illumination of 1.0 foot-candles.
- (3) Common open spaces for residents subject to Subsection 19.508.4.L must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 1.0 foot-candles throughout the space.
- (4) Plazas and usable open space subject to Subsection 19.508.4.M must be lighted with pedestrian-scaled lighting (no more than 14 ft in height) at a level at least 2.0 foot-candles throughout the space.
- (5) If off-street parking areas are present, lighting must comply with standards in 19.606.3.F.

b. Lighting luminaires must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed downward, except as provided for up-lighting of flags and permitted building-mounted signs.

c. Lighting must not cause a light trespass of more than 0.5 footcandles measured vertically at all shared property lines of the site, with the exception of property lines along public right-of-way.

d. Flashing or strobe lights, fluorescent tube lights, and security spotlights are prohibited on building exteriors.

3. Design Guidelines

a. Exterior lighting should be used to articulate the building elements, including (but not limited to) entrances, common open spaces for residents, plazas and usable open space, signage, canopies, cornices, storefronts, and other architectural features. Lighting levels of entrances, areas underneath weather protection elements, and all open spaces should be pedestrian scale and provide a sense of safety.

b. All lighting should be designed to prevent unnecessary illumination of adjacent sites, with the exception of adjacent sidewalks within a public-right-of-way where illumination is desired. As a rule of thumb, lighting levels should be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.

c. Flashing or strobe lights, fluorescent tube lights, and security spotlights are strongly discouraged from use on building exteriors.

19.508.5 Variances

Variances cannot be granted for the design ~~standards elements~~ of Section 19.508. Projects that ~~cannot~~ must meet the design standards and/or guidelines in this section ~~must be reviewed through a Type III downtown design review and demonstrate compliance with the Milwaukee Downtown Design Guidelines, pursuant to Section 19.907.~~

DRAFT

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Downtown design review is intended to achieve the following purposes:

- A. Preserve and enhance the character of downtown Milwaukie.
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is distinctive as a whole.
- C. Ensure that new development, and alterations or enlargement of existing development, are consistent with the downtown site and building design standards and guidelines of Section 19.508 ~~or Downtown Design Guidelines~~.
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan.
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

19.907.2 Applicability

Applications for downtown design review shall be processed through a Type I, II, or III procedure, in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown design review does not apply to the following projects:

- 1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403.
- 2. Building additions of less than 250 sq ft that are not visible from streets, sidewalks, courtyards, public parks, and/or pedestrian walkways.
- 3. Maintenance, restoration, and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching, and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
- 4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act.
- 5. Exterior painting and weatherproofing.
- 6. Any exterior project that doesn't require a building permit.
- 7. Interior remodeling.
- 8. Minor site improvements, including, but not limited to, installation of benches, trash cans, bicycle racks, informational kiosks, site lighting, signs, and other similar improvements as determined by the Planning Director. A guide for determining whether a proposed improvement is exempt shall be the consideration of whether there are any applicable design standards provided in Section 19.508.
- 9. In City parks, improvements that are consistent with an approved master plan.

B. Type I

The following projects are subject to Type I downtown design review:

1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof.
2. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage.
3. Addition, elimination, or change in location of entry doors and loading doors.
4. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade.
- ~~5. For commercial and mixed-use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.~~
- ~~6. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.~~
- ~~7. Addition of new fences and/or retaining walls of 4 ft height or less.~~
- ~~8. Change of existing grade.~~
95. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 sq ft.
- ~~106. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required or which reduces the open space area by less than 10%. Reduction of the open space area below the minimum required requires variance review per Chapter 19.911.~~
- ~~147. A new stand-alone multifamily residential building or addition that meets the objective downtown design standards in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.~~

C. Type II

The following projects are subject to Type II downtown design review:

1. New development that meets the design standards of Section 19.508.
2. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.
3. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage.
- ~~4. For commercial and mixed-use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees.~~
- ~~5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.~~

- ~~6.~~ Addition of new fences and/or retaining walls more than 4 ft high.
- 74. An increase in floor area proposed for a nonresidential use by more than 10% or 2,000 sq ft, whichever is greater.
- 85. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area by 10% or more.
- 96. An increase in the height of an existing building up to the maximum height.
- ~~107.~~ A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.
- ~~11.~~ A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. An applicant may elect to process a stand-alone residential building through Type II downtown design review if the applicant prefers to meet the design standards of Section 19.508.

D. Type III

The following projects are subject to Type III downtown design review:

1. Any project, at the applicant's option.
2. A project, addition, or expansion that ~~is unable to~~ proposes to meet one or more of the design standards ~~guidelines~~ of Section 19.508 in lieu of complying with the design standards of Section 19.508 because additional design flexibility is desired.
3. A project that does not fit the applicability for Type I or II review.
- ~~4. A stand-alone multifamily residential building, if applicants elect to process through Type III downtown design review rather than Type I or II Development Review because additional design flexibility is desired.~~

19.907.3 Review Process

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards and/or guidelines. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508. It is generally intended for smaller building and site renovation projects, as listed in Subsection 19.907.2.B.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards in Section 19.508. It

generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.C.

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Design and Landmarks Committee and Planning Commission determine ~~substantial consistency compliance with the purpose statement of the relevant standard or standards and the Milwaukie Downtown Design Guidelines design guidelines in Section 19.508~~. It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.D.

C. Review Options

Designing a project to the design standards would result in a Type I or II review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type III review, applicants can address downtown design review requirements through a combination of satisfying certain design standards in Section 19.508 and, in instances where they elect not to utilize design standards, ~~satisfying the purpose statement of the applicable standard or standards and the applicable design guidelines in Section 19.508~~ instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

19.907.4 Application

Applications for downtown design review shall be filed with the Planning Department on forms prescribed by the Planning Director. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the “Submittal Requirements” and “Site Plan Requirements” forms, each application for downtown design review shall be accompanied by the following information:

~~A. Completed downtown design review checklist (for Type III only).~~

~~B~~A. Written statement that describes the following:

1. For Type I and II downtown design review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
2. For Type III Design Review, how the proposal meets applicable design guidelines in ~~the Milwaukie Downtown Design Guidelines document~~ Section 19.508.

~~C~~B. Footprints of surrounding buildings, including driveways and pedestrian connections.

~~D~~C. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.

~~E~~D. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.

~~F~~E. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.

~~G~~F. Frontage improvements in the public right-of-way per the Public Works Standards.

19.907.5 Approval Criteria

A. Type I Downtown Design Review

An application for Type I downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals.

B. Type II Downtown Design Review

An application for Type II downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.

C. Type III Downtown Design Review

An application for Type III downtown design review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards in Section 19.508.
3. ~~Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s)~~ Compliance with the applicable design guidelines in Section 19.508 being utilized in place of the applicable design standard(s).

19.907.6 Report and Recommendation by Design and Landmarks Committee

The Design and Landmarks Committee ~~shall~~ will hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.

19.907.7 Variances

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must use the Type III discretionary downtown design review process.
- ~~B. For applications using the Type III downtown design review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted. (Ord. 2161 § 2, 2018; Ord. 2140 § 2, 2017; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011~~

Summary of Proposed Amendments (2022)

Downtown Design Review Process

Key Changes to MMC 19.508.4 (downtown design standards)

A. Site Frontage (*new element*)

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

Background – The current code includes three different development standards that all relate to a site’s frontage: (1) Flexible Ground-Floor Space, intended to ensure that new buildings are designed to accommodate active uses (e.g., retail and eating/drinking establishments); (2) Street Setbacks / Build-To Lines, to ensure that the ground floors of buildings engage the street right-of-way, for compatibility and harmony between buildings; and (3) Frontage Occupancy, to ensure that buildings are used to create a “street wall” that contributes to a walkable and pedestrian-friendly environment.

In the current code, a proposal that does not meet these development standards would have to request a variance. The proposed amendments combine them into a new design element and establish some guidelines for use in the discretionary review process, allowing an opportunity for alternative designs that still meet the intent.

Key Changes

- Frontage Occupancy
 - Revise Figure 19.304-6 to more clearly indicate the frontages that have the 50% standard.
- Street Setbacks / Build-To Lines
 - No changes proposed.
- Active Ground Floor Space
 - Rename from “flexible ground-floor space” to be clearer about the intention.
 - Raise the minimum ground-floor height from 14 ft to 15 ft, to allow slightly more flexibility for ground-floor uses and the infrastructure that may be necessary (e.g., HVAC, etc., such as for restaurants).

B. Wall Structure and Building Façade Detail (*existing element*)

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

Background – This element is currently labeled simply as Building Façade Details and is intended to provide cohesive and visually interesting building façades, particularly along the ground floor. The design standards are focused on nonresidential and mixed-use buildings and address both vertical and horizontal aspects of the façade. Rowhouses (townhouses) and

live-work units are exempted from this design element and directed to the applicable provisions in MMC Section 19.505.

Key Changes

- Vertical Articulation
 - Base
 - ❖ Shift the ground-floor architectural bay requirement into the Horizontal Articulation subsection of this element.
 - ❖ Eliminate the redundant requirements to comply with the standards of the Weather Protection and Windows elements, leaving only the requirement to construct the ground-floor façade of brick, stone, or concrete.
 - ❖ The updated guidelines allow flexibility for tripartite design or an alternative “human scale” design.
 - Middle
 - ❖ Reduce the design requirement from providing each of three different features to choosing from a menu of options.
 - ❖ The requirement for changes in wall plane has been shifted to the Horizontal Articulation section in favor of a more general requirement to provide horizontal architectural features that extend along at least 75% of the façade length.
 - ❖ Move the 6-ft step back option to Building Massing (Element H) as a requirement for buildings exceeding the maximum base height.
 - Top
 - ❖ Require that the top be distinguished from the rest of the façade, depending on the roof type (e.g., flat/low-slope versus pitched/overhang). *(The current code has no specific requirement for the building top, only a reference to Roofs (Element J).)*
- Horizontal Articulation
 - Incorporate some standards previously in the Vertical Articulation subsection to establish more options for dividing the street-facing façade.
 - Eliminate the requirement for a significant break in façades over 150 ft in length to allow for a more coherent design.
- Residential-only Buildings
 - Require residential-only buildings downtown to address the downtown design standards of MMC 19.508 (with no option to address the multifamily MMC Subsection 19.505.3 instead)—this is something that is changing throughout MMC 19.508 for residential-only buildings.

C. Exterior Building Materials *(existing element)*

Purpose/Intent – *To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, are compatible with downtown Milwaukie and the surrounding built and natural environment, and activate the building around the pedestrian realm.*

Background – In the current code, this design element is applicable to the street-facing façades of new buildings and to façade modifications that affect more than 50% of the

existing façade area. It distinguishes primary, secondary, and accent materials by percentage of use—primary materials are required on at least 65% of the façade, secondary materials on no more than 35%, and accent materials on no more than 10%. A table lists material types and indicates whether each is allowed as a primary, secondary, or accent material for either nonresidential/mixed-use or residential buildings. The table also lists five materials that are prohibited.

Key Changes

- Differentiation in the building materials list for ground-floor and upper-floor materials, while eliminating distinctions for residential and nonresidential uses.
- Refinements to the materials themselves are intended to align the list with modern construction practices while retaining a focus on durable and quality materials. For example, finished wood siding is proposed as an accent material rather than a primary material in favor of primary materials such as brick and concrete that provide greater durability and presence.
- Remove prohibited materials from the list, to have the table simply show what materials are allowed.
- For ground-floor façades, raise the standard of required primary materials to a minimum of 90%, with 0% secondary materials and no more than 10% accent materials. For upper-floor façades, maintain the same percentages as present for primary (65% min), secondary (35% max), and accent (10% max) materials.
- Add flexibility to use a Director’s Determination to propose similar materials not listed in the table.
- Require ground-floor materials to wrap around to non-street-facing façades to a minimum depth of 10 ft or the edge of the abutting building (whichever is less).
- Establish an applicability threshold for expansions or additions to existing street-facing façades (25% of existing façade area or 500 sq ft, whichever is less). Maintain the 50% threshold for modifications to existing street-facing façades.

D. Façade Transparency (new element)

Purpose/Intent – *To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces.*

Background – The current code includes a design element that combines standards for windows and doors.

Key Changes

- Separate the features addressed by windows and doors into three distinct elements, including this one that focuses on the concept of façade transparency. Doors and building entrances are addressed in Element E, and the design and material nature of windows are the focus of Element F.
- Establish distinct standards for transparency at the ground-floor level versus for upper floors and for nonresidential/mixed-use versus residential-only buildings.

- Raise the ground-floor glazing percentage on McLoughlin Boulevard from 30% to 40%.
- Redefine the ground-floor level as 3 ft above finished grade to the bottom of ceiling joists or roof rafters or 12 ft above finished grade (whichever is less). *(The current definition is from grade level up to finished ceiling height or 15 ft above grade. The rationale for change is that the building does not benefit as much from transparency at the lowest part of the façade, so the emphasis should be on providing windows starting at a height where they make the biggest design difference.)*
- Limit blank street-facing walls to no more than 450 sq ft or 30 linear ft (whichever is less) without windows or doorways. Require Horizontal Articulation treatments (from Element B) and offer two alternatives if this blank-wall standard cannot be met: (1) provide landscaping in front of the wall (screening at least 50% of the wall surface in three years), or (2) provide an art mural on at least 50% of the wall.
- Eliminate the standards related to views into buildings and limiting window coverings, as these are more about post-construction operation and performance.

E. Building Entrances *(new element)*

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

Background – Currently, there are design standards for windows and doors, with a single development standard for primary entrances.

Key Changes

- With the proposal to establish separate elements for façade transparency and windows, the remaining design standards for doors and primary entrances have been combined and expanded in this new element.
- Establish requirements for entrance locations on higher classification streets, with greater detail on the prioritization of streets.
- Maintain the requirement for a primary entrance facing an abutting street or oriented to within 45° of the abutting street property line. But eliminate the option of meeting this standard by simply providing a connecting walkway to the sidewalk (if the entrance is turned more than 45°), as a walkway is not enough to provide the desired effect.
- Require design elements to define the primary entrance for nonresidential and mixed-use buildings, with a menu of options (choose one of three).
- Require 75% glazing on doors at primary entrances of nonresidential/mixed-use buildings.
- Require illumination of all entrances.
- Remove the requirement to maintain primary entrances and doors on street-facing block faces unlocked during business hours (commercial use)—this is a performance issue and not something to be addressed with design.

F. Windows (existing element)

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

Background – As noted above, the current code includes design standards for windows. Although windows by their nature are major contributors to façade transparency, they also have physical aspects that need to be addressed specifically as a separate element.

Key Changes

- Eliminate the visible transmittance (VT) requirement to avoid conflict with energy code and building code standards.
- Eliminate requirements to require views into storefronts and limit window coverings— this is more of a performance standard and not directly a design issue.
- Eliminate the requirement about sign coverage in windows as unnecessary/redundant— the sign code sets the standard.
- Limit the use of spandrel glass to floor lines and parapets.
- Eliminate the requirement that a minimum of 60% of all upper-floor windows be vertically oriented. (*The nature of contemporary design and the challenges of multistory construction naturally push windows to be vertically oriented.*)
- Adjust the requirement for the bottom edge of nonresidential/mixed-use windows along pedestrian walkways to no more than 1 ft above grade and no more than 3 ft above grade. (*The 3-ft maximum is intended to be consistent with the Façade Transparency element, which only counts transparency starting at 3 ft above grade.*)
- Establish a list of approvable materials for new window frames (anodized or painted aluminum, frameless, fiberglass, wood).
- Require consistency of materials and dimensions when replacing windows.
- With respect to prohibited elements, acknowledge that tinting can be allowed in conjunction with the energy code. Remove the prohibition on unpainted metal frame windows, due to the clarification above that anodized or painted aluminum windows are the only kind of new metal windows allowed. Allow opaque glazing on non-Main-Street façades, since it may be necessary for privacy (e.g., bathrooms).

G. Corners (existing element)

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

Background – The current code includes a Corners element, with standards for nonresidential and mixed-use buildings only— the proposed amendments maintain that focus.

Key Changes

- Add to and clarify the menu of design options for distinct corner treatment:
 - A lobby or retail space (100-sq-ft minimum) with 90% transparency within 5 ft of the corner.

- Pedestrian canopy or marquee (10-ft-long minimum).
- Chamfered corner (or rounded or stepped corners) at least 10 ft wide.
- More specific options for providing “enhanced pedestrian amenities.”
- Create subset of priority corners along Main Street at prominent east-west streets identified in the Downtown Framework Plan, where stronger building presence directly on the corner (elements like a tower or corner inset that anchor the corner) is promoted.

H. Building Massing and Transitions *(new element)*

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

Background – There are currently development standards for both building height and transition measures. Building height would continue to be addressed as a development standard; but building mass and transition measures are aspects that are better addressed together as design standards, where the option for discretionary design review would allow consideration of alternative methods for mitigating mass. Options for height bonuses and a special variance for building height would continue to be addressed as a development standard and not a design standard, though the DLC’s recommendations for clarifying language would be incorporated into the development standard.

Key Changes

- Discussion issue = Maintain the current requirement for a 6-ft step back for street-facing portions of a building over the base maximum height; or consider requiring the step back along only 50% of the building façade, with no portion less than 20 ft long to create meaningful “skylights” for light and air at the pedestrian level. In either case, provide an option to design the step back area as recessed balconies, roof-top gardens, or other open spaces.
- Establish a requirement to vary building façade height, with options for breaking up bulk and mass. At least one variation in height must be provided for every 50-ft interval along the street-facing façade.
- Alternative approaches may be proposed to meet the design guidelines for this element, utilizing techniques to mitigate impacts of additional height and mass, ensuring access to light, privacy, and views for pedestrians and building occupants.

I. Weather Protection *(existing element)*

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

Background – The current code includes a Weather Protection element.

Key Changes

- Minimum Weather Protection Coverage
 - Eliminate the 3-ft minimum requirement for recesses (keep it general).
 - Adjust the maximum distance that weather protection can extend into the public right-of-way as needed to remain consistent with the Public Works Standards.
 - Add requirement to provide a minimum of 8 ft of clearance between any weather protection and the finished grade.
- Weather Protection Materials, Design, and Details
 - Provide specific material standards for awnings, canopies, and marquees.
 - Provide additional standards related to the location, installation, and illumination of awnings, canopies, and marquees.
 - Insert reference to ensure consistency with the applicable sign code standards.

J. Roofs and Rooftop Equipment Screening *(existing element)*

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

Background – The current code includes design standards for Roofs and Rooftop Equipment.

Key Changes

- Add “screening” to the title of this element, to emphasize that screening is a key part of this aspect of consideration.
- Enhance the design guidelines to facilitate use of the discretionary design review process if needed to achieve the goal of creating a visually interesting building.
- Clarify that the way elevator mechanical equipment is “incorporated into the architecture of the building” *(existing language)* is by using consistent exterior building materials for the mechanical shaft or penthouse.
- Clarify the idea that “screened from public view” is about being viewable from the pedestrian level from across the adjacent public street rather than being viewable from adjacent buildings.
- Clarify that rooftop screening does not count in the calculation of maximum building height.

K. Service Areas (Screening) *(new element)*

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

Background – There are currently no standards that require screening for the utilitarian aspects of new buildings. At present, garbage and recycling facilities for existing buildings

are sometimes stored on public sidewalks. Some requirements are necessary to ensure that new buildings are designed to efficiently meet their utilitarian needs while maintaining a pedestrian-friendly street environment.

Key Changes

- Define service areas as including external utility structures, loading docks, recycling facilities, and trash containers, among others.
- Require that service areas be located on the more minor street (for multi-frontage sites).
- Require screening. When structural forms of screening are used, materials must match the primary or secondary materials and colors of the building.
- Require waste collection areas to be located within the building itself.

L. Resident Open Space *(existing element)*

Purpose/Intent – *To promote livability in the downtown environment by providing open space amenities within the development site for use by residents.*

Background – The current code includes design standards for open space and plazas that primarily address the open space intended for residents of mixed-use and residential-only buildings (MMC Subsection 19.508.4.G). There are requirements for both private and common open space.

Key Changes

- Establish minimum dimensions for common open space (15 ft by 15 ft).
- Eliminate the limitation on counting landscaped buffer areas as common open space—the minimum required dimensions should prevent conflicts with adjacent uses, and the provision regarding the integration of active and passive uses was too discretionary for the objective review process.
- Revise the requirement that at least two sides of common open space abut the building, down to abutting the building on at least one side (including with at least one window and one door) and to be bordered on at least one other side by fencing, landscaping, low walls, or other building walls.
- Eliminate the existing 50% open-space credit for adjacency to an improved public park, to ensure that usable open space is provided on site.
- Introduce a reference to Outdoor and Exterior Building Lighting (Element N).

M. Plazas and Usable Open Space *(new element)*

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

Background – The current code includes development standards for open space that serves not just building residents but the larger public passing by as well (more externally oriented space).

Key Changes

- Move the requirement that at least 50% of any building setback area be developed as usable open space to Site Frontage (Element A).
- Eliminate the requirement that usable open space be abutted on at least two sides by a building; replace with requirement to provide at least one window or door with at least 50% glazing when abutted by a building wall.
- Clarify that hardscaping must be concrete or unit paving and not asphalt or gravel.
- Establish new requirements for at least 10% landscaping of open space areas, with a limit on bark dust or mulch (20% max) and prohibition of nuisance species from the Milwaukie Native Plant List.
- Require at least 3 ft of bench seating for each 60 sq ft of plaza or open space area.
- Introduce a reference to Outdoor and Exterior Building Lighting (Element N).

N. Outdoor and Exterior Building Lighting *(new element)*

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

Background – The current Downtown Design Guidelines address lighting, but there are no current standards requiring exterior building lighting or lighting of outdoor open spaces.

Key Changes

- Establish standards for lighting, though applicable only when lighting is provided. The standards address minimum lighting for building entrances, resident open space, and plazas and usable open space. A photometric plan will be required with proposed developments to determine compliance.
- Establish additional standards to limit light trespass.

Changes to MMC 19.304 (downtown development standards)

- Change “rowhouse” term to “townhouse,” to be consistent with other recent code changes related to middle housing.
- Remove building height limit based on number of stories—focus instead only on the height in feet.
- Move certain development standards out of this section, incorporating them into the design standards of MMC 19.508.4:
 - Flexible ground-floor space *(move to Site Frontage element)*
 - Maximum street setback and build-to lines *(to Site Frontage element)*
 - Frontage occupancy requirements *(to Site Frontage element)*
 - Primary entrances *(to Building Entrances element)*
 - Open space *(to Plazas and Usable Open Space element)*
 - Transition measures *(to Building Massing and Transitions element)*

Changes to MMC 19.907 (downtown design review process)

- Eliminate the option for residential-only buildings downtown to use the multifamily design standards/guidelines of MMC Subsection 19.505.3—instead, require multifamily buildings downtown to address the downtown design standards of MMC Section 19.508.
- Eliminate references to variances being needed for issues that shift from being development standards to design standards, since the design review process has a discretionary option that can consider what previously needed a variance.
- Remove the application requirement for a Downtown Design Review Checklist, since there will be greater clarity about which design guidelines are applicable to a project. Likewise, remove references to “substantial consistency” with the purpose statement of the relevant design standard, as the new criterion is to simply show compliance with the applicable standards and guidelines.
- *Suggested*—Adjust applicability of the design review process to certain actions, removing those for which there are no development or design standards to use as approval criteria.
- *Suggested*—Allow all new buildings downtown (and substantial redevelopment and expansions) to use the Type I review process (with public notice) if they meet applicable downtown design standards.

Comparative Review

Downtown Design Review for Recent Projects

Axeltree

5-story mixed-use building with c.7,200 sq ft of ground-floor commercial space and 110 dwelling units on upper floors

(11125 SE 21st Ave—primary file #DR-2017-001, addressed as 2036 SE Washington St)

- Needed a variance from the 6-ft step back requirement for the fourth and fifth stories. *(This was previously a development standard that was moved from MMC 19.304.5 to MMC 19.508.4 in 2019.)*
- Design review issues:
 - Washington Street façade did not meet the horizontal articulation standard—was supposed to provide significant breaks along every 150 linear feet, at least 20 ft deep and 15 ft wide and continuous along the full height of the building. Instead, the design proposed a vertical band of four projecting windows, with color and material changes for variety and to break up the wall. Also, proposed public art on each side of the parking garage entrance door.
 - Washington Street ground-floor wall area was just under the required 40% openings.
 - Upper-floor windows did not meet the 60% vertical orientation standard (was around 50%). Instead, the design proposed oversized glass windows with no vertical mullions to block the view.

➤ *What would be different if reviewed under the proposed new code?*

No variance would be needed for the step back standard—the discretionary review process (Type III) would be used to consider the proposed deviation from the step back design standard. The other design issues noted above would be addressed with discretionary review as before.

Ledding Library

new library building

(10660 SE 21st Ave—primary file #CSU-2018-002)

No variance requests. Design review issues:

- Front façade (west elevation) did not meet the horizontal articulation standard—supposed to provide significant breaks along every 150 linear feet, at least 20 ft deep and 15 ft wide and continuous along the full height of the building. Instead, the design proposed full-building-height glass at main entry to break the west elevation into two distinct façades.

- Weather protection (canopy) exceeded the 6-ft extension limit by extending 11 to 13 ft over the pedestrian area.
- Just under 20% of ground-floor wall area along western elevation was openings; approximately 35% of Harrison Street façade included glazing. The requirement for both was 40%.
- The bottom edge of windows along pedestrian ways exceeded the 30-inch height limit (was 40 inches in some places due to grade change).
- Undulating roof design did not provide a parapet wall or cornice as required for a shed-roof style.

➤ *What would be different if reviewed under the proposed new code?*

No difference—the project would use the same discretionary review process (Type III) as before.

Henley Place (formerly the Kellogg Bowl)

6-story residential-only building with 178 units (including two live/work units on ground floor)

(10306 SE Main St—primary file #DR-2021-003)

- Required variances for several downtown development standards:
 - Street setbacks/build-to lines = Due to the property's flag lot configuration, the front of the building was set back over 250 ft from Main Street (10-ft maximum allowed).
 - Frontage occupancy = Again due to flag lot configuration and proposed building setback, the 50% occupancy standard could not be met (no building was proposed along the frontage).
 - Off-street parking = Again due to flag lot configuration, surface parking was provided within 50 ft of the Main Street right-of-way.
 - Open space = Only approximately 7% of the setback area was utilized as open space, where 50% was the requirement.
 - Parking structures (MMC 19.611) = The two street-facing façades provided just under 60% ground-floor windows or wall openings (minimum requirement was 75%).
- Design review issues:
 - Weather protection = Southwest corner of building provided only 40% weather protection (50% required), and one ground-floor building entry did not have a canopy or 3-ft recess.
 - Exterior building materials = Neither street-facing façade (east and west elevations) provided the minimum required 65% minimum of primary materials.
 - Windows and doors = Less than 60% of upper-level windows vertically oriented.

➤ *What would be different if reviewed under the proposed new code?*

The need for four out of five variances would be eliminated, as the discretionary review process (Type III) would be used to address what would now be design standards for street setbacks/build-to lines, frontage occupancy, off-street parking location, and open space. Only the standard related to parking structures would still need a variance. The other design issues noted above would be addressed with discretionary review as before.

Coho Point

6-story mixed-use building with c.7,000 sq ft of ground-floor commercial space and 195 dwelling units

(11103 SE Main St—primary file #DR-2021-001)

- Required variances for downtown development standards:
 - Building height = Proposed building was six stories (78 ft)—with allowable height bonuses, the standard was five stories or 69 ft.
 - Street setbacks/build-to lines = Building façades on Main Street, Washington Street, and Adams Street were set back 2 to 3 ft from the property line (maximum allowed setback along those frontages was 0 ft).
- The project did not meet most of the specific downtown design standards and so went through the discretionary review process (Type III), making the case that the design met the purpose statement for each applicable element.

➤ *What would be different if reviewed under the proposed new code?*

The need for the street setback/build-to lines variance would be eliminated, as the discretionary review process (Type III) would be used to address what would now be a design standard. The design would still require a height variance (Type III) and would use the discretionary review process to evaluate compliance for all applicable elements.

Dogwood Station

6-story residential-only building with 55 units

(2206 SE Washington St—primary file #VR-2021-017)

- Required a variance for building height (for one additional story).
- Addressed the multifamily design guidelines of MMC 19.505.3 instead of the downtown design standards/guidelines of MMC 19.508.

➤ *What would be different if reviewed under the proposed new code?*

The project would still require a variance for building height (Type III) and would now also have to address the downtown design standards instead of opting to use the multifamily guidelines. The larger design review could be Type I or Type III, depending on whether the downtown design standards could be met.

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Adam Heroux, Associate Planner
Vera Koliass, Senior Planner

Date: August 2, 2022 for August 9, 2022 Work Session

Subject: Re-defining Allowed Uses in High Density Residential Zones

ACTION REQUESTED

Planning Commission is asked to review and provide feedback on the staff proposal to update code language in the High Density residential zones. This is the second work session of three. Please refer to the first work session on [June 28, 2022](#) for the project background and process.

ANALYSIS

The Planning Commission reviewed the first set of definitions on [June 28, 2022](#). The purpose of this staff report is to discuss the definition of “boarding house” and consider potential new definitions.

Staff propose updating definitions in the code so that:

- 1) The code defines Use Categories by the external impacts of the use, such as foot and vehicle traffic, rather than biasing the land use review process with a focus on the residents of the development.
- 2) The code acknowledges several residential uses that accommodate affordable group living but are not currently represented in our code.

The definition of **Boarding House** as it exists in Milwaukie’s code is as follows:

Residential Use Type	Current Definition
Boarding House	A building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily, by persons paying consideration for sleeping purposes where meals may or may not be provided, and which is not occupied as a single-dwelling unit. Lodging capacity is subject to provisions of the Uniform Building Code.

Staff has searched land use records; there are no known **Boarding Houses** in the city although they have been allowed since 1946.

Historical context of ‘Boarding Houses’ and similar uses

In the mid-nineteenth century, the term “SRO” emerged to refer to many kinds of **Single**

Room Occupancy housing: low-cost residential hotels, **boarding houses**, rooming houses, lodging houses, and the renting out of rooms in private apartments. In general, these are examples of group living in a building with multiple separated bedroom units that often include shared elements like a kitchen, bathrooms, and other resident services. At the turn of the 20th century, these housing types formed a bedrock of affordable housing for laborers in American cities, while upscale SROs provided housing for people of middle and higher incomes. In the years that followed, flight from urban centers to increasingly affordable single-family homes shifted the demographics and income levels of SRO residents.

From the 1950s onward, these units were increasingly stigmatized as their affordability at the bottom of the market made them a housing choice of last resort for many single person households, unhoused, disabled, and mentally ill people. Without adequate services and containing problematic design elements, many of these SROs created chaotic and unhealthy living environments. As a result, many cities put significant restrictions on the development and operation of SROs. Many cities banned them outright. Portland has seen significant loss of historical SRO units in recent years, including the closing of the Lincoln Hotel and the deterioration of The Stewart Apartments. Still, today SROs persist as one of the most affordable housing options in many major cities in the Northwest including Seattle, Vancouver (BC), and Portland.

Over the last fifty years, American cities have seen a steady decline in affordable SRO units as buildings are torn down or remodeled and repurposed into higher cost apartments or hotels. In the US between 1970 and 2000, more than 2 million affordable SRO units were lost including 75% of Portland's SRO housing stock. To preserve this housing, the Portland Housing Bureau purchased the 69-unit Joyce Hotel for \$4.2 million in 2016. Most of the remaining SRO units in Portland are managed by nonprofit or public organizations typically receiving subsidy and often providing services as part of their operation. Portland and Multnomah County recently invested more than \$20 million in two new SRO projects¹ intended to create housing bundled with social services for people suffering from addiction or other issues. These include Findley Commons and Cedar Commons. These projects often receive substantial subsidy in their development and management and are commonly managed by nonprofit organizations.

In recent years, however, some developers have rebranded SROs to appeal to people with a wider range of incomes. There are many examples of market-rate SRO-style developments more akin to adult dormitory living with added amenities, particularly in Seattle. These developments are often referred to as micro-units though they are compatible with prior and current definitions of SROs. New SROs—whether affordable or market rate—improve upon the historical problems with the SRO model by integrating critical aspects like privacy, adequate community spaces, and supportive programming for residents.

¹ "Portland banking on low-rent SRO hotels to ease housing problems", *The Oregonian*. 04/27/2019 <https://www.oregonlive.com/business/2019/04/officials-look-to-sro-hotels-as-model-for-low-income-housing.html>

Existing definition(s) in Oregon Municipal Codes

Oregon cities have many different approaches to group living. Definitions of different types of group living vary substantially between jurisdictions. Table 1—attached on page 4—details how select Oregon jurisdictions handle SROs and other forms of group living in their codes.

After reviewing the history of the term, existing code, researching other jurisdictions code, and discussing the boarding house/SRO concept with housing professionals, staff propose retiring the terms “boarding house” and SRO. Instead, staff recommends using the new term “micro-unit development” as defined below.

Residential Use Type	Proposed New Definition
Micro-unit development	A building or portion of a building wherein rooms are offered for rent and where rooms, individually or collectively, do not constitute separate dwellings. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with other room(s). Micro-units are designed to be occupied by long-term residents on a monthly or longer basis.

Although the review process isn't under discussion this evening it is important to point out for the next discussion that Milwaukie code currently allows **Boarding Houses** in residential zones, but they must undergo a Type III CU review process in all High Density residential zones. Despite similar land use impacts, a **Multi-Unit** development is permitted by right in R2, R1, and R1-B and is only subject to CU standards in the R3 and R2.5 zones. The review process for “micro-units”, if the termed is agreed upon, will be discussed at the next work session.

Key Questions for Discussion

- 1) Does the Commission support retiring the term boarding house term and replacing it with the new term micro-unit development?

NEXT STEPS

These new uses will need to be reflected in the Allowed Uses table for the High Density residential zones. Consolidation of use definitions requires reconciling discrepancies in the land use review process for the original use types. Definition consolidation may create opportunities for consolidation of the city's high density residential zones. Staff propose the following schedule for Planning Commission and City Council action:

8/23/22 – Planning Commission Work Session #3 – Allowed uses, review processes, and potential zone consolidation

09/27/22 – Planning Commission Hearing

10/18/22 - CC Work Session #1 – Consider PC's proposed code revisions

ATTACHMENTS

1. Group Living Term Comparison Chart

Table 1. Group Living Term Comparison Chart

City	Term	Allowed Uses				Definition	Notes
		Residential		Commercial			
		Zone	Permitted?	Zone	Permitted?		
Eugene	Single Room Occupancy	R-2 Medium Density	CU	C2 Community Commercial	Yes	Single Room Occupancy. A building containing at least 9 residential rooms for occupancy by individuals. Each room is without a kitchen, but may have provision for counter-top appliances and refrigerator. The toilet/bath may be private or shared with another single room occupancy (SRO) room(s). Four SRO rooms shall constitute 1 SRO dwelling. For purposes of determining residential density, 4 SRO rooms equal 1 dwelling.	Eugene has limited pockets of R-4 "High Density" zoning. There are many more pockets of R-3 zoning and R-2 zoning. For SROs, Eugene rounds up in their dwelling calculations, meaning 5 SRO rooms would equal 2 dwellings, and 9 rooms would equal 3 dwellings, etc Eugene is more permissible of SRO's in their residential zoning code than they are of Boarding & Rooming Houses. SROs are allowed by conditional use in R-2 and permitted outright in R-3 and R-4 while Boarding & Rooming Houses are not permitted in R-2, a CU in R-3, and are only permitted outright in R-4. In commercial zones, both are permitted in C-2 and C-3, while Boarding & Rooming Houses may be permitted through a CU in the General Office zone. Eugene requires monthly or longer tenure for Boarding & Rooming Houses and has no tenure requirement for SROs.
		R-3 Limited High Density	Yes	C3 Major Commercial	Yes		
		R-4 High Density	Yes	GO General Office	No		
	Boarding & Rooming House	R-2 Medium Density	No	C-2 Community Commercial	Yes	At least one dwelling together with 3 or more rooms that are offered for rent, but which rooms, individually or collectively, do not constitute separate dwellings. A rooming and boarding house is designed to be occupied by long term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.	
		R-3 Limited High Density	CU	C-3 Major Commercial	Yes		
		R-4 High Density	Yes	GO General Office	CU		
Tigard	Single-Room Occupancy Housing Unit	R-12 Medium Density	No	C-C Community Commercial	Yes	A one-room dwelling unit <u>in a hotel</u> providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.	Tigard has a modest amount of land zoned high-density and significant land zoned medium-to-high. Tigard has specific development standards for SROs and considers SROs a form of commercial lodging. These requirements include some form of shared or individual kitchen facilities, including specific safety standards for cooking units in SROs. Tigard considers SROs a form of commercial lodging and prohibits them in their residential zones.
		R-25 Med-High Density	No	C-G General Commercial	Yes		
	(Hotel)	R-40 High Density	No	MUC Mixed-use Commercial	Yes	Any structure containing dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.	
Beaverton	Boarding, Rooming or Lodging House	R-4 Medium Density	CU	C-S Community Service	CU	A dwelling or part thereof, other than a hotel, motel or multiple family dwelling, where lodging with or without meals is provided, for compensation, for three (3) or more persons	Beaverton has significant land zoned Med-High density and considers SROs a form of commercial hotel and does not permit them in their residential zones. Boarding, Rooming, or Lodging Houses are the only type of Temporary Living Quarters which are allowed in the medium and high density zones, and only by Conditional Use review. The remaining types of temporary living quarters outlined in the "Temporary Living Accommodations" are restricted to commercial zones. These uses are a CU in the C-S zone.
		R-2 Medium Density	CU	C-C Corridor Commercial	Yes		
	(Temporary Living Quarters)	R-1 High Density	CU	G-C General Commercial	Yes	Temporary living accommodations, such as: Hotels, Motels, Extended-Stay Hotels, Single-Residency Occupancy Hotels, Bed and Breakfasts, or Boarding, Rooming or Lodging House.	
Portland	Group Living	RM1 Low-scale Multi-Dwelling	Yes	C-R Commercial Residential	Yes	Group Living is the residential occupancy of a dwelling unit that contains more than eight bedrooms. Group Living is also the residential occupancy of a congregate housing facility. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging. Generally, Group Living uses often include a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site.	Portland is unique in that it consolidates a wide range of multi-unit configurations into "group living" as a single residential use category. This approach means that they permit only two different residential uses in their residential zones: Group Living <u>or</u> Household Living. For uses like SROs and boarding houses, Portland considers these Group Living as long as tenure is on a monthly or longer basis. Portland also considers dwelling units with more than 8 bedrooms to be Group Living.
		RM2 Medium-scale Multi-Dwelling	Yes	CM1, CM2 Med Density Commercial Mixed Use	Yes		
		RM3 Medium to High Multi-Dwelling	Yes	CM3 High Density Commercial Mixed Use	Yes		
		RM4 High Density	Yes	CE Commercial Employment	Yes		