



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

October 25, 2022

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

Staff: Justin Gericke, City Attorney
Brett Kelter, Senior Planner
Adam Heroux, Associate Planner
Laura Weigel, Planning Manager

Absent: Joshua Freeman

Council: Lisa Batey
Kathy Hyzy

(00:10:24)

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>.*

(00:11:25)

2.0 Planning Commission Minutes

August 23, 2022, minutes were approved with a 7-0 vote.

(00:12:05)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:12:18)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:12:50)

5.0 Community Involvement Advisory Committee (CIAC)

Laura Weigel requested that follow-up items from the joint Neighborhood District Association (NDA) / Community Involvement Advisory Committee (CIAC) meeting be

revisited during the November 8, 2022, Planning Commission meeting. The Commission agreed to Weigel's request. **Commissioner Hemer** expressed his disappointment with the NDA representation at the October 11, 2022 meeting. **Hemer** encouraged staff and commissioners to create a more robust public process for the Transportation Systems Plan (TSP). **Chair Loosveldt** expressed her disappointment with the lack of NDA participation at the October 11, 2022, meeting. **Weigel** stated Jason Wachs, Community Engagement Coordinator, provided outreach to the NDAs about the meeting. **Weigel** also speculated that COVID could still be influencing in-person participation. **Weigel** assured Hemer that there will be additional opportunities for the public to engage in the TSP process. **Weigel** shared that public engagement online has been good for the Housing Capacity Needs Analysis Survey. **Loosveldt** spoke to the city's efforts to capture community engagement and applauded the city's strategies. **Commissioner Sherman** also noted his disappointment in the lack of NDA turnout and expressed his desire to find a solution. **Commissioner Massey** stated there was only one chair present at the NDA Leadership meeting and speculated the lack of leadership presence influenced the minimal NDA participation during the joint NDA/CIAC meeting. **Massey** asked Hemer if his concern is that the TSP Citizen Advisory Group is too small and does not adequately represent the community. **Hemer** stated that his concern is that people feel like their public input is not going to matter. **Hemer** pointed out that the Engage Milwaukie website collects input from the community but there is a lack of reporting back to the community. **Weigel** reiterated that her department has done extensive public outreach around all the land use projects that happened during COVID and that survey results were reported. **Hemer** noted that the Engage Milwaukie surveys do not allow for public comment. **Weigel** shared that there is a recommendation to Council to add a 7th position to the TSP Advisory Committee; to ensure all neighborhoods are represented on the committee. **Weigel** noted an additional recommendation is being made to add a second Public Safety Advisory Committee member to the TSP Advisory Council. **Hemer** explained he is going to create a report to detail findings that are of concern. **Commissioner Erdt** cautioned that any public comments shared from the Engage Milwaukie site should only be shared if a disclosure to share is on the site. **Erdt** shared her positive experience with community conversations and stated the community is engaged. **Erdt** expressed her desire to bridge the gap between community conversations and community participation in a more structured forum. **Sherman** referenced the International Association for Public Participation and the spectrum of public participation. **Sherman** stated there might be a mismatch between the type of community participation being solicited verses the type of participation the community would like. **Looseveldt** encouraged the Commission to share information and feedback about the conversations they are having, as a member of the community, with other residents.

(00:32:27)

6.0 Work Session Items

6.1 Parks Discussion

Councilor Hyzy presented to the Commission information about the City of Milwaukie's potential withdraw from North Clackamas Parks and Recreation

(NCPRD). **Hyzy** shared that City Council added a third goal in 2022; the goal to improve Milwaukie's Park System and Services. **Hyzy** explained how the two original goals, 1) Climate Change and Resilience and 2) Equity, Justice and Inclusion are relevant and supportive of the third goal. **Hyzy** highlighted the benefits of parks: livability, health, reduction in carbon dioxide, equitable access to greenspace, and community engagement. **Hyzy** reviewed current parks funding, decision making entities and Milwaukie's dedication to parks improvements. **Hyzy** noted that making the transition away from NCPRD means that Milwaukie will have more control over its parks. **Hyzy** summarized the next steps: public engagement, analysis of funding alternatives and possible revision of parks master plan. **Justin Gericke** announced a new parks website <https://www.ourmilwaukieparks.com/> and the public Parks Forum scheduled for November 10th at 6pm at the Ledding Library.

Commissioner Sherman clarified that Milwaukie has 3.93 dedicated park acreage per 1,000 residents and the State of Oregon Comprehensive Outdoor Recreation Plan guidance recommends 6.25 acres to 13.5 acres per 1,000 residents. **Councilor Batey** pointed out NCPRD's postponement of building Milwaukie Bay Park. **Councilor Hyzy** stated that over the past year, all council members, have testified at the Clackamas County Board of Commissioners to express their concerns with NCPRD.

Commissioner Sherman asked Councilors if they had heard concerns about the District Advisory Committee potentially trying to reallocate the System Development Charges (SDCs). **Councilor Batey** explained that NCPRD is looking to eliminate the required allocation of SDCs to the zones in which they were collected from; this revision would allow NCPRD to spend SDCs collected in one zone to be spent in another zone. **Councilor Hyzy** referenced the new buildings coming online in Milwaukie and speculated that roughly three million dollars in SDCs to be collected. **Hyzy** stated NCPRD is looking to pool SDCs starting as soon as January 2023.

Vice Chair Edge asked if the Councilors thought the SDC rate at .54 per \$1,000. tax rate is too low to cover expenses. **Edge** asked specifically about natural and connected habitat maintenance. **Councilor Hyzy** stated that she could not speak to the tax rate but noted that if given the authority, the City, will allocate money in alignment with values. **Hyzy** explained that city staff are currently maintaining areas, like retention ponds. **Hyzy** acknowledged that part of the work that needs to happen is to take the time to analyze the SDC rate.

Commissioner Massey asked why the county commission is slowing down the city's departure. **Councilor Batey** stated she thought some of the commission's motivation is to capture Milwaukie's SDCs and to apply those funds to the Concord Project. **Batey** shared that only Commissioner Savas lives in the district and that he often drives the direction of the District Advisory Committee (DAC). **Batey** elaborated on the Concord School Project and noted NCPRD's desire to make the old school into a community center. **Hyzy** reiterated that this is not an us and them issue. **Hyzy** explained that Milwaukie makes things happen because

of the work that the city is doing to achieve its goals. **Commissioner Hemer** asked why a separate board of governors couldn't be created if the Board of County Commissioners is the problem. **Batey** explained that this idea was something presented to the voters in 2014 but that the idea was also comingled with a rate hike, and it ultimately did not pass with the voters. **Batey** summarized that if a 5-year levy passes and Milwaukie leaves the district, a parks master planning process will happen. **Batey** stated that it would be through the master planning process that Milwaukie would discover what people want and how best to move forward with funding. **Chair Loosveldt** suggested not using the word master when referring to the parks planning process due to its negative connotation. **Batey** announced that the Parks Town Hall meeting will be November 10th 6-7:30 at the library.

(01:24:57)

7.0 Hearing Items

(01:25:03)

7.1 ZA-2022-006, Code Amendments: EV Charging Infrastructure

Brett Kolver, cited the Milwaukie Municipal Code (MMC) where the criteria can be found: MMC Section 19.902 Amendments to Maps and Ordinances and MMC Section 19.1008 Type V Review. **Kolver** reviewed the new state requirements for Electric Vehicle (EV) charging infrastructure, citing House Bill 2180 and the Climate Friendly & Equitable Communities (CFEC) Rulemaking. **Kolver** explained that House Bill 2180 is being implemented through the building code. **Kolver** shared that the climate friendly rules need to be adopted by the end of March 2023. **Kolver** stated that both HB 2180 and CFEC are applicable to new construction. **Kolver** reviewed the different levels of EV charging infrastructure. **Kolver** defined EV Capable, EV Ready, and EV Installed. **Kolver** reiterated that the goal of the new rules is to provide infrastructure that supports EV charging and that the new state rules do not require installed EV chargers nor EV-ready wiring and outlet, only conduit to parking spaces and room in the electrical panel.

Adam Heroux named the equity considerations that will be directly impacted by the new rules. **Heroux** reviewed the goals within the Climate Action Plan related to EV charging. **Heroux** shared with the Commission that City Council supported increased requirements beyond the CFEC and HB 2180 standards and requested compliance options that prioritize installed chargers. **Heroux** explained the commercial and residential compliance scenarios for minimum compliance with the new state rules and the proposed enhanced compliance options that expand the number of EV spaces above the minimum requirements. **Heroux** stated that applicants choosing to meet the minimum requirements are asked to include 5% installed chargers in commercial buildings and 10% installed chargers in multifamily residential and mixed-use buildings. **Heroux** reviewed the approval criteria for Type V Code Amendments and the decision-making options.

Commissioner Hemer confirmed that the compliance scenario chart in the staff report is the most current. **Commissioner Sherman** suggested that the compliance scenario table be made into two different tables in the code, one for commercial and one for residential. **Brett Kelper** clarified that the compliance table was for illustration purposes only and will not be included in the code. The amendments are divided into two short sections that clearly outline the different standards for commercial and residential development. **Commissioner Massey** asked how the new proposal aligns with the state building code restrictions. **Kelper** explained that providing the option for EV-charger installation versus required installation means that the proposed amendments are not subverting the building code.

Chair Loosveldt called for any public testimony—there was none.

Vice Chair Edge commended staff on their efforts to consolidate and present the amendments in a user-friendly manner while also fulfilling City Council's goals. **Chair Loosveldt** applauded staff on their due diligence and efforts to provide well-thought-out code amendments. **Commissioner Sherman** stated he liked the two pathways presented.

ZA-2022-006, Code Amendments: EV Charging Infrastructure, was approved for recommendation by a 6-0 vote.

(01:47:03)

7.2 ZA-2022-003, Code Amendments: Downtown Design Review

Brett Kelper, cited the Milwaukie Municipal Code (MMC) where the criteria can be found: MMC Section 19.902 Amendments to Maps and Ordinances and MMC Section 19.1008 Type V Review. **Kelper** reviewed the current code, citing the Downtown Development Standards (MMC 19.304), Downtown Design Standards (MMC 19.508), and Downtown Design Guidelines (separate document). **Kelper** pointed out challenges due to the misalignment between design standards and guidelines. **Kelper** stated that the unclear applicability of guidelines created barriers and confusion for applicants, staff, and reviewers. **Kelper** noted that some of the development standards that impact design have needed a variance instead of being funneled through the design review process. **Kelper** shared the proposed solutions: revised sections of related code (MMC 19.304, 19.508, 19.907), alignment of design guidelines and design standards and the elimination of gaps, establishment of two review paths for downtown projects (Type I & II), and repeal of the Downtown Design Guidelines document. **Kelper** named the key changes to code:

- moving design-related developments standards into design standards,
- expanding design standards from seven to 14,
- applying downtown design standards to multifamily buildings downtown,
- allowing all new buildings that meet design standards to get Type I review,
- updating most graphics

Brett Kveler recapped the Commission's work session conversation from September 27th and clarified the actions taken post work session. **Kveler** noted: the creation of a simplified list of Type I and Type II activities, the continued requirement of a 6-ft step back above the base maximum height, added provision to address blank walls on street-visible facades, and an increased max floor area ratio (FAR) to be consistent with max building height. **Kveler** called out two specific recommendations that the Commission had for Council: (1) the development of a process that would require public art be integrated into new buildings and (2) exploration of ways to expand public involvement earlier in the development process. **Kveler** reviewed the approval criteria for Type V code amendments.

Vice Chair Edge asked if the purpose of this project is to make sure there are standards for all the guidelines and guidelines for all the standards. **Edge** pointed out that it seems the amendments seek to align information. **Brett Kveler** stated there is relatively little new code and more rearranging, clarifying, and extracting the most important information from the Downtown Design Guidelines. **Edge** asked if there was much discussion amongst the Design Landmarks Committee (DLC) about public art standards. **Kveler** said there was not much discussion. **Edge** asked if the DLC recommended that the Commission do away with the 6-ft step back. **Kveler** said the DLC noted it as a question to be raised with the Commission and that the DLC did not have a strong single point recommendation about the step back. **Commissioner Hemer** asked if the requirement for a clear and objective path effectively eliminates the ability to have a public art requirement. **Kveler** stated the staff report tries to highlight the complicated factors that make it difficult for public art to be put into a clear and objective process. **Hemer** asked if it is the planning department's job to write the rules for public art. **Kveler** explained that a purpose statement, clear and objective standards, and discretionary guidelines would need to be developed to establish a public art standard. **Kveler** noted that the development of a public art program did not seem immediately accessible. **Commissioner Sherman** expressed the ambiguity that often exists within the Type III review process regarding what is a public benefit. **Sherman** noted that an applicant could tell the commission what the art is. **Kveler** noted that a process where the applicant can show staff that they are meeting the standards for public art would eliminate the need for a discretionary review in front of the commission. **Sherman** gave examples of potential standards and noted how interpretive discussions about what is art could be avoided. **Kveler** stated that the challenge would be to craft language that is specific enough to identify public art options while also being flexible enough for a developer to incorporate the type of public art they want without having the application go through a Type III review process solely because of the ambiguity of the public art.

Commissioner Massey commended the planning team on simplifying the downtown design process and expressed not wanting to miss the opportunity to incorporate a public art standard into the downtown design review process. **Commissioner Hemer** expressed concern over introducing a discretionary review

process for public art within the Type I review process. **Brett Kolver** confirmed that a discretionary process within the Type I review would not be appropriate, as it would conflict with the clear and objective standards. **Justin Gericke** explained that the applicant has the right to build once they meet the clear and objective criteria and diverting any part of the Type I process towards a discretionary component eliminates the intent of the Type I process. **Hemer** stated that a list of public art options would be needed. **Gericke** noted that the list could be endless. **Elizabeth Decker**, the consultant on this amendment project, explained that public art was not discussed in depth during the project because there are no public art standards in the current downtown design review code. **Vice Chair Edge** asked if the Type I process could require a certain amount of space be set aside for art. **Kolver** said yes, a space set aside for public art could be defined. **Edge** asked if the space and art design itself were not comingled and only the space set-aside was a factor in the Type I review process, would the Type I review meet the legal requirements. **Gericke** stated he needed to think about the process and was not sure if a space requirement was a good element to include within the clear and objective process. **Edge** explained that a building's certificate of occupancy would not be tied to the public art design but rather that a separate review process would exist to look at proposed public art design. **Gericke** said that the separate public art design review process would need to be established so that the developer would be aware of what is being asked of them. **Edge** asked if a fee in lieu of public art option could work, with funds going towards public art. **Gericke** stated that a fee in lieu of art still involves the establishment of another program. **Edge** wondered if a 1%-for-the-arts type of program would be something appropriate for the commission to explore. **Edge** explained that 1% of the development fee could be set aside for art. **Edge** asked **Gericke** if the commission's role could include recommendations to Council regarding possible avenues for the creation of a required public art component for new development. **Gericke** said both the fee in lieu of option and the 1% allocation of funds could be explored. **Gericke** clarified that the commission could make a recommendation to Council to consider options for the creation of a public arts requirement. **Sherman** stated his optimism for finding a path to public art.

Commissioner Sherman inquired about the wording within the staff report regarding public notice. **Brett Kolver** listed some of the various public notice methods that might be utilized: mailings, electronic, NDA new Letter, and signage at the site.

Vice Chair Edge stated that the public art discussion has been going on for a long time. **Edge** specified that the time is right to conclude this project with its current scope. **Edge** noted he is hopeful that public art can be formulated into clear and objective language within code but did not feel the time was right to hold up the current project. **Edge** recommended approval for the current project. **Edge** stated Council needs to be aware of how important public art is, especially in the downtown. **Edge** noted that the public art conversation needs to be robust, include various entities, and needs to evolve in a meaningful way.

Chair Loosveldt agreed with Edge's statements. **Commissioner Hemer** acknowledged that the current amount of work done to align code is robust. However, **Hemer** announced his desire to not move the work forward without the inclusion of public art and noted this may be the only real opportunity to address this topic and get something done. **Hemer** expressed frustration about past attempts to move the public art discussion into implementation. **Commissioner Massey** stated he shared Hemer's concern. **Commissioner Sherman** agreed with Hemer that now is the opportunity to do something. **Sherman** stated he was concerned that the public art topic would not find its way back into discussion. **Commissioner Erdt** asked what delaying the recommendation of the code amendments would mean for staff. **Laura Weigel** said it meant that staff would need to look at work plans and consider the complexity of the ask. **Weigel** acknowledged an uncertain timeline. **Edge** stated a city-wide public art program is what is needed to properly address this issue. **Edge** declared it is not the work of the commission to come up with such program. **Sherman** expressed that framing it as a program is not necessary and is over-complicating it.

Commissioner Sherman made a motion to continue the hearing to January 24, 2023. **Commissioner Massey** second the motion.

ZA-2022-003, Code Amendments: Downtown Design Review Commission was continued to January 24, 2023, with a 4-2 vote.

(02:54:37)

8.0 Planning Department/Planning Commission Other Business/Updates

No items discussed.

(02:54:50)

9.0 Forecast for Future Meetings

November 8, 2022	Hearing Item(s):	1. CU-2022-003 – Barbara Lynn Way conditional use for vacation rental
	Work Session Item(s):	1. Code Amendments: Climate-Friendly and Equitable Communities (tentative)
December 13, 2022	Hearing Item(s):	1. VR-2022-009 – Alpha Stone Works variance to design standards in MUTSA zone 2. Code Amendments: Climate Friendly and Equitable Communities
	Work Session Item(s):	1. Draft Housing Capacity Analysis

Meeting adjourned at approximately 9:26 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II



CITY OF MILWAUKIE

AGENDA

October 25, 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/UCRFbfg3OnDWLQKSB_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-104>) 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 August 23, 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 Parks Discussion

Summary: Potential withdrawal from NCPRD

Staff: City Council member

7.0 Hearing Items

7.1 Code Amendments: EV Charging Infrastructure

Summary: Proposed code amendments to conform with Oregon House Bill 2180 (HB 2180) and Climate-Friendly and Equitable Communities (CFEC) rulemaking

File: ZA-2022-006

Staff: Senior Planner Brett Kolver & Associate Planner Adam Heroux

7.2 Code Amendments: Downtown Design Review

Summary: Proposed code amendments to update the downtown design review code language and review process

File: ZA-2022-003

Staff: Senior Planner Brett Kolver

8.0 Planning Department/Planning Commission Other Business/Updates

9.0 Forecast for Future Meetings

Nov. 08, 2022	Hearing Items:	VR-2022-009 – Alpha Stone Works variance to design standards in MUTSA zone
		CU-2022-003 – Barbara Lynn Way conditional use for vacation rental
	Work Session Items:	Draft Housing Capacity Analysis
		Code Amendments: Climate-Friendly and Equitable Communities (tentative)

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to 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
Amy Erdt
Joshua Freeman
Greg Hemer
Robert Massey
Jacob Sherman

Planning Department Staff:

Laura Weigel, Planning Manager
Vera Kolias, Senior Planner
Brett Kolver, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Assistant Planner



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

August 23, 2022

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Joshua Freeman
Greg Hemer
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Jacob Sherman

Staff: Justin Gericke, City Attorney
Adam Heroux, Associate Planner
Brett Kelter, Senior Planner
Vera Kolas, Senior Planner
Laura Weigel, Planning Manager

Absent: Amy Erdt

(00:12:29)

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>.*

(00:13:34)

2.0 Information Items

Laura Weigel, Planning Manager, shared that agenda item 6.1, a work session item regarding downtown design review, has been pushed to the September 27 Commission meeting and the public hearing on the topic will be pushed to the October 25 meeting.

Weigel introduced Commissioner Joshua Freeman and welcomed him to the Commission.

(00:14:57)

3.0 Audience Participation

No information was presented for this portion of the meeting.

(00:15:19)

4.0 Community Involvement Advisory Committee (CIAC)

Weigel noted that staff will provide an update on the upcoming joint Neighborhood District Association (NDA) and Commission meeting at the next Commission meeting.

Commissioner Hemer noted the need to engage with NDA leaders during the land use application process in all land use cases but especially for Type III applications and applications located downtown. **Weigel** responded that NDA engagement can be discussed further during the work session on September 27.

(00:18:50)

5.0 Hearing Items

(00:18:51)

5.1 VR-2022-005, 2433 SE Dove St

Commissioner Hemer disclosed ex parte communications between him and Kristina Smith, one of the applicants. There was no communication regarding the details of the application package. **Chair Loosveldt** disclosed potential ex parte communication with the applicants as she lives within 300 feet of the subject property. There has been no communication regarding the application package.

Brett Kelter, Senior Planner, shared the staff report. The applicants are seeking a variance from the lot coverage, rear yard setback, and roof slope standards to officialize existing development on the site. The applicants propose to remove 1,376 square feet of existing structures, lowering the lot coverage from 36% to 33%, 3% more than the 30% maximum lot coverage standard. Additionally, the proposed carport roof slopes are consistent with the roof slope of the mid-century-modern-style primary structure. Staff recommended approval of the requested variances, as they are reasonable and appropriate, minimize negative impacts to surrounding properties, and maintain consistency with the primary structure.

Commissioner Sherman asked whether the development tree code would be triggered by this development, had it been permitted at the outset. **Kelter** responded that the development may have required tree plantings if trees were removed for the development. **Kristina and Kevin Smith, the Applicants**, noted that they intend to plant three trees in the side yard near 25th Ave.

Robert Westcott, a Milwaukie resident, noted support for the application.

Vice-Chair Edge noted support for the application.

VR-2022-005, 2433 SE Dove St, was approved by a 6-0 vote with the findings and conditions of approval presented in the staff report.

(00:42:38)

5.2 NR-2022-001, Milwaukie Bay Park, 11211 SE McLoughlin Blvd

Vice-Chair Edge noted service on the Clackamas County Pedestrian and Bikeway Advisory Committee, the applicant presented the proposed

improvements to the committee and Edge offered feedback on the improvements in his capacity as an advisory committee member. **Commissioner Sherman** noted that he has engaged in conversations with community members and elected officials regarding Milwaukie Bay Park.

Vera Kolias, Senior Planner, presented the staff report, the application package is phase 3 of the Milwaukie Bay Park improvements. Some improvements include a nature-themed children's play area, water features, pedestrian and bicycle pathways, public restrooms, public art, new tree plantings, and improved stormwater management facilities. The application packages include Willamette greenway review, conditional use review, natural resource review, downtown design review, and a requested variance to the pervious pavement requirement for internal park pathways. To address the natural resource review approval criteria the applicants provided a natural resource report that addresses the impacts of the proposed development within the mapped natural resource areas. The improvements meet both the community needs and City direction regarding park improvements. The proposed development minimizes negative natural resource impact to the extent practicable and avoids impacts to ecological functions by limiting new development to areas further from the vegetated corridor, above existing pathways. Additionally, the application package is compatible with the river, it enhances and protects views through view corridors. Staff recommended approval of the application package and adoption of the findings, conditions of approval, and other requirements presented in the staff report apart from one subsection in other requirements under section 7, Stormwater Management, which staff has removed.

Commissioner Freeman asked for clarification regarding the subsection that staff has removed. **Kolias** responded that the section removed was a requirement that post development stormwater runoff not exceed predevelopment runoff.

Kolias noted comments were received from ODOT.

The Applicant Team represented by Jonathan Beaver and Heather Koch shared the applicant presentation which included images of various iterations of park designs and of proposed park features. The park improvements were initially designed in the 2010 North Clackamas Parks and Recreation (NCPRD) parks master plan, since the initial plan NCPRD has changed the design to better respond to the river and existing natural resources, provide increased accessibility, and update the water feature to be interactive. The changes were informed by three public meetings from August 2018 to April 2019 and construction is planned to begin in spring of 2023. **Commissioner Massey** asked if the survivability of the park elements were considered, noting the 1996 flood that filled most of the park. **Beaver** answered that the applicant team did consider the site's vulnerability to flooding and balanced distance to the river with the distance to McLoughlin Blvd to determine the location of park features.

Commissioner Sherman asked where within the site the proposed 200 cubic yard cut was being taken from and whether the cut will provide increased flood protection. **Beaver** responded that the cut is happening along the river evenly

throughout the site but with slightly more cut on the southern portion of the site.

Commissioner Sherman asked how stakeholders such as the Confederated Tribes of the Grand Ronde were involved in the public engagement. **Koch** responded that NCPRD met with bicycle and pedestrian advocates, disability advocates, Confederated Tribes of the Grand Ronde cultural resources staff, and other marginalized groups for input to inform the design.

Commissioner Hemer asked what measures will be taken to protect natural resources from hazards caused by utilities on the site during flood events. **Beaver** responded that all electric ports are higher than the high-wake area and all electrical service sources will be located above the 100-year floodplain.

Commissioner Hemer asked why the amphitheater was relocated closer to the river. **Koch** responded that the current configuration was a result of prioritizing keeping infrastructure heavy features out of the floodplain and a preferred location identified in the public engagement process.

Gary Klein, a Milwaukie resident, shared past and current experiences serving on boards and committees aimed at improving the Milwaukie riverfront and parks and noted support for the application.

Vice Chair Edge noted support for the application package.

Commissioner Sherman noted the lengthy process of improving Milwaukie Bay Park and support for the application package.

NR-2022-001, Milwaukie Bay Park at 11211 SE McLoughlin Blvd, was approved by a 6-0 vote.

(01:43:22)

6.0 Work Session Items

(01:43:23)

6.1 Code Amendments: Downtown Design Review

No information was presented for this portion of the meeting.

(01:43:32)

6.2 Code Amendments: High Density Zones

Vera Koliass, Senior Planner and Adam Heroux, Associate Planner, presented the staff report, since the August 9 work session staff has changed the proposed replacement definition of boarding house from micro-unit development to single room occupancy (SRO). Micro-unit development was removed because it is easily confused with other small units that are different than the intended use.

Commissioner Hemer and Chair Loosveldt noted support for the updated term

and definition.

Kolias noted that the micro-unit development Vice-Chair Edge mentioned at the August 9 meeting would be considered a multi-family development under our code.

Kolias added that staff proposes removing some language from the definition of temporary or transitional facilities to clarify that the housing type is intended to be temporary and provide supportive services such as counseling and rehabilitation. **Commissioner Hemer** noted that the supportive services should be optional and open ended in the definition.

Kolias continued, currently the code has three different definitions and types of offices, staff proposes consolidating them into two types. The consolidation would combine professional and administrative offices with traditional offices under the professional and administrative term. Staff is proposing the consolidation to apply to all zones. **Commissioner Hemer** asked whether the amount of expected customer interaction could be used in the definition to distinguish the office types. **Kolias** responded that the proposed definition does include customer interaction as a criterion. **Commissioner Sherman** noted support for the consolidation. **Vice Chair Edge** asked how the proposed consolidation will affect the R1B zone. **Kolias** responded that both of the proposed types of offices will be permitted in the R1B zone.

Kolias added staff proposes to consolidate the high density residential zones from five zones to three with R2.5 being absorbed by R3 and R1 absorbed by R2. **Kolias** added, staff proposed personal and business services to be permitted within the existing R1B zone and allowed through a conditional use process in both the R3 and R2 zones. **Commissioner Hemer** noted support for permitting personal and business services outright in all high density residential zones. **Vice Chair Edge** noted support for permitting personal and business services in the R3 zone but stressed the importance of maintaining residential character. **Edge** asked whether the high density zones are intended to be multi-unit residential areas. **Kolias** responded yes, multi-unit developments are permitted currently in the R2 and R1B zones and staff proposes permitting them in the R3 zone where they currently require a conditional use review. Additionally, staff proposes permitting residential care facilities outright in the R3 zone as well. **Commissioner Massey** asked why personal and business services were not originally permitted in the high density residential zones. **Kolias** responded that the high density zones are intended to provide a buffer from the larger development in the downtown zone and as such they allow limited commercial use. The extent of commercial use allowed in each high density zone is dictated by proximity to downtown and moderate density residential zones. **Commissioner Sherman** expressed concern for unintentionally limiting development in the neighborhood mixed use (NMU) zone if commercial uses are limited in surrounding high density zones. **Commissioner Hemer** noted the development standards in the high density zones will limit the scale of any new commercial development. **Hemer** noted

support for consolidating all high density zones into one zone and expanding it along both King Rd and 32nd Ave. **Commissioner Sherman** questioned whether single unit developments should be permitted outright in high density zones. **Weigel** responded that that question will be further examined throughout the housing capacity analysis/housing production strategy (HCA/HPS). **Vice Chair Edge** noted support for permitting personal and business services outright with limitations in development standards to ensure appropriate scale of development. **Commissioner Hemer** noted the benefits of allowing increased commercial activity in the high density zones which include increased walkability, livability, and sustainability. **Commissioners Hemer, Loosveldt, Edge, Sherman, and Freeman** noted their support for permitting multi-unit and residential care facilities in the R3 zone.

Vice Chair Edge and Chair Loosveldt noted support for permitting all proposed commercial uses in all high density zones outright. **Commissioner Hemer** noted support for permitting hotels and motels outright while bed and breakfasts and vacation rentals permitted through the conditional use process in all high density zones. **Chair Loosveldt** expressed concern requiring a conditional use for bed and breakfasts and vacation rentals. **Kolias** noted that staff has received negative comments related to vacation rentals in residential zones. **Commissioner Sherman** noted support for allowing hotels and motels through a conditional use process and concern permitting vacation rentals and bed and breakfasts outright. **Commissioner Massey** noted the different nature of vacation rentals and bed and breakfasts and expressed concern grouping the two uses together. **Vice Chair Edge** reiterated that the proposed changes apply only to high density residential zones and asked staff how many single unit properties exist in these zones. **Kolias** responded that staff can provide single unit numbers at the following meeting.

Vice Chair Edge noted support for consolidating all high density zones into one zone. **Weigel** noted that staff has been working to update the neighborhood hubs plan to bring commercial development to other areas of the City, this will provide the Commission another opportunity to look at the high density zones throughout the City.

Commissioner Hemer asked whether a conditional use process requires public notice. **Kolias** responded yes, the conditional use process requires a Type III quasi-judicial hearing decided by the Planning Commission and notification is sent to properties within 300 feet of the subject property.

Kolias continued, the proposed zone consolidation will increase the maximum allowed density in both the R3 and R2 zones increasing the R3 zone maximum to 17.4 units/acre and 32 units/acre in the R2 zone. Additionally, staff proposes to eliminate the minimum site size requirements. **Commissioner Freeman** noted support for increased density in the high density zones. **Vice Chair Edge and Chair Loosveldt** noted support for a higher maximum density than the staff proposal. **Kolias** noted the upcoming HCA/HPS and staff preference to receive

the results from those projects to better inform a significant increase in maximum density. **Commissioner Massey** asked for clarification on the timeline of the HCA/HPS projects. **Weigel** responded that the HCA will be completed in November 2022 and the HPS in January 2023. **Commissioner Hemer** asked how the density requirements are applied. **Kolias** responded that the density requirements are applied on a per site basis.

Commissioner Sherman asked whether public notice is necessary for these updates to the high density zones. **Kolias** responded that no public notice mailing is necessary for these updates. **Chair Loosveldt** asked what noticing is happening for the application. **Kolias** responded that physical public notices are posted at all city buildings and NDAs are being notified via email. **Commissioner Massey** noted that he could mention the application to the NDAs through his role in the CIAC. **Chair Loosveldt** agreed but noted the meeting with the NDAs will happen after the application hearing.

(03:10:15)

7.0 Planning Department/Planning Commission Other Business/Updates

Weigel suggested that the October 11, 2022 meeting with the NDAs also include time on the agenda for the annual meeting as the CIAC. Jon Hennington, Equity Program Manager for the City, can discuss the City's equity work during the CIAC portion of the meeting. **Commissioner Massey and Chair Loosveldt** noted support for meeting as the CIAC during the October 11 meeting.

Commissioner Sherman requested that staff notify the Confederated Tribes of the Grand Ronde during noticing periods for significant applications.

Commissioner Hemer noted the upcoming NDA picnics and encouraged Commissioners to attend their NDA picnics.

(03:13:03)

10.0 Forecast for Future Meetings:

September 13, 2022	Hearing Item(s):	1. VR-2022-007, 9696 SE Omark Dr. 2. VR-2022-008, 11925 SE 70th
	Work Session Item(s):	1. Code Amendments: Climate Friendly Equitable Communities
September 27, 2022	Hearing Item(s):	1. Code Amendments: High Density zones
	Work Session Item(s):	1. Code Amendments: HB 2180 EV Charging Code 2. Downtown Design Review

Meeting adjourned at approximately 9:40 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, and
Adam Heroux, Associate Planner

Date: October 18, 2022, for October 25, 2022, Work Session

Subject: Requirements for EV Charging Infrastructure

ACTION REQUESTED

Staff is requesting that the Planning Commission recommend approval of proposed amendments to the zoning code in accordance with state law regarding infrastructure for electric vehicle (EV) charging.

BACKGROUND INFORMATION

Changes to State Law

Over the last year, the state government has taken several actions toward expanding EV-ready infrastructure in Oregon. This report details the implications of two of these efforts:

- 1) Oregon House Bill 2180 ([HB 2180](#)), which passed in May 2021; and
- 2) Oregon Administrative Rule ([OAR](#)) 660-12-0410, which emerged from the Climate-Friendly and Equitable Communities (CFEC) rulemaking process.

HB 2180 – In May 2021, the Oregon Legislature enacted HB 2180, requiring that all newly constructed buildings include EV-capable electrical service capacity¹ at no less than 20% of the vehicle parking spaces in the garage or parking area. Effective as of July 1, 2022, these new state building code requirements apply to commercial buildings as well as multifamily and mixed-use buildings with five or more dwelling units. These requirements are implemented by the building department as a part of the building permit process. In general, jurisdictions are not allowed to exceed requirements of the base building code in the state of Oregon, and specific code language is required in the state building code to allow jurisdictions to establish requirements that exceed base code requirements. HB 2180, codified in [ORS 455.417](#), includes

¹ This means that enough electrical capacity is installed to support future EV charging, including the installation of a conduit system labeled for EV charging that extends from the building's electrical service.

an exception allowing jurisdictions to require a higher percentage of EV-capable parking spaces than the base state building code. HB 2180 and the resulting changes to the building code specific to EV charging create an opportunity for the city to explore expanded EV-charging requirements that better reflect the adopted climate goals and policies in the Climate Action Plan and Comprehensive Plan.

Climate-Friendly & Equitable Communities (OAR 660-12-0410) – On March 10, 2020, Governor Kate Brown issued [Executive Order 20-04](#), directing state agencies to reduce climate pollution. In response, the Land Conservation and Development Commission (LCDC) initiated an update to Oregon's Transportation Planning administrative rules in September 2020. The new rules, adopted in May 2022, apply in Oregon's eight urban areas with populations over 50,000 people, including the Portland Metro region. **OAR 660-12-0410** expands requirements for EV-capable (level 2) infrastructure (Table 2) by an additional 20% beyond the 20% HB 2180 requires in the building code. Combined, these rules require new mixed use and multifamily buildings with five or more units to provide EV-capable (level 2) infrastructure serving no less than 40% of parking spaces.

Table 1 summarizes and compares aspects of these two new legal requirements.




Table 1 New State Requirements for EV-capable infrastructure		
	HB 2180 (ORS 455.417)	CFEC (OAR 660-12-0410)
Amends the State Building Code	Yes	No
Mandates amendments to Milwaukie city code	No	Yes
Applies to Mixed Use & Multifamily Buildings with 5+ units	Yes	Yes
Applies to Commercial Buildings	Yes	No
Applies only to new construction	Yes	Yes
Requires EV-capable parking spaces that can support level 2 chargers	Yes (20%)	Yes, (40%)
Effective date	07/01/2022	03/31/2023

Service Capacity and Types of Charging Stations

Interest groups and federal agencies share some common definitions for different levels of electrical service capacity. These new state requirements focus on EV-capable spaces to accommodate level 2 chargers.

Tables 2 and 3 compare the various levels of charging type and service capacity, respectively.

Table 2
Levels of EV Charging*

Level 1	Level 2	Level 3 (aka DC Fast Charging)
 <ul style="list-style-type: none"> • Great for overnight charging • Plug into a typical grounded outlet • All you need is the charging cable that comes with your car 	 <ul style="list-style-type: none"> • Uses 240-volt outlet (dedicated EV-charging) • Ideal for all-electric car charging at home, at work, or on the road • Recharge in just a few hours 	 <ul style="list-style-type: none"> • Recharge in less than an hour • Plug shape matters: <ol style="list-style-type: none"> 1) CHAdeMO standard for Japanese and Korean cars 2) CCS Combo standard for most American and European cars 3) Tesla (unique plug shape)

* These definitions were sourced from Forth, a nonprofit working to “electrify transportation by bringing people together to create solutions that reduce pollution and barriers to access.”

Table 3
Spectrum of EV Charging Infrastructure

EV Capable



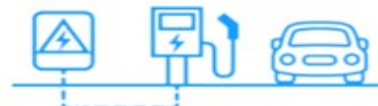
Enough electrical capacity is installed—or space is reserved at the panel—to support future EV charging spots. Additionally, a conduit system labeled for EV charging is installed from the building electrical service, or from the dedicated space or location for a future electrical service.

EV Ready



EV-capable requirements are met, in addition to wiring & junction box or 240-volt outlet (like for a clothes dryer).

EV Installed



All EV-capable and EV-ready requirements are met, plus an actual EV charging station is installed.

ANALYSIS

Equity

A primary intent of the new rules is to improve access to EV charging infrastructure for renters. Access to charging is a major factor in deciding whether to buy an EV. More than 80% of EV charging occurs at home, yet renters often lack the access to an EV charger or an electrical outlet close to parking that is capable of providing charging services for sufficient amounts of time. In the US, homeowners are three times more likely than renters to own an EV. Some barriers for renters include a lack of off-street parking, high cost of charging installations, and unwillingness of apartment-building owners to install charging infrastructure. Given that renters move more often than homeowners, lack of charging access could negatively affect housing choice for renters who are EV owners. These new requirements eliminate some costly barriers to charging station installation, ensuring increased access to EV charging for Milwaukie renters residing at future multi-unit developments.

Milwaukie's 2018 Climate Action Plan (CAP) also includes several strategies meant to increase access to EVs and EV charging infrastructure. Installing charging infrastructure at time of development is much cheaper than the cost of retrofits if charging infrastructure is pursued post-development. While development requirements imposed on new construction can create increased rent pressures, an economic study commissioned for Portland's EV-ready code project estimated that their proposed changes would contribute to an increase in rents of less than 1%.

Climate Impacts

Milwaukie's CAP includes EV-ready zoning regulations as a priority mitigation strategy for transportation emissions. While alternative transportation methods including bikes and pedestrian transportation can provide greater emission reduction potentials, automobiles are expected to remain a significant part of our transportation mix over the lifespan of the CAP. EVs as a form of vehicle transportation provide an opportunity to reduce local emissions from transportation, though their lifecycle emission reduction potential is dependent upon use of carbon free electricity for charging. Recent initiatives from the city including efforts to create a new, more affordable voluntary carbon-free electricity product for the community and promotion of rooftop solar would increase the availability of carbon-free electricity for EV charging and could lower Milwaukie's transportation emissions with community utilization.

Conduit installation during construction is critical for achieving Oregon's state goal that more than 90% of new vehicles are EVs by 2035, especially given that buildings typically have 80- to 100-year lifespans. The CAP also proposes that the City create: 1) a program to install EV charging infrastructure at multi-unit housing complexes and 2) incentives for workplace EV charging.

Achieving minimum compliance

As noted above in Table 1, the changes required by HB 2180 are implemented through the state building code, so it was not necessary to amend the City's zoning code by July 1, 2022, to be compliant with HB 2180. This requires that 20% of parking spaces must be EV-ready (level 2) for new commercial development and for new mixed-use or multi-unit residential development with five or more residential units.

The CFEC rule requires adoption of the HB 2180 requirements into the zoning code, though only for new mixed-use and multi-unit buildings with five or more residential units and not for new commercial buildings. The CFEC rule requires an additional 20% of parking spaces be EV-ready (level 2), for a total of 40% when combined with HB 2180.

Exceeding minimum compliance

Since HB 2180 gives cities the authority to exceed the state building code requirements of 20% EV-capable parking spaces for multifamily, mixed-use, and commercial buildings, it is worth considering whether to have Milwaukie's code require more than the minimum. Important considerations are (1) the city's goals and policies for climate action, housing, and economic development; and (2) understanding the pros and cons of going beyond the minimum state requirements. Jurisdictions wishing to go beyond these building code requirements—for instance, requiring installed chargers—would need to follow the local amendment process established by [OAR 455.040](#) and detailed by [OAR 918-020-0370](#).

Staff discussed these EV-charging requirements in a work session with City Council on August 16, and Council indicated support for going well beyond the minimum requirements of the rules. Council directed staff to develop compliance options that would provide opportunities for EV charger installation. Council suggested requiring that up to 100% of parking spaces be made EV-capable, with the option of meeting a reduced EV-capable requirement if the applicant includes a smaller percentage of installed EV chargers. Council expressed support for utilizing this approach for both multi-unit residential and commercial developments.

Table 4 below shows proposed changes as they compare to the minimum compliance outlined in the new state rules. Staff are following Council direction by proposing a reduced compliance standard if a percentage of spaces provided include an installed EV charger. The state Building Codes Division rule [OAR 918-460-0200](#) makes it clear that installed chargers count toward the EV-capable requirement. Under the proposed code changes, applicants would have the option to seek a Type III variance, though applicants may not go below the state minimum requirements outlined in HB 2180 and/or CFEC standards.

Table 4																							
Total EV-Capable Spaces Created and EV Chargers Installed by Compliance Scenarios																							
Commercial Scenarios				Spaces Created with EV infrastructure							Residential Scenarios				Spaces Created with EV infrastructure								
				<i>(Parking Lot Size)</i>											<i>(Parking Lot Size)</i>								
				2	6	10	15	25	50	75	100					2	6	10	15	25	50	75	100
Minimum Compliance		% EV capable	20%	1	2	2	3	5	10	15	20	Minimum Compliance		% EV capable	40%	1	3	4	6	10	20	30	40
Proposed Compliance Options <i>(Choose A or B)</i>	Option A	% EV capable	50%	1	3	5	8	13	25	38	50	Proposed Compliance Options <i>(Choose A or B)</i>	Option A	% EV capable	100%	2	6	10	15	25	50	75	100
	Option B	% EV capable	20%	1	2	2	3	5	10	15	20		Option B	% EV capable	40%	1	3	4	6	10	20	30	40
		% Chargers	5%	1	1	1	1	2	3	4	5			% Chargers	10%	1	1	1	2	3	5	8	10
Note: Spaces with an installed charger count toward the EV capable requirements														100% EV-capable spaces									
														75-99.99% EV-capable spaces									
														50-74.99% EV-capable spaces									

Staff has prepared code amendments that follow Council’s direction and require a high level of EV capable infrastructure (100% of parking spaces), but with the option to fall back to the state’s minimum requirements if some EV chargers are installed (see Attachment 1-a for the Underline/Strikeout version or Attachment 1-b for the Clean version).

STAFF RECOMMENDATION

Staff recommends that the Commission recommend that Council approve the proposed amendments in Attachment 1 with any modifications that the Commission believes will strengthen the impact of the code changes.

ATTACHMENTS

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

	Public Copies	E-Packet
1. Proposed Code Amendments for EV Charging Infrastructure		
a. <u>Underline/Strikeout</u> version	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Clean version	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Ordinance for Council Adoption	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/za-2022-006>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-104>.

(Underline/Strikeout Version)

Title 19 Zoning Ordinance**CHAPTER 19.600 OFF-STREET PARKING AND LOADING****19.605 Vehicle Parking Quantity Requirements**

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

~~Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.~~

19.605.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

- A. **Commercial and Industrial Parking.** For commercial and industrial uses that provide off-street parking, choose one of the following:
- 1) At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;
- OR**
- 2) At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.
- B. **Multi-Unit and Mixed-Use Residential Parking.** For buildings with five or more dwelling units where off-street parking spaces are provided, choose one of the following:
- 1) All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;
- OR**
- 2) At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

(Clean Version)

Title 19 Zoning Ordinance**CHAPTER 19.600 OFF-STREET PARKING AND LOADING****19.605 Vehicle Parking Quantity Requirements**

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

19.605.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

A. Commercial and Industrial Parking. For commercial and industrial uses that provide off-street parking, choose one of the following:

- 1) At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

- 2) At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

B. Multi-Unit and Mixed-Use Residential Parking. For buildings with five or more dwelling units where off-street parking spaces are provided, choose one of the following:

- 1) All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

- 2) At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE FOR THE PURPOSE OF ESTABLISHING ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS (FILE #ZA-2022-006).

WHEREAS, it is the intent of the City of Milwaukie through its 2018 Climate Action Plan to implement ‘electric vehicle ready’ zoning regulations for commercial buildings and multifamily housing; and

WHEREAS, the state of Oregon has adopted new requirements regarding electric vehicle charging infrastructure that must be adopted by local jurisdictions in early 2023, as reflected in the following rules and statutes: ORS 455.417, OAR 660-12-0410, and OAR 918-460-0200; and

WHEREAS, legal and public notices have been provided as required by law, and multiple opportunities for public review and input have been provided; and

WHEREAS, on October 25, 2022, the Milwaukie Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version) and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Mark F. Gamba, Mayor

ATTACHMENT 2

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval
File #ZA-2022-006
EV Charging Infrastructure Code Amendments**

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

1. The applicant, the City of Milwaukie, proposes to amend Title 19 Zoning to comply with new state rules for electric vehicle (EV) charging infrastructure for off-street parking spaces associated with new commercial and industrial development as well as with new multi-unit and mixed-use developments with more than five dwelling units. Amendments are proposed to MMC Chapter 19.600 Off-Street Parking and Loading. The land use application file number is ZA-2022-006.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Section 19.1008 Type V Review

The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on October 25, 2022, and November 15, 2022, as required by law.

3. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the municipal code. MMC Subsection 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows:

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the municipal code be evaluated through a Type V review per MMC Section 19.1008.

The Planning Commission held a duly advertised public hearing on October 25, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on November 15, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- b. MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (1) MMC Subsection 19.905.B.1 requires that the proposed amendments be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments are consistent with other provisions of the Milwaukie Municipal Code, including MMC Chapter 19.600 Off-Street Parking and Loading.

This standard is met.

- (2) MMC Subsection 19.902.5.B.2 requires that the proposed amendments be consistent with the goals and policies of the Comprehensive Plan.

The following goals and policies of the Comprehensive Plan support the amendments to require the installation of EV charging infrastructure for some new developments:

Section 6 – Climate Change & Energy

Promote energy efficiency and mitigate the anticipated impacts of climate change in Milwaukie through the use of efficient land use patterns, multimodal transportation options, wise infrastructure investments, and increased community outreach and education as outlined in the City’s Climate Action Plan.

Goal 6.2 – Transportation and Utility Infrastructure

Maintain and expand Milwaukie’s transportation and utility infrastructure in a manner that facilitates greater redundancy, resiliency, energy conservation, and emissions reductions.

Policy 6.2.5

Aim to increase the use of electric and other clean energy vehicles through a mix of infrastructure improvements, incentives, and development requirements.

Section 8 – Urban Design & Land Use

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 8.2 – Livability

Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment.

Policy 8.2.2

Parking design policies: ... h) Expand the number of electric vehicle charging stations in both public and private parking areas

Section 10 – Public Facilities & Services

Plan, develop and maintain an orderly and efficient system of public facilities and services to serve urban development.

Goal 10.9 – Energy and Communication Services

Ensure that energy and communications services are adequate to meet residential and business needs.

Policy 10.9.3

Encourage the provision of electric vehicle charging stations in appropriate locations.

The proposed amendments implement sections of the comprehensive plan related to electric vehicle charging. The amendments propose new requirements for parking created through new developments that are commercial, industrial, or multi-unit/mixed-use residential with five or more dwelling units. By requiring a base level of EV charging infrastructure, these new requirements will help building owners save money in the long term and will expand access to EV charging.

This standard is met.

- (3) MMC Subsection 19.902.5.B.3 requires that the proposed amendments be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. A Metro representative has confirmed that a detailed analysis of the Functional Plan is not required.

This standard is met.

- (4) MMC Subsection 19.902.5.B.4 requires that the proposed amendments be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were initiated in response to House Bill 2180 and the Climate Friendly and Equitable Communities rulemaking process undertaken by the Department of Land Conservation and Development, which focused on establishing statewide requirements for EV infrastructure. The proposed amendments comply with OAR 660-12-0410, ORS 455.417, and OAR 918-460-0200, all of which were adopted to implement these new state requirements.

In addition, the proposed amendments are consistent with the following relevant statewide planning goals:

Goal 1 – Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and has followed that process in making the proposed amendments. Public hearings on the proposed amendments have been held and public notice was published prior to each hearing. In addition, the Planning Commission members are appointed by an elected City Council, following an open and public selection process.

Goal 6 Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water, and land resources of the state.

The proposed amendments will make EV charging more accessible to renters as well as to employees and customers of commercial and industrial businesses in Milwaukie. As a result, it is likely that Milwaukie will see an increase in EV usage and a decrease in polluting internal combustion vehicles. EVs as a form of vehicle transportation provide an opportunity to reduce the impact of local emissions on air quality, though their lifecycle emission-reduction potential is linked to the availability of carbon-free electricity for charging.

Goal 13 Energy Conservation

To conserve energy.

Recent initiatives from the City, including efforts to create a new, more affordable voluntary carbon-free electricity product for the community and the promotion of rooftop solar generation, would increase the availability of carbon-free electricity for EV charging and could lower Milwaukie's transportation emissions with community utilization. The requirement to provide EV charging infrastructure on-site at new mixed-use and multi-unit developments with 5 or more units will lead to more EV charging where people prefer to charge the most—at home—while reducing unnecessary trips to other off-site charging stations. Requiring conduit installation during construction is a critical step toward achieving Oregon's state goal that more than 90% of new vehicles are EVs by 2035, especially given that buildings typically have 80- to 100-year lifespans.

This standard is met.

- (5) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

The proposed amendments are not inconsistent with any relevant federal regulations.

This standard is met.

The City Council finds that the proposed amendments to MMC Chapter 19.600 (Off-Street Parking and Loading) are consistent with the applicable approval criteria for zoning text amendments as established in MMC 19.902.5.B.

The City Council finds that the proposed zoning text amendments are approvable in accordance with the applicable procedures and standards of MMC 19.902.

4. MMC Section 19.1008 Type V Review

MMC 19.1008 establishes the procedures and requirements for Type V review, which is the process for legislative actions. The City Council, Planning Commission, Planning Manager, or any individual may initiate a Type V application.

The amendments were initiated by the Planning Manager on August 1, 2022.

- a. MMC Subsection 19.1008.3 establishes the public notice requirements for Type V review.

- (1) MMC Subsection 19.1008.3.A General Public Notice

MMC 19.1008.3.A establishes the requirements for public notice

- (a) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment.

The Planning Commission had one work session about the proposed code amendment language on September 27, 2022. Proposed code amendments were first posted on the application webpage on September 23, 2022, and have been updated since as needed. On September 23, 2022 staff emailed Neighborhood District Association (NDA) leaders with information about the hearing and a link to the draft proposed amendments.

- (b) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's October 25, 2022, hearing was posted as required on September 23, 2022. A notice of the City Council's November 15, 2022, hearing was posted as required on October 14, 2022.

- (c) MMC Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendments will apply to all properties in the city, so notice is not required for specific geographies or individual property owners.

- (2) MMC Subsection 19.1008.3.B DLCD Notice

MMC Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on September 20, 2022.

- (3) MMC Subsection 19.1008.3.C Metro Notice

MMC Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on September 20, 2022.

- (4) MMC Subsection 19.1008.3.D Property Owner Notice (Measure 56)

MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments will not affect the permissible uses of land. The proposed amendments simply require the provision of electrical service capacity and conduit for parking spaces created in conjunction with specific developments.

- b. MMC Subsection 19.1008.4 Type V Decision Authority

ATTACHMENT 3

MMC 19.1008.4 establishes that the City Council is the review authority for Type V applications and may approve, approve with conditions, amend, deny, or take no action on a Type V application after a public hearing.

The City Council held a public hearing to consider this application on November 15, 2022, and approved the proposed amendments as presented.

c. MMC Subsection 19.1008.5 Type V Recommendation and Decision

MMC 19.1008.5 establishes the procedures for review and a decision on Type V applications. The process includes an initial evidentiary hearing by the Planning Commission and a recommendation to the City Council, followed by a public hearing and decision by the City Council.

The Planning Commission held an initial evidentiary hearing on October 25, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on November 15, 2022, and approved the proposed amendments as presented.

The City Council finds that the applicable requirements of MMC 19.1000 have been met.



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Brett Kelter, Senior Planner
Date: October 18, 2022, for October 25, 2022, Public Hearing
Subject: Code Amendments for Downtown Design Review

ACTION REQUESTED

Staff is requesting that the Planning Commission recommend that City Council approve 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 and any applicable design guidelines.

One 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 effort has been focused on reorganizing the existing code to eliminate gaps and make the review process clearer for the applicant, staff, and review

bodies. Although a substantial number of changes are proposed, including the repeal of the DDG as a separate document, the effort is not creating a wholesale new design palette for downtown but is more of a realignment of existing design principles.

Current Code and Review Process

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

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 uses Type II review (MMC Section 19.1005), which requires that public notice be sent to property owners within 300 ft of the development site and provides an opportunity for comment. However, since the approval criteria for Type II design review are limited to demonstrated compliance with applicable standards, there is little room for discretion in the decision by the Planning Manager 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 and the design guidelines do come into play.

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 the discretionary guidelines for multifamily design in MMC 19.505.3 or 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. But for discretionary review, the existing design guidelines need to be better 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. However, some of the existing design guidelines cannot easily be linked to relevant standards and so are proposed to be deleted (such as for Milwaukie Character).

For some design elements, the change involves expanding the guidance section to incorporate certain ideas expressed by the current design guidelines. For other elements, new design standards have been added to correspond with important guidelines that are not represented in the current code. The list of design elements has also been expanded to acknowledge 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 and Activation (*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*)

Several existing downtown development standards will appropriately remain as such:

- ❖ 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. Attachment 1-b is shown in a “clean” format for most of MMC 19.508, with a ~~strikeout~~/underline markup for the shorter subsections that have more minor changes. In addition, Attachment 1-d presents one small change to the DMU zone building-height variance established in MMC Subsection 19.911.6, in light of the proposed repeal of the existing ancillary Downtown Design Guidelines document.

Notes and Follow Up from Work Session Discussion

- **Review types for residential-only and other new buildings**

For residential-only buildings proposed in the DMU zone, the recommendation is to remove the option to address the more general multifamily standards and guidelines in MMC Subsection 19.505.3 and instead require residential-only buildings to adhere to the same design principles as all other new buildings downtown. Thus, there would be only two tracks for review — Type I (clear and objective) and Type III (discretionary)—and all new residential-only buildings would have to address MMC 19.508.

Similarly, it is reasonable to allow any proposed new mixed-use or nonresidential building to also be reviewed and approved with administrative (Type I) review if it meets the applicable design standards, instead of being subjected to a Type II process as is currently the case. Thus, the overall recommendation is that all new buildings (mixed-use, nonresidential, and residential-only) have two tracks for review, either Type I or Type III, and that the Type II review option be eliminated for new buildings.

- **Eliminating design review for actions with no standards**

The current code requires downtown design review for several actions that have no corresponding downtown design standards to serve as approval criteria, including modifications to parking areas or to landscaping, new fences and retaining walls, and changes in grade. Therefore, the recommendation is to eliminate the review requirement for those actions.

For modifications to existing development, the commissioners will note that the list of actions requiring Type I review (in MMC Subsection 19.907.2.B) has been drastically reduced. That does not mean that fewer actions can be reviewed with Type I review, just that it no longer seems necessary to be so specific in the list. If an action is not exempt but can meet the applicable design standards in MMC 19.508, then it can be approved with Type I review. The list of actions that would get Type II review has also been significantly reduced. However, for a few specific modifications to existing development, Type II review would remain an option if the modification does not meet the design standards but is small enough in scale that Type III review and a public hearing are not warranted. As a review type that would allow some discretion, the approval criteria for Type II review (in MMC Subsection 19.907.5.B) have been adjusted to include consideration of applicable design guidelines.

- **Public notice**

For projects that go through Type III review, public notice and a public hearing are part of the process. Public notice is not required for Type I decisions, but since new buildings will have long-term impacts on the design fabric of downtown it is reasonable to make people aware of significant Type I projects. At a work session on September 27, the Planning Commission discussed options for providing public notice for big Type I developments, but there was no consensus on a preferred method. The latest recommendation is to refrain from introducing a special requirement for Type I notice into the zoning code and instead to allow staff to internally develop alternate informational procedures to share with Planning Commission.

- **Step-back requirement for stories over base maximum height**

The current code requires that all upper stories above the base maximum height must be stepped back at least 6 ft. Since the recently approved Axletree and Coho Point buildings went through discretionary review rather than meet the step-back requirement (citing concerns over losing additional floor area and units), the DLC and staff had proposed revisiting this requirement. Options included reducing the requirement to only 50% of the applicable building façade length or eliminating the requirement altogether.

The Planning Commission discussed this issue at the September 27 work session and concluded that the step-back requirement remains an important tool for moderating building mass. Where developers propose eliminating the step back, the discretionary review process provides a mechanism for ensuring that the alternative design adequately addresses the massing issue. The recommendation is to retain the step-back requirement in its current form.

- **Townhouse density**

Recent changes to the residential zoning code for the Moderate Density Residential (R-MD) zone included an increase in the minimum density for townhouses, to 25 units per acre. The current standard for townhouses in the Downtown Mixed Use (DMU) zone is a minimum of 10 units. The recommendation is to revise the DMU standard to a minimum of 25 units per acre, since the DMU zone is expected to provide more density than the R-MD zone, not less.

- **Building height—feet, not stories**

The recent Dogwood Station project highlighted the discrepancy between the current code's use of two measures for building height (feet and number of stories) in the DMU. Although the proposed building was under the maximum allowed height in feet, it had to go through the variance process because it was one story "too tall." The recommendation is to eliminate the use of stories for building height and instead rely on feet as the sole measure. Staff can use stories to describe buildings in reports and other public information materials, since stories can be an effective way to visualize a building's scale.

Acknowledging that the floor area ratio (FAR) standard in MMC Subsection 19.304.4 has a relationship to building height and that downtown buildings could be up to six stories tall (if they take advantage of allowed height bonuses), staff also recommends revising the maximum FAR ratio from 4:1 to 6:1. Buildings that occupy all or most of the lot and that utilize height bonuses would otherwise have to request a variance for the FAR standard, which appears to currently be an unintended consequence.

- **Requirement for public art**

At the September 27 work session, the Planning Commission discussed two approaches to increasing the amount of public art downtown: (1) requiring that public art be integrated into any new building and (2) ensuring that blank walls visible from a public street include art.

Regarding the first issue, staff again notes the challenge of incorporating a general requirement for public art into a review process that must offer a clear and objective path. How will public art be defined so it is clear what counts as art and what does not? Can it be provided inside the building, or does it have to be an exterior display or feature? Could a buildings creative or interesting design itself meet the public art requirement? Is there a minimum size or scale requirement for the art? Would the City's arts committee play a key role in the process, and is it defensible to insert a discretionary art review process into an otherwise clear and objective Type I review for general downtown design? Due to the complexity of these questions, proposing new standards for this requirement is beyond the scope of this code amendment process. However, staff will pass along the Planning Commission recommendation that City Council consider directing staff to explore this requirement when timing allows.

Regarding the second issue of blank walls, changes are proposed to address blank walls on both **street-facing** façades and "**street-visible**" façades (i.e., side and rear façades visible from the sidewalk due to the configuration of surrounding development). The proposed amendments include a requirement to limit **street-facing** walls with no windows to 450 sq ft

or 30 linear ft (whichever is less) and require them to be treated with vertical landscaping or a mural (see draft code MMC Subsection 19.508.4.D.2). **Street-visible** façades have been defined as both ground-floor expanses visible to pedestrians from adjacent sidewalks and upper stories with no intervening building over 25 ft between the subject building and the sidewalk. Street-visible façades would have similar requirements to incorporate either murals or vertical landscaping where blank walls exist. This would acknowledge the potential futility of installing windows that will eventually be blocked by a future new building next door and allow the cost-effective and publicly beneficial alternative of providing landscaping or a mural in the meantime.

See Attachment 2 for a more detailed summary of the proposed amendments, particularly the changes to MMC 19.508.4. Attachment 3 is the draft adopting ordinance for the proposed amendments and Attachment 4 is the recommended findings in support of approval.

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"/>
d. MMC 19.911.6 Building Height Variance in the DMU Zone	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Summary of Proposed Amendments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Ordinance for Council Adoption	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Recommended Findings in Support of Approval	<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-106>

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)

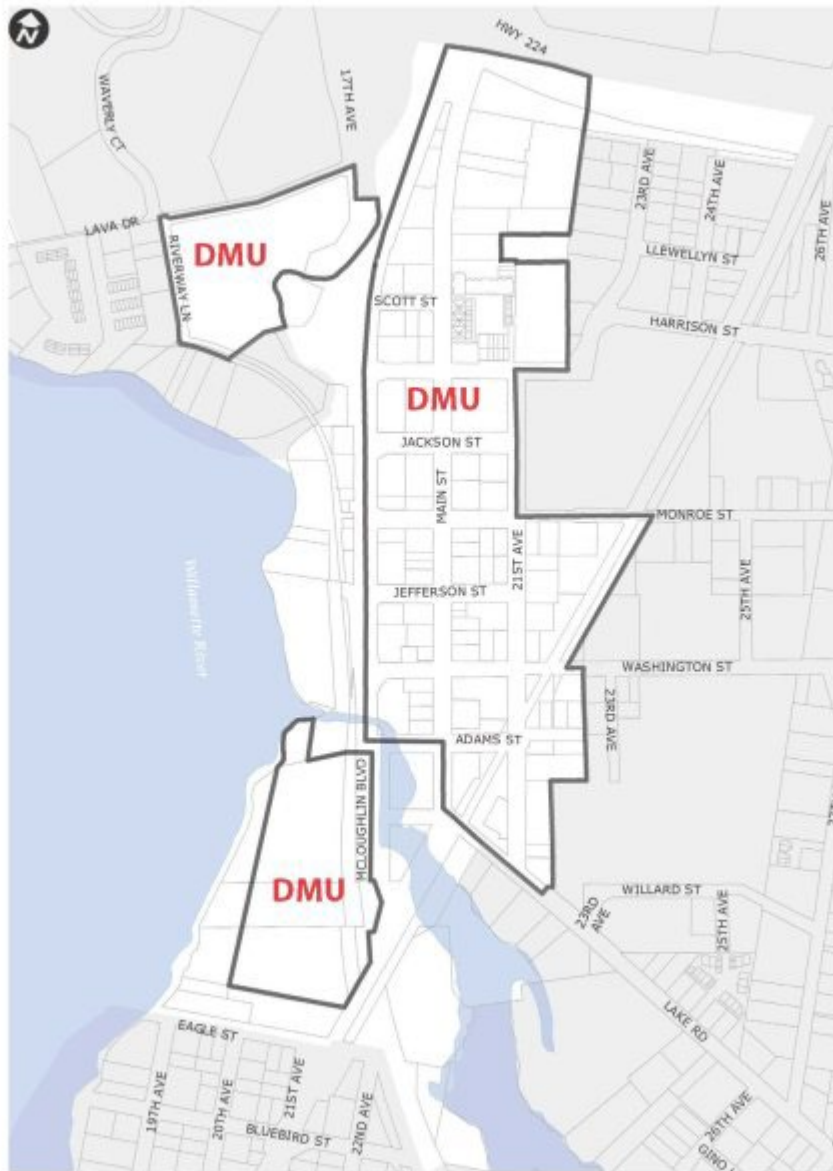
The Downtown Mixed Use Zone provides for a wide range of uses—including retail, office, commercial, and residential—that will bring visitors to the downtown to live, work, shop, dine, and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center, with a prominent 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

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 <u>Downtown Residential Use Limitations</u> Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily Housing
Live/work units	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Live/Work Units
Second-story housing	P	N	Section 19.508 Downtown Site and Building Design Standards
Senior and retirement housing	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily Housing
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 Street 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

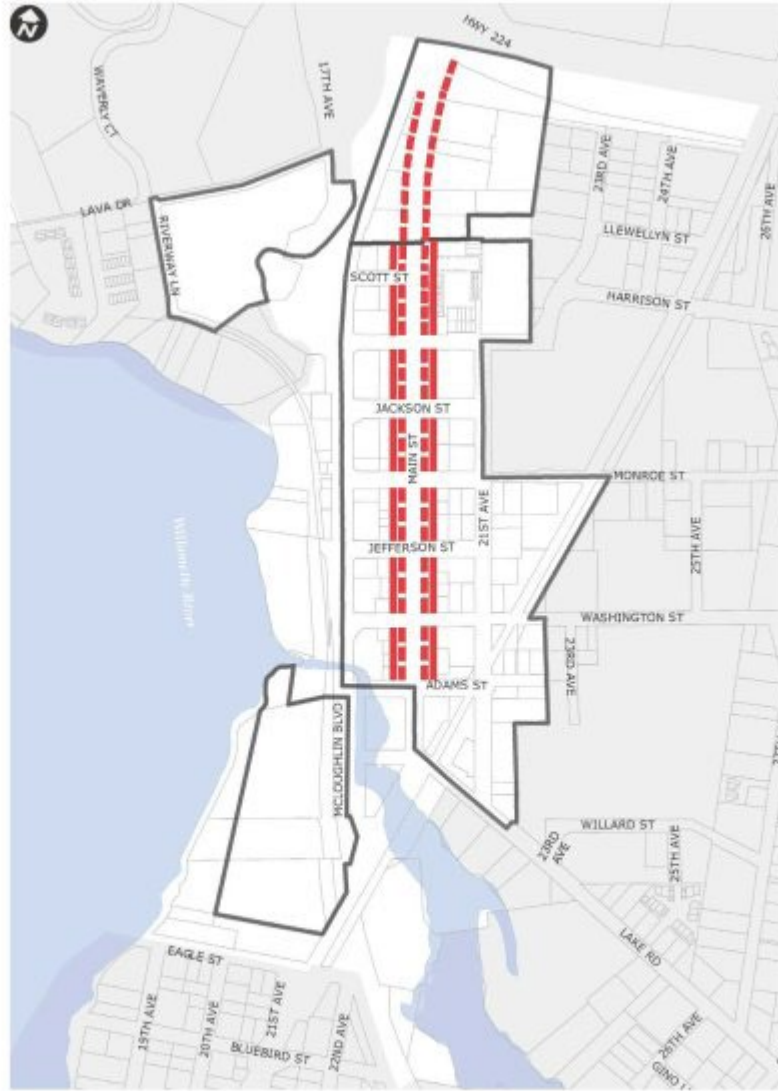
The following provisions describe the limitations for uses listed in Table 19.304.2.

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 n~~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
Downtown Residential Use Limitations

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 4-6:1 (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 45–69–55 (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 c. 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. Rowhouses-Townhouses and live/work units			
(1) Minimum	40-25	None-n/a	
(2) Maximum	None	None-n/a	
b. Stand-alone multifamily			
(1) Minimum	30	None-n/a	
(2) Maximum	None	None-n/a	
c. Mixed-use buildings	None	None-n/a	
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 -3- MINIMUM FLOOR AREA RATIOS

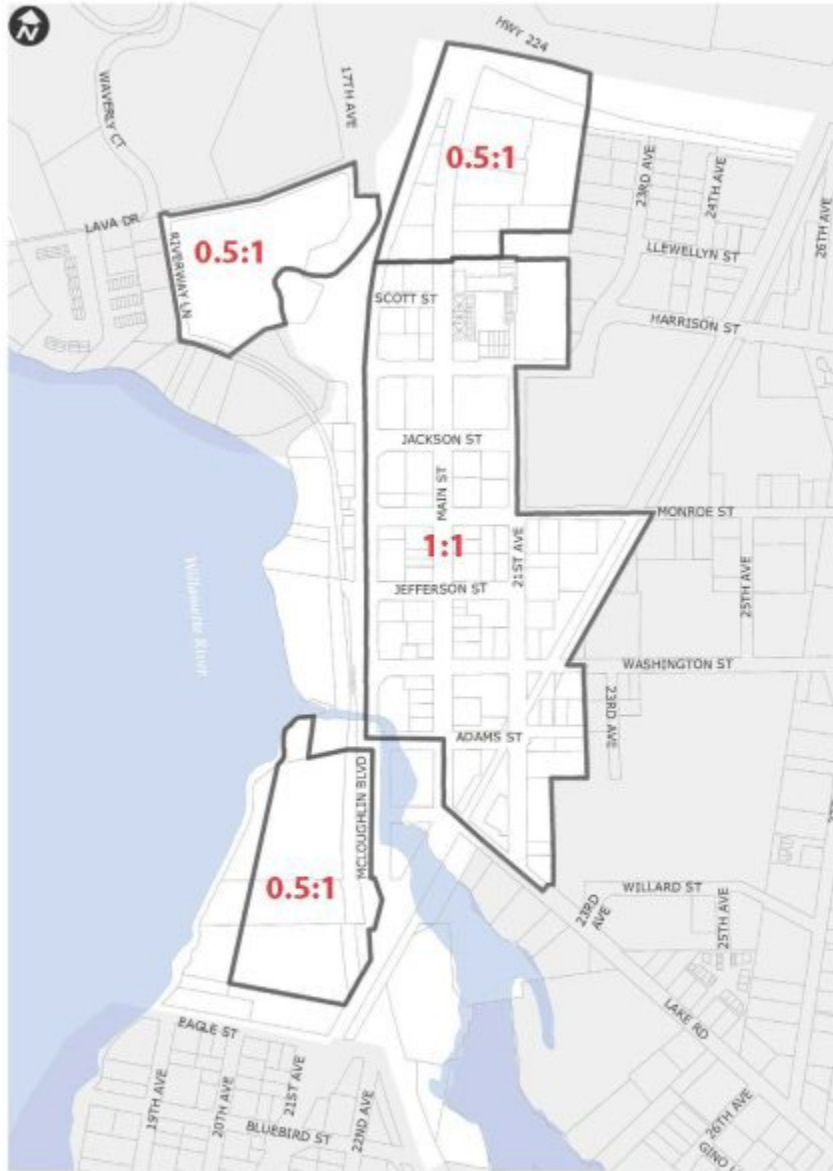
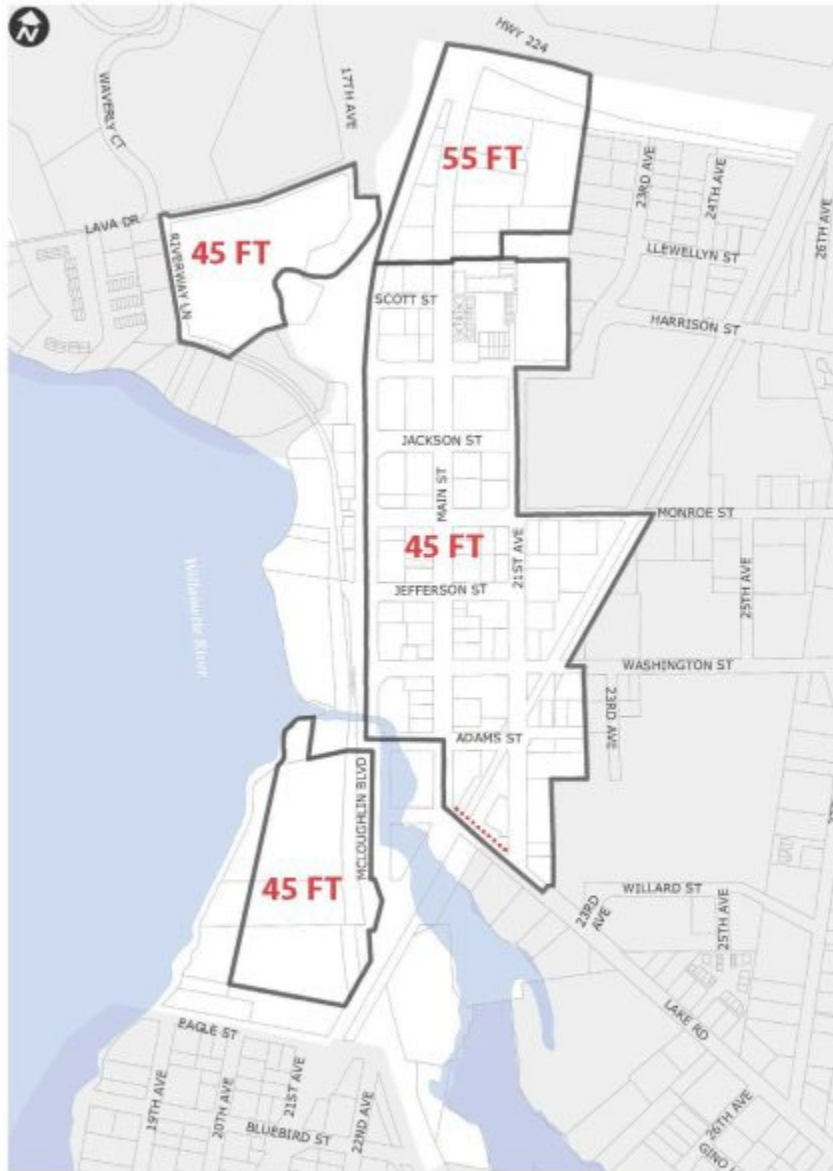


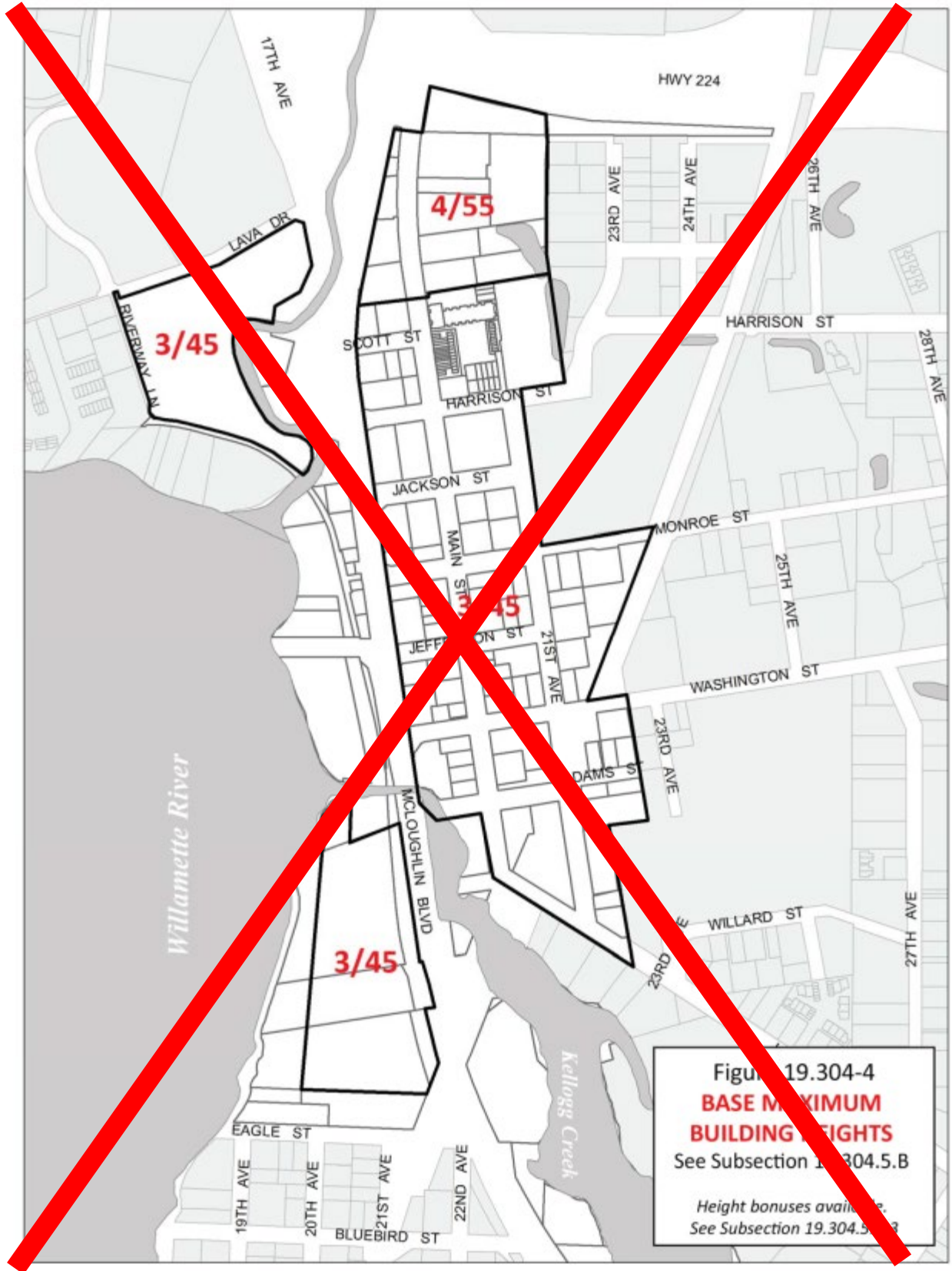
Figure 19.304-4
Base Maximum Building Heights

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~~two 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.

~~G. Flexible Ground-Floor Space~~

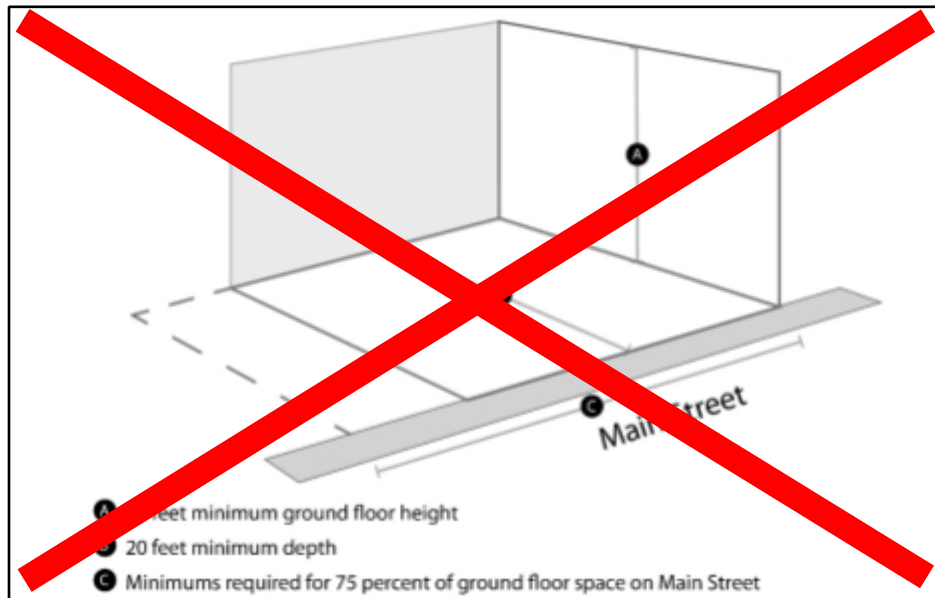
~~1. Intent~~

~~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

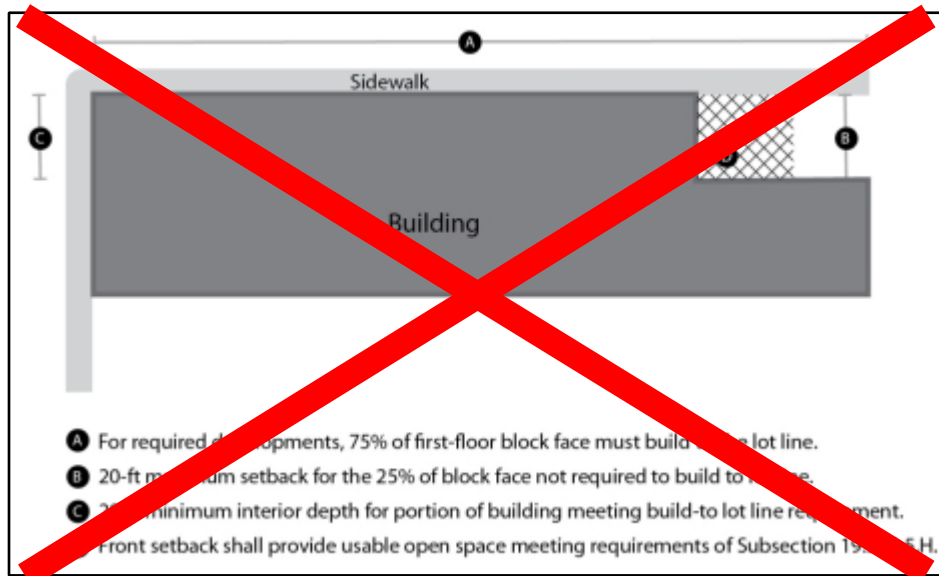
1. Intent

~~Buildings are allowed and encouraged to build up to the street right-of-way in the DMU Zone to ensure that the ground floors of buildings engage the street right-of-way. 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.~~

2. Standards

- a. No minimum street setbacks are required.
- b. Minimum setbacks are used in combination with the Site Frontage design element in Subsection 19.508.4.A.
- ~~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~~

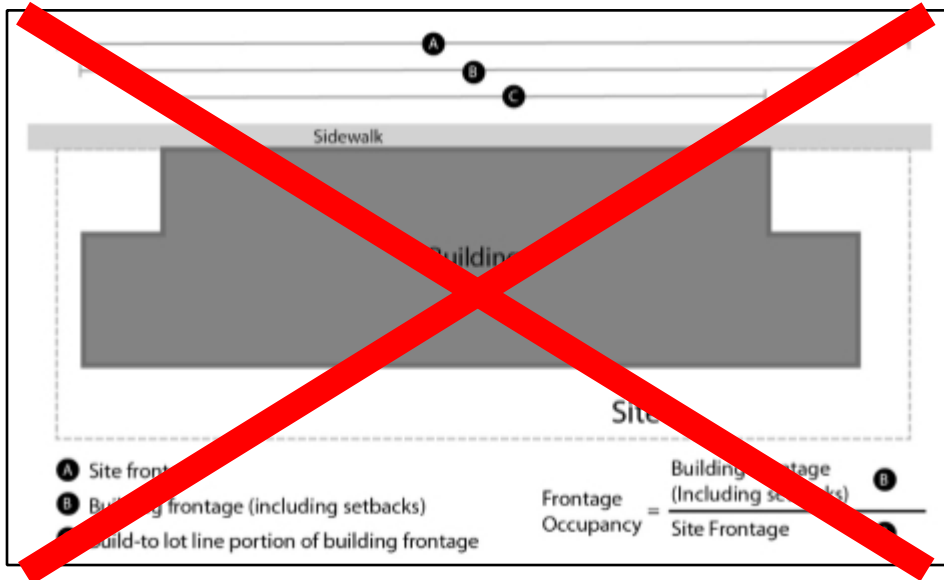
~~1. Intent~~

~~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~~

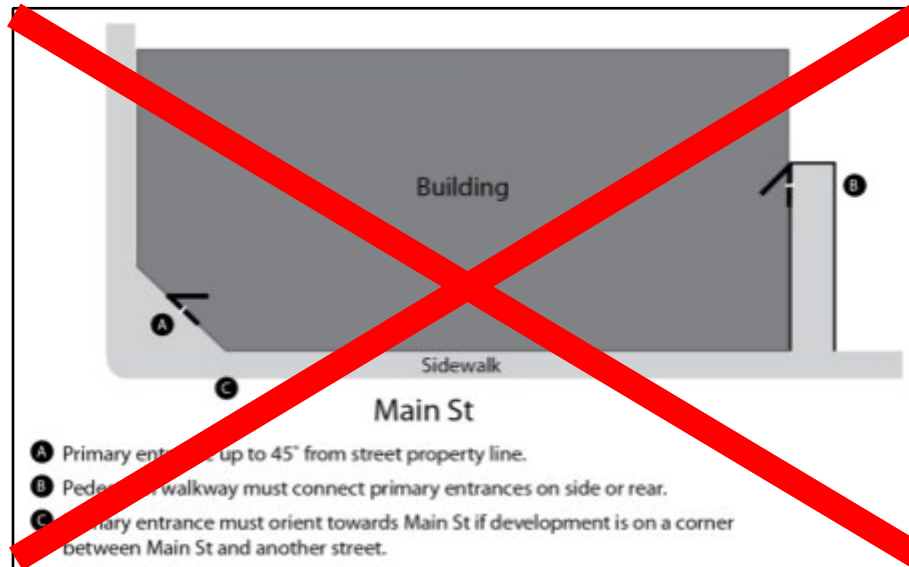
~~To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.~~

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.~~
- c. ~~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.

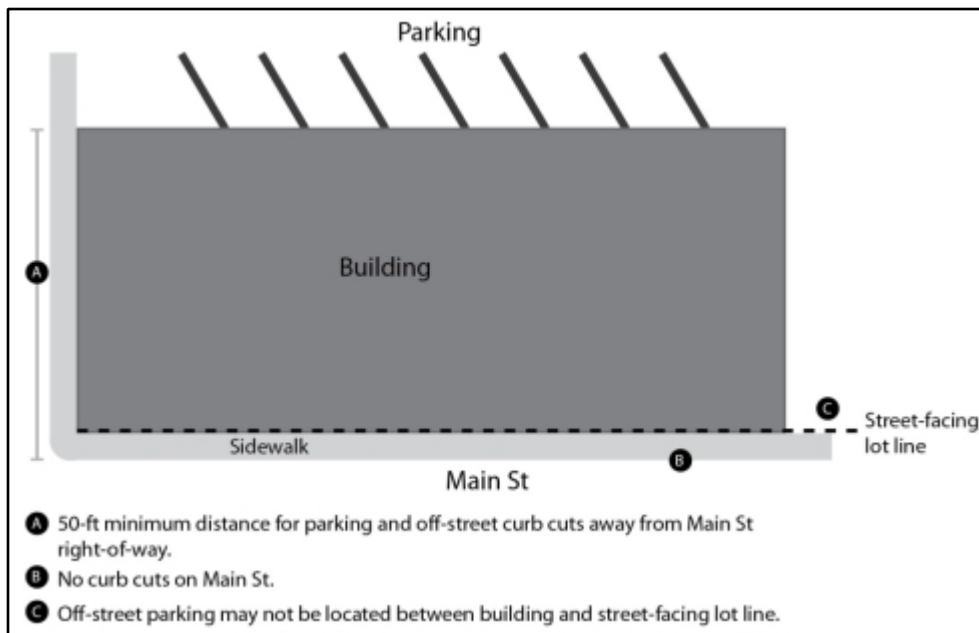
2. Standards

- 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-D.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.~~

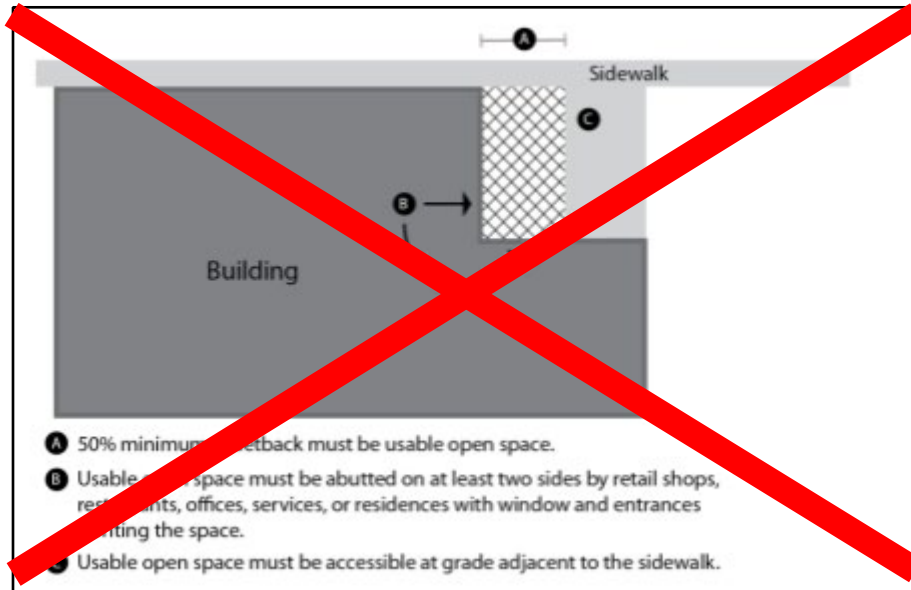
~~2. Standards~~

- ~~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~~

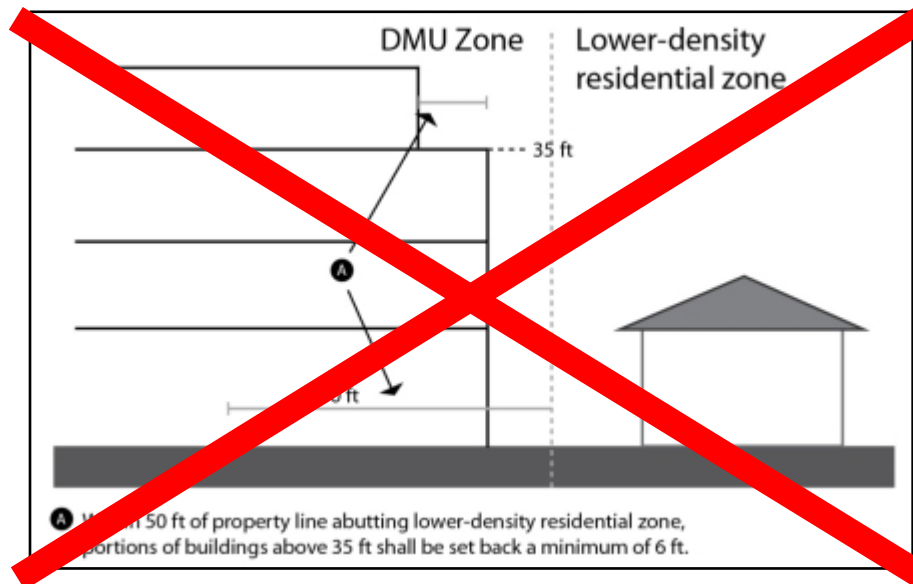
~~To minimize impacts of commercial or mixed-use development on lower-density residential uses.~~

~~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 are~~ 10-25 units per acre. There is no maximum residential density for townhouses or live/work units.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone ~~shall be are~~ 30 units per acre. Maximum residential densities are effectively 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.

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 downtown design review process.

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, as defined in Section 19.201, 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 19.304.3.B.1.
 - 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 and Activation, 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.
 - ~~e.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.i.~~ 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 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 II or 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 Standards Elements

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

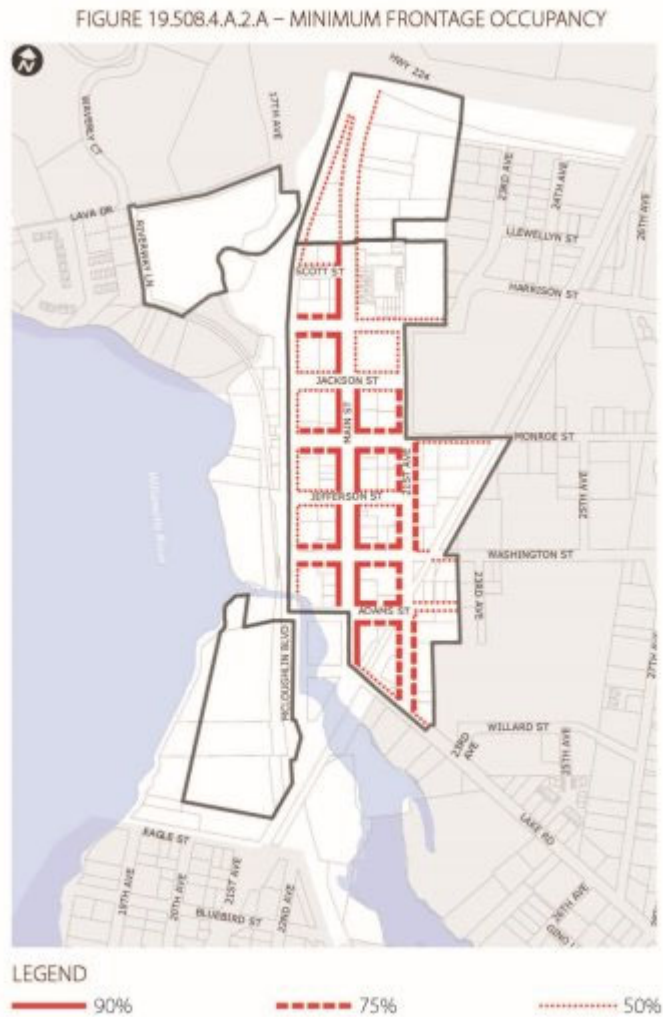
To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active ground-floor uses.

2. Design Standards

a. Frontage Occupancy

Figure 19.508.4.A.2.a

Minimum Frontage Occupancy



(1) Minimum frontage occupancy requirements are established for block faces identified in Figure 19.508.4.A.2.a and detailed in Table 19.508.4.A.2.a.(1).

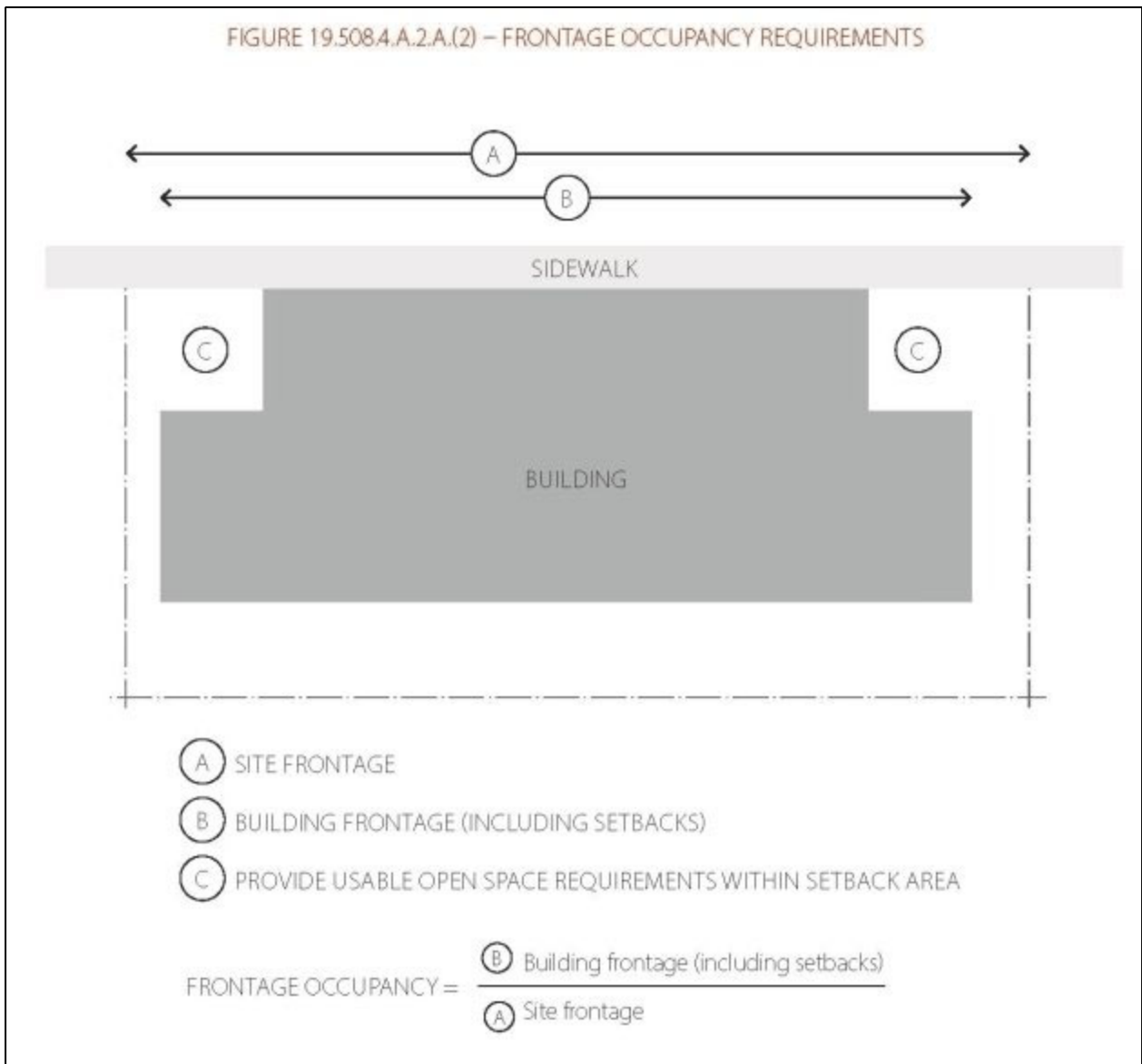
Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.508.4.A.2.b.

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.

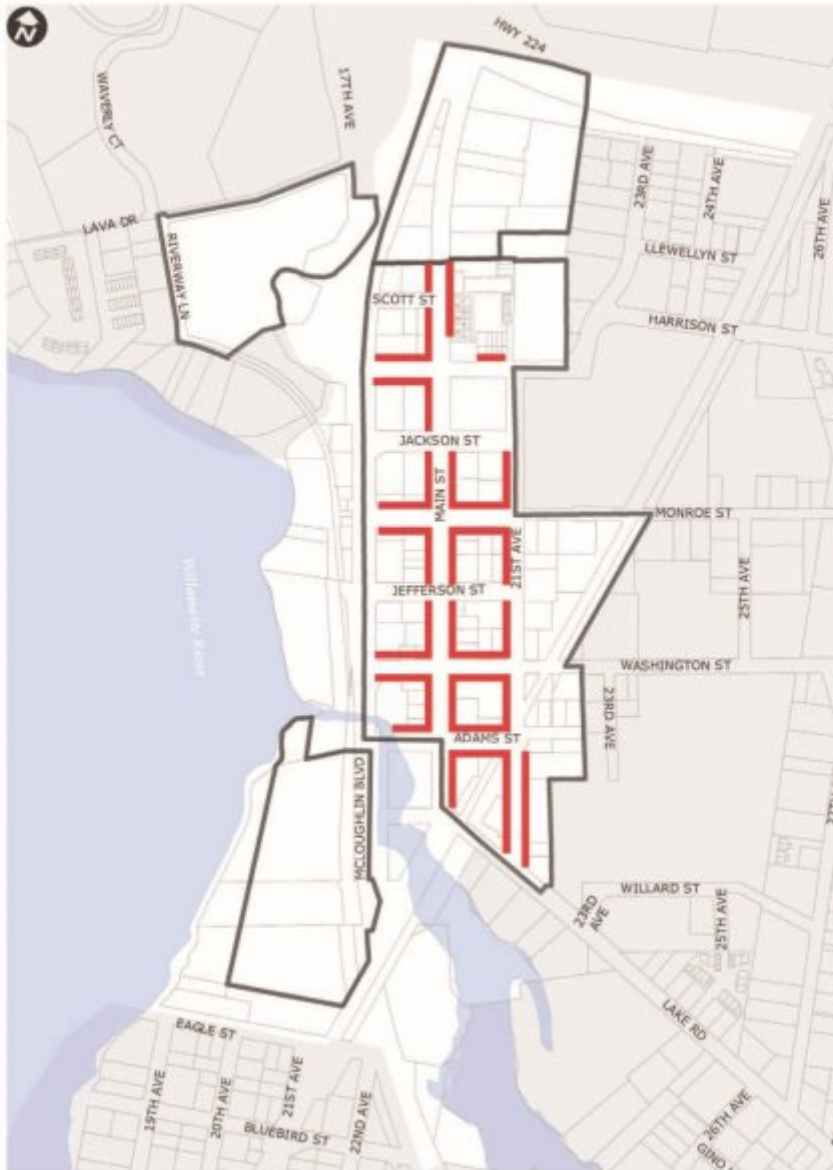
Figure 19.508.4.A.2.a.(2)
Frontage Occupancy Requirements



- 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:

Figure 19.508.4.A.2.b
First-Floor Build-to Requirements

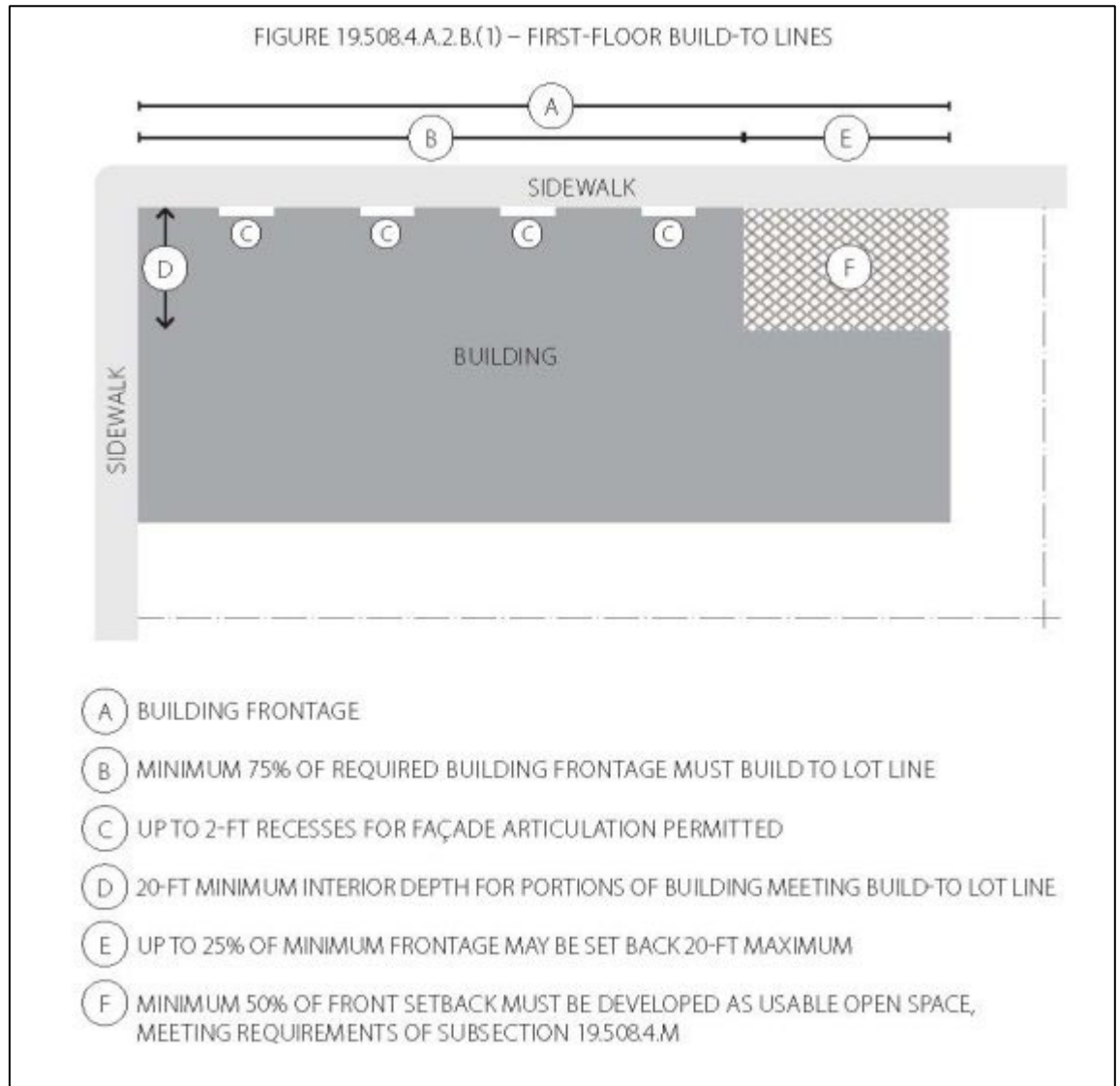
FIGURE 19.508.4.A.2.b – FIRST-FLOOR BUILD-TO REQUIREMENTS



- (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.

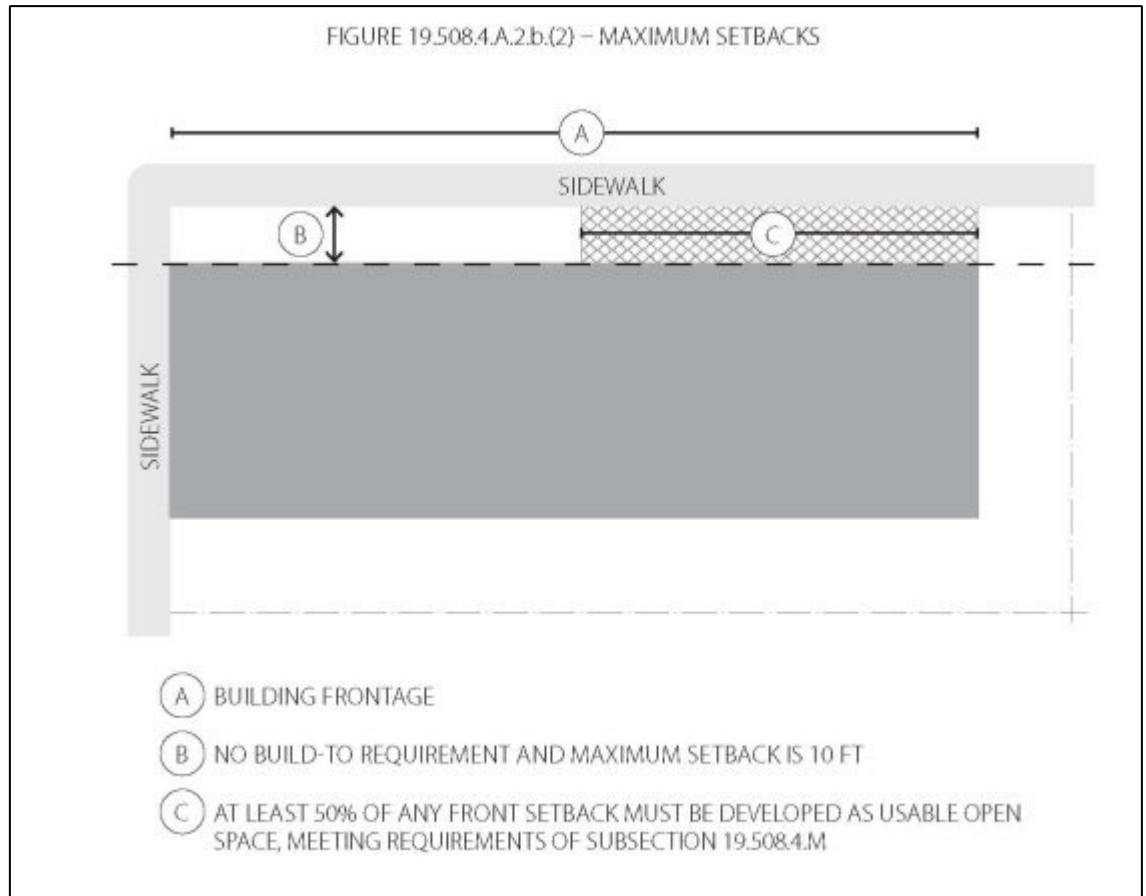
Figure 19.508.4.A.2.b.(1)

First-Floor Build-To Lines



- (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).)

Figure 19.508.4.A.2.b.(2)
Maximum Setbacks



- (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.

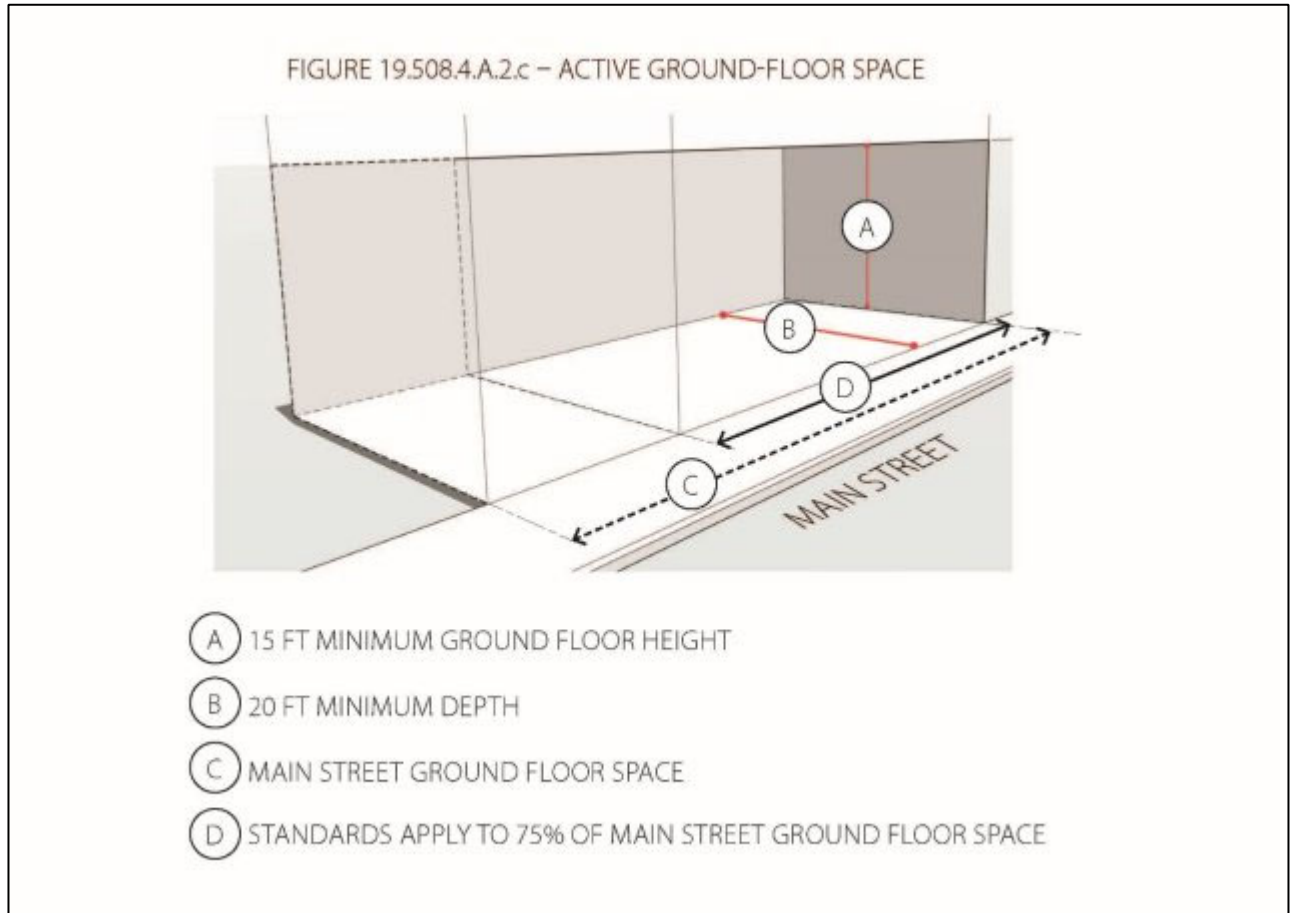
c. Active Ground-Floor Space

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 Street.

Figure 19.508.4.A.2.c
Active Ground-Floor Space Standards



3. Design Guidelines

- 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.
- 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 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:

Figure 19.508.4.B.2.a
Vertical Articulation Features

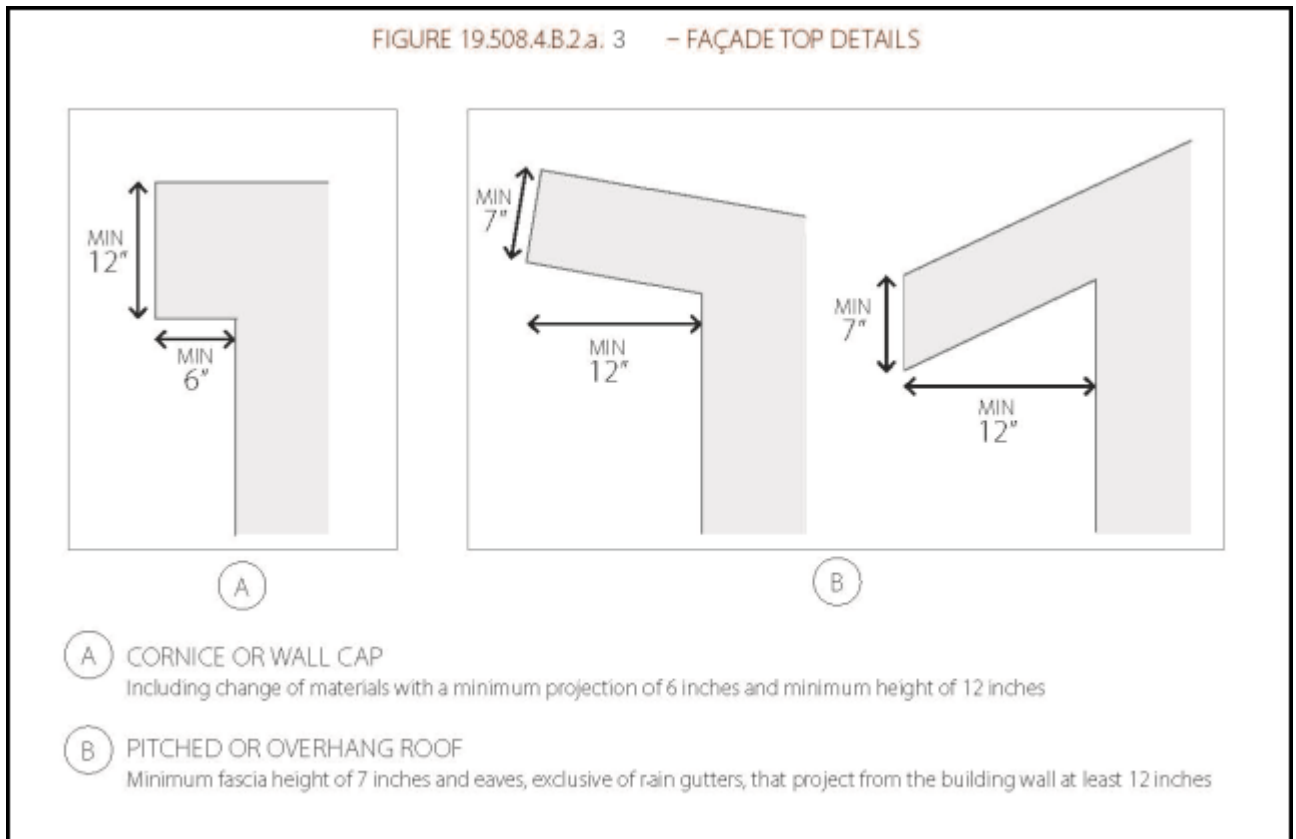


- (1) Base. The base of the building extends between the sidewalk and the top of the ground floor or the belt course/string course that separates the ground floor from the middle of the building. A minimum of the first 2 ft above finished grade of the ground-floor street-facing façade must be constructed 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)):

Figure 19.508.4.B.2.a.(3)

Façade Top Details



- (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.

Figure 19.508.4.B.2.b
Horizontal Articulation Details



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	
	Ground Floor (First story down to sidewalk grade)	Upper Floors
Material Type		
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) Table 19.508.4.C.2.a.(1) establishes 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%

(b) 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.

(c) 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 and Activation

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. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

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



- (3) Street-facing blank walls that contain no glazing are limited to 450 sq ft or 30 linear ft, whichever is less. 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(s) 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.
- (4) Blank walls on façades that are not street-facing must also employ one or more of the techniques in Subsections 19.508.4.D.2.(3)(a) and (b) if they meet any of the following criteria:
- (a) Ground-floor blank walls that exceed 450 sq ft or 30 linear ft, whichever is less, without glazing, that are visible from an adjacent public street. A side or rear façade is considered visible if there is no intervening building, wall, fence, or landscaping with a ground-floor wall area equal to at least 50% of the ground-floor wall area of the subject building between the subject façade and the adjacent public street. Ground-floor wall area is defined as the area from 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, whichever is less.
 - (b) Upper-floor blank walls that exceed 750 sq ft or 50 linear ft, whichever is less, without glazing, that face, or are within 45 degrees of, a shared property line where the abutting lot has no building taller than 25 ft between the subject façade and an adjacent public street.
 - (c) Blank walls on façades facing, or within 45 degrees of, on-site pedestrian walkways, that exceed 450 sq ft or 30 linear ft, whichever is less, without glazing.
 - (d) A blank wall spanning both the ground floor and upper floors may provide a unified landscaping or mural treatment meeting the requirements of Subsections 19.508.4.D.2.(3)(a) and (b).

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. 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) Façades that are not street-facing are subject to the blank wall standards of Subsection 19.508.4.D.2.b.(4).

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 limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.
- 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.

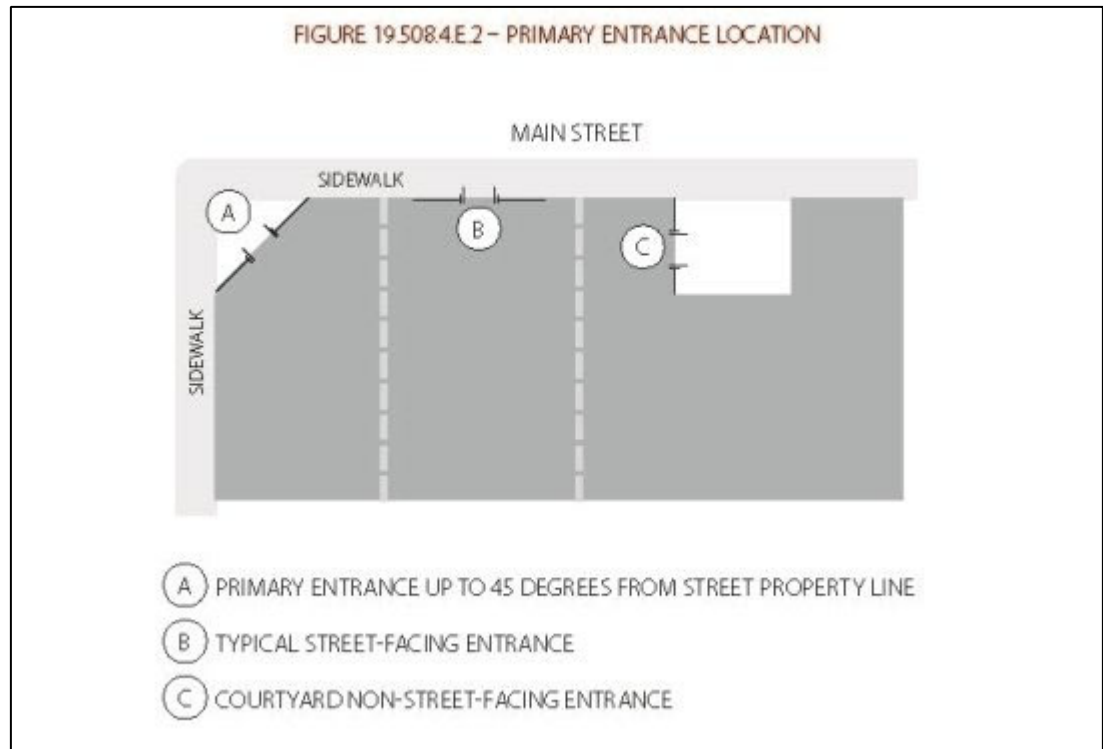
2. Design Standards

- 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 must 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 unit may orient to a plaza, courtyard, or similar pedestrian space designed as usable open space meeting the standards of Subsection 19.508.4.M. When oriented this way, the primary entrances must be connected to the street by an on-site pedestrian walkway either directly or through a plaza, courtyard, or similar pedestrian space as shown in Figure 19.508.4.E.2.

Figure 19.508.4.E.2

Primary Entrance Locations



- d. For nonresidential and mixed-use 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.
- 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 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 walkways 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:

- (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.

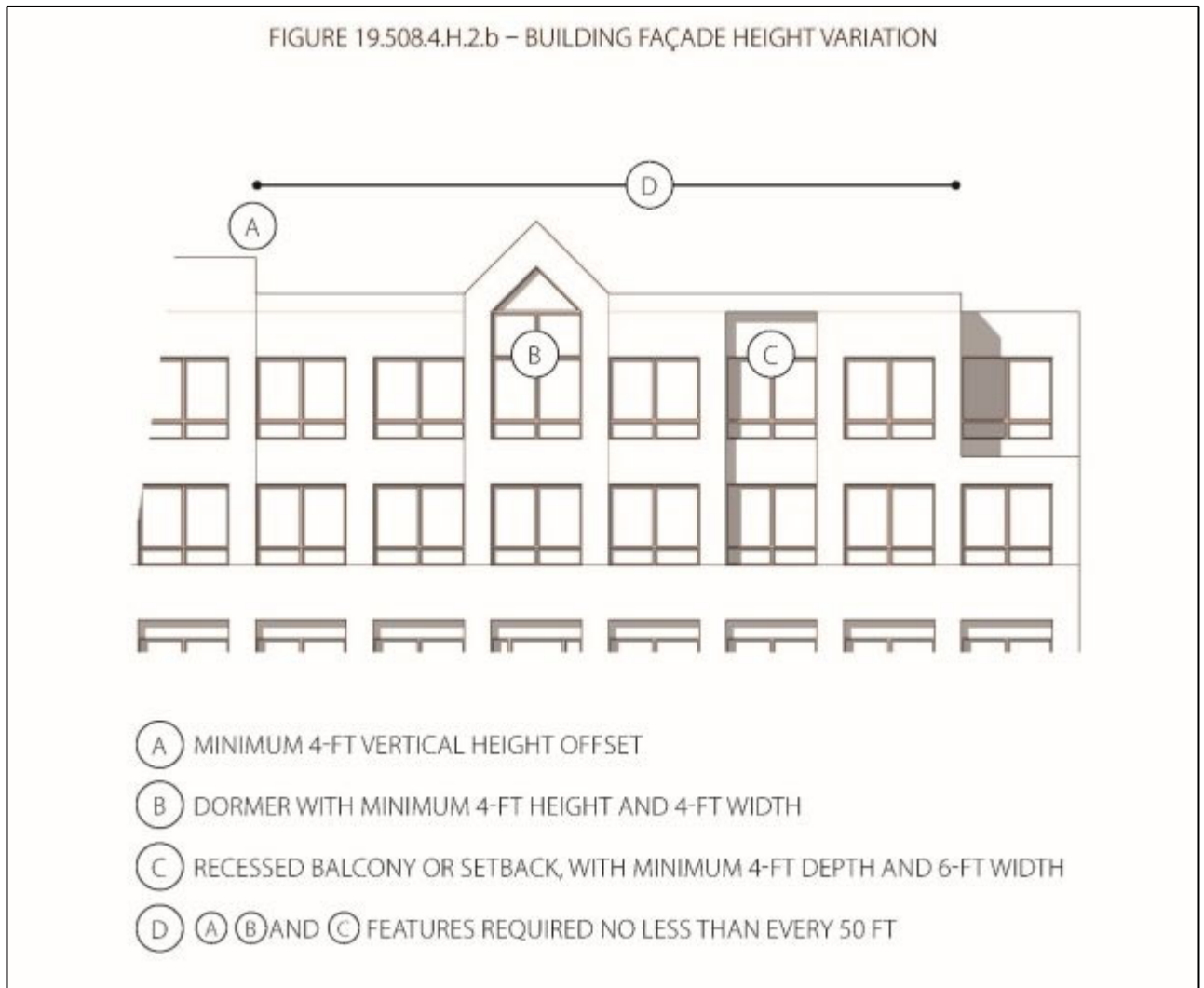
b. Building Façade Height Variation

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.

Figure 19.508.4.H.2.b
Building Façade Height Variation

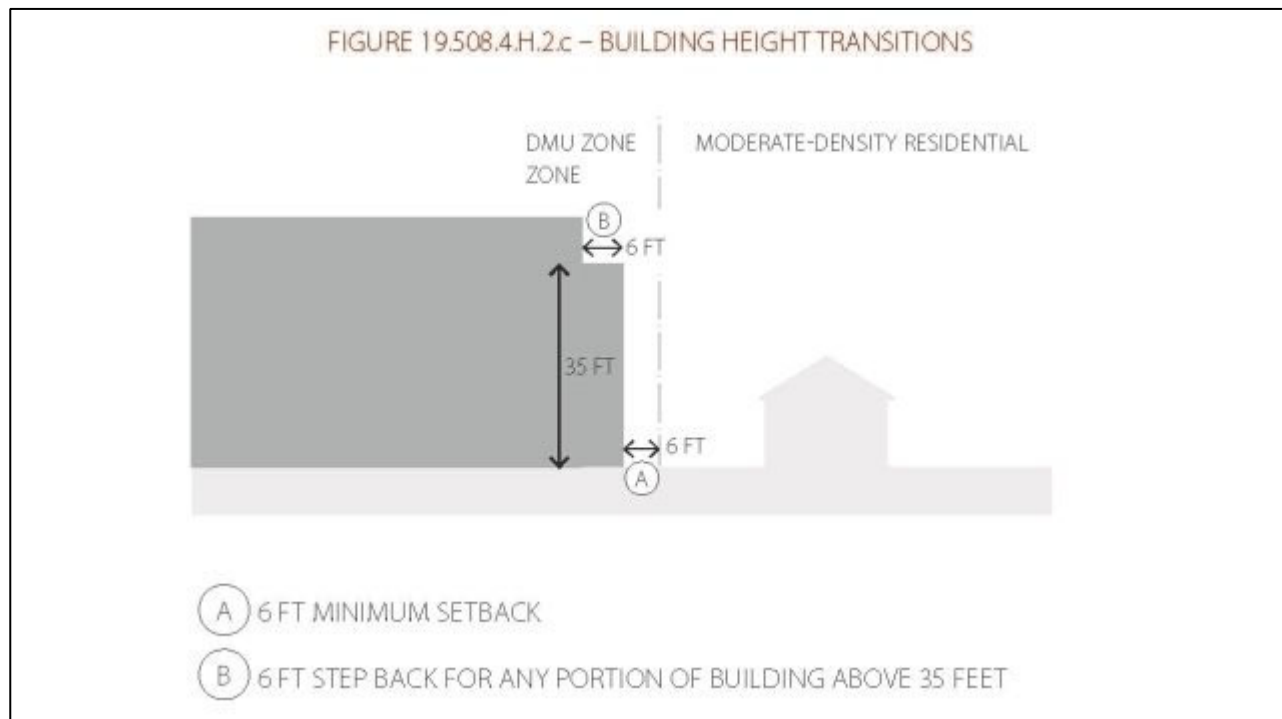


c. Building Transitions

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 the moderate density residential zone (R-MD), 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.

Figure 19.508.4.H.2.c
Building Transition Measures



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 Subsection 19.508.4.B.3.)

- d. For buildings abutting the moderate density residential zone, 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.

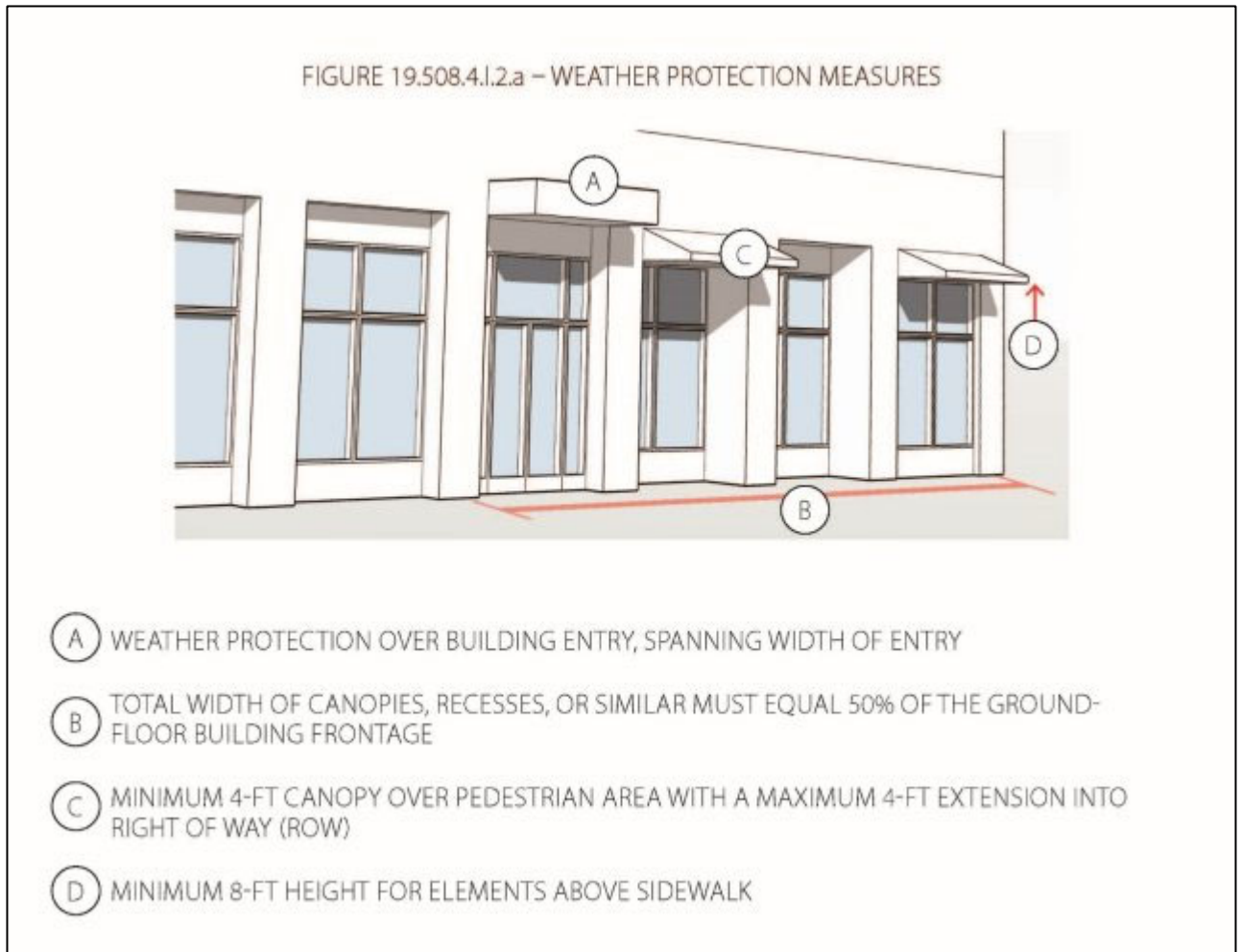
2. Design Standards

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 8 ft above the finished grade, including any valance.

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

Figure 19.508.4.1.2.a
Weather Protection Requirements



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

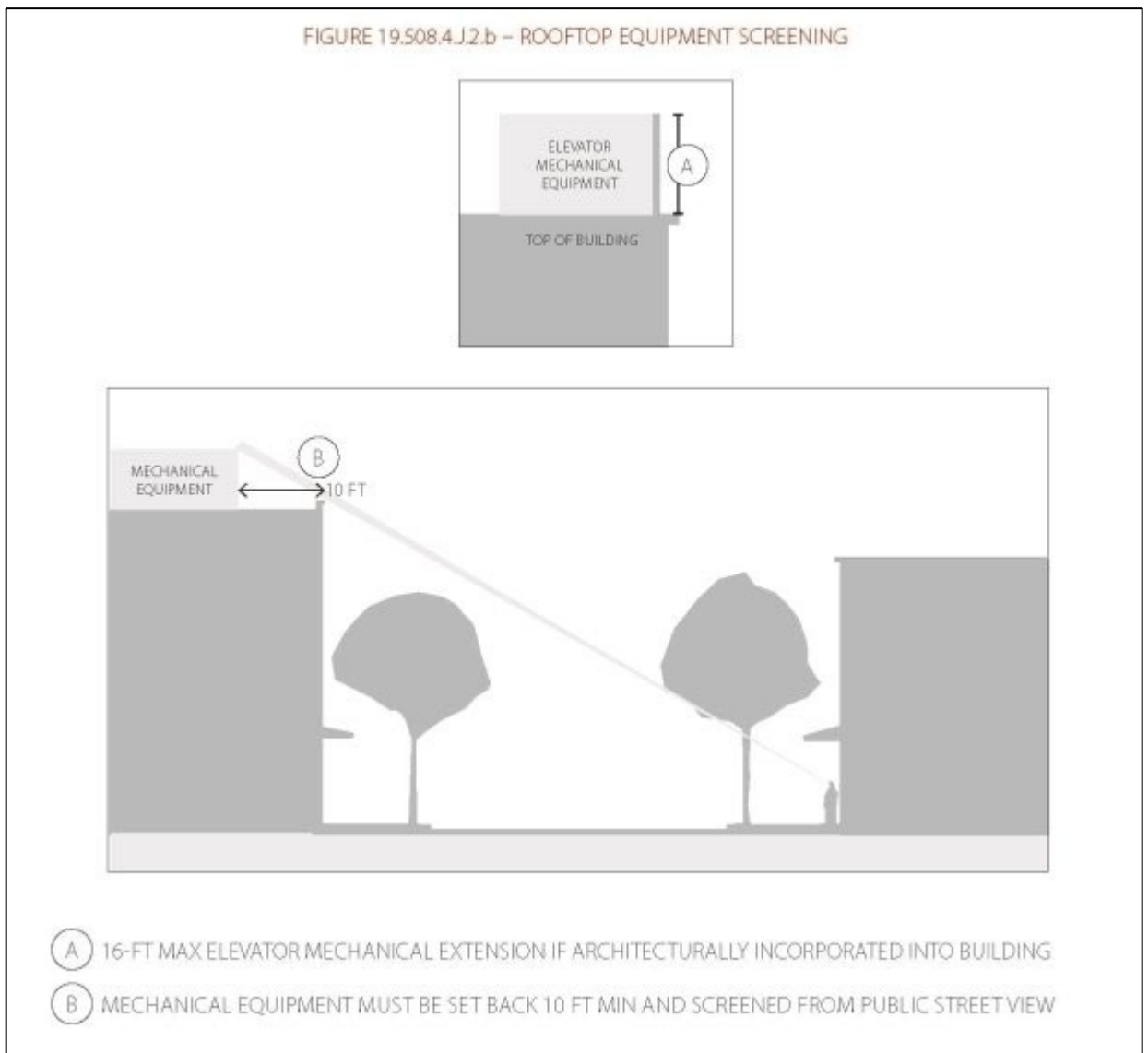
- (1) The following rooftop elements do not require screening:
 - (a) Solar panels, wind generators, and green roof features.
 - (b) Equipment under 2 ft high, if set back a minimum of 10 ft from the outer edge of the roof.
- (2) If visible from public street view, elevator mechanical equipment or a 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.

Figure 19.508.4.J.2.b
Rooftop Equipment Screening



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 and 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

Variations 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.~~

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.
- 10. Fences and/or retaining walls, which are subject to Subsection 19.502.2.B, including the standards for commercial zone fencing in Subsection 19.502.2.B.1.b.

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.~~
- ~~9. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 sq ft.~~
- ~~10. 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.~~
- ~~11. A new stand-alone multifamily residential building or addition that meets the objective 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.~~
1. New development and expansions or modifications of existing development that meet the applicable downtown 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.~~
- ~~21. Demolition or replacement of more-less than 25% of the surface area of any exterior wall or roof that does not meet the applicable standards of Section 19.508.~~
- ~~32. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage and that does not meet the applicable standards of Section 19.508.~~
- ~~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.~~
73. An increase in floor area proposed for a nonresidential use by ~~more~~less than 10% or 2,000 sq ft, whichever is greater.
84. A reduction in the area reserved for common open space and/or usable open space ~~which~~that reduces the open space area below the minimum required or by 10% or ~~more~~less.
- ~~9. An increase in the height of an existing building up to the maximum height.~~
- ~~10. 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~~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 and applicable guidelines 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 Milwaukee Downtown Design Guidelines downtown 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 II or 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~~ Manager. 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).~~

BA. 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 II and III Design Review, how the proposal meets applicable design standards and/or design guidelines in the Milwaukee Downtown Design Guidelines document Section 19.508.

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

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

- ~~ED~~. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- ~~FE~~. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- ~~GE~~. 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~~will 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~~will be approved when all of the following criteria have been met:

1. Compliance with Title 19.
2. Compliance with applicable design standards and/or design guidelines in Section 19.508.

C. Type III Downtown Design Review

An application for Type III downtown design review ~~shall~~will 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 meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and 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.~~ Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

19.911 VARIANCES**19.911.6 Building Height Variance in the Downtown Mixed Use Zone****A. Intent**

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

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the maximum heights or stories allowed through the bonuses specified in Figure 19.304-4, Subsection 19.304.5.B.3, and Section 19.510.

C. Review Process

The building height variance shall be subject to Type III review and approval by the Design and Landmarks Committee and the Planning Commission, in accordance with Chapter 19.907 and Section 19.1011. The building height variance shall be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time will be required for public input and technical evaluation of the proposal. To use this option, the applicant shall sign a waiver of the 120-day decision requirement.
2. The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to assess approval potential prior to committing excessive time or money to detailed design plans.
3. Design advice requests may not be made for a specific project or site with an active land use review application.
4. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

D. Approval Criteria

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

1. ~~Substantial consistency~~ Compliance with the Downtown Design Guidelines downtown design guidelines in Subsection 19.508.4.
2. The proposed height variance will result in a project that is exceptional in the quality of detailing, appearance and materials or creates a positive unique relationship to other nearby structures, views or open space.
3. The proposed height variance preserves important views to the Willamette River, limits shadows on public open spaces and ensures step downs and transitions to neighborhoods at the edge of the Downtown Mixed Use Zone.
4. The proposed height variance will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase downtown vibrancy and/or help meet sustainability goals.

Summary of Proposed Amendments (2022)

Downtown Design Review Update

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 the standards 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 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.

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 and Transitions (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 and Rooftop Equipment Screening (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 Milwaukee 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 and Activation *(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. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.*

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 street-facing wall area 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.
- Establish similar limits on blank walls that do not abut a public street but that are visible from a public street or pedestrian way due to the configuration of existing development on an adjacent property.
- 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 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 and Articulation element (Element D), 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

- Maintain the current requirement for a 6-ft step back for street-facing portions of a building over the base maximum height. 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 depth 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 a 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 also the larger public passing by (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.
- Adjust the maximum floor area ratio (FAR) from 4:1 to 6:1, acknowledging the available height bonuses.
- 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.
- Allow all new buildings downtown to use the Type I review process if they meet applicable downtown design standards. In addition, simplify the list of Type I actions to clarify that any expansion or modification of existing development that meets the applicable design standards of MMC 19.508 can be processed with Type I review. This effectively eliminates the applicability of the design review process to those actions for which there are no development or design standards to use as approval criteria.
- Preserve the Type II review process for a few specific actions that do not meet the design standards but are small enough in scale that Type III review and a public hearing are not warranted. Adjust the Type II approval criteria to include the design guidelines when applicable.
- 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.



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE FOR THE PURPOSE OF UPDATING AND REORGANIZING THE DOWNTOWN DESIGN REVIEW PROCESS (FILE #ZA-2022-003).

WHEREAS, the City's zoning code includes standards and requirements for design review in downtown Milwaukie, established in Sections 19.304, 19.508, and 19.907 as well as Subsection 19.911.6 of the Milwaukie Municipal Code; and

WHEREAS, additional guidance for the downtown design review process is provided in a separate Downtown Design Guidelines document, which was adopted by the City Council in 2003; and

WHEREAS, an assessment of the downtown design review process has determined that there are significant gaps and inconsistencies that prevent the process from being clear and internally consistent; and

WHEREAS, the Milwaukie Design and Landmarks Committee has worked extensively to prepare amendments to the applicable provisions in the zoning code that will reorganize and improve the process for downtown design review; and

WHEREAS, on October 25, 2022, the Milwaukie Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the proposed amendments; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the proposed amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code is amended as described in Exhibit B (underline/strikeout version) and Exhibit C (clean version). The Downtown Design Guidelines document that is ancillary to the zoning code is repealed.

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

ATTACHMENT 3

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval
File #ZA-2022-003
Downtown Design Review Code Amendments**

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

1. The applicant, the City of Milwaukie, proposes to amend Title 19 Zoning to update and reorganize the provisions of the zoning code that relate to the process of downtown design review. Amendments are proposed to MMC Section 19.304 Downtown Zones, Section 19.508 Downtown Site and Building Design Standards, Section 19.907 Downtown Design Review, and Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone. The land use application file number is ZA-2022-003.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Section 19.1008 Type V Review

The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on October 25, 2022, and December 6, 2022, as required by law.

3. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the municipal code. MMC Subsection 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows:

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the municipal code be evaluated through a Type V review per MMC Section 19.1008.

The Planning Commission held a duly advertised public hearing on October 25, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- b. MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (1) MMC Subsection 19.905.B.1 requires that the proposed amendments be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments are consistent with other provisions of the Milwaukie Municipal Code, including Title 19 Zoning and Title 14 Signs.

This standard is met.

- (2) MMC Subsection 19.902.5.B.2 requires that the proposed amendments be consistent with the goals and policies of the Comprehensive Plan.

The following goals and policies of the Comprehensive Plan support the amendments to downtown design review process:

Section 8 – Urban Design & Land Use

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 8.1 – Design

Use a design framework that considers location and development typology to guide urban design standards and procedures that are customized by zoning district.

Policy 8.1.1 – Downtown Milwaukie Policies

- a) Allow for a variety of dense urban uses in multi-story buildings that can accommodate a mix of commercial, retail, office, and higher density residential uses.
- b) Provide a high-quality pedestrian environment that supports safe, convenient access to the area's multiple transportation modes.
- e) Ensure that buildings are designed with storefront windows and doors, weather protection, and details that contribute to an active, pedestrian-oriented landscape.
- f) Ensure that design standards and guidelines reflect a well-defined community vision for the downtown.

Goal 8.2 – Livability

Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment.

Policy 8.2.4 – Public Space Design Policies

- a) Provide clear standards for the design and improvement of public spaces and streets as set forth in design objectives of adopted project plans or special area plans.
- c) Provide adequate seating in public spaces where people are intended to gather, with consideration of weather protection as appropriate.

Goal 8.3 – Process

Provide a clear and straightforward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

Policy 8.3.1

Use a two-track development review process to ensure that new non-residential development and redevelopment projects are well designed. Provide a clear and objective set of standards as well as an optional, discretionary track that allows for greater design flexibility provided design objectives are satisfied.

Policy 8.3.2

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

The proposed amendments implement sections of the comprehensive plan related to urban design, updating and reorganizing the existing downtown design review process. The standards and guidelines address elements such as building height and massing, façade transparency, weather protection, and open space. The proposed amendments clarify and strengthen the two-track review process (clear and objective versus discretionary) and the community's design vision for downtown as expressed in the existing code and related ancillary documents.

This standard is met.

- (3) MMC Subsection 19.902.5.B.3 requires that the proposed amendments be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. A detailed analysis of the Functional Plan will be provided if requested.

This standard is met.

- (4) MMC Subsection 19.902.5.B.4 requires that the proposed amendments be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments are consistent with the following relevant statewide planning goals:

Goal 1 – Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and has followed that process in making the proposed amendments. Public hearings on the proposed amendments have been held and public notice was published prior to each hearing. In addition, the Planning Commission members are appointed by an elected City Council, following an open and public selection process.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City's zoning code has an established process for reviewing the design of downtown development as part of the larger development review framework. The proposed amendments update and reorganize the existing standards and guidelines for downtown design to make the review process, whether clear and objective or discretionary, more comprehensible and internally consistent.

This standard is met.

- (5) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

The proposed amendments are not inconsistent with any relevant federal regulations.

This standard is met.

The City Council finds that the proposed amendments to MMC Section 19.304 (Downtown Zones), Section 19.508 (Downtown Site and Building Design Standards), Section 19.907 (Downtown Design Review), and Subsection 19.911.6 (Building Height Variance in the Downtown Mixed Use Zone) are consistent with the applicable approval criteria for zoning text amendments as established in MMC 19.902.5.B.

The City Council finds that the proposed zoning text amendments are approvable in accordance with the applicable procedures and standards of MMC 19.902.

4. MMC Section 19.1008 Type V Review

MMC 19.1008 establishes the procedures and requirements for Type V review, which is the process for legislative actions. The City Council, Planning Commission, Planning Manager, or any individual may initiate a Type V application.

The amendments were initiated by the Planning Manager on August 1, 2022.

- a. MMC Subsection 19.1008.3 establishes the public notice requirements for Type V review.

- (1) MMC Subsection 19.1008.3.A General Public Notice

MMC 19.1008.3.A establishes the requirements for public notice

- (a) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment.

The Planning Commission had work sessions about the proposed code amendment language on August 9, and September 27, 2022. Proposed code amendments were first posted on the application webpage on August 1, 2022, and have been updated since as needed. On August 9, 2022, staff emailed Neighborhood District

Association (NDA) leaders with information about the proposed amendments and a link to the August 9 Planning Commission meeting page.

- (b) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission’s October 25, 2022, hearing was posted as required on September 23, 2022. A notice of the City Council’s December 6, 2022, hearing was posted as required on November 4, 2022.

- (c) MMC Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendments will apply to all properties broadly in the downtown but do not reduce the permissible uses or development opportunities for those properties. Notice was not sent to individual property owners.

- (2) MMC Subsection 19.1008.3.B DLCD Notice

MMC Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on September 20, 2022.

- (3) MMC Subsection 19.1008.3.C Metro Notice

MMC Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on September 20, 2022.

- (4) MMC Subsection 19.1008.3.D Property Owner Notice (Measure 56)

MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director’s opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments will not affect the permissible uses of land. The proposed amendments simply update and reorganize the existing downtown design review process.

- b. MMC Subsection 19.1008.4 Type V Decision Authority

MMC 19.1008.4 establishes that the City Council is the review authority for Type V applications and may approve, approve with conditions, amend, deny, or take no action on a Type V application after a public hearing.

The City Council held a public hearing to consider this application on December 6, 2022, and approved the proposed amendments as presented.

c. MMC Subsection 19.1008.5 Type V Recommendation and Decision

MMC 19.1008.5 establishes the procedures for review and a decision on Type V applications. The process includes an initial evidentiary hearing by the Planning Commission and a recommendation to the City Council, followed by a public hearing and decision by the City Council.

The Planning Commission held an initial evidentiary hearing on October 25, 2022, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on December 6, 2022, and approved the proposed amendments as presented.

The City Council finds that the applicable requirements of MMC 19.1000 have been met.