



Planning and Building Services Department

Memorandum

TO: Lake Oswego Planning Commission
FROM: Sarah Selden and Johanna Hastay
DATE: March 2, 2009
SUBJECT: Institutional Use Code Amendments

On March 9, 2009, a work session is scheduled for the Planning Commission to discuss possible code amendments to the Low Density Residential zones (R-7.5, R-10, R-15; LOC 50.08) affecting institutional uses.

This memo highlights key questions that should be considered as part of the Planning Commission's discussion and poses possible amendments to the lot coverage and dwelling design standards as they affect institutional uses in low density residential zones. A public hearing on the proposed amendments is scheduled for April 13.

Background

On November 10, 2008, the Planning Commission heard public comment from Our Lady of the Lake Catholic Parish (630 A Avenue) regarding a master plan project to expand the parish center and school buildings, which would be reviewed as a conditional use application in the R-7.5 zone. The initial stages of the master plan process identified three areas of the code that Our Lady of the Lake felt would present considerable challenges to their design and institutional uses in general:

- A maximum lot coverage of 25% for structures greater than 22 feet in height, whereas public schools are allowed 35% lot coverage under the Public Facilities (PF) zone standards regardless of height;
- The front setback plane that applies along the 100-foot wide arterial frontage of the site (A Avenue) under the R-7.5 zone Structure Design Standards; and,
- A more restrictive front setback plane required under the Evergreen Overlay along the same frontage. This standard prevails over the R-7.5 base zone Structure Design Standards.

Our Lady of the Lake noted that Class 2 variances to the standards were not an option in this instance due to lack of hardship and asked the Commission to direct staff to explore potential amendments to the above mentioned code sections to allow for greater flexibility when designing institutional buildings located in residential zones. The Planning Commission concurred that the issues warranted further discussion and directed staff to begin the process with meetings with the neighborhood associations.

Please note that the following code amendments are being brought forward separate from the pending CDC updates, and if adopted will be subject to a code currency process that would bring any changes in line with the CDC updates.

Community Meetings

On January 21 and 22, 2009, staff held separate meetings with Institutional Use and Neighborhood Association representatives. Staff did not focus directly on the Evergreen Overlay front setback plane but did reference its impact on Our Lady of the Lake's master plan as a background issue.

In summary, the Institutional Use representatives (all from local churches) thought that revising the code sections would be beneficial as the changes would allow for greater flexibility when planning for future development. They felt that lot coverage for private schools should be on par with that afforded to public schools. Representatives were supportive of the front setback plane with regards to local streets but thought that busier streets such as arterials may not be as important. The conditional use process was characterized as challenging by some representatives.

Neighborhood Association representatives (about half of the associations were represented) expressed a concern that increasing the maximum lot coverage standard (with the resultant expansion in the building footprint) would allow for incompatible structures. Some felt that there were significant differences between public and private educational institutions that call for differences in lot coverage standards. There was some debate regarding the applicability of the front setback plane on arterials but most felt that the standard, as written, serves to ensure compatible massing within residential areas. Most representatives did not believe the current conditional use process served to moderate size and impact.

In these meetings, staff discussed the option to include major collectors in addition to arterials in regards to applicability of the front setback plane standards. Many participants were concerned with varying character of major collector streets, as they are typically narrower and have lower traffic volume than arterials. Many major collectors also have a more residential character than arterial streets. Staff concluded that while the front setback plane may still play an important role in enhancing neighborhood compatibility along collector streets, the impact is less noticeable along arterials.

Following the community meetings, staff held additional discussions to respond to the community feedback, look at potential scenarios, and refine code language. Proposed code amendments and key questions are outlined below and require further discussion and direction from the Commission.

Discussion

Proposed Lot Coverage Amendments:

Section 50.08.045 Lot Coverage and Floor Area Ratio (FAR).

1. ~~Except as set forth in LOC Article 50.30 and this section~~ Lot coverage shall not exceed 35% for a primary structure 22 feet in height or 25% for a primary structure > 22 feet in height.

a. Exceptions to lot coverage.

(i). See LOC Article 50.30.

(ii). Schools with one or more grades K-12: Lot coverage shall not exceed 35%.

(iii). If the site (whether one parcel or a unified site plan) contains a mixed use development that includes a school with one or more grades K-12 as one of the uses, lot coverage for the entire site shall be either be 35% or the percentage allowed for the other use(s), whichever is greatest.

Staff is proposing an amendment to the lot coverage maximum for schools within the low density residential zones (R-7.5, R-10, and R-15). The current code (per LOC 50.08.045) allows for a maximum of 25% lot coverage when a building exceeds 22 feet in height. Staff is proposing that schools, regardless of height, be allowed 35% lot coverage, which is the maximum allowed in these residential zones. Since it is often difficult for a school building (typically built with a gymnasium, cafeteria, and/or auditorium) to comply with the 22-foot restriction that would allow for the full 35% lot coverage, the proposed amendment simply removes the height variable from the lot coverage calculation.

In 2002, the City adopted a zone change ordinance that brought all public facilities into a new Public Functions (PF) zone (LOC 50.13A). The PF zone allows for a public school to be built with 35% lot coverage when abutting two or more residentially zoned properties. Schools not abutting residential zones are allowed 50% lot coverage. Prior to that zone change, public school properties were zoned residential and were subject to residential zoning regulations. One of the similarities between the new PF zone and the residential zones is that all schools are still subject to the conditional use process. One of the purposes for creating this new zone and revising the standards was to accommodate the special needs of non-residential facilities in terms of size, height, and setbacks. Staff is proposing a 35% lot coverage maximum for schools located within residential zones, on par with the lowest lot coverage maximum allowed for public schools in the PF zone.

While existing public schools are located in the PF zones, new public schools are still allowed in low density residential zones as a conditional use. The proposed lot coverage amendment would apply to all K-12 schools whether or not public or private. For example, a new public school developed in an R-7.5 zone would either have to apply for a zone change from the R-7.5 zone to the PF zone or be subject to different standards than an existing public school though the relationship relative to the surrounding residential neighborhood could be similar.

Staff researched the allowed lot coverage for public and private schools in nearby jurisdictions and found that the City of Lake Oswego was unique in differentiating between public and private education facilities and also was more restrictive than many on size. For example, the City of West Linn allows all schools located in the R-10 zone (80% of the city) a maximum of 35% lot coverage, and the City of Tigard allows up to 80% lot coverage.

Key Questions to Consider

1. What is the justification for requiring different lot coverage maximums for schools (whether public or private) located on properties zoned low density residential versus properties zoned PF? Creation of the PF zone with more flexible standards, and inclusion of schools within that zone, tacitly acknowledges that schools have different design and structural needs than residences.
2. One of the arguments against changing the low density residential lot coverage standards for schools is that public schools are subject to a broader educational charter than are private schools. If there is a justification to differentiate between public and private schools, how should the City manage a plan to locate a new public school within a low density residential zone? How should the City respond to a private school that would like to develop a comparable program to a public school?

Proposed Front Setback Plane Amendments:

Section 50.08.045 Structure Design

1. Front Setback Plane.

a. The front profile of a structure shall fit behind a plane that starts at the front yard setback line and extends upward to 20 feet in height, then slopes toward the rear of the lot at a minimum slope of 6:12, up to the maximum allowed height at the peak, as illustrated in Appendix 50.07-C.

b. *Exceptions to the front setback plane.*

(i). *Any individual roof form may penetrate the front setback plane if it is less than one-third of the total structure width at 20 feet in height. Two separate and distinct roof forms, such as dormers, may project into the front setback plane if they are less than one-half of the total structure width at 20 feet in height.*

OPTION 1:

(ii). *The front setback plane shall not apply to non-residential land uses along arterial streets.*

OPTION 2:

(ii). *The front setback plane shall not apply to arterial street frontages.*

Staff is proposing a modification to the Front Setback Plane applicability in the low density residential zones (R-7.5, R-10, and R-15) along arterial streets. Arterials impacted by the proposed modification would be: A Avenue, Country Club Road, Boones Ferry Road, Highway 43/State Street, McVey and Stafford Roads, and Kerr Parkway (specifically those properties not subject to Mt. Park PUD standards). As noted, above, staff is presenting two options for the Commission's consideration (either all structures on arterials or only non-residential structures on arterials).

Discussion of Option 1:

In 2003, the Community Development Code was amended as a result of the Infill Task Force recommendations, which were developed to ensure compatibility of new residential development with existing neighborhoods. New design standards included the front setback plane, which was intended to push the mass of a structure back towards the center of a lot to reduce the perceived building mass at the street (please see attached diagram that illustrates this concept, Exhibit F-2). The design standards originally applied to dwellings only (see attached 2003 code language, Exhibit F-1). However, in 2004, the Code language was changed from "dwelling" to "structure" in order to capture accessory structures under the design regulations. However, with that text amendment, all structures, both residential and non-residential, are now required to comply with the design standards.¹

While institutional buildings located in residential zones must be designed to be "as compatible as practical with surrounding uses," an institutional use would not necessarily need to look residential in order to be compatible. Building Design standards (LOC 50.45) are applied to institutional uses citywide in order to help ensure this compatibility. The standards require buildings to be "designed and located to complement and preserve existing buildings," including being designed to be "complementary in appearance to adjacent structures of good design with regard to materials, setbacks, roof lines, height, and overall proportions." These standards allow flexibility for the building design to respond to the use's unique functional needs (which may include different types of rooms, ceiling heights and mechanical systems than dwellings), and to the built environment surrounding the institutional use.

Lastly, institutional buildings such as schools, churches or cultural centers, often serve as landmarks or reference points within a city, not just because of their use but because of their unique building form. These reference points help create diversity and interest along a city's main streets and contribute to a district's unique identity.

Discussion of Option 2:

At the community meetings, the discussion about the front setback plane only addressed potential code changes for non-residential structures. After further consideration of institutional land uses

¹ There may have been informal discussions around whether the applicability was intended to include non-residential structures but the public record does not reflect the intent for applicability to go beyond residential primary and accessory structures.

conditionally allowed in low density residential zone, staff realized that there was potential for mixed use development, including residential and non-residential uses, where the front setback plane would only apply to the residential portion of the structure. While this situation might not be highly likely, it is a possibility that should be considered before adopting a code change. Linking the front setback plane applicability to land use, rather than location, could further complicate application of the code.

Consideration of a front setback plane's purpose related to institutional uses also led staff to consider the purpose of this regulation related to arterial streets overall. An arterial street is designed to carry 7,500 vehicle trips per day on 2-4 lanes of traffic² along with other modes of transportation such as bike lanes and bus routes. They are through streets that provide rapid cross-city connections. While many arterial streets in Lake Oswego have abutting residential zoning, many of these areas are developed in small subdivisions with internal streets. The character of arterial streets is less pedestrian oriented as fewer of the homes have active front yards facing the arterial street.

Urban designers work to create definition of a street in order to communicate its edge, and maintain that the wider a street gets, the more mass and height it takes to define that street. Staff considered the visual impact of a building on a local street versus an arterial street, without factoring in the front setback plane. The right-of-way width for local streets averages 30-50 feet, and the right-of-way width for arterials averages 60-100 feet. For example, if a local street had a 40-foot right-of-way and maximum building height of 28 feet, to achieve the same relationship between building height and street width along an arterial, a building would have to be approximately 56 feet tall. In other words, a building on an arterial street would have less perceived building mass than the same building on a narrower local street. Similarly, the front setback plane does not have the same visual benefit on an arterial street that the design standard was first created to accomplish.

Evergreen and First Addition Neighborhoods Applicability

Our Lady of the Lake also asked the Planning Commission to consider the Evergreen R-7.5 Overlay District, which applies a more restrictive front setback plane standard to the neighborhood.

Structures in Evergreen must fit behind a plane that extends 16 feet in height before the roof slopes back, while the R-6, R-7.5, R-10 and R-15 zones have a front setback plane that extends 20 feet in height before the roof slopes back.

Staff and Our Lady of the Lake has asked Evergreen to consider whether or not applying the overlay's front setback plane to an institutional building is consistent with its stated purpose to "ensure that residential development occurs in a way that is compatible with the unique character of the Evergreen Neighborhood by assuring greater consistency in style and scale between buildings." The neighborhood's initial response has been that they do not support any code modifications that would allow the proposed scale of development to increase. Staff and Our Lady of the Lake are waiting for an official response after the Evergreen Board receives feedback from the broader neighborhood.

The 20-foot front setback plane is also contained in the R-6 zone (First Addition). If the Planning Commission recommends amending the standard for the R-7.5, R-10 and R-15 zones, there should be further discussion regarding applicability of the standard in the R-6 zone along A Avenue.

Key Questions to Consider

1. Should institutional building forms be subject to the same standards as residential building forms, considering the function of an institutional building and that the conditional use standards, and the fact that building design standards include regulations to ensure compatibility and good design?

² Local streets are designed to carry 1,200 vehicle trips per day.

2. Given the average width, function and character of an arterial street, does the front setback plane standard achieve its purpose of reducing perceived building mass?
3. If the front setback plane is modified so it doesn't apply to residential or non-residential frontages along arterials in low-density residential neighborhoods, does it make sense for the Evergreen Overlay (LOC 50.08A) and/or the R-6 First Addition (LOC 50.06) to continue applying the same or stricter design standard along an arterial?

Exhibits:

- F-1 Original 2003 building design code language (Excerpt from Infill Ordinance Enacted by City Council July 13, 2003)
- F-2 Front setback plane diagram

TABLE 50.08.040

| <u>Lot Size (Square Feet)</u> | <u>Maximum Floor Area Ratio (FAR)</u> | | |
|-----------------------------------|---------------------------------------|-------------|-------------|
| | <u>R-7.5</u> | <u>R-10</u> | <u>R-15</u> |
| <u>< 5,000</u> | <u>.6</u> | <u>.6</u> | <u>.6</u> |
| <u>≥ 5,001 < 6,000</u> | <u>.55</u> | <u>.55</u> | <u>.55</u> |
| <u>≥ 6,000 < 7,000</u> | <u>.5</u> | <u>.5</u> | <u>.5</u> |
| <u>≥ 7,000 < 8,000</u> | <u>.45</u> | <u>.45</u> | <u>.45</u> |
| <u>≥ 8,000 < 9,000</u> | <u>.4</u> | <u>.4</u> | <u>.44</u> |
| <u>≥ 9,000 < 10,000</u> | <u>.39</u> | <u>.4</u> | <u>.43</u> |
| <u>≥ 10,000 < 11,000</u> | <u>.38</u> | <u>.4</u> | <u>.42</u> |
| <u>≥ 11,000 < 12,000</u> | <u>.37</u> | <u>.39</u> | <u>.41</u> |
| <u>≥ 12,000 < 13,000</u> | <u>.36</u> | <u>.38</u> | <u>.4</u> |
| <u>≥ 13,000 < 14,000</u> | <u>.35</u> | <u>.37</u> | <u>.39</u> |
| <u>≥ 14,000 < 15,000</u> | <u>.34</u> | <u>.36</u> | <u>.38</u> |
| <u>≥ 15,000 < 16,000</u> | <u>.33</u> | <u>.35</u> | <u>.37</u> |
| <u>≥ 16,000 < 17,000</u> | <u>.32</u> | <u>.34</u> | <u>.36</u> |
| <u>≥ 17,000 < 18,000</u> | <u>.31</u> | <u>.33</u> | <u>.35</u> |
| <u>≥ 18,000 < 19,000</u> | <u>.30</u> | <u>.32</u> | <u>.34</u> |
| <u>≥ 19,000 < 20,000</u> | <u>.29</u> | <u>.31</u> | <u>.33</u> |
| <u>≥ 20,001</u> | <u>.28</u> | <u>.3</u> | <u>.32</u> |

23. In cluster developments, lot coverage requirements may be applied with reference to the project as a whole and not on a lot by lot basis.

4. For lots less than or equal to 10,000 square feet in area up to 200 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area may be exempt from floor area calculations up to a maximum of 200 square feet.

5. For lots greater than 10,000 square feet in area, up to 400 square feet of the ground floor area of a detached garage area may be exempt from lot coverage calculations. Habitable areas of detached accessory structures that would normally be counted as floor area, may be exempt from floor area calculations up to a maximum of 400 square feet.

6. FAR for uses other than single family dwellings and their accessory uses shall be as follows:

a. The FAR for uses listed as conditional uses shall be established as part of the conditional use process.

b. The FAR for other non-residential uses shall be no greater than 1:1.

Section 17. A new Section 50.08.045 is hereby added to read as follows

50.08.045 Dwelling Design.

1. Front Setback Plane.

a. The front profile of a structure shall fit behind a plane that starts at the front yard setback line and extends upward to 20 feet in height, then slopes toward the rear of the lot at a minimum slope of 6:12, up to the maximum allowed height at the peak, as illustrated in Appendix 50.07-C.

b. Exceptions to the front setback plane. Any individual roof form may penetrate the front setback plane if it is less than one-third of the total structure width at 20 feet in height. Two separate and

distinct roof forms, such as dormers, may project into the front setback plane if they are less than one-half of the total structure width at 20 feet in height.

2. Maximum Side Yard Plane. The side elevation of a structure must be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevations of a primary structure. When the side elevation of a primary structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of side-yard wall planes that are entirely separated from other wall planes are those that result in a change in plate height or other change in plane such as a recessed or projecting section of the structure, that projects or recedes at least 2 feet from the from the adjacent plane, for a length of at least 6 feet.

Section 18. A new Section 50.08.050 is hereby added to read as follows

50.08.050 Accessory Structures.

1. Floor Area: An accessory structure ≤ 18 feet in height shall not exceed 800 sq. ft. in area, or the footprint of the primary structure, whichever is less. An accessory structure greater than 18 feet in height shall not exceed the greater of 600 square feet or the ground floor area of the primary structure, whichever is less.

2. Height: The maximum height of an accessory structure shall be 24 feet, except that no accessory structure shall be taller than the primary structure.

3. Yard Setbacks: The side and rear yard setbacks for an accessory structure ≤18 feet in height shall be a minimum of 10 feet. The side and rear yard setbacks for an accessory structure 18 feet in height or greater shall be a minimum of 15 feet. Accessory structures on abutting lots may not be built with common party walls.

Section 19. A new Section 50.08.055 is hereby added to read as follows

50.08.055 Garage Appearance and Location.

1. The following standards apply, except when a garage is located behind the primary structure or the garage is side-loading, as shown in Appendix 50.02-C:

a. The garage shall:

i. Not be located closer to the street than the dwelling, unless the exception criteria outlined in [subsection \(c\)](#), below are met.

ii. Not occupy more than 60% of the width of the façade of the structure.

iii. Minimize the appearance of the garage by complying with at least two of the following standards:

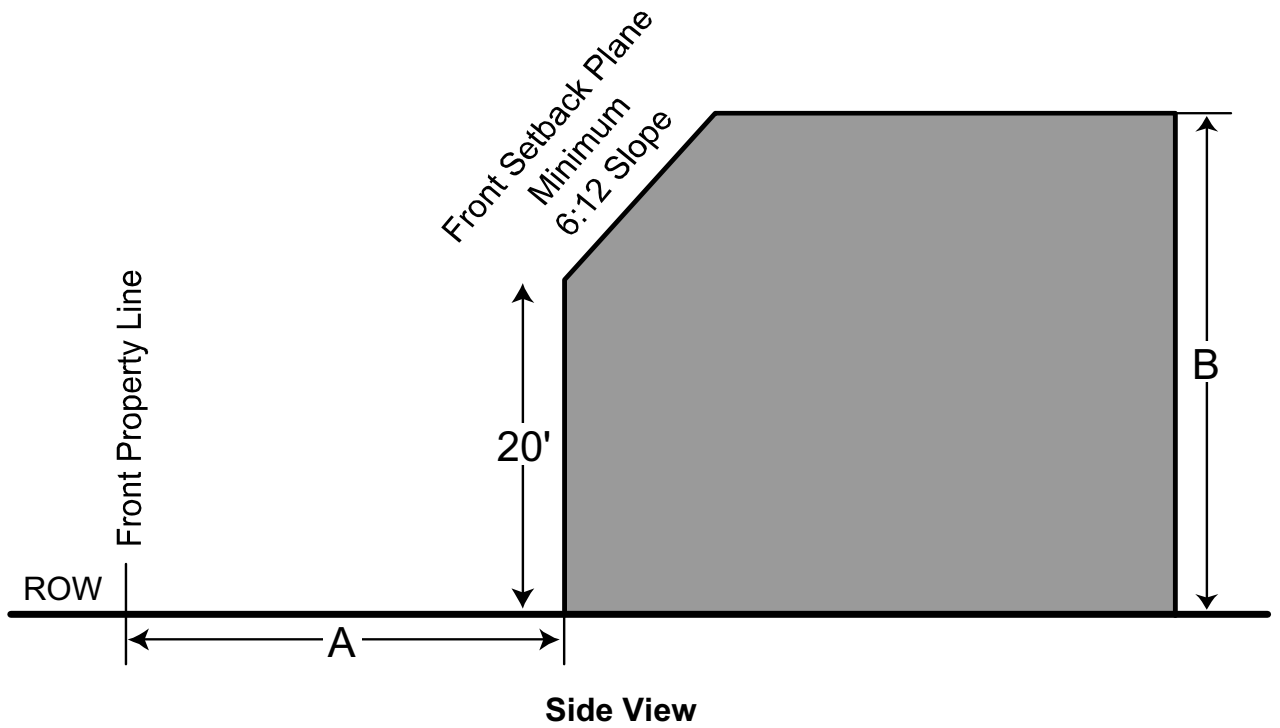
A. Set the garage an additional two feet further from the front property line than the façade of the dwelling;


B. Provide individual garage doors, not to exceed 75 square feet each, for each parking stall;

C. Any individual garage door may not exceed 50% of the width of the structure facade. Any garage opening width beyond 50% of the primary structure width must be set back at least 2 feet further from the front property line than the façade of the other garage volume;

D. Provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage door(s) and shall be at least 12 inches deep and 6 feet tall.

b. [Multiple Garage Opening Setbacks. In any instance where a garage is designed to park 3 or more vehicles, only the garage openings for the first 2 vehicles may occupy the same building plane.](#)



| Legend | |
|---|-----------------------------|
|  | Permitted Building Envelope |
| A | Front Yard Setback |
| B | Maximum Building Height |

Appendix 50.07-C
Front Setback Plane



April 2003, SCM/City of Lake Oswego