

**REVISED\*<sup>1</sup> STAFF REPORT**  
**CITY OF LAKE OSWEGO**

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**PLANNING DIVISION**

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**APPLICANT/OWNER:**

Eugene Wizer

**FILE NO:**

LU 13-0046

**APPLICANT'S REPRESENTATIVE:**

Evergreen Group, LLC

**STAFF:**

Leslie Hamilton, AICP

**TAX LOT REFERENCE:**

Tax Lot 8300 of Tax Map 21E03DD

**DATE OF REPORT:**

July 11, 2014

**LOCATION:**

140 A Avenue

**120-DAY DECISION DATE:**

October 28, 2014

**COMP. PLAN DESCRIPTION:**

EC

**NEIGHBORHOOD ASSOCIATION:**

Evergreen

**ZONING DESIGNATION:**

EC

**I. APPLICANT'S REQUEST**

The modified application is requesting approval of a Development Review Permit to construct a mixed use project including 207 residential units and 36,500 square feet of commercial use in three buildings, with the following exceptions to the Downtown Redevelopment District Design (DRDD) and other Community Development Code (LOC 50) standards:

- Residential units on the ground floor. LOC 50.03.003.1.e.ii restricts ground floor residential use to a small portion of the site at the southwest corner, at the intersection of 2<sup>nd</sup> Street and Evergreen Road. The proposed development provides ground floor residential uses outside of the defined area.

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<sup>1</sup> \*This is a revised staff report, analyzing the June 2014 submittals. The sections of the report that contain new discussion to address the revised submittals are marked with a vertical line in the left hand margin. Where the revised submittals address items previously raised, the discussion recommending revisions to the development plans has been removed.

- Storefront glazing. LOC 50.05.004.6 requires that 80% of a storefront be designed with display windows and entry features. On Building C, which faces 1<sup>st</sup> Street and Evergreen Road and has three distinct facades, the proposed development will provide 53 - 78% storefront glazing.
- Retail parking entrance on 1<sup>st</sup> Street. LOC 50.05.004.10.b does not allow parking entrances along a primary pedestrian way to break the storefront pattern, which includes 1<sup>st</sup> Street. The proposed development will provide access to the retail parking garage on 1<sup>st</sup> Street.
- Public parking provided on-site. LOC 50.06.002 requires new uses to provide a minimum number of parking spaces on site. The proposed development provides more than the minimum parking for both the retail and residential portions, but proposes that the retail parking will be shared with the general public.

The applicant is also requesting the removal of 25 trees to accommodate the project.

## II. RECOMMENDATION

**Approval** of LU 13-0046, as revised, with conditions. The complete listing of conditions is provided on pages 49-53 of this report.

## III. APPLICABLE REGULATIONS

### A. City of Lake Oswego Community Development Code (LOC Chapter 50):

|                         |   |
|-------------------------|---|
| LOC 50.04.001.4         | Commercial, Mixed Use and Industrial Zone Standards     |
| LOC 50.05.004.1-3, 5-12 | Downtown Redevelopment District Design Standards        |
| LOC 50.06.002           | Parking   |
| LOC 50.06.003.1         | Access/Access Lanes (Flag Lots)                         |
| LOC 50.06.003.2         | On-Site Circulation – Driveways and Fire Access Roads   |
| LOC 50.06.003.3         | On-Site Circulation – Bikeways, Walkways and Accessways |
| LOC 50.06.003.5         | Transit   |
| LOC 50.06.004.1         | Landscaping, Screening and Buffering                    |
| LOC 50.06.004.2         | Fences  |
| LOC 50.06.004.3         | Lighting  |
| LOC 50.06.005           | Park and Open Space                                     |
| LOC 50.06.006.1         | Weak Foundation Soils                                   |
| LOC 50.06.006.3         | Drainage  |
| LOC 50.06.008           | Utilities   |
| LOC 50.07.003.1         | Application for Development, Burden of Proof            |
| LOC 50.07.003.5         | Conditions of Approval                                  |
| LOC 50.07.003.7         | Appeal of Minor Development Decisions                   |
| LOC 50.07.003.11        | Modification of Development Permits                     |
| LOC 50.07.003.14        | Review Criteria for Minor Developments                  |
| LOC 50.08.005           | Downtown Redevelopment Design District Exceptions       |

### B. City of Lake Oswego Streets and Sidewalks (LOC Chapter 42):

|           |                         |
|-----------|-------------------------|
| LOC 42.03 | Street Design Standards |
|-----------|-------------------------|

### C. City of Lake Oswego Sign Code (LOC Chapter 47):

|           |  |
|-----------|--|
| 47.10.412 | Permanent Signage Allowed in the EC Zone |
|-----------|--|

D. City of Lake Oswego Tree Code (LOC Chapter 55):

|                         |                 |
|-------------------------|-----------------|
| LOC 55.02.010-55.02.135 | Tree Removal    |
| LOC 55.08.010-55.08.040 | Tree Protection |

Per LOC 50.07.003.14.d.ii, Comprehensive Plan policies do not need to be addressed for this type of application.

IV. **FINDINGS**

A. Background/Existing Conditions:

1. The site is approximately 2.45 acres in size and is bordered by A Avenue (major arterial) to the north, Evergreen Road (local street) to the south, 1<sup>st</sup> Street (local street) to the east and 2<sup>nd</sup> Street (local street) to the west (Exhibit E1).
2. The site is zoned EC and developed with a shopping center and associated surface and underground parking. These structures will be removed as part of the redevelopment of the site.
3. Adjacent properties to the north, east and west are also zoned EC; the adjacent property to the south is zoned Parks and Natural Area (PNA). The property to the east, Lake View Village (LVV), is developed with office and retail uses. The properties to the north are developed with retail uses, the property to the west (Block 136) is developed with retail uses and residential townhomes, and the property to the south is the Millennium Park (Exhibit E2).
4. There are 55 trees that are five inches in diameter or greater on the site or in the rights-of-way abutting the site (Exhibit E48).
5. TriMet Bus lines #35 and #36 provide service on A Avenue. There is a transit stop at the northwest corner of the site.

V. **PUBLIC NOTICE OF APPLICATION AND APPLICANT'S BURDEN OF PROOF**

A. Neighborhood Meeting

The applicant held a neighborhood meeting on June 25, 2013. The minutes of the meeting and the notification materials are included in this report as Exhibit F9.

B. Public Notice to Surrounding Area

The City has provided adequate public notice and opportunity to comment on this application pursuant to LOC 50.07.003.

Initial Public Hearing / Original Design Plans: The City received a large volume of comments, both in support and in opposition to the development, since the application was submitted on September 11, 2013 (Exhibits G1-G4, G100-G199, G200-G408, G1000-G1026, and H1-H4).

Revised Submittal: The City received comments between February 20, 2014 and June 30 (Exhibit H5-H7), and has also received 10 comments, both in support and in opposition to the development, between the mailing of the public notice on July 1, 2014 and the completion of

this report. The comments in opposition to the project address parking, traffic, density, height, number of stories, percentage of rental units, light and shade impacts, number of architectural styles, transitory nature of renters, scale, and pet waste. These issues, to the extent that they are applicable approval criteria, are addressed under the Zoning and Downtown Redevelopment Design District (DRDD) standards. Those items that do not have applicable development standards are addressed immediately below.

### Pet Waste

The LOC 50 does not contain standards for pet ownership and responsibilities, whether for rental housing or single-family dwellings. The City Code, under Chapter 31 (Animals and Fowl), has requirements for dog licensing, control, and the prompt removal of excrement from all property other than the private property of the dog's owner. Civil violations would be addressed by the Police Department. Nevertheless, as described in the narrative (Exhibit F1) and shown in the floor plans (Exhibit E40), the applicant has incorporated a number of on-site amenities to mitigate potential pet waste and encourage responsible pet ownership, including the provision of pet waste dispensers, designated pet relief areas both indoors and outdoors, and "pet rent" and regulations.

### Housing Rental vs. Ownership

A number of comments expressed concern regarding the distribution of condominium units and rental units, with the preference that fewer rental units should be permitted. The LOC 50 does not distinguish among the various types of ownerships of dwelling units; both rental and ownership housing is allowed in the EC zone. At the time this report was written, the applicant has not identified the split between rental and condominium units, or whether the project will be all rental units or all condominium units. Because this is not a criterion for the development, no condition of approval is proposed and any stated distribution could change as affected by the housing market or developer preference, with no impact to the criteria of approval.

### Shade

Some comments addressed the loss of sunlight on existing structures, sidewalks and Millennium Park as a result of the proposed development. The standards of LOC 50.06.007, Solar Access, do not apply to commercial, multi-family residential, or mixed-use development. Nevertheless, the applicant produced shade studies (Exhibit E31) illustrating the shadow patterns for Blocks 136 (to the west), 137 (the site) and 138 (LVV) on June 22 (summer solstice) and December 21 (winter solstice). According to these studies, the proposed project will not shade Millennium Park at all; the project will shade adjacent sidewalks and development similarly to shade patterns produced by Block 136 and LVV.

### East End Redevelopment Plan

A number of comments addressed the East End Redevelopment Plan, which was adopted by City Council in 1986 and amended in 2004. This plan includes a description of both completed and potential projects. The redevelopment of Block 137 is identified as Project J, as follows (emphasis added):

Block 137 should be redeveloped to enhance the "compact shopping district" extending one block in all directions from the intersection of 1<sup>st</sup> Street and A Avenue. **The preferred project shall be mixed-use with retail fronting on 1<sup>st</sup> Street. Along with the retail frontage on 1<sup>st</sup> Street the site could be developed with a public library overlooking**

Millennium Plaza Park, a 30 to 70-unit hotel or **housing**. The mix of uses will need to provide sufficient on-site parking to satisfy the demand for all proposed uses. New or remodeled structures shall be designed to compliment structures located on LVV, Millennium Plaza Park (south) and the townhouses on Block 136 (west).

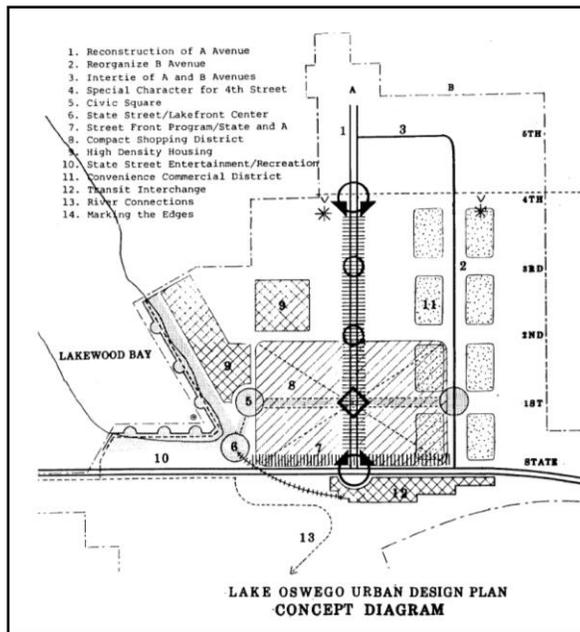
Some of the comments specifically requested that Block 137 be developed with a hotel of 30-70 units. The East End plan identifies a hotel project within the district, but only identifies certain nearby amenities for preferential siting. Project T, Hotel, is described as follows:

The project will encourage development of a new, high quality boutique style hotel within the District. The hotel is expected to be within a range of 30-70 units. Properties which provide lake, river, or mountain views and which are located within 400' of restaurants, transit, and retail shopping or other significant amenities will have substantial preference for siting. The project may include land assembly, relocation and infrastructure improvements.

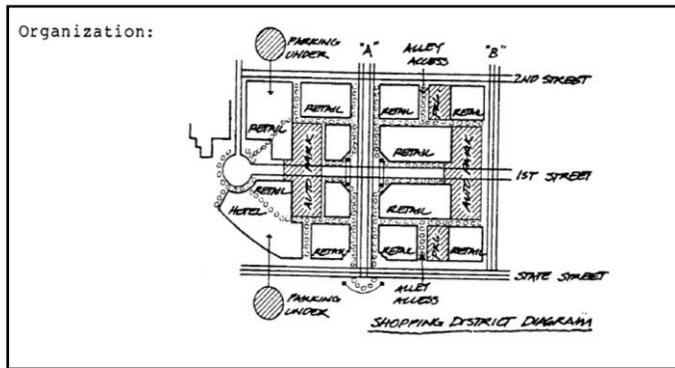
The descriptions of identified East End blocks and properties are illustrative of *potential* development, rather than required development; these descriptions are not regulatory. As explained on page 38 of the East End Plan, the Community Development Code (LOC Chapter 50) has been updated to implement the original redevelopment plan. Nevertheless, the proposed project provides development consistent with the description for Block 137: retail frontage extends along 1<sup>st</sup> Street and A Avenue, the project includes housing, and the amount of on-site parking provided exceeds the standards of LOC 50.

### Urban Design Plan

A number of comments addressed the Urban Design Plan (UDP), which was adopted by the Lake Oswego Redevelopment Agency in October, 1988, and suggest that the proposed development is contrary to what is required by the UDP. The UDP is a guidebook for the development on Lake Oswego's commercial core, and portrays "a vision of what could be – how the core of the City of Lake Oswego could appear in the future" if the guidelines are followed (Exhibit F12). The UDP is not regulatory; it identifies objectives, design principles, a plan concept, and the



character of various districts (Main Street, Shopping District, Downtown Residential District, etc.), but, as stated in the introduction, the City retains the flexibility to respond to specific economic, market and functional circumstances. The UDP would be used as guiding principles upon which the Community Development Code (CDC) standards are adopted for the area. The maps below and to the left show the Concept and the Shopping District Diagrams from the UDP. But as shown, the concepts are not regulatory and other code-compliant development may occur, e.g., the area identified in the Concept Diagram for high density housing is developed as Millennium Park, and the area identified for a hotel on Block 138 is developed with as retail, restaurant and plaza in Lake View Village.



### Property Values

In a few of the letters, the writer asserts their opinion that the proposed development, with particular emphasis on rental units, would negatively affect property values in the immediate vicinity as well as the abutting neighborhoods. Impact to property values, whether positive or negative, is not a criterion of approval.

### LORA Board Suggested Design Changes

In addition to the public comments received, the Lake Oswego Redevelopment Agency (LORA) Board reviewed the preliminary elevations and site plans for the project at their board meeting on August 27, 2013. The LORA Board made sixteen suggestions for changes or additions to the project. These included pet waste concerns, the provision of additional garbage cans and electric vehicle charging spaces, operational concerns, as well as some suggested design alterations. The LORA Board suggestions are not regulatory; in other words they are not standards under the Community Development Code upon which the development is judged. LORA's suggestions and the applicant's response to them are identified at the end of the applicant's narrative (Exhibit F1). Staff's analysis of this design issue is addressed below under LOC 50.04.004.6, Building Design.

#### C. Burden of Proof

Per LOC 50.07.003.1.b, the applicant for a development permit shall bear the burden of proof that the application complies with all applicable review criteria or can be made to comply with applicable criteria by imposition of conditions of approval. The applicant has provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end this report.

## VI. **MINOR DEVELOPMENT**

#### A. Classification of Application

LOC 50.07.003.14.a.ii(6) classifies the construction of a new mixed-use structure as minor development.

B. Criteria for Review of Application

Per LOC 50.07.003.14.d, for any minor development application to be approved, it shall first be established that the proposal complies with:

**1. The requirements of the zone in which it is located;**

**Use Regulations and Conditions and Use Specific Standards [LOC 50.03.002.3 and 50.03.003.1]**

LOC 50.02.002.3 lists all of the permitted and conditional uses allowed in the EC zone. Retail, office and restaurant uses are permitted uses in the EC zone; the only limitation on use or size for these uses is that *individual* retail tenants cannot exceed 35,000 square feet in floor area. The retail component of the proposed development is 28,000 square feet divided between Buildings A and C. The office use is 8,500 square feet.

Residential uses at R-0 density, a high-density designation, are a permitted use provided certain conditions are met. High density residential uses must meet the following conditions:

- Four unit minimum on parcels greater than 6,000 square feet in area, and
- Maximum Floor Area Ratio (FAR) of 3.0:1, and
- Ground floor residential uses are prohibited except for an area along 2<sup>nd</sup> Street, as illustrated in LOC Figure 50.03.003-A.

The site is more than 6,000 square feet in area, and a maximum of 207 residential units are proposed as part of the mixed-use project (Exhibit E41). The project meets the minimum density required. As described below, the proposed FAR is 2.74:1. These standards are met.

As shown in Exhibit E41, the applicant proposes residential units on the ground floor in areas outside of the prescribed limit. The applicant is requesting an exception to this standard, which is addressed under LOC 50.08.005, below.

**EC Dimensional Standards [LOC 50.04.001.4]**

The site is zoned EC. The applicant proposes to construct a mixed use commercial and residential development, with underground parking, on the site. The development will consist of three separate buildings, which will be referenced throughout this report as (Exhibit E40):

- Building A: Retail/office/residential building in Oregon Rustic Style primarily abutting A Avenue
- Building B: Residential building in the Arts and Crafts Style, abutting B Street and Evergreen Avenue
- Building C: Retail/residential building in the English Tudor Style, primarily abutting 1<sup>st</sup> Street

The dimensional standards for the EC zone are listed in the matrix below and illustrated in Exhibits E40 and E43.

| Standard                    | Requirement             | Proposed  |
|-----------------------------|-------------------------|---|
| Setbacks (Minimum)          |                         |   |
| A Avenue                    | None                    | 0 - 25 feet   |
| 1 <sup>st</sup> Street      | None                    | 0 -33 feet  |
| 2 <sup>nd</sup> Street      | None                    | 0 – 5.5 feet  |
| Evergreen Avenue            | None                    | 0 - 5 feet  |
| Lot Coverage (Maximum)      | 100%                    | 73 %  |
| Height (Maximum)            | 60 ft                   | Bldg A: 55 feet<br>Bldg B: 58 feet<br>Bldg C: 58 feet |
| Floor Area Ratio (Maximum)* | 3.0:1, or 319,797 sq ft | 2.74:1  |

\*Floor Area Ratio: Floor Area includes the gross building floor area excluding the attic, vent shafts, courtyards, garages, decks, patios, uncovered exit stairs, uncovered above-ground driveways, and allowable projections. Floor Area Ratio is the ratio of the Floor Area to the lot size.

As shown in Exhibit E40 and the matrix above, the proposed development complies with all of the site development limitations of the zone. The additional height restrictions found in Table 50.04.001-C do not apply to this site as there are no lots zoned R-6 or R-7.5 within 240 feet of the site, and the site does not abut a lot zoned R-DD. This standard is met.

## 2. The Development Standards applicable to minor developments;

### Downtown Redevelopment District Design Standards [LOC 50.05.004.1-12]

#### 50.05.004.4 Definition of Village Character

***As used in this section, "village character" means a community of small-scale structures that appears and operates like a traditional small town. A village is typically composed of an assembly of smaller mixed used structures often centered on a square or other public space or gathering area, such as a body of water, a transportation route or a landmark building. Adherence to village character is not intended to require an historical reproduction of a turn of the century small town, but rather to encourage the development of a sophisticated small city that is pedestrian friendly, creates a sense of community and attracts people to the downtown in the same manner and using similar design concepts as historic small towns and neighborhood centers (emphasis added).***

This subsection is not a criterion of approval; it is a definition of the term "village character" as it is used in DRDD. The term "village character" is used four times in the DRDD in reference to the following standards: Building Siting and Massing, Building Design, Parking Requirements, and Street, Alley and Sidewalk Design. Each time the term is used, the creation of "village character" is identified as being met by compliance with specific standards (the term "village character" is in bold where it occurs in the DRDD standards). Compliance with each of the design standards is analyzed below.

#### 50.05.004.5 Building Siting and Massing

Building siting and massing shall create a **village character** by compliance with the following requirements:

*Complex Massing Required: New buildings shall use the siting and massing characteristics of the Lake Oswego Style such as complex massing and asymmetrical composition.*

“Lake Oswego Style” is further defined in LOC 50.10.003 (emphasis added), as follows:

A building design that borrows from the City’s historic architectural traditions including the Arts and Crafts, English Tudor and the Oregon Rustic styles. Buildings which use complex massing, asymmetrical composition and natural materials exemplify this style (see photos and descriptions in LOC 50.11.001. Appendix A: Lake Oswego Style). **Adherence to the “Lake Oswego Style” is not intended to require historical replication. Modern design interpreting, quoting or utilizing the above noted stylistic forms are also encompassed within the definition (emphasis added).**

Appendix A in LOC Chapter 50 identifies characteristic elements of each style; many design elements are shared among the three styles. As described below and on pages 10-14 of the applicant’s narrative (Exhibit F25), each of the three distinct buildings is designed in the Lake Oswego Style. Additionally, each of the buildings is articulated along the public sidewalks with setbacks, material changes, differing roof forms and separate design treatments, providing a complex massing appearance. This standard is met, as described below.

Oregon Rustic: As described in the Applicant’s narrative (Exhibit F25) and illustrated in the elevations (Exhibit E43), Building A utilizes characteristic elements of the Oregon Rustic Style as follows:

- Complex intersecting pitched gable roofs that break massing into smaller scale forms both at the roof and at the pedestrian level
- Asymmetrical composition incorporating pitched roofs with offset, prominent masonry chimneys
- Patterned windows
- Dormers
- Textured natural stone used as a foundation, siding and seat walls



Building A: Three separate design elements along A Avenue (Exhibit 43)

Arts and Crafts: Building B utilizes characteristics of the Arts and Crafts Style as follows:

- Complex intersecting pitched gable roofs that break the massing into smaller scale forms both at the roof and at the pedestrian level
- Asymmetrical composition, generally rectangular, incorporating pitched roofs with offset, prominent chimneys
- Patterned windows
- Brick and horizontal siding used in combination
- Flat brick arches and eyebrow dormers
- Vernacular handrail design, with simple geometric patterns typical of the style



Building B: Two gable designs and three additional design elements along 2<sup>nd</sup> Street (Exhibit E43)

English Tudor: Building C utilizes characteristics of the English Tudor Style as follows:

- Gable roofs that break the massing into smaller scale forms both at the roof and at the pedestrian level
- Asymmetrical composition, generally rectangular, incorporating pitched roofs with offset, prominent chimneys
- Patterned windows trimmed with heavier width, inspired by Tudor timbering
- Brick construction, with design patterns (soldier course), and stucco siding used in combination
- Horizontal and vertical trim elements in stucco create a shadow line suggestive of half-timbering
- Tudor arch at the round-about entry
- Vernacular handrail design, with recognizable Tudor 'X' pattern



Building C: Four separate design elements along 1<sup>st</sup> Street (Exhibit E43)

*Pedestrian Oriented Siting: New commercial buildings shall be sited in order to maximize the amount of building frontage abutting pedestrian ways.*

The ground floors of Buildings A and C, where they abut the public sidewalks and the internal walkways, are designated for office and active retail use; Building B has no commercial uses. The retail storefronts on Buildings A and C front A Avenue and 1<sup>st</sup> Street, respectively, and are located from 0 to seven feet from the property line, with the exception of the northeast corner of the site, where the preservation of the existing maple tree creates a small plaza. Additionally, as shown on Exhibit E41, commercial office space is provided along the internal walkways (south side of Building A and west side of Building C). This standard is met.

*Roof Forms: New buildings shall use gable or hipped roof forms. Flat roofed buildings shall only be allowed pursuant to LOC 50.08.005, Downtown Redevelopment District Exceptions to Standards.*

As shown in the elevations for each of the three buildings (Exhibit E43), the buildings use primarily gable roof forms and pitched dormers. Building A has steeply pitched gable roofs with single- and double-stacked shed dormers. Buildings B and C have steep gables (both regular and hipped) and shed dormers. The roof forms change from gable to shed along the street frontages, breaking the roof line into smaller segments. The conservatory on the Evergreen Road frontage of Building B has a flat roof projecting from the west side of the conservatory gable. As a condition of approval, the applicant will be required to submit revised plans illustrating that this roof is pitched, similar to the dormer on the east side of the conservatory gable. No other flat roofs are utilized on the project with the exception of the one-story flat-roofed entry on A Avenue (permitted per LOC 50.05.004.5.d.ii, below), and the mechanical equipment platform troughs that allow equipment to be screened from view by the adjacent sloping roofs (Exhibit E8). As conditioned, this standard is met.

*Number of Stories: New buildings shall be at least two stories tall, and new and remodeled building shall be no greater than three stories tall, except:*

*A fourth story may be permitted subject to the following:*

- (1) The fourth story is residential and is contained within a gabled or hipped roof;*
- (2) The site is sloping and the structure has three or fewer stories on the uphill side;*
- (3) The fourth story is significantly stepped back from the building plane created by the lower stories; or*
- (4) Fourth story design elements are used to break up the mass of a building, create visual interest and variety, hide mechanical equipment, define an entry or define a particular building's function. Examples of such design elements include dormers, towers, turrets, clerestories, and similar features.*

The provision of a fourth floor is not an exception to the design standards; a fourth floor is allowed provided one of the conditions above is met. [The "may" is not discretionary; if one of the subsections (1)-(4) is met, then a fourth floor is permitted – see memo from Deputy City Attorney to the DRC, Exhibit F16.] As shown in the elevations (Exhibit E43), all three buildings are four stories. The fourth stories meet the conditions identified above as follows:

Building A: Along A Avenue, Building A has ground floor retail and three residential levels above it. The fourth story is residential and contained within a gabled roof. Dormer windows and deep eaves on the third and fourth floors break up the mass of the building and create visual interest. Along the east-west pedestrian walkway; the fourth floor is also contained within the roof, and is significantly stepped back from the lower floors by five feet (Exhibits E41 and E43). The revised building plans incorporate Condition A.1.n from the previous staff report, which required a minimum three foot separation between dormers and chimneys on Buildings A and B.

Building B: Building B is completely residential and contains four floors on all sides. Along 2<sup>nd</sup> Street and Evergreen Road, the fourth floor is contained within the roof or is significantly stepped back from the lower floors by seven feet. On Evergreen Road, all fourth floor units are contained within the roof. Along the interior walkways and residential courtyard, the fourth floors are contained within the roofs (Exhibit E43).

Building C: Building C has ground floor retail on 1<sup>st</sup> Street and Evergreen Road, with three residential floors above it. The fourth story is residential and contained within the roofs, which alternate between hipped gables and sloped roofs with dormers. Along the 1<sup>st</sup> Street façade, these changes in roof design create six breaks in the roof line. Additionally, some of the fourth floor units are also stepped back three feet from the lower floors. Along the interior walkway, the fourth floor is stepped back from the lower floors by three to nine feet. At the round-about, the fourth floor is located within the gable roof.

*Single story construction may be permitted subject to the following:*

- (1) It is limited to a small portion of a taller structure, such as an entry area, canopy over an outdoor restaurant, building ends or wings which relate to open space or as a step down to an adjacent one story viable existing structure; or*
- (2) When a minimum height of 20 ft. is maintained at the right-of-way or street side building edge.*

As shown in Exhibits E41 and E43, all buildings are multi-storied. On Building A, there is an entry way on the western end of the A Avenue/1<sup>st</sup> Street courtyard that is single-storied. This is a small portion of the larger structure, and partially encloses the western edge of the courtyard, which can provide outdoor restaurant seating. This standard is met.

*Height Limit: No building shall be taller than 60 ft. in height. No flat roofed building shall be taller than 41 ft. in height. Height shall be measured pursuant to this Code.*

The height of each building varies along its length due to changes in grade, but all three buildings are less than 60 feet in height, as follows and illustrated in Exhibit E43:

|             |            |
|-------------|------------|
| Building A: | 47-55 feet |
| Building B: | 46-58 feet |
| Building C: | 51-58 feet |

As shown in the elevations, some of the chimneys on Building A project above the 60 foot height limit. Per the definition of "height" (LOC 50.10.003), chimneys are not included in this measurement.

There are no flat-roofed buildings in the development, although there are components of the proposed structures that have roof components that are flat. The conservatory on the Evergreen Road frontage of Building B has a flat roof projecting from the west side of the gable roof. As described under the Roof Form analysis above, the applicant will be required to submit revised plans illustrating that this roof is pitched, similar to the dormer on the east side of the conservatory gable. No other flat roofs are utilized on the project with the exception of the one-story flat-roofed entry on A Avenue (permitted per LOC 50.05.004.5.d.ii, below), and the mechanical equipment platform troughs that allow equipment to be screened from view by the adjacent sloping roofs (Exhibit E42). As conditioned, this standard is met.

*Entrances: The primary building entrances shall be oriented to pedestrian ways along streets to encourage increased pedestrian density on existing streets, sidewalks and other public ways. Secondary building entrances or tenant space shall be required along alleys to take advantage of and enhance the intimate scale of the alley space.*

All three buildings provide an entrance lobby from the public street to the residential units, as shown in Exhibit E40. While there are no alleys through the site, secondary lobby access on all buildings is provided from the interior walkways and courtyard. All of the commercial retail tenant spaces are accessed from the public streets; the largest setback from the property line to a retail entrance is 25-33 feet at the courtyard created by the preservation of the maple tree at the corner of A Avenue and 1<sup>st</sup> Street (Exhibit E49). The office spaces are accessed from the internal walkways, with the exception of the office at the southwest corner of Building A, which also has an entrance on 2<sup>nd</sup> Street (Exhibit E41).

*Street Corners: New structures shall be located to preserve or create strong building edges at street corners. Structures may "cut the corner" to create a building entry or to provide pedestrian space but shall use building design elements to create a structured corner.*

As described in the applicant's narrative (Exhibit F25) and illustrated in the elevations (Exhibit E43), each of the four corners of the development provides a unique identity with strong edges.

A Avenue/1<sup>st</sup> Street: This corner is perhaps the most visible of the site. The specimen maple tree at the corner of A Avenue and 1<sup>st</sup> Street will be preserved within a basalt-clad planter; this heavy material creates a structured corner. Behind the planter, the courtyard between the streets and the storefront provides an opportunity for active retail, including outdoor restaurant seating, to activate the corner. The brick gable on 1<sup>st</sup> Street, with its substantial chimney, creates a strong corner.

A Avenue/2<sup>nd</sup> Street: This corner provides a transition between the retail uses along A Avenue and the office and residential uses further south on 2<sup>nd</sup> Street. The storefront at this corner is contained within the strong gable, and the retail uses are brought to the property lines. The canopy, positioned at a similar height to the canopy to the west on Block 136, wraps the corner.

2<sup>nd</sup> Street/Evergreen: This corner is completely residential, and the use is brought to the property lines on 2<sup>nd</sup> Street and Evergreen Road. At the street level, a basalt planter and a masonry base establish a strong edge as shown on Exhibits E43, E45-E48. The roof gable at the 4<sup>th</sup> floor turns the corner, providing a consistent height and residential character at this location.

1<sup>st</sup> Street/Evergreen: This corner faces Millennium Park, and, because of the established roundabout, cannot provide a traditional 90 degree corner. The applicant has provided a significantly redesigned gable end facing the park, which complements the design at the roundabout corner of Lake View Village (LVV). This design incorporates a strong masonry base,

with an inset wood storefront, Tudor arch, and unique steel and glass canopy. Large light fixtures flank the entrance. Upper floors are lighter, with multiple windows and lighter-colored paneling. The fourth floor is located within the gable, and sits behind a wooden screen that adds depth and interest with shadow patterns; the residential unit is set back from the façade, similar to the LVV gable on the opposite corner. This standard is met.

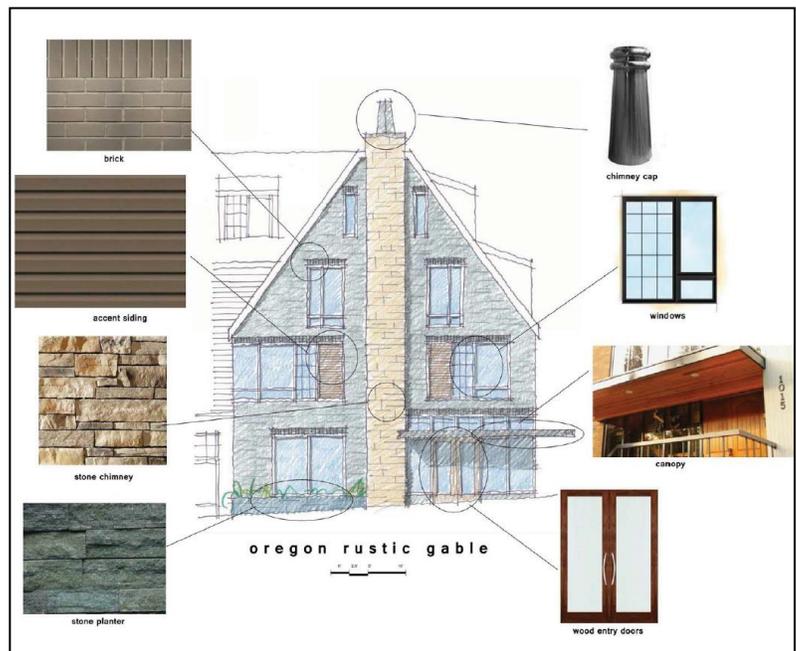
#### 50.05.004.6 Building Design

Building elements shall be designed to create a **village character** through compliance with the following requirements:

*Lake Oswego Style Required: Buildings shall be designed using building design elements of the Lake Oswego Style to create distinctive buildings which have richly textured, visually engaging facades. See LOC 50.11.001, Appendix A – Lake Oswego Style.*

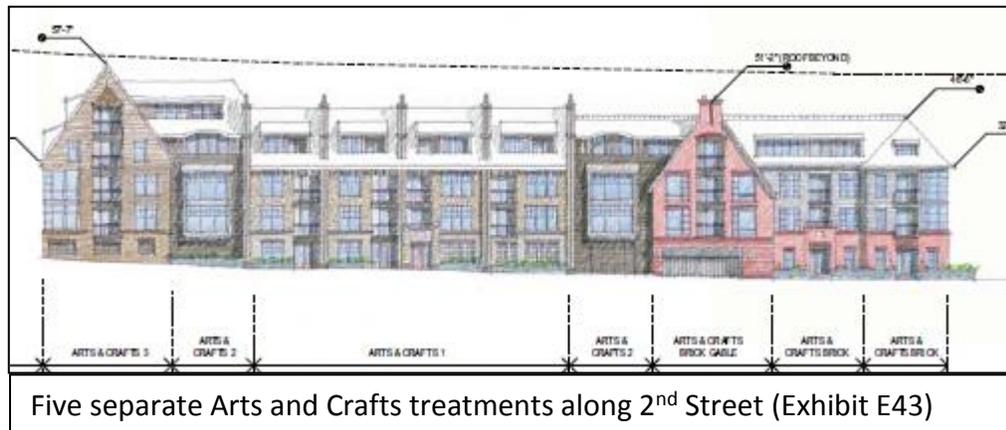
As previously stated, “village character” is achieved by compliance with the specific building design requirements. As described under Building Siting and Massing, above, and in the applicant’s narrative (Exhibit F15), the three buildings are each designed in one of the Lake Oswego Styles: Oregon Rustic (Building A), Arts and Crafts (Building B) and English Tudor (Building C). The facades are richly textured with basalt, stone, brick, wood siding and stucco. As shown in the elevations (Exhibit E43), on the upper stories, windows are multi-paned and numerous, and balconies and dormers help define the residential use. Prominent chimneys, some starting at grade and some exposed only at the upper stories, provide visual interest and define breaks in the facades. There are significant transition details and offsets between major façade materials, particularly between the masonry bases and the residential levels on Buildings A and C. The fourth floors are located within roof forms, with numerous single and double-stacked dormers, or are significantly stepped back from the bases, providing additional depth to the facades. The elevation drawings illustrate locations for future signs, including cornice signs, awning signs and blade signs. Approval of plans that contain depiction of signage location and general size is not considered approval of signage. Cabinet signs and plastic-faced signs are not compatible with the Lake Oswego Styles, which require quality materials and handcrafted design. As a condition of approval, cabinet and plastic-faced signs will be prohibited.

**Building A** is designed in modern Oregon Rustic style, with classic elements and materials rendered in a streamlined form. Of the three styles represented on the block, Oregon Rustic is the heaviest, with brick and stone as the predominant materials. Basalt is incorporated into the base of the building at the storefront and at the low wall that protects the specimen maple at the northeast corner. The three gables are bisected by wide chimneys, a prominent feature typical of many



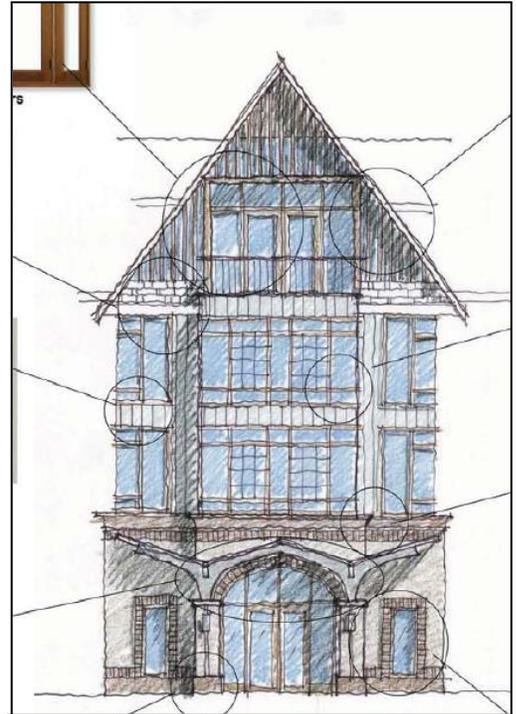
Oregon Rustic structures. Lap siding is introduced on the upper levels, and the steeply sloped roofs are clad in a recycled composition material that has the appearance of slate tiles.

**Building B** is designed in modern Arts and Crafts style, with classic elements and materials. The building design includes intersecting pitched gable roofs, which create variety in height along the roof lines (Exhibit E43). The numerous, finely-patterned windows are typical of the style, as are the hipped gables and masonry and wood siding in combination. The proposed exposed roof rafter tails on the Arts and Crafts Segment 1 design element are also typical of the style, and further distinguish this segment from the other façade elements along the 2<sup>nd</sup> Street frontage. The exterior brick chimneys along the 2<sup>nd</sup> Street elevation, which extend to the ground and have a grooved seam, emphasize the residential character of the building. Building B is asymmetric, with five separate Arts and Crafts treatments along 2<sup>nd</sup> Street, and three separate treatments along Evergreen. Two distinct gable designs, one with a hipped gable and the other with a double chimney at the top of the gable, are found on each frontage.



Five separate Arts and Crafts treatments along 2<sup>nd</sup> Street (Exhibit E43)

**Building C** is designed in modern English Tudor style, with classic elements and materials. Stucco gables are divided with horizontal and vertical reveals, which are suggestive of half-timbering. Gable and hipped gable roofs, patterned windows and prominent chimneys are elements of this style, as identified in the LOC 50. A Tudor arch is provided at the ground floor entry of the round-about gable. A classic Tudor treatment would have asymmetry in the overall building forms, with symmetric treatments within each gable or façade treatment. As shown in the elevations (Exhibit E43), Building C is asymmetric, with three separate Tudor treatments along 1<sup>st</sup> Street. Within each treatment, the facades are symmetric in terms of window patterns and placement, and the store entries are centered in the gables and are located directly below the balcony element. Additionally, the applicant proposes horizontal and vertical trim elements in the stucco facades, which will create a shadow line suggestive of half-timbering. These will be inset with projecting aluminum reveals, which will accentuate the shadow line when the sun is out. The proposed details do not identify the color of the reveals; a complimentary contrasting color to the stucco is necessary to make the reveals a more active part of the façade, and compliant with the Lake Oswego Style. As a condition of approval, the applicant will be required to submit revised plans identifying a complementary color that provides contrast for the projecting aluminum reveals. As a conditioned, this standard is met.



Tudor arch at main entry

*Storefront Appearance: Buildings fronting on streets or alleys designed for pedestrian use shall create a storefront appearance on the ground floor. This may be accomplished by changing buildings planes, materials or window patterns, or by creating a break in awning or canopy construction at intervals of about 25 ft.*

The storefront appearance standard only applies to Buildings A and C; Building B does not contain retail.

**Building A:** There are five plane changes along the A Avenue frontage on Building A; ranging from 2 to 24 feet (Exhibit E40). Above the awnings, four different window patterns are represented along this frontage; the picture windows in the gable ends provide further differentiation at the retail level. Last, material changes at the pedestrian level help emphasize the storefront appearance; the gables are clad primarily with Brick 1 (Exhibit E43), with contrasting chimneys in Stone A; while the primary material for the intervening storefront is Stone A and glass. A low basalt wall is located in front of the both gables along A Avenue.

**Building C:** Along 1<sup>st</sup> Street, there are twelve plane changes (Exhibit E40). Five of the plane changes are created by the residential chimneys, which break the retail plane at regular intervals. The residential lobby for Building C is provided behind a covered, arched entry just north of the retail parking ramp; the entry is set back 10 feet from the sidewalk. Directly south, the entrance to the parking ramp creates another plane change, as it is setback 15 feet from sidewalk. Material changes at the pedestrian level help emphasize the storefront appearance; the residential chimneys are darker field brick (Brick 1), which contrasts with the lighter field brick (Brick 2) on the storefronts of the sections identified as Tudor 1, as well as the round-about gable, Tudor 3 (Exhibits E43-E47). Canopies, provided over each storefront section, are broken at regular intervals and employ four distinct designs: standing seam metal canopies are provided in brown in two styles, one a typical shed with closed ends, and the other a tapered shed. A red standing seam awning with open ends is provided on the storefronts that flank the round-about. Last, the round-about has a distinct canopy of metal and glass that emphasizes this entry.



Residential lobby entrance behind covered archway; material and plane changes at storefront

*A minimum of 80% (linear measurement) of the exterior ground floor abutting pedestrian ways shall be designed as storefront with display windows and entry features.*

There are six elevations along which this standard applies. The percentage of display windows and entry features on each of these planes is as follows (Exhibit E43):

|  |       |
|--|-------|
| Building A, A Avenue frontage:               | 81.5% |
| Building A, 1 <sup>st</sup> Street frontage: | 82%   |
| Building A, 2 <sup>nd</sup> Street frontage: | 80%   |
| Building C, 1 <sup>st</sup> Street frontage: | 70%   |
| Building C, Evergreen frontage:              | 78%   |
| Building C, Roundabout:                      | 53%   |

The architectural style of the English Tudor (Building C) building on 1<sup>st</sup> Street provides five 3.5-foot wide chimneys at regular intervals, as well as brick panels that break the window storefronts. If the retail garage entrance, which is 24 feet wide, were storefront in a pattern similar to the Tudor 1 gable with 20 feet of windows, the 1<sup>st</sup> Street plane would approach the 80% storefront window standard at 78%. The applicant requests an exception to the 80% glazing requirement for the three frontages on Building C. The criteria for approval for this exception are addressed under LOC 50.08.005, below.

*The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in. above the abutting walkway surface and shall be no closer than 12 in. above the walkway surface.*

As shown in the elevations and the enlarged wall sections (Exhibits E43 and E46), the bottom of all retail windows on Buildings A and C are between 15" and 30" above the abutting sidewalk surface.

*Sufficient interior or soffit lighting to allow night-time window shopping shall be provided.*

As stated in the applicant's narrative (Exhibit F25), the design of the interior retail space is not part of this design proposal. However, the applicant's guidelines imposed on future retail tenants will require lighting provisions for nighttime window shopping opportunities. Additionally, as shown on the elevations (Exhibit E43), exterior building lights will be provided on the storefronts along A Avenue, 1<sup>st</sup> Street and Evergreen Road on the chimneys or storefront breaks. As a condition of approval, the applicant will be required to install and require its commercial occupants to maintain nighttime lighting. The applicant will be required to provide a copy of the development guidelines pertaining to nighttime lighting, to the satisfaction of staff. As conditioned, this standard can be met.

*Ground Floor Materials: Buildings shall use masonry as the predominant building material for walls on the ground floor. "Masonry" includes fabricated bricks, blocks, stucco and glass. The design of these materials shall create an historic or vernacular Lake Oswego Style appearance as shown in LOC 50.11.001, Appendix A – Lake Oswego Style.*

As shown on the elevations (Exhibit E43), all three buildings use masonry – which includes brick, stucco, stone and glass – as the predominant building material on the ground floor. Building A (Oregon Rustic) utilizes rough stacked stone, earthy gray brick and glass; rough stone is identified in Appendix A as a typical foundation material for this style. Building B (Arts and Crafts) utilizes tan and earthy red brick, glass and stucco on the ground floor; brick and stucco are identified in Appendix A as a typical material for this style. Building C (English Tudor) utilizes three contrasting bricks as well as glass at the base; brick construction is identified in Appendix A as a typical material for this style. In addition, the masonry base under the storefront windows and painted steel channel at the cornice level are reminiscent of contrasting stone moldings, which are also an English Tudor design (Exhibit E46). This standard is met.

Along the interior walkways, the predominant building materials on the ground floor are stucco and glass (Building A); stucco, brick and glass (Building B) and brick and glass (Building C). This standard is met.

*Upper Story Materials: Buildings shall use wood and glass as the predominant building materials for upper stories. These materials are intended to soften the appearance of a building that sits on a heavier appearing masonry/glass base and thereby effectively creating a mixed use village appearance. Wood siding or cedar shingles may be used.*

As shown on the elevations, all three buildings use noticeably lighter materials on the upper floors, with numerous windows on the residential levels, as follows:

Building A: Lap siding, wood trim

Building B: Shingles, lap siding, wood trim

Building C: Lap, and board and batten siding, stucco, wood trim

*Roof Materials: Roofs shall use be slate, tile, shakes or wood shingles, or synthetic materials (e.g., concrete, pressed wood products, metal or other materials) that are designed to and do appear to be slate, tile, shake, or wood shingles.*

The roofing material on all three buildings will be a recycled composition material that has the appearance of slate tiles. This standard is met.

*Prohibited Materials: The following exterior building materials or finishes are prohibited:*

- (1) Plastic, except when used to replicate old styles (e.g., vinyl clad windows, polyurethane moldings, plastic columns, etc.);*
- (2) Metal or vinyl siding;*
- (3) Mirrored glass;*
- (4) T-111 Type plywood;*
- (5) Corrugated metal or fiberglass;*
- (6) Standard form concrete block (not including split faced, colored or other block designs that mimic stone, brick or other similar masonry); and*
- (7) Backlit fabrics, except that awning signs may be backlit fabrics for individual letters or logos.*

None of the prohibited materials are used in this project. As conditioned in the previous staff report (Condition A.1.e), the cladding on the chimneys on Building A are masonry. This standard is met.

*Ground Floor Design: Buildings shall have a strong ground floor cornice designed to separate the ground floor functions and materials from the upper story or stories and to provide continuity with cornice placement on abutting buildings.*

*Methods for compliance with this requirement include but are not limited to:*

- i. Use of the same or similar building materials and/or colors from storefront to storefront or building to building; or*
- ii. Painting the wood elements in the first floor storefront areas white, black, dark brown, dark green or gray-blue. This color range is not intended to be an exclusive list, but is recommended to create compatibility and design strength at the ground floor storefront level while encouraging diversity with multi-tenant buildings and in large lot (whole block) developments.*

All three buildings visually and materially separate the ground floor functions from the upper stories. On Building A, a strong cornice consisting of Stone A (Exhibit E43) is shown above the canopies and multi-light windows on the ground floor; balconies and lap siding are introduced on the upper residential stories. On the retail building elevations, the same building materials extend from storefront to storefront. The two gables facing A Avenue, which break up the façade, are primarily Stone A, Stone B and Brick A1, while the intervening flanking storefronts are Stone A and glass.

On Building B, three shades of brick (two dark red and one warm tan) define the ground floor, along with recessed residential entries and landscaping planters; a brick soldier course helps define the cornice. Lap siding and shingles are introduced on the upper floors. The materials are consistent within each design “element” (Exhibits E43, E45-47).

Building C has a brick base with a cornice defined by canopies, a painted steel channel, and a brick soldier course. Balconies, stucco, Siding C and Siding C1 are introduced on the upper floors (Exhibits E43, E45 and E46). On the retail building elevations, the same building materials are consistent within each design “element,” and cornice levels are consistent along the entire façade. This standard is met

*Molding: Moldings, window casings and other trim elements shall be designed in a dimension and character reflecting the Lake Oswego Style. Larger dimensions may be used to exaggerate or illustrate a creative design concept or to match the scale of the new building. Moldings shall match or complement the detailing of adjacent buildings that comply with this section.*

The moldings and trim elements are appropriate for the styles of the three buildings. All three buildings utilize composite wood moldings, window casings, and trim. Window trim, while not particularly wide, has projecting narrow trim perpendicular to the wall; when viewed at an angle, this element will give the impression of more substantial trim at varying “widths.” Window trim on Building A is 1” in size, while trim on Buildings B and C is proposed to be 3” in compliance with Condition A.1.u in the previous staff report (Exhibit E52). The trim around the windows and wall plane offsets will be made of a composite material that simulates wood, but that resists warping and cracking.

*Mechanical Equipment: Mechanical equipment shall be mounted within gable or hip roof attics where possible. Roof mounted mechanical equipment on flat roofed structures shall be screened by parapet walls to the maximum degree possible. Site located mechanical equipment shall be installed in below grade vaults where possible. Other building mounted mechanical equipment shall be screened from view to the maximum degree possible.*

As shown in Exhibits E42 and E53, each building has a trough behind the roof peaks for mechanical equipment, including restaurant exhausts. These areas are completely screened from the street view. This standard is met.

*Awnings and Canopies: Buildings with more than one story shall provide awnings or canopies extending six ft. from window walls. Awnings shall be shed type with opened or closed ends. Curved awnings shall not be allowed. Awnings may have a front valance.*

This standard is applicable to the retail facades on Buildings A and C. Weather protection is provided along the retail frontages. As shown in Exhibit E10, steel canopies with wood soffits will be provided below the cornice level of Building A. On Building C, four types of canopies are provided along the 1<sup>st</sup> Street and Evergreen Road frontages: standing seam metal canopies are provided in brown in two styles, one a typical shed with closed ends, and the other a tapered shed. A red standing seam awning with open ends is provided on the storefronts that flank the round-about, and a distinct canopy of metal and glass emphasizes the retain entry on the round-about gable. Red standing seam awnings are also provided at the restaurant terrace on the Evergreen frontage (Exhibit E43). The elevations and plans are inconsistent regarding the depth of the proposed canopies on Buildings A and C. As a condition of approval, the applicant will be required to submit revised elevations showing canopies of at least six feet in depth. As conditioned, this standard can be met.

*Outdoor Relationships: Buildings shall be designed to open up to outdoor seating and display areas that are intended to be accessory to an indoor use, such as a restaurant or cafe.*

Buildings A and B are both designed to include restaurant space, with opportunities for outdoor seating. At the corner of A Avenue and 1<sup>st</sup> Street, the building is set back from A Avenue to

order to preserve the maple tree; this setback provides an opportunity for outdoor seating, served by two doorways that open on to this small courtyard. Similarly, there are retail doorways opening on to the pedestrian courtyard from both Building A and Building C. At the corner of 1<sup>st</sup> Street and Evergreen, Building C is set back from the property line five feet along 1<sup>st</sup> Street, providing additional space for outdoor seating, which is facilitated even more by the 27-foot wide sidewalk along 1<sup>st</sup> Street at this location. The sidewalk along 1<sup>st</sup> Street is 8 – 27 feet wide, matching the sidewalk in front of LVV (Exhibit E41). Evergreen Road slopes downward from 1<sup>st</sup> Street to 2<sup>nd</sup> Street, requiring a retaining wall in front of the restaurant space in Building C. As shown in Exhibit E41, the applicant has created a flexible space for outdoor dining by inseting the building wall and providing four sets of doors that open up to a small patio along the Evergreen frontage. This standard is met.

*Mixed Use Residential: Mixed use buildings with a residential component shall define the residential portion of the structure through the use of design elements such as decks, balconies, landscaping, chimneys, dormers, gable or hipped roofs or step backs above the second story to provide upper story deck areas. Masonry should be used for chimney construction.*

Buildings A and C are mixed use buildings with retail and office on the ground floor and residential uses on the upper floors. As shown on the elevations (Exhibit E43), balconies and decks are introduced on the residential floors. On Building A, two gable ends face A Avenue, and another faces 1<sup>st</sup> Street; single- and double-stacked dormers on the third and fourth floors step these residential units back from the retail level. The prominent chimneys on the gable ends are masonry.

On Building C, balconies and decks are introduced on the second and third floors. Single-stacked dormers on the fourth floor step these residential units back from the retail level, and six gables are provided along 1<sup>st</sup> Street and Evergreen Road. All chimneys on Building C are masonry. This standard is met.

*Corner Buildings: Buildings located on street corners shall:*

- i. Be designed to complement and be compatible with other corner buildings at the same intersection by repeating or echoing the same pattern of corner treatment by creating similar focal points such as entries, towers, material or window elements, signage, etc.*
- ii. Reinforce building corners by repeating facade elements such as signs, awnings and window and wall treatments on both "Avenue" and "Street" sides.*
- iii. If the building "cuts" the corner at ground level, anchor the corner with a column supporting the upper levels or roof or with a free-standing column or obelisk. The area of the "cut" corner shall be equal to or greater than the public area in the abutting sidewalk as shown in LOC 50.11.001, Appendix A – Lake Oswego Style, Figure 2.*

The project includes three different buildings located on four site corners.

A Avenue/1<sup>st</sup> Street: As shown in the elevations (Exhibit E43), the building corners at this location are reinforced along A Avenue and 1<sup>st</sup> Street by repeated awning, window and wall treatments. The cornice and canopy height are similar to those provided on LVV to the east, and the window size similarly decreases on the upper floors. Signage opportunities are available both under the canopies and on the retail cornice, like LVV. Along 1<sup>st</sup> Street, the gable end creates a strong corner, similar to the tower element at LVV. Due to the preservation of the specimen maple at the intersection, which prohibits the building from extending the corner, this corner is a "cut." The basalt-clad planter and the maple anchor the corner similar to a free-

standing column or obelisk. The area provided between the planter and the storefront is 800 square feet, while the abutting sidewalk area is 550 square feet. This standard is met.

A Avenue/2<sup>nd</sup> Street: As shown in the elevations (Exhibit E43), the building corners at this location are reinforced along A Avenue and 2<sup>nd</sup> Street by repeating awning, window and wall treatments, which continues down 2<sup>nd</sup> Street for the length of Building A. The cornice, canopy height and upper storefront window patterns are similar to those provided on the commercial building to the west on Block 136. Signage opportunities are available both under the canopies and on the retail cornice, similar to Block 136.

2<sup>nd</sup> Street/Evergreen Road: Building B is completely residential, and residential uses are found on both corners of this intersection. As shown in the floor plans and elevations (Exhibits E41 and E43), the residential entries at this corner are recessed, similar to the covered entries on the adjacent townhomes. The window patterns are also similar, consisting of some larger picture windows as well as more finely divided multi-paned windows. The corner is reinforced by repeating the design and materials along both 2<sup>nd</sup> Street and Evergreen Road, with a masonry base and horizontal lap siding on upper floors. The eave line at the corner is five feet lower than the eave in the Block 136 townhomes, and the height at the roof top at the corner is less than a foot taller than the Block 136 townhomes.

1<sup>st</sup> Street/Evergreen Road: The roundabout at this corner creates the opportunity for Building C to address Millennium Park in a manner similar to LVV. Both corners present a gable end to the

park, with a masonry ground floor retail element and lighter materials on the upper floors. Like LVV, the redesigned gable has substantial masonry supports columns, with light fixtures, that bracket the main entry. The cornice, canopy height and storefront window patterns are similar to those provided on the LVV gable. A canopy of glass and steel, different from the other canopies on Building C, is also more substantial, reinforcing this corner as unique; this is similar to the LVV gable, which features a unique and substantially larger canopy at the roundabout than those provided along the remainder of the 1<sup>st</sup> Street frontage.



Masonry columns, unique canopy, patio with lattice screen



Masonry columns, unique canopy, open gable

The top floor of LVV is set back and protected under the timbered gable. Similarly, the building wall on the fourth floor of Building C is stepped back nine feet from the third floor, providing a substantial patio. The lattice framework partially screens the penthouse unit and provides texture and shadow lines similar to the timbered gable on LVV. Last, the connected shed dormers on either side of the gable are lower in height than the gable, creating a proportional transition to the flanking rooflines and de-emphasizing its height.

*Alley Space: Alley space shall be designed to minimize service functions, to screen trash/storage areas and to enhance pedestrian/patron use. Outdoor cafe seating, landscaping, signage, lighting and display features shall be included in alley design where feasible.*

There are no alleys proposed as part of this project. This standard is not applicable.

#### 50.05.004.7 View Protection

New development shall preserve and enhance any available views of Mount Hood and Lakewood Bay by compliance with the following requirements. These regulations are not intended as a guarantee that a view will be preserved or created, only to require special and significant efforts to maintain and provide views.

*Street trees on "A" Avenue shall be selected and located to preserve views of Mt. Hood.*

The five existing street trees on A Avenue will be preserved.

*New structures shall be designed and located to preserve and enhance views of Lakewood Bay from the south end of Block 138 (LVV) and from the Lakewood Bay bluff.*

The development on the site does not impact views of Lakewood Bay from the south end of LVV or from the Lakewood Bay bluff. This standard is met.

*Restaurants, outdoor cafes, housing and hotels shall be oriented to available views, especially views of Lakewood Bay, where feasible. Public gathering places shall be designed to maximize any available views toward Lakewood Bay.*

The development provides residences oriented to the view of Lakewood Bay as well as opportunities for outdoor restaurants along 1<sup>st</sup> Street which can capitalize on this view. There are no public gathering spaces proposed in this development. This standard is met.

#### 50.05.004.8 Landscaping and Site Design

Landscaping shall be designed to enhance building design, enhance public views and spaces, define the street, provide buffers (screening) and transitions, and provide for a balance between shade and solar access.

*Landscaping Required: Landscaping on the site, visible from the ground, shall comply with the following amounts:*

- (1) Residential and live/work: 15% of the lot.*
- (2) Nonresidential development: 10% of the lot.*

Because the development contains residential, the 15% landscaping standard applies. The subject site is 2.45 acres in size; therefore, approximately 16,000 square feet of landscaping is

required. The project provides approximately 28,500 (27%) square feet of landscaping; this includes architectural pavers, planters, green walls, potted trees and general landscaping (Exhibit E49). The applicant proposes separate landscaping treatments in different parts of the site, although some of the species are common to one or more area. The site is generally divided among four landscaping treatments: the north-south pedestrian walkway, the east-west pedestrian walkway, the courtyard, and the stormwater planters. The east-west pedestrian walkway will be lined with nine Japanese snowbells, extending from the western ramp/stairs to the intersection with the north-south walkway. This will create a “streetscape” similar to a public sidewalk with street trees; this pathway will be further defined by the planters at the sides and at the ramp/stairs. Japanese maples will define the private courtyard for the residents, both along the walkway and in the interior of the space. Eleven planters will line the north-south walkway, creating a narrower walkway compared to the east-west pedestrian walkway, which helps emphasize its secondary nature.

The proposed landscaping plan shows plant sizes of 1, 3 and 5 gallons, with a plant spacing of between 18” and four feet off center (Exhibit E49). Trees will be 2 – 3” caliper. Staff finds that the proposed shrub size will not provide sufficient buffering or scale for the buildings, and that groundcover spacing may be too sparse. As a condition of approval, the applicant will be required to submit a revised landscaping plan illustrating that the proposed shrubs are a minimum 3-gallon or 36” tall, whichever is greater, and that groundcover is planted no more than 18” off-center. As conditioned, this standard can be met.

*Vines on espaliers shall be placed along at least one building wall.*

Espaliered trees are provided on the north façade of Building C along the east-west pedestrian walkway, wrapping around to the north-south walkway (Exhibits E43 and E49 and E56). The espalier will be approximately 16 feet in height at the time of planting, as conditioned in the previous report under Condition A.1.i, and will be supported by a horizontal support structure. The height of this espaliered tree will be sufficient to soften the wall on which it is located, which is a double-height retail space. This standard can be met.

*Landscaping for screening and buffering shall be required to screen public or private utility and storage areas and parking lots, and as a separation between dissimilar uses.*

The project does not contain exposed utility features, storage areas or dissimilar uses that require screening. As shown in Exhibits E41 and E50, utilities are enclosed within the building behind doors or within the underground parking structure. This standard is not applicable.

*Style and Design: Landscaping shall be coordinated with the building design so that landscaping complements the building design. Landscape design shall incorporate elements such as iron/steel plant balconies, metal fences, railing and gates, masonry walls, window boxes, hanging plant brackets and other similar features that complement the character of the building design.*

*Landscaping may be placed in pots, raised planters, or flower boxes.*

*Courtyards visible from the street or sidewalk shall be used to break up the scale and proportion of structures. Courtyards shall contain landscaping or features that complement the design of the building and the surrounding structures and landscaping. Courtyard amenities, including art or fountains, may be required as part of the design by the reviewing authority.*

Architectural metal fences and gates will be provided along the east-west and north-south pedestrian walkways to separate the walkways from the outdoor amenity spaces provided to

ground floor residential units. As shown in Exhibit E49, the fences will be similar to the balcony railings provided on the Arts and Crafts and English Tudor buildings (Buildings B and C, respectively). Masonry planters are utilized throughout the project, including as buffering between the sidewalk and ground floor residential units on 2<sup>nd</sup> Street and Evergreen Avenue, and in basalt-faced planters along the east-west pedestrian walkway and surrounding the maple tree at the northeast corner of the site (Exhibit E49). Ornamental landscaping pots will be provided throughout the site, both along the interior walkways and along the 1<sup>st</sup> and 2<sup>nd</sup> Street sidewalks. The courtyards provided on site - at the northeast corner of the site as well as in the pedestrian walkways - are paved with pedestal pavers, planters, landscaping pots and green walls. Existing art pieces in the rights-of-ways along A Avenue and 1<sup>st</sup> Street will be preserved; a location for a new art piece is provided at the base of the stairway/ramp on the west side of the east-west pedestrian walkway. This standard is met.

*Landscaping design shall be compatible with abutting or adjacent properties and shall consider the relationship of plantings, site furnishings and materials on those properties and the proposed site.*

The project utilizes architectural furnishings, plantings and materials similar but not always identical to those on in the right-of-way and at adjacent developments such as LVV. Bollard, bike racks and litter receptacles are the same as found on adjacent projects (Exhibit E48); additionally, the use of many of the same plant species will create a cohesive planting design (Zelkova, evergreen huckleberry, liriope, crocosmia, privet, and kinnikinick, for example). Existing planters will remain along A Avenue and 1<sup>st</sup> Street. This standard is met.

*Street trees shall be planted in conformance with the Street Tree List in the Lake Oswego Plant List, and City/LORA specifications for spacing, planting, root barriers, irrigation, lighting (uplighting and holiday lighting), etc.*

There are 44 street trees abutting the site; these trees are located in planter strips in the rights-of-way. The applicant proposes to preserve most of the existing trees; the 11 street trees along 2<sup>nd</sup> Street will be removed and replaced with the same species (Zelkova serrata "Musashino") for the reconstruction of the street; these tree wells will be supplied with electricity (Exhibit E49). There are four street trees along 1<sup>st</sup> Street that are in the footprint of the proposed development; the applicant proposes to replace these with flowering pear along the street and Japanese snowbell along the east-west pedestrian walkway.

*Residential uses at the ground floor shall be separated from sidewalks by a landscaped buffer. The landscape buffer may include stairs, railings, walls, pilaster columns or other similar features.*

Ground floor residential along a sidewalk occurs on Building B both on Evergreen Road and on 2<sup>nd</sup> Street. On Evergreen Road, the residential units are accessed internally and the building is separated from the right-of-way by basalt-clad landscape planters that are 2.5-9 feet in depth (Exhibit E49); the planter is 2.5 feet in depth at the balcony, where the building wall is set back an additional four feet from the back of the planter. Along 2<sup>nd</sup> Street, four residential units are accessed from the street. Entrances to these units are recessed approximately seven feet from the building façade and flanked by raised basalt-clad planters (Exhibits E41 and E49) that are four to eight feet in depth.

*Green Landscaping: Landscape design shall incorporate the following environmentally friendly design and planting concepts to the maximum degree possible:*

- (1) Utilize plant materials that are best suited for the areas of the site, e.g., water, soil, sun and shade.*
- (2) Use plant materials, soils, and soil amendments which minimize the use of fertilizers, particularly ones containing phosphate.*
- (3) Use drought tolerant plants, when possible, to minimize water usage.*
- (4) Incorporate native plantings and utilize plant materials which are grown in the Pacific Northwest.*
- (5) Use plant materials that are pest and disease resistant to minimize or avoid the use of pesticides and fungicides.*
- (6) Irrigation shall use methods and watering schedules which minimize water consumption. These may include drip, micro-spray or bubbler emitters for trees and shrub beds. Irrigation systems shall be designed with solar powered controllers when practicable.*
- (7) Design tree and vine placement to provide shade on ground and wall surfaces during warm months.*

The landscaping design utilizes native and drought-tolerant plants (Exhibit E49). As described in the applicant's narratives (Exhibit F1 and F25), the custom soil mix will be low in phosphates. A variety of irrigation methods will be utilized including drip irrigation and micro-sprays. The applicant will be required to submit a final planting plan in compliance with this standard. As conditioned, this standard is met.

*The landscape plans shall include instructions for the continued maintenance of the landscaping, which shall include the following:*

- (1) When necessary, utilize soil amendments and soil mulches to preserve moisture content.*
- (2) Irrigation shall avoid systems which throw water into the air especially during high wind or high temperature periods. Watering should occur between 6:00 p.m. and 9:00 a.m.*
- (3) Plant during seasons when plants will be less stressed and requires less initial watering.*
- (4) Plant trees "bare root" when possible.*
- (5) When possible, plant turf by seed (not sod), to promote deep root development which will make the turf more drought tolerant.*

As stated in the applicant's narratives (Exhibits F1 and F25), the project will comply with these standards, and these criteria will be included on the construction documents. As a condition of approval, the applicant will be required to submit a maintenance plan, to the satisfaction of staff. As conditioned, this standard can be met.

*Street Furniture and Lighting: Buildings shall incorporate street furniture and lighting within the public right-of-way and in private areas open to public pedestrian activity. Street furniture and lighting shall comply with designs approved by the City of Lake Oswego.*

As shown in the landscaping plans, benches, bollards, garbage receptacles and ornamental landscaping pots will be provided in the sidewalks abutting the site; these items are illustrated on Exhibit E49. Five new street lights will be provided along 2<sup>nd</sup> Street, and one light will be relocated along 1<sup>st</sup> Street; these will meet City standard design. Benches, site lighting, bike racks and garbage receptacles will also be provided along the east-west and north-south pedestrian walkways. All street furniture and lighting will be required to be consistent with City standards. As conditioned, this standard can be met.

*Brick Paving: Where a development is proposed abutting to a sidewalk or intersection, brick paving shall be required for sidewalk surface detail panels on numbered streets and at primary building entrances as shown in the paving detail diagrams. Brick pavers shall be used to provide color and texture on north-south streets. The use of brick, cobbles or flagstones as pavement for other pedestrian ways, courtyards or parking lots is encouraged, but is not required.*

Existing improvements along Evergreen Road, 1<sup>st</sup> Street and A Avenue are to remain. On 1<sup>st</sup> Street, the 8-27' sidewalk is already paved in a brick herringbone pattern, which will be maintained with the development. The sidewalks along A Avenue and Evergreen Road are improved with street tree planters, and the street trees will be preserved; any construction impacts to these concrete sidewalks will be repaired with matching materials and panels. The applicant has not submitted plans that show compliance with this standard for the 2<sup>nd</sup> Street frontage; however, the east side of 2<sup>nd</sup> Street will be re-graded as part of a LORA project, which will be coordinated with the development of this site. As a condition of approval, the applicant will be required to submit sidewalk plans that include brick accents consistent with previous downtown development. These plans will be reviewed and approved with the improvements along 2<sup>nd</sup> Street. Pedestal pavers will be provided in the pedestrian walkways, courtyards, and the storefront setbacks along A Avenue, 1<sup>st</sup> Street and the gable at the roundabout (Exhibit E49).

*Natural Stone: New and substantially remodeled buildings shall use natural stone (preferably Columbia River Basalt) for retaining walls, courtyard walls or similar landscape applications.*

Columbia River Basalt is proposed on all stone seat walls at the planters adjacent to the public rights-of-way along A Avenue, Evergreen Road and 2<sup>nd</sup> Street, as well as the pedestrian stair/ramp at the west end of the pedestrian walkway. The basalt planters that are existing on the site and that are found on Block 138 are topped with granite. The site and landscape plans (Exhibits E43, E45-E47 and E49) are inconsistent regarding the material proposed on the tops of the new and rebuilt planters. As a condition of approval, the applicant will be required to submit revised landscaping and building plans showing that the basalt planters are topped with granite. As conditioned, this standard is met.

*Gates and Hangers: Decorative iron gates and hangers for signs, flags and hanging baskets shall be required as part of the landscape plan and shall be designed in the Arts and Crafts style.*

Decorative iron gates will be provided around the private resident outdoor spaces; these are illustrated in the landscaping plans (Exhibit E49). They are simple in design, without excessive decoration, and are designed to complement the Arts and Crafts and English Tudor styles on site. This standard is met.

*Hanging Baskets: Any required landscaping shall include seasonal hanging flower baskets placed within parking lots and along streets and sidewalks.*

The project is preserving most of the existing light poles along the abutting streets; five new street lights will be installed on 2<sup>nd</sup> Street. Where these poles are currently provided with hanging flower basket arms, they will remain. New poles must be provided in the style approved by the City, which provides arms for baskets. This standard is met.

*Art: The site design for a new or substantially remodeled existing building shall include locations for placing public or private art.*

As described in the applicant's narratives (Exhibit F1 and F25) and illustrated in Exhibit E49, the project will provide the same or similar locations for existing plinths to accommodate the

rotating Gallery Without Walls Art located in the public right-of-way. As established in the Development Agreement (Exhibit F10), permanent art as part of the 1.5% for Art Program will be commissioned and installed. As shown in Exhibit E49, one location for a future art piece is identified at the bottom of the pedestrian stairs/ramp. This standard is met.

*Protecting Pedestrians: In areas of potential vehicle/pedestrian conflict, City approved street furniture or bollards shall be used to help create a "protected zone" for the pedestrian.*

There are existing bollards at the mid-block pedestrian crossing on 1<sup>st</sup> Street as well as at the roundabout corner. As shown on Exhibit E40, three bollards are proposed on each side of the retail parking garage driveway on 1<sup>st</sup> Street; these will extend 14 feet in front of the garage entrance to create a "protected zone" for pedestrians. The bollards will meet the City design standards. This standard is met.

*Undergrounding of Utilities: Overhead utilities shall be placed underground, unless the City Engineer determines that undergrounding is not practical based upon site conditions.*

All utilities are planned to be provided underground. This standard is met.

#### 50.05.004.9 Parking Requirements

*Parking shall be designed to provide adequate, but not excessive, space while preserving and enhancing the **village character** of Lake Oswego, through compliance with the criteria in this section.*

Both the standards of LOC 50.06.002, which identify minimum parking rates, and the modifications allowed in this section, LOC 50.05.004.1.9, are addressed under LOC 50.06.002, Parking, below.

*Employee and patron parking shall be restricted to available parking within the commercial district as follows:*

- i. On-site parking,*
- ii. Owner or easement parking for patrons within 500 ft. of the business site,*
- iii. Owner or easement parking for employees within 1,000 ft. of the business site, or*
- iv. On-street parking along the property frontage.*

The parking generation rates identified in LOC 50.06.002 capture both employee and patron demand. As described in that analysis, the minimum required parking for the retail and office components of the project is 132 spaces. The applicant is providing 155 spaces in the underground parking garage, and 27 parking spaces will be provided along the street frontages, for a total of 182 spaces (see additional discussion of this issue under the Parking Standard, below). There are no off-site parking lots proposed as part of this application for owner or easement parking. This standard is met.

#### 50.05.004.10 Parking Lot Design

*Parking shall be designed in compliance with the following criteria:*

- a. Parking configuration and circulation shall be designed to provide access from streets within the district and direct traffic away from residential zones, particularly delivery vehicles. Off-*

*site, signal or signage improvements may be required if needed to direct traffic away from residential zones.*

- b. Driveways to parking areas shall be located to avoid breaking the storefront pattern along primary pedestrian ways. First Street south of "B" Avenue shall be considered a primary pedestrian way.*
- c. Parking lots and structures shall be sited and designed to mitigate adverse lighting and noise impacts on residents. The reflection of sound by the lake surface shall be specifically considered.*

There are currently nine driveways that access the site: three on 2<sup>nd</sup> Street, two on A Avenue, and four on 1<sup>st</sup> Street. These will be consolidated to two driveways with the proposed development: one on 2<sup>nd</sup> Street to serve the residential component, and one on 1<sup>st</sup> Street to serve the retail portion of the development. These access points, and thus the streets on which they are located, are within the Downtown Redevelopment Design District. Parking for retail delivery vehicles is provided at the northeast corner of the site, on 1<sup>st</sup> Street, as shown in Exhibit E40. As all parking is provided in underground garages, there will be no exterior lights or noise impacts on residents. These standards are met.

As shown in Exhibit E40, the access for the retail driveway is proposed to be on 1<sup>st</sup> Street, which is considered a "primary pedestrian way." The applicant is requesting an Exception to this standard. The criteria for approval for this Exception are addressed under LOC 50.08.005, below.

#### 50.05.004.11 Parking Structures

*Parking structures or garages shall comply with the following design standards:*

- a. Retail storefronts at the ground level of parking structures shall be located at the periphery of parking areas and structures. The street side of residential parking structures may contain facilities or services for residents, such as laundry rooms, lobbies, or exercise rooms.*
- b. Building materials shall complement abutting building materials as illustrated in Figure 50.05.004-L: Parking Structure Building Materials and Entries. In cases where a parking structure extends to the periphery of a site, the design of the structure shall reflect the massing, fenestration and detailing of adjacent and abutting buildings.*
- c. Architectural elements such as a frieze, cornice, trellis or other device shall be continued from a residential portion of the building onto a parking structure.*

All parking is provided underground, therefore, these standards are not applicable.

- d. Entries shall be designed to be subordinate to the pedestrian entry in scale and detailing. If possible, parking structure entries shall be located away from the street, to the side or rear of the building.*

The opening to the retail garage is set back fifteen feet behind the property line along 1<sup>st</sup> Street (Exhibit E40). The parking garage entrance is flanked by two pedestrian entrances. To the south, the stairway access is set back eight feet from the property line. To the north, a covered arch at the street identifies the residential lobby and entrance; the doors are located twelve feet behind the property line. Retail storefronts are located at the property line.

The opening to the residential garage is slightly set back from the façade along 2<sup>nd</sup> Street. A security gate, designed in the Arts and Crafts style, will provide controlled access to the residential garage (Exhibit F25). As the balance of the pedestrian-level façade along 2<sup>nd</sup> Street is masonry, the gate provides a lighter point of entry. This standard is met.

- e. *If possible, parking structures should be designed so that portions of the parking structure decks are used for landscaping or entry courts to abutting buildings.*
- f. *Parking structures shall be detailed at ground level in a manner similar to adjacent or abutting buildings in order to create a strong/emphasized base.*

All parking is provided underground; therefore, these standards are not applicable.

#### 50.05.004.12 Street, Alley and Sidewalk Design

Street, sidewalk and alley design shall safely and efficiently provide for vehicular and pedestrian travel while enhancing **village character** through compliance with the following design standards. These standards shall apply in addition to any other City requirements for street, alley or sidewalk design. In the event of a conflict, the provisions of this section shall control.

*Compliance with Comprehensive Plan: Development shall comply with the Major Street System Policies contained in the Goal 12, Transportation Chapter of the Comprehensive Plan. Pursuant to this element, "A" Avenue and State Street are classified as major arterials, "B" Avenue from State Street to Fifth Street and First through Fifth Streets from "A" to "B" Avenues are classified as major collectors.*

Under Goal 12 (Transportation) of the Comprehensive Plan, the Major Street System consists of major arterials, minor arterials and major collectors. A Avenue is classified as a major arterial; therefore, the policies below apply to this development:

1. *The arterial and major collector street network shall be designed and maintained to service level "E" during peak hours.*

As discussed in the Traffic Report (Exhibit F3), peak hour is defined as 4:40 – 5:40 pm on weekdays. The projected Level of Service (LOS) for the seven study intersections in 2016, with project buildout, is LOS A-C. This standard is met.

2. *Direct access onto major streets shall be controlled and consolidated.*

Currently, there are two access points onto A Avenue, a major arterial. As shown in Exhibit E40, these driveways will be eliminated. Retail customers will access the retail garage on 1<sup>st</sup> Street, and a second driveway on 2<sup>nd</sup> Street will provide access for residential users. This standard is met.

5. *The City shall require the mitigation of negative impacts upon pedestrian and bicycle mobility, noise levels, safety, aesthetics and air quality when new residential development is located adjacent to major streets.*

Residential uses are proposed on the upper floors of Building A along A Avenue, a major arterial. The development will consolidate the nine existing driveways (two are on A Avenue) that provide access to the site into two driveways: a retail driveway on 1<sup>st</sup> Street and a residential driveway along 2<sup>nd</sup> Street. This will remove five potential points of conflict between vehicles and pedestrians/bicyclists. Additionally, all bicycle improvements planned for the surrounding city streets have been completed. This standard is met.

*"A" Avenue Improvements: Any improvements to "A" Avenue shall be designed and constructed in conformance with the 1994 Concept Plan as it exists now or may in the future be amended by LORA. This plan identifies turn lane configuration, island location, signal location and general*

*scope of the project. "A" Avenue shall be designed to blend with and continue the design themes of the Demonstration Street Project as shown in Figure 50.05.004-M: Demonstration Street Project, or in conformance with the completed construction plans for the next phase if such plans are available and have been approved by LORA.*

The portion of A Avenue that abuts the project site is already improved with the design themes of the Demonstration Street Project. The driveways that are being eliminated on A Avenue will be replaced with sidewalk panels that match the existing design. This standard is met.

*Intersection Design: Intersections on "A" and "B" Avenues shall create crosswalks in a different material and texture than the street paving (e.g., concrete, cobbles, or brick) to bridge the intervening streets.*

The intersections on A Avenue are already improved to this standard, and no changes to these intersections are proposed. This standard is met.

*Curb Extensions: Curb extensions shall be created at all intersections where feasible from a traffic management standpoint and unless such extensions would interfere with the turning and stopping requirements of emergency service vehicles (e.g., fire trucks, ambulances), buses or delivery vehicles. Such extensions will be designed to accommodate the turning and stopping requirements of such vehicles.*

Curb extensions are already provided at three of the site intersections: 1<sup>st</sup> and A Avenue, 2<sup>nd</sup> and A Avenue, and 2<sup>nd</sup> and Evergreen (Exhibit E40). The intersection at 1<sup>st</sup> Street and Evergreen is developed as a roundabout. This standard is met.

*Sidewalks: Sidewalk design shall consider and encourage opportunities for outdoor cafes, pushcart vendors, seasonal sidewalk sales, festivals and similar uses and activities which enliven pedestrian walkways.*

The sidewalk along 1<sup>st</sup> Street varies from eight to 27 feet in width, which offers opportunities for sidewalk activities. The storefront along A Avenue has a number of setbacks, from two to eight feet in depth, which offer additional opportunities for sales, displays and vendors (Exhibit E40). The sidewalk along Evergreen Road is currently proposed to remain as is, except at areas that need to be repaired or replaced for ADA compliance. The sidewalk along 2<sup>nd</sup> Street is proposed to be widened, and will be designed to the satisfaction of the City Engineer. This standard is met.

*Alleys: Alleys shall be incorporated into design plans as pedestrian and vehicular accessways.*

There are no alleys provided on the site. However, the pedestrian walkways provide pedestrian access through the site (Exhibit E40). This standard is met.

*Angle Parking: On numbered streets, angle parking shall be installed when it will maximize the number of spaces provided and still comply with the capacity, service level and safety requirements of the street system.*

Angle parking is already provided along 1<sup>st</sup> Street, and this pattern will not be altered with this project. Parallel parking is currently provided along 2<sup>nd</sup> Street, matching 2<sup>nd</sup> Street north of A Avenue. The applicant will widen the sidewalk and planting strip along 2<sup>nd</sup> Street allowing for parallel parking only. This work will be coordinated and done approximately at the same time as a LORA project to re-grade 2<sup>nd</sup> Street between A Avenue and Evergreen. Final sidewalk width,

street width and on-street parking layout will be determined by the City Engineer as part of the final improvement plans.

**Off Street Parking, Loading and Bicycle Access [LOC 50.06.002]**

This standard applies to all development that generates a parking need. The total required number of parking spaces shall be the sum of the various uses computed separately. The maximum number of parking spaces for commercial development cannot exceed 125% of the minimum required spaces. Per LOC 50.05.004, the parking standards of this section apply in full to any project in the DRDD, but the requirements may be modified as provided in LOC 50.05.004.9, Parking Requirements. Both the standards of LOC 50.06.002 and the modifications allowed in LOC 50.05.004.9 are analyzed together below.

**Commercial Parking**

The proposed project includes 36,500 square feet of commercial uses, as follows:

|                 |   |
|-----------------|---|
| Retail:         | 14,000 square feet, at 3.3 spaces per 1,000 sq ft (46.2 spaces)   |
| Specialty Food: | 4,700 square feet, at 6.6 spaces per 1,000 sq ft (31.02 spaces)   |
| Restaurant:     | 9,300 square feet, at 13.3 spaces per 1,000 sq ft (123.69 spaces) |
| Office:         | 8,500 square feet, at 3.33 spaces per 1,000 sq ft (28.31 spaces)  |

The base minimum parking required is 230 spaces. Because of the layout of downtown and the availability of on-street parking and transit, the minimum parking requirement shall be 0.75 of the total required. An additional reduction of 0.9 can be applied to the minimum required if retail uses are located within 1,000 feet of 100 or more residential units. The 1,000-foot radius extends to the east side of 5<sup>th</sup> Street on the west, to a portion of the Oswego Pointe apartments to the east, and includes the Bay Vista Apartments, Lake Oswego Apartments, and a number of cabana lots to the southwest. Additionally, the project is a mixed-use development that includes 207 residential units. Therefore, there are over 100 residential units within this radius. Last, in the EC zone, a reduction of 0.85 is allowed for commercial projects over 20,000 square feet (see Note below). Applying the downtown modifiers of 0.75 and 0.9 and 0.85, the required commercial parking is reduced from 230 to 132 spaces. In the retail underground parking garage, which will be accessed from 1st Street, the applicant proposes 155 parking spaces. In addition, on-street parking spaces that abut the site frontage shall be counted toward the parking requirement per LOC 50.05.004.9.a.vi. As shown on Exhibit E57, 27 on-street parking spaces are provided around the property's frontages on A Avenue, 1st and 2<sup>nd</sup> Streets. This brings the total of proposed commercial parking to 182 spaces, which exceeds the minimum required by 50 spaces, or almost 38%. Of the total commercial spaces provided on site, 15 spaces, or 9%, will be compact spaces, which is less than the maximum of 50%. In addition, two spaces for electric vehicles will be provided in the underground garage (Exhibit E41).

Note: In the previous analysis, only two parking modifiers were applied, although three modifiers were available on this site per LOC 50.05.004.9.a.i-iii. The Development Size modifier of 0.85 found in subsection (iii), which applies to commercial projects greater than 20,000 sq. ft., was not applied. This was an oversight. If only the same two modifiers are applied to the redesigned project, the minimum number of parking spaces required for the retail/commercial portion is 156 spaces. 155 spaces are provided in the garage, and 27 spaces are provided along the abutting street frontages, for a total of 182 spaces. As identified in LOC 50.05.004.9.a.vi and applied to LU 00-0007 (Block 136), LU 05-0063 (Banner Bank), LU 05-0065 (555 2<sup>nd</sup>), and LU 04-0062 (2<sup>nd</sup> and B), on-street parking along the property frontage shall be used to calculate parking requirements. The third modifier is therefore not necessary for the project to meet its minimum

on-site parking requirement, since 27 extra spaces are provided using only two modifiers to determine the minimum required parking.

As required by the Development Agreement with LORA (Exhibit F10), the on-site retail parking spaces will be shared with the public. This is an exception to the Parking standards. The criteria for approval for this exception are analyzed under LOC 50.08.005, below.

### Residential Parking

The proposed project includes up to 207 residential units, including studios and one- and two + bedroom units. The parking rates for residential uses are based on the number of bedrooms, as follows:

|             |   |
|-------------|---|
| Studio      | 14 units at 1 space per unit (14 spaces)          |
| 1-bedroom:  | 103 units at 1.25 spaces per unit (128.75 spaces) |
| 2+-bedroom: | 90 units at 1.5 spaces per unit (135 spaces)      |

The base minimum residential parking required is 278 spaces. Because of the layout of downtown and the availability of on-street parking and transit, the base minimum parking requirement shall be 0.75 of the total required, bringing the minimum requirement to 209 spaces (LOC 50.05.004.9.a.i). Of these spaces, 25%, or 53 spaces, must be available for visitor parking (the 53 guest spaces are not in addition to the minimum required parking). In the residential parking garage, which will be accessed from 2<sup>nd</sup> Street, the applicant proposes 275 parking spaces (including 33 spaces for residents that will be equipped with parking lifts, which will allow two cars to be parked in one space). The 275 parking spaces provided on site is 66 spaces, or 31%, more than the 209-space minimum requirement. The parking plan does not identify which spaces will be provided for residential guest parking (Exhibit E41). As a condition of approval, the applicant will be required to submit a revised parking plan that illustrates that a minimum of 53 spaces are reserved for guest parking in compliance with this standard. As conditioned, this standard is met.

Of the 275 spaces, 14 spaces, or 5%, will be compact spaces, which is less than the maximum of 50%. In addition, four spaces for electric vehicles will be provided in the underground garage (Exhibit E40).

### Bicycle Parking

Bicycle parking must be provided for all new multi-family residential developments over four units, and for all commercial uses. The bicycle parking rates for the residential use is as follows:

Multi-family residential: 1 space per 4 units (52 spaces)

The Parking standard allows up to 75%, or 39 spaces, of the required residential bike parking to be provided in the individual dwelling units, with the remainder (13 spaces) to be provided within a covered area located no more than 50 feet from a building entrance. As shown in Exhibit E7, 27 residential bicycle parking spaces are provided in a storage area in the northeast corner of the residential parking garage. These spaces are within 50 feet of a residential elevator and are covered and secure. In addition, there are 180 wall-mounted bike racks in the residential garage. This standard is met.

The bicycle parking rates for commercial uses are as follows:

Retail: 1 per 2,500 sq ft GFA (8 spaces)

|             |                                    |
|-------------|------------------------------------|
| Restaurant: | 1 per 5,000 sq ft GFA (2 spaces)   |
| Office:     | 2 per 5,000 sq. ft. GFA (2 spaces) |

All spaces must be covered, which can be accommodated by building or roof overhangs, awnings, bicycle lockers, storage within buildings or free-standing shelters. As shown on Exhibit E41, 13 bicycle parking spaces are provided in the parking garage, 20 feet from a building entrance. These spaces are covered and secure. This standard is met.

**Access/Access Lanes (Flag Lots) [LOC 50.06.003.1]**

This standard is applicable to commercial and mixed use development and prescribes standards for the design of access points and lanes. Direct access to an arterial street is prohibited where alternative access is available. Direct access to a local residential street is required unless access not available. The site currently has nine access points along three street frontages: three driveways on 2<sup>nd</sup> Street, two driveways on A Avenue, and four driveways on 1<sup>st</sup> Street. The proposed development will reduce the number of access points to two: one on 1<sup>st</sup> Street to serve the retail parking garage, and one on 2<sup>nd</sup> Street to serve the residential parking garage. Both 1<sup>st</sup> Street and 2<sup>nd</sup> Street are local streets. This standard is met.

**On-Site Circulation – Driveways and Fire Access Roads [LOC 50.06.003.2]**

This standard is applicable to mixed use development and contains design standards for driveways. Driveways must be located at least 30 feet from the nearest intersection (measured from edge of driveway to curb), are limited to 24 feet in width, and must meet the American Association of State Highway and Transportation Officials (AASHTO) standards for safe entrance and exit. As shown in Exhibit E40, both garage driveways are 24 feet in width. The retail driveway is located more than 76 feet from the 1<sup>st</sup> Street/Evergreen Road intersection, and the residential driveway is located 80 feet from the 2<sup>nd</sup> Street/Evergreen Road intersection. As shown in Exhibit E40 and verified by the Engineering staff, both driveways meet the AASHTO standards in at least one direction. The 1<sup>st</sup> Street driveway is constricted slightly by the roundabout, but otherwise is adequate to the north. The 2<sup>nd</sup> Street driveway has clear sight distance to the north, but is constricted looking south. Adding a stop sign at the 2<sup>nd</sup> Street/Evergreen intersection to make the intersection an all-way STOP will satisfy the sight distance per AASHTO; this will be made a condition of approval. The City Engineer has ultimate authority to prescribe the street traffic control signage. The public art locations surrounding the site, particularly near the 1<sup>st</sup> Street driveway, are temporary and will be relocated prior to construction. As conditioned, this standard can be met.

This standard also prescribes design standards for driveways, including maximum grade, cross-slope and grade breaks for driveways, and requires a landing area where a driveway meets the right-of-way. The applicant has submitted cross sections of the proposed driveway ramps (Exhibit E55) that illustrate a commercial driveway grade of 15%; the landing area is 25 feet in length, with a grade of 5% (the landing area does not extend into the public right-of-way). The grades of the residential driveways are 2.9% - 4.5%, with a landing area over 25 feet in length.

**On-Site Circulation – Bikeways, Walkways and Accessways [LOC 50.06.003.3]**

This standard is applicable to all new commercial, multi-family residential, and mixed use development, and requires the provision of ADA walkways between public entrances and parking lots and the adjacent street system. As shown in Exhibit E41, all retail spaces have direct access to A Avenue, 1<sup>st</sup> Street or Evergreen Road. The buildings are set back from the property line from 0 – 5.5 feet, with the exception of the retail spaces at the northeast corner of the site. At this location, the retail entrances are located approximately 25-33 feet from the

property line because of the preservation of the maple at the corner. The plaza created by the retention of the tree connects directly to the abutting sidewalks. Entrances to the residential lobbies are provided along A Avenue, 1<sup>st</sup> Street and Evergreen Road (Exhibit 41); these entrances provide direct access from the abutting streets.

The public easement between 1<sup>st</sup> and 2<sup>nd</sup> Streets provides additional pedestrian connection through the site. On the eastern end of this walkway, a landscaping island at the street prevents motor vehicles from accessing the walkway. At the western end, a pedestrian staircase and ramp prevent motor vehicles from entering this site. The pedestrian entrance to the retail parking garage is located along this walkway, approximately 52 feet west of the 1<sup>st</sup> Street (Exhibit 41). All walkways are hard-surfaced and at least five feet in width. However, the retail spaces at the east end of the east-west pedestrian walkway are designed to encourage outdoor activity such as café or restaurant seating. In order to ensure sufficient passageway between 1<sup>st</sup> Street and the parking garage entry on this walkway, the applicant will be required to submit a revised site plan showing that a minimum 12-foot unobstructed pedestrian pathway between any outdoor activities spilling from these retail/restaurant spaces. This width can be demarcated by railings, landscaping, or other alternatives, to the satisfaction of staff. As conditioned, this standard can be met.

#### **Transit [LOC 50.06.003.5]**

This standard applies to all mixed use development and requires transit and transit-oriented facilities to be provided on or near the site. The site is served by Tri-Met bus service along A Avenue, where a bus stop with bench for lines 35 and 36 is provided 48 feet east of the intersection of A Avenue and 2<sup>nd</sup> Street. This standard is met.

#### **Landscaping, Screening and Buffering [LOC 50.06.004.1]**

Per LOC 50.06.004.1.a.ii(1), this standard is not applicable to development located within the DRDD; see landscaping analysis under LOC 50.05.004, above.

#### **Fences [LOC 50.06.004.2]**

In mixed use zones, fences, walls and retaining walls shall not exceed six feet in height; within 10 feet of a public street, a fence or wall is limited to four feet in height. The only fences provided on the site are located adjacent to the private outdoor courtyards along the pedestrian walkways; the site and landscaping plans do not illustrate the dimensions of these fences. As described in the applicant's narrative (Exhibit F1 and F25) and illustrated in Exhibit E49, these fences will be less than four feet in height; planter walls are also under four feet in height. This standard is met.

#### **Lighting [LOC 50.06.004.3]**

This standard is applicable to all minor development which results in increased use of public streets. On public pathways, low level lighting of less than 0.3 average foot-candles is required, and the maximum uniformity of illuminating ratio cannot exceed 20:1. This standard applies only to the east-west pedestrian walkway, which will be provided through a permanent public easement, and thus is considered a "public way" per the International Building Code (IBC). Contrary to the applicant's narrative, the "exit discharge" does not extend from residential exits along the east-west pedestrian pathway all the way to 1<sup>st</sup> and 2<sup>nd</sup> Streets; rather, it extends only from the exit doorways to the east-west public pathway itself. As determined by the Building Official, means of egress lighting levels of 1.0 foot-candles (fc) is required along the means of egress, including the exit discharge, and not along the length of the public pathway. The

applicant has not provided a lighting plan that shows compliance with this standard for the east-west walkway. As a condition of approval, the applicant will be required to provide a lighting plan that shows compliance with the standards identified above for the east-west pedestrian walkway. As conditioned, this standard can be met.

**Park and Open Space Contributions [LOC 50.06.005]**

This standard is not applicable to development located within the DRDD; see landscaping analysis under LOC 50.05.004, above.

**Weak Foundation Soils [LOC 50.06.006.1]**

As shown on the City's Soils Maps, a portion of the site may contain weak foundation soils. The applicant submitted a geotechnical engineering evaluation for the proposed development (Exhibit F7). The purpose of the evaluation was to explore the subsurface conditions at the site and provide geotechnical engineering recommendations for design and construction. Based on the analysis, the site can be developed as proposed following the recommendations outlined in the report. A copy of the geotechnical report will be required to be submitted with the building permit application. This standard is met.

**Drainage Standard for Major Developments, Partitions, Subdivisions, and Certain Structures (includes New Mixed-Use Structures) [LOC 50.06.006.3.b]**

This standard requires that drainage alterations, including new development, not adversely affect neighboring properties. In addition, this standard requires design features to minimize pollutants from entering the storm water runoff systems. The determination of whether or not the application complies with the requirements of this standard is under the review authority of the City Manager or City Engineer.

Storm water management will be required for the impervious surface areas, and the development shall not have any negative impacts to the downstream storm system or surrounding properties. There will be no net increase in impervious area so storm water detention is not required for the proposed development. New structures and reconstructed parking lots are considered "new" impervious area for purposes of requiring storm water quality management facilities.

The City Engineer has made the following findings and recommended conditions:

The applicant submitted a preliminary Stormwater Management Report dated September 6, 2013, prepared by a registered engineer (Exhibit F6), as well as an update on June 2, 2014 addressing the revised design (Exhibit F27). A private storm water quality vault is proposed to be constructed at the northwest corner of the site with access through the parking garage, which will provide water quality for the entire site. A new storm connection will be made to the existing public storm main in Evergreen Road. In addition, the applicant has provided a preliminary grading and erosion control plan (Exhibit E51) which indicates the location of a proposed stormwater planter for each building. The Engineering staff finds the proposed method for stormwater management to be acceptable for providing water quality treatment for the impervious surface areas. The Engineering staff also notes that the applicant can use either a water quality vault, storm water planters, or a combination of both for providing water quality treatment in order to meet the minimum provisions of this standard, although Engineering highly recommends the use of planters where possible. Any alternate design shall be approved by the City Engineer. At the time of building permit submittal, a final storm report and water quality design will be required for review and approval prior to building permit issuance.

The Engineering staff notes the geotech report (Exhibit F7) indicates that sump pumps will be necessary to accommodate groundwater flows. The adjacent and downstream capacity of the public storm system will be required to be analyzed for pre and post conditions, and any deficiencies will be required to be corrected. The capacity shall be examined with the anticipated sumps pump flows occurring during the design storm event. This will be imposed as a condition of approval for the development.

All on-site storm water facilities will be private, and the applicant will be required to submit an operations and maintenance plan and record a Declaration of Covenant for Operation and Maintenance of Surface Water Management Facilities. As conditioned, this standard is met.

#### **Utilities [LOC 50.06.008]**

This standard is applicable to all development requiring connection to utilities. Utilities are available or can be made available as follows:

- **Sanitary Sewer:** There is an existing public sanitary sewer main located in A Avenue and 2<sup>nd</sup> Street. The applicant proposes to construct a new sanitary service lateral from the existing main in 2<sup>nd</sup> Street (Exhibit E50). A clean-out shall be constructed at the right-of-way line.
- According to the City's March 2013 Waste Water Master Plan Update, there are capacity deficiencies in the existing system downstream from this site. The model assumed the site would be developed with a commercial use using a flow factor of 500 gallons per acre per day (gpac). Changing the use to include multifamily residential use significantly increases the waste water flows. Using the flow factors identified from the Waste Water Master Plan, a multifamily development is projected to have a flow factor of 1,200 gpac. This is a 240% increase in wastewater flows that can be anticipated from this project. This development will be required to investigate the existing capacity and proposed site wastewater flows, and then, if necessary, mitigate its impact to the public wastewater system and upgrade the sewer capacity from the site down to the sewer interceptor in the lake south of 3<sup>rd</sup> Street. As conditioned, this standard is met.

(The Engineering staff notes that at the time of this report, the City is conducting a capacity analysis regarding the downstream capacity of the existing sewer system between the site and the sewer interceptor in the lake at the south end of 3<sup>rd</sup> Street. The applicant may elect to accept the City's study as its own.)

- **Water and Hydrants:** The Composite Utility Plan (Exhibit E50) indicates abandoning the existing water services on site and installing three new water services. Each building will have its own independent service. The Engineering staff notes that the water service for Building A is proposed to connect to the water main in A Avenue. There is a paving moratorium along A Avenue through 2017. Any street cuts in A Avenue will require a higher standard for pavement replacement. Utility vaults for backflow valves will not be allowed to be located in the sidewalk. The application narrative indicates the design has not been developed to a point to locate the fire department connections (FDCs) on each of the buildings. At the time of building permit review, the FDC placement and fire backflow devices shall be to the satisfaction of the Fire Marshal, City Engineer and Building Official. As conditioned, this standard is met.

- Storm Drains and Approved Points of Disposal: Storm water management will be required for the impervious surface areas. Please see comments, above, regarding storm water management requirements.
- Streets: A Avenue is considered a major arterial, while Evergreen Road and 1<sup>st</sup> and 2<sup>nd</sup> Streets are local streets. All four streets are fully improved. See additional comments under LOC Chapter 42, below.
- Sidewalks: Sidewalks are provided along all abutting streets. See additional comments under LOC Chapter 42, below.
- Other utilities: It is the applicant’s responsibility to ascertain the availability of electric, gas, telecommunications and cable TV. All overhead utilities shall be installed underground.

Compliance with this standard will be assured at the time of building permit application.

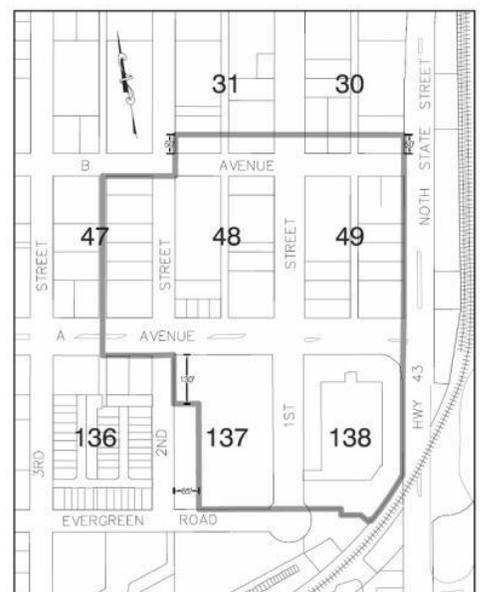
**Downtown Redevelopment District Exceptions to Standards [LOC 50.08.005]**

Exceptions to the DRDD standards, or to any other applicable standard in LOC Chapter 50, may be allowed in one or more of the following circumstances:

- i. *The applicant demonstrates that the physical characteristics of the site make compliance impractical;*
- ii. *New buildings may vary from the design requirements in LOC 50.05.004.5 through 50.05.004.7 if:*
  - (1) *The applicant demonstrates that the design should vary in order to create a complementary relationship with an abutting viable existing structure that is not designed in the Lake Oswego Style; and*
  - (2) *The applicant demonstrates that the alternative design is exceptional in the quality of detailing, appearance or materials and/or creates a positive unique relationship to other structures, views or open space in a manner that accomplishes the purpose of the Downtown Redevelopment District Design Standards.*
- iii. *The applicant demonstrates that the alternative design accomplishes the purpose of the Urban Design Plan in a manner that is equal or superior to a project designed pursuant to this standard.*

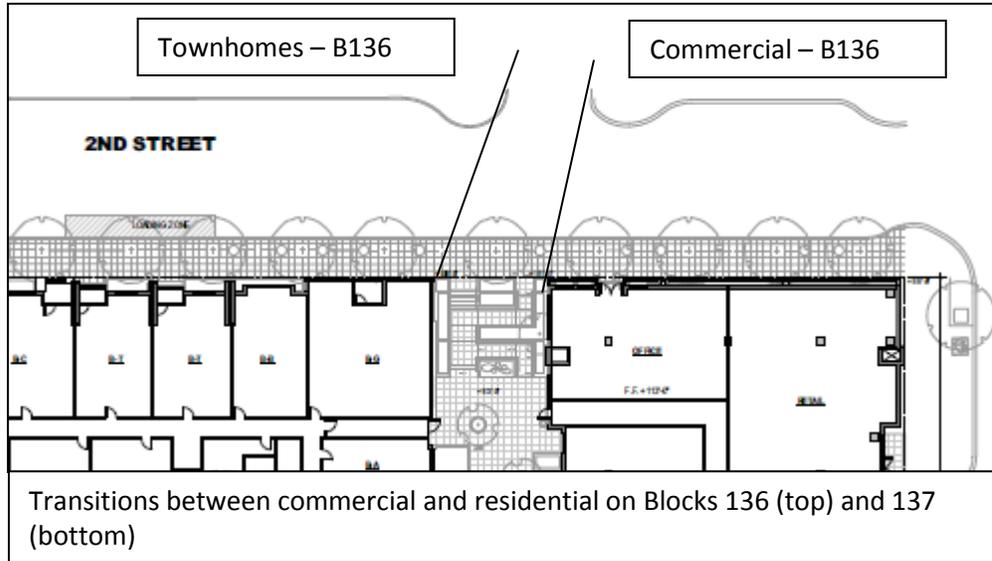
Under the criteria of Subsection (iii), above, the applicant is requesting exceptions to four standards. The Urban Design Plan (Plan) is a guidebook for development of the East End District, and is based on the vision statement of the East End Redevelopment Plan. The Plan does not have a single “purpose” section. Subsection (iii)’s reference to “purpose of the Urban Design Plan” has previously been interpreted to refer to the Urban Design Plan Objectives. Each of the requested exceptions is analyzed below.

Residential units on the ground floor. LOC 50.03.003.1.e.ii restricts ground floor residential use to a small portion of the site along 2<sup>nd</sup> Street and Evergreen. The proposed development provides ground floor

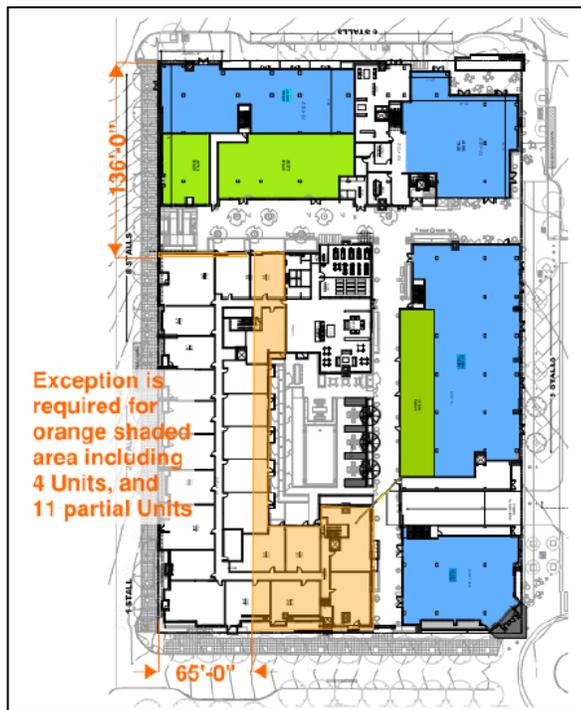


residential uses slightly outside of the defined area.

One of the Plan's objectives is to create a high-density, compact shopping district to serve the retail core (Objective 1.3), and the four blocks surrounding the A Avenue/1<sup>st</sup> Street intersection are identified as a special retail district. As shown in Figure 50.03.003-A (above), the prohibition on ground floor retail encompasses all or a portion of seven downtown blocks. The area on Block 137 where ground floor residential is allowed is an area that is 65 feet wide and 280 feet deep.



While retail uses currently abut A Avenue on the north side of the street and on Block 136 to the west, high density residential uses transition behind the retail storefronts on Block 136 toward Evergreen Road, and then to lower density residential uses further to the south and southwest.



Additionally, while the retail storefront on Block 136 wraps around the corner of A Avenue and 2<sup>nd</sup> Street, it provides only storefront windows and no retail entrance, limiting its activity level along 2<sup>nd</sup> Street at this location. By providing residential use slightly to the north of the allowed area, with the east-west walkway abutting it, the plan creates a bigger buffer between the commercial uses and the residential townhomes on Block 136; it also matches more closely the transition between commercial and residential on Block 136. The location of proposed ground floor residential use along 2<sup>nd</sup> Street complements the retail/residential transition on Block 136. While the diagram above shows abrupt edges to the compact shopping district, adequate transitions between uses are necessary for compatibility between uses.

On Evergreen Road, the property to the south of the site is developed as park and open space (Millennium Park). As shown on the site plan (Exhibit E40) and illustrated in the applicant's

narrative (Exhibit F25), ground floor residential is proposed at the mid-block; storefront retail wraps the roundabout corner and extends all the way to the north-south pedestrian walkway. With the narrow width of Evergreen Road, limited on-street parking at this location, existing topography, and no retail on the south side of the road, this frontage is not conducive to storefront retail. Ground floor residential uses on this frontage are an appropriate use considering the existing 8-foot retaining wall and 85-foot setback between Building B and the activity area at Millennium Park.

As shown on the site plan (Exhibit E40), the applicant proposes three separate buildings on the site, separated by internal pedestrian walkways. This opens the site up and allows uses – both residential and retail - to wrap the corners along the walkways. Retail uses are located along the east end of the east-west walkway on Buildings A and C; retail uses also wrap Building C's corner at the south end of the north-south pedestrian walkway. Internally, office uses are provided on the back sides of Buildings A and C, and residential uses are now located on the ground floor only on Building B. As shown in the graphic above, the ground floor residential uses extend only minimally outside the area designated for ground-floor residential; this area represents four units and 11 partial units, as well as the community room. The predominant use on all the ground floors outside of the area delineated in Figure 50.03.003-A on the site is still commercial.

Staff finds that the project creates appropriate transitions between higher-intensity uses and streets (retail on A Avenue and 1<sup>st</sup> Street, respectively) and lower-intensity uses and streets (residential on 2<sup>nd</sup> Street and Evergreen Road, respectively). The project meets the following objectives of the Plan:

- Creates a high-density, compact shopping district (Objective 1.3)
- Creates a pedestrian network that structures the retail core through connections of parking, retail and civic places (Objective 1.4)
- Creates high density housing to provide greater intensity of use in the retail core (Objective 1.9)

The project also meets the following principle of the Plan:

- Creates a lively and attractive urban experience by increasing the density and mix of uses, integrating these uses vertically and horizontally on the street level (Principle 2.13)

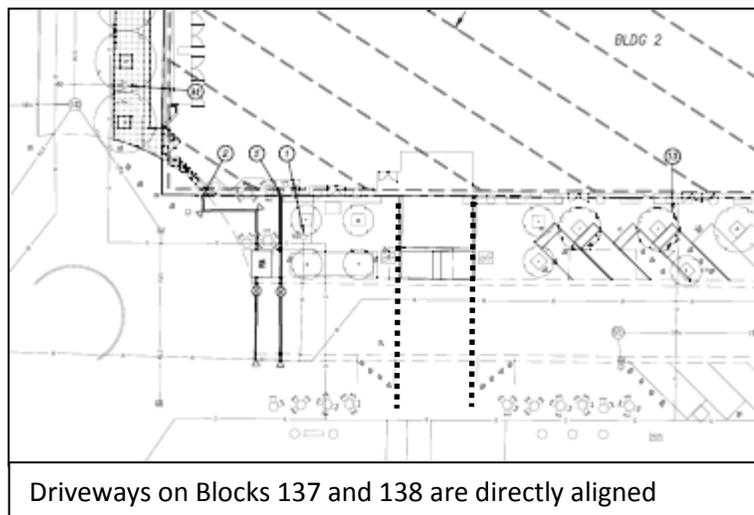
*Storefront glazing. LOC 50.05.004.6.b requires that 80% of a storefront be designed with display windows and entry features. On Building C, which faces 1<sup>st</sup> Street and Evergreen Road and has three distinct facades, the proposed development will provide 53 - 78% storefront glazing.*

This standard requires that new buildings fronting on streets create a storefront appearance on the ground floor by providing 80% of the ground floor as display windows or entry features. Buildings A and C, the two mixed-use buildings, have six different planes that are subject to this standard. The calculations for window display ranges from 53 – 78% on the three different planes on Building C (English Tudor). The architectural design provides brick panels in each storefront of varying widths (Exhibit E43). In the Tudor 1 element, the brick panels are four and 11 feet wide, and the larger panel is bisected by a three foot window. On the Tudor 1 element, the brick panels are approximately three feet wide. The location and width of the panels provide proportional support for the upper levels. To achieve the required 80 percent figure, the panels would need to be reduced in width. A reduction would create an unbalanced base to the structures, which are intended to be more massive and heavy in character. The type of architecture achieved through the proposed design is exceptional in that it provides a proportionate design needed to support the intricate upper floors.

Staff finds that the slight deviation from the storefront window requirement provides better building balance and scale and a more attractive storefront appearance, and that the design of Building C already has the elements required to create village character, pedestrian amenities and visual interest. The project creates a high density compact shopping district to serve the retail core of the downtown district, meeting the objectives of the Urban Design Plan.

*Retail parking entrance on 1<sup>st</sup> Street. LOC 50.05.004.10.b discourages parking entrances along a primary pedestrian way, which includes 1<sup>st</sup> Street. The proposed development will provide access to the retail parking garage on 1<sup>st</sup> Street.*

As described previously in this report, the current development on the site is served by nine driveways: three on 2<sup>nd</sup> Street: two on A Avenue, and four on 1<sup>st</sup> Street. The proposed design will provide two driveways: one on 1<sup>st</sup> Street to serve the underground commercial parking garage, and one on 2<sup>nd</sup> Street to serve the residential garage (Exhibit E5). The commercial access is located on 1<sup>st</sup> Street for a number of reasons. First, the access is mid-block and directly across from the existing access to LVV (see image below).



Both access points provide public parking for uses in the area as well as parking to serve the on-site uses. In terms of vehicular circulation, the optimal condition is to locate access points for like uses in direct alignment, which minimizes vehicular conflicts and provides clear way-finding and navigation for pedestrians. The access on 1<sup>st</sup> Street will be the only access point on the west side of 1<sup>st</sup> Street. Due to the grade change on Evergreen Road, providing access via this road is impractical. Providing retail parking access on A Avenue is not efficient or desired: because of medians, access would require right-in, right-out turning restrictions. Patrons coming from the east would need to either execute a series of right turns or a u-turn on A Avenue; west-bound patrons exiting the site would similarly either have to circle the block to turn left at 2<sup>nd</sup> Street and A Avenue, or execute a u-turn at 1<sup>st</sup> Street and A Avenue. Additionally, direct access to an arterial (A Avenue) is prohibited where alternative access is available, as addressed in LOC 50.06.003.1, above. Last, providing retail access on 1<sup>st</sup> Street directs retail vehicles away from the existing and proposed residential uses along 2<sup>nd</sup> Street. The project meets the following objectives of the Plan:

- Creates a pedestrian network that structures the compact retail core through connections or parking, retail and civic places (Objective 1.4)
- Creates high-density housing that will provide greater intensity of use in the retail core (Objective 1.9)

- Reinforces vehicle-oriented commercial opportunities for businesses that can coexist with the compact retail core (Objective 1.10)

Additionally, one of the Principles of Urban Form in the Plan specifically addresses vehicle parking and access for a suburban community with a heavy reliance on automobiles. Principle 2.8, Park the Cars, states:

New development must be served by convenient and attractive parking opportunities. Consolidated parking in higher density areas should be innovatively integrated with development to provide easy access, security and an attractive setting without “seeing the bumper from the store window” syndrome.

The underground parking provided on the site is convenient and secure, and provides parking for 155 vehicles that is not visible from the street or from the retail storefronts. For the reasons identified above, staff finds that the proposed access plan accomplishes the purpose of the Plan in a manner that is equal or better than a project designed in compliance with this standard.

*Public parking provided on-site. LOC 50.06.002 requires new uses to provide a minimum number of parking spaces on site. The proposed development provides more than the minimum parking for both the retail and residential portions; the retail parking will be shared with the general public.*

As described previously in this report, the project will provide parking in excess of what is required for both the retail and residential portions of the development. Retail parking will be accommodated in the underground garage, which has 155 parking spaces, and the on-street parking that abuts the site, which is an additional 27 spaces, for a total of 182 spaces. As the minimum parking requirement is 132 parking spaces, this represents a 38% increase above the Code requirement.

Under the Development Agreement (Exhibit F10), the a portion of the commercial parking will be made available for public parking, to be managed pursuant to a parking management agreement between the City and the applicant, similar to the shared public parking arrangement in the parking garage that serves LVV. Of the 155 underground spaces, 48 will be dedicated to tenants, patrons and employees of the retail development between the hours of 8:00 am and 5:00 pm, Monday through Friday. Thus, commercial users will be able to exclusively use 48 spaces during business hours, plus the balance of the stalls in conjunction with public users. The Institute of Transportation Engineers (ITE) parking generation rates for retail and quality restaurants indicate differing peak hours, with retail centers peaking at 11 am – 3 pm and 6-7 pm on weekdays, and quality restaurants peaking at 7-8 pm on weekdays. Office use peaks between 9-12 and 2-4 pm on weekdays. Staff finds that the project includes 38% more commercial parking than required by the Code, and that the peak usage hours would not be in conflict and would provide adequate parking for the proposed uses. The project meets the following objectives of the Plan:

- Creates an overall vehicular circulation structure specifically designed to enhance various development opportunities (Objective 1.2)
- Creates a high-density, compact shopping district to serve as the retail core of the East End Redevelopment Area (Objective 1.3)

The project also meets the following principles and concepts of the Plan:

- Integrates parking with development, and consolidates parking for individual uses in parking structures. Parking in public rights-of-way is integrated with sidewalk and street landscaping treatment (Principle 2.8)
- Creates a lively and attractive urban experience by increasing the density and mix of uses, integrating these uses vertically in buildings as well as horizontally on the street level (Principle 2.13)

Staff finds that the requested exceptions comply with the criteria for exceptions to the stated Code requirements, LOC 50.08.005.

**3. Any additional statutory, regulatory or Lake Oswego Code provisions which may be applicable to the specific minor development application;**

**City of Lake Oswego Tree Code [LOC Chapter 55]**

**Tree Removal**

As shown on Exhibit E47, there are 55 trees on the site and in the abutting rights-of-way, and twenty-five trees are proposed to be removed for the development of this site. There are 11 trees on the site that are five inches in diameter or greater. The applicant is requesting to remove 10 of these trees in order to construct the proposed development; the specimen Japanese maple located in the planter at the northeast corner of the site will be preserved. Additionally, there are 44 street trees located in the right-of-way at the perimeter of the site. The eleven street trees along 2<sup>nd</sup> Street are proposed to be removed and replaced for the reconstruction of the sidewalk, additionally, four street trees on 1<sup>st</sup> Street that are in the footprint of the parking garage entrance and additional street parking will be removed. Trees proposed for removal in conjunction with major or minor development can be granted tree removal permits if the following four criteria are met:

*(1) The removal is for development purposes pursuant to the City Code;*

The removal of these trees is necessary for development because they are located within the footprint or construction impact area of the proposed mixed use structures and site access (Exhibit E40).

*(2) The removal will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks;*

The removal will not have a significant negative impact on erosion, soil stability, or flow of surface waters because the trees are located in a relatively flat or developed area; the on-site trees are located within the parking lot of the existing shopping center, and the remaining 15 are in planter boxes in the rights-of-way. The removal will also not have a significant impact on protection of adjacent trees or existing windbreaks because the trees are relatively small (5-21" DBH), are not clustered, and are separated far enough from other trees that they do not provide a windbreak.

*(3) The removal will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood, except where alternatives to tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone; and*

The proposed tree removal will not have a significant negative impact on the character, aesthetics or property values of the neighborhood because the trees are not tall or of specimen quality and do not contribute to the treed character of the neighborhood. The largest tree on the site, the 26" Japanese maple, will be preserved.

*(4) The removal is not for the sole purpose of providing or enhancing views.*

The trees are not being removed for view enhancement because their removal will not improve any views,

For the reasons outlined above, staff concludes that the tree removal request complies with the applicable criteria and may be approved. The applicant will be required to apply for a verification tree removal permit for the trees prior to approval of any grading or building permit.

#### Mitigation

Any tree approved for removal under the Type II analysis shall be mitigated at a minimum 1:1 ratio. Mitigation trees shall have a minimum 2-inch caliper diameter for deciduous trees and a minimum 6-8 foot height (excluding leader) for evergreen trees. As shown in the Tree Removal application (Exhibit E28), the applicant proposes 1:1 mitigation for the 25 trees to be removed. The mitigation trees are 3" caliper, and include *Acer palmatum* "Sanger-Kaku", *Zelkova serrata* "Mushashino", *Pyrus Calleryana* "Chanticleer", and *Styrax Japonica*. However, the mitigation plan (Exhibit E49) only identifies 9 on-site mitigation trees, when 10 are required. As a condition of approval, the applicant will be required to submit a revised mitigation plan showing the species and location of 10 mitigation trees on site. As conditioned, this standard is met.

#### Tree Protection

The Code requires tree protection measures when a tree protection zone or drip line of a tree is within the construction zone, whether on or off-site [LOC 55.08.030(1)]. There are several trees in the vicinity of work areas that will need tree protection during site development; these include the 29" Japanese maple located in a planter at the northeast corner of the site, and 29 street trees. In general, the protective fencing shall be placed at the tree protection zone, which is the zone required to protect the critical root area necessary for the continued health of the trees. The applicant should propose the tree protection zone for each tree, for review and approval by City staff, on site. As required by LOC 55.08.030(7), no construction, excavation, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the City.

As described in the Tree Inventory and Preservation Plan (Exhibit F4), traditional methods of tree protection may not be sufficient for the Japanese maple due to its location in the concrete planter, whether roots have escaped the planter, and whether the planter can be preserved throughout the construction process. Without knowing the construction details and the location and reach of the maple's root system, protection measures for the maple were not identified by the consultant. As a condition of approval, the applicant will be required to submit a revised preservation plan for the maple that identifies construction impacts and mitigation measures based on root exploration, construction techniques and impacts to the planter box.

A note should be placed on the construction documents that informs the site contractors about the necessity of preventing damage to these trees, including bark and root zone, and that no materials should be stored or compaction occur within the root zones of the adjacent trees [LOC

55.08.030]. The contractor shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction. As a condition of approval, as required by LOC 55.08.02 and 55.08.030, a tree protection plan shall be submitted with the building permit plans for staff review and approval. Tree protection measures must be installed prior to issuance of any grading or building permits. Tree protection fencing consists of 6-foot high chain link fencing supported by 6-foot high metal posts, placed a maximum of ten feet apart.

### **City of Lake Oswego Streets and Sidewalks [LOC Chapter 42]**

#### **Vision Clearance**

This standard requires that no vegetation, fence or signage higher than 30 inches be located within a “vision clearance triangle” for driveways that provide egress from a site. There are two driveways that provide access to the site; access to the retail parking is provided on 1<sup>st</sup> Street, and access to the residential parking is provided along 2<sup>nd</sup> Street (Exhibit E5). As shown in this exhibit, vision clearance standards are met at these driveways.

#### **Streets and Sidewalks [LOC Chapter 42]**

This Chapter authorizes the City Engineer to make specific street and sidewalk improvement recommendations after taking a variety of policy and site specific factors into consideration.<sup>2</sup> The City Engineer's comments are included for the review of the overall understanding of the project. The City Engineer's conditions of approval are included, as they must be included in the decision, to find that the application will comply with this Chapter.

Full right-of-way frontage improvements will not be required along A Avenue, 1<sup>st</sup> Street or Evergreen Street since these frontages have previously been constructed at or close to current City standards. However, along these three street frontages, the applicant will be required to reconstruct curb, sidewalks and other street features and amenities where the project causes damage to existing improvements, and where right-of-way modifications are necessary to accommodate the project. These include, but are not limited to, the new driveway on 1<sup>st</sup> Street, existing driveways will be closed off, portions of sidewalks that need to comply with ADA requirements, and locations where improvements are needed to provide for relocating and/or adding street features such as public art, landscaping, basalt walls, etc.

For 2<sup>nd</sup> Street, the applicant will be required to construct all new sidewalk, planting strip area, and other right-of-way improvements including the curb along the east side of 2<sup>nd</sup> Street and the area between this curb and the site's property line. Currently, the existing street cross-slope is substandard immediately south of A Avenue; the existing street cross-slope is approximately eight to 10 percent. Typical street cross-slopes are constructed at approximately two percent. The only opportunity to correct the cross-slope along 2<sup>nd</sup> Street is at the time the site is redeveloped. As such, LORA plans to reconstruct the cross-slope of 2<sup>nd</sup> Street. This work will need to be done immediately prior to the new street

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<sup>2</sup>To meet the review criteria for a major development, the applicant must comply with "any additional ... Lake Oswego Code provisions which may be applicable to the specific major development application, such as ... the Streets and Sidewalks Ordinance." LOC 50.07.003.15(d)(ii)(d). The determination of whether or not the application meets the requirements of LOC Chapter 42, Streets and Sidewalks, is under the review authority of the City Manager or City Engineer; the requirements of this Chapter are not under the review authority of a hearing body, other than to find whether or not the City Engineer or City Manager has found that the application complies with LOC Chapter 42, or whether conditions of approval are required for compliance with this Chapter.

frontage improvements along the east side of 2<sup>nd</sup> Street. Thus, the applicant must coordinate the street frontage improvements with LORA to ensure the two projects are constructed in such a way to be compatible with each other and to minimize construction impacts to adjacent property owners and users of 2<sup>nd</sup> Street. When the street section is modified, storm water treatment will be required. A storm water quality facility located at the low point near the intersection of Evergreen may be required by the City Engineer.

The final design of any and all right-of-way improvements along the four block faces of the site shall comply with the DRDD Standards and must be approved by the City Engineer and LORA. To ensure this, the applicant will be required to have a Public Works Permit for all right-of-way improvements. The Engineering staff also notes that there is a paving moratorium on A Avenue due to the recent paving work from 10<sup>th</sup> Street down to State Street.

The City Engineer has made the following findings and recommendations:

The applicant has submitted a traffic impact analysis (Exhibit F3) prepared by a registered engineer that addresses traffic requirements. The trip generation supplement (Exhibit F26) addresses the revised application, i.e., the decrease in the number of residential units and the addition of 8,500 square feet of office. The Engineering staff has reviewed the development proposal and field conditions in the context of the City's codes, improvement policies and Transportation System Plan (TSP), and offers the following observations and recommendations.

According to the latest traffic impact analysis (Exhibits F3 and F26), the revised project will generate approximately 185 new trips on the system during the p.m. peak hour (109 inbound, 76 outbound). At the proposed driveways in particular, this results in 90 net new trips into/out of the site. Additional transit, pedestrian and bicycle trips can be expected as well. The cumulative effect of new trips (all modes) imposes an additional burden and concomitant concerns for preserving street capacity and public safety, particularly for bicycles and pedestrians.

The conclusions from the report are as follows:

- The site reduces the number of access points from nine to two driveways.
- Five additional on-street parking stalls and two loading zones will be created.
- All immediate intersections will operate at level of service C or better in the 2016 future condition, and the State Street intersections will have a volume-to-capacity ratio less than 1.1.
- The development is not expected to exacerbate the crash patterns in the surrounding area.
- The locations of the proposed site driveways are acceptable and meet the standard for distance from an intersection.
- Sufficient sight distance is available at both site driveways.
- Sufficient amounts of vehicle and bicycle parking being provided for site users.
- Both of the proposed site driveways will function acceptably with stop control.
- The additional on-street queue lengths are minimal and are not suggested to be mitigated, since the available storage is already exceeded without the development. Worst-case scenario shows queue lengths increasing by one car length.
- Increases to existing roadway volumes are acceptable for the current functional classifications. Second Street will see the greatest increase since all those trips are new, residential trips, but staff does not recommend re-classifying the roadway because

functional classifications depend on several factors, volume being just one. Access points are being reduced and the speed remains unchanged.

- Evergreen Road may experience an increase in traffic volumes; however, it will continue to operate within the expected volumes for a local street classification. The majority of traffic will continue to use the arterial and collector system much the same as today. No new transportation improvements are necessary as a result of increased traffic impacts from this development.

The Country Club/Iron Mtn./C Avenue intersection to the west currently operates below the City threshold. The intersection serves as metering point for the signalized intersections in the downtown core. No improvements to this intersection are proposed as it is outside the immediate vicinity of the project site. The City has this intersection on its TSP for a future improvement project.

The applicant offered several recommendations in the traffic impact study, numbered below. Staff has the following comments regarding each item.

1. *Landscaping, signing, above ground utilities, and pavement/sidewalk details should be configured to ensure safe, convenient and efficient driveway operation, keeping in mind the ability of drivers to see pedestrians and pedestrians to see approaching vehicles.*

As described previously in this report, the driveways, sidewalks, utilities and landscaping meet all applicable standards.

2. *Create additional on-street parking and/or truck loading zones associated with the closure of existing driveways service Block 137.*

As described previously in this report, additional on-street parking and loading is created by the closure of five existing driveways. Any changes to the parking and loading zones are at the discretion of the City Engineer. Staff will work with the applicant to determine an appropriate layout at the time of public improvements.

3. *Consider reordering the traffic signal phases at A Avenue's intersection with State Street so eastbound left-turns and right-turns proceed at the same time, followed by eastbound right-turns and northbound left-turns. This will help assure that eastbound left-turn queues will not extend into and block the nearest right-turn lane.*

Staff reviewed and discussed this option with the Oregon Department of Transportation (ODOT), the owner and operator of the State Street/A Avenue traffic signal. According to ODOT, loop detection on State Street must be repaired and the signal timing reanalyzed before a decision can be made. At this time, there is insufficient information to determine if this recommendation would improve the operation of State Street and A Avenue.

4. *Explore coordinating A Avenue's signals at State Street and 1<sup>st</sup> Street to assure the following: westbound traffic will not queue from 1<sup>st</sup> Street and block the flow of traffic from State Street; westbound vehicles turning left from A Avenue onto 1<sup>st</sup> Street do not queue into the nearest through lane; and eastbound traffic is able to access and utilize all of the green time at the State Street intersection.*

Signal timing is periodically reviewed and analyzed by the City Engineer and is not a condition that can be imposed with this development.

5. *Consider providing manual traffic control at 1<sup>st</sup> Street's intersection with the Lakeview Village and Block 137 driveways during major civic events.*

The City Engineer is responsible for permitting temporary traffic control associated with special events. This is not a condition that can be imposed with the development.

6. *Consider adding an eastbound STOP sign at the 2<sup>nd</sup> Street/Evergreen Road intersection, or possibly stopping all three approaches to the intersection. Currently, only the westbound approach is STOP controlled.*

As a condition of approval to satisfy the standards of LOC 50.06.003.2, On-Site Circulation, the applicant is required to install stop signs at this intersection, to the satisfaction of the City Engineer. (Note: Intersection and right-of-way improvements are under the purview of the City Engineer)

7. *Support the timely implementation of vehicle capacity improving projects identified in the Transportation System Plan, in particular the plan's proposal for the Country Club/Iron Mountain/C Avenue and State/B Avenue intersections.*

Staff concurs with the recommendation and will monitor the performance of these intersections and prioritization the CIP.

#### **Sign Code [LOC Chapter 47]**

For compatibility with the design of the structures and abutting development, cabinet signs and neon signs should be prohibited, and this is addressed under the Building Design standard. This will be made a condition of approval.

Signs are reviewed for compliance with the specific sign standards relating to the zone where the sign is to be placed and design standards applicable to all permanent signs per the Sign Code. No sign permit applications are included as part of this application, although the applicant has illustrated some signage opportunities in the elevations and renderings (Exhibits E43 – E47). Approval of plans that contain depiction of signage location and general size should not be considered approval of the signage.

All signage shall comply with the provisions of the Sign Code to be compatible with those in the surrounding area [LOC 47.06.200(4)]. Sign permits will be required and each proposed sign will be reviewed for compliance when the sign permit application is received. This standard can be met at the time of sign application.

#### **4. Any applicable condition of approval imposed pursuant to an approved ODPS or prior development permit affecting the subject property.**

There are no outstanding conditions of approval that affect the subject property.

## VII. CONCLUSION

Based upon the materials submitted by the applicant and findings presented in this report, staff concludes that LU 13-0046 complies with all applicable criteria and standards.

## VIII. RECOMMENDATION

Staff recommends **approval** LU 13-0046 (revised submittals), subject to the following conditions:

### **A. Prior to the Issuance of any Grading or Building Permits, the Applicant/Owner Shall:**

1. Submit final site and building plans for review and approval of staff that are the same or substantially similar to the approved plans, illustrated on Exhibits E40 – E57 to the satisfaction of staff, with the following modifications:
  - a. On Building B, replace the flat roof on the west side of the conservatory gable with a pitched roof to match the dormer on the east side.
  - b. All retail canopies on Buildings A and C shall be at least six feet in depth.
  - c. A complementary color that provides contrast on the reveals on the stucco gable ends shall be provided on Building C, to the satisfaction of staff.
  - d. Provide a minimum of 53 guest parking spaces in the residential parking.
  - e. The lighting levels on the east-west pedestrian walkway shall comply with the standards of LOC 50.06.004.3.
  - f. The basalt planters shall be topped with granite.
  - g. Delineate a minimum 12-foot wide unobstructed pedestrian corridor through the east-west pedestrian walkway, to the satisfaction of staff.
  - h. All street furniture shall be consistent with City design standards.
2. Provide a copy of the development guidelines pertaining to nighttime storefront lighting, to the satisfaction of staff.
3. Submit a final landscape/mitigation plan substantially similar to Exhibit E49, except modified to show the following information for review and approval of staff:
  - a. Shrub size shall be a minimum of 3-gallon or 36" in height, whichever is greater.
  - b. Groundcover materials shall be planted at no more than 18" on center.
  - c. All burlaps or cages shall be removed from all trees and plants prior to planting.
  - d. Submit a landscape maintenance and monitoring plan.
4. Submit final engineered construction plans for the public improvements and storm water management facilities, and an itemized cost estimate for review and approval by the City Engineer. Drawings shall conform to the City's design standards and the drafting

specifications found in the City's booklet "CAD Standards and Design Requirements," May 2006 edition. The plans shall include the following design elements:

a. Along the site frontage of 2<sup>nd</sup> Street:

- i. The new curb and sidewalk along the site frontage shall be designed to the DRDD standards.
- ii. A minimum 5-foot sidewalk clearance width around street elements such as tree wells, benches, etc.
- iii. All new utilities shall be installed underground.
- iv. Design of the driveway approach to the residential parking in compliance with City and AASHTO standards.
- v. Design of new ADA ramp at the northeast corner of Evergreen Road and 2<sup>nd</sup> Street. The intersection crossings and curb ramps shall comply with ADA standards.
- vi. Design for a 3-way stop controlled intersection at 2<sup>nd</sup> Street and Evergreen Road.
- vii. Electrical pigtailed in street tree wells for seasonal lighting.
- viii. Root barriers in all tree wells to protect the new sidewalks from tree root heaving.
- ix. Design of street lights according to the City's lighting standards.

b. Along the site frontage of A Avenue:

- i. Design for reconstructing the curb and sidewalks where necessary to close off existing driveway approaches and to repair portions of sidewalk where necessary for ADA compliance. All sidewalk construction shall also comply with the DRDD standards.
- ii. Provide a minimum 5-foot sidewalk clearance width around street elements such as tree wells, benches, etc.
- iii. All new utilities shall be installed underground.

c. Along the site frontage of First Street:

- i. Design for reconstructing the curb and sidewalks where necessary to close off the existing driveway approach, design of additional on-street parking and to repair portions of sidewalk where necessary for ADA compliance. All sidewalk construction shall also comply with the DRDD standards.
- ii. Design of the commercial driveway approach and the location of public art in the right-of-way in compliance with City and AASHTO standards.
- i. Provide a minimum 5-foot sidewalk clearance width around street elements such as tree wells, benches, etc.
- ii. Design of street lights according to the City's lighting standards.
- iii. All new utilities shall be installed underground.

d. Along the site frontage of Evergreen Road:

- i. Design for reconstructing sidewalks where necessary for ADA compliance. All sidewalk construction shall also comply with the DRDD standards, to the satisfaction of the City Engineer and the Lake Oswego Downtown Redevelopment Agency (LORA).
- ii. All new utilities shall be installed underground.

- e. Design for the water services and sanitary service.
- f. Design for the fire service and location of the fire FDCs, to the satisfaction of the Fire Marshal.
- g. Design of public storm water collection for any street frontage improvements.
- h. Submit an investigation of the existing sanitary sewer capacity from the site to the sewer interceptor in Oswego Lake at the south end of 3<sup>rd</sup> Street, and the engineering analysis of the mitigation necessary to accommodate the additional flow from the site. Upon approval, construct the necessary capacity upgrades to the satisfaction of the City Engineer.

(The City is conducting a capacity analysis regarding the downstream capacity of the existing sewer system. The applicant may elect to accept the City's study in lieu of a separate analysis.)

- 5. Construct all public improvements as required by Condition A(4), above, or submit a financial guarantee for all required public improvements, per LOC 50.87.020. The financial guarantee shall be based on an engineer's estimate that is in turn is based on construction plans that are far enough advanced to support the materials and quantities found in the estimate.
- 6. Submit a final site plan, storm water plan and storm drainage report for the on-site storm water quality system(s), prepared by a registered engineer, for review and approval by the City Engineer.
- 7. Per LOC Chapter 52, apply for and obtain an erosion prevention and sediment control permit issued through the City of Lake Oswego, and install and maintain all BMPs as indicated in the permit. These measures shall remain in place throughout the development period.
- 8. Provide evidence that an erosion control permit 1200-C has been obtained from the Oregon Department of Environmental Quality (DEQ).
- 9. Submit a site plan showing the proposed design for the private water and sanitary services to the satisfaction of the City Engineer. A sanitary clean-out shall be located at the right-of-way line on 2<sup>nd</sup> Street.
- 10. Submit evidence that the fire suppression design is to the satisfaction of the Fire Marshal. Utility vaults shall not be located in the sidewalk.
- 11. Pay all applicable System Development Charges pertaining to the development.
- 12. Apply for and obtain a verification tree removal permit for the 25 trees approved for removal to construct the improvements. The verification tree removal permit submittal shall include an 8½" x 11" copy of the tree removal plan and a mitigation plan showing replacement trees on a 1:1 basis. Replacement trees shall not be dwarf or ornamental varieties and shall be at least two inches in caliper if deciduous or at least 6-8 feet tall (excluding the leader) if evergreens.
- 13. Submit a revised preservation plan for the Japanese maple prepared by a certified arborist that identifies construction impacts and mitigation measures based on root exploration,

construction techniques and impacts to the planter box for review and approval of staff. The certified arborist shall be present on site during any excavation or construction activity within the dripline of this tree to assure compliance with the protection plan.

14. Submit a geotechnical report with the building permit application for review and approval of staff.

**B. Prior to the Final Building Inspection or Occupancy of any Building, the Applicant/Owner Shall:**

1. Complete all public and site improvements required by Condition A(4), above, and submit certified "as-built" drawings of public improvements conforming to the City's standards for record drawings.
2. Construct all private utility services.
3. Construct the private water and sanitary services to serve the development.
4. Install all landscaping/mitigation plantings as illustrated in Exhibit E49, and modified by Conditions A(3) and A(13), above.
5. Install all the bicycle racks.
6. Provide a one-year guarantee (one 12-month growing season from the date of installation) for all landscape materials, pursuant to LOC 50.06.010.2. The guarantee shall consist of a security in the amount of five percent of the total landscaping cost (including materials and labor). The applicant/owner shall also submit a landscape maintenance plan for review and approval of City staff.

**C. Prior to Issuance of any Sign Permit, the Applicant/Owner Shall:**

1. Obtain all necessary sign permits. The applicant/owner shall submit sign plans and elevations in accordance with the Sign Code for review and approval of staff. Color and material of the signs shall be compatible with the architectural details and colors of the approved building in the following manner:
  - a. Internally lit cabinet signs or plastic-faced signs shall be prohibited.
  - b. Signage on the buildings shall consist of individual letters.

(Note: The Conditions of Approval regarding sign limitations are not exclusive to the requirements and standards that will be reviewed when a sign permit application is submitted; there are additional compatibility standards for signs relating not only to the building itself, but to the surrounding area, in the Sign Code, LOC Chapter 47.)

**Code Requirements:**

1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the development approved by this decision shall expire three years following the effective date of the development permit, and may be extended by the City Manager pursuant to the provisions of this section.

2. **Tree Protection:** Submit a tree protection plan and application prepared by a certified arborist as required by LOC 50.08.020 and 55.08.030 for review and approval by staff, including off-site trees that are within the construction zone. The plan shall include:
  - a. The location of temporary tree protection fencing, consisting of a minimum 6-foot high cyclone fence secured by steel posts, around the tree protection zone, or as recommended by the project arborist and approved by the City.
  - b. A note stating that no fill or compaction shall occur within the critical root zones of any of the trees, or that if fill or compaction is unavoidable, measures will be taken as recommended by a certified arborist to reduce or mitigate the impact of the fill or compaction. Such measures shall be clearly outlined in the tree protection plan. The note shall also inform contractors that the project arborist shall be on site and oversee all construction activities within the tree protection zone.
  - c. A note that clearly informs all site contractors about the necessity of preventing damage to the trees, including bark and root zone. The applicant and contractor(s) shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.
  - d. A sign shall be attached to the tree protection fencing, which states that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the City Manager and project arborist.

**Note:**

1. The applicant is advised to take part in a post-Land Use Approval meeting. City staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you like to take advantage of this meeting, please contact the staff coordinator at (503) 635-0290.
2. The land use approval for this project does not imply approval of a particular design, product, material, size, method of work, or layout of public infrastructure except where a condition of approval has been devised to control a particular design element or material.
3. Development plans review, permit approval, and inspections by the City of Lake Oswego Planning and Building Services Department are limited to compliance with the Lake Oswego Community Development Code, and related code provisions. The applicants are advised to review plans for compliance with applicable state and federal laws and regulations that could relate to the development, i.e., Americans with Disabilities Act, Endangered Species Act. Staff may advise the applicants of issues regarding state and federal laws that staff member believes would be helpful to the applicants, but any such advice or comment is not a determination or interpretation of federal or state law or regulation.

**EXHIBITS**

The exhibits in **bold** are included as exhibits to this report. The *italicized* exhibits refer to the previous design and narratives and are not included as exhibits in this staff report. However, they remain part of the record and are available with the previous reports at the following link:

<http://www.ci.oswego.or.us/planning/lu-13-0046-request-development-review-permit-construct-mixed-use-project>

A-D [No current exhibits; reserved for hearing use]

E. **GRAPHICS/PLANS**

- E1 **Tax Map**
- E2 **Vicinity Map**
- E3 **Existing Conditions**
- E4 **Aerial View**
- E5 *Site Plan*
- E6 *Circulation Plan*
- E7 *Floor Plans*
- E8 *Roof Plan*
- E9 *Elevations*
- E10 *Building A Enlarged Wall Section*
- E11 *Building B Enlarged Wall Section*
- E12 *Building C Enlarged Wall Section*
- E13 *Building A Rendering*
- E14 *Building B Rendering*
- E15 *Building C Rendering*
- E16 *Pedestrian Street Rendering*
- E17 *Building C Roundabout Perspective*
- E18 *Millennium Park Perspective*
- E19 *Conservatory Perspective*
- E20 *Building Sections*
- E21 *Materials Plan*
- E22 *Landscaping Plans*
- E23 *Exterior Wall Details and Profiles*
- E24 *Lighting Plan*
- E25 *Grading and Erosion Control Plan*
- E26 *Utility Plan*
- E27 *Roof Top Mechanical Plan*
- E28 *Tree Preservation and Removal Plan*
- E29 *Ramp Sections*
- E30 *Cut Sheets for Lighting*
- E31 *Shade Studies*
- E32 *Elevation Changes to Building C*
- E33 *Color and Materials Board*
- E34 *ADA Van parking details*
- E35 *Building C gable design*
- E36 *Updated On-Street Parking Plan, dated January 22, 2014*
- E37 *Applicant's PowerPoint presentation, dated January 22, 2014*
- E38 *Applicant's submittal: roof, height, ramp, sections, revised elevations, dated January 29, 2014*
- E39 **Drawing List, Notes and Aerial, dated June 22, 2014**
- E40 **Site Plan, dated June 22, 2014**
- E41 **Floor Plans, dated June 22, 2014**
- E42 **Roof Plan, dated June 22, 2014**
- E43 **Elevations, dated June 22, 2014**
- E44 **Sections, dated June 22, 2014**
- E45 **Character Sketches, dated June 22, 2014**
- E46 **Enlarged Elevations and Sections, dated June 22, 2014**
- E47 **Renderings, dated June 22, 2014**

- E48 **Tree Removal and Preservation, dated June 22, 2014**
- E49 **Landscape and Materials Plans, dated June 22, 2014**
- E50 **Utility Plans, dated June 22, 2014**
- E51 **Grading and Erosion Control, dated June 22, 2014**
- E52 **Wall Details, dated June 22, 2014**
- E53 **Mechanical, dated June 22, 2014**
- E54 **Lighting Plan**
- E55 **Engineered Driveway Sections**
- E56 **Revised Courtyard Elevations, July 8, 2014**
- E57 **Updated On-Street Parking Plan, dated July 11, 2014**

**F. WRITTEN MATERIALS**

- F1 *Applicant's Narrative, dated December 20, 2013*
- F2 *Applicant's Exception Narrative, dated December 20, 2013*
- F3 *Traffic Impact Analysis, dated December 9, 2013*
- F4 *Arborist's Report, dated August 6, 2013*
- F5 *Tree Removal Application*
- F6 *Stormwater Report, dated October 24, 2013 (page 114 in Oct submittal)*
- F7 *Geotechnical Report from GeoDesign, Inc*
- F8 *Fire Marshal Comments*
- F9 *Neighborhood Meeting Documentation*
- F10 *Development Agreement*
- F11 *Block 137 Evergreen Quarterly Report, dated December 3, 2013*
- F12 *Lake Oswego Urban Design Plan*
- F13 *Applicant's Supplemental Narrative, Dated January 6, 2014*
- F14 *Traffic Memo from Kittleson & Associates, dated August 25, 2013*
- F15 *Main Topic Summary, Eugene Wizer and Evergreen Group LLC, dated January 22, 2013*
- F16 *Memo from Evan Boone, Deputy City Attorney, to the DRC, Fourth Floor Criteria – "may", dated January 27, 2014*
- F17 *Memo from Erica Rooney, Asst. City Engineer, to DRC, Response to Inquiries, dated January 27, 2014*
- F18 *Maximum Flow Rate Analysis, GeoDesign Inc, dated October 25, 2013*
- F19 *Applicant's Written Testimony, dated January 29, 2014*
- F20 *(Renumbered as Exhibit G-397)*
- F21 *Corrected Memo from Erica Rooney, Asst. City Engineer, to DRC, Response to Inquiries, dated January 27, 2014*
- F22 *Applicant's Additional Written Testimony, dated February 5, 2014*
- F23 *Applicant's Written Rebuttal from Kittelson & Associated, dated February 7, 2014*
- F24 *Applicant's Final Written Argument, dated February 14, 2014*
- F25 Applicant's Revised Narrative, dated June 23, 2014**
- F26 Trip Generation Supplement, dated May 29, 2014**
- F27 Stormwater Report Update, dated June 2, 2014**

**G. LETTERS**

Neither for nor Against (G1-99)

- G1 *Letter from Historic Resources Advisory Board (HRAB), dated January 19, 2014*
- ~~G2 *Lynn Hennagin – MOVE TO G100s*~~
- G2 *LOCAL Survey results, submitted January 29, 2014*
- G3 *Letter from Bob Galante, February 5, 2014*

Support (G100-199)

- G100 Letter from Mary Bosch dated January 6, 2014
- G101 Letter from Harold Mottet, dated January 3, 2014
- G102 Letter from Jerry Parsons, dated January 3, 2014
- G103 Letter from Curran, dated January 13, 2014
- G104 Letter from Robert LeChevallier, dated January 15, 2014
- G105 Letter from Paden Pritchard, dated January 15, 2014
- G106 Letter from Ellie McPeak, dated January 19, 2014
- G107 Letter from Bill Gordon, dated January 20, 2014
- G108 Letter from Jan Coulton, dated January 19, 2014
- G109 Letter from Michael Wise, dated January 19, 2014
- G110 Letter from Rhys Konrad, dated January 17, 2014
- G111 Letter from Joe Kappler, dated January 21, 2014
- G112 Letter from Brian Mitchell, dated January 15, 2014
- G113 Letter from Jeff Patton, dated January 20, 2014
- G114 Letter from Lena Araujo, dated January 16, 2014
- G115 Letter from John and Linda Eskildsen, dated January 21, 2014
- G116 Letter from Brian Johnson, dated January 21, 2014
- G117 Letter from C. Allen Martin, dated January 21, 2014
- G118 Letter from Julie Balestreri, dated January 21, 2014
- G119 Letter from Tom Drewes, dated January 21, 2014
- G120 Letter from David Mitchell, dated January 21, 2014
- G121 Letter from Sara and Andrew Lewis, dated January 21, 2014
- G122 Letter from Cindy Cowling, dated January 21, 2014
- G123 Letter from Jill Miller, dated January 21, 2014
- G124 Letter from Anne Prior, dated January 21, 2014
- G125 Letter from Ray Winge, dated January 21, 2014
- G126 Letter from Belinda Winge, dated January 21, 2104
- G127 Letter from Lake Oswego Sustainability Advisory Board, dated January 20, 2014
- G128 Letter from Sheryl Warren, dated January 18, 2104
- G129 Letter from Bruce Brown, dated January 21, 2104
- G130 Letter from RA Fontes, dated January 21, 2104
- G131 Letter from Corinna Campbell-Sack, dated January 21, 2104
- G132 Letter from Jane Taber, dated January 21, 2104
- G133 Letter from Rachael Kaapu, dated January 21, 2104
- G134 Letter from Claire Castellanos, dated January 21, 2104
- G135 Letter from Joel Adair, dated January 21, 2104
- G136 Letter from Ming Lacey, dated January 21, 2104
- G137 Letter from Andrew Apter, dated January 21, 2104
- G138 Letter from Dan Rouse, dated January 20, 2104
- G139 Letter from Bob Balen, dated January 20, 2104
- G140 Letter from Bob and Mary Bonney, dated January 21, 2104
- G141 Letter from Jill Williams, dated January 22, 2104
- G142 Letter from Nora Apter, dated January 22, 2104
- G143 Letter from Mike Finley, dated January 22, 2104
- G144 Letter from Moshin Lee, dated January 22, 2104
- G145 Letter from Jan Holibaugh, dated January 22, 2104
- G146 Letter from Diana Dutton, dated January 22, 2104
- G147 Letter from Elaine Howard, dated January 22, 2104
- G148 Letter from Tracy and Bob Moir, dated January 22, 2104

- G149 Letter from Calyn Meister, dated January 22, 2104
- G150 Letter from Robert Vanden Bos, dated January 22, 2104
- G151 Letter from Ron Spears, dated January 22, 2104
- G152 Letter from Lynne Wintermute, dated January 22, 2104
- G153 Letter from Angie Galimanis, dated January 22, 2104
- G154 Letter from Laurie Sterkowicz, dated January 22, 2104
- G155 Letter from Mike Sterkowicz, dated January 22, 2104
- G156 Letter from (No name given), dated January 22, 2014
- G157 Letter from Judy and Bob Candello, dated January 17, 2104
- G158 Letter from Cliff and Danielle Johnson, dated January 22, 2104
- G159 Letter from Karen Jacobson, dated January 20, 2104
- G160 Letter from Tyler Frisbee, dated January 22, 2104
- G161 Letter from Todd Prendergast, dated January 22, 2104
- G162 Letter from Cody Sander, dated January 22, 2104
- G163 Letter from Jenna Fallon, dated January 22, 2104
- G164 Letter from Paul Graham, dated January 22, 2104
- G165 Letter from Gwen Freeman, dated January 22, 2104
- G166 Letter from Michael Dotten, dated January 22, 2104
- G167 Letter from Bob Sack, dated January 22, 2104
- G168 Letter from Douglas Cushing, dated January 22, 2104
- G169 Letter from Edward La Berge, dated January 22, 2104
- G170 Letter from Kevin Dodds, dated January 22, 2104
- G171 Letter from Jennifer Bardell, dated January 22, 2104
- G172 Letter from Rob Fallow, dated January 22, 2104
- G173 Letter from Victor Hugo, dated January 22, 2104
- G174 Letter from Noal Kraft, dated January 22, 2104
- G175 Letter from Duane Hoffinger, dated January 22, 2104
- G176 Letter from Tom O'Conner, dated January 22, 2104
- G177 Letter from Jane Taber, dated January 22, 2104
- G178 Letter from Michael LeChevallier, dated January 22, 2104
- G179 Letter from Candace Kramer, dated January 22, 2104
- G180 Letter from Barbara Balen, dated January 22, 2104
- G181 Letter from Margaret Breimayer, dated January 22, 2104
- G182 Letter from Robert Balen, dated January 22, 2104
- G183 Letter from Dee Denton, dated January 22, 2104
- G184 Letter from Kristin Johnson, dated January 22, 2104
- G185 Letter from Sally Knauss, dated January 22, 2104
- G186 Letter from Paden and Norma Pritchard, dated January 22, 2104
- ~~G187 Letter from Tom O'Conner, dated January 22, 2014, This exhibit is removed because it is a duplicate of Exhibit G176~~
- G188 Letter from Zak Bennett, dated January 23, 2014
- G189 Letter from Nancy Gronowski, dated January 23, 2014
- G190 Letter from Lynn Hennagin, dated January 23, 2014 (Moved from G2)
- G191 Letter from Doug Fish, dated January 29, 2014
- G192 Letter from Rosie Stephens, dated January 29, 2014
- G193 Letter from Norma Pritchard, dated January 29, 2014
- G194 Letter from Sandy Leybold, dated January 29, 2014
- G195 Letter from Ken Ambrosini, dated February 4, 2014
- G196 Letter from Nick Tahran, dated February 4, 2014
- G197 Letter from Jim Crowell, dated February 3, 2014
- G198 Letter from Max Goins, dated February 4, 2014
- G199 Letter from Sonya Fischer, dated February 4, 2014

(G200 starts the Opposition testimony so Proponent Exhibit numbers restart at G1000)

G1000 Letter from Diana Dutton, dated February 4, 2014  
G1001 Letter from Theresa Graham, dated February 4, 2014  
G1002 Letter from Judie Hammerstad, dated February 4, 2014  
G1003 Letter from Sandra Cole, dated February 5, 2014  
G1004 Letter from Jeffrey Pratt, dated February 5, 2014  
G1005 Letter from Chris Schetky, dated February 5, 2014  
G1006 Letter from Paul Graham, dated February 4, 2014  
G1007 Letter from Andrew Apter, dated February 4, 2014  
G1008 Letter from Richard Reamer, dated February 5, 2014  
G1009 Letter from Jill Arena, dated February 4, 2014  
G1010 Letter from Kathi Misner, dated February 5, 2014  
G1011 Letter from Mary Bosch, dated February 5, 2014  
G1012 Letter from Mary Ratliff, dated February 5, 2014  
G1013 Letter from Tom O'Conner, dated February 5, 2014  
G1014 Letter from Calynda Meister, dated February 5, 2014  
G1015 Letter from Elaine Howard, dated February 5, 2014  
G1016 Letter from Roger Hennagin, dated February 5, 2014  
G1017 Letter from Bob Vanden Bos, dated February 5, 2014  
G1018 Letter from Kathleen Hopkins, dated February 5, 2014  
G1019 Letter from Mike Finley, dated February 5, 2014  
G1020 Letter from Jill Williams, dated February 5, 2014  
G1021 Letter from Ralph Tahrn, dated February 5, 2014  
G1022 Letter from Cody Sanger, dated February 5, 2014  
G1023 Letter from Barry Dragoon, dated February 5, 2014  
G1024 Letter from Jane Thomas, dated February 5, 2014  
G1025 Letter from Mardell Lanfranco, dated February 5, 2014  
G1026 Letter from Ming Lacey, dated February 5, 2014  
**G1027 Letter from George Kent, dated July 9, 2014**  
**G1028 Letter from Tracy Saelinger, dated July 10, 2014**

Opposition (G200-299):

G200 Letter from William Bigas, dated January 4, 2014  
G201 Letter from Debra Cruise, dated January 5, 2014  
G202 Letter from Pete Davis, dated January 8, 2014  
G203 Letter from Barry Dennis, dated January 3, 2014  
G204 Letter from Carey Dienhart, dated January 8, 2014  
G205 Letter from Kate Dunham, dated January 8, 2014  
G206 Letter from Lori Dunham, dated January 7, 2014  
G207 Letter from Mark Dunham, dated January 7, 2014  
G208 Letter from William Gilmer, dated January 3, 2014  
G209 Letter from Tom Grigg, dated December 27, 2013  
G210 Letter from Justin Harnish, dated January 6, 2014  
G211 Letter from Ruth Howard, dated January 3, 2014  
G211 Letter from Mark and Danielle Lambert, dated January 3, 2014  
G212 Letter from Jonathan More, dated January 3, 2014  
G213 Letter from Chloe Scott, dated January 5, 2014  
G214 Letter from Candy Smith, dated January 10m 2014  
G215 Letter from Richard and Shirley Spooner, dated January 7, 2014  
G217 Letter from Carrie Ware, dated January 4, 2014  
G218 Letter from Leslie Pirotta, dated January 11, 2014

G219 Letter from David and Mary Higgins, dated January 11, 2014  
 G220 Letter from Deanna Glanville, dated January 13, 2014  
 G221 Letter from Karin Kelsey, dated January 13, 2014  
 G222 Letter from Dermot and Theresa O'Leary, dated January 13, 2014  
 G223 Letter from Phil Pirotta, dated January 14, 2014  
 G224 Letter from Robert Lawrence, dated January 13, 2014  
 G225 Letter from Barbara Eden, dated January 13, 2014  
 G226 Letter from Richard and Katharine Cavelli, dated January 14, 2014  
 G227 Letter from Mark Henry, dated January 14, 2014  
 G228 Letter from David McLaren, dated January 14, 2014  
 G229 Letter from Don McMahon, dated January 14, 2014  
 G230 Letter from Larry (no last name), dated January 15, 2014  
 G231 Letter from Thomas Steeves, dated January 14, 2014  
 G232 Letter from Cheryl Petrie, dated January 5, 2014  
 G233 Letter from Larry and Karen Hayes, dated January 14, 2014  
 G234 Letter from Pete Davis, dated January 16, 2014  
 G235 Letter from Jana Fussell, dated January 15, 2014  
 G236 Letter from Gertrude Otzen, dated January 16, 2014  
 G237 Letter from Marcie McAuliffe, dated January 20, 2014  
 G238 Letter from Carol Goss, dated January 20, 2014  
 G239 Letter from Judy Davis and Jack Kysar, dated January 19, 2014  
 G240 Letter from Mary Ann Dougherty, dated January 19, 2014  
 G241 Letter from Diana Boom, dated January 21, 2014  
 G242 Letter from Shari Gardner, dated January 17, 2014  
 G243 Letter from Susan Von Tobel, dated January 17, 2014  
 G244 Letter from Darryl Boom, dated January 18, 2014  
 G245 Letter from Karen Crichton, dated January 21, 2014  
 G246 Letter from Steve Richards, dated January 21, 2014  
 G247 Letter from Tom and Sandy Hagerman, dated January 21, 2014  
 G248 Letter from Gunnar Sedleniek, dated January 21, 2014  
 G249 Letter from Katie Williams, dated January 22, 2014  
 G250 Letter from Terri Hearon, dated January 21, 2014  
 G251 Letter from Peter Engel, dated January 21, 2014  
 G252 Letter from Dick and Shirley Spooner, dated January 21, 2014  
 G253 Letter from Christina Kruse, dated January 21, 2014  
 G254 Letter from Will and Virginia Mattox, dated January 21, 2014  
 G255 Letter from Bruce and Ellin Cudd, dated January 21, 2014  
 G256 Letter from Dave Sengenberger, dated January 22, 2014  
 G257 Letter from Neil Kozlowski, dated January 20, 2014  
 G258 Letter from Karen and David Locke, dated January 20, 2014  
 G259 Letter from Sheri MacDowell, dated January 22, 2014  
 G260 Letter from Carolyn Gordon, dated January 22, 2014  
 G261 Letter from Molly McWeeney, dated January 22, 2014  
 G262 Letter from Martin Donohoe, dated January 16, 2014  
~~G263 Letter from Tom O'Conner, dated January 22, 2014 [This exhibit is in support (Exhibit G176), but was also placed in opposition category by error]~~  
 G264 Letter from Kim Rigney, dated January 22, 2014  
 G265 Letter from Roger Rollins, submitted at 1/22/2014 hearing  
 G266 Letter from Dienne Irwin, dated January 22, 2014  
 G267 Letter from Michele Shelley, dated January 23, 2014  
 G268 Letter from Leslie Walczyk-Drentlaw, dated January 23, 2014  
 G269 Letter from Patricia Roberts, dated January 23, 2014  
 G270 Letter from Evie and Jack Fuson, dated January 23, 2014

G271 Letter from Gisela Davisson, dated January 22, 2014  
G272 Letter from Deanna Glanville, dated January 22, 2014  
G273 Letter from Deanna Glanville, dated January 22, 2014  
G274 Letter from Mike Glanville, dated January 22, 2014  
G275 Letter from Katherine Chartraw, dated January 22, 2014  
G276 Letter from Diane Schweisguth, dated January 22, 2014  
G277 Letter from Alexander Babin, dated January 22, 2014  
G278 Letter from Mary Ann Dougherty, dated January 22, 2014  
G279 Letter from Cynthia Egan, dated January 21, 2014  
G280 Letter from Garlinn Story, dated January 22, 2014  
G281 Letter from Mike Story, dated January 22, 2014  
G282 Letter from Jon Bell, dated January 22, 2014  
G283 Letter and Materials from Carol Radich/Evergreen Neighborhood Report, dated January 22, 2014  
G284 Letter from Matt Radich, dated January 22, 2014  
G285 Letter from Trista Nelson, dated January 21, 2014  
G286 Letter from Joan Gale Frank, dated January 22, 2014  
G287 Letter from Shawn and Dave West, dated January 22, 2014  
G288 Letter from Jonathan Puskas, dated January 22, 2014  
G289 Letter from Rachel Verdick, dated January 22, 2014  
G290 Letter from Dave Pinch, dated January 23, 2014  
G291 Letter from Mary Magrath, dated January 22, 2014  
G292 Letter from Terri Hearon, dated January 22, 2014  
G293 Letter from Judy Hall, dated January 24, 2014  
G294 Letter from Mark Henry, dated January 24, 2014  
G295 Letter from R L Riggs, dated January 25, 2014  
G296 Letter from Susan Hortung, dated January 25, 2014  
G297 Letter from Ken and Jo Ann Slickers, dated January 27, 2014  
G298 Letter from Mary Ann Dougherty, dated January 28, 2014  
G299 Letter from Linda Brown, dated January 28, 2014  
G300 Letter submitted from Maureen Morrison Long, dated January 29, 2014  
G301 Letter from Roger Rollins, dated January 29, 2014  
G302 Letter from Phil Pirota, dated January 29, 2014  
G303 Letter from Justin Harnish, dated January 29, 2014  
G304 Letter from Larry Black, dated January 29, 2014  
G305 Letter from Leslie Pirota, dated January 29, 2014  
G306 Letter and Red Balloon photos from Tom Grigg, dated January 29, 2014  
G307 Letter and other materials from Tana Haynes, dated January 29, 2014  
G308 Letter from Matt Grady, Gramor Development, dated January 29, 2014  
G309 Letter from Yvonne Campbell, dated January 29, 2014  
G310 Letter from Barry Cain, dated January 29, 2014  
G311 Letter from Scott Blau, dated January 29, 2014  
G312 Letter from Dave Radich, dated January 29, 2014  
G313 Letter and Materials from Lita Grigg, dated January 29, 2014  
G314 Letter from Jeffrey Becker, dated January 22, 2014  
G315 Letter from Diane Schweisguth, dated January 22, 2014  
G316 Letter from Dori Becker, dated January 22, 2014  
G317 Letter from Joan Gale Frank, dated January 22, 2014  
G318 Letter from Janice Steeck, dated January 22, 2014  
G319 Letter from Jon Bell, dated January 22, 2014  
G320 Letter from JoAnn Rollins, dated January 22, 2014  
G321 Letter from Roger Rollins, dated January 22, 2014  
G322 Letter from John Kysar, dated January 22, 2014

G323 Letter from Joe Dahl, dated January 22, 2014  
G324 Letter from Charles Arbin, dated January 22, 2014  
G325 Letter from Judy Davis, dated January 22, 2014  
G326 Letter from Shari Gardner, dated January 22, 2014  
G327 Letter from Kathryn Christy, dated January 22, 2014  
G328 Letter from Carol Nieh, dated January 22, 2014  
G329 Letter from (Unintelligible), dated January 22, 2014  
G330 Letter from Marcia Cooper, dated January 22, 2014  
G331 Letter from Jason Graham-Nye, dated January 31, 2014  
G332 Letter from Zach Holder, dated January 31, 2014  
G333 Letter from William and Suzanne Bigas, dated January 31, 2014  
G334 Letter from John McMunn, dated January 31, 2014  
G335 Letter from Becky Richardson, dated January 31, 2014  
G336 Letter from Gunnar Sedleniek, dated January 31, 2014  
G337 Letter from Jack and Evie Fuson, dated January 29, 2014  
G338 Letter from Beta Anderson, dated January 31, 2014  
G339 Letter from Shawn West, dated January 31, 2014  
G340 Letter from Gary Gipson, dated February 1, 2014  
G341 Letter from Mary Dougherty, dated January 31, 2014  
G342 Letter from Ron Allen, dated February 1, 2014  
G343 Letter from Cheryl Ogburn and Andrew Clark, dated January 31, 2014  
G344 Letter from Les Furnanz, Jr, dated January 31, 2014  
G345 Letter from Linda Christeson, dated January 31, 2014  
G346 Letter from V'Anne Didzun, dated February 3, 2014  
G347 Letter from Kristina Larsen, dated February 3, 2014  
G348 Letter from Dick Rasmussen, dated February 1, 2014  
G349 Letter from Douglas Greenberg, dated February 1, 2014  
G350 Letter from Paul and Pam Hopper, dated February 2, 2014  
G351 Letter from Arianne Cakarnis, dated February 2, 2014  
G352 Letter from Ev Holder, dated February 3, 2014  
G353 Letter from Tim Boot, dated January 31, 2014  
G354 Letter from Jason and Dmitria Burby, dated February 1, 2014  
G355 Letter from Dmitria Burby, dated February 1, 2014  
G356 Letter from Anne Cost, dated February 1, 2014  
G357 Letter from Maggie and John Conacher, dated February 2, 2014  
G358 Letter from Brittany Weiler, dated February 3, 2014  
G359 Letter from Steve Campbell, dated February 3, 2014  
G360 Letter from Bill Cornett, dated February 3, 2014  
G361 Letter from Rose Wood, dated February 3, 2014  
G362 Letter from Calvin Wood, dated February 3, 2014  
G363 Letter from Ralph and Cheryl Salame, dated February 3, 2014  
G364 Letter from Kay DePree, dated February 3, 2014  
G365 Letter from Katie Williams, dated February 3, 2014  
G366 Letter from Terri Hearon, dated February 3, 2014  
G367 Letter from Judy Wick, dated February 3, 2014  
G368 Letter from Cheri and Dave Harris, dated February 3, 2014  
G369 Letter from Richard Long, dated February 3, 2014  
G370 Letter from Sellers, dated February 4, 2014  
G371 Letter from Don Bowerman, dated February 4, 2014  
G372 Letter from Janet Schaefer and Jonathan West, dated February 4, 2014  
G373 Letter from Diana Boom, dated February 5, 2014  
G374 Letter from Nicole Seawright, dated February 4, 2014  
G375 Letter from Peter Davis, dated February 5, 2014

G376 Letter from Cathy Cain, dated February 4, 2014  
G377 Letter from Scott Blau, dated February 5, 2014  
G378 Letter from Kathleen Bray, dated February 4, 2014  
G379 Letter from Rob Mogentale, dated February 4, 2014  
G380 Letter from Patrick Haar, dated February 4, 2014  
G381 Letter from Tia Jakotich, dated February 5, 2014  
G382 Letter from Donald Mattersdorff, dated February 5, 2014  
G383 Letter from Carol Radich/Evergreen Neighborhood Association, dated February 5, 2014  
G384 Letter from Jim Bolland, dated February 5, 2014  
G385 Letter from Joan Gale Frank, dated February 5, 2014  
G386 Letter from Nicole Rice, dated February 5, 2014  
G387 Letter from Jim Bolland, dated February 5, 2014  
G388 Letter and materials from Tana Haynes, dated February 5, 2014  
G389 Letter from Gheen Abbott, dated February 5, 2014  
G390 Letter from Mary Schoenbrun, dated February 5, 2014  
G391 Letter from Leslie Pirotta, dated February 5, 2014  
G392 Letter from Phil Pirotta, dated February 5, 2014  
G393 Letter from Lita Grigg, dated February 5, 2014  
G394 Save Our Village Response to Proposed Development of Block 137, dated February 5, 2014  
G395 Letter from Dave Pinch, dated February 4, 2014  
G396 Letter from Lita Grigg, dated February 5, 2014  
G397 Save Our Village Response to Proposed Development of Block 137, dated January 29, 2014 (Previously F20)  
G398 Rebuttal from Diana Boom, submitted February 7, 2014  
G399 Save Our Village Rebuttal (Group Mackenzie), dated February 7, 2014  
G400 Save Our Village Rebuttal (Group Mackenzie), dated February 7, 2014  
G401 Rebuttal from Leslie Pirotta, dated February 7, 2014  
G402 Rebuttal from Evergreen Neighborhood Association, dated February 7, 2014  
G403 Rebuttal from Tana Haynes, dated February 7, 2014  
G404 Letter from Darryl Boom, dated February 4, 2014  
G405 Letter from Dan Ehrenfreund, dated February 4, 2014  
G406 Letter from Pat and Laurel Olson, dated February 3, 2014  
G407 Letter from Katherine Chartraw, dated February 5, 2014  
G408 Letter from Luke Lowther and Debbi Roberston, dated February 5, 2014  
**G409 Letter from Yvonne Campbell, dated July 7, 2014**  
**G410 Letter from Patrick Haar, dated July 7, 2014**  
**G411 Letter from Liz Martin, dated July 7, 2014**  
**G412 Letter from Daniel Motylewski, dated July 7, 2014**  
**G413 Letter from Nancy Shebel, dated July 6, 2014**  
**G414 Letter from Dick and Shirley Spooner, dated July 3, 2014**  
**G415 Letter from Katie Williams, dated July 7, 2014**  
**G416 Letter from Sherry Kunz, dated July 11, 2014**

**H. EX PARTE**

*H1 Correspondence received prior to application accepted as complete*

*H2 Newspaper Articles*

*H3 Letters to the Editor*

*H4 Email from Dave Poulson regarding ex parte contact*

**H5 Correspondence received between February 20, 2014 and June 30, 2014, the date the revised application was accepted as complete**

**H6 Newspaper Articles**

**H7 Letters to the Editor**

Date of Revised Application Submittal: June 2, 2014

Date Revised Application Determined to be Complete: June 30, 2014

State Mandated 120-Day Rule: October 28, 2014