

To: City of Lake Oswego Design Review Commission
From: Dianne Cassidy
Date: October 24, 2017
Re: LU 16-0063: Quarry Rd. Live/Work Development

I am Chair of the Oswego West Condominiums at 15938 Quarry Rd. Oswego West was built in 1978 - we have 16 units and 24 parking spaces. Each unit has one space on their deed leaving 8 spaces open for residents or guests. There are only a handful of condos where the occupants own just one car. Our lot is usually full with only one or two spaces available for visitors if we are lucky. At least we have one spot per unit – unlike Oakridge Park where older residents must find parking throughout the neighborhood because of bad planning decisions and unenforced permit approval conditions. We do not need to repeat bad planning and decision-making –especially when problems can be foreseen and prevented.

- *Parking is insufficient per code and left as is will create a hardship for the residents of the development, the neighborhood and anyone who drives, works or parks in the area.*
- *There is a serious building code violation with the design of the townhouse units concerning emergency egress addressed in No. 3 below.*
- *ADA requirements for parking and work space bathrooms are in question.*
- *The zoning use table that shows allowed uses for different zones is being confused with how much parking is needed for each specific use. Correct interpretation will change the number of parking spaces needed.*
- *Guest parking should be in addition to, not included in, the total number of residential parking spaces. See No. 5 below.*
- *Specific parking requirements exist for commercial parking. See No. 1 below.*
- *There are no allowable parking modifications allowed on this site. See No. 2 below.*
- *Both buildings and overall site planning have serious design flaws relating to egress, ADA concerns, work space code compliance, and parking.*

The plan for this development is not ready for permitting and needs fundamental changes in its design.

1. Parking

The project has insufficient parking spaces per city code. Referring to both the general CDCs and the LGVCO codes, there are no modifiers that apply to the development that I see. There are no additional spaces for guests or commercial uses on the site.

Required Parking:

TABLE 50.06.002-3: MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

Type of Use	Parking Space Required [1]
3. Multi-family	25% of the required parking for multi-family use shall be located to provide for common or visitor use
i. Studio/efficiency	1 space per unit
ii. 1 bedroom	1.25 spaces per unit
iii. 2 or more bedrooms	1.5 spaces per unit
1. Office, including business and management services except medical or dental	3.33 spaces per 1,000 sq. ft. G.F.A.

4	1-Bedroom Units x 1.25	= 9
6	2-Bedroom Units x 1.5	= 5
Total base parking:		14
	Guest Parking	3.5
	Commercial parking	5
	Handicapped parking	1

Commercial Parking: The application states that the work spaces must be for commercial use only. It further states that the spaces here will be used for office/professional services. Since we know what the use of the spaces will be, it is easy to determine the number of spaces required.

1. 1 space per business is minimum required for 5 spaces, Or
2. 3.3 spaces per 1,000 sf. for 5 spaces

Since the work spaces are not connected, one space per office seems to be fair. If the work areas are combined there would be about 1,500 sf (estimated) and 4.95 or 5 (rounded) spaces required. The number is the same either way.

Handicapped Parking (Van) 1 or more spaces. Is ADA parking needed for Residential and Commercial? In my experience all new commercial buildings need to be accessible from parking to the office and including bathrooms. Does Handicapped parking count for required parking even though no residents are handicapped?

Guest parking –The code says that for multifamily, “25% of the required parking for multi-family use shall be located to provide for common or visitor use.” This means that parking should be provided for, but not necessarily on site.

The applicant is suggesting that guest parking should be included in the parking needed for residents. If guest spaces are included in the required number of spaces for residential, the code that relates to number of bedrooms does not make sense at all. Does a two-bedroom unit generate more guest parking than another? If guests use spaces that are required for residents, this puts a strain on resident parking. Prior interpretations of the code are moot because parking was adequate to cover the 25% additional parking needs.

If all required parking – resident, visitor and handicapped, are included in the minimum required parking (14 spaces), there will not be enough parking for real-life conditions. Now add mandated commercial uses!

2. Parking Modifiers

The project has insufficient parking spaces per city code. The applicant is requesting a 10% reduction in parking spaces for proximity to transit. However, below the table outlining the modifiers, the code states that *there are only 2 modifiers allowed in the Lake Grove Village Center Overlay*. This is not one of them. **There is NO 10% reduction in parking here. There are no modifiers allowed at all for this development.**

- (b) **Allowed LGVCO Modifiers:** All properties within the district,
 - (i) The Development Site Size (DS) Modifier; and
 - (ii) The Pedestrian and Bicycle Access (PA) Modifier;

are the only permitted modifiers that allow reduction of the minimum numerical parking requirements in Table [50.06.002-3](#).

Neither of the LGVCO allowable modifiers are applicable to the Quarry Rd. project. There is not enough area* to qualify for the Development Size modifier, and the Pedestrian Bicycle modifier needs 100 or more dwelling units to qualify. **There should be NO modifications to parking requirements at all.**

*Assuming the 3rd floor of building A has the same footprint as the ground floor, the estimated area of both buildings is 12,018 sf. (See Plan DD05 for notes on floor areas.)

LOC 50.06.002.2.a.(6)c.v.

v. Reduction for Parking Space Requirements

(1) Parking space requirements shall be reduced in developments where compensating factors exist which would offset the parking demand (such as access to transit facilities, pedestrian and bicycle access, development size, or combined, or the parking study provision). Refer to Table [50.06.002-4](#) for reduction options, and subsections (2)(a)(v)(1)(a) and (b) of this section for zone or overlay district provisions.

TABLE 50.06.002-4: PARKING REQUIREMENT MODIFIERS				
Types of Modification	Modification Requirements and Modifiers			
Development Site Size (DS)	Commercial, Public, and Industrial Uses (Based on Development Size on a Single Site (DS))			
	Gross Floor Area	Multiplier		
	1 – 20,000 sq. ft.	No reduction		
	> 20,000 sq. ft.	0.85 x requirement		
Access to Transit Facilities (TA)	Transit Shelter	On Fronting Street	Within 50 ft. of building	0.85 x requirement
	Transit Shelter		Within 500 ft. of building	0.90 x requirement
	Transit Facilities	On Fronting Street	Within 500 ft. of building	0.90 x requirement
Pedestrian and Bicycle Access (PA)	Commercial, Public and Industrial Uses			
	100 or more residential units within 1,000 ft. 0.90 x requirement			

3. Building Code

2017 Oregon Residential Specialty Code

Effective Oct. 1, 2017

Based on the 2015 International Residential Code (IRC)

SECTION R311 MEANS OF EGRESS

R311.1 Means of egress. *Dwellings* shall be provided with a means of egress in accordance with this section. The means of egress shall provide a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the *dwelling* to the required egress door without requiring travel through a garage or carport. The required egress door shall open directly into a public way or to a *yard* or court that opens to a public way.

The townhouse units above the work spaces have no other entrance/exit than the door that leads to the garage. An occupant of the dwelling unit must descent an enclosed, fire resistant stairway, and then exit the stairwell into the garage before going out the only door to the parking lot. The trip through the garage, no matter how short, is illegal.

4. Work Space #5 and Commercial Uses in Live/Work spaces

Is a tulip a rose just because I call it a rose?

Is the commercial work space #5 a work space just because that is how it is labeled on the plans?

Here is where the word “use” comes into play. The space at the end of the building facing Quarry Rd. has no discernable use other than as a living room for connected unit. (Site Plan A1.1)

Can the remainder of the dwelling unit function without use of the “work” space? Only if the resident is willing to eat meals sitting on a sofa or relax by sitting at a table. The only space for furniture is in the dining area.

Building A work spaces have covered entries and vestibules with a closet, and bathrooms designated for commercial use only. This is the only work space that is connected directly to the living space, and where the only bathroom is in the residential portion of the unit.

The commercial space **must** be used as commercial space in order to comply with zoning codes. *“As a condition of approval, the applicant will be required to record a covenant on the property that ... no residential use of said work areas may occur; and the work area shall be occupied by a commercial business with an active business license be addressed to the unit at all times when the associated residential unit is occupied by a tenant except for such limited period as the work area may be vacant from time to time during turnover of business.”*

5. Zoning

Zoning for this part of Quarry Rd. is GC. The ground floor must have commercial uses that face Quarry Rd. If this code did not exist, the developer would be free to make the development all residential. The *only* reason there are Live/Work units at all is because it is required to satisfy the requirement for commercial space. In the Staff Report, the spaces are described as “professional office” *so we know what the use is supposed to be.*

Unfortunately, the developer only gives lip service to the commercial aspect of the code and conflates what a building looks like and what it is called, with what it is (or should be) used for – what actually goes on in the building.

The Deputy City Attorney wrote a memo meant to define the “use” of a Live/Work space. An average person would think that each space would be considered separately – the residential part is residential, and the commercial part is treated according to the Commercial use table, choosing the use “most similar” to the actual use. Luckily for this project, office use is listed.

Instead of seeing Live/Work as a mix of different uses, Mr. Boone says, “it is a specific type of use listed in the Use Table (and zone) and he affixes a purely residential use to the building type. *If that were the case, there would be no” Work” in Live/Work developments.* We know this can’t be because commercial is required. The lower portion of the same code table lists Commercial uses and includes “office, professional services” which is used in this development.

The Use tables are only meant to determine what *zones* are appropriate for each type of use. No matter where you put residential or commercial (per the Use Table), *parking requirements are related to the specific use of the space, not the location of the building.* If apartments were placed above artisan food shops or small retail establishments in a commercial zone, the residential use is permitted and residential parking would apply. The parking for the specific commercial use (food manufacture, restaurant or retail) would vary wildly according to the type of businesses on the ground floor. It would be ridiculous to have just the base residential parking spaces where there are other intensive commercial uses. All commercial uses (and residential) need to have their own parking and that is what the Parking tables are for. In the Quarry Rd. project, there is no parking provided for commercial uses at all.

The funny thing about Live/Work is that when codes are written, one can only know that someone is going to live in the units not what the commercial use will be until the applicant decides what the development will include. Codes must (and do) allow for a mix of uses and *do not* lump Live/Work into just one category - Residential. That’s just silly. Once the project meets the permitted requirements of the zone, then the only thing to consider is how to apply the parking codes.

6. ADA / Handicapped Parking

How many handicapped spaces are required for residential **and** for commercial?
Can the ADA spaces be included in the required number of parking spaces?
What is required by ADA codes for this development?

7. Work Space Bathrooms

Do work space bathrooms need to be ADA compliant? In my experience, this is required for all new and remodeled office spaces.

8. Exterior Design

Building A has two different types of covered entrances to the commercial offices. The appearance is disjointed and would look better if both entrances were the same on the same building. Visual cues require that all three entrances look alike. This is a small project and anything less would be visually distracting and confusing. Codes that require certain elements of buildings to be different still need to look cohesive, and this one does not.