



properties to replace parking on-site (see preliminary site plans in **Attachment 2**). Five of the eight replacement parking plans predominantly, but cannot not fully, comply with current City code due to site constraints. (Please note that this was originally six properties, but further design refinements will ensure one additional site, Gubanc's Restaurant, complies).

The City initially considered processing multiple design variance applications for individual sites, or groups of properties, to address nonconformities resulting from BFR improvements, and to remove regulatory barriers to replacement parking. In consultation with the PAC, staff instead recommends amending the code, which provides greater certainty for property owners and avoids complications with the project schedule (see discussion, below, and in commentary boxes in **Attachment 1**).

A public review draft of the code amendments was publicized through the City's Planning e-News Subscription lists; in an email to the Lake Oswego Chamber of Commerce and Lake Grove Business Association; in an email to the Lake Grove, Waluga, and Lake Forest neighborhood association chairs; through a direct mailing to all commercial property owners/businesses within the BFR Project and in an email to the same commercial property owners; online on the City's website; and, through a direct mailing to residential property owners within 300 ft. of the five properties with non-compliant replacement parking. Three individuals submitted comments during the 3-week public review period; see **Attachment 3** for the comments. Responses to the questions/issues raised by the commentators are included in the body of this memo.

## **DISCUSSION**

Three sections of the code are proposed to be amended: Ministerial Development Classifications, LGVC Overlay District Applicability standards, and LGVC Site Planning standards (parking and landscape exceptions).

### **Code Amendment Proposal: Ministerial Development Classifications**

The first step was to ensure that, if a property owner chooses to move forward with the replacement parking, the project would not be subject to an excessive review process.

The BFR improvements are fully contained within the public ROW (after dedication); as such, they are classified as a "ministerial development decision", per LOC 50.07.003.13.a-f. However, due to the scope of BFR project, the impacts extend beyond the ROW. The BFR Project proposes to re-landscape portions of private property, creating "wayside stations" and tree mitigation opportunities. In addition, there are the on-site replacement parking plans. Together, these improvements constitute a transportation master plan for Boones Ferry Road.

Typically, on-site improvements like the reconfiguration of an existing commercial parking lot in the LGVC Overlay District would be reviewed and approved through a "minor development decision" which can take 3-4 months to process, includes a comment and appeal period, and cost hundreds of dollars in application fees. The classification and process are outlined under

the Review Procedures for minor development per LOC 50.07.003.14.a-e. As these on-site improvements are only necessary because of the public transportation (capital improvement) project, the proposed code amendment is an appropriate vehicle for streamlining the development review process. The code change adds to the ministerial classification for “transportation master plan” on-site improvements that conform to the plan (see proposed language in **Attachment 1**).

The final frontage improvements plans for all properties, as well as the final on-site replacement parking plans for the eight properties, will be included as exhibits to the staff report for the Planning Commission’s public hearing. The plans will also be referenced in the ordinance for tracking purposes.

No comments specific to this portion of the proposed code amendments were received during the Public Review comment period.

**Code Amendment Proposal: Applicability of LGVC Overlay District for Replacement Parking**

Eight of the properties impacted by the BFR Project will lose parking spaces and the goal is to replace the lost parking on each of the sites (see **Attachment 2**). Although the plans minimize deviations from the LGVC Overlay District regulations, for five of those eight properties conflicts are unavoidable due to the developed site conditions/configurations. The replacement parking plans fully comply with the LGVC Overlay standards that require offsets and landscaping between commercial parking and abutting residential properties.<sup>1</sup> The LGVC Overlay standards with which the replacement parking plans do *not* comply are as follows:

- The required 5-ft. landscape buffer between a parking facility and a public sidewalk.
- The 10-ft. separation between a parking facility and the commercial building.
- In addition, it’s likely that some of these sites have, or will have after ROW dedication and the construction of the replacement parking, less than the 15% minimum landscape area.

Instead of requiring the property owner to obtain a design variance for approval to construct the non-compliant replacement parking that the City has specifically offered, the proposed code amendment (**Attachment 1**) allows by right this planned parking and modifies the LGVC Overlay District applicability section to allow construction through a ministerial permit. The plans, to the extent shown, would be considered “conforming” rather than non-compliant. The waiver itself is limited to the three specific standards and expires three years after ROW purchase with a 1-year possible extension. If the property owner wanted to construct on-site parking that didn’t comply with the plans, they’d have to pursue a separate Development Review Permit with any associated variances.

All three letters received during the Public Review comment period contained comments specific to these proposed code amendments.

---

<sup>1</sup> See also, discussion of needed correction to Gubanc’s restaurant site plan on page 4 of this memo.

#### Waiver Expiration:

Staff received a comment that the expiration of the waiver should extend up to five years from completion of the BFR Project, not three years from ROW purchase (**Attachment 3.a**). Mr. Mozena states that modification to the expiration would reduce the burden on commercial property owners. Staff considered this option and found that “completion of BFR Project construction” is not clear or objective. A construction project technically may not “conclude” until the contractor’s warranty or other guarantees end. To provide more certainty to property owners and the greater community, the waiver expiration proposal remains as proposed. However, the owner need only apply for the ministerial permit within three years of acquisition to maintain the right to build according to the parking plan. The parking could be completed over a longer period of time as ministerial development permits may be extended up to three years from the date of permit issuance per LOC 50.07.003.17.

[Note: Mr. Mozena’s letter also addresses the written summary for the replacement parking plan for his property at 15835 Boones Ferry Rd (see **Attachment 3.a**). The plan and written summary for Mr. Mozena’s property reflect the current appraisal/city offer; agreement on a compensation package has yet to be reached. Mr. Mozena’s letter with requests has been forwarded to Brant Williams, who represents the City in the property acquisition process.]

#### Gubanc’s Restaurant Replacement Parking Correction:

A comment noted an error with the proposed location of the two replacement parking spaces (**Attachment 3.b**). Per LOC 50.05.007.6.f.i, a 10-ft. landscaped and fenced buffer is required where a commercial property abuts R-7.5 or R-10 properties. For properties bounded by Bryant Rd., Boones Ferry Rd., Reese Rd., and the ROW north of Sunset, there is an existing 6-ft. pedestrian ROW area separating the commercial land from the abutting residential properties to the south. For these properties, the LGVC Overlay standards only require a 5-ft. landscaped and fenced buffer [LOC 50.05.007.6.f.v]. As a result, the entire offset is *11 feet*: 6-ft. pedestrian ROW and 5-ft. on-site buffer. As Ms. Falson notes, the current replacement plan for Gubanc’s Restaurant shows existing parking along the south property line incorrectly; those spaces are actually within the 6-ft. pedestrian ROW (see **Attachment 2 – page 7 and Attachment 3.b**). Using the existing parking as a baseline, the proposed parking spaces appear to be set back less than the required 11 ft. from the outside edge of the 6-ft. pedestrian ROW. Staff will work with the consultant to ensure the correction is incorporated in the final replacement parking plan for the Planning Commission public hearing on August 14, 2017.

#### Balancing “No Net Loss of Parking”/Tree Removal:

Two of the comments received during the public review draft focused on removal of trees for the replacement parking (see **Attachments 3.b and 3.c**). In the design of the BFR improvements and associated replacement parking, the City endeavored to minimize tree removal. However, the constrained nature of most of the affected properties makes that difficult; this is especially problematic on the Jenike Property (**Attachment 2 – pages 12-13**) and the Keller Williams

Property (**Attachment 2 – pages 10-11**). Ms. Falson specifically notes that the LGVC Parking Management Plan parking occupancy study found that the Jenike Property had low parking rates (**Attachment 3.b**). Staff reviewed the Parking Management occupancy study and found that not all sites that will lose parking to the BFR Project were included as it was a sample study only. Of the ones that were included, three had high occupancy rates (Riccardo's, Gubanc's, and Naomi's Lampshades) and one (Jenike Property) had lower occupancy rates. The parking occupancy study was a snapshot of then-current conditions; the replacement parking will ensure an adequate parking supply for current and future businesses within the District.

As already stated, replacing the parking lost to the BFR Project is called out as a goal in both the LGVC Plan and the LGVC Parking Management Plan. Implementation of this goal is important to minimize spillover traffic and parking impacts into the abutting residential neighborhoods, as well as minimizing impacts to existing LGVC businesses. The transportation project itself includes extensive landscaping: portions of the street with a planted median; planters and street trees installed along street frontages; and, "wayside" stations at various points along the public sidewalk with landscaping opportunities. The City is also exploring the option of a grant program using existing resources from the Tree Citation Fund to encourage voluntary tree planting for properties within or directly abutting the LGVC Overlay District.

Some of the lost parking may also be offset with future public parking facilities planned along Oakridge Road and possibly further south at the Roundtable Pizza site, but the City is also offering the *option* of on-site replacement parking *now* as a part of the compensation packages. The property owners may choose to use the replacement parking plans and the associated code amendments that simplify the process/regulations, though the City has no code authority to require tree removal and construction on these private properties. Staff has updated the written summary for the Jenike Property (**Attachment 2 – page 12**) to note that it is in close proximity to a future public parking facility north of Riccardo's Restaurant Property.

#### **Code Amendment Proposal: Existing LGVC Overlay District Landscaping & Parking Exceptions**

While the City is working to minimize the impacts of the transportation project on private property, sites with frontage on Boones Ferry Road (BFR) will lose area to ROW dedication. The 2012 LGVC Plan and Overlay District code amendments anticipated this and attempted to offset these impacts by allowing lost parking and landscaping area to count towards meeting minimum requirements, but only for building expansions projects within a 5-year deadline after ROW purchase. However, the existing code provision is too restrictive and difficult to track/implement; the proposed code amendments simplify and expand the scope of the exceptions to reflect the nature of the permanent loss of land area to the transportation project. The commentary boxes under each proposed code amendment provide more detail on this (see **Attachment 1**). To summarize, the proposed code amendments remove subjective language from the landscaping exception, remove the expiration date from both the parking and landscaping exceptions, and expand both exceptions' use to include new building construction.

The amendments are consistent with requests from impacted property owners and provide greater certainty for future redevelopment. They also implement City Council policy on reducing regulatory burdens on property owners and facilitating Boones Ferry Road improvements. To help implement the exceptions, a table listing the land area lost to ROW dedication for each property will be included with the public hearing staff report along with the final frontage plans.

Staff received one letter during the Public Review comment period specific to these proposed code amendments.

Mr. Mozena suggests that the parking exception include language that the spaces could be constructed on-site without compliance with other standards (**Attachment 3.a**). The proposal is consistent with Mr. Mozena's request: it is a simplified and streamlined path to recapture lost parking without substantial costs or on-site improvements. The replacement parking plans show the parking spaces that are permitted by right (with a ministerial review) and do not mention or require compliance with any other LGVC Overlay District standards. Mr. Mozena also suggests additional language for the landscaping exception. Staff intentionally did not draft the landscape exception to exempt property owners from compliance with *all* LGVC landscaping design requirements, only to reduce the minimum landscape "area" requirement for impacted properties. Maintaining and enhancing landscaping is an important part of the LGVC Overlay District goals.

### **CONCLUSION AND NEXT STEPS**

The proposed code amendments will help facilitate timely completion of the BFR Project, consistent with adopted plans and City Council policy, and provide certainty for property owners. The proposal balances to the extent possible the varying goals of the LGVC Plan, the BFR Project, the LGVC Parking Management Plan, and the LGVC Urban Renewal Plan. It is a logical solution when private property is impacted by public transportation improvement.

The Planning Commission is currently scheduled to conduct a public hearing on the amendments on August 14. This would include mailed notification of the proposed amendments and public hearing to all property owners within the District. Staff is also providing a courtesy notice to all businesses and residential property owners within 300 ft. of each of the five commercial properties with proposed replacement parking that is not fully code-compliant.

Staff requests that the Commission identify any questions that should be addressed or information that should be prepared for the public hearing.

**ATTACHMENTS**

- 1. Draft Code Amendments (05/19/17)**
- 2. Preliminary On-Site Replacement Parking Plans and Written Summaries (06/12/17)**
- 3. Public Comments Received in Response to Public Review Draft (05/22/17 – 06/09/17)**

**THIS PAGE INTENTIONALLY LEFT BLANK**

**PROPOSED CHANGES:** Shown as ~~strikeout~~ text for deletions, and underline text for new language. (Changes begin below.)

**LOC 50.05.007 LAKE GROVE VILLAGE CENTER OVERLAY DISTRICT**

...

**3. APPLICABILITY**

---

a. ...

b. ...

**c. Applicability by Type of Development**

**i. New Construction/Redevelopment**

**ii. Remodeled Buildings, Building Expansion, and Site Improvements**

The standards of this overlay apply to any remodeling, building expansion, or site improvement project on a partially developed or developed site, except as expressly provided below.

For the purpose of this subsection, "remodel" means less than 50% of the exterior wall is removed or is no longer a necessary and integral structural component of the overall building. Elements of the exterior wall include columns, studs, or similar vertical load-bearing elements and associated footings. However, existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline shall continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications. For buildings not principally supported by exterior bearing walls, "remodel" means less than 50% of the principal support structure including columns, structural frames and other similar primary structural elements, is removed or no longer a necessary and integral structural component of the overall building. Alterations that are undertaken solely to bring an existing building into compliance with the Building Code are not counted towards the 50% measurement.

...

(4) For lots that are the subject of right-of-way purchase and/or condemnation by the City after [effective date of ordinance], for the purpose of improvements to Boones Ferry Road, the following standards do not apply to development made in substantial compliance with the site plans approved by City Council per Ordinance No. \_\_\_\_\_,:

(a) LOC 50.05.007.6.e.i, Landscaping Minimums:

(b) LOC 50.05.007.6.e.viii(5)(a), Parking Facility Edge Treatment (sidewalks)

(c) LOC 50.05.007.6.e.viii(5)(b), Parking Facility Edge Treatment (buildings)

Expiration: This subsection shall not apply to development on a lot after:

(a) Three years from the closing date of the right-of-way purchase or date of the City's payment following entry of final judgment of condemnation; and,

(b) One additional year if, prior to the expiration date in subsection (a), the property owner submitted a written request to the City Manager for the extension due to unforeseeable delay in commencement or completion of the site improvement work, and the City Manager approved the extension.

#### **Commentary**

The LGVC Plan directs the City to complete a transportation project improving Boones Ferry Road as a "Great Street" (Transportation Goal 1). As of 2014, this is a funded Capital Improvement Project as shown in the Transportation System Plan 2014, Table 9, Project 1.1 (Phase 1). As a consequence of the right-of-way dedication necessary to achieve the "Great Street" design, properties with frontage on BFR will lose lot area and/or parking spaces.

This code amendment allows what would otherwise be non-compliant replacement parking when associated with the BFR Project. Of the eight properties that lose parking, only five require the use of this code waiver. The waiver itself is limited to reducing certain standards for parking and landscaping (listed above). All required setbacks, screening, and offsets from abutting residential zones are maintained. The replacement parking would also have to substantially comply with the preliminary site plans attached to this proposed code amendment. Please see the eight site plans (**Attachment 2**) that show how parking may be constructed under this proposal. The associated written summaries state whether or not the replacement parking design is compliant.

Development that is not in substantial compliance with what is shown in the site plans would have to comply with all applicable zone, overlay, and development standards like any other development.

## 6. SITE PLANNING STANDARDS

---

...

### c. Parking

- i. Within the Lake Grove Village Center, on-street parking spaces directly abutting a property may be used to satisfy the off-street parking requirements of a business or residential use located on the property.
- ii. Driveways and parking aisles shall include pedestrian safety features such as changes in surface material, signage and lighting to alert drivers to the potential presence of pedestrians.
- iii. Shared parking may be used per LOC [50.06.002.2.a.iv\(2\)](#), but is not required. Access to parking facilities shall be based on the Parking Facilities and Access Coordination Map, Figure [50.05.007-U](#).

**Exception – Lake Grove Elementary School:** This subsection 6.c.iii applies to the Lake Grove Elementary School site only when the development and uses are not for a public school.

- vi. For the portion of property purchased or condemned by City after October 4, 2012, for the purpose of improvements to Boones Ferry Road right-of-way that are consistent with the Lake Grove Village Center Plan: If the loss of property eliminates parking, the amount of parking lost may be counted toward meeting the parking standard ~~for building expansions if applied for within five years of the purchase or condemnation.~~

#### Commentary

The exception allowing a parking credit for spaces lost due to the BFR Project is existing code. The only proposed change is to remove the 5-year expiration date and allow the exception to apply to new building construction, not just building additions (which in most cases are impractical). These changes are consistent with requests from impacted property owners and provide greater certainty for future redevelopment. They are also consistent with a City Council policy on reducing regulatory burdens on property owners. The parking spaces “lost” will be shown on the final plans for BFR, which will be presented at the public hearing for this proposed code amendment.

- vii. On sites designated as Urban Streetfront Environment or Transitional Streetfront Environment on the Village Character Map, Figure [50.05.007-D](#), no off-street parking shall be permitted between the front of the primary building and the public right-of-way.

d. ...

**e. Landscape Requirements**

...

**i. Minimum Area Requirement**

Landscaping shall be installed on at least 15% of the development site on which buildings are constructed. This is inclusive of area provided in required village gathering places, landscaping required for parking lots, landscaping within any required buffer areas, and landscaping within public plazas and gathering places. Landscaping may include courtyards, raised beds and planters.

- (1) Property within required public easements for sidewalks or pathway construction and maintenance may be counted toward this minimum landscaping requirement.
- (2) A reduction in required landscaping equal to the area set aside for a Village Gathering Place is allowed, up to a maximum reduction of 2,500 sq. ft.
- (3) A reduction by an amount equal to the area located in a Village Commons if the Village Commons is located on privately owned land with an easement for public use.

**Exception:** For the portion of property purchased or condemned by City after October 4, 2012, for the purpose of improvements to Boones Ferry Road right-of-way that are consistent with the Lake Grove Village Center Plan: ~~If the loss of property limits the ability to expand the existing development,~~ the square footage of the lost property, as shown the frontage plans approved by City Council per Ordinance No. \_\_\_\_\_, may be counted toward meeting the landscaping landscape area standard, up to a maximum reduction of 5%. ~~for building expansions, if applied for within five years of the purchase or condemnation.~~

**Commentary**

The exception allowing a landscape area credit for land lost due to the BFR Project right-of-way dedication is existing code. Staff proposes three substantive changes: remove the language “limits the ability to expand/develop” as it is not clear and objective; remove the 5-year expiration date; and, allow the exception to apply to new building construction, not just building additions (which in most cases are impractical). The landscape reduction is set at a maximum 5%, regardless if the area lost to dedication is greater. This language is similar to the existing landscape reduction for a site that incorporates a Village Gathering Place per Subsection (2), above.

For example, a 10,000 sq. ft. commercial site would have a 15% or 1,500 sq. ft. landscape requirement. If the site was subject to a 600 sq. ft. right-of-way dedication, the total landscape requirement could not drop to 900 sq. ft. as that would only be 9% total landscaping. The required landscaping amount would be maintained at 10% or 1,000 sq. ft. This would not exempt a developer from compliance with required screening and buffering, parking lot landscaping, on-site tree mitigation, etc.

These changes are consistent with requests from impacted property owners and provide greater certainty for future redevelopment. It is also consistent with a City Council policy on reducing regulatory burdens on property owners. The square footage of “lost” land area will be shown on the final plans for BFR, which will be presented at the public hearing for this proposed code amendment.

**LOC 50.07.003 REVIEW PROCEDURES**

...

**13. MINISTERIAL DEVELOPMENT DECISIONS**

---

**a. Ministerial Development Classification**

**i. Requirements of Ministerial Decisions**

**ii. Ministerial Development Types**

...

- (8) Construction or alteration of public transportation or utility facilities, and associated development abutting the public right-of-way when designed to address impacts of a transportation project, consistent with the applicable public facility master plan and land use regulations, and is not located in a delineated RP district, RC protection area, or HBA protection area.

**Commentary**

The Ministerial development review process is reserved for projects that are subject to clear and objective standards or are otherwise consistent with an adopted public facility master plan. This amendment streamlines the permit process for mitigation of transportation projects such as the BFR Project, where that mitigation is planned on private properties abutting the right-of-way. Development of replacement parking for the BFR Project meets this criterion, as it would mitigate for the removal of landscaping and/or parking due to right-of-way acquisition. (The proposal implements LGVC Plan Economic Development Goal 9 Policy 9.4, of “No Net Loss of Parking”.)



# **ATTACHMENT 2**

## **Preliminary On-Site Parking Replacement Plans with Written Summaries**

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Mozena Law Office (15853 Boones Ferry Road)**

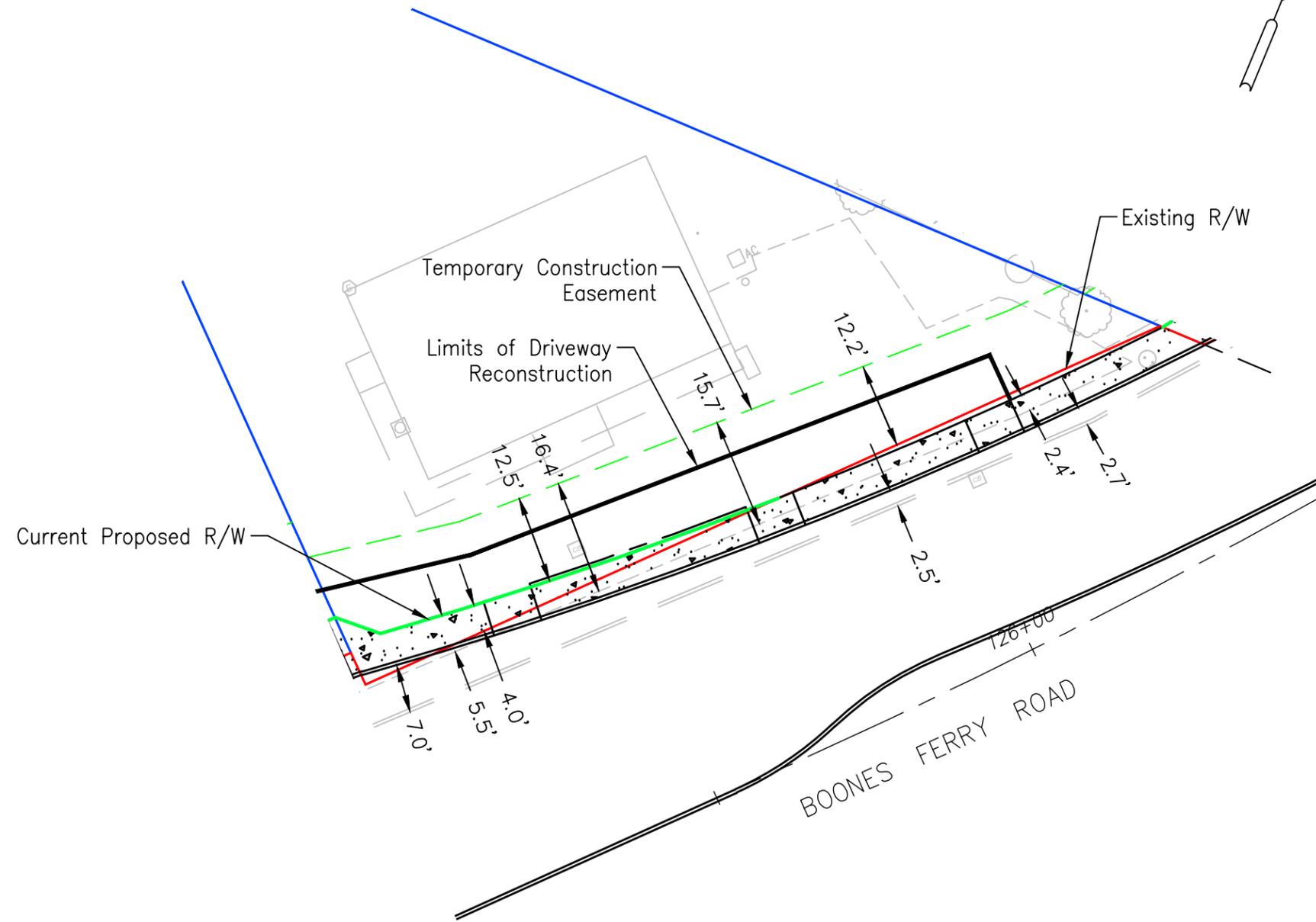
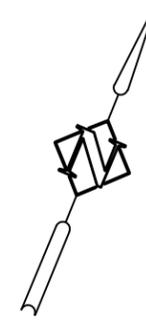
- See attached preliminary frontage improvement plan (next page)
- Impacts: Existing parking spaces are not striped, but appraisal package states two lost parking spaces in paved area in front of building where one could park. 212 sq. ft. of land lost to right-of-way acquisition.
- No plan for replacement parking at this time
- Code deviations: Insufficient area to construct parking spaces between building and sidewalk, and landscaping may less than 15% (existing nonconforming). Any new parking could utilize exceptions similar to other properties.
- No tree removal
- Frontage improvements nonconforming w/ LGVC code (narrow sidewalk w/ no stormwater planter, no current landscaping buffer between sidewalk and building)

**THIS PAGE INTENTIONALLY LEFT BLANK**

# Peter J Mozena Law Office

15835 Boones Ferry Road

SCALE  
1" = 20'



# DRAFT

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Naomi's Lampshades (19510, 19532 & 19542 Boones Ferry Road)**

- See attached site plan (next page)
- Impacts: 6 spaces lost. 1,589 sq. ft. of land lost to right-of-way acquisition.
- All spaces can be replaced on site
- Code deviations: 5-foot buffer between sidewalk and parking reduced to 2.5-foot buffer (similar to existing nonconforming buffer), reduced 10-foot setback between building and parking (similar to existing nonconforming), and landscaping may be less than 15% (existing nonconforming).
- Tree removal on-site
- Area of old parking could be converted to patio/outdoor seating or landscaped "wayside" with on-site tree mitigation opportunities
- Existing nonconforming, remains nonconforming in about the same manner in a different configuration, some tree removal and code deviations necessary to get on-site fixes.
- Balances "no net loss of parking" policy with code compliance

**THIS PAGE INTENTIONALLY LEFT BLANK**

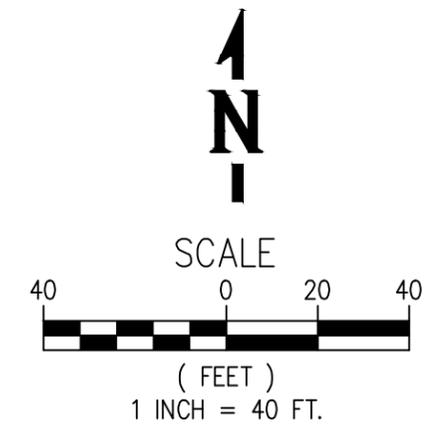


**THIS PAGE INTENTIONALLY LEFT BLANK**

**Gubanc's (16008 Boones Ferry Road)**

- See attached site plan (next page)
- Impacts: 2 spaces lost (one of which is an ADA space which takes up the area of two regular spaces). 1,141 sq. ft. of land lost to right-of-way acquisition.
- All spaces can be replaced on site
- Code deviations: none (existing nonconforming landscaping may be less than 15%)
- ***Corrections will be made to ensure the two new parking spaces are 11 ft. from the abutting residential property (6-ft. pedestrian walkway and 5-ft. buffer)***
- Tree removal on-site
- May be able to minimize tree removal and replacement parking if public parking provided abutting Riccardo's Ristorante (w/ crosswalk across BFR)
- Existing nonconforming parking at frontage converted to combination wayside/outdoor patio for restaurant with on-site tree mitigation opportunities

**THIS PAGE INTENTIONALLY LEFT BLANK**



# Gubanc's Restaurant (33)

16008 Boones Ferry Rd.  
Tax Lot 21E08CB-3900

Existing Stalls: 30  
Proposed Stalls: 29

Maple Tree w/ 4 trunks: 19", 24", 19", 12".

# DRAFT

✕ = Tree Removal Required

REVISIONS		NO.	BY	DATE	REMARKS

SHEET INFO		NO.	BY	DATE	REMARKS
DRAWN	CHECKED				
APPROVED					
LAST EDIT					
PLOT DATE					
SUBMITTAL					

GUBANC'S AND BABICA HEN		SCALE	1" = 40'
BOONES FERRY ROAD		DRAWING FILE NAME	2017_0509-BFR-SITE EXHIBITS-GUBANC'S
PROJECT NUMBER	2017_0509-BFR-SITE EXHIBITS-GUBANC'S		

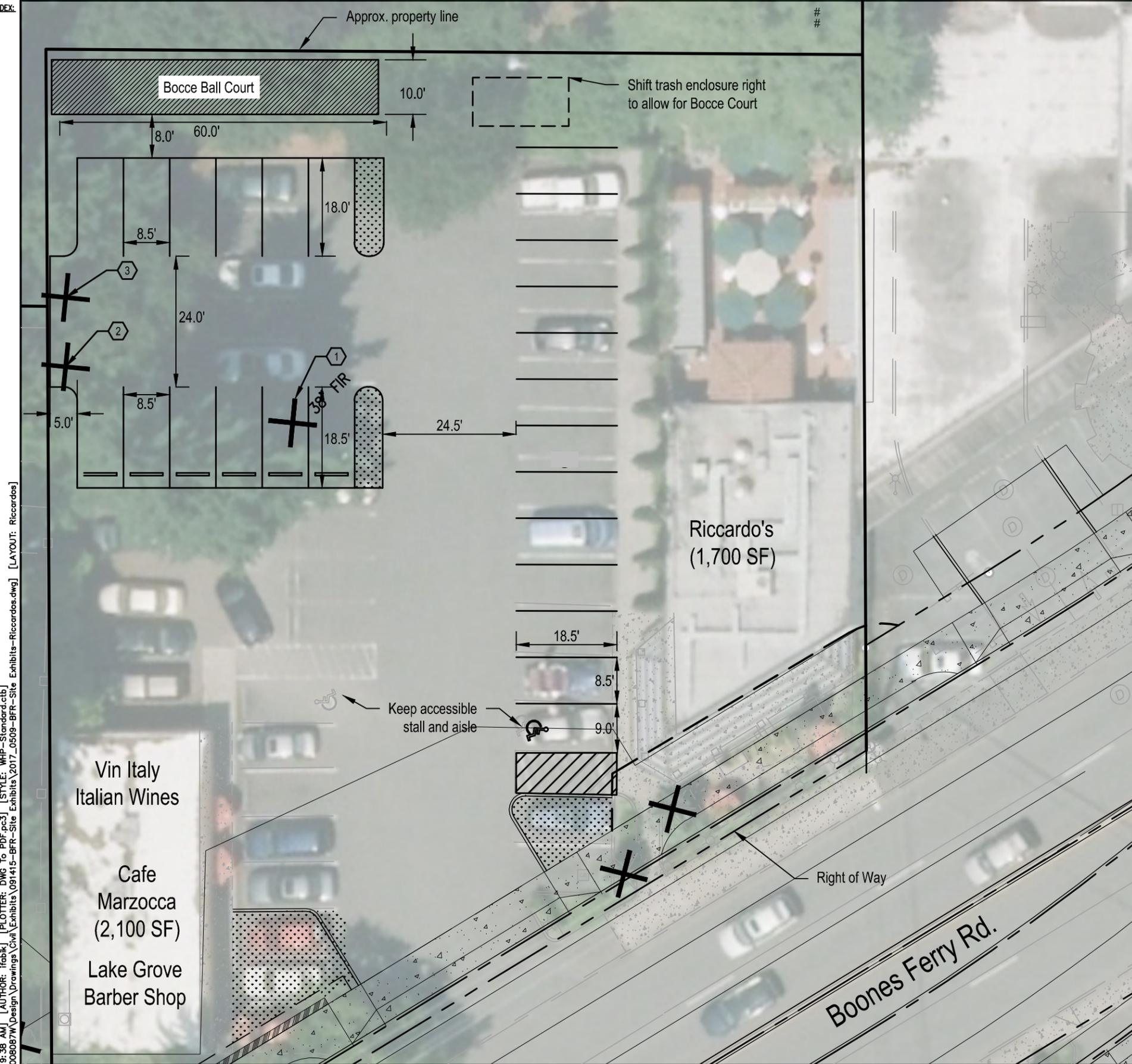
SHEET NUMBER  
**EX01**

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Riccardo's Ristorante (16035 & 16045 Boones Ferry Road)**

- See attached site plan (next page)
- Impacts: 5 spaces lost. 2,124 sq. ft. of land lost to right-of-way acquisition.
- All spaces can be replaced on site (pending applicant's approval of plan)
- Code deviations: none
- Significant tree removal on-site
- May be able to minimize tree removal and on-site "fixes" if public parking provided on abutting property to the north.

**THIS PAGE INTENTIONALLY LEFT BLANK**



# Riccardo's Restaurant (26)

16035 & 16045 Boones Ferry Road  
Tax Lot 21E08CB-1800

Existing Stalls: 41\*

Proposed Stalls: 41\*

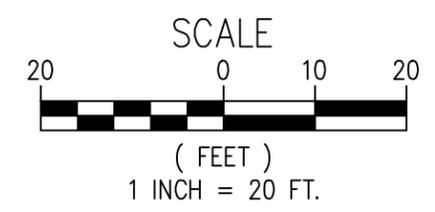
\*Assuming 8 cars fit in employee parking



REVISIONS		NO.	BY	DATE	REMARKS

SHEET INFO		DATE	DATE
DRAWN	CHECKED	5/17/2017	5/19/2017
APPROVED	LAST EDIT		
	PLOT DATE		
	SUBMITTAL		

# DRAFT



- ✕ = Tree Removal Required
- ▨ = Proposed Landscaped Area

DATE: 5/19/2017 9:38 AM [AUTHOR: ifabik] [PLOTTER: DWG To PDF.pc3] [STYLE: WHP-Standard.ctb] [LAYOUT: Riccardo's]  
 PATH: P:\000T\0008087W\Design\Drawings\Civil\Exhibits\2017\_0509-BFR-Site Exhibits-Riccardos.dwg

- ① 38" Fir Tree.
- ② 12" Deciduous
- ③ 16" Deciduous

RICCARDOS PROPERTY

BOONES FERRY ROAD

PROJECT NUMBER 2017\_0509-BFR-SITE EXHIBITS-RICCARDOS

SCALE 1" = 20'

SHEET NUMBER

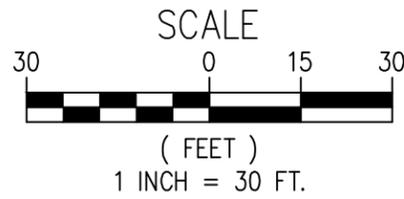
EX02

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Keller Williams Realty (16365 Boones Ferry Road)**

- See attached site plan (next page)
- Impacts: 14 spaces lost. 2,457 sq. ft. of land lost to right-of-way acquisition.
- All spaces can be replaced on site
- Code deviations: Existing 5-foot buffer between sidewalk and parking reduced to 2-3 foot buffer for 8 parallel spaces along new sidewalk, reduced 10-foot setback between building and parking for 6 angled spaces around building, and may be less than 15% landscaping.
- Significant tree removal on-site
- All 14 spaces back on site, but only low-level landscaping along sidewalk due to car doors.

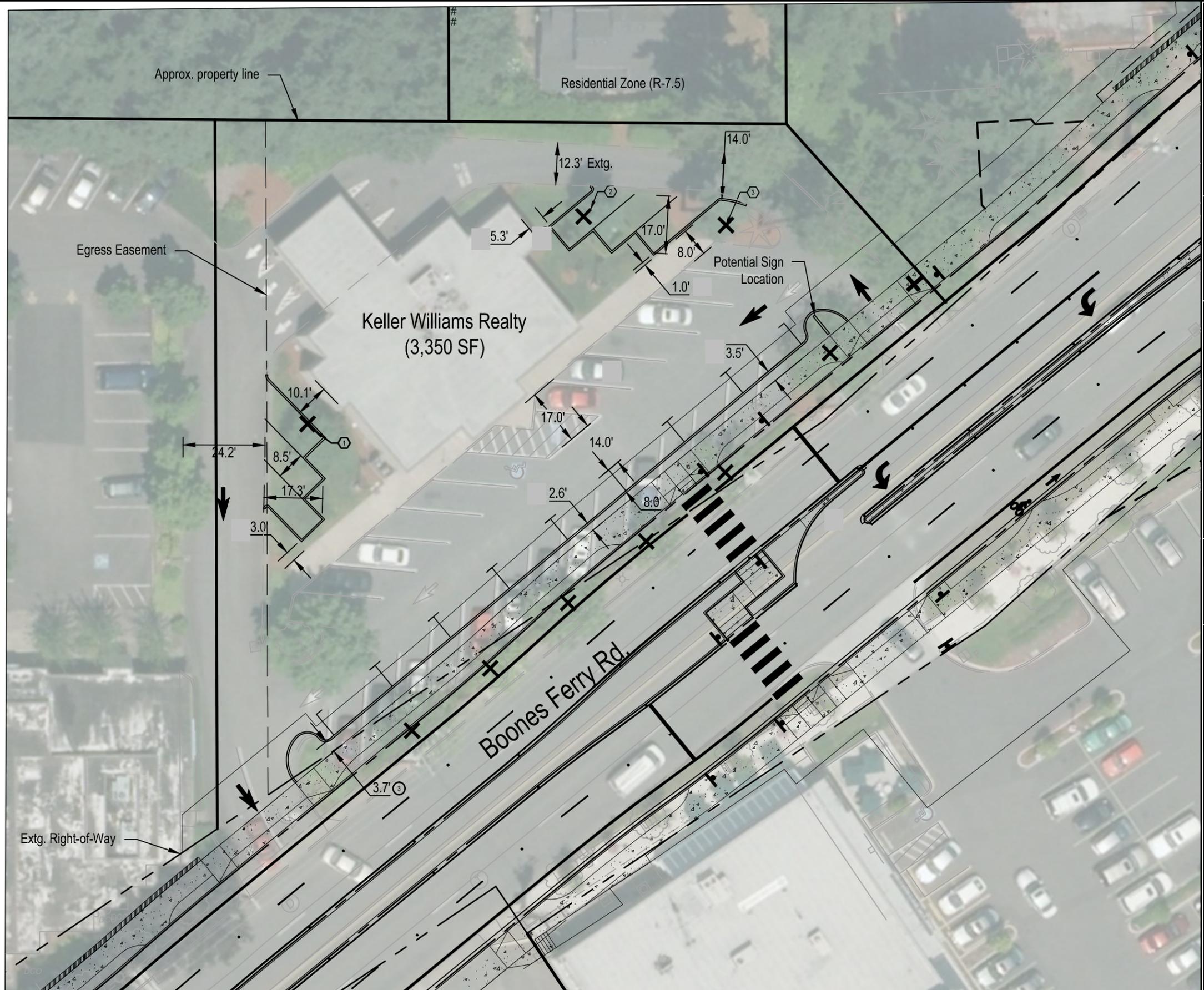
**THIS PAGE INTENTIONALLY LEFT BLANK**



# Keller Williams (46)

16365 Boones Ferry Road  
Tax Lot 21E07DD-101

Existing Stalls: 26  
Proposed Stalls: 26



# DRAFT

- ① 9" Deciduous Tree.
- ② 11" Fir Tree.
- ③ 11" Fir Tree.

✕ = Tree Removal Required

**WHPacific**  
 8755 SW Barnes Rd., Suite 300  
 Portland, OR 97225  
 503-526-0909 Fax: 503-526-0775  
 www.whpacific.com

SHEET INFO		REVISIONS	
DRAWN	MKG	NO.	DATE
CHECKED	IKF		
APPROVED	IKF		
LAST EDIT	5/5/2017		
PLOT DATE	5/5/2017		
SUBMITTAL			

REVISIONS

NO. BY DATE REMARKS

KELLER WILLIAMS REALTY

BOONES FERRY ROAD

PROJECT NUMBER 2017\_0505-BFR-SITEEXHIBITS-KELLERWILLIAMS

DRAWING FILE NAME

SCALE 1" = 30'

SHEET NUMBER

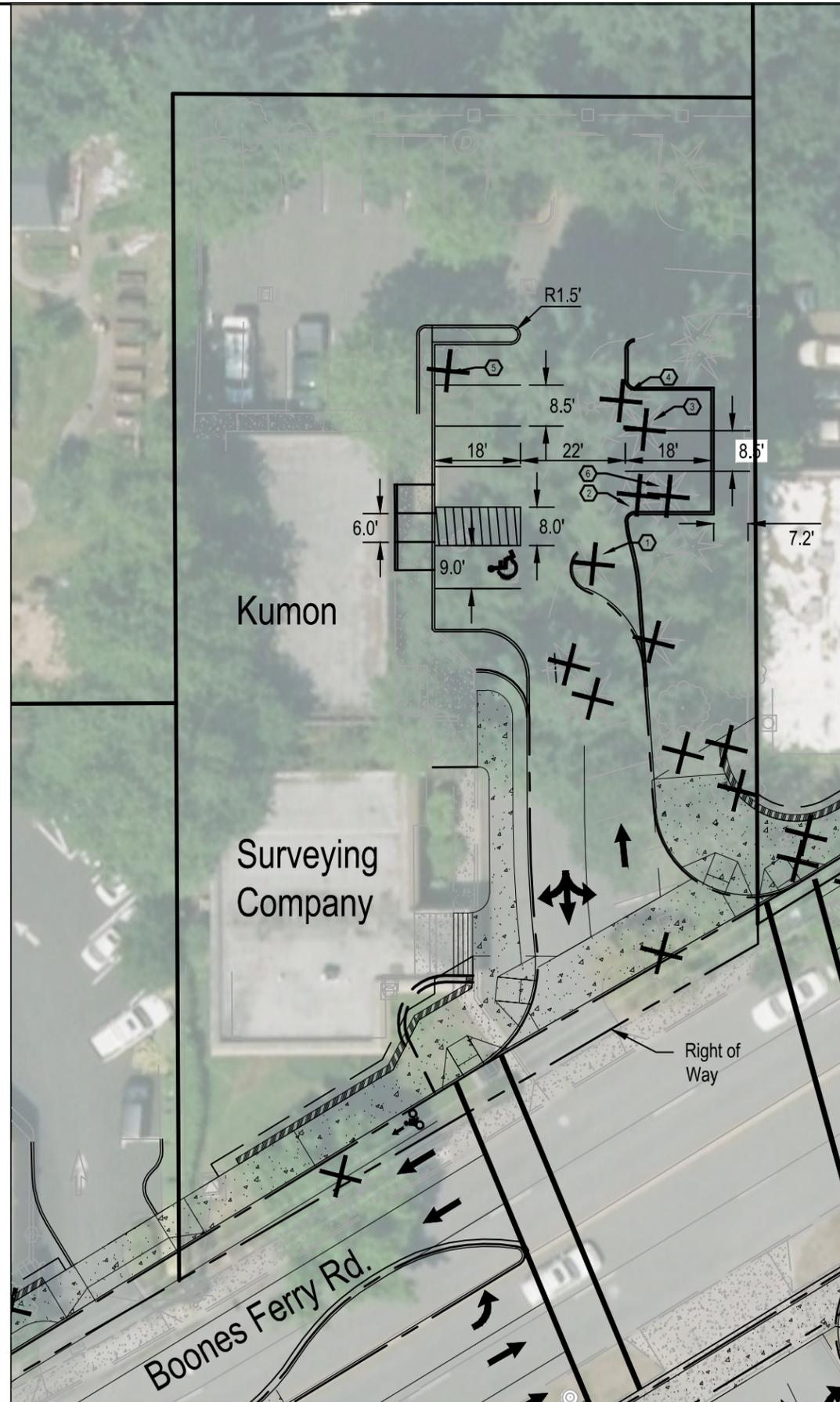
**EX01**

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Jenike Property: Andy Paris Surveyors & Kumon (16055 & 16067 Boones Ferry Road)**

- See attached site plan (next page)
- Impacts: 5 spaces lost. 3,113 sq. ft. of land lost to right-of-way acquisition.
- All spaces can be replaced on site.
- Code deviations: 10-foot setback between building and parking reduced to 8 feet (same as setback for existing parking)
- Significant tree removal on-site
- Maintains landscape buffer between public sidewalk and parking. No on-site tree mitigation possible.
- May be able to minimize tree removal and on-site “fixes” if public parking provided on property abutting Riccardo’s Restaurant.

**THIS PAGE INTENTIONALLY LEFT BLANK**



# Jenike Property

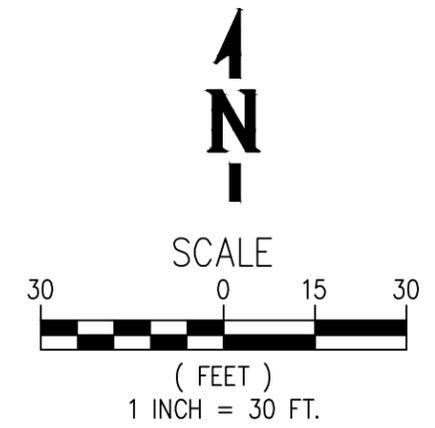
Tax Lot 21E08CB-1400  
16055-16067 Boones Ferry Road

Existing Stalls: 24  
Proposed Stalls: 24

DRAFT

X = Tree Removal Required

- ① 36" Fir Tree.
- ② 14" Fir Tree.
- ③ 36" Fir Tree.
- ④ 38" Fir Tree.
- ⑤ 14" Oak Tree.
- ⑥ 18" Fir Tree.



REVISIONS		NO.	BY	DATE	REMARKS

SHEET INFO		NO.	DATE
DRAWN			
CHECKED			
APPROVED			
LAST EDIT	5/17/2017		
PLOT DATE	5/19/2017		
SUBMITTAL			

JENIKE PROPERTY		SCALE	1" = 30'
BOONES FERRY ROAD		DRAWING FILE NAME	2017_0509-BFR-SITE EXHIBITS-JENIKE
PROJECT NUMBER			

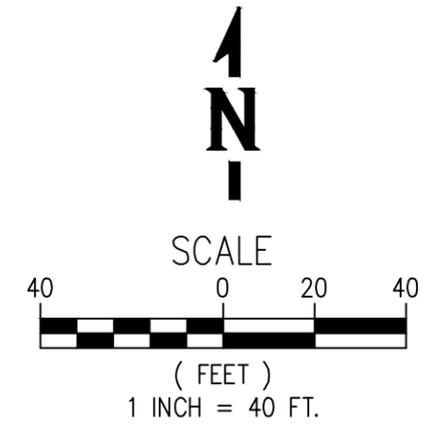
SHEET NUMBER  
**EX01**

**THIS PAGE INTENTIONALLY LEFT BLANK**

**US Bank (16480 Boones Ferry Road)**

- See attached site plan (next page)
- Impacts: 1-2 spaces lost.
- Under Review: 4,997 sq. ft. of land potentially lost to right-of-way acquisition for frontage improvements. Prior land acquisitions may change the current dedication amount.
- All spaces can be replaced on site
- Code deviations: none
- Tree removal possible on-site

**THIS PAGE INTENTIONALLY LEFT BLANK**



## US Bank

16480 Boones Ferry Road  
 Tax Lot 21E07DD-2600  
 Option #1 - Not Compliant

Existing Stalls: 26  
 Proposed Stalls: 26

DRAFT

**WHPacific**  
 9765 SW Barnes Rd, Suite 300  
 Portland, OR 97225  
 503-526-0455 Fax 503-526-0775  
 www.whpacific.com

NO.	BY	DATE	REMARKS

SHEET INFO	
DRAWN	MKB
CHECKED	
APPROVED	
LAST EDIT	5/18/2017
PLOT DATE	5/19/2017
SUBMITTAL	

**US BANK**  
**BOONES FERRY ROAD**  
 PROJECT NUMBER 2017\_0509-BFR-SITE EXHIBITS-USBANK  
 DRAWING FILE NAME 2017\_0509-BFR-SITE EXHIBITS-USBANK  
 SCALE 1" = 40'

SHEET NUMBER  
**1**

DATE: 5/19/2017 8:58 AM [AUTHOR: ifabik] [PLOTTER: DWG To PDF.pc3] [STYLE: WHP-Standard.ctb]  
 PATH: P:\00DOT\0008087W\Design\Drawings\Civil\Exhibits\091415-BFR-Site Exhibits\2017\_0509-BFR-Site Exhibits-USBank.dwg [LAYOUT: US Bank]

① Further analysis required to determine if a retaining wall is required.

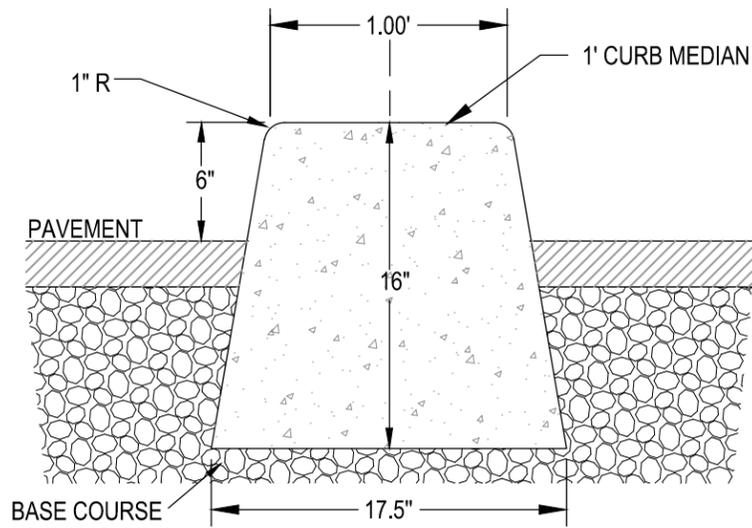
✕ = Tree Removal Required

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Bank of America (16209 Bryant Road)**

- This property owner is pursuing a separate land use application process to obtain approval for on-site “fixes” and replacement parking (PA 14-0096, no application has been submitted as of this date).
- See attached conceptual site plan (next page)
- Impacts: 14 spaces lost. 4,717 sq. ft. of land lost to right-of-way acquisition.
- 7 spaces can be replaced on site. 12 spaces proposed on Lake Grove Shopping Center site as “shared parking”.
- Code deviations: 5-foot landscape buffer between sidewalk and parking reduced to zero for one space; drive aisle and turnaround do not have 5-foot buffer from public sidewalk; less than 15% landscaping.
- Tree removal on-site
- Existing nonconforming made more nonconforming in some ways, but pavement at corner converted to landscaping.

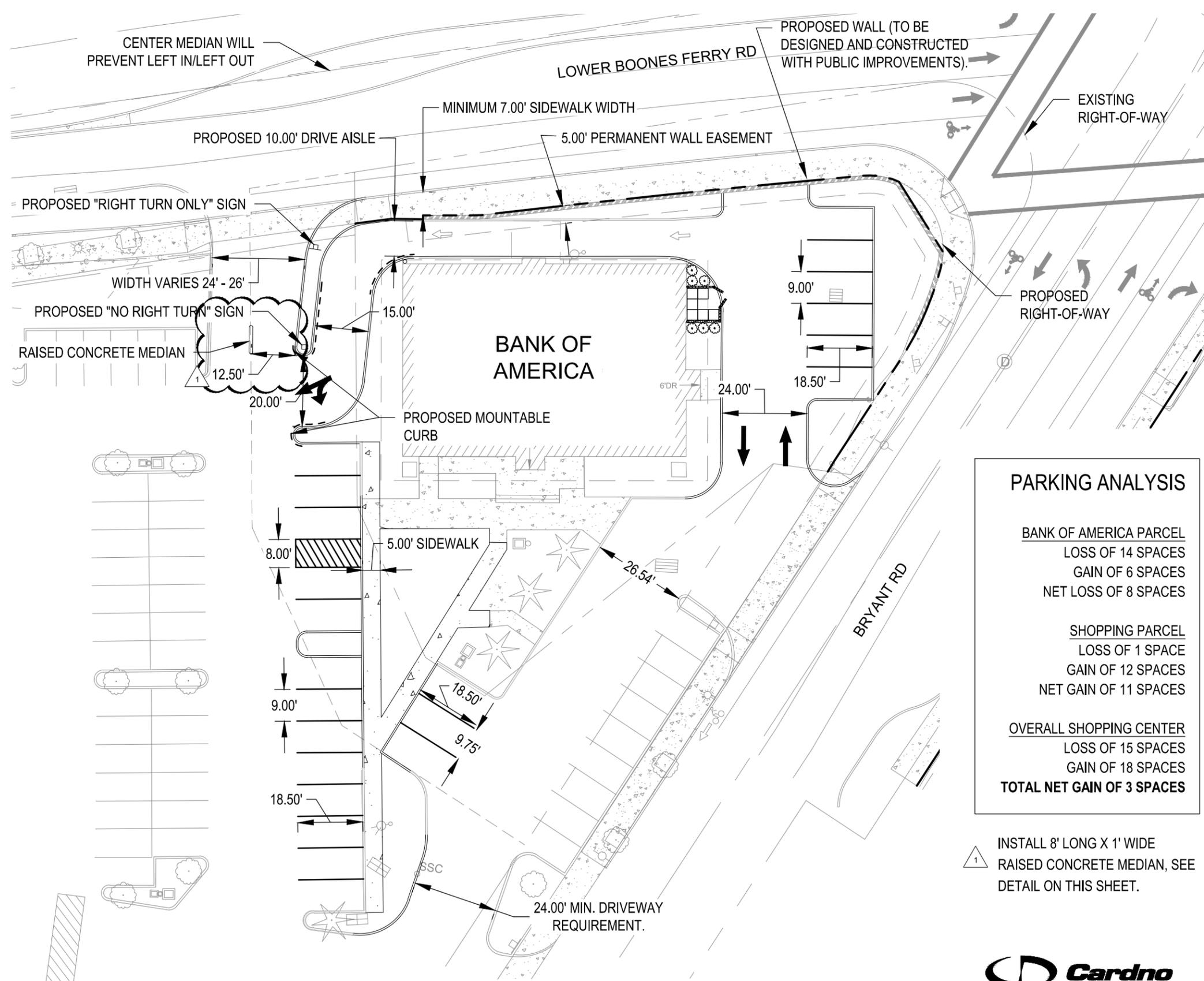
**THIS PAGE INTENTIONALLY LEFT BLANK**



1' RAISED CONCRETE MEDIAN

SCALE: NOT TO SCALE

DRAFT



**PARKING ANALYSIS**

**BANK OF AMERICA PARCEL**  
 LOSS OF 14 SPACES  
 GAIN OF 6 SPACES  
 NET LOSS OF 8 SPACES

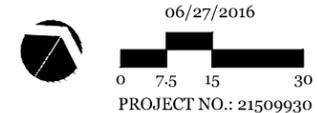
**SHOPPING PARCEL**  
 LOSS OF 1 SPACE  
 GAIN OF 12 SPACES  
 NET GAIN OF 11 SPACES

**OVERALL SHOPPING CENTER**  
 LOSS OF 15 SPACES  
 GAIN OF 18 SPACES  
**TOTAL NET GAIN OF 3 SPACES**

INSTALL 8' LONG X 1' WIDE  
 RAISED CONCRETE MEDIAN, SEE  
 DETAIL ON THIS SHEET.



PORTLAND  
 5415 SW WESTGATE DR, STE 100, PORTLAND, OR 97221  
 TEL: (503) 419-2500 FAX: (503) 419-2600  
 www.cardno.com  
 CONTACT: MATT LEWIS



# Proposed Site Plan Exhibit

Lake Grove Bank of America

**THIS PAGE INTENTIONALLY LEFT BLANK**

From: Peter J. Mozena  
15835 Boones Ferry Road  
Lake Oswego OR 97035  
503-236-4000

To: City of Lake Oswego  
City Council  
Planning Department  
June 7, 2017

Attention: Johanna Hastay, Senior Planner

Comments regarding Boones Ferry Road Project:

Recommendations and Requests regarding code amendments:

- 1. "3. APPLICABILITY, c. (4) Expiration:... (a)"
  - a. Requested change: The three year expiration should be from the end of construction not the closing date of the purchase:
    - i. Should read: **(a) Three [five] years from the completion of the construction undertaken in improvements to Boones Ferry Road [describe project]**
  - b. Rationale: Project construction may be under way or delayed thereby making compliance with the code standards a burden on the owners because the owners will likely begin their improvements after the completion of the project construction.
- 2. "c. Parking, vi."
  - a. Requested change: add to the end of sentence in c. vi: **" and the parking spaces and access to parking spaces may be replaced without any otherwise required landscape, tree, set-back or other related code requirements."**
- 3. i. Minimum Area Requirements
  - a. Exception:
    - i. Add the following sentences:
      - 1. **Said maximum reduction does not apply to extent the landscaping is replaced by lost parking spaces or access to lost parking spaces.**
      - 2. **This exception would also exempt owner from compliance with screening and buffering, parking lot landscaping, onsite tree mitigation, if reasonable alternative screening and buffering can occur with less landscaping area.**

+++++

# Recommendations and Requests regarding

## ATTACHMENT 2

Preliminary On-Site Parking Replacement Plans with Written Summaries

### Mozena Law Office (15835 Boones Ferry Road)

Requested changes and recommendations:

There are six bullet points:

Re: second bullet point: There are not **2 lost parking spaces but 4 to 6 due to parking access reduction.**

Re: third bullet point: There needs to be **substantial reduction in landscaping and removal of trees replacing them with arborvitae ( or non-area consuming vegetation) for buffering** in order to increase parking area in this smaller lot.

Re: fourth bullet point: This bullet point needs to be removed.

Additions to current bullet points:

1. Removal of maple trees which are in poor condition and which fail to buffer school and commercial area. Replacement buffering would be an improvement and supply better buffering with Arborvitae ( or non-area consuming vegetation).
2. Border landscaping area to be leveled and increase parking area and improve buffering with Arborvitae (non-area consuming vegetation) between school and commercial area
3. In order to accommodate Parking space and access area replacement, additional asphalt will be required in multiple landscaped or dirt areas especially near school boundary. Parking may require placing the HVAC in a different location. This is in addition to changing landscaping and replacement buffering. A corner cut of curbing surrounding the structure will be necessary to allow for access to back parking.

=====

Brenda Falson  
16110 Nola Court  
Lake Oswego OR 97035

June 9, 2017

Johanna Hastay  
Senior Planner  
City of Lake Oswego

Re: LU 17-0028 Proposed Code Amendments for Constrained Sites

Johanna

I am a residential property owner in the Lake Grove Neighborhood, my residence is adjacent to the Commercial Property within the Lake Grove Village Centre, next to 1801 Boones Ferry Rd (Westside Dentist & Swan Financial) and Gubanc's Restaurant.

The Boones Ferry Road Improvements are vital for the Lake Grove area. It is important to give consideration to those businesses that are affected by these improvements.

A main concern with the proposed replacement of lost parking is the number of trees that would need to be removed from all these sites. Do we really need to take down this number of trees to make parking?

The Jenike property's Preliminary On-Site Parking Replacement Plan has proposed the removal of 6 large trees but in the LGVC Parking Management Plan, page 21, it shows relatively small usage of parking for this site:

TABLE 4. OFF-STREET REPRESENTATIVE SAMPLE SITES PEAK OCCUPANCY  
Kumon, Real Estate, et al. 16063/ 16055 Boones Ferry Rd has 25 spaces with 28.00% peak occupancy on weekdays and 16.00% peak occupancy on weekends.

With such low usage of the existing parking, is it necessary to remove trees for replacement parking?

Rather than taking away the tree scape of Lake Grove, it would be preferable to focus on offsite public parking options for the Central Zone detailed in the LGVC Parking Management Plan. Could the constrained sites use offsite public parking as part of their replacement parking plan?

Also, the Gubanc's Restaurant Preliminary On-Site Parking Replacement Plan is inaccurate. The setbacks for the current parking spaces are not shown correctly. It would be helpful to have an updated site plan, showing the actual position of existing parking spaces and dimensions.

Thanks,  
Brenda Falson

**ATTACHMENT 3-c  
LU 17-0028**

June 9, 2017

City of Lake Oswego Planning Department  
Community Development  
380 A Avenue  
Lake Oswego, OR 97034

RECEIVED

JUN 09 2017

CITY OF LAKE OSWEGO  
Community Development Dept.

RE: Preliminary On-Site Parking Replacement Plans

Dear BFR Project Advisory Committee and Planning Commission Members:

I am writing to you regarding the Preliminary On-Site Parking Replacement Plans which propose for the removal of over 20 significant trees. I am opposed to removing so many of these trees in order to make way for parking spaces. I urge the Planning Commission to find ways to mitigate the removal of this many trees by strongly pursuing other parking options and not give up easily on acquiring properties that can be developed to serve this purpose.

My concerns include the removal of trees on the Naomi's Lampshades property which defines the characteristics of Lake Grove. Another concern is the removal of the maple tree on the Gubanc's property which serves a visual screen between the commercial and residential zone. Riccardo's Restaurant calls for a removal of a native fir tree as does the Keller Williams property. Most important there is a grove of fir trees which is being proposed for removal from the Jenike Property. Once these trees come down, they are irreplaceable.

Removing these significant trees will have a negative impact on the neighborhood, resulting in a loss of natural beauty that contributes to our street's charm and character. They serve as a windbreak and protection for the neighboring trees, produce shade and buffer the sun (reducing energy costs), control the noise pollution, and assist with the soil stability, erosion prevention, and the flow of surface waters. The loss of these trees would significantly alter the distinctive features of our neighborhood's skyline.

By removing these trees, this would be violating several goals from both the Lake Grove Village Plan and the Lake Grove Neighborhood Plan as follows:

**Comprehensive Plan of the Lake Grove Village Center Plan, Ordinance 2454**

"Natural Resource Concept

Lake Grove's village character is shaped by a respect for and preservation of natural resources."

**"Goal 8. Protect Natural Resources and Enhance the Natural Environment Within the Village Center.** Strengthen Lake Grove's character, enhance quality of life, and promote clean, efficient practices through stewardship of the natural environment.

8.1 Preserve existing trees and tree groves, in particular native species to the greatest extent practicable."

**LAKE GROVE NEIGHBORHOOD PLAN**

**“Goal 5: Open Spaces, Scenic and Historic Resources and Natural Resources Goal, Policies and Recommended Action Measures**

Preserve Lake Grove Neighborhood’s natural resources and wooded character.

- 3. Preserve and where possible enhance the Lake Grove Neighborhood tree canopy by:
  - b. Requiring developers to maximize the preservation of trees to maintain and enhance the cohesive quality of existing tree groves;
  - c. Requiring, when new development is proposed, **protection** of significant existing trees by including these resources as part of an open space reserve area.

5. The development review process shall emphasize **protection of significant trees** rather than allowing removal and subsequent mitigation through replanting.”

**LAKE GROVE NEIGHBORHOOD PLAN Goal 10: Housing/Residential Land Use Goals, Policies and Recommended Action Measures.**

**Preserve the livability and aesthetic character of Lake Grove’s Residential Neighborhoods.**

- d. **Preservation of existing mature canopy trees and other significant trees\*** and other landscape features\*

The City of Lake Oswego prides itself on its trees. As stated on the City’s website: *“The purpose of the Tree Code is to preserve the wooded character of the City of Lake Oswego and to protect trees as a natural resource of the City”*

In addition to:

*Many factors contribute to a high quality of life in Lake Oswego. Few things contribute more to Lake Oswego’s livability than its natural beauty. The abundant groves, flourishing street trees, densely wooded parks and open spaces attest greatly to the City’s charm and character. Trees contribute generously to private landscapes, and provide privacy and noise buffers between land uses.*

I urge you to reconsider the removal of this many significant trees that are a natural resource of the Lake Grove Neighborhood. We are quickly losing the “wooded character of the City of Lake Oswego”. Removing this many trees would have a negative impact on our aesthetics and property values and go against the city’s code and values. We need to be creative in finding solutions and persistent in finding other resources to help seek out properties that can be used for parking. Do not let deadlines pressure us into giving up and just removing these trees. Once they are cut, they are irreplaceable in our lifetime.

Sincerely,



Dienne Irwin  
4343 Sunset Drive, Lake Oswego OR 97035

cell 572-6020

LU 47-0028 *didie@green25.com* Attachment 3-c/Page 2 of 2