

# STAFF REPORT

# CITY OF LAKE OSWEGO

## PLANNING DIVISION

APPLICANT/OWNER:

GTK Property Management, LLC  
and Psihogios Properties, LLC

FILE NO:

LU 12-0042

TAX LOT REFERENCE:

Tax Lots 12800, 12900, 13000 and 13100 of 21E08 BC

STAFF:

Debra Andreades, AICP

LOCATION:

3996 Douglas Way

DATE OF REPORT:

February 22, 2013

COMP. PLAN DESCRIPTION:

GC (General Commercial), with  
Lake Grove Village Center Overlay

120-DAY DECISION DATE:

May 24, 2013

ZONING DESIGNATION:

GC (General Commercial), with  
Lake Grove Village Center Overlay

DATE OF HEARING:

March 4, 2013

NEIGHBORHOOD ASSOCIATION:

Lake Grove

**I. APPLICANT'S REQUEST**

The applicants are requesting approval of a Development Review Permit for construction of a new commercial building, including the following major adjustments to the Lake Grove Village Center Standards:

- A reduction in percentage of Storefront display window requirement along the building frontage on Douglas Way
- Reduction to parking lot landscaping requirements in several areas, including width of landscaped islands (more than 20%) within the parking lot and adjacent to the pedestrian walkway
- Elimination of trees and/or shrubs in several parking lot landscaped islands

\* A separate permit has been applied for removal of 11 invasive trees: 10 hawthorns and one Norway maple. Invasive trees removals do not require mitigation planting.

**II. RECOMMENDATION**

**Approval** of LU 12-0042, with conditions. The complete listing of conditions is provided on pages 31 through 35 of this report.

### III. APPLICABLE REGULATIONS

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

LOC 50.02.002.1-2	Commercial Districts-GC Zone Description
LOC 50.03.002	Commercial Districts-Use Table
LOC 50.04.001.4	Site Development Limitations -Commercial Zones
LOC 50.05.007.1-50.05.007.7	Lake Grove Village Center Overlay District
LOC 50.06.002	Off-Street Parking, Loading, and Bicycle Access
LOC 50.06.003.1	Access
LOC 50.06.003.2	On-Site Circulation - Driveways and Fire Access Roads
LOC 50.06.003.3	On-Site Circulation - Bikeways, Walkway and Accessways
LOC 50.06.003.5	Transit System
LOC 50.06.004.3	Lighting Standard
LOC 50.06.005	Park and Open Space
LOC 50.06.006.1	Weak Foundation Soils
LOC 50.06.006.3.b; 50.07.004.1	Drainage Standards
LOC 50.06.008	Utilities
LOC 50.06.011	Vision Clearance
LOC 50.08.006	Lake Grove Village Center Adjustments
LOC 50.07.003.1.b	Burden of Proof
LOC 50.07.003.5	Conditions on Development
LOC 50.07.003.14	Review of Minor Development Applications
LOC 50.07.003.7.b and c	Appeal of Minor and Major Development Decisions
LOC 50.07.003.6	Effect of Decision
LOC 50.07.003.10	Certificate of Occupancy

#### B. City of Lake Oswego Streets and Sidewalks [LOC Chapter 42]:

LOC 42.03.005-42.03-210	Street Design Standards, Construction Permits
LOC 42.12.610-42.12.670	Permit Required, Conditions, Corrections
LOC 42.08.400-42.08.470	Sidewalk

#### C. City of Lake Oswego Tree Chapter [LOC Chapter 55]:

LOC 55.08.020	Tree Protection Plan Required
LOC 55.08.030	Tree Protection Measures Requirements

*\*Ordinance 2526, which was approved by the City Council on December 18, 2012, and went into effect on January 17, 2013, modified numerous development standards in the code. This application was submitted on September 7, 2012; therefore, it is being reviewed under the standards that were in effect at the time of application submittal.*

### IV. FINDINGS

#### A. Background/Existing Conditions:

1. The site (Tax Lots 12800, 12900, 13000 and 13100) is approximately 40,384 square feet in size, and has frontage on Douglas Way (a local street), located opposite from Hallmark Dr. and Boones Ferry Road, an arterial, (Exhibit E-1).

2. The site is zoned General Commercial (GC) with the Lake Grove Village Center Overlay (LGVCO). Surrounding properties to the north, east and west are also zoned GC with the LGVCO and developed with commercial uses. The property to the south is zoned Public Function (PF) and contains the Lake Grove Elementary School (Exhibit E-2).
3. Tax Lots 13000 and 13100 are currently vacant. Tax Lot 12900 contains an existing parking area associated with the commercial business on Tax Lot 12800 that fronts on Boones Ferry Road. Tax Lots 13000 and 13100 are in separate ownership from Tax Lots 12800 and 12900, however, the four tax lots will be reviewed as a unified site plan. Parking and access for all properties will be provided through a development agreement that was executed in 2010 (Exhibit F-8).

**V. REVIEW AND APPROVAL PROCEDURES**

A. Neighborhood Meeting

Per, LOC 50.07.003.1.f, the applicants have complied with all neighborhood notification and meeting requirements. The minutes of the meeting are included in this report as Exhibits F-9 and F-10.

B. Public Notice to Surrounding Area:

Pursuant to LOC 50.07.003.3.e, the City has provided adequate public notice and opportunity for comment on this application. One letter in support was received as of the date of this report (Exhibit G-100).

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 applicants have provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end this report.

D. Classification of Application

LOC 50.07.003.14.a describes the construction of a structure other than a detached single-family dwelling, duplex, zero lot line dwelling or accessory structure as a minor development.

E. Minor Development 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. ZONES AND SITE SPECIFIC STANDARDS [LOC 50.02]

### SITE DEVELOPMENT LIMITATIONS

#### BASE ZONE [LOC 50.02]

##### General Commercial (GC) Zone [LOC 50.02.002.1-50.02.002.2]:

The site is zoned GC (General Commercial). Commercial office uses, including totally enclosed veterinarian's facilities, are permitted uses in the GC zone, (Table 50.03.002-2, Commercial Uses). Per LOC 50.02.002.2.d, traffic management requirements apply to specific locations and a Traffic Management Plan (TMP) shall be submitted with a complete application. Information shall be provided from a registered traffic engineer on the current p.m. peak service level status and volume to capacity ratio of the intersections affected by the development, and also information on the p.m. peak traffic that will be generated by the proposed development.

The applicant has submitted a Traffic Management Program that addresses the requirements of this standard (Exhibit F-6). The recommended Traffic Management Program was prepared by a registered traffic engineer and focuses on strategies that would be appropriate for a veterinary hospital. Typical trips to and from the project site would be made by employees, clients with their pets and deliveries. Traffic management Strategies which are aimed to reduce single occupant vehicle trips by employees include transit pass subsidy, alternative mode incentives, bicycle programs and walking programs, however, as indicated in Exhibit F-6, with the addition of trips generated by the proposed project, the Boones Ferry Rd/Douglas Way intersection would operate at level of service "C" during peak hours, not consistently exceeding level of service "C". Therefore, the threshold for requiring implementation of these strategies is not reached. This standard is met.

The site development standards for the GC zone are superseded by the Lake Grove Village Center overlay district [LOC 50.05.007.2.a.i.]. These standards are addressed below.

#### OVERLAY AND DESIGN DISTRICTS [LOC 50.05]

##### Lake Grove Village Center Overlay District (LGVCO) [LOC 50.05.007.1-50.05.007.7 and 50.08.006]:

The site is located within the Lake Grove Village Center Overlay District (LGVCO). The LGVCO has special standards to ensure that the desired features and character of the district are maintained. Certain general sections of the Code are superseded - Commercial Site Development Limitations, LOC 50.04.001.4.a and Building Design, LOC Article 50.06.001.5. Additionally, in instances where the LGVCO and other Lake Oswego codes regulate the same matter, the LGVCO standards take precedence, even if the LGVCO standards are less restrictive.

##### Requirements based on locations within the District; Applicability [LOC 50.05.007.3]

Within the LGVCO, certain areas have specific designations:

- Village Transition Areas - where special height and design standards and use restrictions apply. Per Figure 50.05.007-B, the subject site is not in a Village Transition Area.

- Urban Village Design Area: Besides the general requirements of LOC 50.05.007.7.d.i, per Figure 50.05.007-D: Village Character Map, the site is designated:
  - Storefront Window Village Cross Street, and the standards of LOC 50.05.007.5.i apply, and
  - Urban Streetfront Environment, and the standards of LOC 50.05.007.7 apply.
  - Pedestrian Connection, Village Character Map shows a pedestrian connection through the site that has a visual connection with the Festival Street designation on Hallmark Drive, which is located north of the site. The applicant is providing a 12-foot wide pedestrian easement through the site which will be discussed in more detail, below.

The unified site consists of a proposed veterinary clinic building (on Tax Lots 13000 and 13100) and an existing structure on Tax Lot 12800, and parking and access on Tax Lot 12900, Exhibit E-5). The existing structure on Tax Lot 12800 is not being remodeled at this time. The LGVCO standards are applicable only to the new (or remodeled) development (building or parking lot), not to existing structures that are not being redeveloped. LOC 50.05.007.3.c.i

Site Development Standards [LOC 50.05.007.4]

These standards are intended to encourage buildings to be built at a pedestrian scale and create a district that appears and operates like a traditional village. The site development standards applicable to the site are shown in the matrix below.

Tax Lots 12800, 12900, 13000, and 13100		
	Standard	Proposed
Height		
- Base Zone	45 feet	28' 5**
- Minimum height at street (50% of building width that meets build-to line)	18 feet	Complies (varies between 20-26')**
Setbacks		
- Base Zone	None	
Streetfront Environment		
- Build-To Line	10 feet	Varies between 0' and 2' (north)**
- Min. Street Frontage	60%* (with shared access)	~55%, with pedestrian pathway*, **
Lot Coverage-Base Standard (public walkway easement included as part of the site, per LOC 50.05.007.6.b.ii(2)(f)(ii))	50%	32% (13,030 sf)*** See Exhibits E-13 and E-30.

\*Per LOC 50.05.007.4.e.ii(4), the minimum street frontage requirement may be reduced to the degree necessary when a five-foot wide pedestrian walkway is provided along the driveway

The proposal includes a 12-foot wide pedestrian pathway along the driveway.

\*\*Data is for new veterinary clinic only; existing structure on Tax Lot 12800 is non-conforming but is not affected by the proposed development

\*\*\*Lot coverage of the unified site includes the proposed structure on Tax Lot 13100 and the existing structure on Tax Lot 12800.

As shown in the matrix above, the proposed new structure meets all of the site development standards.

## Building Design Standards [LOC 50.05.007.5]

The design standards are intended to promote a variety of architectural styles, encourage pedestrian access and use of streets and gathering places, and foster compatibility with existing structures of good design and adjacent residential neighborhoods.

### **Style and Character [LOC 50.05.007.5.b]**

*Village character shall be derived from a variety of architectural elements, details, forms and materials to create an eclectic mix of many architectural styles.*

*The following architectural styles are permitted throughout the village center: Italianate, Arts and Crafts/Art Nouveau, Oregon Rustic/National Park, Colonial/Georgian and Cape Cod.*

The applicants state (Exhibit F-1) that the proposed building includes elements of the Oregon Rustic and Italianate styles and that there are no other commercial developments in the surrounding area that contain a similar style. Some of the elements that characterize the Italianate style include low pitched hipped or gable roofs, asymmetrical shape, horizontal shiplap siding and tall windows. Some of the elements of the Oregon Rustic style include moderately pitched hipped and gable roofs, large stone chimneys, asymmetrical composition and use of natural materials. As indicated in the building elevations (Exhibits E-16 and E-17), the design of the proposed building has an asymmetrical composition, hipped roof and tall windows on the first level creating a relationship to the Italianate style. The natural building materials and strong stone entrance relate well to the Oregon Rustic style.

*Monotony of design shall be avoided in relation to surrounding development. Building styles shall not be repeated if doing so results in a defining dominant style of the block.*

As stated, there are no other commercial developments in the surrounding area that contain a similar building style. As shown in Exhibit E-31, other development in the immediate vicinity is single or two- story, with a variety of exterior materials and roof styles, including the Lake Grove Elementary School to the south. The proposed design incorporates natural materials: clear finish cedar siding and cultured stone and display windows, providing a distinctive design that is distinct but compatible with surrounding development (Exhibits E-16, E-17, and E-33).

*Building components such as windows, doors, eaves and parapets shall be of proper proportion and be placed in relationship to one another as determined by the architectural style of the building.*

The applicants state, and staff concurs, that consistency among sections of the building are achieved by well-proportioned spacing for the windows, the proportions of which are related to the Italianate style.

### **Design Features [LOC 50.05.007.5.c]**

*Building designs shall feature complex massing, balanced composition, and richly textured and visually engaging facades.*

The building contains complex massing, hipped roofs and eaves that are 2-3 feet deep, depending on location. Along with the cedar siding and stone entrance with pre-cast concrete lintel, the steel canopies at the frontage along Douglas Way create richly textured visual

interest and rain protection for the pedestrian environment which leads the eye towards the public pedestrian path through the site (Exhibits E-16 and E-33). Changes in plane and material create articulation and balance on each façade. This standard is met.

*Landscaping shall be integrated with the architecture, and shall be used to define building proportion relationships and to provide scale to the structure as a whole. Drought-tolerant species shall be "specified." Buildings shall be designed and located to complement and preserve existing natural land forms, trees, and other natural vegetation. Land forms and trees shall be incorporated as design elements which relate to building elevations to determine scale and proportion.*

As indicated on the landscape plan (Exhibit E-24), street trees will be placed in wells along the site frontage and landscape planters at the front (north elevation) will define the building proportions and provide scale to the structure. The pedestrian pathway through the site will be planted with numerous trees, shrubs and groundcover to further provide scale to the east elevation of the structure. The plant list contains a variety of drought-tolerant plants (for this area). The site has few existing trees; however, a 17-inch maple on the western portion of the site is not being removed and a western red cedar will be planted on the southwest corner that will serve to anchor the site visually. This standard is met.

The applicant has been exempted from placing trees in the planter along the east property line because, as shown in the landscape plan<sup>1</sup> there is a line of mature trees along the parking area on the east property line. These trees are on the adjacent property which is not under the control of the applicants. The landscape plan also shows viburnum in the planter area east of the proposed parking lot.

*Design elements such as awnings, doors, downspouts, foundations, lights, signs, stairs and windows, etc., to be complementary in appearance to those buildings or structures with which they are associated.*

The applicants are proposing steel metal canopies along two portions of the north façade, above the pedestrian walkway. The type of canopy is shown in Exhibit E-18 and will be painted a dark color (Subway) to complement the building materials as shown on the Color and Materials Board (Exhibit E-33). The aluminum clad windows and doors, as specified on Exhibit E-26, have a bronze color which complements the lighter brown of the cedar siding and Cobblefield Gray color of the stone at the northeast entrance to the building. The light fixtures are mounted on the building on the north, south and east elevations and there is a pendant light over the entrance at the northeast corner of the building (Exhibit E-16). The style of lighting is shown in Exhibit E-29. The style, with a dark bronze finish, is complementary to the design of the building. The colored concrete base of the building will match the Subway paint color as indicated on Exhibits E-17 and E-33, as well as the trim boards and wood columns on the second floor porch painted the same color.

The public pedestrian easement through the site contains a bench and there is a bench specified in the right of way on Douglas Way close to the entrance of the pedestrian walkway. The bench, garbage receptacles and bike rack are specified in Exhibit E-25. To unify the relationship between elements of the building, as a condition of approval, the bike rack shall be painted dark bronze to complement the trim and foundation on the building.

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<sup>1</sup> Staff notes that on the eastern portion of the site, a portion of Tax Lot 12900 is intended to be built in Phase 2 of the private Development Agreement. However, an evaluation of the entire tax lot is part of this application and review.

## **Pedestrian Features [LOC 50.05.007.5.d]**

*Buildings shall be located within 30 feet of a public street. Buildings within 30 feet of one or more public streets shall have a public entrance directly from at least one public street.*

The site abuts Douglas Way. As indicated on the site plan (Exhibit E-5), the proposed building is located within 30 feet of the street. A sidewalk will provide direct public access from the street. This standard is met.

*Entries shall be sheltered and emphasized through the use of canopies, overhangs, awnings or arcades.*

As shown on the site plan and elevations (Exhibits E-5 and E-16), the front of the building is sheltered by a metal canopy and the northeast entry contains a small plaza entry covered by the second floor porch above and emphasized by a change of material—stone at the base. The two entries in the rear on the south elevation, which upon review of the first floor plan (Exhibit E-19), are presumably employee entrances, are covered by three foot eave overhangs (Exhibit E-16). This standard is met.

*Walkways shall be continuous, direct and free of barriers such as poles or other obstructions.*

As shown on the site plan (Exhibit E-5), the public walkway on Douglas Way connects to the pedestrian walkway through the site which also provides access to the rear of the building and the parking lot. The walkway is designed to be American with Disability Act (ADA) compliant, (free of obstructions). This standard is met.

*Streetscapes and public areas shall provide for “layers” of design elements such as benches and walls, landscaping, street trees and walkways.*

As shown on the landscape plan (Exhibit E-24), street trees and landscape pots in front of the building will be provided along Douglas Way which will connect to the pedestrian walkway. The walkway will contain trees, shrubs, a bench and scored and stamped concrete to differentiate it from other walkways. This standard is met.

*Windows shall be numerous and placed at the pedestrian level to provide a visual connection to the street environment and public areas.*

As shown on the elevations (Exhibit E-16), the north elevation abutting the street is dominated by windows and placed at a pedestrian level. The east elevation along the public walkway also has some windows at the pedestrian level, especially those of the lobby, adjacent to the beginning of the public pathway. This standard is met.

*Within the Build-to Line, rain protection shall be provided over windows and entrances along the frontage of any building that abuts a public sidewalk or walkway, and shall consist of awnings, canopies or projections extending a minimum of four feet or half the width of the sidewalk or walkway from face of window wall; vinyl awnings are prohibited*

As indicated on the elevations (Exhibit E-16 and Exhibit E-18), four metal canopies are proposed along the front of the building on Douglas Way. This standard is met.

*Exterior building lighting shall be provided at a scale to enhance the pedestrian environment as part of the architectural concept. Fixtures, standards and exposed accessories shall be*



*compatible with the building and overall site design. Lighting shall be shielded, directed downward, and designed to prevent glare on abutting properties.*

Specifications for the lighting proposed for the exterior of the building are found in Exhibit E-29. The design of the wall mounted lights and pendant under the northeast entrance is of an Arts and Crafts style that relates well to the Oregon Rustic style and is compatible with the design of the building. The proposed lighting directs the lighting downward, and with full cut-off, is designed to prevent glare on abutting properties. In addition, the color is dark bronze which is compatible to the building colors (Exhibit E-33). This standard is met.

#### **Roofs [LOC 50.05.007.5.e]**

*Flat roofs are permitted only on buildings greater than 20 feet in height. Mansard roofs are prohibited. Buildings shall be designed and constructed with roof angles, overhangs, flashings, and gutters to direct water away from the structure, pedestrian walkways and outdoor public places.*

As indicated on the building elevations (Exhibit E-16), the proposed roof forms are hipped gables with three canopies that extend four feet from the building along the elevation facing Douglas Way and gutters that will direct water away from the structure and pedestrian walkways. This standard is met.

#### **Screening and Buffering [LOC 50.05.007.5.f]**

*Building vents and mechanical equipment shall be screened from ground level view with materials harmonious to the building. Roof-top mechanicals shall be screened from ground level from all sides.*

The Upper Level Floor Plan (Exhibits E-20) and Elevations (Exhibit E-16) show that mechanical equipment will be placed in wells on the east and west sides of the building that are not visible from Douglas Way. As indicated in Exhibit E-20, in the well on the east side of the building, the roof top units are 42 inches high and screened by a parapet that visually is part of the roof form and clad with composition roof-Autumn Blend (Exhibit E-33). The parapet on the east side is 46 inches high but on the south side is 41 inches high. Because the four mechanical units in this well are clustered toward the north of the well, the closest one 18 feet from the south limit of the well, the screening will be sufficient. In the well on the west side of the building, the parapet is 41 inches high with two mechanical units, 42 inches in height, located seven feet from the edge of the parapet. However, a third unit is 55 inches in height. As a condition of approval, this unit must be replaced with a shorter unit to ensure that it will be sufficiently screened. As conditioned, this standard is met.

*Buildings shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property by minimizing the window surface on sides facing adverse sound sources; locating noise-generating equipment so that operating noise does not affect use of living areas such as bedrooms, outdoor decks or patio areas and adjacent property; and using solid barriers such as fences, berms, natural land forms and structures compatible with adjacent buildings to reduce sound levels.*

The proposed structure is not adjacent to a residential zone. Surrounding uses (commercial; institutional) are of such a nature that the noise impacts of the enclosed veterinary offices will not cause adverse sound sources to them. Additionally, the 12-foot wide pedestrian pathway with landscaped buffer is located along the east side of the building adjacent to the

drive aisle property line (Exhibit E-5), which will also reduce noise levels to the east side. This standard is met.

**Materials [LOC 50.05.007.5.g]**

*Materials for walls and exterior components shall be complementary to each other, durable and of high quality. The following exterior materials are prohibited: EIFS and other synthetic stucco, metal and vinyl siding, T-111, composite wood siding, mirrored glass, standard form concrete block, back-lighted fabrics, plastic, fiberglass and corrugated metal.*

As discussed under Design Features, above, the proposed exterior materials provide a richly textured facade. The materials include cultured stone, cedar bevel siding with clear finish and numerous windows and dark trim. The materials for the walls and exterior components are found to be complementary to each other, durable and of high quality. This standard is met.

*Roof materials shall be limited to slate, tile, shakes, wood shingles or synthetic materials that are designed to and do appear to be these materials.*

As indicated on Exhibit E-33, asphalt shingles (Presidential Shake Autumn Blend) are proposed for the roof material. This standard is met.

*Natural or subdued building color shall be used for expanses of exterior surfaces. Bright or primary colors for entire walls or roofs shall not be allowed, and the use of bright accent trim colors shall be limited.*

The cultured stone for the northeast entrance consists of Cobblefield Gray, a natural but not dark color of stone which will be complemented by clear bevel cedar siding, and trim board accent that will be painted a dark color Subway (Exhibit E-33). This standard is met.

**Urban Village Design Areas [LOC 50.05.007.5.i]**

*To promote scale and design features appropriate to a street orientation, the following standards apply for properties designated Urban Village on the Village Character Map, LOC Figure 50.05.007-D. The subject site has this designation.*

*Primary public entrances shall be oriented to a public street and located within 30 feet of that public street. Primary public entrances shall be accessed directly from a sidewalk adjacent to a public street or public plaza.*

The primary entrance to the proposed structure abuts Douglas Way, located within 30 feet of the street, and accessed from a sidewalk (Exhibit E-5). This standard is met.

*A side or rear elevation greater than 750 square feet in area must be divided into distinct wall planes of 750 square feet or less, resulting in a change in plane surface which projects or recedes at least 2 feet from the adjacent plane, for a length of at least 6 feet.*

As indicated on Exhibit E-14, all wall planes comply with the limitation. This standard is met.

*A minimum of two of the following design features are required:*

- (1) A primary roof feature with a minimum slope of 6:12, sloping up and away from any abutting street (mansard roofs are prohibited). Secondary roof forms or architectural features such as dormers or bays may form gables facing the street.*
- (2) Windows, balconies, or entryways to balconies or terraces that create the perception of depth and transparency and establish a human scale at upper stories.*
- (3) A variation in materials, textures, colors, and shapes that make stories above the second story appear to recede from view.*
- (4) A public plaza that meets the requirements of subsection 50.05.007.5.i.iii.*

The primary roof on the proposed building has a 6:12 pitch, sloping away from the street (subsection 1). The proposed design contains two balconies: one on the northwest corner and one on the northeast corner that create a perception of depth on the second story (subsection 2). The design also includes a variety of shapes, materials and colors that create visual depth and draw the eye into the site (Exhibit E-17).

*The following standards apply to those sites designated as Storefront Window on the Village Character Map, Figure 50.05.007-D. The site is designated as such.*

*Provide a storefront appearance on the ground floor: awnings, signs and lights shall be designed to define the first floor retail frontage; a break in building planes, awning or canopy construction shall occur at intervals not to exceed 25 feet; a minimum of 80% of the exterior ground floor that is at or within the build to line shall be designed as storefront with display windows and entry features; display windows shall have a depth of at least two feet and allow views of activity within the building; the bottom edge of windows abutting the street frontage shall be no more than 30 inches above and no less than 12 inches above grade.*

Canopies are proposed on the Douglas Way frontage; two canopies are 20 feet long and the third canopy is 16 feet long, complying with the standard. The exterior ground floor is 100'7" feet in length which would require 80.5% of display windows. The building is proposed with 74'6" of display windows. The applicants have requested an adjustment to this standard which will be discussed below. The bottom edge of the windows are between 1'8"-2'2" inches above the grade complying with the standard. Staff notes that there is a window on the northwest corner of the building that is higher as it functions for the electrical service room in the building and is not part of the storefront window calculation. The Main Level Floor Plan (Exhibit E-19) indicates that the ground floor windows allow views of the Veterinarian Clinic Lobby, a re-hab area and employee work stations. Except for the requirement for 80% storefront windows, which is proposed to be adjusted, this standard is met.

#### **Site Planning Standards [LOC 50.05.007.6]**

*These standards are intended to ensure enhanced safety, convenience and attractiveness for walking, transit use and bicycling; safe access to businesses; conservation and promotion of large-scale native trees, and buffering between dissimilar uses.*

#### **Transportation System**

*Streets, alleys, traffic controls, crossings, pedestrian, bike and transit facilities, parking facilities and access shall be provided and developed in accordance with the following:*

## Street Network

The existing street network abutting the site complies with LOC Figure 50.05.007-T: Street Network Map, and no alterations are proposed.

## Parking Facilities and Access Coordination

*As indicated in LOC Figure 50.05.007-U; Parking Facilities and Access Coordination Map, the site is in an area where coordinated access is to be provided by establishing shared access and shared parking while minimizing direct access to Boones Ferry Road.*

The Veterinarian Clinic site (Tax Lots 13000 and 13001) is being developed as part of a unified site plan with Tax Lot 12900 which has the same ownership as Tax Lot 12800 that fronts on Boones Ferry Road. Tax Lot 12800 is not being redeveloped at this time, however, there will be shared access for the Veterinarian Clinic and the commercial business on Tax Lot 12900/12800 (Exhibit F-8) as well as shared parking. This will facilitate minimization of direct access to Boones Ferry Road in the future if Tax Lot 12800 re-develops. As indicated on the Landscape Plan (Exhibit E-24), street trees will be provided per the Urban Sidewalk Option on LOC Figure 50.05.007-BB, Pedestrian Walkway.

## Pedestrian Facilities and Streetscape

Easterly from the west end of the intersection with Hallmark Drive, the fronting Douglas Way is designated as a Storefront Window Village Cross Street; westerly from the west end of the intersection with Hallmark Drive, Douglas Way is only an Urban Street Design:



*The Urban Streetfront Environment standards of LOC 50.05.007.6.b.ii(2) requires an 8 ft. minimum width sidewalk, 4-5 ft. pedestrian through zone, and 3-4 ft. Stormwater Planting/Furniture Zone, per Figure 50.05.007-CC, Storefront Window Village Cross-Street and TABLE 50.05.007-7)*

Based upon the 12-foot wide street dedication (Exhibit E-5) applicable to this site to provide for future bike connections, it will provide for an 8-foot wide sidewalk with a five-foot pedestrian zone and three-foot area for street light and furniture (in compliance with the Storefront Window Streetscape for Village Cross-Streets per Figure 50.05.007-CC). This standard is met.

## **Sidewalks and Pathways; Easement**

*Continuous and connecting hard-surface pedestrian sidewalks and pathways, within a public easement of sufficient size for required sidewalk, shall be provided in accordance with the locations, designs and widths identified in this section.*

A 12-foot wide street dedication (Exhibit E-5) is needed to provide for future bike connections, an 8-foot wide sidewalk with a five-foot pedestrian zone and three-foot area for street light and furniture to comply with the Storefront Window Streetscape for Village Cross-Streets standard per Figure 50.05.007-CC). See also discussion regarding Chapter 42 Streets and Sidewalks, below. A concrete sidewalk is included in the applicants' plan. This standard is met.

## **Abutting Parking Facilities Connections**

*Driveways and parking aisles shall be designed to create connections to abutting commercially zoned parking facilities within the Lake Grove Village Overlay District when practical. The location of access connections shall be based on the Parking Facilities and Access Coordination Map, Figure 50.05.007-U.*

The site is based on a unified site plan for two adjoining commercial uses. The driveway and parking facility provide for shared use between the two commercial uses.

## **Access Coordination – Access Master Plans**

*When shared driveway access to Boones Ferry Road (as required by subsection 6.b.ii(2)(g) of this section) or connections between parking facilities on abutting properties (as required by subsection 6.b.ii(2)(h) of this section) are dependent on redevelopment of the abutting property, the required shared access and/or property connections may be temporarily postponed; provided, that an access master plan is approved by the reviewing authority.*

This subsection is not applicable because the connections between parking facilities is not being deferred for this unified site plan application.

## **Parking [LOC 50.05.007.6.c]**

*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. Shared off-street parking between different businesses and land uses shall be required when practical. Access to parking facilities shall be based on the Parking Facilities and Access Coordination Map, Figure 50.05.007-U. This standard also provides for reductions in the number of parking spaces required in certain circumstances.*

Pedestrian safety features are provided within the site by a change of surface material to stamped concrete, where the public pathway through the site crosses the drive aisle into and out of the parking lot (Exhibit E-5). The opportunities for LGVCO parking reduction of parking do not exist on this site. [See discussion of general parking reductions to numerical requirements, below]. This standard is met.

### **Street Lighting [LOC 50.05.007.6.d.i and d.ii]**

*Cobra head light fixtures are prohibited. Lighting shall be shielded, directed downward, and designed to prevent glare. Street lighting shall be provided as set forth in LOC 50.05.007.7.d, Village Streetfront*

As indicated in Exhibit E-27, the street light proposed along Douglas Way is an ornamental Providence style, matching those along the more recent developments in Lake Grove and in the East End Design District. The location complied with LOC 50.05.007.7.d. This standard is met.

### **Landscaping Requirements [LOC 50.05.007.6.e]**

*These standards reinforce village scale and character, buffer dissimilar uses, and ensure a unified streetscape theme and continuity within the Lake Grove Village Center Overlay District.*

*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.*

The unified site is approximately 40,384 square feet in size, which requires approximately 6,058 square feet of landscaping. Per LOC 50.05.007.6, area within a required public easement for a sidewalk or pathway, such as proposed on this site, may be counted as landscaped area. The landscape plan (Exhibit E-24), indicates approximately 5,192 square feet or 12.8% landscaping, including the public pathway through the site. The proposed landscaping is deficient by 866 square feet. This is based on a total site area of 40,384 square feet, which includes Tax Lot 12800 where there is an existing commercial structure that is non-conforming with regard to this and several other LGVCO standards and has a right to continue per LOC 50.01.006.1.d. This structure currently houses a paint store that requires deliveries made by large trucks. To accommodate truck access and loading/unloading on site, two areas adjacent to the parking on the eastern portion of Tax Lot 12900 contain grasscrete and crinkle leaf creeper (Exhibits E-7 through 9), rather than shrubs and trees as required by LOC 50.05.007.6.e.iv, v, vii and viii. The applicants have applied for an adjustment for these areas, discussed below.

Therefore, when Tax Lot 12800 redevelops in the future, it should provide 866 square feet of additional landscaping at that time. As conditioned, this standard can be met.

*The landscape plan shall incorporate large-scale native northwest trees such as Douglas fir, western red cedar, western hemlock, California incense cedar, oak or maple. Drought resistant plant materials that are either native or have naturalized to the locale shall be featured. Emphasis shall be on informal, natural arrangements of plant materials that over time will form groves of trees around buildings, parking lots, and within required landscaped buffers. Existing significant vegetation which is preserved as part of an approved development application shall be counted toward fulfillment of this section.*

One existing 16-inch maple on the site, will not be removed by this development permit. The landscape plan (Exhibit E-24) indicates that 53.6% of the trees proposed are native or naturalized trees, including Armstrong maples, Oregon ash and a Western Red cedar. The

native Western Red cedar is proposed on the southwest corner of the site where there is a larger planting area. The planting plan includes shrubs, 53.4% of which are native or naturalized: Golden Ruby barberry, Rhododendron, Limewound Spirea, Oregon Grape, Elk River Red Flowering Currant, Spirea and Evergreen Huckleberry.

*One tree with a minimum of 2 to 3 inches in caliper at 54 inches above grade shall be provided for every 500 square feet of landscaped area. Where such conditions warrant, native trees such as Douglas fir, western red cedar, western hemlock, oak and maple of at least 2 inches diameter in caliper and which reach a mature height of at least 70 feet shall be planted.*

The applicants propose to provide 5,192 square feet of landscaping, which will require 11 trees. They are proposing 24 trees, 11 of which are 2" caliper Zelkovas, Oregon Ash or Armstrong Maple at 54 inches above grade (Exhibit E-24). The Western Red cedar proposed on the southwest corner of the site reaches a mature height of 50-70 feet and is appropriate for the location because this is the only area where there is a planting space of at least 10 feet. As a condition of approval, a note on the landscape plan shall be provided that requires removal of the burlap and/or wire cages from all trees and shrubs prior to planting.

*At least 15 shrubs of a minimum two-gallon size shall be provided for every 500 square feet of landscaped area. All remaining areas shall be treated with suitable mulch applied to a depth of no less than 3 inches.*

The landscaped areas will be planted with a combination of groundcover and a minimum of two-gallon shrubs. At a rate of approximately 15 shrubs per 500 square feet, 156 shrubs are required. The landscape plan (Exhibit E-24) shows a total of 193 shrubs. This standard is met.

*Street trees (minimum of 2 inches in caliper) shall be provided within or immediately adjacent to the public right of way or a public easement at an average of every 30 linear feet along the entire development site frontage. When trees are not planted in a planter strip or landscaped area, tree wells, with approved permeable material that provides a minimum of 12 square feet of surface area, shall be provided for each tree.*

The site plan (Exhibit E-5) indicates that there is 180 feet of right of way along the frontage of the site. At 30 feet on center, this would require six trees, however, due to the area needed for the driveway and vision clearance requirements, the applicants propose three Armstrong maple trees along Douglas Way, spaced approximately 30 feet apart in 12-square foot tree wells as required (Exhibits E-5 and E-24). There is a fourth tree, a Zelkova that is located at the property line at the beginning of the pedestrian pathway that is close enough to the sidewalk to function as a street tree. Staff notes that Chapter 42 (Streets and Sidewalks) discussed below, requires five feet of sidewalk clearance for ADA access. The site plan shows that to meet this clearance two of the trees would have to be moved slightly east to be in line with notches in the building that will facilitate compliance with this standard. As a condition of approval, the final site plan shall show the tree wells moved to comply with ADA standards while continuing to space the trees evenly apart. As conditioned, this standard is met.

*Parking area landscaping shall emphasize naturalistic groupings utilizing plant materials that are either native or have naturalized to the locale. Landscape design shall buffer and screen off-street parking areas from adjoining residential uses.*

As shown in Exhibit E-24, the landscaping emphasizes native plant materials such as spirea and Oregon grape; the parking bays will be planted with 3" Oregon ash and native shrubs. There are no residential uses that adjoining the site. This standard is met.

*Parking areas shall be divided into bays of not more than 8 parking spaces. Between and/or at the end of each parking bay there shall be curbed planters of at least 5 feet in width. Each planter shall contain one shade tree of at least 2 inches in caliper. The planter shall also be planted with appropriate ground cover or shrubs at a rate of two 2-gallon plants for every 20 square feet of landscape area. The intervening area between plantings shall be mulched with an appropriate material to a minimum depth of 3 inches.*

As shown on the site plan and landscape plan (Exhibits E-5 and E-24), the parking lot sections on the site are divided into parking bays of not more than eight parking spaces. However, several of the planters do not meet the five-foot width and/or will not contain trees:

- The planter strip in the center of the parking area on the south side of the proposed building is two feet in width and does not contain a tree or shrubs
- Three areas on the east side of the site in the Phase 2 parking area are not five feet in width and the landscaped areas that separate the parking areas from the public pathway through the site are 3-4 feet wide but are extended to five feet in the areas that contain trees.
- One area on the east side of the vehicular entrance to the site and one area on the east side in the Phase 2 parking area that divides the parking bays, will not contain trees or shrubs because these areas are needed to provide large truck access for the commercial use on Tax Lot 12800 (Exhibit E-9). They will contain 3-inch curbs, grasscrete and crinkle-leaf creeper (Exhibit E-8) which will facilitate truck access.

The applicants are requesting an adjustment for these areas discussed, below.

*Parking facilities shall be separated from a driveway, sidewalk, or pathway by a minimum 5-foot wide landscaped area. Within this area, shade trees shall be planted every 30 feet. Low sitting walls, benches and other pedestrian amenities oriented to sidewalks or pathways may be provided in the landscaped area.*

There is a driveway on the adjacent site to the west and the site plan shows that there is a 5-foot wide landscaped area on the southwestern portion of the subject site separating the parking facilities from that driveway. As shown in the site plan and landscape plans (Exhibits E-5 and E-24), the landscaped areas that separate the parking areas from the public pathway through the site are 3-4 feet wide but are extended to five feet in the areas that contain trees. The landscape islands that separate parking on the east side of the site (Tax Lot 12900) are approximately three feet wide. The applicants are requesting an adjustment for these areas discussed, below.

Staff notes that there are no trees proposed for the planter area at the eastern property line because there is a line of trees on the abutting property along the eastern property line. Placing trees there would interfere with those existing trees and crowd the site.

*Parking facilities shall be separated from the exterior wall of a structure by a minimum of a 10 foot buffer which may include a pedestrian pathway and/or landscaped strip. Parking areas or driveways shall be separated from abutting residential zones by a minimum 10 foot landscape buffer pursuant to LOC 50.11A.050 (6)(a).*



The applicants have applied for an adjustment to this standard (Exhibit F-1), but staff finds that it is not necessary. "Parking facilities" is not a defined term. Staff interprets "parking facilities" as used in this subsection to mean the actual parking spaces, not also the aisle between parking spaces and the building because the aisle provides the desired 10-foot separation intended from the parking. There are no abutting residential zones. This standard is met.

*Development plans shall preserve existing mature Douglas fir evergreen trees and other significant trees (18" or more DBH), except where unavoidable due to compliance with this Code.*

There is an existing 22.5-inch Douglas fir tree on the property to the west (Exhibit F-7) which will require tree protection. There are no significant evergreen trees on the site. This standard is met.

*Mitigation shall require trees with a diameter of 5 caliper inches or greater which are removed be replaced with trees of the same or approved variety with a diameter no less than 3 caliper inches each, to equal or exceed the caliper inches of trees removed. Replacement planting shall increase the amount of tree canopy and the extent of tree grove area in excess of the amount lost through development.*

As indicated in the Arborist Report (Exhibit F-7), the applicants were originally requesting the removal of 11 trees; however, all of these trees are on the Invasive Tree species list and do not require mitigation. The applicants were advised of this and have applied for a separate invasive species tree removal permit for these trees.

#### **Buffer Area and Screening [LOC 50.05.007.6.f]**

*Storage and trash collection areas and equipment shall be oriented away from abutting residential districts and screened by sight-obscuring fencing or landscaping.*

As indicated in Exhibit E-5, the applicants propose a trash enclosure and transformer on the western portion of the site that is screened by landscaping. There is an existing trash enclosure to serve the business on Tax Lot 12800 on the eastern portion of the site. The site does not abut a residential zone. This standard is met.

#### **Storm Water [LOC 50.06.006.3.b]**

*Storm drainage and surface water management facilities shall be required for parking areas pursuant to LOC Articles 50.06.006.3 and shall ensure storm water is not directed onto adjacent properties.*

Compliance with storm drainage and surface water management standards is discussed in detail under LOC 50.06.006.3, below.

#### **Special Requirements and Standards [LOC 50.05.007.7]**

This section identifies requirements that apply to specific site areas. The standards that were addressed previously in this staff report (such as Storefront Window Orientation) are not repeated here.

### **Village Streetfront [LOC 50.05.007.7.d]**

*At locations designated Urban Streetfront Environment, no off-street vehicle parking shall be permitted between the front of the primary building and the public right of way.*

This standard applies to the site as shown on LOC Figure 50.05.007-D. As indicated on the site plan (Exhibit E-5), no off-street parking is located between the proposed structure and Douglas Way. This standard is met.

*At street frontage locations designated as Storefront Window Village Cross Street, sidewalks and streetscape elements shall be provided as shown in LOC Figure 50.05.007-CC. Street furniture, lighting and tree wells shall be located within the street furniture zone of the sidewalk as illustrated in Appendix 50.05.007-DD.*

The site plan and site details (Exhibits E-5 and E-6) show compliance with this design, providing an 8-foot wide concrete sidewalk as well as street trees, bench and street light. This standard is met.

### **ADJUSTMENTS, ALTERNATIVES, AND VARIANCES [LOC 50.08]**

#### Adjustments - Lake Grove Village Center [LOC 50.08.006]

An adjustment provides the opportunity for flexibility in unusual situations or in the event of code conflict and allows the district standards to be modified if the proposed development continues to meet the intended purpose of the regulation or of the policies of the Lake Grove Village Center Plan.

Major Adjustments are available to any eligible standard. The applicants are requesting four major adjustments to the following standards; areas highlighted on Exhibit E-9:

- Reduction in percentage of display windows requirement along the building frontage on Douglas Way
- Reduction to parking lot landscaping requirements in several areas-including width of landscaped islands (more than 20%) within the parking lot and adjacent to the public pedestrian walkway through the site
- Elimination of trees and/or shrubs in several parking lot landscaped islands

Per LOC 50.08.006.3.b, major adjustments may be granted if it is established that the following criteria are met:

*Granting the adjustment results in a site plan or building design that equally or better meets the purpose of the standard(s) being adjusted;*

Reduction in percentage of display windows requirement: The purpose of LOC 50.05.007.5.i, is to promote scale and design features appropriate to a street orientation. The standard requires a minimum of 80% of the exterior ground floor that is at or within the build to line be designed as storefront with display windows and entry features. The exterior ground floor is 100'7" feet in length which would require 80.5' of windows and entry features. The building is proposed with 74'6" of display windows to retain the integrity of the style of the building (Italianate and Oregon Rustic). The purpose of the standard is to create an open façade that engages the public from the pedestrian realm. The display windows meet all

other dimensional requirements and the floor plan was designed to ensure that appropriate activities within the building that would engage the public, are located at the front part of the structure. The building design, therefore, meets the purpose of the standard with approximately 10 linear feet less of display windows than required.

Reduction to parking lot landscaping requirements in several areas-including width (>20%):

The purpose of these standards is to reinforce a village scale and character, buffer dissimilar uses, and ensure a unified streetscape theme and continuity within the LGVCO. As proposed, the landscape plan (Exhibit E-24) indicates that:

- The planter strip in the center of the parking area on the south side of the proposed building is two feet in width and does not contain a tree or shrubs
- Three areas on the east side of the site in the Phase 2 parking area are not five feet in width (3-4 feet) and the landscaped areas that separate the parking areas from the public pathway through the site are approximately three feet wide but are extended to five feet in the areas that contain trees.

Parking facilities should be separated from a walkway by a minimum of five feet. In order to facilitate public pedestrian access through the site, the proposed pathway contains 12 feet of paving. The width of the pathway could be reduced to increase the width of the landscaping in this area, however, the greater width for the pathway better accomplishes an extension of the Festival Street on Hallmark Drive, and creates a stronger visual connection as shown on LOC Figure 50.05.007-V-Pedestrian Facilities and Streetscape Map. With regard to the planter areas in the southwest parking area and the parking area on the east side of the site and in Phase 2 area, although the planter areas do not meet the specified width, the landscaping they contain does create a unified theme on site and reinforces a village scale and character. There are no dissimilar uses in the vicinity for which they would provide a buffer. This criterion is met.

Elimination of trees and/or shrubs in several parking lot landscaped islands: The purpose of these standards is to reinforce a village scale and character, buffer dissimilar uses, and ensure a unified streetscape theme and continuity within the LGVCO. The planter strip in the center of the parking area on the south side of the proposed building is two feet in width and contains Blue Lyme grass that grows 1½ feet high with metallic blue leaves but does not contain a tree or shrubs because there is insufficient space due to narrower planter island, discussed, above. One area on the east side of the vehicular entrance to the site and one area on the east side in the Phase 2 parking area that divides the parking bays, will not contain trees. Both of these areas are needed to continue providing large truck access for the existing commercial use on Tax Lot 12800 as (Exhibit E-9). Rather than trees and shrubs, they will contain 3-inch curbs, grasscrete and crinkle-leaf creeper which will facilitate truck access while still allowing a treatment distinct from concrete and a visual break within the parking area. This criterion is met.

*The property has special circumstances or conditions involving site configuration, natural or topographic features, existing improvements, or relationships to abutting or adjacent properties which would result in the inability of the applicant to comply if the standards were applied to the property without the adjustment;*

Reduction in percentage of display windows requirement: The applicants state (Exhibit F-1) that a portion of the space within the northwest front corner of the building is needed for an electrical service room because the utility connections come from Douglas Way. This room is not appropriate for display windows. In addition, the style of the building

(Italianate and Oregon Rustic) is not consistent with continuous windows along the whole frontage. The integrity of the design dictates a break in the window pattern. In addition, it is not possible to route the utilities on the east side of the building because of the location of the public pathway through the site and driveway access.

Reduction to parking lot landscaping requirements in several areas-including width (>20%):

As discussed above, the applicants are providing a 12-foot wide public pedestrian pathway with landscaping on either side (except adjacent to the building) to facilitate a strong visual and physical pedestrian connection through the site from Hallmark Drive. This facility is in compliance with Pedestrian Facilities and Streetscape Map to carry out the requirements of the LGVCO while still providing parking, open space and access for the Veterinary Clinic and the existing commercial use on Tax Lot 12800.

Elimination of trees and/or shrubs in several parking lot landscaped islands: As discussed above, provision of a pedestrian pathway through the site reduces the area of one landscape island adjacent to parking on the south portion of the site, but does not eliminate it. Continuation of large truck access for the commercial business on Tax Lot 12800, allows an island at the entrance within the site that contains a different treatment - grasscrete and crinkle leaf creeper- (Exhibit E-7) - but precludes the placement of trees and shrubs that would be destroyed by truck movement. Without trees and shrubs, village scale and character is still maintained because

- the adjustment to the internal landscape island to the rear of the structure and to the landscape island that breaks up the parking spaces on the eastern portion of the site will not be noticeable from the public realm; and
- the focal point of this site is the public pedestrian pathway, which is planted heavily with trees and shrubs, counterbalancing the lack of one tree at the landscape island at the entrance, and thus preserving the village scale and character, with a unified streetscape, theme and continuity with the LGVCO.

There are no dissimilar uses in the vicinity which require buffering.

*The adjustment is the minimum necessary to alleviate the inability to comply with the applicable standard;*

Reduction in percentage of display windows requirement: The need for an electrical room removes eight feet of frontage available for storefront windows. The electrical room contains a window but the sill is at seven feet from grade and does not allow views within; therefore, it was not counted as display windows. At 74'6", the façade is still very open allowing the public to view activities within the building.

Reduction to parking lot landscaping requirements in several areas-including width (>20%):

The landscape islands are not being eliminated completely but reduced to the degree necessary to provide parking, access and other amenities on site. The visual effect is not substantially different than if there were an additional two or three feet of landscaping in each bay.

Elimination of trees and/or shrubs in several parking lot landscaped islands: As discussed above, the width of the island on the south part of the parking lot precludes trees and shrubs from being placed there and for the parking lot islands on the eastern side of the site and at the entrance, truck access would not be possible with trees and shrubs in these

areas. The purpose of the requirement for trees and shrubs is still maintained as the village scale and character, as well as a unified streetscape, is still preserved.

*The adjustment will not adversely affect existing physical and natural systems such as traffic, access, circulation, connectivity, drainage, designated sensitive lands, historic resources, or parks, and the potential for abutting properties to use solar energy devices any more than would occur if the development fully met the standards of the overlay district;*

All of the requested major adjustments address the design of the building or landscaping. The effects of the adjustments are contained within the site. There is sufficient access and parking to accommodate the development; therefore, they do not affect traffic, access, circulation, connectivity and drainage or the ability to use solar energy devices. This criterion is met.

*Any significant impacts resulting from the adjustment are mitigated to the extent practical through building or site design features on the site; and, As mentioned above, all of the requested major adjustments are related to the design of the building and landscaping. The public pedestrian pathway through the site provides a bench adjacent to the building and planters that will enhance the visual continuity of the site, while still creating a sense of proportion, scale and buffering where needed internally within the site. The bench and planters must be shown on the final site plans as a condition of approval. There are no external impacts resulting from these adjustments.*

*The applicant demonstrates through an alternatives analysis how a site plan or building design cannot reasonably be proposed which complies with ALL applicable Lake Grove Village Center Overlay District standards.*

The applicants have provided an alternatives analysis (Exhibit E-30) that describes in graphic and narrative form the reasons that the proposed site plan (first page) is the preferred alternative. The applicants propose a combine 32% lot coverage; the zone allows 50%. The applicants state that the size of the proposed new building is appropriate for the functional operation of a veterinary clinic. Because the proposed lot coverage is significantly less than maximum allowed for zone, reduction of the building size to accommodate the site and building design requirements is neither practicable nor reasonable.

Further, the alternatives show that a reduction in the building square footage to accommodate all of required widths in the parking lot islands would reduce the change of plane required on the building to the minimum two feet (rather than the feet proposed), visually flattening the façade and compromising the building design. A reduction in the size of the building would also make it more difficult to locate appropriate functions adjacent to the pathway at the frontage, which would reduce the potential for visual interest at the street. The applicants state that two of the design directives of the LGVCO standards are to “feature visually engaging facades” and “landscaping to be used to help define the building proportion relationships and provide scale to the structure as a whole”. In the proposed site plan, groups of plantings provide the same function, albeit in planters of reduced width or without trees placed in them. Another alternative shows a different parking configuration needed to provide the same amount of parking. This increases the number of diagonal spaces which would require a one way circulation pattern and more restricted movement. Another alternative to increasing the width of the landscape islands would eliminate the sidewalk connection to the back door of the proposed structure - a connection to the pedestrian pathway through the site. Finally, a reduction in the width of the public pedestrian pathway to create a greater area for landscaping will not provide a sufficient

width to meet the intent of the pedestrian link through the site. The applicants suggest in the alternatives analysis that balancing of the numerous requirements of the LGVCO with adjustments to some of the requirements, still meets the purpose of the District while providing a well-designed building that meets the internal requirements for the proposed use.

## **2. DEVELOPMENT STANDARDS [LOC 50.06]**

LOC 50.07.003.15.d.ii prescribes that the development standards applicable to major development be considered for construction or exterior modification of commercial buildings. Therefore, the following discussion addresses standards applicable to this request:

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

This standard requires that a veterinary clinic (medical office, includes veterinary practice) provide 3.9 spaces per 1,000 square feet of gross floor area. The proposed building is approximately 8,800 square feet which requires 34.32 spaces. Because the site is being developed as a unified site plan with Tax Lot 12900, the commercial structure on Tax Lot 12800 must be included in the calculation because Tax Lot 12900 accommodates the parking required for that use. As indicated on Exhibits E-5 and E-30, the structure on Tax Lot 12800 is a one story structure of 5,536 square feet, currently housing a retail use which requires 3.3 spaces per 1,000 square feet of gross floor area. This requires 18.27 spaces. The total parking need for the unified site is 53 spaces.

Parking modifiers (LOC Table 50.06.002-2) are permitted to reduce parking requirements. For commercial and industrial uses, if there is hard surfaced pedestrian and bicycle access to 100 or more residential units within 1,000 feet of the site, the parking may be reduced by 10%. The applicants have discussed this in the narrative (Exhibit F-1) and submitted information to show that there are at least 100 residential units within 1,000 feet of the site (Exhibit E-32). Using the allowed parking modifier, the parking requirement for the site is 48 spaces. The site plan shows that 54 spaces will be provided for the site which does not exceed the maximum of 125% of the minimum number of required spaces. The dimensional requirements of the parking spaces and driveway aisles are satisfied and the 54 spaces include four van-accessible handicap parking spaces. Twenty seven of the spaces provided are compact spaces, complying with the limitation of 50% of the total parking in compact spaces.

Per LOC Table 50.06.002-4, retail sales require 2 bicycle spaces, or 1 per 2,500 square feet of gross floor area (GFA) and the medical office requires 2 bicycle spaces, or 1 per 5,000 square feet of GFA. Therefore, a total of four bicycle spaces will be required to satisfy the requirement for both the office and retail uses. The applicants narrative (Exhibit F-1) and site plan (Exhibit E-5) indicate two bicycle spaces will be provided in a covered location at the rear of the proposed building and two additional spaces will be provided adjacent to the public pathway near the northeast entrance to the building. This standard is met.

### **Access [LOC 50.06.003.1]**

This standard requires lots to have frontage on a public street and addresses site access (driveway) impact on the adjacent streets. The site has frontage on Douglas Way, a local street. There are no access restrictions on Douglas Way, and no safety issues that need to be addressed. Access to the site has been designed in accordance with the requirements of this standard. This standard is met.

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

This standard is applicable to all development proposing a new use or an increased use on a site when the development will result in the construction of or increased use of driveways or parking lot aisles with geometric design standards for proposed driveways and parking lots that act as fire department access roads and other design features such as maximum permissible slope and the width of driveway approaches.

This standard requires that driveways for all uses other than a single family structure not exceed 15 % grade or 5 percent cross slope. This standard also prescribes a maximum width for the driveway approach of 24 feet for a driveway serving a non-residential development. As indicated on the Grading and Erosion Control Plan (Exhibit E-10), the site is generally flat with a maximum finished grade of 2%; therefore, driveway and parking lot grades are not an issue. Fire access would be from the adjacent Douglas Way. The Fire Marshal states that access is adequate for emergency vehicles.

The site plan (Exhibit E-5) shows a 21-foot wide driveway (measured at the right of way line) at the northeast corner of the site that will provide shared access for Tax Lots 12900, 13000 and 13100. The applicants have recorded a private development agreement with easements for access and parking (Exhibit F-8). The concrete driveway approach meets the maximum 24-foot width requirement. The applicants have proposed that the area immediately behind the approach at the northeast corner of the site, which would normally be landscaped, be constructed of a porous reinforced paving system, with a 3-inch curb (rather than a standard 6-inch curb) and ground cover of crinkle-leaf creeper in order to allow truck deliveries into the site (see details on Exhibits E-7 and E-8). On the west side of the driveway, the sidewalk area has been extended into an approximately 70 square-foot area also intended to facilitate the truck access. In addition, the first landscape island along the east property line of the site is also proposed to be constructed using a porous reinforced paving system with a 3-inch high curb in order to allow turning maneuvering for a semi truck and trailer backing up into the site for deliveries. The applicants have submitted a turning radius diagram for trucks entering and exiting the site (Exhibit E-9) to demonstrate the requirements. The porous paving system will provide a structural section for the trucks to drive over, yet provide a visual break in the paved area at the entrance. As a condition of approval, to meet the same structural life as a 6-inch curb, the Engineering staff recommends that the 3-inch concrete curb be constructed with rebar for reinforcement to ensure that the curb can accommodate the truck load. This shall be shown on the final building permit plans.

The driveway approach shall also be designed so that the driver entering or exiting the driveway can see approaching traffic for a sufficient distance to make a safe entrance and exit. The American Association of State Highway and Transportation Officials (AASHTO) standards shall be used in determining compliance with this standard and will be reviewed for compliance during building permit review. This standard is met.

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

This standard is applicable to construction of a new commercial structure and requires that walkways connect at least one public entrance of each building to the nearest public walkway and that walkways meet the accessibility standards of the Americans with Disabilities Act. The site plan (Exhibit E-5) indicates walkways connected to the front and rear entrances, both of which are connected to the public sidewalk at the frontage on Douglas Way. In addition, portions of walkways crossing driveways shall be clearly

identifiable through the use of a different paving material. As indicated on the site plan, the entrance from the driveway to the parking area on the western portion of the site is proposed to be stamped concrete. This will connect the sections of the public pathway through the site as well as differentiate the pedestrian area. This standard is met.

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

This standard requires the installation of transit facilities and transit oriented features when a site is located on a transit street, where the site is located within ¼ mile of a transit street, or where the proposed development creates or contributes to a need for transit stops, pullouts or other transit facilities. The site is located approximately 500 feet west of a transit stop on Boones Ferry Road, which is a transit route with bus service. There is no existing sidewalk along the subject property's frontage. The applicants propose to construct a sidewalk along the site frontage that will connect to the existing sidewalk on the property to the east, which connects to Boones Ferry Road. In addition, the public pedestrian pathway through the site connects Douglas Way to the existing school driveway to the south and the existing sidewalk on the school property. This standard is met.

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

Per LOC 50.05.007.2, in the event LOC 50.05.007 (LGVCO) regulates the same matter as another CDC article, the LGVO standards supersede. Landscaping was addressed under LOC 50.05.007.6.e, Site Development Standards, above. Therefore, no further analysis is necessary.

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

This standard is applicable to all development that includes parking lots, and sets standards for maximum wattage, shielding, light power density and mounting height of on-site lighting.

Street lights are not required except at street intersections. The applicants are proposing to install a street light along the site frontage opposite the intersection of Hallmark Drive and Douglas Way. According to the specifications (Exhibit E-27), the street light is the Providence style, matching those used in recent developments along Boones Ferry Road. The applicants have submitted cut-sheets for 14-foot high Providence style lights and the photometric plan (Exhibit E-28) shows illumination levels for the street light. The building permit submittal shall provide compliance with the illumination levels required by this standard. The street light shall be designed to provide an average light level of 0.40 foot-candles, average uniformity of 6:1 and maximum uniformity of 40:1.

Lights on the building are proposed as well as pole-mounted lights in the parking lot (Providence style). Open-air parking lot lighting shall use lamps whose emission is perceived as the warm (yellow/orange) and shall not produce light trespass. The maximum height of a pole mounted luminaire shall be 22 feet, or the height of the associated building, if less than 22 feet in height. The minimum and maximum levels of illumination on the pavement are 0.15 foot-candles and 4.0 foot-candles, respectively. The required uniformity ratio is 4:1.

The applicants state (Exhibit F-1) and Exhibit E-28 shows that the parking lot lighting will be Providence style mounted on poles 18 feet in height. The lighting is illustrated on the manufacturer's cut sheets (Exhibits E-27 and E-29) and shows high pressure sodium lights



which produce a warm (yellow/orange) illumination. The photometric plan (Exhibit E-28) demonstrates that the minimum and maximum illumination levels as well as uniformity ratio comply with the requirements of this standard. In addition, the photometric plan does not contain information on the level of illumination for the whole portion of the parking lot on the eastern portion of the site in the Phase 2 area. Therefore, it is not clear that the illumination levels comply for this area. As a condition of approval, the building permit plans shall contain a revised photometric plan that indicates compliance with the standard for the entire parking lot and an additional parking lot light on the east side (if needed) for compliance. Upon construction of the Phase 2 portion of the site, the additional light must be installed, if needed for compliance with the standard. As conditioned, this standard can be met.

#### **Park and Open Space [LOC 50.06.005.1]**

This standard requires that commercial development provide 15% of the gross land area in open space. The park and open space requirement can be met by providing landscaping that meets the requirements of the Landscaping Standard. See discussion regarding the landscaping standards of the LGVCO in LOC 50.05.007.6.e, above. This standard is met.

#### **Weak Foundation Soils [LOC 50.06.006]**

The front portion of the site is identified as having weak foundation soils on the City's soil inventory map. This standard requires applicants to provide a geological report that describes the nature, distribution, and extent of the soil characteristics, including findings regarding the adequacy of the soils for the proposed use. The applicants submitted a geotechnical report (Exhibit F-4), which indicates that the proposed development is geotechnically feasible, provided recommendations of this report are followed. As a condition of approval, the building permit plans shall be accompanied by a copy of the Geotechnical Report, the recommendations of which shall be followed.

#### **Drainage Standard for Major Development [LOC 50.06.006.3]**

This standard requires that drainage improvements be provided to ensure that the proposed development will not adversely affect surrounding properties. In addition, this standard requires design features to minimize pollutants from entering the storm water system and that the intensity of runoff rates are maintained at their natural undeveloped level. The determination of whether or not the application meets the drainage requirements is under the review authority of the City Engineer.

The existing site vegetation consists mainly of field grass and currently drains to the northeast where runoff is collected by a catch basin on Douglas Way and is piped to the City storm system which runs along Lower Boones Ferry Road. There is an existing 24" public storm pipe in Douglas Way that runs along the entire frontage of the site.

The applicants have submitted a preliminary Storm Water Management Report prepared by a registered engineer (Exhibits F-2 and F-3). Preliminary infiltration testing performed at the site was found to be generally low with an average rate of 1.10 inches per hour. Given that the site infiltration rates are low, constructing infiltration facilities such as rain gardens will not provide an adequate design to manage the runoff. Therefore, the applicants have proposed to construct an on-site detention facility for storm water management. The proposed plan is to collect the site generated runoff in a series of underground 36" detention pipes and detain the design storm to the City of Lake Oswego standards. The

required detention volume shall be the maximum difference between the runoff volume for the 50-year storm event from the proposed development and the runoff volume for the 10-year storm event from the pre-development property. Water quality will be achieved through the use of a Stormwater Management Stormfilter manhole. After storm water quality and detention has been provided for the development, the runoff will be conveyed by a pipe to the north and connect to an existing storm water manhole located in Douglas Way. The final design regarding the storm management facilities will be reviewed at the time of building permit issuance. All on-site storm water facilities will be private. The City Engineer recommends a condition of approval that the applicants be required to submit a shared 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.

#### **Utility Standard [LOC 50.64.005 - 50.64.035]**

Utilities are available or can be made available as follows:

Sanitary Sewer: There is a 10" sewer line in Douglas Way. Currently, there are two service laterals provided to the unified site. The applicants have shown that the proposed point of connection is located at the northwest corner of the site. A new cleanout will be required at the right of way line. The clean-out is shown on the site plan (Exhibit E-5).

Water and Hydrants: Water service will be obtained from an 18" main in Douglas Way. The closest hydrant is located across the street at the intersection of Hallmark Drive. The applicants have shown that the proposed water service will be tapped into the existing water main located across the street. The Fire Marshal states that if the building will have commercial fire sprinklers the hydrant location is adequate, otherwise an additional hydrant will be required. Water flow for fire protection is adequate. As a condition of approval, the building permit plans shall show fire sprinklers or an additional hydrant to the satisfaction of the Fire Marshal.

Sidewalks: Sidewalks exist along the frontages of recently developed properties. This development will be required to install a new sidewalk along the site frontage. See additional comments under LOC Chapter 42, below.

Other utilities: It is the applicants' responsibility to ascertain the availability of electric, gas, telecommunications and cable TV. There are no overhead utilities on this section of Douglas Way. All utilities shall be installed underground.

#### **Vision Clearance [LOC 50.21.005]**

This standard prescribes "vision clearance triangles" on each side of the intersection of a street and a driveway to assure adequate sight distance. Within the vision clearance triangles, it is unlawful to set out or maintain any sign, fence, hedge, shrubbery, natural growth or other obstruction to the view higher than 30 inches above the centerline of the adjacent pavement.

The vision clearance triangle is formed by 10-foot legs extending from the intersections of the driveways and Douglas Way. As shown on the site plan (Exhibit E-5), the vision clearance triangles are free of any prohibited obstruction. This standard is met.

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

**City of Lake Oswego Streets and Sidewalks Code [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 Article.

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 findings and recommendations.

The proposed development can be expected to contribute 36 morning peak hour vehicle trips and 42 evening peak hour vehicle trips to the City's street system per average weekday.<sup>3</sup> Additional 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 City has a governmental interest in assuring that new development does not contribute to a degradation of adequate, safe and efficient public transportation facilities. New development should mitigate the negative impacts (increased noise, and the degradation of aesthetics, safety, system capacity, and bicycle and pedestrian mobility) resulting from new development. The City has adopted a broad palette of policies, plans, regulations, and fees that have been designed to offset the adverse impacts of development on the natural and built environment. In this regard, the following regulations, standards and site specific characteristics have a direct bearing on the governmental interest in preserving the functionality and safety of the public infrastructure, and are particularly relevant to this development proposal:

- The Lake Oswego Trails and Pathways Master Plan identifies Douglas Way as a "Community Connector Trail/Pathway" route.
- Douglas Way is a local street, and as such should be designed to safely accommodate bike and pedestrian traffic.
- The site is located within walking and biking distance of an elementary school.
- The site is located within a quarter of mile of a transit system.
- LOC Chapter 42 directs the City Engineer to recommend to the decision making authority the appropriate width of public rights of way, and the width and character of the improvements contained therein.

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<sup>2</sup>To meet the review criteria for a minor development, the applicant must comply with "any additional ... Lake Oswego Code provisions which may be applicable to the specific minor development application, such as ... the Streets and Sidewalks Ordinance." LOC 50.79.025(1) (c). 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.

<sup>3</sup>Proposed Parkway Veterinary Transportation Impact Analysis, prepared by DKS Associates, August 2010. (Exhibit F-5)

- LOC Chapter 42 requires frontage improvements, including pedestrian improvements, to be constructed when property is developed.

The implementation of the City's plans, policies, and regulations will offset to some degree the negative impacts of development on the public infrastructure. LOC 50.07.003.5 allows the reviewing authority to impose conditions of approval on a development permit when the condition is reasonably related to alleviation of a need for public services or facilities created or contributed to by the proposed development. In addition, the US Supreme Court has ruled (*Dolan v. City of Tigard*) that, in order to require exactions, the local government must apply a test of "rough proportionality" between the impacts of the proposed development and the need for the exaction.

Douglas Way along the site frontage is substandard in that it currently lacks defined pedestrian paths or sidewalks to effectively and efficiently provide for its public safety and transportation functions. The City has a long-term plan to improve substandard streets as demand increases and funding/exactions from development become available.

As a condition of approval of the proposed development, the City will require the following exactions:

Along the site frontage of Douglas Way:

- Widen the pavement to achieve a 28-foot wide curb-to-curb finished street width to match the existing curb of the adjacent property to the east.
- Construct a minimum 8-foot wide sidewalk (including 6" curb width) along the site frontage.
- Provide a minimum 5-foot sidewalk clearance width around street elements such as tree wells, street lights, benches, etc.
- Construct an asphalt ramp at the northwest corner of the site to provide pedestrian access from the existing street up to the new sidewalk. The new curb and sidewalk shall end east of the site's west property line far enough for the asphalt ramp to be constructed in the right of way and not trespass onto the west adjoining property.
- Provide adequate right of way dedication necessary to construct the frontage improvements inside of the public right of way. It appears a 12-foot right of way dedication along the site frontage will be necessary.
- All utilities shall be installed underground.
- Construct a driveway approach meeting the City's standards.
- Install a street light along the site frontage at the intersection of Hallmark Drive and Douglas Way.
- Install street trees along the site frontage according to the submitted preliminary drawings (Exhibit E-24).

The above exactions are directly related to mitigating the adverse impacts created by the development, as follows:

- The provision of the additional right of way will allow construction of the required street frontage improvements.

- The above described improvements will address the increased vehicle traffic because, with a separation between vehicles and pedestrians, the traffic capacity of the street will be preserved.
- These improvements will encourage use of the sidewalks for pedestrian travel, and use of transit, thus reducing the demand that would otherwise arise for vehicle travel on the street.
- These improvements will address the safety of the pedestrians by providing separation of modes of travel.
- The City; therefore, finds that exacting additional right of way and improvements on Douglas Way is directly related to the increased traffic, bike, and pedestrian trips that will be created by this development.

The City finds that the exaction of the additional right of way dedication is roughly proportional to the adverse impacts created by the development, because:

- The proposed development can be expected to contribute 36 morning peak hour vehicle trips and 42 evening peak hour vehicle trips to the City's street system per average weekday.
- The additional right- of-way dedication will permit pedestrian facilities to be constructed along the property frontage, which will result in a greater use alternative modes of travel (pedestrian, bicycle, transit), both today and in the future, as traffic congestion increases in the area. These additional alternative mode travel trips will offset additional vehicle trips generated by the development.
- Similar exactions for right of way dedication and improvements have been required for similar developments in the area, with the result being that such exactions have mitigated the increased traffic (vehicle, pedestrian, and bicycle) by preserving the functionality and public safety features of the public street system.
- The additional right of way dedication will be approximately 2,160 square feet, or 0.06 of the square footage of the development site.

In light of the above facts and Code requirements, staff finds that the development of this site will place sufficient additional demand on this local street to justify the dedication of the above described additional right of way and associated improvements, and that these exactions are roughly proportional to the degree of impact imposed by the new development, as described above, and consistent with the future plans for Douglas Way.

Note: Adding additional pavement to Douglas Way is technically a "street widening" as defined in Section 40 of the City Charter, and is subject to public notice and vote in a general election unless the election requirements are waived. The provisions of City Charter Section 40 must be adhered to before any street widening work may commence.

#### **City of Lake Oswego Sign Ordinance [LOC Chapter 47**

No sign permit applications with size and material specifications are included as part of this application, however, as indicated on building renderings (Exhibit E-17), the applicants propose to place signage over the entrance at the northeast corner of the building, adjacent to Douglas Way. The proposed sign will be reviewed for compliance with the specific sign standards relating to the zone when the sign permit application is submitted.

## City of Lake Oswego Tree Ordinance [LOC Chapter 55]

This ordinance is intended to preserve trees. Only those trees that must be removed in order to site proposed improvements will be granted tree removal permits. No tree removal is requested as a part of this application.

Note: As indicated on the tree removal plan (Exhibit E-23) and the Arborist Report (Exhibit F-7), the applicants are separately requesting an invasive tree removal permit to remove 11 trees, including 10 Hawthorne and one Norway maple. Although invasive trees require a permit, mitigation planting is not required for this permit.

### Tree Protection

Tree protection fencing is required when a tree protection zone or drip line of a tree that is five inches in diameter or greater is within the construction zone, whether on or off-site. As authorized by LOC 55.08.020, a tree protection application and plan should be submitted for staff review and approval prior to conducting any development activities on the site, including, but not limited to, clearing, grading, landscaping or excavation.

The Tree Removal Plan (Exhibit E-23) indicates the following trees will require tree protection: a Douglas fir on the adjacent property to the west, a maple on the subject property, a line of trees close to the property line on the property to the east and a Linden tree in the right of way to the west of the site. Tree protection 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 tree. The applicants shall propose the tree protection zone for each tree, for review and approval by staff. 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. The applicants will be required to assure that a consulting arborist will be available for services as described above if construction activities are proposed within the tree protection zone.

All tree protection plans submitted shall clearly illustrate all areas impacted by construction activities on site (including landscaping), the location of temporary fencing around the tree protection zone is within the drip line of a tree, or other tree protection measures as recommended by a certified arborist. In addition, signs should be placed on the fencing and notes added on the construction documents that informs the site contractors about the necessity of preventing damage to the trees, including bark and root zone, and that no materials should be stored nor compaction occur within the rood zones of the adjacent trees. This standard can be met.

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 on the information provided by the applicants and the findings presented in this report, staff concludes that LU 12-0042 complies with all of the applicable criteria or can be made to comply through the imposition of conditions.

## VIII. RECOMMENDATION

Staff recommends **Approval** of LU 12-0042, subject to the following conditions:

### **A. Prior to Issuance of any Building Permit, the Applicants/Owners Shall:**

1. Submit a Declaration of Unified Site Plan for development of Tax Lots 12800, 12900, 13000 and 13100 for review and approval of staff. This document shall be recorded at the Clackamas County Recorder's Office prior to approval of any Building Permit.
2. Submit final building plans for review and approval of staff that are the same or substantially similar to the site plan and elevations illustrated on Exhibits E-5 through E-29 and Exhibit E-33, with the following clarifications and modifications:
  - a. Submit a revised roof plan that replaces the roof-top mechanical unit that is 55 inches in height with one that is a maximum 42 inches in height.
  - b. Bike racks shall be painted dark bronze to complement the trim and foundation on the building.
  - c. Placement of tree wells along Douglas Way shall ensure the sidewalk complies with ADA standards while continuing to space the trees evenly apart.
  - d. Show commercial fire sprinklers or a site plan that indicates an additional hydrant to the satisfaction of the Fire Marshal.
  - e. Show a bench on the public pedestrian pathway as well as landscaped pots adjacent to the east building façade in the area of the pathway.
  - f. Submit a copy of the Geotechnical Report (Exhibit F-4) with the building permit application.
3. Submit a final landscape plan showing the additional following information for review and approval of staff:
  - a. Provide a note on the landscape plan requiring removal of the burlap and/or wire cages from all trees and shrubs prior to planting.
4. Submit final construction plans for the public improvements and storm water management facilities, and an itemized cost estimate for review and approval by the City Engineer. The final plans shall conform to the City's design standards and specifications, and shall include the following supplementary materials, design features, and notes:
  - a. Widening of the pavement to achieve a 28-foot wide curb-to-curb finished street width along Douglas way to match the existing curb of the adjacent property to the east. The new curb along the site frontage shall be concrete curb and gutter.
  - b. Construction of a minimum 8-foot wide sidewalk (including 6-inch curb width) along the site frontage. A minimum 5-foot clearance width shall be maintained around tree wells, benches and street lights. Benches shall be

installed a minimum of two feet from the face of the curb and shall face the minimum 5-foot clearance width area.

- c. Construction of an asphalt ramp at the northwest corner of the site to provide pedestrian access from the existing street up to the new sidewalk. The new curb and sidewalk shall end east of the site's west property line far enough for the asphalt ramp to be constructed in the right of way and not trespass onto the west adjoining property.
  - d. All utilities shall be installed underground.
  - e. Construction of a driveway approach meeting the City's standards. The driveway approach shall be designed so that the driver entering or exiting the driveway can see approaching traffic for a sufficient distance to make a safe entrance and exit. AASHTO standards shall be used in determining compliance with this condition.
  - f. Installation of one street light along the site frontage at the intersection of Hallmark Drive and Douglas Way, according to City standards. The new street light shall be the Providence style.
  - g. The site plan details shall indicate where 3-inch concrete curbs are proposed at the entrance to the site and within the parking lot on the east side, that they be constructed using 4,000 psi concrete and rebar for reinforcement to ensure that the curb can accommodate large truck loads.
  - h. Construction of a private sanitary service to serve the development shall include a 6-inch sanitary cleanout at the right of way line along Douglas Way.
  - i. Submit a final storm plan and storm drainage report for the on-site water quality and detention system, prepared by a registered engineer.
  - j. Submit an Operations and Maintenance plan for the private on-site storm facilities for the unified site plan, including Tax Lots 12800, 12900, 13000 and 13100.
  - k. Any awnings that extend over the sidewalk shall have a minimum pedestrian clearance height of seven feet.
  - l. Submit revised photometric and site plans showing compliance with the illumination standard for the entire parking lot with an additional parking lot light on the east side of the site in the Phase 2 portion, if needed. Upon construction of Phase 2, the additional light shall be installed, if required.
5. Submit a Maintenance Agreement specifying maintenance responsibilities for the shared access and parking for review and approval of staff. The Agreement shall be recorded against Tax Lots 12800, 12900, 13000 and 13100.
  6. Construct all public improvements as required by Condition A(4), above, or provide a financial guarantee to ensure their construction per LOC 50.07.003.9. The financial guarantee shall be based on an engineer's estimate that is based on construction



plans that are far enough advanced to support the materials and quantities found in the estimate.

7. Dedicate additional right of way on Douglas Way (approximately 12 feet) to accommodate the road improvements as required by Condition A(4)(a), above. This dedication shall be based on final engineering plans for the street, sidewalk and frontage improvements.
8. Record the Declaration of Covenant for the approved Operations and Maintenance Plan for the surface water management facilities, as provided for in Condition A(4)(j), above, and the Maintenance Agreement for the shared access and parking lot, as provided for in condition A(5), above, at the Clackamas County Recorder's Office.

**B. Prior to any Construction Activity on the Site or in the Public Rights of Way, the Applicants/Owners Shall:**

1. Comply with Conditions of Approval A(1)-(8), above.
2. Install all tree protection measures as required by the Tree Code. The tree protection fencing shall be inspected and approved by City staff prior to commencing any construction activities.
3. Apply for and obtain an erosion control permit, and install all erosion control measures.
4. Obtain all necessary approvals for a construction and traffic management plan.

**C. Prior to Commencing the Street Widening Work on Douglas Way, the Applicants/Owners Shall:**

1. Comply with Section 40 of the City Charter, including public notice requirements, and obtain approval for the street widening.

**D. Prior to any Final Building Inspection or Occupancy of the Project, the Applicants/Owners Shall:**

1. Install all landscaping as required by Condition A(3), above, and as shown on Exhibit E-24.
2. Complete all public improvements as required by Condition A(4), above; submit certified "as-built" drawings complying with the city standards for record drawings; and receive a certificate of completion and acceptance by the City.
3. Stripe all parking spaces and mark any compact spaces as such.
4. Provide a one-year guarantee (one 12-month growing season from the date of installation) for all landscape materials, including mitigation planting, 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 labor and cost of landscaping materials).
5. Submit a title report, lot book report, or similar report from a title company showing that the Covenant for Operation and Maintenance of the Surface

Water Management Facilities and Maintenance Agreement for the access, as required in Condition D(2), above, has been recorded.

### **Code Requirements**

1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the approval of LU 12-0042 shall expire three years following the effective date of this development permit, and may be extended by the City Manager pursuant to the provisions of this section.
2. **Tree Protection:** Submit a tree protection permit application as required by LOC 55.08.020 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 should 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 written approval has been obtained from the City Manager and project arborist.
3. **Redevelopment of Tax Lot 12800:** At the time of redevelopment of Tax Lot 12800 in the future, landscaping requirements shall be evaluated and addressed based on the unified site plan as discussed in this report, including Tax Lots 12800, 12900, 13000 and 13100.

### **Notes**

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**

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

### **E. GRAPHICS/PLANS**

- E-1 Tax Map
- E-2 Vicinity Map with Zoning
- E-3 Aerial View of Site and Vicinity
- E-4 Existing Conditions/Survey
- E-5 Site Plan
- E-6 Site Details
- E-7 Entrance to Site-Detail
- E-8 Entrance and Curb Details
- E-9 Truck Turning Radius with Adjustment Areas Highlighted
- E-10 Grading and Erosion Control Plan
- E-11 Utility Plan
- E-12 Pedestrian Circulation Plan
- E-13 Lot Coverage Site Plan and Calculation
- E-14 Building Elevation-Sidewall Calculations (2 pages)
- E-15 Storefront Elevation and Calculation
- E-16 Building Elevations and Section
- E-17 Building Renderings
- E-18 Canopy Proposal
- E-19 Floor Plan- Main Level
- E-20 Floor Plan-Upper Level
- E-21 Building Details (2 pages)
- E-22 Trash/Transformer Enclosure Details
- E-23 Tree Removal Plan
- E-24 Landscape Plan and Summary (3 pages)
- E-25 Site Furnishings Specifications (3 pages)
- E-26 Window and Door Specifications (6 pages)
- E-27 Light Pole Specifications (5 pages)
- E-28 Photometric Plan (4 pages)
- E-29 Building Lighting Specifications (11 pages)
- E-30 Alternative Site Plan Analysis (7 pages)
- E-31 Photos of the Site (4 pages)
- E-32 Residential Units within 1000-feet of the Site (5 pages)
- E-33 Color and Materials Board

**F. WRITTEN MATERIALS**

- F-1 Applicant's Narrative, dated January 24, 2013
- F-2 Drainage Report, prepared by WHPacific, Inc., dated September 30, 2010
- F-3 Infiltration Testing Report, prepared by Carlson Geotechnical, dated August 18, 2010
- F-4 Geotechnical Report, prepared by Carlson Geotechnical, dated June 16, 2008
- F-5 Traffic Impact Analysis, prepared by DKS Associates, Inc., dated August 2010
- F-6 Traffic Management Plan, prepared by DKS Associates, Inc., dated 11/27/2012
- F-7 Arborist Report, prepared by Lloyd's Arboricultural Consulting, LLC, dated 11/1/2012
- F-8 Development Agreement: Covenants, Conditions and Restrictions, dated 4/14/10 and amendment, dated 7/22/11
- F-9 Minutes of Neighborhood Meeting, September 22, 2010
- F-10 Letter from Waluga Neighborhood Chair regarding meeting, dated September 5, 2012

**G. LETTERS**

Neither for nor Against (G1- 99)

None

Support (G100-199)

G-100 Letter from William J. Allred, President, Hallmark Inns & Resorts, received 2/14/13

Opposition (G200+)

None

Date of Application Submittal: September 7, 2012

Date Application Determined to be Complete: January 25, 2013

State Mandated 120-Day Rule: May 24, 2013