STAFF REPORT

CITY OF LAKE OSWEGO

PLANNING DIVISION

PROPERTY OWNER/APPLICANT:

Senior Holdings, LLC

APPLICANT'S REPRESENTATIVE:

Myhre Group Architects, Inc

TAX LOT REFERENCE:

Tax Lot 3300 of Tax Map 21E 08BA

LOCATION:

3900 Kruse Way Place

COMP. PLAN DESCRIPTION:

GC

ZONING DESIGNATION:

GC

FILE NO:

LU 14-0010

STAFF:

Johanna Hastay, AICP

DATE OF REPORT:

November 7, 2014

120-DAY DECISION DATE:

February 13, 2015

NEIGHBORHOOD ASSOCIATION:

Waluga

DATE OF PUBLIC HEARING:

November 17, 2014

I. APPLICANT'S REQUEST

The applicant is requesting approval of Conditional Use Permit (CUP) and a Development Review Permit to construct a 4-story 133-unit combined residential care and congregate housing development. Seven trees will be removed to accommodate site improvements.

II. RECOMMENDATION

Approval with conditions. The complete list of conditions is provided on pages 39-44 of this report.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Comprehensive Plan:

Only "applicable regulatory Comprehensive Plan policies" are applied as criteria; staff has not identified any regulatory policies to this application other than Goal 5, Policy 4 of the Waluga Neighborhood Plan. However the following policies are discussed in the applicant's narratives:

Land Use Planning
- Section A: Development
- Section B: Development Review

Community Culture
- Civic Engagement

Complete Neighborhoods and Housing
Connected Community
Waluga Neighborhood Plan

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

LOC 50.02.002	Commercial Zones
LOC 50.02.002.2	Specific Standards for Commercial Zones
LOC 50.03.003.1.e.i	Residential Uses in Commercial Zones
LOC 50.03.003.2.a	Use-Specific Standards for Residential Care Housing & Congregate Housing
LOC 50.05.007	Lake Grove Village Center Overlay District
LOC 50.06.002	Parking
LOC 50.06.003.1	Access/Access Lanes (Flag Lots)
LOC 50.06.003.2	On-Site Circulation – Driveways & Fire Access Roads
LOC 50.06.003.3	On-Site Circulation – Bikeways, Walkways & Accessways
LOC 50.06.003.4	Local Street Connectivity
LOC 50.06.003.5	Transit
LOC 50.06.004.1	Landscaping, Screening & Buffering
LOC 50.06.004.2	Fences
LOC 50.06.004.3	Lighting
LOC 50.06.005; 50.07.004.7	Park & Open Space Contributions
LOC 50.06.006.3.a; 50.07.004.1	Drainage Standard for Major Developments, Partitions, Subdivisions, & Certain Structures
LOC 50.06.008; 50.07.004.11	Utilities
LOC 50.07.003.1.b	Burden of Proof
LOC 50.07.003.5	Conditions of Approval
LOC 50.07.003.6	Effect of Decision
LOC 50.07.003.7	Appeals
LOC 50.07.003.14	Minor Development Decisions
LOC 50.07.003.15	Major Development Decisions
LOC 50.07.005	Conditional Use Permits

C. City of Lake Oswego Streets and Sidewalks Code [LOC chapter 42]:

LOC 42.03.005 - 42.03.135	Street Design Standards
LOC 42.08.400 - 42.08.470	Streets & Sidewalks

D. City of Lake Oswego Signs Code [LOC Chapter 47]:

LOC 47.10.410	Permanent Signage in the GC zone

E. City of Lake Oswego Tree Code [LOC Chapter 55]:

LOC 55.02.010 - 55.02.084	Tree Removal & Mitigation Requirements
LOC 55.08.020 - 55.08.030	Tree Protection

F. Prior Approvals:

ZC 20-84-206
DR 8-91/SD 24-91
DR 14-96

IV. FINDINGS

A. Background/Existing Conditions:

1. The vacant site is a 2.39-acre lot with frontage on Kruse Way Place, a local street (Exhibit E1).

2. The site is zoned General Commercial (GC) and is within the Lake Grove Village Center Overlay (LGVCO) District. The vacant property to the south and east is zoned GC and is within the LGVCO. The adjacent properties to the north are zoned residential (R-3) and commercial (OC). They are developed as the Canberra Heights apartment complex and an office complex, respectively. The property to the west is zoned OC and is developed as an office complex.

3. There is a shared history between the subject site (Tax Lot 3300) and the two abutting tax lots (Tax Lots 3200 and 5900). Please see Exhibit F12, a letter dated August 30, 2012, from the City of Lake Oswego Deputy City Attorney to the owners (or their attorneys) regarding that history. The exhibit also includes the 1998 agreement between Glenn Gregg (the then owner of the subject site) and the City of Lake Oswego. Included here is a brief summary of those materials:

   This site is the subject of a 1984 zone change (ZC 20-84-206) and lot line adjustment (DR 8-98/SD 24-91), which also included the two abutting sites. A condition of the zone change and lot line adjustment required, prior to issuance of any development permit for an individual site, demonstration of shared access and a common driveway to Kruse Way and Kruse Way Place. In 1992, a Declaration of Reciprocal Easements and Access Agreement was prepared, executed by the then owners of the two abutting sites, and recorded (92-058882). Because the Declaration was not executed by the then owner of the easterly abutting property (Lake Grove Garden Center, Inc.), that Declaration was never effective. In 1998, the then owner of the subject site (Glenn Gregg) executed an Agreement that promised to actually create the shared access easement to Kruse Way at a later date (upon the other two parcels executing shared easements in favor of the subject site). No shared easements have actually been granted by all three parcels.

Exhibit F12 recites the history of the three parcels, the 1988 zoning code's requirement for shared access on Kruse Way Place, and each property's shared right-in, right-out access on Kruse Way. The opportunity for access to Kruse Way (recognized by a 1988 zone change and 1991 lot line adjustment condition of approval to meet the then access zoning standard), was modified by the 2008 adoption of an Access standard [LOC 50.05.007.7.f.iv(3), access prohibited except in specific circumstances] for any development constructed under that criterion. The site is also subject to an approved Development Review (DR) permit (DR 14-96) that was never completed. While DR 14-96 permit has no expiration date, once this approval is final, the initial approval will be superseded and rendered void.

4. The site slopes down towards the southeast corner of the site at a 6.5% slope. There are three trees over five inches in diameter (Exhibit E5). There are an additional four trees on the abutting property to the west that must be removed in order to facilitate the shared access lane (Exhibits E6 and E15).

V. REVIEW AND APPROVAL PROCEDURES

A. Neighborhood Meeting

Per LOC 50.07.003.1.f, the City Manager may require neighborhood contact pursuant to this section prior to the filing of an application, if neighborhood contact is deemed to be beneficial. A neighborhood meeting was held on February 5, 2014 (Exhibit F4).

B. Public Notice to Surrounding Area

Pursuant to LOC 50.07.003.3.e, the City has provided adequate public notice and opportunity to comment on this application. No comments were received prior to the publication of this report.

C. Burden of Proof:

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

D. Classification of Application

Minor Development [LOC 50.07.003.14.a]: The applicant is requesting approval of a Development Review Permit to construct a 133-unit combined residential care and congregate housing development. This is classified as minor development per LOC 50.07.003.14.a.ii. (6).

Major Development [LOC 50.07.003.15.a]: The applicant is also requesting approval of a CUP to construct the project. This is classified as major development per LOC 50.07.003.15.a.ii. (1).

Both of these requests are being reviewed as one application, and as to the minor development, the City Manager has consolidated the review before the Development Review Commission as authorized per LOC 50.01.003.2.e and 50.01.003.3.d. The only difference between a request for a CUP and a Development Review Permit is the application of applicable Comprehensive Plan regulatory policies for the CUP; see, below.

E. Minor and Major Development- Criteria for Review of Application

Per LOC 50.07.003.14.d and LOC 50.07.003.15.d, for any minor or major development application to be approved, it shall first be established that the proposal complies with:

1. Any applicable regulatory policies of the Lake Oswego Comprehensive Plan (Major Development only);

Applicable regulatory Comprehensive Plan policies must be addressed as part of the request for a CUP for the subject site. Staff has reviewed the cited Comprehensive Plan policies, as well as the Comprehensive Plan policies generally, to determine if they are "regulatory" and has found that none of them are regulatory with regard to this application. However, even if the cited Comprehensive Plan policies are regulatory, the applicant has adequately addressed these policies in the narrative (Exhibit F1), and staff would find that the applicant has shown that they are met.

In addition to the city-wide Comprehensive Plan policies, the applicant must demonstrate compliance with any adopted neighborhood plans which are a part of the Comprehensive Plan. The site is located in the Waluga Neighborhood which adopted a neighborhood plan on March 2, 2002. The applicant has addressed the Waluga Neighborhood Plan (Plan) policies in an addendum narrative (Exhibit F2).

Most of the Plan policies specific to the neighborhood's concerns are addressed within the Community Development Code -- specifically, the requirements of the zone (LGVCO District LOC 50.05.007) and the criteria for a Conditional Use Permit (LOC 50.07.005 and 50.03.003.2.a). Staff finds that the only regulatory policy found in the Plan arguably applicable to this development is Goal 5, Policy 4, which states: "Where practicable, require landscaping and planting of trees which grow to a significant size …." "Where practicable" is defined in the Plan as follows:

> "This term refers to a test of reasonableness and practicality when … seeking to implement a specific … policy…. Factors to be considered include the cost and effort required to accomplish the desired end in relationship to the scale of development and whether the desired end is realistic in relationship to resources available."

Staff finds that the proposed landscape plan (Exhibit E14) includes a range of trees to be planted on the site including: Katsura, birch, a variety of maples, cypress, pines, and cedar. The majority of these trees will achieve a significant size providing pedestrian amenities along the public sidewalk, the pedestrian pathway along the west property line, and around parking spaces and internal courtyards. Staff agrees with the applicant's findings that the proposal is in compliance with the regulatory policy in the adopted neighborhood plan.

While not a regulatory policy, another stated concern of the neighborhood (noted under Goal 10: Housing) is the loss of and impact to the existing low-density residences to higher intensity development. The proposed housing development is similar to high-density housing, which the Plan states should be located near major arterials, mass transit, and commercial businesses in order to increase walking and decrease auto use. In addition, the Plan states that this type of special-use housing" should be located between commercial areas and low-density residential development. In 2002, "Special Use Housing" was defined as "Housing occupied by 7 or more persons who are 1) 60 years of age, or 2) socially, physically or mentally handicapped, or 3) persons needing personal care services, or any combination thereof.

The site is located near Kruse Way and Boones Ferry Road, both major arterials with mass transit service. As described, above, the site is not in close proximity to any low-density residential neighborhoods. Staff notes that the proposal helps maintain the Waluga Neighborhood character by adding housing without impacting the low-density residential neighborhoods.

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

Specific Standards for Commercial Zones [LOC 50.02.002.2]

This standard requires that all business, service, repair, processing, and storage, or the display of merchandise on property abutting or adjacent to a residential zone shall be conducted wholly within an enclosed building unless screened from the residential zone by a buffer area. The site is adjacent to a high density residential zone on the north (Exhibit E4). The proposed use is residential in nature with no outdoor processing or storage. In addition, the majority of the required parking is underground. Due to the type of proposed use, this portion of the standard is not applicable and no additional screening is required.

A unified site plan is required for all development in commercial zones that identifies circulation patterns and access points, method of provision of public services and general placement of lots and structures, and general types of uses. The site consists of one tax lot and the applicant proposes to develop it as residential care and congregate housing (Exhibits E6 and F1). Exhibits E6-E12 illustrate the location of structures, parking spaces, access points, utilities, and circulation patterns. This standard is met.

Commercial Zones Dimensional Standards [LOC 50.04.001.4]

Per LOC 50.05.007.2.a.i, the underlying GC zone dimensional standards are superseded by the LGVCO District standards. This standard is not applicable.

Residential Uses in Commercial Zones [LOC 50.03.003.1.e.i]

Except as specifically allowed in LOC 50.02.002.2, Specific Standards for Commercial, Mixed Use, and Industrial Zones, a residential use may occupy the ground floor in the GC zone only if a commercial use is located along the street frontage and the residential use is located behind the commercial use with the following exception: a residential use may occupy the ground floor in the GC zone at street frontage designated Park Lane, Crossroads Gateway or Campus Woods within the LGVCO District (see Village Character Map, LOC Figure 50.05.007-D).

The subject site has frontage along Kruse Way Place which is designated as Park Lane under the LGVCO District (Exhibit E6); therefore, the proposed residential uses on the ground floor are allowed. This standard is not applicable.

Conditional Uses – General Standards [LOC 50.07.005] (Major Development Only)

A conditional use is an activity that is permitted in a zone but which, because of some characteristics that are not entirely compatible with other uses in the zone, cannot be permitted outright. In order for a CUP to be approved for a residential care and congregate housing development, it must be shown that:

(i) The requirements of the zone are met;

As detailed in the applicant's narrative and plans (Exhibits E6, E11, E12, and F1) and reviewed, below, the proposed residential care and congregate housing development meets the site dimensional and design standards of the LGVCO District standards which supersede the GC zone standards. This standard is met.

(ii) Special conditions found in 50.03.003.2.a are met; and,

As detailed in the applicant's narrative (Exhibit F1) and reviewed, below, the use specific standards for residential care and congregate housing development are met. This standard is met.

(iii) The site is physically capable of accommodating the proposed use; and,

As discussed in detail in the applicant's narrative (Exhibit F1), the site is 2.39 acres in size and is physically capable of accommodating the proposed improvements. The proposed housing development meets or exceeds all setback requirements, as well as meeting the LGVCO dimensional and applicable development standards. All required parking is provided on-site, the majority of which is provided in an underground parking facility (Exhibits E7 and E11). The minimum required number of parking spaces, based on the number of units and bedrooms, is 97 spaces; the applicant is providing 107 spaces (Exhibit F1). The site is approximately 120 feet from the intersection of Kruse Way Place with Boones Ferry Road. There is a sidewalk along that site frontage as well as a pedestrian pathway on the west property line that will provide a pedestrian connection from Kruse Way Place to Kruse Way. In addition, the housing development provides a shuttle service for all residents (Exhibit F5). All of these facilities allow residents complete access to existing public transportation, shopping, services, and other activities, minimizing the need for private cars (Exhibits E7 and F5). This standard is met.

(iv) The functional characteristics of the proposed use are such that it can be made reasonably compatible with uses in the vicinity.

Staff notes that the use-specific standards for this type of development, discussed below, ensure that the proposed use can be made reasonably compatible. The surrounding area is a mix of commercial, retail, office, and multi-family uses, all of which are compatible with a higher density housing development. Traffic generated by the development will be directed towards the nearby arterials, Boones Ferry Road and Kruse Way, with minimal impact on the nearby lower density residential neighborhoods on the other side of Boones Ferry Road. The building massing is also appropriate to the site and similar to the existing development within close proximity. This standard is met.

Staff agrees with the applicant's findings that the proposed CUP meets the general CUP standards. This standard is met.

Use-Specific Standards for Residential Care Housing and Congregate Housing [LOC 50.03.003.2.a]

The following are specific standards that apply to residential care and congregate housing development in the GC zone:

(1) Any site to be used for residential care housing or congregate housing shall be at least one-half acre in size. All abutting property, which is in one ownership or the subject of a joint application involving more than one ownership, shall be considered as the site.

The site is 2.39 acres in size (Exhibits E1 and F1). This standard is met.

(2) All requirements of the underlying zone, such as lot coverage, height limitations, setbacks and of the Lake Oswego Code generally, shall be complied with unless modified by this section. However, there are no density limitations on the number of residential care or congregate housing living units, which may be developed, provided all the other requirements of the Code and other governmental regulatory agencies are met.

As reviewed, below, the proposed development complies with the LGVCO District standards. (Exhibits E6-E12 and F1). This standard is met.

(3) Within the allowed single- and multi-family zones, residential care housing and congregate housing shall be permitted only on those properties which abut a major or minor arterial or a major collector or neighborhood collector. Access to the development site shall be by the street with the highest classification unless prohibited by access constraints.

The site is not located in a residential zone. This standard is not applicable.

(4) Any building to be occupied for residential care housing and congregate housing shall be designed or renovated specifically for this use. Any required regulatory licenses shall be obtained before residents occupy the building.

The proposed development has been specifically designed and will be constructed as a residential care and congregate housing development. The applicant's narrative states that all regulatory licenses will be obtained for the new services (Exhibit F1). Compliance with this standard will be made a condition of approval. As conditioned, this standard is met.

(5) All public services shall be available and have the capacity to serve the facility.

Construction of adequate public services (power, water, streets, sewers, parks, recreation facilities, police and fire protection, and telephone and gas utilities) to serve the development is being reviewed as part of this application as well as the ability to provide adequate fire protection. As discussed in this report, this standard is met.

(6) Site design shall illustrate the accommodation of the special accessibility needs of those with varying levels of disabilities such as grade and width of walkways, exterior lighting, signage, resident parking, and orientation of entrances, which emphasize easy recognition.

The proposed site improvements include an accessible memory care courtyard, accessible at-grade internal courtyards, rooftop gardens, and pathways that will comply with Americans with Disabilities Act (ADA) width and grade requirements (Exhibits E6 and F1). The applicant's materials demonstrate that the residents' varying accessibility needs will be met (Exhibits E8 and F1). This standard is met.

(7) Buffering and screening of the facility with fences, walls and landscaping shall be required to mitigate external noise and other disruptive conditions from surrounding uses such as light glare.

Landscaping is provided throughout the site, specifically around the perimeter to buffer and screen surrounding and internal uses (Exhibits E14 and F1). All new lights incorporate shields to restrict glare on abutting properties (Exhibits E10 and E18). The proposed fence around the memory care facility's outdoor courtyard will ensure full screening and buffering for that outdoor use (Exhibits E7 and F1). Staff finds that potential impacts from and to new development will be mitigated as proposed. This standard is met.

(8) At least 20% of the development site exclusive of areas required for park land and sensitive lands protection shall be landscaped. The required landscaped area is inclusive of landscaping required for parking lots, and within required buffer areas. Landscaping may include courtyards, raised beds and planters, espaliers, arbors and trellises.

The applicant's materials demonstrate that, after development, the remaining landscaped area on the site is 20% including the rooftop garden and internal courtyards (Exhibits E14 and F1). This standard is met.

(9) Large expanses of paving, including off-street parking and loading areas, shall be landscaped. These areas shall be shall be buffered and screened from adjoining land uses with landscaping. Trees shall be integral to the landscaping plan and incorporated into parking lot design to provide for shade and surface water runoff and quality benefits.

Staff finds that "large expanses of pavement" means surface parking and driveway aisles, not underground parking, as any landscaping would necessarily have to have access to soil and sunlight. In addition, the objective of the landscaping is to screen adjoining surface land uses. As demonstrated on the proposed site plan (Exhibits E7 and E11), there are no large expanses of pavement on this site as the majority of parking is located underground and there are no adjoining land uses that might be adversely impacted without the screening. This standard is not applicable.

(10) Buildings and the development site shall be designed with a residential character and theme. Development in the EC zone is subject to the requirements of LOC 50.05.004, Downtown Redevelopment Design District. If a conflict exists between LOC 50.05.004 and the requirements below, LOC 50.05.004 shall prevail. To achieve a residential character and theme, the reviewing authority may require design elements including, but not limited to, any or all of the following:

(a) Complex massing and asymmetrical building composition;

The applicant's narrative, perspective drawings, and building elevations demonstrate that the proposed building reflects complex massing and asymmetrical composition (Exhibits E12, E13, and F1). The building steps down the slope, and incorporates deep eaves and recessed balconies, material changes and an atypical 5-sided massing to achieve those objectives. For further discussion of the proposed design, please see the LGVCO standard, below. This portion of the standard is met as proposed.

(b) Use of masonry, wood or wood appearing composites as exterior cladding materials;

As shown on the elevation drawings and materials board, the proposed exterior siding is primarily brick, natural stained wood, and wood-composite horizontal lap siding (Exhibits E12 and E17). This standard is met as proposed.

(c) Use of harmonious building materials and earth and muted tone colors and compatible color accents;

The color and materials board illustrates that the proposed exterior materials for the building are harmonious (Exhibits E17 and E20). All painted portions will be in muted earth colors (Exhibit E17). This portion of the standard is met as proposed.

(d) Lush landscaping including the use of border plantings and trees throughout the development site.

The landscape plans show the development as fully landscaped with a variety of trees, shrubs, and ground covers (Exhibit E14). This portion of the standard is met as proposed.

Staff finds that, through the use of the above design elements, the buildings and the site are designed with a residential character and theme; therefore, this standard is met without the necessity of additional conditions of approval.

(11) Monotony of design in single or multiple buildings shall be avoided. Variation of detail, form, and building siting shall be used to enhance design quality. To achieve these objectives, the reviewing authority may impose requirements including, but not limited to, any or all of the following:

(a) No continuous blank walls shall be allowed along the public front of the buildings and shall not exceed 25 linear ft. without windows, recess, or change of plane. Appropriate use of windows shall be made to provide scale with the amount of fenestration or glazing proportional to the mass of the building facade.

No continuous blank walls in excess of 25 linear feet fronting the public area are proposed (Exhibits E12 and E13); therefore, no conditions of approval are necessary. This portion of the standard is met as proposed.

(b) Architectural features and accents such as bay windows, gables, dormers and projecting eaves shall be used to break up roof expanses. Verandas and projecting balconies shall be used where safe and practical.

The proposed building incorporates a flat roof with a rooftop deck (Exhibit E13). There are no sloping roof expanses that require being broken up with gables or dormers. Each floor includes outdoor balconies for the majority of the units that help create deep shadow lines on all elevations (Exhibits E13 and F1). This portion of the standard is met as proposed.

(c) Roof materials shall consist of cedar shingles, tiles, or three tab composite shingles in dark gray, green or black colors. Metal roofs and colored roofs, other than those mentioned above, and mansard or decorative roof forms are prohibited.

As shown on the color and materials board, the proposed roof material on the small amounts of sloping roof sections consists of grey architectural composite asphalt shingles (Exhibits E17 and E20). This portion of the standard is met as proposed.

Staff finds that the proposed design avoids monotony of design through the use of complex massing, varied siding materials and colors, and the judicious use of fenestration on all elevations. This standard is met without the necessity of additional conditions of approval.

(12) Buildings shall use materials that are architecturally harmonious for all walls and exterior components. To achieve this objective, the reviewing authority may impose requirements including, but not limited to, the following:

(a) Materials for building walls may consist of wood shingle, brick, horizontal wood or composite wood siding, stone, masonry, concrete block which mimics stone, brick or other masonry. Stucco and timbers shall be allowed on gable ends only.

The applicant is proposing brick, natural wood, and composite-wood siding (Exhibits E12, E17, and F1). This portion of the standard is met as proposed

(b) The following exterior materials are not allowed: EIFS or other synthetic stucco material; metal panels; flagstone; plywood paneling; vinyl cladding; mirrored glass; standard form concrete block; backlit fabrics.

None of the prohibited materials are proposed (Exhibits E17 and F1). This portion of the standard is met as proposed.

Staff finds that, through the use of the above materials, all walls and exterior components are architecturally harmonious. This standard is met without the need for additional conditions of approval.

(13) Building vents and mechanical devices shall be screened from view with materials harmonious to the building. Exterior site elements such as storage, trash collection areas and noise generating equipment shall be located away from abutting property lines and sight-obscuring fencing and landscaping shall be used to screen and buffer these areas.

Trash collection and storage are incorporated into the building. Landscaping will screen all vents and mechanical units will be located on the rooftop with screening (Exhibit F1). This standard is met.

(14) Access to public and commercial services, parks and other recreation areas, churches, shopping, and other places frequented by the public in the course of daily life shall be made available to the residents through a transport service privately provided by the residential care housing facility.

As discussed in the applicant's supplemental narrative, both the residential care housing and congregate housing residents will be served by a transportation service (Exhibits F1 and F5). This standard is met.

(15) Access to public sidewalks and/or pathways shall be provided. Street crossings bordering on streets three lanes and larger shall be located at traffic light controlled crossings. Crossings on two lane streets classified as either collectors or arterials may occur at sign controlled intersections. All other crossings may occur at non-controlled intersections provided that safe sight distance per the AASHTO Standards is present. When projects are located on streets greater than 10,000 ADT and it can reasonably be expected that future residents will cross these streets, a traffic study shall be required to show that safe sight distance and adequate traffic "gaps" exist to allow safe crossing.

As discussed under LOC Chapter 42 Streets and Sidewalks, below, the City Engineer is requiring a condition of approval to maintain an existing, mid-block pedestrian crossing on Kruse Way Place at the northwest corner of the site and to upgrade the curb ramp along the site's frontage to meet the current ADA guidelines (Exhibit E8 and F1). The proposed internal walkway system fully connects all portions of the site, from the pedestrian pathway along the west property line down to Kruse Way, and to the public sidewalk along Kruse Way Place (Exhibit E7). No new street crossings are proposed or required with this application. As conditioned, below, this standard is met.

Staff finds that the proposed development meets the use specific standards for residential care and congregate housing. As conditioned, this standard is met.

Lake Grove Village Center Overlay District [LOC 50.05.007]

The site is located in the LGVCO District within the Village Campus Design Area and with a Park Lane streetfront environment designation for Kruse Way Place. The LGVCO prescribes special standards to ensure desired features and character of the District. Certain sections of the Code are superseded, including Commercial Site Development Limitations (LOC 50.04.001.4) and the Commercial Building Design standard (LOC 50.06.001.5). 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.

Site Dimensional 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.

LGVCO Site Dimensional Standards and Analysis of Compliance		
Standards	**Requirements**	**Proposed**
Height Calculations	GC zone 45 feet	45 feet
Setbacks	GC zone None	Varied setbacks
Lot Coverage 15% bonus lot coverage available for housing	GC zone 50% Housing 15% Total : 65%	50%
Floor Area Ratio (FAR)	FAR does not apply	n/a

Staff finds that the proposal complies with the above site dimensional standards.

Per LOC 50.05.007.4.b.ii, buildings exceeding 35 feet or 2.5 stories in height shall include a 12-foot area for a public sidewalk or pathway in compliance with the streetscape requirements for each specific street designation (LOC Figure 50.05.007-V). The proposed building is 45 feet in height and Kruse Way Place is designated Park Lake which requires a 20-foot area for a 7-foot sidewalk with landscaping on either side. The applicant is providing a 20-foot wide area along the Kruse Way Place frontage that incorporates a 7-foot wide sidewalk and 6-7 feet of landscaping on either side (Exhibits E6 and E16). This portion of the standard is met.

In addition to the sidewalk area, buildings in the Village Campus Design Area exceeding three stories must comply with LOC 50.05.007.4.b.iii(1), which requires all stories above the second story to be residential units. As shown on the applicant's floor plans, all stories above the second story are residential units (Exhibit E11). This standard is met.

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]:

i. Eclectic Mix of Styles. Village character shall be derived from a variety of architectural styles to create an eclectic mix.

The LGVCO Building Design standards ensure compliance with this standard.

ii. Design Diversity. 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.

The proposed design is Chicago School/Sullivanesque style which is an allowed style in the GC zone without a Village Transition Area overlay (Exhibits E12, E13, and F1). There are no other buildings on the block that are designed in this style (Exhibit F1). This standard is met.

iii. 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. Additional styles permitted in the GC zone without VTA overlay are: Italian Renaissance, ***Chicago School/Sullivanesque*** *(emphasis added), Art Deco/Modern, and Richardsonian Romanesque.*

As discussed in the applicant's narrative (Exhibit F1), and illustrated on the elevation and color perspective drawings (Exhibits E12 and E13), the proposed building is designed in the Chicago School/Sullivanesque style. Some of the elements that characterize this style are flat roof forms with boldly projecting eaves rather than cornices, rectangular shape with vertical emphasis, large areas of glass with minimal structural members, 3-part "Chicago"-style windows with a central pane flanked by narrower panes, exterior sheathing in terra cotta and brick (Exhibit E12 and F1).

As shown on the building elevations and color perspective drawings (Exhibit E12 and E13), the proposed building incorporates many of these elements, including a flat roof with deeply projecting eaves, strong vertical and horizontal lines, grouped windows, brick cladding, and a defined base. This standard is met.

iv. 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 applicant states, and staff concurs, that the building proportions are emphasized by the use of strong vertical and horizontal elements that break the facades into distinct planes, accent brickwork, deeply inset balconies, natural stained fir siding and soffits, and the asymmetrical building massing (Exhibits E12-E13 and F1). All of the components help accentuate the proposed style. This standard is met.

Design Features [LOC 50.05.007.5.c]:

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

As illustrated on Exhibits E12 and E13, the mass of the building is broken into many distinct elevations. As viewed from the different perspectives, the building demonstrates complex massing. The deeply recessed balconies, the projecting eaves, varied roof levels, and the varied siding materials create a richly textured and visually interesting façade (Exhibit F1). This standard is met.

ii- iii. 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 utilized. 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 14), the applicant proposes a layered landscape plan that incorporates a wide variety of drought-tolerant and hardy vegetation, with eight species of larger trees (including Katsura, birch, maples, pine, cedar and cypress), 11 species of ornamental trees (including redbud, beech, Zelkova, dogwood, and maples), 26 species of shrubs (including red currant, viburnum, rhododendron, and huckleberry), ornamental grasses, and many native groundcovers like barberry, salal, and sword fern. The landscaping is proposed all along the site's perimeter, along the public pathway and sidewalk, on the rooftop garden, and interior courtyards. There are no existing mature trees to incorporate into the landscape plan (Exhibit E5). The building steps down following the topography of the site (Exhibits E12, E13, and E16). Staff concurs with the applicant that the proposed landscaping helps define the building proportion and provides scale to the structure (Exhibit F1). This standard is met.

iv. Complementary Elements. 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.

As shown on the color perspective drawings, the Chicago/Sullivanesque style is characterized by minimal use of awnings (Exhibits E3). Instead, the applicant is proposing to use projecting eaves, a variety of siding materials, recessed balconies framed in natural stained fir siding, and brick siding to articulate the overall design. No external stairs are proposed. Windows incorporate larger panes in keeping with the proposed style (Exhibits E12 and E13). Street furniture, such as benches and trash cans, are metal with wood components (Exhibit E18), which are complementary to the overall style. Future signs will be small monument signs, located at the two entrances on Kruse Way Place (Exhibit E19). Wall signs in general would be out of character on a residential development and should be prohibited as a condition of approval. As conditioned, this standard is met.

Pedestrian Features [LOC 50.05.007.5.d]:

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

The site abuts Kruse Way Place (Exhibit E5). As indicated on the site plan (Exhibit E7), the proposed building is located within 30 feet of that street with a walkway to provide direct public access to the public sidewalk. This standard does not require the actual entrance to be within 30 feet of the public street. The main entry to the proposed building is located at the northwestern side of the building, is sheltered by a deep canopy to provide a sheltered area, and is emphasized through the use of a wood-framed porte cochere and fenestration (Exhibits E11 and E13). This standard is met.

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

As shown on the site plan (Exhibit E7), continuous and barrier-free walkways, pathways, and sidewalks are provided around and through the site from Kruse Way Place. This standard is met.

iii. Open Area Amenities. 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 E14), street trees, landscaped areas and plazas, a public pathway, and a public sidewalk are proposed on the site. The 7-foot wide public sidewalk along Kruse Way Place is bordered by 6-7 feet of landscaping including street trees, shrubs, ground cover, and benches (Exhibits E14 and E16). The 6-foot wide public walkway along the western property line is located in a 20-foot public access easement and includes landscaping on either side and a landscaped public plaza with benches (Exhibit E14). The sidewalk, pathway, and plaza all incorporate a "layered design". This standard is met.

iv. Windows shall be numerous and placed at the pedestrian level to provide a visual connection to the street environment and public areas. Windows at dwelling units shall provide a visual connection to the street and public areas. Architectural elements including but not limited to balconies, front porches and windows may be employed.

As shown on Exhibits E12 and E13, the street-facing elevations have been designed with large expanses of windows that have been placed to accentuate the building design and allow for the pedestrian-level visual connection appropriate for a residential care and congregate housing development. This standard is met.

v. 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 site and landscape plans (Exhibits E7 and E14), the public sidewalk along Kruse Way Place is separated from the building by required Park Lane landscaping areas. As the public sidewalk does not abut the building frontage, this standard is not applicable.

vi. 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.

The applicant states that exterior lights will be 42-inch high bollard light fixtures with a bronze finish compatible with the natural colors of the building (Exhibits E18 and F1). All lights incorporate shielding (Exhibit E18). This standard is met.

Roofs [LOC 50.05.007.5.e]:

i-iv. 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.

The proposed primary roof form is flat roof, but the building is 45 feet in height in compliance with this standard (Exhibits E12, E16, and F1). A roof garden is proposed on the main roof form with adequate slope to manage any stormwater (Exhibits E11, E14, E18, and F1). Stormwater management is discussed in further detail under the Drainage standard, below. This standard is met.

Screening and Sound Buffering [LOC 50.05.007.5.f]:

i-ii. 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 applicant's materials indicate that at-grade mechanical equipment will be fully screened with landscaping (Exhibits E14). The landscaping includes small shrubs which will not fully screen the equipment. Staff recommends a condition of approval to increase the height of the screening or to incorporate structural screening, to the satisfaction of staff. All other mechanical equipment is located on the roof away from living spaces and outdoor activity areas (Exhibit F1). As conditioned, this standard is met.

iv. *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.*

Mechanical equipment will be located away from the living areas (Exhibits E11 and F1). Although the site is not located directly on any arterial streets (it is separated from them by an abutting site), window surfaces have been minimized to the extent possible to reduce potential noise impacts from traffic (Exhibit E7). In addition, the applicant is proposing high quality windows which will also minimize adverse noise impacts on interior occupied spaces (Exhibit E18). This standard is met.

Materials [LOC 50.05.007.5.g]:

i. Wall Materials. 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.

The proposed siding primarily consists of brick, natural wood siding, horizontal wood-composite siding, and large expanse of windows (Exhibits E13, E17, E20, and F1). As discussed in the applicant's materials, all materials are durable and of high quality. None of the prohibited exterior materials are proposed (Exhibit F1). This standard is met.

ii. 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.

The proposed roof is flat with a rooftop garden (Exhibit F1). Where roofing material is necessary, it will consist of composite shingles. This standard is met.

iii. 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 proposed building has been designed with harmonious earth-tone colors and materials (Exhibits E13, E17, and E20). This standard is met.

Village Campus Design Areas [LOC 50.007.5.j.i]

The Village Campus Design Area standards (LOC 50.05.007.5.j) are applicable. These standards prevent smooth, undifferentiated facades and promote building scale and articulation appropriate for development in a context where buildings are set back from the street. Buildings may be set back from the street to create a desired character as set forth in the Transitional Streetfront Environment and Park Streetfront Environment. Existing site conditions may call for flexibility in building location to preserve natural features including trees, riparian areas, and topography, and to accommodate curved or limited street frontage or large through-lots adjacent to Kruse Way. The following standards apply for properties designated Village Campus on the Village Character Map, Figure 50.05.007-D: Village Character Map:

i. Offset Architectural Elements. Buildings facades shall be designed to reference the rhythm of structural elements by offsetting bays, projecting columns, recessing windows, or providing a combination of two of these features. The minimum depth for offset structural elements shall be 18 inches for a minimum width of 18 inches.

The proposed building design uses offsetting bays to create a rhythm and provide scale to the building mass. The balconies have been recessed a minimum of 2-4 feet and are 10 feet wide, creating deep bays that meet the minimum measurements, above (Exhibits E13 and F1). This standard is met.

ii. Base, Middle and Top. Buildings facades shall be designed to reference a human scale by providing a tripartite facade division with an identifiable base, middle and top.

The applicant's narratives states that the topography of the site creates a unique challenge to the traditional tripartite façade division so easily discernable on flat sites (Exhibit F1). Instead of the traditional "layered cake" division, the applicant is utilizing a brick frame around the base to "step" the building down the site (Exhibits E13 and F1). The other siding materials and large expanses of fenestration then mark the middle of the building. From there, the top is defined by a deeply projecting eave with a natural stained wood soffit which is a standard Chicago School/Sullivanesque design element (Exhibits E13 and F1). Staff agrees with the applicant's findings that the proposed design is composed of human-scale materials and building facades in a modern interpretation of the tripartite division. This standard is met.

iii. Significant Shadows. Building facades shall be designed to create significant shadows. Two or more architectural features exhibiting a minimum depth of 12 inches shall be employed. Architectural features may include, and are not limited to, the following:

(1) Bays,
(2) Columns,
(3) Recessed windows,
(4) Eaves,
(5) Cornices,
(6) Awnings,
(7) Balconies,
(8) Trellises,
(9) Window boxes, and
(10) Articulated building base.

The building design incorporates projecting eaves, recessed balconies, and brick columns to create significant shadows on all facades (Exhibits E13 and F1). 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.

Streets, Circulation and Pedestrian System [LOC 50.05.007.6.b.i]*:*

i. Transportation System Maps. Streets, alleys, traffic controls, crossings, pedestrian, bike and transit facilities, parking facilities and access shall be provided and developed in accordance with the following:

The current right-of-way width of Kruse Way Place is approximately 40 feet, with the street pavement width being approximately 24 feet curb-to-curb and a 6-foot curb-tight sidewalk along the frontage (Exhibit E5). The roadway is classified as a local commercial street in the Transportation System Plan of the Comprehensive Plan and should have a 60-foot right-of-way width. The applicant is dedicating seven feet of additional right-of-way to help achieve this width (Exhibits E6 and F1).

(1) 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. This standard is met.

(2) Parking Facilities and Access Coordination

As indicated in LOC Figure 50.05.007-U; Parking Facilities and Access Coordination Map, the site is not located in one of the "service areas" subject to a public parking facility. However, the site and the two abutting properties are in an "Access Coordination Area", requiring coordinated access between the three properties by establishing shared access off of Kruse Way Place. In addition, the three sites must establish shared parking. As discussed more specifically, below, the proposed access coordination and parking is met as conditioned.

(3) Pedestrian Facilities and Streetscape

As indicated in LOC Figure 50.05.007-V, the Kruse Way Place frontage is designated as Park Lane Streetfront Environment. Figure 50.05.007-GG *Park Lane Streetscape* indicates that the proposed 7-foot pathway should be separated from the curb by a landscaped area. In order to accommodate the proposed Park Lane Streetscape, approximately seven feet of additional right-of-way will be required along the frontage as a condition of approval. The existing sidewalk should be removed, a landscape strip installed, and a 7-foot pathway constructed behind the landscape strip, per the LGVCO standards. The Engineering staff found that some adjustments may be necessary to align these frontage improvements with the widened cross-section and future improvements immediately to the east approaching the intersection of Boones Ferry Road.

In addition to the public right-of-way improvements, the site is subject to a required pedestrian walkway along the western property line. The walkway will connect to the existing walkway on the abutting property to the west that starts on Kruse Way so that pedestrian linkage between Kruse Way and Kruse Way Place will be complete. Compliance with the design standards for these designations is discussed, below. This standard is met.

(4) Bike Facilities

As indicated in LOC Figure 50.05.007-W, a bike route/connection is proposed for the Kruse Way Place frontage. As discussed, below, regarding LOC Chapter 42 Streets and Sidewalks, the applicant is being required to dedicate additional right-of-way along that frontage to accommodate the future improvement (Exhibit E7). This standard is met.

(5) Transit

As indicated on LOC Figure 50.05.007-X, TriMet Bus Route 37 runs on Boones Ferry Road, just east of the site (Exhibit E3). TriMet has issued proposed transit system changes that will bring Bus Route 44 to this location as well, creating a transfer of three routes and increasing transit opportunities. A new sidewalk will be constructed along the Kruse Way Place frontage to connect to the existing sidewalk that leads to nearest bus stop at the intersection of the street and Boones Ferry Road. As transit use is expected to increase from the residents and employees of this site, the bus stops and pedestrian crossings at the signalized intersection must be upgraded to provide safe crossings for seniors. Currently, the pedestrian signal heads do not meet the latest Manual on Uniform Traffic Control Devices standard for countdown signals. The pedestrian push buttons are of older vintage and without audible features. Upgrades to these elements will be required as conditions of approval, justified by the increase in pedestrian use at this intersection. See the more detailed discussion, below, in LOC Chapter 42 Streets and Sidewalks. As conditioned, below, this standard is met.

ii. Design Standards. Design treatment for auto, bike and pedestrian facilities shall be in accordance with minimum standards set forth in LOC Chapter 42, Streets and Sidewalks and as outlined below.

(1) Generally Applicable Standards. Street sections illustrate streetscape standards for locations designated Storefront Window on Boones Ferry Road. Final street section features, dimensions, and required right-of-way to be determined by the City Engineer.

This site is not designated Storefront Window. This standard is not applicable.

(2) Map Specific Locations.

(a) Pedestrian Walkway Options.

This site is identified with a pedestrian walkway along the west property line per Figure 50.05.007-V, Pedestrian Facilities and Streetscape Map. As illustrated on Exhibit E7, the applicant has chosen to provide the "Meandering Path" option per Figure 50.05.007-BB, with a 6-foot wide asphalt pathway within a 20-foot wide public easement. The pathway is fully landscaped as illustrated on Exhibit E14. This standard is met.

(d) Park Streetfront Environment. The following requirements apply to locations designated Park Streetfront Environment with Park Lane Streetscape:

- *20-foot Pathway/Landscape Area with a 7-foot pathway/sidewalk. The pathway/sidewalk may meander.*
- *Street trees shall create double rows with staggered spacing on either side of the pathway/sidewalk.*

As shown on the site plan, a 7-foot sidewalk will be provided along the Kruse Way Place frontage that includes a six to 7-foot landscape planter zone on either side (Exhibits E7 and E16). The landscape plan shows street trees on either side of the sidewalk with a staggered planting pattern (Exhibit E14). This standard is met.

> *(e) Sidewalks and Pathways. Continuous and connecting hard-surface pedestrian sidewalks and pathways shall be provided in accordance with the locations, designs and widths identified in this section.*

Both the public sidewalk and meandering pedestrian pathway are proposed to be hard-surface and will meet the location, design, and width requirements of this section (Exhibit E6 and F1).

> *(f) Easement. A public easement of sufficient size for the required pathway construction and maintenance shall be provided as needed.*

The meandering pathway along the west property line shall be contained within a 20-foot public access easement (Exhibit E6). As a condition of approval, the applicant shall provide a public pedestrian easement for access. See discussion, below, in LOC Chapter 42 Streets and Sidewalks. As conditioned, this standard is met.

> *(h) 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.*

As discussed in the applicant's narrative (Exhibit F1) and shown on the site plan (Exhibit E6), future connections from the site's easterly driveway is provided to the abutting property to the east. The site plan also demonstrates a driveway connection to the abutting property to the west, but shows bollards that cut off reciprocal access between the two sites (Exhibits E6 and E18). As this standard requires connections to actually be <u>created</u> through access coordination, staff recommends a condition of approval to remove the bollards to ensure compliance with this standard. As conditioned, this standard is met.

> *(i) 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.*
>
> *The access master plan shall:*
> *A. Be filed with the site plan for development or redevelopment;*
> *B. Illustrate how shared access and vehicular connections will be provided with abutting commercially zoned properties;*
> *C. Illustrate how pedestrian connections will be provided with all abutting commercial and medium density or high density zoned property;*
> *D. Illustrate how shared access and vehicular connections will not interfere with development or redevelopment of abutting properties in a manner that is consistent with the broad objectives of the Village Center plan and the overlay zone;*

E. Set forth the timing and conditions under which the access or connection improvements shall be constructed and implemented; and

F. Be signed and recorded by the owners of abutting property for which access is being coordinated. In the event that abutting owners refuse to sign the master plan, the applicant shall demonstrate that an effort was made to meet with and coordinate with the abutting owners.

Upon approval of the master plan, development or redevelopment on abutting property shall be designed in accordance with the approved master plan.

The applicant is constructing a connection between the development and the abutting lot to the west (Exhibit E6). Staff previously recommended a condition to remove the bollards blocking access with that property. Although shared access to Kruse Way Place with the abutting lot to the east is shown on the site plan, the actual driveway connection and sharing of parking facilities will not be constructed until that property develops (Exhibit F1).

The applicant has not submitted a site access master plan illustrating full future vehicular and pedestrian connections to abutting properties. The applicant also did not provide written evidence that the abutting property owners were contacted. Additionally, the site access master plan does not set forth the timing or conditions under which the Kruse Way Place access and parking area connections will be implemented. As a condition of approval, the applicant will be required to provide evidence of coordination with the abutting property owners to ensure that reasonable opportunity for shared Kruse Way Place access and vehicular connection is provided for, and to submit a site access master plan illustrating the timing for implementing the Kruse Way Place access and parking area connections. As conditioned, this standard can be met.

Parking [LOC 50.05.007.6.c]:

i-iii. 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.

A meandering public pathway that extends from Kruse Way Place along the west property line to the existing pathway on the abutting property to the west is provided, but the proposed pathway and access lane appear to be paved in the same material (Exhibit E6). Staff recommends a condition of approval to incorporate a pedestrian safety feature to distinguish the pathway from the access lane. The pathway must be located entirely within a public access easement which will be required as a condition of approval. The applicant states that internal walkways between the building, public sidewalks, driveways, and surface parking spaces will be scored to alert drivers (Exhibit F1). Finally, the opportunity for shared parking with future development on the abutting property to west is provided for, as well as the opportunity for shared parking with the abutting property to the east where practicable (Exhibits E7 and F1). As conditioned, this standard is met.

Street Lighting [LOC 50.05.007.6.d.i and d.ii]:

i-iii. 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 will be discussed under the Lighting Standard [LOC 50.06.004.3] later in this report, the Engineering staff has determined that there is adequate street lighting along the site frontage on Kruse Way Place. As discussed, below, this standard is met.

Landscaping Requirements [LOC 50.05.007.6.e]:

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

With the at-grade landscaping, interior courtyards and the rooftop garden, the applicant is providing more than 20,840 sq. ft. or 20% of the site in landscaping (Exhibits E6 and F1). This standard is met.

ii-iii. Regional Trees and Vegetation. 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.

A variety of native northwest trees are proposed on the site (including cedar, Western hemlock, California incense cedar, oaks and maples) and have been grouped with other trees where possible to provide for a more informal, natural arrangement (Exhibit E14). Many of the proposed plants are native or naturalized, including vine maple, barberry, rhododendrons, and sword ferns. There is no significant existing landscaping on the site to preserve (Exhibit E4). This standard is met.

iv. On-Site Tree Requirements. 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.

There is a total of 27,562 sq. ft. of open space and landscaped area at-grade, which requires a total of 55 trees. Seventy eight trees meeting the minimum size requirements are proposed on the site (Exhibits E14 and F1). The proposed trees include a few species that will reach a mature height of at least 70 feet, including river birch, shore pine, and deodar cedar (Exhibit F1). This standard is met.

v. Shrub Requirements. At least 15 shrubs of a minimum 2-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.

At a rate of 15 2-gallon sized shrubs per 500 square feet, 827 shrubs are required for the 27,562 sq. ft. of landscaping. According to the landscape plan, a total of 844 shrubs with a range of plant size from two to five gallons are proposed on the site (Exhibit E14). This standard is met.

vi. Irrigation. All landscaping shall be provided with irrigation.

The applicant's narrative states that all landscaping will be irrigated (Exhibit F1). This standard is met.

vii. Street Trees. Street trees (minimum of 2 inches in caliper at 54 inches above grade) 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. Existing trees within 20 feet of the public right-of-way shall be counted towards this requirement.

The site has 376 feet of frontage on Kruse Way Place (Exhibit E4). At 30 feet on center, this would require 13 trees. The applicant's landscape plan shows 13 street trees along the Kruse Way Place frontage (Exhibit E14). This standard is met.

viii. Parking Areas.

Note: Staff previously found, per Use-Specific Conditional Use standards [LOC 50.03.003.2.a(9)] above, that underground parking is exempt from parking lot landscaping requirements; this same finding applies to the following LGVCO standards.

(1) Natural Features. Landscaping shall emphasize naturalistic groupings of native or naturalized plants.

The applicant's landscape plan shows natural groupings of plants in clusters for surface parking (Exhibits E14). This standard is met.

(2) Buffering and Screening. Landscape design shall buffer and screen off-street parking areas from adjoining residential uses.

There are no parking spaces that are visible from the adjoining residential use to the north (Exhibits E14). This standard is not applicable.

(3) Trees. Trees shall be integral to parking lot design and the overall site plan to provide for aesthetics and shade. Special consideration shall be taken to preserve significant trees. Trees planted to meet the landscaping requirements for parking lots shall be deciduous shade trees of at least two in. diameter in caliper which reach a minimum mature height of at least 30 ft. and have the canopy and structure necessary to cast moderate to dense shade. Exceptions may be allowed for circumstances that limit placement of trees such as overhead lines, underground utilities and confined spaces.

Where surface parking spaces are proposed, and in other landscaping areas, shade trees meeting the minimum requirements have been incorporated (Exhibits E14 and F1). This standard is met.

(4) Parking Bays. 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 E7 and E14), only a few surface parking spaces are proposed, all in groupings of five or less, with curbed, landscaped planters. This standard is met.

(5) Parking Facility Edge Requirements. 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. 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.

The surface parking spaces are not adjacent to the public sidewalk, pedestrian pathway, or the residential zone to the north across Kruse Way Place (Exhibit E7). This standard is not applicable.

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

There are no existing mature Douglas fir trees on this site or any other significant trees (Exhibit E4). This portion of the standard is not applicable. As shown on the applicant's landscape plan, all mitigation trees are three inches in caliper, exceeding the number of caliper inches removed (Exhibits E14 and F1).

Buffer Area and Screening [LOC 50.05.007.6.f]:

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

No outside storage or trash collection areas are proposed (Exhibit F1). This standard is met.

Noise Mitigation [LOC 50.05.007.6.g]:

i-ii. Any development for auto-oriented uses, commercial drive-through uses, restaurants and drinking establishments or amusement uses shall require a noise mitigation plan. The development shall incorporate noise reduction into the design and/or provide for additional noise reduction procedures to be implemented so as not to unreasonably increase ambient residential levels.

The proposed residential care and congregate housing development is not an auto-oriented use. This standard is not applicable.

Storm Water [LOC 50.05.007.6.h]:

> *Storm drainage and surface water management facilities shall be required for parking areas pursuant to LOC Article 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 the Drainage Standard [LOC 50.06.006.3], below. As discussed and conditioned, below, this standard is met.

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 Park Lane Streetfront Environment requirements) are not repeated here. The only standard not previously address is a special tree retention requirement per LOC 50.05.007.7.f.ii. No trees eight inches in diameter or greater that are within 30 feet of Kruse Way Place shall be removed. As shown on the existing conditions plan, there are no trees on the site within 30 feet of Kruse Way Place (Exhibit E5).

Note Regarding Kruse Way Access: As noted in the Background Discussion, Paragraph No. 3, a condition of approval to the 1988 zone change included access to Kruse Way. This was continued by inclusion as a condition of approval in the 1991 lot line adjustment which created the subject site. The site is also benefitted party in the Kruse Way access agreements executed by the parcels to the west (Shorenstein / Kruse Way Holdings, Inc., 1995) and to the east (Avery / Eby Investments, 1995), that contemplate the eventual construction of a shared right-in, right-out access to Kruse Way for developments approved in 1991 (Shorenstein), 1995 (Avery) and 1996 (Gregg). The applicant may be required by private agreement to accommodate the possibility of a future shared Kruse Way access for the Shorenstein and Avery parcels through an access easement that extends from Kruse Way across the three properties[1]. However, as to the subject site and its possible claim of an access easement to Kruse Way, use of that access easement would violate the Access standards per LOC 50.05.007.7.3.iv(3):

> "New direct access, whether permanent or temporary, from Kruse Way is prohibited unless the applicant can demonstrate that, but for the additional Kruse Way access, the traffic impacts associated with the proposed development would result in the other streets accessible to the development, or their intersections, exceeding permitted service level standards for those streets and intersections. In determining the impact upon the other streets accessible to the development, or their intersections, the traffic expected to result from future development accessing the other streets and their intersections shall be taken into account."

[1] The Shorenstein property opportunity for a Kruse Way access is vested under the DR 8-91 development permit when the office building was constructed. The Avery property's right of access is limited to its vesting as a part of a 1995 development approval. If its 1995 development permit is not used, it may well be that Avery would no longer have a right to access Kruse Way, except upon compliance with LOC 50.05.007.7.3.iv(3). See Exhibit F12, page 9, footnote 7.

The applicant is not claiming in this land use application the ability to access Kruse Way and the applicant's materials do not show the access easement granted by prior agreements/approvals (Exhibits E6, F1, and F7). As discussed and conditioned, above, in Streets, Circulation and Pedestrian System [LOC 50.05.007.6.b.i(h, i)], there is a requirement for shared access and parking between the site and the two abutting properties. If a Kruse Way access point were to be constructed in the future on one or both of those properties, conceivably traffic from the subject site could then indirectly access Kruse Way through that shared access.

For the sake of clarity, and given the prior zone change and lot line adjustment conditions of approval which are now void by adoption of the current zoning standard (included above), the 1992 recorded access declaration signed by the site's prior owner, and the 1995 and 1998 access agreements affecting the abutting parcels, staff recommends a condition of approval to require a recorded Notice of Development Restriction stating that vehicular access through an access easement that extends from Kruse Way to the subject site is prohibited[2], but that indirect access through the parking facilities of the abutting properties may be possible assuming compliance with standards in place at the time of future development.

As conditioned, staff finds that the LGVCO standards are met.

3. The Development Standards applicable to minor and major developments;

Building Design for Multi-family Development [LOC 50.06.001.5]

These standards are superseded by the LGVCO District design standards, above. This standard is not applicable.

Parking [LOC 50.06.002]

The total required number of parking spaces shall be the sum of the various uses computed separately, or may be established by a parking study. Table 50.06.002-1 lists the minimum required number of parking spaces per use. Table 50.06.002-2 lists the parking requirement modifiers that shall be used to calculate the minimum parking requirement. The maximum number of parking spaces for the commercial residential portion of the housing development (memory care and assisted living units) cannot exceed 125% of the minimum required spaces, but prior to applying the required parking modifiers.

Vehicle Parking for Congregate Housing

The minimum required parking for the congregate housing/independent living portion of the housing development is calculated using the "multi-family residential" parking standards which depends on the number of bedrooms in each unit. The applicant's narrative states that 15 units (studio, 1 bedroom and 2 + bedrooms) are congregate housing:

[2] If a driveway access to Kruse Way were constructed on the site pursuant to the prior shared access agreements and development permits, direct access from the subject site through the access easement to Kruse Way should be prohibited by access design or barriers.

Congregate Housing Required Parking per Table LOC 50.0			
Multi-family Parking	Required Parking Spaces per Unit	Number of Units	Required Parking Spaces
Studio/efficiency	1 space/unit	2	2
1 + Bedroom	1.25 spaces/unit	11	14
2 Bedrooms	1.5 spaces/unit	2	3
	Totals	15 units	19 spaces req'd

25% of the required parking for multi-family shall be located to provide for common or visitor use. This is not shown in the applicant's materials (Exhibits E11 and F1). Staff recommends that signage to this effect be required as a condition of approval.

Vehicle Parking for Residential Care Housing

The minimum required parking for the residential care portion of the development is calculated using the assisted living/memory care use listed in Table 50.06.002-1 which requires 0.5 spaces per dwelling unit and one space per three employees (including full-time, part-time, contract, and temporary employees). The applicant's narrative states that 118 assisted living/memory care units are proposed (Exhibit F1). Therefore, 59 parking spaces are required for the units. The narrative also states that there will be 90 employees total. Therefore, 30 employee spaces are required. For the 118 assisted living/memory care units and 90 employees, a total of 89 parking spaces are required.

Between the residential care (assisted living), congregate housing (multi-family), and employee components of the proposed development, a total of 108 spaces is required. Using the applicable parking modifier per Table 50.06.002.2 (Access to Transit within 500 feet with a .10 reduction), that total is reduced to 97 spaces. [Note: For the assisted living portion of the housing development, parking is capped at 125% of the minimum required or 135 spaces per LOC 50.06.002.a.ii(3)].

The floor plans (Exhibit E11) show 107 parking spaces, 98 underground and nine at-grade; staff finds that the minimum and maximum parking requirements, as applicable, have been met. In addition, the dimensional standards for the parking spaces and driving aisles are also met as shown on Exhibit 11 and discussed in the applicant's narrative (Exhibit F1). This portion of the standard is met.

The applicant's narrative states that construction of the proposed access lane on the south side of the site through to the abutting property will necessitate modification of that property's parking lot and landscaping, including the loss of at least one parking space (Exhibits F1 and E15). The applicant analyzed the required parking for the abutting site, developed as an office use, and found that the minimum required parking is 3.33 spaces per 1,000 sq. ft. of gross floor area. The office complex is approximately 58,002 sq. ft. in gross floor area which would require 149 parking spaces after allowed parking modifiers are incorporated. As proposed, the abutting property would have 220 parking spaces left, which complies with the parking standards. The applicant did not provide a letter of authorization from the abutting property owners for the off-site modifications to the abutting parking lot and landscaping. Staff recommends a condition of approval to require the written authorization. As conditioned, this portion of the standard is met.

Bicycle Parking

Covered bicycle parking spaces are also required for the proposed uses on the site. For a residential care and congregate housing development one bike space per 20 residents is required. The applicant's narrative states that there will be a maximum of 188 residents with 10 covered bicycle spaces required. All bicycle parking spaces will be provided in a secure bike storage room in the parking garage (Exhibit F1). As a condition of approval, the parking garage floor plans (Exhibit E11) should be modified to show the bike storage facility. As conditioned, this portion of the standard is met.

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

This standard is applicable to construction or alteration of multi-family development, and establishes minimum street frontages and construction standards for access. Every lot shall abut a street for 25 feet.

Access to the site will be provided by two driveway approaches onto Kruse Way Place (Exhibit E7). The Engineering staff has reviewed the location of the access points to the site and determined it 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 contains the geometric design requirements for driveways that serve as fire access roads and other design features such as slope and width of driveway approaches. This section is applicable to all development proposing a new use or an increased use on a site which will result in the increased use of driveways and parking lot aisles, and prescribes standards for driveway design, width, and grade. Driveway width is limited to 24 feet unless otherwise justified by the recommendations a Traffic Impact Analysis (TIA). All driveway approaches shall be located and designed in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards.

The two proposed driveways on Kruse Way Place are located over 100 feet away from the nearest intersection to the east and the adjacent driveway to the west (Exhibit E6). The westerly driveway is 24 feet in width (Exhibit E6). The easterly driveway is approximately 30 feet in width, but the applicant's TIA does not provide any justifications for that width (Exhibit F7). Staff recommends a condition of approval to modify the driveway approach to a maximum of 24 feet unless the applicant provides a revised TIA justifying the wider driveway, to the satisfaction of the City Engineer.

The TIA finds that intersection sight distance required by AASHTO, while preferable for high trip-generating sites or street intersections, cannot be met due to the horizontal and vertical curvature of Kruse Way Place and the proximity of the signalized intersection (Exhibit F7). Per AASHTO, when site development conditions do not permit design as preferred, the applicant shall provide the fullest amount of sight distance available to optimize safety. As a condition of approval, sight distance at each driveway shall be provided per the field measurement values in Table 8 of the TIA and free of obscuring landscaping and street furniture prior to final building inspection. See data excerpt, below.

Location	Travel Direction	Field Measurement, Available Sight Distance
West Access/Driveway	Eastbound Westbound	258 feet 290 feet
East Access/Driveway	Eastbound Westbound	271 feet 180 feet

Per the TIA, adequate stopping sight distance can be achieved at each driveway, per AASHTO calculations (Exhibit F7). The Engineering staff agrees with the applicant's findings that the driveways are optimally located for sight and stopping distance, given the surrounding topography (Exhibits F1 and F7). As conditioned, this standard is met.

On-Site Circulation - Bikeways, Walkways, and Access-ways [LOC 50.06.003.3]

This section is applicable to all development involving the construction of a new structure other than a detached single-family dwelling, duplex, or accessory structure, and subdivisions and planned developments.

ADA accessible walkways are provided to the main entrance connected to the public sidewalk along Kruse Way Place (Exhibit E6). Additional ADA-compliant internal walkways are proposed that cross both the driveways, parking garage entrances, and the fire access lane (Exhibit E6). The applicant states that those walkways will be textured to ensure safety (Exhibit F1). This standard is met.

Local Street Connectivity [LOC 50.06.003.4]

This standard applies to any multi-family development on a site that is greater than 1.75 acres to ensure that the layout of the local street system does not create excessive travel lengths or limit route choices, accomplished through an interconnected local street system and accessways designed to meet the needs of pedestrians.

The site is subject to this standard because it is a multi-family residential use and is 2.39 acres in size. The applicant is not required to propose any streets with this application as the surrounding properties are either fully developed or configured in such a way that a full street connection would be impossible (Exhibits E6 and F1). The applicant is providing a 6-foot wide residential pedestrian accessway in a 20-foot access easement along the west property line to connect to the existing pedestrian pathway on the abutting property to the west (Exhibits E6 and F1). This standard is met.

Transit [LOC 50.06.003.5]

This standard is applicable to all new commercial development and 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.

This site is served by TriMet Bus Route 37 along Boones Ferry Road to the east as well as future Bus Route 44. As discussed and conditioned under LOC Chapter 42 Street and Sidewalks, below, the proposed development will comply with this standard by constructing a sidewalk along Kruse Way Place frontage that will connect the site to the existing sidewalk system that leads to a transit stop on the west side of Boones Ferry Road, near the intersection with Kruse Way Place (Exhibit E6). This standard is met.

Landscaping, Screening and Buffering [LOC 50.06.004.1]

This standard applies to all development and requires such development to provide 20% of gross land area in landscaping, and to provide street trees at the proper spacing for the trees. The gross site area is 2.39 acres or 104,108 sq. ft. Therefore, 20,821 sq. ft. of landscaping is required.

As noted in the applicant's narrative, over 20% of the site is landscaped, including landscaping at-grade, interior courtyards, and the rooftop garden (Exhibits E6, E14, and F1). The applicant has provided a landscape plan that shows dense landscaping with a variety of ground cover, shrubs and trees around the building, along the pedestrian pathway and plaza, and the public sidewalk (Exhibit E14).

This standard also requires screening and buffering to mitigate noise and lighting, screening of utility and storage areas and parking lots, and separation between dissimilar uses [LOC 50.06.004.1.b.vi]. The majority of the parking and all storage is located under or in the building. The only potential dissimilar use is the abutting office complex to the west and the applicant is providing a 20-foot access easement and pedestrian pathway along the common property line that will be fully landscaped (Exhibit E14). This standard is met.

Fences [LOC 50.06.004.2]

The maximum height for a fence located within the GC zone is eight feet. A fence, wall, or retaining wall over six feet in height must be screened by an evergreen hedge which shall be of a size and spacing so as to provide a 6-foot high, dense screen within three years of the date of planting. Any fence over seven feet in height also requires a building permit.

The only proposed fence is eight feet in height and located along the western side of the housing development around the memory care courtyard (Exhibits E7 and E17). While the landscape plan demonstrates some landscaping, it does not comply with the minimum height or evergreen plant requirements (Exhibit E14). Staff recommends a condition of approval to modify the landscape plan to comply with the screening requirements. The building permit requirement will be managed at the time of building permit review. As conditioned, this standard is met.

Lighting Standards [LOC 50.06.004.3]

This standard is applicable when development will increase use of public and private streets, public pathways and accessways, or parking lots. Street lights are required at street intersections for local streets.

Kruse Way Place contains existing shoebox style streetlights along the north side of the street. This development will create increased traffic, bike, and pedestrian trips to the surrounding intersections of Daniel Way, Boones Ferry Road, and Kruse Way, thus requiring these intersections to have street lights. Because these intersections already have existing street lights, no new street lights will be required for this development.

All proposed on-site lighting shall meet the current lighting standards. The applicant has provided a photometric plan (Exhibit E10) demonstrating that the illumination levels for all exterior lighting falls within the parameters established by this standard. This standard is met.

Park and Open Space [LOC 50.06.005]

All congregate housing and residential care housing development shall provide open space or park land in an aggregate amount equal to or at least 20% of the gross land area of the development in addition to the required landscaping area. This will result in a total of 40% of the site to be set aside for open space and landscaping purposes.

As noted above, 20% of the gross site is 20,821 sq. ft. As shown on the site plan (Exhibit E7), the applicant is providing 20,840 sq. ft. of open space at-grade including the perimeter landscaping, the pedestrian pathway, and the landscaped plaza (Exhibit F1). This standard is met.

Drainage for Major Developments, Partitions, Subdivisions, and Certain Structures [LOC 50.06.006.3.b]

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 site is primarily of field grass. The grade slopes at approximately 8% from the northwest to the southeast. Surface runoff currently sheet flows directly to the abutting property southeast of the site. Drainage currently flows across the abutting property, is collected in the conveyance system in Kruse Way, then directed to the conveyance line in Boones Ferry Road, where it outfalls to Springbrook Creek in Pennington Park. There is also a conveyance system located in Kruse Way Place, which conveys runoff down to Springbrook Creek, just north of Spring Lane.

Based on the applicant's drainage report dated September 17, 2014 (Exhibit F9), grading plan (Exhibit E8), and utility plan (Exhibit E9), the City Engineer has made the following findings:

Runoff from the roof area will be collected in downspouts and runoff from the sidewalks and parking areas will be collected in catch basins. The runoff will then be conveyed to a detention facility (circular 48-inch pipe) located along the south boundary of the site. A flow control manhole will be installed to limit the post developed flow from the 50-year storm event to the 10-year pre-developed rate. The runoff will then be routed to a filter vault for stormwater quality treatment, before being conveyed to the existing storm main located along Kruse Way to the south. The applicant has provided a copy of an existing easement (Exhibit E2) that will allow the storm conveyance line to cross the abutting property to the south in order to convey the site runoff to Kruse Way. The determination of the connection point to the existing storm system in Kruse Way will be made at the time of public construction plan submittal. Every attempt shall be made to avoid making a street cut across the entire Kruse Way street section.

The drainage report states that the stormwater facility will detain the post-development runoff to match the pre-development runoff rates per City requirements; therefore, no downstream analysis is necessary (Exhibit F9). The Engineering staff finds that even though the proposal meets the detention requirements, there could still be potential impacts to the downstream system that have not been analyzed. Further analysis will be made a condition of approval and identified impacts, if any, must then be mitigated.

The proposed stormwater management plan may be approved as conditioned, below:

- A public storm cleanout will be required at the right-of-way line on Kruse Way. The City will be responsible for future maintenance of the storm line within the right-of-way.
- The final design regarding the storm management facilities will be reviewed prior to building permit issuance.
- All on-site stormwater facilities will be private, and the applicant will be required to submit an Operations and Maintenance Plan and record a Declaration of Covenant for Operation and Maintenance of Surface Water Management Facilities.
- A new storm catch will also be required to be added along the site frontage of Kruse Way Place, due to the spacing between the top of the hill and the location of the existing catch basin east of the site.
- Further analyze downstream impacts and incorporate any improvements if necessary.

The City Engineer finds the proposed drainage plan can be made to comply with the Drainage standard. As conditioned, this standard is met.

Utilities [LOC 50.06.008]

Utilities are available or can be made available as follows:

A. Sanitary Sewer: There is an 8-inch public sewer line located along the west side of Boones Ferry Road that crosses Kruse Way Place. The site will be able to connect to the existing sewer along Boones Ferry Road by constructing a private lateral across the abutting property to the east through an existing sanitary sewer easement. Although crossing other properties with private easements is not desired, the Engineering staff finds this will be acceptable in this case. The alternative of extending a public sewer up Kruse Way Place would create a deep sewer line that would only serve one property. There is no need to extend the sewer beyond this site because the adjacent upstream properties are already connected to the public sewer. As conditions of approval, a plumbing permit will be required prior to construction of the private sanitary service and a street opening permit (tapping permit) will be required for the connection to the existing public manhole.

B. Water and Hydrants: There is an existing 12-inch public water main located along the north portion of the abutting property to the south. The closest hydrant is located along the north side of Kruse Way Place across the street from the northeast corner of the site. The Fire Marshal has determined that the hydrant location and water flow (Exhibit E10) are sufficient to meet Fire Code; the proposed hydrant at the southeast corner of the site is not required (Exhibit F11).

   The Engineering staff has been working with the applicant in order to relocate the existing 12-inch water main that crosses east-west through the site (Exhibit E5) to Kruse Way and the north along Boones Ferry Road, in order to avoid having a water line that straddles properties. As shown on the off-site utility plan (Exhibit E9), the applicant is proposing to route the water line around the abutting property to the south along Kruse Way and Boones Ferry Road, and then connect the line to the existing main located in Kruse Way Place. As a condition of approval, a new public water main extension will be required along Kruse Way Place to the northwest corner of the site, in order to provide water service for the development.

Staff notes that the domestic water service and fire hydrant line shall have separate connections to the mainline, and the water meter and any vaults shall be located behind the public sidewalk. A public water easement will be required around the vault and water meter if located outside of the public right-of-way. As conditioned, this standard is met.

C. Streets: Kruse Way Place is a 2-lane local road within an approximate 40-foot right-of-way. The right-of-way widens along the east portion of the site frontage approaching the turn lane at the intersection with Boones Ferry Road. See the discussion under LOC Chapter 42, Streets and Sidewalks, for street improvement requirements, below.

D. Sidewalks: A concrete sidewalk exists along the entire site frontage of Kruse Way Place which will be required to be reconstructed according to the LGVCO District standards. See additional comments under LOC Chapter 42, Streets and Sidewalks, below.

E. Other utilities: It is the applicant's responsibility to ascertain the availability of electric, gas, telecommunications and cable TV. Per LOC 50.06.008.4.d, new utilities shall be installed underground.

4. Any additional statutory, or Lake Oswego Code provisions which may be applicable to the specific minor or major 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.[3] The City Engineer's comments are included for the review of the overall understanding of the project. The City Engineer's conditions of approval are included, as they must be included in the decision, to find that the application will comply with this Chapter.

The Engineering staff has reviewed the development proposal and field conditions in the context of the City's codes, improvement policies and Transportation System Plan (TSP), and offers the following observations and recommendations.

The applicant has provided a Traffic Impact Analysis (TIA) stating the housing development will have a projected total of 441 daily trip ends, 35 of which will occur during the p.m. peak hour (Exhibit F7). Based on the applicable land uses defined in the Institute of Transportation Engineers (ITE) Trip Generation data[4] for the proposed site, the TIA incorporates ITE land use codes 252, 254, and 620. All signals in the study area are forecast to operate at acceptable levels of service (LOS) during the p.m. peak hour upon full occupancy (LOS C or better). Weekday peak hour queue lengths at Kruse Way Place/Boones Ferry Road intersection will not exceed the available storage length given the traffic generated by this site.

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[3] To meet the review criteria for a minor development, an 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 50.07.003.15(d)(ii)(d). The determination of whether or not the application meets the requirements of LOC Chapter 42, Streets and Sidewalks, is under the review authority of the City Manager or City Engineer; the requirements of this Chapter are not under the review authority of a hearing body, other than to find whether or not the City Engineer or City Manager has found that application complies with LOC Chapter 42, or whether conditions of approval are required for compliance with this Chapter.

[4] Trip Generation (9th edition), Institute of Transportation Engineers

The applicant has also considered the traffic impacts created by potential development of the adjacent property to the east (Tax Lot 3200), which will share the east driveway for direct access to Kruse Way Place (Exhibits E6 and F1). The abutting lot will require a separate application and TIA at the time of its development. The mixture of land uses modeled in the TIA shows that a slight queue will form at the signalized intersection of Kruse Way Place and Boones Ferry Road, blocking the east driveway. The Engineering staff takes notice of this infrequent occurrence and will work with the future development on that property to remedy the queue lengths issue. However, the decisions made in LU 14-0010 shall have no bearing on the abutting site's development application or associated conditions of approval.

Transit ridership is expected to increase as the site is within 400 feet of two transit lines, and senior populations and employees tend to rely on public transit. This will coincide with an increase in pedestrian trips on the surrounding streets as well. A small number of bicycle trips is expected by visitors or employees, however, it is assumed that the existing bicycle infrastructure can accommodate the impact. 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:

- Boones Ferry Road is designated as a major arterial and, as such, should be designed to safely accommodate transit, bicycle and pedestrian traffic.
- Although Kruse Way Place is now designated as a neighborhood collector per the updated TSP, this application was submitted prior to the recent TSP adoption. At the time of submittal, Kruse Way Place was designated as a local street and, as such, should be designed to safely accommodate bike and pedestrian traffic. Whether the street classification is a neighborhood collector or a local street, this classification has no bearing on the frontage improvement requirements.
- The site is located within the boundaries of the LGVCO District and street frontage improvements shall follow the standards indicated in the District.
- The site is located within walking and biking distance of the surrounding residential neighborhoods and businesses.
- The site is located within a quarter mile of a transit system.
- LOC Chapter 42 authorizes the City Engineer to determine the appropriate width of public rights-of-way, and the width and character of the improvements contained therein.
- 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 rule (Dolan v. City of Tigard) that, in order to require mitigation, the local government must apply a test of "rough proportionality" between the impacts of the proposed development and the need for the mitigation to offset impacts from the development.

As conditions of approval of the proposed development, the City will require the following on-site and off-site construction of or improvements to public services or facilities to alleviate impacts created or increased by the proposed development:

Kruse Way Place Improvements:

- Construction of a 7-foot wide sidewalk with a minimum 5.5-foot wide planter strip adjacent to the back of curb.
- Removal and reconstruction of the curb ramp at the mid-block pedestrian crossing at the northwest corner of the site to ADA accessible standards.
- Adequate right-of-way dedication to construct the frontage improvements inside of the public right-of-way. It appears that seven feet of right-of-way dedication will be sufficient.
- Removal of the tree/shrub on the north side of Kruse Way Place according to the applicant's TIA, which obstructs sight distance and obscures the streetlight (Exhibit F7).
- The on-site landscaping within the frontage of Kruse Way Place per LGVCO District standards shall accommodate clear line of sight (field measured) at each driveway per the TIA, Table 8.
- Install a regulatory speed sign for eastbound traffic on Kruse Way Place.
- Establish stop control at each site driveway to Kruse Way Place.

Boones Ferry Road Improvements:

- Upgrade two of the three pedestrian signals at the existing signalized intersection of Boones Ferry Road/Kruse Way Place/Spring Lane. Install pedestrian countdown signal heads and upgrade the push button assemblies to include audible features.

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

- The provision of additional right-of-way will allow construction of the required street frontage improvements.
- The above described improvements will address the vehicle traffic because, with a separation between vehicle, bicyclists and pedestrians, the traffic capacity of the street will be preserved.
- The above described improvements will encourage use of the sidewalks and use of transit, thus reducing the demand that would otherwise arise for vehicle travel on the street.
- Some of the increase in use of sidewalks and transit will be from the development's residents, who require greater pedestrian safety in street crossing, through the use of countdown pedestrian signals.
- The above described improvements will address the safety of the pedestrians by providing separation of modes of travel.
- The above described improvements will address the safety of ingress and egress from the site.

The City, therefore, finds that requiring the improvements on Kruse Way Place and Boones Ferry Road is directly related to the traffic, bike, and pedestrian trips that will be created by this development.

The City finds that requiring the right-of-way dedication and public street improvements is roughly proportional to the adverse impacts upon the public services and facilities created by the development because:

- The required frontage improvements along the property frontage will result in a greater use of alternative modes of travel (pedestrian, bicycle, transit), both today and in the future, as traffic congestion increases in the area.
- Similar exactions for site frontage 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.

In light of the above facts and Code requirements, staff finds that the development of this site will place sufficient additional demand on the surrounding street system to justify the associated improvements above, and that these exactions are roughly proportional to the degree of impact imposed by the new development. As conditioned, this standard is met.

Vision Clearance [LOC 42.03.130]

This standard requires that no vegetation, fence, or signage be located higher than 30 inches within a "vision clearance triangle." The vision clearance triangle for driveways is formed by 10-foot legs extending from the intersection of the edge of driveway and the street travel lanes. The proposed site plan (Exhibit E6) shows the required 10-foot legs on either side of the proposed driveway approaches on Kruse Way Place. This standard is met.

City of Lake Oswego Sign Code [LOC Chapter 47]

A proposed sign is reviewed for compliance with the specific size, location, and design standards applicable to all permanent signs in the R-3 zone per the Sign Code. Because no sign permit applications are included as a part of this application, this discussion is intended to be informative to the applicant, in preparation of a future sign permit application. Approval of plans that depict signage location and general size should not be considered approval of any signage.

For a residential care and congregate housing development in the GC zone, the applicant may apply for a free-standing sign up to 32 sq. ft. in area. The applicant has included a proposed monument sign design (Exhibit E19) that shows a new 14-square foot monument sign at the main driveway entrance on Kruse Way Place. The applicant's narrative indicates that, besides certain incidental signs for directional purposes, this is the extent of the proposed signage on the site (Exhibit F1).

All future signage shall comply with the provisions of the Sign Code [LOC 47.10.405]. Sign permits will be required and each proposed sign will be reviewed for compliance when the sign permit application is received. As discussed, above, staff has recommended a condition of approval to not allow wall signs as they would not be complementary to the overall design of the building. As previously conditioned, this standard can be met at the time of sign application.

City of Lake Oswego Tree Code [LOC Chapter 55]

Tree Removal

As illustrated on Exhibit E11, there are very few trees on the site that are five inches in diameter or greater. The applicant is requesting to remove three trees on-site and four trees on the abutting property to the west in order to construct the housing development and the associated site improvements. The applicant did not provide a letter of authorization that the westerly abutting property owner granted authority to remove those trees. Staff recommends that a condition of approval be imposed to obtain authorization. Trees proposed for removal in conjunction with major or minor development can be granted tree removal permits if the following four criteria are met:

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

The removal of these trees is necessary because they are located in the area of the proposed development (Exhibit E15).

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

The removal will not have a significant negative impact on erosion, soil stability, or flow of surface waters because the area of removal will be developed and proposed drainage improvements will be designed to handle storm runoff for all new impervious surfaces (Exhibits E15, F1, and F9). The removal will also not have a significant impact on protection of adjacent trees or existing windbreaks because the trees are smaller in stature and separated far enough from each other and other trees that they do not provide windbreaks (Exhibits E5, E11, and F1).

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

The proposed tree removal will not have a significant negative impact on the character, aesthetics or property values of the neighborhood because these trees are not and located in a manner that does not contribute to the treed character of the neighborhood (Exhibits E15).

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

The trees are not being removed for view enhancement because removal will not improve any views. For the reasons outlined above, staff concludes that the removal request for the seven trees complies with the applicable criteria and may be approved as conditioned. The applicant will be required to apply for a verification tree removal permit for the trees prior to approval of any grading or building permit.

Mitigation

Any tree approved for removal under the Type II permit shall be mitigated at a minimum 1:1 ratio. Mitigation trees shall have a minimum 3-inch caliper diameter for deciduous and evergreen trees per LGVCO standards. The applicant will be required to submit a tree mitigation plan with the verification tree removal application showing the size, species and location of the mitigation trees in compliance with the mitigation requirements.

Tree Protection

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

A note should be placed on the construction documents that informs the site contractors about the necessity of preventing damage to these trees, including bark and root zone, and that no materials should be stored or compaction occur within the root zones of the adjacent trees [LOC 55.08.030]. The contractor shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.

As a condition of approval, as required by LOC 55.08.02 and 55.08.030, a tree protection plan shall be submitted with the building permit plans for staff review and approval. Tree protection measures must be installed prior to issuance of any grading or building permits. Tree protection fencing consists of 6-foot high chain link fencing supported by 6-foot high metal posts, placed a maximum of 10 feet apart.

5. Any conditions of approval imposed as part of an approved ODPS or prior development permit affecting the subject property.

The conditions of approval imposed by prior development permits will continue to apply.

VI. CONCLUSION

Based upon the information provided by the applicant and the findings presented within this report, staff concludes that LU 14-0010, as conditioned, complies with all of the applicable criteria.

VII. RECOMMENDATION

Approval of LU 14-0010 with the following conditions:

A. Prior to Issuance of any Building permits, the Applicant/Owner Shall:

1. Submit final site and building plans for review and approval of staff that are the same or substantially similar to the site plan, floor plans, landscape plan, cutsheets, and building elevations illustrated on Exhibits E6-E20, to the satisfaction of staff with the following revisions:

    a. Provide evidence that 25% of the required parking for multi-family housing (a minimum of five spaces) shall be available for common or visitor use.

    b. The parking garage floor plans (Exhibit E11) shall be updated to show the covered bike storage facility for a minimum of 10 spaces.

c. Remove the bollards from the access lane on the south side of the property (Exhibit E6).

d. Distinguish the pedestrian pathway along the west property line as it crosses the access lane through the use of surface material changes, signage, or lighting.

e. Modify the east driveway approach to a maximum of 24 feet in width unless otherwise justified by a modified TIA.

f. Modify the landscape plan (Exhibit E14) to show an evergreen hedge around the 8-foot tall memory care fence in compliance with the Fence standards per LOC 50.06.004.2.b.iv. In addition, the plan shall be modified to show full screening around any at-grade mechanical equipment or the use of structural screening, to the satisfaction of staff.

2. 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, to the satisfaction of the City Engineer:

a. Design details of the on-site public water line relocation to Kruse Way and Boones Ferry Road and the water main up Kruse Way Place.

b. Design of 12-inch public storm sewer main extension to the site, from the existing public storm conveyance system in Kruse Way. A cleanout shall be provided at the right-of-way line.

c. Design of the private on-site stormwater system.

d. All new utilities (including transformers) shall be installed underground.

e. Design of drainage facilities as necessary to accommodate the frontage improvements.

f. Design of the private sanitary service lateral to serve the development.

g. Design of the private water service and fire service line, to the satisfaction of the Fire Marshal. The domestic water service and fire hydrant line shall have separate connections to the mainline, and the water meter shall be located behind the sidewalk. A public water easement shall be provided around the vault and meter if located outside of the right-of-way. Fire hydrant requirements shall be to the satisfaction of the Fire Marshal.

h. Show a minimum 20-foot wide public pedestrian access easement for the public pathway along the western property line.

<u>Kruse Way Place frontage</u>:

i. Design details of a 7-foot wide sidewalk with a minimum 5.5-foot wide planter strip adjacent to the back of curb.

j. Design details of the removal and reconstruction of the curb ramp at the mid-block pedestrian crossing at the northwest corner of the site to ADA accessible standards.

k. Show adequate right-of-way dedication to construct the frontage improvements inside of the public right-of-way.

l. Removal of the tree/shrub on the north side of Kruse Way Place immediately west of the Boones Ferry Road, according to the TIA (Exhibit F7).

m. On-site landscaping within the frontage of Kruse Way Place shall accommodate a clear line of sight (field-measured) at each driveway per the TIA, Table 8 (Exhibit F7).

n. Design for the installation of a regulatory speed sign for eastbound traffic.

o. Design details to establish stop control at each driveway.

p. Design details of the driveway approaches in compliance with City, ADA, and AASHTO standards.

<u>Boones Ferry Road Improvements</u>:

q. Upgrade two of the three pedestrian signals in the existing signalized intersection of Boones Ferry Road/Kruse Way Place/Spring Lane. Install pedestrian countdown signal heads and upgrade the push button assemblies to include audible features.

3. Complete all public improvements or provide a financial guarantee to ensure their construction per LOC 50.07.003.9. The financial guarantee shall be based on an itemized engineer's estimate that is in turn based on plans that are far enough advanced to support the estimate, to the satisfaction of the City Engineer.

4. Obtain a street opening permit (tapping permit) for connecting the sanitary sewer lateral to the existing public sanitary sewer system.

5. Apply for an erosion control permit and install the erosion control fencing as required by LOC 52. These measures shall remain in place throughout construction period.

6. Submit an Access Master Plan for review and approval of staff that states the timing for implementing the required access and parking area connections with the abutting properties to the east and west.

7. The Access Master Plan shall be signed and recorded by the owners of 4004 and 3800 Kruse Way Place. In the event that these abutting owners refuse to sign the Access Master Plan, the applicant shall demonstrate that an effort was made to meet with and coordinate with these abutting owners.

8. Submit a nonrevocable reciprocal parking facility and access easement benefiting the abutting properties listed in Condition A(7), above, and a covenant to participate in the maintenance of the shared access parking lot aisles for the completed interconnected parking lot and drive aisle(s) in the future, for review and approval of staff. In the event one or more of the abutting owners of 4004 or 3800 Kruse Way Place decline to enter into

a reciprocal parking facility and access easement, the applicant shall submit a nonrevocable option or covenant to enter into a parking facility and access easement, subject to review and approval by staff, which option or covenant may be exercised by the abutting property owners.

9. Submit for review and approval of staff an Operations and Maintenance Plan for the private on-site storm facilities and record a Declaration of Covenant for Operation and Maintenance of Surface Water Management Facilities.

10. Record the 20-foot wide public access easement along the west property line, the nonrevocable reciprocal parking and access easement (or covenant) benefiting the abutting properties to the east and west, the Access Master Plan, and the Declaration of Covenant for Operation and Maintenance of Surface Water Management Facilities at the Clackamas County Recorder's Office.

11. Submit to the staff for review and approval a Notice of Development Restriction acknowledging that direct vehicular access from the site to Kruse Way through an access easement that extends from the site to Kruse Way is prohibited. Upon approval, record the Notice with the Clackamas County Clerk.

12. Dedicate the necessary right-of-way to ensure required frontage improvements are inside of the public right-of-way, to the satisfaction of the City Engineer.

13. Submit a final site plan, stormwater plan and drainage report for the on-site stormwater quality and detention system, prepared by a registered engineer. The drainage report shall include a complete downstream analysis of the existing conveyance system from the site down to Springbrook Creek. Any recommendations for downstream improvements and/or upgrades shall be incorporated, to the satisfaction of the City Engineer.

14. Pay all applicable System Development Charges pertaining to the development.

15. Submit a letter of authorization from the westerly abutting property owners for removal of the four off-site trees and modification of their parking lot to accommodate the construction of the proposed access lane connection.

16. Apply for and obtain a verification tree removal permit for the seven trees approved by this application. The verification tree removal application submittal shall include an 8½" x 11" copy of the tree removal plan and a mitigation plan showing replacement trees on a 1:1 basis. Replacement trees shall not be dwarf or ornamental varieties and shall be at least three inches in caliper for both evergreen and deciduous trees.

B. <u>Prior to any Final Building Inspection or Occupancy of the Structure, the Applicant/Owner Shall:</u>

1. Complete all public improvements and submit certified "as-built" drawings of public improvements conforming to the City's standards for record drawings. (If any existing public improvements are damaged in the construction process, the applicant shall repair/replace as needed, i.e., the existing curb along Kruse Way Place frontage, which will between sidewalk construction and waterline construction.)

2. Complete all private utility services, including water, storm, sanitary and franchise utilities.

3. Record adequate public water easement around the water meter and fire line vault, if located outside of the public right-of-way, to the satisfaction of the City Engineer.

4. Install all landscaping including mitigation trees, as required by Conditions A(1) and A(16), above.

5. Provide a 1-year guarantee (one 12-month growing season from the date of installation) for all landscape materials, pursuant to LOC 50.06.010.2. The guarantee shall consist of a security in the amount of 5% of the total landscaping cost. The applicant/owner shall also submit a landscape maintenance plan for review and approval of staff.

6. Provide verification that all regulatory licenses are obtained for the new residential care and congregate housing services.

7. Install all tree protection fencing as required by the Code Requirement No. 2, below. All protection fencing shall be inspected and approved by staff prior to the issuance of any grading or building permits.

8. Submit a title report, or lot book report from a title company demonstrating that the public utility and access easements, the nonrevocable reciprocal Kruse Way Place access and parking easement (or covenant) benefiting the abutting properties to the east and west, the Access Master Plan, the Notice of Development Restriction, and the Declaration of Covenant for the Surface Water Facilities, are valid and subsisting, and that the site is either free and clear of liens or encumbrances, or that the holders of the liens and encumbrances consents to the creation and recordation of the easements, Plan, Notice, and Declaration.

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

1. Obtain all necessary sign permits. The applicant/owner shall submit sign plans and elevations in accordance with the Sign Code for review and approval of staff. Colors and material of the signs shall be compatible with the architectural details and colors of the approved building in the following manner:

    a. Wall signs, including internally lit cabinet signs or plastic-faced signs, shall be prohibited.

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

<u>Code Requirements</u>:

1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the Development Review permit approved by this decision shall expire three years following the effective date of this approval, and can 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 of staff, including off-site trees that are within the construction zone. This plan shall be attached to the construction documents or printed on the construction site plans, and shall include:

   a. The location of temporary tree protection fencing, consisting of a minimum 6-foot high cyclone fence secured by steel posts, around the tree protection zone, or as recommended by the project arborist and approved by the City.

   b. A note stating that no fill or compaction shall occur within the critical root zones of any of the trees, or that if fill or compaction is unavoidable, measures will be taken as recommended by a certified arborist to reduce or mitigate the impact of the fill or compaction. Such measures shall be clearly outlined in the tree protection plan. The note shall also inform contractors that the project arborist shall be on site and oversee all construction activities within the tree protection zone.

   c. A note that clearly informs all site contractors about the necessity of preventing damage to the trees, including bark and root zone. The applicant and contractor(s) shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.

   d. A sign shall be attached to the tree protection fencing, which states that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the City Manager and project arborist.

Notes:

1. Development plans review, permit approval, and inspections by the City of Lake Oswego Development Review Section are limited to compliance with the Lake Oswego Community Development Code, and other applicable codes and regulations. The applicants are advised to review plans for compliance with applicable state and federal laws and regulations that could relate to the development, e.g., Americans with Disabilities Act, Endangered Species Act. City staff may advise the applicants of issues regarding state and federal laws that the City 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.

2. 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.

3. 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.

EXHIBITS

A. Notice of Appeal:
(No current exhibits; reserved for hearing use)

B. Findings, Conclusions and Order:
(No current exhibits; reserved for hearing use)

C. Minutes:
(No current exhibits; reserved for hearing use)

D. Staff Report:
(No current exhibits; reserved for hearing use)

E. GRAPHICS/PLANS

E1 Tax Map
E2 Public Records Survey
E3 Existing Conditions Survey (2 pages)
E4 Aerial and Site Vicinity Photo
E5 Existing Conditions Photos
E6 Architectural Site Plan
E7 Color Site Plan with Landscaping
E8 Grading Plan
E9 Utility Plans (5 pages)
E10 Lighting Plan
E11 Floor Plans (5 pages)
E12 Building Elevations (3 pages)
E13 Color Perspective Drawings (5 pages)
E14 Landscape Plan (3 pages)
E15 Tree Removal and Mitigation Plan
E16 Building Sections
E17 Color and Materials Plan
E18 Cutsheets (Windows, Exterior Siding, Fencing, Benches, etc)
E19 Sign Details (2 pages)
E20 Formal Color and Materials Board

F. WRITTEN MATERIALS

F1 Applicant's Narrative, prepared by Myhre Group Architects, Inc, dated Oct. 2, 2014
F2 Applicant's Addendum Narrative, prepared by Myhre Group Architects, dated Oct. 17, 2014
F3 Tree Removal Narrative, prepared by AKS Engineering & Forestry, dated Sept. 11, 2014
F4 Neighborhood Meeting Information
F5 Resident Transportation Services Letter
F6 Needed Housing Letter
F7 Traffic Impact Analysis and Traffic Management Report, prepared by Kittelson & Associates, dated June 2014
F8 Geotechnical Report, prepared by GeoDesign, dated May 19, 2005
F9 Drainage Report and Calculations, prepared by AAI Afghan Inc, dated Sept. 17, 2014
F10 Hydrant Flow Test for Fire Department, prepared by Viking Sprinkler, dated May 9, 2014
F11 Fire Marshal Memo
F12 Letter from Deputy City Attorney with an exhibit, dated Aug. 30, 2012

G. LETTERS:

Neither for nor Against: (G1-99)

None

Support: (G100-199)

None

Opposition: (G200-)

None

Date of Application Submittal: March 19, 2014
Date Application Determined to be Complete: October 16, 2014
State Mandated 120-Day Rule: February 13, 2015