MEMORANDUM

From: Ken Gibb, Community Development Director

To: Mayor and City Council

Date: January 15, 2009

Re: Western Station Notice of Disposition and Formal Findings (Cases PLD08-00009, SUB08-00005, and PCR08-00002)

On January 5, 2009, the City Council deliberated on the above referenced cases and decided to approve the requests, subject to adoption of Formal Findings and Conclusions. City Council consideration of the Formal Findings for this case is scheduled for January 20, 2009.

Enclosed with this memorandum are a draft Notice of Disposition, which contains conditions of approval as modified by the City Council on January 5, 2009, and Formal Findings and Conclusions for this land use application, which includes, as appendices, the December 5, 2008, staff memorandum to the City Council, the December 29, 2008, staff memorandum to the City Council, the December 15, 2008, City Council Minutes, and the Draft January 5, 2009, City Council Minutes.

The following motion is recommended to adopt the enclosed Formal Findings and Conclusions for Western Station:

MOTION: I move to adopt the draft Formal Findings and Conclusions, from the January 15, 2009, memorandum from the Community Development Director to the Mayor and City Council, in support of the City Council's decision to deny the appeal and approve the Western Station application (cases PLD08-00009, SUB08-00005, and PCR08-00002).

Review and Concur:

Scott Fewel,
City Attorney

Review and Concur:

Jon S. Nelson,
City Manager

ATTACHMENTS:

I - Draft City Council Notice of Disposition

II - Formal Findings & Conclusions, with Appendices:

A. December 5, 2008, staff memorandum to the City Council

B. December 29, 2008, staff memorandum to the City Council

C. December 15, 2008 City Council Minutes regarding the Western Station application

D. January 5, 2009, City Council Minutes regarding the Western Station application

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 2009 - 003

CASE: **Western Station (PLD08-00009, SUB08-00005, PCR08-00002)**

REQUEST: An appeal of a Planning Commission decision to approve a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review application to construct four attached units containing ground floor and mezzanine-level commercial spaces, with residential units above, on a 0.8 acre site. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses.

APPLICANT/ OWNER: 7th Street Station, LLC
1900 Front Street, NE
Salem, OR 97303

LOCATION: The subject site is located on the south side of Western Blvd., between 6th and 7th Streets, and north of Highway 20/34. More specifically, the development site is a roughly triangular piece of property bordered to the north by Western Boulevard and to the south by railroad tracks along the east, south, and west boundaries. The subject site is also identified on Benton County Assessor's Map 12-5-2 BB, as Tax Lots 16003 and 16001.

DECISION: The City Council held a duly-advertised *de novo* public hearing on the appeal on December 15, 2008. The record was requested to be held open, and additional written comments were received until December 22, 2008. The applicant declined to submit a final written argument. The City Council deliberated and reached a tentative decision on the appeal on January 5, 2009. After consideration of all the testimony and evidence, the City Council voted to uphold the Planning Commission's decision to approve the request, and consequently, denied the appeal and approved the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review application. On January 20, 2009, the City Council adopted Formal Findings in support of its decision.

If you wish to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

_____

Charles C. Tomlinson
Mayor, City of Corvallis

Signed: January 20, 2009
LUBA Appeal Deadline: February 10, 2009

Attachment: City Council Adopted Formal Findings

CONCEPTUAL AND DETAILED DEVELOPMENT PLAN EXPIRATION DATE (IF NOT APPEALED): January 20, 2014

If no appeal is filed by the appeal deadline, the Detailed Development Plan shall be valid for five (5) years. If the applicant has not begun construction within this period, the approval shall expire on July 21, 2013.

TENTATIVE SUBDIVISION PLAT
EXPIRATION DATE (IF NOT APPEALED): January 20, 2011

If no appeal is filed by the appeal deadline, the Tentative Subdivision Plat shall be valid for two (2) years. If the applicant has not submitted a Final Subdivision Plat within the two-year period (with appropriate assurances for improvements, if applicable), the Tentative Subdivision Plat approval shall expire.

PLAN COMPATIBILITY REVIEW
EXPIRATION DATE (IF NOT APPEALED): January 20, 2011

If no appeal is filed by the appeal deadline, the Plan Compatibility Review shall be valid for two (2) years. If the applicant has not begun the development within the two year period, the approval shall expire.

Conditions of Approval

Cond #	CONDITIONS
1	Consistency with Plans - Development shall comply with the plans identified in **Attachments A and J** of the staff report, unless a requested modification otherwise meets the criteria for a Minor Planned Development Modification. Such changes may be processed in accordance with Chapter 2.5 of the Land Development Code.
2	Landscape Plans: a. Landscape Construction Documents - Prior to issuance of building permits, the applicant shall submit for review and approval by the Development Services Manager, landscape construction documents for this site which contain a specific planting plan (including correct plant names in the Latin format) for proposed landscaping, trees, shrubs, and groundcover. Plans for an automatic irrigation system to irrigate this landscaping shall also be submitted for review and approval. The plans may be submitted to Development Services staff for review. The detailed landscape plans shall be generally consistent with the landscape plans submitted for land use approval, with the exception of the following required changes: 1. Required street trees along the south side of Western Boulevard shall be specified and planted at a minimum caliper size of 2.25 inches at time of planting. All proposed street tree species shall be reviewed by the City Forester and Public Works staff to ensure that the proposed trees will not conflict with overhead utility lines nor interfere with vision clearance requirements at all associated intersections. 2. As proposed by the applicant, special planting techniques shall be specified and utilized at the time of planting for all parking lot and buffer trees that will not be located within the standard 10-foot-wide planting areas. b. Landscape Maintenance Bond - All required landscaping for the development shall be planted or financially secured prior to issuance of an occupancy permit for the new building. All required landscape areas shall be designed to achieve a minimum of 90% ground coverage within 3 years. A 3-year maintenance bond for all required plantings shall be provided prior to the City's on-site approval of the plantings. The landscape bond shall be submitted to Development Services staff for review.
3	Lighting - To minimize lighting impacts to the surrounding areas, the

	applicant shall only use full-cut-off lights for all site lighting. Outdoor site lighting fixtures shall not cast glare onto adjacent properties. Submitted building permit plans shall include details of fixture designs to ensure this standard is met.
4	Service Area and Roof-Mounted Equipment Screening - Compliance with LDC requirements shall be demonstrated through review of submitted building permit plans. Building permit plans, including any future applications to add roof-mounted or ground level equipment to existing facilities, shall demonstrate that all proposed equipment will be adequately screened in compliance with the requirements of LDC Section 4.10.60.05.
5	Ground Floor Windows - The ground floor windows for the four commercial spaces along the development's northern facade shall not utilize glass with an opacity greater than 60 percent. These required ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall, as required by LDC Section 4.10.70.05.b.6(a)2.
6	Mezzanine Windows - At the time of building permit submittal, the applicant shall revise the design of the western facade at the mezzanine level to incorporate a windowed area representing at least 20% of the mezzanine-level facade, in compliance with LDC 4.10.70.05.b.6(b).
7	Acoustic Buffering in East Wall - Building permit plans shall include construction methods for the east wall of the proposed building to include sound attenuation methods that would equal or exceed the attenuation that would be afforded by a 20-foot-wide vegetated buffer. Calculations shall be measured in decibels through all audible frequencies.
8	Limited Commercial Uses - To ensure that parking requirements shall be met on-site, only commercial uses with a parking requirement of 3.5 or fewer spaces are allowed per unit, based on standards within the Land Development Code. Additionally, only commercial uses, and no residential uses, are allowed on the ground floor and mezzanine level of each unit. The restrictions contained in this condition of approval shall be recorded as deed restrictions on each of the four new lots and in conjunction with final plat approval of the proposed subdivision. The required deed restrictions shall be provided to the Planning Division Manager for review prior to recordation of the deed restrictions and final subdivision plat. In conjunction with final plat approval, the applicant shall also record conditions, covenants, and restrictions (CC & R's) governing all lots and tracts within the proposed development to address maintenance obligations for Tract A. The CC & R's shall also include the requirements noted by the deed restrictions above. The required CC & R's shall be provided to the Planning Division Manager for review prior to recordation of the CC & R's, deed restrictions, and final plat.

9	Public Improvements - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.
10	Public Sidewalk/Landscape Strip Improvements - The applicant shall construct all sidewalk and landscape strip improvements adjacent to SW Western Boulevard concurrent with public improvements and consistent with the proposal.
11	Sewer Abandonment - Concurrent with public improvements, the sanitary sewer that traverses the site shall be abandoned. The sewer and it's related facilities, such as manholes, shall be completely removed. The portion of pipe under the railroad's right-of-way shall be abandoned as approved by the railroad.
12	Public Water Quality Facility Design & Maintenance - As part of the plans for public improvements the applicant shall provide engineered calculations for storm water quality facilities. The water quality facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9" 24-hr rainfall event with NRCS Type 1A distribution.
13	Public Drainage - All public storm drainage facilities, including water quality facilities, located outside of public right-of-way shall be placed in an easement granted to the City. The minimum required easement width is 15 ft for a single utility and 20 ft for two utilities. All weather accesses shall be provided to the facilities.
14	Street Lights - No additional public street lights will be allowed as part of this development. Additional private lights will be allowed as long as they are fully shielded to prevent glare onto adjacent properties.
15	Trash Enclosure Location - The trash enclosure is to be located as indicated on the revised Landscape Plan, dated December 9, 2008, in lieu of the location shown on the original plan set. The storm water detention and water quality system is to be revised accordingly, as indicated on the revised Utility

	Plan, dated December 9, 2008. The trash enclosure is to be screened and buffered per LDC Section 4.10.60.05.a and the requirements outlined in LDC Chapter 4.2.
16	Mezzanine Wall - The mezzanine-level wall separating the mezzanine level commercial space from the ground-floor commercial space below shall be constructed as a half-wall, such that the upper half of the wall will be open to the space below, with no glass or solid construction separating the mezzanine level from the ground-floor level. The design of the half-wall shall comply with all applicable Oregon Structural Specialty Code requirements.

Development Related Concerns:

A. Mailbox Locations - Mailbox locations shall be coordinated between the developer and the Post Office as part of the public improvements construction process.

B. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Department for review and approval.

C. Infrastructure Cost Recovery - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

D. Work in Railroad Right-of-Way - Any work done in the railroad right-of-way should be done in accordance to any applicable railroad standards. If permits are required from the railroad, they should be obtained before commencing any work in the railroad right-of-way.

BEFORE THE CITY COUNCIL
OF THE CITY CORVALLIS

FINDINGS – WESTERN STATION CONCEPTUAL AND DETAILED DEVELOPMENT PLAN, TENTATIVE SUBDIVISION PLAT, AND PLAN COMPATIBILITY REVIEW

In the matter of a City Council decision to **approve a Major Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review**; and to uphold the Planning Commission's decision, and deny the appeal.	)))))	**PLD08-00009** **SUB08-00005** **PCR08-00002**

PREAMBLE

This matter before the Corvallis City Council is a decision regarding an appeal of the Planning Commission's approval of a Conceptual and Detailed Development Plan, a Tentative Subdivision Plat, and a Plan Compatibility Review to construct four combination live/work units on the site. Four (4) dwelling units are proposed on the subject 0.64 acre site that is zoned PD(MUC) (Mixed Use Commercial with a Planned Development Overlay). A total of four lots and one tract would be created by the Tentative Subdivision Plat. Planned Development approval is requested to allow variation to Land Development Code requirements regarding access, landscaping, sidewalks, and building frontage.

The 0.64-acre site is located on the south side of Western Blvd., between 6th and 7th Streets, and north of Highway 20/34. More specifically, the development site is a roughly triangular piece of property bordered to the north by Western Boulevard and by railroad tracks along the east, south, and west boundaries The site is composed of Tax Lots 16003 and 16001 from Benton County Assessor's Map 12-5-2BB. The current owner of the property is 7th Street Station, LLC.

The Corvallis Planning Commission conducted a hearing on the above-referenced Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review on October 15, 2008. On November 5, 2008, the Planning Commission deliberated and voted unanimously to approve the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. A notice of decision was signed on November 7, 2008, (Order # 2008-091).

On November 19, 2008, Sam Hoskinson (hereinafter referred to as "Appellant"), filed an appeal of the Planning Commission's decision to approve the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The

Land Development Code ("LDC") specifies that the City Council hear *de novo* appeals of Planning Commission decisions regarding these land use applications.

The City Council held a duly advertised *de novo* public hearing on the application on December 15, 2008. The public hearing was closed; however, the written record was held open for seven additional days, and the City Council deliberated and reached a tentative decision on the appeal on January 5, 2009.

After consideration of all the testimony and evidence, the City Council voted to approve the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review requests with conditions, thereby upholding the Planning Commission's decision and denying the appeal.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the October 15, 2008, and December 15, 2008, public hearings; the Staff Report to the Planning Commission, dated October 3, 2008; the minutes of the Planning Commission meetings on October 15, 2008, and November 5, 2008; the staff memorandum to the City Council dated December 5, 2008, and the minutes of the City Council public hearing and deliberations dated December 15, 2008, and January 5, 2009, respectively. Where variations to standards have been requested through the Planned Development process, Comprehensive Plan policies have been utilized to provide direction regarding the requested variations to standards. Similarly, where LDC provisions are ambiguous, Comprehensive Plan policies have been utilized to provide context and to clarify the purpose of ambiguous language. Otherwise, Comprehensive Plan polices are fully implemented by the 2006 Land Development Code.

ANALYSIS, FINDINGS, AND CONCLUSIONS RELATED TO THE APPEAL OF WESTERN STATION CONCEPTUAL AND DETAILED DEVELOPMENT PLAN/TENTATIVE SUBDIVISION PLAT/PLAN COMPATIBILITY REVIEW (PLD08-00009 / SUB08-00005/PCR08-00002)

1. The City Council accepts and adopts the analysis, findings, and conclusions made in the Staff Report to the Planning Commission, dated October 3, 2008, that support approval of the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The City Council accepts and adopts the analysis, findings, and conclusions made in the December 5, 2008, staff memorandum to the City Council **(Appendix A)**, that support approving the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, as conditioned. The City Council also adopts as findings, the Minutes of the City Council meetings dated December 15, 2008, and January 5, 2009 **(Appendices C and D, respectively)**. The City Council adopts the analysis, findings and conclusions in the Staff Memorandum to the City Council, dated December 29, 2008 **(Appendix B)**,

which includes responses to questions asked by Council members at the December 15, 2008, public hearing. The City Council specifically accepts and adopts as findings the rationale given during deliberations in the January 5, 2009, meeting by Council Members expressing their support for approving the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. All of the above-referenced documents are attached as Appendices. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings". The findings below, (the "supplemental findings"), supplement and elaborate the analysis, findings, and conclusions contained in the materials noted above, all of which are attached and incorporated herein, by reference to the specific Appendix. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.

2. The City Council notes that the December 5, 2008, staff memorandum to Council **(Appendix A)** presents information on Attachments III-77 through III-80 regarding pages of the October 3, 2008, staff report to the Planning Commission that contain discussions on the need for imposing Conditions of Approval # 1 through 14.

3. The Council notes that Staff brought forward Condition # 15 at the request of the applicant, in response to questions raised by Public Testimony about garbage and recycling service to the proposed development (see Pages 688-g through 688-n of the December 15, 2008, City Council Minutes **(Appendix C))**. Condition #15 proposes an alternate location for the site's trash enclosure. Pages 688-l through 688-n of the December 15, 2008, City Council Minutes show revised landscaping, utility, and circulation plans respectively that depict the requested dumpster relocation. The Council finds that this condition of approval is necessary to allow for the provision of garbage and recycling pickup service to the site, and will not create a conflict with any other requirements of the development.

4. The Council notes that Condition #7 was amended by the Planning Commission during its deliberations on November 5, 2008 (See Attachment IV-44 to the December 5, 2008, staff report to the City Council – **Appendix A**). The Council notes that the change was made to specifically address the alteration in acoustical buffering that would result from lessening the required 20-foot-wide landscape screen on the east side of the proposed building to a 9-foot width through the Planned Development process. The Council finds that the change to Condition #7 is necessary to ensure that the Condition will sufficiently accomplish the noise reduction provided by the buffering standard. The Council also adopts by reference findings in Section III-D of these formal findings as findings to support the modification to Condition #7.

5. The Council notes that Condition #16 was added by the City Council during its deliberations on January 5, 2009 (See pages 9 and 10 of the Draft January 5, 2009, City Council Minutes (Condition #16 is mis-numbered in those minutes as Condition #15) – **Appendix D**). The Council notes that Condition #16 requires an opening between the mezzanine and ground-floor levels of the commercial portions of the live-work units. The Council finds that requiring this opening will serve to reduce the likelihood that the mezzanine level could be used for residential purposes. The Council notes that other measures, such as the stipulation in Condition #8 that only commercial uses, and no residential uses, may occur on the mezzanine level of the building, will work in consort with Condition #16 to ensure that residential uses will not occur on the mezzanine level. The Council finds that Condition #16 is necessary to ensure that the mezzanine space will be used for commercial uses and not residential uses, which the Council finds necessary because the impacts of the proposed development, including off-site parking impacts, have been evaluated based on the assumption that the mezzanine level will exclusively contain commercial uses.

6. The Council finds that all of the approved Conditions are reasonable conditions that are feasible for the applicant to comply with and necessary to satisfy the applicable criteria presented in the December 5, 2008, staff memorandum to Council and the supplemental findings presented below.

7. The City Council notes that the record contains all information needed to evaluate the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review decision for compliance with the relevant criteria.

8. To approve a Conceptual and Detailed Development Plan, LDC Sections 2.5.40.04 and 2.5.50.04 require that the proposal be consistent with the purposes of Chapter 2.5, the policies and density requirements of the Corvallis Comprehensive Plan ("CCP"), LDC, and other policies and standards adopted by the City Council. The Council notes that the LDC language in 2.5.40.04 and 2.5.50.04 does not require an application to "comply" with the CCP policies, but does require an application to be consistent. The Council notes that the Corvallis Comprehensive Plan was adopted in 2000; the Council notes that the LDC was adopted in 2006. The Council notes that both the CCP and the LDC were acknowledged by DLCD, in compliance with the requirements of Periodic Review. The Council notes that both the CCP in Article 51.5 **(Appendix C)** and the implementing ordinances for the LDC **(Appendix D)** state that the LDC is intended to implement the CCP. The City Council finds that the LDC does fully implement the CCP. The City Council notes that LDC provisions occasionally refer to consistency with Comprehensive Plan Policies. The City Council notes that regarding this proposal, the LDC in Chapter 2.5 refers to consistency with Comprehensive Plan Policies at LDC 2.5.40.04.

9. The City Council notes that the language in LDC 2.5.40.04 and 2.5.50.04 (in requiring consistency with the criteria in LDC 2.5.40.04) requiring an application to be consistent with "the purposes of this chapter" is not intended to make the purpose statements found in LDC 2.5.02 into independent review criteria. Instead, these purpose statements may be of use in resolving ambiguities or in determining whether to approve a proposed variance from a given LDC standard. The Council notes that LDC 2.5.40.04 requires the Council to determine whether the proposal is consistent with the purposes of the chapter and the density and other applicable policies from the CCP. The City Council interprets this language as applying to the review of requested deviations from standards found in the Land Development Code. If an application complies fully with the standards in the Land Development Code, the Council finds that it will always be compatible with the purposes of the Planned Development Chapter and will always be consistent with the policies of the CCP. The City Council finds that the general use of Comprehensive Plan policies as review criteria was necessary only until the adoption of the 2006 Land Development Code, which fully implements the Comprehensive Plan. The Council notes that the Oregon Department of Land Conservation and Development's (DLCD's) 2005 acknowledgement of completion of assigned Periodic Review work tasks recognized this to be the case. Accordingly, except as specifically related to the discussion of a requested variance from the LDC standards, the City Council finds that consistency with the LDC is, by its nature, consistency with the CCP. Where no variance is requested, the appropriate review criteria are those found in the Land Development Code. The Council finds that Comprehensive Plan policies, while informing the interpretation of those LDC provisions (when ambiguities exist), are not in themselves review criteria. References to purpose statements within the Land Development Code are similarly valuable for reviewing proposed variations from Land Development Code standards, but are not, in themselves, review criteria that would apply to an application that otherwise meets the Land Development Code standards. The Council notes that it is unlikely that any one proposal could be consistent with all of the purpose statements, and notes that some of the listed purposes may conflict with other listed purposes. Similarly, the Council notes that consistency with all Comprehensive Plan Policies is not necessarily possible, given the sometimes conflicting direction of the policies. The 2006 Land Development Code was developed, in part, to resolve these apparent conflicts with a clear and objective set of standards.

The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings, and primarily address issues raised in opposition to the application. These supplemental findings, like the Incorporated Findings, are grouped into seven categories, which facilitate a comprehensive and cohesive review of the applicable criteria. The categories include Land Use, Natural Resources, Compatibility, Circulation, Public Facilities and Services, Tentative Subdivision Plat, and

Plan Compatibility Review. The issue categories are identified with Roman numerals, and subcategories are identified by letters.

I. Land Use

Applicable Criteria

Section 3.20.30 - PERMITTED USES IN THE MIXED USE COMMERCIAL ZONE (1993 Land Development Code, as amended)

3.6.30.01 - General Development

a. Primary Uses Permitted Outright

1. Residential

(a) Residential Use Types –

- **Family**
- **Group Residential**
- **Group Residential/Group Care**
- **Residential Care Facilities**

(b) Residential Building Types –

- **Single Detached (existing prior to adoption of this Code)**
- **Conversion of Detached Dwelling to Attached or Mixed-Use Building**
- **Attached (Townhouse)**
- **Duplex**
- **Multi-Dwelling (includes free-standing buildings and dwelling unit in commercial buildings)**
- **Accessory Dwelling**

All residential use types are subject to compliance with Section 3.20.40.01 Preservation of Commercial Land Supply.

2. Civic Use Types -

- **Administrative Services***
- **Clinic Services***
- **Cultural Exhibits and Library Services***

- Lodges, Fraternal and Civic Assembly
- Parking Services
- Postal Services that serve the general public (Post Offices)*
- Public Safety Services
- Religious Assembly
- Transit Facilities

A civic use type that exceeds 5,000 square feet must demonstrate that it primarily serves the immediate area.

3. Commercial Use Types -

- Animal Sales and Services (small animals):
  Grooming
  Veterinary
- Building Maintenance Services (no outdoor storage)
- Business Equipment Sales and Services
- Business Support Services
- Communication Services
- Construction Sales and Service (no outdoor storage)
- Convenience Sales and Personal Services
- Day Care Facilities
- Eating and Drinking Establishments – sit down
- Family Day Care
- Financial, Insurance, and Real Estate Services
- Food and Beverage Sales
- Laundry Services
- Medical Services
- Personal Services – General
- Professional and Administrative Services
- Repair Services – Consumer
- Research Services

- **Retail Sales – General**
- **Transient Habitation – Lodging**
- **Commercial Uses legally established and developed in conformance with the *Development District in place on December* 7, 1998.**

4. **Industrial Use Type:**
   - **Wholesaling, Storage and Distribution (existing prior to Code adoption)**

b. **Accessory Uses Permitted Outright**

1. **Essential Services**
2. **Family Day Care**
3. **Home Business, when conducted in conjunction with a permitted residential use.**
4. **Limited Manufacturing – less than 20 employees per acre, and does not require a State or Federal air quality discharge permit, except for parking. Limited manufacturing uses shall be accessory primary use (e.g. factors for determining accessory uses may include, but are not limited to, the number of employees, parking, and building square footage dedicated to each use.**
5. **Required off-street parking in accordance with Chapter 4.1**
6. **Other development customarily incidental to the primary use in accordance with Chapter 4.3.**
7. **Colocated/attached Wireless Telecommunication Facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9**
8. **Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions**

A. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The Council notes that the applicant's responses to the applicable criteria cited above are found on Attachment III-248 through III-249 of the December 5, 2008, staff memorandum to Council.

B. The City Council notes that the subject site is designated Mixed Use Commercial on the Corvallis Comprehensive Map, as shown on Attachment III-82 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council also notes that the site is zoned PD(MUC), consistent with the Comprehensive Plan Map Designation for the site, as shown on Attachment III-83 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**.

C. The City Council notes that findings in response to the applicable criteria cited above are in the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, staff memorandum to the City Council presented on Attachments III-12 through III-13. The Council finds that the proposed land uses are consistent with those listed in LDC Section 3.20.30.

D. The City Council notes that testimony was received regarding the viability of the proposed development for commercial uses, as well as the appropriateness of residential development on the subject site. The Council notes that speculation regarding the viability of commercial uses within the development is irrelevant in relation to applicable decision criteria for the subject application. The Council finds that there are no applicable decision criteria that would allow consideration of the viability of a proposed commercial development. Similarly, the Council finds that residential uses are permitted outright in the MUC Zoning District; and therefore, the question of the appropriateness of residential development on the subject site is not an applicable decision criterion. The Council notes that the Avery-Helms Historic District is located directly to the east of the subject development site and contains a vibrant and long-standing residential community within close proximity to the railroad tracks in this area. The Council also notes that a great deal of residential development in Corvallis is located within close proximity to railroad tracks.

II. Natural Resources and Natural Hazards

A. The City Council notes that the site has not been identified as having natural features eligible for protection or inventoried on the Natural Features Inventory Map, and that no significant natural features, as defined by the Corvallis Land Development Code, exist on the site. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, staff memorandum to the City Council presented on Attachment III-13.

III. Compatibility

Applicable Criteria

2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

a. Compatibility Factors -

1. **Compensating benefits for the variations being requested;**
2. **Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);**
3. **Visual elements (scale, structural design and form, materials, etc.);**
4. **Noise attenuation;**
5. **Odors and emissions;**
6. **Lighting;**
7. **Signage;**
8. **Landscaping for buffering and screening;**
9. **Transportation facilities;**
10. **Traffic and off-site parking impacts;**
11. **Utility infrastructure;**
12. **Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**
13. **Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards[1]; and**
14. **Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

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b. **Natural Resources and Natural Hazards Factors -**

1. **Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation; and**

2. **Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies.**

A. The City Council notes that the applicant responded to the applicable compatibility criteria as part of a complete application submitted for the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The Council notes that the applicant's responses to the applicable criteria cited above are found on Attachments III-177 through III-202 of the December 5, 2008, staff memorandum to Council **(Appendix A)**.

B. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments III-13 through III-60 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Incorporated Findings are supplemented by Findings C - S, below. The Council finds that, based on this analysis and subject to the approved conditions of approval, the application will comply with all applicable compatibility criteria.

<u>Compensating Benefits</u>

C. The Council notes that the discussion of compensating benefits for requested variations to Land Development Code standards is located on Attachments III-43 through III-49 of the December 5, 2008, staff memorandum to the City Council. **(Appendix A).** The Council finds these arguments, supplemented by the discussion below, to be persuasive in demonstrating that compensating benefits will adequately compensate for the requested variations to standards.

D. The Council notes that testimony was presented regarding the difficulty of attenuating the sound from adjacent railroad tracks. The Council notes that typically, when the noise compatibility criterion is considered, it relates to the potential for a proposed development to create a noise impact that

would be incompatible with its surroundings. In this case, the concern expressed regards the impact of noise from an existing use (railroad tracks) on the proposed development. Residential uses are permitted outright in the Mixed Use Commercial District. Because a potential resident of the development will be aware of the adjacent railroad tracks, and the potential noise from them, the Council finds there is less of an obligation on the part of the applicant to address the effect of noise impacts on future residents. The Council finds that significant noise impacts are not anticipated from the proposed development.

The Council notes that the applicant is requesting a variance from LDC 3.20.50.09.b, which requires fencing and a 20-foot wide landscape screen between the residential uses on the site and the adjacent industrial development (railroad tracks) to the east. The applicant is proposing fencing and a 9-foot wide landscape screen, along with increased sound attenuation in the adjacent building wall. The Council notes that it is likely that the sound attenuation that would be provided by an additional 11 feet of landscaped screening between the building and the railroad tracks would be negligible. The Council notes that the intent of the 20-foot wide landscape screen requirement in LDC Section 3.20.50.09.b is to provide a visual screen between industrial and residential development, and is not to provide an acoustic buffer between the two uses. The Council finds that the proposed 9-foot wide landscape area, with sight-obscuring fencing installed along the eastern property line, as proposed, will provide a visual screen substantially equal to that required by LDC Section 3.20.50.09.b. Additionally, the Council finds that revising Condition #7 to a performance specification that requires the construction to achieve sound attenuation levels equal to that of the required landscaped screen will adequately compensate for the variance in the standard.

E. The Council notes that testimony was presented concerning the safety of allowing the access driveway to be reduced in width from what is required by City standards. The Council notes that the reduction in width occurs at a location approximately 65' from Western Blvd., and that the point where the access drive intersects with Western Blvd. is proposed to be the standard width for commercial access drives. The Council notes that a narrower access lane width will likely require drivers to use greater care in negotiating the site, which typically reduces vehicle speeds within developments. The Council also notes that the LDC allows public streets with a paved width of 20 feet to be used for two-way traffic, under certain circumstances (see LDC Table 4.0-1). The Council finds that a 20-foot wide paved width is adequate to allow two-way traffic within a private parking area in the limited area where it is proposed. The Council finds that the benefit of developing the site to allow greater compliance with other LDC requirements along the development's Western Boulevard

frontage, such as providing adequate walkway widths and a greater building frontage presence, adequately compensates for the portion of the access drive that is reduced in width.

F. The Council notes that testimony was presented concerning the safety of allowing the access drive intersection with Western Blvd. within 150' of an intersection. The applicant has requested to vary this standard to allow the access drive to be located approximately 150 feet from the intersection of 6th Street and Western Boulevard and approximately 100 feet from intersection of 7th Street and Western Boulevard (as measured from centerline to centerline). The Council notes that LDC Section 4.1.40.a(2) states as follows:

a. Access to Arterial, Collector, and Neighborhood Collector Streets

2. Location and design of all accesses to and/or from Arterial, Collector, and Neighborhood Collector Streets, as designated in the Corvallis Transportation Plan, are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions to this requirement may be granted by the City Engineer. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent public street, bicycle, and pedestrian facilities.

The Council notes that the City Engineer has reviewed the proposed location of the access drive in relation to posted speeds on Western Boulevard, lot pattern constraints, and the affect on the safety and capacity of adjacent street, bicycle, and pedestrian facilities, as has determined that the proposed access drive location is acceptable. The Council notes that the LDC allows the City Engineer to accept variations to this standard without the need for a Planned Development or Lot Development Option. The Council also notes that the intersection at 7th and Western had only one accident on record for the last three years, and is considered a safe intersection. The Council also notes that the proposed design provides the required 25 foot vision clearance triangles at the access drive intersection, and that the clear sight distance from the proposed access drive to the west, in the eastbound lane of Western Blvd. is approximately 250'. The Council notes that at present there exist two vehicular access points from the site to Western Blvd. The Council also notes that the configuration of the parcel makes it such that it would be impossible to locate the access drive the requisite 150' from the intersection of 7th and Western and from the intersection of 6th and Western. The Council notes that no other street access is available to serve the subject property. The Council finds that the benefit of consolidating the two access points into one driveway adequately

compensates for locating the one driveway 50' closer to a local intersection than is typically allowed.

G. The Council notes that testimony was received regarding the adequacy of the applicant's proposed compensating benefits. Specifically, the Council notes that the appellant stated that, "*The approval of this development is a clear abuse of the Planned Development Overlay process. The PD is supposed to create a "forced compromise" between the City, neighborhoods and new developments. But at Western Station, the developers are given permission to violate multiple Corvallis Land Development Code and Comprehensive Plan requirements; and aren't required to provide any meaningful compensation.*" The City Council notes that there are no applicable criteria for a Planned Development that mandate a "forced compromise between the City, neighborhoods and new developments," as the appellant argues. The Council notes that LDC Section 2.5.40.04.a.1 does require compensating benefits for any variation being requested. The Council notes that LDC Section 2.5.40.04.a.1 does not describe what a compensating benefit is, or whom it should benefit. However, the Council notes that purpose statement 2.5.20.h helps to clarify this question. The purpose statement is from a list of purposes for the establishment of Planned Development review procedures in the LDC:

h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.

The Council notes that the Western Boulevard frontage is the sole street frontage available for building orientation and pedestrian and vehicular access on the development site because the site is surrounded on all other sides by railroad lines. The Council notes that this frontage is complicated by street and railroad crossing intersections at both the eastern and western ends of the property. The Council notes that all of the requested variations have to do with what occurs along the property's frontage along Western Boulevard.

The Council notes that any change to the proposed design to require any one of the elements for which variations have been requested to fully meet the Code requirement would necessitate a reduction to one or more other elements along the site's frontage. For example, if the building were expanded to meet the 50% building frontage requirement along Western Boulevard, the building would need to be approximately 107 feet wide instead of 88 feet wide, as is proposed. The Council notes that the expansion of the width of the building would consequently necessitate a further reduction in other site design elements, such as the width of the pedestrian sidewalk, width of the vehicle accessway, and/or width of the landscaped buffer. The Council finds that, as stated on Attachment page

III-44 of the December 5, 2008, Staff Memorandum to the City Council **(Appendix A)**, "It does not appear to be possible, given the configuration of the development site and the site's access and frontage configuration, to meet all standards with one development.....Given these constraints, the proposed site plan represents a balancing of interests in these various requirements. None of the standards are fully met, but all are accommodated to a meaningful degree." The Council finds that this compromise is consistent with Purpose Statement 2.5.20.h, above, which states that a Planned Development should, "Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met." The City Council finds that the proposed development accommodates all important site design elements (pedestrian and vehicular access, platting standards, landscape buffer, street separation requirements, and building frontage requirements) in a way that preserves the intent of the development standards, while providing for a safe and functional, pedestrian-oriented development.

The Council notes that it is not unusual to find development sites within the City that are configured in a way that does not allow all Land Development Code standards to be met. The Council finds that the Planned Development process is an appropriate mechanism to allow flexibility to be exercised to allow development on the subject site. The City Council finds that the Planned Development process does not require concessions to be made to adjacent developed areas, if all applicable Planned Development criteria are met by a development proposal.

Basic Site Design

H. The Council notes that testimony was presented concerning the proposed Floor Area Ratio (FAR) calculations for the site; specifically that the railroad tracks easement should be included in the calculations. The Council notes that the railroad easement is not developable in any way and the land area is not a potentially commercially developable area. Therefore, the Council finds that it is appropriate to exclude the railroad easement from the FAR calculation, as discussed at Attachment III-13 and III-14 of the December 5, 2008, Staff Memorandum to the Mayor and City Council **(Appendix A)**.

I. The Council notes that testimony was presented concerning the layout of the vehicular circulation area; specifically that the layout did not lend itself to garbage/recycling trucks and/or commercial delivery trucks navigating easily through it. The Council notes that the vehicular circulation area, with the exception of the reduced driveway width, as noted in Findings C and E regarding Compensating Benefits, is in compliance with all LDC

requirements. The Council notes that Condition #15 proposed by Staff, in which the location of the trash enclosure is revised per direction from the garbage/recycling pickup service, adequately addresses this concern.

Visual Elements

J. The City Council notes that the applicant submitted building elevations and building floor plans to demonstrate how consistency with the visual compatibility criterion could be achieved through compliance with the Pedestrian Oriented Design Standards (PODS) within Chapter 4.10 of the LDC. The Council notes that the applicant has requested to vary from the POD standards regarding walkway width and building frontage, as noted in Finding C regarding Compensating Benefits. The Council finds that those variations are acceptable, as is detailed in that analysis and referenced findings. With the exception of these requested variations, the Council notes that Conditions 6 and 7 will require the building to comply with POD standards. The Council finds that, as conditioned, the proposed development will contain sufficient architectural interest to ensure compatibility with its surroundings.

K. The City Council notes that testimony was presented concerning the building's height and number of stories, with respect to compatibility with neighboring properties. The City Council notes that the proposed height of the building is within the maximum height allowed by the development standards of the underlying zone, and that no variance is being requested or granted for the height of the building. The Council notes that if a building is within the allowed building height of a zoning district, the compatibility of the height of the structure is not in question. The Council notes that if there were no Planned Development Overly on the subject property, a building up to 45 feet tall would be permitted outright in this location, while development or redevelopment on nearby RS-20-zoned property and GI-zoned property would permit outright buildings up to 65' and 75' tall, respectively. The Council notes that the proposed buildings will be at least 150 feet from the nearest existing residential structure to the west and at least 90 feet from the nearest existing residential structure to the east. The Council finds that the proposed development makes efficient use of land; promotes efficient use of energy and other resources; supports a compact urban form; helps to provide the neighborhood with a mixture of uses, a diversity of housing types, and pedestrian scale; and allows for the efficient provision of transportation and other public services, consistent with the direction of Comprehensive Plan Policy 3.2.1. The Council notes that although Comprehensive Plan Policy 3.2.1 is not a review criterion per se, it helps to inform the Council's decisions on requested variations from standards and the visual compatibility of the development. The Council finds that, based on these considerations, the

scale and massing of the proposed development will be compatible with its surroundings.

Noise Attenuation, Odors and Emissions, Lighting, and Signage

L. The Council notes that findings regarding noise attenuation, odors and emissions, lighting, and signage are to be found in Attachment III-50 of the December 5, 2008, staff memorandum to the City Council **(Appendix A)**. The Council finds that these findings, along with Condition 7, will ensure that the above listed elements will be compatible with surrounding areas.

Landscaping for Buffering and Screening

M. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments III-50 through 54 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Council finds that, as modified by Conditions 2 and 7, the proposed development complies with applicable requirements regarding buffering and other required landscaping.

N. The Council notes that additional findings regarding the requested variation to MUC landscape screening requirements are located in Section III – D of these findings. Those findings are incorporated by reference as findings under the above criterion.

Transportation Facilities

O. The Council notes that findings regarding transportation facilities are located later in these supplemental findings, under the category of "Circulation." The Council adopts those findings by reference as findings under the above criterion. The Council finds this criterion is satisfied.

Traffic and Off-site Parking Impacts

P. The Council notes that the proposed development would not produce the 30 trip per peak hour threshold that would trigger additional intersection Level of Service analysis, as discussed in Attachments III-61 of the December 5, 2008, staff memorandum to the City Council **(Appendix A)**. Consequently, the Council finds that no mitigation is required due to traffic impacts from the development.

The Council notes that testimony was presented concerning additional traffic being introduced onto Western Blvd. at an area which is already

very busy. The Council notes that the applicant has requested to vary from City standards governing access driveways, as noted in Finding F regarding Compensating Benefits. The Council finds that those variations are acceptable, as is detailed in that analysis and referenced findings

Q. The City Council notes that testimony was presented with concerns that some of the commercial space within the building, specifically the mezzanine areas, may be used for residential uses that would generate more traffic and/or parking than is calculated by the proposal. The Council finds that Conditions 8 and 16 are adequate to ensure that these areas will remain in commercial usage and that parking requirements will be met by the applicant's proposal. The Council also finds that speculation expressed in testimony regarding the nature of the potential tenants of the residential units has no bearing on parking requirements for the development, as determined by the Land Development Code.

Utility Infrastructure

R. The Council notes that findings regarding utility infrastructure are located later in these supplemental findings, under the category of "Public Facilities and Services." The Council adopts those findings by reference as findings under the above criterion. This criterion is met.

Effects on Air and Water Quality

S. The Council notes that analysis and findings regarding the impact of the proposed development upon air and water quality are found in Attachment III-59 of the December 5, 2008, staff memorandum to the City Council **(Appendix A)**. The Council finds that the proposed development will not have a negative effect upon air or water quality.

Pedestrian Oriented Design Standards

T. The City Council notes that analysis and findings in response to the applicable Pedestrian Oriented Design Standards are presented on Attachments III-24 through III-43 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council notes that Conditions 5 and 6 will ensure that applicable POD standards are met, with the exception of variations to the POD standards approved through the Planned Development process. (Those findings are discussed in Section III-J of these formal findings and at Attachments III-44 through III-48 of the December 5, 2008, staff memorandum to City Council **(Appendix A)** and are adopted by reference as findings under the above criterion) The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff

memorandum to the City Council noted above. The Council finds that, as conditioned or appropriately varied through the Planned Development process, all applicable POD standards are met.

Natural Resources and Natural Hazards

U. The Council notes that findings regarding applicable criteria related to natural resources and natural hazards are located in Section II of these supplemental findings, under the category of "Natural Resources and Natural Hazards." The Council adopts those findings by reference as findings under the above criterion. This criterion is met.

IV. Circulation

Vehicular Circulation

A. The City Council notes that analysis and findings in response to the applicable criteria cited above are presented on Attachments III-60 through III-62 of the December 5, 2008, staff memorandum to City Council. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Incorporated Findings are supplemented by Findings B - F, below. The Council finds that, based on these analyses, proposed vehicular circulation serving the development will comply with applicable standards.

B. The City Council notes that the subject site has frontage on one public street: SW Western Blvd. The Council notes that SW Western Blvd. is designated as an Arterial street in the Corvallis Transportation Master Plan. The Council notes that existing conditions for SW Western Blvd. are a right-of-way width of 75+ ft with a 42 ft roadway that includes 12 ft travel lanes, 5 ft bike lanes, and an 8 ft parking lane on the north side. The southern planting strip is 16 ft wide and the northern planting strip is 8 ft wide. Five foot wide setback sidewalks exist on both sides. The 5 ft bike lanes are substandard; however, the Council notes that they do meet the minimum width for safety concerns according to footnote 3 of LDC Table 4.0-1- Street Functional Classification System. The Council notes that, with exception of the existing bike lane width and north side landscape strip, the right-of-way and arterial street improvements meet or exceed the LDC standards. On-street parking is not a typical feature of a standard arterial street. The Council notes that improvements including, but not limited to, setback sidewalks and planter strips will be constructed as part of the proposal, which will bring the street into compliance with the current design standards for each respective transportation facility classification, as conditioned. The Council finds that widening the existing bike lanes on

Western Boulevard from five feet to six feet would require improvements that would be out of proportion with the public benefit of the bike lane widening. The Council finds that Condition of Approval 10 adequately addresses the necessary improvements and ensures that the improvements will be completed as part of the subject proposal, consistent with applicable LDC criteria.

C. The City Council notes that some public testimony raised concerns about increases in vehicular traffic along SW Western Blvd. as a result of the subject proposal. The Council notes that the proposed development would not produce the 30 trip per peak hour threshold that would trigger additional intersection Level of Service analysis, as discussed in Attachments III-61 of the December 5, 2008, staff memorandum to the City Council **(Appendix A)**. The Council finds that the subject proposal is consistent with applicable LDC criteria cited above.

D. The Council notes that some public testimony raised safety concerns regarding the location of the proposed driveway access for the development. The Council notes that this matter is addressed in some detail in Section III-F of these formal findings. Those findings are adopted by reference as findings under the above criterion.

Bicycle/Pedestrian Circulation

E. The City Council notes that analysis and findings in response to the applicable criteria cited above are presented on Attachments III-62 through III-63 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Incorporated Findings are supplemented by Findings E - F, below. The Council finds that, based on these analyses, proposed bicycle/pedestrian circulation serving the development will comply with applicable standards.

F. The City Council notes that the subject site has frontage on one public street: SW Western Blvd. The Council notes that SW Western Blvd. is designated as an Arterial street in the Corvallis Transportation Master Plan. The Council notes that existing conditions for SW Western Blvd. are a right-of-way width of 75+ ft with a 42 ft roadway that includes 12 ft travel lanes, 5 ft bike lanes, and an 8 ft parking lane on the north side. The southern planting strip is 16 ft wide and the northern planting strip is 8 ft wide. Five foot wide setback sidewalks exist on both sides. The 5 ft bike lanes are substandard; however, the Council notes that they do meet the minimum width for safety concerns according to footnote 3 of LDC Table 4.0-1- Street Functional Classification System. The Council notes that,

with exception of the existing bike lane width and north side landscape strip, the right-of-way and arterial street improvements meet or exceed the LDC standards. On-street parking is not a typical feature of a standard arterial street. The Council notes that improvements including, but not limited to, setback sidewalks and planter strips will be constructed as part of the proposal, which will bring the street into compliance with the current design standards for each respective transportation facility classification, as conditioned. The Council finds that widening the existing bike lanes on Western Boulevard from five feet to six feet would require improvements that would be out of proportion with the public benefit of the bike lane widening. The Council finds that Condition of Approval 10 adequately addresses the necessary improvements and ensures that the improvements will be completed as part of the subject proposal, consistent with applicable LDC criteria.

G. The Council notes that testimony was presented that a short section of the southern bike lane adjacent to the west end of the applicant's site was less than 5 feet in width. The Council notes that this was not known by Public Works Staff prior to the October 15, 2008, Planning Commission hearing. Pubic works Staff investigated this condition, and found that adequate paving width exists within the existing street to accommodate five foot wide bike lanes on both sides of the street, but recent striping of the street had "cut the corner," leaving a portion of the bike lane that was less than five feet wide on the southern side of Western Boulevard. The Council notes that this was corrected by City crews in November with re-striping of the pavement. The Council finds the existing bicycle lanes on Western Boulevard now comply with applicable standards.

Transit Facilities

H. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachment III-63 through 64 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Incorporated Findings are supplemented by Finding H, below. The Council finds that, based on these analyses, proposed and existing transit facilities serving the development will comply with applicable standards.

I. The City Council notes that the subject site has frontage on SW Western Blvd. The Council notes that a route of the Corvallis Transit System uses SW Western Blvd, as described on Attachment III-64 of the December 5, 2008, staff memorandum to Council **(Appendix A)**. The Council finds that no additional improvements are required with this development.

V. Public Facilities and Services

A. The City Council notes that findings and applicable criteria related to public facilities and services are presented on Attachments III-64 through III-68 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Incorporated Findings are supplemented by Findings B - J, below. The Council finds that, based on these analyses and as conditioned, proposed public facilities and services serving the development will comply with applicable standards.

Water

B. The City Council notes that the proposed development is located in the City's first level water service area (elevation 210-290'). There is an existing 8-inch waterline located in the southern portion of the SW Western Blvd. right-of-way. The applicant has proposed to bank the water meters. The existing public water facility is adequately sized to serve the proposed development. The Council finds that that the applicant has demonstrated consistency with criteria from LDC 4.0.70.a.

Sanitary Sewer

C. The City Council notes that the proposed development site is located within the Western Boulevard Basin. A 30-inch by 30-inch cast-in-place public sanitary sewer is located in SW Western Blvd. The existing public sanitary sewer facility is adequately sized to serve the proposed development. The Council finds that the applicant has demonstrated consistency with criteria from LDC 4.0.70.a.

D. The Council notes that a sanitary sewer of unknown size and material runs through the development site in an easement. The Council notes that it is City policy to physically remove abandoned utilities whenever possible. The Council finds that Condition 11 adequately addresses the issue of the abandoned utility line.

Storm Drainage

E. The City Council notes that the proposed development site is located within the Western Drainage Basin, and that a 36-inch concrete storm sewer is located in SW Western Blvd. The Council notes that the applicant proposes to construct private storm sewer lines internal to the site. The Council notes that LDC 4.0.70(f) contains criteria used to

determine whether private utilities are permissible. The Council finds that the applicant has demonstrated consistency with criteria from LDC 4.0.70(f).

F. The City Council notes that the applicant proposed to install and construct private water quality systems to address development requirements discussed in Findings G - H. The Council notes that, although the applicant has demonstrated consistency with LDC 4.0.70(f), the City Engineer would prefer underground water quality systems to be public when associated with residential subdivisions that will end up under multiple ownerships. The Council notes that Condition of Approval 13 was imposed to ensure that the proposed stormwater water quality facilities are public and not private, to assure proper maintenance and functionality of the system. The Council finds that the Condition of Approval adequately addresses the long term maintenance and functionality of the stormwater system and ensures consistency with the applicable LDC criteria cited above.

G. The City Council notes that the proposed development will create less than 25,000 square feet of impervious surface area. The Council notes that LDC 4.0.130(b) does not require the implementation of stormwater detention facilities when less than 25,000 square feet of impervious surface area is constructed on a site, as described on Attachment III-67 of the December 5, 2008, staff memorandum to Council.

H. The City Council notes that the proposed development will create more than 5,000 square feet of new pollution-generating impervious surface area. The Council notes that the Corvallis Off-street Parking and Access Standards require the implementation of stormwater quality facilities when more than 5,000 square feet of new pollution-generating impervious surface area is constructed on a site, as described on Attachment III-66 through 67 of the December 5, 2008, staff memorandum to Council **(Appendix A).** The Council notes that the Corvallis Off-street Parking and Access Standards require that water quality facilities are designed consistent with criteria contained in the most recent version of the King County, Washington, Surface Water Design Manual. The Council notes that Condition of Approval 12 was imposed to address consistency with the Corvallis Off-street Parking and Access Standards and applicable LDC criteria. The Council finds that the Condition of Approval adequately addresses the provision of stormwater quality facilities and ensures consistency with the Corvallis Off-street Parking and Access Standards and applicable LDC criteria.

<u>Street Lights</u>

I. The City Council notes that the subject site has frontage on one public street; SW Western Blvd. The Council notes that existing street lights are currently installed along the north side of this street to satisfy the standards established by the City Engineer, as described on Attachment III-67 of the December 5, 2008, staff memorandum to Council. The Council notes that Condition of Approval 14 prohibits additional public street lights from being installed, but allows the applicant to install private lights, as long as they are fully shielded to prevent glare onto adjacent properties. The Council finds that the Condition of Approval adequately addresses the provision of street lights, as required by LDC 4.0.60(q), and ensures consistency with the applicable CCP and LDC criteria referenced herein and cited above.

Franchise Utilities

J. The City Council notes that existing franchise utilities (e.g., gas, electric, and telephone lines) are located within the immediate vicinity of the subject site. The Council notes that LDC Section 4.0.100.b requires the granting of utility easements adjacent to all street rights-of-way for franchise utility installations. The Council notes that the applicant has proposed granting standard 7 ft. utility easements in accordance with LDC 4.0.100. The Council finds the provision of necessary utility easements to be consistent with the applicable LDC criteria referenced herein.

VI. Tentative Subdivision Plat

A. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments III-69 through III-73 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Incorporated Findings are supplemented by Finding B, below. The Council finds that, based on these analyses and as conditioned, the proposed Tentative Subdivision Plat complies with applicable standards.

B. The Council notes that additional analysis and findings regarding the requested variation to the street frontage requirement of LDC Section 4.4.20.03.b are located at Attachments III-48 through III-49 of the December 5, 2008, staff memorandum to City Council. Those findings are incorporated by reference as findings under the above criterion.

C. The Council notes that the decision criteria for the Tentative Subdivision Plat are the same as Planned Development decision criteria in many areas. Specifically, Subdivision criteria 2.4.30.04.b.1 through

2.4.30.04.b.3 duplicate decision criteria for a Conceptual and Detailed Development Plan in LDC Section 2.5.40.04. The Council notes that the staff analysis of compliance with these criteria referenced findings from the analysis of compliance with Planned Development criteria located at Attachments III-10 through III-68 of the December 5, 2008, staff memorandum to City Council. The Council finds these analyses and findings, as modified and conditioned by the City Council in its deliberations on the Planned Development application, also demonstrate compliance with the above-referenced Tentative Subdivision Plat criteria.

VII. Plan Compatibility Review

A. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments III-74 through III-76 of the December 5, 2008, staff memorandum to City Council **(Appendix A)**. The Council adopts the Incorporated Findings, including the analysis, findings, and conclusions in the December 5, 2008, staff memorandum to the City Council noted above. The Incorporated Findings are supplemented by Findings B - D, below. The Council finds that, based on these analyses and as conditioned, the proposed development complies with applicable standards.

B. The Council notes that Plan Compatibility Review criterion 2.13.30.05.b states as follows:

Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;

The Council notes that in addition to the findings regarding this criterion noted in A above, analysis and findings in regard to the compatibility of the development in Section III of these formal findings, as well as analysis and findings regarding the management of stormwater in Section V of these formal findings, have informed the Council's findings regarding compliance with the above criterion. Those findings are adopted by reference as findings under the above criterion. The Council also finds that conditions of approval necessary to demonstrate compliance with the criteria identified in Sections III and V of these formal findings are also necessary to demonstrate compliance with the above criterion.

C. The Council notes that Plan Compatibility Review criterion 2.13.30.05.c states as follows:

The proposed development shall not adversely affect traffic, parking, and access;

The Council notes that in addition to the findings regarding this criterion noted in A above, analysis and findings in regard to traffic, parking, and access in Section III of these formal findings, as well as analysis and findings regarding transportation facilities in Section IV of these formal findings, have informed the Council's findings regarding compliance with the above criterion. Those findings are adopted by reference as findings under the above criterion. The Council also finds that conditions of approval necessary to demonstrate compliance with the criteria identified in Section III of these formal findings regarding traffic, parking, and access, and in Section IV of these formal findings regarding transportation facilities, are also necessary to demonstrate compliance with the above criterion.

D. The Council notes that Plan Compatibility Review criterion 2.13.30.05.d *states as follows:*

Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

The Council notes that in addition to the findings regarding this criterion noted in A above, analysis and findings in regard to natural resources and natural hazards in Section II of these formal findings, have informed the Council's findings regarding compliance with the above criterion. Those findings are adopted by reference as findings under the above criterion. The Council also finds that conditions of approval necessary to demonstrate compliance with the criteria identified in Section II of these formal findings are also necessary to demonstrate compliance with the above criterion.

SUMMARY AND CONCLUSION

As the body charged with hearing appeals of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, the City Council, having reviewed the record associated with the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review application, considered evidence supporting and opposing the application and finds that the proposal, as *conditioned, adequately addresses the review criteria and is found to be consistent with* the City's Comprehensive Plan, applicable sections of the Land Development Code, and other applicable approval criteria. The City Council finds that Conditions of Approval are necessary to achieve compliance with the applicable criteria, and the conditions adequately address impacts related to the development. Therefore, the

appeal is DENIED, and the City Council upholds the Planning Commission decision to approve the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review application (PLD08-00009/SUB08-00005/PCR08-00002).

Dated: _____ _____

Charles C. Tomlinson, MAYOR

APPENDICES:

A. December 5, 2008, staff memorandum to the City Council

B. December 29, 2008, staff memorandum to the City Council

C. December 15, 2008, City Council Minutes regarding the Western Station application

D. DRAFT January 5, 2009, City Council Minutes regarding the Western Station application

MEMORANDUM

TO: **Mayor and City Council**

FROM: **Ken Gibb, Community Development Director**

DATE: **December 5, 2008**

RE: **Western Station (PLD08-00009, SUB08-00005, PCR08-00002)**

I. ISSUE

The applicant, 7th Street Station, LLC, has submitted an application seeking approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing commercial space on the first floor and mezzanine levels, with residential units above, on a 0.64-acre site. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses within the development.

On October 15, 2008, the Planning Commission held a duly advertised public hearing on the request. At that hearing, the Planning Commission honored a request to hold the record open. The record was held open for one week, following which, the applicant was allowed one week to submit a final written argument. The Planning Commission reconvened on November 5, 2008, deliberated, and voted unanimously to approve the applicant's request. The Planning Commission Chair signed the Notice of Disposition from that decision on November 7, 2008, **(Attachment I)**. On November 19, 2008, the appellant appealed the Planning Commission's decision **(Attachment II)**. A City Council public hearing has been scheduled for December 15, 2008, to consider the appeal of the Planning Commission's decision to approve the proposed Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review.

II. BACKGROUND and DISCUSSION

Site and Vicinity

The 0.64-acre site is a small, triangular parcel, bordered to the north by Western Boulevard and to the south, east, and west by railroad tracks. Because of the railroad tracks, access to the property is available only from Western Boulevard to the north. The site currently has

two curb cuts providing access to Western Boulevard and a gravel parking area on the north side of the property. Adjacent to the gravel parking lot is a large billboard sign. The southern portion of the lot consists of a grassy field with drainage ditches along the west and southeastern edges of the property, adjacent to the railroad tracks. The site is relatively level and contains no trees or other significant natural features.

This site (with the larger area to the south between 6th and 7th Streets) was part of the train switching yard that still exists in this area. However, within the last ten years the Southern Pacific Railroad sold the triangular property and the 5.4-acre parcel to the south and west of the existing switching yard facility to private interests. The 5.4 acre parcel to the south is a fairly level, open, grassy field. One large warehouse-type building sits in the middle of the site. To the north of the Western Station development site, on the opposite side of Western Boulevard, is located the Beekman Place antique store. To the west of the site, on the opposite side of 7th Street, are single family homes and apartments. To the east of the site, on the opposite side of 6th Street, is the Avery-Helms Historic District, which contains single family homes and some apartments. Although the subject site borders the boundary of the historic district to the east, it is not included within the district.

The subject site is currently zoned Mixed Use Commercial with a Planned Development Overlay (PD(MUC)). This zoning district is a remnant from the 1993 Land Development Code, as amended. The Mixed Use Commercial zone is not addressed in the 2006 Land Development Code; however, there is a note on the Official Corvallis Zoning Map that states, "The Mixed Use Commercial Zone (MUC) and the development standards for the MUC effective October 16, 2004, shall apply to properties designated as such until a new zone is determined for these properties through a District Change approval." Therefore, the zoning of the site remains PD(MUC). The 5.4-acre site to the south is zoned Medium-High Density Residential. The residential area to the west of 7th Street is zoned High Density Residential (RS-20). The Beekman Place area to the north is zoned Mixed Use Community Shopping (MUCS). The switching yard area immediately to the east of the subject site is zoned General Industrial (GI). Further to the east, nearby properties within the Avery-Helms neighborhood are zoned Minor Neighborhood Center, Medium Density Residential, and Medium-High Density Residential.

Comprehensive Plan Designations in the area are generally consistent with Zoning Designations. The Comprehensive Plan designation for the subject site is Mixed Use Commercial. The Comprehensive Plan Designation for the 5.4-acre site to the south is Medium-High Density Residential. To the west, the designation is High Density Residential; to the north and northwest, the designations are Mixed Use Commercial and General Industrial; and to the east, the designations are General Industrial, Mixed Use Commercial, and Medium and Medium-High Density Residential.

Background

2002 – In August of 2002, the consulting firm of Crandall Arambula PC completed a development study for the subject property and the 5.4-acre property to the south, at the

request of the property owner. The study was funded by a grant from the State of Oregon's Transportation and Growth Management (TGM) Quick Response Program, with the intent of developing conceptual designs for a compact, pedestrian-friendly, mixed-use development on the subject site. A series of meetings was held with stakeholders and neighbors to identify issues and opportunities and to direct the development of potential site designs. Four designs were prepared for further discussion, and the group selected Alternative "D" as the preferred design for development on the property. Alternative "D" was similar to, but not identical to, the expired Conceptual Development Plan that was subsequently developed for the site (Order # 2003-116). Alternative "D" included a 4,200 square foot retail building and 88 residential units, and utilized RS-12 development standards. It is important to note that the Crandall Arambula study was not a land use application and was not subject to review or approval by the City of Corvallis.

2003 – The Corvallis City Council denied an appeal and upheld the Planning Commission's decision to approve the following land use decisions:

1. Consistent with the Planning Commission's recommendation, the City Council approved a Comprehensive Plan Amendment (CPA01-00005) to change the designation for the 6.2-acre property from General Industrial to 5.4 acres of Residential – Medium-High Density and 0.8 acres of Mixed-Use Commercial;

2. An approval of a District Change to modify the zoning designation of the subject site from General Industrial to 5.4 acres of Medium-High Density Residential with a Planned Development Overlay (PD(RS-12)), and 0.8 acres of Mixed-Use Commercial with a Planned Development Overlay (PD(MUC)); and

3. An approval of a Conceptual Development Plan to develop up to 91 residential dwelling units in two- and three-story buildings on the PD(RS-12) portion of the site, and a two-story commercial building on the PD(MUC) portion of the site. Additional details of the Conceptual Plan included: a curvilinear alignment for 7th Street; the exclusion of on-street parking within 7th Street; and the provision of a pedestrian connection to "D" Avenue. Given the conceptual nature of the approval, many details of the ultimate development plan were to be resolved through Detailed Development approval.

2006 - The Corvallis Planning Commission denied the Seventh Street Station application, which consisted of:

1. A Major Conceptual Development Plan Modification and a Detailed Development Plan that would allow: (a) the construction of 73 attached and 13 detached dwellings units on the 5.4-acre PD(RS-12) portion of the site; and (b) the construction of 4 attached units for commercial and residential use on the 0.8-acre PD(MUC) portion of the site. The applicant requested to vary from a number of development standards.

2. A Tentative Subdivision Plat that would create 86 lots and 9 tracts on the PD(RS-12) portion of the site; and 4 lots and 1 tract on the PD(MUC) portion of the project.

3. A Plan Compatibility Review to allow construction of the PD(MUC) portion of the project at a Commercial Floor Area Ratio that is below the 0.25 standard for the MUC zone.

The Planning Commission's decision was not appealed.

2006 - On August 20, 2006, the 2003 Conceptual Development Plan expired because a Detailed Development Plan had not been approved for the property within three years of the approval date of the Conceptual Development Plan approval.

2007 - In response to direction from the Oregon Department of Land Conservation and Development (DLCD), the City Council removed the PD Overlay Zone from the 5.4-acre Medium-High Density Residential property to the south of the subject property (ZDC07-00001). The City Council also initiated and approved a Comprehensive Plan Amendment and Zoning District Change for the 5.4-acre property to re-designate and re-zone the property for General Industrial development. No change was made to the Comprehensive Plan Designation or Zoning District of the MUC property under consideration here. The City Council's decision on the property to the south was appealed to the State Land Use Board of Appeals (LUBA). LUBA remanded the City Council's decision and directed the City Council to re-instate the 5.4-acre property's zoning to Medium-High Density Residential with no Planned Development Overlay.

2007 - In April of 2007, 7th Street LLC applied for approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review for the Palazzo (PLD07-00004, SUB07-00001, and PCR07-00003), a four-unit attached live/work development on the same site as the subject application. The application was denied by the Planning Commission, then appealed to the City Council. In October of 2007, the City Council denied the appeal and the application. Reasons cited for the City Council's denial of the application included: 1) failure to comply with the 0.25 Floor Area Ratio (FAR) requirement in the Mixed Use Commercial (MUC) Zoning District; 2) failure to comply with on-site parking requirements for the development; and 3) lack of compatibility with adjacent development.

2008 - The City Council complied with LUBA's remand order and removed the Planned Development Overlay from the 5.4-acre property to the south, thereby changing the zoning of the property to Medium-High Density Residential (RS-12). The zoning of the subject development site was not changed, and remains Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

Proposal

Four, 4-story, live/work units are proposed for this location. The units will front Western Boulevard and have parking in the rear. The ground floor and mezzanine levels of these units are designed for commercial uses, while the two upper floors are designed for residences. Parking for the residents and commercial customers will be in the back of the units, with access from a driveway just west of the building. The parking lot will contain 18 parking spaces and a dumpster that will be located behind a wall at the northeast corner of the parking lots. Additional trees, shrubs, and groundcover will be planted in and around the parking lot.

An extra wide sidewalk (approximately 15 feet) will be provided in front of the storefronts, in addition to a twelve-foot-wide planting strip between the sidewalk and curb along the south side of Western Boulevard. Street trees are proposed to be planted in the twelve foot wide planter strip. The buildings will be designed with commercial ground floor storefront windows. Either blade signs or wall mounted signs are anticipated to be installed by the future users. Each storefront will have a bicycle hoop to accommodate two parked bicycles.

The proposed building will include a palette of materials: the base of the building will be a mix of brick veneer and stucco. The exterior of the upper levels will include smooth-faced, fiber cement horizontal siding, stucco, and wrought iron guard rails. Decks are provided at each unit on the fourth floor; these decks recess in up to 9 feet to add to the visual character of the building. The entries at the ground floor are recessed 36 inches to provide pedestrian appeal. The continuous canopy breaks up the visual plane, dividing the pedestrian level from the living units above.

The applicant has requested to vary from a number of Land Development Code requirements. In addition, a variation to the building frontage requirement is necessary to approve the proposed development plan. The following table explains these variations:

Table 1: Requested Variations to Development Standards

Item	Code Section (refers to 2006 LDC unless otherwise noted)	Code Standard	Proposed Variation	Compensating Benefit
Driveway Access Width	4.1.40 and Off-Street Parking and Access Standards	Commercial access drives shall be 24-ft. wide	Allow the drive to narrow from the required 24 ft. width at Western Blvd. to a 20 ft. width at the southwest corner of the building	Improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by existing street networks and railroad tracks.

Access to arterial street	4.1.40.a(2)	Minimum 150 feet from intersection	Minimum 100 feet from intersection	Two existing non-conforming approaches are consolidated into one approach, which meets the spacing requirement from the 6th Street intersection, but not from the 7th St. intersection.
Tree Planting Area	4.2.30.b 4.2.40.b	10 foot planter width	5 foot planter width for parking lot and perimeter trees	The special planting techniques proposed allow maximizing the quantity of trees on the site.
Fencing and landscape screening for MUC Residential Uses adjacent to Industrial Districts	3.20.50.09.b *from (1993 LDC, as amended)*	Fencing required and 20-foot wide landscape screen	Fencing and 9-foot-wide landscape screen	Intense landscaping and increased sound attenuation in the adjacent wall improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by regular but intermittent industrial use along the east side of the property. No permanent structure would ever be built on the industrial land.
Minimum width for sidewalk around building	4.10.70.03.2	Minimum 5 ft. width	5 ft. width, except 4 ft., 6 in. at southwest corner of the building	Improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by existing street networks and railroad tracks. The 4 ft. minimum width of accessibility is met.
Percentage of Building Frontage for Attached Residential Buildings	4.10.60.01.b	At least 50% of the site's street frontage to be occupied by buildings	Allow 52% of <u>developable</u> site frontage to be occupied by a building (the area outside of the railroad easement)	Allows attainment of other necessary site design elements, such as adequate pedestrian and vehicular access and landscape buffering between the development and the railroad tracks to the east. Acknowledges that the portion of the site containing the railroad easement is not developable.

In addition to Conceptual and Detailed Development Plan approval, the applicant has also requested approval of a Tentative Subdivision Plat to create four lots and one common tract to be maintained by a Homeowner's Association. The common tract would contain all remaining land areas on the site, excluding building "footprints," but including common parking, walkways, and landscaped areas. Additionally, the applicant has requested Plan Compatibility Review approval, as is required because the square footage of the proposed non-commercial uses exceeds the square footage of the proposed commercial uses.

Land Development Code Section 2.0.50.15 states as follows:

2.0.50.15 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the

proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.

As noted above, the Palazzo application, an application for a very similar development on the same site, was denied by the City Council in October of 2007. The applicant states that the Western Station application has been sufficiently modified to justify reconsideration of a similar proposal. Specifically, the applicant notes that:

1. This application has added a commercial mezzanine level to each unit within the structure in order to comply with the FAR requirement;

2. The applicant has reduced the residential portions of the live/work units to two bedrooms each, and limited commercial uses to only those for which the LDC parking requirement is one space for 400 square feet of floor area (thereby allowing all required on-site parking to be provided on the site); and

3. The applicant has submitted a recent article, concerning the market for similar live/work units in other communities in Oregon, from the August, 2008, Oregon Business Magazine.

Based on these changes, the Community Development Director has waived the one-year waiting period for this application.

Planning Commission Action

Specific criteria and policies that apply to the proposed Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review were addressed in the October 3, 2008, Staff Report to the Planning Commission **(Attachment III)**. Specifically, pages 10 - 68 of the October 3, 2008, Staff Report address compliance with LDC criteria applicable to the proposed Conceptual and Detailed Development plan, pages 69 - 73 address compliance with LDC criteria regarding the proposed Tentative Subdivision Plat, and pages 74 - 76 address compliance with LDC criteria regarding the proposed Plan Compatibility Review.

As reflected in the October 3, 2008, Staff Report to the Planning Commission, and draft minutes from the October 15, 2008, and November 5, 2008, Planning Commission meetings **(Attachment IV)**, City Staff recommended that the Planning Commission approve the applicant's requests, with conditions. The Planning Commission reviewed the application, heard public testimony, and voted to approve the application based on findings from the October 3, 2008, Staff Report to the Planning Commission and minutes from the October 15, 2008, and November 5, 2008, Planning Commission meetings that support the decision to approve the application **(Attachment I)**.

Appeal Issues

Land Development Code section 2.19.30.02(d) - Hearings Authority states that appeals of Planning Commission decisions shall be reviewed by the City Council. Land Development Code section 2.19.30.01(c) states that all hearings on Appeals shall be held de novo (as a new public hearing), and the Council's decision is not limited to the stated grounds for appeal. Under the terms of LDC 2.19.30.01(c), the Council is charged with reviewing the application for consistency with the relevant criteria, and the Council is not charged with reviewing the decision of the Planning Commission for errors.

The appellant cites a number of reasons that the City Council should reverse the Planning Commission's decision to approve the proposed development. Following is an analysis of each of the appellant's arguments, shown in *italics*, followed by Staff's analysis, in plain text:

> *The approval of this development is a clear abuse of the Planned Development Overlay process. The PD is supposed to create a "forced compromise" between the City, neighborhoods and new developments. But at Western Station, the developers are given permission to violate multiple Corvallis Land Development Code and Comprehensive Plan requirements; and aren't required to provide any meaningful compensation. The inevitable result will be maximum profit for the developers, and major Traffic , Parking, Safety and Compatibility problems for Corvallis.*

There is nothing in the applicable criteria for a Planned Development that mandates a "forced compromise between the City, neighborhoods and new developments," as the appellant argues. This may be the appellant's interpretation of the intent, or purpose, of the Planned Development process, but there is no mention of a "forced compromise" in either the Planned Development Purpose statements in LDC Section 2.5.20, or in the Planned Development review criteria in LDC 2.5.40.04. The applicant has requested to vary from a number of Land Development Code requirements with this application, as is specifically allowed through the Planned Development process, per LDC 2.5.10.b. Criterion 2.5.40.04.a.1 does require compensating benefits for any variation being requested. The applicant has proposed a number of compensating benefits for the proposed variations. Staff and the Planning Commission have reviewed these compensating benefits and have found them to be sufficient. This issue is discussed fully on pages 43 - 49 of the October 3, 2008, Staff Report to the Planning Commission **(Attachment III)**. As is noted in that discussion, many of the requested variations are due to the odd configuration of the development site, which is a triangular parcel, surrounded on three sides by railroad tracks, with the only available site access to the north, along Western Boulevard. Staff and the Planning Commission have determined that these variations, as conditioned, will not impair traffic, parking, safety, or compatibility in the general area.

> *Additionally, the City Council was correct in the following paragraphs of a previous decision involving this property. These are quoted from : Corvallis City Council Notice of Disposition Order 2007-082:*

Council didn't find any need for additional residential housing in the area.

Attachment A, Page 6 - ZDC07-00001, "The Council finds....there is no longer a public need for additional Medium High and High Density Residential in this location or in the City."

These findings are from the City Council's decision to amend the Comprehensive Plan Designation and Zoning for the site and the property to the south to return the properties to a General Industrial Zoning Designation. That decision was later remanded by the State Land Use Board of Appeals (LUBA), and was reversed by the City Council's subsequent decision to remove the Planned Development Overlay and retain the Medium-High Density Residential zoning for the property to the south **(Order #2006-126)**. That decision retained the prior zoning designation for the subject site of PD(MUC).

Regardless of these decisions, the question of whether there is a need for residential housing in the area is not a decision criteria that is applicable to the subject application. A "need argument" must be addressed in an application for a Comprehensive Plan Amendment (LDC 2.1.30.06.b.1), but is not germane to a decision on a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, or Plan Compatibility Review. The Mixed Use Commercial zone allows for a mixture of residential and commercial uses, such as is proposed. Plan Compatibility Review is required because the residential square footage within the development is higher than the commercial square footage, but the proposed development does comply with the 0.25 Floor Area Ratio requirement of 1993 LDC 3.20.40.01.a. Staff and the Planning Commission find that the criteria to allow a Planned Compatibility Review are met, as conditioned. There is no basis to deny the proposed application based on the perceived lack of need for residential housing in this area.

Council also recognized the need to consider Comprehensive Plan Policies that weren't resolved in the original change from General Industrial to Mixed Use Commercial.

Attachment A, Page 7-ZDC07-00001, "The City Council finds that such Comprehensive Plan policies must be addressed....since they were intended to be addressed with the proposed development."

Some unresolved Comp. Plan Policies listed in the staff handout when the property changed from GI to MUC include: 3.2.1; 3.2.3; 5.3.1; 7.5.5; 8.2.1; 8.10.4; 8.10.7; 8.10.9; 8.10.10; 8.14.3; 9.2.1; 9.2.2; 9.2.5; 9.3.2; 10.2.9; 10.2.11; 10.2.12; 11.2.2; 11.3.4; 11.3.8; 11.3.9; 11.4.3; 11.4.5; 11.4.7; 11.5.12; 11.6.6; 11.6.12; 12.2.5; 12.2.7. But staff has not provided any assurance that these unresolved policies have been adequately addressed.

The appellant again cites criteria that were considered in relation to ZDC07-00001, which was later remanded by LUBA. Applicable criteria for a Comprehensive Plan Amendment

and Zoning District Change are not the same as the applicable criteria for a proposed Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, such as the current application under consideration. As noted on page 9 of the October 3, 2008, Staff Report to the Planning Commission, the adoption of the 2006 Land Development Code fully implements the Comprehensive Plan, and therefore, Comprehensive Plan Policies do not need to be specifically addressed in an analysis of compliance with applicable decision criteria, unless a variation to a standard has been requested. In that case, decision-makers may look to applicable Comprehensive Plan Policies for direction regarding a requested variation. Such Comprehensive Plan Policies were identified and discussed in the October 3, 2008, Staff Report to the Planning Commission. Comprehensive Plan Policies 9.2.4, 3.2.3, 3.2.4, 11.3.2, 11.3.11, 5.3.1, and 9.2.5 are discussed in this manner on pages 43 - 49 of the October 3, 2008, Staff Report to the Planning Commission **(Attachment III)**. Staff and the Planning Commission found the requested variations to be acceptable, based, in part, on consistency with these Comprehensive Plan Policies.

Conclusion

In conclusion, Staff find that the appellant's first argument, that the Planning Commission's approval of the proposed development is not consistent with the purposes and intent of the Planned Development process, is not accurate. As detailed in the October 3, 2008, Staff Report to the Planning Commission, and as evidenced by the Planning Commission's approval, the proposed development complies with applicable decision criteria, as conditioned. The appellant's claim that Planned Developments require an overarching "forced compromise" is not borne out by a review of the applicable decision criteria. The appellant's second argument, that there is no public need for additional residential development in this area, is not a decision criteria that is applicable to the subject land use application. The third argument, that Comprehensive Plan Policies related to a Zoning District Change decision for the property (which was later remanded by LUBA) are applicable to the subject land use application, is not accurate. Consequently, Staff recommend that the City Council uphold the Planning Commission's decision to approve the land use application, thereby denying the appeal.

III. REQUESTED ACTION

Conceptual and Detailed Development Plan

With respect to the appeal of the Planning Commission decision to approve the Western Station Conceptual and Detailed Development Plan (PLD08-00009), the City Council has the following options:

OPTION #1: **Approve** the proposed Conceptual and Detailed Development Plan, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition **(Attachment I)**, thereby upholding the Planning Commission's decision and denying the appeal; or

OPTION #2: **Deny** the proposed Conceptual and Detailed Development plan, thereby reversing the Planning Commission's decision and approving the appeal; or

OPTION #3: **Approve** the proposed Conceptual and Detailed Development plan with amended conditions of approval, thereby upholding the Planning Commission's decision and denying the appeal.

From the facts presented in the October 3, 2008, Staff Report to the Planning Commission **(Attachment III)**, as well as the facts presented in this December 5, 2008, Memorandum from Community Development Director Ken Gibb to the Mayor and City Council, Staff recommend that the City Council pursue Option #1, approving the Conceptual and Detailed Development Plan request, subject to conditions, and direct Staff to prepare Formal Findings in support of the City Council's decision.

Consistent with Option #1, the motion below is based upon the facts in the October 3, 2008, Staff Report to the Planning Commission that support the Planning Commission's decision to approve the Conceptual and Detailed Development Plan. This motion is also based on the criteria, discussions, and conclusions contained within the December 5, 2008, Memorandum to the Mayor and City Council from the Community Development Director; and the reasons given by the City Council, as reflected in the meeting minutes, during their deliberations on this matter.

MOTION: I move to approve the proposed Conceptual and Detailed Development Plan, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition (Order #2008-091), subject to the adoption of Formal Findings and Conclusions.

Tentative Subdivision Plat

With respect to the appeal of the Planning Commission decision to approve the Western Station Tentative Subdivision Plat (SUB08-00005), the City Council has the following options:

OPTION #1: **Approve** the proposed Tentative Subdivision Plat, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition **(Attachment I)**, thereby upholding the Planning Commission's decision and denying the appeal; or

OPTION #2: **Deny** the proposed Tentative Subdivision Plat, thereby reversing the Planning Commission's decision and approving the appeal; or

OPTION #3: **Approve** the proposed Tentative Subdivision Plat with amended conditions of approval, thereby upholding the Planning Commission's decision and denying the appeal.

From the facts presented in the October 3, 2008, Staff Report to the Planning Commission **(Attachment III)**, as well as the facts presented in this December 5, 2008, Memorandum from Community Development Director Ken Gibb to the Mayor and City Council, Staff recommend that the City Council pursue Option #1, approving the Tentative Subdivision Plat request, subject to conditions, and direct Staff to prepare Formal Findings in support of the City Council's decision.

Consistent with Option #1, the motion below is based upon the facts in the October 3, 2008, Staff Report to the Planning Commission that support the Planning Commission's decision to approve the Tentative Subdivision Plat. This motion is also based on the criteria, discussions, and conclusions contained within the December 5, 2008, Memorandum to the Mayor and City Council from the Community Development Director; and the reasons given by the City Council, as reflected in the meeting minutes, during their deliberations on this matter.

MOTION: I move to approve the proposed Tentative Subdivision Plat, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition (Order #2008-091), subject to the adoption of Formal Findings and Conclusions.

Plan Compatibility Review

With respect to the appeal of the Planning Commission decision to approve the Western Station Plan Compatibility Review (PCR08-00002), the City Council has the following options:

OPTION #1: **Approve** the proposed Plan Compatibility Review, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition **(Attachment I)**, thereby upholding the Planning Commission's decision and denying the appeal; or

OPTION #2: **Deny** the proposed Plan Compatibility Review, thereby reversing the Planning Commission's decision and approving the appeal; or

OPTION #3: **Approve** the proposed Plan Compatibility Review with amended conditions of approval, thereby upholding the Planning Commission's decision and denying the appeal.

From the facts presented in the October 3, 2008, Staff Report to the Planning Commission **(Attachment III)**, as well as the facts presented in this December 5, 2008, Memorandum from Community Development Director Ken Gibb to the Mayor and City Council, Staff recommend that the City Council pursue Option #1, approving the Plan Compatibility Review request, subject to conditions, and direct Staff to prepare Formal Findings in support of the City Council's decision.

Consistent with Option #1, the motion below is based upon the facts in the October 3, 2008, Staff Report to the Planning Commission that support the Planning Commission's decision to approve the Plan Compatibility Review. This motion is also based on the criteria, discussions, and conclusions contained within the December 5, 2008, Memorandum to the Mayor and City Council from the Community Development Director; and the reasons given by the City Council, as reflected in the meeting minutes, during their deliberations on this matter.

MOTION: I move to approve the proposed Plan Compatibility Review, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition (Order #2008-091), subject to the adoption of Formal Findings and Conclusions.

ATTACHMENTS

ATTACHMENT I - Planning Commission Notice of Disposition (Order #2008-091) regarding the Western Station Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, signed November 7, 2008.

ATTACHMENT II - Appeal Letter, received November 19, 2008.

ATTACHMENT III - October 3, 2008, Staff Report to the Planning Commission regarding the Western Station application.

ATTACHMENT IV- Draft minutes of the October 15, 2008, and November 5, 2008, Planning Commission meetings.

Review and Concur:

Jon S. Nelson,
City Manager

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 2008 - 091

CASE: **Western Station (PLD08-00009, SUB08-00005, PCR08-00002)**

REQUEST: The applicant requests approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing ground floor and mezzanine-level commercial spaces with residential units above on a 0.8 acre site. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses.

APPLICANT/ OWNER: 7th Street Station, LLC
1900 Front Street, NE
Salem, OR 97303

LOCATION: The subject site is located on the south side of Western Blvd., between 6th and 7th Streets, and north of Highway 20/34. More specifically, the development site is a roughly triangular piece of property bordered to the north by Western Boulevard and to the south by railroad tracks along the east, south, and west boundaries. The subject site is also identified on Benton County Assessor's Map 12-5-2 BB, as Tax Lots 16003 and 16001.

DECISION: The Corvallis Planning Commission conducted a public hearing on October 15, 2008, and honored a request that the record be held open. The record closed on October 22, 2008, and the applicant was allowed one additional week to submit final written arguments, which were received on October 29, 2008. The Planning Commission met and deliberated on November 5, 2008, and decided to approve the requested Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, subject to the attached conditions of approval. The Planning Commission adopts the findings contained in the October 3, 2008, Planning Commission Staff Report, and the portions of the October 15, 2008, and November 5, 2008, Planning Commission minutes that demonstrate support for the Planning Commission's actions.

If you are an affected party and wish to appeal the Planning Commission's decision, appeals must be filed, in writing, with the City Recorder within 12 days from the date that the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.
5. Filing fee of $240.00.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

Karyn C. Bird

Karyn Bird, Chair
Corvallis Planning Commission

Signed this 7th day of November, 2008

Appeal Deadline: Wednesday, November 19, 2008, at 5 p.m.

Attachment I - 2

Conditions of Approval

Cond #	CONDITIONS
1	Consistency with Plans - Development shall comply with the plans identified in **Attachments A and J** of the staff report, unless a requested modification otherwise meets the criteria for a Minor Planned Development Modification. Such changes may be processed in accordance with Chapter 2.5 of the Land Development Code.
2	Landscape Plans: a. Landscape Construction Documents - Prior to issuance of building permits, the applicant shall submit for review and approval by the Development Services Manager, landscape construction documents for this site which contain a specific planting plan (including correct plant names in the Latin format) for proposed landscaping, trees, shrubs, and groundcover. Plans for an automatic irrigation system to irrigate this landscaping shall also be submitted for review and approval. The plans may be submitted to Development Services staff for review. The detailed landscape plans shall be generally consistent with the landscape plans submitted for land use approval, with the exception of the following required changes: 1. Required street trees along the south side of Western Boulevard shall be specified and planted at a minimum caliper size of 2.25 inches at time of planting. All proposed street tree species shall be reviewed by the City Forester and Public Works staff to ensure that the proposed trees will not conflict with overhead utility lines nor interfere with vision clearance requirements at all associated intersections. 2. As proposed by the applicant, special planting techniques shall be specified and utilized at the time of planting for all parking lot and buffer trees that will not be located within the standard 10-foot-wide planting areas. b. Landscape Maintenance Bond - All required landscaping for the development shall be planted or financially secured prior to issuance of an occupancy permit for the new building. All required landscape areas shall be designed to achieve a minimum of 90% ground coverage within 3 years. A 3-year maintenance bond for all required plantings shall be provided prior to the City's on-site approval of the plantings. The landscape bond shall be submitted to Development Services staff for review.
3	Lighting - To minimize lighting impacts to the surrounding areas, the

	applicant shall only use full-cut-off lights for all site lighting. Outdoor site lighting fixtures shall not cast glare onto adjacent properties. Submitted building permit plans shall include details of fixture designs to ensure this standard is met.
4	Service Area and Roof-Mounted Equipment Screening - Compliance with LDC requirements shall be demonstrated through review of submitted building permit plans. Building permit plans, including any future applications to add roof-mounted or ground level equipment to existing facilities, shall demonstrate that all proposed equipment will be adequately screened in compliance with the requirements of LDC Section 4.10.60.05.
5	Ground Floor Windows - The ground floor windows for the four commercial spaces along the development's northern facade shall not utilize glass with an opacity greater than 60 percent. These required ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall, as required by LDC Section 4.10.70.05.b.6(a)2.
6	Mezzanine Windows - At the time of building permit submittal, the applicant shall revise the design of the western facade at the mezzanine level to incorporate a windowed area representing at least 20% of the mezzanine-level facade, in compliance with LDC 4.10.70.05.b.6(b).
7	Acoustic Buffering in East Wall - Building permit plans shall include construction methods for the east wall of the proposed building to include sound attenuation methods that would equal or exceed the attenuation that would be afforded by a 20-foot-wide vegetated buffer. Calculations shall be measured in decibels through all audible frequencies.
8	Limited Commercial Uses - To ensure that parking requirements shall be met on-site, only commercial uses with a parking requirement of 3.5 or fewer spaces are allowed per unit, based on standards within the Land Development Code. Additionally, only commercial uses, and no residential uses, are allowed on the ground floor and mezzanine level of each unit. The restrictions contained in this condition of approval shall be recorded as deed restrictions on each of the four new lots and in conjunction with final plat approval of the proposed subdivision. The required deed restrictions shall be provided to the Planning Division Manager for review prior to recordation of the deed restrictions and final subdivision plat. In conjunction with final plat approval, the applicant shall also record conditions, covenants, and restrictions (CC & R's) governing all lots and tracts within the proposed development to address maintenance obligations for Tract A. The CC & R's shall also include the requirements noted by the deed restrictions above. The required CC & R's shall be provided to the Planning Division Manager for review prior to recordation of the CC & R's, deed restrictions, and final plat.
9	Public Improvements - Any plans for public improvements referenced within

Attachment I - 4

	the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.
10	Public Sidewalk/Landscape Strip Improvements - The applicant shall construct all sidewalk and landscape stip improvements adjacent to SW Western Boulevard concurrent with public improvements and consistent with the proposal.
11	Sewer Abandonment - Concurrent with public improvements, the sanitary sewer that traverses the site shall be abandoned. The sewer and it's related facilities, such as manholes, shall be completely removed. The portion of pipe under the railroad's right-of-way shall be abandoned as approved by the railroad.
12	Public Water Quality Facility Design & Maintenance - As part of the plans for public improvements the applicant shall provide engineered calculations for storm water quality facilities. The water quality facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9" 24-hr rainfall event with NRCS Type 1A distribution.
13	Public Drainage - All public storm drainage facilities, including water quality facilities, located outside of public right-of-way shall be placed in an easement granted to the City. The minimum required easement width is 15 ft for a single utility and 20 ft for two utilities. All weather accesses shall be provided to the facilities.
14	Street Lights - No additional public street lights will be allowed as part of this development. Additional private lights will be allowed as long as they are fully shielded to prevent glare onto adjacent properties.

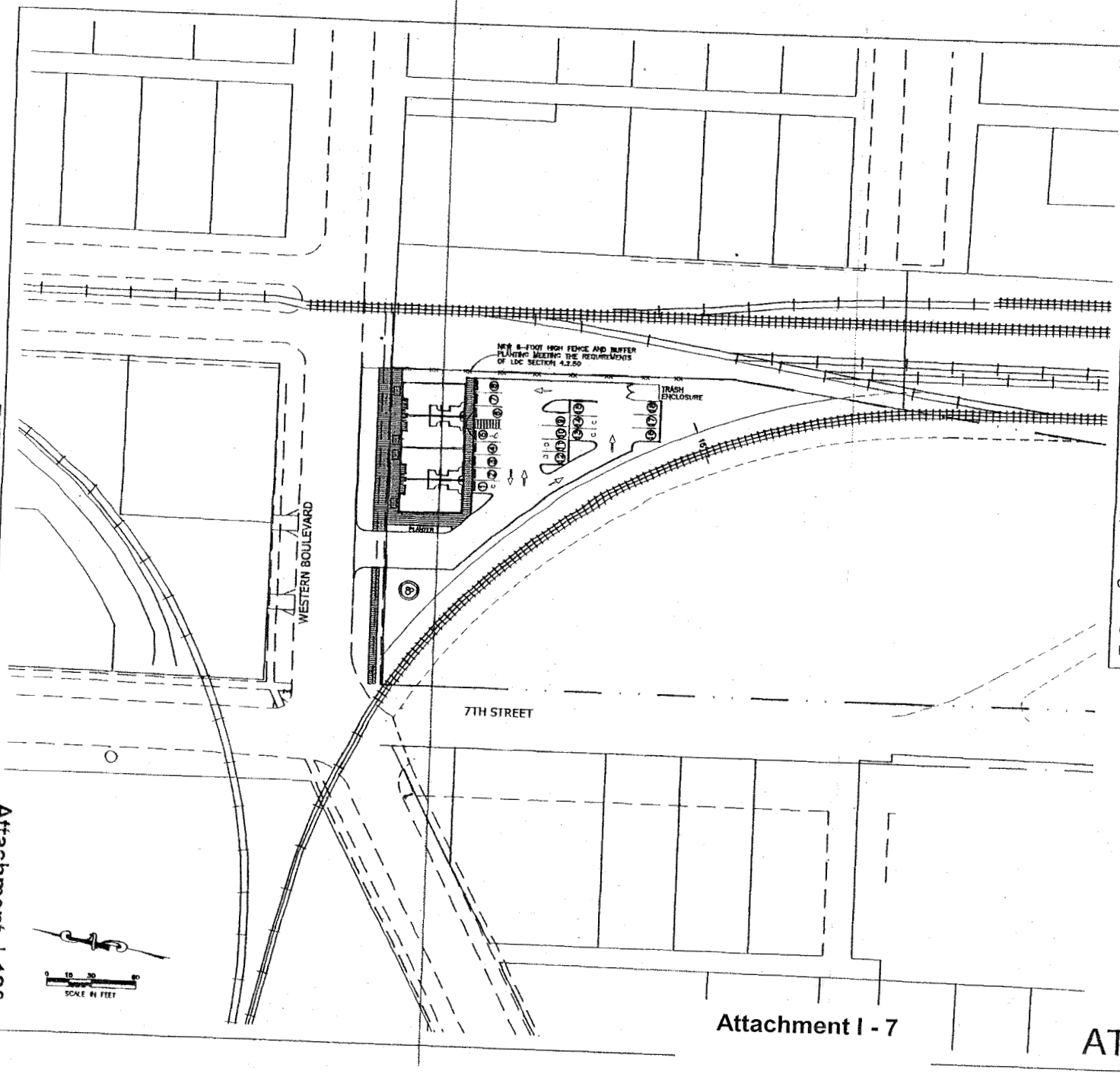
Development Related Concerns:

A. Mailbox Locations - Mailbox locations shall be coordinated between the developer and the Post Office as part of the public improvements construction process.

B. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Department for review and approval.

C. Infrastructure Cost Recovery - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

D. Work in Railroad Right-of-Way - Any work done in the railroad right-of-way should be done in accordance to any applicable railroad standards. If permits are required from the railroad, they should be obtained before commencing any work in the railroad right-of-way.



MUC:

GROSS LAND AREA: 22,056 SQ.FT.
(0.51 ACRES)
(RR Easement not included in area above)

TOTAL DWELLING UNITS: 4 LIVE/WORK

DENSITY: 4 UNITS / 0.51 ACRES = 8 UNITS/ACRE

GREEN SPACE

1) Ground Level (undeveloped area in RR Easement not included in area above)	7,664 sq.ft.
2) Decks None Included	
TOTAL GREEN SPACE AREA (Excluding undeveloped area in railroad easement)	7,664 sq.ft.
Green Space as percentage to Gross Area	35%

LOT COVERAGE OF BUILDING AND STRUCTURES

3,605 sq.ft.
16.3 % of Gross Land Area

COMMERCIAL USE	
GROUND FLOOR	3,440 sq.ft.
MEZZANINE	2,108 sq.ft.
Commercial use as percentage to Gross Area	25%

No.	REVISION:	DATE:

Devco

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

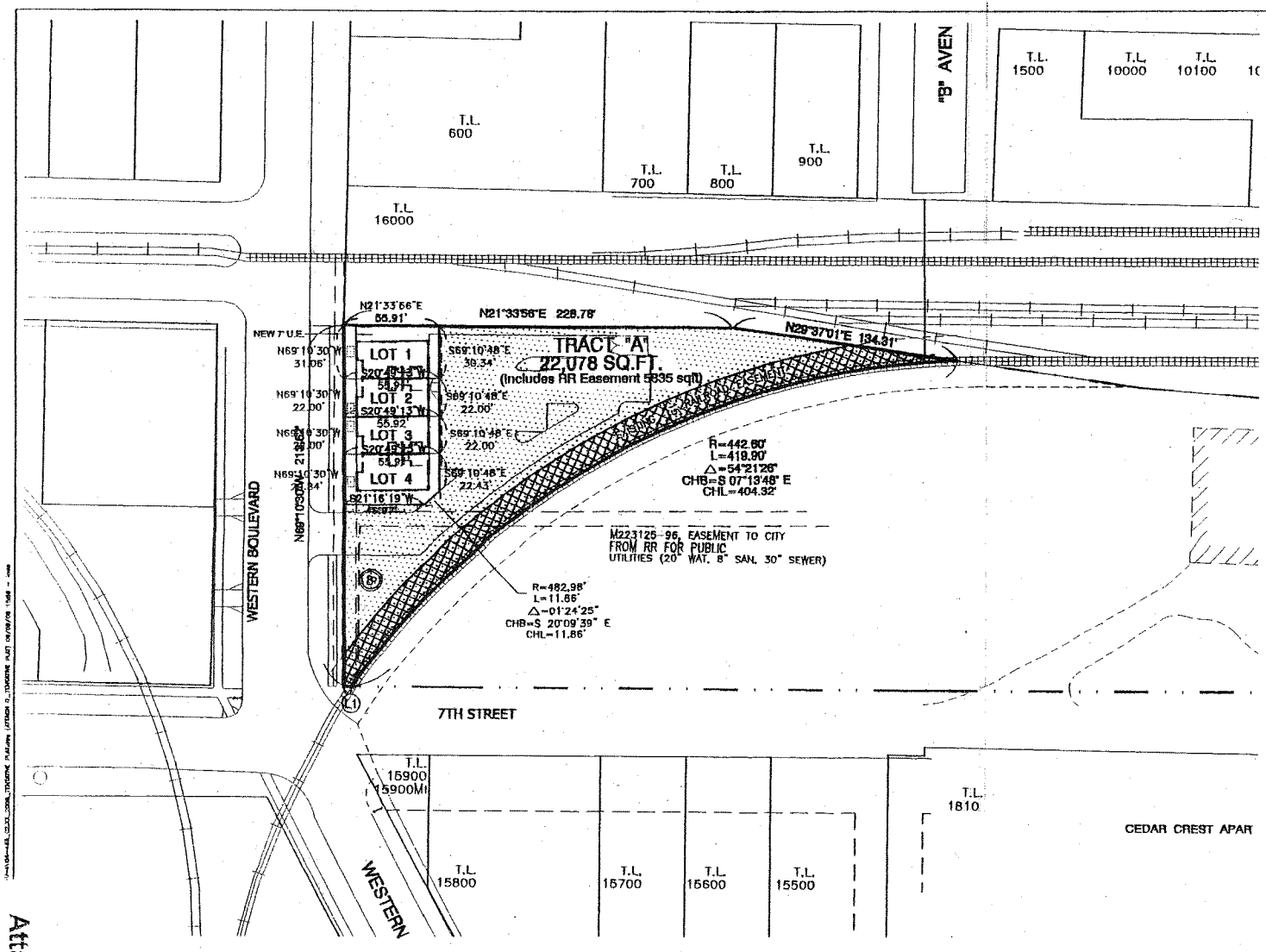
SHEET TITLE: DETAILED DEVELOPMENT PLAN

JOB NO. 04-433
ISSUED 09/04/08
DRAWN BY: DEVCO

Attachment J-120

Attachment I - 7

ATTACHMENT "L"



LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	4.68'	S 21°16'52" W

LOT AREA TABLE	
LOT NO.	AREA
1	1716.45 SQ.FT.
2	1230.06 SQ.FT.
3	1230.06 SQ.FT.
4	1642.63 SQ.FT.
TRACT "A"	22,072 SQ.FT. (INCLUDES RR ROW)

FAR CALCULATION

TOTAL AREA	27,891 SQ.FT.
RAILROAD EASEMENT	5,835 SQ.FT.
DEVELOPABLE AREA	22,056 SQ.FT.
COMMERCIAL AREA	5,548 SQ.FT.
FAR	0.25

OWNER:
7th Street Station, LLC
1900 Front Street NE
Salem, Oregon 97303

No.	REVISION:	DATE:

DEVCO
Development & Construction, Inc.
CONSULTING ENGINEERS
CORVALLIS, OR 97333

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DEVCO ENGINEERING, INC.
ALL RIGHTS RESERVED.

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

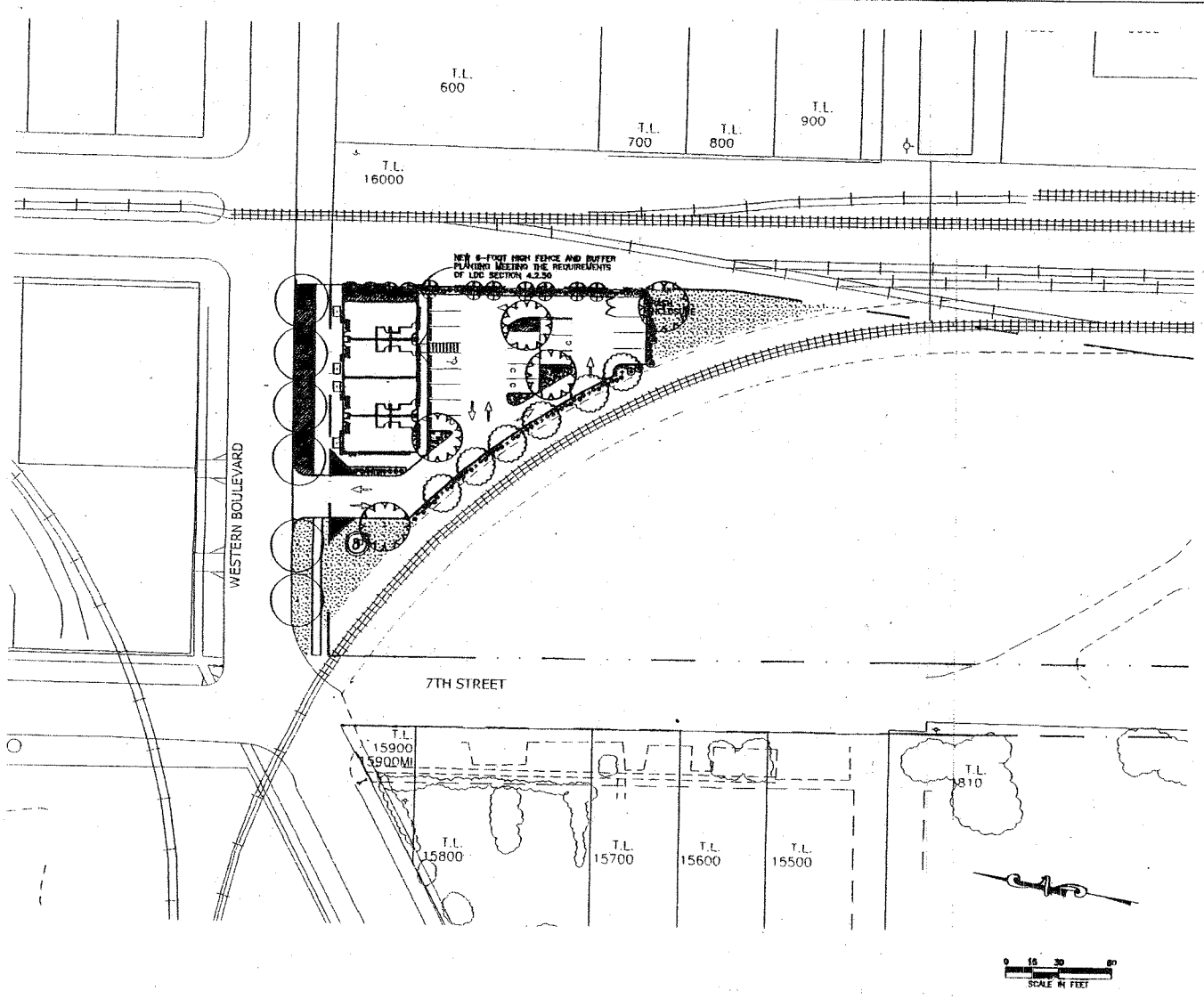
SHEET TITLE: TENTATIVE PLAT

JOB NO. 04-433
ISSUED: 09/04/06
DRAWN BY: DEVCO

Attachment I - 8

ATTACHMENT "O"

Attachment J-123



LANDSCAPE LEGEND

EXISTING VEGETATION

SYMBOL	DESCRIPTION
	EXISTING DECIDUOUS OR EVERGREEN VEGETATION (OUT OF PROJECT AREA)

CONCEPTUAL VEGETATION

SYMBOL	CHARACTERISTICS
	TILIA AMERICANA 'BOULEVARD'
	CARPINUS BETULUS FASTIGIATA
	ACER RUBRUM 'ARMSTRONG'
	ACER SACCHARUM 'ENDOWMENT'
	EVERGREEN SCREENING SHRUB
	SHRUB BEDDING PLANT
	SIDEWALK PLANTERS
	HARDSCAPE LANDSCAPE FEATURE
	LAWN TURF
	GROUND COVER
	VISION CLEARANCE AREA

No.	REVISION:	DATE:

DEVCO engineering inc.
CORVALLIS, OR 97330

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

JOB NO. 04-433
ISSUED: 09/04/08
DRAWN BY: DEVCO

Attachment J-127

Attachment I - 9

ATTACHMENT "S"

WESTERN STATION

LIVE/WORK BUILDING POD

FRONT ELEVATION

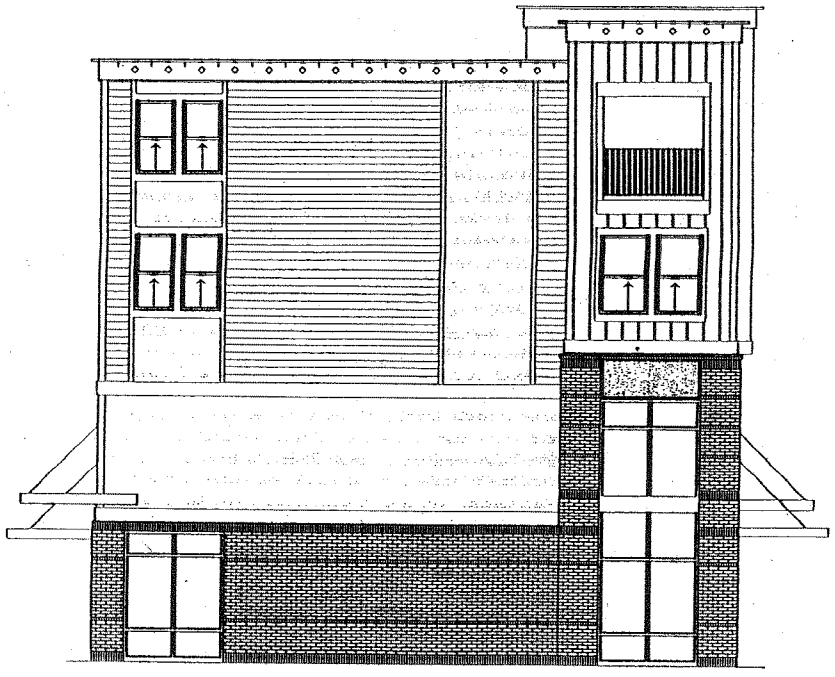
$\frac{1}{8}$" = 1'-0"

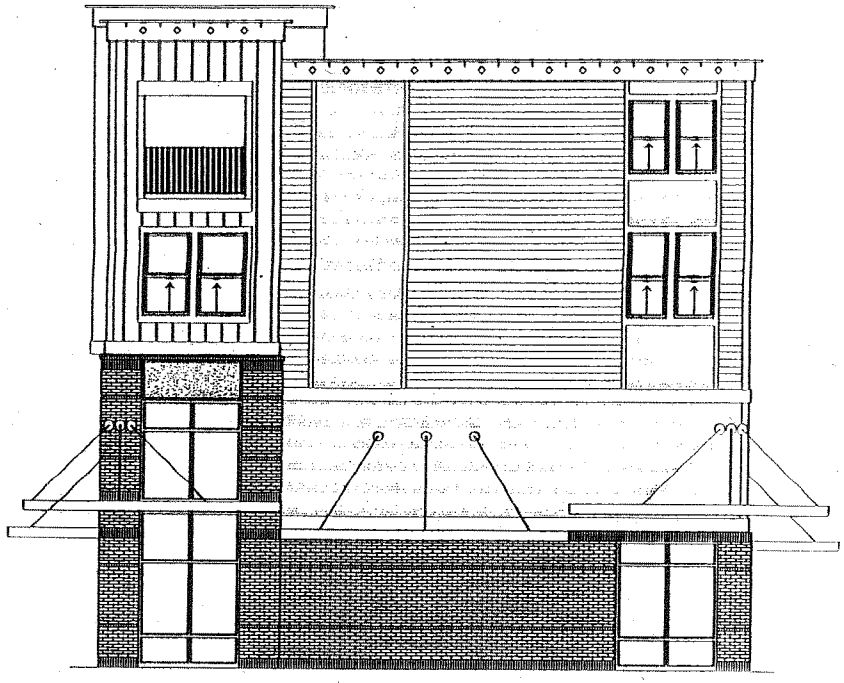
2 SEPTEMBER 2008

ATTACHMENT **X**

WESTERN STATION

LIVE/WORK BUILDING POD





SIDE ELEVATIONS

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

TTACHMENT **Y**

WESTERN STATION

LIVE / WORK BUILDING POD

REAR ELEVATION

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

Attachment I - 12

ATTACHMENT Z

Attachment J-134

APPEAL TO THE CITY OF CORVALLIS PLANNING DIVISION

I am appealing Order No. 2008-091, Notice of Disposition for approval of Western Station (PLD08-00009, SUB08-00005, PCR08-00002)

The approval of this development is a clear abuse of the Planned Development Overlay process. The PD is supposed to create a "forced compromise" between the City, neighborhoods and new developments. But at Western Station, the developers are given permission to violate multiple Corvallis Land Development Code and Comprehensive Plan requirements; and aren't required to provide any meaningful compensation. The inevitable result will be maximum profit for the developers, and major Traffic, Parking, Safety and Compatibility problems for Corvallis.

Additionally, the City Council was correct in the following paragraphs of a previous decision involving this property. These are quoted from:
Corvallis City Council Notice of Disposition Order 2007-082

Council didn't find any need additional residential housing in the area.

> Attachment A Page-6-ZDC07-000001 *The Council finds.....there is no longer a public need for additional Medium High and High Density Residential in this location or in the City.*

Council also recognized the need to consider Comprehensive Plan Policies that weren't resolved in the original change from General Industrial to Mixed Use Commercial.

> Attachment A Page-7-ZDC07-000001 *The City council finds that such Comprehensive Plan policies must be addressed ...since they were intended to be addressed with the proposed development."*

Some unresolved Comp Plan Policies listed in the staff handout when the property changed from GI to MUC include: 3.2.1; 3.2.3; 5.3.1; 7.5.5; 8.2.1; 8.10.4; .10.7; 8.10.9; 8.10.10; 8.14.3; 9.2.1; 9.2.2; 9.2.5; 9.3.210.2.9; 10.2.11; 10.2.12; 11.2.2; 11.3.4 ; 11.3.8 ; 11.3.9 ; 11.4.3; 11.4.5; 11.4.7; 11.5.12;11.6.6; 11.6.12; 12.2.5; 12.2.7. But staff has not provided any assurance that these unresolved policies have been adequately addressed.

Thank you for taking time to consider our situation. I am a party affected by this land use decision in that I provided written testimony to the Planning Division during their review of the said case. Additionally, please find attached the required filing fee of $240.

Attachment II

Sam Hoskinson
827 SW 10th ST
Corvallis, OR 97333

RECEIVED
NOV 19 2008
TIME 1:14 pm
CITY RECORDER'S OFFICE

RECEIVED
NOV 19 2008 @ 12:45 PM
Community Development
Planning Division

Signature Samuel I Hoskinson
Date Nov 19, 2008

Corvallis Planning Division
Staff Report to the Planning Commission
PC Hearing: October 15, 2008
Report to Copiers: October 3, 2008
Staff: Kevin Young, Senior Planner

TOPIC: **Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review**

CASE: **Western Station (PLD08-00009, SUB08-00005, PCR08-00002)**

REQUEST: The applicant requests approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing commercial space on the first floor and mezzanine level, with residential units above, on a 0.64-acre site. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses within the development.

APPLICANT/ OWNER: 7th Street Station, LLC
1900 Front Street, NE
Salem, OR 97303

LOCATION: The subject site is located on the south side of Western Blvd., between 6th and 7th Streets, and north of Highway 20/34. More specifically, the development site is a roughly triangular piece of property bordered to the north by Western Boulevard and by railroad tracks along the east, south, and west boundaries. The subject site is also identified on Benton County Assessor's Map 12-5-2 BB, as Tax Lots 16003 and 16001.

LOT SIZE: 0.64 acres

COMP PLAN DESIGNATION: Mixed Use Commercial (MUC)

ZONING DESIGNATION: Mixed Use Commercial with a Planned Development Overlay (PD (MUC))

PUBLIC COMMENT: 190 Notices were mailed, or emailed, on September 23, 2008. As of October 3, 2008, no public comments were received.

Attachment III - 1

ATTACHMENTS:

A. Proposed Site Plan
B. Comprehensive Plan Map
C. Zoning and Natural Features Maps
D. Existing Conditions
E. Preferred Land Use Scenario (Alternative D), 2002 Crandall Arambula Transportation Growth Management Study
F. Notices of Disposition for Seventh Street Station Conceptual Development Plan, et. al. -

   Order 2003-58, Planning Commission Approval of Seventh Street Station Zoning District Change, Conceptual Development Plan, and Minor Land Partition, and

   Order 2003-116, City Council Approval of Seventh Street Station Comprehensive Plan Amendment and denial of Appeal of Zoning District Change and Conceptual Development Plan
G. Order 2007-116, Notice of Disposition of City Council's Denial of the Palazzo Application
H. LDC Administrative Decision - Administrative Parking Reductions - Thresholds
I. Staff-identified Applicable Review Criteria
J. Applicant's Narrative and Graphics

Attachment III - 2

SITE & VICINITY

The 0.64-acre site is a small triangular parcel, bordered to the north by Western Boulevard and to the south, east, and west by railroad tracks. Because of the railroad tracks, access to the property is available only from Western Boulevard to the north. The site currently has two curb cuts providing access to Western Boulevard and a gravel parking area on the north side of the property. Adjacent to the gravel parking lot is a large billboard sign. The southern portion of the lot consists of a grassy field with drainage ditches along the west and southeastern edges of the property, along the railroad tracks. The site is relatively level and contains no trees or other evident significant natural features.

This site and the larger area to the south between 6th and 7th Streets was part of the train switching yard that still exists in this area. However, within the last ten years the Southern Pacific Railroad sold the triangular property and the 5.4-acre parcel to the south and west of the existing switching yard facility to private interests. The 5.4 acre parcel to the south is a fairly level, open, grassy field. One large warehouse-type building sits in the middle of the site. To the north of the site, on the opposite side of Western Boulevard, is located the Beekman Place antique store. To the west of the site, on the opposite side of 7th Street, are single family homes and apartments. To the east of the site, on the opposite side of 6th Street, is the Avery-Helms Historic District, which contains single family homes and some apartments. Although the subject site borders the boundary of the historic district to the east, it is not included within the district.

The subject site is currently zoned Mixed Use Commercial with a Planned Development Overlay (PD(MUC)). This zoning district is a remnant from the 1993 Land Development Code, as amended. The Mixed Use Commercial zone is not addressed in the 2006 Land Development Code; however, there is a note on the Official Corvallis Zoning Map that states, "The Mixed Use Commercial Zone (MUC) and the development standards for the MUC effective October 16, 2004, shall apply to properties designated as such until a new zone is determined for these properties through a District Change approval." The 5.4-acre site to the south is zoned Medium-High Density Residential. The residential area to the west of 7th Street is zoned High Density Residential (RS-20). The Beekman Place area to the north is zoned Mixed Use Community Shopping (MUCS). The switching yard area immediately to the east of the subject site is zoned General Industrial. Further to the east, nearby properties within the Avery-Helms neighborhood are zoned Minor Neighborhood Center, Medium Density Residential, and Medium-High Density Residential **(see Attachment C)**.

Comprehensive Plan Designations in the area are generally consistent with Zoning Designations. The Comprehensive Plan designation for the subject site is Mixed Use Commercial. The Comprehensive Plan Designation for the 5.4-acre site to the south is Medium-High Density Residential. To the west, the designation is High Density Residential; to the north and northwest, the designations are Mixed Use Commercial and General Industrial; and to the east, the designations are General Industrial, Mixed Use Commercial, and Medium and Medium-High Density Residential **(see Attachment B)**.

Attachment III - 3

BACKGROUND

2002 – In August of 2002, the consulting firm of Crandall Arambula PC completed a development study for the subject property and the 5.4-acre property to the south, at the request of the property owner. The study was funded by a grant from the State of Oregon's Transportation and Growth Management (TGM) Quick Response Program, with the intent of developing conceptual designs for a compact, pedestrian-friendly, mixed-use development on the subject site. A series of meetings was held with the stakeholders and neighbors to identify issues and opportunities and to direct the development of potential site designs. Four designs were prepared for further discussion, and the group selected Alternative "D" as the preferred design for development on the property (**Attachment E**). Alternative "D" was similar to, but not identical to, the expired Conceptual Development Plan that was subsequently developed for the site (Order 2003-116). Alternative "D" included a 4,200 square foot retail building and 88 residential units, and utilized RS-12 development standards. It is important to note that the Crandall Arambula study was not a land use application and was not subject to review or approval by the City of Corvallis.

2003 – The Corvallis City Council denied an appeal and upheld the Planning Commission's decision to approve the following land use decisions:

1. Consistent with the Planning Commission's recommendation, the City Council approved a Comprehensive Plan Amendment (CPA01-00005) to change the designation for the 6.2-acre property from General Industrial to 5.4 acres of Residential – Medium-High Density and 0.8 acres of Mixed-Use

Commercial;

2. An approval of a District Change to modify the zoning designation of the subject site from General Industrial to 5.4 acres of Medium-High Density Residential with a Planned Development Overlay (PD(RS-12)), and 0.8 acres of Mixed-Use Commercial with a Planned Development Overlay (PD(MUC)); and

3. An approval of a Conceptual Development Plan to develop up to 91 residential dwelling units in two- and three-story buildings on the PD(RS-12) portion of the site, and a two-story commercial building on the PD(MUC) portion of the site **(Attachment F)**. Additional details of the Conceptual Plan included: a curvilinear alignment for 7th Street; the exclusion of on-street parking within 7th Street; and the provision of a pedestrian connection to "D" Avenue. Given the conceptual nature of the approval, many details of the ultimate development plan were to be resolved through Detailed Development approval.

2006 - The Corvallis Planning Commission denied the Seventh Street Station application, which consisted of:

1. A Major Conceptual Development Plan Modification and a Detailed Development Plan that would allow: (a) the construction of 73 attached and 13 detached dwellings units on the 5.4-acre PD(RS-12) portion of the site; and (b) the construction of 4 attached units for commercial and residential use on the 0.8-acre PD(MUC) portion of the site. The applicant requested to vary from a number of development standards.

2. A Tentative Subdivision Plat that would create 86 lots and 9 tracts on the PD(RS-12) portion of the site; and 4 lots and 1 tract on the PD(MUC) portion of the project.

3. A Plan Compatibility Review to allow construction of the PD(MUC) portion of the project at a Commercial Floor Area Ratio that is below the 0.25 standard for the MUC zone.

The Planning Commission's decision was not appealed.

2006 - On August 20, 2006, the 2003 Conceptual Development Plan **(Attachment F)** expired because a Detailed Development Plan had not been approved for the property within three years of the approval date of the Conceptual Development Plan approval.

2007 - In response to direction from the Oregon Department of Land Conservation and Development (DLCD), the City Council removed the PD Overlay Zone from the 5.4-acre Medium-High Density Residential property to the south of the subject property (ZDC07-00001). The City Council also initiated and approved a Comprehensive Plan Amendment and Zoning District Change for the 5.4-acre property to re-designate and re-zone the

property for General Industrial development. No change was made to the Comprehensive Plan Designation or Zoning District of the MUC property under consideration here. The City Council's decision on the property to the south was appealed to the State Land Use Board of Appeals (LUBA). LUBA remanded the City Council's decision and directed the City Council to re-instate the 5.4-acre property's zoning to Medium-High Density Residential with no Planned Development Overlay.

2007 - In April of 2007, 7th Street LLC applied for approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review for the Palazzo (PLD07-00004, SUB07-00001, and PCR07-00003), a four-unit attached live/work development on the same site as the subject application. The application was denied by the Planning Commission, then appealed to the City Council. In October of 2007, the City Council denied the appeal and the application. Reasons cited for the City Council's denial of the application included: 1) failure to comply with the 0.25 Floor Area Ratio (FAR) requirement in the Mixed Use Commercial (MUC) Zoning District; 2) failure to comply with on-site parking requirements for the development; and 3) lack of compatibility with adjacent development **(Attachment G)**.

2008 - The City Council complied with LUBA's remand order and removed the Planned Development Overlay from the 5.4-acre property to the south, thereby changing the zoning of the property to Medium-High Density Residential (RS-12). The zoning of the subject development site was not changed, and remains Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

APPLICANT'S PROPOSAL

Four, 4-story, live/work units are proposed for this location. The units will front Western Boulevard and have parking in the rear. The ground floor and mezzanine levels of these units are designed for commercial uses, while the two upper floors are designed for the shop owners' residences. Parking for the residents and their customers will be in the back of the units, with access from a driveway just west of the building. The parking lot will contain 18 parking spaces and a dumpster that will be located behind a wall at the northeast corner of the parking lots. Additional trees, shrubs, and groundcover will be planted in and around the parking lot **(see Attachment J)**.

An extra wide sidewalk (approximately 15 feet) will be provided in front of the storefronts so that businesses can accommodate outdoor dining. Street trees in this location are proposed to be planted in a twelve foot wide planter strip. The buildings will be designed with commercial ground floor storefront windows. Either blade signs or wall mounted signs are anticipated to be installed by the future users. Each storefront will have a bicycle hoop to accommodate two parked bicycles.

The proposed building will include a palette of materials: the base of the building will be a mix of brick veneer and stucco. The exterior of the upper levels will include smooth-faced, fiber cement horizontal siding, stucco, and ornate wrought iron guard rails. Decks are provided at each unit on the fourth floor; these decks recess in up to 9 feet to add to

the visual character of the building. The entries at the ground floor are recessed 36 inches to provide pedestrian appeal. The continuous canopy breaks up the visual plane, dividing the pedestrian level from the living units above.

The applicant has requested to vary from a number of Land Development Code requirements. In addition, a variation to the building frontage requirement is necessary to approve the proposed development plan. The following table explains these variations:

Table 1: Requested Variations to Development Standards

Item	Code Section (refers to 2006 LDC unless otherwise noted)	Code Standard	Proposed Variation	Compensating Benefit
Driveway Access Width	4.1.40 and Off-Street Parking and Access Standards	Commercial access drives shall be 24-ft. wide	Allow the drive to narrow from the required 24 ft. width at Western Blvd. to a 20 ft. width at the southwest corner of the building	Improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by existing street networks and railroad tracks.
Access to arterial street	4.1.40.a(2)	Minimum 150 feet from intersection	Minimum 100 feet from intersection	Two existing non-conforming approaches are consolidated into one approach, which meets the spacing requirement from the 6th Street intersection, but not from the 7th St. intersection.
Tree Planting Area	4.2.30.b 4.2.40.b	10 foot planter width	5 foot planter width for parking lot and perimeter trees	The special planting techniques proposed allow maximizing the quantity of trees on the site.
Fencing and landscape screening for MUC Residential Uses adjacent to Industrial Districts	3.20.50.09.b *from (1993 LDC, as amended)*	Fencing required and 20-foot wide landscape screen	Fencing and 9-foot-wide landscape screen	Intense landscaping and increased sound attenuation in the adjacent wall improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by regular but intermittent industrial use along the east side of the property. No permanent structure would ever be built on the industrial land.
Minimum width for sidewalk around building	4.10.70.03.2	Minimum 5 ft. width	5 ft. width, except 4 ft., 6 in. at southwest corner of the building	Improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by existing street networks and railroad tracks. The 4 ft. minimum width of accessibility is met.

Percentage of Building Frontage for Attached Residential Buildings	4.10.60.01.b	At least 50% of the site's street frontage to be occupied by buildings	Allow 52% of developable site frontage to be occupied by a building (the area outside of the railroad easement)	Allows attainment of other necessary site design elements, such as adequate pedestrian and vehicular access and landscape buffering between the development and the railroad tracks to the east. Acknowledges that the portion of the site containing the railroad easement is not developable.

In addition to Conceptual and Detailed Development Plan approval, the applicant has also requested approval of a Tentative Subdivision Plat to create four lots and one common tract to be maintained by a Homeowner's Association. The common tract would contain all remaining land areas on the site, excluding building "footprints," but including common parking, walkways, and landscaped areas. Additionally, the applicant has requested Plan Compatibility Review approval, as is required because the square footage of the proposed non-commercial uses exceeds the square footage of the proposed commercial uses.

Land Development Code Section 2.0.50.15 states as follows:

> **2.0.50.15 - Reapplication Following Denial**
>
> **Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.**

As noted above, the Palazzo application, an application for a very similar development on the same site, was denied by the City Council in October of 2007. The applicant states that the Western Station application has been sufficiently modified to justify reconsideration of a similar proposal. Specifically, the applicant notes that:

1. This application has added a commercial mezzanine level to each unit within the structure in order to comply with the FAR requirement;

2. The applicant has reduced the residential portions of the live/work units to two bedrooms each, and limited commercial uses to only those for which the LDC parking requirement is one space for 400 square feet of floor area (thereby allowing all required on-site parking to be provided on the site); and

3. The applicant has submitted a recent article, concerning the market for similar live/work units in other communities in Oregon, from the August, 2008, Oregon Business Magazine.

Based on these changes, the Community Development Director has waived the one-year waiting period for this application.

STAFF REPORT FORMAT, ANALYSES, AND REQUIRED ACTION

The Land Development Code specifies that Planned Developments are reviewed by the Planning Commission following a public hearing. The Code specifies that a Subdivision and Plan Compatibility Review are administratively reviewed with the Community Development Director making a decision following notice to affected parties. No public hearing is required. However, to facilitate a comprehensive review, one public hearing before the Planning Commission is being held to consider all three requests. Section 2.0.50.16 of the Land Development Code states the following:

> **When more than one application has been filed at one time for a specific property or development, the review of those applications shall be coordinated as follows:**
>
> **a. If any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting, except as outlined in "b," below. For example, applications for Zone Changes are ordinarily heard by the Land Development Hearings Board. When a Zone Change is sought simultaneously with a Conditional Development; however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board shall be required.**
>
> **B. Applications ordinarily heard by the Historic Resources Commission shall not be filed together (combined) with another application(s) requiring a public hearing that is ordinarily heard by some other hearing authority. Historic Preservation Permit applications and Historic Preservation Overlay-related Zone Change applications that are ordinarily decided by the Director, or the Director's designee, shall be filed together (combined) with applications ordinarily heard by the Historic Resources Commission. In these cases, the combination of historic applications shall be reviewed by the Historic Resources Commission and no prior action by the Director shall be required.**

The Public Hearing before the Planning Commission is consistent with this requirement.

On December 31, 2006, the Corvallis City Council implemented the 2006 Land Development Code (LDC) and associated Zoning District Changes. This change brought about a new set of development regulations and created a number of new zoning districts in Corvallis. Along with the LDC changes, the City Council approved zoning district changes to rezone many properties in Corvallis consistent with the zoning districts in the new code. However, because the original LDC changes did not include a zone change for this property and the Mixed Use Commercial zone was applied to this property after the new Land Development Code was developed, the zone changes that were prepared in conjunction with implementation of the new LDC did not reflect the MUC zone. To avoid possible appeals of the LDC, such changes were left in place. Consequently, the new LDC does not contain an MUC Zoning District, nor does it contain development standards for these areas. This issue is addressed by a note on the official City of Corvallis Zoning Map, which states, "The Mixed Use Commercial Zone (MUC) and the development standards for the MUC effective October 16, 2004, shall apply to properties designated as such until a new zone is determined for these properties through a District Change approval." For this reason, the review of the subject development, which is located on an MUC-zoned

property, is subject to MUC Development District Standards from the 1993 Land Development Code, as amended.

Because the adoption of the 2006 Land Development Code fully implements the Comprehensive Plan, as acknowledged by the Department of Land Conservation and Development (DLCD), Comprehensive Plan Policies will not be specifically referenced in this staff report, unless a variation to a standard has been requested, in which case, the staff report will refer to applicable Comprehensive Plan Policies for direction regarding the requested variation. The following Comprehensive Plan Policies were identified in the public notice sent out regarding the Western Station land use application:

9.2.2, 9.2.4, 9.2.5, 11.2.2, 11.3.2, 11.3.11, 5.3.1, 3.2.3, and 3.2.4

Unless these policies are needed to provide direction in relation to a requested variation to standards, the policies are considered to be fully implemented by the Land Development Code standards referenced in this staff report.

The report is divided into three parts. Part I of this report reviews the criteria for a Conceptual and Detailed Development Plan, Part II reviews the criteria for a Subdivision, and Part III reviews the criteria for a Plan Compatibility Review. A comprehensive summary of conclusions and a staff recommendation follow at the end of the report.

PART I

CONCEPTUAL AND DETAILED DEVELOPMENT PLAN

REVIEW CRITERIA

Section 2.5.40.04 - Review Criteria

2.5.40.04 - Review Criteria
Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a", below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b", below.

a. Compatibility Factors -

1. **Compensating benefits for the variations being requested**
2. **Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);**
3. **Visual elements (scale, structural design and form, materials, etc.);**
4. **Noise attenuation;**
5. **Odors and emissions;**
6. **Lighting;**
7. **Signage;**
8. **Landscaping for buffering and screening;**
9. **Transportation facilities;**
10. **Traffic and off-site parking impacts;**
11. **Utility infrastructure;**
12. **Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**
13. **Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards; and**
14. **Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these**

Code standards.

b. Natural Resources and Natural Hazards Factors -

1. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation, and

2. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies.

For purposes of reviewing the applicant's proposal based on the criteria listed above, the compatibility factors have been grouped into the following five categories:

A. Land Use and Purposes

B. Natural Resources

C. Compatibility

D. Circulation

E. Public Services & Utilities

Within these categories, analysis of the merits of the proposal based on applicable Comprehensive Plan and LDC policies will be presented. Conclusions and recommendations will be given for the Planning Commission's consideration following the discussion for each component of the proposal.

A. LAND USE AND PURPOSES

Applicable Land Development Code Requirements

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this Chapter for the following purposes:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. **Preserve, to the greatest extent possible, existing Significant Natural Features and landscape features and amenities, and use such features in a harmonious fashion;**

d. **Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures;**

e. **Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;**

f. **Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;**

g. **Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and**

h. **Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.**

The proposed Western Station development is consistent with a number of the listed purposes for a Planned Development. The Planned Development process will allow additional flexibility in the design and location of the proposed structure, consistent with LDC 2.5.20.a. By facilitating the use of a small, awkwardly-configured, infill site the Planned Development process will also promote the efficient use of land, consistent with LDC 2.5.20.b. As noted later in this staff report, the proposed design will also provide benefits within the development site that compensate for the requested variations from development standards, consistent with LDC 2.5.20.h. In conclusion, the proposed development is consistent with the purposes for a Planned Development.

Proposed uses within the Western Station development include single family residential in attached, townhouse units on the upper two floors, as well as a variety of potential commercial uses in the ground-floor and mezzanine-level spaces. Single family residential in attached townhouses is an outright permitted use in the Mixed Use Commercial (MUC) zone. Outright permitted commercial uses in the MUC zone include Retail Sales - General; Business Support Services; Communication Services; Convenience Sales and Personal Services; Eating and Drinking Establishments - Sit Down; Financial, Insurance, and Real Estate Services; Food and Beverage Sales; Laundry Services; Medical Services; Professional and Administrative Services; and many other uses. Although it is not known at this time what businesses will choose to locate within the commercial portion of the development, the business type must be a permitted use in the MUC Zoning District. Additionally, because of the limited on-site parking available to serve the site, the applicant proposes to restrict some otherwise permitted uses from this development due to an inability to accommodate required parking. This issue is discussed in more detail in the Parking portion of this staff report. Regardless, land uses within the Western Station development shall comply with the requirements of the MUC zone.

In conclusion, the proposed development is consistent with the Purposes for a Planned

Development, as listed in LDC Section 2.5.20. Proposed uses within the development are permitted within the MUC Zone. These criteria are met.

B. NATURAL RESOURCES

This site was not identified as having natural features eligible for protection or inventoried on the Natural Features Inventory Map. The site is largely undeveloped and contains a gravel parking area, a large billboard sign, and some grasses in the southern portion of the site. No significant natural features exist on the site.

CONCLUSIONS ON NATURAL RESOURCES

As presented above, no natural resources or significant trees or shrubs are present on the site. Staff conclude that no preservation plans or mitigation methods are required for development.

C. COMPATIBILITY

Following is a complete listing of applicable Land Development Code requirements related to compatibility. Following each cited LDC section is a brief discussion of compliance with the subject standard.

Applicable Land Development Code Requirements:

Mixed Use Commercial (MUC) Zone Standards (from the 1993 Land Development Code, as amended)

LDC 3.20.40.01 Preservation of Commercial Land Supply

a. **A minimum floor area ration (FAR) of 0.25 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. (A minimum FAR of 0.25 would require that a 40,000 square foot lot would have at least 10,000 square feet of commercial uses). This provision does not apply when commercial uses are applied to an existing residential building within a commercial district that existed proper to the adoption of this MUC district. The commercial uses on an MUC site are required to be developed prior to or concurrently with residential and limited manufacturing uses, with the exception of residential and/or limited manufacturing uses that are in existence as of the adoption of this MUC district. Variations from the 0.25 FAR commercial minimum can only be allowed through the Planned Development process.**

The applicant's proposed tentative subdivision plat indicates that the development site is 27,891 square feet in size, or approximately 0.64 acres. Of that area, 5,835 square feet are within an existing railroad easement that contains a portion of the adjacent rail line.

Because the easement and rail line effectively preclude any further development in this area, the easement is not considered as part of the FAR calculation for this property. The remaining portion of the site is 22,056 square feet in size, which is approximately 0.51 acres. The proposed development contains 1,387 square feet of commercial floor area within each of the four live/work units. This sums to 5,548 square feet of commercial space on a 22,056 square foot site, which results in a FAR slightly greater than 0.25. Therefore, the proposed development is in compliance with the 0.25 FAR requirements in the MUC Zoning District.

b. **When a project is composed of two or more phases, then the mixed use site shall be reviewed as a Planned Development and each phase shall meet the minimum 0.25 FAR (floor area ratio requirement) as described in Section 1 above or an alternative proposed through the Planned Development review processes.**

This project will be developed in a single phase, so this criterion is not applicable.

c. **Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.**

Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.

The applicant is proposing four live-work units. These units include 1,387 square feet of ground floor and mezzanine-level commercial uses each. The upper two residential floors of the units include approximately 1,720 square feet of living area. Because the square footage of non-commercial uses exceeds the square footage of commercial uses, it is subject to the Plan Compatibility Review Process, which is addressed later in Part III of this staff report. Findings from that discussion are incorporated by reference as findings under the above criterion.

LDC 3.20.40.02 Minimum Lot Area and Setback Requirements

a. **A setback of not less than 20 ft shall be provided along each MUC District boundary line where the line abuts any residential (RS) district. Off-street parking and loading shall be permitted in this area except within 15 ft of the district boundary line, which shall be limited to landscaping, fences, walls, driveways, or walks. Driveways, parking, and loading areas adjacent to residential districts shall be landscaped and screened in accordance with Chapter 4.2. Alternative to this standard may be considered through the Planned Development process.**

The MUC district boundary only abuts a residential district along its southerly boundary, where the boundary line is located along the curved center line of the railroad track. The property to the south of the development site is zoned Medium-High Density Residential (RS-12). There are no buildings proposed within 20-feet of this boundary line and the

proposed parking is over 20-feet from the boundary as well. Evergreen landscaping is proposed along the southwest portion of the parking lot in order to comply with the landscaping and screening requirements in LDC Chapter 4.2. The proposed development is consistent with the above requirement.

b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.8-RS-20 standards, and the Mixed Use Design Guidelines contained in this chapter. Ground floor commercial uses within existing residential structures shall be exempt from the RS-20 minimum setback requirements and shall also be subject to a Plan Compatibility Review (PCR) process.

The proposed structure is not solely a residential structure, but will be a mixed use structure. Therefore, the above provisions do not apply and the development standards of the Mixed Use Commercial zone do apply.

c. For maximum permitted setbacks, refer to Section 3.20.50.02

The maximum setback in LDC 3.20.50.02 is 20-feet from the street. The proposed live/work units are to be located approximately seven feet from the front property line in order to accommodate a required utility easement. This is well within the 20-foot maximum setback requirement.

LDC 3.20.40.03 Structure Height

No structure shall exceed 45 ft in height

The proposed structure will be four stories in height and will be 45 feet tall at its highest point, in compliance with the maximum height limit.

LDC 3.20.40.04 Open Space Standards

A minimum of 20 percent of the total site area shall be retained as open space. Open space may include landscape areas, natural areas, and/or pedestrian amenities (Section 3.20.50.07). The site design and building design standards of this chapter shall also be met. Structures, parking, and driveways of interior parking areas are excluded from the open space area.

The MUC site contains approximately, 7,664 square feet of open space, which represents about 35% of the 22,056 square foot developable portion of the MUC site, and approximately 27% of the total 27,891 square foot site. This open space area includes landscaped areas, natural areas, and pedestrian walkways. This standard is met.

LDC 3.20.40.05 Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1. Required parking shall be provided on the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is not a controlled intersection within 100 feet of the subject property. Chapter 4.1 allows adjustments to minimum parking standards when transit service and bicycle parking are

available. Additional flexibility for required parking may be granted in the MUC District in conformance of the following standards.

a. **Shared parking agreements may be used to provide additional reductions in required parking, provided that the applicant demonstrates that there is an adequate supply of parking for each use. Parking may include surplus parking during peak periods, or capacity provided due to off-peak use.**

b. **Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option (when the site is less than 3 acres), or Planned Development procedures (Chapter 2.12 and 2.5, respectively). This flexibility is provided to encourage development patterns that reduce the reliance on the automobile by taking advantage of alternate modes of travel.**

The applicant proposes to provide all required parking to serve the new development on the development site, consistent with the requirements of LDC Chapter 4.1. Findings regarding required parking are located in the Parking Section of this staff report. Findings from that discussion are incorporated by reference as findings under the above criterion. This criterion is met.

Section 3.20.50 - Design Guidelines and Standards

LDC 3.20.50.01 Coordinated Development

New development shall be designed in a manner that does not preclude development of adjacent property(ies) and ensures the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, street, and pedestrian facility connections.

The proposed development will not preclude development of adjacent properties. Findings regarding the extension of public facilities are contained in the Public Facilities and Services section of this staff report. Findings from that discussion are incorporated by reference as findings under the above criterion. That discussion finds that, as conditioned, the proposed public facilities will comply with all applicable requirements, including the requirements above. This criterion is met.

LDC 3.20.50.02 Building Orientation and Maximum Setbacks

a. **All new buildings in the MUC District shall be oriented to existing or new public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.**

b. **At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 feet.**

c. **Building setbacks from streets or plazas shall not exceed 20 feet, except when necessary to preserve healthy, mature tree(s), or provide pedestrian amenities in conformance with 3.20.50.07 or to accommodate handicapped access requirements.**

A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

d. **Street setbacks of greater than 20 feet (Section 3.20.50.02) may be approved when the building design incorporates seating, plazas, or other usable public spaces, as defined by Section 3.20.50.07 Public Amenities.**

The proposed building fronts Western Boulevard, consistent with the building orientation requirements noted above. Each of the four commercial/retail spaces will have a door facing onto the abutting sidewalk, and the building will be located seven feet from the front property line to accommodate a required utility easement. This is consistent with the 20 foot maximum setback requirement. The proposed building is therefore in compliance with the building orientation and setback requirements, as noted above. The live/work units will be located along the front property line abutting the sidewalk on Western Boulevard, in compliance with the minimum street setback requirements noted above.

LDC 3.20.50.04 Weather Protection

a. **Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft wide, weather-protected area (e.g. awnings and canopies) shall be provided along the portion of the building(s) adjacent to the sidewalks and/or plazas.**

The applicant is proposing a 6'-0" wide continuous canopy along the north (Western Blvd), west, and south face of the building. The canopy would be constructed of materials to match the proposed palette of wood and steel. The canopy will be supported from the proposed building via steel rods. This criterion is met.

LDC 3.20.50.05 Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2. In addition, the following standards apply to the MUC District:

a. **Street trees shall be required, consistent with Chapter 4.2. Species should be compatible with the design features provided per Section 3.20.50.07, and shall provide continuity with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.**

b. **Screening of parking areas, drives, mechanical equipment, and solid waste receptacles with vertical elements is required and shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamentals walls, trellises, fences, or other features consistent with Chapter 4.2.**

c. **Irrigation systems shall be installed to support landscaping.**

The parking behind the new building will be screened with evergreen shrubs and parking lot trees. The trash enclosure at the southeast corner of the parking lot will also be screened by a wall and landscaped with evergreen shrubs along the south and eastern

side. These measures will be consistent with LDC Chapter 4.2. All newly planted landscaped areas will be watered with an automatic irrigation system in order to achieve 90% coverage within 3-years and will be maintained by a homeowners association. **Condition of Approval #2** will ensure these requirements are met, and that all required screening materials are installed prior to building occupancy. A complete discussion of compliance with LDC landscaping requirements is located in the Landscaping Section of this staff report. Findings from that discussion are incorporated as findings under the above criterion. As conditioned, the proposed landscaping and screening will comply with all applicable LDC requirements.

LDC 3.20.50.06 Street Connectivity and Internal Circulation

a. New structures and substantial improvements may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and promote connectivity and dispersal of traffic.

The proposed design includes all the connections to the adjacent neighborhood needed or desired given the location and shape of the site, so no street or driveway stubs or reciprocal access easements are needed. This criterion is met.

b. The maximum block perimeter shall be 1200 feet. Alternatives to this standard may be considered through the Planned Development process, provided that direct pedestrian access is maintained at least every 300 feet.

This project does not create any new blocks, nor is it possible to create a new block based on the configuration and constraints of the subject site. This standard is met.

c. Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except as provided in "d" below.

The project traffic lanes are internal to the site, and are not located between the building and sidewalk.

d. Where drop off facilities are provided (e.g. handicapped access) they shall be designed to meet ADA disability needs but still provide for direct pedestrian circulation.

The proposed ADA-compliant parking will not interfere with pedestrian circulation. This criterion is met.

LDC 3.20.50.07 Pedestrian Amenities

All new structures and substantial improvements shall provide pedestrian amenities, as defined by this chapter. The number of pedestrian amenities provided shall comply with the following sliding scale.

Size of Structure or Substantial Improvement	Number of Amenities

<5,000 square feet	1
5,000-10,000 square feet	2
10,000-50,000 square feet	3
>50,000 square feet	4

Acceptable pedestrian amenities include:

- **Sidewalks with ornamental treatments (e.g. brick pavers) or sidewalks which are 50% wider than required by the Land Development Code.**
- **Benches and public outdoor seating**
- **Sidewalk planters**
- **Public art (e.g. sculpture, fountain, clock, mural, etc) with a value equal to or greater than one (1) percent of construction value of the structure(s).**
- **Pocket parks (minimum usable area of 300 feet)**
- **Plazas (minimum usable area of 300 feet)**
- **Street trees of a caliper 50% wider than required by the Land Development Code (may include preservation of healthy mature trees adjacent to the street sidewalk).**
- **Additional weather protection in excess of 3.20.50.04**
- **Other improvements approved through the Lot Development Option (Chapter 2.12), or Planned Development process (Chapter 2.5)**

Pedestrian amenities shall comply with the following standards and guidelines:

a. **Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.**

b. **The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.**

c. **Amenities which are eligible for credit toward open space standards, and adjustment to the maximum 20-feet setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.**

d. **Amenities should be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g. 10 years before replacement.**

e. **When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit System.**

The proposed building will contain approximately 12,000 square feet of commercial and residential uses and is therefore required to provide three pedestrian amenities. The applicant is proposing to widen the existing standard 5-foot sidewalk so that it is up to 17-feet wide in front of the new building. The wider sidewalk is in compliance with the acceptable pedestrian amenities noted above. The applicant is also proposing to install 4 new street trees that are 50% larger in caliper size than required by the LDC. Typically,

street trees are planted with a minimum caliper of 1.5-inches. The applicant is therefore proposing to install 4 new street trees with a minimum caliper of 2.25-inches. The applicant also proposes to provide weather protection in excess of that required by LDC 3.20.50.04, with a continuous 6-foot-wide canopy on its north, south, and west face. The proposed amenities will be visible and accessible to the general public. To ensure that street trees are planted in the appropriate size, a condition of approval is recommended **(Condition 2)**. As conditioned, the proposed development will comply with the MUC Pedestrian Amenity requirements.

LDC 3.20.50.08 General Building Design Standards

Mixed use districts require special attention to building design because of the intermixing of land uses in such areas. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

a. Minimum Requirements

New structures and substantial improvements should provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

1. Ground floor windows shall be provided. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level (on corner lots, this provision applies to two elevations). The transparency is measured in lineal fashion (e.g. a 100-foot wide building facade shall have a total of at least 60 lineal feet of windows).

The ground floor elevation of the building will be composed of storefront glass provided on 71% of the lineal frontage. The glazing will occur from grade to the bottom of the continuous canopy above, which is roughly 9'-0" high **(See Attachment J)**. The amount of glazing will contribute to the pedestrian scale and avoid blank walls. This criterion is met.

2. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least one of the following [Note: the PA-O and SA districts require offsets at 30 feet; consider a larger dimension based on a larger development scale in MUC:

- **Recessed (entrances, floor area, etc.) of a minimum depth of 8 feet.**
- **Extensions (entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.**
- **Offsets or breaks in roof elevation by a minimum of 3 feet or more in height.**

The front (north) and side elevations of the proposed building include the required offsets. The building is approximately 90 feet wide, which would require one offset. The central roof offset meets this standard, but the building design incorporates additional roof offsets and recesses that also contribute to the visual articulation of the building. This criterion is met.

3. **In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g. E1FS), textured concrete block, or textured concrete, etc.**

The proposed building will include a palette of materials. The base of the building will be a brick fascia mixed with storefront glass. Upper level exterior finishes will include fiber cement, smooth-faced horizontal siding and stucco, with ornate wrought iron guardrails on balconies. Decks are provided on the fourth floor of each unit. These decks are recessed up to nine feet to contribute to building articulation. Ground floor entries will also be recessed three feet. The continuous canopy and "belly band" break up the visual plane dividing the pedestrian-oriented commercial space from the residential space above. This criterion is met.

4. **Provide differentiation between ground-level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used. Other design solutions may be approved by the Director.**

The ground floor is provided with a continuous pedestrian canopy along the north, south, and west faces of the building. The canopy helps separate the public from the private spaces above. The commercially-oriented ground floor is provided with roughly 9-foot high windows, greater in height than the windows of the third and fourth floors. The finish at the base of the building is predominately brick veneer, in contrast to the stucco finish and horizontal lap siding used for the upper floors. The upper levels are provided with smaller windows and the exterior walls at the decks recess into the building up to nine feet. Decorative wrought iron guardrails are provided at the decks. Ornate cornices will add additional character to the tops of the buildings. This criterion is met.

5. **Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g. balconies, porches, patios, etc.). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g. glazed, tinted, etc.) to protect privacy.**

Because only one building is proposed and there are no existing buildings in the immediate vicinity (the nearest off-site residential development is located approximately 100 feet to the east), residents within the new building will be afforded a high degree of privacy, and

the nearest residential neighbors to the development will not have their privacy compromised by the proposed building. Sound-mitigating construction methods are proposed for the east wall of the building to reduce the noise impacts of the adjacent railroad switching yard on residents of the development. The design of the fourth floor porches will afford a high degree of privacy for residents, even at the center of the building, where two porches would be adjacent to one another. This criterion is met.

6. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional right-of-way shall be dedicated to maintain adequate circulation.

The entire project will have only one point of access onto Western Boulevard. The access driveway has been located between the two railroad crossings on Western Boulevard in a location that will optimize vehicular and pedestrian safety. This criterion is met.

LDC 3.20.50.09 Neighborhood Compatibility

a. Minimum standards adjacent to a residential district:

1. Architectural compatibility between new development and adjacent residences (e.g. similar roof forms, windows, trim, and materials) is required. Pitched roofs shall provide a minimum of 4:12 pitch [this is the same pitch that is used in the PA-O district]. Flat roofs shall provide a cornice, or other decorative treatment.

The development site is separated from nearby residentially-zoned property by a railroad right-of-way and tracks. Evergreen landscaping along the MUC side of the track is proposed to address screening requirements between the two land uses. There is no residential development on the 5.4-acre site to the south. Some residential uses exist to the west and east of the site; however, developed residential structures to the west and east are located at least 100 feet from the proposed development site. As such, the architecture of the MUC building has been designed to be more commercial in nature, consistent with the commercial buildings to the north of the site and with the mixed use character of the development. However, the upper two residential floors contain exterior finish treatments, such as horizontal lap siding and stucco, that mimic materials used on existing residential development in the area. The proposed building has been designed to be compatible with other commercial uses along Western Boulevard. The flat roofs provided will include a cornice along the front and sides of the building. This criterion is met.

2. Roof elevation(s) shall gradually step-down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures(s) by more than one (1) story. This provision applies to that portion of the structure that is closest (20 feet, minimum) to the adjacent residential structures.

As noted above, none of the live/work units are within 20-feet of an existing residential

structure. The closest residential structures (to the east) are two and one-half stories in height. This criterion is not applicable.

> 3. **The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.**

There are no trees on the site. Therefore, this criterion is not applicable.

> 4. **Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties.**

All outdoor lighting will be shielded so as not to produce glare on adjacent residential properties. This provision applies to parking lot lighting, lighting at the entry monument signs, and exterior building lights. This issue is discussed in greater detail, and a condition of approval is recommended **(Condition 3)**, in the Lighting Section of this staff report. Findings from that discussion are incorporated by reference as findings under the above criterion. As conditioned, this criterion is met.

LDC 3.20.50.09 Neighborhood Compatibility

> b. **Minimum standards adjacent to a industrial district:**
>
> 1. **The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.**
>
> 2. **If residential uses are introduced in areas that are adjacent to an industrial district, the site design for the residential use shall incorporate fencing and a 20 foot landscape screen between the residential uses on the MUC site and the industrial district in accordance with Section 4.2.50. Driveways may occur within the landscape screen but in no case may they be less than 10 feet from the adjacent industrial district boundary.**

The development site abuts a piece of General Industrial-zoned land. This property accommodates the existing Southern Pacific railroad track along 6th Street. Residential uses have been proposed; however, they are not separated from the industrial uses by the stipulated 20 foot landscape screen. The MUC building is located 9 feet from the industrial district boundary. The 9-foot-wide setback area is proposed to include a 6-foot-high fence along the property line, columnar trees, a mix of deciduous and evergreen shrubs, and groundcover **(Attachment J)**. No pedestrian access is proposed through this area. The applicant is requesting a reduction to the fencing and screening standard through the Planned Development process because the industrial use of this area is not likely ever to be anything other than a railroad track. This reduction is consistent with the purposes of a Planned Development found in LDC 2.5.20.a and 2.5.20.b because the change will allow

a more flexible design and promote a more efficient use of the land. It is recommended that the requested variation from the standard be allowed. The requested variation to this standard is discussed in more detail later, in the section of this staff report regarding deviations from standards. Findings from that discussion are incorporated by reference as findings under the above criterion.

CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

Section 4.10.40 - APPLICATION OF STANDARDS

c. Mixed Use Buildings - For mixed use buildings, the applicable provisions for each use component shall apply to that portion of the building. For example, if a mixed use building has ground floor retail and residential above, the standards for Commercial, Industrial, and Civic Uses shall apply to the commercial portion, and the Residential Use standards shall apply to the remainder of the building. If a conflict exists between standards, the standard that provides more pedestrian amenities applies.

Because the proposed building will be a mixed use building, with commercial space on the first two floors and residential space on the third and fourth levels, both sets of standards must be evaluated in relation to the respective portions of the development.

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 200 ft. long, as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway.

The face of the structure is oriented to Western Boulevard, with the primary entrances to the commercial spaces accessing the Western Boulevard public sidewalk directly. The primary entrances to the residential space are on the opposite side of the building and are connected to Western Boulevard with a sidewalk around the south end of the building. The

longest path of travel to the public way from a residential entrance is approximately 125 feet, in compliance with the above standard.

2. **Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a u-shaped building with a pedestrian courtyard in the center, then one half the width of the building, based upon the lineal footage of the building's street frontage, could be located farther back than the maximum setback of 15 ft.**

No courtyard is proposed or necessary, as the proposed building meets building orientation standards.

3. **Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single-family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation. An exception may also be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page. Parking to the side of buildings is allowed in limited situations, as outlined in Section 4.10.60.02 below.**

No off-street parking is proposed between the building and Western Boulevard. All vehicle parking will be provided behind and to the south of the proposed building. This standard is met.

b. **Percentage of Frontage - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Frontage.**

The site has approximately 213 feet of frontage on Western Boulevard. According to the above standard, the required amount of building frontage required within the 20 foot maximum setback area would be approximately 107 feet. However, because of the triangular shape of the site and the fact that the railway easement covering Tax Lot 16001 precludes the construction of buildings in that area, the limitations on the location

of structures on the property reduce the buildable portion of the property's frontage along Western Boulevard to approximately 170 feet. The proposed building will provide 88 feet of building frontage within the maximum setback area. This constitutes approximately 52% of the developable frontage of the site, but only 41% of the total site frontage. Because of the existence of the unbuildable area within the railroad easement on the property and the real constraints on development within the tapering, triangular western portion of the lot, Staff support a variation to the building frontage standard. This variation is discussed in detail in the portion of this staff report regarding deviations from standards. Findings from that discussion are incorporated by reference as findings under the above criterion. Based on this analysis, a deviation from the above standard is warranted.

c. **Windows and Doors - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.**

The northern facade of the building is the facade that will face Western Boulevard and the sidewalk along that street. None of the other building facades will face a street, sidewalk, or multi-use path. The residential portion of the north facade is located on the 3rd and 4th floors of the building. For these areas, windows and doors constitute 37% percent of the overall facade area. This standard is met.

d. **Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

There are no significant natural features on the site and no significant slopes. Compliance with the requirements of Chapter 4.2 is discussed in the Landscaping Section of this staff report. Findings from that discussion are incorporated as findings under the above criterion. The other cited LDC Chapters are not applicable to the subject application.

4.10.60.02 - Parking Location

a. **Standards**

1. **Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:**

a) **Where lot depth is less than 75 ft.;**

b) **Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed**

by the creation of parking to the rear of structures on a site;

c) Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or

d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

2. On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in Section 4.10.50.02.

All proposed parking will be located to the rear of the building. The subject site is not a corner lot. No garages or carports are proposed as part of this development. These standards are met.

4.10.60.04 - Menus for Pedestrian Features and Design Variety

a. Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes - Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. <u>Elevated Finished Floor</u> - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.

The first floor of the residential portion of the structure is elevated approximately 22 feet above grade.

2. <u>Front Porches/Patios</u> - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.

Not applicable. There are no ground floor dwelling units.

3. <u>Sidewalk/Walkway to Front Door</u> - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not

be part of the driveway area.

A concrete walkway connects the street sidewalk to the front door of each residential unit. In most locations, this walkway will be at least five feet wide, but the applicant has requested to narrow the walkway to a four foot width at the southwest corner of the building to accommodate vehicle circulation. Regardless, the walkway width will provide the three-foot width required by this criterion. This criterion is met.

b. **Design Variety Menu - Roof forms shall be at least a 4:12 pitch with at least a six-in. overhang. Mixed use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building. Additionally, each structure shall incorporate a minimum of four of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.**

The proposed mixed use building has a flat roof with decorative parapets and cornices, as called for by the standard. Compliance with other design feature requirements is discussed below.

1. **<u>Trim</u> - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.**

2. **<u>Building and Roof Articulation</u> - Exterior building elevations that incorporate design features such as off-sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:**

   a) **Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;**

   b) **Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or**

   c) **Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.**

The front (north) facade of the building includes offsets, balconies, roof articulation, and a continuous awning. The roof is provided with breaks greater than three feet in height at a spacing less than every 45 feet. Decks are provided with up to 9 foot recesses and widths greater than 4 feet, at a spacing less than every 45 feet. This standard is met.

3. **<u>Building Materials</u> - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These**

requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

The building uses three different types of siding materials on the front facade: brick veneer, stucco, and lap siding. This standard is met.

4. **Increased Eaves Width - Eaves with a minimum 18-in. overhang.**

5. **Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.**

As noted previously, the area percentage of windows and doors on the residential portion of the front facade is approximately 37%. This standard is met.

6. **Increased Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.**

7. **Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.**

The proposed building contains a number of architectural features, including a detailed cornice along the top of the building and balconies on the fourth floor. This standard is met.

8. **Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.**

In conclusion, the proposed development incorporates building and roof articulation, varied building materials, increased windows, and architectural features that qualify as four required elements of the design variety menu. This standard is met.

4.10.60.05 - Service Areas and Roof-Mounted Equipment

a. **Service Areas - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five-10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of Chapter 4.2 -**

Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

The only at-grade service area proposed with this project is the trash enclosure, which is located in the southeastern portion of the property. The trash enclosure will be screened on all sides by a solid masonry wall at least 6 feet tall, with allowance for a sight-obscuring access gate on the north side. Landscape screening in accordance with LDC 4.2 will be provided between the enclosure and the adjacent east property line. The trash enclosure is located more than 20 feet away from the nearest residential structure. Any power transformers required to be located on the site will be screened with landscaping in accordance with LDC Chapter 4.2. A condition of approval is recommended to ensure that the necessary screening is installed **(Condition 4)**.

b. Roof-Mounted Equipment - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.

The applicant states that all roof mounted equipment will be screened and painted in compliance with the standard. A condition of approval is recommended to ensure that the necessary screening is installed **(Condition 4)**.

4.10.60.06 - Pedestrian Circulation

a. Applicability

These additional pedestrian circulation standards apply to all residential developments with eight or more units.

The proposed development contains only four residential units. Therefore, this standard is not applicable.

<u>Conclusion</u>

As conditioned above, the residential portion of the proposed development will comply with all applicable Pedestrian Oriented Design Standards (PODS).

As noted above, per LDC 4.10.40.c, the commercial portion of the mixed use building must

be evaluated in relation to the Pedestrian Oriented Design Standards for commercial buildings. This analysis is provided below.

Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05.

4.10.70.02 - Building Orientation

All buildings shall be oriented, as outlined in this Section, to existing or proposed public or private streets. See Chapter 4.0 - Improvements Required with Development for public and private street standards. Buildings on corner parcels shall be oriented to both streets bordering the property. Private streets used to meet this standard must include the elements in Chapter 4.0.

The building orientation standard is met when all of the following criteria are met:

a. Street Frontage Setback - At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for structures that have street frontage, as shown below in Figure 4.10-18 - Percent of Building Frontage Within Maximum Setback Area. An exception to this requirement pertains to provisions elsewhere in this Chapter for development in the Neighborhood Center (NC) Zone. Expansion of a structure existing prior to December 31, 2006, and in conformance with the Code on that date is deemed to meet this criterion, provided the area of expansion is between the street and the existing building frontage.

All of the proposed building's linear frontage is within the maximum setback for the MUC zone. This criterion is met.

b. Entrances - All building sides that face an adjacent public or private street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees, from the largest of the two adjacent streets, may be substituted for separate entrances on adjacent streets. If the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no farther than 100 ft. from the building's pedestrian entrance. Examples of these requirements are shown below in Figure 4.10-19 - Site Development Element Locations. Buildings of less than 3,000 sq. ft. fronting on only one street may provide the customer entrance on the side of the building in lieu of the front, if a sidewalk or courtyard provides a direct pedestrian connection of less than 50 ft. between the entrance and the street.

All units contain customer entrances that are oriented to Western Boulevard. This criterion is met.

c. Parking and Vehicle Circulation - Off-street parking or vehicular circulation shall not

be placed between buildings and streets used to comply with this standard, as shown above in Figure 4.10-19 - Site Development Element Locations. Where allowed by the underlying zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes, and boats may be located adjacent to streets. The parking lot perimeter landscaping requirements of Section 4.2.40 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall be met.

All off-street parking is provided behind the new building. Compliance with the landscaping requirements of LDC Chapter 4.2 is addressed in the Landscaping Section of this staff report. Findings from that discussion are incorporated by reference as findings under the above criterion. As conditioned, this criterion is met.

d. Neighborhood Center (NC) Zone Special Provisions - Buildings in the Neighborhood Center (NC) Zone shall comply with the following additional standards. See Figure 4.10-20 - Shopping Streets for context:

1. Buildings shall be oriented to designated Shopping Streets, public open space, or a public park; and

2. On designated Shopping Streets in the Neighborhood Center (NC) Zone, 80 percent of the building front shall be within the maximum setback. The maximum setback may be waived if pedestrian amenities occupy the extended setback area, as shown in Figure 4.10-19 - Site Development Element Locations. Pedestrian amenities are defined in Section 4.10.70.05.

The proposed development is not in the Neighborhood Center zone, therefore, this criterion is not applicable.

e. Exception for Enhanced Pedestrian Environment - Within a Minor Neighborhood Center, an exception to the requirement that all buildings on corner parcels front both streets may be granted through the process identified in Chapter 2.16 - Request for Interpretation if the proposed Shopping Street's design and layout can be shown to provide a pedestrian environment that is clearly superior to the environment that would result from the corner orientation. An example of a design and layout with a clearly superior pedestrian environment is one where the Shopping Street is enclosed, etc. For Major Neighborhood Centers, such exceptions may be granted, based on the same standard, through the process identified in Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

Not applicable.

f. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

Findings from the discussion of compliance with LDC 4.10.60.01.d in this staff report are

incorporated by reference as findings for the above criterion. This standard is met.

4.10.70.03 - Pedestrian Circulation Standards

a. Requirements for New Development and Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.c -

1. <u>Continuous Internal Sidewalks and Multi-use Paths</u> - A continuous internal sidewalk, including associated necessary sidewalk crossings, no less than five ft. wide, shall be provided from public sidewalks or rights-of-way to all customer entrances, and between customer entrances of all buildings, as shown in Figure 4.10-19 - Site Development Element Locations. Sidewalks shall be direct and convenient and form a network of walking routes. Internal multi-use paths shall be no less than 12 ft. wide.

A continuous sidewalk with a minimum width greater than 5 feet links all customer entrances with the public sidewalk adjacent to the building. This criterion is met.

2. <u>Sidewalks along Building Walls</u> - Sidewalks no less than five ft. wide shall be provided along the full length of building walls featuring a customer entrance and along any wall parallel to and abutting parking areas larger than eight parking spaces, except in situations where the sidewalk would not provide connectivity between an entrance and parking area. Where sidewalks are adjacent to buildings, except along Shopping Streets, a five-ft.-wide foundation landscape strip and/or weather protection with planters shall be provided. These elements are noted in Figure 4.10-19 - Site Development Element Locations.

The applicant has provided a sidewalk to the west of the building that will link the customer entrances on the north facade to the parking area to the south of the building. A continuous awning is proposed along this sidewalk, with a planter along the face of the curb to separate pedestrian and vehicle traffic. Additionally, a 5-foot wide awning is proposed over pedestrian circulation areas on the north and south sides of the building. Planter areas are also proposed along the north and south sides of the building. In nearly all locations, the sidewalk will be at least five feet wide (15 feet wide along the north facade); however, the applicant has requested a variation to the 5-foot sidewalk width requirement for the area at the southwest corner of the building, where, due to the need to accommodate vehicle access to the parking lot and to ensure that no development occurs within the adjacent railway easement, a 4-foot, 6-inch wide sidewalk is proposed. Discussion of this requested variation is contained in the portion of this staff report regarding variations to standards. That analysis finds that the requested variation is warranted and that compensating benefits are provided by the proposed development. Findings from that discussion are incorporated by reference as findings under the above criterion. Based on this analysis, this criterion is met.

3. <u>Separation and Distinction from Driving Surfaces</u> - Where any internal sidewalk is parallel to and abuts a vehicular circulation or parking area, the sidewalk shall be raised and separated from the vehicular circulation or parking area by a raised curb at least six in. in height. In addition to this

requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, are strongly encouraged to enhance the separation of vehicular from pedestrian facilities.

Internal sidewalks will be located on 6-inch raised curb except in locations where access for persons with disabilities requires a transition from street grade to walkway grade. A five-foot wide planter area is proposed, where possible, along the western sidewalk where it abuts a vehicle circulation area, to clearly separate pedestrians and vehicles. This criterion is met.

4. **<u>Sidewalk and Multi-use Path Surface Treatment</u> - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete or masonry pavers, and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete, and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for public sidewalks and multi-use paths shall meet City Engineering standards.**

5. **<u>Crossings</u> - Where any internal sidewalk crosses an internal street, driveway, or parking aisle, the sidewalk shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping, is encouraged.**

6. **<u>Connection to Adjacent Properties or Streets</u> - In addition to the sidewalk connections required by the block development standards in Chapter 4.0 - Improvements Required with Development, sidewalk connections shall be provided between internal sidewalk networks and all adjacent planned streets, sidewalks, and multi-use paths. Multi-use paths shall be connected with adjacent multi-use paths, sidewalks, and/or bike lanes. Where appropriate, such connections shall also be provided to adjacent residential properties.**

7. **<u>Planting Strips</u> - For lots abutting existing streetside sidewalks, sidewalks shall be reconstructed with a planting strip consistent with the requirements in Chapter 4.0 - Improvements Required with Development.**

The proposed design complies with standards 4 - 7 above. Other than along the sidewalk and vehicle lanes within the Western Boulevard right-of-way, there is no ability to connect portions of this site to adjacent developed areas, because the remaining three sides of the development are surrounding by rail lines. The proposed development will improve the substandard components of the Western Boulevard right-of-way abutting the site to comply with City standards. These criteria are met.

b. **Additional Requirement for New Development and Additional List of Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.d.1 - New development shall comply with one of the following five options. Expansions in accordance with Section 4.10.70.01.c shall add this list of choices to those presented in Section 4.10.70.03.a to obtain a larger list of options to comply with the requirements of Section 4.10.70.01.d.1.**

<u>Options</u>:

1. **Driveway Consolidation - Removal of at least one driveway through outright removal or access consolidation, such that the net number of driveways for the site is at least one less than prior existing conditions for the site.**

There are currently two curb cuts providing access from the site onto Western Boulevard. The proposed design would consolidate the two accesses into one access, consistent with the option above.

2. **Landscape Buffer - Construction or expansion of a landscape buffer between the back of a sidewalk and existing vehicle parking or circulation areas. The constructed or expanded landscape buffer shall, when completed, be a minimum of 20 ft. wide.**

3. **Reduced Parking - Establishment of an agreement that shares parking between the subject site and an abutting site and results in a reduction of total parking spaces for the subject site to 90 percent or less of the required minimum. Such shared parking agreements may be used, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods, or surplus capacity provided due to off-peak use, are methods of demonstrating this adequacy.**

4. **Covered Walkways - Installation of weather protection resulting in covered pedestrian walkways between and around all buildings and between the primary building and adjacent public pedestrian facilities.**

The proposed design would provide a 6-foot wide weather protected canopy along the north, west, and south sides of the building, consistent with the above standard.

5. **Notarized Letter - Where development is proposed on property adjacent to existing five-lane arterial streets or highways, recording a signed and notarized letter with the Benton County Clerk from the owner of the development site agreeing not to oppose construction of a future median or pedestrian refuge.**

This criterion is not applicable, as the subject site does not border a five-lane arterial street or highway.

The proposed development satisfies two of the five options listed above, in excess of the requirements of LDC 4.10.70.03.b above.

4.10.70.04 - Vehicle Circulation and Design Standards

a. Parking Lots -

1. **Parking lots shall be placed to the rear of buildings in accordance with Section 4.10.70.02. Administrative exceptions to this standard are allowed based on the following provisions. To the extent that required parking cannot be located to the rear of the building due to other requirements of this Code or unusual site constraints, both of which are defined in the following paragraph, the amount of parking and vehicle circulation that cannot be accommodated to**

the rear of the building may be provided only to the side of the building.

2. **Other requirements of this Code may include, but are not necessarily limited to, significant Natural Resource and Natural Hazard provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions. Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and Chapter 4.1 - Parking, Loading, and Access Requirements. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Building Code requirements.**

Parking to serve the new building will be located to the rear of the building. The proposed design complies with this standard.

b. **Corner Parcels - Parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.**

The development site is not a corner parcel. Therefore, this criterion is not applicable.

c. **Parking Lot Access - Commercial driveway approaches shall be used to access parking lots from public streets. Parking lot approaches shall be located no closer than 50 ft. from local street intersections, as measured from the intersection of two rights-of-way lines. Approaches on collector and arterial streets shall comply with parking lot approach standards provided in Chapter 4.1 - Parking, Loading, and Access Requirements.**

Western Boulevard is classified as an arterial street in the City's Transportation Plan. The proposed access point to the development is located 100 feet from the intersection of 7th Street and Western Boulevard, which does not comply with the 150-foot standard for intersection separation along arterial streets. The applicant has requested to vary from the standards for access to arterial streets found in LDC 4.1.40.a(2). This is discussed in more detail in the section of this staff report regarding variations to standards. Findings from that discussion are incorporated by reference as findings under the above criterion. Staff find the requested variation to be warranted and find that compensating benefits will be provided by the variation. This criterion has been addressed.

d. **Neighborhood Center (NC) Zone Special Provisions - Parking in the Neighborhood Center (NC) Zone shall comply with the following additional standards:**

1. **Off-street parking shall be located behind new buildings and building expansions for buildings constructed after adoption of this Code;**

2. **Exceptions to this standard for new buildings may be requested only in association with a Planned Development application in accordance with Chapter 2.5 - Planned Development;**

3. **Exceptions to this standard for expansion of a building in existence prior to December 31, 2006, may allow parking on the side of a building to the extent**

that required parking cannot be located to the rear due to other requirements of this Code or unusual site constraints, identified in Section 4.10.70.04.a above, and provided that the parking at the side of the building does not exceed 20 percent of the total minimum parking for the building.

4. On-street parking along the property's frontage may count toward minimum parking requirements in the Neighborhood Center (NC) Zone.

These standards are not applicable to the subject application.

e. Drive-through Facilities

1. Internal driveways are prohibited between buildings and streets to which the building entrances are oriented, except for car washes and fuel sales pursuant to "3," below. Examples of correct and incorrect locations of these facilities are shown on the next page in Figure 4.10-21 - Drive-through Facilities.

2. Drive-through Facilities Uses are prohibited in the Minor Neighborhood Center (NC) Zone. In other commercial zones, Drive-through Facilities are allowed provided "1," above is met. Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3. Car Washes and Fuel Sales uses may include internal driveways, drive aisles, accessways, and queuing lanes between a building that meets setback requirements and the street to which the building's entrances are oriented, subject to the following standards:

a) Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting;

b) A minimum eight-ft.-wide landscape buffer shall be provided between the vehicular circulation areas of the use and any sidewalk within the public street rights-of-way; and

c) When building entrances are separated from sidewalks by drive-through facilities, contrasting paving materials shall be required to ensure safe, direct, and convenient crossings. In addition, raised elevation warning signs and/or landscaping screens are encouraged to enhance safe, direct, and convenient crossings and to further buffer pedestrian areas from Drive-through Facilities.

These standards are not applicable to the subject application.

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. Pedestrian Amenities Standards

1. Weather Protection - Where new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum six-ft.-wide, weather-protected area, protected by such

elements as awnings or canopies, shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian plazas. An additional requirement shall include a minimum eight-ft. vertical clearance between the sidewalk and the lowest portion of the weather protection. This vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.

Weather protection by canopy or awning is proposed along 86% of the Western Boulevard frontage for the project, in compliance with the above standard. The vertical clearance requirement is met. This criterion is met.

2. **Pedestrian Amenity Requirements - All new development and substantial improvements shall provide pedestrian amenities as defined by this Section. The number of pedestrian amenities provided shall comply with the following sliding scale:**

Size of Structure or Substantial Improvement	Number of Amenities
< 5,000 sq. ft.	1
5,001 - 10,000 sq. ft.	2
10,001 - 50,000 sq. ft.	3
> 50,000 sq. ft.	4

3. **Acceptable Pedestrian Amenities - Acceptable pedestrian amenities include the items listed below, some of which are shown in Figure 4.10-23 - Pedestrian Amenities:**

   a) **Sidewalks with ornamental treatments, such as brick pavers, or sidewalks 50 percent wider than required by this Code;**

   b) **Sidewalk planters with benches and public outdoor seating;**

   c) **Significant public art, such as sculpture, fountain, clock, mural, etc.;**

   d) **Mini parks or plazas that provide a minimum usable area of 300 sq. ft.); and**

   e) **Street trees of a caliper 50 percent wider than required by this Code. This approach may include preservation of healthy mature trees adjacent to the street sidewalk.**

4. **Accessibility of Pedestrian Amenities - Pedestrian amenities shall be visible and accessible to the general public from an improved street. Access to mini parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.**

Because the commercial portion of the proposed development is 5,548 square feet, two pedestrian amenities are required, per the above standard. The proposed design

incorporates at least two of the listed pedestrian amenities, including a sidewalk 50 percent wider than the Code requires (Code requires 5 foot width, 15 foot width is proposed) and street trees with a caliper size 50 percent greater than required by the Code (2.25 inches instead of 1.5 inches). Additionally, the applicant proposes to locate a sculpture or hardscape landscape feature in the northwest corner of the site. A condition of approval is recommended to ensure that larger than typical street trees are specified on approved landscape plans **(Condition 2)**. All proposed amenities will be visible and accessible from Western Boulevard. As conditioned, this standard is met.

b. Design Standards and Design Variety Menus

1. <u>Encroachments</u> - Special architectural features, such as bay windows, decorative roofs, and entry features may, with City Council approval, project up to three ft. into public rights-of-way, provided that they are not less than nine ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than eight ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.

Because the building will be set back from the edge of the right-of-way by 7 feet to accommodate a utility easement, there will be no overhanging encroachment from the building over the public right-of-way.

2. <u>Loading/Service Facilities</u> - Loading and service areas such as trash enclosures shall be located to minimize conflicts with public pedestrian areas; screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; designed to provide convenient access for trucks; and designed to minimize noise and other impacts with adjoining uses. Service areas shall be located to the back or sides of buildings, or in alleys where available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human-scale aspects of the development.

This standard is met. The trash enclosure will be located and screened according to applicable requirements, as discussed previously. Each commercial space will be served by a loading area accessed through roll-up doors at the rear of each unit.

3. Roof-mounted Equipment - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with roof lines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.

This standard is met, as discussed previously in this staff report.

4. <u>Sign Standards</u>

a) Pole-mounted, freestanding signs are prohibited in Neighborhood

Center (NC) Zones.

b) Blade signs placed under awnings are allowed along Shopping Streets.

c) Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.

No signage is proposed with this Planned Development proposal. All future signage for the site shall be in compliance with the applicable signage requirements of Chapter 4.7 of the Land Development Code.

5. Lighting Standards - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Lighting is discussed later in the Lighting section of this staff report. Findings from that discussion are incorporated by reference as findings under the above criterion. As conditioned **(Condition 3)**, this standard is met.

6. Windows - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.

a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone, which is addressed in "c," below, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public. Additional requirements for windows shall include the following:

1) Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window, where applicable. Ground floor windows shall also have a Top Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.

2) Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:

a. Opacity of greater than 60 percent prohibited for any required window; and

b. Ground floor windows shall allow views from adjacent

sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.

The proposed ground floor windows will comprise 71 percent of the lineal frontage of the north facade of the building. Ground floor windows will have a 3-inch minimum width frame or recess and all have a canopy above that will provide the required Top Treatment. A condition of approval is recommended to ensure that ground floor windows continue to allow views from the adjacent sidewalk into the working area or lobby space **(Condition 5)**. As conditioned, this standard is met.

b) **Windows on Commercial Stories above Ground Floor - Each facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.**

Windows on the north facade of the mezzanine level of the commercial units within the development constitute approximately 42% of the square footage of the mezzanine-level facade area. Windows on the south facade of the mezzanine level constitute approximately 22% of the mezzanine-level facade area. This area faces the parking lot to the south of the building. Windows on the west side of the building, which faces the walkway connecting the sidewalk to the parking lot, constitute 11% of the mezzanine-level facade area. A condition of approval is recommended to add additional window area to the west facade of the building to allow compliance with the 20% window coverage standard for that facade **(Condition 6)**. The east side of the building does not directly face an area that is accessible to the public, and therefore, the above criterion does not apply to that facade. As conditioned, this criterion is met.

c) **Neighborhood Center Special Window Provisions - For building walls facing Shopping Streets, windows and/or glass doors shall be provided on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.**

Not applicable.

7. **Design Variety Menu - Each structure shall incorporate a minimum of three of the following five building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.**

a) **Building Walls - Building walls in excess of 30 ft. in length shall not exceed a height/width ratio of 1:3 without a change in height of at least four ft., as addressed below in Figures**

4.10-25A through C - Building Walls.

The proposed building does not exceed the height/width ratio of 1:3. The building is 88 feet wide and 45 feet tall at its highest point. Although this ratio (45/88 = approximately 51%) is greater than 1/3, the intent of the provision is clearly shown in LDC Figures 4.10-25A and 4.10-25B. Per these illustrations, a ratio of approximately 1:2, as is the case here, complies with the standard. Therefore, there is no required height change element per this standard.

b) **Maximum Wall Segments - All building wall segments on all sides of buildings visible from public areas or adjacent uses shall be a maximum of 30 ft. in length. Building wall segments shall be distinguished by architectural features including at least one of the following: columns, reveals, ribs or pilasters, piers, recesses, or extensions. The segment length may be increased to a maximum of 60 ft. if the segment contains integral planters, public art, or permanent seating such as a seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.**

The facade which faces public areas is the north facade, along Western Boulevard. This facade is approximately 88-feet wide. This facade is punctuated by recesses and extensions, including recessed decks, at a frequency greater than every 30 feet. Similarly, the west, east, and south facades are also punctuated by architectural features such as columns and contrasting exterior materials at a frequency greater than every 30 feet. This standard is met.

c) **Entrances - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.**

Primary building entrances are recessed and covered by an awning. This standard is met.

d) **Base Treatments - A recognizable Base Treatment consisting of at least one of the following:**

1) **Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;**

2) **Integrally textured materials such as stone, stucco, or other masonry;**

3) **Integrally colored and patterned materials such as smooth-finished stone or tile;**

4) **Lighter or darker colored materials, Mullions, or panels;**

5) **Detailing such as scoring, ribbing, moldings, or ornamentation; or**

6) **Planters integral to the building.**

The front and side elevations of the building (the publicly-oriented facades) contain a masonry base treatment in compliance with this standard.

e) **<u>Top Treatments</u> - A recognizable Top Treatment consisting of at least one of the following:**

1) **Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;**

2) **Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or**

3) **Stepped parapets.**

The top of the building is provided with a decorative cornice treatment along all sides of the building. Additionally, the front and sides of the building contain stepped parapets. This criterion is met.

<u>Conclusion</u>

As conditioned above, the commercial portion of the proposed development will comply with all applicable Pedestrian Oriented Design Standards (PODS).

Section 2.5.40.04 - COMPLIANCE WITH PLANNED DEVELOPMENT COMPATIBILITY FACTORS

2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

a. Compatibility Factors -

1. COMPENSATING BENEFITS FOR THE VARIATIONS BEING REQUESTED:

The applicant has requested a number of variations from standards. Following is a discussion of each requested variation and analysis of the compensating benefits provided.

<u>Driveway Access Width</u>

<u>Related Comprehensive Plan Policy</u>:

9.2.4 Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

The City's Off-Street Parking and Access Standards require two-way commercial access drives to be 24 feet wide. The applicant has requested to narrow the width of a portion of the commercial access drive serving the development to 20 feet. This would occur only on the portion of the site between the proposed building and the railroad tracks. No parking spaces are directly accessed from this location and it would not effect the width of the commercial approach area where the access drive meets Western Boulevard, which would be 24 feet wide. The applicant states that the narrower access way width improves the opportunity to efficiently use an irregularly shaped property that is permanently constrained by existing street accesses and surrounding railroad tracks. Staff note that a number of the requested Code variations relate to requirements along the northern boundary of the site, which contains the only access and street frontage available to serve the development site. As discussed in this section of the staff report, variations to building frontage, vehicle access drive width, landscape buffering, and minimum sidewalk width are necessary to approve the proposed development plan. It does not appear to be possible, given the configuration of the development site and the site's access and frontage configuration, to meet all standards with one development. Complete compliance with the building frontage requirement would seem to necessitate reductions in pedestrian and vehicle access width requirements and landscape buffer requirements, for example. Given these constraints, the proposed site plan represents a balancing of interests in these various requirements. None of the standards are fully met, but all are accommodated to a meaningful degree. Comprehensive Plan Policy 9.2.4 helps to clarify that pedestrian-based "uses, scales, and experiences" should receive a high priority in the design of development projects. In response to this, the proposed development plan requests to reduce the width of the sidewalk connecting the parking lot with the front doors of the commercial uses by only six inches on a limited "bottleneck" area of the site. In the same area, the applicant requests to narrow the vehicle access drive to 20 feet, which will maintain functionality and which may help to reduce traffic speeds in this area because of the more limited width available for vehicular maneuvering. Narrowing the access drive below a 20 foot width would impair the ability to support two way vehicle traffic. Based on this analysis, Staff find that allowing a narrower access drive width, as proposed, is warranted, supports a functional and safe pedestrian connection on the site, and will not impair the functionality of the proposed parking area.

<u>Minimum Sidewalk Width</u>

LDC Section 4.10.70.03.a.2 requires sidewalks along building walls to be no less than 5 feet wide. The applicant has requested to vary this standard for the area at the southwest corner of the proposed building, where the need to accommodate the railroad easement, a commercial access drive, a pedestrian connection, and building frontage requirements results in a narrow space between the railroad line and the proposed building. The applicant requests to narrow the sidewalk in this area to 4 ft., 6 inches. This width complies with accessibility requirements and allows accommodation of a vehicular access drive and pedestrian connection in a narrow, constrained area. Staff note that nearly all

of the requested variations for this project result from requirements that apply to the site's frontage along Western Boulevard. These requirements include landscape buffering between the residential units and adjacent industrial zone, building frontage requirements from the residential Pedestrian Oriented Design Standards, access drive width requirements from the City's Off-Street Parking and Access Standards, and the subject sidewalk width requirement from the commercial Pedestrian Oriented Design Standards. Based on this analysis, Staff support a slight reduction to the required pedestrian access width in this location.

Fencing and Landscape Screening to Buffer Industrial Neighbor

Related Comprehensive Plan Policies:

3.2.3 The City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering.

3.2.4 In the case of compatibility conflicts, requirements will be imposed on both sides of a given property line, in the following manner:

A. Where both lots are undeveloped, each will be required to provide transitional elements when it develops.

B. The development in the more intensive development district shall provide the bulk of the transitional elements but shall not be required to provide the full amount unless the property in the less intensive district is already developed.

Section 3.20.50.09.b of the 1993 Land Development Code, as amended, requires fencing and a 20-foot-wide landscape screen in the MUC Zoning District, when residential uses are introduced adjacent to an Industrial Zoning District. The Zoning District immediately to the east of the development site is General Industrial, so this standard would apply between the residential units within the new building and the adjacent property to the east, which contains the railroad line. The applicant requests to reduce the width of the required landscape screen from 20 feet to 9 feet in this area. The applicant proposes to provide a 6-foot-tall fence along the property line in this area, as well as intensive landscaping in the buffer area. Additionally, the applicant proposes to upgrade the sound isolation quality of the exterior wall adjacent to the industrial land by including the following acoustic construction details: acoustical sealant at joints, staggered studs at exterior wall on a single plate, interior steel hat channels over studs with a double layer of interior sheet rock, and triple pane glazing for the windows that face the railroad tracks. The applicant states that the requested variation improves the opportunity to efficiently use an irregularly shaped piece of land that is permanently constrained by regular, but intermittent, use by train traffic. Staff note that construction of the full 20-foot buffer bordering the railroad line would not significantly reduce the noise impacts from the adjacent railroad line, which are anticipated to be the most significant compatibility impacts between the new residential units and the existing railroad line. Staff also note that a reduction to the landscaped buffer width allows a higher degree of compliance with building frontage and vehicular and pedestrian access width requirements elsewhere along the site's frontage on Western Boulevard. Utilization of improved acoustical buffering within the residential units, as

proposed, will provide a compensating benefit to offset the reduced width of the landscape buffer. For these reasons, Staff find that the requested variation is warranted and the proposed compensating benefits are acceptable. A condition of approval is recommended to ensure that the proposed acoustic construction details are incorporated into the design of the new building **(Condition 7)**.

Access to Arterial Street Standard

Related Comprehensive Plan Policies:

> **11.3.2 Circumferential routing of major streets with controlled access and adequate setbacks shall be developed to facilitate the movement of through traffic.**
>
> **11.3.11 Private driveway access shall be limited on all existing and future arterial streets to reduce interference, improve safety, and preserve traffic capacity. New residential driveways shall not directly access arterial streets where alternate access can be developed. At the time of development or redevelopment, opportunities to restrict or combine access points along arterials should be pursued.**

Typically, access to arterial streets should be limited to locations 150 feet from existing intersections, per LDC 4.1.40.a(2). However, if that standard were followed, the subject site would not be developable. The proposed access point for the development is optimally located to minimize conflicts with adjacent vehicle and railway intersections. Additionally, Consistent with Comprehensive Plan Policies 11.3.2 and 11.3.11, the proposed development will eliminate the two existing curb cuts on the subject property and will create one access for the site at a more optimal location. Staff find that approval of this variation is warranted. Compensating benefits are provision of safer access to the site than is currently available and the elimination of one of the two existing access points.

Tree Planting Area

Related Comprehensive Plan Policy:

> **5.3.1 To increase the aesthetic qualities of the community and enjoy the engineering and ecological benefits of trees, the City shall require developers to plant appropriate numbers and varieties of trees with all new development. Such standards shall be maintained in the Land Development Code.**

The applicant requests that the required area for parking lot and buffer trees, as stipulated in LDC 4.2.30.b, be reduced from 10 feet to 5 feet. To compensate for this, the applicant proposes using special planting techniques to better assure the health of the parking lot and buffer trees. Staff concur that the limited site area makes provision of large landscape planter beds difficult in all necessary locations on this site. A condition of approval is recommended to ensure that special planting techniques are specified on landscape plans and utilized in development to ensure the health of parking lot and buffer trees **(Condition 2)**. Staff also note that variation to a Land Development Code standard is not required in this instance, as LDC 4.2.30.b.1 clearly allows trees to be planted within five feet of permanent hard surface paving if "special planting techniques and specifications are used

and particular species of trees are planted...." Condition 2 will address these requirements and a variation to this standard is not necessary.

In addition to the variations requested by the applicant, the following variations, necessary to approve the proposed development, have been identified by Staff:

Percentage of Frontage

Related Comprehensive Plan Policy:

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.

H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.

I. **Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.**

J. **Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.**

K. **Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.**

L. **Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.**

M. **Neighborhoods have street trees in planting strips in the public right-of-way.**

Pedestrian Oriented Design Standards (PODS) for attached townhome residential building types require, for sites with more than 100 feet of street frontage, at least 50 percent of the site's frontage to be occupied by buildings within the maximum setback area. The site has approximately 213 feet of frontage on Western Boulevard. According to the POD standard, the required amount of building frontage required within the 20 foot maximum setback area would be approximately 107 feet. However, because of the triangular shape of the site and the fact that the railway easement covering Tax Lot 16001 precludes the construction of buildings in that area, the limitations on the location of structures on the property reduce the buildable portion of the property's frontage along Western Boulevard to approximately 170 feet. The proposed building will provide 88 feet of building frontage within the maximum setback area. This constitutes approximately 52% of the developable frontage of the site, but only 41% of the total site frontage. Because of the existence of the unbuildable area within the railroad easement on the property, the constraints on development within the tapering, triangular western portion of the lot, and the necessity of accommodating landscape buffer area and vehicular and pedestrian connections along the site's northern frontage, Staff support a variation to the building frontage standard. Staff note that the full implementation of requirements along the northern portion of the property, such as the MUC setback, access drive width, and sidewalk width would further reduce the percentage of frontage provided by the building. The proposed design represents a balance of elements that will allow for a functional site design containing all necessary elements, including desired parking location, building frontage, landscape buffering, and vehicular and pedestrian access. For these reasons, Staff support a variation to the building frontage requirement.

Street Frontage Requirements

As discussed in the Subdivision portion of this staff report, the proposed Lots within the development do not meet the 25 foot street frontage requirement, as required by LDC

4.4.20.03.b. This is because access to each lot has been consolidated into one location along Western Boulevard, consistent with the City's desire to minimize access points on arterial streets, especially in areas with multiple intersections, such as this one. To accommodate access to the proposed development, the applicant has proposed creating a common tract to be utilized and maintained by the homeowners association (HOA) for the four new lots on the site. The HOA will maintain the parking lot on the site to benefit residents, patrons, and guests for the four lots. Because access to the four lots will be managed in this way, it is not necessary to ensure that each lot has 25 feet of street frontage. The lots are configured as they are to correspond exactly to the size of the building units to be located on them. The required 25 feet of lot frontage is not necessary to serve any other purpose, other than to provide adequate width for street access. For these reasons, and to encourage flexibility in the implementation of this innovative mixed use development concept, it is recommended that the street frontage requirements for the four lots be relaxed.

Conclusion

Staff find that acceptable compensating benefits will be provided to compensate for the requested variations to standards.

2. BASIC SITE DESIGN (THE ORGANIZATION OF USES ON A SITE AND THE USES' RELATIONSHIPS TO NEIGHBORING PROPERTIES);

Given the constraints of a development site that is surrounded on three sides by railroad lines and limited to access from an arterial street, the proposed site design complies with required site design elements such as building orientation and parking location while allowing for mixed use development that will be compatible with adjacent development.

3. VISUAL ELEMENTS (SCALE, STRUCTURAL DESIGN AND FORM, MATERIALS, ETC.);

As noted and conditioned in the discussion of compliance with Mixed Use Commercial District standards and Pedestrian Oriented Design Standards in this staff report, the proposed development will comply with nearly all applicable requirements. Where variations to standards have been requested, these variations are warranted and adequate compensating benefits will be provided. The proposed building design will be taller than other development in the area, but is within the 45-foot height limit in the MUC District. The separation of the building from any nearby development will ensure that the height and scale of the structure are not incompatible with adjacent development. The privacy of nearby residential development will not be compromised by the proposed building, due to the physical distance separating the proposed building from existing residences in the area. The building will be at least 150 feet from the nearest existing residential structure to the west and at least 90 feet from the nearest existing residential structure to the east. It should be noted that most residential development within the immediate area is at least two stories in height.

Although adjacent to the Avery-Helms Historic District, the proposed development is not

within the District and is therefore not subject to historic review. However, the building has been thoughtfully designed, and although it will not mimic the design of any adjacent buildings, it is anticipated to visually complement the area.

4. NOISE ATTENUATION;

5. ODORS AND EMISSIONS;

No unusual noise, odors, or emissions are anticipated from the proposed development. The proposed development will be compatible with adjacent development in regards to noise, odors, and emissions.

In regards to noise attenuation within the proposed building to buffer noise from the adjacent railroad tracks, the applicant proposes to upgrade the sound isolation quality of the exterior wall on the eastern side of the building (immediately adjacent to the main railroad line) by including the following acoustic construction details: acoustical sealant at joints, staggered studs at exterior wall on a single plate, interior steel hat channels over studs with a double layer of interior sheet rock, and triple pane glazing for the windows that face the railroad tracks. **Condition 7** will ensure that these construction elements are incorporated into the construction of the building to mitigate noise impacts from the adjacent rail yard on residents of the proposed building.

6. LIGHTING;

The applicant has proposed to install three new historic-style street lamps along the site's frontage on the south side of Western Boulevard. However, existing street lights on the north side of Western Boulevard already provide adequate light for Western Boulevard. Because the City does not wish to take on the maintenance responsibility and energy costs for three unnecessary street lights, it is recommended that the proposed street lights not be installed. If the applicant wishes to install street lights on the subject property, to be maintained by the owner, such lighting would be allowable. (See also the discussion of lighting in the Public Facilities section of this staff report) However, this lighting, and all other on-site lighting should be subject to a condition of approval to ensure that new exterior lighting on the site is full-cut-off shielded and will not project glare onto adjacent properties **(Condition 3)**. As conditioned, this criterion is met.

7. SIGNAGE;

No signage is proposed for the subject site at this time. Any future signage on the site will be subject to applicable Sign Code requirements that will ensure that on-site signage does not create compatibility conflicts.

8. LANDSCAPING FOR BUFFERING AND SCREENING;

Required landscaping for the site includes street trees along Western Boulevard, required buffering between the MUC site and adjacent General Industrial land, and required parking lot trees and landscape buffering. There are no existing significant trees on the site.

Applicable Land Development Code Requirements:

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

a. Tree Plantings -

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

1. Street Trees -

a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;

b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees;

c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and

d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

2. Along alleys, trees shall be planted on the sides of the alleys at a minimum of one tree per lot; and the trees shall be located within 10 ft. of the alley;

3. Along sidewalks and multi-use paths not located along streets, a minimum five ft.-wide landscaping buffer is required on either side of the facility. Examples of sidewalks and multi-use paths not located along streets include pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. Within these buffers, trees shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;

4. Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts;

5. The distance between required trees shall be determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees; and

6. **Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.**

Table 4.2-1 - Street Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	**-**	**Maximum 30 ft. on-center spacing**
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	**-**	**Maximum 50 ft. on-center spacing**

Table 4.2-2 - Parking Lot Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	**-**	**Minimum one tree per eight cars**
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	**-**	**Minimum one tree per 12 cars**

The proposed street trees comply with the 30-foot spacing requirement above. Despite the size of the 12-foot wide planter strip in this location, large canopy trees should not be planted along the south side of Western Boulevard because of the presence of overhead utility lines in this area. A condition of approval is recommended to ensure that the selected street trees will not conflict with overhead utility lines or interfere with vision clearance requirements near the intersection of Western Boulevard and the Southern Pacific railway **(Condition 2)**.

b. **Areas Where Trees May Not be Planted -**

1. **Trees may not be planted within five ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.**

2. **Unless approved otherwise by the City Engineer, trees may not be planted:**

   a) **Within 10 ft. of fire hydrants and utility poles;**

   b) **Within 20 ft. of street light standards;**

   c) **Within five ft. from an existing curb face, except where required for street trees;**

   d) **Within 10 ft. of a public sanitary sewer, storm drainage, or water line; or**

   e) **Where the Director determines the trees may be a hazard to the public interest or general welfare.**

The applicant has requested to vary from the required ten foot width of tree planting areas because the configuration of the site makes it difficult to accommodate a vehicle parking area of adequate size and tree planters in required sizes. The applicant proposes to use special planting techniques to ensure that parking lot and buffer trees without the full ten foot planter width will be able to grow and thrive. A condition of approval is recommended to ensure that these special planting techniques are utilized **(Condition 2)**.

Section 4.2.40 - BUFFER PLANTINGS

Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved.

At minimum, buffering is required in areas identified through Conditions of Approval, in areas required by other provisions within this Code, and in Through Lot areas, and as required below.

Parking, Loading, and Vehicle Maneuvering Areas -

a. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five-ft.-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum 10 ft.-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities.

Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

b. In addition to any pedestrian refuge areas, each landscaped island within and around parking lot areas shall -

1. Include one or more shade canopy trees;

2. Be a minimum length of eight ft. at its smallest dimension;

3. Include at least 80 sq. ft. of ground area per tree to allow for root aeration; and

4. Include raised concrete curbs around the perimeter.

To ensure compliance with the above standards, as well as with the requirements of LDC 4.2.20, a condition of approval is recommended to require detailed landscape plans to be submitted for review and approval by the Development Services Manager **(Condition 2)**.

Conclusion

As conditioned, the proposed development will comply with all applicable landscaping requirements.

9. TRANSPORTATION FACILITIES;

This topic is discussed in detail in the Circulation portion of this staff report. Findings and conclusions from that discussion are incorporated by reference as findings and conclusions under the above criterion.

10. TRAFFIC AND OFF-SITE PARKING IMPACTS;

Traffic

As noted above, the applicant conducted a trip generation study for the commercial and residential portions of the development. The trip generation study found that the proposed mixed use development would generate 23 PM peak hour trips per day. The City of Corvallis typically defines an impact as 30 or more peak hour trips to a single intersection. Because the calculated peak hour trip total is lower than the City's threshold, no further analysis is required. It is determined that the proposed development will not generate a significant impact upon the adjacent transportation system.

Off-Site Parking Impacts

Applicable Land Development Code Criteria:

Section 3.20.30 - PERMITTED USES IN THE MIXED USE COMMERCIAL ZONE (1993 Land Development Code, as amended)

3.20.30.01 - General Development

a. Primary Uses Permitted Outright:

3. Commercial Use Types:

- **Animal Sales and Services (small animals):**
  - **Grooming**
  - **Veterinary**
- **Building Maintenance Services (no outdoor storage)**
- **Business Equipment Sales and Services**
- **Business Support Services**
- **Communication Services**
- **Construction Sales and Service (no outdoor storage)**
- **Convenience Sales and Personal Services**
- **Day Care Facilities**
- **Eating and Drinking Establishments - sit down**
- **Family Day Care**
- **Financial, Insurance, and Real Estate Services**
- **Food and Beverage Sales**
- **Laundry Services**
- **Medical Services**
- **Personal Services - General**

- Professional and Administrative Services
- Repair Services - Consumer
- Research Services
- Retail Sales - General
- Transient Habitation - Lodging
- Commercial uses legally established and developed in conformance with the Development District in place on December 7, 1998.

Section 4.1.20 - GENERAL PROVISIONS

g. Mixed Uses - When several Uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of the requirements of individual Uses. Exceptions to this provision for shared parking may be considered through the Planned Development process outlined in Chapter 2.5 - Planned Development.

q. Parking Reduction Allowed -

1. A reduction of up to 10 percent of required vehicle parking may be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.

2. A reduction of up to 10 percent of required vehicle parking may be obtained through the provision of bicycle parking as follows:

a) For every eight required bicycle parking spaces, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction; or

b) For every four additional bicycle parking spaces provided over the minimum requirement, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction. Fifty percent of these additional bicycle parking spaces shall be covered, consistent with Section 4.1.70.d.1.

Additional reductions of vehicle parking spaces may be granted through the procedures in Chapter 2.12 - Lot Development Option or Chapter 2.5 - Planned Development.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

a. Residential Uses Per Building Type -

2. <u>Duplex, Attached, and Multi-dwelling</u> -

a) <u>Vehicles</u> -

1)	Studio or Efficiency Unit	-	One space per unit.
2)	One-bedroom Unit	-	One space per unit.
3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	2.5 spaces per unit.

b) Bicycles -

1)	Studio or Efficiency Unit	-	One space per unit.
2)	One-bedroom Unit	-	One space per unit.
3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	Two spaces per unit.

c. Commercial Use Types (for accompanying office and indoor service areas) -

Unless noted otherwise, number of spaces refers to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or two bicycle spaces, whichever is greater. However, where fewer than three vehicle spaces are required, then only one bicycle parking space shall be required.

1. Administrative and Professional Services - One space per 400 sq. ft.

4. Animal Sales and Services -

   b) Grooming - One space per 400 sq. ft. of gross floor area.

   f) Veterinary - One space per 400 sq. ft. of gross floor area.

6. Building, Maintenance and Services - One space per 400 sq. ft. of gross floor area.

7. Business Equipment Sales and Services - One space per 400 sq. ft. of gross floor area.

8. Business Support Services - One space per 400 sq. ft. of gross floor area.

9. Communication Services - One space per 400 sq. ft. of gross floor area.

10. Construction Sales and Service - One space per 400 sq. ft. of gross floor area.

11. Convenience Sales and Personal Services - One space per 400 sq. ft. of gross floor area.

12. Eating or Drinking Establishments - One space per four fixed seats or stools where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. of dining or drinking area where there are no fixed seats.

14. Financial, Insurance, and Real Estate Services - One space per 400 sq. ft. of gross floor area.

15. Food and Beverage Retail Sales - One space per 400 sq. ft. of gross floor area.

18. Laundry Service - One space per 400 sq. ft. of gross floor area.

20. Medical Services - One space per 200 sq. ft. of gross floor area.

22. Repair Services, Consumer - One space per 400 sq. ft. of gross floor area.

23. Research Services - One space per 300 sq. ft. of gross floor area.

25. **Retail Sales, General - One space per 400 sq. ft. of gross floor area.**

The applicant proposes to allow only those commercial uses within the development that have a parking requirement of 1 space per 400 square feet or more. A condition of approval is recommended to ensure that this requirement is maintained throughout the life of the proposed development **(Condition 8)**. Given this condition, the following table illustrates the vehicle parking requirement for the proposed development:

Table 2 - Vehicle Parking Requirement for Western Station

Proposed Uses	LDC Standard	Resulting Parking Requirement
Four 1,387 square foot commercial spaces (5,548 total square feet)	1 space / 400 sq. ft.	14 parking spaces
Four 2 - Bedroom Single Family Attached Dwellings	1.5 spaces / 2 Bedroom Single Family Attached Dwelling	6 parking spaces
Subtotal Parking Requirement		20 parking spaces
Less 10% for transit stop within 300 feet of site		-2 parking spaces
Total Parking Requirement (after allowed reduction):		18 parking spaces

On April 25, 2008, the Community Development Director issued an administrative decision regarding when parking reductions in LDC Section 4.1.20.q could be applied to development proposals **(Attachment H)**. In that administrative decision, the Director determines the following:

> 2. *If a parcel fronts on a street where parking is allowed on one side of the street and Duplex, Attached, or Multi-dwelling development averaging three or fewer bedrooms per unit is proposed, one of the 10 percent parking reductions described in LDC Section 4.1.20.q will be allowed if the associated relevant threshold in that section is met.*

The proposed development qualifies under this criterion to utilize the 10% parking reduction stipulated in LDC 4.1.20.q.1 because on-street parking is allowed on the north side of Western Boulevard, 2-bedroom attached units are proposed, and there is an existing transit stop within 300 feet of the development site.

Given the above analysis, and the requirements of **Condition 8**, the proposed development complies with applicable on-site vehicle parking requirements.

Table B below illustrates the amount of bicycle parking that is required to serve the development:

Table 3: Bicycle Parking Requirement for Western Station

Proposed Uses	LDC Standard	Resulting Bicycle Parking Requirement
Four 1,387 square foot commercial spaces (5,548 total square feet)	10 percent of required vehicle parking spaces or 2 spaces, whichever is greater	2 bicycle parking spaces
Four 2 - Bedroom Single Family Attached Dwellings	1.5 spaces / 2 Bedroom Single Family Attached Dwelling	6 bicycle parking spaces
Total Bicycle Parking Requirement:		8 bicycle parking spaces

Required bicycle parking for the development is 1.5 spaces per residential unit and two spaces for the commercial space within the development. The applicant has shown bicycle parking for the residential units within the secure stairwell area on the ground floor that serves each residential unit. These bicycles will not need to be locked to a rack and will not need to be accessed separately, because they are within a lockable space that serves one residential unit. Therefore, these spaces will satisfy the residential bicycle parking requirement.

Commercial bicycle parking spaces are shown directly in front of each commercial unit, in the area between the new building and the public sidewalk. The applicant has shown two bicycle parking spaces in front of each commercial space, in excess of the LDC requirement. These spaces comply with dimensional requirements and at least one space within each rack will be covered by the continuous awning proposed along the frontage of the building. Thus, at least 50% of the proposed bicycle parking spaces will be covered, in compliance with LDC 4.1.70.d.

Conclusion

The applicant's trip generation study indicates that the proposed development would not generate a significant amount of traffic that would require mitigation in the area. Therefore, traffic impacts from the development are not anticipated to be significant. As conditioned, the proposed vehicle parking will comply with LDC requirements and will adequately serve the proposed development. Enhanced bicycle parking will encourage utilization of the commercial development by alternative modes of transportation.

11. UTILITY INFRASTRUCTURE;

This topic is discussed in detail in the Public Services and Utilities portion of this staff report. Findings and conclusions from that discussion are incorporated by reference as

findings and conclusions under the above criterion. As conditioned in that discussion, this criterion is met.

12. EFFECTS ON AIR AND WATER QUALITY (NOTE: A DEQ PERMIT IS NOT SUFFICIENT TO MEET THIS CRITERION);

The proposed development will not produce emissions of air or water pollutants that would require State or Federal permits. Any water pollutants are mitigated by on-site stormwater treatment systems, as discussed further below. Air emissions are monitored by the Oregon Department of Environmental Quality (DEQ). The DEQ indicates that the City of Corvallis airshed is in compliance with all Federal and State air quality regulations. No significant air or water quality impacts are expected as a result of this proposed development. This criterion is met.

13. DESIGN EQUAL TO OR IN EXCESS OF THE TYPES OF IMPROVEMENTS REQUIRED BY THE STANDARDS IN CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS[1]; AND

As discussed in the section of this staff report regarding compliance with residential and commercial Pedestrian Oriented Design Standards, and as conditioned, the proposed development will provide a design equal to or in excess of the PODS standards. Findings from that discussion are incorporated by reference as findings under the above criterion.

14. PRESERVATION AND/OR PROTECTION OF SIGNIFICANT NATURAL FEATURES, CONSISTENT WITH CHAPTER 4.2 - LANDSCAPING, BUFFERING, SCREENING, AND LIGHTING, CHAPTER 4.5 - NATURAL HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS, CHAPTER 4.11 - MINIMUM ASSURED DEVELOPMENT AREA (MADA), Chapter 4.12 - SIGNIFICANT VEGETATION PROTECTION PROVISIONS, AND CHAPTER 4.13 - RIPARIAN CORRIDOR AND WETLAND PROVISIONS. STREETS SHALL ALSO BE DESIGNED ALONG CONTOURS, AND STRUCTURES SHALL BE DESIGNED TO FIT THE TOPOGRAPHY OF THE SITE TO ENSURE COMPLIANCE WITH THESE CODE STANDARDS.

As noted previously, no significant natural resources or natural hazards are located on the subject site. Therefore, this criterion is not applicable.

b. NATURAL RESOURCES AND NATURAL HAZARDS FACTORS -

1. ANY PROPOSED VARIATION FROM A STANDARD WITHIN CHAPTER 4.5 - NATURAL HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS, CHAPTER 4.11 - MINIMUM ASSURED DEVELOPMENT AREA (MADA), Chapter 4.12 - SIGNIFICANT VEGETATION PROTECTION PROVISIONS, OR CHAPTER 4.13 - RIPARIAN CORRIDOR AND WETLAND PROVISIONS SHALL PROVIDE PROTECTIONS EQUAL TO OR BETTER THAN THE SPECIFIC STANDARD

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1 Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability, of Chapter 4.10 - Pedestrian Oriented Design Standards.

REQUESTED FOR VARIATION; AND

2. **ANY PROPOSED VARIATION FROM A STANDARD WITHIN CHAPTER 4.5 - NATURAL HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS, CHAPTER 4.11 - MINIMUM ASSURED DEVELOPMENT AREA (MADA), Chapter 4.12 - SIGNIFICANT VEGETATION PROTECTION PROVISIONS, OR CHAPTER 4.13 - RIPARIAN CORRIDOR AND WETLAND PROVISIONS SHALL INVOLVE AN ALTERNATIVE LOCATED ON THE SAME DEVELOPMENT SITE WHERE THE SPECIFIC STANDARD APPLIES.**

As noted previously, no significant natural resources or natural hazards are located on the subject site. Therefore, this criterion is not applicable.

Conclusion regarding Compatibility

As conditioned, the proposed development will comply with all applicable compatibility criteria.

D. CIRCULATION

The following discussion addresses criteria related to vehicles, bicycles, pedestrians and transit.

Vehicular Circulation:

Applicable Land Development Code Criteria:

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

a. **Traffic evaluations shall be required of all development proposals in accordance with the following:**
   1. **Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analyses for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.**

e. **Development sites shall be provided with access from a public street or a private street that meets the criteria in "d," improved to City standards in accordance with the following:**
   1. **Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private street is allowed per the criteria in "d", above, the abutting street shall meet all the criteria in "d", above and be improved to City standards along the full frontage of the property concurrently with**

development.

k. Location, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:

8. Right-of-way and improvement widths shall be as specified in the Transportation Plan and Table 4.0-1 - Street Functional Classification System.

SW Western Boulevard

The subject site has frontage along SW Western Boulevard. SW Western Boulevard is designated as an arterial street. The LDC table 4.0-1- Street Functional Classification System, specifies a minimum right-of-way width of 70 ft. This includes 12 ft travel lanes, 6 ft bike lanes, 12 ft planting strips, and 5 ft setback sidewalks. The existing conditions of SW Western Boulevard are a right-of-way width of 75+ ft with a 42 ft roadway that includes 12 ft travel lanes, 5 ft bike lanes, and an 8 ft parking lane on the north side. The southern planting strip is 16 ft and the northern planting strip is 8 ft. 5 ft setback sidewalks exist on both sides. The 5 ft bike lanes are substandard; however, they do meet the minimum width for safety concerns according to footnote 3 of LDC table 4.0-1- Street Functional Classification System. With exception of the existing bike lane width and north side landscape strip, the right-of-way and arterial street improvements meet or exceed the LDC standards. On-street parking is not a typical feature of a standard arterial street.

Trip Generation

A trip generation study was conducted for the proposed development. The report conducted trip generation calculations for the commercial and residential portions of the development site. The trip generation rates for development are based on standards established by the Institute of Transportation Engineers and are published in the ITE Trip Generation Manual, 7th Edition. One "trip" is defined as a vehicle leaving from or arriving at the development.

ITE land use codes for Residential Condominiums/Townhouse and Shopping Center were used in the study. In total, this proposed development would generate 23 PM peak hour trips. The City of Corvallis typically defines an impact as 30 or more peak hour trips to a single intersection. Because the calculated peak hour trip total is lower than the City's threshold, no further analysis is required.

Conclusion on Vehicular Circulation

Given the discussion above, the Western Station development, as proposed, complies with the Transportation Plan and Land Development Code requirements. The existing public vehicular circulation network can accommodate the proposed development consistent with

applicable City criteria.

Bicycle/Pedestrian Circulation:

Applicable Land Development Code Criteria

Section 4.0.30 - PEDESTRIAN REQUIREMENTS

a. Sidewalks shall be required along both sides of all streets, as follows:

2. Sidewalks on Arterial, Collector, and Neighborhood Collector Streets - Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of five ft. wide. An exception to these provisions is that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

3. Sidewalk Installation Timing - The timing of the installation of sidewalks shall be as follows:

a) Sidewalks and planted areas along Arterial, Collector, and Neighborhood Collector Streets shall be installed with street improvements.

d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

f. Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps in existing sidewalks that will be impacted by the development. If such a Contractor Sidewalk/street Stamp exists, it shall either be left in its current state as part of the existing sidewalk, or incorporated into the new sidewalk for the development site, as close as possible to the original location and orientation.

Section 4.0.40 - BICYCLE REQUIREMENTS

a. On-street Bike Lanes - On-street bike lanes shall be required on all Arterial, Collector, and Neighborhood Collector Streets and constructed at the time of street improvements.

Public 5 ft on-street bike lanes exist along the applicant's frontage of SW Western Boulevard. LDC table 4.0-1- Street Functional Classification System, specifies 6 ft bike lanes. Footnote 3 in the same table specifies 5 ft as the minimum width for safety concerns. The current 5 ft bike lanes exist along the adjacent portions of SW Western Boulevard and appear to be functioning well. Staff have found the nexus to construct 6 ft bike lanes but do not find the benefit of 6 ft bikes lanes to be roughly proportional to the cost of removing and replacing concrete curbs and gutters to provide one additional foot of bike lane width.

Public 5 ft setback sidewalks exist along the applicant's frontage of SW Western Boulevard. This meets the LDC requirements. The applicant is proposing to construct new 8.5 ft wide sidewalks adjacent to the proposed building and a 5 ft wide sidewalk west of the proposed driveway. The sidewalk would be set back 12 ft from the roadway.

Setback sidewalks and planter strips are City standards and components of safe public sidewalks that are taken into consideration when determining serviceability. The applicant benefits from these neighborhood street improvements in the form of;

- An enhanced aesthetic experience for pedestrians as the separation from motor vehicle traffic decreases road noise, prevents water from the roadway being splashed on pedestrians and provides an enhanced sense of security.
- An enhanced environment for wheelchair users as the sidewalk can be kept at a constant slope with the steeper slopes for driveway approaches built into the planting strip.
- An area for street trees, sign posts, utility and signal poles, mailboxes, fire hydrants, etc.
- Mature street trees may reduce vehicle speed.
- When wide enough, a place for a motor vehicle to wait out of the stream of traffic while yielding to a pedestrian crossing a driveway.
- A break in hard surfacing with added pervious area.

The applicant should construct the sidewalk improvements adjacent to SW Western Boulevard concurrent with public improvements and consistent with the proposal **(Condition 10)**.

The east and west ends of the proposed sidewalks abut the existing railroad tracks. When permits are applied for and obtained from the railroad, they should specifically address these pedestrian crossings.

Conclusion on Bicycle/Pedestrian Circulation

Given the discussion above, the Western Station development, as proposed and conditioned, complies with the Transportation Plan and Land Development Code requirements. The existing public bicycle/pedestrian network can accommodate the proposed development consistent with applicable City criteria.

Transit

Applicable Land Development Code Criteria:

Section 4.0.50 - TRANSIT REQUIREMENTS

a. **Development sites located along existing or planned transit routes shall, where appropriate, incorporate transit stops and shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the Corvallis Transit System.**

b. **Development sites at or near existing or planned transit stops shall provide safe, convenient access to the transit system, as follows:**
   1. **All Commercial and Civic Use developments shall provide a prominent entrance oriented toward Arterial, Collector, and Neighborhood Collector Streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.**
   2. **All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of Section 4.0.30.b.**

Corvallis Transit System (CTS) Route 6 currently provides service to SW Western Boulevard in the westbound direction. No additional improvements are required with this development.

Conclusion on Transit

Given the discussion above, the Western Station development, as proposed, complies with the Transportation Plan and Land Development Code requirements. The existing public transit network can accommodate the proposed development consistent with applicable City criteria.

Overall Conclusion on Circulation

Given the discussion above, the Western Station development, as proposed and conditioned, complies with the Transportation Plan and Land Development Code requirements.

E. PUBLIC SERVICES AND UTILITIES

The following discussion addresses criteria related to public water, sanitary sewer, storm drainage, street lights and franchise utilities.

Applicable Land Development Code Criteria

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

q. **Development shall include underground electric services, light standards, wiring and lamps for streetlights according to the specifications and standards of the City Engineer. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with such development in accordance with the following:**
   1. **The developer shall coordinate with the City Engineer to determine the location of future street light poles.**
   2. **The streetlight plan shall be designed to provide illumination meeting standards set by the City Engineer.**
   3. **The standard street light installation is a wood pole.**

   The developer shall install such facilities and make the necessary arrangements

with the serving electric utility for the City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon City's acceptance of such development improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.

Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)

a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.
b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrently with development.
c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrently with development.
d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).
e. All required public utility installations shall conform to the City's adopted facilities master plans.
f. Private on-site sanitary sewer and storm drainage facilities may be allowed, provided all the following conditions exist:
    1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
    2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and
    3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.

Section 4.0.100 - LAND FOR PUBLIC PURPOSES

a. Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations.

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

b. Areas Where Trees May Not be Planted -
    1. Trees may not be planted within five ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.
    2. Unless approved otherwise by the City Engineer, trees may not be planted:
        a) Within 10 ft. of fire hydrants and utility poles;
        b) Within 20 ft. of street light standards;
        c) Within five ft. from an existing curb face, except where required for

street trees;

d) **Within 10 ft. of a public sanitary sewer, storm drainage, or water line; or**

e) **Where the Director determines the trees may be a hazard to the public interest or general welfare.**

Water

The proposed development is located in the City's first level water service area (elevation 210-290'). There is an existing 8 inch waterline located in the southern portion of the SW Western Boulevard right-of-way. The applicant has proposed to bank the water meters that will serve the individual units.

The existing public water facility is adequately sized to serve the proposed development.

Sanitary Sewer

The proposed development site is located within the Western Boulevard Basin. A 30 inch by 30 inch cast in place public sanitary sewer is located in SW Western Boulevard.

The existing public sanitary sewer facility is adequately sized to serve the proposed development.

A sanitary sewer of unknown size and material runs through the development site in an easement. It originates in the proposed 7th Street Station site and travels north, under the railroad tracks, under the proposed Western Station site. The applicant has proposed to abandon the sanitary sewer that crosses the site by bursting the pipe and filling the void with grout. It is City policy to physically remove abandoned utilities whenever possible. When the sanitary sewer that traverses the site is abandoned, it and it's related facilities, such as manholes, should be completely removed. The portion of pipe under the railroad's right-of-way should be abandoned as approved by the railroad **(Condition 11)**.

Storm Drainage

The proposed development site is located within the Western Drainage Basin. A 36 inch concrete storm sewer is located in SW Western Boulevard. The applicant is proposing to install a private storm drainage system internal to the site.

The proposed development will be creating more than 5000 ft^2 of pollution generating impervious surfaces and will be required to construct a stormwater quality facility. Water quality facilities shall be designed in accordance with criteria established in Appendix F of the Stormwater Master Plan and the most recent version of the *King County, Washington, Surface Water design Manual*. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9-inch 24-hr rainfall event with NRCS Type 1A distribution **(Condition 12)**.

The applicants have proposed installing a storm water quality manhole that will be

designed to meet the treatment standards that are listed above.

The proposed water quality facilities should be public to ensure on-going maintenance and function. All public storm drainage facilities, including water quality facilities, located outside of public right-of-way should be placed in an easement granted to the City. The minimum required easement width is 15 ft for a single utility and 20 ft for two utilities. All weather accesses must be provided to the facilities **(Condition 13)**.

Water detention facilities are shown on attachment Q of the application. This development will produce less than 25,000 ft^2 of impervious surface. Because there will be less than 25,000 ft^2 of impervious surface created, the City does not require detention facilities as part of the development. If the applicant chooses to install detention facilities they will remain private.

Street Lights

There are existing streetlights on the north side of SW Western Boulevard, directly across from the applicant's site. The existing lighting is sufficient to meet City requirements. The applicant has proposed to install three new historic-style street lamps. With the existing street lights providing the required light for SW Western Boulevard, no additional public street lights will be allowed as part of this development. Additional private lights will be allowed as long as they are fully shielded to prevent glare onto adjacent properties **(Condition 14)**.

Overall Conclusion on Public Utilities

Given the discussion above, the Western Station development, as proposed and conditioned, complies with Land Development Code requirements.

Franchise Utilities

Applicable Land Development Code Criteria:

Section 4.0.100 - LAND FOR PUBLIC PURPOSES

> **b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations.**

Existing franchise utilities are located in the vicinity of the subject site. The applicant has proposed standard 7 ft utility easements in accordance with LDC 4.0.100.

Nexus and Rough Proportionality

The granting of easements, and construction of public improvements, including but not limited to streets, planting strips, sidewalks, and utilities, as cited above, implement legislatively prescribed standards. Nexus and Rough Proportionality findings may not be required. However, given the benefits to the development of the prescribed improvements

cited herein, Staff find that the requirements have nexus and are roughly proportional to the benefits received.

CONCLUSION AND RECOMMENDATION - CONCEPTUAL AND DETAILED DEVELOPMENT PLAN

Based on the criteria, findings, and conclusions discussed above, staff recommend that the Planning Commission **Approve** the request for approval of a Conceptual and Detailed Development Plan as shown in **Attachments A and J**, and as conditioned in this staff report.

PART II

TENTATIVE SUBDIVISION PLAT

Following is an analysis of compliance of the proposed Subdivision Plat with Land Division Standards and other requirements from the Land Development Code. Following each applicable criterion is an analysis of compliance with the criterion.

Applicable Land Development Code Requirements:

Chapter 4.2 - Subdivisions and Major Replats

2.4.30.04 - Review Criteria

b. Residential Subdivisions - Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

As discussed earlier in this staff report, the proposed development complies with all applicable Pedestrian Oriented Design Standards and other applicable development standards, unless a variation was requested to a specific standard through the Planned Development process. Compliance with the Land Division standards in Chapter 4.4 of the Land Development Code is discussed below.

2. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;

As noted previously in this staff report, the site contains no significant natural features or natural hazards. No new streets are proposed with this development. This standard is met.

3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.

As noted in the Land Use portion of the Planned Development review (Part I of this staff report), all proposed uses are outright permitted within the Mixed Use Commercial zone.

> 4. **Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

The subject site is relatively flat; therefore, it is not anticipated that the proposed development would alter the hydrology of the area in any significant way. Stormwater facilities will be adequate to serve the site. This topic is discussed in more detail in the Public Services section of Part I of this staff report. Findings from that discussion are incorporated by reference as findings under the above criterion. This criterion is met.

> **A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.**

The applicant has requested Plan Compatibility Review approval, as required for MUC development in which the residential portion is larger than the commercial portion. Compliance with PCR criteria is discussed in detail in Part III of this staff report.

Chapter 4.4 - Land Division Standards

Section 4.4.20 - GENERAL PROVISIONS

4.4.20.01 - Applicability

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development.

The Mixed Use Commercial District contains no standards for land divisions, only standards regarding where Mixed Use Commercial Districts may be located. That issue was addressed at the time of the Zoning District Change for the subject property.

4.4.20.02 - Blocks

a. **General - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.**

b. **Size - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development.**

Given the constraints of the subject site (surrounded on three sides by railroad tracks, with direct frontage on an arterial street on the remaining side) it is not desirable or feasible to create additional street connections across the existing railroad tracks. The proposed

subdivision will have no negative impact on the size of street blocks in the surrounding area.

4.4.20.03 - Lot Requirements

a. **Size and Shape - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.**

None of the proposed lots would contain part of an existing or proposed street. All lots will be buildable, as illustrated by the Detailed Development Plan. The depth of Lots 2 and 3 is approximately 2.5 times their 22 foot width and Lots 1 and 4 have a depth less than 2.5 times their width. There is no lot size requirement in the MUC District. Parking will be accommodated on the associated Tract A, which will be owned and maintained by the homeowners association for Lots 1 - 4. This standard is met.

b. **Access - Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless:**

1. **The lot is created through a Land Partition or Minor Replat, in which case Section 4.4.30.01, below, shall apply; and/or**

2. **The lot meets the exemption in "a," or "b," below:**

a) **Residential lots involving Single-family Detached; Single-family Attached, two units; or Duplex dwellings, provided:**

1) **Front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path; and**

2) **Vehicular access is provided via an alley.**

b) **Commercial, Industrial, and Residential lots other than those described in "a," above, provided:**

1) **Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path; and**

2) **Vehicular access is provided via an alley.**

Although all four of the proposed lots have street frontage along Western Boulevard, not all of the lots have a frontage of at least 25 feet along the street. This is because the lots have been configured to correspond exactly to the size of the proposed building units on each lot. Consequently, Lots 2 and 3 have lot frontage less than is called for in the standard. The proposed development does not qualify for the exemption explained in

Section 4.4.20.03.b.2, because vehicular access to the site is not provided via an alley, it is provided into a private parking lot that does not meet alley standards. However, it is possible to vary from this platting standard through the Planned Development process. As described in the Planned Development Section of the staff report regarding compensating benefits, it is recommended that the variation to the street frontage standard be allowed in this instance. Based on this analysis, the proposed lots and tract will have adequate street frontage to allow access to the site.

c. **Through Lots - Through Lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft. wide shall be required between Through Lots and adjacent streets, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No vehicular rights of access shall be permitted across this planting screen easement. All Through Lots with frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

No through lots will be created by the proposed plat.

d. **Lot Side Lines - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.**

The proposed lot side lines are at right angles to Western Boulevard. This criterion is met.

e. **Lot Grading - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.**

There is no significant vegetation on the proposed lots. Excavation and grading permit requirements will ensure that all other applicable excavation and fill provisions of the City will be followed.

f. **Building Lines - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.**

Building setback lines are not shown on the proposed plat, but they are not required to be shown, per the above language.

g. **Large Lots - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.**

The small lots to be created through this land division are not anticipated to be further divided. A conversion plan is not required.

h. **Minimum Assured Development Area - For property with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, lots created through a Subdivision, Partition, or Lot Line Adjustment process shall be consistent with the provisions of Chapter 4.11 -**

Minimum Assured Development Area (MADA) are met.

As noted previously, there are no significant natural features or natural hazards on the subject site. Therefore, this provision does not apply.

Conclusion

The proposed Subdivision Plat complies with all applicable standards, as modified through the Planned Development process.

PART III

PLAN COMPATIBILITY REVIEW

Following is an analysis of compliance of the proposed Plan Compatibility Review with applicable decision criteria. Following each applicable criterion is an analysis of compliance with the criterion.

Applicable Land Development Code Requirements:

From the 1993 Land Development Code, as amended:

Chapter 3.20 - Mixed Use Commercial District

Section 3.20.40 - DEVELOPMENT CRITERIA AND REQUIREMENTS

The following provisions identify development standards within the MUC District. Additional flexibility (e.g. alternative design options) is provided through the Planned Development (Chapter 2.5), Lot Development Option (Chapter 2.12) and Planned Compatibility Review (Chapter 2.13) processes, as provided below:

3.20.40.01 - Preservation of Commercial Land Supply

c. Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial uses(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.

Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.

Because the proposed development includes approximately 6,880 square feet of residential area and only 5,548 square feet of commercial area, Plan Compatibility Review approval is required, per 1993 LDC 3.20.40.01.c, as amended.

From the 2006 Land Development Code:

Chapter 2.13 - Plan Compatibility Review

Section 2.13.20 - PURPOSES

Procedures and review criteria for Plan Compatibility Review are established for the following purposes:

a. Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;

b. Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers;

preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;

c. **Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper attention be given to the exterior appearance of structures, signs, parking areas, landscaping, and other improvements;**

d. **Protect and ensure adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area;**

e. **Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and**

f. **Promote and encourage energy conservation .**

2.13.30.05 - Review Criteria

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

a. **The proposed development shall be in conformance with the purposes of this Chapter;**

The proposed development is consistent with the purposes for a Plan Compatibility Review, as stated above. The mixed use, live/work style building is an innovative type of development in Corvallis. The design makes efficient use of an oddly configured parcel, and optimizes its location on an arterial street surrounded by relatively dense neighborhoods to provide a small, neighborhood-oriented commercial development. This type of development would contribute to the diversity and vitality of the neighborhood, while allowing for limited commercial amenities to be located in close proximity to established residential areas. The requested Plan Compatibility Review would allow the square footage of the proposed residential units associated with each commercial unit to exceed the commercial square footage (1,387 square feet of commercial space per unit vs. 1,720 square feet of residential space per unit). Given the site's access and parking area constraints, reducing the amount of commercial area on the site relative to residential area will serve to reduce parking and traffic impacts of the development on adjacent neighborhoods. Based on this analysis, the proposed development is consistent with the Plan Compatibility Purposes.

b. **Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;**

A thorough analysis of the proposed development's compatibility with neighboring land uses, including all issues cited above, is contained in the Conceptual and Detailed

Development Plan portion of this staff report. That analysis found that, as conditioned, the proposed development would not have substantial impacts on neighboring land uses. Findings from that analysis are incorporated by reference as findings under the above criterion. Staff note that the proposed development would be located at least 150 feet from existing residential development to the west and more than 90 feet from existing residential development to the east. Although the proposed building will contain four stories, the physical separation of the development from adjacent residential areas will ensure that privacy, views, and light on neighboring developed lots will not be significantly impacted by the proposed development. This criterion is met.

c. The proposed development shall not adversely affect traffic, parking, and access; and

Similarly, the impacts of the proposed development upon traffic, parking, and access were analyzed in the Conceptual and Detailed Development Plan portion of this staff report. That analysis found that, as conditioned, the proposed development would not have substantial impacts on traffic, parking, or access in the area. All parking required by the development will be provided on the development site. Findings from that analysis are incorporated by reference as findings under the above criterion. This criterion is met.

d. Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

As noted previously, the development site does not contain any significant natural features or hazards. This criterion is not applicable.

<u>Conclusion</u>

The proposed Plan Compatibility Review is consistent with all applicable decision criteria.

RECOMMENDED MOTIONS AND CONDITIONS OF APPROVAL

RECOMMENDED MOTION FOR APPROVAL OF A CONCEPTUAL AND DETAILED DEVELOPMENT PLAN

Motion: **I move to approve the proposed Conceptual and Detailed Development Plan (PLD08-00009), to allow development of Western Station, as shown on Attachments A and J of the October 3, 2008, Staff Report. My motion is based upon the staff recommendation to the Planning Commission.**

RECOMMENDED MOTION FOR APPROVAL OF A TENTATIVE SUBDIVISION PLAT

Motion: **I move to approve the proposed Tentative Subdivision Plat (SUB08-00005), as shown on Attachments A and J of the October 3, 2008, Staff Report. My motion is based upon the staff recommendation to the Planning Commission.**

RECOMMENDED MOTION FOR APPROVAL OF A PLAN COMPATIBILITY REVIEW

Motion: **I move to approve the proposed Plan Compatibility Review (PCR08-00002), as discussed in the October 3, 2008, Staff Report and Attachment J. My motion is based upon the staff recommendation to the Planning Commission.**

Recommended Conditions of Approval

The following conditions of approval have page references on the left side which indicate where in the staff report discussion and analysis is made relative to that specific condition.

Pg # Ref	Cond #	CONDITIONS
all	**1**	Consistency with Plans - Development shall comply with the plans identified in **Attachments A and J** of the staff report, unless a requested modification otherwise meets the criteria for a Minor Planned Development Modification. Such changes may be processed in accordance with Chapter 2.5 of the Land Development Code.
20, 39, 46, 47, 52, 53	**2**	Landscape Plans: a. Landscape Construction Documents - Prior to issuance of building permits, the applicant shall submit for review and approval by the Development Services Manager, landscape construction documents for this site which contain a specific planting plan (including correct plant names in the Latin format) for proposed landscaping, trees, shrubs, and groundcover. Plans for an automatic irrigation system to irrigate this landscaping shall also be submitted for review and approval. The plans may be submitted to Development

		Services staff for review. The detailed landscape plans shall be generally consistent with the landscape plans submitted for land use approval, with the exception of the following required changes: 1. Required street trees along the south side of Western Boulevard shall be specified and planted at a minimum caliper size of 2.25 inches at time of planting. All proposed street tree species shall be reviewed by the City Forester and Public Works staff to ensure that the proposed trees will not conflict with overhead utility lines nor interfere with vision clearance requirements at all associated intersections. 2. As proposed by the applicant, special planting techniques shall be specified and utilized at the time of planting for all parking lot and buffer trees that will not be located within the standard 10-foot-wide planting areas. b. <u>Landscape Maintenance Bond</u> - All required landscaping for the development shall be planted or financially secured prior to issuance of an occupancy permit for the new building. All required landscape areas shall be designed to achieve a minimum of 90% ground coverage within 3 years. A 3-year maintenance bond for all required plantings shall be provided prior to the City's on-site approval of the plantings. The landscape bond shall be submitted to Development Services staff for review.
23, 40, 50	**3**	<u>Lighting</u> - To minimize lighting impacts to the surrounding areas, the applicant shall only use full-cut-off lights for all site lighting. Outdoor site lighting fixtures shall not cast glare onto adjacent properties. Submitted building permit plans shall include details of fixture designs to ensure this standard is met.
30	**4**	<u>Service Area and Roof-Mounted Equipment Screening</u> - Compliance with LDC requirements shall be demonstrated through review of submitted building permit plans. Building permit plans, including any future applications to add roof-mounted or ground level equipment to existing facilities, shall demonstrate that all proposed equipment will be adequately screened in compliance with the requirements of LDC Section 4.10.60.05.
41	**5**	<u>Ground Floor Windows</u> - The ground floor windows for the four commercial spaces along the development's northern facade shall not utilize glass with an opacity greater than 60 percent. These

		required ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall, as required by LDC Section 4.10.70.05.b.6(a)2.
41	**6**	Mezzanine Windows - At the time of building permit submittal, the applicant shall revise the design of the western facade at the mezzanine level to incorporate a windowed area representing at least 20% of the mezzanine-level facade, in compliance with LDC 4.10.70.05.b.6(b).
46, 50	**7**	Acoustic Buffering in East Wall - As proposed by the applicant, building permit plans shall include construction methods for the east wall of the proposed building to mitigate noise from the adjacent railroad line. The east wall of the building shall be constructed with acoustical sealant at the joints, staggered studs at the exterior wall on a single plate, interior steel hat channels over studs with a double layer of interior sheet rock, and triple pane glazing for the windows that face the railroad tracks.
57	**8**	Limited Commercial Uses - To ensure that parking requirements shall be met on-site, only commercial uses with a parking requirement of one space per 400 square feet or lower (e.g. 1 space/600 square feet), per the Land Development Code, shall be allowed to locate within the commercial units at Western Station.
all	**9**	Public Improvements - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.
63	**10**	Public Sidewalk/Landscape Strip Improvements - The applicant shall construct all sidewalk and landscape stip improvements adjacent to SW Western Boulevard concurrent with public improvements and consistent with the proposal.

66	**11**	Sewer Abandonment - Concurrent with public improvements, the sanitary sewer that traverses the site shall be abandoned. The sewer and it's related facilities, such as manholes, shall be completely removed. The portion of pipe under the railroad's right-of-way shall be abandoned as approved by the railroad.
66	**12**	Public Water Quality Facility Design & Maintenance - As part of the plans for public improvements the applicant shall provide engineered calculations for storm water quality facilities. The water quality facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9" 24-hr rainfall event with NRCS Type 1A distribution.
67	**13**	Public Drainage - All public storm drainage facilities, including water quality facilities, located outside of public right-of-way shall be placed in an easement granted to the City. The minimum required easement width is 15 ft for a single utility and 20 ft for two utilities. All weather accesses shall be provided to the facilities.
67	**14**	Street Lights - No additional public street lights will be allowed as part of this development. Additional private lights will be allowed as long as they are fully shielded to prevent glare onto adjacent properties.

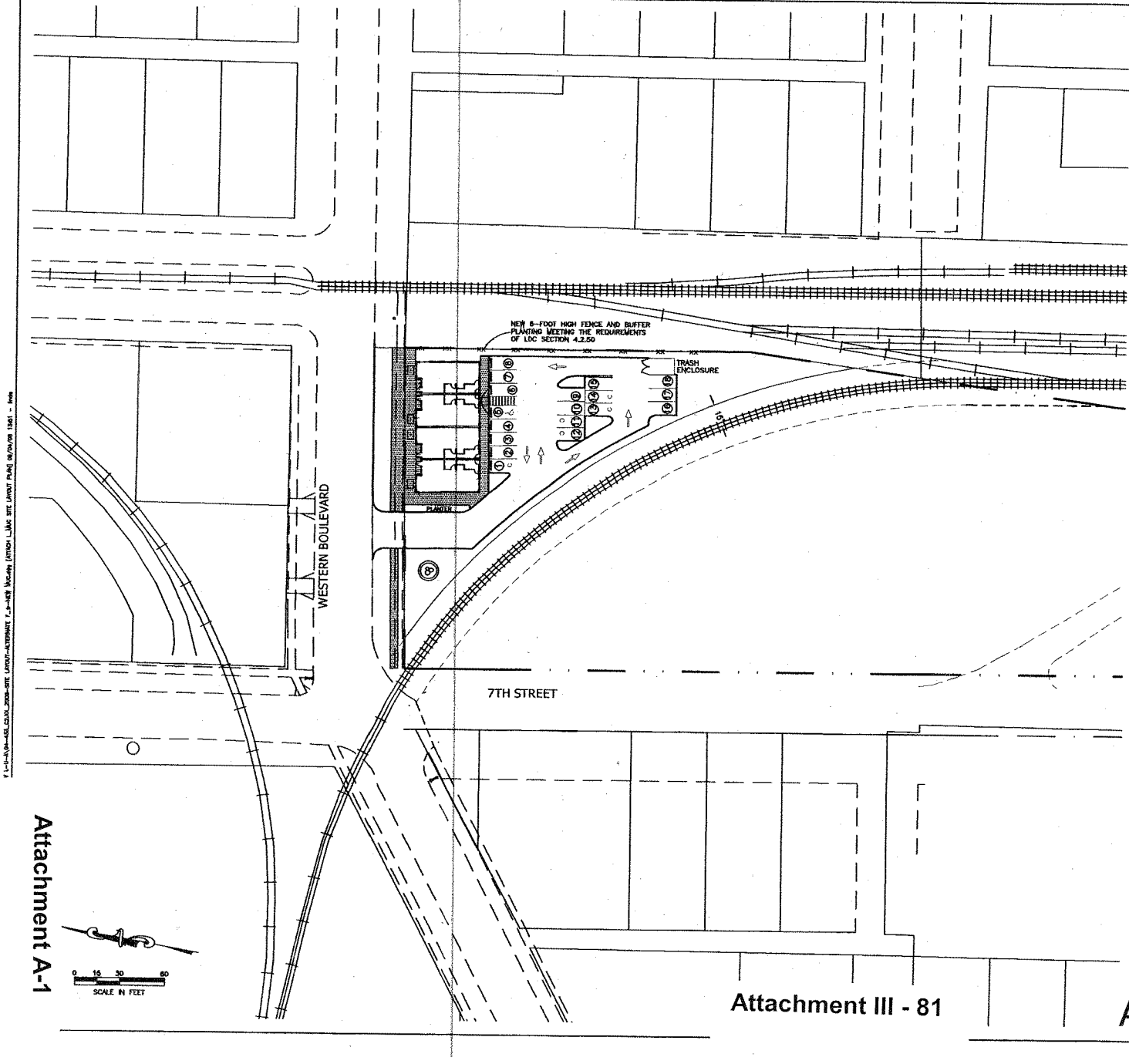
Development Related Concerns:

A. Mailbox Locations - Mailbox locations shall be coordinated between the developer and the Post Office as part of the public improvements construction process.

B. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Department for review and approval.

C. Infrastructure Cost Recovery - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

D. Work in Railroad Right-of-Way - Any work done in the railroad right-of-way should be done in accordance to any applicable railroad standards. If permits are required from the railroad, they should be obtained before commencing any work in the railroad right-of-way.



MUC:

GROSS LAND AREA: 22,056 SQ.FT.
(0.51 ACRES)
(RR Easement not included in area above)

TOTAL DWELLING UNITS: 4 LIVE/WORK

DENSITY: 4 UNITS / 0.51 ACRES = 8 UNITS/ACRE

GREEN SPACE

1) Ground Level (undeveloped area in RR Easement not included in area above)	7,664 sq.ft.
2) Decks None Included	
TOTAL GREEN SPACE AREA (Excluding undeveloped area in railroad easement)	7,664 sq.ft.
Green Space as percentage to Gross Area	35%

LOT COVERAGE OF BUILDING AND STRUCTURES

3,605 sq.ft.
16.3 % of Gross Land Area

COMMERCIAL USE	
GROUND FLOOR	3,440 sq.ft.
MEZZANINE	2,108 sq.ft.
Commercial use as percentage to Gross Area	25%

No.	REVISION:	DATE:

DEVCO ENGINEERING INC.
Corvallis Oregon
(541) 757-0991
240 SW CONNELL AVE, SUITE 200
CORVALLIS, OR 97333
WWW.DEVCOENGINEERING.COM

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PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: DETAILED DEVELOPMENT PLAN

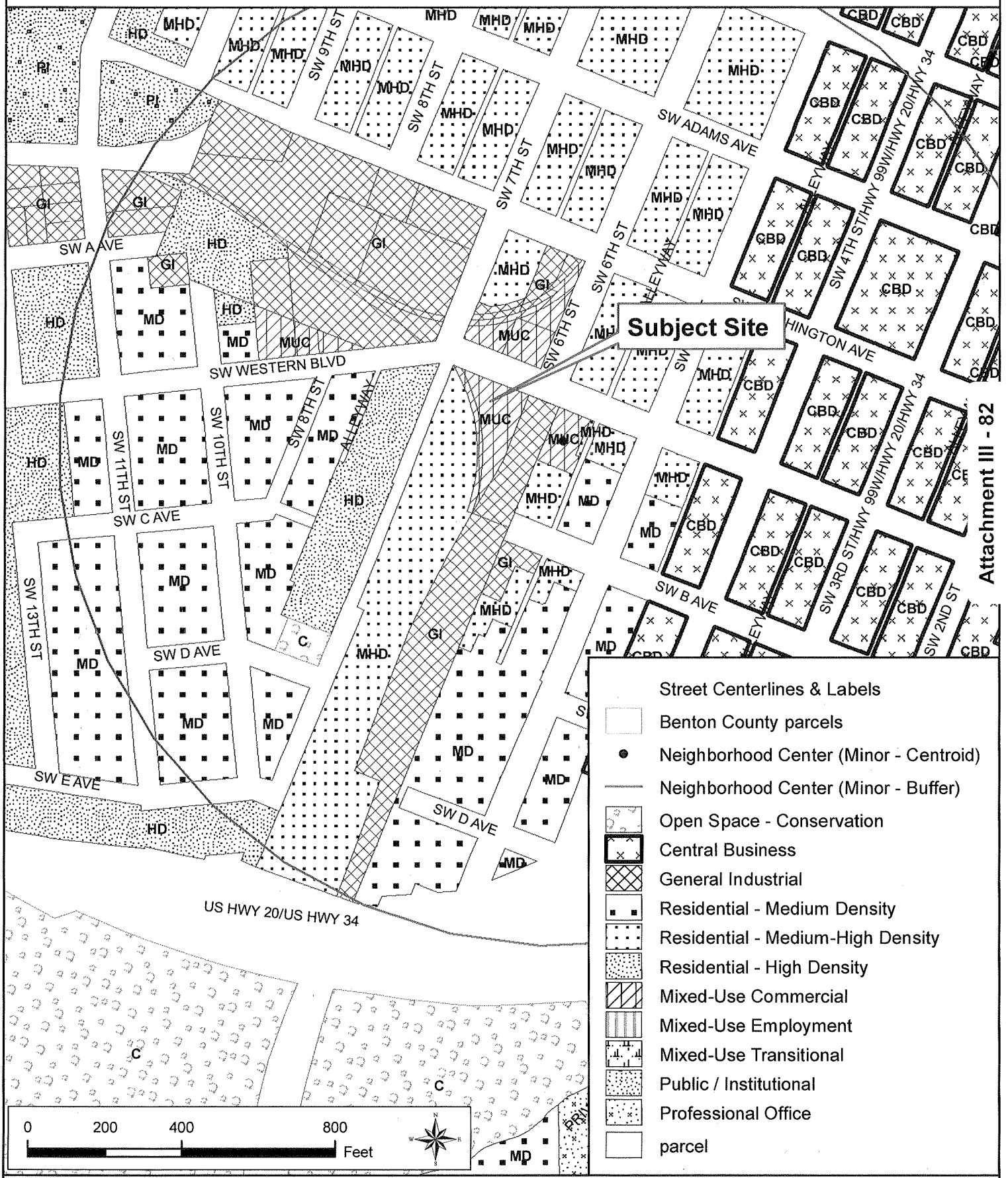
JOB NO.	04-433
ISSUED:	09/04/08
DRAWN BY:	DEVCO

Attachment A-1

Attachment III - 81

ATTACHMENT "L"

Comprehensive Plan Map



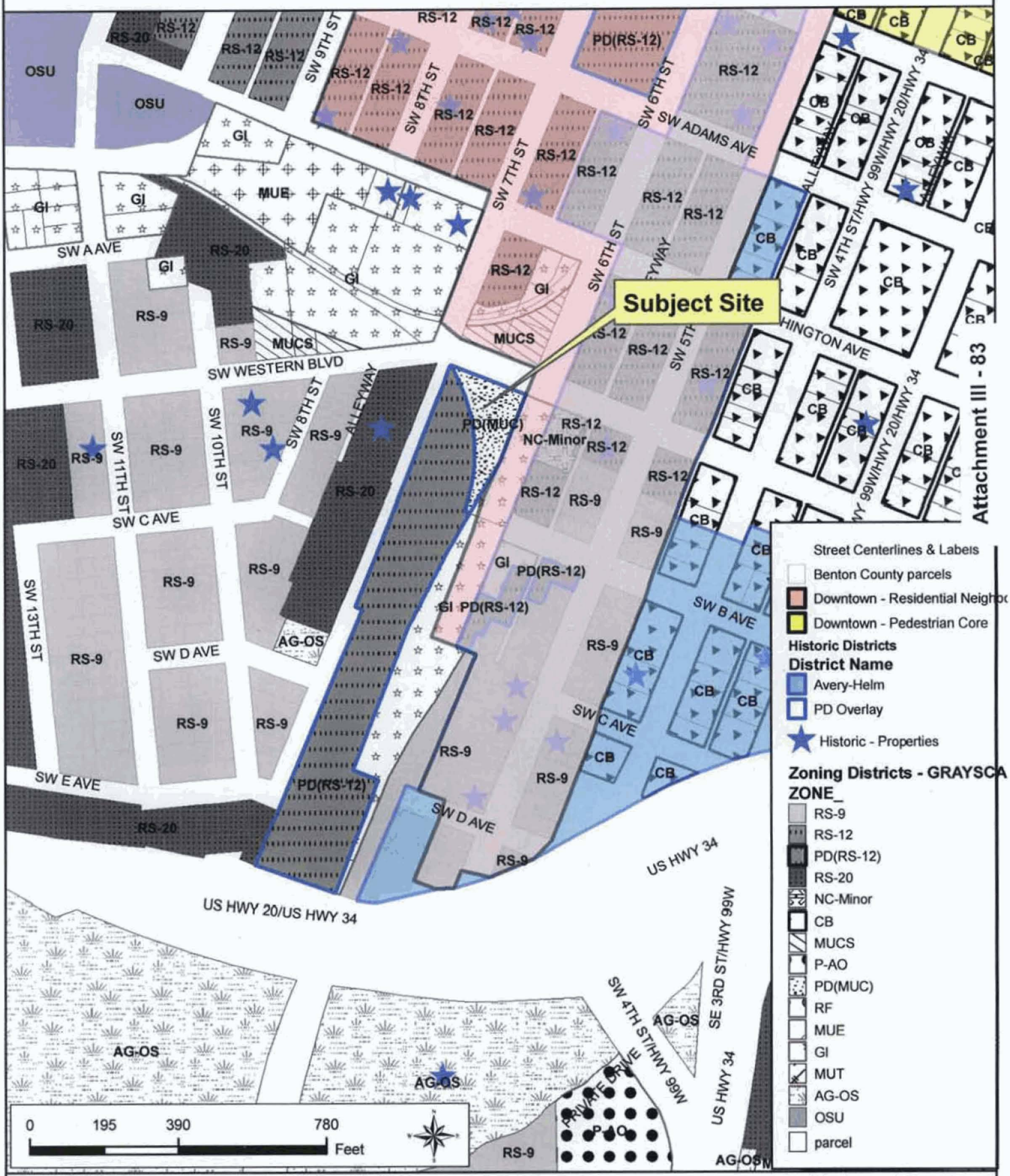
CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

Western Station
PLD08-00009, et. al.
ATTACHMENT B-1

Zoning Map



Attachment III - 83

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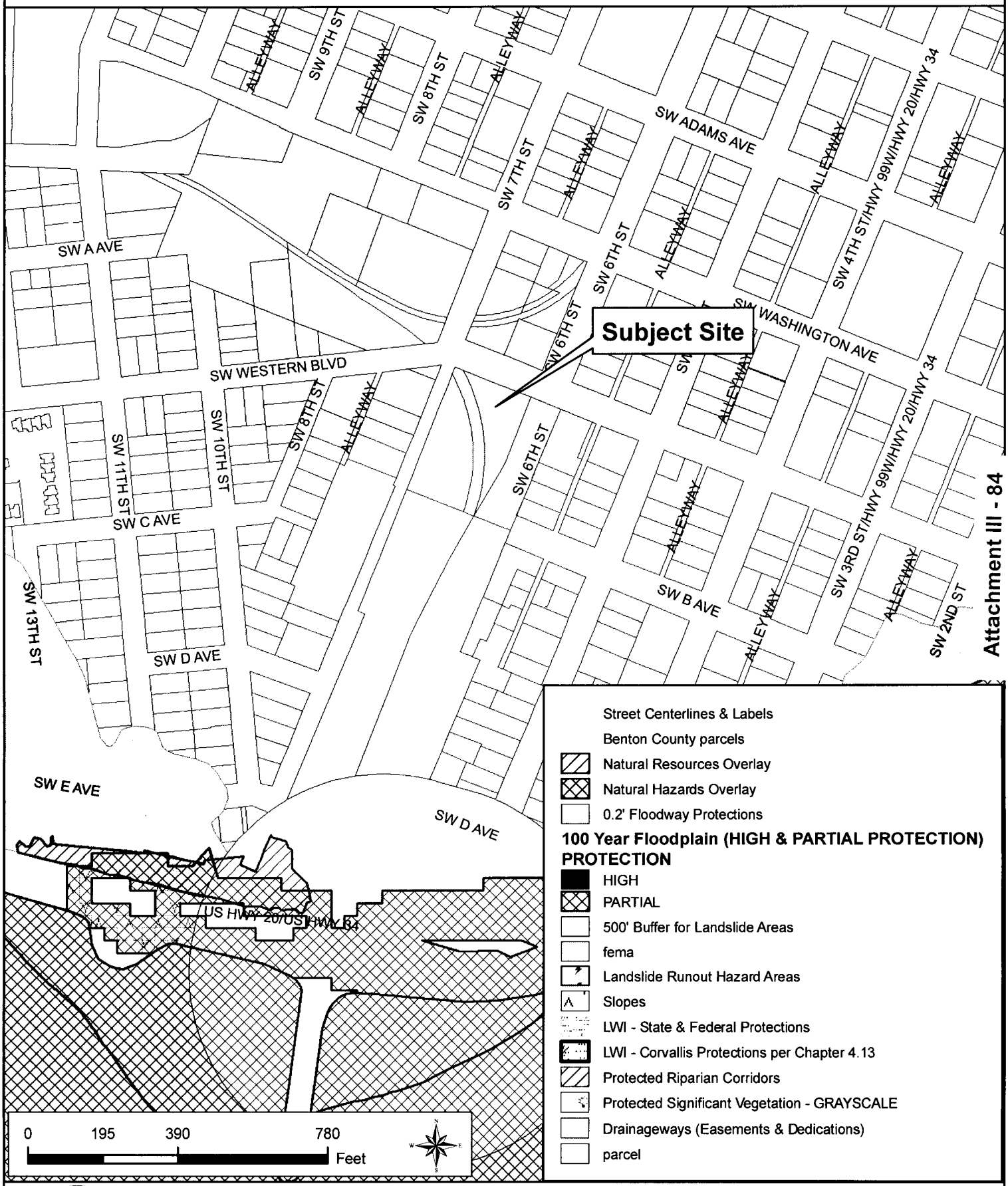
Western Station
PLD08-00009, et. al.
ATTACHMENT C-1

Natural Features Map



Attachment III - 84

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Western Station
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ATTACHMENT C-2

Existing Conditions Map

Attachment III - 85

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Corvallis, OR 97333

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Western Station
PLD08-00009, et. al.
ATTACHMENT D-1

Preferred Alternative

A number of alternative plans were developed and evaluated during the process. Alternative D presented on March 20, 2002 best characterized the preferences of neighborhood stakeholders and Dickerhoof Properties (property owner/developer). This alternative was carried forward with refinements as the Final Concept Plan.

Final Concept Plan Summary

Retail		4,200 sf
Residential*		88 units
Townhouse	13 units	
Rowhouse	19 units	
Condominium	56 units	

*All are proposed as ownership units

Site Area: 6 acres

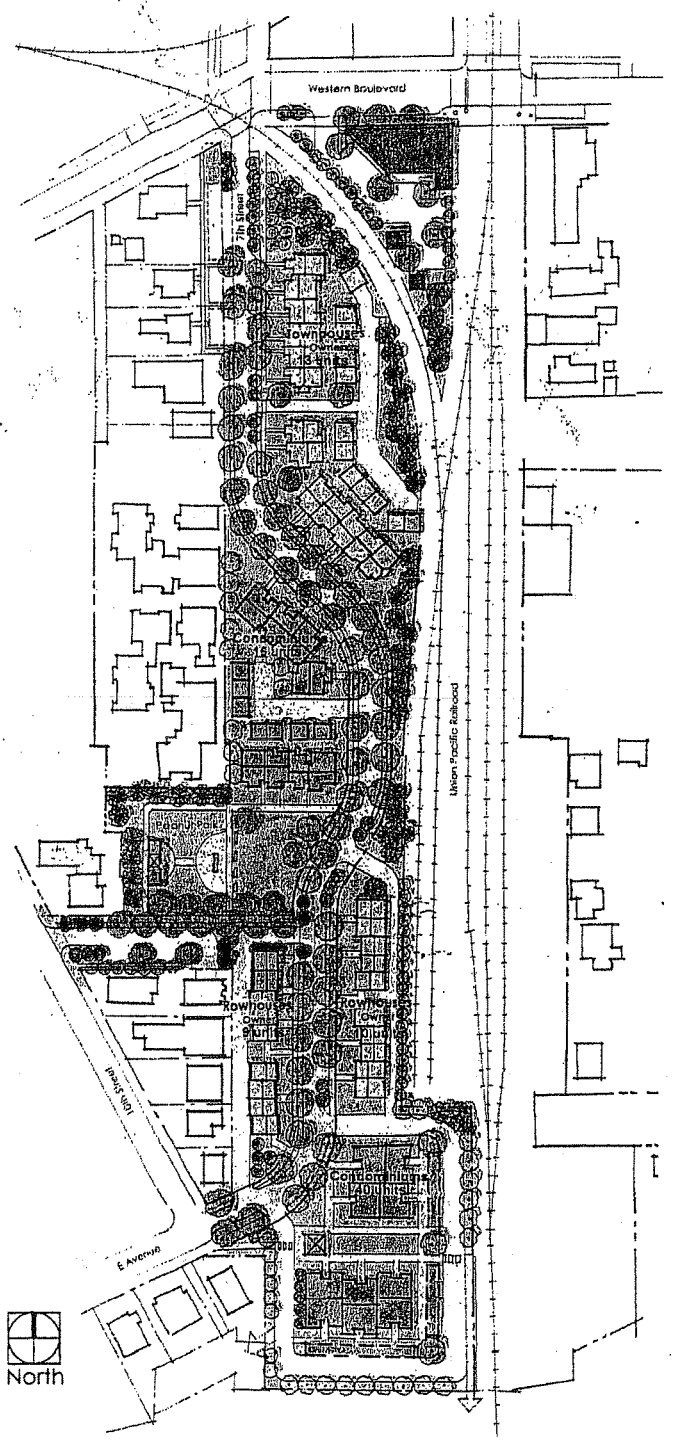
Current Zoning: General Industrial

Proposed Zoning:

- RS-12 District (medium-high density)
- Mixed Use Commercial at northeast triangle

Evaluation of Concept Plan

The checklist on to the right shows how the Final Concept Plan rated against criteria based on TGM project objectives and stakeholder input.



Final Concept Plan Illustrative

Attachment III - 86

Attachment E-1

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 2003-58

CASE: **Seventh Street Station** (Case # CDP01-00005, ZDC03-00005, PLD03-00005, and MLP03-00005)

TOPIC Review of an application for a Comprehensive Plan Amendment, Zoning District Change, Conceptual Development Plan, and Minor Land Partition.

LOCATION: The subject property is located on the south side of Western Boulevard, on the east side of 7th Street, north of Highway 20/34, and west of the Willamette and Pacific Rail Line and 5th Street. The property is also identified on Assessor's Map 12-5-2-BB, as Tax Lot 16000.

APPLICANT/ OWNER : Dickerhoof Properties
P.O. Box 1583
Corvallis, OR 97339

DECISION: The Corvallis Planning Commission conducted a review of the above case on May 21, 2003. The Planning Commission forwarded a recommendation of approval to the City Council regarding the Comprehensive Plan Amendment; approved the District Change request, contingent on Council approval of the Comprehensive Plan Amendment; and approved the Conceptual Development Plan and Minor Land Partition requests with the attached Conditions of Approval. The Planning Commission has adopted the findings contained in the portions of the May 21, 2003, minutes that demonstrate support for its decisions, as well as from the May 14, 2003, staff report.

The Commission's decision regarding the Comprehensive Plan Amendment is not appealable, as it is a recommendation only. If you are an affected party and wish to appeal any of the Commission's decisions regarding the District Change, Conceptual Development Plan, or Minor Land Partition requests, appeals must be filed, in writing, with the City Recorder within 12 days from the date that the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.
5. Filing fee of $200.00.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

Kirk A. Bailey

Kirk Bailey, Chair
Corvallis Planning Commission

Signed this 23 day of May, 2003.

Attached: Conditions & Map

Conditions of Approval

1	Consistency with Plans - Development shall comply with the plans identified in Attachments H and N of the staff report, except as modified by the conditions below or unless a requested modification otherwise meets the criteria for a minor modification. Such changes may be processed in accordance with Chapter 2.5 of the Land Development Code.
2	Scope of Conceptual Approval - The approved scope of the Conceptual Development Plan is as follows, all other necessary development details shall be resolved through the Detailed Development approval process: a. Location of a 2-story commercial building on the northern, MUC-zoned property. Details of building size, building design and orientation, parking lot layout, landscaping plan, number of parking spaces, and uses allowed within the building should not be considered to be resolved by this approval. b. Location of up to 91 townhouse or condominium dwelling units on the residential portion of the site. The applicant is encouraged to locate the denser portion of the residential development in the northern portion of the residential area. c. Alignment of Seventh Street in the proposed configuration, and as conditioned in this decision, with connections at Western Boulevard and "E" Avenue, and no connection to "D" Avenue. Potential pedestrian connections to the sidewalk system within the Seventh Street right-of-way, and other potential public improvements, should not be considered to be resolved in this approval, except as depicted in Attachment L.
3	Pedestrian Connection to "D" Avenue - In lieu of a full street connection at 7th Street and "D" Avenue, an 8-foot wide path shall be provided to provide pedestrian and bicycle connections between 7th Street and "D" Avenue. This shall be reflected in Detailed Development Plans.
4	Issues to be Addressed in Detailed Development Review - The submitted Detailed Development Plan(s) for the proposed development shall address the following issues (as well as other issues and applicable criteria at the time of submittal): a. Parking - As noted later in this report, it is not possible to determine the parking requirement for the proposed buildings at this time. Additionally, the decision to provide a public street with no on-street parking will mean that there will not be any convenient nearby location for overflow parking to serve the proposed development. Recent experience with multi-dwelling developments in Corvallis suggests that there is some need for "overflow parking" above the minimum requirement. The applicant shall be aware that this consideration, in addition to code requirements for on-site parking, may limit the density of the development below the proposed 91 units. One option might be to widen the new portion of 7th Street to allow for parking on one side of the street. The need for vehicular parking shall be balanced with the fact that residents of the proposed development will be less auto-dependent because of its close-in location, and pedestrian-, bicycle-, and transit-friendly

	design. Bicycle parking shall also be reviewed at the time of Detailed Development Plan approval. b. Pedestrian/Bicycle Connection to Pioneer Park - The potential exists to develop a multi-use path adjacent to the Southern Pacific rail line and under the overpass of State Highway 20/34 to provide a public connection between the development and the path along the Mary's River in Pioneer Park. This might be developed similarly to the path underneath Highway 99 at the end of Cornell Avenue. The Detailed Development Plan shall consider the feasibility of this connection and shall consider providing a public access connection through the site to the southeast corner to facilitate a potential linkage in the City's network of public pathways, and to benefit future residents of the site . c. Solar Orientation - As noted above, Detailed Development plans shall address compliance with solar access requirements. Designs shall provide solar-oriented buildings to the maximum extent practicable and shall provide alternate solar access performance standards if strict adherence to the Code Standards cannot be achieved. d. Connection/Enhancements to Peanut Park - Detailed Development Plans will need to provide a multi-use path connection to "D" Avenue, as required in Condition 3. This connection shall be made to also facilitate access to Peanut Park. Since the applicant requests approval to utilize a portion of the 7th Street right-of-way for parking, it may be appropriate to require the applicant to improve the portion of right-of-way near the parking area that abuts Peanut Park with park improvements and/or landscaping. e. Buffer from Industrial Property to the East - Because the Southern Pacific rail yard to the east of the site is pre-existing and will presumably continue to be utilized for railroad purposes, the Detailed Development Plan shall incorporate buffering provisions from the rail line, which may include fencing, sound buffering, and/or other measures. The buffer shall compensate for the buffer required for industrial development by Land Development Code Section 3.24.30.02. Measures shall be instituted to require that property owners and residents of the development are made aware of the continuing operations of the rail yard to the east, at all hours of the day. These measures might include provisions in title documents and CC & R's for the development, as well as other measures. f. Lighting and Signage - Lighting and signage for the proposed development shall be evaluated through the Detailed Development approval process. g. Site Landscaping - Landscaping for the development shall be evaluated through the Detailed Development approval process.
✓5	Setback for Three Story Buildings - To enhance compatibility with adjacent development, any proposed three-story condominium buildings shall be setback at least 50 feet from the western property boundary or far edge of right-of-way (whichever is furthest from the new building).
6	Tree Preservation - Detailed Development Plans shall address the preservation of significant trees on the site. The trees should be preserved unless extenuating circumstances require their removal. Preservation of the trees shall entail installation of tree preservation fencing and the protection of the trees' critical root zones. Detailed Development Plans shall also indicate if additional significant trees are present in the southwestern corner of the development site, and

	if so, shall preserve these trees, unless extenuating circumstances require their removal.
✓7	Parking Maintenance Agreement - Concurrent with development, and prior to issuance of any certificates of occupancy, the developer shall record a maintenance agreement indicating that the Homeowner's Association is responsible for maintenance of the access drive and parking within the existing public right-of-way. Additionally, the agreement shall specify that the portion of parking located within the public right-of-way must remain open to the public and cannot be reserved for condominium parking. The agreement shall be subject to the review and approval of the City Engineer and Community Development Director.
8	Residential Access to 7th Street - Future detailed development plans shall address provision of residential driveway approaches onto 7th Street for the existing residences that currently access 7th Street.
✓9	'E' Avenue Improvements - Future detailed development plans shall include a street cross-section for 'E' Avenue with detailed information on the proposed paved median. The paved median treatment shall be carefully evaluated due to potential maintenance issues.
10	Future Traffic Studies - In recognition of the unique constraints of this site, and in order to ensure a thorough analysis of traffic issues, all detailed development plans shall evaluate transportation system capacity issues by including a Traffic Impact Study that evaluates level of service, including any necessary mitigation, for affected intersections.
11	ODOT Approvals - Prior to issuance of any construction permits, the developer shall submit written verification of ODOT approval for any and all street construction work within 500 feet of a railroad crossing.
12	Pedestrian Circulation - Future detailed development plans shall provide for connection/incorporation of established pedestrian routes along the west side of 7th Street.
13	Drainage Options - The applicant's proposal to route the developed storm water flows south to the Mary's River is one of two options available to serve the site. The second option is to split the developed storm water flows such that a portion of the development site drains south to the Mary's River and a portion of the development site drains north to the large storm drain line in Western Boulevard. Future detailed development plans shall evaluate both options, addressing the following factors: Detention Factors Storm water discharge directly to the Mary's River may not require detention if the conveyance mechanism: 1) is non-drainageway; 2) has adequate capacity for at least a 10-year storm; 3) will not adversely affect downstream properties; and, 4) appropriate easement(s) can be obtained for the storm water

	flows. If detention is required, the applicant shall evaluate the feasibility of installing private detention systems within the private parking lots in order to reduce the extent of oversized pipe within the public right-of-way. Detention facilities shall be designed to match pre and post development flows for the 2-year through the10-year storm events. <u>Water Quality Factors</u> Trapped catch basins shall be provided in all private parking lot areas. As proposed by the applicant, ground water recharge (infiltration) shall be considered when designing the storm drainage facilities. Additionally, the applicant shall examine the feasibility of incorporating water quality swales (perhaps through the buffer areas along the site's eastern property boundary) into the storm drainage facility design.
14	<u>Public [or Private] Detention Facility Design</u> - As part of the plans for public improvements [or building permits] the applicant shall provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that the storm drainage facilities are designed to match pre and post development flows based on the 2-year through the 10-year storm event. The detention facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting detention requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The detention analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.
15	<u>Public Detention Facility Maintenance</u> - All detention facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for storm water facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the detention facilities are accepted by the City.

16	Public [or Private] Water Quality Facility Design - As part of the plans for public improvements [or building permits] the applicant shall provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.
17	Public Water Quality Facility Maintenance - All water quality facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for storm water facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the water quality facilities are accepted by the City.
18	Partition Requirements - the following requirements shall be addressed, as specified: a. Development on each of the proposed parcels shall be consistent with the approved Conceptual Planned Development (PLD03-00005) for the subject property. b. Partition plats shall contain a certificate signed by the County Assessor or Tax collector certifying that the taxes on the property being partitioned have been paid as required. c. A partition plat for the land partition shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapters 92 and 209. The plat shall conform to the partition standards established by the County Surveyor. d. The notarized signatures of the legal owners of the property shall be affixed to the partition plat. e. This approval is valid for one year. If the partition plat is not filed within that time period this approval shall be null and void. f. The City of Corvallis requests that the applicant provide an electronic version of the partition plat, including all required revisions, at the time that the final version of the partition plat is routed through the City for required signatures.

	g. Prior to final plat, the applicant shall install a sanitary sewer service for the newly created parcel.
19	Plans for Public Improvements - Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The plans shall conform to the City of Corvallis Standard Construction Specifications; shall incorporate standard public utility easements; and shall be accompanied by engineered calculations supporting proposed line sizing.

DEVELOPMENT RELATED CONCERNS

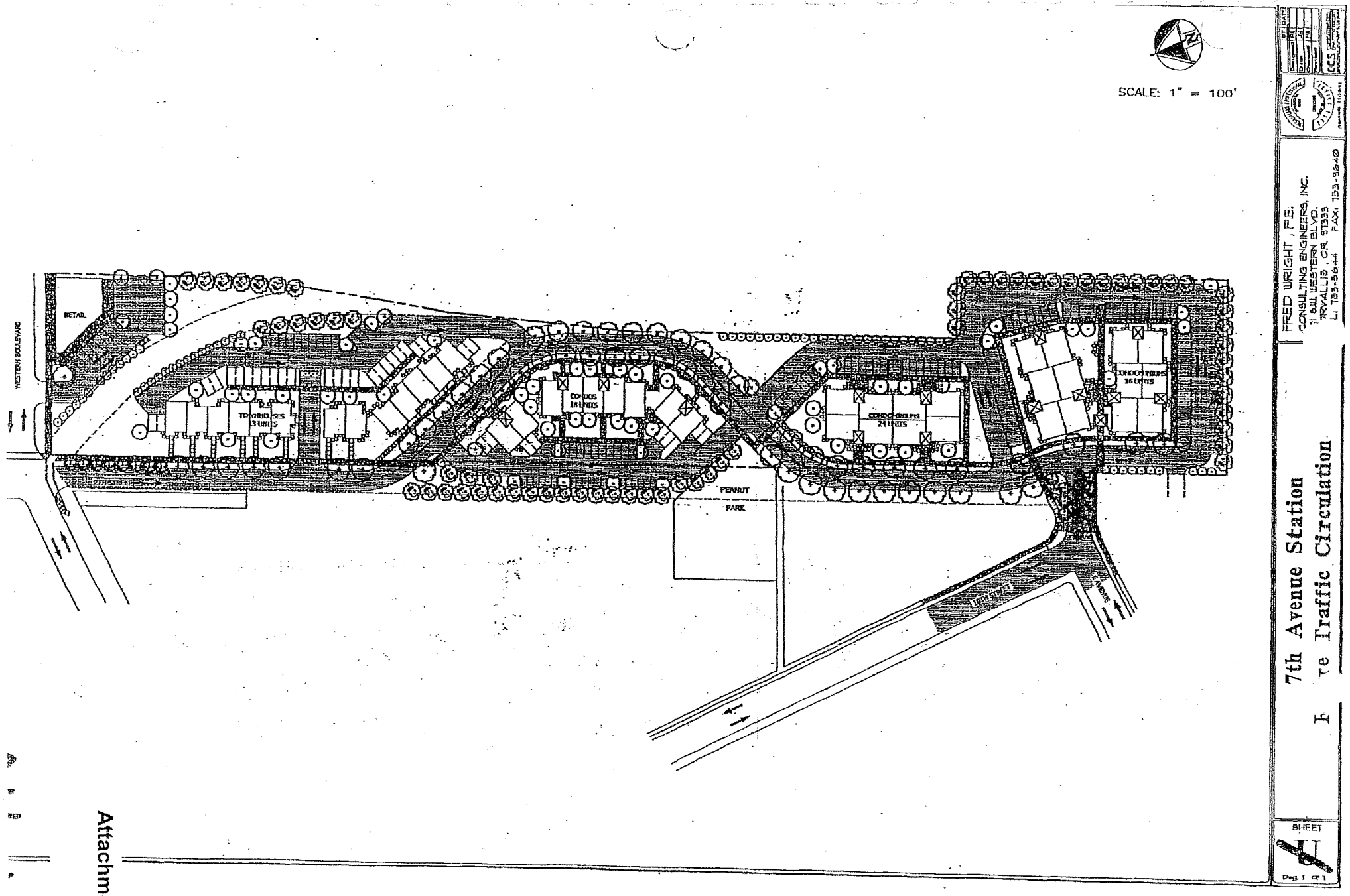
A. Commercial Access Drives - Future detailed development plans shall include standard commercial approaches for the retail portion of the site and for all private access drives/parking lots off 7th Street.

B. Excavation and Grading Permit - Prior to issuance of any construction permits, the applicant will be required to obtain an excavation and grading permit from the City's Development Services Division. Included in the site excavation and grading plan shall be the submittal of a site erosion control plan that identifies methods and materials to be used during site development to control and/or mitigate potential site erosion impacts.

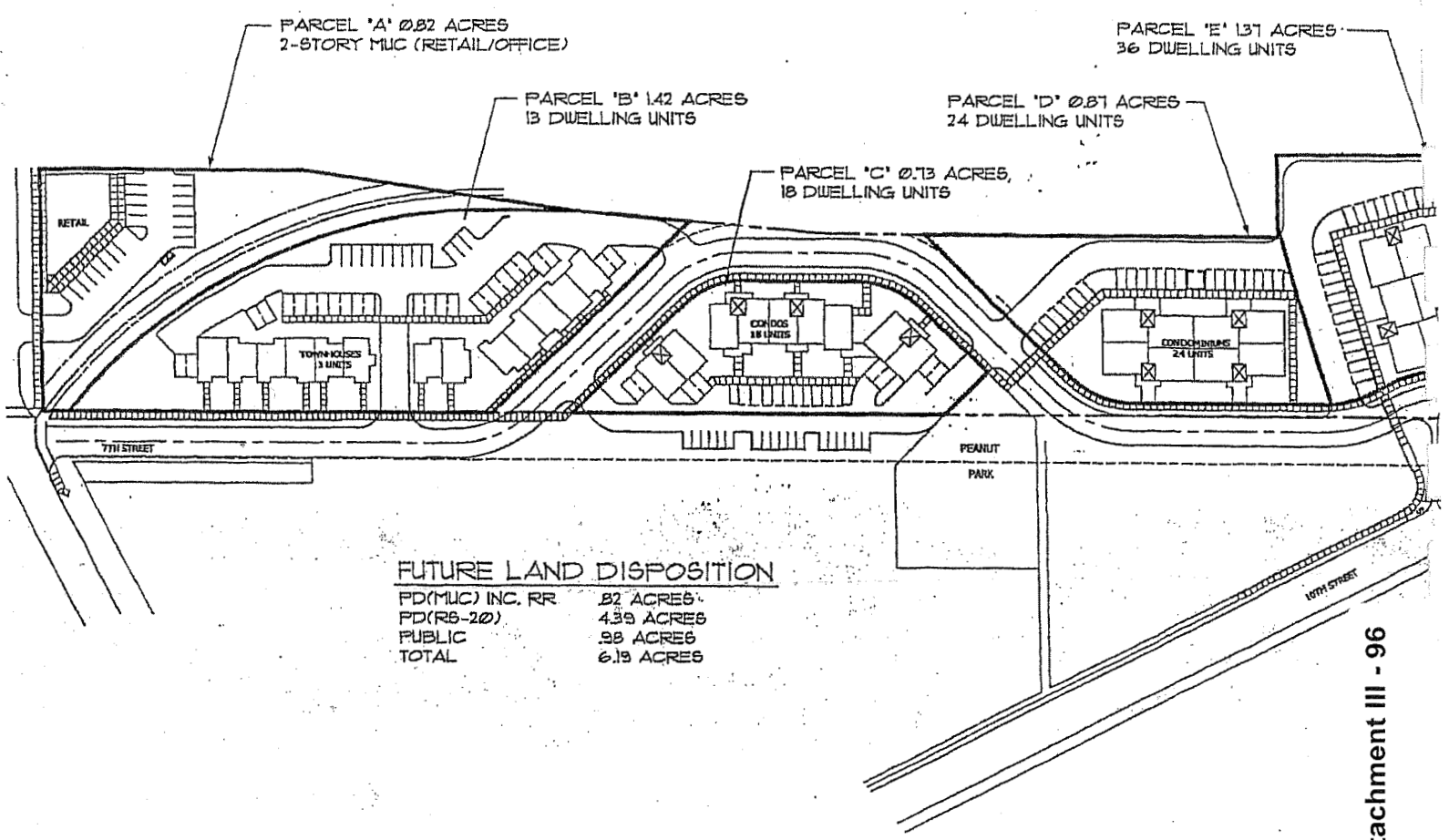
C. Other Permits - Prior to issuance of any construction permits, the applicant shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading, and/or excavation, one or more acres of the site. Additionally, any permits required by other agencies such as the Division of State Lands; Army Corps of Engineers; Railroads; County; or Oregon Department of Transportation, shall be approved and submitted to the City prior to issuance of any City permits.

D. Franchise Utility Plans - Prior to issuance of building permits, the applicant shall provide written statements from the franchise utility companies indicating that their systems provide for orderly development of the adjacent property to the west in accordance with Land Development Code Section 4.0.100 - Franchise Utility Installations.

E. Albino Poppies - A rare flower, known as the "Albino Poppy" may be present on the development site. The applicant is encouraged to preserve or transplant the flowers, if present on the site, prior to development of the site. This issue may be addressed in more detail during Detailed Development Plan review.



Attachment F-9

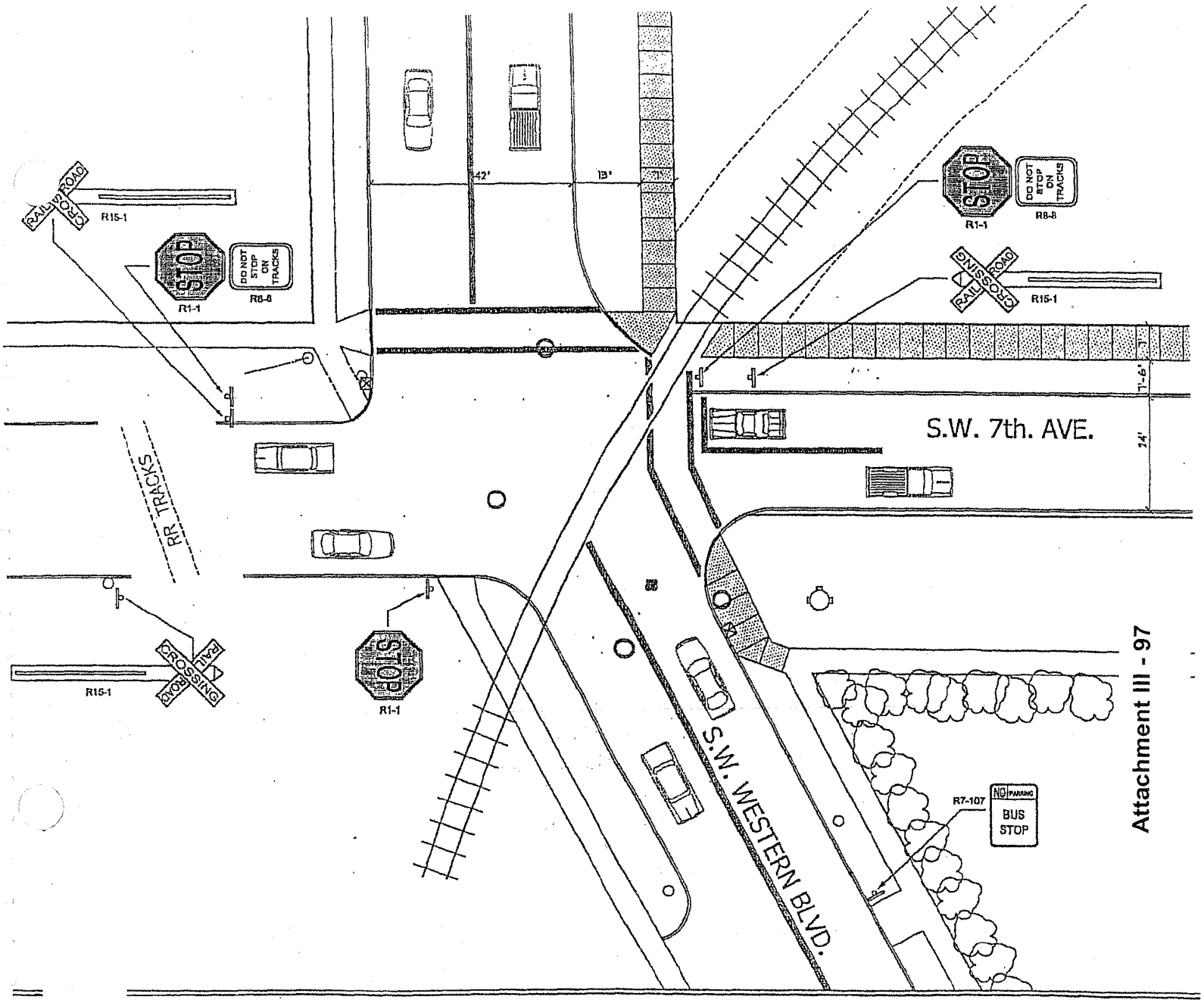


FUTURE LAND DISPOSITION

PD(MUC) INC. RR	.82 ACRES
PD(RS-20)	4.39 ACRES
PUBLIC	.98 ACRES
TOTAL	6.19 ACRES

Attachment III - 96

Attachment F-10



Attachment III - 97

Attachment F-11

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 2003 - 116

CASE	**Seventh Street Station** (Case # CDP01-00005, ZDC03-00005, PLD03-00005, and MLP03-00005)
TOPIC	Review of an application for a Comprehensive Plan Amendment, and appeal of Planning Commission decisions regarding a Zoning District Change and a Conceptual Development Plan
APPLICANT/ OWNER:	Dickerhoof Properties P.O. Box 1583 Corvallis, OR 97339

LOCATION: The subject property is located on the south side of Western Boulevard, on the east side of 7th Street, north of Highway 20/34, and west of the Willamette and Pacific Rail Line and 5th Street. The property is also identified on Assessor's Map 12-5-2-BB, as Tax Lot 16000.

DECISION: The Corvallis City Council conducted a review of the above case on July 9, 2003, held deliberations on July 21, 2003, and adopted a final order and the attached ordinance on August 18, 2003 (following an initial vote on the order and ordinance on August 4, 2003. The City Council approved the following:

a) a Comprehensive Plan Map Amendment to change the designation for a 6.2-acre property from General Industrial to 5.4 acres of Medium High Density Residential and 0.8 acres of Mixed Use Commercial;

b) a District Map Change to modify the zoning designation of the property from General Industrial to 5.4 acres of Medium High Density Residential with a Planned Development Overlay (PD/RS-12) and 0.8 acres of Mixed Use Commercial with a Planned Development Overlay (PD/MUC); and

c) a Conceptual Development Plan to develop up to 91 dwelling units and a commercial building on the site, subject to the attached conditions of approval.

The Council has adopted the attached formal findings and ordinance. The proposal, staff report, hearing minutes, Findings and Conclusions, and Ordinance may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

If you wish to appeal the Council's Comprehensive Plan Amendment, District Change, and/or Conceptual Development Plan decisions, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

Helen Berg

Mayor Helen Berg
City of Corvallis

Dated: 8/19/2003
Attached: Ordinance # 2003 - 27

Conditions of Approval

1	Consistency with Plans - Development shall comply with the plans identified in Attachments H and N of the staff report, except as modified by the conditions below or unless a requested modification otherwise meets the criteria for a minor modification. Such changes may be processed in accordance with Chapter 2.5 of the Land Development Code.
2	Scope of Conceptual Approval - The approved scope of the Conceptual Development Plan is as follows, all other necessary development details shall be resolved through the Detailed Development approval process: a. Location of a 2-story commercial building on the northern, MUC-zoned property. Details of building size, building design and orientation, parking lot layout, landscaping plan, number of parking spaces, and uses allowed within the building should not be considered to be resolved by this approval. b. Location of up to 91 townhouse or condominium dwelling units on the residential portion of the site. The more intensive portion of the residential development (the 3-story structures) shall be located in the northern portion of the residential area. c. Alignment of Seventh Street in the proposed configuration, and as conditioned in this decision, with connections at Western Boulevard and "E" Avenue, and no connection to "D" Avenue. Potential pedestrian connections to the sidewalk system within the Seventh Street right-of-way, and other potential public improvements, should not be considered to be resolved in this approval.
3	Pedestrian Connection to "D" Avenue - In lieu of a full street connection at 7th Street and "D" Avenue, an 8-foot wide path shall be provided to provide pedestrian and bicycle connections between 7th Street and "D" Avenue. This shall be reflected in Detailed Development Plans.
4	Issues to be Addressed in Detailed Development Review - The submitted Detailed Development Plan(s) for the proposed development shall address the following issues (as well as other issues and applicable criteria at the time of submittal): a. Parking - As noted later in this report, it is not possible to determine the parking requirement for the proposed buildings at this time. Additionally, the decision to provide a public street with no on-street parking will mean that there will not be any convenient nearby location for overflow parking to serve the proposed development. Recent experience with multi-dwelling developments in Corvallis suggests that there is some need for "overflow parking" above the minimum requirement. The applicant shall be aware that this consideration, in addition to code requirements for on-site parking,

	may limit the density of the development below the proposed 91 units. One option might be to widen the new portion of 7th Street to allow for parking on one side of the street. The need for vehicular parking shall be balanced with the fact that residents of the proposed development will be less auto-dependent because of its close-in location, and pedestrian-, bicycle-, and transit-friendly design. Bicycle parking shall also be reviewed at the time of Detailed Development Plan approval. b. Pedestrian/Bicycle Connection to Pioneer Park - The potential exists to develop a multi-use path adjacent to the Southern Pacific rail line and under the overpass of State Highway 20/34 to provide a public connection between the development and the path along the Mary's River in Pioneer Park. This might be developed similarly to the path underneath Highway 99 at the end of Cornell Avenue. The Detailed Development Plan shall consider the feasibility of this connection and shall consider providing a public access connection through the site to the southeast corner to facilitate a potential linkage in the City's network of public pathways, and to benefit future residents of the site . c. Solar Orientation - As noted above, Detailed Development plans shall address compliance with solar access requirements. Designs shall provide solar-oriented buildings to the maximum extent practicable and shall provide alternate solar access performance standards if strict adherence to the Code Standards cannot be achieved. d. Connection/Enhancements to Peanut Park - Detailed Development Plans will need to provide a multi-use path connection to "D" Avenue, as required in Condition 3. This connection shall be made to also facilitate access to Peanut Park. Since the applicant requests approval to utilize a portion of the 7th Street right-of-way for parking, it may be appropriate to require the applicant to improve the portion of right-of-way near the parking area that abuts Peanut Park with park improvements and/or landscaping. e. Buffer from Industrial Property to the East - Because the Southern Pacific rail yard to the east of the site is pre-existing and will presumably continue to be utilized for railroad purposes, the Detailed Development Plan shall incorporate buffering provisions from the rail line, which may include fencing, sound buffering, and/or other measures. The buffer shall compensate for the buffer required for industrial development by Land Development Code Section 3.24.30.02. Measures shall be instituted to require that property owners and residents of the development are made aware of the continuing operations of the rail yard to the east, at all hours of the day. These measures might include provisions in title documents and CC & R's for the development, as well as other measures. f. Lighting and Signage - Lighting and signage for the proposed development shall be evaluated through the Detailed Development approval process. g. Site Landscaping - Landscaping for the development shall be evaluated through the Detailed Development approval process.
5	Setback for Three Story Buildings - To enhance compatibility with adjacent development, any proposed three-story condominium buildings shall be setback at least 50 feet from the western property boundary or far edge of right-of-way (whichever is furthest from the

	new building).
6	Tree Preservation - Detailed Development Plans shall address the preservation of significant trees on the site. The trees should be preserved unless extenuating circumstances require their removal. Preservation of the trees shall entail installation of tree preservation fencing and the protection of the trees' critical root zones. Detailed Development Plans shall also indicate if additional significant trees are present in the southwestern corner of the development site, and if so, shall preserve these trees, unless extenuating circumstances require their removal.
7	Parking Maintenance Agreement - Concurrent with development, and prior to issuance of any certificates of occupancy, the developer shall record a maintenance agreement indicating that the Homeowner's Association is responsible for maintenance of the access drive and parking within the existing public right-of-way. Additionally, the agreement shall specify that the portion of parking located within the public right-of-way must remain open to the public and cannot be reserved for condominium parking. The agreement shall be subject to the review and approval of the City Engineer and Community Development Director.
8	Residential Access to 7th Street - Future detailed development plans shall address provision of residential driveway approaches onto 7th Street for the existing residences that currently access 7th Street.
9	'E' Avenue Improvements - Future detailed development plans shall include a street cross-section for 'E' Avenue with detailed information on the proposed paved median. The paved median treatment shall be carefully evaluated due to potential maintenance issues.
10	Future Traffic Studies - In recognition of the unique constraints of this site, and in order to ensure a thorough analysis of traffic issues, all detailed development plans shall evaluate transportation system capacity issues by including a Traffic Impact Study that evaluates level of service, including any necessary mitigation, for affected intersections, including but not limited to, SW Western Boulevard and SW 7th Street and SW 15th Street and SW E Avenue.
11	ODOT Approvals - Prior to issuance of any construction permits, the developer shall submit written verification of ODOT approval for any and all street construction work within 500 feet of a railroad crossing.
12	Pedestrian Circulation - Future detailed development plans shall provide for connection/incorporation of established pedestrian routes along the west side of 7th Street.
13	Drainage Options - The applicant's proposal to route the developed

	storm water flows south to the Mary's River is one of two options available to serve the site. The second option is to split the developed storm water flows such that a portion of the development site drains south to the Mary's River and a portion of the development site drains north to the large storm drain line in Western Boulevard. Future detailed development plans shall evaluate both options, addressing the following factors: Detention Factors Storm water discharge directly to the Mary's River may not require detention if the conveyance mechanism: 1) is non-drainageway; 2) has adequate capacity for at least a 10-year storm; 3) will not adversely affect downstream properties; and, 4) appropriate easement(s) can be obtained for the storm water flows. If detention is required, the applicant shall evaluate the feasibility of installing private detention systems within the private parking lots in order to reduce the extent of oversized pipe within the public right-of-way. Detention facilities shall be designed to match pre and post development flows for the 2-year through the10-year storm events. Water Quality Factors Trapped catch basins shall be provided in all private parking lot areas. As proposed by the applicant, ground water recharge (infiltration) shall be considered when designing the storm drainage facilities. Additionally, the applicant shall examine the feasibility of incorporating water quality swales (perhaps through the buffer areas along the site's eastern property boundary) into the storm drainage facility design.
14	Public [or Private] Detention Facility Design - As part of the plans for public improvements [or building permits] the applicant shall provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that the storm drainage facilities are designed to match pre and post development flows based on the 2-year through the 10-year storm event. The detention facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting detention requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The detention analysis shall contain a discussion on the feasibility of implementing infiltration during both

	wet and dry seasons.
15	Public Detention Facility Maintenance - All detention facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for storm water facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the detention facilities are accepted by the City.
16	Public [or Private] Water Quality Facility Design - As part of the plans for public improvements [or building permits] the applicant shall provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.
17	Public Water Quality Facility Maintenance - All water quality facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for storm water facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the water quality facilities are accepted by the City.

18	Partition Requirements - the following requirements shall be addressed, as specified: a. Development on each of the proposed parcels shall be consistent with the approved Conceptual Planned Development (PLD03-00005) for the subject property. b. Partition plats shall contain a certificate signed by the County Assessor or Tax collector certifying that the taxes on the property being partitioned have been paid as required. c. A partition plat for the land partition shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapters 92 and 209. The plat shall conform to the partition standards established by the County Surveyor. d. The notarized signatures of the legal owners of the property shall be affixed to the partition plat. e. This approval is valid for one year. If the partition plat is not filed within that time period this approval shall be null and void. f. The City of Corvallis requests that the applicant provide an electronic version of the partition plat, including all required revisions, at the time that the final version of the partition plat is routed through the City for required signatures. g. Prior to final plat, the applicant shall install a sanitary sewer service for the newly created parcel.
19	Plans for Public Improvements - Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The plans shall conform to the City of Corvallis Standard Construction Specifications; shall incorporate standard public utility easements; and shall be accompanied by engineered calculations supporting proposed line sizing.

DEVELOPMENT RELATED CONCERNS

A. Commercial Access Drives - Future detailed development plans shall include standard commercial approaches for the retail portion of the site and for all private access drives/parking lots off 7th Street.

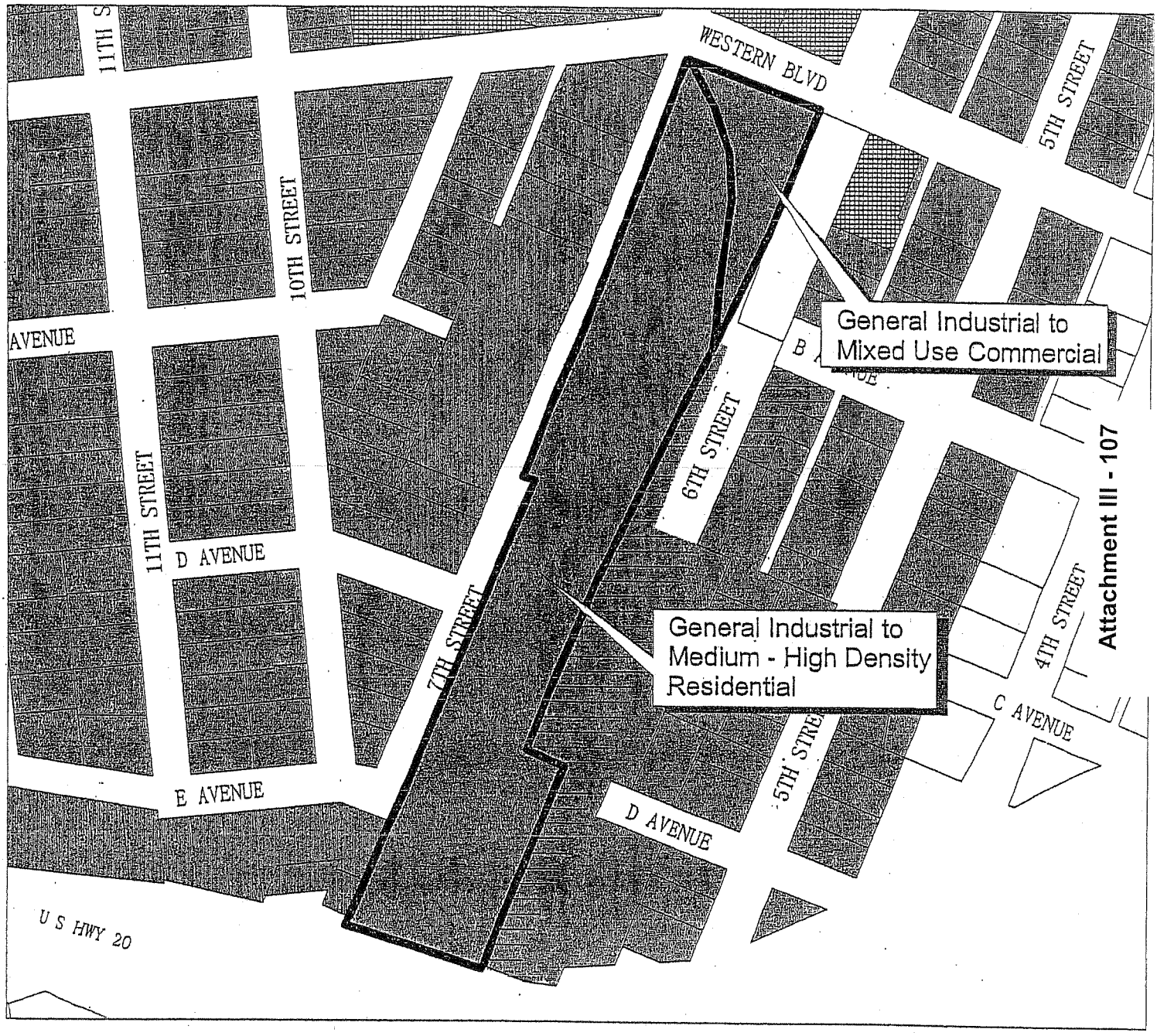
B. Excavation and Grading Permit - Prior to issuance of any construction permits, the applicant will be required to obtain an excavation and grading permit from the City's Development Services Division. Included in the site excavation and grading plan shall be the submittal of a site erosion control plan that identifies methods and materials to be used during site development to control and/or mitigate potential site erosion impacts.

C. Other Permits - Prior to issuance of any construction permits, the applicant shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading, and/or excavation, one or more acres of the site. Additionally, any permits required by other agencies such as the Division of State Lands; Army Corps of Engineers; Railroads; County; or Oregon Department of Transportation, shall be approved and submitted to the City prior to issuance of any City permits.

D. Franchise Utility Plans - Prior to issuance of building permits, the applicant shall provide written statements from the franchise utility companies indicating that their systems provide for orderly development of the adjacent property to the west in accordance with Land Development Code Section 4.0.100 - Franchise Utility Installations.

E. Albino Poppies - A rare flower, known as the "Albino Poppy" may be present on the development site. The applicant is encouraged to preserve or transplant the flowers, if present on the site, prior to development of the site. This issue may be addressed in more detail during Detailed Development Plan review.

7th Street Station - Amended Comprehensive Plan Designations



Attachment III - 107

Exhibit B

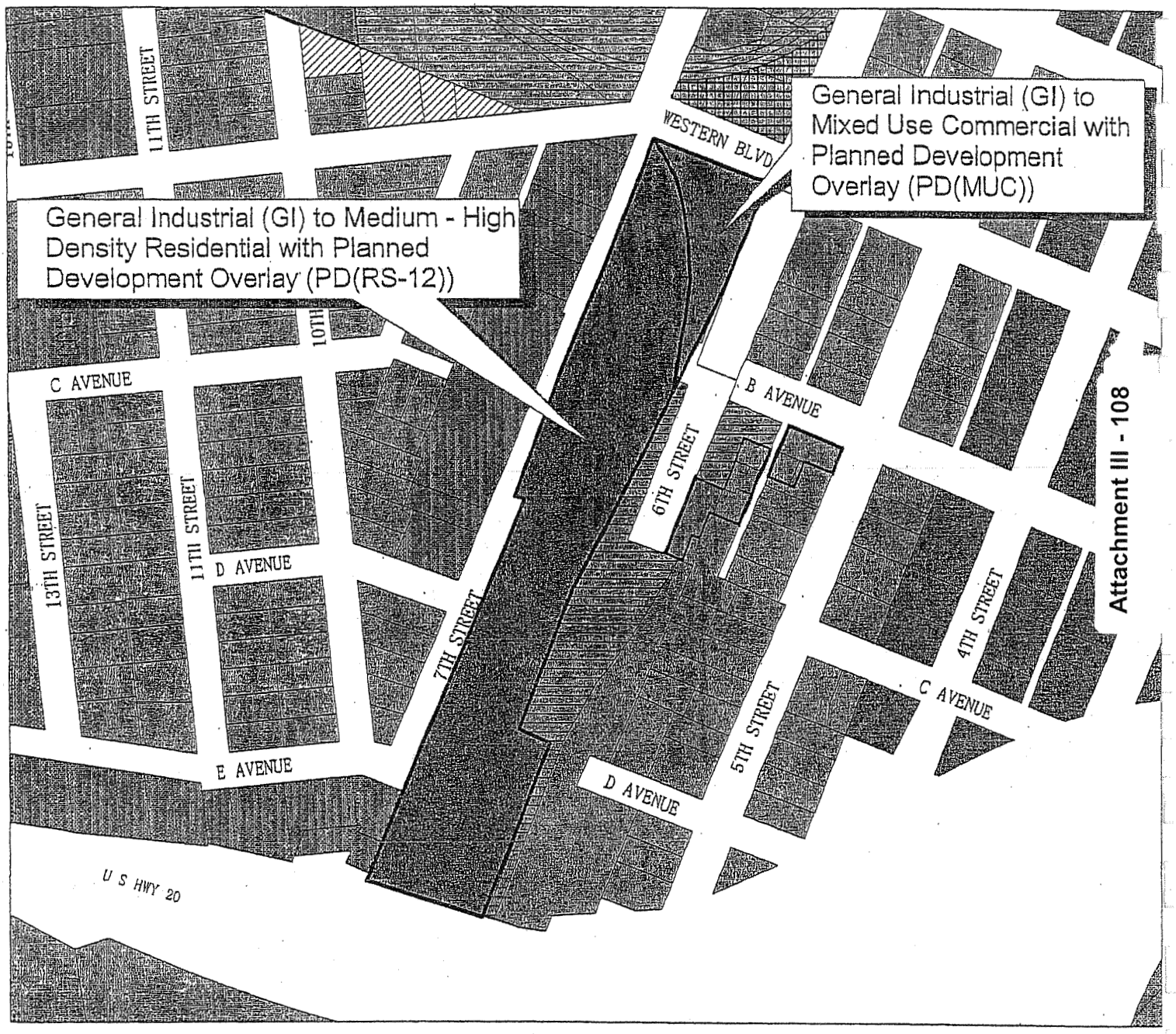
Comprehensive Plan Designations

- Residential - Medium Density
- Residential - Medium-High Density
- Residential - High Density
- Central Business District
- Mixed Use Commercial
- General Industrial
- Open Space - Conservation

N

Attachment F-21

7th Street Station - Amended Zoning Districts



Attachment III - 108

Zoning (Development Districts)

- RS-3.5
- RS-9
- RS-12
- PD(RS-12)
- RS-20
- PD(RS-20)
- SA
- CB
- MUC
- MUE
- GI

100 0 100 200 Feet

N

Attachment F-22

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER # 2007 - 116

CASE: **The Palazzo (PLD07-00004, SUB07-00001, PCR07-00003)**

REQUEST: An appeal of a Planning Commission decision to deny a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four, three-story attached units containing ground floor commercial spaces with residential units above on a 0.8 acre site. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses.

APPLICANT/ OWNER: 7th Street Station, LLC
1900 Front Street, NE
Salem, OR 97303

LOCATION: The subject site is located on the south side of Western Blvd., between 6th and 7th Streets, and north of Highway 20/34. More specifically, the development site is a roughly triangular piece of property bordered to the north by Western Boulevard and to the south by railroad tracks along the east, south, and west boundaries. The subject site is also identified on Benton County Assessor's Map 12-5-2 BB, as Tax Lots 16003 and 16001.

DECISION: The City Council held a duly-advertised *de novo* public hearing on the appeal on September 17, 2007. The record was requested to be held open, and additional written comments were received until September 24, 2007. The appellant submitted final written comment on September 27, 2007. The City Council deliberated and reached a tentative decision on the appeal on October 1, 2007. After consideration of all the testimony and evidence, the City Council voted to uphold the Planning Commission's decision to deny the request, and consequently, denied the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review requests.

On October 15, 2007, the City Council adopted Formal Findings in support of its decision.

If you wish to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

Charles C. Tomlinson
Mayor, City of Corvallis

Signed: October 16, 2007
Appeal Deadline: November 6, 2007

Attachment: City Council Adopted Formal Findings

BEFORE THE CITY COUNCIL
OF THE CITY OF CORVALLIS

FINDINGS – THE PALAZZO CONCEPTUAL AND DETAILED DEVELOPMENT PLAN, TENTATIVE SUBDIVISION PLAT, AND PLAN COMPATIBILITY REVIEW

In the matter of a City Council decision on appeal to **deny a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review**; and to uphold the Planning Commission's decision, and deny the appeal.	PLD07-00004 SUB07-00001 PCR07-00003

PREAMBLE

This matter before the Corvallis City Council is a decision regarding an appeal of the Planning Commission's denial of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four, three-story attached units containing ground floor commercial spaces with residential units above on a 0.8 acre site. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses.

The 0.8-acre site is a small triangular parcel, located between 6th and 7th Streets, and bordered to the north by Western Boulevard and to the south, east, and west by railroad tracks. Because of the railroad tracks, access to the property is available only from Western Boulevard to the north. The subject site is also identified on Benton County Assessor's Map 12-5-2 BB, as Tax Lots 16003 and 16001. The current owner of the properties is 7th Street Station, LLC. The site currently has two curb cuts providing access to Western Boulevard and a gravel parking area on the north side of the property. Adjacent to the gravel parking lot is a large billboard sign. The southern portion of the lot consists of a grassy field with drainage ditches along the west and southeastern edges of the property, along the railroad tracks. The site is relatively level and contains no trees or other evident significant natural features.

The Corvallis Planning Commission conducted a review of the above referenced land use application during a public hearing on July 18, 2007. On August 1, 2007, the Planning Commission deliberated and voted to deny the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. A notice of decision was signed on August 3, 2007 (Order #2007-095).

On August 14, 2007, Bob Cavell of 7th Street Station, LLC, and his representative, Lyle Hutchens of Devco Engineering, Inc., (hereinafter referred to as "Appellants") jointly filed an appeal of the Planning Commission's decision to deny the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The Land Development Code ("LDC") specifies that the City Council hear appeals of Planning Commission decisions regarding these land use applications.

The City Council held a duly-advertised *de novo* public hearing on the application on September 17, 2007. The public hearing was closed; however the written record was held open for seven additional days, until September 24, 2007. The appellant submitted final written comments on September 27, 2007. The City Council deliberated and reached a tentative decision on the appeal on October 1, 2007. After consideration of all the testimony and evidence, the City Council voted to uphold the Planning Commission's decision to deny the request and denied the appeal, thereby denying the proposed Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review.

Applicable Criteria

On December 31, 2006, the Corvallis City Council implemented the 2006 Land Development Code (LDC) and associated Zoning District Changes. This change brought about a new set of development regulations and created a number of new zoning districts in Corvallis. Along with the LDC changes, the City Council approved zoning district changes to rezone many properties in Corvallis consistent with the zoning districts in the new code. However, because the original LDC changes did not include a zone change for the subject property, and because the Mixed Use Commercial zone was applied to this property after the new Land Development Code was developed, the zone changes that were prepared in conjunction with implementation of the new LDC did not reflect the MUC zone. Consequently, the new LDC does not contain an MUC Zoning District, nor does it contain development standards for these areas. This issue is addressed by a note on the official City of Corvallis Zoning Map, which states, "The Mixed Use Commercial Zone (MUC) and the development standards for the MUC effective October 16, 2004, shall apply to properties designated as such until a new zone is determined for these properties through a District Change approval." For this reason, the review of the subject development, which is located on an MUC-zoned property, is subject to MUC Development District Standards from the 1993 Land Development Code, as amended.

All applicable legal criteria governing review of this application are identified in the public notices for the July 18 and September 17, 2007, public hearings, the staff report to the Planning Commission dated July 6, 2007, the minutes of the Planning Commission hearing and deliberations dated July 18 and August 1, 2007, the staff memo to the City Council dated September 7, 2007, and the minutes of the City Council hearing and deliberations dated September 17 and October 1, 2007.

FINDINGS AND CONCLUSIONS RELATING TO THE APPEAL OF THE PALAZZO CONCEPTUAL AND DETAILED DEVELOPMENT PLAN (PLD07-00004), TENTATIVE SUBDIVISION PLAT (SUB07-00001), AND PLAN COMPATIBILITY REVIEW (PCR07-00003)

1. The City Council accepts and adopts those findings made in the staff report to the Planning Commission, dated July 6, 2007, that support denial of the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The City Council adopts as findings those portions of the Minutes of the Planning Commission meetings, dated July 18 and August 1, 2007, that demonstrate support for denying the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The City Council accepts and adopts those findings made in the September 7, 2007, staff memorandum to the City Council, that support denying the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The City Council also adopts as findings those portions of the Minutes of the City Council hearings dated September 17 and October 1, 2007, that demonstrate support for denying the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. The City Council specifically accepts and adopts as findings the rationale given during deliberations in the October 1, 2007, meeting by Council Members expressing their support for denying the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below, (the "supplemental findings") supplement and elaborate on the findings contained in the materials noted above, all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.

2. The City Council notes that the record contains all information needed to evaluate the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review for compliance with the relevant criteria.

3. The City Council notes that the Council considered the grounds of the appeal and other issues raised through public testimony.

4. To approve a Conceptual and Detailed Development Plan, LDC Sections 2.5.40.04 and 2.5.50.04 require that the proposal be consistent with the applicable provisions of the Corvallis Comprehensive Plan (CCP), and the 2006 Corvallis Land Development Code (LDC). To approve a Tentative Subdivision Plat, the requirements of LDC 2.4.30.04.b must be satisfied. To approve a Plan Compatibility Review, the requirements of LDC 2.13.30.05 must be satisfied. The Incorporated Findings list all of the applicable approval criteria and analyze compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings and primarily address issues raised on

appeal.

5. These supplemental findings address the reasons for the City Council's denial of the appeal and, consequently, of the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review. Specific findings for denial of each land use request are included below.

Reasons for Denial of Conceptual and Detailed Development Plan

1. The Council notes that the appellant lists the following grounds for appeal of the Planning Commission's denial of the Conceptual and Detailed Development Plan:

   "The Planning Commission did not adequately evaluate the applicant's request under the Planned Development Criteria (LDC Section 2.5 considering the constants of the size and the purpose of the planned development overlay which as stated in LDC Section 2.5.10 is:

   > **"It is the intent of this chapter to establish procedures that permit flexibility in the land development process, allow for better preservation of Significant Natural Features, and allow for innovation in site planning and architectural design."**

   The Planned Development process is established to allow the review and approval of Conceptual and Detailed Development Plans, to provide the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to pre-stated standards exceeds that permitted through the Lot Development Option."

2. The Council notes that, although the Planned Development process allows the decision maker discretion to allow flexibility in the land development process, it does not guarantee that flexibility will be exercised in every instance. The Council notes that where applicants request to vary from Land Development Code (or other) standards, the applicant must demonstrate that compensating benefits will be provided for variations that have been requested (LDC 2.5.40.04.a.1). The Council notes that the appellant included a number of requests to vary from standards with this development application. The Council notes that the Planning Commission cited two of the requests in its denial findings. The requested reduction to required parking for the development caused concern that inadequate parking on the site would result in off-site parking impacts in adjacent developed areas. Additionally, the Planning Commission did not find that the requested reduction of the 0.25 commercial Floor Area Ratio (FAR) requirement was warranted. The City Council finds the Planning Commission's reasoning in this matter, as evidenced by the minutes of the July 18, and August 1, 2007, Planning Commission meetings, instructive and persuasive.

3. The Council notes that the appellant, at the "de novo" hearing at the City Council, proposed a condition of approval that would reduce the number of bedrooms within the four residential units in the development from three to two. The Council notes that the appellant stated that the condition would reduce the parking requirement for the development such that the parking requirement would be met on-site. The Council notes that a number of persons testifying at the September 17, 2007, City Council hearing stated that the reconfigured space where the third bedroom would be eliminated, as proposed by the appellant, would likely continue to be used as a bedroom, thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.

4. The Council notes that the proposed development does not comply with the standards in LDC 3.20.40.01 (1993 Land Development Code, as amended), regarding the preservation of commercial land supply. The Council notes that the purpose of the requirement to maintain a commercial floor area ratio for properties zoned Mixed Use Commercial is to ensure that development on those sites does not erode the City's inventory of available commercial land by providing an inadequate amount of commercial space on the development site. The Council notes that the proposal would reduce the commercial FAR for the site by more than fifty percent to 0.12 FAR (down from the required 0.25 FAR). The Council finds that approving the proposed development would erode the City's inventory of available commercial land by providing an inadequate amount of commercial space on the development site.

5. The Council notes that compensating benefits proposed by the applicant to offset the requested FAR reduction are: the reduced potential for off-site parking conflicts; reduced on-site impervious area (more parking spaces would be needed to serve additional commercial development); and the enhanced viability of the live/work units due to the size and amenities offered in the associated residential units. The Council finds that the applicant has not proven that these compensating benefits are sufficient to justify the requested reduction in commercial FAR on the site. The Council finds that the requested reduction of the 0.25 commercial FAR requirement is not warranted.

6. The Council finds that, based on the discussion above and on the incorporated findings, the Conceptual and Detailed Development Plan is denied.

Reasons for Denial of Tentative Subdivision Plat

1. The Council notes that the proposed Tentative Subdivision Plat would create four lots that would correspond precisely to the locations of the proposed live/work units, with shared walls along the common property lines. The Council notes that the

subdivision would place the remainder of the development site in a Tract, to be maintained and held in common by the developments Homeowner's Association.

2. The Council notes that LDC 4.4.20.03 requires, in part, that "Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated."

3. The Council notes the following requirements of Section 4.4.20.03.b of the Land Development Code:

   b. Access - Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless:

   1. The lot is created through a Land Partition or Minor Replat, in which case Section 4.4.30.01, below, shall apply; and/or

   2. The lot meets the exemption in "a," or "b," below:

   a) Residential lots involving Single-family Detached; Single-family Attached, two units; or Duplex dwellings, provided:

   1) Front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path; and

   2) Vehicular access is provided via an alley.

   b) Commercial, Industrial, and Residential lots other than those described in "a," above, provided:

   1) Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path; and

   2) Vehicular access is provided via an alley.

   The Council notes that, in the case of the proposed development, vehicle access would not be provided via an alley, but would instead be provided by a parking lot behind the proposed building. The Council finds that, because this exception does not apply, the requirement that each lot abut a street other than an alley for a distance of 25 feet or more is the applicable standard.

4. The Council notes that Lots 1, 2, and 3 of the proposed development do not comply with the 25-foot street frontage requirement noted above. The Council notes that the variation to this lot width standard, which was included in the proposed Conceptual and Detailed Development Plan, was denied by the Council with the denial of the Conceptual and Detailed Development Plan. The Council finds that because the proposed Conceptual and Detailed Development Plan is not approved, the associated Tentative Subdivision Plat does not satisfy the applicable criteria and

thus, cannot be approved. The Council finds that the applicant has not demonstrated, absent an approved Conceptual and Detailed Development Plan, that the proposed Tentative Subdivision Plat would allow for the efficient development of the site, based on the size, width, shape, and orientation of the proposed lots.

5. The Council finds that based on the discussion above and on the incorporated findings, the Tentative Subdivision Plat is denied.

Reasons for Denial of the Plan Compatibility Review

1. The Council notes that on December 31, 2006, the Corvallis City Council implemented the 2006 Land Development Code (LDC) and associated Zoning District Changes. This change brought about a new set of development regulations and created a number of new zoning districts in Corvallis. Along with the LDC changes, the City Council approved zoning district changes to rezone many properties in Corvallis consistent with the zoning districts in the new code. However, the Council notes that because the original LDC changes did not include a zone change for this property and the Mixed Use Commercial zone was applied to this property after the new Land Development Code was developed, the zone changes that were prepared in conjunction with implementation of the new LDC did not reflect the MUC zone. Consequently, the Council notes that the new LDC does not contain an MUC Zoning District, nor does it contain development standards for these areas. The Council notes that this issue is addressed by a note on the official City of Corvallis Zoning Map, which states, "The Mixed Use Commercial Zone (MUC) and the development standards for the MUC effective October 16, 2004, shall apply to properties designated as such until a new zone is determined for these properties through a District Change approval." For this reason, the Council notes that review of the subject development, which is located on an MUC-zoned property, is subject to MUC Development District Standards from the 1993 Land Development Code, as amended.

2. The Council notes the following requirement of the 1993 Land Development Code, as amended:

Chapter 3.20 - Mixed Use Commercial District

Section 3.20.40 - DEVELOPMENT CRITERIA AND REQUIREMENTS

The following provisions identify development standards within the MUC District. Additional flexibility (e.g. alternative design options) is provided through the Planned Development (Chapter 2.5), Lot Development Option (Chapter 2.12) and Planned Compatibility Review (Chapter 2.13) processes, as provided below:

3.20.40.01 - Preservation of Commercial Land Supply

c. **Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial uses(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.**

Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.

3. The Council notes that, because the proposed development includes approximately 7,200 square feet of residential area and only 3,113 square feet of commercial area, Plan Compatibility Review approval is required, per 1993 LDC 3.20.40.01.c, as amended.

4. The Council notes the following applicable criteria for a Plan Compatibility Review:

2.13.30.05 - Review Criteria

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

a. **The proposed development shall be in conformance with the purposes of this Chapter;**

Section 2.13.20 - PURPOSES

Procedures and review criteria for Plan Compatibility Review are established for the following purposes:

a. **Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;**

b. **Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;**

c. **Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper attention be given to the exterior appearance of structures, signs, parking areas, landscaping, and other improvements;**

d. **Protect and ensure adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area;**

e. **Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and**

f. **Promote and encourage energy conservation .**

b. **Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;**

c. **The proposed development shall not adversely affect traffic, parking, and access; and**

d. **Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

5. The Council notes that the requested reduction of the FAR requirement is not supported by the Council, as explained in the Conceptual and Detailed Development Plan portion of these findings. The Council finds that because the FAR reduction can not be supported, then necessarily, the Plan Compatibility Review request to allow a higher proportion of residential to commercial uses on the site cannot be supported either. The Council finds the extent of residential uses on the site to be disproportionate to the extent of commercial space on the site, which is inconsistent with the FAR requirements of LDC 3.20.40.01 (1993 LDC, as amended) and with the Plan Compatibility Review (PCR) requirements of LDC 2.13.30.05. Specifically, the Council finds that the proposed development is inconsistent with Purpose statement 2.13.20.e, which states that a PCR must, "Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area." The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria, per LDC 2.13.30.05.a. The Council finds that the disproportionate emphasis on the residential component of the proposed development, at the expense of the commercial component, is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures, and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.

6. The Council notes that written and oral testimony, as reflected in the minutes of the September 17, 2007, City Council hearing, as well as written and oral testimony as reflected in the minutes of the July 18, 2007, Planning Commission hearing, attests to the incompatible scale and design of the proposed development in relation to existing development in the area. The Council finds the scale and design of the

proposed development to be inconsistent with the scale and design of existing development in the area. Therefore, the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c, which states, in part, that structures are to be compatible with existing development.

7. The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development, and is therefore inconsistent with criterion 2.13.30.05.b above.

8. The Council finds that, based on the discussion above and on the incorporated findings, the Plan Compatibility Review is denied.

SUMMARY CONCLUSION

As the body charged with hearing appeals of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review decision, the City Council having reviewed the record associated with the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review application, considered evidence supporting and opposing the application, finds that the proposal, does not adequately address the review criteria and is found to be inconsistent with applicable sections of the 2006 Land Development Code, and with applicable sections of the 1993 Land Development Code, as amended. The City Council finds that it is not possible to apply conditions of approval to the proposed development that would ensure that all applicable decision criteria would be met. Therefore, the appeal is DENIED, and the City Council upholds the Planning Commission decision to deny the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review application (PLD07-00004, SUB07-00001, PCR07-00003).

DATED: October 16, 2007

Charles C. Tomlinson, Mayor

ATTACHMENT

City Council Notice of Disposition

Community Development Department
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477
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Land Development Code Administration Decisions

Date: April 25, 2008

Administrative Parking Reductions- Thresholds

Summary: Land Development Code Section 4.1.20.q (Parking Reduction Allowed) states that the City may grant reductions to minimum parking requirements to a development in response to its proximity to transit and/or to the construction of additional bicycle parking spaces. Because of the use of the word "may" rather than the word "shall," the allowed reductions cannot be considered mandatory. This decision clarifies when such reductions will be or will not be allowed.

Background:

Land Development Code Section 4.1.20.q states:

Parking Reduction Allowed -

1. **A reduction of up to 10 percent of required vehicle parking may be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.**

2. **A reduction of up to 10 percent of required vehicle parking may be obtained through the provision of bicycle parking as follows:**

   a) **For every eight required bicycle parking spaces, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction; or**

   b) **For every four additional bicycle parking spaces provided over the minimum requirement, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction. Fifty percent of these additional bicycle parking spaces shall be covered, consistent with Section 4.1.70.d.1.**

Additional reductions of vehicle parking spaces may be granted through the procedures in Chapter 2.12 - Lot Development Option or Chapter 2.5 - Planned Development.

In the past, the reductions identified in "1" and "2," above, have been granted with little consideration of the potential effects on surrounding streets and properties. Generally, this was because previous development patterns and types of development were presumed to have limited inherent effects. Some recent types and patterns of Duplex, Attached, and Multi-dwelling developments have called into question the granting of one or both of the reductions. Parking requirements for Duplex, Attached, and Multi-dwelling development are contained in Land Development Code Section 4.1.30.a.2, which states:

Duplex, Attached, and Multi-dwelling -

a) Vehicles -

1)	**Studio or Efficiency Unit**	**-**	**One space per unit.**
2)	**One-bedroom Unit**	**-**	**One space per unit.**
3)	**Two-bedroom Unit**	**-**	**1.5 spaces per unit.**
4)	**Three-bedroom Unit**	**-**	**2.5 spaces per unit.**

Based on this standard, Duplex, Attached, and Multi-dwelling units having more than three bedrooms require no additional parking spaces beyond the number required for three-bedroom units. The recent Duplex, Attached, and Multi-dwelling developments in question have contained two, three, or more units with four or five bedrooms each. In instances where both of the reductions have been allowed, the number of required spaces for a three or more bedroom unit often has dropped from 2.5 to 2 spaces per unit. In some instances where Duplex, Attached, and Multi-dwelling developments were constructed with four or five bedrooms per unit, the City has received complaints from the surrounding residents and/or owners that on-street parking is negatively affected by the number of occupants in such units who own cars. These issues have also been raised during public hearings regarding similar types of development. The negative impacts of parking reductions for such developments have included compromising of the effectiveness of on-site parking as well as increased overflow parking on the surrounding streets.

Discussion:

There are a number of potential benefits that result from both the allowed parking reductions and the existing parking requirements for Duplex, Attached, and Multi-dwelling units. The parking reductions are aimed at encouraging the use of alternate modes of transportation (transit and bicycle use and walking). However, it is also true that simply not requiring additional parking for bedrooms in excess of three encourages alternate mode use and may be viewed as the equivalent of parking reductions for such developments. The provisions also reduce impervious surfaces in the community, which can have beneficial storm water and other effects.

However, these benefits must be weighed against the above-referenced negative impacts resulting from these developments. The negative impacts can be increased by a number of factors in the area of the development. These factors include location of the development on a street that has limited parking availability (e.g., no parking, parking on one side only, numerous driveway cuts), substandard parking facilities on nearby developments, and others. Consequently, this decision describes the situations in which the referenced parking reductions may or may not be allowed.

Decision:

1. If a parcel fronts on a street where parking is allowed on both sides of the street and Duplex, Attached, or Multi-dwelling development averaging three or fewer bedrooms per unit is proposed, the parking reductions described in LDC Section 4.1.20.q will be allowed if the relevant thresholds in that section are met.

2. If a parcel fronts on a street where parking is allowed on one side of the street and Duplex, Attached, or Multi-dwelling development averaging three or fewer bedrooms per unit is proposed, one of the 10 percent parking reductions described in LDC Section 4.1.20.q will be allowed if the associated relevant threshold in that section is met.

3. If a parcel fronts on a street where no parking is allowed none of the 10 percent parking reductions described in LDC Section 4.1.20.q will be allowed.

4. Where Duplex, Attached, or Multi-dwelling development averaging more than three bedrooms per unit is proposed, none of the 10 percent parking reductions described in LDC Section 4.1.20.q will be allowed.

Review and concur:

3/12/08

Ken Gibb, Community Development Director

Staff-Identified Applicable Decision Criteria - Western Station

Applicable Land Development Code Requirements:

2.0.50.15 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.

Section 2.0.50.16

When more than one application has been filed at one time for a specific property or development, the review of those applications shall be coordinated as follows:

a. If any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting, except as outlined in "b," below. For example, applications for Zone Changes are ordinarily heard by the Land Development Hearings Board. When a Zone Change is sought simultaneously with a Conditional Development; however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board shall be required.

B. Applications ordinarily heard by the Historic Resources Commission shall not be filed together (combined) with another application(s) requiring a public hearing that is ordinarily heard by some other hearing authority. Historic Preservation Permit applications and Historic Preservation Overlay-related Zone Change applications that are ordinarily decided by the Director, or the Director's designee, shall be filed together (combined) with applications ordinarily heard by the Historic Resources Commission. In these cases, the combination of historic applications shall be reviewed by the Historic Resources Commission and no prior action by the Director shall be required.

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this Chapter for the following purposes:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve, to the greatest extent possible, existing Significant Natural Features and landscape features and amenities, and use such features in a harmonious fashion;

d. Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided

under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and

h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.

Section 2.5.40.04 - COMPLIANCE WITH PLANNED DEVELOPMENT COMPATIBILITY FACTORS

Section 2.5.40.04 - Review Criteria

2.5.40.04 - Review Criteria
Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a", below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b", below.

a. Compatibility Factors -

1. Compensating benefits for the variations being requested

2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

3. Visual elements (scale, structural design and form, materials, etc.);

4. Noise attenuation;

5. Odors and emissions;

6. Lighting;

7. Signage;

8. Landscaping for buffering and screening;

9. Transportation facilities;

10. Traffic and off-site parking impacts;

11. Utility infrastructure;

12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet

this criterion);

13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards; and

14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

b. Natural Resources and Natural Hazards Factors -

1. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation, and

2. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies.

Mixed Use Commercial (MUC) Zone Standards (from the 1993 Land Development Code, as amended)

LDC 3.20.40.01 Preservation of Commercial Land Supply

a. A minimum floor area ration (FAR) of 0.25 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. (A minimum FAR of 0.25 would require that a 40,000 square foot lot would have at least 10,000 square feet of commercial uses). This provision does not apply when commercial uses are applied to an existing residential building within a commercial district that existed proper to the adoption of this MUC district. The commercial uses on an MUC site are required to be developed prior to or concurrently with residential and limited manufacturing uses, with the exception of residential and/or limited manufacturing uses that are in existence as of the adoption of this MUC district. Variations from the 0.25 FAR commercial minimum can only be allowed through the Planned Development process.

b. When a project is composed of two or more phases, then the mixed use site shall be reviewed as a Planned Development and each phase shall meet the minimum 0.25 FAR (floor area ratio requirement) as described in Section 1 above or an alternative proposed through the Planned Development review processes.

c. Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.

Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.

LDC 3.20.40.02 Minimum Lot Area and Setback Requirements

a. A setback of not less than 20 ft shall be provided along each MUC District boundary line where the line abuts any residential (RS) district. Off-street parking and loading shall be permitted in this area except within 15 ft of the district boundary line, which shall be limited to landscaping, fences, walls, driveways, or walks. Driveways, parking, and loading areas adjacent to residential districts shall be landscaped and screened in accordance with Chapter 4.2. Alternative to this standard may be considered through the Planned Development process.

b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.8-RS-20 standards, and the Mixed Use Design Guidelines contained in this chapter. Ground floor commercial uses within existing residential structures shall be exempt from the RS-20 minimum setback requirements and shall also be subject to a Plan Compatibility Review (PCR) process.

c. For maximum permitted setbacks, refer to Section 3.20.50.02

LDC 3.20.40.03 Structure Height

No structure shall exceed 45 ft in height

LDC 3.20.40.04 Open Space Standards

A minimum of 20 percent of the total site area shall be retained as open space. Open space may include landscape areas, natural areas, and/or pedestrian amenities (Section 3.20.50.07). The site design and building design standards of this chapter shall also be met. Structures, parking, and driveways of interior parking areas are excluded from the open space area.

LDC 3.20.40.05 Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1. Required parking shall be provided on the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is not a controlled intersection within 100 feet of the subject property. Chapter 4.1 allows adjustments to minimum parking standards when transit service and bicycle parking are available. Additional flexibility for required parking may be granted in the MUC District in conformance of the following standards.

a. Shared parking agreements may be used to provide additional reductions in required parking, provided that the applicant demonstrates that there is an

adequate supply of parking for each use. Parking may include surplus parking during peak periods, or capacity provided due to off-peak use.

b. Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option (when the site is less than 3 acres), or Planned Development procedures (Chapter 2.12 and 2.5, respectively). This flexibility is provided to encourage development patterns that reduce the reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.20.50 - Design Guidelines and Standards

LDC 3.20.50.01 Coordinated Development

New development shall be designed in a manner that does not preclude development of adjacent property(ies) and ensures the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, street, and pedestrian facility connections.

LDC 3.20.50.02 Building Orientation and Maximum Setbacks

a. All new buildings in the MUC District shall be oriented to existing or new public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.

b. At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 feet.

c. Building setbacks from streets or plazas shall not exceed 20 feet, except when necessary to preserve healthy, mature tree(s), or provide pedestrian amenities in conformance with 3.20.50.07 or to accommodate handicapped access requirements. A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

d. Street setbacks of greater than 20 feet (Section 3.20.50.02) may be approved when the building design incorporates seating, plazas, or other usable public spaces, as defined by Section 3.20.50.07 Public Amenities.

LDC 3.20.50.04 Weather Protection

a. Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft wide, weather-protected area (e.g. awnings and canopies) shall be provided along the portion of the building(s) adjacent to the sidewalks and/or plazas.

LDC 3.20.50.05 Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2. In addition, the following standards apply to the MUC District:

a. Street trees shall be required, consistent with Chapter 4.2. Species should be

compatible with the design features provided per Section 3.20.50.07, and shall provide continuity with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.

b. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles with vertical elements is required and shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamentals walls, trellises, fences, or other features consistent with Chapter 4.2.

c. Irrigation systems shall be installed to support landscaping.

LDC 3.20.50.06 Street Connectivity and Internal Circulation

a. New structures and substantial improvements may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and promote connectivity and dispersal of traffic.

b. The maximum block perimeter shall be 1200 feet. Alternatives to this standard may be considered through the Planned Development process, provided that direct pedestrian access is maintained at least every 300 feet.

c. Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except as provided in "d" below.

d. Where drop off facilities are provided (e.g. handicapped access) they shall be designed to meet ADA disability needs but still provide for direct pedestrian circulation.

LDC 3.20.50.07 Pedestrian Amenities

All new structures and substantial improvements shall provide pedestrian amenities, as defined by this chapter. The number of pedestrian amenities provided shall comply with the following sliding scale.

Size of Structure or Substantial Improvement	Number of Amenities
<5,000 square feet	1
5,000-10,000 square feet	2
10,000-50,000 square feet	3
>50,000 square feet	4

Acceptable pedestrian amenities include:

- Sidewalks with ornamental treatments (e.g. brick pavers) or sidewalks which are 50% wider than required by the Land Development Code.
- Benches and public outdoor seating
- Sidewalk planters
- Public art (e.g. sculpture, fountain, clock, mural, etc) with a value equal to or greater than one (1) percent of construction value of the structure(s).
- Pocket parks (minimum usable area of 300 feet)
- Plazas (minimum usable area of 300 feet)
- Street trees of a caliper 50% wider than required by the Land Development Code

(may include preservation of healthy mature trees adjacent to the street sidewalk).

- Additional weather protection in excess of 3.20.50.04
- Other improvements approved through the Lot Development Option (Chapter 2.12), or Planned Development process (Chapter 2.5)

Pedestrian amenities shall comply with the following standards and guidelines:

a. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.

b. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.

c. Amenities which are eligible for credit toward open space standards, and adjustment to the maximum 20-feet setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.

d. Amenities should be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g. 10 years before replacement.

e. When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit System.

LDC 3.20.50.08 General Building Design Standards

Mixed use districts require special attention to building design because of the intermixing of land uses in such areas. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

a. Minimum Requirements

New structures and substantial improvements should provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

1. Ground floor windows shall be provided. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level (on corner lots, this provision applies to two elevations). The transparency is measured in lineal fashion (e.g. a 100-foot wide building facade shall have a total of at least 60 lineal feet of windows).

2. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least one of the following [Note: the PA-O and

SA districts require offsets at 30 feet; consider a larger dimension based on a larger development scale in MUC:

- Recessed (entrances, floor area, etc.) of a minimum depth of 8 feet.
- Extensions (entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.
- Offsets or breaks in roof elevation by a minimum of 3 feet or more in height.

3. In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g. E1FS), textured concrete block, or textured concrete, etc.

4. Provide differentiation between ground-level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used. Other design solutions may be approved by the Director.

5. Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g. balconies, porches, patios, etc.). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g. glazed, tinted, etc.) to protect privacy.

6. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional right-of-way shall be dedicated to maintain adequate circulation.

LDC 3.20.50.09 Neighborhood Compatibility

a. Minimum standards adjacent to a residential district:

1. Architectural compatibility between new development and adjacent residences (e.g. similar roof forms, windows, trim, and materials) is required. Pitched roofs shall provide a minimum of 4:12 pitch [this is the same pitch that is used in the PA-O district]. Flat roofs shall provide a cornice, or other decorative treatment.

2. Roof elevation(s) shall gradually step-down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures(s) by more than one (1) story. This provision applies to that portion of the structure that is closest (20 feet, minimum) to the adjacent residential structures.

3. The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a

hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.

4. Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties.

LDC 3.20.50.09 Neighborhood Compatibility

b. Minimum standards adjacent to a industrial district:

1. The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.

2. If residential uses are introduced in areas that are adjacent to an industrial district, the site design for the residential use shall incorporate fencing and a 20 foot landscape screen between the residential uses on the MUC site and the industrial district in accordance with Section 4.2.50. Driveways may occur within the landscape screen but in no case may they be less than 10 feet from the adjacent industrial district boundary.

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

a. Tree Plantings -

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

1. <u>Street Trees</u> -

a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;

b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees;

c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and

d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

2. Along alleys, trees shall be planted on the sides of the alleys at a minimum of one tree per lot; and the trees shall be located within 10 ft. of the alley;

3. Along sidewalks and multi-use paths not located along streets, a minimum five ft.-wide landscaping buffer is required on either side of the facility. Examples of sidewalks and multi-use paths not located along streets include pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. Within these buffers, trees shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;

4. Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts;

5. The distance between required trees shall be determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees; and

6. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

Table 4.2-1 - Street Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	-	Maximum 30 ft. on-center spacing
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	-	Maximum 50 ft. on-center spacing

Table 4.2-2 - Parking Lot Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	-	Minimum one tree per eight cars
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	-	Minimum one tree per 12 cars

b. Areas Where Trees May Not be Planted -

1. Trees may not be planted within five ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.

2. Unless approved otherwise by the City Engineer, trees may not be planted:

   a) Within 10 ft. of fire hydrants and utility poles;

   b) Within 20 ft. of street light standards;

   c) Within five ft. from an existing curb face, except where required for street trees;

   d) Within 10 ft. of a public sanitary sewer, storm drainage, or water line; or

   e) Where the Director determines the trees may be a hazard to the public interest or general welfare.

Section 4.2.40 - BUFFER PLANTINGS

Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved.

At minimum, buffering is required in areas identified through Conditions of Approval, in areas required by other provisions within this Code, and in Through Lot areas, and as required below.

Parking, Loading, and Vehicle Maneuvering Areas -

a. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five-ft.-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum 10 ft.-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities.

   Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

b. In addition to any pedestrian refuge areas, each landscaped island within and around parking lot areas shall -

   1. Include one or more shade canopy trees;

   2. Be a minimum length of eight ft. at its smallest dimension;

   3. Include at least 80 sq. ft. of ground area per tree to allow for root aeration; and

   4. Include raised concrete curbs around the perimeter.

CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

Section 4.10.40 - APPLICATION OF STANDARDS

c. Mixed Use Buildings - For mixed use buildings, the applicable provisions for each use component shall apply to that portion of the building. For example, if a mixed use building has ground floor retail and residential above, the standards for Commercial, Industrial, and Civic Uses shall apply to the commercial portion, and the Residential Use standards shall apply to the remainder of the building. If a conflict exists between standards, the standard that provides more pedestrian amenities applies.

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 200 ft. long, as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway.

2. Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a u-shaped building with a pedestrian courtyard in the center, then one half the width of the building, based upon the lineal footage of the building's street frontage, could be located farther back than the maximum setback of 15 ft.

3. Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single-family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation. An exception may also

be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page. Parking to the side of buildings is allowed in limited situations, as outlined in Section 4.10.60.02 below.

b. Percentage of Frontage - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Frontage.

c. Windows and Doors - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

d. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

4.10.60.02 - Parking Location

a. Standards

1. Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:

a) Where lot depth is less than 75 ft.;

b) Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;

c) Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or

d) Where parking on the side would solve proximity issues between

dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

2. On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in Section 4.10.50.02.

4.10.60.04 - Menus for Pedestrian Features and Design Variety

a. Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes - Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.

2. Front Porches/Patios - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.

3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

b. Design Variety Menu - Roof forms shall be at least a 4:12 pitch with at least a six-in. overhang. Mixed use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building. Additionally, each structure shall incorporate a minimum of four of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.

2. Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:

a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;

b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or

c) Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.

3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.

5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

6. Increased Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.

7. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

4.10.60.05 - Service Areas and Roof-Mounted Equipment

a. Service Areas - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five-10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of

Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

b. Roof-Mounted Equipment - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.

4.10.60.06 - Pedestrian Circulation

a. Applicability

These additional pedestrian circulation standards apply to all residential developments with eight or more units.

Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT - PEDESTRIAN ORIENTED DESIGN STANDARDS

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05.

4.10.70.02 - Building Orientation

All buildings shall be oriented, as outlined in this Section, to existing or proposed public or private streets. See Chapter 4.0 - Improvements Required with Development for public and private street standards. Buildings on corner parcels shall be oriented to both streets bordering the property. Private streets used to meet this standard must include the elements in Chapter 4.0.

The building orientation standard is met when all of the following criteria are met:

a. Street Frontage Setback - At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for structures that have street frontage, as shown below in Figure 4.10-18 - Percent of Building Frontage Within Maximum Setback Area. An exception to this requirement pertains to provisions elsewhere in this Chapter for development in the Neighborhood Center (NC) Zone. Expansion of a structure existing prior to December 31, 2006,

and in conformance with the Code on that date is deemed to meet this criterion, provided the area of expansion is between the street and the existing building frontage.

b. Entrances - All building sides that face an adjacent public or private street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees, from the largest of the two adjacent streets, may be substituted for separate entrances on adjacent streets. If the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no farther than 100 ft. from the building's pedestrian entrance. Examples of these requirements are shown below in Figure 4.10-19 - Site Development Element Locations. Buildings of less than 3,000 sq. ft. fronting on only one street may provide the customer entrance on the side of the building in lieu of the front, if a sidewalk or courtyard provides a direct pedestrian connection of less than 50 ft. between the entrance and the street.

c. Parking and Vehicle Circulation - Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard, as shown above in Figure 4.10-19 - Site Development Element Locations. Where allowed by the underlying zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes, and boats may be located adjacent to streets. The parking lot perimeter landscaping requirements of Section 4.2.40 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall be met.

d. Neighborhood Center (NC) Zone Special Provisions - Buildings in the Neighborhood Center (NC) Zone shall comply with the following additional standards. See Figure 4.10-20 - Shopping Streets for context:

1. Buildings shall be oriented to designated Shopping Streets, public open space, or a public park; and

2. On designated Shopping Streets in the Neighborhood Center (NC) Zone, 80 percent of the building front shall be within the maximum setback. The maximum setback may be waived if pedestrian amenities occupy the extended setback area, as shown in Figure 4.10-19 - Site Development Element Locations. Pedestrian amenities are defined in Section 4.10.70.05.

e. Exception for Enhanced Pedestrian Environment - Within a Minor Neighborhood Center, an exception to the requirement that all buildings on corner parcels front both streets may be granted through the process identified in Chapter 2.16 - Request for Interpretation if the proposed Shopping Street's design and layout can be shown to provide a pedestrian environment that is clearly superior to the environment that would result from the corner orientation. An example of a design and layout with a clearly superior pedestrian environment is one where the Shopping Street is enclosed, etc. For Major Neighborhood Centers, such exceptions may be granted, based on the same standard, through the process identified in Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

f. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering,

Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

4.10.70.03 - Pedestrian Circulation Standards

a. Requirements for New Development and Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.c -

1. Continuous Internal Sidewalks and Multi-use Paths - A continuous internal sidewalk, including associated necessary sidewalk crossings, no less than five ft. wide, shall be provided from public sidewalks or rights-of-way to all customer entrances, and between customer entrances of all buildings, as shown in Figure 4.10-19 - Site Development Element Locations. Sidewalks shall be direct and convenient and form a network of walking routes. Internal multi-use paths shall be no less than 12 ft. wide.

2. Sidewalks along Building Walls - Sidewalks no less than five ft. wide shall be provided along the full length of building walls featuring a customer entrance and along any wall parallel to and abutting parking areas larger than eight parking spaces, except in situations where the sidewalk would not provide connectivity between an entrance and parking area. Where sidewalks are adjacent to buildings, except along Shopping Streets, a five-ft.-wide foundation landscape strip and/or weather protection with planters shall be provided. These elements are noted in Figure 4.10-19 - Site Development Element Locations.

3. Separation and Distinction from Driving Surfaces - Where any internal sidewalk is parallel to and abuts a vehicular circulation or parking area, the sidewalk shall be raised and separated from the vehicular circulation or parking area by a raised curb at least six in. in height. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, are strongly encouraged to enhance the separation of vehicular from pedestrian facilities.

4. Sidewalk and Multi-use Path Surface Treatment - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete or masonry pavers, and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete, and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for public sidewalks and multi-use paths shall meet City Engineering standards.

5. Crossings - Where any internal sidewalk crosses an internal street, driveway, or parking aisle, the sidewalk shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping, is encouraged.

6. Connection to Adjacent Properties or Streets - In addition to the sidewalk connections required by the block development standards in Chapter 4.0 - Improvements Required with Development, sidewalk connections shall be

provided between internal sidewalk networks and all adjacent planned streets, sidewalks, and multi-use paths. Multi-use paths shall be connected with adjacent multi-use paths, sidewalks, and/or bike lanes. Where appropriate, such connections shall also be provided to adjacent residential properties.

7. Planting Strips - For lots abutting existing streetside sidewalks, sidewalks shall be reconstructed with a planting strip consistent with the requirements in Chapter 4.0 - Improvements Required with Development.

b. Additional Requirement for New Development and Additional List of Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.d.1 - New development shall comply with one of the following five options. Expansions in accordance with Section 4.10.70.01.c shall add this list of choices to those presented in Section 4.10.70.03.a to obtain a larger list of options to comply with the requirements of Section 4.10.70.01.d.1.

Options:

1. Driveway Consolidation - Removal of at least one driveway through outright removal or access consolidation, such that the net number of driveways for the site is at least one less than prior existing conditions for the site.

2. Landscape Buffer - Construction or expansion of a landscape buffer between the back of a sidewalk and existing vehicle parking or circulation areas. The constructed or expanded landscape buffer shall, when completed, be a minimum of 20 ft. wide.

3. Reduced Parking - Establishment of an agreement that shares parking between the subject site and an abutting site and results in a reduction of total parking spaces for the subject site to 90 percent or less of the required minimum. Such shared parking agreements may be used, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods, or surplus capacity provided due to off-peak use, are methods of demonstrating this adequacy.

4. Covered Walkways - Installation of weather protection resulting in covered pedestrian walkways between and around all buildings and between the primary building and adjacent public pedestrian facilities.

5. Notarized Letter - Where development is proposed on property adjacent to existing five-lane arterial streets or highways, recording a signed and notarized letter with the Benton County Clerk from the owner of the development site agreeing not to oppose construction of a future median or pedestrian refuge.

4.10.70.04 - Vehicle Circulation and Design Standards

a. Parking Lots -

1. Parking lots shall be placed to the rear of buildings in accordance with Section 4.10.70.02. Administrative exceptions to this standard are allowed based on the following provisions. To the extent that required parking

cannot be located to the rear of the building due to other requirements of this Code or unusual site constraints, both of which are defined in the following paragraph, the amount of parking and vehicle circulation that cannot be accommodated to the rear of the building may be provided only to the side of the building.

2. Other requirements of this Code may include, but are not necessarily limited to, significant Natural Resource and Natural Hazard provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions. Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and Chapter 4.1 - Parking, Loading, and Access Requirements. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Building Code requirements.

b. Corner Parcels - Parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

c. Parking Lot Access - Commercial driveway approaches shall be used to access parking lots from public streets. Parking lot approaches shall be located no closer than 50 ft. from local street intersections, as measured from the intersection of two rights-of-way lines. Approaches on collector and arterial streets shall comply with parking lot approach standards provided in Chapter 4.1 - Parking, Loading, and Access Requirements.

d. Neighborhood Center (NC) Zone Special Provisions - Parking in the Neighborhood Center (NC) Zone shall comply with the following additional standards:

1. Off-street parking shall be located behind new buildings and building expansions for buildings constructed after adoption of this Code;

2. Exceptions to this standard for new buildings may be requested only in association with a Planned Development application in accordance with Chapter 2.5 - Planned Development;

3. Exceptions to this standard for expansion of a building in existence prior to December 31, 2006, may allow parking on the side of a building to the extent that required parking cannot be located to the rear due to other requirements of this Code or unusual site constraints, identified in Section 4.10.70.04.a above, and provided that the parking at the side of the building does not exceed 20 percent of the total minimum parking for the building.

4. On-street parking along the property's frontage may count toward minimum parking requirements in the Neighborhood Center (NC) Zone.

e. Drive-through Facilities

1. Internal driveways are prohibited between buildings and streets to which the building entrances are oriented, except for car washes and fuel sales pursuant to "3," below. Examples of correct and incorrect locations of these facilities are shown on the next page in Figure 4.10-21 - Drive-through

Facilities.

2. Drive-through Facilities Uses are prohibited in the Minor Neighborhood Center (NC) Zone. In other commercial zones, Drive-through Facilities are allowed provided "1," above is met. Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3. Car Washes and Fuel Sales uses may include internal driveways, drive aisles, accessways, and queuing lanes between a building that meets setback requirements and the street to which the building's entrances are oriented, subject to the following standards:

   a) Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting;

   b) A minimum eight-ft.-wide landscape buffer shall be provided between the vehicular circulation areas of the use and any sidewalk within the public street rights-of-way; and

   c) When building entrances are separated from sidewalks by drive-through facilities, contrasting paving materials shall be required to ensure safe, direct, and convenient crossings. In addition, raised elevation warning signs and/or landscaping screens are encouraged to enhance safe, direct, and convenient crossings and to further buffer pedestrian areas from Drive-through Facilities.

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. Pedestrian Amenities Standards

1. Weather Protection - Where new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum six-ft.-wide, weather-protected area, protected by such elements as awnings or canopies, shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian plazas. An additional requirement shall include a minimum eight-ft. vertical clearance between the sidewalk and the lowest portion of the weather protection. This vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.

2. Pedestrian Amenity Requirements - All new development and substantial improvements shall provide pedestrian amenities as defined by this Section. The number of pedestrian amenities provided shall comply with the following sliding scale:

Size of Structure or Substantial Improvement	Number of Amenities
< 5,000 sq. ft.	1
5,001 - 10,000 sq. ft.	2

Size of Structure or Substantial Improvement	Number of Amenities
10,001 - 50,000 sq. ft.	3
> 50,000 sq. ft.	4

3. Acceptable Pedestrian Amenities - Acceptable pedestrian amenities include the items listed below, some of which are shown in Figure 4.10-23 - Pedestrian Amenities:

   a) Sidewalks with ornamental treatments, such as brick pavers, or sidewalks 50 percent wider than required by this Code;

   b) Sidewalk planters with benches and public outdoor seating;

   c) Significant public art, such as sculpture, fountain, clock, mural, etc.;

   d) Mini parks or plazas that provide a minimum usable area of 300 sq. ft.); and

   e) Street trees of a caliper 50 percent wider than required by this Code. This approach may include preservation of healthy mature trees adjacent to the street sidewalk.

4. Accessibility of Pedestrian Amenities - Pedestrian amenities shall be visible and accessible to the general public from an improved street. Access to mini parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.

b. Design Standards and Design Variety Menus

1. Encroachments - Special architectural features, such as bay windows, decorative roofs, and entry features may, with City Council approval, project up to three ft. into public rights-of-way, provided that they are not less than nine ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than eight ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.

2. Loading/Service Facilities - Loading and service areas such as trash enclosures shall be located to minimize conflicts with public pedestrian areas; screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; designed to provide convenient access for trucks; and designed to minimize noise and other impacts with adjoining uses. Service areas shall be located to the back or sides of buildings, or in alleys where available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human-scale aspects of the development.

3. Roof-mounted Equipment - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with

roof lines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.

4. Sign Standards

   a) Pole-mounted, freestanding signs are prohibited in Neighborhood Center (NC) Zones.

   b) Blade signs placed under awnings are allowed along Shopping Streets.

   c) Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.

5. Lighting Standards - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

6. Windows - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.

   a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone, which is addressed in "c," below, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public. Additional requirements for windows shall include the following:

      1) Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window, where applicable. Ground floor windows shall also have a Top Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.

      2) Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:

         a. Opacity of greater than 60 percent prohibited for any required window; and

         b. Ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into

the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.

b) Windows on Commercial Stories above Ground Floor - Each facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.

c) Neighborhood Center Special Window Provisions - For building walls facing Shopping Streets, windows and/or glass doors shall be provided on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.

7. Design Variety Menu - Each structure shall incorporate a minimum of three of the following five building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

a) Building Walls - Building walls in excess of 30 ft. in length shall not exceed a height/width ratio of 1:3 without a change in height of at least four ft., as addressed below in Figures 4.10-25A through C - Building Walls.

b) Maximum Wall Segments - All building wall segments on all sides of buildings visible from public areas or adjacent uses shall be a maximum of 30 ft. in length. Building wall segments shall be distinguished by architectural features including at least one of the following: columns, reveals, ribs or pilasters, piers, recesses, or extensions. The segment length may be increased to a maximum of 60 ft. if the segment contains integral planters, public art, or permanent seating such as a seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.

c) Entrances - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.

d) Base Treatments - A recognizable Base Treatment consisting of at least one of the following:

1) Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;

2) Integrally textured materials such as stone, stucco, or other masonry;

3) Integrally colored and patterned materials such as smooth-finished stone or tile;

4) Lighter or darker colored materials, Mullions, or panels;

5) Detailing such as scoring, ribbing, moldings, or ornamentation; or

6) Planters integral to the building.

e) Top Treatments - A recognizable Top Treatment consisting of at least one of the following:

1) Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;

2) Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or

3) Stepped parapets.

Section 3.20.30 - PERMITTED USES IN THE MIXED USE COMMERCIAL ZONE (1993 Land Development Code, as amended)

3.20.30.01 - General Development

a. Primary Uses Permitted Outright:

3. Commercial Use Types:

- Animal Sales and Services (small animals):
  - Grooming
  - Veterinary
- Building Maintenance Services (no outdoor storage)
- Business Equipment Sales and Services
- Business Support Services
- Communication Services
- Construction Sales and Service (no outdoor storage)
- Convenience Sales and Personal Services
- Day Care Facilities
- Eating and Drinking Establishments - sit down
- Family Day Care
- Financial, Insurance, and Real Estate Services
- Food and Beverage Sales
- Laundry Services
- Medical Services
- Personal Services - General
- Professional and Administrative Services
- Repair Services - Consumer
- Research Services
- Retail Sales - General
- Transient Habitation - Lodging
- Commercial uses legally established and developed in conformance with the Development District in place on December 7, 1998.

Section 4.1.20 - GENERAL PROVISIONS

g. Mixed Uses - When several Uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of the requirements of individual Uses. Exceptions to this provision for shared parking may be considered through the Planned Development process outlined in Chapter 2.5 - Planned Development.

q. Parking Reduction Allowed -

1. A reduction of up to 10 percent of required vehicle parking may be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.

2. A reduction of up to 10 percent of required vehicle parking may be obtained through the provision of bicycle parking as follows:

a) For every eight required bicycle parking spaces, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction; or

b) For every four additional bicycle parking spaces provided over the minimum requirement, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction. Fifty percent of these additional bicycle parking spaces shall be covered, consistent with Section 4.1.70.d.1.

Additional reductions of vehicle parking spaces may be granted through the procedures in Chapter 2.12 - Lot Development Option or Chapter 2.5 - Planned Development.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

a. Residential Uses Per Building Type -

2. <u>Duplex, Attached, and Multi-dwelling</u> -

a) <u>Vehicles</u> -

1)	Studio or Efficiency Unit	-	One space per unit.
2)	One-bedroom Unit	-	One space per unit.
3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	2.5 spaces per unit.

b) <u>Bicycles</u> -

1)	Studio or Efficiency Unit	-	One space per unit.
2)	One-bedroom Unit	-	One space per unit.
3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	Two spaces per unit.

c. Commercial Use Types (for accompanying office and indoor service areas) -

Unless noted otherwise, number of spaces refers to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or two bicycle spaces, whichever is greater. However, where fewer than three vehicle spaces are required, then only one bicycle parking space shall be required.

1. Administrative and Professional Services - One space per 400 sq. ft.

4. Animal Sales and Services -

   b) Grooming - One space per 400 sq. ft. of gross floor area.

   f) Veterinary - One space per 400 sq. ft. of gross floor area.

6. Building, Maintenance and Services - One space per 400 sq. ft. of gross floor area.

7. Business Equipment Sales and Services - One space per 400 sq. ft. of gross floor area.

8. Business Support Services - One space per 400 sq. ft. of gross floor area.

9. Communication Services - One space per 400 sq. ft. of gross floor area.

10. Construction Sales and Service - One space per 400 sq. ft. of gross floor area.

11. Convenience Sales and Personal Services - One space per 400 sq. ft. of gross floor area.

12. Eating or Drinking Establishments - One space per four fixed seats or stools where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. of dining or drinking area where there are no fixed seats.

14. Financial, Insurance, and Real Estate Services - One space per 400 sq. ft. of gross floor area.

15. Food and Beverage Retail Sales - One space per 400 sq. ft. of gross floor area.

18. Laundry Service - One space per 400 sq. ft. of gross floor area.

20. Medical Services - One space per 200 sq. ft. of gross floor area.

22. Repair Services, Consumer - One space per 400 sq. ft. of gross floor area.

23. Research Services - One space per 300 sq. ft. of gross floor area.

25. Retail Sales, General - One space per 400 sq. ft. of gross floor area.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

a. Traffic evaluations shall be required of all development proposals in accordance with the following:

1. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analyses for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.

e. Development sites shall be provided with access from a public street or a private street that meets the criteria in "d," improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private street is allowed per the criteria in "d", above, the abutting street shall meet all the criteria in "d", above and be improved to City standards along the full frontage of the property concurrently with development.

k. Location, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:

8. Right-of-way and improvement widths shall be as specified in the Transportation Plan and Table 4.0-1 - Street Functional Classification System.

Section 4.0.30 - PEDESTRIAN REQUIREMENTS

a. Sidewalks shall be required along both sides of all streets, as follows:

2. Sidewalks on Arterial, Collector, and Neighborhood Collector Streets - Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of five ft. wide. An exception to these provisions is that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

3. Sidewalk Installation Timing - The timing of the installation of sidewalks

shall be as follows:

a) Sidewalks and planted areas along Arterial, Collector, and Neighborhood Collector Streets shall be installed with street improvements.

d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

f. Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps in existing sidewalks that will be impacted by the development. If such a Contractor Sidewalk/street Stamp exists, it shall either be left in its current state as part of the existing sidewalk, or incorporated into the new sidewalk for the development site, as close as possible to the original location and orientation.

Section 4.0.40 - BICYCLE REQUIREMENTS

a. On-street Bike Lanes - On-street bike lanes shall be required on all Arterial, Collector, and Neighborhood Collector Streets and constructed at the time of street improvements.

Section 4.0.50 - TRANSIT REQUIREMENTS

a. Development sites located along existing or planned transit routes shall, where appropriate, incorporate transit stops and shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the Corvallis Transit System.

b. Development sites at or near existing or planned transit stops shall provide safe, convenient access to the transit system, as follows:

1. All Commercial and Civic Use developments shall provide a prominent entrance oriented toward Arterial, Collector, and Neighborhood Collector Streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of Section 4.0.30.b.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

q. Development shall include underground electric services, light standards, wiring and lamps for streetlights according to the specifications and standards of the City Engineer. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with such development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles.
2. The streetlight plan shall be designed to provide illumination meeting standards set by the City Engineer.
3. The standard street light installation is a wood pole.

The developer shall install such facilities and make the necessary arrangements with the serving electric utility for the City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon City's acceptance of such development improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the

City.

Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)

a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.
b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrently with development.
c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrently with development.
d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).
e. All required public utility installations shall conform to the City's adopted facilities master plans.
f. Private on-site sanitary sewer and storm drainage facilities may be allowed, provided all the following conditions exist:
    1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
    2. The development site remains in one ownership and Land Division does not
    occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and
    3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.

Section 4.0.100 - LAND FOR PUBLIC PURPOSES

a. Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations.

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

b. Areas Where Trees May Not be Planted -
    1. Trees may not be planted within five ft. of permanent hard surface paving or
    walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.
    2. Unless approved otherwise by the City Engineer, trees may not be planted:
        a) Within 10 ft. of fire hydrants and utility poles;
        b) Within 20 ft. of street light standards;
        c) Within five ft. from an existing curb face, except where required for street trees;
        d) Within 10 ft. of a public sanitary sewer, storm drainage, or water

line;
or

e) Where the Director determines the trees may be a hazard to the public interest or general welfare.

Section 4.0.100 - LAND FOR PUBLIC PURPOSES

b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations.

Chapter 4.2 - Subdivisions and Major Replats

2.4.30.04 - Review Criteria

b. Residential Subdivisions - Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

2. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards;

3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.

4. Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 - Riparian Corridor and Wetland Provisions.

A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

Chapter 4.4 - Land Division Standards

Section 4.4.20 - GENERAL PROVISIONS

4.4.20.01 - Applicability

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development.

4.4.20.02 - Blocks

a. General - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.

b. Size - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.n of Chapter 4.0 - Improvements Required with Development.

4.4.20.03 - Lot Requirements

a. Size and Shape - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.

b. Access - Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless:

1. The lot is created through a Land Partition or Minor Replat, in which case Section 4.4.30.01, below, shall apply; and/or

2. The lot meets the exemption in "a," or "b," below:

a) Residential lots involving Single-family Detached; Single-family Attached, two units; or Duplex dwellings, provided:

1) Front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path; and

2) Vehicular access is provided via an alley.

b) Commercial, Industrial, and Residential lots other than those described in "a," above, provided:

1) Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path; and

2) Vehicular access is provided via an alley.

c. Through Lots - Through Lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft. wide shall be required between Through Lots and adjacent streets, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No vehicular rights of access shall be permitted across this planting screen easement. All Through Lots with frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

d. Lot Side Lines - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.

e. Lot Grading - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.

f. Building Lines - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.

g. Large Lots - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.

h. Minimum Assured Development Area - For property with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, lots created through a Subdivision, Partition, or Lot Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA) are met.

Chapter 2.13 - Plan Compatibility Review

Section 2.13.20 - PURPOSES

Procedures and review criteria for Plan Compatibility Review are established for the following purposes:

a. Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;

b. Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;

c. Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper attention be given to the exterior appearance of structures, signs, parking areas, landscaping, and other improvements;

d. Protect and ensure adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area;

e. Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and

f. Promote and encourage energy conservation .

2.13.30.05 - Review Criteria

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

a. The proposed development shall be in conformance with the purposes of this Chapter;

b. Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;

c. The proposed development shall not adversely affect traffic, parking, and access; and

d. Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

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Applicable Comprehensive Plan Policies:

3.2.3 The City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering.

3.2.4 In the case of compatibility conflicts, requirements will be imposed on both sides of a given property line, in the following manner:

A. Where both lots are undeveloped, each will be required to provide transitional elements when it develops.

B. The development in the more intensive development district shall provide the bulk of the transitional elements but shall not be required to provide the full amount unless the property in the less intensive district is already developed.

5.3.1 To increase the aesthetic qualities of the community and enjoy the engineering and ecological benefits of trees, the City shall require developers to plant appropriate numbers and varieties of trees with all new development. Such standards shall be

maintained in the Land Development Code.

9.2.2 In new development, City land use actions shall promote neighborhood characteristics (as defined in 9.2.5) that are appropriate to the site and area.

9.2.4 Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.

H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.

I. Neighborhoods have public areas that are designed to encourage the

attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.

J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.

K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.

L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

M. Neighborhoods have street trees in planting strips in the public right-of-way.

11.2.2 The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

11.3.2 Circumferential routing of major streets with controlled access and adequate setbacks shall be developed to facilitate the movement of through traffic.

11.3.11 Private driveway access shall be limited on all existing and future arterial streets to reduce interference, improve safety, and preserve traffic capacity. New residential driveways shall not directly access arterial streets where alternate access can be developed. At the time of development or redevelopment, opportunities to restrict or combine access points along arterials should be pursued.

SCANNED

GENERAL APPLICATION

RECEIVED

Date: 06-26-08 By: JKE

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

JUN 23 2008

Community Development
Planning Division

Community Development Planning Division
501 SW Madison, P. O. Box 1083
Corvallis, OR 97339-1083
Phone:(541) 766-6908, Fax (541) 766-6936
email: planning@ci.corvallis.or.us

For staff use only

Case # PLD08-00009, SUB08-00005, PCR08-00002

Date Filed 06-23-08

Fee $9290.63 Receipt # ~~4297~~ 3401 Planner Kevin Young

Please tell us about yourself and your request: Check the following item(s) that apply to your application.

Annexation	Planned Development major minor
Conditional Development	X Planned Development (Conceptual)
Conditional Development Modification	X Planned Development (Detailed)
Comprehensive Plan Amendment	Planned Development (Nullification)
From To	X Plan Compatibility Review
District Change	Hillside Density Transfer
From To	Street Vacation
X Subdivision (Tentative Plat)	Extension of Service
Subdivision (Tentative Plat) Modification	
Willamette River Greenway	

Please give us a brief summary of the action requested: Conceptual and detailed development plan approval.

Name of Project: Western Station / Live Work Units

Applicant's Name: 7th Street Station, LLC Phone 503-932-6060

Address 1900 Front Street, NE Salem, Oregon 97303

Signature [signature] Date 27 May 2008

Property Owner(s) Name: Phone 503-932-6060

Address 7th Street Station, LLC, 1900 Front Street, NE, Salem, Oregon 97303

Signature [signature] Date 27 May 2008

Project Staff (name & address):

Developer Applicant Phone 503-932-6060

Engineer Steven C.P. Hattori, Devco Engineering, Inc. Phone 541-757-8991

Planner Lyle E. Hutchens, Devco Engineering, Inc. Phone 541-757-8991

Architect Gene Bolante, Studio 3 Architecture Phone 503-390-6500

Other Phone

Attachment III - 160

Attachment J-1

Please tell us about your site:

Location address (or general vicinity, side of street, distance to intersection)
Mid-block, south side of Western Boulevard, between 6th and 7th Streets.

*Assessor's Map Number(s) — Related Tax Lot(s)
1. 12 5 2 BB — 16003000, 16001000

*The Assessor's Map Number (Township, Section/Range) and the Tax Lot Number (parcel) can be found on your tax statement or at the Benton County Assessor's Office)

Lot Area _____
Development District (i.e. zone) PD (MUC)
Comprehensive Plan Designation Commercial

Attachments: ☒ Existing Site Map ☒ Site Plan ☒ Narrative ☒Vicinity Map
(Topography, Vegetation, etc.) (The Proposal)

☒ Floor Plans ☒ Elevations

☒ Solar Easements and/or shadow studies

☒ Other As required by LDC Chapter 2.5
(If drawings are larger than 8 1/2 x 14", submit 7 copies.)

Please tell us about the surrounding area:

Direction	Zoning District	Existing Land use
North	MUCS	Commercial
South	RS-12	Vacant/Rail Yard
East	RS-12	Railroad/Residential
West	RS-12	Railspur/Vacant

NOTE: The attachments submitted should include sufficient information about adjacent lands to indicate the site's relationship with these lands (i.e. maps should indicate nearly structures, densities, road, bike, and pedestrian systems, etc.)

Please Tell Us More About The Proposed Development And Its Site:

2. On your plans, include the following: Site boundaries, points of access, topography (show contours), flood plains, water courses, significant vegetation, existing roads, utilities, pedestrian or bikeways, and any existing easements. Please note there are additional specific graphic and narrative requirements for each type of application.

2. Are there existing structures on site: ☐ Yes ☒ No If Yes, illustrate them on your plans and describe their current use, the type of structure, and the square footage.

3. For your project, please indicate the uses proposed and describe the intended activities:
Mixed use residential/Commercial Live/work units

4. Will the project be completed in phases: ☐ Yes ☒ No If Yes, please explain.

5. Proposed Uses See accompanying application materials

6. Site Cover See accompanying application materials

Use Type	# of acres or sq ft	Percent		Coverage Type	# of acres or sq ft	Percent
Residential				**Impervious** - Structure footprints - Parking & drives		
Commercial Industrial Open Space - Parks - Drainageways - Other				**Mostly non-impervious** Open Space - Parks - Drainageways - Other Green areas or yards, walks, patios, and landscape areas		
Total		100%		**Total**		100%

Description of other types (e.g. recreational facilities):

For Residential Development:

Type	# Units	# Bedrooms	Density (living units per acre)

7. How will open space, common areas and recreational facilities be maintained?
Owners Association

8. For proposed residential developments, are there any existing structures or trees on adjacent land which will reduce solar access to your site between 9 a.m. and 3 p.m. on November 21? ☐ Yes ☒ No If Yes, please illustrate these locations and their shadow impacts on your site map.

Please identify any citizen outreach efforts that you have **undertaken prior to submitting this application:**

- ☐ Mailed information regarding the proposed development to adjacent property owners/residents.
- ☐ Held one or more neighborhood meeting(s) or open houses
- ☐ Held a project design workshop.
- ☐ Met individually and/or conferred over the phone with citizens.
- ☐ Made site plans available for review.
- ☐ Canvassed the neighborhood.
- ☐ Posted the project site with information about the proposal, and where to go for more information.
- ☐ Other (please describe):

Were changes made to the proposal as a result of citizen input? If so, what were they?

Authorization for Staff and **Decision** maker to Enter Land

City staff, Planning Commissioners and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

☒ I authorize City staff and decision makers to enter onto the property(-ies) associated with this application.

☐ I do not authorize City decision makers to enter onto the property(-ies) associated with this application.

Public Notice Signs

The applicant is responsible for posting public notice signs in at least one conspicuous place along each street frontage of a site 20 days prior to the public hearing date. Staff will prepare the signs and will let you know when the signs are ready to be picked up from City Hall.

Please indicate who will be responsible for posting any required signs:

Name: Lyle Hutchens

Phone: 541-757-8991

Western Station

An Application for:

- Conceptual Development Plan and Detailed Development Plan
- Tentative Subdivision Plat
- Plan Compatibility Review

Submitted to:

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

The City of Corvallis
50 SW Madison Avenue
Corvallis, Oregon 97333

Submitted by:

7th Street Station, LLC
1900 Front Street, NE
Salem, Oregon 97303

May 25, 2008
Revised September 5, 2008

RECEIVED
SEP - 5 2008
Community Development
Planning Division

Application Narrative

Name of Project: Western Station

Request:

(1) Conceptual Development Plan and Detailed Development Plan

(2) Tentative Subdivision Plat

(3) Plan Compatibility Review

(4) Deviations to Standards

Applicant: 7th Street Station, LLC
1900 Front Street, NE
Salem, Oregon 97303

Owners: 7th Street Station, LLC
1900 Front Street, NE
Salem, Oregon 97303

Location: Bounded by Western Boulevard on the North,
7th Street and the railroad tracks to the West, South and North

Assessor's Map 12-5-2BB, Tax Lot 16003

Acres: 0.51 acres

Comprehensive Plan Designation: Mixed Use Commercial

District Designation: Mixed Use Commercial (PD/MUC)

INTRODUCTION

A. Background

This application presents a proposal for the development of a mixed-use project on the vacant MUC zoned property along the south side of Western Boulevard between 6th and 7th Streets. This proposal is an update of the Mixed Use Development Proposal in conjunction with 7th Street Station Residential Development Project (PLD 05-00019, SUB05-00007, PCR05-00009). The 7th Street Station project in total was denied by the Planning Commission in 2006, but with some favorable comments on the concept for the MUC development.

In this consolidated application, the applicant is requesting the following:

(1) Approval of a Conceptual Development Plan and Detailed Development Plan, proposing four lots for live/work units, with accompanying improvements in access, parking and landscaping.

(2) Approval of a Tentative Subdivision Plat for 4 lots for live/work units and a remainder lot.

(3) Approval of a Plan Compatibility Review for the Mixed Use/Commercial site.

On November 7, 2007, the Corvallis City Council denied an application for the "Palazzo" (PLD07-00004, SUB07-00002, PCR07-00003). This application has modified that previous application significantly, specifically with respect to Floor Area Ratio (FAR) and on-site parking requirements. The failure to comply with the applicable criteria in those areas was stated as grounds for rejecting the previous application. This application modifies the building and the site so that the FAR and on-site parking criteria are met. For purposes of calculating the FAR, the railroad easement area has been left out of the total area as undevelopable land. This nets a total area of 22,060 sq. ft., for a FAR of 0.25. An expanded version of the calculation is included on Attachment "O", Tentative Plat.

B. Site and Vicinity

The 0.51-acre site is located on the west and north side of the rail switching yard, south of Western Boulevard and east of 7th Street. Access to the site is from Western Boulevard, an arterial street that abuts the northern boundary of the site, is improved with curbs, gutters, bike lanes and a sidewalk.

West of the site is a vacant parcel bordered by 7th Street. West of 7th Street is an established neighborhood of multi-family and single family homes. This neighborhood is zoned for Medium Density and High Density Residential development. North of the site and Western Boulevard is an antique store (Beekman Place) and a specialty wine shop (Santiam Station). The area is zoned for Mixed Use Commercial, General Industrial, and Medium-High Density Residential uses. East of the site is a small railroad switching yard which serves the Willamette and Pacific Railroad. On the

opposite side of the switching yard is the Avery-Helms Historic District, which is a residential neighborhood containing single-family and multi-family homes. This area is zoned for Medium-High Density Residential, Medium Density Residential, and General Industrial uses. South of the site is a railroad easement and spur tracks with vacant Medium-High Density residential property further to the South.

C. Description of the Application

Four 3-story live/work units are proposed for this location that will front Western Boulevard and have parking in the rear. The ground floors of these units will be designed for commercial uses, such as a clothing store or art studio, while the two upper floors will be designed for the shop owner's residences. Parking for the residents and their customers will be in the back of the units with access from a driveway just west of the building. The parking lot will contain 18 parking spaces and a dumpster that will be located behind a wall at the northeast corner of the parking lots. Additional trees, shrubs, and groundcover will be planted in and around the parking lot.

An extra wide sidewalk will be provided in front of the storefronts so that businesses can accommodate outdoor dining. Street trees in this location will be planted in 4′ x 4′ tree wells, as is currently done in much of downtown Corvallis. The buildings will be designed with commercial ground floor storefront windows. Either blade signs or wall-mounted signs are anticipated to be installed by the future users. Each storefront will have a bicycle hoop, and one additional hoop will be located near the curb between the street trees.

The proposed building will include a palette of materials; the base of the building will be a mix of cultured stone and fiber cement smooth faced horizontal siding. Upper levels include the same materials; in addition stucco and ornate wrought iron guardrails provide protection to the occupants and also a visually appealing architectural feature. Decks are provided at each unit on the fourth floor; these decks recess in up to 9′ to add to the visual character. The entries at the ground floor are recessed 36″ to provide pedestrian appeal. The continuous canopy breaks up the visual plane dividing the pedestrian level to the living units above.

D. Narrative Format

The Narrative is presented in four major parts:

Part I	Conceptual Development Plan and Detail Development Plan
Part II	Tentative Subdivision Plat
Part III	Plan Compatibility Review
Part IV	Development Standards for MUC District
Part V	Deviations to Standards

E. List of Attachments for May 25, 2008 submission

Attachment "A" – Public Notice Map/Vicinity Map
Attachment "B" – Existing Zoning Designations

E. List of Attachments for May 25, 2008 submission (continued)

Attachment "C" – Existing Comprehensive Plan Designations
Attachment "D" – Surrounding Uses
Attachment "E" – Natural Features – Significant Vegetation
Attachment "F" – Natural Features – Protected Riparian Area
Attachment "G" – Natural Features – 100 Year Flood Protection Area
Attachment "H" – Natural Features – Slopes
Attachment "I" – Natural Features – Landslide Area
Attachment "J" – Existing Site Project Aerial Photo
Attachment "K" – Existing Site Topography
Attachment "L" – Detailed Development Plan
Attachment "M" – Detailed Development Plan with Existing and Proposed Circulation Patterns
Attachment "N" - Detailed Development Plan with Housing Types and Parking Calculations
Attachment "O" – Tentative Plat
Attachment "P" – Conceptual Grading Plan and Typical Sections
Attachment "Q" – Utility and Surface Water Management Plan
Attachment "R" – Site Lighting Plan
Attachment "S" – Conceptual Landscape Plan
Attachment "T" - Ground Floor Plan
Attachment "U" - Mezzanine Floor Plan
Attachment "V" - First Floor Plan
Attachment "W" – Second Plan
Attachment "X" - Front Elevations
Attachment "Y" - Side Elevations
Attachment "Z" - Rear Elevation

PART I

CONCEPTUAL DEVELOPMENT PLAN
and
DETAILED DEVELOPMENT PLAN

A. Applicant's Request

The applicant is simultaneously seeking approval of a Conceptual Development Plan and a Detailed Development Plan that allow variations to some of the City's development standards.

B. Description of the Project

Please see the discussion in the Introduction (starting on page 1 of Introduction) and in the Attachments to this Narrative.

C. Detailed Development Plan Review Procedures

An application for approval of a Detailed Development Plan must contain the information and follow the procedures described in LDC 2.5.40.01 and 2.5.50.01. Compliance with those procedures, and the information required to be submitted by those procedures, is discussed as follows:

1. Submission Requirements

Section 2.5.40 - CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCEDURES

An application filed for a Conceptual Development Plan shall be reviewed in accordance with the following procedures.

2.5.40.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to this Code's applicable requirements.

Applications shall be made on forms provided by the Director and shall be accompanied by:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description

of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11 by 17 in. size if, for legibility purposes, such a size would be helpful;

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable.

Response: *The application form (signed by the owners of the property) and appropriate copies of the graphics are being submitted with this Narrative.*

Attachment III - 171

2. *Submission Graphic Requirements*

Graphic Requirements Graphics shall include the following information where applicable:

1. **Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;**

Response: *Attachment "A," Public Notice Map / Vicinity Map.*

2. **Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;**

Response: *Attachment "B," Existing Zoning Designations.*

3. **Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each and use designation on the site and within 1,000 ft. of the site as per City format;**

Response: *Attachment "C," Existing Comprehensive Plan Designations*

4. **Existing Land Use Map - Typically a topographic map that extends at least 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial Uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;**

Response: *Attachment "D," Surrounding Uses.*

5. **Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:**

   a) **All information and preservation plans required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable;**

Response: *Attachments "E" through "I." There are no inventoried natural hazards, significant vegetation, riparian corridors or wetlands on the applicant's property.*

   b) **All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and**

Response: *Not applicable.*

   c) **Archaeological sites recorded by the State Historic Preservation Office (SHPO).**

Response: *There are no recorded archeological sites on the applicant's property.*

6. **Site Plan(s) and Other Graphics -**

   a) **Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed in this Section and "b," below.**

   Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA),

if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

b) The site plan and related graphics shall also include:

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or Land Divisions;

Response: *Attachment "O," Tentative Plat Tracts and Easements.*

2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft., as applicable;

Response: *Attachment "O," Tentative Plat Tracts and Easements.*

3) General location and floor area of existing and proposed structures and other improvements, including maximum building heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right-of-way, easements, fences, walls, parking calculations, and walkways; and any proposed Use restrictions. Where required by the applicable zone, lot coverage and Green Area calculations shall be provided. An indication of approximate building envelopes may be required to evaluate building relationships;

Response: *Attachment "L," Detailed Development Plan.*

4) General location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;

Response: *Attachment "O," Tentative Plat Tracts and Easements.*

5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;

Response: *Attachment "M," Detailed Development Plan with Existing and Proposed Circulation Patterns.*

6) **Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems, and indicating proposed treatments for points of conflict;**

Response: *Attachment "M," Detailed Development Plan with Existing and Proposed Circulation Patterns.*

7) **Utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;**

Response: *Attachment "Q," Utility and Surface Water Management Plan.*

8) **Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in Section 2.5.40.01.f.5, above, to indicate the relationship of the proposal to the site's Significant Natural Features;**

Response: *There are no significant natural features on the applicant's property.*

9) **Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the development site exceeds 10 percent and where the development site abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.5 - Natural Hazard and Hillside Development Provisions. If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from the development will be managed, and how the development's surface waters will be disposed;**

Response: *Attachment "K," Existing Site Topography.*

10) **Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences;**

Response: *Attachment "S," Conceptual Landscape Plan.*

11) **For residential development, existing structures and trees located on land adjacent to the development that, between 9 a.m. and 3 p.m. on November 21, will reduce Solar Access to the subject property; and**

Response: *Not applicable.*

12) **For residential development, indication of which buildings will have Solar Access protection, and appropriate documentation to verify how Solar Access will be protected.**

Response: *Not applicable.*

3. Submission Narrative Requirements

A written statement shall include the following information:

1. **Statement of planning objectives to be achieved by the subject development. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in 2.5.40.04 below, including the development standards required by this Code;**

Response: See the discussion in the Introduction portion of the Narrative.

2. **Quantitative data for the following where appropriate:**

   a) **Total number and type of dwelling units;**

Response: Attachment "N," Detailed Development Plan with Housing Types and Parking Calculations.

   b) **Square footages of all structures;**

Response: Attachments "T," First Floor Plan, through "W," Second Floor Plan.

   c) **Parcel size;**

Response: Attachment "O," Tentative Plat Tracts and Easements.

   d) **Proposed lot coverage of buildings and structures, where known;**

Response: Attachment "L," Detailed Development Plan.

   e) **Gross densities per acre;**

Response: Attachment "L," Detailed Development Plan.

   f) **Total square footage of Green Area;**

Response: Attachment "L," Detailed Development Plan.

   g) **Total number of parking spaces (compact, standard, handicapped, bicycle) and breakdown of how parking is consistent with this Code's requirements; and**

Response: Attachment "N," Detailed Development Plan with Housing Type and Parking Calculations.

   h) **Total square footage of nonresidential construction;**

Response: Attachment "L," Detailed Development Plan.

3. **General statement outlining timing, responsibilities, and financial assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;**

Response: *All public and private improvements will be constructed in a single phase, at the applicant's expense.*

4. **Statement describing phases of project, if proposed. Phases shall be:**

   a) **Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;**

Response: *The project will be constructed in a single phase.*

   b) **Arranged to avoid conflicts between higher and lower density development;**

Response: *Not applicable.*

   c) **Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and**

Response: *Not applicable.*

   d) **Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development;**

Response: *Not applicable.*

5. **Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a; and**

Response: *This proposal does not generate 30 or more trips in any hour, therefore, a TIA is not required.*

Trip Generation Summary			
	Entering Trips	Exiting Trips	Total Trips
4 Townhouses (ITE Land Use Code – Residential Condominium/Townhouse)			
AM Peak Hour	0	2	2
PM Peak Hour	1	1	2
5,600 sq.ft. Retail (ITE Land Use Code – Shopping Center)			
AM Peak Hour	3	2	5
PM Peak Hour	10	11	21
Total			
AM Peak Hour	3	4	7
PM Peak Hour	11	12	23

6. **For residential development, a statement or map describing existing and proposed buildings with protected Solar Access consistent with Chapter 4.6 - Solar Access.**

Response: *Not applicable.*

7. **Information required by Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable.**

Response: *Not applicable, there are no significant natural features on the applicant's property.*

1. Approval Criterion

2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

Response: *With the exception of Table "A" Proposed Changes to Development Standards, in Part V, the applicant's proposal is intended to be in compliance with the standards referenced above.*

a. **Compatibility Factors -**

2. Approval Criterion

1. **Compensating benefits for the variations being requested;**

Response: *See Table "A" in Part V of this narrative, page 5.*

3. Approval Criterion

2. **Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);**

Response: *The proposed structure is oriented to Western Boulevard and towards the adjacent commercial uses across the street. Those existing commercial uses are similarly oriented to Western Boulevard. The parking is behind the new building and will be screened with evergreen shrubs and parking lot trees. The trash enclosure at the northeast corner of the parking lot will also be screened by a wall and landscaped with evergreen shrubs along the eastern side.*

The site is separated from the residential zoned property by a railroad right-of-way and tracks. Evergreen landscaping along the side adjacent and abutting the track has been provided to address screening requirements between the two land uses. Although some residential uses exist west and east of the site, the predominant uses to the north and east are commercial. As such, the architecture of the building has been designed to be more commercial in nature. The proposed building has been designed to be compatible with other commercial uses along Western Boulevard. The flat roofs provided will include a cornice along the front and sides of the building.

4. Approval Criterion

3. **Visual elements (scale, structural design and form, materials, etc.);**

Response: *None of the proposed live/work units are within 20-feet of a residential structure. The closest residential structures (to the east) are two and one-half stories in height.*

The ground floor elevation of the building will be comprised of storefront glass provided over 71% of the lineal frontage. The glazing will occur from grade to the bottom of the continuous canopy above roughly 9 feet high. The amount of glazing will contribute to the pedestrian scale and avoid blank walls. In addition building entrances are set back to provide relief and emphasis on the building entrances.

The entire front and side elevations will be provided with breaks and offsets greater than 36 inches to enhance the appearance. A mix of ornate cornices, decorative guardrails, and

vertical offsets will provide a variety of appealing features. The 3 foot offsets in height occurs at least every 20 feet.

The proposed building will include a palette of materials; the base of the building will be a brick fascia mixed with storefront glass. Upper levels include and fiber cement smooth faced horizontal siding in addition to stucco and ornate wrought iron guardrails provide protection to the occupants and also a visually appealing architectural feature. Decks are provided at each unit on the fourth floor; these decks recess in up to 9 feet to add to the visual character. The entries at the ground floor are recessed 36 inches to provide pedestrian appeal. The continuous canopy breaks up the visual plane dividing the pedestrian level to the living units above.

The ground floor is provided with a continuous canopy along the northerly, southerly and westerly faces. The canopy helps separate the public from the private spaces above. The upper levels are provided with smaller windows, the exterior walls at the decks recess into the building up to 9 feet. Decorative wrought iron guardrails are provided at the decks. Each unit will also incorporate a different color on the exterior front elevation, providing distinction between the units and breaking up what continuous mass is left. A mix of exterior materials will occur at the upper floor, stucco dominates on the front face of the building with accents of horizontal siding. Ornate cornices will add additional character to the tops of the buildings.

5. Approval Criterion

4. Noise attenuation;

Response: *This project will not create any noises greater than or not typical of the surrounding commercial, residential, street and railroad uses. The maximum front yard setback requirements of the MUC District standards would indicate the compatibility of the proposed use with the typical street noises of Western Boulevard and the adjacent uses.*

6. Approval Criterion

5. Odors and emissions;

Response: *Odors on the site are anticipated to be similar to those permitted on adjacent commercial, industrial and residential lands. A trash enclosure and recycling area is located in the northwestern corner of the parking lot. An enclosure will be constructed around this area to provide screening from the dumpster and recycling bins, and will be constructed of materials that match the materials on the building. The dumpster will have a lid to minimize undesirable odors.*

Corvallis is currently in compliance with State and Federal air and water quality standards. It is anticipated that any emissions resulting from this development will be minimal. This project is not expected to affect the City's compliance with these State and Federal standards.

7. Approval Criterion

6. Lighting;

Response: *The applicant is proposing to use the historic style streetlights with hanging planter baskets found at other new downtown projects, such as the fire station and Riverfront. The Owner's Association will be responsible for maintenance of the flower baskets. A more traditional pole mounted fixture will provide illumination from the parking lot and common areas. All new exterior lighting for the project will be shielded so as not to produce glare onto adjacent properties.*

8. Approval Criterion

7. Signage;

Response: *Either blade signs or wall mounted signs are anticipated to be installed by future tenants on the commercial portion of the building. The LDC does not currently specify signage location for the MUC District. The Director has made an interpretation that LDC 4.70.90.04 of the signage provisions shall apply to MUC developments. Therefore, all future signage associated with the mixed use commercial area will be in compliance with the City's sign regulations (specifically LDC 4.7.90.04) and vision clearance requirements.*

9. Approval Criterion

8. Landscaping for buffering and screening;

Response: *Attachment "S," Conceptual Landscape Plan, indicated the proposed screening and buffering, all of which is proposed to be in compliance with LDC 4.20.40 and 4.2.50, except as noted in Table "A".*

10. Approval Criterion

9. Transportation facilities;

Response: *The City restricts access along Western Boulevard whenever possible. The proposed project is in compliance with the access control plan for this segment of Western Boulevard, which limits vehicular access to one point per development parcel.*

The project is ideally located for future residents seeking alternative modes of transportation. It is only a few blocks from downtown and Oregon State University, and is adjacent to the one of the City's transit corridors and an arterial street with bike lanes.

11. Approval Criterion

10. Traffic and off-site parking impacts;

Response: *Previous, recent traffic studies have indicated that all nearby intersections are operating at an acceptable level of service. This proposal does not generate sufficient trip ends to make a traffic impact study a requirement for the approval of this project, therefore, any traffic impacts will be minimal.*

The project has been designed in compliance with vision clearance triangles established by the City, which ensures pedestrian, bicycle, and vehicular safety at the intersections of driveways and streets.

All of the off-street parking for the project has sufficient room within the off-street parking areas to accommodate all needed backing and maneuvering. No backing or maneuvering will be needed across public sidewalks or on public streets.

12. Approval Criterion

11. Utility infrastructure;

Response: *No new public infrastructure is proposed. Sufficient existing public utilities exist in the adjacent Western Boulevard right-of-way.*

13. Approval Criterion

12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

Response: *This project does not create any air or water quality impacts which would be inconsistent with or in excess of the MUC zoning or the surrounding commercial, industrial and residential uses.*

Stormwater quantity and quality measures will be made consistent with the City's adopted Master Plan and Design Standards.

This project offers the opportunity to reduce vehicle air emissions by its location to bicycle, pedestrian, and transit facilities which are close to and connected to downtown and the University.

14. Approval Criterion

13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards; and

Response: *(follows below)*

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT BUILDING TYPES

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional

Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 200 ft, long, as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway.

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Response: *The face of the structure is oriented to Western Boulevard with the primary entrances to the commercial spaces accessing the Western Boulevard public sidewalk directly. The primary entrances to the residential space are on the opposite side of the building and are connected to Western Boulevard with continuous sidewalk around both ends of the building. The longest path of travel to the public way is approximately 80 feet.*

2. Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a u-shaped building with a pedestrian courtyard in the center, then one-half the

width of the building, based upon the lineal footage of the building's street frontage, could be located farther back than the maximum setback of 15 ft.

Response: *No open courtyard space is proposed. The proposal does not include a "U" shaped building.*

3. **Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation. An exception may also be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page. Parking to the side of buildings is allowed in limited situations, as outlined in Section 4.10.60.02 below.**

Response: *There is no off-street parking proposed between the building and the street.*

b. **Percentage of Frontage - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Frontage.**

Response: *Tax Lot 16003 has 197 feet of street frontage, however, at the 20 foot maximum setback line parallel to the street. The site has only 170 feet of street frontage because of its triangular shape. The proposed structure is 85 feet long and occupies 50% of the setback frontage available.*

c. **Windows and Doors - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.**

Response: *The facades facing the streets and sidewalks contain more than 15% windows and doors. The front façade contains 37% windows and the side facades contain 28% windows.*

d. **Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

Response: *There are no significant natural features. Grading will meet the requirements of LDC 4.5.*

4.10.60.02 - Parking Location

a. **Standards**

1. **Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:**

   a) **Where lot depth is less than 75 ft.;**

   b) **Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;**

   c) **Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or**

d) **Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.**

Response: *No exception required. All proposed parking is to the rear of the building.*

2. **On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.**

Response: *Not applicable.*

4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in Section 4.10.50.02.

4.10.60.04 - Menus for Pedestrian Features and Design Variety

a. **Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes - Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is encouraged.**

1. **<u>Elevated Finished Floor</u> - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.**

Response: *The first floor of the residential portion of the structure is elevated approximately 22 feet above grade.*

2. **<u>Front Porches/Patios</u> - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.**

Response: *Not applicable, there are no ground floor dwelling units.*

3. **<u>Sidewalk/Walkway to Front Door</u>: A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.**

Response: *A minimum 3-foot wide concrete sidewalk connects the street to the front door of each residential unit.*

b. **Design Variety Menu - Roof forms shall be at least a 4:12 pitch with at least a six-in. overhang. Mixed-use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building. Additionally, each structure shall incorporate a minimum of four of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.**

Response: *This is a mixed-use structure with a flat roof and decorative parapet. We have met 4 of the 8 design features.*

1. **<u>Trim</u> - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.**

Response: *Not used.*

2. **Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:**

a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft, or more in height, or at least two-ft. eaves;

Response: *The front façade of the building includes offsets, balconies, projections, mix of materials and a continuous awning.*

- *The roof is provided with breaks greater than 3 feet in height and cornices greater than 2 feet. The front elevation meets these criteria as well as the side elevations.*

- *Decks are provided with up to 9 foot recesses from the face of the building. The widths of the decks are greater than 4 feet.*

b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or

Response: *Not used.*

c) Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.

Response: *Not used.*

3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

Response: *The building has three different types of materials used. In addition to brick veneer, stucco and lap siding occur. The materials are placed in a harmonic rhythm along the face and sides of the building.*

4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.

Response: *Not used.*

5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

Response: *Along the front and side not facing the railroad, the glass and window composition is in excess of 20%. The side elevation contains 28% and the front elevation contains 37%.*

6. **Increased Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.**

Response: *Not used.*

7. **Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.**

Response: *The project contains several architectural details. An ornamental rail occurs at each deck. Windows are divided with mullions to add character. A detailed cornice occurs along the tops of the buildings.*

8. **Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.**

Response: *Not used.*

4.10.60.05 - Service Areas and Roof-Mounted Equipment

a. Service Areas - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of

Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

Response: *The only grade service proposed with this project is the trash enclosure located along the southeasterly boundary of the project. The trash enclosure will be screened on all sides, allowing for an access gate, by a solid masonry wall at 6 feet in height. Landscape screening in accordance with LDC 4.2 will be provided between the enclosure and the adjacent east property line. The trash enclosure is located more than 20 feet away from the nearest residential structure. Any power transformers required to be located on site will be screened with landscaping in accordance with LDC 4.2.*

c. Roof-Mounted Equipment - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.

Response: *All roof mounted equipment shall be screened and painted in compliance with the standard.*

4.10.60.06 – Pedestrian Circulation

a. Applicability - These additional pedestrian circulation standards apply to all residential developments with eight or more units.

Response: *Not applicable, this proposal is only for four residential units.*

Section 4.10.70. – STANDARDS FOR COMMERCIAL, INDUSTRIAL AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05.

b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with this section provided that:

1. The expansion adds floor area of 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05.

Response: *The applicable pedestrian oriented design standards are annotated below.*

4.10.70.02 - Building Orientation

All buildings shall be oriented, as outlined in this Section, to existing or proposed public or private streets. See Chapter 4.0 - Improvements Required with Development for public and private street standards. Buildings on corner parcels shall be oriented to both streets bordering the property. Private streets used to meet this standard must include the elements in Chapter 4.0.

a. Street Frontage Setback - At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for structures that have street frontage, as shown below in Figure 4.10-18 - Percent of Building Frontage Within Maximum Setback Area. An exception to this requirement pertains to provisions elsewhere in this Chapter for development in the Neighborhood Center (NC) Zone. Expansion of a structure existing prior to December 31, 2006, and in conformance with the Code on that date is deemed to meet this criterion,

provided the area of expansion is between the street and the existing building frontage.

Response: *All of the proposed building's linear frontage is within the maximum setback for the MUC zone.*

b. Entrances - All building sides that face an adjacent public or private street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees, from the larger of the two adjacent streets, may be substituted for separate entrances on adjacent streets. If the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no farther than 100 ft. from the building's pedestrian entrance. Examples of these requirements are shown below in Figure 4.10-19 - Site Development Element Locations. Buildings of less than 3,000 sq. ft. fronting on only one street may provide the customer entrance on the side of the building in lieu of the front, if a sidewalk or courtyard provides a direct pedestrian connection of less than 50 ft. between the entrance and the street.

Response: *All the customer entrances are oriented to Western Boulevard.*

c. Parking and Vehicle Circulation - Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard, as shown above in Figure 4.10-19 - Site Development Element Locations. Where allowed by the underlying zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes, and boats may be located adjacent to streets. The parking lot perimeter landscaping requirements of Section 4.2.40 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall be met.

Response: *All off-street parking is to the rear of the building. There is no outdoor display area. The landscaping requirements of LDC 4.2 will be met.*

d. Neighborhood Center (NC) Zone Special Provisions - Buildings in the Neighborhood Center (NC) Zone shall comply with the following additional standards. See Figure 4.10-20 - Shopping Streets for context:

1. Buildings shall be oriented to designated Shopping Streets, public open space, or a public park; and

2. On designated Shopping Streets in the Neighborhood Center (NC) Zone, 80 percent of the building front shall be within the maximum setback. The maximum setback may be waived if pedestrian amenities occupy the extended setback area, as shown *in Figure 4.10-19 - Site Development Element Locations. Pedestrian amenities are defined in Section 4.10.70.05.*

Response: *Not applicable.*

e. **Exception for Enhanced Pedestrian Environment - Within a Minor Neighborhood Center, an exception to the requirement that all buildings on corner parcels front both streets may be granted through the process identified in Chapter 2.16 - Request for Interpretation if the proposed Shopping Street's design and layout can be shown to provide a pedestrian environment that is clearly superior to the environment that would result from the corner orientation. An example of a design and layout with a clearly superior pedestrian environment is one where the Shopping Street is enclosed, etc. For Major Neighborhood Centers, such exceptions may be granted, based on the same standard, through the process identified in Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.**

Response: *Not applicable.*

f. **Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

Response: *There are no natural hazards or significant natural features on the site. Grading will meet the requirements of LDC 4.5.*

4.10.70.03 - Pedestrian Circulation Standards

a. **Requirements for New Development and Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.c -**

1. **<u>Continuous Internal Sidewalks and Multi-use Paths</u> - A continuous internal sidewalk, including associated necessary sidewalk crossings, no less than five ft. wide, shall be provided from public sidewalks or rights-of-way to all customer entrances, and between customer entrances of all buildings, as shown in Figure 4.10-19 - Site Development Element Locations. Sidewalks shall be direct and convenient and form a network of walking routes. Internal multi-use paths shall be no less than 12 ft. wide.**

Response: *A minimum 5 foot wide continuous sidewalk is proposed to all customer entrances and connected to the public sidewalk in the Western Boulevard right-of-way.*

2. **<u>Sidewalks along Building Walls</u> - Sidewalks no less than five ft. wide shall be provided along the full length of building walls featuring a customer entrance and along any wall parallel to and abutting parking areas larger than eight parking spaces, except in situations where the sidewalk would not provide connectivity between an entrance and parking area. Where sidewalks are adjacent to buildings, except along Shopping Streets, a five-ft.-wide foundation landscape strip and/or weather protection with planters shall be provided. These elements are noted in Figure 4.10-19 - Site Development Element Locations.**

Response: *A variance is being requested from this standard. Proposed perimeter sidewalks linking building entrances to the public right-of-way and the parking area meet the 5 foot minimum width requirement, except for one location at the southwest corner of the building. Continuous weather protection with planters are to be provided along these perimeter sidewalks as required. Please see Section V of this narrative for a discussion of the variance requested.*

3. **Separation and Distinction from Driving Surfaces - Where any internal sidewalk is parallel to and abuts a vehicular circulation or parking area, the sidewalk shall be raised and separated from the vehicular circulation or parking area by a raised curb at least six in. in height. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, are strongly encouraged to enhance the separation of vehicular from pedestrian facilities.**

Response: *Not applicable.*

4. **Sidewalk and Multi-use Path Surface Treatment - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete or masonry pavers, and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete, and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for public sidewalks and multi-use paths shall meet City Engineering standards.**

Response: *Not applicable.*

5. **Crossings - Where any internal sidewalk crosses an internal street, driveway, or parking aisle, the sidewalk shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping, is encouraged.**

Response: *Not applicable.*

6. **Connection to Adjacent Properties or Streets - In addition to the sidewalk connections required by the block development standards in Chapter 4.0 - Improvements Required with Development, sidewalk connections shall be provided between internal sidewalk networks and all adjacent planned streets, sidewalks, and multi-use paths. Multi-use paths shall be connected with adjacent multi-use paths, sidewalks, and/or bike lanes. Where appropriate, such connections shall also be provided to adjacent residential properties.**

Response: *Not applicable.*

7. **Planting Strips - For lots abutting existing street sidewalks, sidewalks shall be reconstructed with a planting strip consistent with the requirements in Chapter 4.0 - Improvements Required with Development.**

Response: *Complies. A new 12 foot planter strip is proposed for Western Boulevard.*

b. **Additional Requirement for New Development and Additional List of Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.d.1 - New development shall comply with one of the following five options. Expansions in accordance with Section 4.10.70.01.c shall add this list of choices to those presented in Section 4.10.70.03.a to obtain a larger list of options to comply with the requirements of Section 4.10.70.01.d.1.**

Options:

1. **Driveway Consolidation - Removal of at least one driveway through outright removal or access consolidation, such that the net number of driveways for the site is at least one less than prior existing conditions for the site.**

Response: *Complies. The net number of driveways is one less than prior existing conditions for the site.*

2. **Landscape Buffer - Construction or expansion of a landscape buffer between the back of a sidewalk and existing vehicle parking or circulation areas. The constructed or expanded landscape buffer shall, when completed, be a minimum of 20 ft. wide.**

Response: *There is no existing vehicle parking.*

3. **Reduced Parking - Establishment of an agreement that shares parking between the subject site and an abutting site and results in a reduction of total parking spaces for the subject site to 90 percent or less of the required minimum. Such shared parking agreements may be used, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods, or surplus capacity provided due to off-peak use, are methods of demonstrating this adequacy.**

Response: *There is no abutting developed site for which parking could be shared.*

4. **Covered Walkways - Installation of weather protection resulting in covered pedestrian walkways between and around all buildings and between the primary building and adjacent public pedestrian facilities.**

Response: *This option is not used.*

5. **Notarized Letter - Where development is proposed on property adjacent to existing five-lane arterial streets or highways, recording a signed and notarized letter with the Benton County Clerk from the owner of the development site agreeing not to oppose construction of a future median or pedestrian refuge.**

Response: *Not applicable.*

4.10.70.04 - Vehicle Circulation and Design Standards

a. Parking Lots -

1. Parking lots shall be placed to the rear of buildings in accordance with Section 4.10.70.02. Administrative exceptions to this standard are allowed based on the following provisions. To the extent that required parking cannot be located to the rear of the building due to other requirements of this Code or unusual site constraints, both of which are defined in the following paragraph, the amount of parking and vehicle circulation that cannot be accommodated to the rear of the building may be provided only to the side of the building.

Response: *This proposal complies.*

2. Other requirements of this Code may include, but are not necessarily limited to, significant Natural Resource and Natural Hazard provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions. Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and Chapter 4.1 - Parking, Loading, and Access Requirements. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Building Code requirements.

Response: *It is the applicant's intention to comply with the referenced code standards. All known deviations are referenced in Part V of this narrative.*

b. Corner Parcels - Parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

Response: *This proposal complies.*

c. Parking Lot Access - Commercial driveway approaches shall be used to access parking lots from public streets. Parking lot approaches shall be located no closer than 50 ft. from local street intersections, as measured from the intersection of two rights-of-way lines. Approaches on collector and arterial streets shall comply with parking lot approach standards provided in Chapter 4.1 - Parking, Loading, and Access Requirements.

Response: *See discussion in Part V of this narrative relative to deviation from standards.*

d. Neighborhood Center (NC) Zone Special Provisions - Parking in the Neighborhood Center (NC) Zone shall comply with the following additional standards:

Response: *Not applicable.*

e. Drive-through Facilities

Response: *Not applicable.*

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. Pedestrian Amenities Standards

1. **<u>Weather Protection</u> - Where new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum six-ft.-wide, weather-protected area, protected by such elements as awnings or canopies, shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian plazas. An additional requirement shall include a minimum eight-ft. vertical clearance between the sidewalk and the lowest portion of the weather protection. This vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.**

Response: *Weather protection by canopy or awning is proposed along 86% of the Western Boulevard frontage of the project. The vertical clearance requirement is met.*

2. **<u>Pedestrian Amenity Requirements</u> - All new development and substantial improvements shall provide pedestrian amenities as defined by this Section. The number of pedestrian amenities provided shall comply with the following sliding scale:**

Size of Structure or Substantial Improvement	Number of Amenities
< 5,000 sq. ft.	1
5,001 - 10,000 sq. ft.	2
10,001 - 50,000 sq. ft.	3
> 50,000 sq. ft.	4

Response: *The project proposes less than 50,000 square feet of new floor area, thus three amenities are required.*

3. **<u>Acceptable Pedestrian Amenities</u> - Acceptable pedestrian amenities include the items listed below, some of which are shown in Figure 4.10-23 - Pedestrian Amenities:**

a) **Sidewalks with ornamental treatments, such as brick pavers, or sidewalks 50 percent wider than required by this Code;**

Response: *Proposed, see response in Part IV, Standards for MUC District, page 10.*

b) **Sidewalk planters with benches and public outdoor seating;**

Response: *Not proposed.*

c) **Significant public art, such as sculpture, fountain, clock, mural, etc.;**

Response: *Proposed, see Attachment "L", Detailed Development Plan.*

d) **Mini parks or plazas that provide a minimum usable area of 300 sq. ft.); and**

Response: *Not proposed.*

e) **Street trees of a caliper 50 percent wider than required by this Code. This approach may include preservation of healthy mature trees adjacent to the street sidewalk.**

Response: *Proposed, see response in Part IV, Standards for MUC District, page 10.*

4. **<u>Accessibility of Pedestrian Amenities</u> - Pedestrian amenities shall be visible and accessible to the general public from an improved street. Access to mini parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.**

Response: *All proposed amenities are accessible and visible from Western Boulevard.*

b. **Design Standards and Design Variety Menus**

1. **<u>Encroachments</u> - Special architectural features, such as bay windows, decorative roofs, and entry features may, with City Council approval, project up to three ft. into public rights-of-way, provided that they are not less than nine ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than eight ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.**

Response: *There are no proposed encroachments.*

2. **<u>Loading/Service Facilities</u> - Loading and service areas such as trash enclosures shall be located to minimize conflicts with public pedestrian areas; screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; designed to provide convenient access for trucks; and designed to minimize noise and other impacts with adjoining uses. Service areas shall be located to the back or sides of buildings, or in alleys where available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize**

impacts to the pedestrian and human scale aspects of the development.

Response: *The proposed trash enclosure is located to the rear of the building and is screened in accordance with Chapter 4.2. There is no loading dock provided. Loading and service capabilities to each of the commercial spaces will be provided through the rear overhead doors, see Attachment "L," Detailed Development Plan.*

3. **Roof-mounted Equipment - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with rooflines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.**

Response: *Roof-mounted equipment is screened by a combination of parapets and wrought iron guardrails; see Attachments "X", "Y", and "Z".*

4. **<u>Sign Standards</u>**

a) **Pole-mounted, freestanding signs are prohibited in Neighborhood Center (NC) Zones.**

Response: *Not applicable to the MUC zone.*

b) **Blade signs placed under awnings are allowed along Shopping Streets.**

Response: *The applicant concurs.*

c) **Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.**

Response: *The applicant concurs.*

5. **<u>Lighting Standards</u> - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

Response: *The proposed lighting complies with the provisions of Chapter 4.2.*

6. **<u>Windows</u> - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.**

a) **<u>Ground Floor Windows and Doors</u> - Except for the Neighborhood Center (NC) Zone, which is addressed in "c," below, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for**

space neither adjacent to a street nor open to customers or the public. *Additional requirements for windows shall include the following:*

Response: *This standard is met, see response in Part IV, Standards for MUC District, page 11.*

1) **Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window, where applicable. Ground floor windows shall also have a Top Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.**

Response: *Ground floor windows shall have a 3 inch minimum width frame or recess and all have a canopy above.*

2) **Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:**

a. **Opacity of greater than 60 percent prohibited for any required window; and**

Response: *Proposed window shall meet or exceed this Standard.*

b. **Ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.**

Response: *Bottom of proposed ground floor windows begin at exterior grade.*

b) **<u>Windows on Commercial Stories above Ground Floor</u> - Each facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.**

Response: *This standard is met, see response in Part IV, Standards for MUC District, page 11.*

c) **<u>Neighborhood Center Special Window Provisions</u> - For building walls facing Shopping Streets, windows and/or glass doors shall be provided**

on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.

Response: *Not applicable.*

7. **<u>Design Variety Menu</u> - Each structure shall incorporate a minimum of three of the following five building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.**

   a) **<u>Building Walls</u> - Building walls in excess of 30 ft. in length shall not exceed a height/width ratio of 1:3 without a change in height of at least four ft., as addressed below in Figures 4.10-25A through C - Building Walls.**

Response: *The front elevations provide the 4 foot difference with the stepping of the cornice.*

4.10.70.05.7 (b)

   b) **<u>Maximum Wall Segments</u> - All building wall segments on all sides of buildings visible from public areas or adjacent uses shall be a maximum of 30 ft. in length. Building wall segments shall be distinguished by architectural features including at least one of the following: columns, reveals, ribs or pilasters, piers, recesses, or extensions. The segment length may be increased to a maximum of 60 ft. if the segment contains integral planters, public art, or permanent seating such as a seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.**

Attachment III - 200

Response: *The proposed Western Boulevard elevation is 85 feet in length along the front, this length is guided by the configuration of the site and logical placement of the building. The front elevations are provided with a play of shapes and heights, reveals and extrusions to provide the segmented look in less than the required 30 foot sections.*

   c) **<u>Entrances</u> - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.**

Response: *Primary entrances are provided with a recess as well as being covered.*

   d) **<u>Base Treatments</u> - A recognizable Base Treatment consisting of at least one of the following:**

      1) **Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;**

2) **Integrally textured materials such as stone, stucco, or other masonry;**

3) **Integrally colored and patterned materials such as smooth-finished stone or tile;**

4) **Lighter or darker colored materials, Mullions, or panels;**

5) **Detailing such as scoring, ribbing, moldings, or ornamentation; or**

6) **Planters integral to the building**

Response: *The bottom of the building along the front and side elevations is provided with a masonry base treatment. This treatment extends up beyond the canopy to provide architectural relief and play of exterior materials.*

e) **<u>Top Treatments</u> - A recognizable Top Treatment consisting of at least one of the following:**

1) **Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;**

2) **Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or**

3) **Stepped parapets.**

Response: *The tops of the buildings are provided with decorative cornices, some deeper than others. In addition, the parapets are stepped to help break up the front and side elevations.*

<u>15. Approval Criterion</u>

14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

Response: *The site has no inventoried significant natural features to preserve or protect. There are no new streets to be designed.*

16. Approval Criterion

b. Natural Resources and Natural Hazards Factors -

1. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation; and

Response: *Not applicable.*

17. Approval Criterion

2. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies.

Response: *Not applicable.*

4. Detailed Development Plan Review Procedures

An application for approval of a Detailed Development Plan must contain the information and follow the procedures described in LDC 2.5.40.01 and 2.5.50.01. Compliance with those procedures, and the information required to be submitted by those procedures, is discussed as follows:

1. Application Requirements

An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in Section 2.5.40 and shall also include the following:

a. Graphic Requirements

In addition to the graphic requirements specified for a Conceptual Development Plan in Section 2.5.40.01, a Detailed Development Plan shall include:

1. Location and floor area of existing and proposed structures and other improvements, including maximum heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided. Parking calculations shall also be provided;

Response: *Attachment "L," Detailed Development Plan.*

2. **Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development, indicate the entrance and exit points, and permit computations of parking, design, and yard requirements. The elevations shall specify building materials to be used, specifications as to type, color, and texture of proposed exterior surfaces, and information demonstrating compliance with Chapter 4.10 - Pedestrian Oriented Design Standards;**

Response: *Attachments "T," "U," "V," "W," "X," "Y," and "Z."*

3. **For residential development, the Housing Types within the development that satisfy the Housing Type variation provisions within the underlying zone. When a Subdivision is processed concurrently with a Detailed Development Plan, the developer shall note, on individual lots on the Subdivision Plat, the Housing Types within the development that satisfy the Housing Type variation provisions within the underlying zone. Single-family Detached housing need not be identified;**

Response: *Not applicable.*

4. **Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), other conceptual landscape features including walls and fences, and irrigation systems required to maintain plant materials;**

Response: *Attachment "S," Conceptual Landscape Plan.*

5. **Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;**

Response: *Attachment "Q," Utility and Surface Water Management Plan.*

6. **Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;**

Response: *Attachment "M," Detailed Development Plan with Existing and Proposed Circulation Patterns.*

7. **Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;**

Response: Attachment "O," Tentative Plat Tracts and Easements.

8. **Exterior lighting plan indicating the location, size, height, typical design, material, color, method, and direction of illumination;**

Response: Attachment "R," Site Lighting Plan. Exterior lighting will be shielded and directed to avoid glare onto adjacent properties. Street lighting will be provided per established City standards.

9. **For residential development, location of existing and proposed structures and trees on the site that could reduce solar access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved or planted, and the shadow patterns of the trees at their mature height between 9 a.m. and 3 p.m. on November 21; and**

Response: Not applicable.

10. **For residential development, the location of solar collectors on land adjacent to the development for which Solar Access permits have been granted.**

Response: Not applicable.

b. Narrative Requirements

In addition to the narrative requirements specified for a Conceptual Development Plan in Section 2.5.40.01 above, the Detailed Development Plan shall include:

1. **Proposals for setbacks or building envelopes, lot areas where Land Division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);**

Response: Attachment "L," Detailed Development Plan

LDC 4.1.30 Off-Street Parking Requirements

A. Residential Uses Per Building Type:

1. **Single Detached and Single Attached (Zero Lot Line), and Manufactured Homes:**

Vehicles:	**2 spaces per dwelling unit**
Bicycles:	**None required**

2. **Duplex, Attached, and Multi-Dwelling:**

Vehicles:

Studio or Efficiency Unit	**-**	**1 space per unit**
1 Bedroom Unit	**-**	**1 space per unit**
2 Bedroom Unit	**-**	**1.5 spaces per unit**
3 Bedroom Unit	**-**	**2.5 spaces per unit**

Bicycles:

Studio or Efficiency Unit	**-**	**1 space per unit**
1 Bedroom Unit	**-**	**1 space per unit**
2 Bedroom Unit	**-**	**1.5 spaces per unit**
3 Bedroom Unit	**-**	**2 spaces per unit**

The required bicycle parking may be located within a structure, in accordance with the provisions of LDC 4.1.70.

B. **Commercial Use Types (for accompanying office and indoor service areas):**

Unless otherwise noted, the figures given refer to vehicle parking requirements. Unless a specific bicycle-parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where less than 4 vehicle spaces are required, then only one parking space shall be required.

1. **Administrative and Professional Services - 1 space per 400 sq ft**

11. **Convenience Sales & Personal Services - 1 space per 400 sq ft of gross floor area**

25. **Retail Sales, General - 1 space per 400 sq ft of gross floor area**

Response: *The proposal includes both commercial and residential uses. When multiple uses are proposed for a building or a site, the parking shall be based on the parking required for each of the various uses. The applicant is proposing four live-work units. The ground floors of these units would be used for commercial or retail uses, while the upper floors would be used as residences. Most commercial and retail uses require 1 parking space for every 400 square feet of gross floor area. Examples are listed above. The specific uses which are contemplated to occupy the commercial spaces include:*

Agricultural Sales & Service; Building Maintenance and Services; Business Equipment Sales and Services; Business Support Services; Communication Services; Financial, Insurance, and Real Estate Services; Laundry Service; Repair Service – Consumer; Retail Sales, General.

Therefore, the ground floor use would require a total of 14 spaces for the 5600 sq. ft. of commercial usage. The 2-bedroom multi-dwelling homes on the MUC site are required to provide 1.5 parking spaces per unit. The applicant is proposing to provide the 1.5 parking

spaces as required by the code. Because the project includes a mix of uses, the parking lot will be developed with a reciprocal access easement so that all of the parking spaces may be used by residents, visitors and customers. The roll-up doors on the south side of the ground floor units are intended to be used for commercial access, and the ground floors may not be used by the residents as a garage. The following table summarizes the parking proposed.

Parking Summary				
Use	*Proposed Parking Standard*	*Units/SF*	*Parking Spaces Required*	*Parking Spaces Proposed*
Commercial / Retail	*1 space per 400 sf*	*<=5600 sf.*	*14*	*12*
Attached Residence 2BR	*1.5 spaces per unit*	*4 units*	*6*	*6*
		Subtotal:	*20*	
		Less 10% reduction for Transit	*-2*	
		Totals:	*18*	*18*

2. **Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;**

Response: *All public and private improvements will be constructed in a single phase at the applicant's expense.*

3. **Proposed methods of energy conservation; and**

Response: *All new building construction will meet or exceed the applicable energy conservation requirements in the Building Code.*

4. **Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.**

Response: *The proposed structure is oriented to Western Boulevard and towards the adjacent commercial uses across the street. Those existing commercial uses are similarly oriented to Western Boulevard. The parking is behind the new building and will be screened with evergreen shrubs and parking lot trees. The trash enclosure at the northeast corner of the parking lot will also be screened by a wall and landscaped with evergreen shrubs along the eastern side.*

The site is separated from the residential zoned property by a railroad right-of-way and tracks. Evergreen landscaping along the side adjacent and abutting the track has been provided to

address screening requirements between the two land uses. Although some residential uses exist west and east of the site, the predominant uses to the north and east are commercial. As such, the architecture of the building has been designed to be more commercial in nature. The proposed building has been designed to be compatible with other commercial uses along Western Boulevard. The flat roofs provided will include a cornice along the front and sides of the building.

c. Tentative Plat

If a Planned Development is to be subdivided, a Tentative Subdivision Plat may also be submitted in accordance with Chapter 2.4 - Subdivisions and Major Replats to permit simultaneous review.

Response: *See Narrative Part II*

18. Approval Criterion

2.5.50.04 - Review Criteria for Determining Compliance with Conceptual Development Plan

Request for approval of a Detailed Development Plan shall be reviewed to determine whether it is in compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above, provides a clear and objective set of development standards for residential Detailed Development Plans (considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitute a major change in the Planned Development. See Section 2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification.

Response: *The review criteria per Section 2.5.40.04 are annotated above.*

PART II

TENTATIVE SUBDIVISION PLAT

A. Applicant's Request

The applicant is seeking approval to subdivide the commercial (MUC) property into 4 lots for live/work units. The Tentative Subdivision Plat also contains a common area tract intended for common uses such as circulation, access, parking, utilities, landscaping and drainage.

B. Tentative Subdivision Plat Review Procedures

An application for tentative plat approval is reviewed according to the procedures in LDC 2.4.30.

1. Submission Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to this Code's applicable requirements.

Applications shall be made on forms provided by the Director and shall be accompanied by:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

Response: Attached to the application form.

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

Response: Signed application form accompanies this narrative.

c. Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11 by 17 in. size if, for legibility purposes, such a size would be helpful;

Response: *The required copies accompany this narrative.*

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;

Response: *The required copies accompany this narrative.*

e. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

Response: *The required electronic copy accompanies this narrative.*

f. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

Response: *Attachment "A," Public Notice / Vicinity Map.*

2. Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

Response: *Attachment "B," Existing Zoning Designations.*

3. Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;

Response: *Attachment "C," Existing Comprehensive Plan Designations.*

4. Existing Land Use Map - Typically a topographic map that extends at least a 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;

Response: *Attachment "D," Surrounding Uses.*

5. <u>Significant Natural Features Map(s)</u> - Maps shall identify Significant Natural Features of the site, including but not limited to:

a) All information and preservation plans required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable;

Response: *Attachments "E" through "I," Natural Features. These are no inventoried natural hazards, significant vegetation, riparian corridors or wetlands on the applicant's property.*

b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

Response: *There are no jurisdictional wetlands on the applicant's properties.*

c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

Response: *There are no recorded archeological sites on the applicant's property.*

6. <u>Tentative Subdivision Plat and Other Graphics</u> -

a) Tentative Subdivision Plat and other graphics for both Nonresidential and Residential Subdivisions shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed in this Section and "b," below.

1. Nonresidential Subdivision graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist

in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site, such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site.

Response: *Attachment "L," Detailed Development Plan.*

Residential Subdivision graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, showing existing streets and parcel boundaries; existing structures in excess of 100 sq. ft.; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable. Additionally, if existing infrastructure is more than 300 ft. from an exterior boundary of the Residential Subdivision site, the Residential Subdivision graphics shall extend beyond the required 300 ft. to include said features and all lands between the Residential Subdivision site and the existing infrastructure.

Response: *Not applicable.*

b) The Tentative Subdivision Plat and related graphics shall also include:

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or Land Divisions;

Response: *Attachment "O," Tentative Plat Tracts and Easements*

2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft.;

Response: *Attachment "O," Tentative Plat Tracts and Easements*

3) Location of existing and proposed structures and other improvements, including Building Types and gross density per acre for residential developments; location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways; and any proposed use restrictions. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided, as applicable. An indication of

approximate building envelopes may be required to evaluate building relationships;

Response: *Attachment "L," Detailed Development Plan.*

4) Location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;

Response: *Attachment "O," Tentative Plat Tracts and Easements*

5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;

Response: *Attachment "M," Detailed Development Plan with Existing and Proposed Circulation Patterns.*

6) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems, and indicating proposed treatments for points of conflict;

Response: *Attachment "M," Detailed Development Plan with Existing and Proposed Circulation Patterns.*

7) Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;

Response: *Attachment "Q," Utility and Surface Water Management Plan.*

8) Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in "5," above, to indicate the relationship of the proposal to the site's Significant Natural Features;

Response: *There are no significant natural features on the applicant's property.*

9) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the Subdivision exceeds 10 percent and where the Subdivision abuts existing developed lots, a conceptual grading plan shall be required as follows:

a. Conceptual Grading Plans for Residential Subdivisions - Conceptual grading plans for Residential Subdivision applications shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to the provisions in Chapter 4.5 - Natural Hazard and Hillside Development Provisions. The conceptual grading plan shall also indicate how runoff and surface water from individual lots will be managed, and how the Subdivision's surface waters will be managed. Additionally, the conceptual grading plan for Residential Subdivisions shall meet the requirements in "10," and "11," below;

Response: *Not applicable.*

b. Conceptual Grading Plans for Nonresidential Subdivisions - Conceptual grading plans for Nonresidential Subdivision applications shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.5 - Natural Hazard and Hillside Development Provisions. If a grading plan is required for a Nonresidential Subdivision, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the subdivision's surface waters will be managed. Additionally, Nonresidential Subdivision applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria;

Response: *Attachment "P," Conceptual Grading Plan and Typical Sections.*

10) For residential development, excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence;

Response: *Not applicable.*

11) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying zoning designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted

City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;

Response: *Not applicable.*

12) Approximate location of proposed easements and/or dedications for drainage, sewage, or other public utilities;

Response: *Attachment "O," Tentative Plat Tracts and Easements.*

13) For residential development, a copy of the Tentative Subdivision Plat showing intended Housing Types per lot, when required to satisfy Housing Type variation provisions within the relevant zone. Single-family detached housing need not be identified. A deed declaration will be required to enforce the variations in Housing Types and ensure that this Code's densities and Comprehensive Plan densities are maintained. Single-family detached housing need not be enforced through the deed declaration;

Response: *Not applicable.*

14) For residential development, existing structures and trees located on land adjacent to the development that, between 10 a.m. and 3 p.m. on November 21, will reduce Solar Access to the subject property;

Response: *Not applicable.*

15) For residential development, location of existing structures and trees on the site that could reduce Solar Access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved, and the shadow patterns of trees at their mature height for the reference period from 9 a.m. to 3 p.m. on November 21;

Response: *Not applicable.*

16) For residential development, the location of solar collectors on land adjacent to the development for which Solar Access permits have been granted;

Response: *Not applicable.*

17) For residential development, a copy of the Tentative Subdivision Plat showing which lots are intended to have Solar

Access protection, and showing an area on each lot available for construction of a Solar Access-protected dwelling;

Response: *Not applicable.*

18) For residential development, a proposed solar envelope for each lot as necessary for Solar Access protection consistent with Chapter 4.6 - Solar Access; and

Response: *Not applicable.*

19) Name and address of owner(s) of record, applicant, and registered land surveyor who prepared the plat.

Response: *Attachment "O," Tentative Plat Tracts and Easements.*

g. Narrative Requirements

A written statement shall include the following information:

1. Statement of the planning objectives to be achieved by the Tentative Subdivision Plat. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in Section 2.4.30.04 below, including the development standards required by this Code;

Response: *See the discussion in the Introduction portion of this Narrative.*

2. <u>Quantitative data for the following, where appropriate:</u>

a) Total number and type of dwelling units;

Response: *Attachment "N," Detailed Development Plan with Housing Types and Parking Calculations.*

b) Parcel and lot sizes:

Response: *Attachment "O," Tentative Plat Tracts and Easements*

c) Proposed Lot Coverage of buildings and structures, where known:

Response: *Attachment "L," Detailed Development Plan.*

d) Gross densities per acre;

Response: *Attachment "L," Detailed Development Plan.*

e) **Total square footage of Green Area; and**

Response: *Attachment "L," Detailed Development Plan.*

f) **Total square footage of nonresidential construction;**

Response: *Attachment "L," Detailed Development Plan.*

3. **Detailed statement outlining timing, responsibilities, maintenance, and financial assurances for all public and non-public improvements to be constructed or installed including:**

Response: *All public and private improvements will be constructed in a single phase, at the applicant's expense.*

a) **Provisions for domestic water supply including source, quality, and approximate quantity;**

Response: *Existing public waterline in Western Boulevard.*

b) **Provisions for sewage disposal, storm drains e, and flood control;**

Response: *Existing public storm water and public sanitary sewer lines in Western Boulevard. The applicant's property is not in any mapped flood plain.*

c) **Provisions for improvements and maintenance of common areas and private roads and drives, if proposed; and**

Response: *Owner's Association under CCR's recorded against the applicant's property.*

d) **Proposed landscaping and irrigation.**

Response: *Attachment "S," Conceptual Landscape Plan.*

4. **<u>Statement describing phases of project, if proposed. Phases shall be:</u>**

a) **<u>For Nonresidential Subdivisions</u> - Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project;**

Response: *The project shall be constructed in a single phase.*

b) **<u>Designed to Address Compatibility:-</u>**

1) For Nonresidential Subdivisions - Addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development;

Response: *Not applicable, there is only one phase proposed.*

2) For Residential Subdivisions - Uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A Residential Use permitted outright within an existing zone is considered to be compatible with Uses permitted outright within existing neighboring zones;

Response: *Not applicable.*

c) For Nonresidential Subdivisions:- Properly related to other services of the community as a whole and to those facilities and services yet to be provided;

Response: *All required facilities shall be constructed by the applicant in a single phase.*

d) For Nonresidential Subdivisions - Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Subdivision; and

Response: *Not applicable.*

e) For Residential Subdivisions - Each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the Subdivision as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The Subdivision and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

Response: *Not applicable.*

5. Traffic Impact Study –

a) Nonresidential Subdivisions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional

engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

Response: *This proposal does not generate 30 or more trips in any hour, therefore, a TIA is not required.*

Trip Generation Summary			
	Entering Trips	Exiting Trips	Total Trips
4 Townhouses (ITE Land Use Code – Residential Condominium/Townhouse)			
AM Peak Hour	0	2	2
PM Peak Hour	1	1	2
5,600 sq.ft. Retail (ITE Land Use Code – Shopping Center)			
AM Peak Hour	3	2	5
PM Peak Hour	10	11	21
Total			
AM Peak Hour	3	4	7
PM Peak Hour	11	12	23

b) **Residential divisions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that at least LOSD will be maintained for 20 years.**

Response: *Not applicable.*

6. **Information required by Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable.**

Response: *Not applicable, there are no significant natural features on the applicant's property.*

19. Approval Criterion

2.4.30.04 - Review Criteria

a. **Nonresidential Subdivision – Requests for the approval of a nonresidential Tentative Subdivision Plat shall be reviewed to ensure consistency with the purposes of this Chapter and the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "1-13" below, as applicable.**

Response: *With the exception of the following Table "A" Proposed Changes to Development Standards, the applicant's proposal is intended to be in compliance with the standards referenced above.*

20. Approval Criterion

1. **Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);**

Response: *The proposed structure is oriented to Western Boulevard and towards the adjacent commercial uses across the street. Those existing commercial uses are similarly oriented to Western Boulevard. The parking is behind the new building and will be screened with evergreen shrubs and parking lot trees. The trash enclosure at the northeast corner of the parking lot will also be screened by a wall and landscaped with evergreen shrubs along the eastern side.*

The site is separated from the residential zoned property by a railroad right-of-way and tracks. Evergreen landscaping along the side adjacent and abutting the track has been provided to address screening requirements between the two land uses. Although some residential uses exist west and east of the site, the predominant uses to the north and east are commercial. As such, the architecture of the building has been designed to be more commercial in nature. The proposed building has been designed to be compatible with other commercial uses along Western Boulevard. The flat roofs provided will include a cornice along the front and sides of the building.

21. Approval Criterion

2. **Visual elements (scale of potential development, etc.);**

Response: *None of the proposed live/work units are within 20 feet of a residential structure. The closest residential structures (to the east) are two and one-half stories in height.*

The ground floor elevation of the building will be comprised of storefront glass provided over 71% of the lineal frontage. The glazing will occur from grade to the bottom of the continuous canopy above roughly 9 feet high. The amount of glazing will contribute to the pedestrian scale and avoid blank walls. In addition, building entrances are set back to provide relief and emphasis on the building entrances.

The entire front and side elevations will be provided with breaks and offsets greater than 36 inches to enhance the appearance. A mix of ornate cornices, decorative guardrails, and vertical offsets will provide a variety of appealing features. The 3 foot offsets in height occurs at least every 20 feet.

The proposed building will include a palette of materials; the base of the building will be a brick fascia mixed with storefront glass. Upper levels include and fiber cement smooth faced horizontal siding in addition to stucco and ornate wrought iron guardrails provide protection to the occupants and also a visually appealing architectural feature. Decks are provided at each unit on the fourth floor; these decks recess in up to 9 feet to add to the visual character. The entries at the ground floor are recessed 36 inches to provide pedestrian appeal. The continuous canopy breaks up the visual plane dividing the pedestrian level to the living units above.

The ground floor is provided with a continuous canopy along the northerly and westerly faces. The canopy helps separate the public from the private spaces above. The upper levels are provided with smaller windows, the exterior walls at the decks recess into the building up to 9 feet. Decorative wrought iron guardrails are provided at the decks. Each unit will also incorporate a different color on the exterior front elevation, providing distinction between the units and breaking up what continuous mass is left. A mix of exterior materials will occur at the upper floor, stucco dominates on the front face of the building with accents of horizontal siding. Ornate cornices will add additional character to the tops of the buildings.

22. Approval Criterion

3. Noise attenuation;

Response: *No special measures have been considered for noise attenuation, nor will this project create any noises greater than or not typical of the surrounding commercial, residential, street and railroad uses. The maximum front yard setback requirements of the MUC District standards would indicate the compatibility of the proposed use with the typical street noises of Western Boulevard and the adjacent uses.*

23. Approval Criterion

4. Odors and emissions:

Response: *Odors on the site are anticipated to be similar to those permitted on adjacent commercial, industrial and residential lands. A trash enclosure and recycling area is located in the northwestern corner of the parking lot. An enclosure will be constructed around this area to provide screening from the dumpster and recycling bins, and will be constructed of materials that match the materials on the building. The dumpster will have a lid to minimize undesirable odors.*

Corvallis is currently in compliance with State and Federal air and water quality standards. It is anticipated that any emissions resulting from this development will be minimal. This project is not expected to affect the City's compliance with these State and Federal standards.

24. Approval Criterion

5. Lighting:

Response: *The applicant is proposing to use the historic style streetlights with hanging planter baskets found at other new downtown projects, such as the fire station and Riverfront. The Owner's Association will be responsible for maintenance of the flower baskets. A more traditional pole mounted fixture will provide illumination from the parking lot and common areas. All new exterior lighting for the project will be shielded so as not to produce glare onto adjacent properties.*

25. Approval Criterion

6. Signage:

Response: *Either blade signs or wall mounted signs are anticipated to be installed by future tenants on the commercial portion of the building. The LDC does not currently specify signage location for the MUC District. The Director has made an interpretation that LDC 4.70.90.04 of the signage provisions shall apply to MUC developments. Therefore, all future signage associated with the mixed use commercial area will be in compliance with the City's sign regulations (specifically LDC 4.7.90.04) and vision clearance requirements.*

26. Approval Criterion

7. Landscape for buffering and screening:

Response: *Attachment "S," Conceptual Landscape Plan, indicated the proposed screening and buffering, all of which is proposed to be in compliance with LDC 4.20.40 and 4.2.50., except as noted in Table "A".*

27. Approval Criterion

8. Transportation facilities:

Response: *The City restricts access along Western Boulevard whenever possible. The proposed project is in compliance with the access control plan for this segment of Western Boulevard, which limits vehicular access to one point per development parcel.*

The project is ideally located for future residents seeking alternative modes of transportation. It is only a few blocks from downtown and Oregon State University, and is adjacent to the one of the City's transit corridors and an arterial street with bike lanes.

28. Approval Criterion

9. Traffic and off-site parking impacts:

Response: *Previous, recent traffic studies have indicated that all nearby intersections are operating at an acceptable level of service. This proposal does not generate sufficient trip ends to make a traffic impact study a requirement for the approval of this project, therefore, any traffic impacts will be minimal.*

The project has been designed in compliance with vision clearance triangles established by the City, which ensures pedestrian, bicycle, and vehicular safety at the intersections of driveways and streets.

All of the off-street parking for the project has sufficient room within the off-street parking areas to accommodate all needed backing and maneuvering. No backing or maneuvering will be needed across public sidewalks or on public streets.

See Section V, Deviation to Standards, page 1, for further discussion of the off-street parking proposed.

29. Approval Criterion

10. Utility Infrastructure:

Response: *No new public infrastructure is proposed. Sufficient existing public utilities exist in the adjacent Western Boulevard right-of-way.*

30. Approval Criterion

11. Effect on air and water quality (note: a DEQ permit is not sufficient to meet this criterion):

Response: *This project does not create any air or water quality impacts which would be inconsistent with or in excess of the MUC zoning or the surrounding commercial, industrial and residential uses.*

Stormwater quantity and quality measures will be made consistent with the City's adopted Master Plan and Design Standards.

This project offers the opportunity to reduce vehicle air emissions by its location to bicycle, pedestrian, and transit facilities which are close to and connected to downtown and the University.

31. Approval Criterion

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and

Response: *(Follows below)*

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT BUILDING TYPES

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional

Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 200 ft, long, as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway.

Response: *The face of the structure is oriented to Western Boulevard with the primary entrances to the commercial spaces accessing the Western Boulevard public sidewalk directly. The primary entrances to the residential space are on the opposite side of the building and are connected to Western Boulevard with continuous sidewalk around both ends*

of the building. The longest path of travel to the public way is approximately 80 feet.

2. **Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a u-shaped building with a pedestrian courtyard in the center, then one-half the width of the building, based upon the lineal footage of the building's street frontage, could be located farther back than the maximum setback of 15 ft.**

Response: *No open courtyard space is proposed. The proposal does not include a "U" shaped building.*

3. **Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation. An exception may also be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page. Parking to the side of buildings is allowed in limited situations, as outlined in Section 4.10.60.02 below.**

Response: *There is no off-street parking proposed between the building and the street.*

b. **Percentage of Frontage - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above.**

See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Frontage.

Response: *Tax Lot 16003 has 197 feet of street frontage, however, at the 20 foot maximum setback line parallel to the street. The site has only 170 feet of street frontage because of its triangular shape. The proposed structure is 88 feet long and occupies 52% of the setback frontage available.*

c. Windows and Doors - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

Response: *The facades facing the streets and sidewalks contain more than 15% for windows and doors. The wall facing the railroad contains the smallest amount of windows and doors at 19%, all other facades are in excess of this number.*

d. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

Response: *There are no significant natural features. Grading will meet the requirements of LDC 4.5.*

4.10.60.02 - Parking Location

a. Standards

1. Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:

   a) Where lot depth is less than 75 ft.;

   b) Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;

   c) Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or

   d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

Response: *No exception required. All proposed parking is to the rear of the building.*

2. On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

Response: *Not applicable.*

4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

Response: *Not applicable.*

4.10.60.04 - Menus for Pedestrian Features and Design Variety

a. Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes - Each Triplex, Fourplex, or Townhome shall

1. **Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.**

Response: *Not used.*

2. **Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:**

a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft, or more in height, or at least two-ft. eaves;

Response: *The front façade of the building includes offsets, balconies, projections, mix of materials and a continuous awning.*

- *The roof is provided with breaks greater than 3 feet in height and cornices greater than 2 feet. The front elevation meets these criteria as well as the side elevations.*
- *Decks are provided with up to 9 foot recesses from the face of the building. The widths of the decks are greater than 4 feet.*

b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or

Response: *Not used.*

c) Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.

Response: *Not used.*

3. **Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but**

not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

Response: *The building has three different types of materials used. In addition to brick veneer, stucco and lap siding occur. The materials are placed in a harmonic rhythm along the face and sides of the building.*

4. **Increased Eaves Width - Eaves with a minimum 18-in. overhang.**

Response: *Not used.*

5. **Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.**

Response: *Along the front and side not facing the railroad, the glass and window composition is in excess of 20%. The side elevation contains 28% and the front elevation contains 37%.*

6. **Increased Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.**

Response: *Not used.*

7. **Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.**

Response: *The project contains several architectural details. An ornamental rail occurs at each deck. Windows are divided with mullions to add character. A detailed cornice occurs along the tops of the buildings.*

8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

Response: *Not used.*

4.10.60.05 - Service Areas and Roof-Mounted Equipment

a. Service Areas - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

Response: *The only grade service proposed with this project is the trash enclosure located along the southeasterly boundary of the project. The trash enclosure will be screened on all*

sides, allowing for an access gate, by a solid masonry wall at 6 feet in height. Landscape screening in accordance with LDC 4.2 will be provided between the enclosure and the adjacent east property line. The trash enclosure is located more than 20 feet away from the nearest residential structure. Any power transformers required to be located on site will be screened with landscaping in accordance with LDC 4.2.

c. Roof-Mounted Equipment - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.

Response: *All roof mounted equipment shall be screened and painted in compliance with the standard.*

4.10.60.06 – Pedestrian Circulation

a. Applicability - These additional pedestrian circulation standards apply to all residential developments with eight or more units.

Response: *Not applicable, this proposal is only for four residential units.*

b. Standards

1. <u>Continuous Internal Sidewalks</u> - Continuous internal sidewalks shall be provided throughout the site. Discontinuous internal sidewalks shall be permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the property, or abutting recreation areas and pedestrian connections.

2. <u>Separation from Buildings</u> - Internal sidewalks shall be separated a minimum of five ft. from dwellings, measured from the sidewalk edge closest to any dwelling unit. This standard does not apply to the following:

a) Sidewalks along public or private streets used to meet building orientation standard; or

b) Mixed-use buildings and multi-family densities exceeding 30 units per acre.

c) Connectivity- The internal sidewalk system shall connect all abutting streets to primary building entrances. The internal sidewalk system shall connect all buildings on the site and shall connect the dwelling units to parking areas, bicycle parking, storage areas, all recreational facility and common areas, and abutting public sidewalks and multi-use paths.

d) Sidewalk and Multi-use Path Surface Treatment - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete, or masonry; and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for sidewalks and multi-use paths shall meet City Engineering standards.

e) Crossings - Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping is encouraged.

f) Safety Adjacent to Vehicular Areas - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of six in., or shall be separated from the vehicular circulation area by a minimum six-in. raised curb. In addition to this requirement, a landscaping

strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, shall be provided to enhance the separation of vehicular from pedestrian facilities.

g) Lighting - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Section 4.10.70. – STANDARDS FOR COMMERCIAL, INDUSTRIAL AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05.

b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with this section provided that:

1. The expansion adds floor area of 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05.

Response: *The applicable pedestrian oriented design standards are annotated below.*

4.10.70.02 - Building Orientation

All buildings shall be oriented, as outlined in this Section, to existing or proposed public or private streets. See Chapter 4.0 - Improvements Required with Development for public and private street standards. Buildings on corner parcels shall be oriented to both streets bordering the property. Private streets used to meet this standard must include the elements in Chapter 4.0.

a. Street Frontage Setback - At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for structures that have street frontage, as shown below in Figure 4.10-18 - Percent of Building Frontage Within Maximum Setback Area. An exception to this requirement pertains to provisions elsewhere in this Chapter for development in the Neighborhood Center (NC) Zone. Expansion of a structure existing prior to December 31, 2006, and in conformance with the Code on that date is deemed to meet this criterion, provided the area of expansion is between the street and the existing building frontage.

Response: *All of the proposed building's linear frontage is within the maximum setback for the MUC zone.*

b. Entrances - All building sides that face an adjacent public or private street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees, from the larger of the two adjacent streets, may be substituted for separate entrances on adjacent streets. If the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no farther than 100 ft. from the building's pedestrian entrance. Examples of these requirements are shown below in Figure 4.10-19 - Site Development Element Locations. Buildings of less than 3,000 sq. ft. fronting on only one street may provide the customer entrance on the side of the building in lieu of the front, if a sidewalk or courtyard provides a direct pedestrian connection of less than 50 ft. between the entrance and the street.

Response: *All the customer entrances are oriented to Western Boulevard.*

c. Parking and Vehicle Circulation - Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard, as shown above in Figure 4.10-19 - Site Development Element Locations. Where allowed by the underlying zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes, and boats may be located adjacent to streets. The parking lot perimeter landscaping requirements of

Section 4.2.40 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall be met.

Response: *All off-street parking is to the rear of the building. There is no outdoor display area. The landscaping requirements of LDC 4.2 will be met.*

d. Neighborhood Center (NC) Zone Special Provisions - Buildings in the Neighborhood Center (NC) Zone shall comply with the following additional standards. See Figure 4.10-20 - Shopping Streets for context:

1. Buildings shall be oriented to designated Shopping Streets, public open space, or a public park; and

2. On designated Shopping Streets in the Neighborhood Center (NC) Zone, 80 percent of the building front shall be within the maximum setback. The maximum setback may be waived if pedestrian amenities occupy the extended setback area, as shown *in Figure 4.10-19 - Site Development Element Locations. Pedestrian amenities are defined in Section 4.10.70.05.*

Response: *Not applicable.*

e. Exception for Enhanced Pedestrian Environment - Within a Minor Neighborhood Center, an exception to the requirement that all buildings on corner parcels front both streets may be granted through the process identified in Chapter 2.16 - Request for Interpretation if the proposed Shopping Street's design and layout can be shown to provide a pedestrian environment that is clearly superior to the environment that would result from the corner orientation. An example of a design and layout with a clearly superior pedestrian environment is one where the Shopping Street is enclosed, etc. For Major Neighborhood Centers, such exceptions may be granted, based on the same standard, through the process identified in Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

Response: *Not applicable.*

f. Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

Response: *There are no natural hazards or significant natural features on the site. Grading will meet the requirements of LDC 4.5.*

4.10.70.03 - Pedestrian Circulation Standards

a. **Requirements for New Development and Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.c -**

1. **<u>Continuous Internal Sidewalks and Multi-use Paths</u> - A continuous internal sidewalk, including associated necessary sidewalk crossings, no less than five ft. wide, shall be provided from public sidewalks or rights-of-way to all customer entrances, and between customer entrances of all buildings, as shown in Figure 4.10-19 - Site Development Element Locations. Sidewalks shall be direct and convenient and form a network of walking routes. Internal multi-use paths shall be no less than 12 ft. wide.**

Response: *A minimum 5 foot wide continuous sidewalk is proposed to all building entrances and connected to the public sidewalk in the Western Boulevard right-of-way.*

2. **<u>Sidewalks along Building Walls</u> - Sidewalks no less than five ft. wide shall be provided along the full length of building walls featuring a customer entrance and along any wall *parallel to and abutting parking areas larger than eight parking spaces, except in situations where the sidewalk would not provide connectivity between an entrance and parking area. Where sidewalks are adjacent to buildings, except along Shopping Streets, a five-ft.-wide foundation landscape strip and/or weather protection with planters shall be provided. These elements are noted in Figure 4.10-19 - Site Development Element Locations.***

Response: *A variance is being requested from this standard. Proposed perimeter sidewalks linking building entrances to the public right-of-way and the parking area meet the 5 foot minimum width requirement, except for one location at the southwest corner of the building. Continuous weather protection with planters are to be provided along these perimeter sidewalks as required. Please see Section V of this narrative for a discussion of the variance requested.*

3. **<u>Separation and Distinction from Driving Surfaces</u> - Where any internal sidewalk is parallel to and abuts a vehicular circulation or parking area, the sidewalk shall be raised and separated from the vehicular circulation or parking area by a raised curb at least six in. in height. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, are strongly encouraged to enhance the separation of vehicular from pedestrian facilities.**

Response: *Not applicable.*

4. **<u>Sidewalk and Multi-use Path Surface Treatment</u> - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete or masonry pavers, and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete, and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All**

materials used for public sidewalks and multi-use paths shall meet City Engineering standards.

Response: *Not applicable.*

5. **<u>Crossings</u> - Where any internal sidewalk crosses an internal street, driveway, or parking aisle, the sidewalk shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping, is encouraged.**

Response: *Not applicable.*

6. **<u>Connection to Adjacent Properties or Streets</u> - In addition to the sidewalk connections required by the block development standards in Chapter 4.0 - Improvements Required with Development, sidewalk connections shall be provided between internal sidewalk networks and all adjacent planned streets, sidewalks, and multi-use paths. Multi-use paths shall be connected with adjacent multi-use paths, sidewalks, and/or bike lanes. Where appropriate, such connections shall also be provided to adjacent residential properties.**

Response: *Not applicable.*

7. **<u>Planting Strips</u> - For lots abutting existing street sidewalks, sidewalks shall be reconstructed with a planting strip consistent with the requirements in Chapter 4.0 - Improvements Required with Development.**

Response: *A new 12 foot planter strip is proposed for Western Boulevard.*

b. Additional Requirement for New Development and Additional List of Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.d.1 - New development shall comply with one of the following five options. Expansions in accordance with Section 4.10.70.01.c shall add this list of choices to those presented in Section 4.10.70.03.a to obtain a larger list of options to comply with the requirements of Section 4.10.70.01.d.1.

<u>Options:</u>

1. **<u>Driveway Consolidation</u> - Removal of at least one driveway through outright removal or access consolidation, such that the net number of driveways for the site is at least one less than prior existing conditions for the site.**

Response: *Complies. The net number of driveways is one less than prior existing conditions for the site.*

2. Landscape Buffer - Construction or expansion of a landscape buffer between the back of a sidewalk and existing vehicle parking or circulation areas. The constructed or expanded landscape buffer shall, when completed, be a minimum of 20 ft. wide.

Response: *There is no existing vehicle parking.*

3. Reduced Parking - Establishment of an agreement that shares parking between the subject site and an abutting site and results in a reduction of total parking spaces for the subject site to 90 percent or less of the required minimum. Such shared parking agreements may be used, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods, or surplus capacity provided due to off-peak use, are methods of demonstrating this adequacy.

Response: *There is no abutting developed site for which parking could be shared.*

4. Covered Walkways - Installation of weather protection resulting in covered pedestrian walkways between and around all buildings and between the primary building and adjacent public pedestrian facilities.

Response: *This option is not used.*

5. Notarized Letter - Where development is proposed on property adjacent to existing five-lane arterial streets or highways, recording a signed and notarized letter with the Benton County Clerk from the owner of the development site agreeing not to oppose construction of a future median or pedestrian refuge.

Response: *Not applicable.*

4.10.70.04 - Vehicle Circulation and Design Standards

a. Parking Lots -

1. Parking lots shall be placed to the rear of buildings in accordance with Section 4.10.70.02. Administrative exceptions to this standard are allowed based on the following provisions. To the extent that required parking cannot be located to the rear of the building due to other requirements of this Code or unusual site constraints, both of which are defined in the following paragraph, the amount of parking and vehicle circulation that cannot be accommodated to the rear of the building may be provided only to the side of the building.

Response: *This proposal complies.*

2. Other requirements of this Code may include, but are not necessarily limited to, significant Natural Resource and Natural Hazard provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard

and Hillside Development Provisions. Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and Chapter 4.1 - Parking, Loading, and Access Requirements. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Building Code requirements.

Response: *It is the applicant's intention to comply with the referenced code standards. All known deviations are referenced in Part V of this narrative.*

b. **Corner Parcels - Parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.**

Response: *This proposal complies.*

c. **Parking Lot Access - Commercial driveway approaches shall be used to access parking lots from public streets. Parking lot approaches shall be located no closer than 50 ft. from local street intersections, as measured from the intersection of two rights-of-way lines. Approaches on collector and arterial streets shall comply with parking lot approach standards provided in Chapter 4.1 - Parking, Loading, and Access Requirements.**

Response: *See discussion in Part V of this narrative relative to deviation from standards.*

d. **Neighborhood Center (NC) Zone Special Provisions - Parking in the Neighborhood Center (NC) Zone shall comply with the following additional standards:**

Response: *Not applicable.*

e. **Drive-through Facilities**

Response: *Not applicable.*

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. **Pedestrian Amenities Standards**

1. **<u>Weather Protection</u> - Where new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum six-ft.-wide, weather-protected area, protected by such elements as awnings or canopies, shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian plazas. An additional requirement shall include a minimum eight-ft. vertical clearance between the sidewalk and the lowest portion of the**

weather protection. This vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.

Response: *Weather protection by canopy or awning is proposed along the entire Western Boulevard frontage of the project. The vertical clearance requirement is met.*

2. **<u>Pedestrian Amenity Requirements</u> - All new development and substantial improvements shall provide pedestrian amenities as defined by this Section. The number of pedestrian amenities provided shall comply with the following sliding scale:**

Size of Structure or Substantial Improvement	Number of Amenities
< 5,000 sq. ft.	1
5,001 - 10,000 sq. ft.	2
10,001 - 50,000 sq. ft.	3
> 50,000 sq. ft.	4

Response: *The project proposes less than 50,000 square feet of new floor area, thus three amenities are required.*

3. **<u>Acceptable Pedestrian Amenities</u> - Acceptable pedestrian amenities include the items listed below, some of which are shown in Figure 4.10-23 - Pedestrian Amenities:**

   a) **Sidewalks with ornamental treatments, such as brick pavers, or sidewalks 50 percent wider than required by this Code;**

Response: *Proposed, see response in Part IV, Standards for MUC District, pages 10 and 11.*

   b) **Sidewalk planters with benches and public outdoor seating;**

Response: *Not Proposed.*

   c) **Significant public art, such as sculpture, fountain, clock, mural, etc.;**

Response: *Proposed, see Attachment "L" Detailed Development Plan.*

   d) **Mini parks or plazas that provide a minimum usable area of 300 sq. ft.); and**

Response: *Not proposed.*

e) **Street trees of a caliper 50 percent wider than required by this Code. This approach may include preservation of healthy mature trees adjacent to the street sidewalk.**

Response: *Proposed, see response in Part IV, Standards for MUC District , pages 10 and 11.*

4. **<u>Accessibility of Pedestrian Amenities</u> - Pedestrian amenities shall be visible and accessible to the general public from an improved street. Access to mini parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.**

Response: *All proposed amenities are accessible and visible from Western Boulevard.*

b. Design Standards and Design Variety Menus

1. **<u>Encroachments</u> - Special architectural features, such as bay windows, decorative roofs, and entry features may, with City Council approval, project up to three ft. into public rights-of-way, provided that they are not less than nine ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than eight ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.**

Response: *There are no proposed encroachments.*

2. **<u>Loading/Service Facilities</u> - Loading and service areas such as trash enclosures shall be located to minimize conflicts with public pedestrian areas; screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; designed to provide convenient access for trucks; and designed to minimize noise and other impacts with adjoining uses. Service areas shall be located to the back or sides of buildings, or in alleys where available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human scale aspects of the development.**

Response: *The proposed trash enclosure is located to the rear of the building and is screened in accordance with Chapter 4.2. There is no loading dock provided. Loading and service capabilities to each of the commercial spaces will be provided through the rear overhead doors, see Attachment "L," Detailed Development Plan.*

3. **Roof-mounted Equipment - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with rooflines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.**

Response: *Roof-mounted equipment is screened by a combination of parapets and wrought iron guardrails, see Attachments "X", "Y", and "Z".*

4. **<u>Sign Standards</u>**

a) **Pole-mounted, freestanding signs are prohibited in Neighborhood Center (NC) Zones.**

Response: *Not applicable to the MUC zone.*

b) **Blade signs placed under awnings are allowed along Shopping Streets.**

Response: *The applicant concurs.*

c) **Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.**

Response: *The applicant concurs.*

5. **<u>Lighting Standards</u> - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.**

Response: *The proposed lighting complies with the provisions of Chapter 4.2.*

6. **<u>Windows</u> - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.**

a) **<u>Ground Floor Windows and Doors</u> - Except for the Neighborhood Center (NC) Zone, which is addressed in "c," below, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public. *Additional requirements for windows shall include the following:***

Response: *This standard is met, see response in Part IV, Standards for MUC District, page 11.*

1) **Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window, where applicable. Ground floor windows shall also have a Top Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a**

minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.

Response: *Ground floor windows shall have a 3 inch minimum width frame or recess and all have a canopy above.*

2) Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:

a. Opacity of greater than 60 percent prohibited for any required window; and

Response: *Proposed window shall meet or exceed this Standard.*

b. Ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.

Response: *Bottom of proposed ground floor windows begin at exterior grade.*

b) <u>Windows on Commercial Stories above Ground Floor</u> - Each facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.

Response: *This standard is met, see response in Part IV, Standards for MUC District, page 11.*

c) <u>Neighborhood Center Special Window Provisions</u> - For building walls facing Shopping Streets, windows and/or glass doors shall be provided on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.

Response: *Not applicable.*

7. <u>Design Variety Menu</u> - **Each structure shall incorporate a minimum of three of the following five building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.**

a) <u>Building Walls</u> - **Building walls in excess of 30 ft. in length shall not exceed a height/width ratio of 1:3 without a change in height of at least four ft., as addressed below in Figures 4.10-25A through C - Building Walls.**

Response: *The front elevations provide the 4 foot difference with the stepping of the cornice.*

4.10.70.05.7 (b)

b) <u>Maximum Wall Segments</u> - **All building wall segments on all sides of buildings visible from public areas or adjacent uses shall be a maximum of 30 ft. in length. Building wall segments shall be distinguished by architectural features including at least one of the following: columns, reveals, ribs or pilasters, piers, recesses, or extensions. The segment length may be increased to a maximum of 60 ft. if the segment contains integral planters, public art, or permanent seating such as a seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.**

Response: The proposed Western Boulevard elevation is 85 feet in length along the front. This length is guided by the configuration of the site and logical placement of the building. The front elevations are provided with a play of shapes and heights, reveals and extrusions to provide the segmented look in less than the required 30 foot sections.

c) <u>Entrances</u> - **Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.**

Response: *Primary entrances are provided with a recess as well as being covered.*

d) <u>Base Treatments</u> - **A recognizable Base Treatment consisting of at least one of the following:**

1) **Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;**

2) **Integrally textured materials such as stone, stucco, or other masonry;**

3) **Integrally colored and patterned materials such as smooth-finished stone or tile;**

4) **Lighter or darker colored materials, Mullions, or panels;**

5) **Detailing such as scoring, ribbing, moldings, or ornamentation; or**

6) **Planters integral to the building**

Response: *The bottom of the building along the front and side elevations is provided with a masonry base treatment. This treatment extends up beyond the canopy to provide architectural relief and play of exterior materials.*

e) **<u>Top Treatments</u> - A recognizable Top Treatment consisting of at least one of the following:**

1) **Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;**

2) **Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or**

3) **Stepped parapets.**

Response: *The tops of the buildings are provided with decorative cornices, some deeper than others. In addition, the parapets are stepped to help break up the front and side elevations.*

<u>32. Approval Criterion</u>

13. Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 – Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 – Natural Hazard and Hillside Development Provisions, Chapter 4.11 – Minimum Assured Development Area (MADA), Chapter 4.12 – Significant Vegetation Protection Provisions, and Chapter 4.13 – Riparian Corridor and Wetland Provisions. Street shall be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

Response: *The site has no inventoried significant natural features to preserve or protect. There are no new streets to be designed.*

PART III

PLAN COMPATABILITY REVIEW

A. Applicant's Request

The applicant is proposing four live-work units within the MUC District. These units each include approximately 1525 square feet of ground floor and mezzanine retail/commercial uses. The upper two floors of each unit includes approximately 1800 square feet of living area for the business owner. Because the square footage of non-commercial uses exceeds the square footage of commercial uses, it is subject to the Plan Compatibility Review Process (LDC 3.20.30.02.b.5. and 3.20.40.01.c).

B. Applicable Approval Criteria

Developments requiring Plan Compatibility Review are reviewed to assure compatibility with existing and potential uses on nearby lands, considering the factors in LDC 2.13.30.05.

33. Approval Criterion

LDC 2.13.30.05 Review Criteria

a. The proposed development will be in conformance with the purposes of this chapter; and;

Response: *See the Response to Approval Criterion 2 below.*

34. Approval Criterion

b. Neighboring property owners and residents can be protected by assuring reasonable provisions have been made for such matters as surface water drainage, suitable sound and site buffers, preservation of views, light, air, and such other aspects of design that may have substantial effects on neighboring land uses.

Response: *The four MUC units will be separated from neighboring properties by the railroad tracks and by Western Boulevard, so the physical impact of the buildings on surrounding properties will be minimal. Any sounds from the MUC development will be of lesser impact than the typical arterial street, and railroad related noises. Surface water drainage will be managed for quantity and quality as required by the City's Storm Water Master Plan and relevant LDC standards.*

35. Approval Criterion

c. **The proposed development will not have an adverse effect on traffic, parking, and access.**

Response: *The live-work units have been designed with parking in the rear. Parking is in compliance with the City's on-site parking requirements, and is sufficient to accommodate both resident and customer parking. Access to the site is separated more than 100-feet from nearby intersections. No adverse impacts are anticipated from the slight increase in traffic, the required parking, or access to the site.*

d. **Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.**

Response: *There are no inventoried natural features or hazards on this site.*

36. Approval Criterion

LDC 2.13.20 - Purposes

Development required to be reviewed for plan compatibility shall be done so for the following purposes:

a. **Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;**

Response: *The proposed development allows owners of commercial businesses to live at the same location as their business, making a more compact and efficient use of space as well as added convenience for the business owner.*

37. Approval Criterion

b. **Protect neighboring property owners and residents by assuring reasonable provision has been made for such matters as surface water drainage, suitable sound and sight buffers, preservation of views, light, and air, and such other aspects of design that may have substantial effects on neighboring land uses;**

Response: *The four MUC units will be separated from neighboring properties by the railroad tracks and by Western Boulevard, so the physical impact of the buildings on surrounding properties will be minimal. Surface water drainage will be managed, and will have no impact on adjacent properties.*

38. Approval Criterion

c. **Preserve the City's natural beauty and quality of its visual character by assuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper attention be given to the exterior appearance of structures, signs, parking, landscaping, and other improvements;**

Response: *The proposed project will develop a vacant underutilized area with thoughtfully designed buildings that are visually integrated with each other and with the adjacent commercial uses.*

39. Approval Criterion

d. **Protect and ensure adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area;**

Response: *The proposed project will allow all private facilities to be accessed by the public, and maintain public facilities to their current functioning level, or restore them to greater functionality. Public sidewalks will be widened, while maintaining continuity to other neighborhood areas.*

40. Approval Criterion

c. **Maintain and improve the qualities of and relationships between individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and;**

Response: *The property is currently undeveloped, so there are no existing relationships between improvements to maintain. A new integrated relationship will be created between this project and the existing nearby commercial area as a result of compatible architectural features and materials.*

41. Approval Criterion

d. **Promote and encourage conservation of energy.**

Response: *The proposed development will locate businesses in the same buildings as their owners, thereby reducing the need for commuting to get from their home to their workplace.*

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Planning Division

PART IV

Development Standards for the MUC District

42. Approval Criterion

LDC 3.20.309 – PERMITTED USES (MUC)
LDC 3.20.30.01 – General Development

a. Primary Uses Permitted Outright:

1. Residential:

(a) Residential Uses Types:
- Family
- Group Residential
- Group Residential/Group Care
- Residential Care Facilities

(b) Residential Building Types:
- Single Detached (existing prior to adoption of this Code)
- Conversion of Detached Dwelled to Attached or Mixed-Use Building
- Attached (Townhouse)
- Duplex
- Multi-Dwelling (includes free-standing buildings and dwelling units in commercial buildings)
- Accessory Dwelling

All residential use types are subject to compliance with LDC 3.20.40.01 Preservation of Commercial Land Supply.

2. Commercial Use Types:
- Animal Sales and Services (small animals):
  - Grooming
  - Veterinary
- Building Maintenance Services (no outdoor storage)
- Business Equipment Sales and Services
- Business Support Services
- Communication Services
- Construction Sales and Services (no outdoor storage)
- Convenience Sales and Personal Services
- Day Facilities

- **Eating and Drinking Establishments (sit down)**
- **Family Day Care**
- **Financial, Insurance, and Real Estate Services**
- **Food and Beverage Sales**
- **Laundry Services**
- **Medical Services**
- **Personal Services – General**
- **Professional and Administrative Services**
- **Repair Services – Consumer**
- **Research Services**
- **Retail Sales – General**
- **Transient Habitation – Lodging**
- **Commercial uses legally established and developed in conformance with the Development District in place on December 7, 1998.**

Response: *The applicant's property is zoned MUC (Mixed Use Commercial). The proposed ground floor commercial uses and upper floor residential uses are primary uses permitted outright in the MUC District.*

43. Approval Criterion

LDC 3.20.40.01 Preservation of Commercial Land Supply

a. **A minimum floor area ration (FAR) of 0.25 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. (A minimum FAR of 0.25 would require that a 40,000 square foot lot would have at least 10,000 square feet of commercial uses). This provision does not apply when commercial uses are applied to an existing residential building within a commercial district that existed proper to the adoption of this MUC district. The commercial uses on an MUC site are required to e developed prior to or concurrently with residential and limited manufacturing uses, with the exception of residential and/or limited manufacturing uses that are in existence as of the adoption of this MUC district. Variations from the 0.25 FAR commercial minimum can only be allowed through the Planned Development process.**

Response: *Complies. The live/work units proposed for the MUC portion of the project contain four ground floor commercial/retail spaces of approximately 1400 square feet each. The total 5,600 square feet of commercial use represents a FAR of 0.25 over the entire 22,060 square foot parcel. For purposes of calculating the FAR, the railroad easement area has been left out of the total area as undevelopable land. This nets a total area of 22,060 sq. ft., for a FAR of 0.25. An expanded version of the calculation is included on Attachment "O", Tentative Plat.*

b. **When a project is composed of two or more phases, then the mixed use site shall be reviewed as a Planned Development and each phase shall meet the minimum 0.25 FAR (floor area ratio requirement) as described in Section 1 above or an alternative proposed through the Planned Development review processes.**

Response: *This project will be developed in a single phase, so this criterion is not applicable.*

c. **Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.**

Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.

Response: *The applicant is proposing four live-work units. These units include approximately 1,526 of ground floor retail/commercial uses each. The upper two floors of the units include approximately 1,720 square feet of living area for the business owner. Because the square footage of non-commercial uses exceeds the square footage of commercial uses, it is subject to the Plan Compatibility Review Process, which is addressed in Part III of this application.*

44. Approval Criterion

LDC 3.20.40.02 Minimum Lot Area and Setback Requirements

a. **A setback of not less than 20 ft shall be provided along each MUC District boundary line where the line abuts any residential (RS) district. Off-street parking and loading shall be permitted in this area except within 15 ft of the district boundary line, which shall be limited to landscaping, fences, walls, driveways, or walks. Driveways, parking, and loading areas adjacent to residential districts shall be landscaped and screened in accordance with Chapter 4.2. Alternative to this standard may be considered through the Planned Development process.**

Response: *The MUC district boundary only abuts a residential district along its southerly boundary. The boundary line is located along the curved centerline of the railroad track. There are no buildings within 20 feet of this boundary line and the proposed parking is over 20 feet from the boundary as well. Evergreen landscaping has been*

located along the southwest portion of the parking lot in order to comply with the landscaping and screening requirements in LDC Chapter 4.2.

45. Approval Criterion

b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 2.8-RS-20 standards, and the Mixed Use Design Guidelines contained in this chapter. Ground floor commercial uses within existing residential structures shall be exempt from the RS-20 minimum setback requirements and shall also be subject to a Plan Compatibility Review (PCR) process.

Response: *The ground floor commercial uses associated with the live/work units result in an exemption from the RS-20 setback requirements. It does however subject the live/work units to a Plan Compatibility Review process, which is addressed in Part III of this Narrative.*

46. Approval Criterion

c. For maximum permitted setbacks, refer to Section 3.20.50.02

Response: *The maximum setback in LDC 3.20.50.02 is 20-feet from the street. The proposed live/work units are located adjacent to the sidewalk and 7 feet, average, from the property line to comply with this criterion.*

47. Approval Criterion

LDC 3.20.40.03 Structure Height

No structure shall exceed 45 ft in height

Response: *The proposed structure will be four stories in height and will comply with the maximum height limit.*

48. Approval Criterion

LDC 3.20.40.04 Open Space Standards

A minimum of 20 percent of the total site area shall be retained as open space. Open space may include landscape areas, natural areas, and/or pedestrian amenities (Section 3.20.50.07). The site design and building design standards of this chapter shall also be met. Structures, parking, and driveways of interior parking areas are excluded from the open space area.

Response: *The MUC site contains approximately, 7,664 square feet of green space, which represents about 35% of the entire 22,060 square foot MUC site, and therefore exceeds the open space requirements.*

49. Approval Criterion

LDC 3.20.40.05 Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1. Required parking shall be provided on the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is not a controlled intersection within 100 feet of the subject property. Chapter 4.1 allows adjustments to minimum parking standards when transit service and bicycle parking are available. Additional flexibility for required parking may be granted in the MUC District in conformance of the following standards.

a. Shared parking agreements may be used to provide additional reductions in required parking, provided that the applicant demonstrates that there is an adequate supply of parking for each use. Parking may include surplus parking during peak periods, or capacity provided due to off-peak use.

b. Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option (when the site is less than 3 acres), or Planned Development procedures (Chapter 2.12 and 2.5, respectively). This flexibility is provided to encourage development patterns that reduce the reliance on the automobile by taking advantage of alternate modes of travel.

Response: *The applicant has addressed this under Approval Criterion 28 in Part II of this Narrative.*

50. Approval Criterion

LDC 3.20.50.01 Coordinated Development

New development shall be designed in a manner that does not preclude development of adjacent property(ies) and ensures the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, street, and pedestrian facility connections.

Response: *All public facilities needed for the project are existing in Western Boulevard. The applicant is not aware of any public facility extensions that are needed through this site to serve adjacent properties.*

51. Approval Criterion

LDC 3.20.50.02 Building Orientation and Maximum Setbacks

a. All new buildings in the MUC District shall be oriented to existing or new public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.

b. At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two street, provided that the length of the building adjacent to the street does not exceed 50 feet.

c. Building setbacks from streets or plazas shall not exceed 20 feet, except when necessary to preserve healthy, mature tree(s), or provide pedestrian amenities in conformance with 3.20.50.07 or to accommodate handicapped access requirements. A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

d. Street setbacks of greater than 20 feet (Section 3.20.50.02) may be approved when the building design incorporates seating, plazas, or other usable public spaces, as defined by Section 3.20.50.07 Public Amenities.

Response: *The proposed building front along Western Boulevard, consistent with the building orientation requirements noted above. Each of the four commercial/retail spaces will have a door facing onto the abutting sidewalk and the building will be located along the front property line. The proposed building is therefore in compliance with the building orientation and setback requirements as noted above. The live/work units will be located along the front property line abutting the sidewalk on Western Boulevard, in compliance with the minimum street setback requirements noted above.*

52. Approval Criterion

LDC 3.20.50.04 Weather Protection

a. Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft wide, weather-protected area (e.g. awnings and canopies) shall be provided along the portion of the building(s) adjacent to the sidewalks and/or plazas.

b. For existing development, weather protection as identified in "1" above, shall be provided when there are alterations, repairs, or additions to existing structures. However, an exception to meeting this weather protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Community Development Director that the cost of

improvements to the existing structure is less than four times the cost of providing an awning. Where weather protection is existing, but is not of the required width, an exception to this standard may be authorized, provided the existing weather protection is at least 4 feed in width.

Response: *The applicant is proposing a 6 foot wide continuous canopy along the northerly face (Western Blvd), the southerly face, and the westerly face. The canopy would be constructed of materials to match the current palette of wood and steel. The canopy will be supported from the proposed building via steel rods.*

53. Approval Criterion

LDC 3.20.50.05 Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2. In addition, the following standards apply to the MUC District:

a. Street trees shall be required, consistent with Chapter 4.2. Species should be compatible with the design features provided per Section 3.20.50.07, and shall provide continuity with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.

Response: *New street trees will be planted along Western Boulevard as noted on Attachment S. The proposed pavers will be placed in sand and will allow water and air to permeate. The medium canopy trees will be planted a minimum of 25 feet on center to provide continuity with nearby landscaping. These measures will be consistent with LDC Chapter 4.2*

54. Approval Criterion

b. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles with vertical elements is required and shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamentals walls, trellises, fences, or other features consistent with Chapter 4.2.

Response: *The parking behind the new building will be screened with evergreen shrubs and parking lot trees. The trash enclosure at the northeast corner of the parking lot will also be screened by a wall and landscaped with evergreen shrubs along the eastern side. These measures will be consistent with LDC Chapter 4.2*

55. Approval Criterion

LDC 3.20.50.06 Street Connectivity and Internal Circulation

a. **New structures and substantial improvements may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and promote connectivity and dispersal of traffic.**

Response: *The proposed design includes all the connections to the adjacent neighborhood needed or desired given the location and shape of the site, so no street or driveway stubs or reciprocal access easements are needed.*

b. **The maximum block perimeter shall be 1200 feet. Alternatives to this standard may be considered through the Planned Development process, provided that direct pedestrian access in maintained at least every 300 feet.**

Response: *This project does not create any new blocks, thus no alternatives to the standard are required. Pedestrian access to Western Boulevard is less than the 300 foot maximum.*

c. **Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except as provided in "d" below.**

Response: *The project traffic lanes are internal to the site, and are not located between the building(s) and sidewalk(s).*

d. **Where drop off facilities are provided (e.g. handicapped access) they shall be designed to meet ADA disability needs but still provide for direct pedestrian circulation.**

Response: *ADA parking is provided which meets this requirement.*

56. Approval Criterion

c. **Irrigation systems shall be installed to support landscaping.**

Response: *All newly planted landscaped areas will be watered with an automatic irrigation system in order to achieve 90% coverage with 3 years and will be maintained by an Owner's Association.*

57. Approval Criterion

LDC 3.20.50.07 Pedestrian Amenities

All new structures and substantial improvements shall provide pedestrian amenities, as defined by this chapter. The number of pedestrian amenities provided shall comply with the following sliding scale.

Size of Structure or Substantial Improvement	Number of Amenities
<5,000 square feet	1
5,000-10,000 square feet	2
10,000-50,000 square feet	3
>50,000 square feet	4

Acceptable pedestrian amenities include:

- Sidewalks with ornamental treatments (e.g. brick pavers) or sidewalks which are 50% wider than required by the Land Development Code.

  Benches and public outdoor seating
  Sidewalk planters

  Public art (e.g. sculpture, fountain, clock, mural, etc) with a value equal to or greater than one (1) percent of construction value of the structure(s).

- Pocket parks (minimum usable area of 300 feet)

- Plazas (minimum usable area of 300 feet)

- Street trees of a caliper 50% wider than required by the Land Development Code (may include preservation of healthy mature trees adjacent to the street sidewalk).

- Additional weather protection in excess of 3.20.50.04

- Other improvements approved through the Lot Development Option (Chapter 2.12), or Planned Development process (Chapter 2.5)

Pedestrian amenities shall comply with the following standards and guidelines:

a. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.

b. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and

other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.

c. **Amenities which are eligible for credit toward open space standards, and adjustment to the maximum 20 feet setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.**

d. **Amenities should be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g. 10 years before replacement.**

e. **When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit System.**

Response: *The proposed building will contain approximately 12,428 square feet of commercial/retail and residential uses and is therefore required to provide three pedestrian amenities. The applicant is proposing to widen the existing standard 5-foot public sidewalk so that it is up to 8.5-feet wide in front of the new building. The applicant is also proposing 7' of sidewalk in front of the building on the applicant's property. The wider sidewalk is in compliance with the acceptable pedestrian amenities noted above. The applicant is also proposing to install four new street trees that are 50% larger in caliper size than required by the LDC. Although the LDC does not contain tree caliper standards, the City has historically required street trees to have a minimum caliper of 1.5-inches. The applicant is therefore proposing to install four new street trees with a minimum caliper of 2.25-inches. The applicant also proposes providing weather protection in excess of that required by LDC 3.20.50.04. The building will be provided with a continuous canopy on its northerly, southerly, and westerly face; only the northerly face abuts a street sidewalk. The proposed amenities will be visible and accessible to the general public.*

58. Approval Criterion

LDC 3.20.50.08 General Building Design Standards

Mixed use districts require special attention to building design because of the intermixing of land uses in such areas. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

a. **Minimum Requirements**

New structures and substantial improvements should provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

1. **Ground floor windows shall be provided. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level (on corner lots, this provision applies to two elevations). The transparency is measured in lineal fashion (e.g. a 100-foot wide building facade shall have a total of at least 60 lineal feet of windows).**

Response: *The ground floor elevation of the building will be comprised of storefront glass provided over 71% of the lineal frontage. The glazing will occur from grade to the bottom of the continuous canopy above roughly 9 feet high. The amount of glazing will contribute to the pedestrian scale and avoid blank walls. In addition building entrances are set back to provide relief and emphasis on the building entrances.*

59. Approval Criterion

2. **Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least one of the following [Note: the PA-O and SA districts require offsets at 30 feet; consider a larger dimension based on a larger development scale in MUC:**

   - **Recessed (entrances, floor area, etc.) of a minimum depth of 8 feet.**
   - **Extensions (entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.**
   - **Offsets or breaks in roof elevation by a minimum of 3 feet or more in height.**

Response: *The entire front and side elevations will be provided with breaks and offsets greater than 36 inches to enhance the appearance. A mix of ornate cornices, decorative guard rails, and arched parapets will provide a variety of appealing features. The offsets in height occur at least every 20 feet.*

60. Approval Criterion

3. **In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and**

features such as offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g. E1FS), textured concrete block, or textured concrete, etc.

Response: *The proposed building will include a palette of materials; the base of the building will be a brick fascia mixed with storefront glass. Upper levels include and fiber cement smooth faced horizontal siding in addition to stucco and ornate wrought iron guardrails provide protection to the occupants and also a visually appealing architectural feature. Decks are provided at each unit on the fourth floor; these decks recess in up to 9 feet to add to the visual character. The entries at the ground floor are recessed 36 inches to provide pedestrian appeal. The continuous canopy breaks up the visual plane dividing the pedestrian level to the living units above.*

61. Approval Criterion

4. **Provide differentiation between ground-level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used. Other design solutions may be approved by the Director.**

Response: *The ground floor is provided with a continuous canopy along the northerly, southerly, and westerly faces. The canopy helps separate the public from the private spaces above. The ground floor is provided with roughly 9 foot high windows, greater in height than the windows of the second and third floors. The base of the building is also predominately brick veneer. The upper levels are provided with smaller windows, the exterior walls at the decks recess into the building up to 9 feet. Decorative wrought iron guardrails are provided at the decks. Each unit will also incorporate a different color on the exterior front elevation, providing distinction between the units and breaking up what continuous mass is left. A mix of exterior materials will occur at the upper floor, stucco dominates on the front face of the building with accents of horizontal siding. Ornate cornices will add additional character to the tops of the buildings.*

62. Approval Criterion

5. **Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g. balconies, porches, patios, etc.). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g. glazed, tinted, etc.) to protect privacy.**

Response: *The decks recess into the front face of the building up to 9 feet. They are also separated roughly 10 feet horizontally. Architectural featured mini-decks are provided*

at the rear of the building, but not to a depth where residents would congregate for long periods of time.

63. Approval Criterion

6. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional right-of-way shall be dedicated to maintain adequate circulation.

Response: *The entire project will have only one point of access onto Western Boulevard. The access driveway has been located between the two railroad crossings on Western Boulevard to ensure vehicular and pedestrian safety.*

64. Approval Criterion

LDC 3.20.50.09 Neighborhood Compatibility

a. Minimum standards adjacent to a residential district:

1. Architectural compatibility between new development and adjacent residences (e.g. similar roof forms, windows, trim, and materials) is required. Pitched roofs shall provide a minimum of 4:12 pitch [this is the same pitch that is used in the PA-O district]. Flat roofs shall provide a cornice, or other decorative treatment.

Response: *The MUC site is separated from the adjacent and abutting residential zoned property by a railroad right-of-way and tracks. Evergreen landscaping along the MUC side of the track has been provided to address screening requirements between the two land uses. Although some residential uses exist west and east of the site, the predominant uses to the north and east are commercial. As such, the architecture of the MUC building has been designed to be more commercial in nature. The proposed building has been designed to be compatible with other commercial uses along Western Boulevard. The flat roofs provided will include a cornice along the front and sides of the building.*

65. Approval Criterion

2. Roof elevation(s) shall gradually step-down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures(s) by more than one (1) story. This provision applies to that portion of the structure that is closest (20 feet, minimum) to the adjacent residential structures.

Response: *None of the live/work units are within 20 feet of a residential structure. The closest residential structures (to the east) are two and one-half stories in height.*

66. Approval Criterion

3. **The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.**

Response: *There is no vegetation, significant or otherwise, on the site.*

67. Approval Criterion

4. **Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties.**

Response: *All outdoor lighting will be shielded so as not to produce glare on adjacent residential properties. This provision applies to parking lot lighting, lighting at the entry monument signs, and exterior building lights.*

68. Approval Criterion

LDC 3.20.50.09 Neighborhood Compatibility

b. **Minimum standards adjacent to a industrial district:**

1. **The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.**

2. **If residential uses are introduced in areas that are adjacent to an industrial district, the site design for the residential use shall incorporate fencing and a 20 foot landscape screen between the residential uses on the MUC site and the industrial district in accordance with Section 4.2.50. Driveways may occur within the landscape screen but in no case may they be less than 10 feet from the adjacent industrial district boundary.**

Response: *Only a remnant sliver of industrial land is adjacent to the eastern project boundary. This remnant of industrial land accommodates the existing railroad track along 6th Street which is used regularly but intermittently. Residential uses have been proposed, however they are not separated from the industrial uses by a 20 foot landscape screen. The MUC building is setback 9 feet from the industrial district boundary. This landscaped setback area includes columnar trees, a mix of deciduous and evergreen shrubs, and groundcover. (Attachment S). Since the industrial use of this area will never be more than an intermittent use railroad track with no potential for permanent structures, the applicant is requesting a reduction to the fencing and screening standard through the Planned Development process. This reduction is consistent with*

the purposes of a Planned Development found in LDC 2.5.20.a and 2.5.20. b because the change will allow a more flexible design and promotes a more efficient use of the land.

PART V

Deviations to Standards

Deviation: Driveway Access Width

LDC 4.1.40 – Standards for Off-Street Parking and Access

All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City's Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.

Response: *Table 1 of the City's Off-street Parking and Access Standards require that all commercial access drives be 24' wide. The project has been designed with a single access drive with a 24' wide approach, and the drive narrowing to 20' at the southwest corner of the building. This 20' width is less than the City's minimum required width, but is necessary to allow development of the MUC portion of the site within the constraints of the location of the railroad tracks and the 6th and 7t Street intersections with Western Boulevard; therefore a reduction to the minimum width is being requested through this Detailed Development Plan review process. No safety or capacity issues will result from this reduced access width. 20' is the standard fire department access width and 10' travel lanes are sufficient for opposing ingress and egress traffic to bypass safely. 20' is also an allowed street width per LDC Chapter 4.0 under certain circumstances. The reduction is consistent with the purpose of a Planned Development found in LDC 2.5.20. b, which promotes the efficient use of land and facilitates a more economical arrangement of the circulation system.*

Deviation: Access to Arterial Street

LDC 4.1.40 – Standards for Off-Street Parking and Access

a. Access to Arterial, Collector, and Neighborhood Collector Streets

2. Location and design of all accesses to and/or from arterials and collectors (as designated in the Corvallis Transportation Plan) are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft from any other access or street intersection. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

Response: *The project has been designed with only one access drive. The driveway has been strategically located so that it minimizes conflicts with the railroad crossings at 6th and 7th Streets. The driveway is 100 feet from the proposed intersection of 7th Street and Western Boulevard. This is less than the City's minimum separation of 150 feet, but is necessary to allow development of the MUC portion of the site within the constraints of the location of the railroad tracks and the 6th and 7t Street intersections with Western Boulevard; therefore a reduction to the minimum separation standard is being requested through this Detailed Development Plan review process. Around the perimeter of the building the 5' wide minimum is met and no safety or capacity issues will result from reducing the width at this one point. The reduction is consistent with the purpose of a Planned Development found in LDC 2.5.20. b, which promotes the efficient use of land and facilitates a more economical arrangement of the circulation system.*

Deviation: Tree Perimeter

LDC 4.2.30

b. Areas Where Trees May Not Be Planted -

1. Trees may not be planted within five feet of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.20.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.

LDC 4.2.40

b. In addition to any pedestrian refuge areas, each landscaped island within and around parking lot areas shall -

1. Include one or more shade canopy trees;

2. Be a minimum length of eight feet at its smallest dimension;

3. Include at least 80 square feet of ground area per tree to allow for root aeration; and

4. Include raised concrete curbs around the perimeter.

c. Connecting walkways through parking lots shall have one or more canopy shade trees per 40 linear feet. Driveways to or through parking lots shall have one or more canopy shade trees per linear feet on each side. These trees shall be planted in landscape areas within five feet of the walkways and driveways, respectively.

Response: *For parking lot and buffer trees, the applicant proposes a standard for tree planting that meets the area standard of 4.2.40.b.3 and c. above, using the special planting techniques shown in the following Detail "A". These special planting techniques are consistent with the intent of 4.2.30.b.1.*

Deviation: Fencing and Landscape Screening

LDC 3.20.50.09 Neighborhood Compatibility

a. Minimum standards adjacent to a industrial district:

1. The site design shall preserve health mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.

2. If residential uses are introduced in areas that are adjacent to an industrial district, the site design for the residential use shall incorporate fencing and a 20 foot landscape screen between the residential uses on the MUC site and the industrial district in accordance with Section 4.2.50. Driveways may occur within the landscape screen but in no case may they be less than 10 feet from the adjacent industrial district boundary.

Response: *Only a remnant sliver of industrial land is adjacent to the eastern project boundary. This remnant of industrial land accommodates the existing railroad track along 6th Street, which is used regularly but intermittently. Residential uses have been proposed, however they are not separated from the industrial uses by a 20 foot landscape screen. The MUC building is setback 9' from the industrial district boundary. This setback area will include an intense landscape screen (Attachment S). The applicant also proposes to upgrade the sound isolation quality of the exterior wall adjacent to the industrial land by including the following acoustic construction details: . acoustical sealant at joints, staggered studs at exterior wall on a single plate, interior steel hat channels over studs with a double layer of interior sheet rock, and triple pane glazing at windows facing tracks. Since the industrial use of this area will never be more than an intermittent use railroad track with no potential for permanent structures, the applicant is requesting a reduction to the fencing and screening standard through the Planned Development process. This reduction is consistent with the purposes of a Planned Development found in LDC 2.5.20.a and 2.5.20. b because the change will allow a more flexible design and promotes a more efficient use of the land.*

Deviation: Sidewalk width along Building Wall

LDC 4.10.70.03 - Pedestrian Circulation Standards

2. Sidewalks along Building Walls - Sidewalks no less than five ft. wide shall be provided along the full length of building walls featuring a customer entrance and along any wall parallel to and abutting parking areas larger

than eight parking spaces, except in situations where the sidewalk would not provide connectivity between an entrance and parking area. Where sidewalks are adjacent to buildings, except along Shopping Streets, a five-ft.-wide foundation landscape strip and/or weather protection with planters shall be provided. These elements are noted in Figure 4.10-19 - Site Development Element Locations.

Response: *A 5' wide sidewalk is provided along the north building wall, which contains all customer entrances, and along the south building wall, which is parallel to and abuts the parking area. However, at the southwest corner of the building, the sidewalk narrows to 4'-6" wide between the building corner and the access drive. This is necessary to allow development of the MUC portion of the site within the constraints of the location of the railroad tracks and the 6th and 7th Street intersections with Western Boulevard; therefore a reduction to the minimum separation standard is being requested through this Detailed Development Plan review process. There is good sight distance here, and no safety or capacity issues will result from this deviation. The 4'-0" minimum width for accessibility is also met. The reduction is consistent with the purpose of a Planned Development found in LDC 2.5.20. b, which promotes the efficient use of land and facilitates a more economical arrangement of the circulation system.*

Table "A"
Proposed Changes to Development Standards

Item	Code Section(s)	Code Standard	Proposed Standard	Modification or Addendum to Proposed Standard	Compensating Benefit
Commercial Access Drive Width	4.1.40	Minimum 24′ wide	20′ wide	See discussion in Narrative Part IV, Deviations to Standards, page 1	Improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by existing street networks and railroad tracks.
Access to arterial street	4.1.40.a(2)	Minimum 150-feet from intersections	Minimum 100-feet from intersections	See discussion in Narrative Part IV, Deviations to Standards, page 1 & 2	Two existing non-conforming approaches are consolidated into one approach which meets the spacing requirement from the Sixth Street intersection but not from the Seventh Street intersection.
Tree perimeter	4.2.40	10′ around all trees	5′ around all trees	See discussion in Narrative Part IV, Deviations of Standards, pages 2 & 3	The special planting techniques proposed allow maximizing the quantity of trees on the site.
Fencing and landscaping screening for MUC Residential Uses adjacent to Industrial Districts	3.20.50.09.b	Fencing required and 20-foot landscape screen	Fencing and 9-foot wide landscape screen.	See discussion in Narrative Part IV, Deviations to Standards, Page 3	Intense landscaping and increased sound attenuation in the adjacent wall improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by regular but intermittent industrial use along the east side of the property. No permanent structure would ever be built on the industrial land.
Minimum Width for sidewalk around building wall	4.10.70.03.2	Minimum 5′ width	5′ width except 4′-6″ at southwest corner of building	See discussion in Narrative Part IV, Deviations to Standards, Page 3-4	Improves the opportunity to efficiently use an irregularly shaped piece of land which is permanently constrained by existing street networks and railroad tracks. The 4′-0″ minimum width for accessibility is met.

0 200 400 800

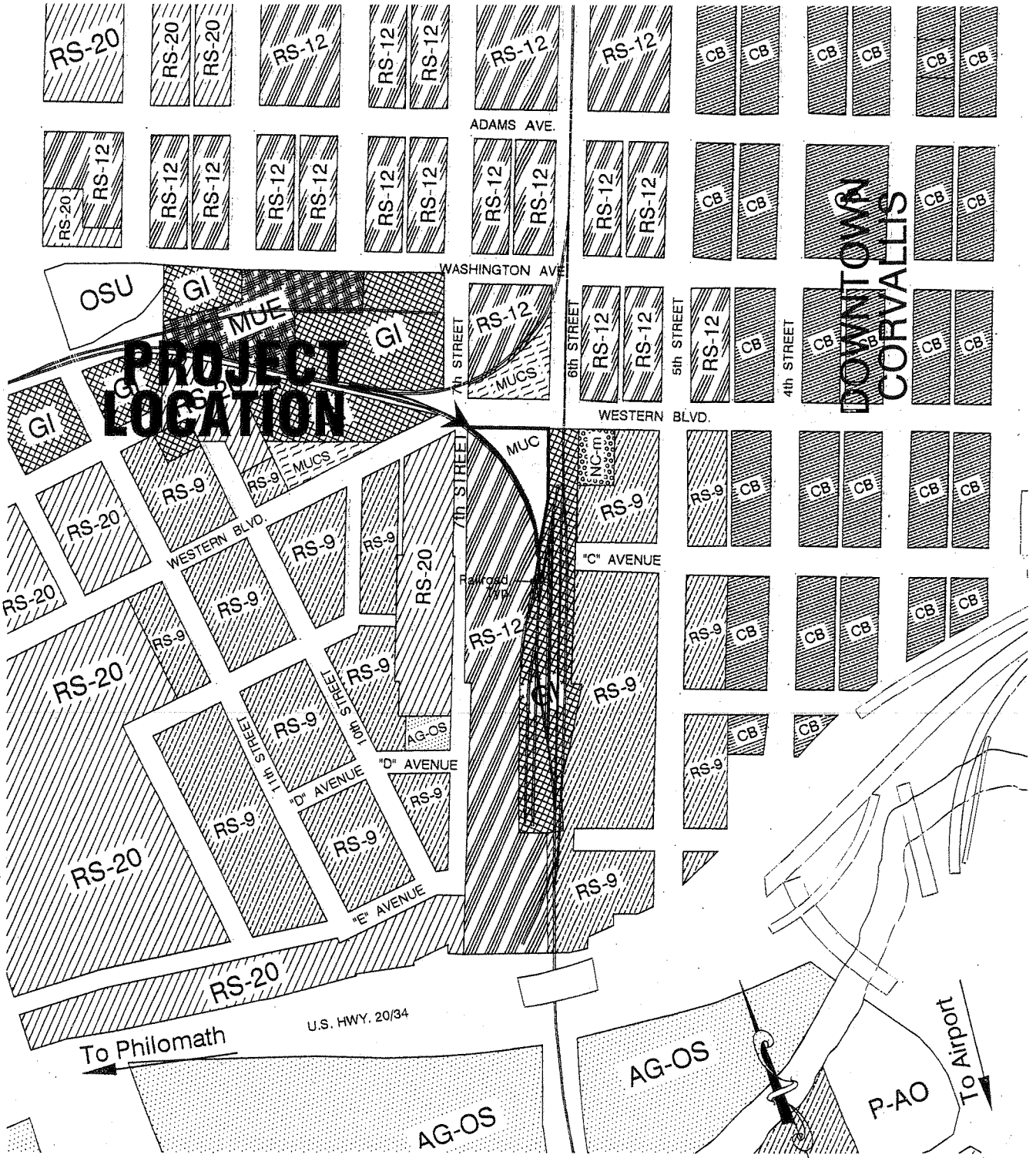
SCALE IN FEET

WESTERN STATION
PUBLIC NOTICE MAP
VICINITY MAP

Attachment J-109 Γ "A"

April 25, 2008

Attachment III - 268



Attachment III - 269

EXISTING CITY OF CORVALLIS ZONING DESIGNATIONS

	RS-9	MEDIUM DENSITY RESIDENTIAL
	RS-12	MEDIUM-HIGH DENSITY RESIDENTIAL
	RS-20	HIGH DENSITY RESIDENTIAL
	MUCS	MIXED USE COMMERCIAL SHOPPING
	MUC	MIXED USE COMMERCIAL
	MUE	MIXED USE EMPLOYMENT
	NC-m	MINOR NEIGHBORHOOD CENTER
	GI	GENERAL INDUSTRIAL
	CB	CENTRAL BUSINESS
P-AO	P-AO	PROFESSIONAL AND ADMINISTRATIVE OFFICE
	AG-OS	AGRICULTURE - OPEN SPACE
OSU	OSU	OREGON STATE UNIVERSITY

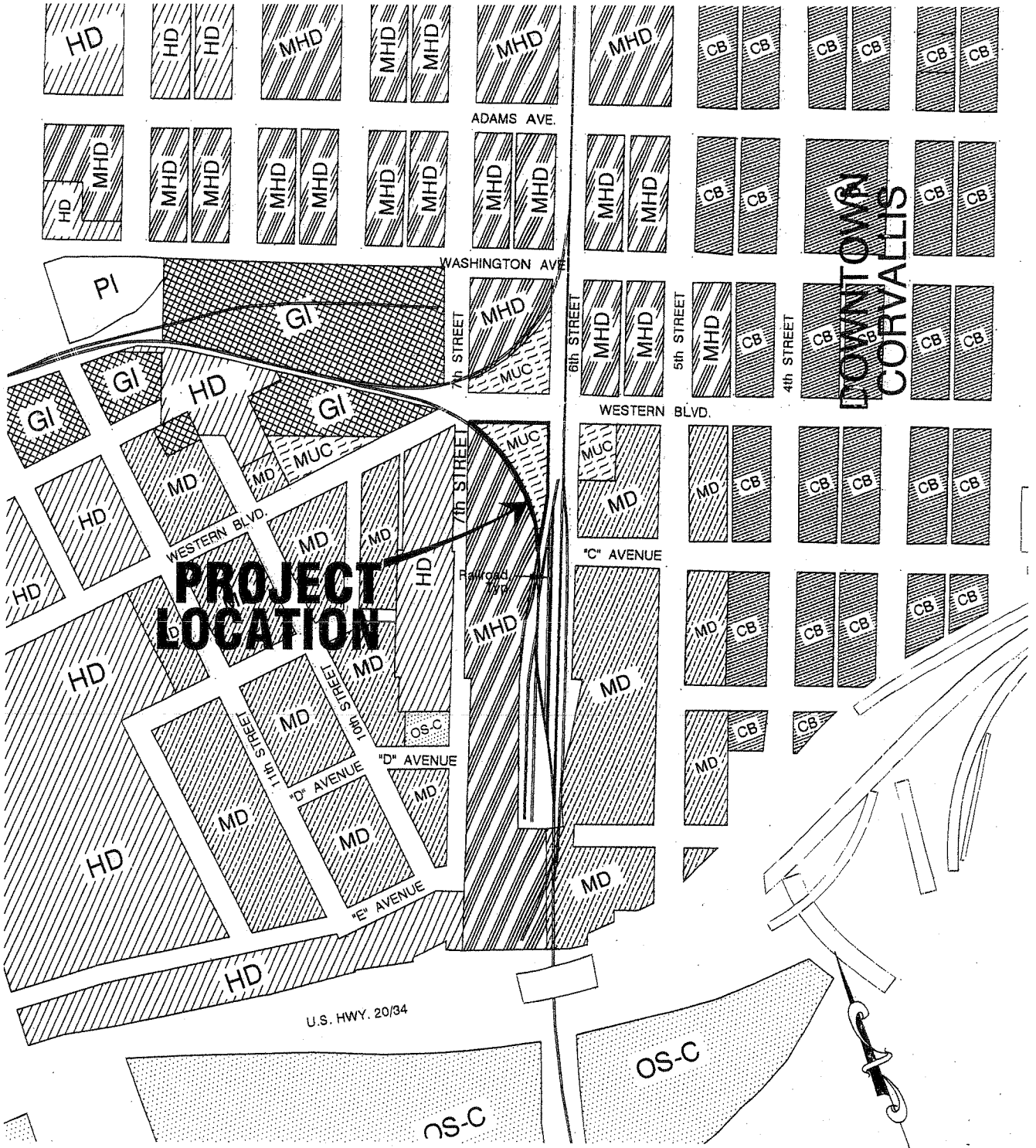
0 200 400 800

SCALE IN FEET

WESTERN STATION
EXISTING ZONING DESIGNATIONS

A Attachment J-110 "B"

April 25, 2008



Attachment III - 270

0 200 400 800

SCALE IN FEET

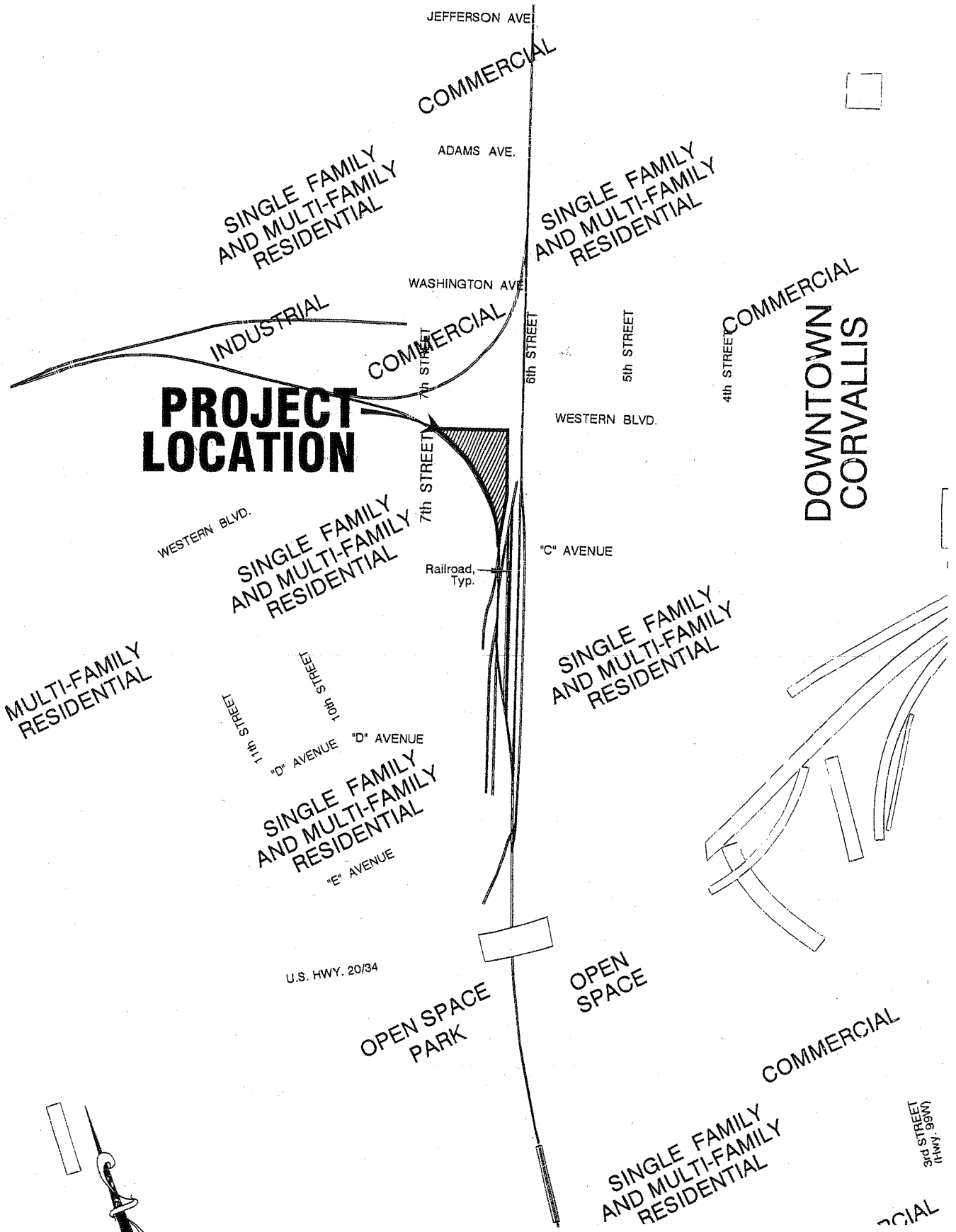
EXISTING CITY OF CORVALLIS COMPREHENSIVE PLAN DESIGNATIONS

	MD	RESIDENTIAL - MEDIUM DENSITY
	MHD	RESIDENTIAL - MEDIUM-HIGH DENSITY
	HD	RESIDENTIAL - HIGH DENSITY
	MUC	MIXED USE COMMERCIAL
	GI	GENERAL INDUSTRIAL
	CB	CENTRAL BUSINESS
PO	PO	PROFESSIONAL OFFICE
	OS-C	OPEN SPACE - CONSERVATION
PI	PI	PUBLIC INSTITUTIONAL

WESTERN STATION EXISTING COMPREHENSIVE PLAN DESIGNATIONS

Attachment J-111 T "C"

April 25, 2008

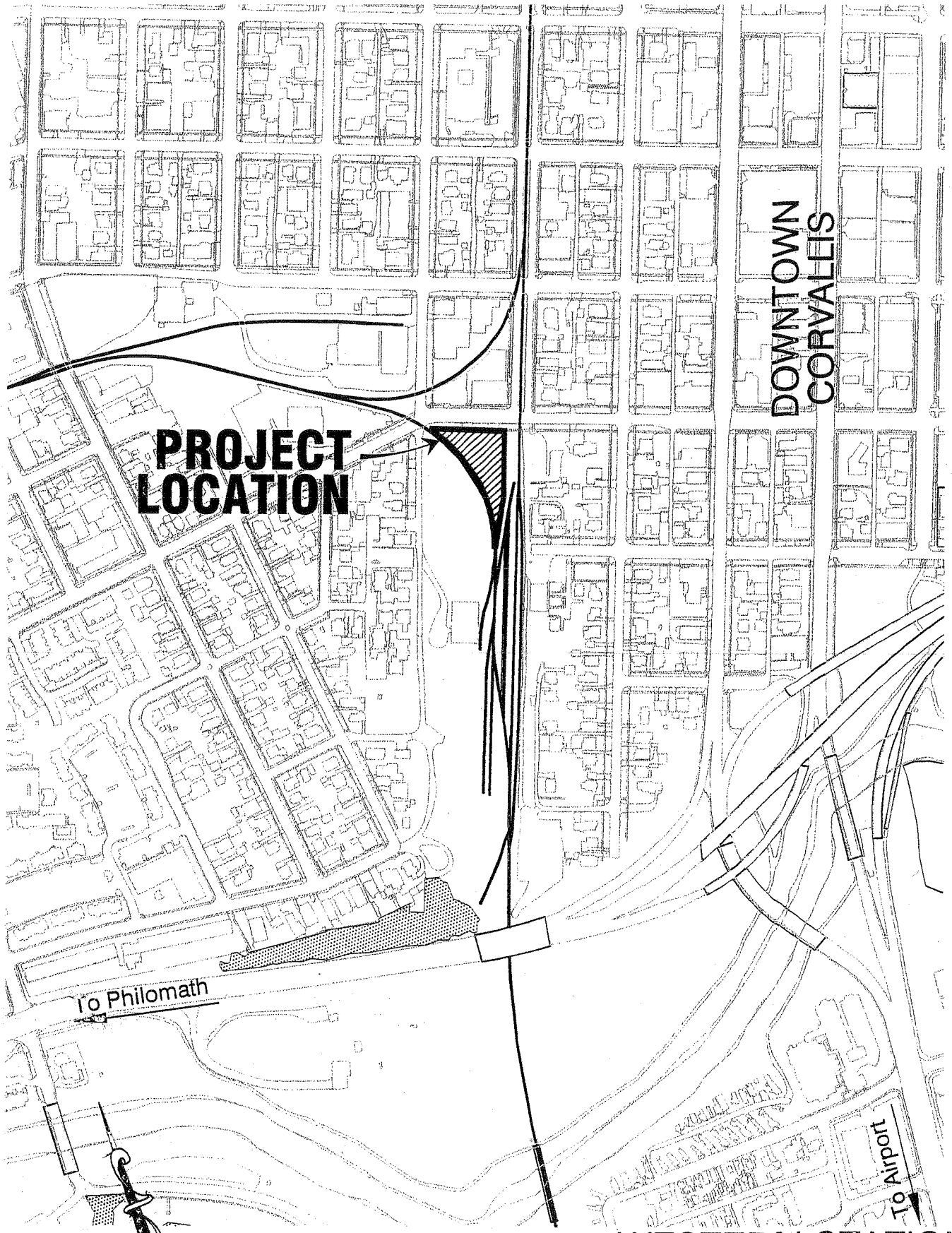


Attachment III - 271

WESTERN STATION SURROUNDING USES

Attachment J-112 "D"

April 25, 2008



0 200 400 800

SCALE IN FEET

WESTERN STATION
NATURAL FEATURES
SIGNIFICANT VEGETATION

Attachment J-113 "E"

April 25, 2008

Attachment III - 272

0 200 400 800

SCALE IN FEET

WESTERN STATION
NATURAL FEATURES
PROTECTED RIPARIAN AREA

Attachment J-114 "F"

April 25, 2008

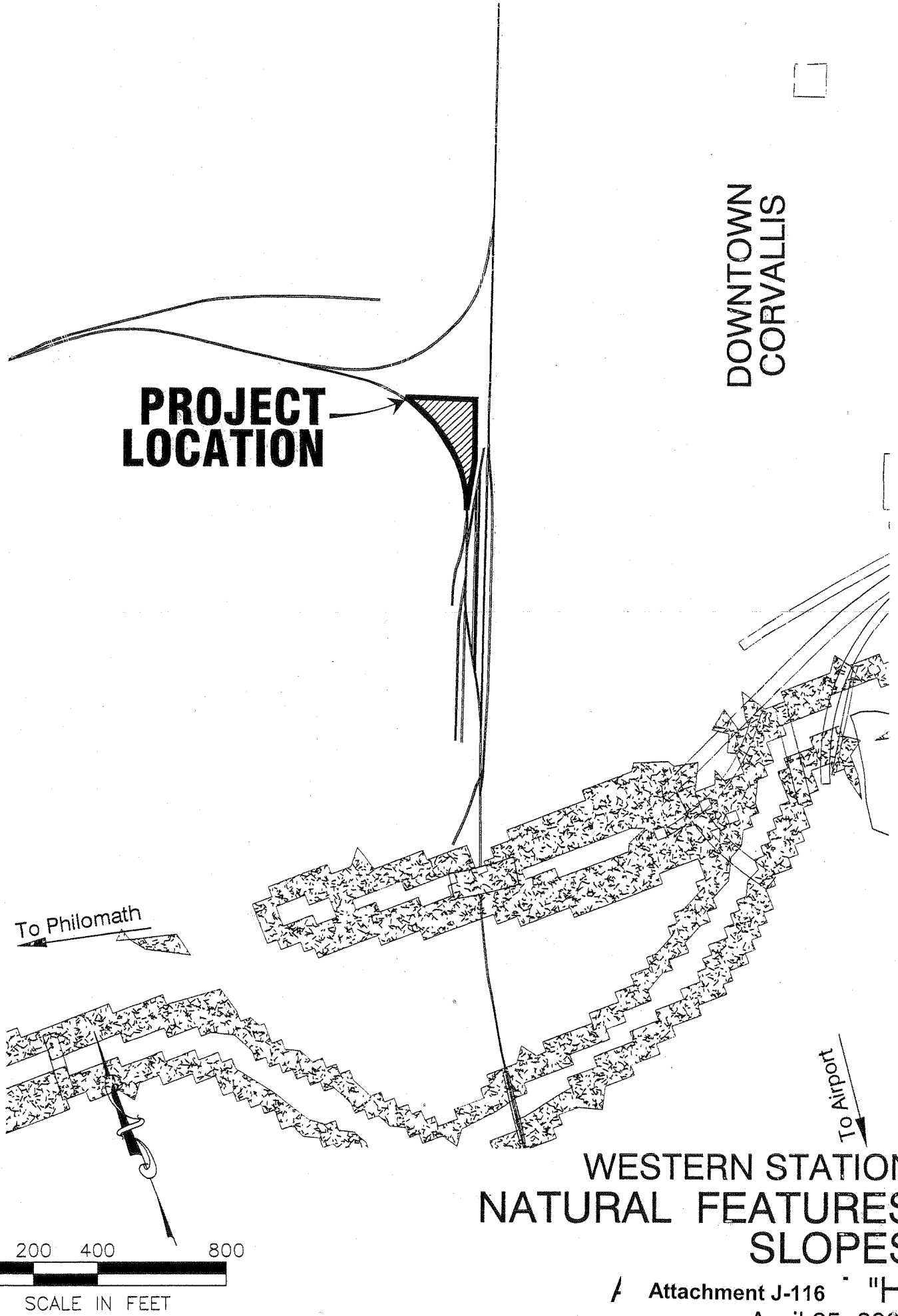
WESTERN STATION
NATURAL FEATURES
100 YEAR FLOOD PROTECTION AREA

0 200 400 800

SCALE IN FEET

A' Attachment J-115 "G"

April 25, 2008



WESTERN STATION
NATURAL FEATURES
SLOPES

Attachment J-116 "H"

April 25, 2008

WESTERN STATION NATURAL FEATURES LANDSLIDE AREA

0 200 400 800

SCALE IN FEET

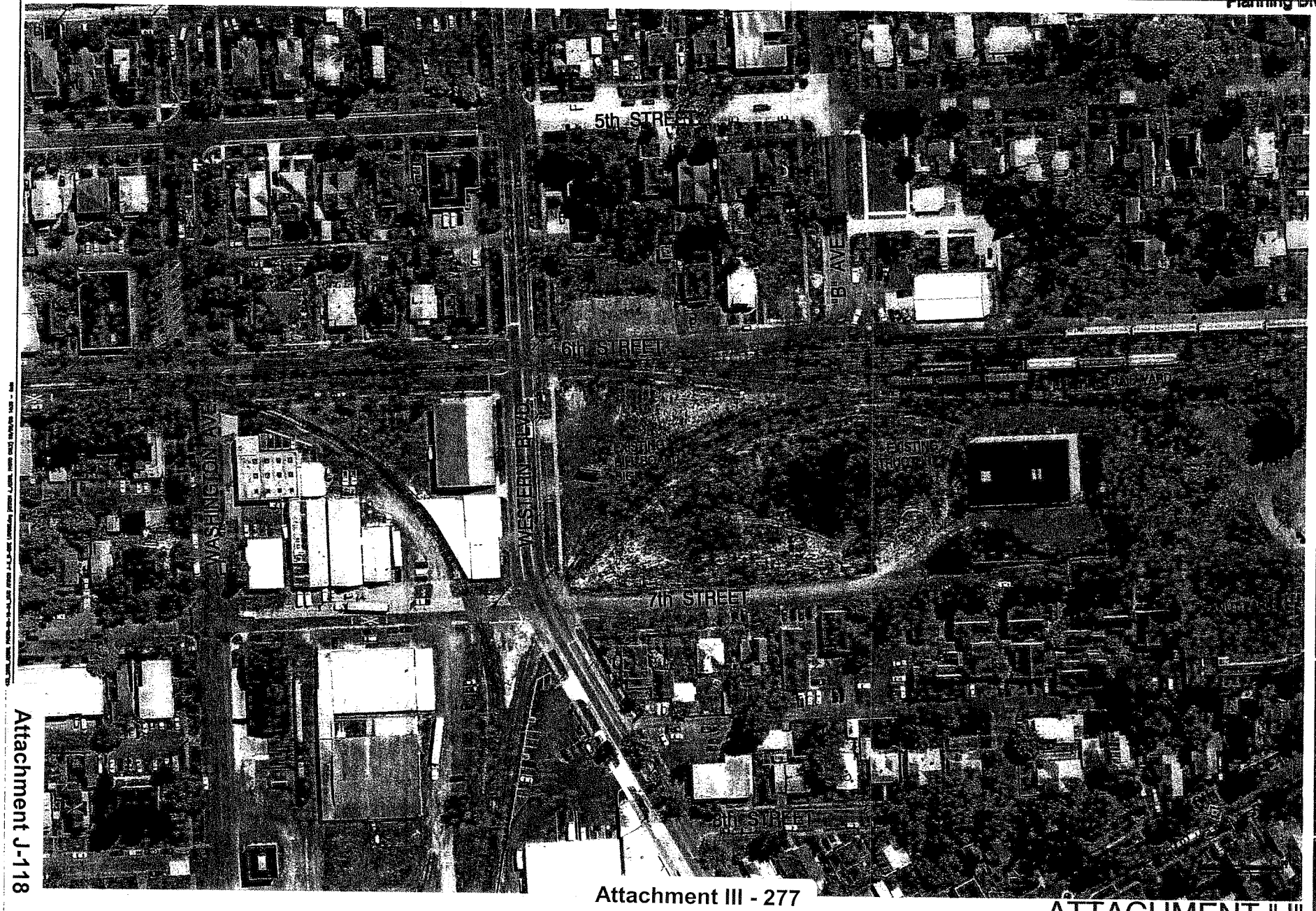
A Attachment J-117

April 25, 2008

RECEIVED

SEP - 5 2008

Community Development
Planning Division



Attachment III - 277

ATTACHMENT "J"

Attachment J-118

Devco Engineering Inc.

PROJECT: WESTERN STATION

PROJECT LOCATION: CORVALLIS, OREGON

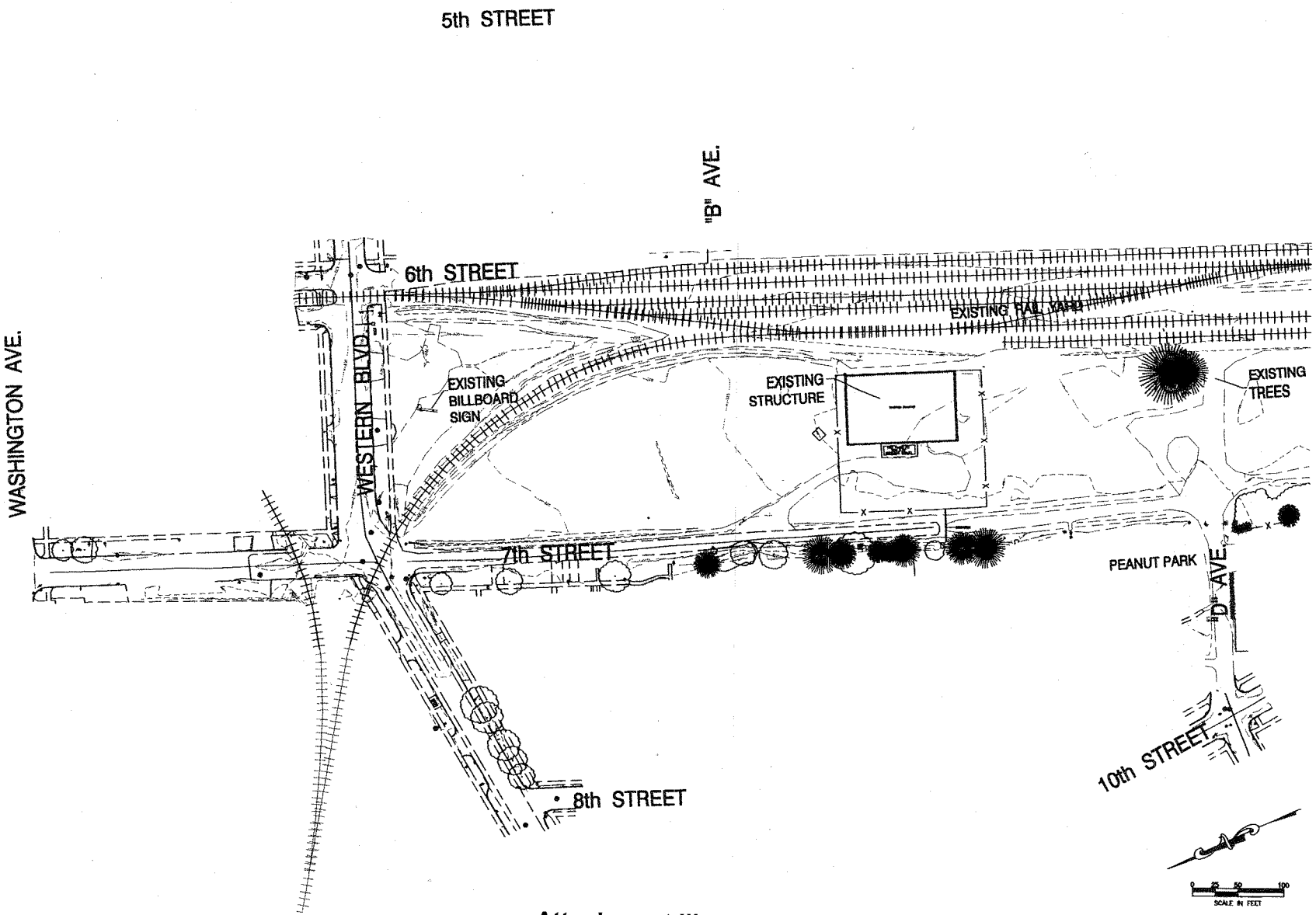
CLIENT: 7TH STREET STATION, LLC

SHEET TITLE: EXISTING SITE PROJECT AERIAL PHOTO

JOB NO. 04-433

ISSUED: 08/04/08

DRAWN BY: DEVCO



DEVCO Engineering Inc.
Corvallis Oregon
541 754-1160
240 2nd Corvallis, P.O. Box 128
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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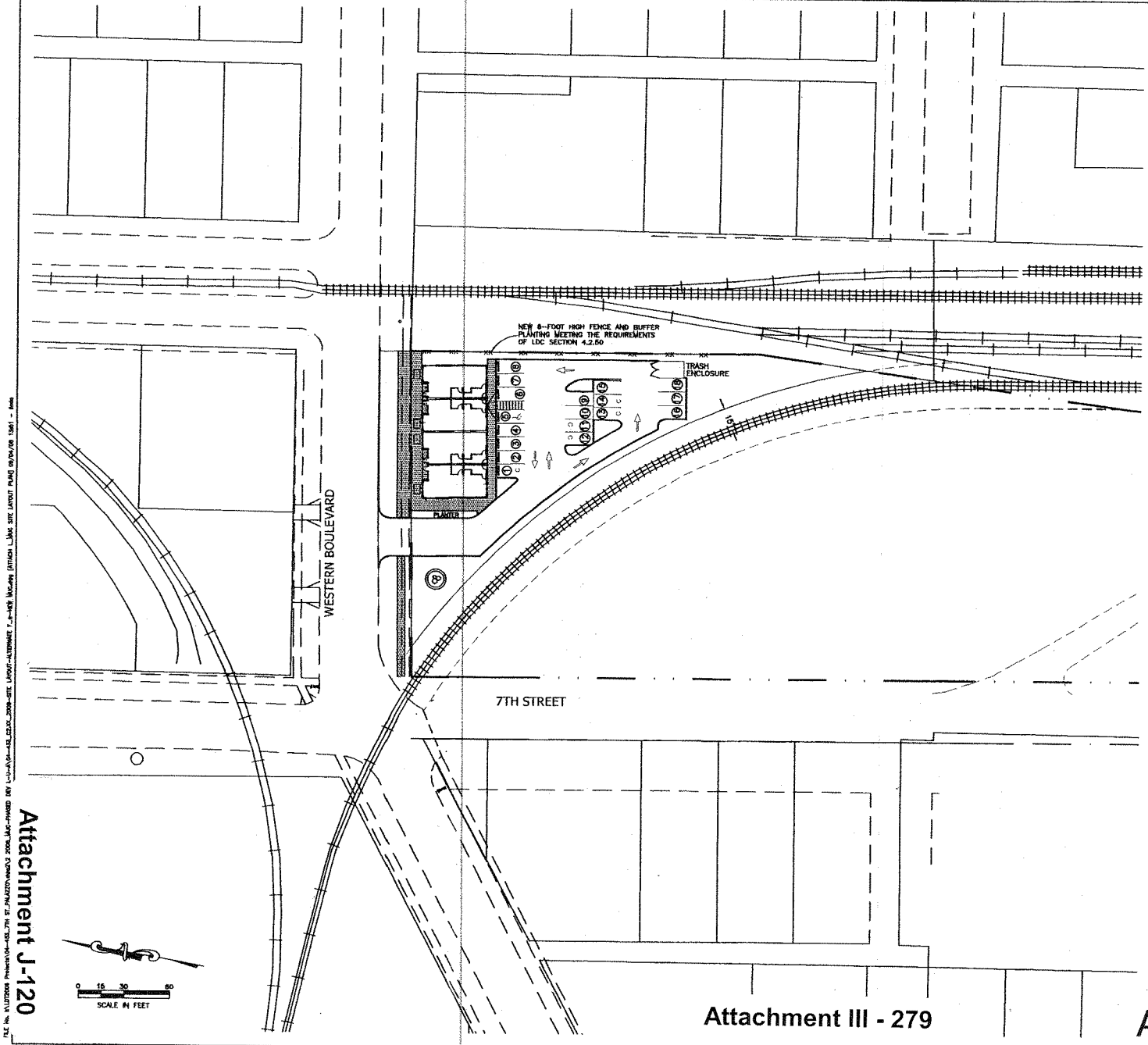
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7TH STREET STATION, LLC

SHEET TITLE: EXISTING SITE PROJECT AERIAL TOPOGRAPHY

JOB NO.	04-433
ISSUED:	08/04/05
DRAWN BY:	DEVCO

ATTACHMENT "K"



MUC:

GROSS LAND AREA: 22,056 SQ.FT.
(0.51 ACRES)
(RR Easement not included in area above)

TOTAL DWELLING UNITS: 4 LIVE/WORK

DENSITY: 4 UNITS / 0.51 ACRES = 8 UNITS/ACRE

GREEN SPACE

1) Ground Level (undeveloped area in RR Easement not included in area above)	7,664 sq.ft.
2) Decks None Included	
TOTAL GREEN SPACE AREA (Excluding undeveloped area in railroad easement)	7,664 sq.ft.
Green Space as percentage to Gross Area	35%

LOT COVERAGE OF BUILDING AND STRUCTURES

3,605 sq.ft.
16.3 % of Gross Land Area

COMMERCIAL USE	
GROUND FLOOR	3,440 sq.ft.
MEZZANINE	2,108 sq.ft.
Commercial use as percentage to Gross Area	25%

No.	REVISION:	DATE:

DEVCO Engineering Inc.
240 3RD CORVALLIS, OR 97330
WWW.DEVCOENGINEERING.COM

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PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

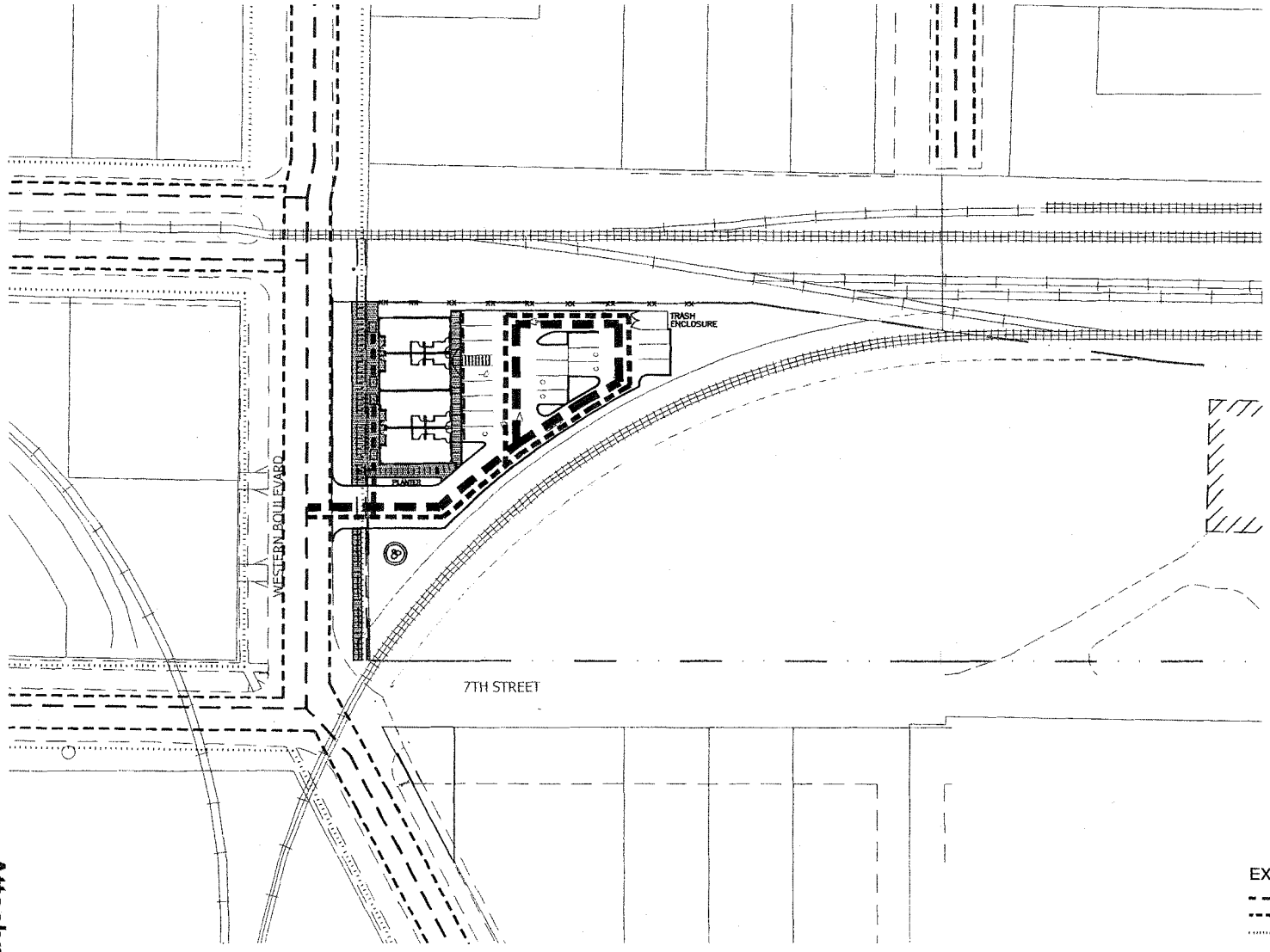
SHEET TITLE: DETAILED DEVELOPMENT PLAN

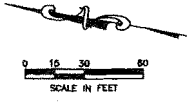
JOB NO.	04-433
ISSUED:	09/04/08
DRAWN BY:	DEVCO

Attachment J-120

Attachment III - 279

ATTACHMENT "L"





EXISTING CIRCULATION PATTERNS

- VEHICULAR CIRCULATION
- BICYCLE CIRCULATION
- PEDESTRIAN CIRCULATION

PROPOSED CIRCULATION PATTERNS

- VEHICULAR CIRCULATION
- BICYCLE CIRCULATION
- PEDESTRIAN CIRCULATION

No.	REVISION:	DATE:

DEVCO Engineering Inc.
Corvallis Oregon
(541) 757-0991
200 NW CONNELL, P.O. BOX 128
CORVALLIS, OR. 97339
WWW.DEVCOENGINEERING.COM

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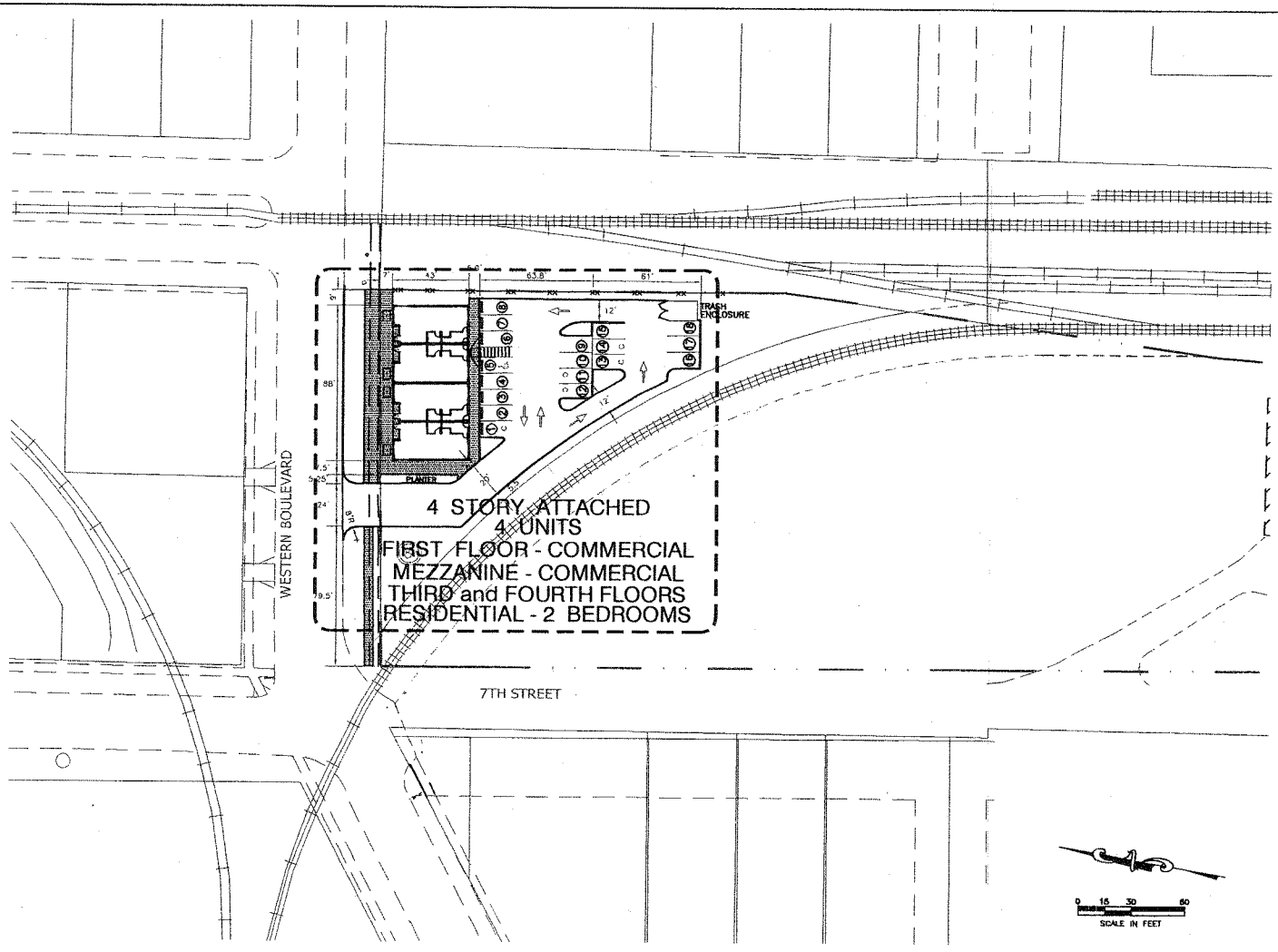
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: DETAILED DEVELOPMENT PLAN WITH EXISITNG AND PROPOSED CIRCULATION PATTERNS

JOB NO.	04-433
ISSUED:	09/04/08
DRAWN BY:	DEVCO

ATTACHMENT "M"



RESIDENTIAL	
Units 1 - 4 2 Bedroom, Attached Units 4 Units X 1.5 spaces per unit = 6 parking spaces	20 parking spaces required Less 10% Reduction for Transit = -2 spaces
COMMERCIAL	
Units 1 - 4, ≤ 5600 Sq.Ft. 1 space per 400 sq.ft. = 14 parking spaces	Parking spaces provided in off-street common parking lots = 18 spaces (Includes one accessible space and aisle)

No.	REVISION:	DATE:

devco engineering inc.
Corvallis Oregon
(541) 757-1201
245 SW CHAPEL, P.O. BOX 1151
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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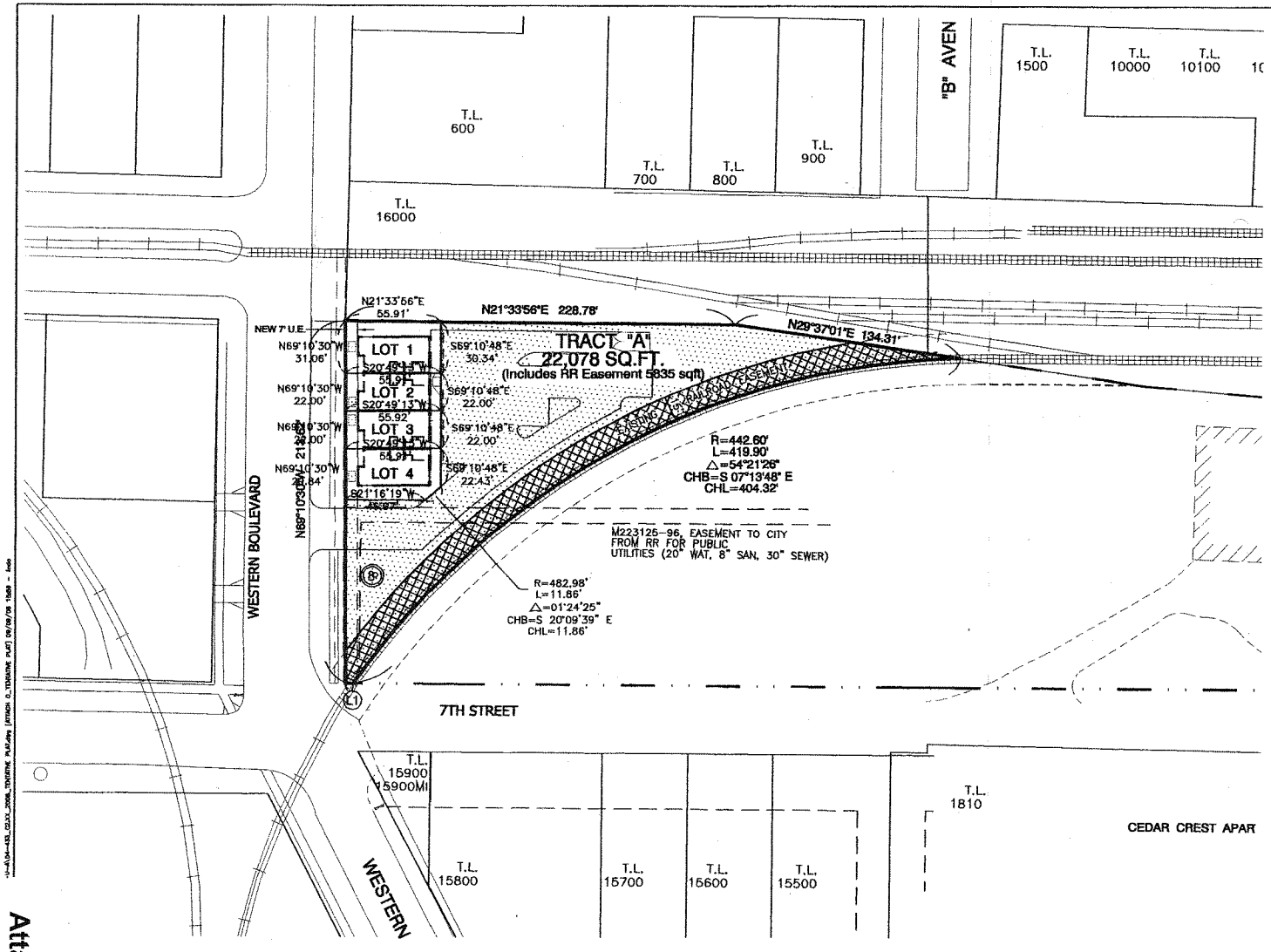
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: DETAILED DEVELOPMENT PLAN WITH HOUSING TYPES AND PARKING CALCULATIONS

JOB NO.	04-433
ISSUED:	09/04/06
DRAWN BY:	DEVCO

ATTACHMENT "N"



LINE TABLE			LOT AREA TABLE	
LINE NO.	LENGTH	BEARING	LOT NO.	AREA
L1	4.68'	S 21°16'52" W	1	1716.45 SQ.FT.
			2	1230.06 SQ.FT.
			3	1230.06 SQ.FT.
			4	1642.63 SQ.FT.
			TRACT "A"	22,072 SQ.FT. (INCLUDES RR ROW)

FAR CALCULATION

TOTAL AREA	27,891 SQ.FT.
RAILROAD EASEMENT	5,835 SQ.FT.
DEVELOPABLE AREA	22,056 SQ.FT.
COMMERCIAL AREA	5,548 SQ.FT.
FAR	0.25

OWNER:
7th Street Station, LLC
1900 Front Street NE
Salem, Oregon 97303

No.	REVISION:	DATE:

DEVCO engineering inc.
Corvallis Oregon
541-757-0651
249 SW CONNELL, P.O. BOX 105
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

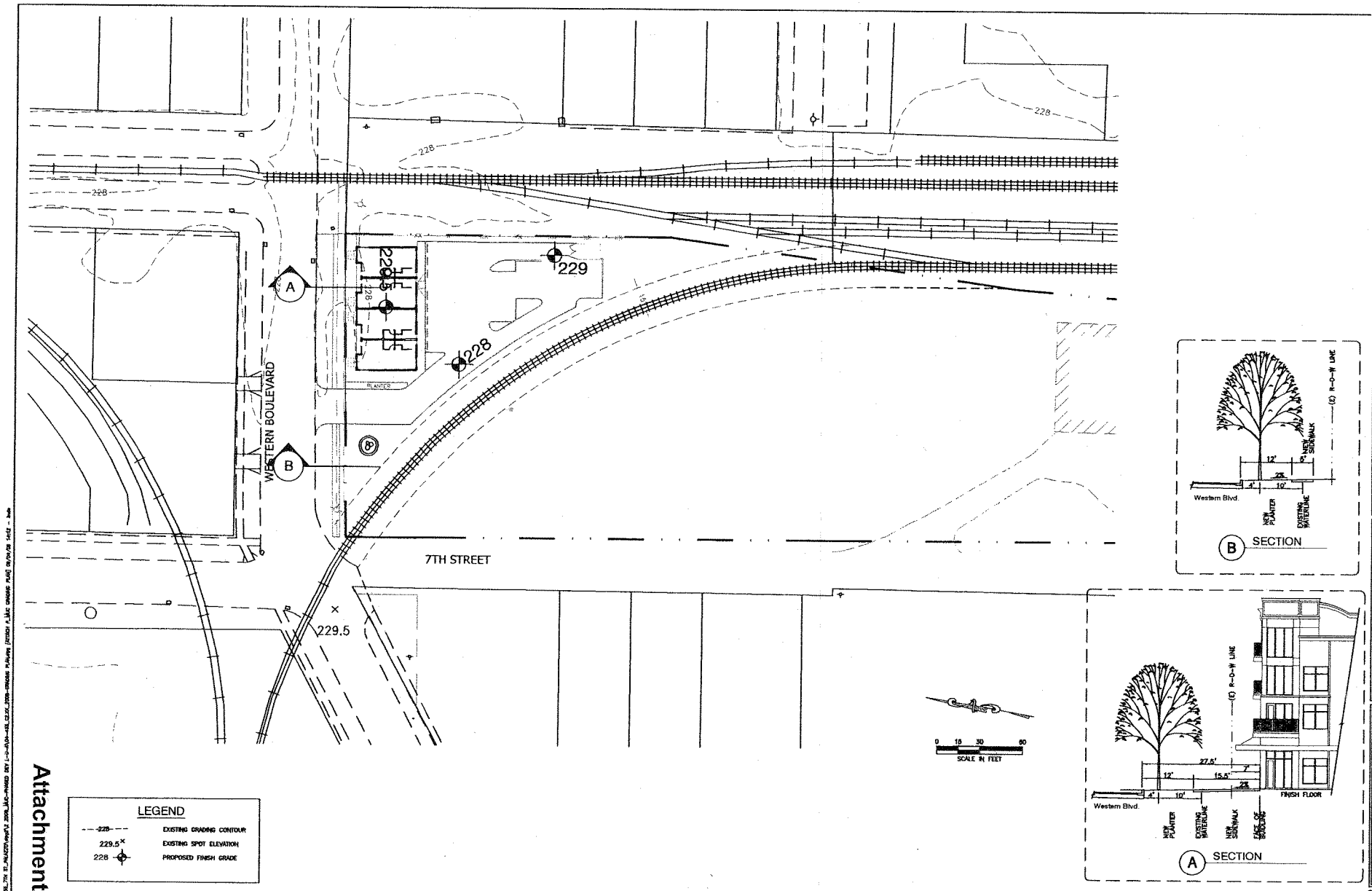
SHEET TITLE: TENTATIVE PLAT

JOB NO. 04-433
ISSUED: 09/04/08
DRAWN BY: DEVCO

Attachment J-123

Attachment III - 282

ATTACHMENT "O"



No.	REVISION:	DATE:

DEVCO engineering inc.
Corvallis Oregon
(541) 757-0651
345 NW CONCORD, P.O. BOX 329
CORVALLIS, OR 97339
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PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

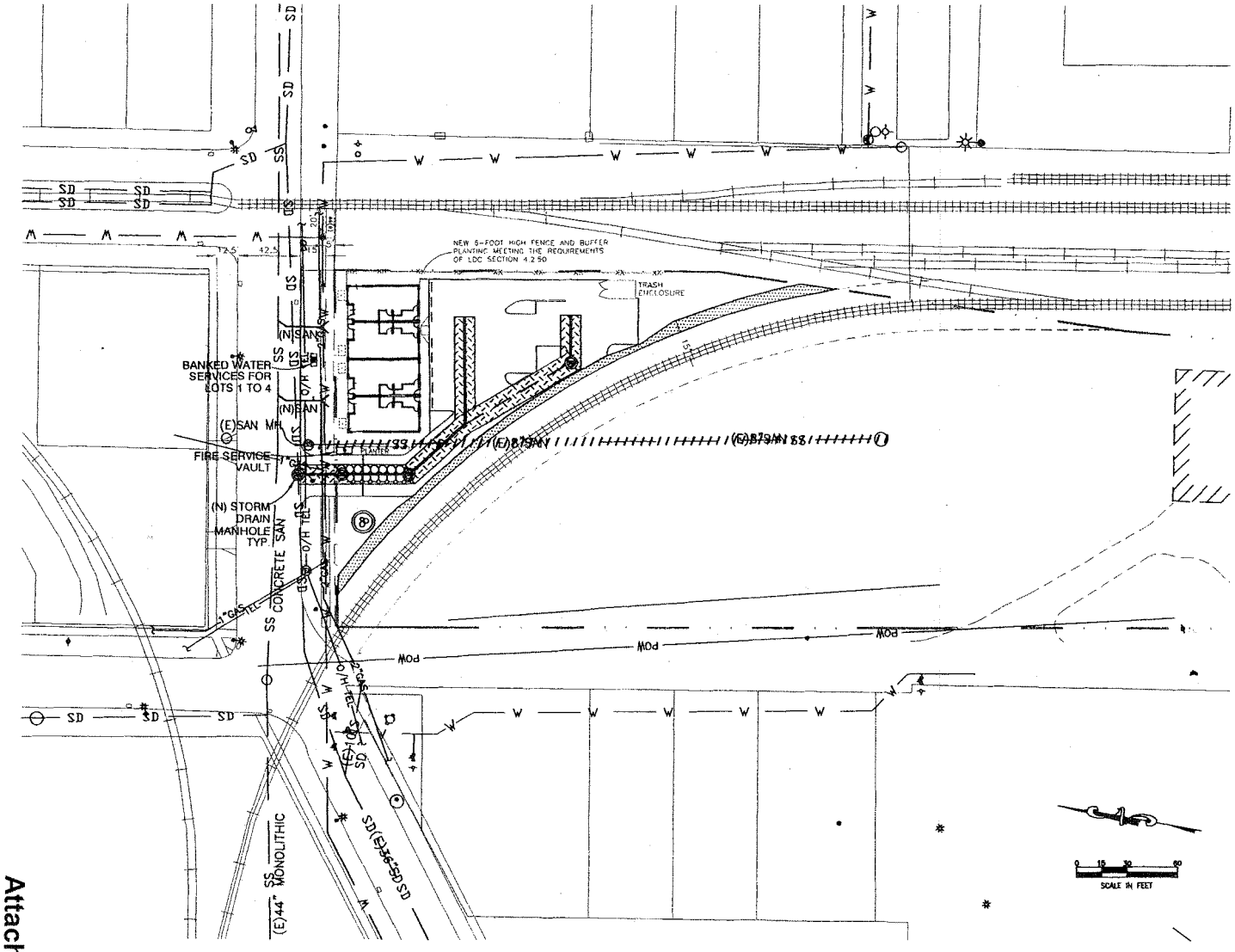
SHEET TITLE: CONCEPTUAL GRADING PLAN AND TYPICAL SECTIONS

JOB NO. 04-433
ISSUED: 09/04/08
DRAWN BY: DEVCO

Attachment J-124

Attachment III - 283

ATTACHMENT "P"



UTILITIES LEGEND

- SS — EXISTING SEWER LINE
- W — EXISTING WATER LINE
- SD — EXISTING STORM DRAIN LINE
- UTILITY LINE TO BE ABANDONED
- NEW STORM DRAIN LINE
- NEW SANITARY LINE

LEGEND
STORM WATER QUALITY MEASURES

- STORM WATER CONVEYANCE
- STORM WATER CONVEYANCE AND DETENTION SWALE
- STORM WATER CONVEYANCE AND DETENTION

No.	REVISION:	DATE:

DEVCO PROPERTIES INC.
Corvallis, Oregon
541-752-0211
245 SW CHAPLIN, CRO. BOX 1018
CORVALLIS, OR 97339
WWW.DEVCOPROPERTIES.COM

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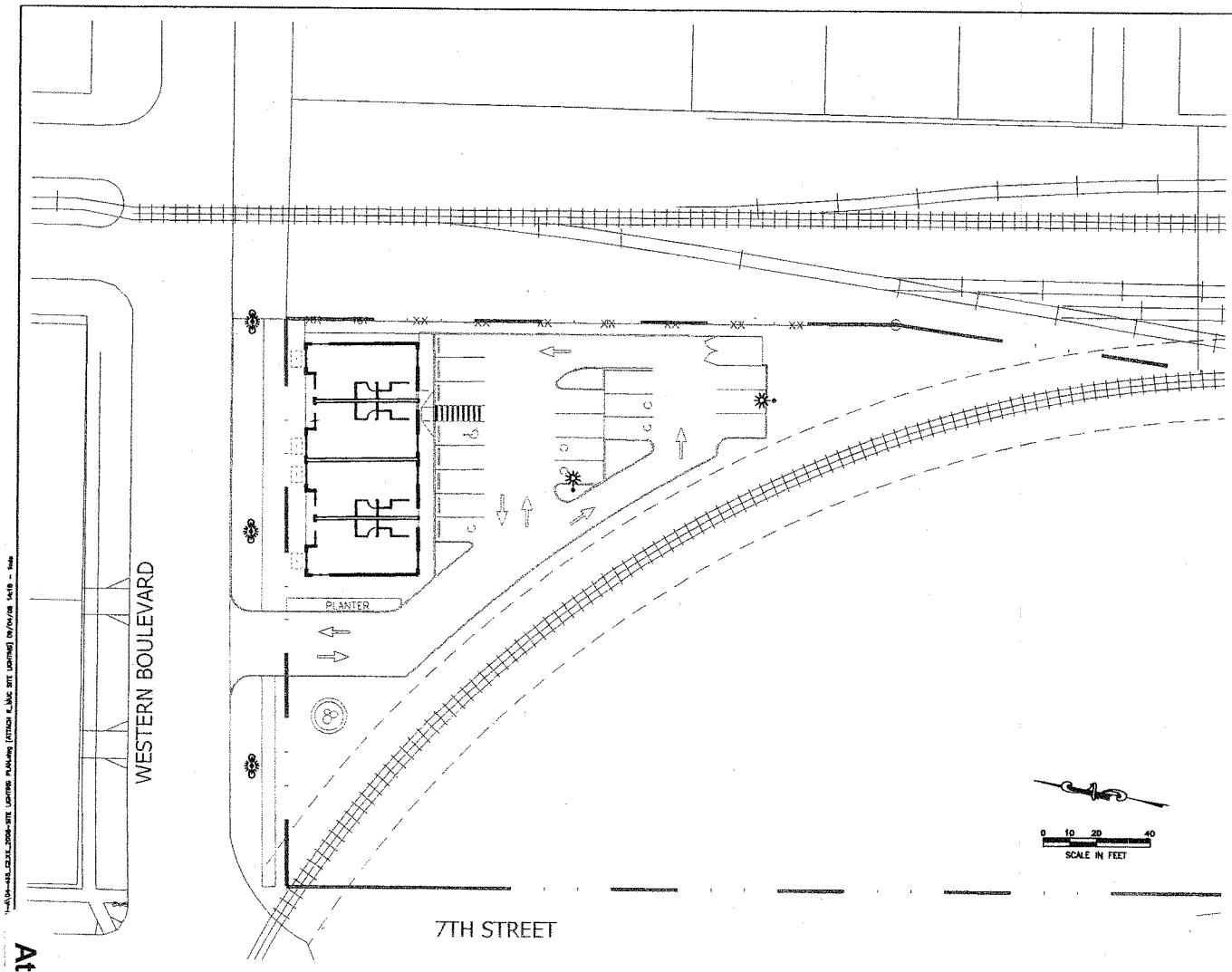
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: SITE UTILITY PLAN

JOB NO. 04-433
ISSUED: 09/04/08
DRAWN BY: DEVCO



LIGHTING LEGEND

- PARKING/SITE LIGHTING
- HISTORIC-STYLE STREET LIGHTS WITH HANGING PLANTER BASKETS, EACH SIDE

No.	REVISION:	DATE:

DEVCO Engineering Inc.
365 NW CONNELL, P.O. BOX 23
CORVALLIS, OR 97339-0023
WWW.DEVCOENGINEERING.COM
Corvallis 541-757-0991

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PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

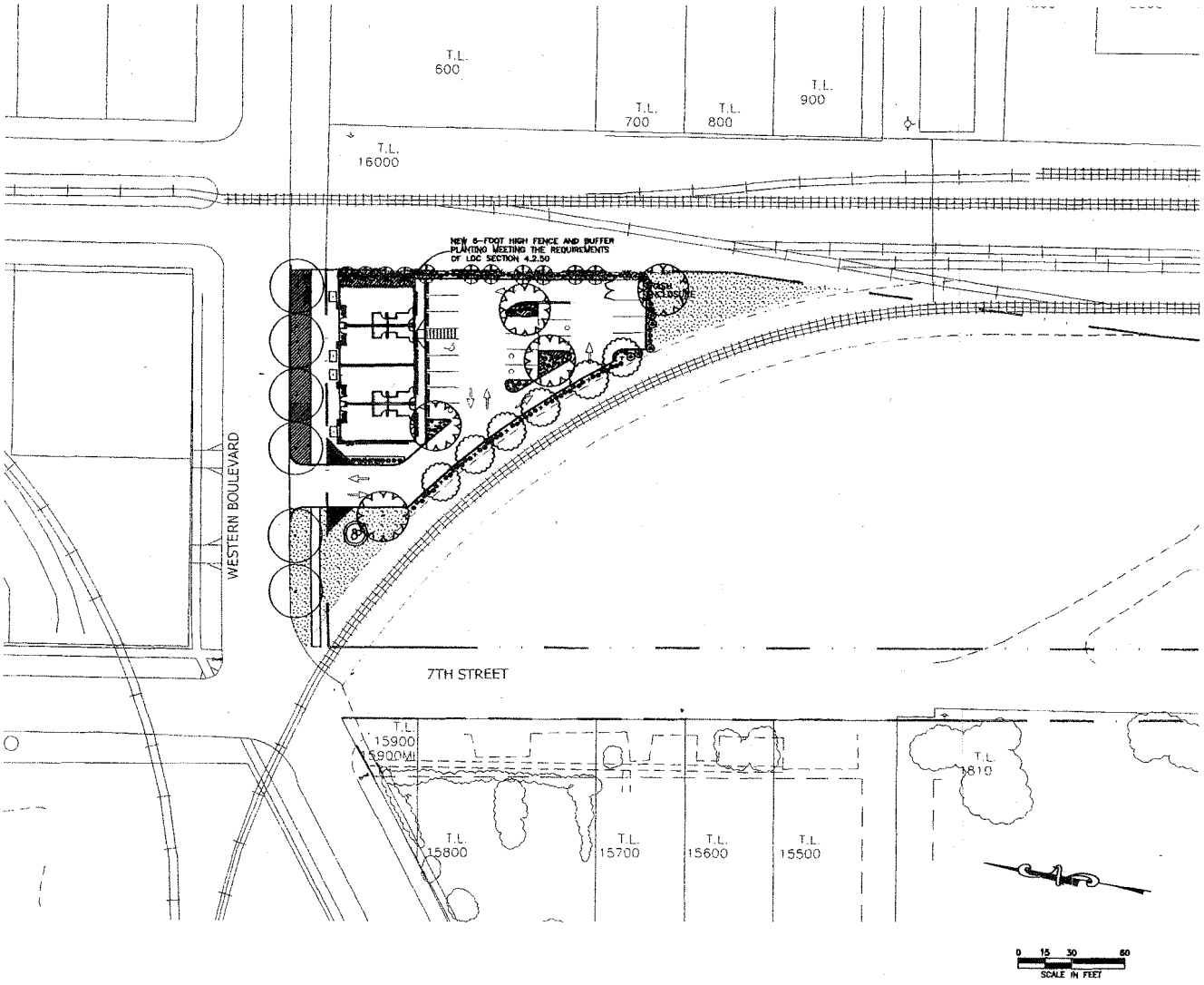
SHEET TITLE: SITE LIGHTING PLAN

JOB NO.	04-433
ISSUED:	09/04/08
DRAWN BY:	DEVCO

Attachment J-126

Attachment III - 285

ATTACHMENT "R"



LANDSCAPE LEGEND	
EXISTING VEGETATION	
SYMBOL	DESCRIPTION
	EXISTING DECIDUOUS OR EVERGREEN VEGETATION (OUT OF PROJECT AREA)
CONCEPTUAL VEGETATION	
SYMBOL	CHARACTERISTICS
	TILIA AMERICANA 'BOULEVARD'
	CARPINUS BETULUS FASTIGATA
	ACER RUBRUM 'ARMSTRONG'
	ACER SACCHARUM 'ENDOWMENT'
	EVERGREEN SCREENING SHRUB
	SHRUB BEDDING PLANT
	SIDEWALK PLANTERS
	HARDSCAPE LANDSCAPE FEATURE
	LAWN TURF
	GROUND COVER
	VISION CLEARANCE AREA

No.	REVISION:	DATE:

DEVCO ENGINEERING INC.
Corvallis Oregon
541 757-0991
PO BOX 1283, CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

JOB NO.	04-433
ISSUED:	09/04/08
DRAWN BY:	DEVCO

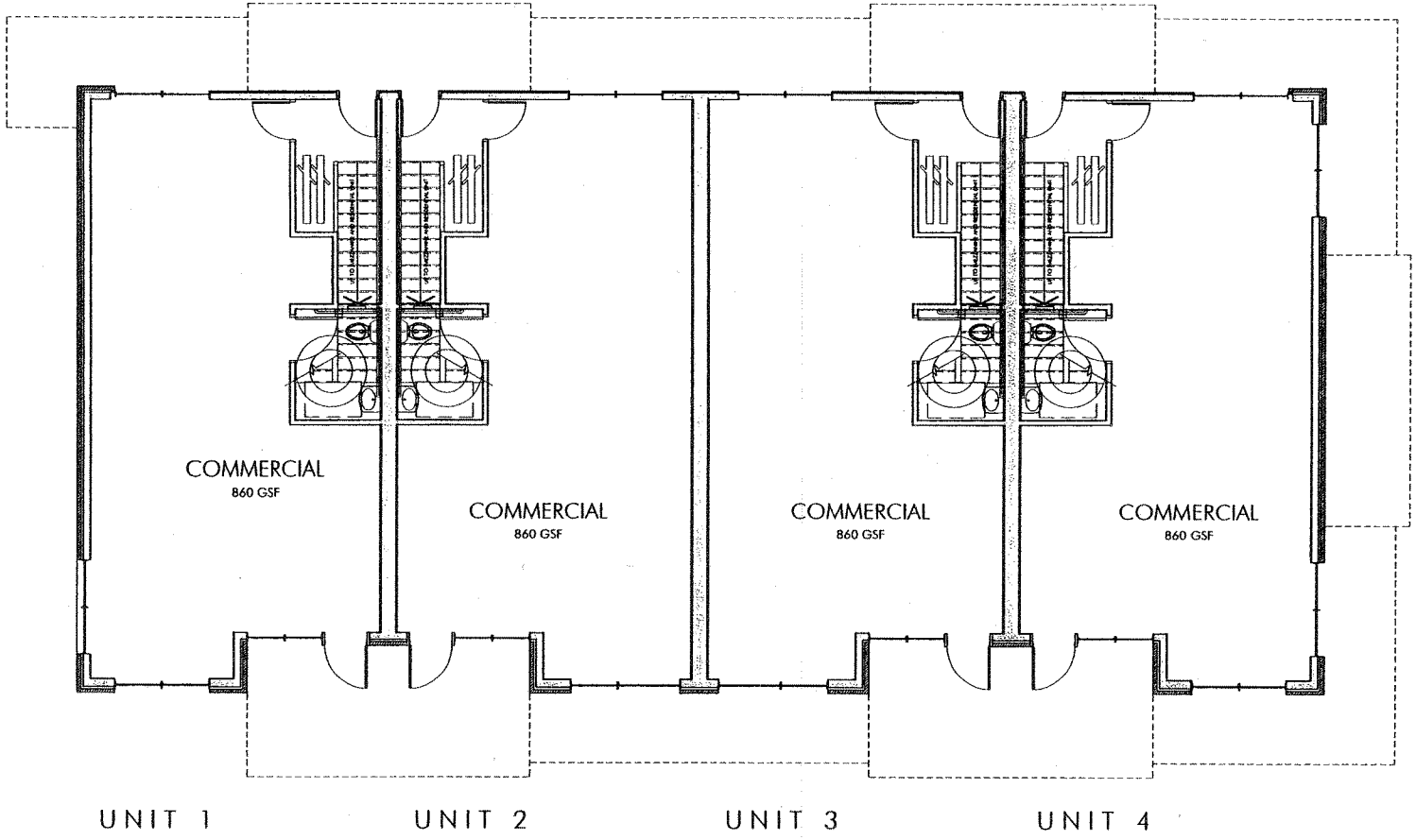
Attachment J-127

Attachment III - 286

ATTACHMENT "S"

WESTERN STATION

LIVE/WORK BUILDING POD



GROUND FLOOR PLAN

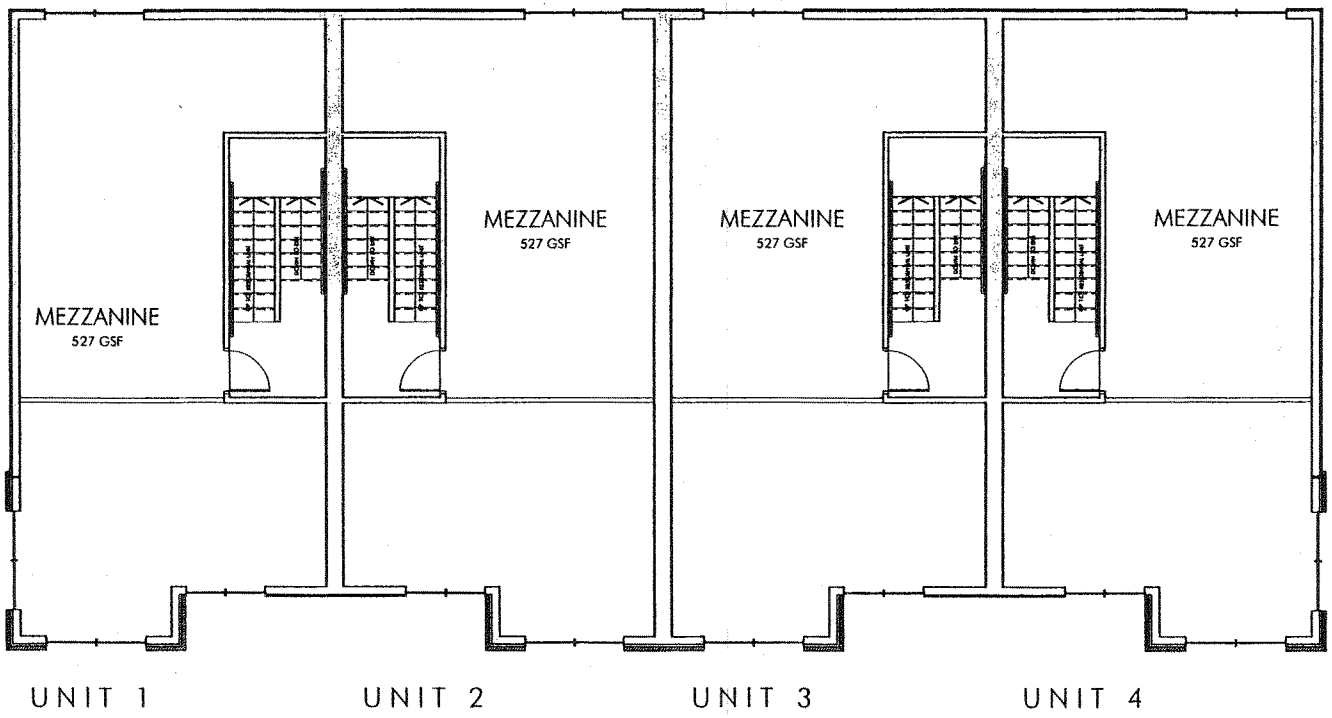
1/8" = 1'-0"

2 SEPTEMBER 2008

ATTACHMENT **T**

WESTERN STATION

LIVE/WORK BUILDING POD



MEZZANINE FLOOR PLAN

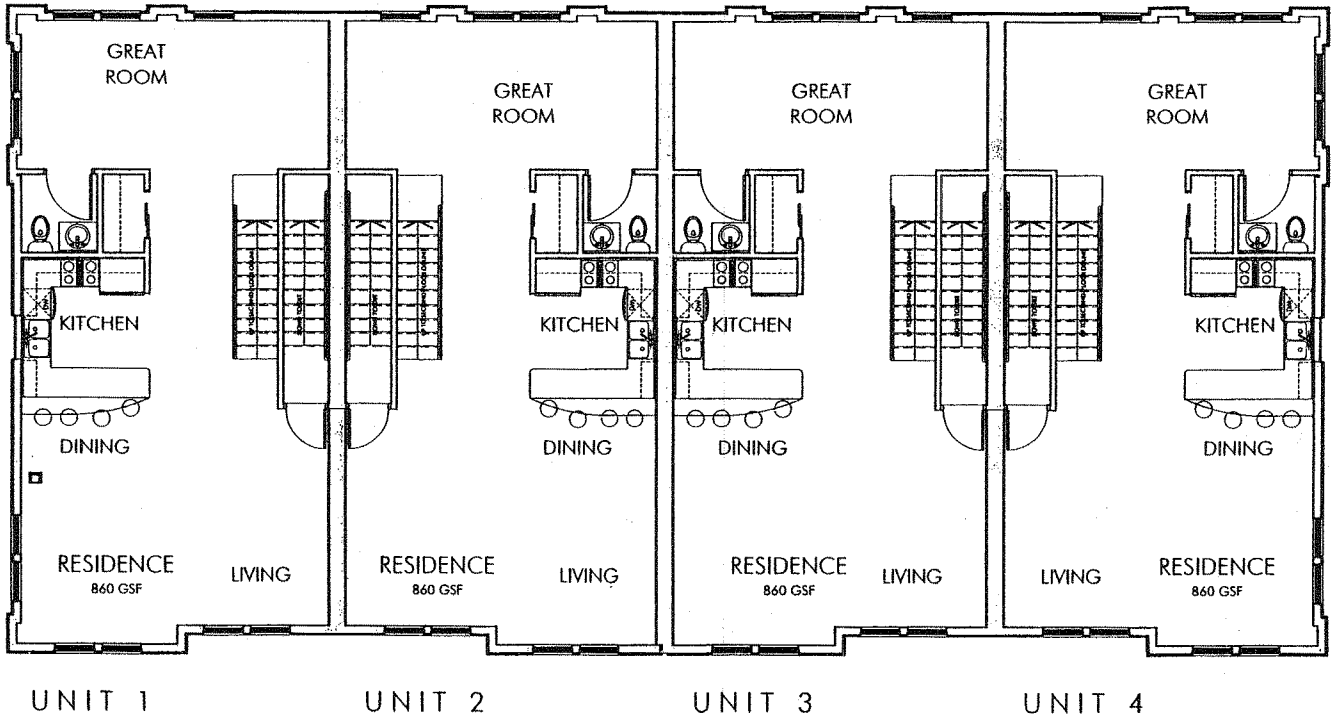
$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT **U**

WESTERN STATION

LIVE/WORK BUILDING POD



FIRST FLOOR PLAN

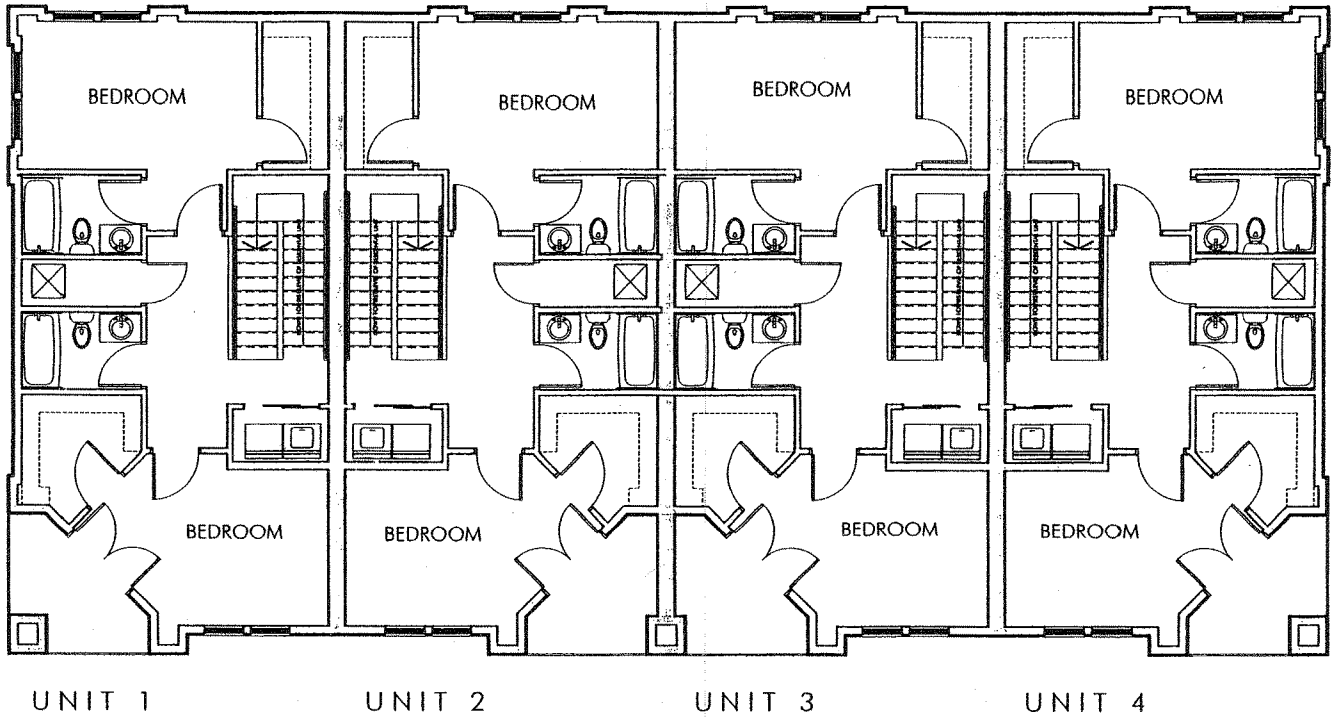
$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT V

WESTERN STATION

LIVE/WORK BUILDING POD



SECOND FLOOR PLAN

$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT **W**

WESTERN STATION

LIVE/WORK BUILDING POD

FRONT ELEVATION

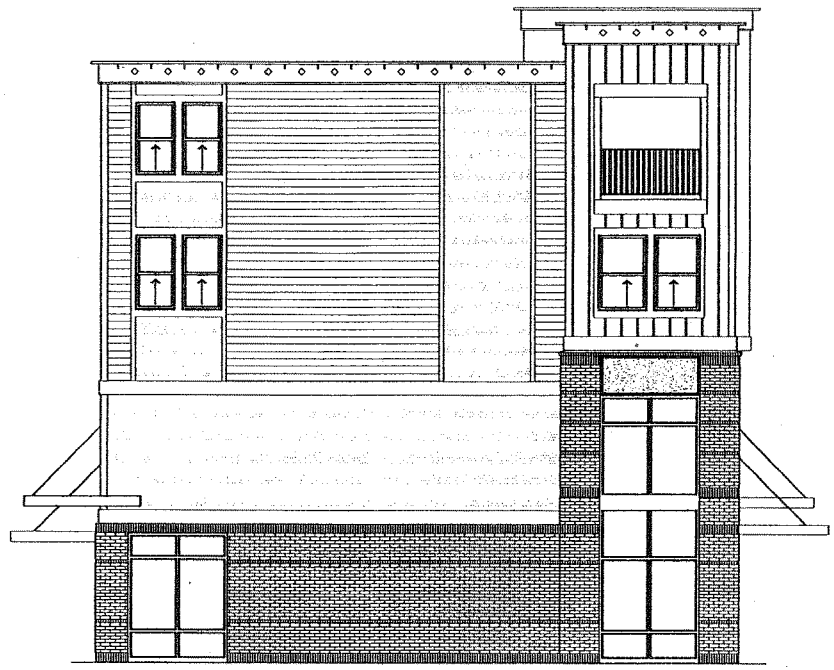
$\frac{1}{8}$" = 1'-0"

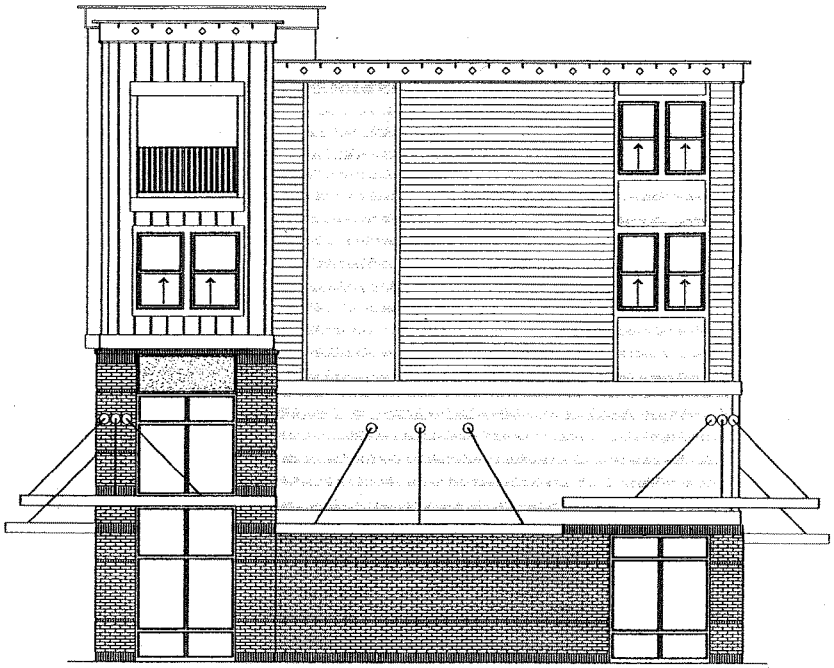
2 SEPTEMBER 2008

ATTACHMENT **X**

WESTERN STATION

LIVE/WORK BUILDING POD





SIDE ELEVATIONS

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

TTACHMENT Y

WESTERN STATION

LIVE/WORK BUILDING POD

REAR ELEVATION

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

ATTACHMENT Z

DEVCO engineering inc. 245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

September 5, 2008

RECEIVED
SEP - 5 2008
Community Development
Planning Division

Mr. Kevin Young
Senior Planner
Planning Division
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

SUBJECT: Western Station Conceptual and Detailed Development Plan
Tentative Subdivision Plat and Plan Compatibility Review
(PLD08-00009, SUB08-00005, PCR08-00002) - Staff Review Comments

Dear Mr. Young:

Accompanying this letter are revised submittal materials for the subject application. The revisions have been made per the Staff Review comments in your July 22, 2008, letter. For your reference, we have annotated the review comments below.

A. Application Materials

1. ORS 227.184: With your application you included a letter asking that the application be considered a "supplemental application" in the meaning of ORS 227.184. We have reviewed the provisions of ORS 227.184 and have determined that the statute does not apply. The statutory scheme is provided only for a person whose permit is denied. The definition of a "permit" in ORS 227.160 does not include a "limited land use decision." The prior Palazzo application was a limited land use decision, and therefore, not a decision on a "permit." Therefore, the provisions of ORS 227.184 do not apply. Consequently, Staff will consider the application as a new land use application, subject to the State's 120-Day Rule, and other applicable requirements.

We do not agree with Staff's interpretation of ORS 227.184 and have attached the subject letter hereto to assure that it is entered into the record for this Land Use application.

2. Reapplication Following Denial: Land Development Code (LDC) Section 2.0.50.15 states as follows:

2.0.50.15 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently

modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.

As you may recall, the "Palazzo" application (PLD07-00004, SUB07-00001, PCR07-00003) was denied by the City Council on November 7, 2007. It has been less than one year since that date, and therefore, the provisions of LDC 2.0.50.15 are applicable. In order to allow the Community Development Director to consider waiving the one-year waiting period, please provide Staff with a written statement showing how the proposal has been sufficiently modified to overcome the previous findings for denial, or explain how conditions have changed sufficiently to justify reconsideration.

This submittal revision has been significantly modified to comply with what the applicant believes were the three main reasons that the "Palazzo" application was denied.

1) ***The commercial floor area ratio of 0.25 was not met.***

   This application has added a commercial mezzanine level to each unit within the structure in order to comply with this requirement.

2) ***The minimum parking requirement was not met.***

   The applicant has reduced the residential portions of the live/work units to two bedrooms each, and limited commercial uses to only those for which the LDC parking requirement is one space for 400 square feet of floor area.

3) ***A market did not exist for true live/work units.***

   Note the attached article from the August 2008 issue of Oregon Business Magazine.

3. Parking: Your narrative states that, "most commercial and retail uses require 1 parking space for every 400 square feet of gross floor area." Although this is true, there are a number of uses that are permitted in the MUC Zoning District that would require more parking per square foot than the 1 space/400 sq. ft. ratio that has been cited. Please revise your application to indicate which specific uses are contemplated to occupy the commercial spaces within the mixed-use building, such that on-site parking requirements are met.

Requested revision made. See Part 1, Pages 36-37 of application narrative.

4. Noise Compatibility: In response to decision criterion 2.5.40.04.a.4, please address how noise attenuation will be provided within the proposed commercial and residential portions of the development to ensure compatibility with existing noise in the area from the adjacent railroad line and switching yard.

See discussion Part IV on Page 3 of the application narrative.

5. Requested Variations: You have requested a number of variations to Land Development Code standards, as allowed through the Planned Development process. Some of your requested changes are not considered variations, while additional variations may be necessary for other aspects of the development. These issues are explained as follows:

   A. Your request to construct an 8.5-foot sidewalk is not a variation to the 5-foot wide required sidewalk width, as the 5-foot width is a minimum standard. However, your desire to install pavers within the planting strip along the south side of Western Boulevard, would require a variation from the standard that requires only landscaping materials within the planting strips.

We concur with respect to sidewalk width. The pavers in the planting strip have been deleted. Table "A" in Part V, Deviation of Standards, of the application has been modified accordingly.

   B. A variation to LDC 4.10.70.05.7.b does not appear to be necessary. Of the Design Variety options listed under LDC 4.10.70.05.7, compliance with three of the five listed options is required. It appears that your proposed building complies with three of the five required elements without the need of compliance with item b.

We concur.

   C. It appears that a variation to LDC 4.10.70.03.x.2 will be necessary to construct your proposed development. This code provision requires a five-foot-wide foundation landscape strip and/or weather protection with planters for any sidewalk area that is adjacent to the building. Sidewalks surround your proposed building, and although weather protection is provided along portions of the facade, it does not appear that planter boxes or landscaped areas are proposed along the building. Please address this requirement in your revised narrative and/or graphics.

We concur, see discussion Section 1, Page 24 and Section on Pages 3-4 of the application narrative. Weather protection and planter boxes are proposed as noted on Attachments "L", "S", "T", "X", "Y" and "Z".

   D. Your proposed design does not comply with LDC 4.10.70.03.b.4. Although some covered walkways are proposed, this code provision requires covered pedestrian walkways "between and around all buildings." This means a continuous canopy should be provided along all sides of the building. The alternative would be to request a variation to this standard and to provide compensating benefits for the requested variation.

The narrative has been revised to indicate that Option1 Driveway Consolidation is used to satisfy LDC 4.10.70.03b. See Section 1, page 25 of the application narrative.

6. Compensating Benefits: Per LDC 2.5.40.04.a.1, compensating benefits should be identified where variations from Code standards are requested. Although Section IV of your narrative addresses the requested deviations from standards, it is not clear in all cases what compensating benefits would be provided with the requested variations. Please revise this section of your narrative to more clearly indicate the compensating benefits from the requested code variations.

Concur, see Table "A" in Part V of the application narrative.

7. Needed Clarification: On page 12 of the portion of your narrative regarding compliance with MUC standards you state that mini-decks will be provided on the southern facade of the building. It is not clear from the submitted elevation drawings that these decks have been provided. Please clarify. Also, your narrative alternatively refers to the building as three-stories, or four-stories, tall. From City Staffs perspective, the building is a four-story building. Please clarify.

The wording on Page 12 has been revised to match the submitted building elevations. We concur with the four-story description and the application wording has been revised for consistency.

B. Development Review Engineering Comments

Please find attached a memorandum from Development Review Engineering Staff that requests additional information needed to complete a review of the subject proposal.

See below.

C. Resubmittal Requirements

Please submit one unbound copy of your application materials, including all graphics, in 8 1/2" X 11" format. Additionally, please submit five 8 1/2" X 11" sets of the revised narrative and an electronic copy of the narrative and graphics. Please provide 15 complete sets of illustrations in 11" X 17" format for Planning Commission and staff review. Please also submit four 24" x 36" large plan sets for staff use.

Concur.

GENERAL

1. Due to recent appeal decisions, applications will need to be more thorough showing applicable work. In this case, the narrative should specifically address how the development is complying with code such that no discretionary decisions will need to be made during the construction permitting process. Examples would include a detailed description of the on site storm water drainage system, including details of how it will meet the City's water quality standards.

The storm water conveyance and water quality systems proposed for this project are based upon the following premises:

1) *Site topography indicates approximately 30% of the land area presently drains to the Western Boulevard public right-of-way and into the existing public storm drain system in Western Boulevard.*

2) *This project proposes to provide on-site, underground storm water detention in order to maintain historic flows into the existing Western Boulevard system, even though the 25,000 square feet threshold, per LDC 4.0.130, is not met with this project.*

3) *Storm water quality is proposed to be achieved by the use of a storm water quality structure which will be designed to meet the treatment standards of Appendix "F" of the Corvallis Storm Water Master Plan. Those standards being removal of 70% of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9-inch, 24-hour rainfall event with NRCS Type 1A rainfall.*

4. *While the goal of the City's Storm Water Master Plan is to maximize the use of surface detention and treatment facilities in order to maximize the potential for groundwater recharge, this project does not have sufficient land area to construct either and meet the applicable design standards. In order for this project to meet zoning standards for density, parking, and landscaping, the remaining area is not of sufficient size nor does it have appropriate topographic relief to construct surface detention and/or water quality facilities. Thus, the subsurface detention and mechanical water quality structure are proposed.*

5. *The City of Corvallis regularly uses the water quality structure proposed herein on public projects owned and designed by the City of Corvallis.*

6. *The attached engineering calculations establish compliance with the premises stated above.*

TRAFFIC/CIRCULATION & BICYCLE/PEDESTRIAN

1. SW Western Boulevard is designated as an arterial street. The LDC table 4.0-1 Street Functional Classification System specifies a minimum right-of-way width of 70 ft with 12 ft travel lanes, 6 ft bike lanes, 12 ft planting strips, and 5 ft setback sidewalks. The existing conditions of SW Western Boulevard are a right-of-way width of 75 ft with a 42 ft roadway that includes 12 ft travel lanes, 5 ft bike lanes, and a 8 ft parking lane on the north side. The southern planting strip is 16 ft and the northern planting strip is 8 ft. Five foot setback sidewalks exist on both sides. With exception of the existing bike lane width and north side landscape strip, the right-of-way and arterial street improvements meet or exceed the LDC standards. On-street parking is not a typical feature of a standard arterial.

Concur.

2. Designs for SW Western Boulevard to address the Railroad crossings developed during the 7th Street Station project included options that removed on-street parking from SW Western Boulevard and added a westbound right turn lane. Addressing SW Western Boulevard improvements fronting the Western Station site including the rail crossing solutions will be necessary with future development of property to the south. The applicant should consider a strategy to facilitate this future development. Please also address how the current proposal from ODOT to close the 7th Street rail crossing could affect this project and future development of the southern property.

The alternative presented with the 7th Street Station application anticipated access to Western Boulevard from this property.

As this project provides LDC compliant parking on-site, any future impact to on street parking on the opposite side of Western Boulevard has no tangible impact on this application.

In recent events, the City of Corvallis and ODOT have decided the 7th Street rail crossing is safe to leave open. This application has no impact on that decision nor does that decision impact ingress and egress to the site.

3. The City is requesting a signed letter from ODOT Rail stating they have no comments or conditions relating to this development. It has been the City's experience in the past, with projects adjoining and crossing railroad tracks, that extra consideration be paid to the crossing itself, connectivity on the other side of the tracks, and vision clearance/safe stopping distance as it relates to roadways crossing the railroad.

The review the City received for the "Palazzo" remains applicable. This Western Station application is the same with respect to driveway approach location and traffic generation as the "Palazzo". ODOT Rail has been contacted for an update, when received it will be forwarded under separate cover.

4. The requested variance to sidewalk widths is not a variance as the 5 ft sidewalk width listed in LDC Table 4.0-1 is a minimum. However, the reduction/paving of the planting strips may be considered a variance and should be specifically addressed.

See response to 5.A. above.

PUBLIC FACILITIES AND SERVICES

1. A 7 ft Utility Easement (UE) is required adjacent to all street rights-of-way according to LDC 4.0.100.b. The tentative plat and or the application narrative should acknowledge this requirement.

Concur. This was planned and is shown on the Tentative Plat, Attachment "O".

2. The proposed location of the banked water meters appears to be in direct conflict with the railroad's crossing control cabinet. Please verify the locations of proposed and existing utilities and relocate proposed utilities as appropriate.

Concur. Meters have been relocated as shown on Attachment "Q".

3. The applicant is proposing to abandon an existing public sanitary sewer located with the development site. The portion of the line located in the SW Western Boulevard right-of-way would need to be completely removed. Although abandoning in place was discussed, it is City policy to physically remove abandoned utilities whenever possible. Abandoned utilities, in place, are still required to be located.

As an alternative to removing the sanitary sewer and disturbing the existing surface improvements, the applicant proposes the existing sewer be broken by pipe burst methods and the resulting cavity be filled with grout.

4. The manhole connecting the above mentioned sewer (to be abandoned) does not appear to be over the existing sewer main located in SW Western Boulevard, please clarify.

The manhole in question is not located over the mainline in the street. The manhole is filled with dirt. Utility locates per OAR 952 yield no marked connection between this manhole and the sanitary sewer mainline in the street. This manhole hole and the sanitary sewer line shown to be abandoned are added to Attachment "Q" from information on the City utility maps, however, utilities located per OAR952 do not confirm the existence of this line.

5. New street trees are proposed to be planted directly under existing overhead utility lines. Due to vision clearance concerns, columnar trees may be conditioned. Unfortunately, columnar trees would quickly grow into the overhead utilities and would likely be topped. A topped columnar tree will not be able to provide the benefits of a typical street tree. The applicant may wish to relocate the overhead utilities underground in order to provide the desired aesthetic appeal of the property.

The landscape drawing, Attachment "S", has been revised per the attached email from Becky Merja, Urban Forester. The existing utility lines will not be relocated.

DRAINAGE

1. New pollution generating impervious surface will be greater than 5000 ft2. The development will be required to construct a stormwater quality facility. Water quality facilities shall be designed in accordance with criteria established in Appendix F of the Stormwater Master Plan and the most recent version of the King County, Washington, Surface Water design Manual. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9-inch 24-hr rainfall event with NRCS Type 1A distribution.

See response under "General" above.

2. It appears there will be less than 25,000 ft2 of impervious surface created from this development. Because there will be less than 25,000 ft2, the LDC would not require stormwater detention on this site.

Concur.

3. The proposed field inlet located on the northwest portion of the site appears to make two outlet connections. One to the existing storm line in SW Western Boulevard, and one to the proposed internal drainage system. Please clarify.

Drafting error has been corrected on Attachment "Q".

If you have any questions, please do not hesitate to call.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
04-433 staffreviewcomments 09-02-2008

cc: Mr. Bob Cavell, 7th Street Station, LLC

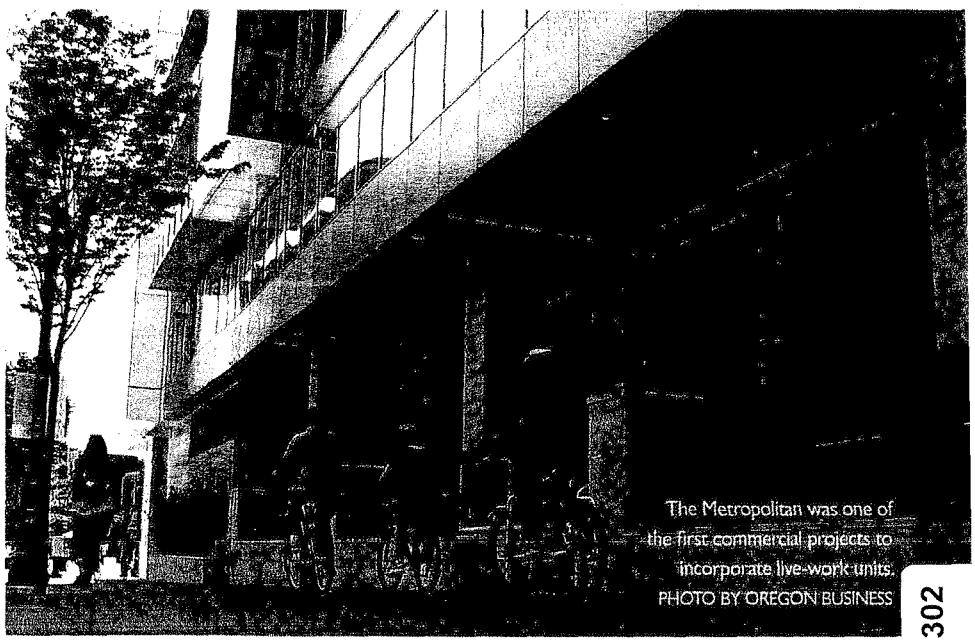
04-433

Live-work units: a tiny, happy place for real estate

STATEWIDE As bad-news headlines for the real estate industry continue month after month, one sliver of the Portland metro and Bend market is actually growing: live-work units, townhomes where the ground floor is dedicated to commercial and the upstairs to living.

In the first six months of this year, 60 live-work units have been sold in the Portland metro area, according to the Regional Municipal Listings Service. Compare that to 2007 and 2006 when, respectively, 50 units and 22 units were sold.

On the west side of Bend, Brooks Resources Corporation, the developers of NorthWest Crossing, currently are building eight of 30 planned live-work units. Three already have been sold and interest in the others remains strong, says David Ford, general manager at Northwest Crossing.



The Metropolitan was one of the first commercial projects to incorporate live-work units. PHOTO BY OREGON BUSINESS

While that number is small, those units are some of the only ones in Bend. Ford finds the three sales remarkable because of what he sees as a reticence on the parts of most buyers in the current market to purchase anything that isn't 100% completed.

Despite the higher numbers of sales, developers and marketers still have to take the current real estate market into account. The buyer's hesitancy that Ford sees is the reason the Kaiser Group has kept their still-under-construction five-unit live-work building in North Portland off the market, says marketing spokeswoman Erin Livengood.

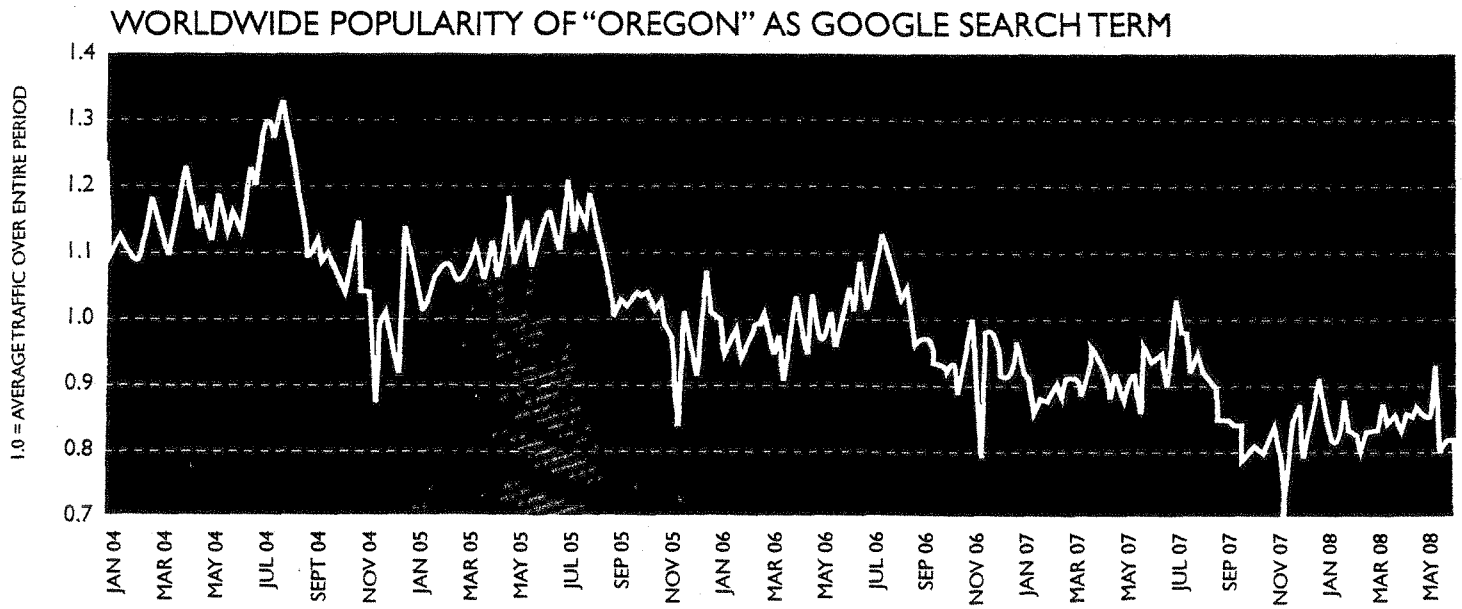
"Our thought was to let people actually see it and then have the ability to close in 30 days rather than months," she says.

Regardless of what the real estate market does this year or next, Shawn Busse, a Portland live-work advocate, thinks the demand — and community interest — in live-work units will continue to grow. Busse started his design firm out of his living room and knows how different it would have been had he been in a live-work unit.

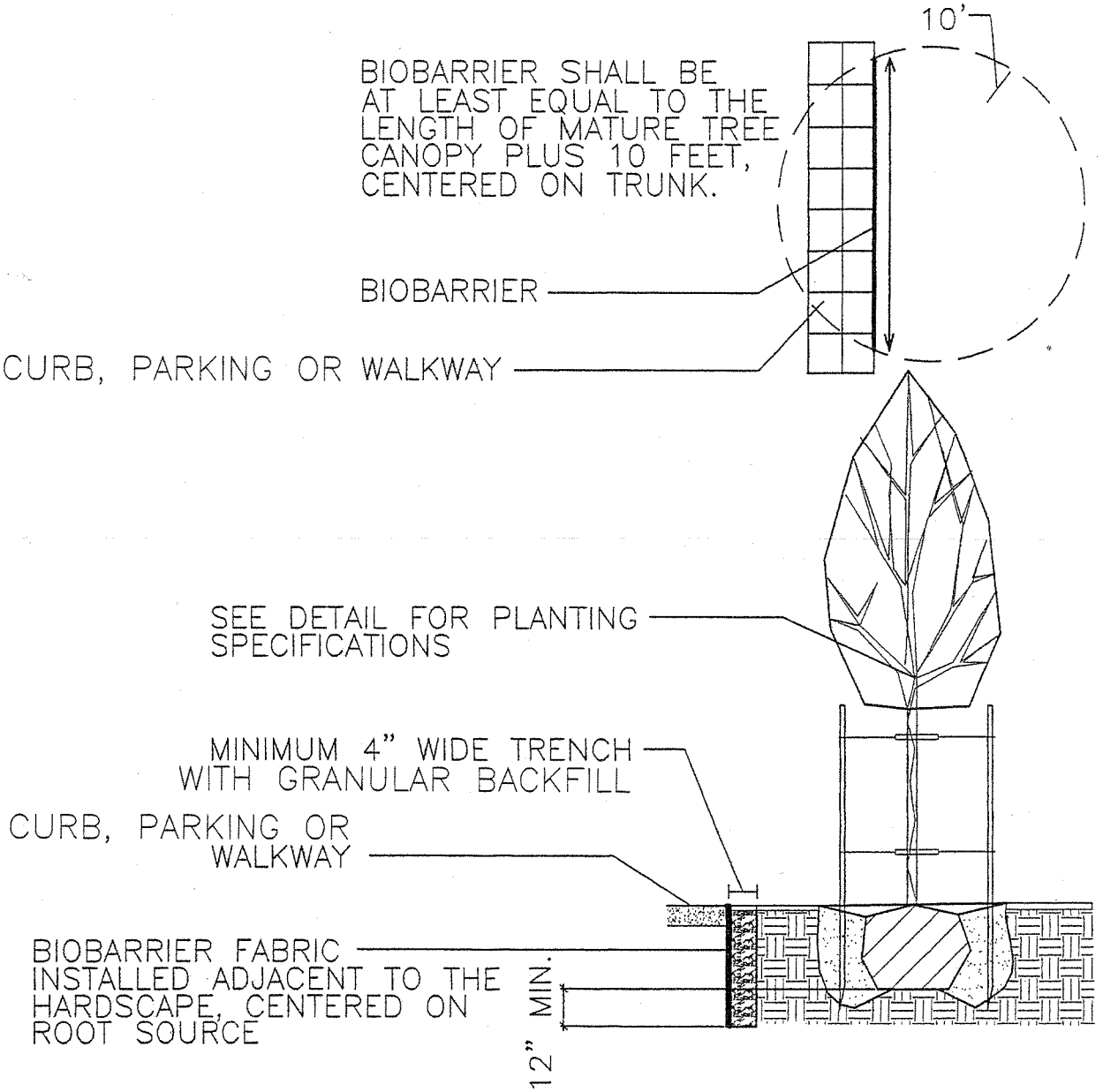
"It doesn't require a big outlay of cash to start a business in one of these," he says. "It's a great model that allows someone to be a business person without a lot of usual hurdles."

ABRAHAM HYATT

Attachment III - 302



Attachment J-143



A TREE PLANTING WITH ROOT BARRIER ADJACENT TO ACCESS AND PARKING
NTS

DEVCO engineering inc. 245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

May 27, 2008

Mr. Fred Towne
Planning Division Manager
City of Corvallis
POB 1083
Corvallis, OR 97339

SUBJECT: Western Station (aka The Palazzo)
PLD07-00004, SUB07-00001, PCR07-00003

Dear Fred:

Please accept this letter and the accompanying City of Corvallis application and supporting materials as a Supplemental Application, in the meaning of ORS 227.184, for development approval for the land that is the subject of the City Council's October 16, 2007 Notice of Decision (Order #2007-116) relating to original proposal for The Palazzo. Included is a copy of the original application, a revised application for the same parcel re-titled "Western Station", and all necessary filing fees as required by the City.

This application is based on the record before the city in the matter above, including: PLD07-00004, SUB07-00001, PCR07-00003). Please proceed to process this application under the city's code provisions, and/or advise what additional information is necessary for the City to deem the additional revised application "complete".

The applicant requests that the City consider the application denied above as a starting point for this Supplemental Application. The applicable zoning for this property requires a mix of residential and commercial uses. Many city development standards apply; discretionary approval standards apply. In the application denied by the order above, the applicant sought to conform to the standards in a way that the city would approve the development proposal.

In this Supplemental Application the owners seek land use approval for an alternate design of a residential/commercial mixed use that is to the city's liking, which is as dense as the code standards allow, which otherwise meets the applicable standards, except where noted in the application narrative, and which is subject to any conditions needed to conform to applicable standards in the plan and code. The applicant does not believe that a zone change is necessary for an approval. The former application could have been approved, subject to conditions. We ask that the city approve either the original submitted plan or the alternate revised plan, subject to conditions and/or modifications that the city deems necessary to grant an approval.

The basis for this request is ORS 227.184 relating to Supplemental Applications and ORS 197.522 relating to conditioning.

ORS 227.184 provides:

227.184 Supplemental application for remaining permitted uses following denial of initial application.

(1) A person whose application for a permit is denied by the governing body of a city or its designee under ORS 227.178 may submit to the city a supplemental application for any or all other uses allowed under the city's comprehensive plan and land use regulations in the zone that was the subject of the denied application.

(2) The governing body of a city or its designee shall take final action on supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 shall apply to a supplemental application submitted under this section.

(3) A supplemental application submitted under this section shall include a request for any rezoning or zoning variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.

(4) The governing body of a city or its designee shall adopt specific findings describing the reasons for approving or denying:

(a) A use for which approval is sought under this section; and
(b) A rezoning or variance requested in the application. [1999 c.648 §4]

The applicant looks forward to working with city staff in processing this application.

If you have any questions, please do not hesitate to call.

Sincerely,

Lyle E. Hutchens
Agent for the Applicants
7th Street Station, LLC

LEH/nre
04-433 ftowne 05-27-2008.doc

Lyle Hutchens

From: Trish Weber
Sent: Thursday, August 28, 2008 2:57 PM
To: Lyle Hutchens
Subject: FW: Western Station - Landscape Plan

List of recommended trees from Becky.

-T

From: Merja, Rebecca [mailto:Rebecca.Merja@ci.corvallis.or.us]
Sent: Thursday, August 28, 2008 2:55 PM
To: Trish Weber
Subject: RE: Western Station - Landscape Plan

Hi Trish,
The over head utility is insulated cable and phone, not... uninsulated high voltage lines, so larger trees could be planted there. On Western, I would suggest going with one of the more upright trees listed below :
Acer miyabei, State Street
Acer nigrum, Green Column
Acer platnoides 'Ezestre' Easy Street
Acer Saccharum 'Endowment'
Carpinus betulus Fastigiata
Ginkgo Shangri-la
Pyrus calleryana Aristocrat
Tillia americana 'Boulevard

The driveway into the parking lot could be a different tree (from the same list above..) mix it up a bit.
The parking lot another tree from list above.
The East side could take a larger columnar tree as well, like Acer rubrum Armstrong or the Carpinus betulus Fastigiata....
Questions? Give me a call.

Becky Merja
Corvallis City Forester

1320 SW Avery Park Dr.
Corvallis, OR. 97333
rebecca.merja@ci.corvallis.or.us
Tele: 541-754-1723
FAX: 541-758-1386

From: Trish Weber [mailto:Trish@devcoengineering.com]
Sent: Wednesday, August 27, 2008 3:58 PM
To: Merja, Rebecca
Subject: Western Station - Landscape Plan

Becky,

As discussed, attached is a PDF of the proposed landscape plan showing street tree layout and

DETENTION CALCS

Worksheet 2: Runoff curve number and runoff

Project	By	Date
WESTERN STATION	LEH	02SEP 08
Location	**Checked**	**Date**
	SCPH	02SEP 08

Check one: ☒ Present ☐ Developed

1. Runoff curve number

Soil name and hydrologic group (appendix A)	Cover description (cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN 1/ Table 2-2	CN 1/ Figure 2-3	CN 1/ Figure 2-4	Area ☒ acres ☐ mi² ☐ %	Product of CN x area
AMITY "D"	GRAVEL 6643	91			0.15	
	Totals ➡				0.15	

1/ Use only one CN source per line

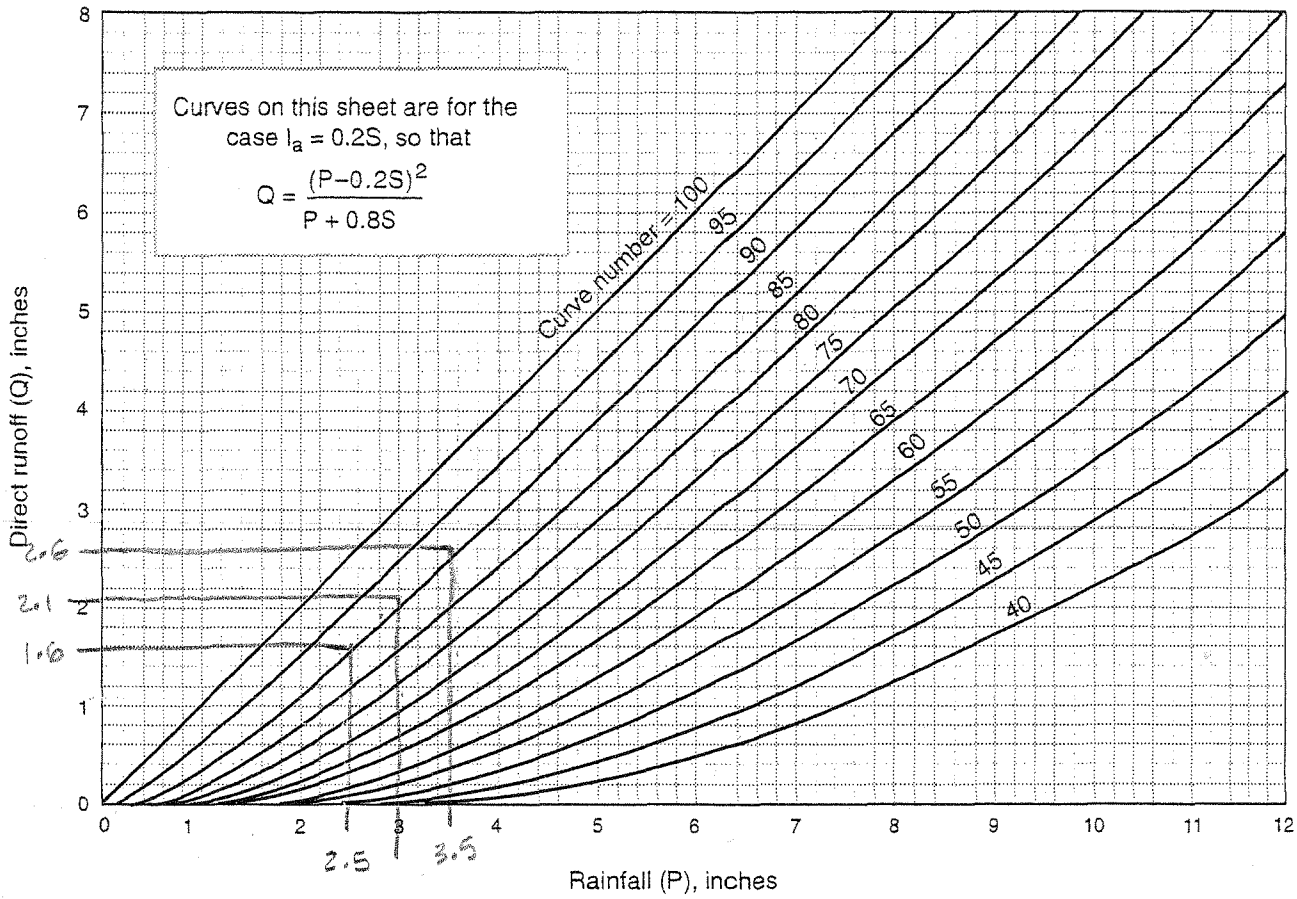
CN (weighted) = $\frac{\text{total product}}{\text{total area}}$ = _____ = _____ ; Use CN ➡ 91

2. Runoff

		Storm #1	Storm #2	Storm #3
Frequency	yr	2	5	10
Rainfall, P (24-hour)	in	2.5	3.0	3.5
Runoff, Q	in	1.6	2.1	2.6

(Use P and CN with table 2-1, figure 2-1, or equations 2-3 and 2-4)

Figure 2-1 Solution of runoff equation.



Cover type

Table 2-2 addresses most cover types, such as vegetation, bare soil, and impervious surfaces. There are a number of methods for determining cover type. The most common are field reconnaissance, aerial photographs, and land use maps.

Treatment

Treatment is a cover type modifier (used only in table 2-2b) to describe the management of cultivated agricultural lands. It includes mechanical practices, such as contouring and terracing, and management practices, such as crop rotations and reduced or no tillage.

Hydrologic condition

Hydrologic condition indicates the effects of cover type and treatment on infiltration and runoff and is generally estimated from density of plant and residue cover on sample areas. *Good* hydrologic condition indicates that the soil usually has a low runoff potential for that specific hydrologic soil group, cover type, and treatment. Some factors to consider in estimating the effect of cover on infiltration and runoff are (a) canopy or density of lawns, crops, or other vegetative areas; (b) amount of year-round cover; (c) amount of grass or close-seeded legumes in rotations; (d) percent of residue cover; and (e) degree of surface roughness.

Worksheet 3: Time of Concentration (T_c) or travel time (T_t)

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCPH	02 SEP 08

Check one: [X] Present [ ] Developed

Check one: [X] T_c [ ] T_t through subarea

Notes: Space for as many as two segments per flow type can be used for each worksheet.
Include a map, schematic, or description of flow segments.

Sheet flow (applicable to T_c only)

	Segment ID		
1. Surface description (table 3-1)	GRAVEL		
2. Manning's roughness coefficient, n (table 3-1)	0.011		
3. Flow length, L (total L † 300 ft) ft	80		
4. Two-year 24-hour rainfall, P_2 in	2.5		
5. Land slope, s ft/ft	0.01		
6. $T_t = \frac{0.007\ (nL)^{0.8}}{P_2^{0.5}\ s^{0.4}}$ (.011 x 80; 2.5; .001) = .0005 / 0.2506 = Compute T_t hr	0.025	+	=

Shallow concentrated flow

	Segment ID		
7. Surface description (paved or unpaved)			
8. Flow length, L ft			
9. Watercourse slope, s ft/ft			
10. Average velocity, V (figure 3-1) ft/s			
11. $T_t = \frac{L}{3600\ V}$ Compute T_t hr		+	=

Channel flow

	Segment ID		
12. Cross sectional flow area, a ft^2			
13. Wetted perimeter, p_w ft			
14. Hydraulic radius, $r = \frac{a}{p_w}$ Compute r ft			
15 Channel slope, s ft/ft			
16. Manning's roughness coefficient, n			
17. $V = \frac{1.49\ r^{2/3}\ s^{1/2}}{n}$ Compute V ft/s			
18. ~~Flow~~ length, L ft			
19. $T_t = \frac{L}{3600\ V}$ Compute T_t hr		+	=

20. Watershed or subarea T_c or T_t (add T_t in steps 6, 11, and 19) Hr 0.025

Attachment III - 309

Attachment J-150

Worksheet 4: Graphical Peak Discharge method

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCPK	02 SEP 08

Check one: ☒ Present ☐ Developed

1. Data

Drainage area ..... A_m = .0002 mi^2 (acres/640)

Runoff curve number ..... CN = 91 (From worksheet 2)

Time of concentration ..... T_c = 0.025 hr (From worksheet 3)

Rainfall distribution ..... = IA (I, IA, II III)

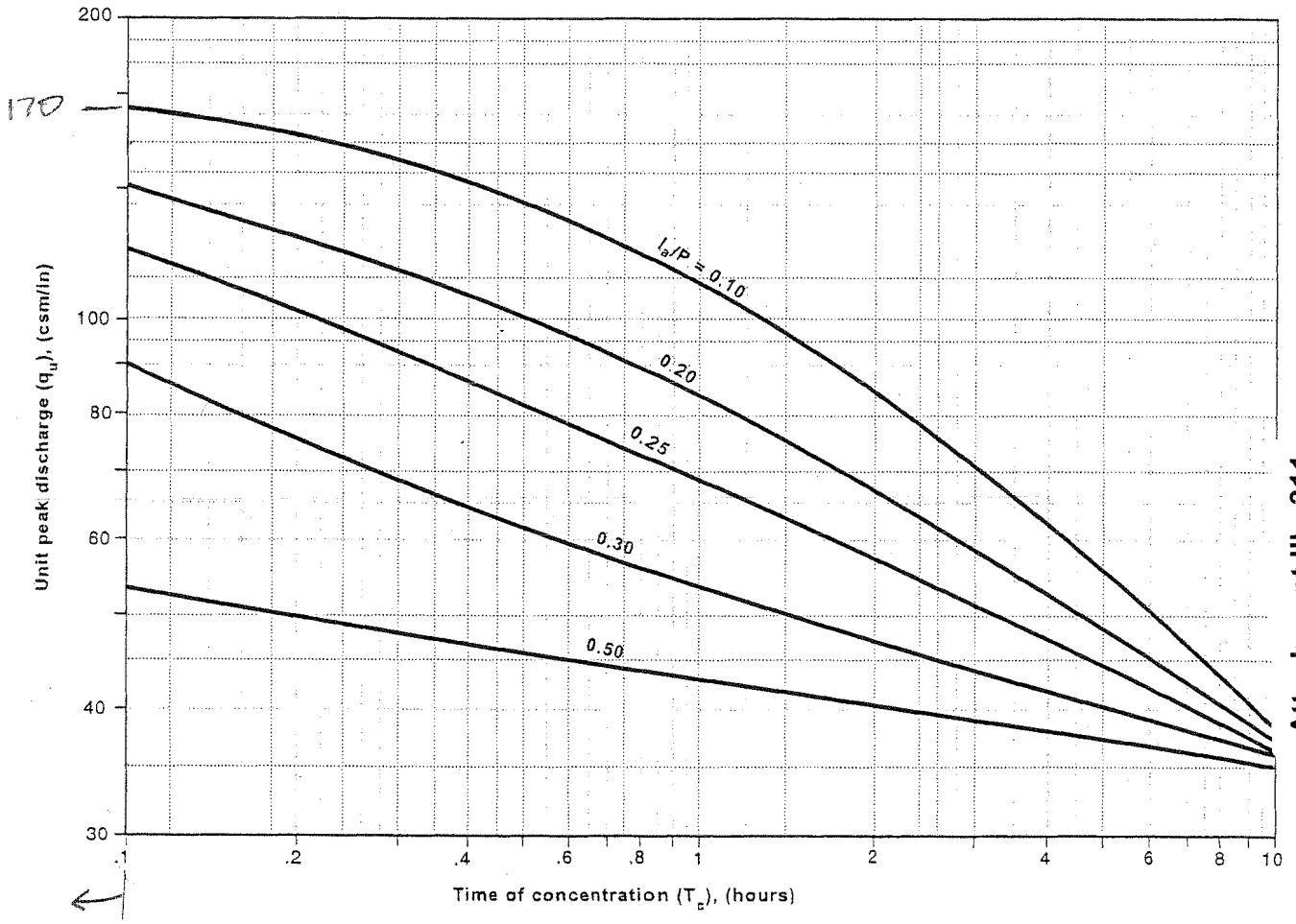
Pond and swamp areas sprea throughout watershed ..... = Ø percent of A_m (_____ acres or mi^2 covered)

	Storm #1	Storm #2	Storm #3
2. Frequency ..... yr	2	5	10
3. Rainfall, P (24-hour) ..... in	2.5	3.0	3.5
4. Initial abstraction, I_a ..... in (Use CN with table 4-1)	.198	.198	.198
5. Compute I_a/P	.079	.066	.057
6. Unit peak discharge, q_u ..... csm/in (Use T_c and I_a/P with exhibit 4– _____)	170	170	170
7. Runoff, Q ..... in (From worksheet 2) Figure 2-6	1.6	2.1	2.6
8. Pond and swamp adjustment factor, F_p ..... (Use percent pond and swamp area with table 4-2. Factor is 1.0 for zero percent pond ans swamp area.)	1.0	1.0	1.0
9. Peak discharge, q_p ..... ft^3/s	.064	.071	.088

(Where $q_p = q_u A_m Q F_p$)

Attachment III - 310

Exhibit 4-IA Unit peak discharge (q_u) for NRCS (SCS) type IA rainfall distribution



Attachment III - 311

Attachment J-152

DETENTION CALCS

Worksheet 2: Runoff curve number and runoff

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCPH	02 SEP 08

Check one: ☐ Present ☒ Developed

1. Runoff curve number

Soil name and hydrologic group (appendix A)	Cover description (cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN 1/ Table 2-2	CN 1/ Figure 2-3	CN 1/ Figure 2-4	Area ☒ acres ☐ mi² ☐ %	Product of CN x area
AMITY "D"	ROOF 3600 SF	98			0.08	7.84
	PARKING 10,800 SF	98			0.25	24.50
	GREEN SPACE 7660	89			0.18	16.02
	22,060				0.51	
					Totals ➡ 0.51	48.36

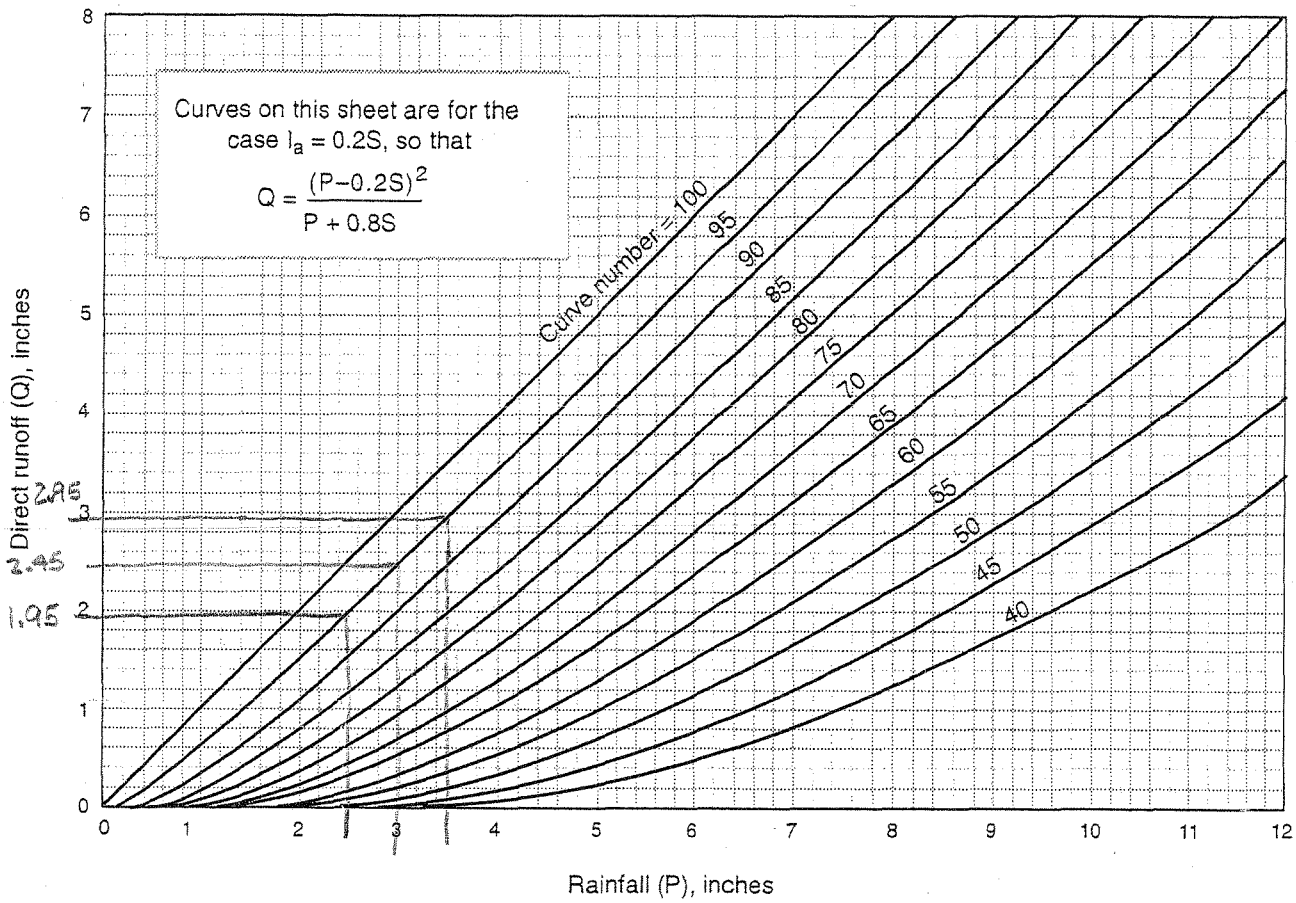
1/ Use only one CN source per line

CN (weighted) = $\frac{\text{total product}}{\text{total area}}$ = _____ = _____ ; Use CN ➡ 95

2. Runoff

		Storm #1	Storm #2	Storm #3
Frequency	yr	2	5	10
Rainfall, P (24-hour)	in	2.5	3.0	3.5
Runoff, Q (Use P and CN with table 2-1, figure 2-1, or equations 2-3 and 2-4)	in	1.95	2.45	2.95

Figure 2-1 Solution of runoff equation.



Cover type

Table 2-2 addresses most cover types, such as vegetation, bare soil, and impervious surfaces. There are a number of methods for determining cover type. The most common are field reconnaissance, aerial photographs, and land use maps.

Treatment

Treatment is a cover type modifier (used only in table 2-2b) to describe the management of cultivated agricultural lands. It includes mechanical practices, such as contouring and terracing, and management practices, such as crop rotations and reduced or no tillage.

Hydrologic condition

Hydrologic condition indicates the effects of cover type and treatment on infiltration and runoff and is generally estimated from density of plant and residue cover on sample areas. *Good* hydrologic condition indicates that the soil usually has a low runoff potential for that specific hydrologic soil group, cover type, and treatment. Some factors to consider in estimating the effect of cover on infiltration and runoff are (a) canopy or density of lawns, crops, or other vegetative areas; (b) amount of year-round cover; (c) amount of grass or close-seeded legumes in rotations; (d) percent of residue cover; and (e) degree of surface roughness.

Attachment III - 313

Attachment J-154

Worksheet 3: Time of Concentration (T_c) or travel time (T_t)

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCPH	02 SEP 08

Check one: ☐ Present ☑ Developed

Check one: ☐ T_c ☐ T_t through subarea

Notes: Space for as many as two segments per flow type can be used for each worksheet.
Include a map, schematic, or description of flow segments.

Sheet flow (Applicable to T_c only)

	Segment ID		
1. Surface description (table 3-1)	PAVED		
2. Manning's roughness coefficient, n (table 3-1)	.011		
3. Flow length, L (total L † 300 ft) ft	180		
4. Two-year 24-hour rainfall, P_2 in	2.5		
5. Land slope, s ft/ft	.02		
6. $T_t = \frac{0.007\ (nL)^{0.8}}{P_2^{0.5}\ s^{0.4}}$ Compute T_t hr	.037	+	=

$\frac{.011 \times 180}{2.5^{0.5}\ .02^{0.4}}$ $\frac{.0121}{.3307} = .0366$

Shallow concentrated flow

	Segment ID		
7. Surface description (paved or unpaved)			
8. Flow length, L ft			
9. Watercourse slope, s ft/ft			
10. Average velocity, V (figure 3-1) ft/s			
11. $T_t = \frac{L}{3600\ V}$ Compute T_t hr		+	=

Channel flow

	Segment ID		
12. Cross sectional flow area, a ft^2			
13. Wetted perimeter, p_w ft			
14. Hydraulic radius, $r = \frac{a}{p_w}$ Compute r ft			
15 Channel slope, s ft/ft			
16. Manning's roughness coefficient, n			
17. $V = \frac{1.49\ r^{2/3}\ s^{1/2}}{n}$ Compute V ft/s			
18. ~~Flow~~ length, L ft			
19. $T_t = \frac{L}{3600\ V}$ Compute T_t hr		+	=
20. Watershed or subarea T_c or T_t (add T_t in steps 6, 11, and 19) Hr			.037

Attachment III - 314

Worksheet 4: Graphical Peak Discharge method

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCAH	02 SEP 08

Check one: ☐ Present ☑ Developed

1. Data

Drainage area ..... A_m = .0003 mi^2 (acres/640)

Runoff curve number ..... CN = 95 (From worksheet 2)

Time of concentration ..... T_c = .037 hr (From worksheet 3)

Rainfall distribution ..... = IA (I, IA, II III)

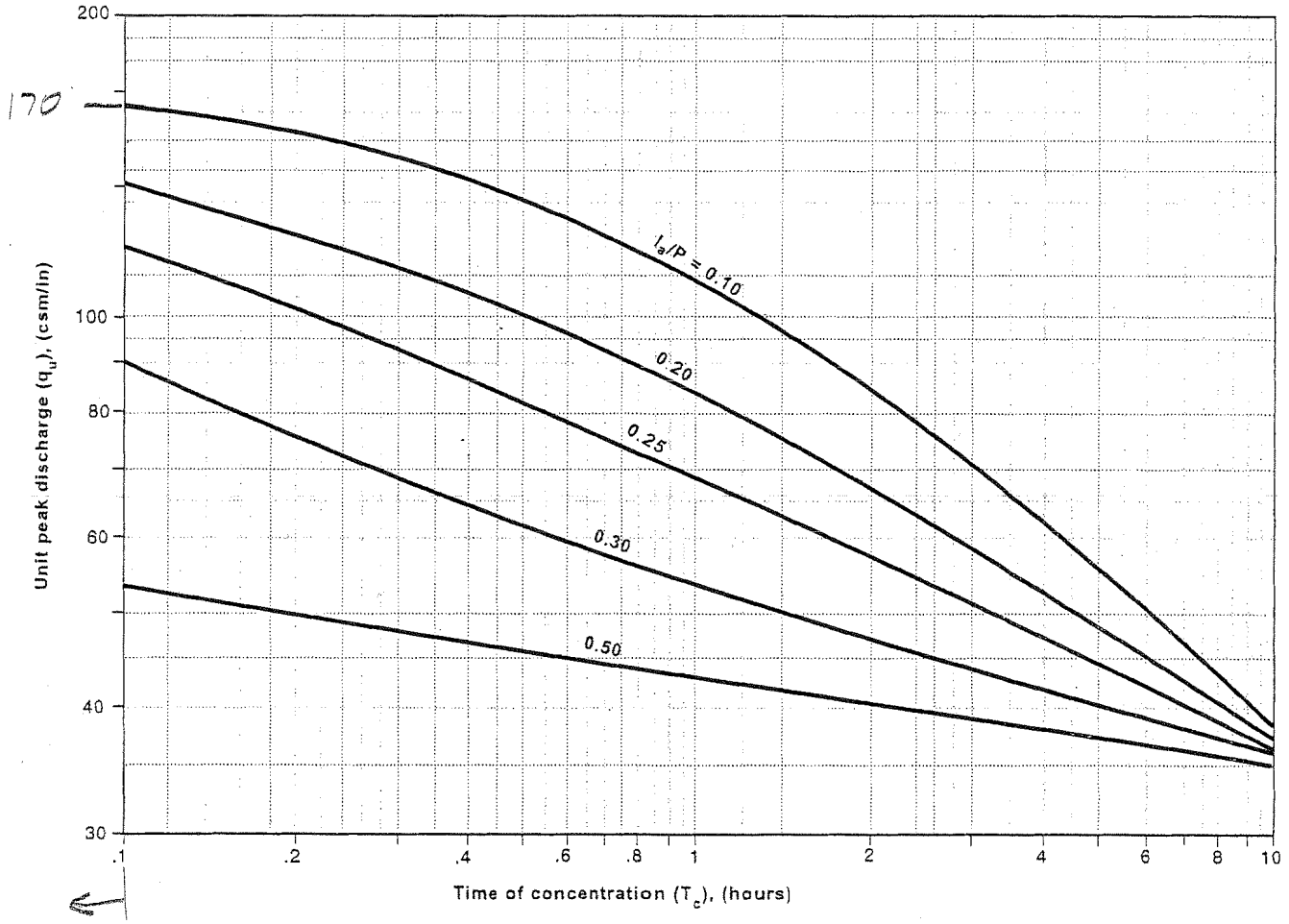
Pond and swamp areas sprea throughout watershed ..... = 9 percent of A_m (_____ acres or mi^2 covered)

		Storm #1	Storm #2	Storm #3
2. Frequency	yr	2	5	10
3. Rainfall, P (24-hour)	in	2.5	3.0	3.5
4. Initial abstraction, I_a (Use CN with table 4-1)	in	.105	.105	.105
5. Compute I_a/P		.042	.035	.030
6. Unit peak discharge, q_u (Use T_c and I_a/P with exhibit 4– _____)	csm/in	170	170	170
7. Runoff, Q (From worksheet 2) Figure 2-6	in	1.95	2.45	2.95
8. Pond and swamp adjustment factor, F_p (Use percent pond and swamp area with table 4-2. Factor is 1.0 for zero percent pond ans swamp area.)		1.0	1.0	1.0
9. Peak discharge, q_p	ft^3/s	0.100	0.125	0.151

(Where $q_p = q_u A_m Q F_p$)

Attachment III - 315

Exhibit 4-IA Unit peak discharge (q_u) for NRCS (SCS) type IA rainfall distribution



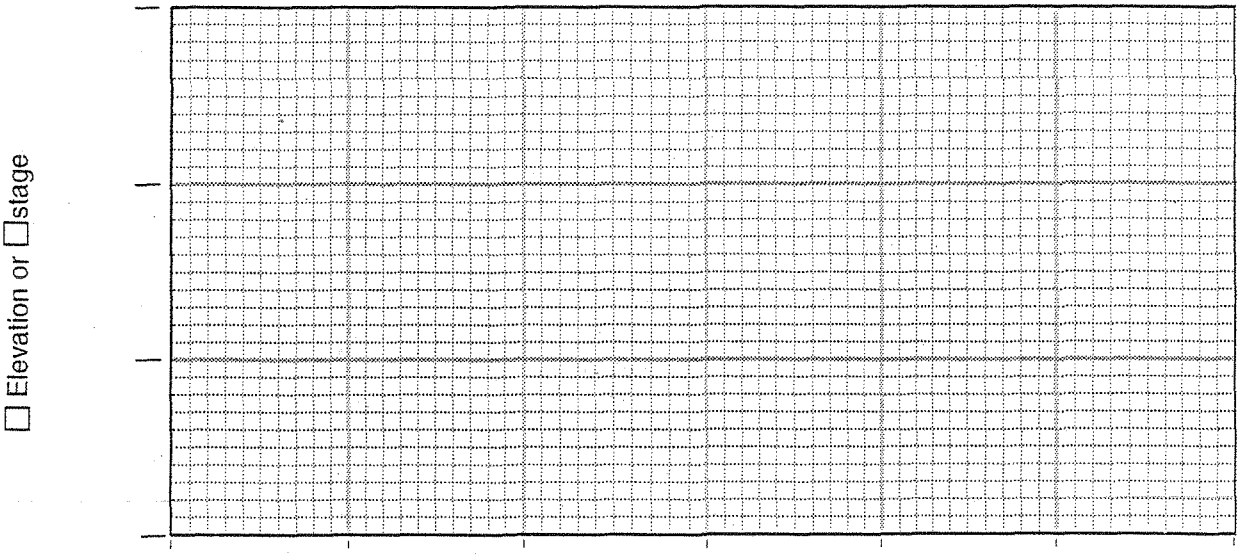
Attachment III - 316

Attachment J-157

Worksheet 6a: Detention basin storage, peak outflow discharge (q_o) known

Project	By	Date
WESTERN STATION	LEH	02 SEP 05
Location	**Checked**	**Date**
	SCPH	02SEP05

Check one: ☐ Present ☒ Developed



1. Data:
   Drainage area ..... A_m = .0003 mi²
   Rainfall distribution type (I, IA, II, III) = IA

	1st Stage	2nd Stage
2. Frequency ..... yr	2	5
3. Peak inflow discharge q_i ..... ft³/s (from worksheet 4 or 5b)	0.100	0.125
4. Peak outflow discharge q_o ..... ft³/s 1/	.064	.071
5. Compute $\frac{q_o}{q_i}$	.64	.57
6. $\frac{V_s}{V_r}$ ..... (Use $\frac{q_o}{q_i}$ with figure 6-1)	.145	.160
7. Runoff, Q ..... in (From worksheet 2)	1.95	2.45
8. Runoff volume V_r..... ac ft ($V_r = QA_m$ 53.33)	0.031	.039
9. Storage volume, V_s ..... ac-ft ($V_s = V_r(\frac{V_s}{V_r})$)	.0045 197 CF	.0063 274 CF
10. Maximum storage E_{max} (from plot)		

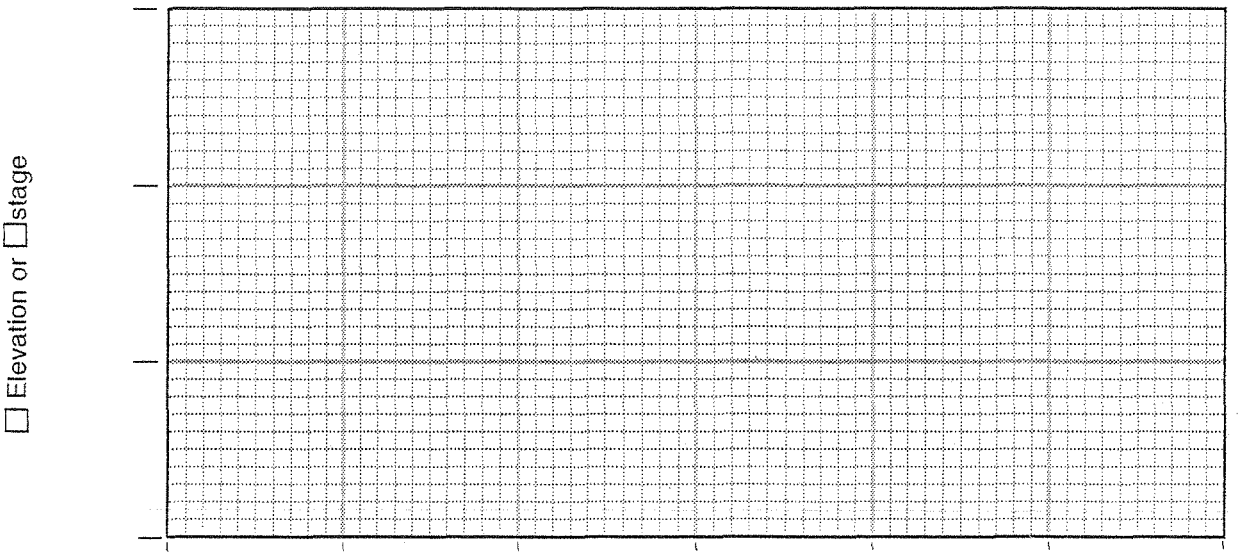
1/ 2nd stage q_o includes 1st stage q_o.

Attachment III - 317

Worksheet 6a: Detention basin storage, peak outflow discharge (q_o) known

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCFH	02 SEP 08

Check one: ☐ Present ☑ Developed



1. Data:
   Drainage area ..... A_m = .0003 mi²
   Rainfall distribution type (I, IA, II, III) = IA

	1st Stage	2nd Stage
2. Frequency ..... yr	10	
3. Peak inflow discharge q_i ..... ft³/s (from worksheet 4 or 5b)	0.151	
4. Peak outflow discharge q_o ..... ft³/s 1/	.088	
5. Compute $\frac{q_o}{q_i}$	0.58	
6. $\frac{V_s}{V_r}$ ..... (Use $\frac{q_o}{q_i}$ with figure 6-1)	.160	
7. Runoff, Q ..... in (From worksheet 2)	2.95	
8. Runoff volume V_r..... ac ft ($V_r = QA_m$ 53.33)	.047	
9. Storage volume, V_s ..... ac-ft ($V_s = V_r(\frac{V_s}{V_r})$)	.0076	
	329 CF	
10. Maximum storage E_{max} (from plot)		

1/ 2nd stage q_o includes 1st stage q_o.

∴ 48" STORAGE PIPE
= 329 CF / 12.56 CF/LF
= 26 LF

Attachment III - 318

Input requirements and procedures

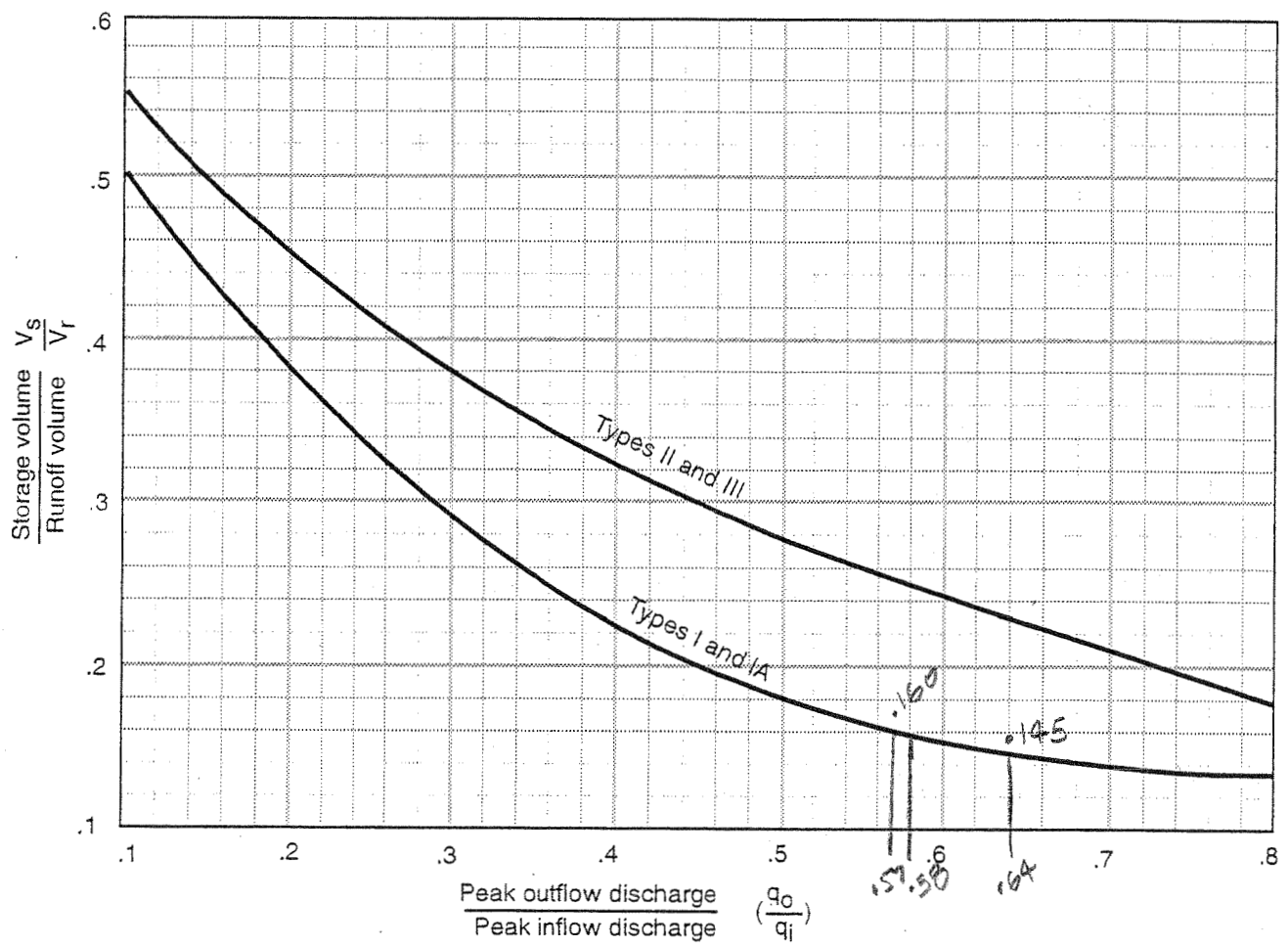
Use figure 6-1 estimate storage volume (V_s) required or peak outflow discharge (q_o). The most frequent application is to estimate V_s, for which the required inputs are runoff volume (V_r), q_o, and peak inflow discharge (q_i). To estimate q_o, the required inputs are V_r, V_s, and q_i.

Estimating V_s

Use worksheet 6a to estimate V_s, storage volume required, by the following procedure.

1. Determine q_o. Many factors may dictate the selection of peak outflow discharge. The most common is to limit downstream discharges to a desired level, such as predevelopment discharge. Another factor may be that the outflow device has already been selected.
2. Estimate q_i by procedures in chapters 4 or 5. Do not use peak discharges developed by other procedure. When using the Tabular Hydrograph method to estimate q_i for a subarea, only use peak discharge associated with $T_t = 0$.

Figure 6-1 Approximate detention basin routing for rainfall types I, IA, II, and III



Attachment III - 319

Attachment J-160

Specification Worksheet

You can use this worksheet to specify a unit by filling in sizing and location criteria, and comparing your criteria with the tabulated values in the Engineering and Design section of this manual. If you would like aid in sizing or specifying a unit, BaySaver Technologies™ Engineers are waiting to help you at 1-800-229-7283 (1-800-BaySaver).

COPY THIS PAGE AS NEEDED

Sizing Criteria

Maximum Design Flow Rate..... 0.03 CFS

Peak Design Flow Rate..... 0.151 CFS

Inlet Pipe Size ..... 10"

Outlet Pipe Size..... 10"

Location Criteria

Location for Maintenance..... DRIVEWAY

Obstacles..... NONE

Left or Right BaySaver® Separator Unit _____

Go to the tables in the Engineering and Design section of this manual and use your criteria to determine the BaySaver® Separator Unit size. If you have questions about variables or other particulars of your specification, please call BaySaver Technologies™ at 1-800-229-7283 (1-800-BaySaver).

BaySaver® Separator Unit Size..... 1/2 K

BaySaver® Separator Unit Diameter ... 48"

Reducer Adapter Needed..... Yes / No

(If unit diameter is the same as the outlet pipe Size, then a reducer adapter is not needed.)

Engineering and Design

BaySaver® Separator Units are manufactured in five standard sizes. The sizes of both the primary and storage manholes may be varied to suit any specific site conditions necessary. By selecting a separator unit size and making adjustments in the manhole diameters, the design engineer has the freedom to adapt the BaySaver® Separation Systems to the needs of a particular site. The entire system can easily be customized and hydraulically scaled to treat any stormwater flow.

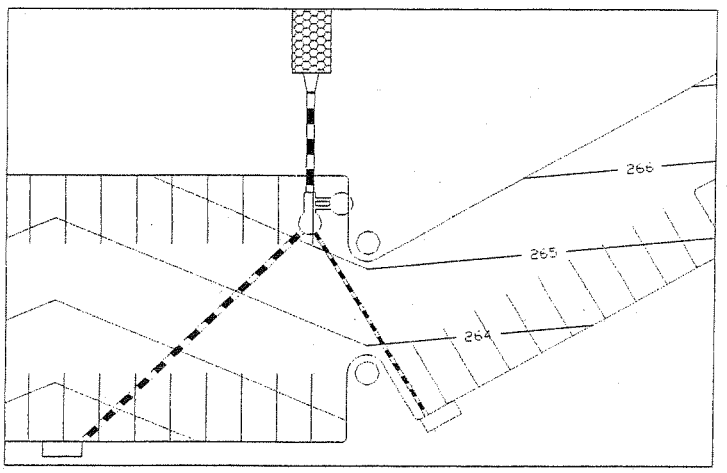
Specifying BaySaver® Separation Systems

The first step in specifying a BaySaver® Separation System is determining where to place it. One of the advantages of the BaySaver® Separation System is its flexibility in site placement. **The BaySaver® Separation System can be configured as either a right- or left-hand unit to design around existing structures and can be placed under load bearing surfaces or in green spaces.** Looking downstream through the system, if the storage manhole is placed to the left of the primary manhole a left-hand unit is needed, and if the storage manhole is placed to the right of the primary manhole a right-hand unit is needed.

The most important consideration in specifying the site of the BaySaver® Separation System is choosing a location where inspection and maintenance access is readily available.

The BaySaver® Separation Systems can be designed downstream of multiple inlets or catch basins to reduce the number of devices needed onsite, thus decreasing regulatory and maintenance costs.

BaySaver® Separation Systems are typically shown on site plans as shown in Figure 9. BaySaver Technologies™ also makes available standardized CAD details of the system in electronic format. These files contain all the information necessary to order materials and install the system. Please contact the BaySaver Technologies™ team for a copy of these details or visit our web site at www.BaySaver.com.



Sizing BaySaver® Separation Systems

The best way to size the BaySaver® Separator Unit is to calculate the flow rate that will be conveyed though the system. In this way, it can be determined which separator unit best meets site specific design capacities and local regulations. The five different sizes of separator unit have the hydraulic capacities in cubic feet per second (cfs) shown in Table 1.

TABLE 1: BAYSAVER SEPARATOR UNIT FLOW RATES

BaySaver® Separator Unit	Maximum Treatment Flow Rate (cfs / gpm)	Peak Design Flow Rate (cfs / gpm)	Head Loss (Full Bypass) (inches)
½K	1.1 / 494.00	8.5 / 3,815	6.3
1K	2.4 / 1076.40	10.0 / 4,485	5.0
3K	7.8 / 3498.30	30.0 / 13,455	6.0
5K	11.1 / 4978.35	50.0 / 22,425	12.0
10K	21.8 / 9777.30	100.0 / 44,850	12.0
XK	Any Flow Rate	Call BaySaver® at 1-800-229-7283 for design	

The BaySaver® Separator Unit can also be sized from impervious acreage if the flow rate generated over an acre takes into account regional differences and local regulations for your area. For example, Table 2 shows recommended sizing guidelines based on impervious drainage area in Mount Airy, Maryland. The site-specific conditions in your area may be different, and BaySaver Technologies™ is available to help adjust calculations to your local conditions.

TABLE 2: EXAMPLE BAYSAVER SEPARATION SYSTEM SIZING GUIDELINES IN MT. AIRY, MARYLAND

Impervious Drainage Area (acres)	Separator Unit Size	Primary Manhole Minimum Diameter (inches)	Storage Manhole Minimum Diameter (inches)
<0.5	½K	48	48
<1.25	1K	48	48
<4.00	3K	60	60
<5.75	5K	72	72
<11.25	10K	120	120

Sizing By Flow Rate

To size the BaySaver® Separation System, the design flow through your storm drain must be calculated. Compare that flow rate to the Peak Design Flow Rate listed in Table 1. Select a unit with a Peak Design Flow Rate higher than your design flow. The unit you select and all larger BaySaver® Separator Units have the capacity to convey your design flow without backing up your system.

Local regulations may specify that a certain volume or flow rate must be treated. In that case, compare the Maximum Treatment Flow Rate with the treatment flow specified by your local regulations. Again, the BaySaver® Separator Unit must have a Maximum Treatment Flow Rate that is higher than your determined treatment flow rate. This ensures that the BaySaver® Separation System will meet your local regulations for pollutant removal.

Example:

> A 7.5 acre highly impervious site located in Mt. Airy, Maryland, needs stormwater treatment. Local regulations specify that 80% of the Total Suspended Solids (TSS) must be removed from the yearly runoff by treating an intensity of 1" per hour.
>
> For peak design, the 10-year design storm for this location is calculated to generate 27 cubic feet per second (cfs) of runoff to be carried through the storm drain. Using Table 1, we cross-reference this value against the Peak Design Flow Rates. The smallest unit that can convey this peak design flow is the 3K BaySaver® Separator Unit.
>
> For treatment, to remove 80% of the total suspended solids from this site, a flow rate is calculated using the 1" per hour rainfall intensity. This generates the treatment flow rate, which is equal to 7.5 cfs. Again using Table 1, we cross-reference this value against the listed Maximum Treatment Flow Rates and find that this rate exceeds that of the 3K unit. Therefore, the next larger size for the BaySaver® Separator Unit is the appropriate choice, that being the 5K BaySaver® Separator Unit with a Maximum Treatment Flow of 11.1 cfs.

If you have any questions about the sizing of a BaySaver® Separation System, local regulations, treatment flow, or you have flow rates exceeding that of our 10K BaySaver® Separator Unit, please call BaySaver Technologies™ at 1-800-229-7283 (800-BaySaver) and one of our application engineers will assist you. **Our engineers' most important job responsibility is to be of assistance to you, the customer.** We want your business experiences with BaySaver Technologies™ to be handled professionally and are willing to do what it takes to make your project a success.

Manhole Sizing

Standard BaySaver® Separation Systems use identically sized structures for both the primary and storage manholes. An example of this is shown in Table 3. The designer can choose to use larger manholes to account for factors specific to the site such as a need for increased pollutant storage. The additional sediment and oil storage capacity will result in a longer interval between required maintenance procedures.

TABLE 3: BAYSAVER SEPARATION SYSTEM STORAGE MANHOLE SIZING GUIDELINES

BaySaver® Separator Unit Size	Maximum Treatment Flow (cfs)	Standard Primary Manhole Diameter (inches)	Standard Storage Manhole Diameter (inches)
½K	1.1	48	48
1K	2.4	48	48
3K	7.8	60	60
5K	11.1	72	72
10K	21.8	120	120

To increase the storage capacity for floatables and oils, a bulk-headed pipe may be added to the storage manhole. This pipe can help contain a spill, and it can be designed to match the volume of the potential event. If a spill does occur, the BaySaver® Separation System must be maintained as soon as it is safe to do so.

Sizing and Specifying the Reducer/Adapter

Sizing the reducer/adapter is a simple process. Specify the outlet diameter of your pipe when the BaySaver Technologies™ is ordered and the appropriate reducer/adapter will be supplied with your unit.

Storage Capacities

BaySaver® Separation Systems retain the trapped pollutants in the two precast manholes. Maintenance is required when the accumulated sediments in either manhole reach a height of two feet from the floor. The maintenance interval for a typical installation is determined by the sediment buildup; on most sites, oils and floatables will not accumulate at the same rate as the solids.

TABLE 4: BAYSAVER SEPARATION SYSTEM STORAGE CAPACITIES

BaySaver® Separation System Size	Total System Volume (gallons (ft³))	Sediment * Capacity (yards³ (ft³))	Floatable * Capacity (gallons (ft³))
½K 48x48	1122 (150)	1.41 (38)	142 (19)
½K 48x60	1445 (193)	1.78 (48)	224 (30)
½K 48x72	1830 (245)	2.26 (61)	317 (42)
1K 48x48	1475 (200)	1.86 (50)	280 (37)
1K 48x60	1900 (250)	2.08 (64)	430 (58)
1K 48x72	2400 (325)	3.02 (81)	630 (84)
3K 60x60	2325 (310)	2.90 (78)	430 (58)
3K 60x72	2825 (375)	3.54 (95)	630 (84)
3K 60x84	3425 (460)	4.30(116)	850 115)
5K 72x72	3350 (450)	4.18 (113)	630 (84)
5K 72x84	3950 (530)	4.94 (133)	830 (115)
5K 72x96	4650 (625)	5.81 (157)	1110 (150)
5K 84x96	5250 (710)	6.57 (177)	1110 (150)
10K 120x120	9400 (1255)	11.64 (314)	1762 (235)

* Sediment and floatable storage capacities given in this table reflect the recommended maintenance level.

Worksheet 2: Runoff curve number and runoff

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCPH	02 SEP 08

Check one: ☐ Present ☑ Developed

1. Runoff curve number

Soil name and hydrologic group (appendix A)	Cover description (cover type, treatment, and hydrologic condition; percent impervious; unconnected/connected impervious area ratio)	CN 1/ Table 2-2	CN 1/ Figure 2-3	CN 1/ Figure 2-4	Area ☑ acres ☐ mi² ☐ %	Product of CN x area
AMITY "D"	WATER QUALITY					
	FLOW - DEVELOPED					
	CONDITION FROM					
	DETENTION CALCS					

1/ Use only one CN source per line

Totals ➡ 0.51

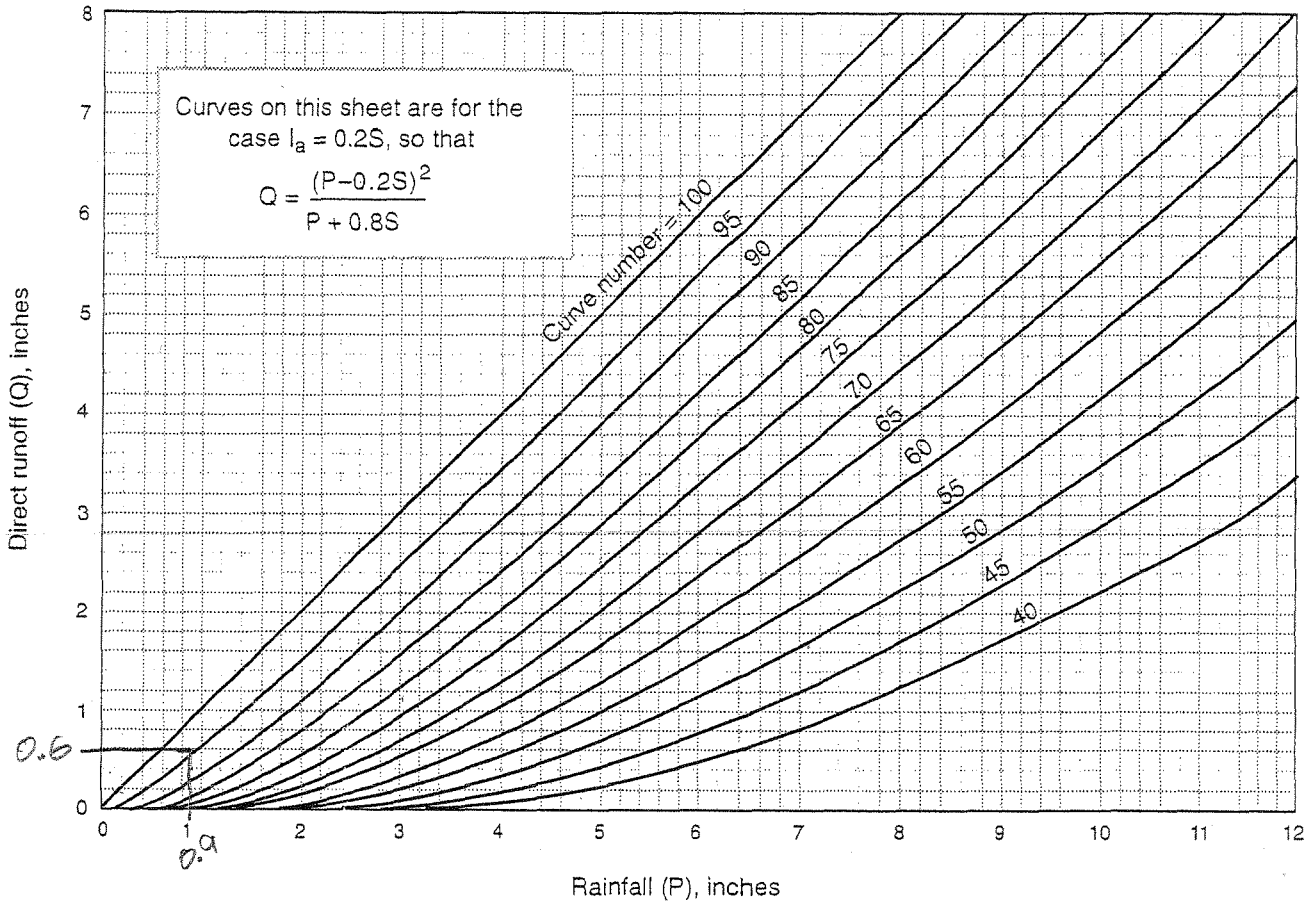
CN (weighted) = $\frac{\text{total product}}{\text{total area}}$ = _____ = _____ ; Use CN ➡ 95

2. Runoff

		Storm #1	Storm #2	Storm #3
Frequency	yr			
Rainfall, P (24-hour)	in	0.9		
Runoff, Q	in	0.6		

(Use P and CN with table 2-1, figure 2-1, or equations 2-3 and 2-4)

Figure 2-1 Solution of runoff equation.



Cover type

Table 2-2 addresses most cover types, such as vegetation, bare soil, and impervious surfaces. There are a number of methods for determining cover type. The most common are field reconnaissance, aerial photographs, and land use maps.

Treatment

Treatment is a cover type modifier (used only in table 2-2b) to describe the management of cultivated agricultural lands. It includes mechanical practices, such as contouring and terracing, and management practices, such as crop rotations and reduced or no tillage.

Hydrologic condition

Hydrologic condition indicates the effects of cover type and treatment on infiltration and runoff and is generally estimated from density of plant and residue cover on sample areas. *Good* hydrologic condition indicates that the soil usually has a low runoff potential for that specific hydrologic soil group, cover type, and treatment. Some factors to consider in estimating the effect of cover on infiltration and runoff are (a) canopy or density of lawns, crops, or other vegetative areas; (b) amount of year-round cover; (c) amount of grass or close-seeded legumes in rotations; (d) percent of residue cover; and (e) degree of surface roughness.

Worksheet 3: Time of Concentration (T_c) or travel time (T_t)

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCPH	02 SEP 08

Check one: ☐ Present ☑ Developed

Check one: ☐ T_c ☐ T_t through subarea

Notes: Space for as many as two segments per flow type can be used for each worksheet. Include a map, schematic, or description of flow segments.

Sheet flow (Applicable to T_c only)

	Segment ID		
1. Surface description (table 3-1)			
2. Manning's roughness coefficient, n (table 3-1)			
3. Flow length, L (total L † 300 ft) ..... ft			
4. Two-year 24-hour rainfall, P_2 ..... in			
5. Land slope, s ..... ft/ft			
6. $T_t = \frac{0.007\ (nL)^{0.8}}{P_2^{0.5}\ s^{0.4}}$ Compute T_t ..... hr		+	=

Shallow concentrated flow

	Segment ID		
7. Surface description (paved or unpaved)			
8. Flow length, L .....ft			
9. Watercourse slope, s ..... ft/ft			
10. Average velocity, V (figure 3-1) ..... ft/s			
11. $T_t = \frac{L}{3600\ V}$ Compute T_t ..... hr		+	=

Channel flow

	Segment ID		
12. Cross sectional flow area, a ..... ft^2			
13. Wetted perimeter, p_w ..... ft			
14. Hydraulic radius, $r = \frac{a}{p_w}$ Compute r ..... ft			
15 Channel slope, s ..... ft/ft			
16. Manning's roughness coefficient, n			
17. $V = \frac{1.49\ r^{2/3}\ s^{1/2}}{n}$ Compute V .....ft/s			
18. Flow length, L ..... ft			
19. $T_t = \frac{L}{3600\ V}$ Compute T_t ..... hr		+	=

20. Watershed or subarea T_c or T_t (add T_t in steps 6, 11, and 19) ..... Hr .037

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FROM DETENTION CALC

Worksheet 4: Graphical Peak Discharge method

Project	By	Date
WESTERN STATION	LEH	02 SEP 08
Location	**Checked**	**Date**
	SCPH	02 SEP 08

Check one: ☐ Present ☑ Developed

1. Data

Drainage area ..... A_m = 0.0003 mi^2 (acres/640)

Runoff curve number ..... CN = 95 (From worksheet 2)

Time of concentration ..... T_c = .037 hr (From worksheet 3)

Rainfall distribution ..... = IA (I, IA, II III)

Pond and swamp areas sprea
throughout watershed ..... = Ø percent of A_m (_____ acres or mi^2 covered)

	Storm #1	Storm #2	Storm #3
2. Frequency ..... yr			
3. Rainfall, P (24-hour) ..... in	2.5		
4. Initial abstraction, I_a ..... in (Use CN with table 4-1)	.105		
5. Compute I_a/P	.042		
6. Unit peak discharge, q_u ..... csm/in (Use T_c and I_a/P with exhibit 4– _____)	170		
7. Runoff, Q ..... in (From worksheet 2) Figure 2-6	0.6		
8. Pond and swamp adjustment factor, F_p ..... (Use percent pond and swamp area with table 4-2. Factor is 1.0 for zero percent pond ans swamp area.)	1.0		
9. Peak discharge, q_p ..... ft^3/s	0.03		

(Where $q_p = q_u A_m Q F_p$)

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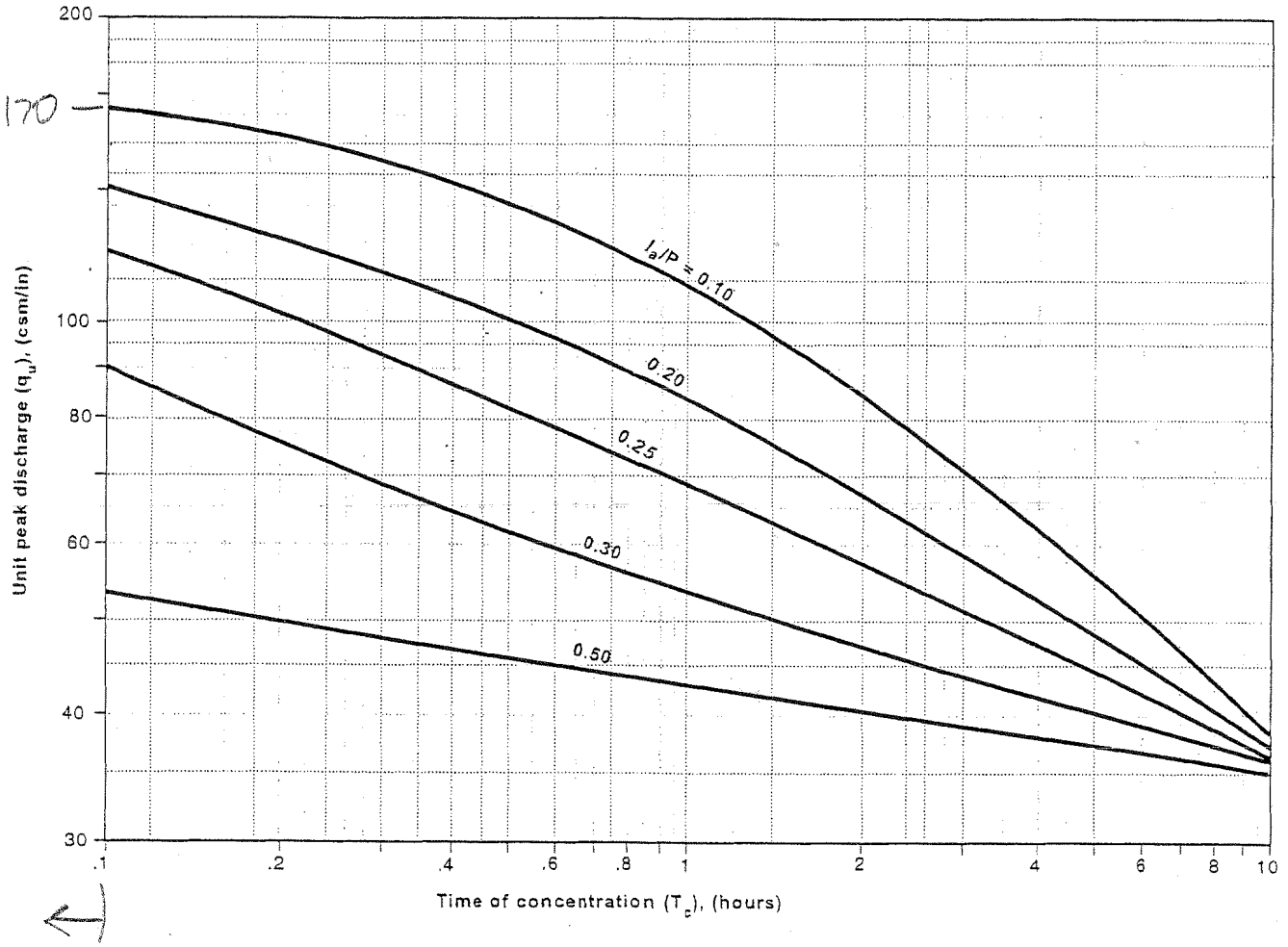
Exhibit 4-IA Unit peak discharge (q_u) for NRCS (SCS) type IA rainfall distribution



Attachment III - 330

Attachment J-171

Excerpt from Draft Minutes of the October 15, 2008, Planning Commission Meeting regarding the Western Station application (PLD08-00009, SUB08-00005, PCR08-00002)

III. PUBLIC HEARING - Western Station (PLD08-00009, SUB08-00005, PCR08-00002)

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures. Staff will present an overview followed by the applicant's presentation. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds

1. Conflicts of Interest
   - Chair Bird, speaking on behalf of all the Planning Commissioners, said that they have worked with Commissioner Weber but do not believe that this will in any way prevent them from making a fair and impartial decision in this case.
   - Commissioner Gervais said that she had been involved with testimony against previous applications for this parcel of land, but she did not think it would bias her review of the application to be heard tonight.

2. Ex Parte Contacts
   - Commissioner Gervais said that because of her previous involvement with citizens in the reviews of past proposals before she was a Commissioner, she was still on some e-mail lists and had received some e-mail announcements about the application. She did not respond to them, nor did she attend any of the meetings to which people were invited. This will in no way compromise her ability to make a fair and impartial decision on this proposal.

Deputy City Attorney spoke to the issue of Commissioner Weber's involvement with presenting on behalf of the applicant. He said that the specter of conflict of interest was not raised in this case because it requires the Planning Commissioner to actually act in capacity as a decision-maker. Commissioner Weber is not doing so.

3. Rebuttals to declarations

- **Matthew Bolduc,** 1020 SW 10th Street, said, for the record, that he is an employee of the City of Corvallis. He said that Ms. Bishop's testimony referred to City of Corvallis Administrative Policy 92-3.08 Code of Ethics. Section 3.08.032(f) reads, "A public official shall not represent a client for a fee before the governing body of a public body of which the person is a member." He believes the language is clear.
- **Ruby Moon** asked Attorney Coulombe to address the issue of Commissioner Weber being privy to written testimony submitted early in the hearing process, because that gives the developer the benefit of knowing what is going to be presented.

Attorney Coulombe noted that staff attempt to maintain transparency with all correspondence and testimony submitted by any participant. Withholding information from any of the participants would violate the principle of transparency.

Manager Towne said that every piece of information that hits their desks is considered as public information. At some point, the applicant is able to respond to the information, even if it is part of the final written argument. Transparency is what the City aims for.

- **Alan Bakalinsky,** 750 SW C, said that this particular case flies in the face of the conflict of interest considerations. He understands that Commissioners can recuse themselves and not vote. But the Commissioner should be recused from being privy to any discussion relating to a case, and not receive the information related to it. Either you are recused or you are not recused. Transparency is misleading in this case.

Chair Bird reiterated that any information submitted relating to a case becomes public testimony and is available to the public. The applicant is part of the public.

Commissioner Howell said that the status of the applicant's presenter as a Planning Commissioner does not give them access to any additional information over what any applicant would get. All applicants have available to them copies of all testimony. All of the applicant's submitted material is made available to the public. If new information gets brought up during the public hearing, then the public has the right to ask for a continuance in order to look at it, or to have an additional seven days to respond to the new information. The applicant also has this right of access and response to new information.

- **Bill Metz,** 750 SW C, said he wished to make the point that even though Commissioner Weber has recused herself, when she comes before the Planning Commission on behalf of an applicant she comes with an "aura" of enhanced credibility because of her role in the public body. He believes that is why the City's Administrative Policy Code of Ethics is written the way it is. The Planning Commissioners have relationships with the presenter by virtue of discussions on other matters. Those personal relationships could also give the advantage of enhanced clarity. He believes these are the reasons this could be considered a conflict of interest as indicated in the administrative guidelines.

Attorney Coulombe said that the plain language of the administrative policy refers to the "governing body of the public body," which is the City Council, not the Planning

Commission. Certainly there have been good comments offered on this issue, and there have been training sessions with respect to these issues. Public confidence is important but, under State law, there is no actual conflict of interest. There is nothing to prohibit a Planning Commissioner from recusing himself or herself and actively participating in a planning process, whether as a presenter, an opponent, or a proponent of an application. The Administrative policy technically applies to the City Council and not to this body.

Commissioner Howell said that there have been other instances where Planning Commissioners have recused themselves in order to speak in opposition to a proposal. There have not been any applicants who questioned the ability for the remaining Planning Commissioners to make fair and impartial decisions, in light of this. It really comes down to the Planning Commissioners making their own declarations about their ability to withstand the "aura of credibility" that Commissioner Weber might have, as well as the relationships that many of the Planning Commissioners might have with others in the audience who are testifying tonight. Part of their role is to put those relationships aside and listen to the facts of the argument.

Councilor Raymond said that there are other City commissions before which similar instances have occurred.

- **John Foster,** 1205 NW Fernwood, said he is willing to accept that the remaining Planning Commissioners will do their best not to let personal relationships overcome their judgement. But, it still gives the appearance of a conflict of interest, which the City should try to avoid at all costs. It also establishes a precedent that Planning Commissioners, City Councilors and others can recuse themselves and represent a client. He believes this is different than just speaking in opposition to something.

4. Site Visits: Visits to the site were made by all except Commissioners Gervais and Saunders

5. Objections on Jurisdictional Grounds: None

C. Staff Overview:

Senior Planner Kevin Young said the case under consideration, Western Station, is a request for approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing commercial space on the first floor and mezzanine, with residential units above. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Planned Compatibility Review is required because the square footage of the non-commercial uses exceeds the square footage of commercial uses within the development.

The .64-acre site is located on the south side of Western Boulevard, between 6th and 7th Streets. Planner Young showed a map of the area and described the map designations, zoning, and usage of the properties surrounding the site. The map designation for Western Station is Mixed Use Commercial (MUC), with a zoning designation of Mixed Use Commercial with a Planned Development Overlay (PD(MUC)). There are no natural features on the site.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Lyle Hutchens, Devco Engineering, introduced Linda Howard of his firm and said that they would be presenting on behalf of the applicant, Western Station LLC. He had just come from a hearing in Lebanon, and fortunately got to this meeting in time to be the presenter. Initially, he did not think he would be able to be at this public hearing in time, which is why Ms. Weber was asked to make the presentation.

Mr. Hutchens explained that the Western Station property is a small, triangular piece of land that is currently undeveloped, located on SW Western Boulevard between 6th and 7th Streets. The location is notable due to its close proximity to both downtown and to OSU, something that is highly unusual for undeveloped land in Corvallis. It is this proximity that makes it highly conducive to pedestrian- and bicycle-oriented activity. He showed a photograph of the property as it looks now. He pointed out that, in its vacant state, it looks rather grim and does not contribute much in the way of value to the community. It has also been used for storage for aggregate associated with the last train derailment.

Mr. Hutchens explained that one major contributing factor as to why this property remains vacant despite its desirable location near downtown and OSU, is the presence of severe physical constraints in place on the property in the form of railroad tracks to the south, west and east. They limit access to the site and present non-developable portions of land in the form of easements, and serve to create an oddly shaped lot with a narrow wedged tail in the southeast corner that is extremely difficult to effectively develop.

Mr. Hutchens said that, as staff explained, this property is zoned MUC, and is one of only two pieces remaining in the City with this zoning under the present Land Development Code. The Detailed Development Plan is presented in Attachment A-1 of the staff report. The application proposes that the land be developed with four live-work units featuring commercial space on the lower levels and two-bedroom townhouse-style condominiums on the upper levels. The building frontage will face SW Western Boulevard, which will be improved with extra-wide sidewalks and several other pedestrian amenities. The site will be separated from the railroad tracks to the east by a fence and a nine-foot-wide landscape buffer. The on-site parking is all to be located behind the buildings and will be accessed by a single access drive off Western Boulevard, located to the west of the building. Another landscape buffer will isolate the parking area from the railroad tracks to the southwest of the site.

Mr Hutchens pointed out that, as noted in the staff report, many of the current Planning Commissioners were also on the Commission at the time of deliberations on a previous proposal in 2007. That application was in many ways similar to the one being presented this evening. It also proposed four live-work units fronting Western Boulevard with associated parking located in the back. The Planning Commission and City Council denied the application based on the lack of compliance with requirements for Floor Area Ratio (FAR) and on-site parking provisions. The application being presented this evening is a revised version of that original application, with some crucial revisions. The commercial floor area in each of the units has been increased to meet the minimum required FAR for the zoning. Commercial uses will be limited to only those which require one parking space per 400 square feet or less of floor area, so that the on-site parking provision requirements are also met. The commercial FAR was met in two ways: by limiting the residential uses to the upper two floors, and by adding a mezzanine level. The buildings proposed by the applicant comply with all applicable development standards in Land Development Code section 4.10 relating to Pedestrian-Oriented Design standards. Three different types of building materials are proposed, with window glazing area in excess of the minimum requirements. A weather-protection canopy will be installed along the west, north and east frontages, which will also serve to provide visual delineation between the commercial spaces below and the residential spaces above. All of these features will combine to form a mixed use building that will be visually attractive; pedestrian-friendly in orientation, design and scale; and will serve as a conveniently-located vibrant centerpiece of a revitalized neighborhood.

Mr. Hutchens explained that the applicant is requesting some Land Development Code variations. He cited Comprehensive Plan Policy 14.3.1, which states, "in-fill and redevelopment within urban areas shall be preferable to annexations." This site qualifies as an in-fill site; thus, development of it to its potential is inherently desirable prior to annexing more land from the urban fringe in order to serve the same commercial and/or residential needs. Given the physical constraints on the site, several variances are being requested. The variances are solely for the purpose of being able to develop the site based on its zoning while meeting most of the required standards, especially those that have been deemed most important by the City and the public (on-site parking and FAR). In addition, with respect to commercial development, Comprehensive Plan Policy 8.10.4 states: "New commercial development shall be concentrated in designated Mixed Use districts which are located to maximize access by transit and pedestrians." This Mixed Use district is located near downtown and OSU, with a transit stop nearby on SW Western Boulevard. The development of live-work units on this site is an excellent way to achieve this particular policy.

Lastly, Mr. Hutchens pointed out that, regarding residential development, Comprehensive Plan Policy 9.2.4 requires neighborhoods to be pedestrian-oriented, with neighborhood development patterns giving "priority consideration to pedestrian-based uses, scales, and experiences in determining the orientation, layout and interaction of public and private spaces." The proposed building design is an exemplary approach to meeting this policy, since it uses townhouse condominiums on top of commercial spaces, all fronting a street with extra-wide sidewalks and pedestrian amenities, and located within walking distance of downtown and OSU.

Mr. Hutchens said that, for the most part, the variances fall into one of two groups. The first group consists of dimensional variances that are predominantly a result of the odd shape of the parcel. The shape effectively creates a pinch-point where the boundary formed by the railroad tracks curves to the north and east. This pinch-point makes it

impossible to construct a development that meets all of the development standards, including density, FAR, parking, height limitations, and Pedestrian-Oriented Design Standards. The applicant's proposed design meets most of the development standards, especially those that were emphasized in previous hearings. Specifically, parking and the commercial FAR are being met by this proposal. However, in order to meet the most number of standards, the design has reduced the width of the access drive to 20 feet at the southwest corner of the building. A 20-foot drive is sufficient for car bypass and meets Fire Department standards. At that same corner, the applicant is requesting a reduction in the width of the sidewalk from 5 feet to 4.5 feet. This width would also meet ADA requirements for a sidewalk width. Also, the frontage lies within the maximum setback for 41% of the entire site though, if the railroad easement area is discounted, it meets the 50% requirement.

Mr. Hutchens then said that the second group of variances requested deal with landscape issues. The applicant is proposing that, rather than providing the requisite 10-foot planting area around trees, the trees be installed using special planting techniques allowing them to be planted in a 5-foot-wide landscaping area. The applicant also proposes that the required 20-foot landscape buffer between residential uses and industrial uses on the east side of the property be reduced to a 9-foot buffer. As compensation, the applicant is proposing to construct the east wall of the residential building with additional sound-proofing materials and methods to reduce the impact of any train noise on any future residents of that building. Mr. Hutchens said that, as noted in the staff report, the only industrial use that will ever be present to the east of the site is the intermittent train traffic. These variances are all being requested for the sole purpose of attempting to fit the development onto a narrow, oddly-shaped lot without sacrificing density, parking, green area or FAR. The last variance, for the location of the access drive, is also a function of the constraints of the site. The request is to allow the access drive to be located approximately 100 feet from 7th Street, rather than the required 150 feet. Currently, there are two gravel drives onto Western Boulevard and they would be consolidated into one, resulting in a situation that is safer and more desirable on the site than what now exists. This access configuration has been reviewed by ODOT-Rail and found to be acceptable.

Mr. Hutchens said the applicant has reviewed the staff report, and is in agreement with the Conditions of Approval, and asks for the Planning Commission's approval of the application.

Questions of the Applicant:

Commissioner Saunders asked about the mezzanine and the breakdown of floor area. Mr. Hutchens said that the ground level was approximately 800 square feet and the mezzanine approximately 300 square feet. In response to her comment that she was having trouble visualizing use of it, Mr. Hutchens said the intent would be for small start-up software companies, sole-proprietor insurance companies, and that type of use. The mezzanine would be suited for use as office space.

Commissioner Saunders said that the application proposes extra-wide sidewalks for potential restaurant use, yet the parking requirements or allocations do not seem to work with this type of use. Mr. Hutchens said that, frankly, that particular wording is a carryover from the previous application. This proposal specifically excludes restaurant use in the commercial spaces because of the parking requirements. The extra-wide sidewalks are still in the design, but there will not be any restaurant uses allowed.

F. Staff Report:

In response to Commissioner Saunders' question about mezzanines, Planner Young said that it would be similar to the small mezzanine in Grass Roots Bookstore in downtown Corvallis.

Planner Young reminded the Commission that there are three separate applications before them for consideration. The Planned Development aspect is the most elaborate, and staff reviewed the five categories of compatibility factors. He said that, in terms of Land Use and Purposes, the uses are all permitted outright for this zone. The Condition of Approval limiting commercial uses to those that meet the 1 space per 400 square feet parking standard will ensure that only appropriate commercial uses are allowed. The proposed development is consistent with the purposes for Planned Developments. It allows flexibility in the design and location of the structure, and it promotes the efficient use of an awkwardly configured in-fill site.

Planner Young stated the following:

1. With regard to Natural Resources, there are no significant natural features or hazard areas.

2. In terms of Compatibility, staff first needed to assess compliance with the Mixed Use Commercial (MUC) zone standards. As conditioned, this project complies with all but one of the MUC district standards. The one requested variation is to the 20-foot setback requirement between the residential and the industrial land. The applicant has also requested Planned Compatibility Review approval, as is required by the 1993 Land Development Code, to allow the square footage of the residential uses to exceed the commercial square footage. That version of the Code is being used because that is where the MUC zoning district standards reside. Staff also looked at compatibility with the POD Standards. As conditioned, this project complies.

3. The variance requests include:
   - narrowing the driveway width from 24 feet to 20 feet in one portion of the site;
   - narrowing the internal sidewalk width from 5 feet to 4.5 feet;
   - reducing the landscape buffer from 20 feet to 9 feet on the east side;
   - allowing access to an arterial street within 150 feet of 7th Street;
   - reducing the amount of building located withing the maximum setback area along the street frontage; and,
   - allowing two of the lots to have a street frontage less than the required 25 feet.

   Planner Young explained that all of these requested variations stem from the unusual configuration of the site. For instance, there is nowhere to locate an accessway that would meet the required 150-foot separation from another access point to an arterial. Staff believes that the applicant has chosen the best location along the alignment. It would not be an option to preclude access to this site entirely. Staff finds that, in looking at the conflicting demands, the proposed development plan balances competing needs in a manner which will accentuate the primacy of pedestrian access.

4. In terms of Compatibility, Site Design and Visual Elements, staff finds that the proposal will accommodate all necessary improvements on a difficult site. The proposed building design is within the 45-foot height limitation in the MUC district. The

separation of the building from any nearby development will ensure that the height and scale of the structure are not incompatible with adjacent development. Staff noted that the allowed building height in the nearby RS-12 zone area is 35 feet, and within the RS-20 zone to the west it is 65 feet. Staff also found that compliance with the MUC and POD standards ensures that the building will incorporate elements to provide adequate visual interest, design variety, and building articulation.

5. In terms of noise, Condition #7 will require acoustical buffering on the east wall, which will help mitigate noise impacts from the adjacent railroad tracks. Staff does not anticipate any unusual noises, odors, or emissions from the development site itself.

6. In terms of Traffic and Parking, the Trip Generation Study found the maximum traffic impact to be less than the threshold requiring further analysis. Condition #8 will ensure that commercial uses within the development will only be those meeting the parking requirement of 1 space per 400 square feet or less. Planner Young reviewed the parking calculations, explaining that the 18 spaces provided on site meet the requirements. Bike parking requirements are more than met.

7. Regarding Public Services and Utilities, all needs are met, as Conditioned.

8. In terms of the Subdivision application, the proposed application complies with all applicable zoning district and platting requirements, with the exception of the 25-foot minimum lot width standard. The applicant has requested a variance from this on two of the four lots. Staff's analysis has found it to be an acceptable reduction, since there is a shared vehicular access area to the side and rear of the building.

9. There are four criteria for the Plan Compatibility Review (PCR), and staff finds that the development is consistent with these criteria for the following reasons:
   - It allows an innovative type of development with the live-work units and makes efficient use of an oddly-configured parcel.
   - Neighboring property owners and residents will be protected from negative development impacts by the physical separation of the site from nearby residents and by Land Development Code requirements and Conditions pertaining to building design, site layout, lighting, landscape buffering, among others.
   - The proposed development will not adversely affect traffic, parking or access.
   - It will not impact any significant natural features.

Planner Young stated that staff recommends approval of the applications, as Conditioned.

Questions of staff: None

G. Public Testimony in favor of the application: None

H. Public Testimony in opposition to the applicant's request:

Leslie Bishop, 827 SW 10th Street, submitted written testimony (**Attachment B**). In 2007, both the Planning Commission and the City Council turned down the application for the Palazzo development, with the intent to minimize development. This is pretty much the same submittal, though development has actually been maximized by adding an extra story, now making the buildings four stories instead of three.

Ms. Bishop said she would address three issues, and referred to her written testimony for all of the Comprehensive Plan and Land Development Code citations. She finds that the applicant does not meet the compatibility factor in the Land Development Code 2.5.40.04, compensating benefits for the variations being requested. There are no compensating benefits in terms of public input. There have been no public meetings. They have not been contacted by anybody. There are no compensating benefits for the variances requested, and it seems to violate the philosophy of give and take. With regard to the live-work units, an approval criterion in the narrative talks about promoting and encouraging conservation of energy because the people who own the commercial units will be living upstairs in the residential units. The developers are using this live-work term as a compensating factor, but it is a bogus term. Nowhere in the application does it state that business owners will be required to reside above the businesses. The City has no codes for governing this concept. It is unenforceable, and therefore it should not be used to satisfy a development criteria. A moment ago, she noticed that the applicant did use the word condominium several times, which infers that the residential and commercial units could possibly be split. The applicant has included an article regarding live-work units that came out of the Oregon Business magazine. She is surprised that it was enclosed, because all it says is that live-work units are good for real estate agents.

Ms. Bishop said that the parking lot considerations, the narrowing of the accessway and its proximity to another access point to Western Boulevard, are safety hazards for pedestrians, bicyclists and motorists. The bicycle situation along Western Boulevard is horrendous. Coming out of a narrow ingress-egress and looking to the west to make a left-hand turn would be problematic. A driver would have to be in the bicycle lane to actually see, because of the curve on Western Boulevard. Narrowing the accessway could be problematic for fire and emergency vehicles and SUVs, if they had to pass each other. The parking lot, if full, does not leave a place for delivery trucks. There will be roll up doors in the back, but no room for the trucks to stage and not block an emergency vehicle if one had to come in. If the Fire Department has not looked at this situation, Ms. Bishop said she would request that they do so. She hopes that the Planning Commission turns this submittal down.

Alan Bakalinsky, 750 SW C Avenue, submitted written testimony (**Attachment C**) and read from his statement. While he strongly supports the MUC zoning designation for this property and believes that the neighborhood would benefit from the commercial space, he speaks in opposition to this specific application on the grounds that the development is inconsistent with standards in the Land Development Code 3.20.40.01 (the 1993 LDC, as amended) regarding preservation of commercial land. Specifically, the proposal fails to comply with the MUC zone requirement for a commercial FAR of 0.25. One of the reasons the Planning Commission and City Council denied the previous Palazzo submittal was its failure to provide an adequate commercial FAR, without offering adequate compensating benefits. Mr. Bakalinsky disagrees with staff's logic in allowing the exclusion of the rail line easement from the total net lot area, and thereby finding that the 0.25 FAR requirement is met. He finds that this is a sleight of hand, and believes that the application should be preserving commercial space not by playing with numbers, but by designating more of the floor space in the proposed work-live units to actual commercial use. He urged the Planning Commission to deny the application.

Matthew Bolduc, 1020 SW 10th Street, submitted written testimony (**Attachment D**) and read from his statement. He asked the Planning Commission to deny approval, based on the grounds that insufficient vehicular parking has been proposed. The staff report suggests allowing a 10% reduction in parking due to its proximity to a transit stop and to

the fact that there is parking on one side of the frontage road, as based on Land Development Code 4.1.20.q.1 and a Land Development Code Administrative Decision dated April 25, 2008. Mr. Bolduc believes that the circumstances in this case warrant overriding this decision because of the long distance to the transit stop using a safe route, and the fact that the available on-street parking is on the north side of Western Boulevard. There is no marked crossing in the vicinity, and it requires a 4-plus block round trip to use a marked crossing. This would then be in conflict with Comprehensive Plan policy 11.4.1, which requires that the City " manage on-street parking to permit safe and efficient operation...." Additionally, there is very little on-street parking in the vicinity of the development site that is not already heavily utilized; thus, overflow parking will likely impact existing neighborhoods.

Mr. Bolduc stated that the floor plans of the residences are nearly identical to those shown to City Council during the Palazzo hearing, except the third bedroom has now been turned into a "great room." The City Council's finding at the time this concept was advanced with the Palazzo application was that the space would likely be used as a bedroom, leading to a higher parking demand. He believes that this logic still holds. Additionally, Mr. Hutchens stated that the FAR and parking were reasons for denial of the Palazzo application. Mr. Bolduc asked the Planning Commissioners to reference the formal findings from the City Council hearing which have been included in the staff report. Those were not the sole reasons noted. Mr. Bolduc also said that he worked in industrial noise and vibration mitigation for a number of years before moving to Corvallis, and he knows that lower frequency noise and vibrations, such as the rumbling of trains moving and colliding in a railroad switching yard, are extremely difficult to attenuate. The proposed construction of the east wall will have little impact on the noise and vibration. For this reason, the reduction in width of the landscape buffer is a bad idea. Mr. Bolduc believes that all of the requested variances are a result of trying to cram too much development on too little of a site. He **requested that the record remain open** so that he could submit additional evidence and testimony.

Commissioner Gervais asked Mr. Bolduc if he really believes that the 11-foot setback reduction would make a difference in terms of the impact of noise on the occupants. Mr. Bolduc said it would, and agreed to submit additional testimony in this regard.

Dale Hubbard, 927 SW 10th Street, read into the record the testimony submitted by Nancy Hagood, 750 SW C Avenue (**Attachment E).** She urged the Planning Commission to deny the application based on design issues, compatibility with the neighborhood, and safety concerns as delineated in her written statement.

Ruby Moon, 608 SW 7th, said that she has more questions and concerns now after listening to the testimony. She has lived on her corner of SW 7th and Western for 19 years and has considerable experience and knowledge about what goes on with traffic. Statewide Planning Goal 9 says that the City should consider economic development when reviewing land use applications. Providing unusable commercial space erodes the City's inventory of available land. Ms. Moon has had a business for 34 years, and has had as many as four businesses in three towns in many locations and sizes. She has also had several rentals in the area, including a live-work rental space. This proposed development is not a live-work situation as presented. The original live-work design was a two-story proposal, similar to what the Everett Station's live-work units were. Now it is four stories. These properties are required to have a 0.25% FAR, and she is very unclear about the mezzanine space. It looks like it is only accessible from the rear, and the space is

nebulous. It would seem easy to enclose this area and have it become another bedroom. In her calculations, there is really only about 475 square feet of usable space, eliminating the bath, stairwells and entryways from consideration. Ms. Moon does not understand how the City will enforce ownership of the building and what the uses will be. She knows of no artists who would be willing to own or rent a building of this type. Location is the first caveat of a business. There have been many businesses that have failed in this part of town.

Ms. Moon stated that traffic is a key issue, and she has seen many near-misses. As cars travel east, they have to flow to the right, and they often end up in the bike lane as they go around the curved area. If the traffic increases with the new driveway, the odds will go up for serious accidents. She said the issue of the accessway being closer than 150 feet to 7th Street will become an even greater issue when the new street goes in, and no one has talked about this issue. She wonders if this means they are going to totally eliminate development of the other piece of property. A Planned Development Overlay is about compromise, not about development optimization. The City needs something, but it ought to be decent and downsized.

Mark Knapp, 131 NW 4th #407, referred to Attachment D-1 in the application, the Existing Conditions map. Seventh Street has been vacated, and is not available for parking. He wonders why the big open spot north of Beekman's is not being used for parking. He believes this would be an ideal spot for parking for this neighborhood, instead of providing parking on this property. He said the applicant is caught between a rock and a hard place, and he has some sympathy. He supports the remarks by Alan Bakalinsky about the FAR, and the comments by Matthew Bolduc about the parking. Mr. Knapp said public interest would involve thinking outside the box in this case. He said It might be appropriate to re-zone this piece of property to something that would allow development without having to have an access off of Western Boulevard. This is the real deal breaker. The Oregon Department of Transportation has already declared that intersection of SW 7th and Western to be a real hazard. Adding an access point less than 100 feet away is a recipe for disaster. Mr. Knapp said the letter from the applicant's attorney, Bill Kloos, is very interesting. On page two, second paragraph, Mr. Kloos argues that, under State law, this application should be considered a supplemental application to the original Palazzo application. If the City agrees with this, then the Planning Commission and staff have 240 days in which to deliberate, which will give some time for flexibility.

Aronda Beagle, 750 SW C Avenue #35, said that Western Boulevard is a nightmare. She has a neighbor who gets groceries on her bicycle, and other neighbors who have to walk. She has to get off the bus by Benson's rug store, where there is a crosswalk and a light. She wants to make sure there is plenty of sidewalk room and plenty of consideration for people who cannot drive.

Karl Hartzell, 750 SW C Avenue, **(Attachment F)** said that a lot of his points have already been made regarding this development, but he would expand on the parking situation as it relates to the residential component of this development. He said the vibration and noise from the trains will likely lead to only students renting the units and typically, with students, there will be one car per student. The number of bedrooms will be equal to the number of cars. He said that though there are only two bedrooms, the "great" room would likely become a bedroom because of its proximity to a bathroom. Twelve parking spaces would then be needed; adding the 14 spaces for the commercial units adds up to 26 spaces. He said the need for this many spaces will cause parking spillover to adjacent areas. There

is little space available on 6th Street south of Western, and it cannot happen on 7th Street, so it will likely spill over to 6th Street north of Western. Mr. Hartzell said that there is, then, a safety consideration for people crossing Western Boulevard. In sum, he said parking is inadequate with this application, as it was with the last. In terms of the FAR, he agrees with others that the way the applicant calculated needed parking spaces is unacceptable. They have created more commercial space by increasing height in the building and picked a more favorable total lot size by excluding the rail easement area. If this area is included, the FAR would be 0.20. He said another issue that caused the previous incarnation of this development, the Palazzo, to be denied was that there was no market for live-work units. A case could be made that there is now even less of a demand for this type of unit. On these issues, and many more that have been addressed, he urged the Planning Commission to deny the application.

Commissioner Howell pointed out that the distance from the railroad to the building is not much closer than the distance from some of the existing houses along the east side of 6th Street. Mr. Hartzell agreed, and he added that most of the folks living in those houses are students.

I. Neutral testimony:

The Chair reminded people that speaking neutrally removes rebuttal rights.

Hugh White, 146 NW 28th Street, said he has owned the property at 540-550 SW Western Boulevard for 18 years. It was formerly the site of the A&W, and it is now the home of two houses with architectural features that reflect the historic district. There are six units, with a total of 13 bedrooms. There are 12 parking spaces, which is more than required by the Land Development Code. He said the two structures were designed to be constructed of foam block, and all of the bedrooms are on the far east side of the structures to be as far away from the railroad tracks as possible. In effect, there are two foam block walls on the west side. Mr. White said that, if this development is going to be a subdivision, then there will be CC&R's. He asked that some CC&R's be created that run with the land forever. The non-residential use of the mezzanine should be a restriction on the subdivision and set out in the CC&R's so it can be enforced. Additionally, the actual, permitted uses should be listed as part of the CC&R's. The CC&R's should also have a prohibition on eating and drinking establishments. He said he is familiar with the concept of a home business, and has constructed homes adjacent to arterials that have had a legal home business incorporated into them. If the live-work concept is the equivalent of a home business, then the CC&R's should have a restriction that the owner- operator of the business must live on the property. This is what is required under the home business provisions of the Land Development Code. Mr. White also questioned where in the process the recusal of Commissioner Weber had been set down. He suggested that there ought to be some part of the public hearing where a Commissioner recuses him/herself.

J. Commission questions of staff:

Commissioner Gervais asked what kind of analysis gets done when a development is right smack on top of railroad tracks. Staff said that the use is an allowed use on the site, and there are no other special considerations.

Commissioner Saunders asked whether emergency services had looked at the plans to determine if there was adequate access for their vehicles. Planner Young said that the

Fire Department had reviewed and approved the plans. In all likelihood, they would not need to use the parking lot to stage equipment.

Commissioner Saunders asked for an explanation of the letter received from Bill Kloos, attorney for the applicant (**Attachment G).** Attorney Coulombe said he would try to address some of the issues raised in the letter. He said his analysis holds that he does not believe ORS 227.184 is applicable. Mr. Kloos focused on one applicable subsection and disregarded another in his analysis. Assuming, though, that it does apply, it does not change the Planning Commission's consideration of this proposal to the extent that the applicant is asking what uses are applicable to the site. The Land Development Code has already indicated what the outright, permitted uses are. To that extent, Mr. Kloos confuses uses with a development proposal. It is not this body's responsibility to tell the applicant what their development should look like with respect to any particular use, especially in the context of discretionary standards that the Planning Commission would have to apply in approving the Conceptual and Detailed Development and Planned Compatibility Review. Attorney Coulombe would not advise the Planning Commission to take the 240 days; they should stick with the 120-day rule.

Commissioner Saunders then asked about the FAR calculation and whether staff had excluded the railroad easement area from the Palazzo application as well. Staff said they had. She then asked staff's thoughts on how the use of the mezzanine could be restricted. Planner Young said CC&R's and deed restrictions are mechanisms that could be used. The standard operating procedure is that if a land use application is approved, the applicant needs to conduct operations that are consistent with the approval. That requirement would be enforceable regardless of CC&R's or deed restrictions.

Commissioner Howell asked if it is typical to exclude undevelopable property from consideration in a FAR calculation, other than railroad easements. Planner Young said he could not think of any other examples. He said in this case, when staff reviewed the application, it was easily recognizable that the railroad easement was not developable in any way, and it is staff's belief that the land area is not a potential, commercially developable area. For this reason, it was excluded from the calculation. Manager Towne said that in the MUC chapter in the Land Development Code, there is a provision allowing for a variation to the FAR through the Planned Development process. That provision is not contained in the other Mixed Use chapters, but it is clearly in the MUC chapter. If the Planning Commission believed that the railroad easement should be included in the calculation, it is still within their purview to allow a variation to that standard.

Commissioner Gervais asked what the width was for the bike lane on the south side of Western, since there had been much testimony about its narrowness. Development Engineering Supervisor Jeff McConnell said that the bike lane is 5 feet wide. He said that the existing Land Development Code, Table 4.0-1, lists 6 feet as a prescribed width for this type of road, but has a footnote that states 5 feet is the minimum safe width. Typically, in these types of areas that already have development or are redevelopment sites, the City Engineer has taken the stance that 5 feet is more than adequate.

Commissioner Gervais asked for comment relating to the curvature of Western Boulevard and the testimony that it is difficult for cars to see without pulling out past the sidewalk and maybe even into the bike lane. Staff said they had had to look at the site overall and determine where the best spot for an access would be. It is the City Engineer's stance that access cannot be denied to any individual lot; this is one of those times when a compromise is required. The access is in the middle of the block. The curve is

unfortunate, but putting the access in that location is a compromise and a tradeoff for other site considerations.

K. Rebuttal by Applicant: None

L. Sur-rebuttal:

Deputy City Attorney Coulombe said it would be up to the Chair whether sur-rebuttal to staff's comments would be allowed, but technically there is no applicant rebuttal or rebuttal by anyone who spoke in favor of the application, and therefore no points for sur-rebuttal. Staff's comments are intended to assist both sides.

Chair Bird said that since the record was going to be held open, anyone testifying who wished to make additional comment could do so in written form.

M. Record held open/Additional time for applicant to submit final argument:

The record will be held open for an additional seven (7) days. The public has an opportunity for written comment until 5 p.m. on October 22, 2008. The applicant will have until 5 p.m. on October 29, 2008, for final arguments. Deliberations will be held November 5, 2008.

N. Close the public hearing:

MOTION: Commissioner Gervais moved to close the public hearing. Commissioner Saunders seconded the motion and it **passed** unanimously.

IV. OLD BUSINESS: None

V. NEW BUSINESS:

Planning Division Manager Towne said that the Storage Depot public hearing that was continued to November 5 has now been postponed until December 3.

VI. ADJOURNMENT: The meeting was adjourned at 9:30 p.m.

TESTIMONY RECEIVED
OCT 15 2008
Bishop
NAME

Western Station aka the Palazzo

According to the developers the reasons for the rejection of the Palazzo, now Western Station were:

1) Too much of a variance for the FAR
2) Parking issues
3) A market does not exist for true live/work units

There is more to the story. The general consensus from Planning Commission (June 2007) and City Council (Fall2007) was to downscale the development to minimize the impact on the adjacent neighborhoods. The developers have done just the opposite. They have maximized by adding another story which is called a mezzanine.

We are not opposed to a MUC development. We do however demand consideration for our neighborhood. This has been the message ever since the 1st submittal. It does not appear the developers have received that message.

3 Issues I wish to address:

1.) PD Overlay
2.) Live-Work units
3.) Proposed parking lot problems

PD Overlay –

The developers have violated LDC2.5.40.04 Review Criteria

a) Compatibility factors
    1. Compensating benefits for the variations being requested

And

the developers have violated LDC2.5.20h

"Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standard is met."

There are no compensating benefits. There have been no public meetings held with regard to this application for Western Station. In the variances being requested, we in the neighborhood have been offered nothing. This violates the philosophy of "give and take" inherent in this code. It has only been "take" by the developers.

The list of Deviations to Standards (variances) provided by the developers is incomplete. There are other variances which are embedded in the narrative such as the live/work term and the duplicity involved in the use of the railroad easement.

Live/Work Units:

This development plan violates LDC2.5.40.04 Review Criteria

a) Compatibility factors
    2. Basic site design – (The organization of Uses on a site and the Uses' relationships to neighboring properties)
    3. Visual elements – (Scale, structural design and form…)

These 4 proposed attached "live/work" units will be 4 stories high. This is more than one story above any existing buildings in the area. The duplexes to the east are 2 and one half stories, not 3.

b) Preserve the City's natural beauty…and by requiring that proper attention be given to the exterior appearance of structures, signs, parking, landscaping, and other improvements.

Response from developer's narrative:

"The proposed project will develop a vacant underutilized area with thoughtfully designed buildings that are visually integrated with each other and with the adjacent commercial uses."

Question:

Where are the other 3 or 4 story commercial buildings in the adjacent area? There are none. The lawn mower shop, Beekman Place, Thistle Dew Gardens, Densons, Stover/Ivey, Tico Electric, London's auto repair are all one story commercial buildings.

The proposed 4 story buildings also violate Comprehensive Plan, Article 3, Land Use Guidelines – 3.2.e and 3.2.g

#41. Approval Criterion from Western Station narrative

d. Promote and encourage conservation of energy

Developer's response: The proposed development will locate businesses in the same buildings as their owners, thereby reducing the need for commuting to get from their home to their workplace.

Comment:

The developers are using the Live/Work as a compensating factor. But Live/Work is a bogus term. Nowhere in the application is it stated that business owners will be required to reside above the business. The city has no codes governing live/work units. Thus, this live/work idea is unenforceable and an unenforceable situation should not be used to satisfy development criteria.

Because there is no way to enforce the live/work unit idea, if these buildings are sold, the owner cannot be forced to live on the premises. It's using a made up term, live/work, as a compensating benefit. Again, there is no code that enforces the live/work idea.

A possible scenario to this would be to first sell/rent the upstairs residential units. If the downstairs commercial unit does not sell/rent, the developers will come back to the city and ask for a modification of the code and the bottom units convert to residential.

The layout of the residential portion of the live/work units is not realistic. It is not family oriented; it is too big for a single individual; it is not couple oriented. What does that leave? Multiple residents sharing bathrooms and using the great room as a bedroom, more cars, more problems.

Many business owners like to leave their places of business in order to get away from it all for at least a few sleeping hours of the day or night. A live/work situation would be a nightmare, not a benefit, to many.

Live/Work Unit is a bogus term. While it would be nice to think that each of these 4 commercial units could be purchased by an artist, a coffee shop owner or wine store operator, these types of businesses have failed in larger square footage areas on Western Blvd. in the past. In the present economic dilemma who would have the money to buy one of these small commercial units, live in it and make enough money in such a small space to stay in it?

The developers attempt to justify Live/Work units with the Oregon Business Magazine August 2008 article entitled "Live-work units: a tiny, happy place for real estate" that they included in the application. This article states that live/work units are good for the people in real estate. There is no mention of any benefits for those who bought those units or what kind of shops were put in or how long they survived, what size the live/work units were, how many people lived in them etc. This article was solely a filler to fool us. It is completely out of context for Corvallis, Or.

Parking Lot considerations

The developers are asking for a Deviation to Standards with LDC4.1.40 – Standards for Off Street Parking and Access

a. Access to arterial, collector, and neighborhood collector streets
    2. Location and design of all accesses…shall be located a minimum of 150 feet from any other access or street intersection.

The developers are asking for a variance of 50 feet. This is a safety issue for drivers, pedestrians and bicyclists. The railroad that borders the west side of the property is accompanied by a curve in Western Blvd. which blocks vision. A vehicle coming out of the proposed driveway needs to be in the bicycle lane in order to see traffic, vehicular or bicycle or pedestrian, coming from west to east. This is a tricky and unsafe situation. The developers use the excuse for this variation to be due to the oddly shaped triangular piece

of land they are trying to develop. This is just one more reason why they need to minimize this development, rather than maximize it.

Violation of Comprehensive Plan 9.2.4 – Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

In this proposal there is one egress/ingress of 24 feet proposed. This drive narrows to 20 feet which is in violation of Comprehensive Plan 9.2.4. 20 feet is too narrow as this proposed section of the egress/ingress is between the proposed building and the railroad tracks. This is a safety hazard for cars, pedestrians and bicyclists.

A delivery truck going in and a 4 door pick-up truck or SUV would have a difficult time sharing this 20 foot space. There is very little turn around room in the parking lot itself. Where do the delivery trucks load and unload? There is a roll up door in the back of each commercial unit but there is also a parking space in front of it. No doubt a car will be in that space. For businesses that require a lot of deliveries, this arrangement won't work as Kevin Young stated on 10/1/08. Where and how do the delivery trucks turn around? How can they keep from blocking in parked cars? Western Blvd. cannot be used as a loading/unloading area. Basically, there is no loading/unloading zone provided under this plan.

Question:
What about space for emergency vehicles? Has the Fire Department looked at this parking area plan? I would like to request a fire department assessment.

There appears to be confusion in the Staff Report. It states "...Variations to building frontage, vehicle access drive width, landscape buffering and minimum sidewalk width are necessary to approve the proposed development plan. It does not appear to be possible, given the configuration of the development site and the site's access and frontage configuration to meet all standards of one development."

However, in the last sentence of the Staff Review, Staff says this is all OK.

Western Blvd. is a to---from street. It is not a street where people gaze, stop and shop unless there is on-street parking available. Beekman, Denson, Stovey/Ivey are all places where customers have a specific task in mind and these businesses are allowed parking in front. From the proposed Western Station parking lot, a driver will have to enter and exit from Western Blvd. The exit is particularly tricky and unsafe because it is difficult to see the traffic coming from the west due to the curve. Turning left out of the proposed driveway will require the driver to be in the bicycle lane.

Another Staff Review conflict:

LDC2.0.50.15 – Reapplication following denial

2. The applicant states "limited commercial uses to only those for which the LDC parking requirement is one space for 400 square feet of floor area."

On page 5 of Staff Review under the applicant's proposal, it states "An extra wide sidewalk (approximately 15 feet) will be provided in front of the storefront, so that businesses can accommodate outdoor dining."

With the off street parking spaces averaging to 3 per commercial unit, how can one expect to have a viable restaurant with outdoor, and presumably also indoor, dining? According to a conversation that I had with Kevin Young (10/1/08), there is no way a restaurant can go in one of these commercial units without a Condition of Approval. However in the Staff Review on page 79, #8, the Limited Commercial Uses does not mention an "Eating or drinking establishment" which suggests that this kind of establishment is not excluded. Bars and restaurants have a much higher parking requirement of one space per 50 square feet of dining and eating area.

See LDC4.1.30 Off-Street parking requirements

b. Commercial use types

12 Eating or drinking establishments

It is clear that a Condition of Approval that prohibits an "Eating or drinking" establishment at this site needs to be implemented immediately.

In summary:

This proposed development needs to be rejected by the Planning Commission. The proposal asks for too many variances without compensation (give and take) which violates LDC2.5.40.04 and LDC2.5.20h. The theory of Live/Work units is only an idea. It cannot be enforced under present standards. The ingress and egress to the parking area is too narrow and the parking lot itself is not only inadequate but provides a safety hazard.

Again, we are not apposed to a MUC development on this property. The past recommendations by the Planning Commission and by the City Council in 2007 have been to minimize this development, not maximize it. The developers need to go back to the drawing boards and come up with a plan that is compatible to the neighborhood.

Respectfully submitted:
Leslie Bishop

Western Station aka the Palazzo

LDC's and Comp. Plan requirements to be considered in proposed Western Station:

PD Overlay:

LDC2.5.40.04 Review Criteria
- a. Compatibility factors
  - 1. Compensating benefits for the variations being requested

LDC2.5.20h

Live/Work Units:

LDC2.5.40.04 Review Criteria
- a. Compatibility factors
  - 2. Basic design
  - 3. Visual elements
- b. Preserve the City's natural beauty....

Comprehensive Plan, Article 3, Land Use Guidelines
3.2.e and 3.2.g

#41 Approval Criterion from Western Station narrative
- c. Promote and encourage conservation of energy

Parking Lot at Western Station:

LDC4.1.40 Standards for Off Street Parking and Access
- a. Access to arterial, collector and neighborhood collector streets
  - 2. Location and design of all accesses...shall be located a minimum of 150 feet from any other access or street intersection

Comprehensive Plan 9.2.4

Staff review conflict:

LDC4.1.30 Off street parking requirements
- b. Commercial use types
  - 12 Eating or drinking establishments

L. Bishop

Addendum

Conflict of Interest regarding Patricia Weber

It may be OK for Patricia Weber to be both a Planning Commissioner and an employee of Devco, the engineering firm that is involved in the majority of developments in Corvallis. Of course, she must recuse herself from any hearings and voting involving Devco. However, for her to be the lead presenter for Devco, thus the developers, at a Planning Commission meeting crosses the line. It is similar to "inside trading" and should not be tolerated by Planning Commission or the public.

I was ready to submit my written testimony on Monday, Oct. 13th, before the Planning Commission meeting in order to make sure it was in the hands of the Commissioners before the hearing of Western Station on Wed. Oct. 15th. When I learned that Patricia Weber was going to be the developer's presenter, I held my testimony as I didn't want her to have access to my comments in advance. Is this the way the public process is supposed to work in Corvallis?

Respectfully submitted:

Leslie Bishop

PLANNING COMMISSION
TESTIMONY RECEIVED
OCT 15 2008
Bakalinsky
NAME

15 Oct 2008

To: Corvallis Planning Commission
From: Alan Bakalinsky, 750 SW C Avenue #4, Corvallis, OR 97333
RE: Western Station, (PLD08-00009, SUB08-00005, PCR08-00002)

My name is Alan Bakalinsky and I am a resident of Cedar Crest Apartments, located at 750 SW C Avenue, just west and south of the proposed development site. While I strongly support the mixed-used commercial zoning designation for the Western Station property and believe the neighborhood would benefit from the commercial space, **I speak in opposition to this specific application on the grounds that the development is inconsistent with standards in LDC 3.20.40.01 (1993 Land Development Code, as amended) regarding preservation of commercial land. Specifically, the proposal fails to comply with the mixed use commercial zone requirement for a commercial floor-to-area ratio (FAR) of 0.25. It offers less.**

The Corvallis Planning Commission reviewed a previous application by the owners of this property for a Conceptual Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review (PLD07-00004, SUB07-00001, PCR07-00003). The so-called Palazzo case was denied by a vote of the Planning Commission in August 2007. The subsequent appeal by the applicant was denied by the Corvallis City Council in October 2007.

While the original Palazzo application was denied for a number of reasons, one was its failure to provide an adequate commercial FAR. Further, the Council found that the compensating benefits offered then by the applicant to offset the requested FAR reduction were inadequate. How does the current application address this failure? The current plan tries to meet the FAR requirement by making the mezzanine level a commercial space. While helpful, this change alone is inadequate. By a kind of sleight of hand, the applicant calculates the FAR by excluding the rail line easement from the total net lot area. Through this adjustment and only through this adjustment is the commercial FAR requirement of 0.25 met. The Staff report supports this approach by stating on p. 14:

"Because the easement and rail line effectively preclude any further development in this area, the easement is not considered as part of the FAR calculation for this property."

By this logic, the required set-backs, parking, landscaping, and public utility easements could be similarly excluded from the FAR calculation because they effectively "preclude any further development." Where does this numbers game end? The net result is to increase the ratio of commercial space to total net area in the present application not by significantly increasing the commercial space, but rather by reducing the total area. Thus, the City's commercial land supply is diminished. Given the planned development overlay, and the requirement for a planned compatibility review, the development ought to be held to a higher standard. This application should be preserving commercial space not by playing with numbers, but by designating more of the floor space in the proposed work-live units to actual commercial use.

I urge the Planning Commission to deny this application.

Thank you for your consideration.

Testimony before the City of Corvallis ~~City Council~~ Planning Commission
Planning Case No. PLD08-00009, et al.
Matthew W Bolduc

PLANNING COMMISSION
TESTIMONY RECEIVED
OCT 15 2008
Bolduc
NAME

Good Evening.
My name is Matthew Bolduc; I live at 1020 SW 10th St.

I would like to declare that I am employed by the City's Engineering Division, but my work duties have no impact on this land use case.

I ask that you deny approval of the Western Station Conceptual and Detailed Development Plans, and thus the Subdivision Plat and Planned Compatibility Review, based on the grounds that insufficient vehicular parking has been proposed.

Please see the overhead [Overhead 1] for the applicable review criteria.

Staff Report suggests allowing 10% reduction in parking. This suggestions is based upon LDC 4.1.20.q.1 [star on overhead] and a Land Development Code Administrative Decision dated April 25, 2008. The administrative decision allows this 10% reduction in parking for proximity to a transit stop, "If a parcel fronts on a street where parking is allowed on one side of the street and Duplex Attached or Multi-dwelling development averaging three or fewer bedrooms per unit is proposed."

Because this parking reduction is based upon an administrative decision, I believe that the Planning Commission has the authority to override this decision in circumstances where the Planning Commission deems the decision inappropriate.

It is my believe that the current development should not be granted the 10% reduction in parking for three reasons.

1) The transit stop is on the north side of Western Blvd and the shortest safe pedestrian route to the stop is over 1700 feet. This is the distance a pedestrian has to travel to use the closest marked crossing of Western Blvd at 4th St (about a 6 block round trip). Western Blvd is a very busy street and continues to carry more traffic every year. The City should not encourage pedestrians to cross a busy arterial street except at marked crosswalks. Thus, it is my belief that the development does not meet the criterion for reduction of parking because the safe travel distance to the transit stop is over 5 times the maximum distance of 300 feet.

2) The on-street parking discussed in the Staff Report is on the north side of Western Blvd. These parking spaces are already utilized by patrons of the businesses immediately adjacent to these spaces. The shortest safe pedestrian route from Western Station to the on-street parking is over 1300 feet. (Again this distance is calculated using a travel path that crosses Western Blvd at 4th Street.) People parking on the opposite side of Western Blvd will most likely not walk what amounts to a 4-plus block round trip to use a marked crossing. Thus, allowing this reduction would lead to unsafe behavior. It seems to me that this would be in conflict with Comp Plan policy 11.4.1 [star on overhead], which requires that the city "manage on-street parking to permit the safe and efficient operation of the transportation system."

3) There is very little existing on-street parking in the vicinity of the development site. There is no room for parking on the un-paved 7th St. south of Western Blvd., nor is there parking on the

south side of Western Blvd, and 6th St. south of Western Blvd. is private and should not be relied on for parking. What on-street parking there is in proximity to the development site is already heavily utilized due to older residences with lack of off-street parking and university parking. Thus, overflow parking will likely impact existing neighborhoods, violating Comp Plan policies 11.4.2 and 11.4.3 and LDC sections 2.5.20.g, 2.5.40.04.a.1, and 2.13.30.05.c [star on overhead].

If the 10% parking reduction suggested in the Staff Report is removed, the required number of parking spaces is 20. Even with 20 spaces parking for the development may not be sufficient.

[Overhead 2]

The floor plans of residences in the current application are nearly identical to the floor plans shown by the applicant to City Council during the Palazzo hearing (land use case PLD07-00004). At this City Council hearing the applicant had suggested reducing the number of bedrooms from three to two and had done so by turning the bedroom on the first floor of each residence into a "great room." As you may have noticed, this "great room" concept has been repeated in the current application. Given the similarity between the floor plans, I believe the City Council finding shown on this overhead is still relevant. To quote the finding:

> *The Council notes that a number of persons testifying at the September 17, 2007, City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom, thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.*

I believe that this logic still holds, and that 1.5 spaces per dwelling unit is too low a value and is again grounds for denial.

The Staff Report states, "The applicant proposes to allow only those commercial uses within the development that have a parking requirement of 1 space per 400 square feet or more." I could not find where in the application this statement was made. In fact the introduction to the application states, "An extra wide sidewalk will be provided in front of the storefronts so that businesses can accommodate outdoor dining." Perhaps I am confused, but it seems to me that dining is consistent with an "Eating or Drinking Establishment," which has a parking demand of one space per 50 square feet of dining or drinking area. With such a high parking demand, a single restaurant could eat up the proposed 18 parking spaces.

The staff report "Recommended Condition of Approval" number 8 would limit commercial uses to those requiring 1 space per 400 square feet or more. I ask that you deny the application on the grounds of insufficient off-street parking, but if you must approve the application I ask that you do so only with a condition of approval similar to that recommended by staff.

As a final note, I would like to point out that most of, if not all, the requested variances are a result of trying to cram too much development on too little a site. A two story commercial building without any residences would do away with almost every requested variance. I will quantify this statement in my written testimony. I request that the record ~~be held~~ remain open so that further written testimony may be submitted. Thank you.

COMPREHENSIVE PLAN CRITERIA (POLICIES)

11.4.1 The City shall manage on-street parking to permit the safe and efficient operation of the transportation system.

11.4.2 The City shall adopt and implement measures that discourage nonresidential vehicular parking on residential streets and in other adversely affected areas.

11.4.3 All traffic generators shall provide adequate parking.

LAND DEVELOPMENT CODE CRITERIA

2.5.20 – PURPOSES Planned Development review procedures are established in this Chapter for the following purposes:

g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures;

2.5.40.04 - Review Criteria Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

a. Compatibility Factors -

1. Traffic and off-site parking impacts;

2.13.30.05 - Review Criteria Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

c. The proposed development shall not adversely affect traffic, parking, and access;

4.1.20.q. - Parking Reduction Allowed

1. A reduction of up to 10 percent of required vehicle parking **may** be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft. [*Emphasis added in* **bold**.]

CITY COUNCI NOTICE OF DISPOSITION 2007-116, FORMAL FINDINGS

Reason for Denial of Conceptual and Detailed Development Plan, Finding #3
The Council notes that the appellant at the de novo hearing at the City Council proposed a condition of approval that would reduce the number of bedrooms within the four residential units in the development from three to two. The Council notes that the appellant stated that the condition would reduce the parking requirement for the development such that the parking requirement would be met on site. **The Council notes that a number of persons testifying at the September 17, 2007, City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.** [*Emphasis added in* **bold**.]

PLANNING COMMISSION
TESTIMONY RECEIVED
OCT 15 2008
Hagood
NAME

From: Nancy Hagood, 750 SW C Avenue #17, Corvallis, OR
To: Planning Commission and Planning Department, City of Corvallis:
RE: **Western Station, (PL08-00009, SUB083-00005, PCR08-00002)**
Written Testimony regarding design compatibility/safety for Hearing 10/15/08

My name is Nancy Hagood and I live at 750 SW C Avenue #17 just west of the proposed mixed use commercial development. I cannot be at the hearing because of prior obligations and Dale Hubbard will be reading my testimony.

Concerns

The design for the proposed Mixed Use Commercial, Western Station, is not compatible to the three surrounding neighborhoods. Additionally, the site has only one entrance/exit which is less than the applicable 150 feet from a main intersection (SW Western and 7th). Combined with the inadequate design of the site, (with vision clearance obstacles) there are major safety problems with the site.

The developers are asking for deviations from the codes that benefit them while offering no on site compensations to the neighborhood **(LDC 2.5.20h and LDC 2.5.40.04a)**. Although Western Station should be a new application, it is too similar to the application, design and problems addressed by the City Council in their denial of the Palazzo application on October 16, 2007.

The City Council Notice of Disposition of 2207-116, Formal Findings: Reasons for Denial of the Plan Compatibility Review

Finding #6

The Council notes that written and oral testimony, as reflected in the minutes of September 17, 2007, City Council hearing, as well as written and oral testimony as reflected in the minutes of the July 1, 2007, Planning Commission hearing, <u>attests to the incompatible scale and design of the proposed development in relation to existing development in the area</u>. The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c., which states, in part, that structures are to be compatible with existing developments

Finding #7

The Council finds that the proposed development <u>does not adequately protect neighboring property owners and residents from negative impacts that</u> would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development, and is therefore inconsistent with criterion 2.13.30.05.b above

I urge the City Council to deny this application.

Design Issues/Compatibility to neighborhood

The surrounding neighborhoods exhibit homes and commercial buildings with architectural styles from before and around the turn of the 20th century such as Craftsman, Italianate, Bungalows, Queen Anne, Gothic Revival, etc. One example would be the Janus House (J.H. and Ethel Harris House) at SW 5th and Western. Other more recent structures are the Habitat for Humanity homes at SW 5th and B Street, the Hugh White apartments at the corner of SW

6th Street and Western, and the Corvallis Depot Buildings at 700, 780, and 800 SW Washington Street.

These neighborhoods and homes are historically and architecturally unique and give Corvallis a richness of culture and texture so different than other developed areas with the "Buildings on Steroids" or "McHouses" look that we are now seeing in Corvallis.

Surrounding the development are many buildings on the National Register of Historical Places. On 4/12/06 the City of Corvallis Historic Preservation Advisory Board wrote a letter to the City of Corvallis Planning Commission addressing their concerns about this property as part of the proposed 7th Street Station. They specifically wrote how the construction could affect the "streetscape and viewsheds (setting and contexts)" of the adjacent Avery Helms Historic District. (see letter, pages 5-7)

Western Station has a flat roof. It is an oddity in the three surrounding neighborhoods to have a commercial or residential building with a flat roof. They are peaked. The original design for this site was only two stories high, and then it was three. Now it is 4 stories and 45 feet tall. It will be the tallest building in the area. Most structures are not over two stories high. It is a visually massive block styled building broken up with only minor design variations.

The four connected units are presented as a "work-live" situation with the owner of the 2 commercial stories (ground & mezzanine) living above the upper residential stories (1 & 2) of each 4-plex. There is nothing written that enforces this scenario, thus the "single family dwelling" can become "multiple family dwellings", adding to the density of the site. The upper 2 stories are designed with a "great room" in addition to a living room area that can easily be converted to another bedroom, thus moving this into the "mini-dorm" situations we have seen in the areas surrounding Oregon State University. This building is zoned for Mixed Use Commercial, not residential. As seen at the City Council "de novo" hearing in September of 2007 the developers publicly manipulated their application to meet those residential needs, not commercial (see page 5, #3 of The City Council Notice of Disposition of 2207-116, Formal Findings: Reasons for Denial of Detailed Development Plan #3). Additionally, as we have documented in past presentations, these "multiple family" units often have multiple vehicles which affect traffic patterns and parking overflow problems into the surrounding neighborhoods.

The frontage set back of the site from Western Blvd. <u>is in violation</u> of Land Development Code for Pedestrian Oriented Design **(LDC 4.10.60.01.b)**. The Planning Staff are requesting a variation by manipulating the language of the law's intent. The site has 197 feet of street frontage, and the building is 85-ft long. Thus 85 divided by 197 = 43% of the site frontage width occupied, instead of 50% required by code, nor 52% of "developable site frontage" as described by Planning Staff.

This site is not compatible to the neighborhood (LCD: 2.4.20.d, 2.4.30.04.b, 2.5.20.g; The Corvallis Comp. Plan: 9.2.1, 9.2.2, 9.2.5; The Corvallis 2020 Vision Statement, Where People Live; and the Land Development Code 1993 as amended (MUC) 3.20.50.09a (1)).

Safety Issues

Western Station site has only one entrance/exit which is less than the applicable 150 feet from a main intersection at SW Western and 7th **(LDC 4.1.40.a(2))**. Western Boulevard, an arterial street, is not straight (contributing to vision clearance issues), has three rail road crossings (less than a block from the site), and has high traffic counts during peak hours (SW 7th and Western Traffic Counts: Dec. 2005, 910 vehicles/hr by Lancaster Engineering and Feb 2006, 772 vehicles/hr by Nancy Hagood). There are no traffic control devices at the intersections except for the rail road crossing turning north on 7th. This intersection can back up into existing traffic if a train comes though. This stretch of street (frontage of the site) can be very dangerous for vehicles, pedestrians and bicyclists. Cars often meander into the bike lane. It is difficult to make any left hand turn and it is extremely difficult to cross, especially for the handicapped.

The design of the MUC facing Western Boulevard has vision clearance issues **(LCD 4.1.40.c.1.)**. It is a tall, massive block-like building with narrow 7 foot setbacks. Adding to the vision problem will be trees, 6 foot wide continuous canopies (dividing ground/mezzanine), an outside eating area (competing with pedestrians for the 17 foot sidewalks), and bike hoops. Vehicles entering and leaving Western Station add to this congestion and confusion. Vehicles included would be for garbage, emergency, and deliveries. I am not convinced that with the narrowing of the driveway in back of the building **(Variation request LCD 4.4.20.03b)** plus the addition of needed parking spaces is adequate space and would cause large commercial vehicles to back out into the traffic onto Western **(LCD 4.1.40.d).**

These are major safety problems with this site that need to be addressed. A variance should not be given for Access to Arterial Street **(LDC 4.1.40.a (2))** or for Driveway Access Width **(LDC 4.4.20.03.b)** On page 44 of the Staff Report it says **(re: Related Comprehensive Plan Policy 9.2.4)** "None of the standards are fully met but all are accommodated to a meaningful degree." This is not acceptable.

In conclusion, Western Station is not in compliance with the land use standards and codes established for our community. The developers are asking for deviations from the codes that benefit them while offering no "on site compensations" to the neighborhood. The Planning Staff need to adhere to the codes and on site compensations **(LDC 2.5.40.04.a (1))** so that this site is a Mixed Use Commercial District and not another unneeded residential facility that will negatively affect the surrounding neighborhoods.

Again, I urge the City Council to deny this application.

Criteria: Compatibility to neighborhood

Land Development Code 2006

2.4.20.d: Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses.
2.4.30.04.b (2): (Review Criteria for Nonresidential Subdivisions) Visual elements (scale of potential development...
2.5.20.g: Provide greater compatibility with surrounding land uses than what may occur with a conventional project.
2.5.20.h: Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met
2.5.40.04a (1): Compensating benefits for the variations...
4.10.60.01 (b): ...at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone...

Land Development Code 1993, as amended (MUC)

3.20.50.09.a (1): Architectural compatibility between new developmental and adjacent residences (e.g. similar roof forms, windows, trim, and materials) is required...

Corvallis Comprehensive Plan

9.2.1: Land use decisions will protect and maintain neighborhood characteristics...
9.2.2: In new development, City land use actions shall promote neighborhood characteristics (as defined in 9.2.5) that are appropriate to the site and area.
9.2.5: Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas...

The Corvallis 2020 Vision Statement, Where People Live: "Corvallis in 2020 offers balanced and diverse neighborhoods, incorporating mixed-use, that is accessible to residents without driving, which form the building blocks that support a healthy social, economic, and civic life. Neighborhoods can be defined by the characteristics of neighborhood identity, pedestrian scale, diversity, and the public realm. These characteristics are protected and enhanced in existing neighborhoods and are included in the design of new neighborhoods."
A City of Neighborhoods: All development in Corvallis contributes to the creation of complete neighborhoods. Development standards have been created based on the characteristics of traditional Corvallis neighborhoods. These standards insure that development and redevelopment create, protect, and enhance neighborhood form while facilitating the community-wide needs to improve transportation choices, provide housing for a diverse population within safe attractive neighborhoods, and maintain resource lands, natural areas, and recreational open spaces

Criteria: Safety and access to arterial street

Land Development Code 2006

2.5.40.04.a(1) (Review Criteria—Compatibility Factors) Compensating benefits for variations being requested.
4.1.40a (2): ...Accesses shall be located a minimum of 150 ft from any other access or street intersection...

4.1.40.c (1): ...Vision Clearance Areas shall be provided at the intersections of all streets and at the intersections of driveways and alleys...
4.1.40.d For developments requiring four or more parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the City Engineer...
4.4.20.03.b: (Lot requirements- Access) Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless...

Corvallis Comprehensive Plan
9.2.4: Neighborhoods shall be pedestrian-oriented. Neighborhood development...

Land Development Code 1993 as amended (MUC)
3.20.50.09a (1): Architectural compatibility between new development and adjacent residences (e.g. similar roof forms...

City of Corvallis

12 April 2006

Historic Preservation Advisory Board

RECEIVED
APR 19 2006
Community Development

Planning Commission
City of Corvallis
c/o Community Development
501 SW Madison Avenue
Corvallis, OR 97330

Attn: Eric Adams, Associate Planner
Re: 7th Street Station proposal (Case #PLD05-00019, SUB05-00007, PCR05-00009)

This letter is intended to convey the advice and concerns of the Corvallis Historic Preservation Advisory Board (HPAB) in relation to the development plan proposed for the above noted project, which is immediately adjacent (to the west of) the Avery-Helms Historic District.

During the regular meeting of the HPAB, on 10 April 2006, public testimony during visitor propositions brought the attention of the Board to the development plan for 7th Street Station. That testimony addressed concerns about the scale, massing, and location of the development in relation to nearby historic structures and residential neighborhoods.

Board discussion following the public testimony focused on those aspects of the development plan for 7th Street Station that most immediately bear on the Avery-Helms Historic District—namely that portion of the project that:

a. faces on the access road that functions as a continuation of 6th Street south of Western Blvd and along the western edge of the historic district, or that

b. fronts on Western Blvd near the corner of Western and the access road that functions as a continuation of 6th Street south of Western.

The HPAB voted (5-1) to authorize me, as chair of the HPAB, to present the following concerns of the Board regarding the 7th Street Station development plan (see the minutes of the HPAB meeting for a more detailed discussion of these concerns):

a. The HPAB recognizes that the 7th Street Station project is not within the boundaries of the Historic District, but the Board is also concerned that the proposed development be considered in the context of how it will affect the streetscapes and viewsheds (setting and context) of the Avery-Helms Historic District.

b. Board members are concerned that the eastern portion of the project (that facing the access road that functions as a continuation of 6th Street) should not overwhelm the streetscape of that western edge of the historic district.

c. The Board asks that the Planning Commission consider how the massing, scale, and setbacks of the proposed development will affect the neighborhood setting of the streetscape along that access road, which marks the west-side entry into the Avery-Helms Historic District.

P.O. Box 1083, Corvallis, OR 97339-1083 Telephone (503) 757-6908 Fax (503) 757-6936

d. The Board notes that the applicant for the project currently underway at the SE corner of 6th and Western (which underwent extensive review and revision across numerous meetings of the HPAB), was required to orient that project toward the extension of 6th Street to the south of Western, so as to make it more sympathetic and compatible with the residential characteristics of that historic streetscape.

- The HPAB, in that process, required the applicant to revise the original design to include porches and sidewalks fronting on that streetscape.
- The applicant was understanding of the Board's concerns and sympathetic to the expressed concerns of the neighbors, and ultimately devised a plan that met those concerns, working in good faith with the City in this effort.
- A large, unbroken, multistoried massing of new construction immediately across the street would negatively impact the streetscape that this property owner worked so hard to protect, in concert with the efforts of City Officials and neighborhood representatives.
- The Board, therefore, asks the Planning Commission to consider ways in which the impact of this 7th Street Station development might be mitigated during this early planning stage, including the possibility of sidewalks and porches linking the eastern side of the proposed development to the residential streetscape of the western side of the Avery-Helms Historic District. This would maintain the neighborhood and community character of that streetscape and would protect the historic integrity of that streetscape.

e. The Board notes that the proposed project, to the degree that it impinges on the view down Western Blvd as one approaches 6th Street from the west, may potentially diminish or detract from views of the National Historic Register property located on the SW corner of 5th and Western Blvd. The Board, therefore, asks that the Planning Commission consider ways in which that impact might be mitigated during this early planning stage of the proposed project.

f. The board makes no specific recommendations as to the style, design, or materials used in the construction of the 7th Street Station development, except to ask that those elements that contribute to the streetscape along Western Blvd and along the extension of 6th Street to the south of Western be designed so as to minimize those components that detract from the viewshed of the historic district and that maximize the neighborhood feel and pedestrian-friendly continuity of the streetscape most immediately adjacent the historic district. Architectural sensitivity to and compatibility with the period and style of construction methods and materials that were in common use during the period of significance for the Avery Helms Historic District would be helpful in addressing these concerns.

Please let me know if you require any clarification on the points of concern noted above.

Sincerely,

Max G. Geier, Ph.D.
Chair, Corvallis Historic Preservation Advisory Board

PLANNING COMMISSION
TESTIMONY RECEIVED
OCT 15 2008
HARTZELL
NAME

Karl Hartzell
750 SW C Ave. #15
Corvallis 97333
October 15, 2008

Concerns Regarding the Proposed Western Station Development

In looking over the floor and site plans for the proposed Western Station development and comparing them to The Palazzo development plan which was denied by the Planning Commission and, then on appeal, by City Council a year ago, I see few if any significant changes which would make these units more compatible with the neighborhood, address concerns brought up a year ago, or raise the bar regarding the best use of an MUC zoning designation. What changes there are were mandated by a commercial floor area ratio (FAR) that was less than the mandated 0.25 in conjunction with residential floor area exceeding that of commercial, and some legitimate concerns about adequate parking given a proposed three bedrooms and an oft observed 1:1 ratio of bedrooms to cars in this university town.

To my perspective, nearly all of the issues which caused denial for The Palazzo are again at play with the Western Station proposed development. By adding a mezzanine level atop the ground floor commercial space, the FAR is now (just) met but residential area still exceeds commercial. More critical is the issue of parking. Though the residential second floor has only two bedrooms, I notice that the first floor residential area contains a space denoted the "great room" which in a student rental situation could easily be used as a bedroom since it is conveniently adjoined to a half bathroom. So I say that once again, adequate parking is not being provided given a likely 12 (but certainly 8) space demand for the residential portion and a mandated 14 spaces for a total commercial area of 5600 sq. ft. With only 18 parking spaces provided, parking would likely spill out to the adjacent areas of 6th and 7th streets or worse, to the north side of busy Western Blvd., thus creating unneeded congestion and certainly creating safety issues.

Il would also like to note that with a mezzanine level, Western Station is now 45 feet in height, causing it stick up an incompatible 15 feet above the tallest building in the neighborhood (at the SE corner of Western Blvd. and 6th St.) which I measured at 30 feet.

The third major reason for the denial of The Palazzo development was that a "market did not exist for true live/work units". Certainly this situation has not changed one year later and given the current unhealthy economic reality, a case could easily be made that that market is lacking even more at this point in time.

Sincerely,

Karl Hartzell

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4th STREET, SUITE 204
EUGENE, OR 97401
TEL (541) 954-1260
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E-MAIL BILLKLOOS@LANDUSEOREGON.COM

October 8, 2008

RECEIVED

OCT - 9 2008

Community Development
Planning Division

Mr. Kevin Young, Senior Planner
Planning Division
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

Re: Western Station Conceptual and Detailed Development Plan
Tentative Subdivision Plat and Plan Compatibility Review
(PLD08-00009, SUB08-00005, PCR08-00002) – Response to Staff Review Comments

Dear Mr. Young:

This letter responds to the City's completeness review comments to the applicant's invoking of ORS 227.184, the statute that authorizes an applicant to file a supplemental application for remaining permitted uses following the denial of an initial application. The City contended, in its completeness review comments, that ORS 227.1 84 does not apply to this application. As explained below, the case law does not support the City's position. The applicant here is entitled to the benefit of the statute. The City should process the present application as an ORS 227.184 supplemental application and either approve the proposed use or issue an approval for any or all other uses allowed in the zone.

The property was the subject of a consolidated application for a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review (PLD07-00004, SUB07-00001, PRC07-00003), known as "The Palazzo," filed in 2007. With Order No. 2007-116, the Corvallis City Council denied that application. That order explains that the tentative subdivision plat application was denied, in part, because it required a variation to the lot width standards, which was included as part of the also denied Conceptual and Detailed Development Plan. Order # 2007-116, page 6, Finding 4.

The applicant made some modifications to the original Palazzo proposal to address the issues raised in the denial and then filed the present application ("Western Station") for a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review that is the subject of this review. The application materials clearly state that the application is submitted as a "supplemental application" for purposes of ORS 227.184. Similar to the Palazzo proposal, the Western Station application also requests variations to the Tentative Subdivision Plat standards.

The statute at issue here is **ORS 227.184 Supplemental application for remaining permitted uses following denial of initial application**, which provides:

"(1) A person whose application for a permit is denied by the governing body of a city or its designee under ORS 227.178 may submit to the city a supplemental application for any or all other uses allowed under the city's comprehensive plan and land use regulations in the zone that was the subject of the denied application.

"(2) The governing body of a city or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 shall apply to a supplemental application submitted under this section.

"(3) A supplemental application submitted under this section shall include a request for any rezoning or zoning variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.

"(4) The governing body of a city or its designee shall adopt specific findings describing the reasons for approving or denying:

"(a) A use for which approval is sought under this section; and

"(b) A rezoning or variance requested in the application."

ORS 227.184 provides a fundamental stepping stone in the inverse condemnation landscape. Instead of requiring a property owner to file a never ending slew of land use applications to receive inevitable denials simply to establish an inverse condemnation claim, ORS 227.184 provides that, after making a good faith effort by filing one development proposal that gets rejected, a property owner can file a supplemental application that then says "well, if I can't do what I facially should be able to do, you, the city, must tell me what uses you will approve for my property, given the zoning, the comprehensive plan and applicable land use regulations."

The applicant here desires to utilize the truncated process provided for by ORS 227.184, relying upon the Palazzo denial as the permit denial required by ORS 227.184. With this letter the applicant renews its request for approval of the application, or for any and all other uses that the city will allow, including those that require further variances or zone changes.

The City's stated position in the completeness review comments to the Western Station application is that the prior Palazzo application for the same property was a "limited land use decision" instead of a "permit." Consequently, the City argues, the provisions of ORS 227.184 do not apply to the Western Station application because there was no prior denial of a "permit."

For your reference, ORS 227.160 defines "permit" as:

"(2) "Permit" means discretionary approval of a proposed development of land, under ORS 227.215 or city legislation or regulation. "Permit" does not include:

"(a) A limited land use decision as defined in ORS 197.015;

"(b) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

"(c) A decision which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or

"(d) An action under ORS 197.360 (1)."

There is no question that the Western Station proposal includes proposed development of land that are subject to, at least in components of the consolidated application, discretionary approval. The only real question is whether the Palazzo proposal, and for that matter this proposal, amounts to a "limited land use decision" and is, therefore, not a "permit."

The relevant portion of ORS 197.015 defines "limited land use decision" as:

"(12) "Limited land use decision":

"(a) Means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

"(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1)[.]"

We are assuming that, because the proposal includes an application for a tentative subdivision plat, the city considers the consolidated application, either entirely or in part, a limited land use decision that removes the proposal from the definition of "permit."

That position is erroneous because the decision regarding the subdivision application that was included in the Palazzo application does not constitute a "limited land use decision." The fact that approval of the proposal requires discretionary modification of the subdivision standards removes the subdivision application decision from the realm of "limited land use decisions" and makes it a "permit."

This principle, that tentative subdivision plats that require modification of the normal subdivision standards excepts the subdivision proposal from the normal considerations afforded to

subdivision applications, was established even before the concept of "limited land use decision" was created by the legislature. LUBA's *Bartels v. City of Portland*, 20 Or LUBA 303 (1990), decision concerned, in part, a subdivision application and whether it was entitled to the exception to the definition of "land use decision" then provided by Oregon statute. The Board explained:

> "The exception provided by ORS 197.015(10)(b)(B) does not apply to the decision challenged in this appeal because the decision involves, in addition to the tentative approval of a subdivision, preliminary approval of a PUD and approval of variances. Through preliminary approval of the PUD, a number of standards that would otherwise apply to the approval of a subdivision in the R-10 zone were modified." *Id.* at 307.

In *Nez Perce Tribe v. Wallowa County*, 47 Or LUBA 419, 436, *aff'd without opinion*, 196 Or App 787, 106 P3d 699 (2004), LUBA explained that these principles spelled out in *Bartels* apply to tentative subdivision plats with respect to whether a decision regarding a tentative subdivision plat can be considered a "limited land use decision." The Board explained that if other applications are processed at the same time as the subdivision application, the subdivision application decision can lose its "limited land use decision" status.

The principle was most recently applied in *Wasserburg v. City of Dunes City*, 52 Or LUBA 70, 78-79 (2006), where the Board held:

> "Because the PUD approval modifies the minimum lot size requirement that would apply without the PUD approval and because a zoning map amendment was required, the challenged decision is not a "limited land use decision," as ORS 197.015(13) and 197.195(1) use that term." (Citing *Bartels*.)

This is precisely the application context that existed with the Palazzo proposal and is present with this Western Station proposal. Both include multiple applications where the subdivision application cannot be approved solely utilizing the city's subdivision ordinance. *See Wasserberg*, 52 Or LUBA at 77. As LUBA explained in *Wasserburg*:

> "With the modifications made possible via the PUD approval, the proposal is now a blended proposal; it is both a subdivision and a PUD. A PUD is not among the type of development that qualifies as a "limited land use decision," as ORS 197.015(13) defines that term." *Id.* at 77-78.

This case law undermines the stated legal basis for the City's position. The Palazzo tentative subdivision plat decision was not a "limited land use decision." The Palazzo decision was a "land use decision," not a "limited land use decision." The Palazzo decision was a discretionary denial of a proposed development of land and was, therefore, also a "permit" decision that entitles the applicant to submit a supplemental application under ORS 227.184.

Even if the City were to be able to successfully argue that the Palazzo decision was essentially three separate decisions issued under one order and that the Palazzo subdivision application was a limited land use decision (a characterization that *Wasserburg* rejects), the Palazzo decision can form the basis for an ORS 227.184 supplemental application in this instance because those two other Palazzo "decisions" were not "limited land use decisions." They were, on their face, permit decisions.

The development proposal reflected in the Western Station Conceptual and Detailed Development Plan and Plan Compatibility Review is not dependent upon the creation of the four separate lots that the subdivision application would create. Even if the subdivision application were withdrawn by the applicant, or denied by the city, the other two components of the application could be approved, based on the authority of ORS 227.184. Absence of a subdivision would not affect how the property is developed.

The relevant statutory language and applicable case law do not support the City's position that the Palazzo decision was, in whole or in part, a "limited land use decision." It is evident from the caselaw cited above that the Palazzo subdivision decision was not a "limited land use decision" because of the modifications to the regular subdivision standards requested by the consolidated applications. The City should process the Western Station as an ORS 227.184 supplemental application.

Sincerely,

Bill Kloos

cc: Clients
Jim Brewer, City Attorney's Office

Excerpt from Draft Minutes of the November 5, 2008, Planning Commission Meeting regarding the Western Station application (PLD08-00009, SUB08-00005, PCR08-00002)

III. DELIBERATIONS - Western Station (PLD08-00008, SUB08-00005, PCR08-00002):

Chair Bird welcomed citizens and stated that the public hearing on this item was held on October 15, 2008. By request, the record was held open for seven days for additional written public testimony. The applicant's final written comments were received on October 29, 2008. Planning Commissioners have received both the additional testimony and the applicant's final written comments **(Attachment A)**. Deliberations will take place tonight.

A. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds

1. Conflicts of Interest: None.
1. Ex Parte Contacts: None.
2. Site Visits: None.
3. Objections on Jurisdictional Grounds: None.

Commissioner Hann said he was not in attendance at the October 15 public hearing. He has listened to the tapes of the hearing and will be participating in these deliberations.

B. Discussion and Action by the Commission:

Commissioner Howell referred to written testimony regarding noise impacts and a response from the applicant asserting that construction methods would compensate for the reduction in buffer width. He asked for a staff analysis. City Attorney David Coulombe suggested that the Planning Commission first decide if facts were submitted in the final written argument. If so, the Planning Commission could decide that it will not consider those facts or could reopen the public record to provide an opportunity for people to respond to the new information. Brief discussion followed.

In response to inquiries from the Planning Commission, Planning Division Manager Towne stated that Condition of Approval 7 is an acknowledgment that there are construction methodologies that could be used to reduce potential sound issues within the units. It would be possible to amend Condition 7 such that the sound attenuation resulting from such methodologies would equal or exceed the sound attenuation afforded by a 20-foot buffer. Development Review Engineer Ted Reese said this requirement would be demonstrable in looking at frequency and decibels.

MOTION: Commissioner Gervais moved that item C of the applicant's final written argument constitutes new facts and, therefore, shall not be considered in the deliberations this evening. Commissioner Howell seconded the motion.

Commissioner Howell said it appears that the first two paragraphs of item C are argument rather than facts. He proposed a **friendly amendment** to the motion so that the Planning Commission will not consider the facts in item C, beginning with the bolded language. Commissioner Gervais **accepted** the friendly amendment.

The motion **passed** unanimously.

Commissioner Hann referred to a public comment that this parcel is developable under existing Land Development Code standards and that the only reason to allow the requested changes is to maximize the potential development and profit from this land. He

asked if that is enough to justify approving the requested variations. City Attorney Coulombe stated that the Planning Commission should consider whether this application satisfies the relevant criteria. Whether one proposal is better than another proposal is not within the purview of the Planning Commission.

Commissioner Saunders asked for staff input regarding the requested variance related to access to the arterial street. Senior Planner Kevin Young said it is not possible to meet that standard on this site. Engineer Reese added that there is not enough frontage to meet the standard and that the City Engineer has indicated that access should not be denied to a parcel based solely on the inability to meet the standard. He noted that the proposed access would be designed to be safe. There are no problems with emergency access.

Commissioner Ridlington said there appears to be a large number of variances needed due to the size of the building. He asked if a smaller building would resolve some of the issues. Manager Towne said the number of variances requested are not necessarily too many compared to other applications. He noted that the Planning Commission should consider whether the requested variances are reasonable and whether reasonable compensating benefits are proposed. Planner Young added that many of the requested variances have to do with site frontage on Western Boulevard. A smaller building would not meet the requirement that at least 50 percent of the building be in front yard setback. He cannot say whether or not there is a design solution that would comply with all of the Code requirements.

In response to an inquiry from Commissioner Gervais, Manager Towne said the Floor Area Ratio (FAR) is how the goal of maintaining commercial inventory is addressed for these kinds of properties in this zone. He said the condition that would limit the types of units is not a variation from standards; it is a method of assuring the standard can be met. Staff analysis is that the FAR and parking requirements are met.

Commissioner Howell expressed concern that people exiting out of the driveway may not be able to see someone coming east on Western. Engineer Reese reviewed vision clearance requirements. He said he went to the site, parked approximately where the driveway would be, and went west on Western looking east. He could easily go over 250 feet and still see the entire car. If a motorist pulls up to the sidewalk, they can see 250 feet to the left. If the motorist proceeds slowly up to the curb, they will see even further.

Commissioner Howell asked if vegetation that might impact vision clearance would be evaluated by staff in the final design or if a condition is needed. Engineer Reese stated that, without knowing the legal ownership of the existing arborvitae at the SW corner of 7th Street and Western Boulevard, he does not know that a condition of approval could be fulfilled. Planner Young added that the landscape plan for the proposed development proposes lawn turf. He does not anticipate vegetation on this site being a visual obstacle.

MOTION: Commissioner Hann moved to approve the proposed Conceptual and Detailed Development Plan (PLD08-00009), to allow development of Western Station, as shown on Attachments A and J of the October 3, 2008 Staff Report. This motion is based upon the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion.

Commissioner Reese asked staff to comment on the intent of Land Development Code 2.13.20.c. regarding structures being compatible with existing development. Manager Towne read and reviewed the language and said it is up to the Planning Commission's

subjective review to determine what is and what is not compatible with the surrounding development. He noted that it is not expected that every purpose statement will apply to every development. Commissioner Howell said he thinks the intent of the language was to ensure development on neighboring properties is protected from negative impacts and that it is implemented in LDC 2.13.30.05.b.

Commissioner Ridlington said this has been described as a live and work place. He asked what that means and whether there should be a related requirement. Planner Young said the concept is that people can live upstairs and work downstairs. He is not aware of any criteria that would require that to occur. City Attorney Coulombe cautioned about placing requirements that someone live and work in a building. Manager Towne said there are no such restrictions requested by the applicant and none proposed by staff.

In response to inquiries from Chair Bird, Planner Young reviewed access to the mezzanine from the ground floor as shown in the floor plans. Commissioner Bird noted that there are no facilities on the mezzanine level. Planner Young said people could get to the ground floor internally and he would assume that access to facilities would be addressed in the lease agreements.

Commissioner Howell requested staff assistance in amending Condition 7 to ensure that construction methods will be equivalent to the sound attenuation provided by a 20-foot setback. Following brief discussion, the following language was proposed: "Acoustic Buffering in East Wall - Building permit plans shall include construction methods for the east wall of the proposed building to include sound attenuation methods that would equal or exceed the attenuation that would be afforded by a 20-foot wide vegetated buffer."

MOTION TO AMEND: Commissioner Howell moved to amend the motion by revising Condition 7 as stated above. Commissioner Reese seconded the motion.

In response to an inquiry from Commissioner Ridlington, Engineer Reese said he thinks the intent is clear and that it would not be difficult to hold the design professionals to this performance standard.

Brief discussion followed about whether the condition should specify a vegetated buffer, given that vegetation provides variable sound buffering. It was agreed to leave the word vegetation in the condition.

Commissioner Hann asked if both frequency and decibel would be covered under this condition. Engineer Reese said decibels measure the volume of sound and frequency measures the wave of the sound. Commissioner Hann said he would like more specificity in the condition of approval. Brief discussion followed.

There was a **friendly amendment** suggested and **accepted** that Condition 7 be revised as follows:

"Acoustic Buffering in East Wall - Building permit plans shall include construction methods for the east wall of the proposed building to include sound attenuation methods that would equal or exceed the attenuation that would be afforded by a 20-foot wide vegetated buffer. Calculations shall be measured in decibels through all audible frequencies."

The motion to amend **passed** unanimously.

Commissioner Gervais expressed concern about parking. She said it meets the requirements on the surface, but she thinks that the site is likely to be used as a rental property due to its proximity to the university. She expressed concern that parking impacts will restrict business and spill over to the neighborhood. Commissioner Howell said the live and work units are conceptual and provide the opportunity for that use. He said any kind of residential use on this site will have parking risks, and he is not comfortable using the proximity of the site to the university as a basis for decision.

Commissioner Ridlington asked if it is possible to make the bike path wider for safety reasons. Engineer Reese said staff had been unaware that part of the path was less than 5 feet wide. This has been put on the schedule and will be addressed this month when there is a dry weather opportunity.

Commissioner Saunders referred to the parking requirements in Condition 8. She asked if it would be possible to have a take-out eating establishment with no seating. Chair Bird added that the requirements as written would preclude a coffee shop which may be an amenity to this part of the community. Discussion followed regarding possible revisions to Condition 8 that would not preclude that type of use. The Planning Commission and staff worked to craft the following language:

"Limited Commercial Uses - To ensure that parking requirements shall be met on-site, only commercial uses with a parking requirement of 3.5 or fewer spaces are allowed per unit, based on standards within the Land Development Code."

MOTION TO AMEND: Commissioner Saunders moved to revise Condition of Approval 8 as proposed above. Commissioner Gervais seconded the motion and it **passed** unanimously.

Commissioner Howell initiated discussion about proposed Condition 15 **(Attachment B)**. City Attorney Coulombe suggested that the language could be incorporated into Condition 8. Following discussion, additional revisions to Condition 8 were proposed as follows:

""Limited Commercial Uses - To ensure that parking requirements shall be met on-site, only commercial uses with a parking requirement of 3.5 or fewer spaces are allowed per unit, based on standards within the Land Development Code. In addition, only commercial uses and no residential uses are allowed on the ground floor and mezzanine level of each unit.

The restrictions contained in this condition of approval shall be recorded as deed restrictions on each of the four new lots and recorded in conjunction with the final plat approval of the proposed subdivision.

In conjunction with the final plat approval, the applicant shall also record conditions, covenants, and restrictions (CC & R's) governing all lots and tracts within the proposed development to address maintenance obligations for Tract A. The CC & R's shall also include the requirements noted by the deed restrictions above. The required CC & R's shall be provided to the Planning Division Manager for review prior to recordation of the CC & R's, deed restrictions, and final plat."

MOTION TO AMEND: Commissioner Howell moved to further revise Condition of Approval 8 as proposed above. Commissioner Reese seconded the motion and it **passed** unanimously.

Commissioner Howell returned discussion to the vision clearance going west on Western. Engineer Reese said this could be handled as a staff related concern under vision clearance standards. Commissioner Saunders referred to public testimony that there have been accidents already occurring at this location. Staff said they are unaware of accident reports at this location.

Commissioner Howell stated that there was some testimony about the number of variances requested in this application, but this amount or more are frequently seen in applications. Many of the requested variances are based on the configuration of the site. There are weighing factors for putting a mixed use commercial center at this location to maximize use of the site. The long term goal of keeping the City compact is to maximize the use of each site. This does attempt to do that and the variations requested are in that spirit. There is no option to meet driveway entrance requirements on the site, so consideration must be given to the best reasonable place for safety.

The amended main motion **passed** unanimously.

MOTION: Commissioner Hann moved to approve the proposed Tentative Subdivision Plat (SUB08-00005), as shown on Attachments A and J of the October 3, 2008, Staff Report. This motion is based on the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion and it **passed** unanimously.

MOTION: Commissioner Howell moved to approve the proposed Plan Compatibility Review (PCR08-00002), as discussed in the October 3, 2008, Staff Report and Attachment J. This motion is based upon the staff recommendation to the Planning Commission. Commissioner Reese seconded the motion and it **passed** unanimously.

C. Appeal Period:

The Chair explained that the decision will be effective 12 days from when the Notice of Disposition is signed, unless an appeal is filed with the City Recorder.

Western Station
(PLD08-00009, SUB08-00005, PCR08-00002)

Testimony received prior to close of record at 5 p.m. on October 22, 2008, and

Applicant's Final Written Argument received October 29, 2008

Testimony Received Prior to Close of Record at 5 p.m., on October 22, 2008, for the Planning Commission's Public Hearing regarding the Western Station application (PLD08-00009, SUB08-00005, PCR08-00002)

Young, Kevin

From: Dale Hubbard [dhubbard@coas.oregonstate.edu]
Sent: Friday, October 17, 2008 9:32 AM
To: Young, Kevin
Subject: written testimony re: Seventh Street Station--correction

Attachments: IMG_1730.jpg; IMG_1731.jpg; ATT374382.txt

IMG_1730.jpg (2 MB) IMG_1731.jpg (2 MB) ATT374382.txt (66 B)

Hello Mr. Young,

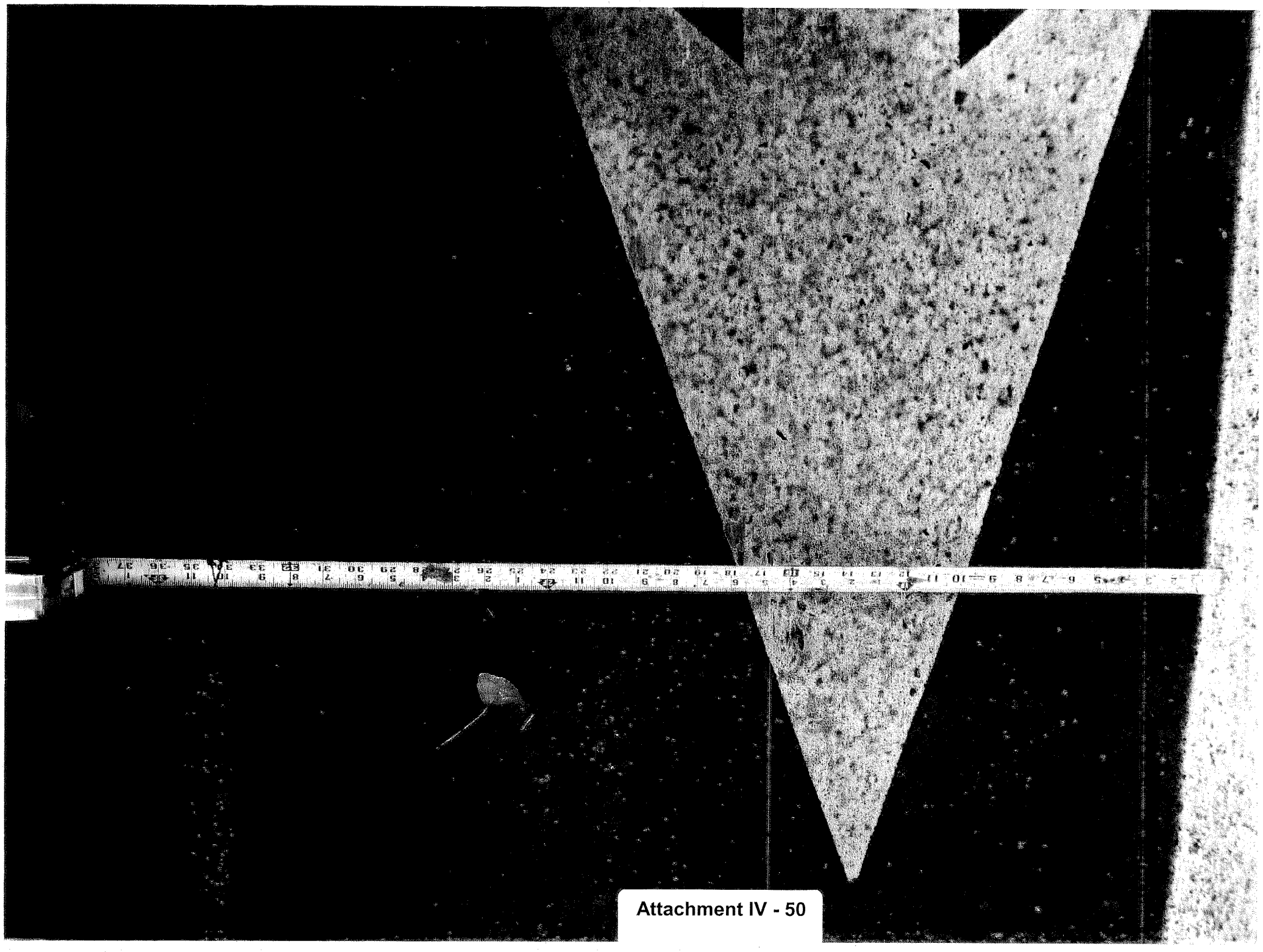
I'd like to submit a corrected version of my written testimony, edited to reflect the correct application name--Western Station, not Seventh Street Station.

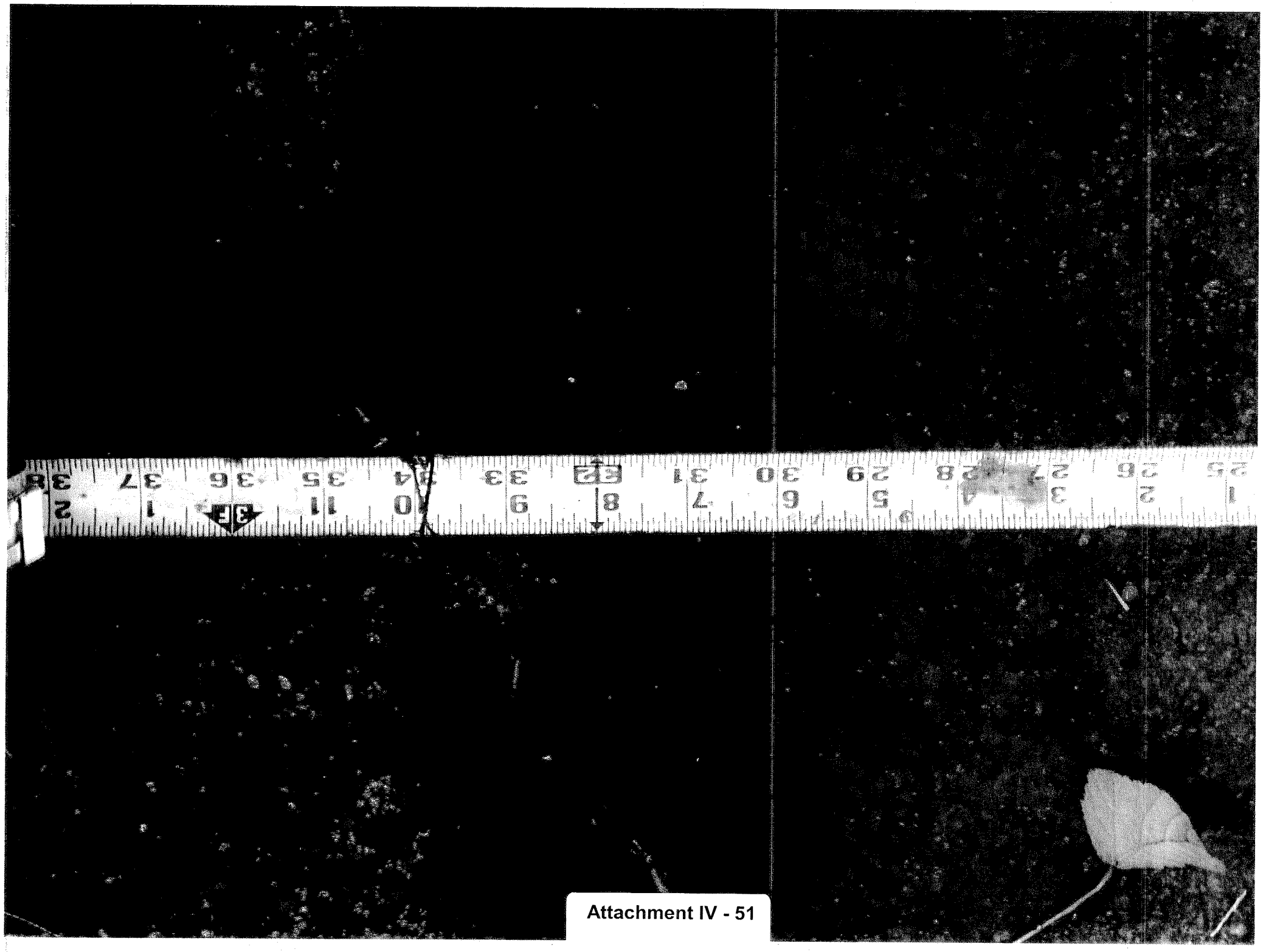
sincerely, Dale Hubbard

Begin forwarded message:

> From: Dale Hubbard <dhubbard@coas.oregonstate.edu>
> Date: October 16, 2008 2:51:14 PM PDT
> To: Kevin Young <kevin.young@ci.corvallis.or.us>
> Subject: written testimony re: Seventh Street Station
>
> Hello,
>
> My name is Dale Hubbard; I live at 927 SW 10th St. and I attended last
> night's planning commission meeting re: Western Station. I would like
> to submit the following written testimony to refute the claim made
> last night by Staff that the bike lane on the south side of Western
> Blvd., along the inside of the curve in the road, is five feet wide.
> I commuted to the meeting last night along that very bike path, and I
> can state with absolute certainty that the bike lane there is not much
> wider than my handlebars. I visited the site today armed with a tape
> measure and digital camera. The attached photos clearly demonstrate
> that the bike lane is 33" (thirty three inches) wide, not five feet!
> This in and of itself is a serious safety issue. Coupled with the
> higher traffic, increased congestion, and additional visual
> constraints that Devco's incompatible development will bring to the
> area, the potential for tragic accidents and costly lawsuits is
> greatly increased at this site. Please do not approve this proposal.
>
> sincerely,
>
> Dale Hubbard
>
> (PS--I would appreciate it if you would please confirm receipt of this
> written testimony)
>

Attachment IV - 49





Attachment IV - 51

Dear Planning Commissioners,

I was out of the country in Russia during the Planning Commission hearing, so I submitted this written testimony before the hearing through the web site from Community Development referring to the project: Western Station (PLD08-00009, SUB08-00005, PCR08-00002)

I clicked on the link provided for Kevin Young's email, copied the info into the text box and sent the email. The system apparently didn't work correctly because Kevin says he didn't receive the email, and my testimony didn't reach you before the hearing.

I am therefore resubmitting my testimony in written form and hand delivering it to ensure this problem does not reoccur. Please take the time to read & consider my testimony before you make your decision.

Thank you,
Sam Hoskinson

827 SW 10th ST
Corvallis, OR 97333
541-752-6578

RECEIVED
OCT 20 2008
Community Development
Planning Division

Cover

Sam Hoskinson 1/4

Testimony to Planning Commission by Sam Hoskinson

The Planning Commissioners need to look at this proposal, and then reject it, based on the purpose of the Planned Development Overlay.

> *Section 2.5.20 - PURPOSES*
> *Planned Development review procedures are established in this Chapter for the following*
> *purposes:*
> *a. Promote flexibility in design and permit diversification in location of structures;*
> *g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and*
> *h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.*

This proposed development is asking for variations that benefit ONLY THE OWNER'S PROFITS, but will also increase safety, compatibility and parking problems for all their Corvallis neighbors, including the future residents this site. Approving this development would allow the Planned Development Overlay to be used ...once again...to grant LDC violations without providing THE REQUIRED offsetting "on site compensating benefits to ensure the LDC intent is satisfied" for each and every LDC rule they violate. (LDC 2.5.20.h). This is not acceptable and is a violation of the LDC..

The variances proposed are clearly aimed at putting a residential property into a MUC zone to maximize profits, just like the last proposal which was rejected by Planning Commission and City Council.

Residential Housing isn't needed

City Council has recently ruled on the need for Residential Housing and the appropriate use of PD Overlays in the findings of an appeal concerning the other 7th Street property owned by this developer.
The Council found no need for additional residential housing, so it makes no sense to grant variances, convert commercial property to residential uses and to weaken neighborhood/city LDC protections for building usage that isn't needed.

> Corvallis City Council Notice of Disposition Order 2007-082
> Attachment A Page-6-ZDC07-000001 *The Council finds.....there is no longer a public need for additional Medium High and High Density Residential in this location or in the City.*

Attachment IV - 53

Sam Hoskinson 2/4

Comprehensive Plan Policies must be Resolved by PD Overlay and the Detailed Development Plan

The Council also stated that any unresolved Comprehensive Plan policies that weren't settled when the property was changed from General Industrial must be addressed through the PDO process and the Detailed Development Plan.

> Attachment A Page-7-ZDC07-000001 *The City council finds that such Comprehensive Plan policies must be addressed ...since they were intended to be addressed with the proposed development."*

Staff has not provided any assurance that the many Comprehensive Plan policies that were left unresolved when the property was rezoned from GI have actually been resolved with this plan.

> *Some unresolved Comp Plan Policies listed in the staff handout: 3.2.1; 3.2.3; 5.3.1; 7.5.5; 8.2.1; 8.10.4; .10.7; 8.10.9; 8.10.10; 8.14.3; 9.2.1; 9.2.2; 9.2.5; 9.3.210.2.9; 10.2.11; 10.2.12; 11.2.2; 11.3.4 ; 11.3.8 ; 11.3.9 ; 11.4.3; 11.4.5; 11.4.7; 11.5.12;11.6.6; 11.6.12; 12.2.5; 12.2.7*

Commercial Property must be "preserved" (Statewide Goal 9)

> LDC 1993
>
> 3.20.40.01 Preservation of Commercial Land Supply -
>
> *a. A minimum floor area ratio (FAR) of 0.25 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. (A minimum FAR of 0.25 would require that a 40,000 square foot lot would have at least 10,000 square feet of commercial uses.)...*
>
> *c. Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.*
>
> *Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.*

The Floor Area Ratio (FAR) and minimum % commercial rules are meant to preserve commercial land should not be ignored to build residential rentals (especially UNEEDED residential rentals). This property can be developed without weakening the LDC protections with variances or changing the method of calculating the FAR requirement for this one site. This developer simply wants to make more money by using their experience at abusing the PDO process to "push the envelope." The live/work fantasy description was shown to be totally meaningless at the Palazzo hearing. It is merely a catchy phrase that hides the developer's goal for this property: maximize residential rental incomes.

3/4

Jean Hankinson

The New LDC Required Give/Take (variance/compensation) Reporting Process needs Clarification

The Compensation Requirements are definitely not being met by this proposal, just like the previous proposal. With the previous proposal I blamed the problem on the newness of the code and staff's unfamiliarity with the requirements. Now, however, I begin to feel that staff does not wish to enforce the new LDC requirements for ON SITE COMPENSATIONS for any deviations in the normal LDC requirements. The purpose of the PDO is to come up with the best compromise solution for the city and community for "problem" properties, not the most profitable option for owners.
Staff should be instructed that the PDO is not a blank check to avoid LDC and Comprehensive Plan protections, but rather a **give/take** compromise to develop problem properties. To compare the tradeoffs, a **give vs. take** table should be provided by staff and included with the report to the Planning Commission. That is, a brief review of the negative consequences of each variance (**take** by developers), and a description of how the compensation (**give** to city and neighborhood) will alleviate the consequence or provide another benefit to the neighbors. This comparison will provide the Planning Commission and City Council with a clear comparison of the tradeoffs that are being proposed on which to base their decisions.
It should be clear to the commissioners that the variances of this proposal are all about **give** (maximizing the owner's profits) and ignoring **take** (consequences to the neighborhood for granting the variances.)

This Proposal is a Waste of Commercial Property and an Abuse of the PD Overlay Process

The MUC Property must be preserved for commercial uses or it is a clear violation of LDC, Comprehensive Plan Policies and Statewide Goal 9 (Economic Development.) The compensations offered were woefully inadequate and basically nonexistent. The residential usage proposed in place of the REQUIRED Commercial usage is not needed. This is a bad plan!

Please reject this proposal.

Thank you for the time and effort you give to our City,
Sam Hoskinson

Sam Hoskinson 4/4

RECEIVED

OCT 20 2008

Community Development
Planning Division

To: Corvallis Planning Commission

Re: Western Station

From: Leslie Bishop
827 SW 10th Street, Corvallis, OR 97333 541-752-6518

Thank you for your attention once again. I promise to make this short.

The perspective of the Planning Department expressed at the hearing on Western Station, Wednesday, October 15th astounded me. Planning Department's perspective looks only on how to fit something that is too big into a tiny space. Somehow Staff seems to think that it is OK to give variance after variance to this peculiar triangular piece of property which is surrounded by railroads on 2 sides and a busy boulevard on the third.

Wait, wait please. There is another perspective. This one uses common sense, considers safety issues, checks compatibility with the surrounding neighborhood (LDC2.5.40.04-a.2. &3), solves off-street parking problems (LDC4.1.30 – b) and problems in the parking lot itself, solves the 50 foot variance asked for when entering an arterial connector(LDC4.1.40 – Standards for Off Street Parking and Access –a. 2.) and widens, rather than narrows the ingress/egress (Comprehensive Plan 9.2.4) . What magical solution is this? MINIMIZE the development instead of making it so big that it has insurmountable problems.

This development can be built to code. It can still satisfy the principle of a MUC development. It just needs to be cut down in size. Build two commercial units of 1,000 sq. feet each, without a mezzanine, thus 2 to 2 1/2 stories in height, with 2 bedrooms each upstairs without a great room and the problems would resolve themselves.

Again, we are not opposed to a MUC development. We are opposed to this application because the developers are asking too much without any compensation to the neighborhood (LDC2.5.40.04 Review Criteria – a. Compatibility factors – 1). The problems can be solved. The developers were told this in 2007 when both Planning Commission and the City Council rejected the Palazzo for almost exactly the same reasons we oppose this current application.

While the CC&R's idea brought up by Hugh White at the hearing sound good, they are unenforceable. The red tape, time, possible court costs take time and energy that could be used for better things. This information comes from a former City Planner when the question of parking issues at Covey Row was asked several years ago.

Kindly turn this application down. Ask the developers to stop taking up our time, yours and ours. They need to downscale the development plan and propose building something sensible.

Thank you for your time and energy. We all appreciate your hard work even if we don't always say so.

Young, Kevin

From: matty b [bolducmw@gmail.com]
Sent: Wednesday, October 22, 2008 10:29 AM
To: Young, Kevin
Subject: Western Station - additional testimony - noise and compatibility
Attachments: Pages_from_CC_Packet_10-01-2007.pdf

Kevin, could you please enter this testimony into the record and pass along to the PC for planning case PLD08-00009, et. al.? Thanks much, Matthew

==========

Dear Commissioners,

During my spoken testimony at the 10/15/08 Planning Commission hearing I stated that I would like to submit additional testimony regarding the incompatibility of the rail yard switching noise with new residential uses. Notably, I feel that the reduction in setback from 20 ft to 9 ft at the eastern border is grounds for denial of the application.

I was hoping to submit calculations showing the amount of noise reduction gained by meeting the required 20 foot setback. Unfortunately, due to unforeseen circumstances that arose since that hearing, I have not been able to dig out the dusty text books and prepare new calculations. Instead, for a more general noise analysis of the site, I refer you to my written testimony submitted to City Council during the Palazzo land use case. (Attached to this email for your convenience, and included in this testimony by reference.) Given that the building layout has not changed between applications, this previous testimony is still applicable and I ask that you please review. Note that this previous testimony includes a number of Comprehensive Plan policies regarding noise impacts. Additionally, I'd like to point out that purpose b of LDC section 2.13.20 "Purposes" of a Plan Compatibility Review reads, "Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses." Please note the reference to "suitable sound" buffers.

Consider that the emphasis on residential uses in the Western Station development has triggered the need for a plan compatibility review. The purpose of a plan compatibility review is to ensure compatibility between uses both on and off the site. Therefore, it stands to reason that extra attention need be give to ensure the residential uses are compatible with other uses. Thus, the application should be taking extra steps to ensure compatibility of the residential uses with surrounding uses. Instead, the application wants to waive a setback that is meant as a minimum criterion for compatibility.

The extremely noise-intensive use of the GI property to the east (i.e., the railroad switching yard) is not compatible with the proposed new residential use even if the 20 ft setback was met. A reduction in this setback is far from keeping with the purposes of a plan compatibility review. Therefore, I ask that you deny the application based on its lack of compatibility with surrounding land uses, and therefore its failure to meet the requirements of the plan compatibility review.

Thank you for your time and attention.

Matthew Bolduc
1020 SW 10th St
Corvallis, OR 97333

24 September 2007

Matthew W. Bolduc
1020 SW 10th St
Corvallis, OR 97333

City of Corvallis
City Council
c/o Planning Division
P.O. Box 1083
Corvallis, OR 97339

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SEP 24 2007
Community Development
Planning Division

Re: The Palazzo (PLD07-00004)

Dear Councilors,

I ask that you deny approval of the Palazzo Conceptual and Detailed Development Plans, and thus the Subdivision Plat and Planned Compatibility Review, based on the grounds that a serious compatibility issue exists between the railroad switching yard bordering the property to the south, east and west and the proposed residential portion of the project. Specifically, the noise generated by very frequent railroad switching activities is a serious quality of life issue, and was meant to be addressed through the planned development process when the development site was rezoned in 2003 to PD(MUC).

Some of the following information is technical in nature. I hold a Master's Degree in Civil Engineering, am a licensed Professional Engineer in the State of Oregon, and have had experience working in the field of industrial noise reduction. Thus, I feel qualified to present this information. I have attempted to keep the discussion as simple as possible, and present the more technical calculations as an Appendix. Additionally, I feel that I should divulge that I am employed by the City of Corvallis Engineering Division, but my job duties in no way impact the outcome of this land use case.

According to the World Health Organization, excessive noise levels can interfere with communication, disrupt sleep, cause stress related physiological changes, and impair cognitive abilities.[1] The impacts of excessive noise on public welfare are also recognized by the City of Corvallis in the Comprehensive Plan. Comprehensive Plan Finding 7.4.g, reads, "Excessive sound is a hazard to the public health, welfare, safety, and quality of life of the community." Additionally, the following Comprehensive Plan Policies relate to noise and residential uses:

> **7.4.2** Future planning shall encourage the protection of both the citizens of Corvallis and the City's economic base. Noise-sensitive development such as schools and residential uses should not be located near existing or planned uses that have major noise impacts such as airports, major highways, loud recreational facilities, intensive industrial and commercial operations, unless noise mitigation features are incorporated into the project.
> **7.4.3** Where unusual or excessive noise impacts are anticipated from new development, acoustical analysis may be required of developers to determine if mitigation measures are warranted.

7.4.4 Noise abatement measures will be encouraged where higher intensive uses abut lesser intensive uses and where residential uses abut major roadways.
9.3.7 To the maximum extent possible in residential areas, glare from outdoor lighting shall be shielded and noise shall be limited.

Directly to the south, east, and west of the subject site is a railroad switching yard operated by Willamette & Pacific Railroad (W&P). W&P was not able to provide a schedule as to how often they use this switching yard, but as a neighbor I can attest that nearly every weekday morning, and most of the days when I take my lunch break at home, they are operating trains in the switching yard. In a letter from Oregon Department of Transportation Rail Division addressed to Kevin Young with the City Planning Division dated March 20, 2003, ODOT Rail states that, "The railroad, by virtue of interstate commerce laws, has the right to operate their facilities 24 hours a day, 7 days a week."[ii] A switching yard is a facility used to disassemble and reassemble trains into different configurations. Railcars are joined together by essentially crashing them into each other at a controlled speed, which is quite a noisy operation: a diesel locomotive idling (while cars are being un-hitched) is loud, a diesel locomotive under load (bringing the train up to speed) is louder, and the crashing of railcars (assembling the train) is louder yet. Thus, the switching yard is a noisy place and has the potential to be a noisy place 24 hours a day, 7 days a week, 365 days a year. I would wager that this is the noisiest industrial activity adjacent to residentially zoned land within the City limits. Living on the opposite side of 10th Street from the rail yard, I can attest that my windows rattle and loose items within the house shake when the railcars are crashing together.

Using standard engineering practices, it can be shown that the switching yard has the potential to cause an extreme nuisance for future residences on the subject property *if some sort of noise mitigation is not undertaken at the time of development.* The U.S. Department of Housing and Urban Development (HUD) has regulations governing allowable noise levels at building sites receiving HUD funding[iii]. The Federal Transit Administration provides a methodology for predicting noise levels adjacent to railroad switching yards[iv]. The attached Figures 1 and 2 show predicted noise levels as they relate to allowable HUD noise levels. HUD noise level recommendations are used for comparison because they represent a widely accepted predictor for the *maximum tolerable noise levels outside of residential housing.* Calculated, not measured, noise levels are used – as recommended by HUD – because calculations give a much better idea of the worst case scenario than the noise that happens to be generated on a single day of testing. See the attached Appendix for the calculations and a detailed description of the methodology. Please note that the information in the Appendix was presented as public testimony during the Planning Commission Hearing for Case PLD05-00019 by Andy Sagalowsky and is used here with his permission. Also note that I have checked the calculations and assumptions and feel that the analysis provides a reasonable prediction of potential noise levels.

The analysis shows that four hours of switching operations in a day (which I judge to be a reasonable approximation of the switching activities on a normal weekday) cause the day-night average noise levels across the entire site to be above 65 dBA. This level is considered "normally unacceptable" by HUD and would require some sort of noise attenuation. See Table 1 for a summary of HUD noise level regulations. A much worse case is the idling of a diesel locomotive for nine hours at night (which seems to happen on at least a couple of very

cold nights each year). This night time idling scenario results in the day-night average noise level to be above 75 dBA across the entire site, which is into the "unacceptable" range per HUD regulations. For a down-home comparison, LDC Section 4.9.60.02.h.1, governing Wireless Telecommunications Facilities, requires:

> A facility located on a site adjacent to a residential development zone or existing Residential Uses must limit noise levels to 35 DBA or less, as measured at the residential property line(s).

Thus, the potential exists for noise across the development site in excess of Federal (HUD) recommendations and far in excess of the only LDC referenced noise level (albeit for a different type of industrial land use).

During the hearing process that lead to this site being re-zoned from GI to PD(MUC), compatibility with the railroad switching yard was identified as an issue. Council's Order 2003-116, "Findings Relating to Comprehensive Plan Amendment – CPA01-00005," Finding number 9 reads in part:

> The Council notes that one of the key issues of compatibility will be with respect to the interface between the subject site and the industrial property to the east. Industrial properties are required to provide large buffers between themselves and residential properties. However, this same interface issue currently exists between the site and the properties to the west, which are designated as Medium and High Density Residential. The proposal will shift the issues from the west side of the subject site to the east side of the subject site. **The Council notes that the applicant has proposed a Planned Development overlay as part of the zoning designation request to address this issue on-site as part of future reviews for development on the site.** The Planned Development process would require a thorough review of traffic impacts and transition and buffer elements in conjunction with specific development proposals. [Emphasis added in **bold**.]

Additionally, compatibility between these uses was addressed in Council's Order 2003-116, "Findings Relating to District Change – ZDC03-00005," Finding number 6, which reads in part:

> ...the location of the subject site in close proximity to existing industrial uses points to the need for adequate buffering between future residential development on the property and adjacent industrial uses...**The Council notes that the proposed Planned Development Overlay zone will ensure that compatibility factors are considered prior to development of the property.** Based on this analysis, the Council finds that the requested zoning district designation will not result in compatibility conflicts regarding basic site design, noise attenuation, signage, lighting, noxious odors, landscape buffering, traffic parking, or air and water quality impacts. [Emphasis added in **bold**.]

From the above quoted Findings, it is obvious that in Order 2003-116, when re-zoning the 7th Street Station property, Council intended for the compatibility conflicts between the industrial and any residential uses to be addressed by the Planned Development overlay. Thus, these issues need to be addressed at this time. I ask that Council deny the application based on the fact that the noise compatibility issue has not been addressed by the current proposal.

I would like to state that I am not opposed to any and all development on this site. I believe that an all-commercial development would not be nearly as sensitive to the existing noise issue. Additionally, engineering practices exist that could be designed into the building to greatly reduce noise transmission from the outside. Thus, my current objection is to compatibility between the existing very loud railroad switching yard and the residential portion of the development.

To aid in your decision, I challenge you to visit the site during switching operations to hear for yourself how loud these activities can be. To determine when the rail yard will be operating, you can contact Willamette and Pacific Railroad by calling (541) 924-6565. Or, you can attempt to visit early in the morning, as most weekday mornings the diesel locomotive is on-site idling starting at 7:00 a.m. sharp.

I thank you sincerely for your consideration of this very serious community livability matter,

Matthew W Bolduc
1020 SW 10th St
Corvallis, OR 97333

Attachments: Tables 1 & 2
Figures 1 & 2
Appendix

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[i] World Health Organization. (1999). *Guidelines for Community Noise.* Geneva.
[ii] Refer to City of Corvallis Planning Division Case ZDC03-00005.
[iii] United States Department of Housing and Urban Development. (2004). *The Noise Guidebook.* Washington, D.C.
[iv] Federal Transit Administration Office of Planning. (1995). *Transit Noise and Vibration Impact Assessment, Final Report.* Washington, D.C.

TABLE 1

HUD SITE ACCEPTABILITY STANDARDS FOR OUTDOOR NOISE LEVELS

Site Acceptability Standards

	Day-night average sound level (in decibels)	Special approvals and requirements
Acceptable	Not exceeding 65 dB(1)	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB	Special Approvals (2) Environmental Review (3) Attenuation (4)
Unacceptable	Above 75 dB	Special Approvals (2) Environmental Review (3) Attenuation (5)

Notes.—(1) Acceptable threshold may be shifted to 70 dB in special circumstances pursuant to Section 51.105(a)

(2) See Section 51.104(b) for requirements.

(3) See Section 51.104(b) for requirements.

(4) 5 dB additional attenuation required for sites above 65 dB but not exceeding 70 dB and 10 dB additional attenuation required for sites above 70 dB but not exceeding 75 dB. (See Section 51.104(a).)

(5) Attenuation measures to be submitted to the Assistant Secretary for CPD for approval on a case-by-case basis.

Source: United States Department of Housing and Urban Development. (2004). *The Noise Guidebook*. Washington, D.C.

TABLE 2

SUMMARY OF NOISE LEVELS IDENTIFIED AS REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY

EFFECT	LEVEL	AREA
Hearing Loss	$L_{eq(24)}$ =< 70 dB	All areas
Outdoor activity interference and annoyance	L_{dn} =< 55 dB	Outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(24)}$ =< 55 dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	L_{dn} =< 45 dB	Indoor residential areas
	$L_{eq(24)}$ =< 45 dB	Other indoor areas with human activities such as schools, etc.

Explanation of Table 2:

1. Detailed discussions of the terms L_{dn} and L_{eq} appear later in the document. Briefly, $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents the L_{eq} with a 10 dB nighttime weighting.

2. The hearing loss level identified here represents annual averages of the daily level over a period of forty years. (These are energy averages, not to be confused with arithmetic averages.)

3. Relationship of an $L_{eq(24)}$ of 70 dB to higher exposure levels.

Source: United States Environmental Protection Agency Office of Noise Abatement and Control. (1974) *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with and Adequate Margin of Safety.* Washington, D.C.

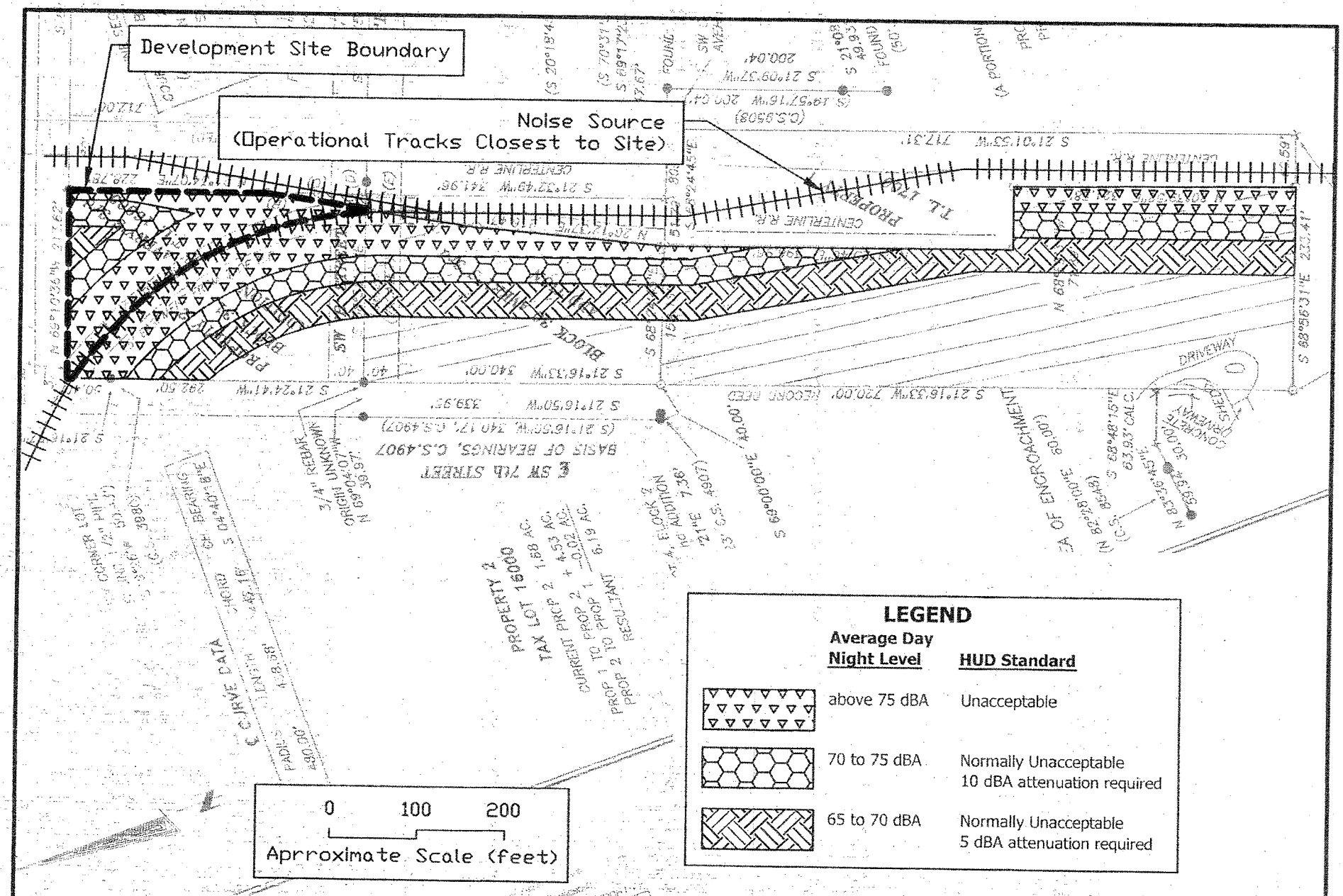

Figure 1. Day-night Average Sound Level Contours. Scenario 1: 4 hours of daytime switching operations.

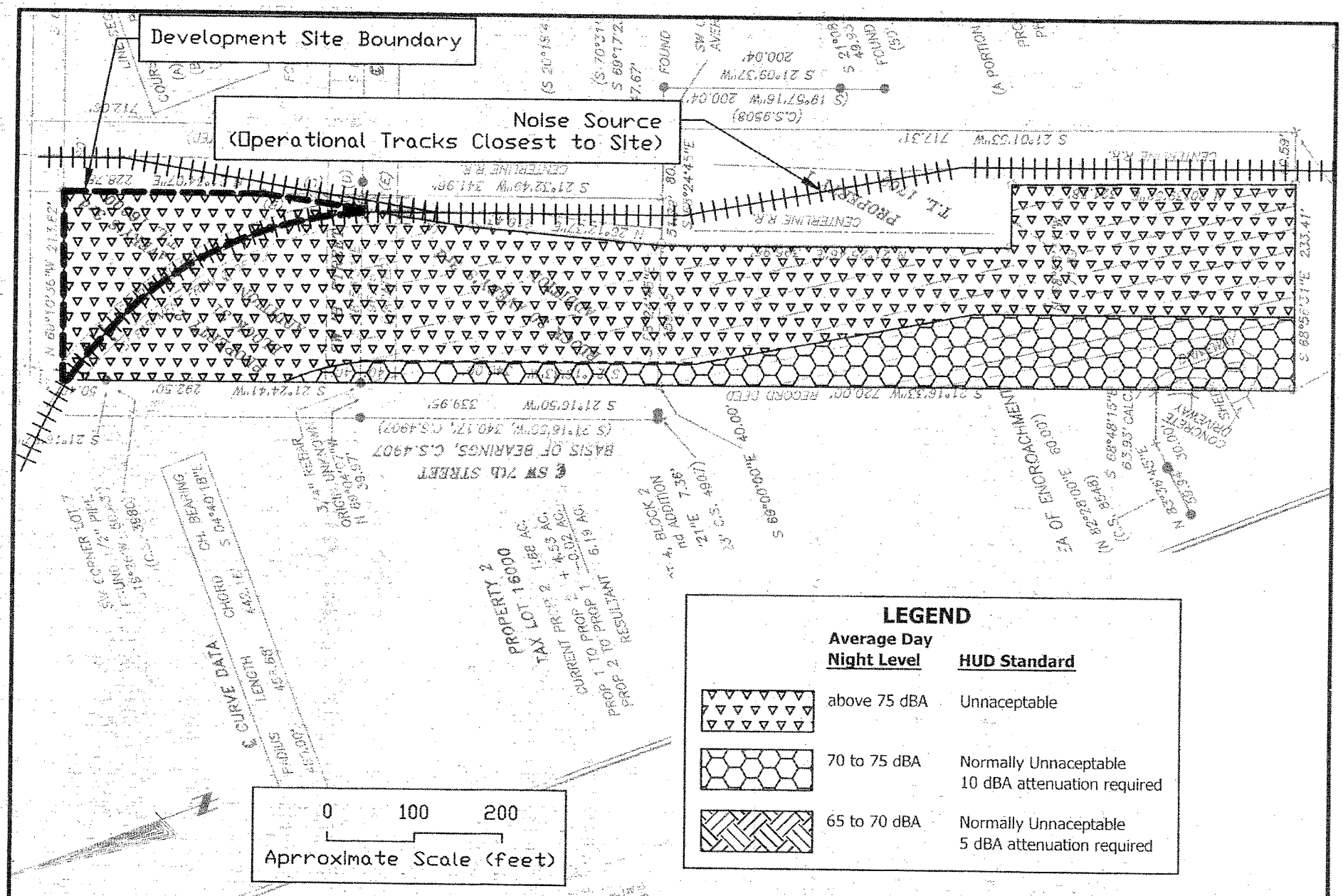

Figure 2. Day-night Average Sound Levels. Scenario 2: 9 hours of nighttime diesel locomotive idling.

APPENDIX

RAILROAD SWITCHING YARD NOISE CALCULATIONS

Summary: Standard engineering practices are used to determine potential noise levels generated by the active railroad switching yard adjacent to the development site. Noise contours are plotted to determine where outdoor noise levels meet acceptable levels established by U.S. Department of Housing and Urban Development (HUD).

References: Federal Transit Administration Office of Planning. (April 1995.) *Transit Noise and Vibration Impact Assessment, Final Report*. Washington, D.C.

U.S. Department of Housing and Urban Development Office of Community Planning and Development. *The Noise Guidebook*. Washington, D.C.

Operating schedules for rail yard vary and could not be provided by Willamette Pacific Railroad. Therefore assumptions need to be made regarding rail yard operations that impact noise level calculations. A number of neighbors who live in close proximity to the yard have observed two standard operating scenarios. A third, worst case scenario is also investigated:
Scenario 1: Approximately 4 hours of daytime operations.
Scenario 2: Idling diesel engine the entire night. This scenario is less frequent than scenario 1 and occurs only during the coldest nights of the year. approximately 4 hours of switching activities in a typical day of operation.
Scenario 3 (Worst case): 24 hours of continuous operations. This scenario is far beyond current yard operations, but there is no prohibition to it occurring at some point in the future.

Switching operations generate the loudest noise levels, but much of the current yard operations are simply an idling locomotive with intermittent switching. Because the objective is to obtain a reasonable operational noise estimate that does not inflate noise levels, and to simplify calculations, idling operations will be considered instead of a combination of idling and switching.

The Federal Railroad Administration, which governs interstate railroad traffic, recommends the use of Federal Transit Administration (FTA) procedures to determine noise levels generated by stationary rail facilities (http://www.fra.dot.gov/us/content/167). Chapter 5 of the FTA document entitled *Transit Noise and Vibration Impact Assessment, Final Report* provides a simplified procedure to estimate noise level contours generated by railroad switching yards. This procedure has been developed for the transportation planning process, and provides a well accepted mathematical model for establishing noise levels due to rail yard operations.

Noise level contours were plotted on the site plan. Contours assume that the noise source can be centered anywhere on the active railroad tracks adjacent to the site. It appears that two of the southwest most spurs in the switching yard are not utilized, so these tracks were not considered as a noise source location.

Scenario 1: 4 daytime hours of idling diesel locomotive

Determine reference sound exposure level at 50 ft

$SEL_{ref} = 116\ dBA$ (FTA table 5-5, One train with diesel locomotive idling for one hour)

Determine volume adjustment

$C_N = 10\log(2N_T)$ (FTA table 5-5, layover tracks)

where $N_T = N$ number of train per hour = 1

$\Rightarrow C_N = 10\log(2) = 3.0$

Determine hourly equivalent sound level at 50 ft

$L_{eq}(h) = SEL_{ref} + C_N - 35.6$ (FTA Table 5-6)

$= 116 + 3.0 - 35.6 = 83.4\ dbA$

Determine daytime equivalent sound level at 50 ft

$$L_{eq}(day) = 10\log\left[\left(\frac{1}{15}\right)\sum_{7am-10pm} 10^{L_{eq}(h)/10}\right]$$ (FTA Table 5-6, using 4 hours of daytime operation)

$$= 10\log\left[\left(\frac{1}{15}\right)\left(4*10^{83.4/10} + 11*10^{0/10}\right)\right] = 77.6\ dBA$$

Determine nighttime equivalent sound level at 50 ft

$$L_{eq}(night) = 10\log\left[\left(\frac{1}{9}\right)\sum_{10am-7pm} 10^{L_{eq}(h)/10}\right]$$ (FTA Table 5-6, using 0 hours of nighttime operation)

$$= 10\log\left[\left(\frac{1}{9}\right)9*10^{0/10}\right] = 0$$

Determine day night level at 50 ft

$$L_{dn} = 10\log\left[15*10^{L_{eq}(day)/10} + 9*10^{L_{eq}(night)+10/10}\right] - 13.8$$ (FTA Table 5-6)

$$= 10\log\left[15*10^{77.6/10} + 9*10^{0+10/10}\right] - 13.8 = 75.6\ dBA$$

$\approx 75\ dBA$

Determine distance of noise contours for 75, 70, and 65 dBA

$L_{dn}(new\ distance) = L_{dn}(50\,ft) - C_{distance}$ (FTA Section 5.3)

where $C_{80\,ft} = 5\ dBA$

$C_{120\,ft} = 10\ dBA$ (FTA and Figure 5-2, stationary source)

$\Rightarrow L_{dn}(80\ ft) = 70\ dBA$

$L_{dn}(120\ ft) = 65\ dBA$

Scenario 2: 9 nighttime hours of idling diesel locomotive

Determine reference sound exposure level at 50 ft

$SEL_{ref} = 116\ dBA$ (FTA table 5-5, One train with diesel locomotive idling for one hour)

Determine volume adjustment

$C_N = 10\log(2N_T)$ (FTA table 5-5, layover tracks)

where $N_T = N$ number of train per hour = 1

$\Rightarrow C_N = 10\log(2) = 3.0$

Determine hourly equivalent sound level at 50 ft

$L_{eq}(h) = SEL_{ref} + C_N - 35.6$ (FTA Table 5-6)

$= 116 + 3.0 - 35.6 = 83.4\ dbA$

Determine daytime equivalent sound level at 50 ft

$$L_{eq}(day) = 10\log\left[\left(\frac{1}{15}\right)\sum_{7am-10pm} 10^{L_{eq}(h)/10}\right]$$ (FTA Table 5-6, using 0 hours of daytime operation)

$$= 10\log\left[\left(\frac{1}{15}\right)\left(15*10^{0/10}\right)\right] = 0\ dBA$$

Determine nighttime equivalent sound level at 50 ft

$$L_{eq}(night) = 10\log\left[\left(\frac{1}{9}\right)\sum_{10am-7pm} 10^{L_{eq}(h)/10}\right]$$ (FTA Table 5-6, using 9 hours of nighttime operation)

$$= 10\log\left[\left(\frac{1}{9}\right)9*10^{83.4/10}\right] = 83.4\ dBA$$

Determine day night level at 50 ft

$$L_{dn} = 10\log\left[15*10^{L_{eq}(day)/10} + 9*10^{L_{eq}(night)+10/10}\right] - 13.8$$ (FTA Table 5-6)

$$= 10\log\left[15*10^{0/10} + 9*10^{83.4+10/10}\right] - 13.8 = 89.1\ dBA$$

$\approx 89\ dBA$

Determine distance of noise contours for 75, 70, and 65 dBA

$L_{dn}(new\ distance) = L_{dn}(50\,ft) - C_{distance}$ (FTA Section 5.3)

where

$C_{170\,ft} = 14\ dBA \Rightarrow L_{dn}(170\ ft) = 75\ dBA$ (FTA and Figure 5-2, stationary source)

$C_{290\,ft} = 19\ dBA \Rightarrow L_{dn}(290\ ft) = 70\ dBA$

$C_{440\,ft} = 24\ dBA \Rightarrow L_{dn}(440\ ft) = 65\ dBA$

Scenario 3: (Worst case) 24 hours of idling diesel locomotive

Determine reference sound exposure level at 50 ft

$SEL_{ref} = 116\ dBA$ (FTA table 5-5, One train with diesel locomotive idling for one hour)

Determine volume adjustment

$C_N = 10\log(2N_T)$ (FTA table 5-5, layover tracks)

where $N_T = N$ number of train per hour = 1

$\Rightarrow C_N = 10\log(2) = 3.0$

Determine hourly equivalent sound level at 50 ft

$L_{eq}(h) = SEL_{ref} + C_N - 35.6$ (FTA Table 5-6)

$= 116 + 3.0 - 35.6 = 83.4\ dbA$

Determine daytime equivalent sound level at 50 ft

$$L_{eq}(day) = 10\log\left[\left(\frac{1}{15}\right)\sum_{7am-10pm} 10^{L_{eq}(h)/10}\right]$$

(FTA Table 5-6, using 0 hours of daytime operation)

$$= 10\log\left[\left(\frac{1}{15}\right)\left(15*10^{83.4/10}\right)\right] = 83.4\ dBA$$

Determine nighttime equivalent sound level at 50 ft

$$L_{eq}(night) = 10\log\left[\left(\frac{1}{9}\right)\sum_{10am-7pm} 10^{L_{eq}(h)/10}\right]$$

(FTA Table 5-6, using 9 hours of nighttime operation)

$$= 10\log\left[\left(\frac{1}{9}\right)9*10^{83.4/10}\right] = 83.4\ dBA$$

Determine day night level at 50 ft

$$L_{dn} = 10\log\left[15*10^{L_{eq}(day)/10} + 9*10^{L_{eq}(night)+10/10}\right] - 13.8$$

(FTA Table 5-6)

$$= 10\log\left[15*10^{83.4/10} + 9*10^{83.4+10/10}\right] - 13.8 = 89.8\ dBA$$

L_{dn} for scenario 3 is approximately the same as scenario 2. The reason is that both scenarios have the same nighttime noise characteristics and the 10 *dBA* weighting for the nighttime hours causes nighttime noise to govern the result.

To: City Planning Commission

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OCT 22 2008

Community Development
Planning Division

From: Ruby Moon - 19yr homeowner at 7th and Western
608 S.W. 7th St
Corvallis 97333
753 7866

Re; Proposed building at 6th and Western

I spoke in front of commission re-guarding this proposal meeting Statewide goal #9 and "far". I hope you took in my testimony and won't ask you read it again; rather i want to speak to an issue that was not addressed in enough detail and that is the danger of the driveway access. I spoke about near misses i have seen and had at 7th and Western and the cars entering into the bike lane consistantly. The city testified it was 5' - well it's 3'. I spoke about the closeness of the driveway access to a new intersection at 7th and Western should the developers go forward with plans to build in the other parcel —

Attachment IV - 70

and i am sure they will. In that case how close will the drive be to the then much used intersection? 30 feet?

The intersection at 7th & Western works because only a few people use it and all of us with caution, as most of us are "mature". Adding more distractions to this area will cause more problems for drivers that appear to be already distracted.

Let's not be facing this issue again when the plans come in for developing the larger parcel. (I'm sure you remember 7th st. is vacated and thus only 1/2 useable for new road access to Western).

To point out the danger of that stretch of road i nearly had a truck in my bedroom last Friday nite. The vehicle driving west on Western missed the curve going straight into the tracks, crashing into pole, spinning around and ending

up on the curb across from me, - and this is not the first such accident I have observed here. (the last one had serious injuries).

Please give consideration to the danger of allowing a reduced setback from the current 7th and Western intersection to the proposed driveway. LDC 4.140 standards for off street parking and access Point A#2

Finally the plans as given could allow the owners, thru the single stair well, to combine this into one living space and i see no way to prevent that. The FAR is there to make sure what is proposed is reasonable not to manipulate to make "unreasonable" look like - "well maybe"!

Some real estate investments are just bad just like any investment - they don't come with a guarantee to make the top dollar but a smaller amount (SIZE) might do.

Thank you for all your volunteer hours!!

Young, Kevin

From: Mark Knapp [geocogent@yahoo.com]
Sent: Wednesday, October 22, 2008 4:46 PM
To: Young, Kevin
Subject: Western Boulevard

Kevin,

Here's another comment about PLD08-00009.

In response to questions from the Planning Commission at the October 15 public hearing, a traffic engineer stated that the eastbound bicycle lane in the vicinity of the subject site is never less than 5 feet wide on Western Boulevard.

That is incorrect. The bicycle lane is only three feet wide for several yards. Its narrowest point coincides with a bend in the road, which makes it doubly dangerous for bicyclists, because motor vehicle drivers often hug the right side of the lane as they speed through the bend.

I strongly oppose the development application, because the nonconforming driveway, so close to 7th and Western, would make a dangerous intersection even worse.

Mark Knapp

Attachment IV - 73

SCANNED
Date 10.30.08 By JLE

Applicant's Final Written Argument for the Western Station application (PLD08-00009, SUB08-00005, PCR08-00004) submitted October 29, 2008

DEVCO engineering inc. 245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

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OCT 29 2008
Community Development
Planning Division

October 29, 2008

Mr. Kevin Young
Senior Planner
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

SUBJECT: Western Station
PLD08-00009, SUB08-00005, PCR08-00004

Dear Mr. Young:

As rebuttal to written testimony received prior to the Close of Record at 5:00pm on October 22, 2008, we are submitting the following:

A. Letter by Leslie Bishop; suggest maximum number of stories.

The MUC Zoning District standard for building height is 45′ maximum and is not based upon the number of stories or floor levels. The Western Station building, as drawn in the application exhibits, is 43′ feet in height. The Palazzo building, as presented in previous applications, and resubmitted with the Western Station application, was 45′ in height.

B. Letter by Dale Hubbard; regarding bike lane width.

With the exception of an approximate 30′ stretch of bike lane on the south side of Western Boulevard along the inside of the curve adjacent to the 7th Street intersection, the bike lane adjacent to the Western Station property is 5′ wide. (Reference Photo No.1)

This narrow condition is a marking layout error as all bike lane and travel lane striping have been shifted approximately two feet to the south through the curve at 7th Street. (Reference Photo No. 2) There is a consistent curb-to-curb distance across the frontage of all the Western Station property. This striping layout error could be corrected and a full 5′ wide bike lane provided through the curve.

C. Letter by Matthew Bolduc; regarding rail yard noise.

In Mr. Bolduc's testimony concerning rail noise and its affect on compatibility between the new residential development and the adjoining industrial property, he correctly asserted that the intent of applying the Planned Development overlay on to this property was to "ensure that compatibility factors are considered prior to development of the property." He also asserts that "engineering practices exist that could be designed into the building to greatly reduce noise transmission from the outside."

The Land Development Code allows residential development in a Mixed Use Commercial zoning district to be constructed adjacent to industrial properties, provided that a 20' landscaped buffer is constructed. The applicant is proposing to reduce that setback to a 9' buffer, with the compensating benefit of providing additional soundproofing construction to the exterior walls of the residential structures that face the railroad.

The following calculations demonstrate that not only do the soundproofing construction methods proposed in Condition of Approval #7 adequately compensate for the reduction in buffer width, but actually exceed the sound attenuation that would be provided with a standard 20' landscaped buffer and standard exterior wall construction with no soundproofing, as would be allowed by the LDC and applicable building codes.

Sound levels decrease as they travel across distance in proportion to the square of the distance travelled. This decrease in level as a function of distance is characterized on a logarithmic, or non-linear, scale as decibels (dB). The mathematical equation that defines the quantity of loss is -6dB for every doubling of distance from a given point.

With respect to the landscaping of the setback distance, according to the American Society of Landscape Architects, adequate research has not been conducted which demonstrates the effectiveness of plants in controlling sound pollution. [1] *Therefore, in comparing sound loss between one size of landscaped buffer and another, the effect of the plants themselves is negligible, and only the effect of the distance can realistically be considered. It is important to note, however, that the psychological effect of planting is significant, as it has been found that by removing the noise source from view, plantings reduce human annoyance to noise. The fact that people cannot see the railway line generally reduces their awareness of it, even though the noise remains.*[2] *This indicates that the psychological benefits derived from a 9' buffer are in every way equal to the same benefits derived from a 20' buffer.*

Additionally, all building walls will reduce the transmission of sound by a certain amount, based on the construction methods used to build those walls. The amount by which the transmission of sound is reduced for a given wall construction assembly method is called its "Sound Transmission Class" rating, or STC rating. Appendix "A" demonstrates different STC ratings for various wall assemblies.

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[1] http://en.allexperts.com/q/Landscaping-Design-724/BUFFER-HIGHWAY.htm
[2] www.tshwane.gov.za/documents/noise/NoiseAppendixD.pdf

Figure 2 on Appendix "A" shows that using staggered stud walls can increase the STC rating of a wall anywhere from 8-12 dB. Additionally, Figure 5 indicates that the use of an additional layer or gypsum board also increases the STC rating of a wall from 1-5 dB. Therefore, the inclusion of the soundproofing measures required under Condition of Approval #7 will result in a decrease in sound transmission of approximately 9-17 dB.

According to the formula $\Delta D = 20\log(d1/d2)$ where ΔD is the change in decibel level, d1 is the first distance and d2 is the second distance, reducing the setback distance from 20′ to 9′ results in a gain in noise transmission of +7dB. However, since the soundproofing construction provides a reduction in noise transmission of approximately 9-17db, then the net change in noise from this compensating benefit is a loss of 2-10dB.

In fact, providing soundproofing construction at a 9′ setback will result in the equivalent noise loss that the construction of an equivalent landscaped buffer that would at a minimum be 25′ wide and could be up to 63′ in width. This Condition of Approval meets the concerns raised by the City Council at the time of the issuance of the Planned Development overlay, in that the compatibility between the residential uses and adjacent industrial properties are being effectively mitigated, in excess of what the minimum LDC requirements would entail. This satisfies the requirement in the Planned Compatibility Review portion of the LDC that requires "suitable sound buffers" between neighboring land uses.

If you have any questions, please do not hesitate to call me.

Sincerely,

Lyle E. Hutchens
Project Manager

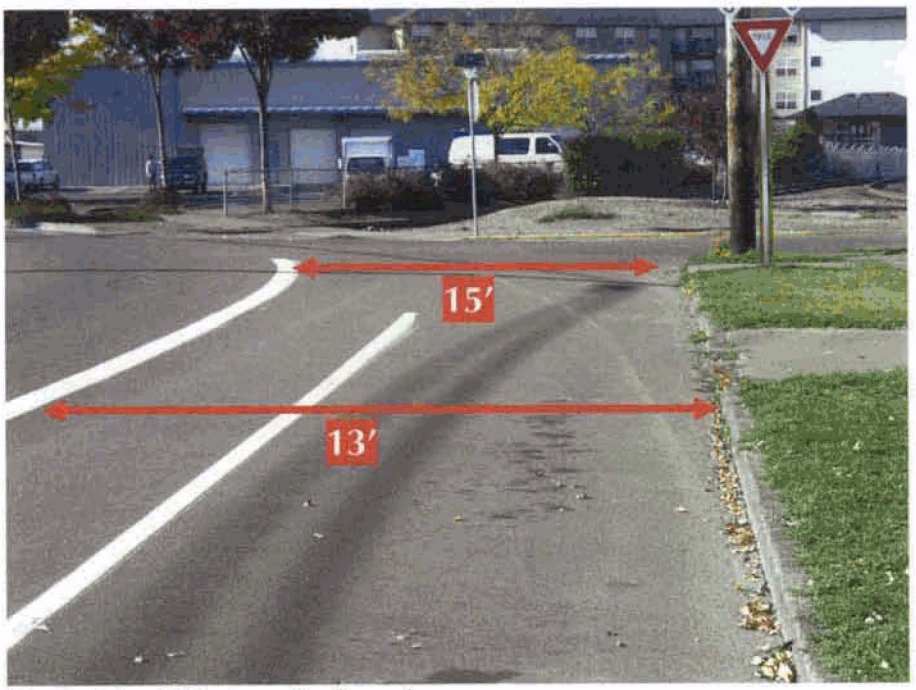
LEH/nre
04-433 kyoung 10-24-2008.doc

cc: Mr. Bob Cavell, 7th Street Station, LLC

Reference Photo No. 1

South side of Western Boulevard

Reference Photo No. 2



North side of Western Boulevard

STCratings.com

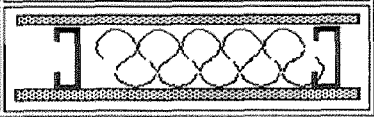
STC RATINGS FOR VARIOUS WALL ASSEMBLIES

Below are the STC ratings of various wall assemblies, each presented to help illustrate concepts, improvements and rules of thumb. The estimated ratings are based on laboratory test results from various compendiums of STC ratings. It is recommended to consult a professional acoustician for more detailed information or to analyze the specifics of your project/assembly.

To view different wall assemblies, click on each point below that may apply to your project.

1. Insulation will noticeably improve the STC rating of an assembly.
2. Staggered or double stud walls are higher rated than single stud walls.
3. Metal stud walls perform better than wood stud walls.
4. Resilient channel can improve the STC rating of an assembly.
5. Adding additional layers of drywall can improve the STC rating of an assembly.
6. Drywall between double studs can dramatically reduce the STC rating of an assembly.

1. Insulation will noticeably improve the STC rating of an assembly.

Description	Estimated STC Rating	Wall Assembly
3 5/8" metal studs, 5/8" gyp (2 layers total), No insulation	38 - 40	
3 5/8" metal studs, 5/8" gyp (2 layers total), Batt insulation	43 - 44	

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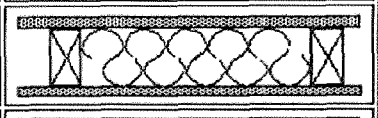
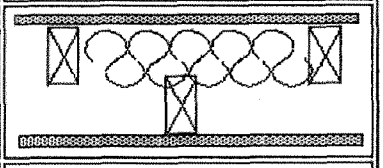
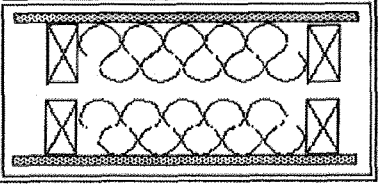
2. Staggered or double stud walls are higher rated than single stud walls.

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
Staggered studs, 5/8" gyp (2 layers total), Batt insulation	46 - 47	
2x4 studs, 5/8" gyp (2 layers total), Batt insulation	56 - 59	

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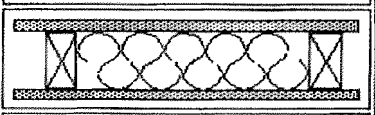
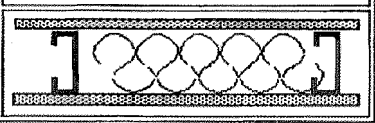
Attachment IV - 79

3. Metal stud walls perform better than wood stud walls.
(NOTE: This only applies to single stud assemblies. For double stud assemblies, there is virtually no difference.)

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
3 5/8" metal studs, 5/8" gyp (2 layers total), Batt insulation	43 - 44	

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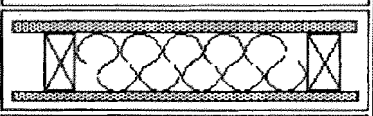
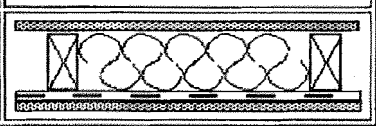
4. Resilient channel can improve the STC rating of an assembly.
(NOTE: These ratings are based on laboratory tests. Because of the special care required when installing resilient channels, actual results could be substantially lower.)

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
2x4 stud, 5/8" gyp (2 layers total), Resilient Channel, Batt insulation	45 - 52	

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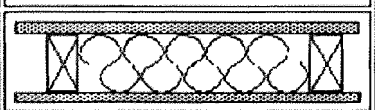
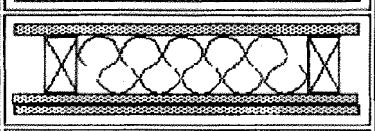
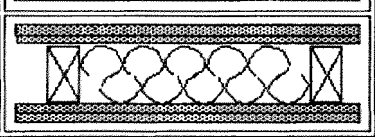
5. Adding additional layers of drywall can improve the STC rating of an assembly.

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
3 5/8" metal studs, 5/8" gyp (3 layers total), Batt insulation	39 - 40	
2x4 stud, 5/8" gyp (4 layers total), Batt insulation	43 - 45	

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6. Drywall between double studs can dramatically reduce the STC rating of an assembly.

Description	Estimated STC Rating	Wall Assembly
2x4 studs, 5/8" gyp (4 layers total), Batt insulation	44 - 45	

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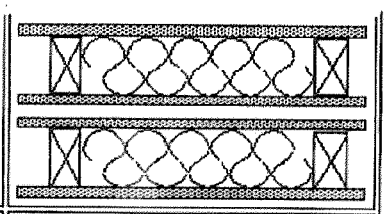
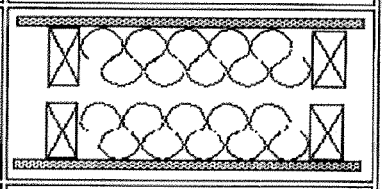
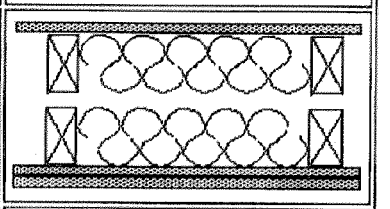
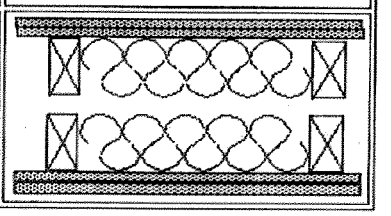
		
2x4 studs, 5/8" gyp (2 layers total), Batt insulation	56 - 59	
2x4 studs,5/8" gyp (3 layers total), Batt insulation	59 - 60	
2x4 studs, 5/8" gyp (4 layers total), Batt insulation	58 - 63	

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Rules of Thumb
Recommended Ratings
Weaknesses - What You Should Know
The difference between STC and NRC
STC Ratings for Masonry Walls
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Attachment IV - 81

Western Station - PLD08-00009, SUB08-00005, PCR08-00002

Potential Condition of Approval # 15:

Deed Restrictions and CC & R's - In conjunction with final plat approval of the proposed subdivision, the applicant shall record deed restrictions on each of the four new lots to require that no commercial use on the lot may have a parking requirement greater than 1 space per each 400 square feet of commercial space. The deed restrictions shall also state that only commercial uses, and no residential uses, are allowed on the ground floor and mezzanine level of each unit. The deed restrictions shall note that the City reserves the right to enforce these provisions for as long as any lot is subject to Planned Development PLD08-00009 and its related conditions of approval. The required deed restrictions shall be provided to the Planning Division Manager for review prior to recordation of the deed restrictions and final subdivision plat.

In conjunction with final plat approval, the applicant shall also record conditions, covenants, and restrictions (CC & R's) governing all lots and tracts within the proposed development to address maintenance obligations for Tract A. The CC & R's shall also include the requirements noted by the deed restrictions above. The required CC & R's shall be provided to the Planning Division Manager for review prior to recordation of the CC & R's, deed restrictions, and final plat.

Testimony regarding the Western Station Appeal
(PLD08-00009, SUB08-00005, PCR08-00002)
Received after release of the December 5, 2008,
Staff Memorandum to the Mayor and City Council,
but prior to the City Council's December 15, 2008,
Public Hearing

Western Station aka the Palazzo

According to the developers the reasons for the rejection of the Palazzo, now Western Station were:

1) Too much of a variance for the FAR
2) Parking issues
3) A market does not exist for true live/work units

There is more to the story. The general consensus from Planning Commission (June 2007) and City Council (Fall2007) was to downscale the development to minimize the impact on the adjacent neighborhoods. The developers have done just the opposite. They have maximized by adding another story which is called a mezzanine. While this 4th story may satisfy the FAR requirement, it introduces new problems and does not resolve the parking or safety issues.

The perspective of the Planning Department expressed at the hearing on Western Station, Wednesday, October 15th astounded me. Planning Department's perspective looks only on how to fit something that is too big into a tiny space. Somehow Staff seems to think that it is OK to give variance after variance to this peculiar triangular piece of property which is surrounded by railroads on 2 sides and a busy boulevard on the third.

Wait, wait please. There is another perspective. This one uses common sense, considers safety issues, checks compatibility with the surrounding neighborhood (LDC2.5.40.04-a.2. &3), solves off-street parking problems (LDC4.1.30 – b) and problems in the parking lot itself, solves the 50 foot variance asked for when entering an arterial connector(LDC4.1.40 – Standards for Off Street Parking and Access –a. 2.) and widens, rather than narrows the ingress/egress (Comprehensive Plan 9.2.4) . What magical solution is this? MINIMIZE the development instead of making it so big that it has insurmountable problems.

This development can be built to code. It can still satisfy the principle of a MUC development. It just needs to be cut down in size. Build three commercial units each with a mezzanine, and a 1 story, 1 bedroom residential apartment upstairs without a great room, thus honoring the concept of Live/Work. The building would be no taller than 3 stories. Many of the compatibility problems would resolve themselves.

3 Issues I wish to address:

1.) PD Overlay
2.) Live-Work units
3.) Proposed parking lot problems

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DEC 10 2008

Community Development
Planning Division

PD Overlay –

The developers have violated LDC2.5.40.04 Review Criteria

a) Compatibility factors
    1. Compensating benefits for the variations being requested

And

the developers have violated LDC2.5.20h

"Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standard is met."

There are no compensating benefits. There have been no public meetings held with regard to this application for Western Station. In the variances being requested, we in the neighborhood have been offered nothing. This violates the philosophy of "give and take" inherent in this code. It has only been "take" by the developers.

The list of Deviations to Standards (variances) provided by the developers is incomplete. There are other variances which are embedded in the narrative such as the live/work term and the duplicity involved in the use of the railroad easement.

Live/Work Units:

These 4 proposed attached "live/work" units will be 4 stories high. This is more than one story above any existing buildings in the area. The duplexes to the east are 2 and one half stories, not 3. The applicant's defense is that the proposed building will be 43 – 45 feet in height, thus within code. However, these compatibility issues are clear if one just stands on Western Blvd. and looks at the surrounding area.

This development plan violates LDC2.5.40.04 Review Criteria

a) Compatibility factors
    2. Basic site design – (The organization of Uses on a site and the Uses' relationships to neighboring properties)
    3. Visual elements – (Scale, structural design and form…)
b) Preserve the City's natural beauty…and by requiring that proper attention be given to the exterior appearance of structures, signs, parking, landscaping, and other improvements.

Response from developer's narrative:

"The proposed project will develop a vacant underutilized area with thoughtfully designed buildings that are visually integrated with each other and with the adjacent commercial uses."

Question:

Where are the other 3 or 4 story commercial buildings in the adjacent area? There are none. The lawn mower shop, Beekman Place, Thistle Dew Gardens, Densons, Stover/Ivey, Tico Electric, London's auto repair are all one story commercial buildings.

The proposed 4 story buildings also violate Comprehensive Plan, Article 3, Land Use Guidelines – 3.2.e and 3.2.g

#41. Approval Criterion from Western Station narrative

d. Promote and encourage conservation of energy

Developer's response: The proposed development will locate businesses in the same buildings as their owners, thereby reducing the need for commuting to get from their home to their workplace.

Comment:

The developers are using the Live/Work as a compensating factor. But Live/Work is a bogus term. Nowhere in the application is it stated that business owners will be required to reside above the business. The city has no codes governing live/work units. Thus, this live/work idea is unenforceable and an unenforceable situation should not be used to satisfy development criteria.

Because there is no way to enforce the live/work unit idea, if these buildings are sold, the owner cannot be forced to live on the premises. It's using a made up term, live/work, as a compensating benefit. Again, there is no code that enforces the live/work idea. Lyle Hutchens, (Devco), used the word "condo" at the Planning Commission meeting on Oct. 15, 2008, which infers that the residential and commercial units could be owned by different owners. There could be as many as 8 owners.

A possible scenario to this would be to first sell/rent the upstairs residential units. If the downstairs commercial unit does not sell/rent, the developers could come back to the city and ask for a modification of the code to convert the bottom units to residential.

The layout of the residential portion of the live/work units is not realistic. It is not family oriented; it is too big for a single individual; it is not couple oriented. What does that leave? Multiple residents sharing bathrooms and using the great room as a bedroom, more cars, more problems.

Many business owners like to leave their places of business in order to get away from it all for at least a few sleeping hours of the day or night. A live/work situation would be a nightmare, not a benefit, to many.

Live/Work Unit is a bogus term. While it would be nice to think that each of these 4 commercial units could be purchased by an artist, a coffee shop owner or wine store operator, these types of businesses have failed in larger square footage areas on Western Blvd. in the past. In the present economic dilemma who would have the money to buy one of these small commercial units, live in it and make enough money in such a small space to stay in it?

The developers attempt to justify Live/Work units with the Oregon Business Magazine August 2008 article entitled "Live-work units: a tiny, happy place for real estate" that they included in the application. This article states that live/work units are good for the people in real estate. There is no mention of any benefits for those who bought those units or what kind of shops were put in or how long they survived, what size the live/work units were, how many people lived in them etc. This article was solely a filler to fool us. It is completely out of context for Corvallis, Or.

Parking Lot considerations

The developers are asking for a Deviation to Standards with LDC4.1.40 – Standards for Off Street Parking and Access Standards

a. Access to arterial, collector, and neighborhood collector streets
    2. Location and design of all accesses…shall be located a minimum of 150 feet from any other access or street intersection.

The developers are asking for a variance of 50 feet. This is a safety issue for drivers, pedestrians and bicyclists. The railroad that borders the west side of the property is accompanied by a curve in Western Blvd. which blocks vision. A vehicle coming out of the proposed driveway needs to be in the bicycle lane in order to see traffic, vehicular or bicycle or pedestrian, coming from west to east. This is a tricky and unsafe situation.

A driver coming out of the proposed driveway and wanting to turn right or east also has limited vision due to the 2 utility poles, the large silver railroad electrical control box and the RR crossing arms. The developers are also planning on planting trees in the "planting strip" which will further obstruct the view. And finally, bicycle racks are proposed for this already congested area. As a consequence, an entire car traveling down Western from east to west could be obliterated from the driveway's view.

The developers use the excuse for this variation to be due to the oddly shaped triangular piece of land they are trying to develop. This is just one more reason why they need to minimize this development, rather than maximize it.

Violation of Comprehensive Plan 9.2.4 – Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian-based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

In this proposal there is one egress/ingress of 24 feet proposed. The developers are asking for a variance to narrow this drive to 20 feet which is in violation of Comprehensive Plan 9.2.4 and LDC4.1.40. By our calculations, this drive actually narrows to 18 feet but nonetheless, 20 feet is too narrow as this proposed section of the egress/ingress is between the proposed building and the railroad tracks. This is a safety hazard for cars, pedestrians and bicyclists.

A delivery truck going in and a 4 door pick-up truck or SUV would have a difficult time sharing this 20 foot space. There is very little turn around room in the parking lot itself. The interior of the lot is designed for 1 way traffic only on the west side. The natural tendency for the driver who enters the narrow passageway would be to turn left to look for a parking space. There is no way to know from Western Blvd. if there are any available spots. Once that driver turns left, he may find there are no spaces in that area. If this is the case, he will have to back up because he is not allowed to continue in forward motion due to the 1 way road in front of him. He will have to back up and turn around in a congested area in order to leave. Then the problems and "what-if's" begin.

If the parking lot is full and the Allied Waste truck is in the back emptying the dumpster and an emergency vehicle is needed, it will be very difficult to get everybody in and out of the area. Let's say the dumpster is full of packing materials from the commercial unit's waste, someone absent mindedly tosses a lit cigarette into the dumpster, a fire starts, the parking lot is full, a fire truck is trying to get in while cars in the lot are trying to get out---It all boils down to too much going on in too small of a space.

No design has been made for regular trash and recycling pick up. Since we must now use the large bins for these purposes, they will have to be placed on Western Blvd. On pick-up days, traffic on Western will be stopped while this necessary activity is going on. If these bins are incorrectly placed in the bike lane or dumped off in the bike lane after being emptied, this will be a set-up for yet another safety issue. Where will these large bins be stored the other 6 days of the week? They have to go behind the proposed building, thus further congesting the parking area. They cannot be left on Western Blvd.

Recycling:

The answers to the above considerations led to a phone call to Mark Wibbens, Route Supervisor, at Allied Waste. He said that no one from City Planning had shown Allied this proposal. He was sent a PDF map of the proposed development. With regard to recycling, he said that there is absolutely NO WAY his normal, large front loading trucks for trash and recycling will be able to get through the parking lot loop. This means that no recycling pickup from the parking lot is possible which means that recycling will have to be on Western Blvd. He doubts that a 3rd floor condo resident is going to drag his cart to Western for pickup, especially since there is no place provided for cart storage on non-pickup days. He believes that recycling just won't happen on the site.

Trash pickup:

Mr. Wibbens said he might be able to get his smallest rear load truck through the loop, but he is doubtful. Liability is a huge issue for his company and under the present plan he stated that he would never want his trucks to enter the parking lot because it is a guaranteed liability due to the angles…something would get damaged.

He further stated that the design makes no consideration for customer service needs or capabilities of their trucks and that the plan is probably the worst he has ever seen in that regard.

Subsequent phone calls from Mr. Wibbens to Kevin Young to Devco resulted in the possibility of locating an enclosed trash and recycle area coming off the egress/ingress to the east and fronting on Western Blvd. This would be an unsightly and incompatible addition to the neighborhood. It would also totally block the only ingress/egress at pick up times. This plan also eliminates some of the Open Space of the proposed development.

This issue needs to be further discussed in detail by City Council. Finally, if it had not been for our investigative action, the Planning department would have continued to be ignorant of this issue. Planning should have noticed this potential problem during its review.

Where do the delivery trucks load and unload? There is a roll up door in the back of each commercial unit but there is also a parking space in front of each door. No doubt a car will be in that space. For businesses that require a lot of deliveries, this arrangement won't work as Kevin Young stated on 10/1/08. Where and how do the delivery trucks turn around? How can they keep from blocking in parked cars? Western Blvd. cannot be used as a loading/unloading area. Basically, there is no loading/unloading zone provided under this plan.

Confusion in the Staff Report to Planning Commission:

It states "…Variations to building frontage, vehicle access drive width, landscape buffering and minimum sidewalk width are necessary to approve the proposed development plan. It does not appear to be possible, given the configuration of the development site and the site's access and frontage configuration to meet all standards of one development."

However, in the last sentence of the Staff Report, Staff says this is all OK and Staff approves the submittal.

Western Blvd. is a to---from street. It is not a street where people window shop. Beekman, Thistle Dew Gardens, Denson, Stovey/Ivey are all places where customers

have a specific task in mind and these businesses have on-street parking in front which is heavily used.

According to Ken Gibb in LDC Administration Decisions (April 25th, 2008), Attachment H-3 #2, "If a parcel fronts on a street where parking is allowed on one side of the street and Duplex, Attached, or Multi-dwelling development averaging three or fewer bedrooms per unit proposed, one of the 10 percent parking reductions described in LDC4.1.20q will be allowed if the associated relevant threshold in that section is met"

Mr. Gibb is incorrect in allowing this. It will encourage jay-walking across Western Blvd. which is a major safety issue. It also will eliminate parking spaces in front of viable businesses on the north side of Western.

Eating/Drinking establishments:

According to a conversation that I had with Kevin Young (10/1/08), there is no way a restaurant can go in one of these commercial units without a Condition of Approval. This Condition was never mentioned again; however, it is clear that a Condition of Approval that prohibits an "Eating and Drinking" establishment at this site should be implemented.

Western Station Condition of Approval #8 as amended by Planning Commission on 10/15/08 (from Staff report to City Council - Dec. 2008)

<u>Limited Commercial Uses</u> - To ensure that parking requirements shall be met on site, only commercial uses with a parking requirement of one space per 400 square feet or lower, (e.g. 1 space/600 square Feet per the Land Development Code, shall be allowed to locate within the commercial units at Western Station.

The intent of the above wording was to eliminate restriction on the number of eating/ drinking establishments (Planning Commission amendment - Oct. 15th, 2008). I remain perplexed as to why City Planning did not tell the Planning Commission that the City was going to recommend that there be <u>NO</u> eating/drinking establishments or at the very most, <u>one</u> such establishment, due to the parking issues.

With the passage of this amendment the eating/drinking establishments would require 3.5 parking spaces each = 14 spaces. This leaves 4 spaces for residential parking. This is absurd for two reasons:

#1 A viable eating/drinking establishment of 1,387 sq. ft. will need more than 3 vehicles of customers to stay in business and

#2 the residential units have 2 bedrooms at least, 3 bedrooms. at most using the great room as a bedroom. With 2 bedrooms, the parking required is 6 spaces. This = 20 spaces. Planning insists that only 18 are required because the developers get to subtract 2 spaces because of proximity to transit.*

While this maneuvering of numbers may come under code, it is not a real possibility. It only leaves 4 parking spaces total for the residential units or 1 car per unit which is less than the required 1.5 parking spaces per unit. If there were 2 cars per unit, this would add up to 8 parking spaces needed, for a total of 22 in all. If the great rooms are used as bedrooms which has been the history in Corvallis, especially in these economic hard times and high rents, a possible 4 more parking spaces would be needed, for a total of 26 in all. This is maximum of course but any way these numbers are manipulated, 4 spaces for 8 bedrooms are not enough. 4 spaces for a possible 12 bedrooms is absurd.

The real problem is this:

The developers are asking for the same number of off-street parking spaces in this revised submittal as they asked for in the Palazzo. That submittal was unanimously turned down by City Council due to parking issues (fall, 2007). But now they have added a whole additional story of commercial space in order to satisfy the FAR requirement. The potential occupants of the residential units are being robbed of residential parking by the greater need for commercial parking. It doesn't make sense that the same amount of parking that was deemed inappropriate for less square footage in the Palazzo is now considered ample for a much larger set of buildings.

*In fact, the closest transit stop which is safely accessible is 400 feet away. However, Planning Department member, Ted Reese, stated that it is not against the law to jay-walk in Corvallis (10/15/08-PC hearing). If one jay-walks, the transit stop is within the 300 foot distance required by LDC4.1.20q. However, this presents one more safety issue on Western Blvd.

In summary:

Again, we are not opposed to a MUC development. We are opposed to this application because the developers are asking too much without any compensation to the neighborhood (LDC2.5.40.04 Review Criteria—a. Compatibility factors – 1). The problems with this development can be solved. The developers were told this in 2007 when both Planning Commission and City Council rejected the Palazzo for almost exactly the same reasons we opposed this current application. The past recommendations by the Planning Commission and by the City Council in 2007 have been to minimize this development, not maximize it. The developers need to go back to the drawing boards and come up with a plan that is sensible and compatible to the neighborhood.

This proposed development needs to be rejected by the City Council of Corvallis. The proposal asks for too many variances without compensation (give and take) which violates LDC2.5.40.04 and LDC2.5.20h. The theory of Live/Work units is only an idea. It

cannot be enforced under present standards. The ingress and egress to the parking area is too narrow and the parking lot itself is not only inadequate but provides a safety hazard.

Respectfully submitted:
Leslie Bishop
December 9th, 2008

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: December 29, 2008

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director

SUBJECT: Written Testimony, Applicant's Response, and Staff Responses to Council Questions for Western Station Deliberations (PLD08-00009, SUB08-00005, PCR08-00002)

Please find attached the following materials:

1. Written testimony received after the December 15, 2008, public hearing, but prior to close of the record at 5 p.m. on December 22, 2008

2. The applicant's statement that no additional written arguments will be submitted, dated December 24, 2008, and

3. Staff's responses to City Council questions from the December 15, 2008, public hearing

Review and Concur:

Jon S. Nelson,
City Manager

Written Testimony Received Regarding the Western Station Application (PLD08-00009, SUB08-00005, PCR08-00002) After the City Council's December 15, 2008, Appeal Hearing, but prior to Close of the Record on December 22, 2008

From: Nancy Hagood, 750 SW C Avenue #17, Corvallis, OR
To: Mayor and City Council, City of Corvallis:
RE: **Western Station, (PL08-00009, SUB083-00005, PCR08-00002)**
Additional written testimony to hearing 12/15/08

Safety Issues

Western Station has only one entrance/exit that is 101 feet from the center of the main intersection of SW 7th and Western Boulevard to the center of the proposed driveway. From near edge to near edge it is only 88 feet (both statements per Kevin Young of the Planning Department 12/8/08). The applicable code required is a minimum of 150 feet **(LDC 4.1.40.a(2)).** This is a treacherous block with a high traffic count, no pedestrian crosswalks or signals, a 30 degree curve that naturally leads vehicles into the bike lane in front of the development. Eastbound and westbound Bicyclists are riding their bikes for safety on southern sidewalk of the development. There are a plethora of visual clearance issues surrounding the driveway (add the addition of garbage bins). A variance should not be given for Access to Arterial Street.

Staff needs to adhere to the codes and on site compensations **(LDC 2.5.20.h and LDC 2.5.40.04.a (1))** so that this site is a predominately Mixed Use Commercial District of not such high density or inappropriate uses that it negatively affects the surrounding neighborhoods with parking, traffic, and safety issues. Compensations need to improve "safety", or "compatibility" etc. We welcome a Mixed Use Commercial District that compliments our neighborhoods not a giant eco-footprint that disrupts it **(LCD 2.5.20.g).**

On page 44 of the Staff Report it says **(re: Related Comprehensive Plan Policy 9.2.4)** "None of the standards are fully met but all are accommodated to a meaningful degree." This is not acceptable. Again, I urge the City Council to deny this application.

Thank you for all your volunteer time and attention to this important matter.

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To: City Council
From Ruby Moon
608 S.W. 7th St, Corvallis
RE: Proposed building at 6th and Western

Pictures delivered to Mayor in C.D form on 12/19 and a PDF with explanations of pictures will be submitted to Planning Dept. on Monday

I would like to address the questions from the council members.

As to the mezzanine - this is a space outside the commercial area. The only way to make it part of the commercial is to give it a direct and dedicated link. The mezzanine should have stair access directly from and exclusive to the commercial area. An example would be Grassroots Bookstore. Of course a stairway in the middle of the first floor would greatly impact the useable floor space. Barring this there is no way to insure this space remands commercial.

On a side note: I believe all doors on commercial properties need to open out. The floor plan shows the back doors open in. Also is one shared stair well enough for four floors and an unspecified amount of people (commercial and residential) sharing it? Has the fire dept. O.K.d this?

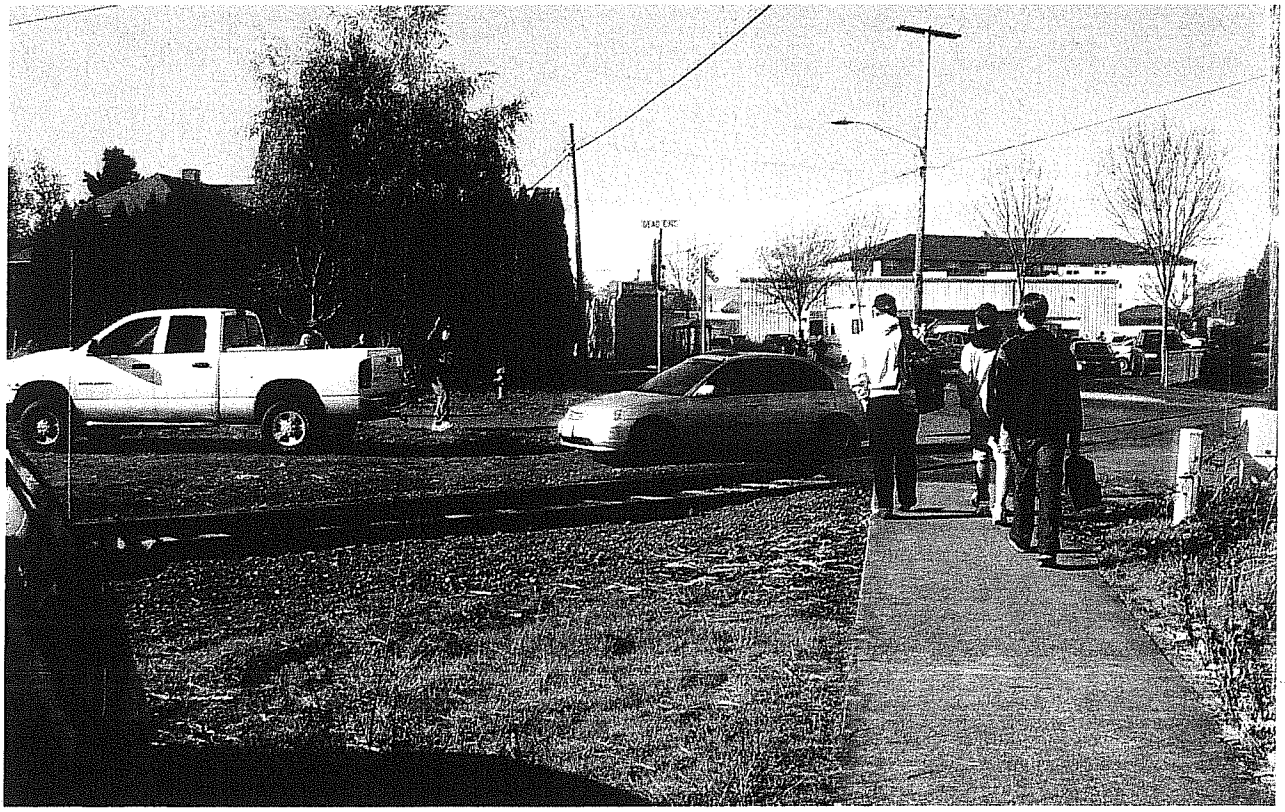
As to changing 7th and Westover. The new council members should be aware that 7th St. is vacated which means if there is further development of the 6 acre parcels a new road would have to go in to the EAST of the current one. My pictures show approximately where a 20' road would land (middle of railroad track??) making it, I believe, 83' from proposed driveway. My pictures should give an idea of visability from driveway with pedestrians and cars on the sidewalks and roads.

It takes awareness on the part of bikers and walkers to avoid accidents. I have had and seen many near misses and the cars continuing without a clue how close they came.

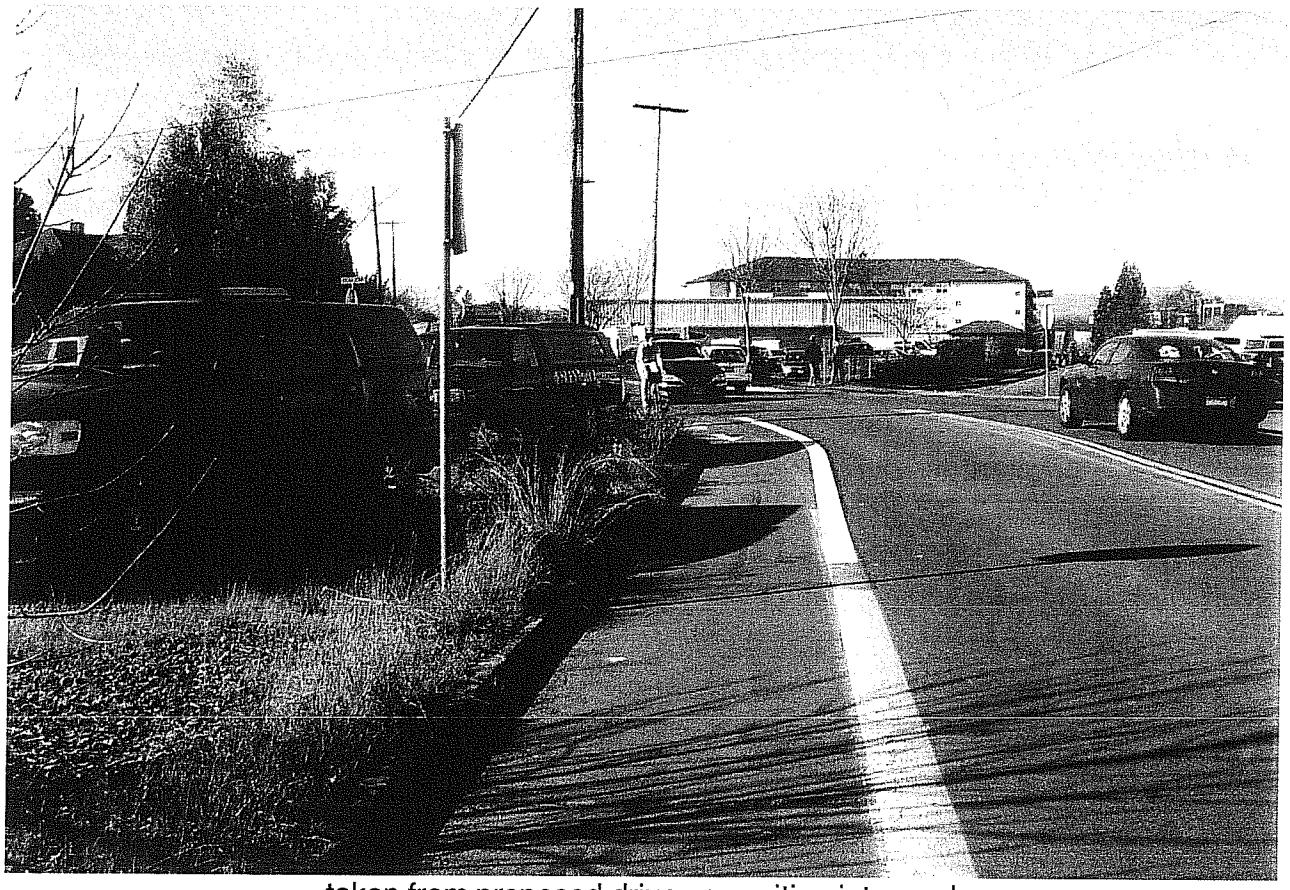
Thank you for your continued service and efforts.

Ruby Moon

block in middle of track is where a 20 ft road would end



taken from west side of proposed driveway (white car facing south is near the exit lane and could have another car on the enrance lane, this is supposing no on street parking. houses on 7th st. have no driveways at present.)



taken from proposed driveway exiting into road

Written Testimony from the Appellant, Western Station Project

As stated in my oral testimony, Western Station is merely a 4 story version of the rejected Palazzo. Many of the reasons for denial of the Palazzo haven't been addressed at all with the new proposal, and have actually been made worse with the addition of the 4th story. Additionally, many of the reported "modifications" between the Palazzo and Western Station are not new. Some have already been considered and rejected by City Council during the Palazzo hearing, where a 3 story proposal was unanimously deemed incompatible. The new 4 story proposal provides no additional benefits to the City, and will greatly increase the safety, traffic, parking and compatibility problems.

According to LDC 2.0.50.1.5, a reapplication before a year waiting period must show the proposal has been "sufficiently modified to overcome the findings for denial" or "conditions have changed sufficiently to justify reconsideration of the original or similar proposal."

From CC Western Station Staff Report: Page 6 of 14

Land Development Code Section 2.0.50.1 5 *states as follows:*

2.0.50.15 – Reapplication Following Denial
Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.

This is not the case with Western Station, and many of the City Council's original findings for denial are simply ignored in the report. Some of the omitted reasons for denial are shown below.

CC Packet…pdf document Page 144 of 449
Reasons for Denial of the Plan Compatibility Review

5. *The Council finds the extent of residential uses on the site to be disproportionate to the extent of commercial space on the site, which is inconsistent with the FAR requirements of LDC 3.20.40.01 (1993 LDC, as amended) and with the Plan Compatibility Review (PCR) requirements of LDC 2.13.30.05. Specifically, the Council finds that the proposed development is inconsistent with Purpose statement 2.1 3.20.e, which states that a PCR must, "Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area." The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria, per LDC 2.13.30.05.a. The Council finds that the disproportionate emphasis on the residential component of the proposed development, at the expense of the commercial component, is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures, and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.*

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6. Therefore, the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c, which states, in part, that structures are to be compatible with existing development.

7. The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development, and is therefore inconsistent with criterion 2.13.30.05.b above.

Some of the Western Stations supposedly "new" improvements used to justify the waiver of the one-year waiting period are discussed below:

CC Staff Report...Page 6 of 14: *As noted above, the Palazzo application, an application for a very similar development on the same site, was denied by the City Council in October of 2007. The applicant states that the Western Station application has been sufficiently modified to justify reconsideration of a similar proposal. Specifically, the applicant notes that:*

Modification #1. *This application has added a commercial mezzanine level to each unit within the structure in order to comply with the FAR requirement;*

This is an accurate description of the intent of the modifications. Meeting the .25 FAR requirement while avoiding new parking requirements is the purpose of this so called "mezzanine." First, the applicant used a new, unprecedented method (according to staff testimony...staff even suggested a variance might be required) to re-calculate the property area by ignoring the easements. Then they created just enough new "commercial" space to exactly meet .25 FAR requirement (based on the reduced area) without increasing the required parking. This creative design process might meet the FAR requirements on paper, but it doesn't provide any new useful commercial space to the City.

This design also violates the MUC requirement that at least ½ of the floor space must be used for commercial purposes, so a plan compatibility review is required.

Commercial Property must be "preserved" (Statewide Goal 9) LDC 1993 3.20.40.01 Preservation of Commercial Land Supply –
3.20.40.01 c. *Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.*

Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.

The mezzanine addition also violates MUC Design Standards because of the incompatibility of the new 4 story box with the existing buildings in the surrounding neighborhood.

> ***Neighborhood Compatibility 3.20.50.09 Design Guidelines and Standards 3.20.50.00 3.20.50.09a-2*** *Roof elevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential structures by more than one 1 story. This provision applies to that portion of the structure that is closest, 20 feet minimum, to the adjacent residential structures.*

Note: It appears that the 20' mentioned is merely a minimum value that restates that structures should maintain a 20 feet offset from neighboring properties. This standard is definitely applicable in the Western Station proposal, given the close proximity of the new 2 ½ story residential structures on 6th Street.

This proposal offers fuzzy math and an extra, unneeded "partial floor" in exchange for permission to build condominiums on a MUC zoned property. It also increases parking, traffic, safety and compatibility problems for the city and neighborhood.

> ***Modification #2.*** *The applicant has reduced the residential portions of the livelwork units to two bedrooms each, and limited commercial uses to only those for which the LDC parking requirement is one space for 400 square feet of floor area (thereby allowing all required on-site parking to be provided on the site); and*

Item 2a: The "doorless bedrooms" (quote from Councilor Daniels Oct 1, 2007CC video 23:14)

City Council had already considered and discussed in detail a condition of approval that changed the third bedroom into a "Great Room" and based on experience with similar proposals in the past denied that this will work:

> ***Palazzo CC Hearing Findings pdf document Page 142 of CC packet...Reason for denial of Conceptual and Detailed Development Plan #3.***
> *The Council notes that the appellant at the de novo hearing at the City Council proposed a condition of approval that would reduce the number of bedrooms within the four residential units in the development from three to two. The Council notes that the appellant stated that the condition would reduce the parking requirement for the development such that the parking requirement would be met on site. The Council notes that a number of persons testifying at the September 17 2007 City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.*

Item 2b: Limiting Commercial uses to provide "adequate" residential parking (FAR intent?)

Limit commercial uses to those requiring 1 space per 400 sq ft

This was proposed to Council as condition of approval #14 for the Palazzo, but they also had included a demand that one eating/drinking establishment be included and counted as meeting the 1 space per 400 sq ft requirement.

> ***Palazzo...Staff Recommended Conditions of Approval...#14***
> *Commercial Use Limitations – Only one of the ground floor commercial spaces within the development shall be permitted to contain an Eating and Drinking Establishment – sit down-type use at any one time. Otherwise, permitted uses in the ground floor commercial spaces shall be limited to those Outright Permitted Commercial Use Types, and Civil Use types that...have a parking requirement of one space per 400 square feet"*

The current proposal has merely removed the demand for one eating/drinking establishment, but the new wording could possibly allow 4 eating/drinking establishments. This would create major parking, safety and compatibility problems.

> ***Modification #3.*** *The applicant has submitted a recent article, concerning the market for similar live/work units in other communities in Oregon, from the August, 2008, Oregon Business Magazine.*

Item 3: The Applicant submitted an article about live /work units being good for realtors.

This has no impact on this hearing.

Additionally, as stated in my appeal, and covered in my oral testimony and handouts, the City of Corvallis has failed to follow the LDC and provide adequate compensations for the numerous variations to standards. According to the LDC, variances shall only be granted when the owner shows compensations that will:

> *Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures.* ***(LDC 2.5.20-g.)***
>
> *AND*
>
> *Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.* ***(LDC 2.5.20-h.)***

When I discussed these LDC requirements with a lawyer, he gave me the following "LEGAL OPINION "- "2.5.20g compels the decider to determine what can be done under conventional land development procedures because the decider must decide that what is being proposed provides greater compatibility than the conventional procedure."

So the decider (Staff, Planning Commission, and City Council) is required to evaluate each varied LDC or Comprehensive Plan Standard and determine that the compensation provides greater compatibility than the conventional land development procedures. If it does not, then the decider must deny the variance and make the owner follow the LDC or Comp Plan.

Staff has not evaluated these variances against these required criteria to make this decision. Therefore these LDC standards are not being met. It is clear by examining the actual number of variances being rewarded to this developer (see the list of actual variance from standards details on first page of my handout) and the lack of any meaningful compensation, that ignoring this LDC requirement will allow this new development create serious safety and compatibility problems in the neighborhood.

Summary

Western Station is definitely worse than the Palazzo and should also be rejected. They took a proposal that staff, Planning Commission and City Council unanimously agreed was incompatible, and made it even more incompatible by adding an additional story. To start with, there is a huge safety problem because of the 150' distance from 7th Street requires major safety compensations just to develop the property. But no meaningful safety compensations are offered. In fact, the additional requested (and unrequested) code violations in this proposal all try to create a higher density on the site (and greater safety , traffic, parking and compatibility problems) by forcing the condominiums into this small, irregular commercial location.

What is the City of Corvallis getting out of this proposed "commercial development?"

1- We're getting a 4 story monstrosity when City Council already told them a 3 story monstrosity was incompatible.
2- We're getting a half story of very marginal space that is labeled commercial, but would be more useful as spare bedrooms for the residential units.
3- We're getting a commercial space with a parking lot that can't accommodate commercial vehicles. This bad design forced the last minute movement of the trash facilities to an unsafe and unsightly location on Western Blvd. (see attachment A: email to Kevin Young about parking lot)
4- We are allowing numerous violations of our LDC and Comp Plan Policies. Removing the protections to the City, but not requiring meaningful compensations that "*compensate for the variations from development standards such that the intent of the development standards is still met.*"

This is a bad project, and City Council was correct to turn it down before. None of the supposed improvements provide any additional benefits to the City and the safety, traffic, parking, and compatibility problems are worse than the original proposal. Councilor York called the Palazzo project a "Residential project masquerading as commercial," and this project is even worse. You correctly rejected the original proposal, so please reject this "expanded" version as well.

Thank you for your consideration,

Sam Hoskinson

Appendix A – Email to Kevin Young concerning Western Station Parking Lot Design

From: **sam [mailto:oregonsam@comcast.net]**
Sent: **Thursday, December 11, 2008 10:59 AM**
To: **'Young, Kevin'**
Cc: **'Bill York'; 'Patricia Daniels'; 'George Grosch'; 'Dan Brown'; 'Mike Beilstein'; 'Stewart Wershow'; 'David Hamby'; 'Hal Brauner'; 'Charles C. Tomlinson'**
Subject: **Western Station parking lot design flaws will prevent recycling service to the residents**

Kevin,
I have recently uncovered some serious problems about the parking lot design of Western Station that I feel should be shared. Please note that I have copied this email to City Council members since there will probably not be time to include this in their packet.
On Tuesday (12/9) I talked with Marc Wibbens, the route supervisor at Allied Waste Company concerning the ability to provide waste and recycling service to the Western Station project. At his request, I emailed him the site layout drawings provided by the applicant. His response was troubling.
First off, he said that neither the applicant nor the city had shown him this proposal beforehand for comment. When discussing the parking lot design from the perspective of truck traffic he stated that "this plan is probably the worst he has ever seen", because it "makes no consideration for customer service needs or capabilities of their trucks." As far as his company's ability to service the lot, he said that the only way it MIGHT be possible to get his smallest truck into the lot would require removing parking space 15 & the adjacent parking bumper (eliminating 2 parking spaces). And even after this change, recycling service would not be available because he must use his larger front loading truck for recycling. And he said that even with these improvements, he would actually "never want his trucks to enter the parking lot because it is a guaranteed liability because of the angles....something would get damaged."

It seems incredible to me that a flawed design which prevents safe truck access to commercial units has made it this far through the planning process. After learning this, I called Neil Hall at the Fire Station. He also agreed and stated that any fire truck or ambulance service would be provided from Western Blvd rather than trying to negotiate this parking lot.

I understand that Mr. Wibbens planned to call you about the problem, and that you will contact the applicant. What I would like to suggest is that any new changes proposed by the applicant should fix the design flaws of the parking lot to make it accessible to trucks. Simply moving the dumpster location will not fix the underlying problem. This MUC property is supposed to be primarily commercial, and viable commercial property requires trucks to get close to the loading doors for deliveries. Normal commercial delivery activities from new developments should not cause safety and compatibility problems by blocking traffic and bicycle lanes on arterial streets like Western Blvd.

Thank you for your consideration,

Sam Hoskinson

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

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December 24, 2008

Mr. Kevin Young
Senior Planner
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

SUBJECT: Western Station
PLD08-00009, SUB08-00005, PCR08-00004

Dear Mr. Young:

We have reviewed the written testimony submitted prior to the close of the City Council's hearing record, 5:00pm on December 22, 2008. We do not read any new arguments which have not already been addressed by the applicant in the Planning Commission record, or addressed by the Conditions of Approval in the Planning Commission's Order No. 2009-091.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
04-433 kyoung 12-24-2008.doc

cc: Mr. Bob Cavell, 7th Street Station, LLC

Staff Responses to City Council Questions regarding the Western Station land use application (PLD08-00009, SUB08-00005, PCR08-00002).

These questions were asked of staff at the City Council's December 15, 2008, public hearing on this application and will be considered at the City Council's January 5, 2009, deliberations on this matter.

Councilor Beilstein:

1. *What basis did staff use to assess the height compatibility of the proposed development, the height of existing structures in the area, or the height allowed within adjacent zoning districts?*

Staff looked both at the height of existing buildings within the vicinity and the allowed building height in the subject zoning district (MUC). However, if a building is within the allowed building height of a zoning district, typically it is deemed to be compatible with its surroundings. If there were no Planned Development Overlay on the subject property, a building up to 45 feet tall would be a permitted outright use in this location. Similarly, development or redevelopment on nearby RS-20-zoned property up to 65 feet, or 5 stories, would be permitted outright, and on nearby GI-zoned property, the outright permitted height limit is 75 feet. In the RS-9 zone, the maximum allowed building height is 30 feet, and in the RS-12 zone it is 35 feet. Consistent with the City's goal of promoting infill development as opposed to expansion of the City limits, it is likely that we will see taller buildings, where allowed, in the future.

As discussed below in Question 7, none of the requested variations to Code standards have a direct relationship to the height of the building. If anything, the requested reduction to the building frontage requirement reduces the scale of the building from what the Code would require. Other necessary site design elements, such as pedestrian circulation areas, open space, and parking areas, are adequately accommodated on the development site. Consequently, staff do not believe that requiring a reduction to building height, beyond what the Land Development Code allows, is warranted. The physical separation of the site from neighboring properties, due to railroad and street right-of-way separation, will mean that the development will not "tower over" any nearby development. The building will be at least 150 feet from the nearest existing residential structure to the west and at least 90 feet from the nearest existing residential structure to the east.

2. *Please provide a comparison of this project with the Palazzo project that was denied. How does this proposal differ from the Palazzo?*

Based on the information in the record (staff do not want to introduce new information at this point in the land use decision process), the differences between the current application and the Palazzo application (PLD07-00004, et. al.) are as follows:

- The Palazzo application did not comply with the 0.25 FAR requirement of the MUC Zoning District, and the applicant requested to vary this standard. The Western Station proposal meets this requirement.
- The Palazzo application did not comply with on-site parking requirements, and the applicant requested to vary this standard. The Western Station application meets this requirement.
- The design of the Palazzo building was different. The building contained a ground floor proposed for commercial uses, two upper floors for residential uses, and rooftop patios for the use of the residents. The total height of the building was similar to the height of the Western Station building.

A brief discussion of the differences between this application and the Palazzo application is located on Attachment page III-7 of the City Council staff report. The Notice of Disposition and the Adopted Formal Findings for the City Council's denial of the Palazzo application are located on Attachment pages III - 109 through III - 120 of the City Council staff report.

Councilor Daniels:

3. *Please provide commentary or analysis on the usability of the mezzanine area for a commercial use.*

There are a few existing businesses in the Corvallis downtown which make use of a mezzanine space - the Inkwell and Grass Roots Bookstore are two examples that come to mind. The floor plans on Attachment III-288 of the Council staff report show the proposed mezzanine area, but do not clarify if the wall between the mezzanine level and the ground level is a full wall, or would be open to the space below. If this is desired to eliminate the possibility of using this space as living area, a condition of approval could be required to make the wall a half-wall that is open to the floor below. That is the intent of the applicant, but it is not clearly indicated by the submitted plans.

The mezzanine level area is small, but one way in which this area could be utilized would be, for example, if the space were used for an architect or designer's office, records or storage could occur on the mezzanine level, while maintaining the ground level as an area that would be more "customer friendly." If the use were retail, the mezzanine level could be used for additional product display area, as at Grass Roots, or as a secure space (with a lockable door) for storage, book-keeping, etc. The mezzanine design, with a potentially lockable door, allows flexibility to the user of the

commercial space to allow or deny public access.

Councilor Hamby:

4. *Is there a mechanism that can be used to restrict uses in the mezzanine area to commercial uses?*

Yes. The applicant has proposed the space as commercial space, and the building permit plans examiner will consider the mezzanine as such. Because the applicant has proposed the space as commercial space, and the Planned Development process has reviewed this space as such, any residential use of the space would be a violation of the Planned Development approval, which could be enforced by the City. Even if the development were not subject to Planned Development approval, the adopted Fire Code places different requirements on residential space from those on commercial space, such that residential use of a commercial space would be considered a violation of the Fire Code, which is also enforceable by the City.

5. *Is there a way for the City to limit the number of residents within a particular residential unit?*

Yes. The City currently enforces (on a complaint basis) the rule that no more than five unrelated persons may live in one dwelling unit. Several complaints regarding this issue have been investigated and enforced within the past year.

Councilor Raymond:

6. *What is the goal of the applicant and staff in designating this property residential and commercial?*

The decision to designate the subject site for Mixed Use Commercial uses was made in 2003, with the City Council's decision to approve a Comprehensive Plan Amendment, Zoning District Change, and Conceptual Development Plan (CPA01-00005, ZDC03-00005, PLD03-00005) for this site and for the 5.4-acre property to south. Previously, the site had been designated for General Industrial uses, and was used as a railroad switching yard, with some on-site storage facilities.

Grant funding was made available to study the site as part of the State of Oregon's Transportation and Growth Management (TGM) Quick Response Program, and in August of 2002, the consulting firm of Crandall Arambula PC completed a development study for the subject property, at the request of the property owner. At that time, the property was identified as a good candidate for the development of a compact, pedestrian-friendly, mixed-use development, due to the availability of City services and the close proximity of the site to OSU and to the Corvallis Downtown area. The study was not a land use application and was not subject to review or approval by the City of

Corvallis. As part of the development study, a series of meetings were held with stakeholders and neighbors to identify issues and opportunities and to direct the development of potential site designs. The preferred development scenario from the study, "Alternative D," included a 4,200 square foot retail building and 88 residential units.

The property owner subsequently applied for approval of the Comprehensive Plan Amendment, Zoning District Change, and Conceptual Development Plan mentioned above, based on a design similar, but not identical, to "Alternative D." Reasons given for approval of the Comprehensive Plan Amendment included the poor compatibility of industrial development in this location; the lack of viability for industrial development in this location; and the potential for compact, pedestrian-friendly, mixed-use development on the site, which would provide better compatibility with existing development in the area.

7. *How can we be sure that commercial uses will be located where they are proposed to be?*

See the response to Councilor Hamby's question above.

Councilor Hervey:

8. *Where is staff's analysis of compensating benefits within the staff report?*

This analysis is found on Attachment pages III-43 through III-49 of the City Council staff report. The applicant's proposed compensating benefits are found in Table 1 on Attachment pages III-6 and III-7 of the City Council staff report. LDC Section 2.5.40.04.a.1 regarding compensating benefits does not describe what a compensating benefit is, or whom it should benefit. The purpose statement in LDC Section 2.5.20.h helps to clarify this question. That purpose statements is as follows:

> **h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.**

The variations from development standards are as follows:

- Driveway access width narrowed from 24 ft. to 20 ft. in one area
- Reduce minimum internal sidewalk width from 5 ft. to 4 ft., 6 in. in one area
- Reduce width of fenced and landscaped buffer between site and industrial land to the east from 20 ft. to 9 ft.
- Allow access to arterial street (Western Blvd.) within 150 ft. of intersection with 7th Street
- Reduce amount of building located within maximum setback along the site's street frontage from 50% to 41%

- Allow two of the proposed lots to have street frontage less than the required 25 feet

Because the site is surrounded on all other sides by railroad lines, the Western Boulevard frontage is the sole frontage available for building orientation and pedestrian and vehicular access. That frontage is complicated by street and railroad crossing intersections at both the eastern and western ends of the property. As can be seen from an analysis of the site plan, all of the requested variations have to do with what occurs along the property's frontage along Western Boulevard.

Any change to the proposed design to require any one of these elements to fully meet the Code requirement would necessitate a reduction to one or more other elements along the site's frontage. For example, if the building were expanded to meet the 50% building frontage requirement along Western Boulevard, the building would need to be approximately 107 feet wide instead of 88 feet wide, as is proposed. The expansion of the width of the building would consequently necessitate a further reduction in other site design elements, such as the width of the pedestrian sidewalk, width of the vehicle accessway, and/or width of the landscaped buffer. As is stated on Attachment page III-44 of the City Council staff report, "It does not appear to be possible, given the configuration of the development site and the site's access and frontage configuration, to meet all standards with one development.....Given these constraints, the proposed site plan represents a balancing of interests in these various requirements. None of the standards are fully met, but all are accommodated to a meaningful degree." This compromise is consistent with Purpose Statement 2.5.20.h, above, which states that a Planned Development should, "Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met." The Planning Commission found that the proposed development would accommodate all important site design elements (pedestrian and vehicular access, platting standards, landscape buffer, street separation requirements, and building frontage requirements) in a way that would preserve the intent of the development standards, while providing for a safe and functional, pedestrian-oriented development.

It is not unusual to find development sites within the City that are configured in a way that does not allow all Land Development Code standards to be met. The Planned Development process is one way in which flexibility can be exercised to allow development on such a property. This is consistent with the Comprehensive Plan and Zoning District designations for the property, which contemplate mixed use commercial development in this location.

9. *Is there a way to verify that the acoustic buffering proposed for the east wall of the building will achieve the required level of sound buffering after it is built?*

It would be possible to modify Condition 7 to require the applicant to hire an acoustical engineer to first determine what construction measures in the east wall of the building

would provide the level of noise buffering that would otherwise be provided by a vegetated 20-foot-wide buffer, and then require that the acoustical engineer certify that the wall has been constructed to the necessary requirements and specifications.

City staff do not have the resources or expertise to verify this measure; therefore, it would be necessary to require the applicant to hire an acoustic engineer to verify this requirement.

10. *Does the Council have the authority to direct changes to the intersection of 7th and Western? What can the Council do to address issues we've heard about at that intersection?*

As is noted on Attachment page III - 61 of the City Council staff report, "SW Western Boulevard is designated as an arterial street. The LDC table 4.0-1- Street Functional Classification System, specifies a minimum right-of-way width of 70 ft. This includes 12 ft travel lanes, 6 ft bike lanes, 12 ft planting strips, and 5 ft setback sidewalks. The existing conditions of SW Western Boulevard are a right-of-way width of 75+ ft with a 42 ft roadway that includes 12 ft travel lanes, 5 ft bike lanes, and an 8 ft parking lane on the north side. The southern planting strip is 16 ft and the northern planting strip is 8 ft. 5 ft setback sidewalks exist on both sides. The 5 ft bike lanes are substandard; however, the do meet the minimum width for safety concerns according to footnote 3 of LDC table 4.0-1- Street Functional Classification System. With exception of the existing bike lane width and north side landscape strip, the right-of-way and arterial street improvements meet or exceed the LDC standards. On-street parking is not a typical feature of a standard arterial street."

This development proposal does not produce the 30 trip per peak hour threshold that would trigger looking at intersection Level of Service (LOS) and mitigation if the development were determined to drop the LOS below acceptable levels. The intersection at 7th and Western had only one accident record in our files for the last three years and this involved a citation for a DUII. Accident history indicates that this is a safe intersection.

It was pointed out in testimony at the Planning Commission hearing that a short section of the southern bike lane adjacent to the west end of the applicant's site was less than 5 feet in width. This was not known by Public Works Staff prior to the October 15, 2008, Planning Commission hearing, and was corrected by City crews in November with re-striping of the pavement.

The City's Off Street Parking and Access Standards require a 25 foot vision clearance triangle for the applicant's driveway, which is met by the proposed design. This is the standard vision clearance requirement for driveways that access collector or arterial streets, such as Western Boulevard, 9th Street, and Kings Boulevard. City staff visited the site in October and estimated the clear sight distance from the proposed access drive to traffic to the west, in the eastbound lane of Western Boulevard, to be 250 feet.

A Capital Improvement Plan project could be initiated to correct whatever perceived deficiencies are present at this intersection.

Appendix C
to Western Station Formal Findings:

December 15, 2008, City Council Minutes regarding the Western Station application (PLD08-00009, SUB08-00005, PCR08-00002)

VII. PUBLIC HEARINGS

A. A public hearing to consider an appeal of a Planning Commission decision (PLD08-00009 – Western Station)

Mayor Tomlinson reviewed the order of proceedings and opened the public hearing.

Declaration of Conflicts of Interest – None.

Declaration of Ex Parte Contacts

Councilor Raymond said, as Council liaison to the Planning Commission, she has heard testimony related to this hearing. She opined that she could make a fair and impartial decision.

Rebuttal to Conflicts of Interest and Ex Parte Contacts – None.

Declaration of Site Visits

Councilors Daniels and Raymond acknowledged making site visits.

Objections on Jurisdictional Grounds – None.

Staff Overview

Senior Planner Young provided copies of additional written testimony received and information on a new condition proposed by the Applicant to address garbage service issues (Attachment E). The new condition relocates the on-site trash and recycling containers. Staff recommends holding the record open for one week to allow testimony related to the new condition. Holding the record open will not delay the 120-day final decision time line.

Mr. Fewel confirmed that the record should be held open for seven additional days, based upon receipt of new information.

Mr. Young announced that Allied Waste expressed concern about the original location of the trash and recycling containers at the southeast corner of the property. The applicant is willing to relocate the containers to an enclosed area at the northwest corner. Storm water detention and water quality system will be revised accordingly. A revised diagram has been included in Attachment E.

Staff reviewed the proposal to relocate the waste facility and have no concerns with the revised location. Mr. Young noted that the relocation would allow one additional parking space to be provided on-site, bringing the total number of on-site parking spaces to 19.

The applicant requests approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing commercial space on the first floor and mezzanine level, with residential units above. The associated four-lot subdivision allows each commercial/residential unit to be located on an

individual lot. Plan Compatibility Review approval is required due to the square footage of non-commercial uses exceeding the square footage of commercial uses within the development.

Mr. Young reviewed the Vicinity Map and noted that the subject site is triangular with rail lines on the east and west sides, with proposed property access from Western Boulevard. The property's Comprehensive Plan Designation is Mixed Use Commercial (MUC) with Medium-High Density Residential to the south and High Density Residential to the west. To the north and northwest, the designations are MUC and General Industrial (GI) with a mixture of MUC, GI, and Medium and Medium-High Density Residential to the east.

The property is zoned MUC with a Planned Development Overlay. Property to the south is zoned Medium-High Density Residential, High Density Residential to the west, and Mixed Use Commercial Shopping to the north. The switching yard to the east is zoned GI. Further east, the properties are within the Avery-Helms Historic District and are zoned Minor Neighborhood Center, Medium Density Residential, and Medium-High Density Residential.

Mr. Young said there are no Natural Features located on the property.

Mayor Tomlinson announced that failure to raise an issue, accompanied by statements or evidence sufficient to afford the City or other parties the opportunity to respond to the issue, precludes appeals to the State Land Use Board of Appeals based upon that issue. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

Applicant Presentation

Lyle Hutchens, Devco Engineering and project consultant, provided Councilors with a revised Plan Map with the proposed relocated trash enclosure (Attachment F). Mr. Hutchens said the intent for trash and recyclables was to use the residential style carts and require the unit owners to transport the carts to curbside for pickup. The trash enclosure in the southern corner would have been storage area for the carts. Allied Waste stated preference for a trash enclosure at the western corner of the property. Moving the trash enclosure will require a deviation from standards; however, the offset is one additional parking space. Attachment F includes a diagram of how a garbage truck would maneuver on the property when collecting trash and recyclables from the proposed trash enclosure. Mr. Hutchens confirmed that the applicant is in agreement with the conditions approved by the Planning Commission. The applicant requests that the appeal be denied and the application, including the new proposed condition related to trash pickup, be approved.

Questions of Applicant – None.

Staff Report

Mr. Young addressed the three issues raised on appeal:

Approval allows variations to Code requirements without "meaningful compensation." – The Planning Commission and staff find that adequate compensating benefits are provided to offset proposed variations per LDC 2.5.40.04.a.1, as noted in the Planning Commission Staff Report.

There is no public need for additional residential housing in this area. – Although "Public Need" is a decision criteria for a Comprehensive Plan Amendment, it is not a criterion for review of Planned Development, Subdivision, or Plan Compatibility, which are the issues under consideration. Residential uses are permitted uses within the MUC Zoning District.

Consistency with certain Comprehensive Plan Policies has not been addressed. – The adoption of the 2006 LDC fully implements the Comprehensive Plan; therefore, Comprehensive Plan Policies do not need to be specifically addressed in an analysis of compliance with applicable decision criteria. Where variations have been requested, Comprehensive Plan Policy direction has been considered, as noted in the Planning Commission Staff Report.

Mr. Young highlighted the applicant's requested variations from LDC requirements:

- Driveway access width narrowed from 24 feet to 20 feet in one area.
- Reduce minimum internal sidewalk width from 5 feet to 4 feet, 6 inches in one area.
- Reduce width of fenced and landscaped buffer between site and industrial land to the east from 20 feet to 9 feet.
- Allow access to arterial street (Western Boulevard) within 150 feet of intersection with 7th Street.
- Reduce the amount of building located within maximum setback along the site's street frontage from 50 percent to 41 percent.
- Allow two of the proposed lots to have street frontage less than the required 25 feet.

Mr. Young explained that all six of the requested variations result from the unusual configuration and constrained street frontage of the site. There is 213 feet of street frontage on Western Boulevard with a 15-foot railway easement to the west that does not allow any construction. The Western Boulevard access is the only allowable access regardless of any development on the property. A suggestion was made to move the driveway to the middle of the proposed building and split the lots. That suggestion would place an intersection within 150 feet of the eastern rail crossing. Mr. Young demonstrated the variations on an enlarged Subdivision Plat. Staff believe the variations requested are reasonable and allow for reasonable development of the property.

The proposed site design will accommodate all necessary improvements on the site in a safe and functional manner. The proposed building design is within the 45-foot height limit in the MUC District, and the separation of the building from any nearby development will ensure the height and scale of the structure are not incompatible with adjacent development. The allowed building height in the nearby RS-12 area is 35-feet and 65-feet within the RS-20 zone to the west. Current existing buildings in that area are not at that height, but it is

allowable. The building will incorporate elements to provide adequate visual interest, design variety, and building articulation.

A concern about noise was discussed by the Planning Commission. Condition 7 requires acoustical buffering to be incorporated into the east wall of the building to mitigate noise impacts from the adjacent railroad tracks. No unusual noises, odors, or emissions are anticipated from the development itself.

Staff concur with the Trip Generation Study provided by the applicant that found no significant traffic impacts. Condition 8 ensures that commercial uses within the development will only be those with a parking requirement of one space per 400 square feet (sf) or less.

Mr. Young reviewed a Vehicle Parking Requirement Table establishing that all parking requirements are met by the proposal:

Proposed Uses	**LDC Standard**	**Resulting Parking Requirement**
Four 1,387 sf commercial spaces (5,548 total sf.)	1 space per 400 sf	14 parking spaces
Four 2-bedroom single family attached dwellings	1.5 spaces per 2-bedroom single family attached dwelling	6 parking spaces
Subtotal – Parking Requirement		20 parking spaces
Less 10 percent for transit stop within 300 feet of site		-2 spaces
Total Parking Requirement (after allowed reduction)		18 parking spaces

Mr. Young noted that the proposed garbage enclosure change will increase the total parking spaces to 19.

The proposed subdivision plat complies with applicable zoning district and platting requirements, with the exception of the 25-foot minimum lot width standard for which the applicant requested a variance for two of the four lots. Staff recommend support for the requested variation due to the shared vehicular access and development parking.

The proposed development is consistent with the purposes of a Plan Compatibility Review. Neighboring property owners and residents will be protected from negative development impacts by the physical separation of the site, and by LDC requirements and conditions pertaining to building design, site layout, lighting, landscape buffering, and other requirements. The development will not adversely affect traffic, parking, access, or any significant natural features.

Mr. Young recommended approval of the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, as conditioned. (Attachment G-Presentation Slides.)

Appellant Presentation

Sam Hoskinson reviewed his slide presentation (Attachment H) beginning with a 3-D scale drawing of the proposed site. He said the proposal is an expanded version of The Palazzo application that Council denied due to incompatibility with the community and neighborhood, and because it stressed residential over commercial users.

The applicant's claims of many new features in this project are untrue. Council has already reviewed the "great room" proposal and the one-space per 400 sf parking proposal. There has never been more than two residential stories proposed. Mr. Hoskinson opined that the only new item is a poorly designed half-floor of questionably usable space called commercial. The second story is joined to the first story through a common, public stairway limiting its use as commercial property.

Developments constructed within the LDC standards naturally protect the neighborhood from negative consequences. This property cannot be developed without violating the 150-foot street access standard, and the City is not meeting LDC 2.5.20.g and h. According to the staff report, residential is not required in this area. The appeal is specific to the Comprehensive Plan Policies that need to be addressed. Mr. Hoskinson noted that the Comprehensive Plan policies listed in the appeal may be incorrect as they came directly from The Palazzo hearing notice and may have since been changed or deleted.

The purpose of the Planned Development Overlay is an alternate development process providing an avenue for a developer to request variations from development standards while maintaining the purposes of LDC 2.5.20 and meeting the review criteria of LDC 2.5.40.04. Requesting variances means the LDC is no longer working and diminishes the protections of the neighborhood. For every variance to the LDC, a developer is required to provide a compensating benefit within the development standard. Therefore, a parking issue is compensated with a parking benefit. A Planned Development Overlay is to provide greater compatibility with surrounding land uses than what would otherwise be provided under conventional land development procedures.

Mr. Hoskinson opined that staff is not reviewing conventional land development procedures. During the Planning Commission hearing, Mr. Young said he did not know if a smaller building could minimize the variances because a smaller building was not being proposed. He further stated that he could not identify a design solution to comply with all LDC requirements. Staff does not make any effort to determine what can be built under conventional land development standards. LDC 2.5.20.g requires a comparison to provide the greatest compatibility. The decider (Council) must determine that what is being proposed provides greater compatibility than the conventional procedure. If there is nothing available for comparison, a decision cannot be made.

The original Dickerhoof development was presented as a two-story, fairly compatible, commercial-only project fitting compatibility requirements. The Palazzo development was

denied for scale and design incompatibility with surroundings. It violated LDC 2.13.20.e, 2.13.30.05.a, 2.13.20.c, and it did not adequately protect neighboring property owners from negative impacts. The applicants response to the compatibility issues is to place more intensive usage onsite. A half unit was added and called a mezzanine, which does not require an additional parking space. The stairway severely limits the commercial utility of the mezzanine and does not meet the intent of the floor area ratio (FAR). LDC 3.20.50.0 requires a gradual roof elevation step-down so the height of the proposed structure does not exceed the height of adjacent residential structures by more than one story.

Mr. Hoskinson said the applicant has simply increased the size of an already large building. He opined that the Western Station proposal is worse than The Palazzo proposal. The project has safety issues due to the access variation, the trash enclosure has been moved to an unsafe and unsightly area, and the parking lot cannot accommodate commercial vehicles. He said this project clearly violates LDC 2.5.20.g and h.

Questions of Appellant – None.

Public Testimony – Support – None.

Public Testimony – Opposition

Alan Bakalinsky read his prepared statement (Attachment I).

Councilor Wershow left the meeting at 8:10 pm and returned to the meeting at 8:12 pm.

Leslie Bishop provided a list of LDC and Comprehensive Plan requirements to be considered in this public hearing (Attachment J). Ms. Bishop said placing the trash receptacles on Western Boulevard is not compatible with her neighborhood. She showed Council a picture of a similar trash and recycling enclosure located at 10th Street and A Avenue. The proposed trash enclosure is not a safe location as it obstructs the view of vehicles exiting from the proposed site.

Ms. Bishop identified several issues related to the parking area:

- Vehicles entering the parking lot have no view of available spaces in the first row (closest to the building) until turning into the travel lane. If the row is filled to capacity, there is no place to turn around to travel to the next row due to the one-way travel lane on the eastern side of the lot.
- The lot is not designed for commercial delivery trucks. If the first row of parking is filled, the trucks will be required to park in the travel lanes leading to the parking spaces.
- The Fire Department will not bring emergency equipment into the parking structure.
- It is difficult for a vehicle to park in compact parking spaces 1 and 13 due to the sharp turn from the travel lane.

Ms. Bishop suggested removing parking spaces 9 and 15, and moving the adjacent buffer into the space 9 location to allow for turn-around space for private and commercial vehicles. Her suggestions, without counting the handicap space, would result in 16 parking spaces.

Matthew Bolduc stated that his employment with the City has no impact on his testimony related to Western Station. He requested Council deny approval of the Western Station application, based on the grounds that insufficient automobile parking has been proposed and the proposed residential use is disproportionate to commercial use resulting in unnecessary compatibility conflicts with existing surrounding uses. Mr. Bolduc read from his prepared testimony and provided visual aids (Attachment K).

Dale Hubbard read from written testimony prepared by himself and Nancy Hagood and presented copies of pictures related to the site (Attachment L).

Ruby Moon has lived near this site for 20 years. She said the proposal includes a reduced FAR with challenges to parking and safety issues. She has several rentals in Corvallis including a live/work location and she is familiar with other live/work units in the State. Her experience is that the residential units are occupied by individuals not utilizing the commercial space. Typically, artists rent the commercial units and occasionally end up living in their commercial unit.

The original live/work proposal for this site was two stories and three units. This current proposal is four stories with one stair access. The plan appears to have more commercial space, except the mezzanine has no tie to the first floor space and could easily be considered an additional bedroom. She questioned the requirement for inward swinging commercial doors and identified potential security issues with the mezzanine level.

Ms. Moon said a business looks for usable floor space, and at 478-feet of usable space, retail and food businesses would not be viable for this location. She opined that the mezzanine would not be used. The proposed units are too small for yoga, dance, exercise classes, and are not conveniently located near the courthouse, hospital, downtown, or other needed locations. The commercial units might be viable for artists but it is doubtful one would be willing to rent or buy a unit. Art galleries, wine stores, and restaurants have all failed in this area.

Ms. Moon added that parking is key for businesses and Statewide Planning Goal 9 states that cities consider economic development when reviewing land use applications. Providing unusable commercial space erodes the inventory of available commercial land. Commercial inventory is currently high and by January, it will be higher. There is no way to protect this commercial space from becoming residential. Other issues include access for delivery vehicles and access visibility. She took, but did not develop, pictures establishing the lack of visibility and other safety issues near this location. She agreed that the 6th Street railway is not busy; but disagreed with the description of the curve of Western Boulevard. She said access to the proposed site would be safer if moved east.

In response to Councilor Raymond's inquiry, Ms. Moon said she would like the property developed with two or three bigger spaces that include space for classes and community events.

Karl Hartzell submitted written testimony (Attachment M).

In response to Councilor York's inquiry, Mr. Hartzell said staff formulated an amendment at the last hearing to allow an eating establishment to utilize any of the commercial spaces. The Planning Commission approved the amendment.

Hugh White said he has owned the property on the southeast corner of Western Boulevard and 6th Street for the last 19 years. In five years of working with the Avery-Helm Historic District, the Historic Resources Commission, and with Planning Division staff, he obtained approval to construct two homes in the Historic District. The homes are 2.5 stories tall and one-half story below grade. The homes include 14 bedrooms among six units. There are 13 parking spaces, and at no time during the two-year rental history have there been more than 13 vehicles owned by the residents of the property. He asked for two lot development variations – reduce the setback of the southern home from ten feet to five feet, and reduce the travel lane in the interior of the parking lot by six inches.

Mr. White said the project was well received by the neighborhood and no one testified against the requested variances. The project did not negatively impact the neighborhood, provided all parking required, and is compatible with the neighborhood. The homes were designed to be compatible with historic homes to the south and the Janis House to the east.

Mr. White opined that it is possible to develop a parcel in that area with a viable urban use, all required parking, and not negatively impact the surrounding neighborhood.

Public Testimony – Neutral – None.

Applicant Rebuttal

Mr. Hutchens said Condition #8 responds to Councilor York's inquiry about allowing eating establishments. He quoted the Condition and said he was not aware of any eating establishment that could meet the parking requirement.

Councilor Raymond clarified that the Planning Commission discussed commercial take-out food service, such as a small coffee shop. Mr. Hutchens said the applicant does not anticipate that type of business due to the lack of sufficient seating. The vision is for office space.

Questions of Applicant

In response to Councilor Raymond's inquiry, Mr. Hutchens said the intent of the proposal is for live/work units, leaving other possibilities open within LDC standards.

Appellant Rebuttal

Mr. Hoskinson said the applicant's original plan restricted eating establishments from this project. The Planning Commission discussed the possibility of including a take-out eating establishment. A take-out establishment would cause short-term parking issues. Since the Planning Commission did not include a condition restricting that type of business, a take-out eating establishment could be located in the commercial space.

Questions of Appellant – None.

Applicant Sur-Rebuttal

Mr. Bolduc referred to Condition 8 and said the Planning Commission changed the parking requirement from one space per 400 sf to no more than 3.5 spaces per commercial unit. This change allows for a fixed-seating food establishment and might allow for a take-out establishment.

Mayor Tomlinson recessed Council from 8:55 until 9:05 pm.

Appellant Sur-Rebuttal – None.

Questions of Staff

Councilor Beilstein:

- The project was deemed compatible on the basis of allowed heights in the adjacent properties, not existing heights. Should the standard be based on adjacent allowable heights as opposed to actual heights?
- It would be helpful to see a comparison of this plan to The Palazzo application with justification as to how or why this plan is different.

Councilor Daniels:

- An analysis of the usability of the mezzanine as part of commercial property would be helpful.

In response to Councilor Daniels' inquiry, Ms. Moon agreed to submit her photographs for the record.

Councilor Hamby:

- Is there a mechanism to restrict residential use of the mezzanine?
- Is there a way to limit the number of residents per unit?

Councilor Raymond:

- What is the goal of the applicant and staff in designating this property residential and commercial.
- If the property is zoned commercial, how can the City enforce that the units are used for commercial purposes only?

Councilor Hervey:

- Staff referred to the compensating benefits as listed on pages 43-49 of the staff report. Are there separate staff reports for the Council and Planning Commission?
  Community Development Director Gibb – The cover memo includes an attachment of the full Planning Commission Staff Report.
  Mr. Young – The compensating benefits are pages 43-49 of Attachment III of the Planning Commission Staff Report.
- Condition 7 is related to modifying the building to reduce noise levels. Frequently, sound levels are quantified with lab measurements. On-site measurements can

result in different levels. Is there a way to follow-up after construction to ensure the modifications truly impact sound levels?

- Does Council have any authority to direct road changes at Western Boulevard and 7th Street, and/or the railroad tracks associated with this project (such as smoothing the curve to make it safer).

Mayor Tomlinson closed the public hearing.

Request to Hold Record Open

Mayor Tomlinson announced that the record will be held open for additional testimony until 5:00 pm on December 22, 2008.

Right to Submit Additional Written Argument

Mr. Hutchens said he will submit his written argument by 5:00 pm on December 29, 2008.

Deliberations

Mayor Tomlinson announced that Council will deliberate at 12:00 pm on January 5, 2009.

VIII. & IX. STANDING COMMITTEE REPORTS AND ORDINANCES, RESOLUTIONS, AND MOTIONS (continued)

B. Administrative Services Committee – December 4, 2008 (continued)

2. Economic Development Policy Review

Councilor Raymond said the Committee heard testimony and held a lengthy discussion about a fair and festival allocation of 3.5 percent of the Transient Occupancy Tax (TOT). The Committee did not reach a unanimous decision during the meeting and a request has now been received for a 4.5 fair and festival allocation. Councilor Raymond said Councilor Brown requested full Council discussion, specifically related to where the funds will come from.

Councilors Raymond and York, respectively, moved and seconded to allocate 3.5 percent of Transient Occupancy Tax to fairs and festivals, with 2 percent from the General Fund's 50 percent share and 1.5 percent from the non-dedicated 20 percent share; and, add to the goals section of Council Policy 96-6.03, "Economic Development Policies," linkage to the Prosperity That Fits Plan.

Councilor York said 3.5 percent was the number discussed at the Committee level based on a five-year fair and festival allocation range of 3.1 to 3.5 percent. The testimony received was related to a dedicated revenue stream. Percent increases were not discussed during the Committee meeting. Councilor York prepared a spreadsheet (included in the materials) after the Committee meeting, identifying TOT allocation distribution after 2007 and how distribution could be altered using the proposal in the motion.

Councilor Daniels said the ten-year allocation history is important because as more organizations request funding, allocations become smaller. She is willing to consider a dedicated allocation of 4.0 or 4.5 percent for fairs and festivals.

In response to Councilor Beilstein's inquiry, Councilor Raymond confirmed that adding the link of the Prosperity That Fits (PTF) Plan to the Economic Development Policy goals means the PTF Plan is an included factor, but not the sole criteria for determining allocations. She added that the Committee also understood that other linkages would come forward, such as the Sustainability That Fits Plan.

Councilor Beilstein said he approves of the concept of a dedicated amount for fairs and festivals and removing them from the competition for economic development allocations. Although fairs and festivals promote economic activity, they also serve as cultural and livability functions.

Mr. Nelson referred Council to page three of the proposed Economic Development Policy amendments for PTF linkage language:

> Section 6.03.022 Goals **l. Support activities that are identified in the October 2006 Corvallis-Benton Economic Vitality partnership "Prosperity That Fits" Action Plan Matrix.**

Councilor Brauner said there are three issues embedded in this motion. The first issue is the allocation percentage for fairs and festivals. The second is whether the allocation for fairs and festivals should be dedicated, removing fairs and festivals from the allocation competition. The third issue is where the dedicated funding will come from, if approved.

Councilor Brauner opined that fairs and festivals are a tourist attraction that generate room tax revenues. He supports, at the least, a dedicated 3.5 percent allocation for fairs and festivals. The motion divides the funding between the General Fund and Economic development funds generated from the TOT. Councilor Brauner said, although he does not want to reduce any of the funds, fairs and festivals are tourist related and room tax should be used for at least part of the funding. He supports the Committee's recommendation as a temporary solution, but will request Council revisit the funding issue over the next two years.

Councilor Hamby referred to the options recommended in the staff report and noted that all three options leave Corvallis Tourism funding as is. He requested clarification about the history of the 30/20 percentage split and why none of the recommendations include altering the Corvallis Tourism funding levels.

Mr. Nelson explained that, for many years, the City had a 65/35 percent economic development allocation split; 65 percent dedicated economic development funds and 35 percent General Fund. Following the failure of the 2002-2003 levy, the City was faced with $2.5 million in reductions. One of the packages endorsed for reduction by the Budget Commission and Council was changing the split to 50 percent economic development and 50 percent General Fund allocations. During

this same time period, the Oregon Lodging Association (OLA) was successful in passing legislation for a fixed amount for tourism type activities. The legislation also declared future increases in the TOT be dedicated to tourism. Increasing the TOT could result in less funding for the General Fund. If money is taken from the General Fund, not allocated through the economic development allocation, and given to Corvallis Tourism to allocate, that money would then stay in the tourism fund and could never be brought back into the General Fund.

In response to Councilor Hamby's inquiry about State law requiring 30 percent allocated to tourism, Mr. Nelson explained that when the law became effective, the 30 percent became a fixed amount for the tourism supported entity.

Mr. Fewel clarified that the 30 percent is dedicated to tourism and Corvallis Tourism's use of the 30 percent satisfies the City's statutory obligation. The City cannot reduce the 30 percent allocation. Allocating 4.5 percent from the 30 percent would require stringent accounting to ensure expenditures fall within the definition for marketing tourism beyond local.

Mr. Nelson added that he and Mayor Tomlinson met with representatives from the OLA who made strong statements about protecting the legislation and administering the Statute State-wide.

Councilor Daniels said the legislation states that 30 percent of the room tax proceeds must be used for tourism and the definition for tourism related activities includes festivals. She questioned why the OLA would care if the City spent most of the 30 percent for Corvallis Tourism and 1.5 percent for another tourism related activity, as defined in the law they drafted.

Mr. Fewel said the 30 percent is not set by Statute. The City was committed to 30 percent when the legislation was enacted so the amount became fixed. If the City decides to allocate 34.5 percent with 4.5 percent dedicated to fairs and festivals, the City would then be committed to 34.5 percent forever or until the ORS is amended. Meeting the definition of marketing and advertising, the City would need to establish that the funds are not used for administration and/or overhead, and the marketing would need to be beyond the local area. If the City can place those accounting requirements on the allocation, then the 30 percent can be changed.

Councilor Hamby inquired whether the dedicated allocation for fairs and festivals would be awarded on a competitive bases. Mr. Gibb said staff assumed Council would allocate a specific amount for fair and festival activity and the allocation process would be competitive. In the past, other festivals and the Benton County Fair have also received funding.

Councilor York confirmed that the motion assumes a competitive process conducted by the Economic Development Allocations Committee at the same time other allocations are decided.

Councilor Hervey inquired why this discussion was occurring outside of the General Fund discussion with the Budget Commission. Councilor Brauner said changing an allocation amount is a policy issue set by Council. The Budget Commission implements the policy after the General Fund amount has been determined.

In response to Councilor Daniels' inquiry, Councilor York said the Committee's proposed split was not even between the General Fund and the Economic development allocation fund simply because he does not like quarter percentage splits.

Councilors York and Raymond, respectively, moved and seconded to amend the motion to allocate 4 percent of Transient Occupancy Tax to fairs and festivals, with 2 percent from the General Fund and 2 percent from unspecified economic development allocations.

In response to Councilor Daniels' inquiry, Mr. Gibb said the policy is scheduled for review every five years.

Councilors York and Raymond, respectively, accepted Councilor Daniels' friendly amendment to include a one-year review.

Councilor Beilstein said the policy represents a 10 percent increase from the TOT to economic development. Two percent will come from the TOT that would have gone to the General Fund. Increasing the economic development expenditures decreases the General Fund. He further explained that currently, 20 percent is dedicated to economic development with a portion of that percentage going toward festivals. The motion will increase the economic development to 22 percent, including festivals and events.

In response to Councilor Daniels' comments about the split funding, Councilor Brauner confirmed that the motion is 2 percent from economic development and 2 percent from the General Fund, except that festivals are proposed to be funded from the 20 percent, so the increase to the combined economic development for festivals is 10 percent.

Councilor York said this proposal will increase funds for economic development, including fairs and festivals, by approximately $45,000, which is more than a 10 percent increase.

Councilor Wershow said the motion recommends a one year review. Council should consider what the legislature is doing at that time. He expressed concern that the State might pass legislation similar to the OLA language that would force the City to dedicate the economic development funds at the same percent as currently promised.

Councilor Brauner said he will support the motion due to the addition of a one-year review. He considered making a motion to approve a 4 percent allocation from the

General Fund for fairs and festivals. He said if the General Fund becomes an issue, the City will be forced to review other alternatives to fund economic development.

The amendment to the motion passed unanimously.

Councilor Brauner acknowledged the concerns expressed by Ms. Rusk. He said the policy probably needs a more frequent review; however, having a one-year review on the proposed changes provides an opportunity to move on with the next allocation process.

The main motion passed unanimously.

3. Economic Development Allocation Process and Calendar (continued)

Councilors Raymond and York, respectively, moved and seconded to approve the process and set the Economic Development Allocations calendar as recommended by staff. The motion passed unanimously.

XI. ADJOURNMENT

The meeting adjourned at 9:50 pm.

APPROVED:

Charles C. Tomlinson

MAYOR

ATTEST:

CITY RECORDER

Testimony and New Condition Proposed by the Applicant to Address Garbage Service Issue For Western Station (PLD08-00009, SUB08-00005, PCR08-00004)

Young, Kevin

From: sam [oregonsam@comcast.net]

Sent: Thursday, December 11, 2008 10:59 AM

To: Young, Kevin

Cc: Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 8; Ward 9; Mayor

Subject: Western Station parking lot design flaws will prevent recycling service to the residents

Kevin,

I have recently uncovered some serious problems about the parking lot design of Western Station that I feel should be shared. Please note that I have copied this email to City Council members since there will probably not be time to include this in their packet.

On Tuesday (12/9) I talked with Marc Wibbens, the route supervisor at Allied Waste Company concerning the ability to provide waste and recycling service to the Western Station project. At his request, I emailed him the site layout drawings provided by the applicant. His response was troubling.

First off, he said that neither the applicant nor the city had shown him this proposal beforehand for comment. When discussing the parking lot design from the perspective of truck traffic he stated that "this plan is probably the worst he has ever seen", because it "makes no consideration for customer service needs or capabilities of their trucks." As far as his company's ability to service the lot, he said that the only way it MIGHT be possible to get his smallest truck into the lot would require removing parking space 15 & the adjacent parking bumper (eliminating 2 parking spaces). And even after this change, recycling service would not be available because he must use his larger front loading truck for recycling. And he said that even with these improvements, he would actually "never want his trucks to enter the parking lot because it is a guaranteed liability because of the angles....something would get damaged."

It seems incredible to me that a flawed design which prevents safe truck access to commercial units has made it this far through the planning process. After learning this, I called Neil Hall at the Fire Station. He also agreed and stated that any fire truck or ambulance service would be provided from Western Blvd rather than trying to negotiate this parking lot.

I understand that Mr. Wibbens planned to call you about the problem, and that you will contact the applicant. What I would like to suggest is that any new changes proposed by the applicant should fix the design flaws of the parking lot to make it accessible to trucks. Simply moving the dumpster location will not fix the underlying problem. This MUC property is supposed to be primarily commercial, and viable commercial property requires trucks to get close to the loading doors for deliveries. Normal commercial delivery activities from new developments should not cause safety and compatibility problems by blocking traffic and bicycle lanes on arterial streets like Western Blvd.

Thank you for your consideration,

Sam Hoskinson

Young, Kevin

From: Trish Weber [Trish@devcoengineering.com]
Sent: Friday, December 12, 2008 11:30 AM
To: Young, Kevin
Cc: Lyle Hutchens
Subject: FW: Western Station - Revised Trash Enclosure Location

Kevin, following is an email from Allied Waste confirming that the new location for the trash enclosure will suit their needs. The size of the enclosure is actually 10' x 16', but we've confirmed with them via telephone that that is sufficient. Please pass this on to the City Council at the hearing.

Thanks, let us know if you have any questions or comments.

Trish

-----Original Message-----
From: Marc Wibbens [mailto:Marc.Wibbens@awin.com]
Sent: Friday, December 12, 2008 9:32 AM
To: Trish Weber
Subject: Re: Western Station - Revised Trash Enclosure Location

Hi Trish, This new placement for the trash enclosure will work much better. The 10' X 20' dimension will accommodate any of the containers that we have on wheels. Please be sure to specify that the gate openings are at least 5' and can be pegged into the ground in both the fully open and closed position to keep them from blowing around in adverse weather.Thanks

Marc Wibbens
Operations Supervisor
Allied Waste of Corvallis
(541) 936-0477

>>> "Trish Weber" <Trish@devcoengineering.com> 12/10/2008 11:47 AM >>>

Marc,

Attached is the revised landscape plan, showing the new trash enclosure location. Please review and confirm that this will meet your needs.
Thanks, please let us know if you have any questions.

Trish

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

December 11, 2008

Mr. Kevin Young
Senior Planner
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

SUBJECT: Western Station
PLD08-00009, SUB08-00005, PCR08-00004

Dear Mr. Young:

The applicant is proposing a minor change to the detailed development plan layout for the above project. The location of the trash enclosure is proposed to be moved from the southeast corner of the site to the west side of the access drive, as indicated on the attached revised Landscape Plan. The purpose of this change is to more easily accommodate the trucks to be used for garbage and recycling pickup service. The change was developed with consultation with Allied Waste Services, and the revised plan has been submitted to them for their review and approval.

This change will require a variance to LDC Section 4.10.60.05a, as follows:

> **Service Areas** – When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area.

The trash enclosure location will be within 10' of the railroad easement, which can be considered the required setback of the property line. The negative impacts of this variance are negligible, as the setback involved is for the railroad property, which will be used solely for that purpose for the foreseeable future. The passing railroad freight trains will not be affected by the location of the trash enclosure being closer than the LDC requirement dictates. The compensating benefit of this variance is an increase in the ease of the garbage/recycling pickup service in serving the site.

The change in location of the parking enclosure will result in an additional parking space provided, for a total of 19 spaces. This exceeds the minimum of 18 required by LDC 4.1.30, and is below the maximum of 23 spaces. The open space will be reduced by a total of 204 sq. ft., which will result in a total of 7460 sq. ft. of open space, or 34% of the gross area. This exceeds the minimum of 20% required by LDC 3.20.40.04.

The change in trash enclosure location also results in a revision to the site utility plan, as the conflict between the new location and a proposed storm water swale necessitates the inclusion of a

detention pond at the southern end of the property. All necessary detention and water quality functions will continue to be met with the revised utility layout.

The applicant is proposing an additional Condition of Approval that will facilitate this change, as follows:

15. **Trash Enclosure Location** – The trash enclosure is to be located as indicated on the revised Landscape Plan dated 9 December 2008, in lieu of the location shown on the original plan set. The storm water detention and water quality system is to be revised accordingly, as indicated on the revised Utility Plan dated 9 December 2008. The trash enclosure is to be screened and buffered per LDC Section 4.10.60.05a and the requirements outlined in LDC Chapter 4.2.

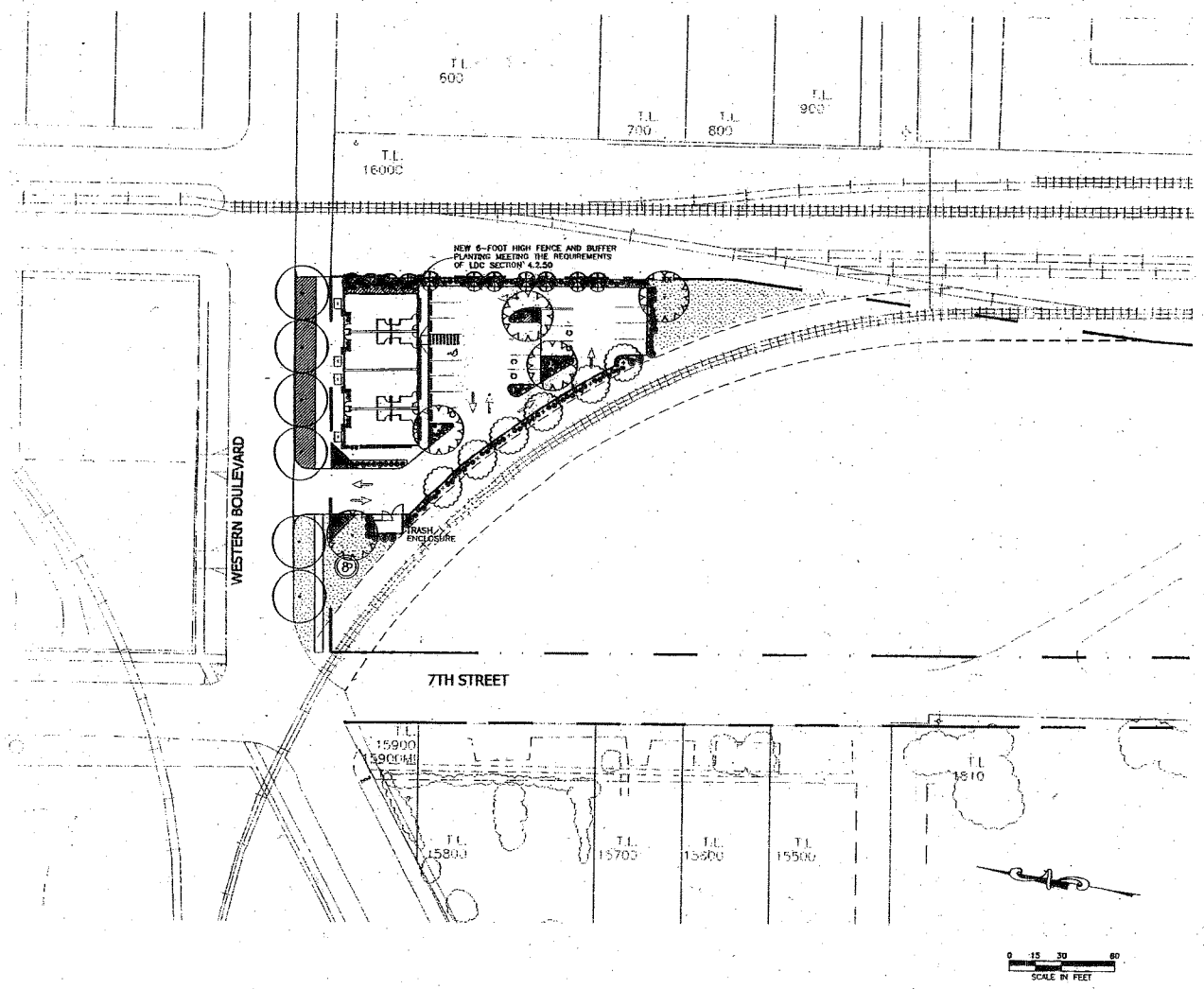
Thank you for your attention to this matter. If you have any questions, please do not hesitate to call me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/pjw
04-433 kyoung 10-24-2008.doc

Attachments: Utility Plan, Attachment "Q"
Landscape Plan, Attachment "S"



LANDSCAPE LEGEND

EXISTING VEGETATION

SYMBOL	DESCRIPTION
	EXISTING DECIDUOUS OR EVERGREEN VEGETATION (OUT OF PROJECT AREA)

CONCEPTUAL VEGETATION

SYMBOL	CHARACTERISTICS
	TILIA AMERICANA 'BOULEVARD'
	CARPINUS BETULUS FASTIGATA
	ACER RUBRUM 'ARMSTRONG'
	ACER SACCHARUM 'ENDOWMENT'
	EVERGREEN SCREENING SHRUB
	SHRUB BEDDING PLANT
	SIDEWALK PLANTERS
	HARDSCAPE LANDSCAPE FEATURE
	LAWN TURF
	GROUND COVER
	VISION CLEARANCE AREA

ATTACHMENT "S

No.	REVISION:	DATE:
1	PER REVIEW (TRASH ENCLOSURE)	12/09/08

DEVCO ENGINEERING INC.
Corvallis Oregon
(541) 757-8991
342 NW CONNECTICUT, P.O. BOX 231
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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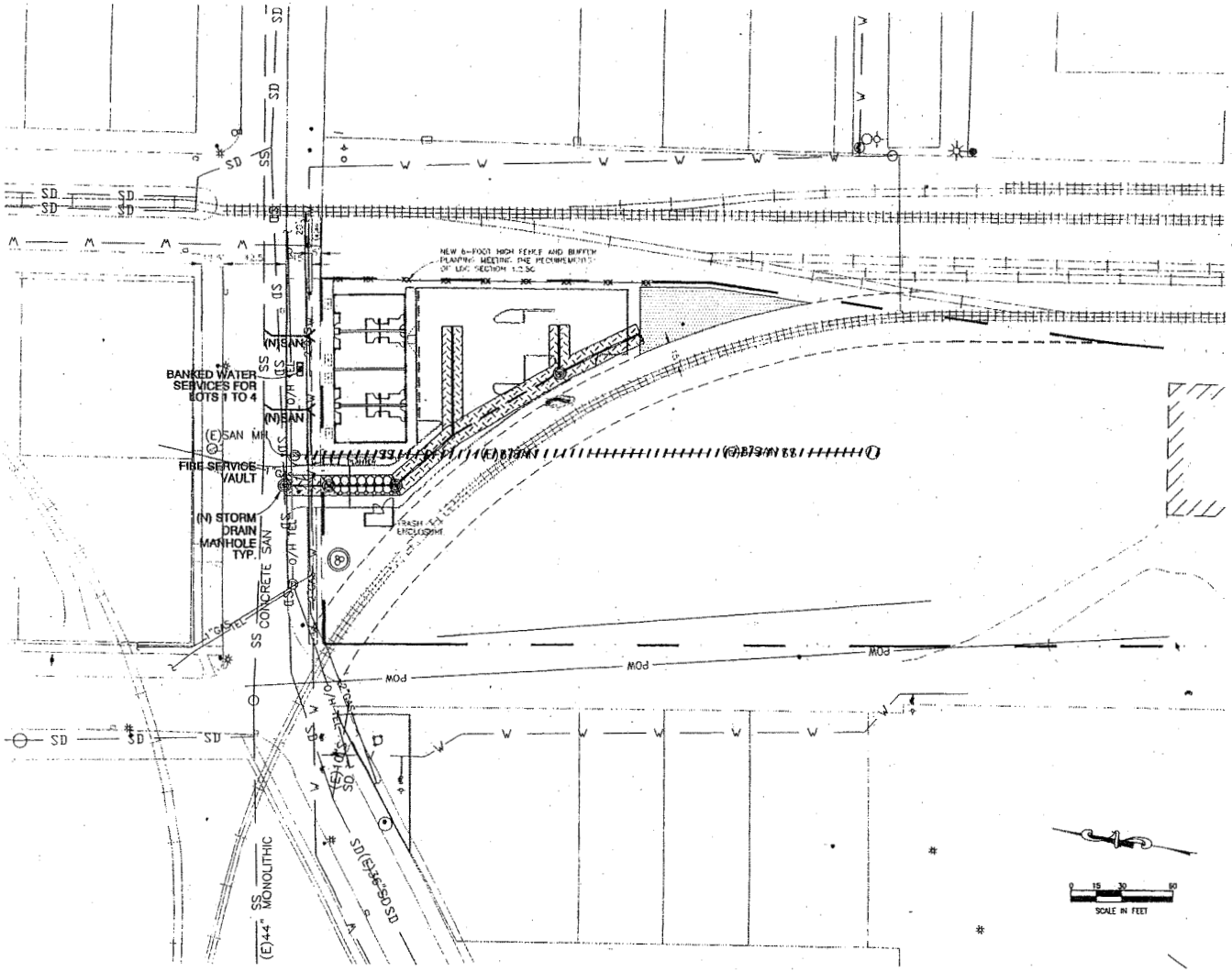
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7TH STREET STATION, LLC

SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

JOB NO. 04-433
ISSUED: 09/04/08
DRAWN BY: DEVCO



UTILITIES LEGEND

- SS — EXISTING SEWER LINE
- W — EXISTING WATER LINE
- SD — EXISTING STORM DRAIN LINE
- UTILITY LINE TO BE ABANDONED
- NEW STORM DRAIN LINE
- NEW SANITARY LINE

LEGEND
STORM WATER QUALITY MEASURES

- STORM WATER CONVEYANCE
- STORM WATER CONVEYANCE AND DETENTION SWALE
- STORM WATER CONVEYANCE AND DETENTION

ATTACHMENT "Q"

No.	REVISION:	DATE:
1	PER REVIEW (TRASH ENCLOSURE, PARKING AND STORM WATER)	12/09/08

DEVCO ENGINEERING INC.
Consulting Civil Engineers
(541) 757-1944
345 NW CONCORD, P.O. BOX 126
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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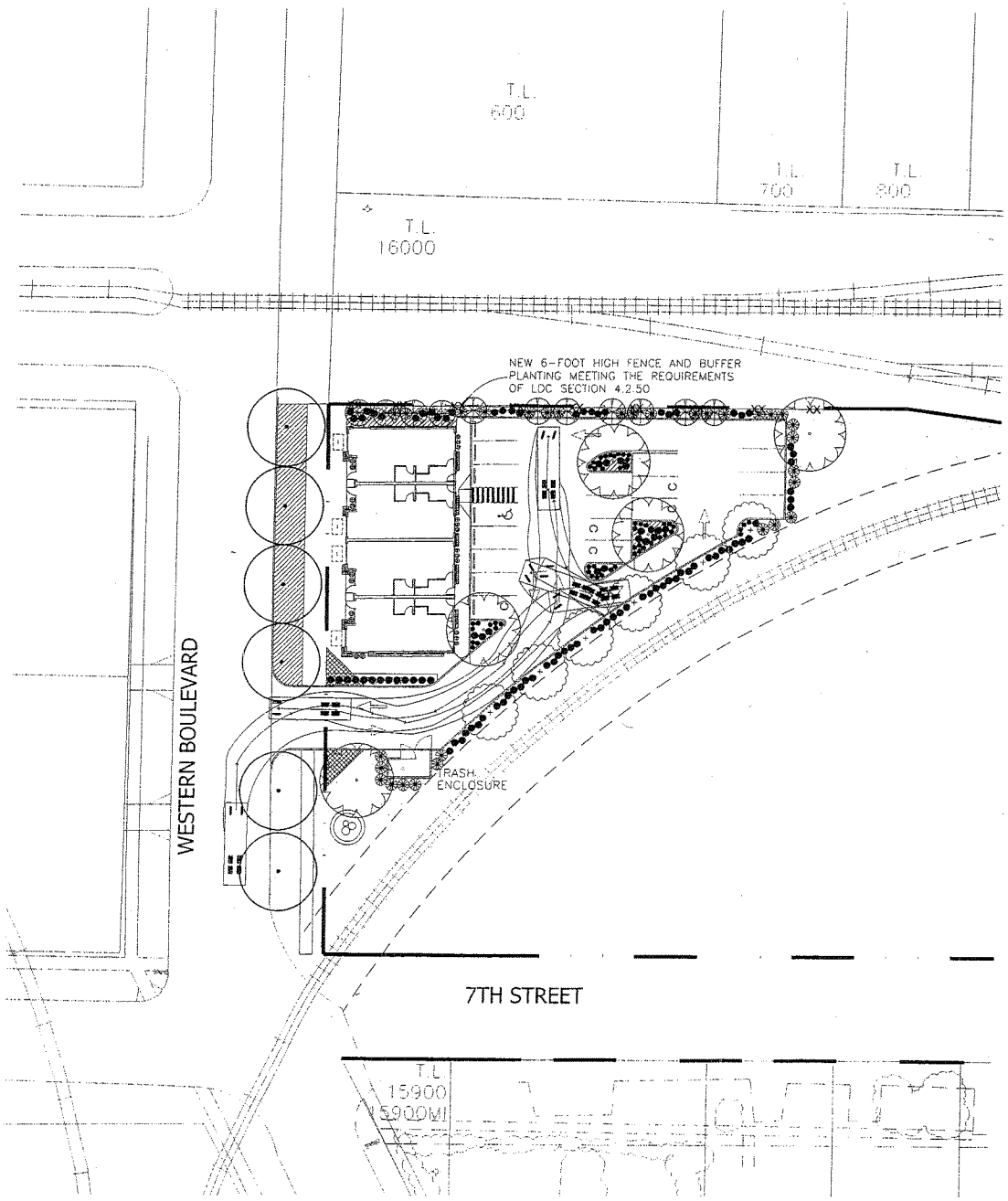
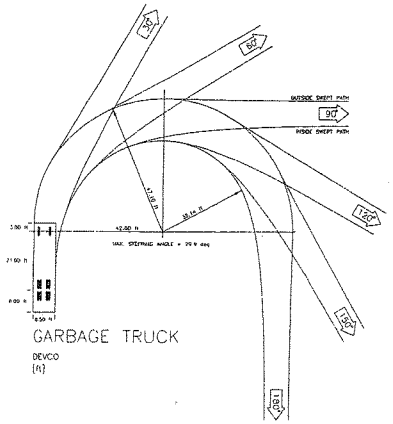
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: SITE UTILITY PLAN

JOB NO. 04-433
ISSUED: 09/04/08
DRAWN BY: DEVCO





ATTACHMENT F
Page 688-n

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Western Station

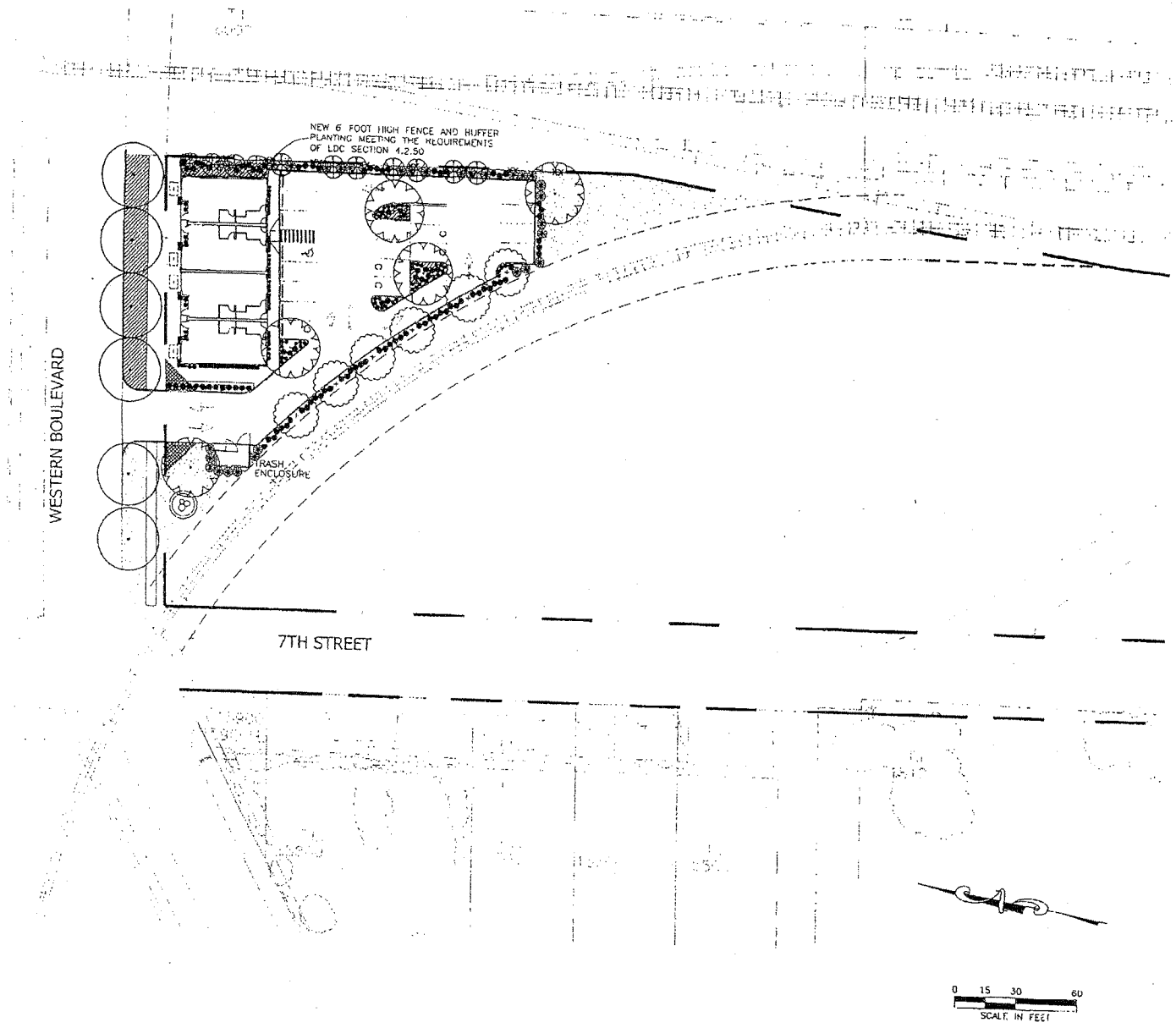
Appeal of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review (PLD08-00009, SUB08-00005, PCR08-00002)

December 15, 2008

City Council Public Hearing

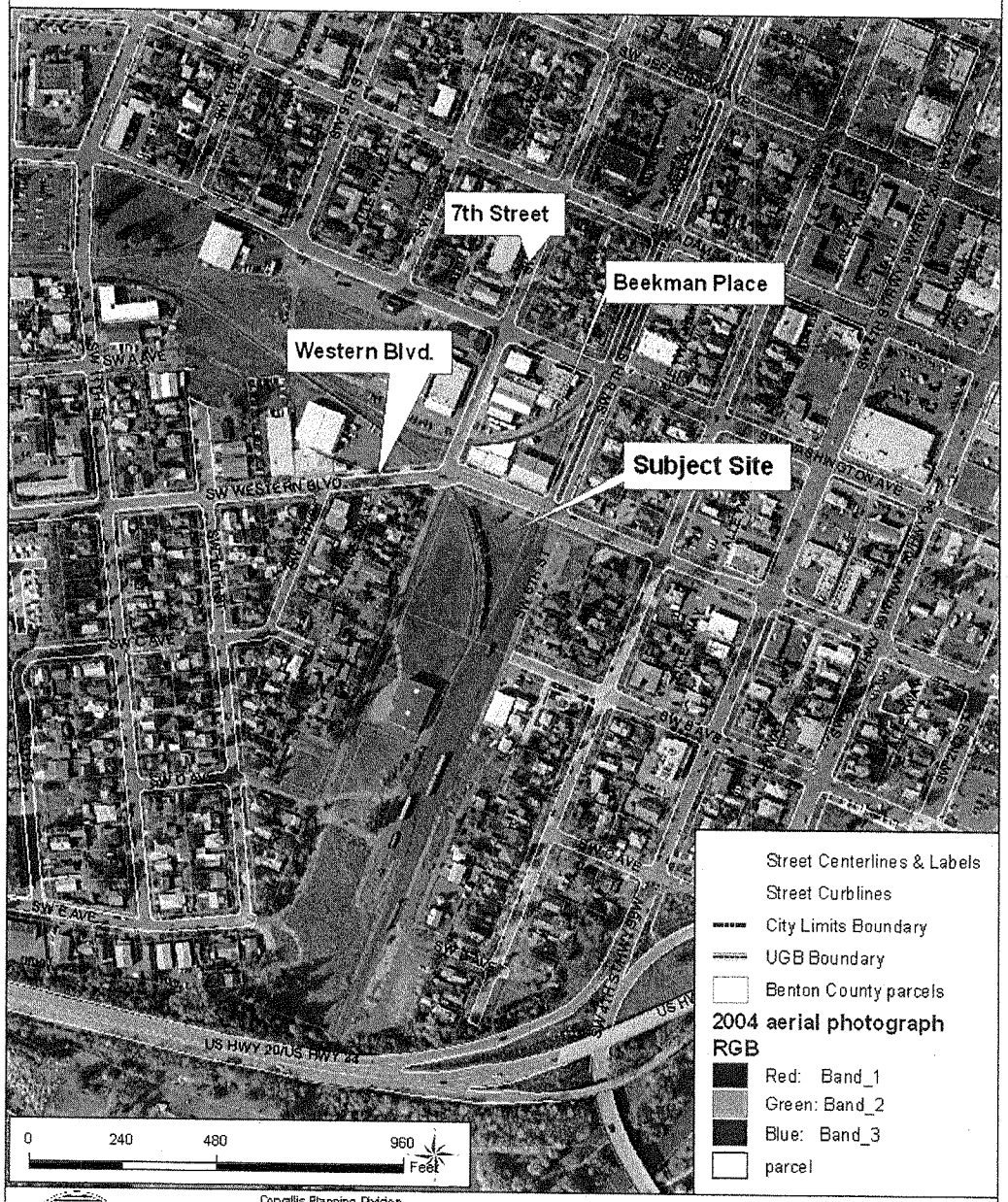
Possible New Information

- The applicant has submitted a proposed new condition regarding the relocation of trash receptacles on the site, to address concerns that have been raised. This could be considered new information. To address this potential issue, staff recommend that you hold the record open for one week to allow testimony on that issue, whether requested or not.


NEW 6 FOOT HIGH FENCE AND BUFFER PLANTING MEETING THE REQUIREMENTS OF LDC SECTION 4.2.50
WESTERN BOULEVARD
TRASH ENCLOSURE
7TH STREET
0 15 30 60
SCALE IN FEET

- Request - approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing commercial space on the first floor and mezzanine level, with residential units above. The associated four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses within the development.

Vicinity Map



Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

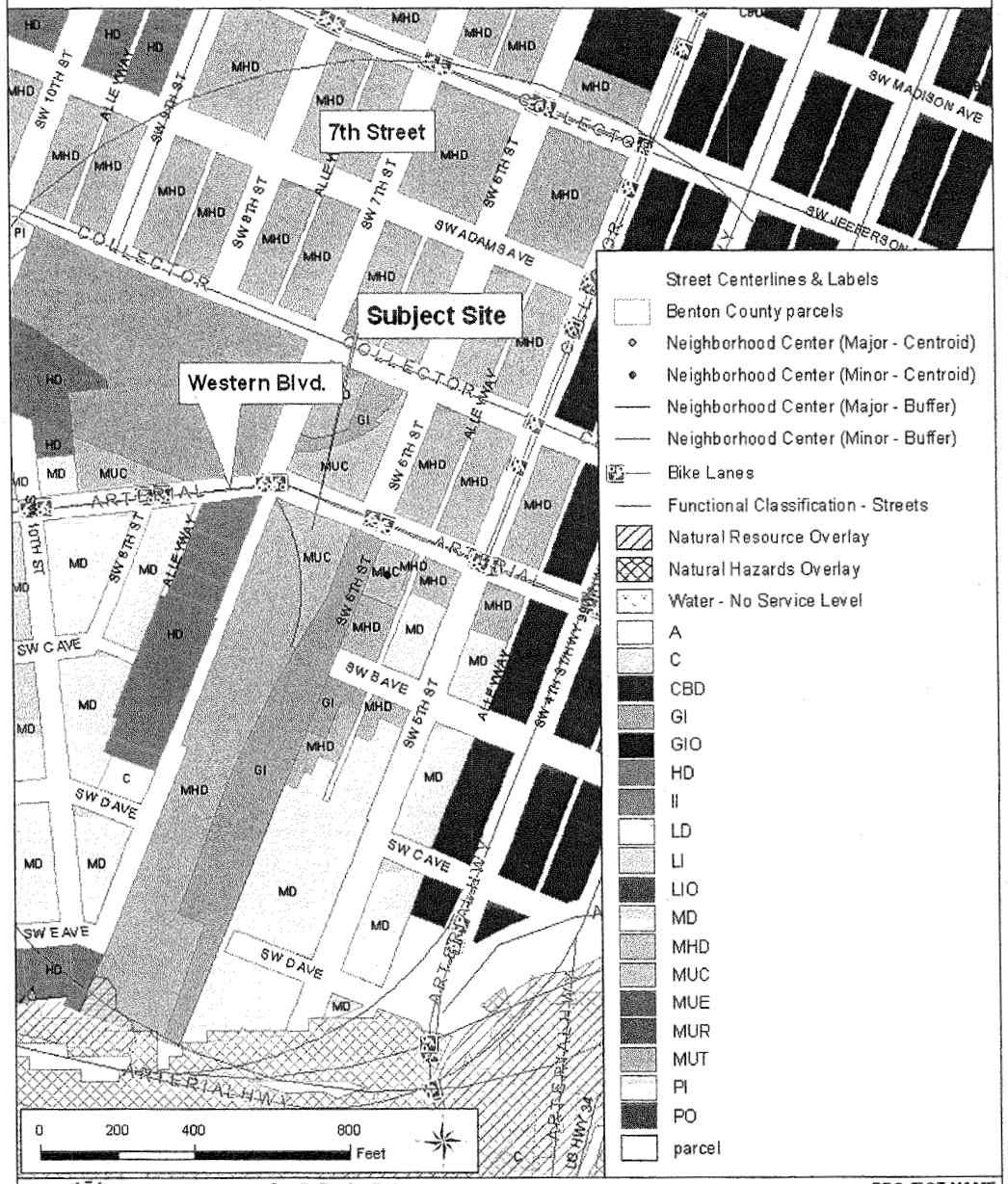
541.766.6908
Planning@ci.corvallis.or.us

PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

Comprehensive Plan Map



CORVALLIS

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

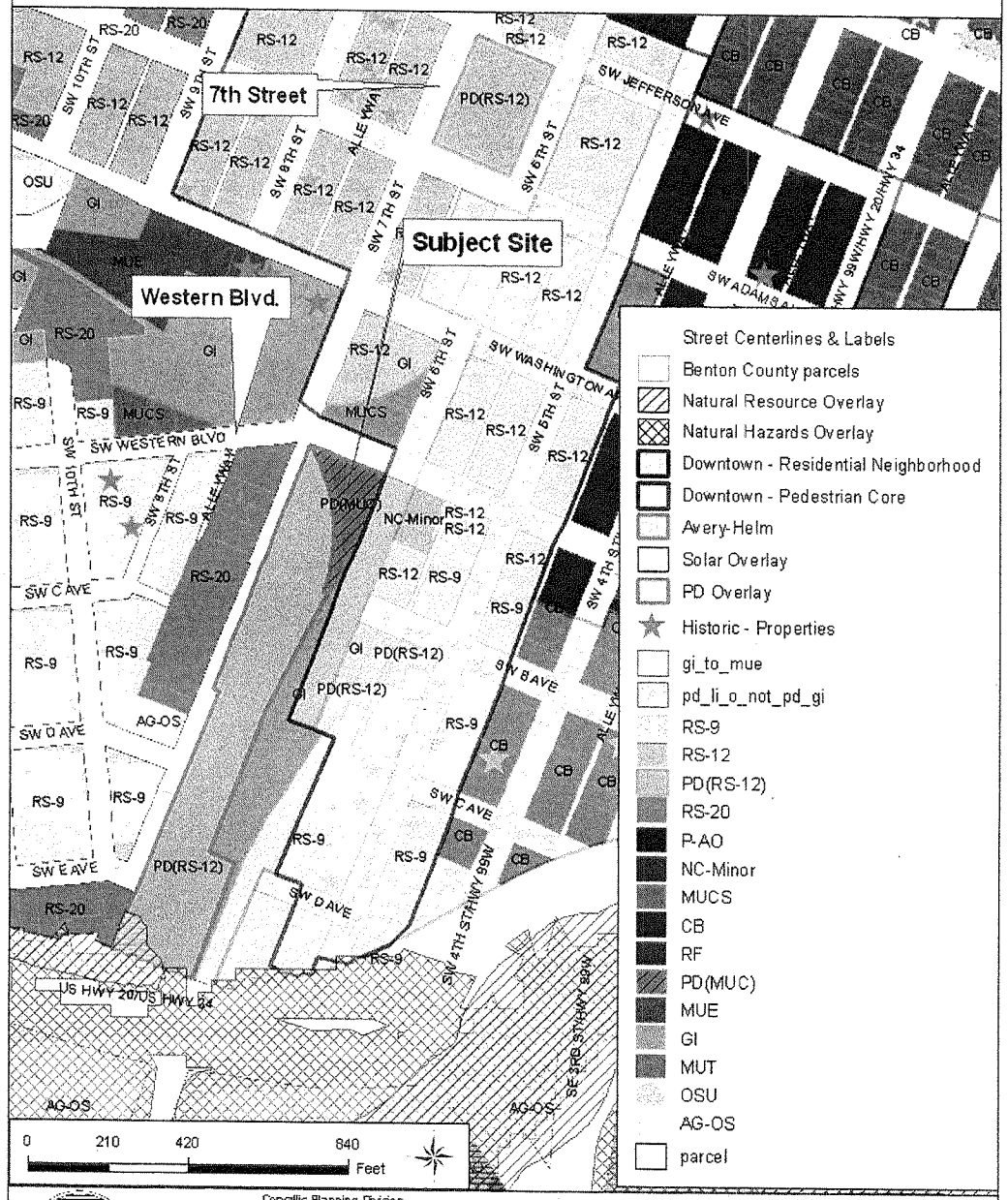
PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

CORVALLIS

Zoning Map



CORVALLIS

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

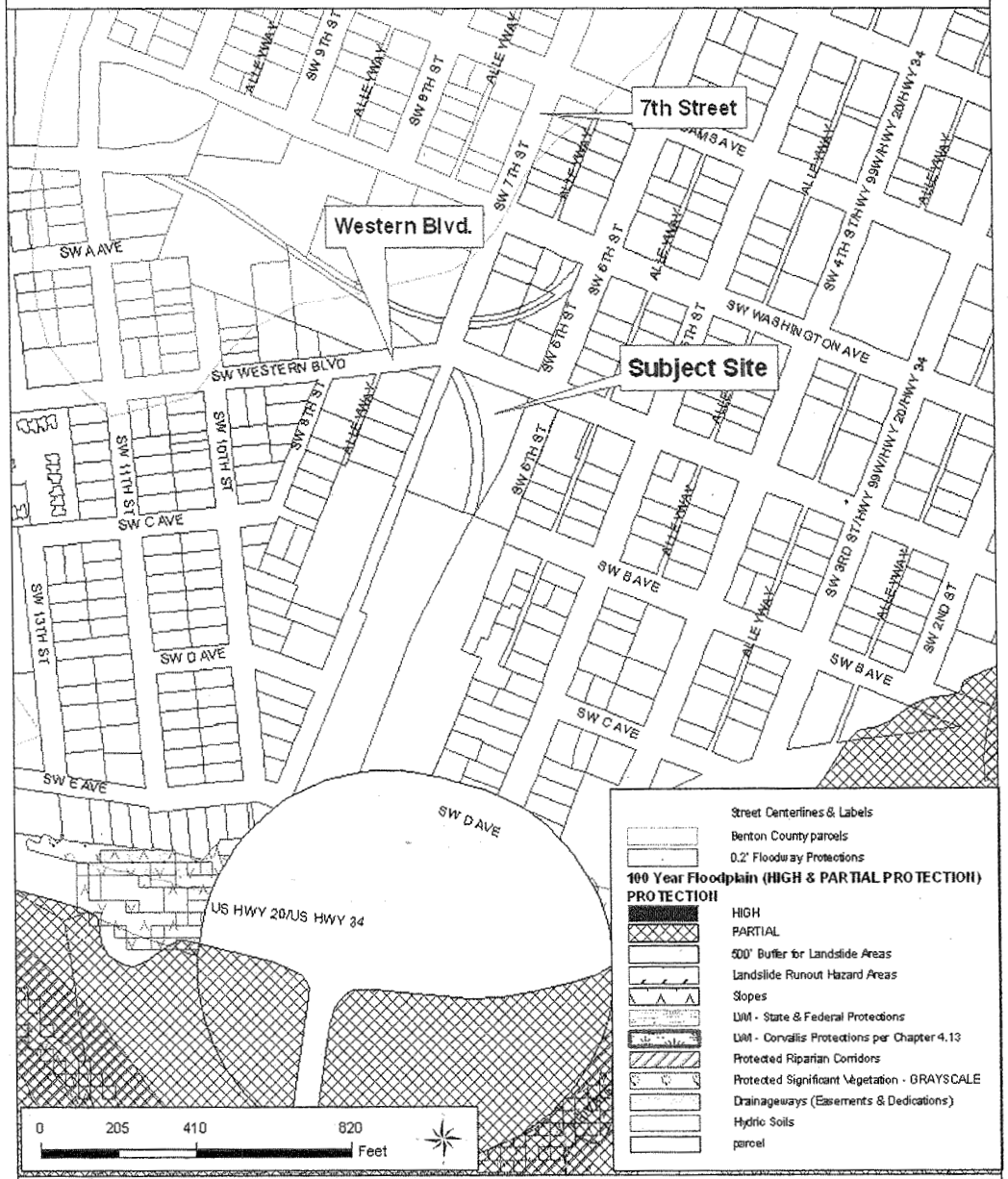
PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

CORVALLIS

Natural Features Map



Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

Appeal Issues

- *Approval allows variations to Code requirements without "meaningful compensation"*

  The Planning Commission and Staff find adequate compensating benefits will be provided to offset proposed variations, per LDC 2.5.40.04.a.1. This is discussed in detail on pages 43 – 49 of the Staff Report to the Planning Commission.

- *There is no public need for additional residential housing in this area.*

  "Public Need," although a decision criteria for a Comprehensive Plan Amendment, is not a criterion for review of a Planned Development, Subdivision, or Plan Compatibility Review, which are the applications under consideration at the present time. Residential uses are permitted uses within the MUC Zoning District.

- *Consistency with certain Comprehensive Plan Policies has not been addressed.*

  As noted on page 9 of the Staff Report to the Planning Commission, the adoption of the 2006 Land Development Code fully implements the Comprehensive Plan, and therefore, Comprehensive Plan Policies do not need to be specifically addressed in an analysis of compliance with applicable decision criteria. Where variations have been requested, Comprehensive Plan Policy direction has been considered, as discussed on pages 43 – 49 of the Staff Report to the Planning Commission.

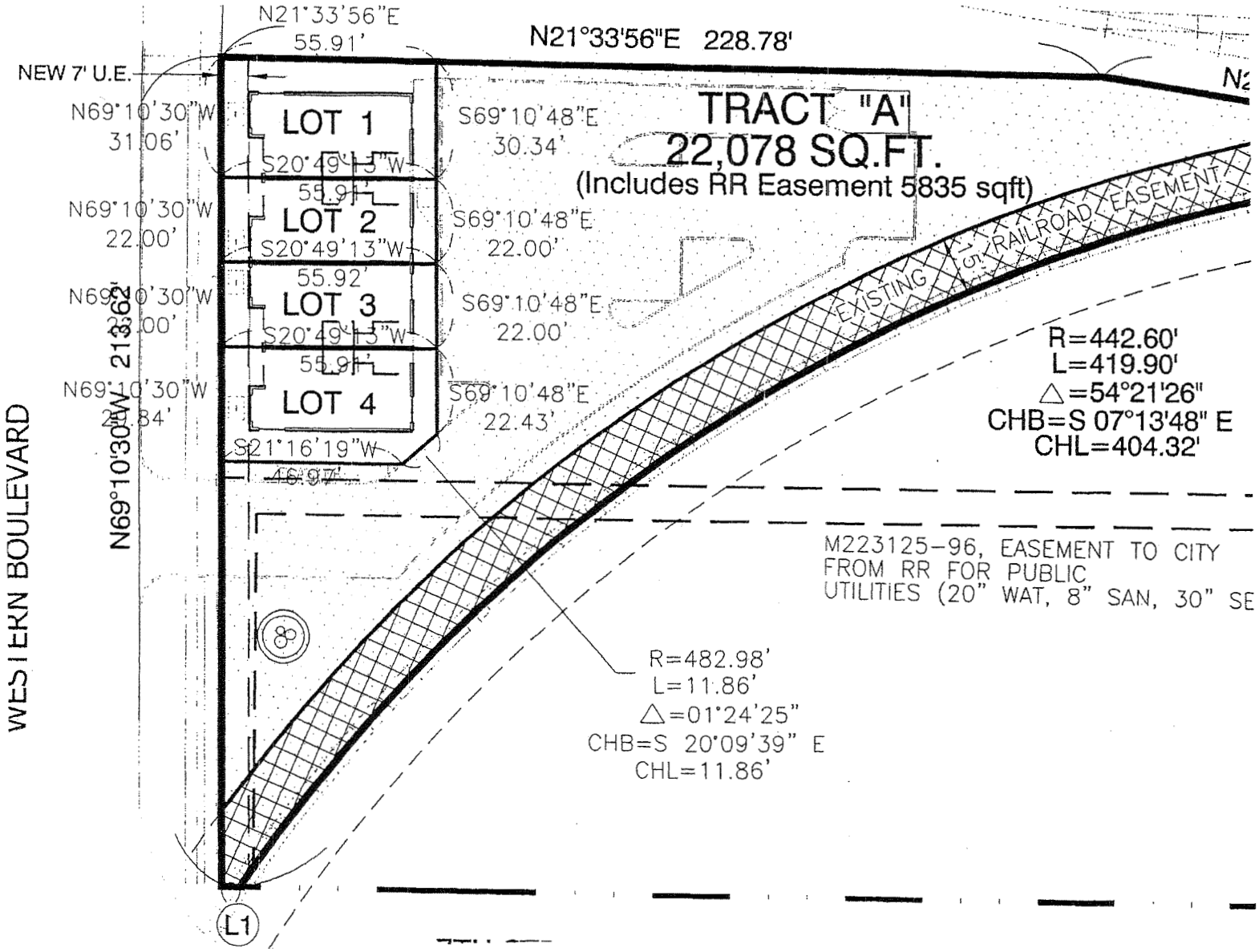
Conceptual and Detailed Development Plan

CORVALLIS

Compatibility – Variations

- The applicant has requested the following variations to Land Development Code requirements, as allowed through the Planned Development process:
  - Driveway access width narrowed from 24 ft. to 20 ft. in one area
  - Reduce minimum internal sidewalk width from 5 ft. to 4 ft., 6 in. in one area
  - Reduce width of fenced and landscaped buffer between site and industrial land to the east from 20 ft. to 9 ft.
  - Allow access to arterial street (Western Blvd.) within 150 ft. of intersection with 7th Street
  - Reduce amount of building located within maximum setback along the site's street frontage from 50% to 41%
  - Allow two of the proposed lots to have street frontage less than the required 25 feet

- All of the six requested variations result from the unusual configuration and constrained street frontage of the site.



Compatibility – Noise

- Condition 7 will require acoustical buffering to be incorporated into the east wall of the building to mitigate noise impacts from the adjacent railroad tracks.
- No unusual noises, odors, or emissions are anticipated from the development itself.

Compatibility – Site Design and Visual Elements

- The proposed site design will accommodate all necessary improvements on the site in a safe and functional manner.
- The proposed building design is within the 45-foot height limit in the MUC District. The separation of the building from any nearby development will ensure that the height and scale of the structure are not incompatible with adjacent development. The allowed building height in nearby RS-12 Zoned areas is 35 feet and within the RS-20 Zone to the west it is 65-feet, or 5 stories.
- The building will incorporate elements that provide adequate visual interest, design variety, and building articulation.

Compatibility – Traffic and Parking

- The Trip Generation Study found no significant traffic impacts. Staff concur.
- Condition 8 will ensure that commercial uses within the development will only be those with a parking requirement of 1 space per 400 sq. ft. or less.
- Vehicle parking requirements are met, as shown in the following table:

Compatibility – Vehicle Parking Requirements

Proposed Uses	LDC Standard	Resulting Parking Requirement
Four 1,387 square foot commercial spaces (5,548 total square feet)	1 space / 400 sq. ft.	14 parking spaces
Four 2 - Bedroom Single Family Attached Dwellings	1.5 spaces / 2 Bedroom Single Family Attached Dwelling	6 parking spaces
Subtotal – Parking Requirement		20 Parking Spaces
Less 10% for transit stop w/in 300 ft. of site		-2 spaces
Total Parking Requirement (after allowed reduction)		18 parking spaces

Subdivision

- The proposed subdivision plat complies with applicable zoning district and platting requirements, with the exception of the 25-ft. minimum lot width standard, which the applicant has requested to vary from for two of the four lots. Because vehicular access and parking for the development will be shared, staff recommend support for the requested variation.

Plan Compatibility Review

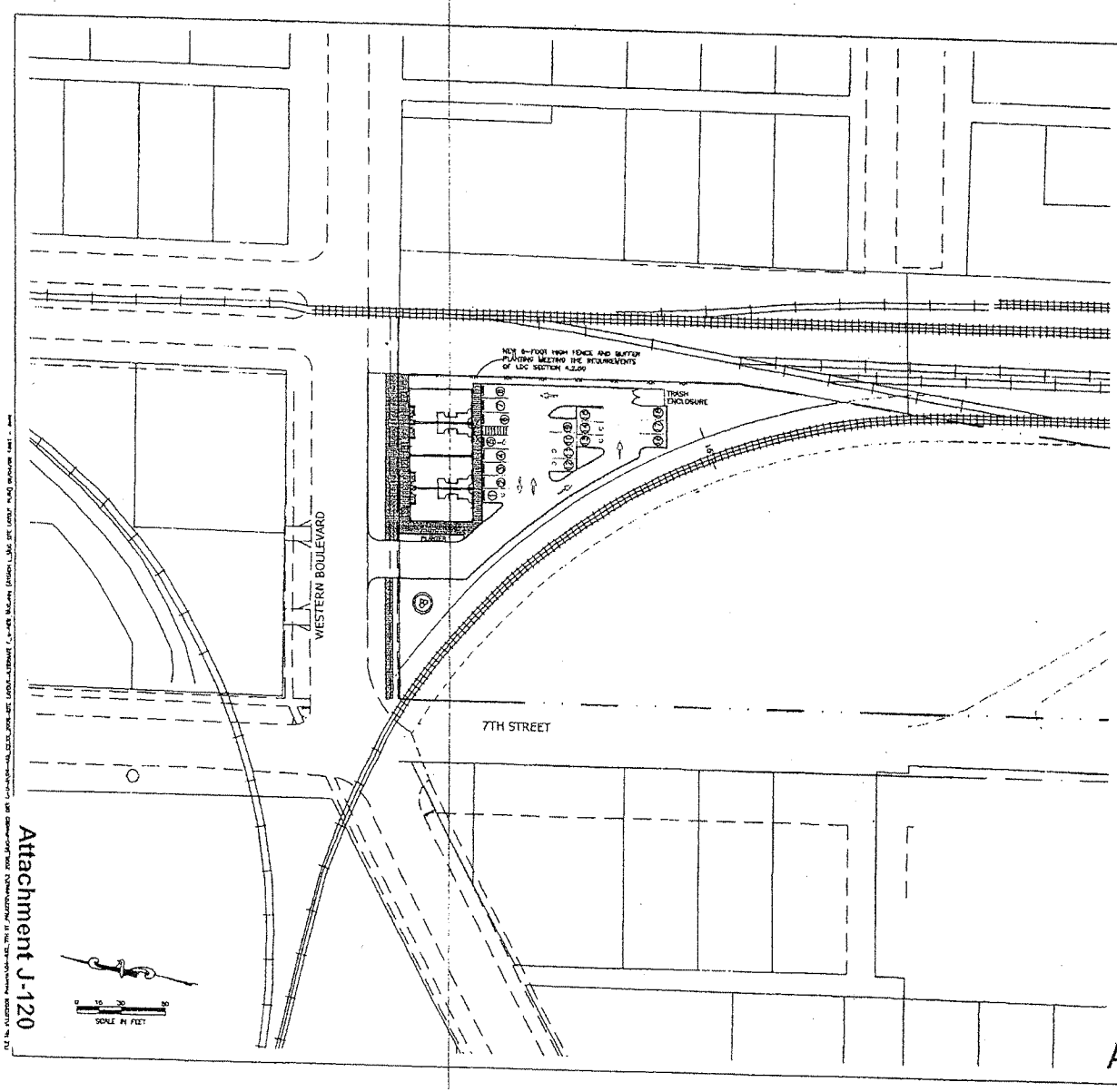
- The proposed development is consistent with the purposes for a PCR review.
- Neighboring property owners and residents will be protected from negative development impacts by the physical separation of the site from nearby residents, and by LDC requirements and conditions pertaining to building design, site layout, lighting, landscape buffering and other requirements.

Plan Compatibility Review (Continued)

- The proposed development will not adversely affect traffic, parking, and access.
- The proposed development will not adversely impact any significant natural features.

Recommendations

- The Planning Commission and staff recommend approval of the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, as conditioned.



MUC:

GROSS LAND AREA: 22,056 SQ.FT.
(0.51 ACRES)
(RR Easement not included in area above)

TOTAL DWELLING UNITS: 4 LIVE/WORK

DENSITY: 4 UNITS / 0.51 ACRES = 8 UNITS/ACRE

GREEN SPACE

1) Ground Level (undeveloped area in RR Easement not included in area above)	7,664 sq.ft.
2) Decks None Included	
TOTAL GREEN SPACE AREA (Excluding undeveloped area in railroad easement)	7,664 sq.ft.
Green Space as percentage to Gross Area	35%

LOT COVERAGE OF BUILDING AND STRUCTURES

3,605 sq.ft.
16.3 % of Gross Land Area

COMMERCIAL USE	
GROUND FLOOR	3,440 sq.ft.
MEZZANINE	2,108 sq.ft.
Commercial use as percentage to Gross Area	25%

ATTACHMENT "L"

No.	REVISION:	DATE

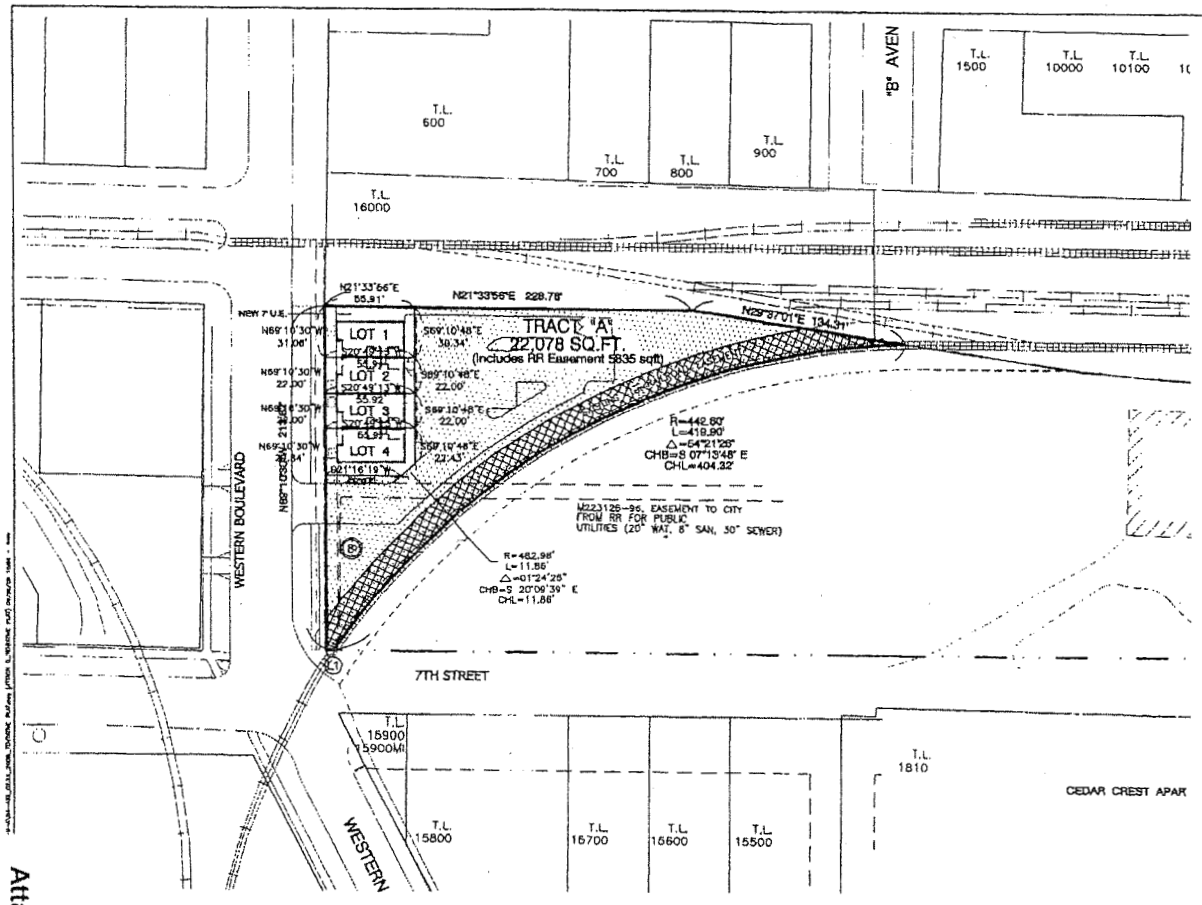
DEVCO

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: DETAILED DEVELOPMENT PLAN

JOB NO 04-433
ISSUED: 06/24/08
DRAWN BY: DEVCO

Attachment J-120



LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	4.68'	S 21°16'52" W

LOT AREA TABLE	
LOT NO.	AREA
1	1716.45 SQ.FT.
2	1230.06 SQ.FT.
3	1230.06 SQ.FT.
4	1642.63 SQ.FT.
TRACT "A"	22,072 SQ.FT. (INCLUDES RR ROW)

FAR CALCULATION	
TOTAL AREA	27,891 SQ.FT.
RAILROAD EASEMENT	5,835 SQ.FT.
DEVELOPABLE AREA	22,056 SQ.FT.
COMMERCIAL AREA	5,548 SQ.FT.
FAR	0.25

OWNER:
7th Street Station, LLC
1900 Front Street NE
Salem, Oregon 97303

ATTACHMENT "O"

No.	REVISION:	DATE:

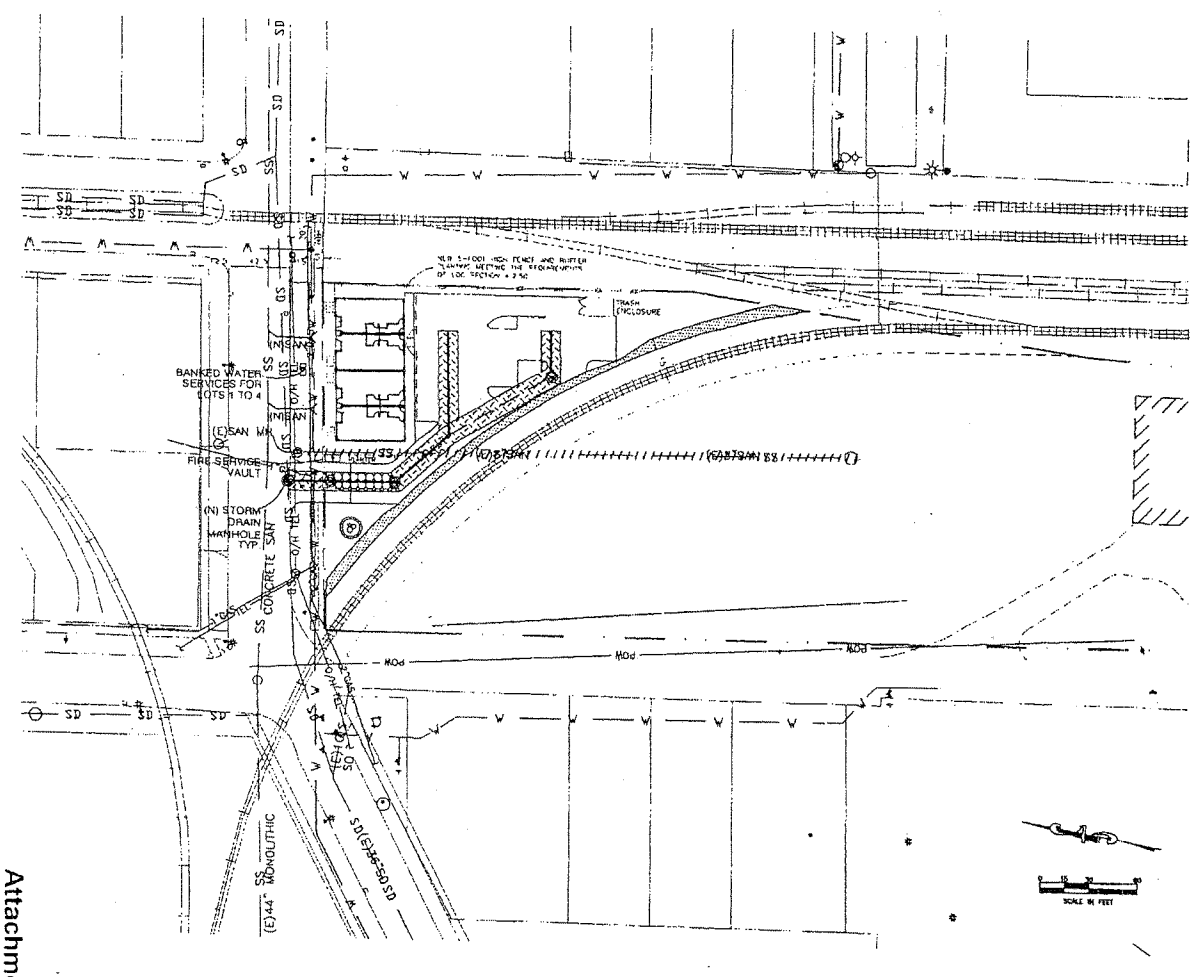
DEVCO

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: TENTATIVE PLAT

JOB NO 01-433
ISSUED 08/04/08
DRAWN BY: DEVCO

Attachment J-123



UTILITIES LEGEND

- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- UTILITY LINE TO BE ABANDONED
- NEW STORM DRAIN LINE
- NEW SANITARY LINE

LEGEND
STORM WATER QUALITY MEASURES

- STORM WATER CONVEYANCE
- STORM WATER CONVEYANCE AND DETENTION
- STORM WATER CONVEYANCE AND DETENTION

ATTACHMENT "Q"

DEVCO ENGINEERING INC.

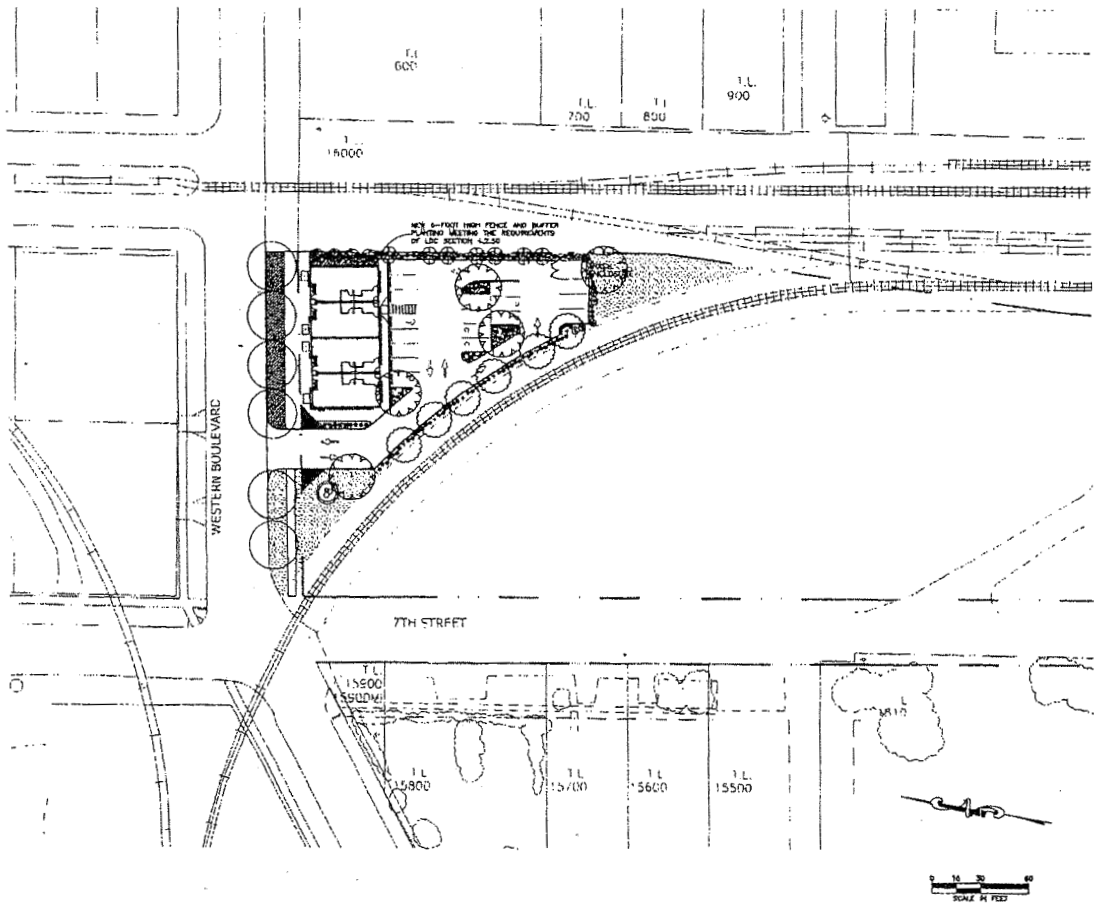
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: SITE UTILITY PLAN

JOB NO: 04-433
ISSUED: 10/04/08
DRAWN BY: DEVCO

NO. | REVISION: | DATE:

Attachment J-125



LANDSCAPE LEGEND	
EXISTING VEGETATION	
SYMBOL	DESCRIPTION
	EXISTING DECIDUOUS OR EVERGREEN VEGETATION (OUT OF PROJECT AREA)
CONCEPTUAL VEGETATION	
SYMBOL	CHARACTERISTICS
	TILIA AMERICANA "BOULEVARD"
	CARPINUS BETULUS FASTIGIATA
	ACER RUBRUM "ARMSTRONG"
	ACER SACCHARUM "EMERALD"
	EVERGREEN SCREENING SHRUB
	SHRUB BEDDING PLANT
	SIDEWALK PLANTERS
	HARDSCAPE LANDSCAPE FEATURE
	LAWN TURF
	GROUND COVER
	VISION CLEARANCE AREA

ATTACHMENT "S"

No.	REVISION	DATE

DEVCO

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

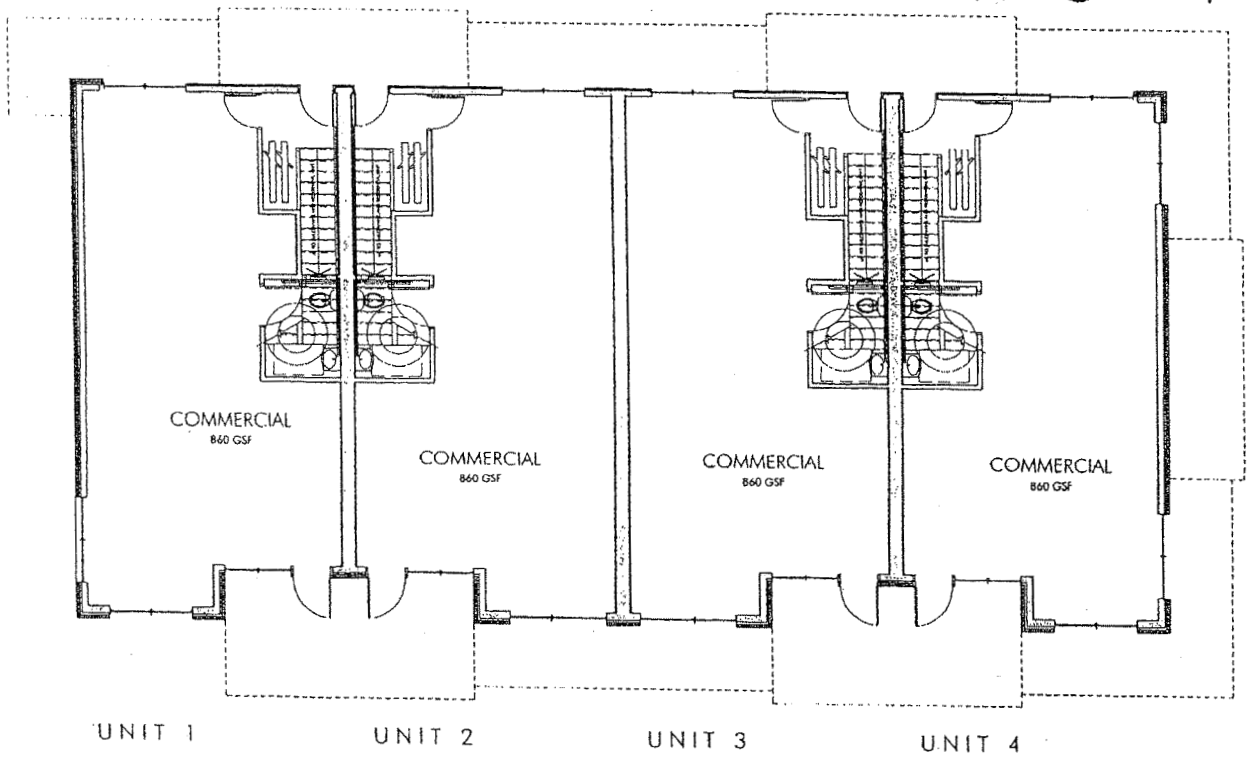
SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

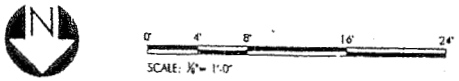
JOB NO. 04-433
ISSUED: 06/04/08
DRAWN BY: DEVCO

Attachment J-127

WESTERN STATION

LIVE/WORK BUILDING POD





GROUND FLOOR PLAN

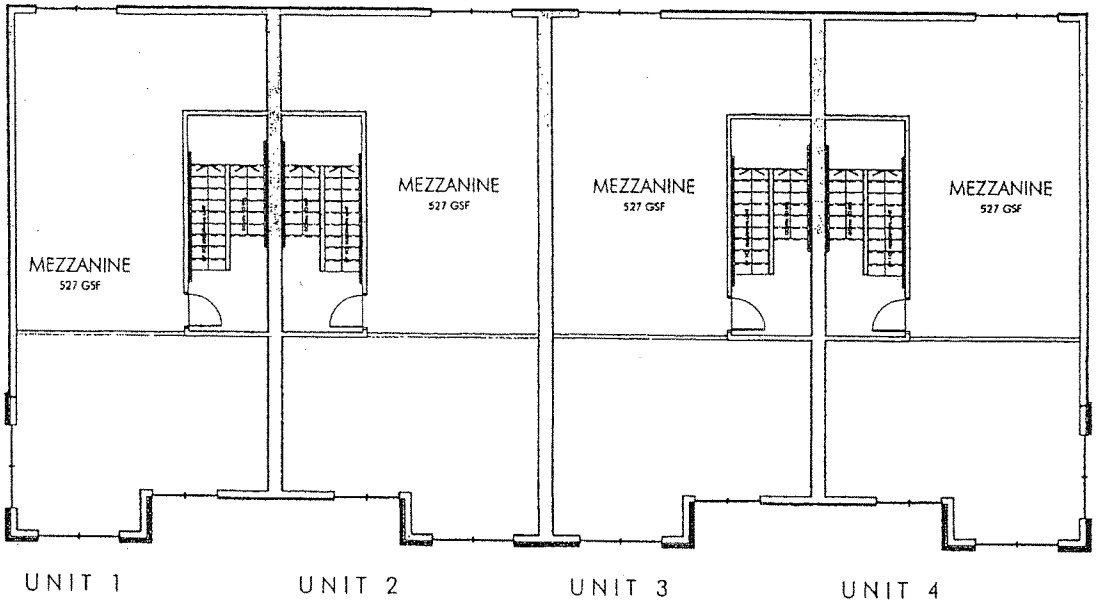
1/8" = 1'-0"

2 SEPTEMBER 2008

ATTACHMENT **T**

WESTERN STATION

LIVE/WORK BUILDING POD



MEZZANINE FLOOR PLAN

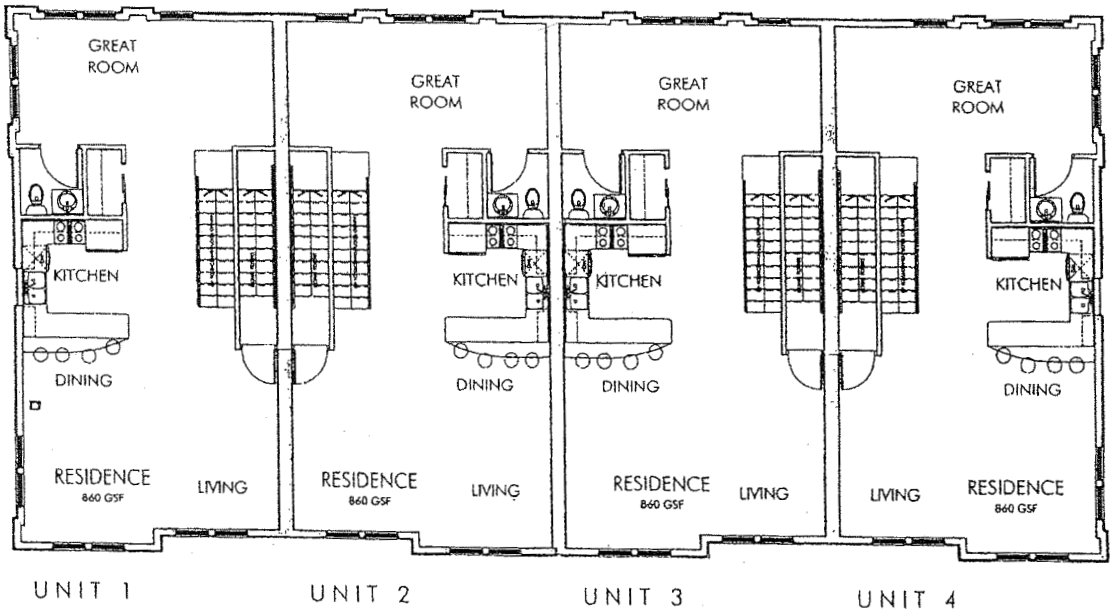
$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT **U**

WESTERN STATION

LIVE/WORK BUILDING POD



FIRST FLOOR PLAN

1/8" = 1'-0"

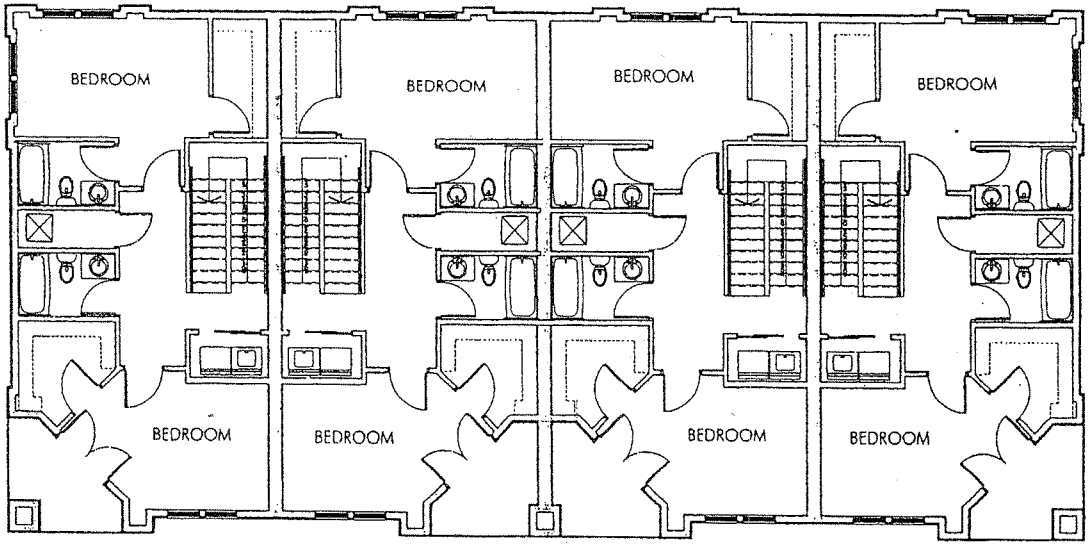
21 APRIL 2008

ATTACHMENT V

Attachment J-130

WESTERN STATION

LIVE/WORK BUILDING POD



UNIT 1 UNIT 2 UNIT 3 UNIT 4

SECOND FLOOR PLAN

$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT **W**

WESTERN STATION

LIVE/WORK BUILDING POD

FRONT ELEVATION

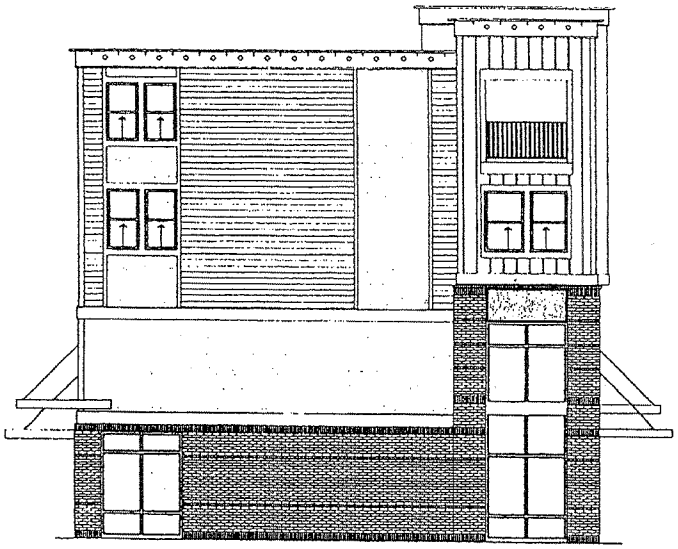
$\frac{1}{8}$" = 1'-0"

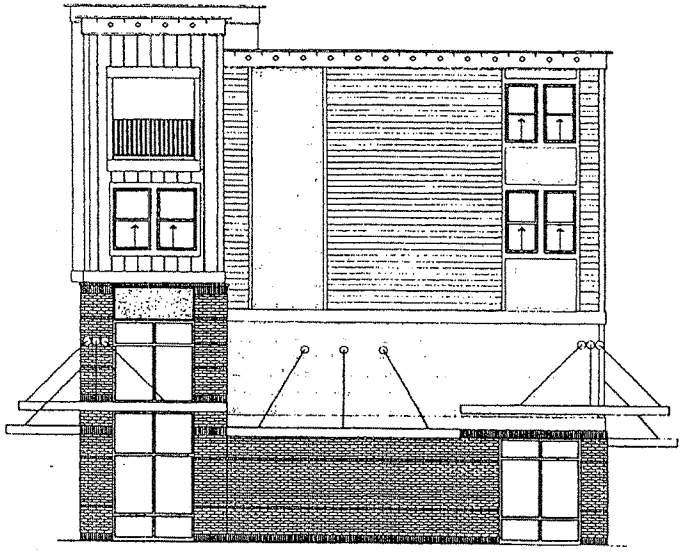
2 SEPTEMBER 2008

ATTACHMENT **X**

WESTERN STATION

LIVE/WORK BUILDING POD





SIDE ELEVATIONS

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

TTACHMENT **Y**

WESTERN STATION

LIVE/WORK BUILDING POD

REAR ELEVATION

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

ATTACHMENT Z

VARIANCES

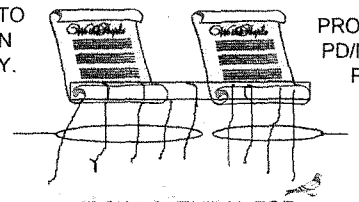
Item	VARIANCE REQUESTED	Code Sectio	Code Standard	Proposed Standard
Commercial Access DriveWidth	y	4.1.40	Minimum 24' wide	20' wide
Access to arterial street	y	4.1.40.a(2)	Minimum 150-feet from intersection	Minimum 100-feet from intersection
Tree perimeter	y	4.2.40	10' around all trees	5' around all trees
Fencing and landscaping screening for MUC Residential Uses adjaccent to industrial Districts	y	3.20.50.09.b	Fencing required and 20-foot landscape screen	Fencing and 9-foot landscape screen
Percentage of building Frontage for Attached Residential Buildings	n	3.20.60.01.b		
Roof eslevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential sstructures by more than one 1 story This provision applies to that portion ofthe structure that is closest 20 feet minimum to the adjacent residential structures	n	3.20.50.09a-2		
Minimum Width for sidewalk around building wall	y	4.10.70.03.2	Minumum 5' width	5' width except 4'-6" at southwest corner of building
"Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft wide, weather-protected area (e.g. awnings or canopies) shall be provided along the portion of the building(s) adjacent to the sidewalks and/or plazas."	n	3.20.50.04.a	Code language requires continuous weather protection. Plan provides awning along 86% of the building fontage (page 27 of part I of application).	
Requires lots to abut a street for at least 25-ft unless specific criteria are met. This project does not meet exemptions.	n	4.4.20.03.b		
"Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. "	n	4.0.30.a.2	The proposal is to place cement pavers between tree wells. If ground is covered with pavers, then it cannot be a "planted area."	
Commercial Property must be "preserved" (Statewide Goal 9) LDC 1993 3.20.40.01 Preservation of Commercial Land Supply - a. A minimum floor area ratio (FAR) of 0.25 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes.	n	3.20.40.01	Staff stated that they could find no instance where RR easements were elimanated in calc, and if that is problem a variance could solve it.	
c. Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process. Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.	n	3.20.40.01-c	Residential uses make up more than 50% of the uses in this "commercial" project	

COMPREHENSIVE PLAN

DISTRICT ZONING MAP MUC

PERMANENT CHANGES TO COMPREHENSIVE PLAN BASED ON PD OVERLAY.

PROPERTY ZONING CHANGED TO PD/MUC, INCLUDING PERMANENT PD OVERLAY PROTECTION.



COMP PLAN POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

ZONING POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

FROM DICKERHOOF CC HEARING....Comp plan..."policies that cannot be fully evaluated at this time"
3.2.4, 5.2.4, 5.6.16, 7.4.2, 7.5.5, 8.10.9, 8.14.3, 9.2.1, 9.2.2, 11.2., 11.2.9, 11.4.7, 11.8.2, 12.2.3, 13.10.1.

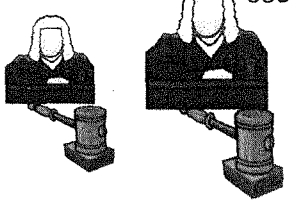
LARGE POTENTIAL FOR NEGATIVE CONSEQUENCES DUE TO NEW DEVELOPMENT

CITY COUNCIL HAS THE DUTY AND POWER TO ACT TO ENSURE ALL COMPREHENSIVE PLAN POLICIES ARE FOLLOWED.

THE LDC REQUIRED COMPENSATION UMBRELLA

PLANNING COMMISSION

CITY COUNCIL



CORVALLIS LDC REQUIRES OWNER'S REQUESTING VARIANCES TO DESIGN "CUSTOM" PROTECTIONS FOR THE SPECIFIC PROPERTY TO COMPENSATE THE CITY AND NEIGHBORHOOD FOR THE WEAKENING THE LDC PROTECTIONS. THEN THE PLANNING COMMISSION AND CITY COUNCIL MAKE SURE THE "INTENT OF THE DEVELOPMENT STANDARDS" (COMP PLAN AND LDC) ARE NOT VIOLATED.

THE LDC REQUIRES VARIANCE & COMPENSATION COMBINATIONS TO MEET THE FOLLOWING PURPOSES:

"Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures" (LDC 2.5.20-g.)

AND

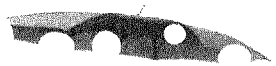
Provide benefits "*within the development site* that *compensate* for the variations from development standards such that the *intent of the development standards* is still met." (LDC 2.5.20-h.)

PD OVERLAY
Section 2.5.30 - GENERAL PROVISIONS
Planned Development is an alternative development process that provides an avenue for a developer to request variations from development standards while maintaining the purposes stated in Section 2.5.20 and meeting the review criteria outlined in Section 2.5.40.04.

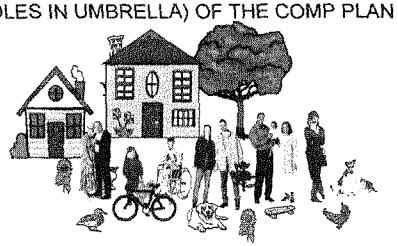
2.5.40.04 - Review Criteria
Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable...

a. Compatibility Factors
2.5.40.04a-1 Compensating benefits for the variations being requested
2.5.40.04a-3 Visual elements (scale, structural

THE DAMAGED LDC UMBRELLA
(HOLES REPRESENT VARIANCES/LOSS OF CORVALLIS LDC PROTECTIONS)



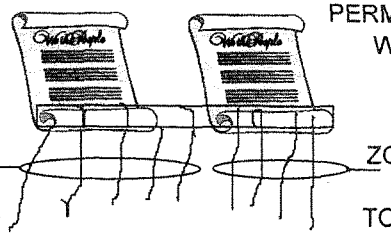
DEVELOPMENT STANDARDS ALONE CAN'T PROTECT NEIGHBORHOODS BECAUSE THE VARIANCES ALLOW WEAKENING (HOLES IN UMBRELLA) OF THE COMP PLAN AND LDC PROTECTIONS.



COMPREHENSIVE PLAN

DISTRICT ZONING MAP MUC

PERMANENT CHANGES ARE MADE BECAUSE PD OVERLAY IS INCLUDED.



PERMANENTLY CHANGED WITH PD OVERLAY ATTACHED.

COMP PLAN POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

ZONING POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

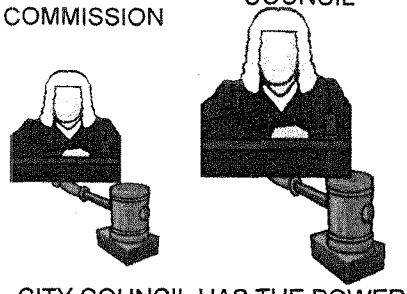
DEVELOPMENT STANDARDS ALONE CAN'T PROTECT NEIGHBORHOODS BECAUSE THE VARIANCES ALLOW WEAKENING (HOLES IN UMBRELLA) OF THE COMP PLAN AND LDC PROTECTIONS.

LARGE POTENTIAL FOR NEGATIVE CONSEQUENCES DUE TO NEW DEVELOPMENT

IF LDC REQUIRED COMPENSATIONS ARE NOT PROVIDED, THE NEIGHBORHOOD AND CITY WILL SUFFER NEGATIVE CONSEQUENCES FROM THE NEW DEVELOPMENT.

PLANNING COMMISSION

CITY COUNCIL



CITY COUNCIL HAS THE POWER TO ENSURE ALL COMPREHENSIVE PLAN AND LDC POLICIES ARE FOLLOWED. ACCORDING TO THE LDC. VARIANCES SHOULD ONLY BE GRANTED WHEN THE OWNER SHOWS COMPENSATIONS THAT WILL:

Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures. (LDC 2.5.20-g.)

AND

Provide benefits *within the development site* that *compensate* for the variations from development standards such that the *intent of the development standards* is still met. (LDC 2.5.20-h.)

LEGAL OPINION - 2.5.20g compels the decider to determine what can be done under conventional land devlopment procedures because the decider must decide that what is being proposed provides greater cocmpatilbility than the conventional proceduere.

SO...THE DECIDER (STAFF, PLANNING COMMISSION, CITY COUNCIL) MUST EVALUATE EACH VARIED LDC OR COMP PLAN STANDARD TO DETERMINE WHAT CAN BE DONE WITHOUT THE VARIANCE. THEN THEY MUST DETERMINE THAT THE PROPOSED COCMPENSATION WILL PROVIDE GREATER COMPATIBILITY THAN THE CONVENTIONAL PROCEDURE.

FAILURE DETERMINE WHAT CAN BE DONE "UNDER CONVENTIONAL LAND DEVELOPMENT PROCEDURES" GIVES THE DECIDER NOTHING BASE HIS DECISION ON, RESULTS IN A FAILURE TO ENFORCE THIS STANDARD AND VIOLATES THE LETTER AND INTENT OF THE LDC.

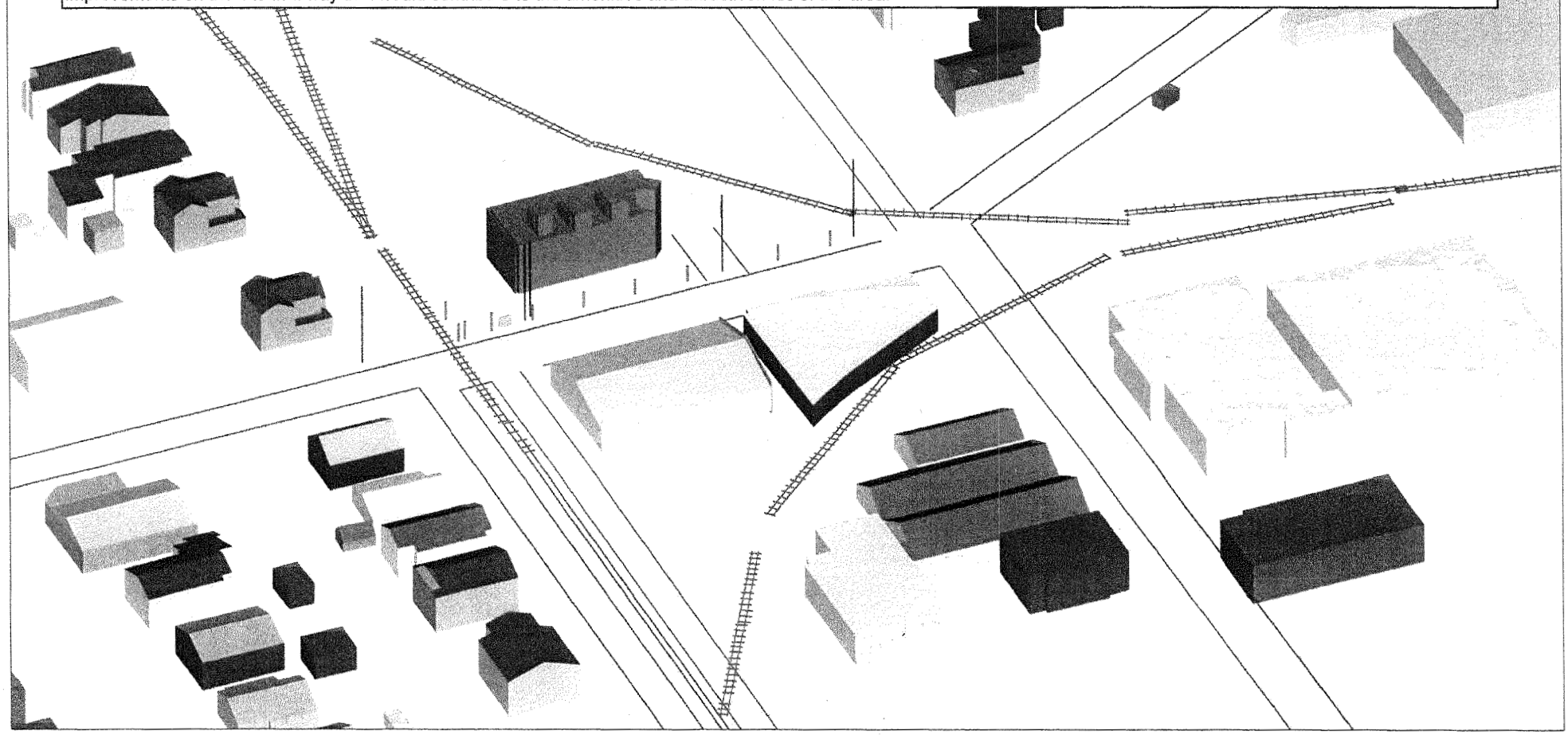
FINDINGS AND CONCLUSIONS RELATING TO THE APPEAL OF THE PALAZZO CONCEPTUAL AND DETAILED DEVELOPMENT PLAN (PLD07-00004) TENTATIVE SUBDIVISION PLAT (SUB07-00001) AND PLAN COMPATIBILITY REVIEW (PCR07-00003)

Reasons for Denial of Tentative subdivision Plat

5. ...Specifically the Council finds that the proposed development is inconsistent with Purpose statement 2.13.20e which states that a PCR must maintain and improve the qualities of and relationships among individual buildings structures and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area.

The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria per LDC 2.13.30.05a.

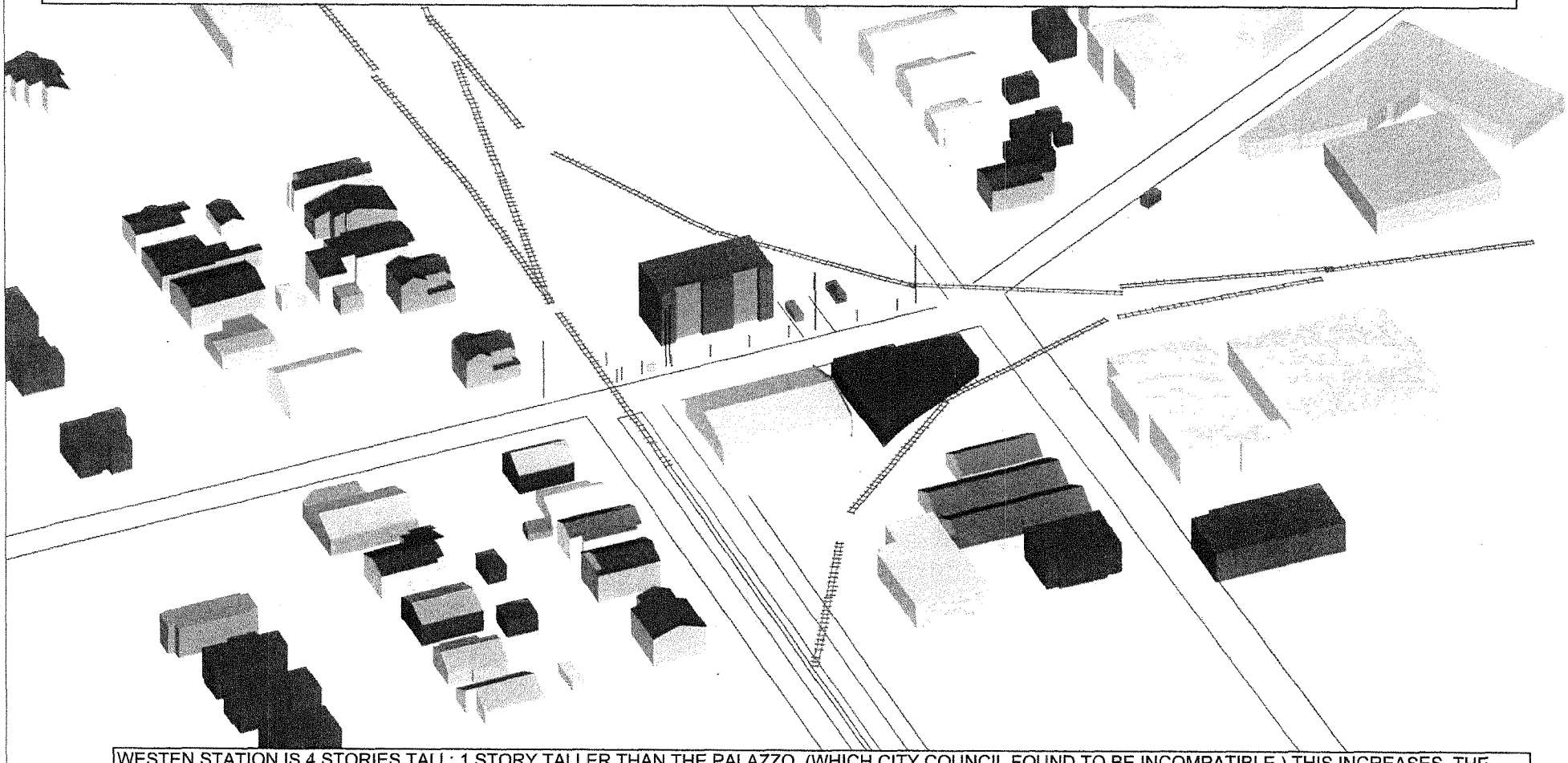
The Council finds that the disproportionate emphasis on the residential component of the proposed development at the expense of the commercial component is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.



6. ...The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20c which states in part that structures are to be compatible with existing development.

7 The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development and is therefore inconsistent with criterion 2.13.30.05b above.

Planning Commissioner Gervaris- "... I'm very concerned with the parking on this particular development. Because although on the surface it meets all of the standard requirements, providing only 2 BR actually get used and they really only have 1.5 cars per family. But I think the reality is this will end up being a rental, I think there will be horrific parking problems that are going to severely restrict the businesses and cause a lot of spill over problems in neighborhoods that are already completely parked out by too many rental buildings...I want to say that I'm really uncomfortable with this math, because on the surface the numbers work, but I think that our experience with these kinds of developments is that they don't work. and that In this case, with a busy arterial street with no parking on one side, a central district that already has it's own parking problems, and then restricted access on the other 2 neighborhoods because...density of high bedroom rental properties, I am just concerned that this development is going to cause a lot of problems for the neighborhood and potentially some real safety problems as people are crossing Western, jaywalking, .to get to back and forth to their cars ... their businesses and residences.....I don't see anything I can say to that to condition this, because as Commissioner x pointed out, We can't exactly say that if you work here, you have to live here. and I don't think that's a good idea anyway...the idea is to make this usable commercial space.....and to enhance that, and so...I also am just.really frustrated that the FAR is the only way you can defend this commercial space. Because I think this development does not meet the intent of the FAR. because I don't think the way that this is designed, particularly with the parking issue, is going to be viable commercial space...and .in the end it is going to create a determent to that part of the city instead of a benefit, so anyway, If anyone has any ideas how to address that, I'd love hear it"



WESTEN STATION IS 4 STORIES TALL; 1 STORY TALLER THAN THE PALAZZO (WHICH CITY COUNCIL FOUND TO BE INCOMPATIBLE.) THIS INCREASES THE COMPATIBILITY PROBLEMS BETWEEN THE NEW USE AND THE EXISTING STRUCTURES AND VIOLATES THE FOLLOWING MUC GUIDELINES AND STANDARDS. THE ADJACENT RESIDENTIAL STRUCTURES TO THE EAST ARE 2.5 STORIES TALL.

Neighborhood Compatibility 3.20.50.09 Design Guidelines and Standards 3.20.50.00

3.20.50.09a-2 Roof elevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential structures by more than one 1 story. This provision applies to that portion of the structure that is closest … to the adjacent residential structures

CITY COUNCIL FOUND THE PALAZZO PROPOSAL TO BE A "RESIDENTIAL DEVELOPMENT MASQUERADING AS COMMERCIAL." AND NOTED THAT IT WAS NOT COMPATIBLE WITH EXISTING DEVELOPMENT. THE NEW DESIGN MAKES NO ATTEMPT TO REMEDY THESE PROBLEMS, BUT INSTEAD WILL MAKE THEM WORSE WITH THE ADDITION OF AN EXTRA STORY TO INCORPORATE THE NEW MEZZANINE.

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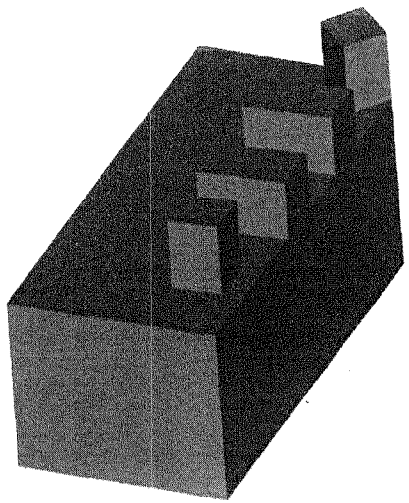
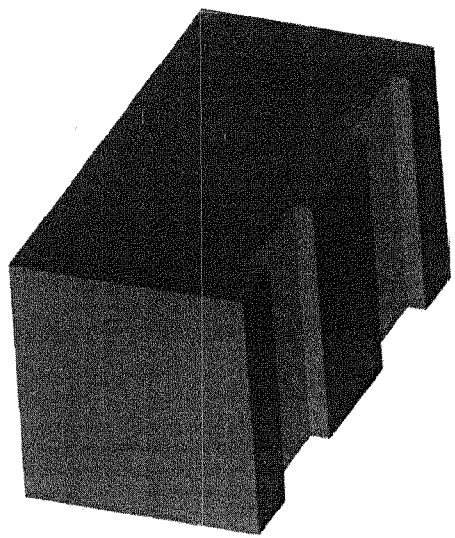


PALAZZO



WESTERN STATION

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THE HEARING PROCESS / OPTIONS FOR PROVIDING COMMENT:

- At the hearing, the Planning Commission receives public testimony, deliberates, and typically makes its decision before adjourning the meeting.
- The Planning Commission may approve, modify, or deny the proposed application.
- If you wish to testify on the proposal, you may provide written or oral testimony to the Planning Commission.
- The Chairperson will set a time limit of three minutes per person for oral testimony at the public hearing. Written testimony is encouraged. While written testimony will be accepted up to and including the night of the public hearing, written testimony submitted to the Planning Division by noon, eight days prior to the public hearing, will be included in the Planning Commission packets that are delivered prior to the hearing.
- Any person participating in the hearing is entitled to request that the hearing be continued to a second hearing if new evidence or documents are submitted in favor of the application. The "continuance" hearing will be limited to the issues related to the new documents or evidence for which the continuance was requested.
- A person testifying also may request to have the written record remain open for seven days to allow for the submittal of additional written testimony.
- "Raise it or waive it": Failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. This means that in order to appeal the City's decision to LUBA based on a particular issue, you must raise that issue at the City's public hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

DECISION:

The Planning Commission decision on this matter will be final unless the case is appealed to the City Council. Appeals may be filed within 12 days of the date a notice of disposition is signed and must be filed by 5:00 p.m. on the final day of the appeal period. Where the final day of an appeal period falls on a weekend or holiday the appeal period shall be extended to 5:00 p.m. on the next work day.

DECISION-MAKING CRITERIA:

The Planning Commission will evaluate this request based on specific review criteria from the Corvallis Comprehensive Plan and Land Development Code. Staff identified decision making criteria are listed below. Generally, these criteria specify that developments address compatibility with surrounding development, traffic and circulation, site design, landscaping requirements, and parking and pedestrian accessibility.

- **Comprehensive Plan policies:**
  3.2.1, 3.2.3, 5.3.1, 7.55, 8.2.1, 8.10.4, 8.10.7, 8.10.9, 8.10.10, 9.2.1, 9.2.2, 9.2.5, 9.3.2, 10.2.9, 10.2.11, 10.2.12, 11.2.2, 11.3.4, 11.3.8, 11.3.9, 11.4.3, 11.4.5, 11.4.7, 11.5.12, 11.6.6, 11.6.12, 12.2.5, and 12.2.7

- **Land Development Code Chapters (from 2006 Land Development Code):**
  1.2, 1.6, 2.0, 2.4, 2.5, 2.13, 3.0, 4.0, 4.1, 4.9, 4.4, and 4.10

- **Land Development Code Chapters (from 1993 Land Development Code, as amended):**

  3.20

Citizens are encouraged to become familiar with the application and applicable review criteria. A staff report discussing the request in relation to the criteria will be available seven days before the hearing. All documents may be reviewed at the Planning Division office without charge; copies will be provided upon request. The Land Development Code and Comprehensive Plan documents are available in the Corvallis-Benton County Public Library (645 NW Monroe Avenue), and on the City's web site (www.ci.corvallis.or.us).

THE CORVALLIS PLANNING DIVISION ENCOURAGES YOU TO NOTIFY YOUR NEIGHBORS AND OTHER PERSONS YOU BELIEVE WOULD BE AFFECTED BY THIS MATTER.

Mail: June 20, 2007

15 Dec 2008

To: Corvallis City Council
From: Alan Bakalinsky, 750 SW C Avenue #4, Corvallis, OR 97333
RE: Western Station, (PLD08-00009, SUB08-00005, PCR08-00002)

My name is Alan Bakalinsky and I am a resident of Cedar Crest Apartments, located at 750 SW C Avenue, just west and south of the proposed development site. While I strongly support the mixed-used commercial zoning designation for the Western Station property and believe the neighborhood would benefit from the commercial space, **I speak in opposition to this specific application on the grounds that the development is inconsistent with standards in LDC 3.20.40.01 (1993 Land Development Code, as amended) regarding preservation of commercial land. While this development appears superficially to preserve commercial land, it is so poorly designed that it is very unlikely to support successful businesses.**

I paraphrase below testimony given by Planning Commissioner Jennifer Gervais during the Planning Commission hearing on the Western Station development held October 15, 2008.

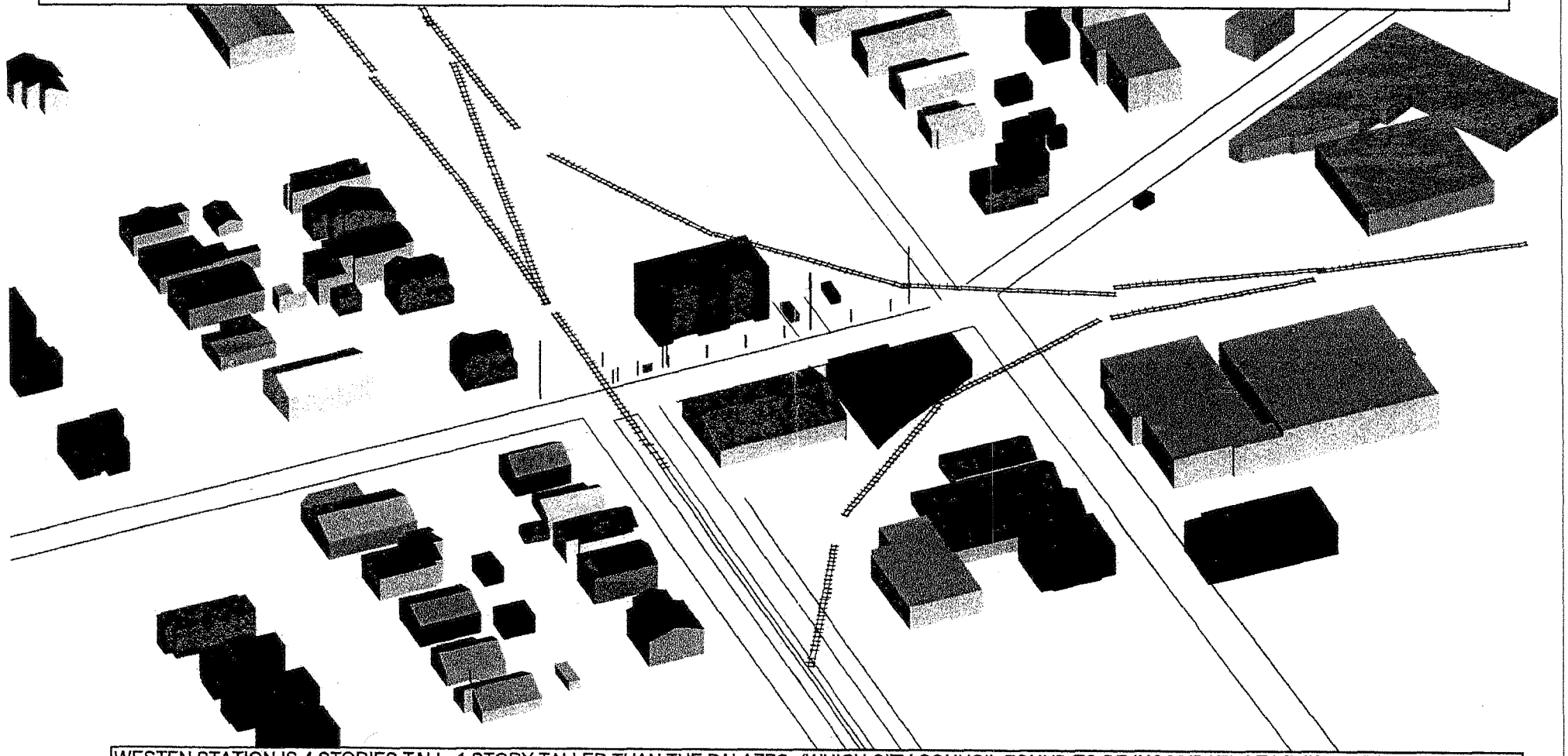
Planning Commissioner J. Gervais: ***I am very concerned with the parking on this particular development...On the surface, it meets all of the standard requirements, providing only 2 bedrooms actually get used and there are really only 1.5 cars per family. But I think in reality the living units will end up being rentals. I think there will be horrific parking problems that are going to severely restrict the businesses and cause a lot of spill-over problems in neighborhoods that are already completely parked out by too many rental buildings...I want to say that I'm really uncomfortable with this math, because on the surface the numbers work, but I think that our experience with these kinds of developments is that they don't work. And in this case, with a busy arterial street with no parking on one side, a central district that already has its own parking problems, and then restricted access in the other 2 neighborhoods because...of the density of ...existing rental properties, I am just concerned that this development is going to cause a lot of problems for the neighborhood and potentially some real safety problems as people are crossing Western, jaywalking...to get back and forth to their cars, businesses and residences...***

I don't see anything I can say to condition this, because as another commissioner pointed out, we can't exactly say that if you work here, you have to live here. And I don't think that's a good idea anyway...The idea is to make this usable commercial space...and to enhance that and so...I also am just really frustrated that the commercial FAR is the only way you can defend this commercial space. Because I don't think this development meets the intent of the FAR. The way this development is designed, particularly the parking, is not going to produce a viable commercial space. And in the end, it is going to create a detriment in this part of the city instead of a benefit. If anyone has ideas on how to address this, I'd love to hear them.

I urge the Planning Commission to deny this application.

Alan Bakalinsky

Planning Commissioner Gervais- ... I'm very concerned with the parking on this particular development. Because although on the surface it meets all of the standard requirements, providing only 2 BR actually get used and they really only have 1.5 cars per family. But I think the reality is this will end up being a rental, I think there will be horrific parking problems that are going to severely restrict the businesses and cause a lot of spill over problems in neighborhoods that are already completely parked out by too many rental buildings...I want to say that I'm really uncomfortable with this math, because on the surface the numbers work, but I think that our experience with these kinds of developments is that they don't work. and that In this case, with a busy arterial street with no parking on one side, a central district that already has it's own parking problems, and then restricted access on the other 2 neighborhoods because...density of high bedroom rental properties, I am just concerned that this development is going to cause a lot of problems for the neighborhood and potentially some real safety problems as people are crossing Western, jaywalking, .to get to back and forth to their cars ... their businesses and residences.....I don't see anything I can say to that to condition this, because as Commissioner x pointed out, We can't exactly say that if you work here, you have to live here. and I don't think that's a good idea anyway...the idea is to make this usable commercial space.....and to enhance that, and so...I also am just.really frustrated that the FAR is the only way you can defend this commercial space. Because I think this development does not meet the intent of the FAR. because I don't think the way that this is designed, particularly with the parking issue, is going to be viable commercial space...and .in the end it is going to create a determent to that part of the city instead of a benefit, so anyway, If anyone has any ideas how to address that, I'd love hear it"



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Neighborhood Compatibility 3.20.50.09 Design Guidelines and Standards 3.20.50.00

3.20.50.09a-2 Roof elevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential structures by more than one 1 story. This provision applies to that portion of the structure that is closest … to the adjacent residential structures

Leslie Bishop

Western Station aka the Palazzo

LDC's and Comprehensive Plan requirements to be considered in proposed Western Station:

PD Overlay:
LDC2.5.40.04 Review Criteria
a. Compatibility factors
1. Compensating benefits for the variations being requested

LDC2.5.20h
Provide benefits within the development sit that compensate for the variations from development standards such that the intent of the development standard is met.

Live/Work Units:
LDC2.5.40.04 Review Criteria
a. Compatibility factors
2. Basic design
3. Visual elements

b. Preserve the City's natural beauty....

Comprehensive Plan, Article 3, Land Use Guidelines
3.2.e and 3.2.g

#41 Approval Criterion from Western Station narrative
c. Promote and encourage conservation of energy

Parking and Parking Lot at Western Station:
LDC4.1.20q Parking reduction

LDC4.1.30 Off Street Parking Requirements
c. Commercial use types
12. Eating/drinking establishments

LDC4.1.40 Standards for Off Street Parking and Access Standards
a. Access to arterial, collector and neighborhood collector streets
2. Location and design of all accesses...shall be located a minimum of 150 feet from any other access or street intersection

LDC4.1.40 Commercial Access drives shall be 24 feet wide (Table 1 of City's Off-Street Parking and Access Standards)

Comprehensive Plan 9.2.4
Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

Testimony before the City of Corvallis City Council
Planning Case No. PLD08-00009, et al.
Matthew W Bolduc

Good Evening.
My name is Matthew Bolduc; ~~I live at 1020 SW 10th St.~~

I believe that by now you all know that I am employed by the City's Engineering Division. My work duties have no impact on this land use case.

I ask that you deny approval of the Western Station application, based on the grounds that insufficient automobile parking has been proposed **and** because the proposed residential use is disproportionate to the commercial use resulting in unnecessary compatibility conflicts with existing surrounding uses.

[Overhead 1]

The Staff Report to Planning Commission suggests allowing 10% reduction in parking. This suggestions is based upon LDC 4.1.20.q.1 [star on overhead] and a Land Development Code Administrative Decision dated April 25, 2008. The administrative decision allows this 10% reduction in parking for proximity to a transit stop, where attached residential units averaging three or fewer bedrooms are proposed and parking is allowed on one side.

Because this parking reduction is based upon an administrative decision, I believe that the City Council has the authority to override this decision in circumstances where the Council deems the reduction inappropriate.

It is my believe that the current development should not be granted the 10% reduction in parking for three reasons.

1) The transit stop is on the north side of Western Blvd and the shortest safe pedestrian route to the stop is over 1700 feet. This is the distance a pedestrian has to travel to use the closest marked crossing of Western Blvd at 4th St. This is about a 6 block round trip. ~~Western Blvd is a very busy street and continues to carry more traffic every year.~~ The City should not encourage pedestrians to cross a busy arterial street except at marked crosswalks. Thus, it is my belief that the development does not meet the criterion for reduction of parking because the safe travel distance to the transit stop is over 5 times the maximum distance of 300 feet.

2) The on-street parking discussed in the Staff Report is on the north side of Western Blvd. These parking spaces are already utilized by patrons of the businesses immediately adjacent to these spaces. The shortest safe pedestrian route from Western Station to the on-street parking is over 1300 feet. (Again this ~~distance~~ is calculated using a travel path that crosses Western Blvd at 4th Street.) People parking on the opposite side of Western Blvd will most likely not walk what amounts to a 4-plus block round trip to use a marked crossing. Thus, allowing this reduction would lead to unsafe behavior. It seems to me that this would be in conflict with Comp Plan policy 11.4.1 [star on overhead], which requires that the city "manage on-street parking to permit the safe and efficient operation of the transportation system."

3) There is very little existing on-street parking in the vicinity of the development site. There is no room for parking on the un-paved 7th St. south of Western Blvd., nor is there parking on the

south side of Western Blvd, and 6th St. south of Western Blvd. is private and should not be relied on for parking. What on-street parking there is in proximity to the development site is already heavily utilized due to older residences with lack of off-street parking and university parking. Thus, overflow parking will likely impact existing neighborhoods, violating the remaining Comp Plan policies and LDC sections shown on the overhead. [Star Comp Plan 11.4.2 and 11.4.3 and LDC 2.5.20.g, 2.5.40.04.a.1, and 2.13.30.05.c].

[Overhead 2]

The floor plans of residences in the current application are nearly identical to the floor plans shown by the applicant to City Council during the Palazzo hearing (land use case PLD07-00004). At this City Council hearing the applicant had suggested reducing the number of bedrooms from three to two and had done so by turning the bedroom on the first floor of each residence into a "great room." As you may have noticed, this "great room" concept has been repeated in the current application. Given the similarity between the floor plans, I believe the City Council finding shown on this overhead is still relevant [star on overhead]. To quote the finding:

> *The Council notes that a number of persons testifying at the September 17, 2007, City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom, thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.*

I believe that this logic still holds, and that 1.5 spaces per dwelling unit, with an additional 10% reduction, is too low a value and is again grounds for denial.

dropped due to time, will address in written testimony

~~Condition of Approval number 8 in the current staff report limits the commercial uses to those "with a parking requirement of 3.5 or fewer spaces." I believe this condition is short sighted, in that it could allow an eating or drinking establishment with fixed seating. It seems very silly to think that simply by attaching the seats to the floor a restaurant's parking could be reduced from 28 spaces required (using the 1 space per 50-square-feet area requirement) to 3.5 spaces (using the 1 space per four fixed seats requirement and assuming 14 fixed seats). Again, I ask that you deny the application, but if you must approve the application I ask that you do so only with a condition of approval similar to that recommended in the Staff Report to Planning Commission, which would limit commercial uses to those requiring 1 space per 400-square-feet or more.~~

I would also like to point out that most of the compatibility conflicts that result from this proposal are related to the attempt to cram 2-stories of residential space on top of a commercial building. I propose that a two story commercial building, with a full second floor of commercial space, and without any residences, would do away with a number of compatibility conflicts. A number of these conflicts were listed by City Council when denying the Palazzo case, so I have re-listed Council's finding in part [star on overhead]. As a reminder, the Palazzo applications was for a 3-story building with the same footprint. The current application has simply sandwiched a mezzanine level in between the previous first and second floors. Here is a list of issues that would be resolved by my proposal:

- Two of the requested variances go away. Specifically the 20-ft buffer and the requirement that 50% of site's street frontage to be occupied by buildings are no longer applicable because these requirements both pertain to residential development.
- The Floor Area Ration becomes a true 25%. The numbers game of not counting the railroad

easement in the lot area is no longer required to make the FAR appear to meet code.

- Assuming a restriction of uses to those with parking demands of 1 per 400-square-feet or more, the required parking count becomes 18. This is equal to the number of spaces provided and does away with the need for additional parking reductions.
- The need for the Plan Compatibility Review goes away, along with the compatibility conflict between the railroad switching yard and the residential uses. If you still think railroad switching noise is not a nuisance, I challenge you to stop by the site and see how loud an idling diesel engine is. There has been one idling out in the switching yard for over 24-hours now.
- Reducing the number of floors from four to two makes the scale of the structure much more compatible with surrounding commercial and residential buildings.
- The traffic and overflow parking from four townhouses goes away, making the development much more compatible with existing uses. The reduction in traffic seems like a fair trade off for the requested variance to the 150-ft spacing requirement between an intersection and the driveway.

I request that the record ~~be held~~ remain open so that further written testimony pertaining to issues beyond the new trash receptacles may be submitted. Additionally I would like to thank you for all of the time you have spent considering the impact of developing ~~this site~~ new this + previous on a vibrant existing neighborhood.

COMPREHENSIVE PLAN CRITERIA (POLICIES)

11.4.1 The City shall manage on-street parking to permit the safe and efficient operation of the transportation system.

11.4.2 The City shall adopt and implement measures that discourage nonresidential vehicular parking on residential streets and in other adversely affected areas.

11.4.3 All traffic generators shall provide adequate parking.

LAND DEVELOPMENT CODE CRITERIA

2.5.20 – PURPOSES Planned Development review procedures are established in this Chapter for the following purposes:

g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures;

2.5.40.04 - Review Criteria Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

a. Compatibility Factors -

1. Traffic and off-site parking impacts;

2.13.30.05 - Review Criteria Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

c. The proposed development shall not adversely affect traffic, parking, and access;

4.1.20.q. - Parking Reduction Allowed

1. A reduction of up to 10 percent of required vehicle parking **may** be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft. [*Emphasis added in* **bold**.]

CITY COUNCI NOTICE OF DISPOSITION 2007-116, FORMAL FINDINGS

Reasons for Denial of Conceptual and Detailed Development Plan,

Finding #3 ...The Council notes that a number of persons testifying at the September 17, 2007, City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.

Reasons for Denial of Plan Compatibility Review

Finding 5 ...The Council finds the extent of residential uses on the site to be disproportionate to the extent of commercial space on the site, which is inconsistent with the FAR requirements of LDC 3.20.40.01 (1993 LDC as amended) and with the Plan Compatibility Review (PCR) requirements of LDC 2.13.30.05. Specifically, the Council finds that the proposed development is inconsistent with Purpose statement 2.13.20.e, which states that a PCR must, "Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area." The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria, per LDC 2.13.30.05.a. The Council finds that the disproportionate emphasis on the residential component of the proposed development, at the expense of the commercial component, is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures, and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.

Finding 6 The Council notes that written and oral testimony, as reflected in the minutes of the September 17, 2007, City Council hearing, as well as written and oral testimony as reflected in the minutes of the July 18, 2007, Planning Commission hearing, attests to the incompatible scale and design of the proposed development in relation to existing development in the area. The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore, the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c, which states, in part, that structures are to be compatible with existing development.

Finding 7 The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development and is therefore inconsistent with criterion 2.13.30.05.b above.

Western Station (PL08-00009, SUB083-00005, PCR08-00002)

Written Testimony regarding design compatibility & safety for 12/15/08 Corvallis City Council hearing, by Nancy Hagood and Dale Hubbard, Avery Addition Neighborhood.

The scale and design of Western Station are not compatible with the neighborhoods surrounding the site. Its incompatibility is not just limited to aesthetic factors, this dysfunctional development brings with it serious safety concerns for the surrounding neighborhoods.

The Western Station site is bordered on two sides by functioning railroads and on its remaining side by Western Blvd. Western Blvd is a busy street, with traffic counts yielding as many as 700 – 900 vehicles per hour* traveling through the intersection of 7th & Western. Western Blvd undertakes a 30 degree turn as it intersects 7th. This turn poses problems with visual clearance and it also encourages a very high percentage (68% and 75% according to two recent neighborhood counts**) of eastbound drivers to swerve into the eastbound bike lane, consequently encouraging cyclists to ride on the sidewalk. There are no traffic control measures (other than a railroad crossing) from 15th street to 4th street along Western Blvd and as a result there are no safe places for pedestrians to cross. Keep in mind that this paragraph describes Western Blvd as it currently is, without a big development at 7th & Western.

The only entrance/exit from the Western Station development's site will be a driveway located slightly more than half of the minimum applicable distance, 150' [LDC 4.1.40.a(2)], from the intersection of 7th & Western Blvd, and less than 150 feet from the intersection of 6th & Western. This means that eastbound vehicles speeding through the intersection of 7th & Western and negotiating the 30 degree curve will have to contend with traffic entering & leaving Western station. This will back traffic up immediately and substantially. The tight parking lot (the developer has requested a variance to allow the driveway to be narrower than required by LDC 4.4.20.03.b) will likely encourage some service & utility vehicles to back out onto Western, which will similarly back up traffic. Drivers will not only have to negotiate the aforementioned obstacles, but will also have to deal with visual obstruction by trees, planters, diners, canopies, and bicycles

parked in front of the development, to say nothing of the visual obstruction provided by the massive 4 story building itself (with a mere 7' setback as per Western Station application attachment "P") or by the half dozen already existing utility poles, railroad crossing arms and signal equipment at 6th & Western.

The Western Station proposal is almost identical to the Palazzo application that City Council denied on October 16, 2007. In fact, the most substantial difference between the Palazzo and Western Station is the addition of a 4th story to the structure, which only allows the developer to manipulate FAR and does nothing to ameliorate Council's concerns with the development. The developers have asked for a number of variances against the land development code for Western Station, all supposedly in the interest of using the space more efficiently. However, the more densely this site is developed, the more traffic there will be, the more parking will be needed, and the more dangerous this site will become for pedestrians and bicyclists. Public safety should trump "efficient use of space" for the developer. LDC2.5.20.H mandates that the developer "*provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.*" However, there are no such on-site compensations being provided, therefore the intent of this regulation is not accommodated.

In Conclusion, Western Station is not in compliance with Land Development Codes established for our community. The developers are asking for many variances from the codes without offering any on-site compensations for them. City Council denied very similar application to this one just over a year ago; in light of the Council and the Neighborhood's input the developer decided to add another story to the structure and resubmit. I encourage City Council to deny this application too.

* December 2005, 910 vehicles per hour by Lancaster Engineering; February 2006, 772 vehicles per hour by Nancy Hagood.

** Traffic count eastbound at 7th & Western, 4:45-5:15pm, 11/25/08 by Karl Hartzell: 194 total vehicles, 62 (or 32%) outside of bike lane, 56 (29%) touching bike lane line, 76 (39%) over bike lane line (including UPS Trucks, City Bus, and fire truck). Traffic count eastbound at 7th & Western, 8:30-9:03am, 12/4/08 by Dale Hubbard: 91 total vehicles, 22 (25%) outside of bike lane, 34 (37%) touching bike lane line, 35 (38%) over bike lane line.

Criteria: Compatibility to neighborhood

Land Development Code 2006

2.4.20.d: Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses.

2.4.30.04.b (2): (Review Criteria for Nonresidential Subdivisions) Visual elements (scale of potential development...

2.5.20.g: Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

2.5.20.h: Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met

2.5.40.04a (1): Compensating benefits for the variations...

4.10.60.01 (b): ...at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone...

Land Development Code 1993, as amended (MUC)

3.20.50.09.a (1): Architectural compatibility between new developmental and adjacent residences (e.g. similar roof forms, windows, trim, and materials) is required...

Corvallis Comprehensive Plan

9.2.1: Land use decisions will protect and maintain neighborhood characteristics...

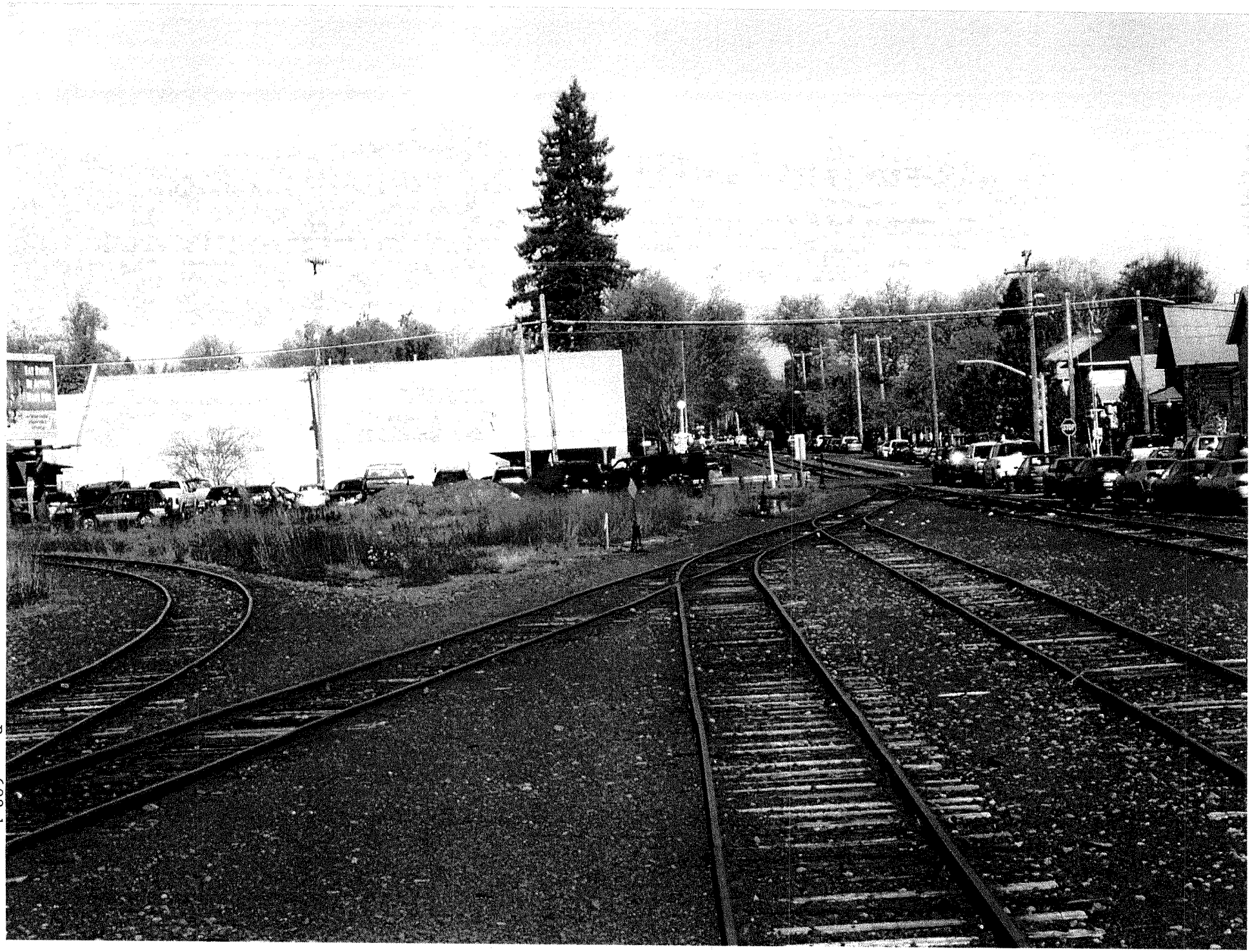
9.2.2: In new development, City land use actions shall promote neighborhood characteristics (as defined in 9.2.5) that are appropriate to the site and area.

9.2.5: Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas...

The Corvallis 2020 Vision Statement, Where People Live: "Corvallis in 2020 offers balanced and diverse neighborhoods, incorporating mixed-use, that is accessible to residents without driving, which form the building blocks that support a healthy social, economic, and civic life. Neighborhoods can be defined by the characteristics of neighborhood identity, pedestrian scale, diversity, and the public realm. These characteristics are protected and enhanced in existing neighborhoods and are included in the design of new neighborhoods."
A City of Neighborhoods: All development in Corvallis contributes to the creation of complete neighborhoods. Development standards have been created based on the characteristics of traditional Corvallis neighborhoods. These standards insure that development and redevelopment create, protect, and enhance neighborhood form while facilitating the community-wide needs to improve transportation choices, provide housing for a diverse population within safe attractive neighborhoods, and maintain resource lands, natural areas, and recreational open spaces

Criteria: Safety and access to arterial street
Land Development Code 2006
2.5.40.04.a(1) (Review Criteria—Compatibility Factors) Compensating benefits for variations being requested.
4.1.40a (2): ...Accesses shall be located a minimum of 150 ft from any other access or street intersection...
4.1.40.c (1): ...Vision Clearance Areas shall be provided at the intersections of all streets and at the intersections of driveways and alleys...
4.1.40.d For developments requiring four or more parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the City Engineer...
4.4.20.03.b: (Lot requirements- Access) Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless...

Corvallis Comprehensive Plan
9.2.4: Neighborhoods shall be pedestrian-oriented. Neighborhood development…



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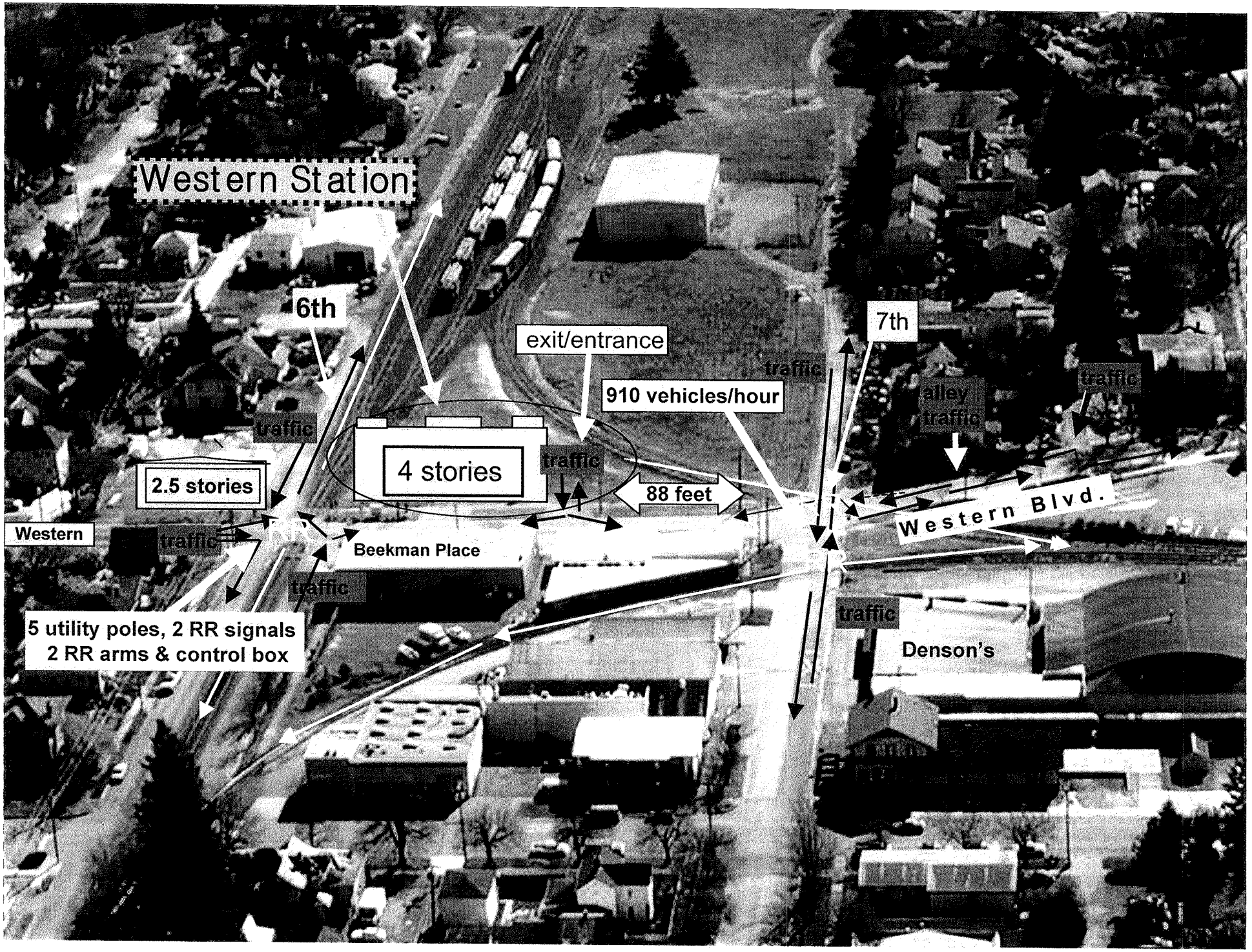

Western Station
6th
7th
exit/entrance
910 vehicles/hour
traffic
alley traffic
4 stories
2.5 stories
88 feet
Western
Beekman Place
Western Blvd.
5 utility poles, 2 RR signals
2 RR arms & control box
Denson's

#7

WESTERN STATION

LIVE/WORK BUILDING POD

FRONT ELEVATION

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

ATTACHMENT **X**

#8

#9

#17

#11

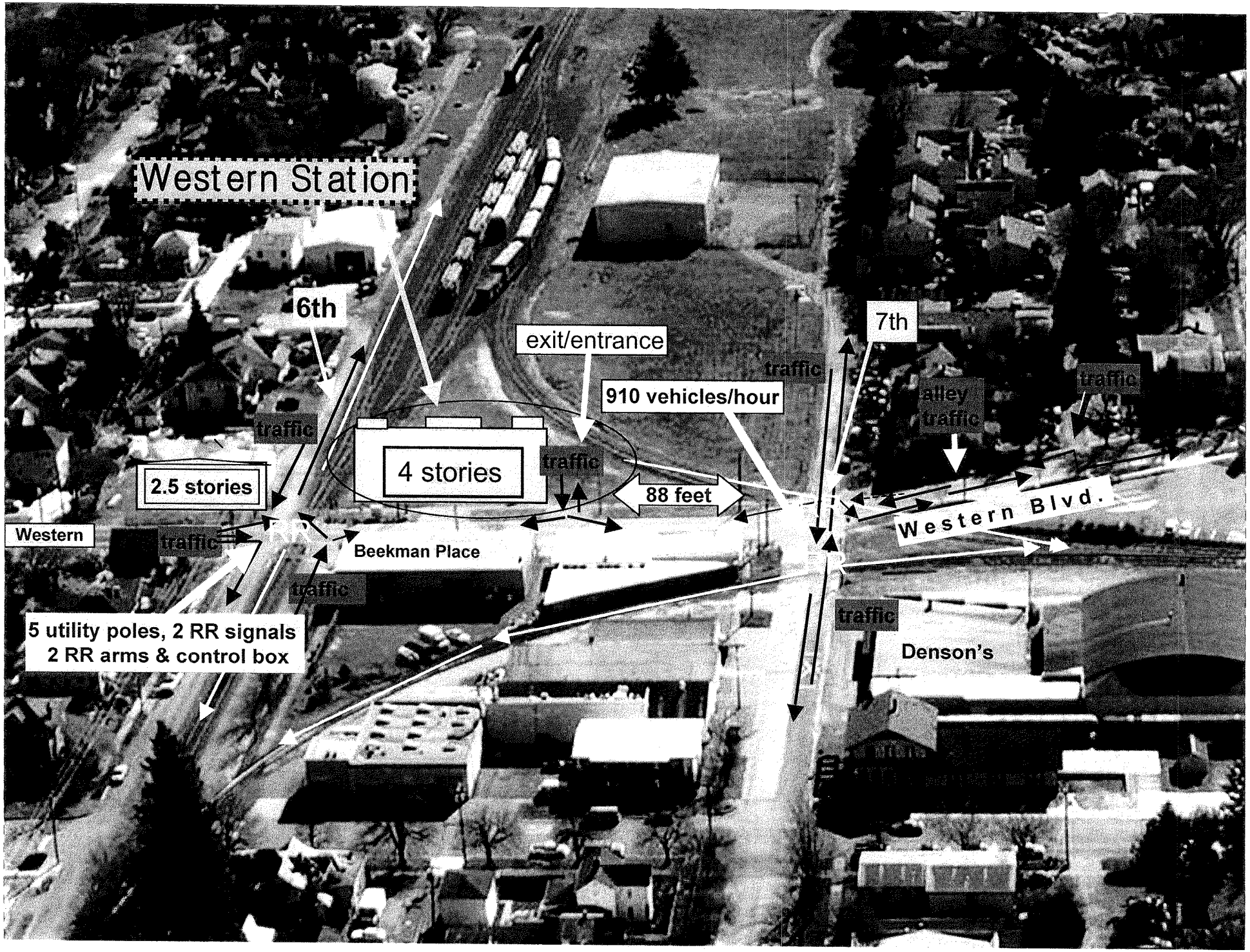
The City Council Notice of Disposition of 2207-116, Formal Findings: Reasons for Denial of the Plan Compatibility Review

- **Finding #6**

  The Council notes that written and oral testimony, as reflected in the minutes of September 17, 2007, City Council hearing, as well as written and oral testimony as reflected in the minutes of the July 1, 2007, Planning Commission hearing, attests to the incompatible scale and design of the proposed development in relation to existing development in the area. The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c., which states, in part, that structures are to be compatible with existing developments

- **Finding #7**

  The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development, and is therefore inconsistent with criterion 2.13.30.05.b above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traffic
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5 utility poles, 2 RR signals
2 RR arms & control box
Denson's

#13

Dec. 15, 2008

Members of Corvallis City Council:

The proposed Western Station development plan is but a slightly changed and superficial makeover to its predecessor, the Palazzo, for which you denied approval just over a year ago, based on concerns regarding compatibility, inadequate parking, a FAR (floor area ratio) below a mandated 25%, and no compensating benefits to the neighborhood in exchange for requested variations to several LDC provisions.

In fact, in regard to addressing the reasons for denial of the Palazzo development, Western Station has improved upon its previous incarnation in only one respect: the FAR requirement has now been met, but at an additional price to the neighborhood and livability of this city. To get the commercial floor area needed to boost the FAR to 25%, a mezzanine level has been added, upping the stories to four instead of three as was planned with the Palazzo development. Now we have in Western Station virtually the same building footprint, the same residential floor area (with a potential for three bedrooms and thus one car per bedroom in a student rental situation) , increased commercial floor area, but the number of parking spaces remaining unchanged at 18. In addition, with four stories, the Western Station development now exceeds the tallest structures in the neighborhood, two residential buildings recently constructed on the SE corner of 6th St. and Western Blvd. (which the developer took through several design iterations in order to be compatible with the adjacent Avery Helms Historic District neighborhood) by 1.5 stories. I would also like to point out that these four stories (or 43' of building height) of Western Station would tower over and certainly shadow the one story commercial establishments found on the north side of Western Blvd. between 6th and 7th Streets.

A less egregious design incompatibility was address by Council when they wrote (in the Notice of Disposition, Order #2007-116) regarding denial of the Palazzo Plan Compatibility Review:

"Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c, which states, in part, that structures are compatible with the existing development."

Certainly this stated reason for denial is just as apropos or more so for the Western Station development.

I would also like to address another issue of perceived incompatibility, that of insufficient parking. Now that the planning commission passed an amendment (formulated by planning staff) that would allow all four commercial spaces of Western Station to be eating and drinking establishments, there is little doubt that the 18 parking spaces allotted for this development are insufficient and that parking for these businesses would spill over to at least the north side of Western Blvd. and likely to nearby 6th and 7th Streets. Given how busy a major thoroughfare Western Blvd. is with both car and bicycle traffic, the additional congestion caused by cars slowing and stopping to park and their occupants opening doors and then jaywalking across Western Blvd., constitutes a further measure of incompatibility as well as a huge safety issue with the creation of danger zone wherein both pedestrians and bicyclists would be at risk.

This is yet another solid reason for denial of the Western Station Development. I urge the City Council to note that nearly all the same criteria considered for denial of the Palazzo development plan are applicable to Western Station and that with additional concerns raised by incompatible design and scale and insufficient parking, you overturn the Planning Commission's recent approval of the development plan for Western Station.

Sincerely,

Karl Hartzell

750 SW C Ave. #15
Corvallis 97333

Appendix D
to Western Station Formal Findings:

DRAFT January 5, 2009, City Council Minutes regarding the Western Station application (PLD08-00009, SUB08-00005, PCR08-00002)

G. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with the City of Philomath for operation of Philomath Connection transit service

H. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with the United States Geological Survey for maintenance of the Albany river gauge

I. Authorization to enter into and for the City Manager to sign an Assumption of Lease and Consent to Assign the Mediplane, Inc. dba REACH Air Medical Services lease to REACH SC LLC

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS

A. Deliberations of an appeal of a Planning Commission decision (PLD08-00009 – Western Station)

City Manager Nelson referenced Community Development Director Gibb's December 29th memorandum accompanying additional written testimony, the applicant's statement that it would not submit additional written arguments, and staff's responses to Council members' questions from the December 15th public hearing. Additional questions were presented to staff after the meeting packet was distributed.

Senior Planner Young and Civil Engineer Reese responded to questions recently submitted by Councilors Daniels and Hervey:

- Staff prepared a draft Condition of Approval requiring a half-wall between the mezzanine and ground-floor commercial spaces within the proposed development. The Condition of Approval would modify the Detailed Development Plan (DDP).
- The Land Development Code (LDC) does not define "compensating benefit." LDC provision 2.5.20 h) indicates that planned developments should provide benefits within the development site that compensate for variances from development standards such that the intent of the development standards is met. The Council could interpret what constituted a compensating benefit.
- Staff responded to the question of sound buffering without requiring post-construction testing of the wall for several reasons. The LDC vegetative screening requirement was intended to provide a visual screen and must be six feet high and 80 percent sight obscuring within 18 months of planting. The requirement does not address noise buffering. It is difficult to assess the efficacy of vegetative screening for noise buffering. Also, the Condition of Approval does not specify a remedy, should the constructed wall not meet the specified noise-buffering standard. Because of this, implementing the Condition of Approval could be difficult. The Condition of Approval does not specify how testing should be coordinated and the type of noise event that should be simulated for a test of the effectiveness of the acoustical buffering of the wall (e.g., idling train engine or passing train of undetermined speed and length).

Implementation of the Condition of Approval would be difficult and probably subject to some discretion.

- Staff and the Planning Commission determined that imposition of some Conditions of Approval and acceptance of some aspects of the proposed development were necessary to address compatibility conflicts with the existing neighborhood. Staff identified potential compatibility conflicts and, with the Commission, developed a set of Conditions of Approval to address these conflicts.
- The LDC access requirement includes reduction exemptions that can be approved by the City Engineer. Reductions are typically approved as part of the building permit when a lot cannot meet the access standard. There is no history of accidents at the subject site. Based upon the proposed design, safety is not anticipated to be adversely impacted by the requested variance.

Mr. Gibb commented that the compensating benefits of the application were evaluated the same as for other applications.

Mayor Tomlinson announced that Councilors O'Brien and Hirsch attended the Council's December 15th public hearing on the subject application.

Declarations of Conflicts of Interest Since Public Hearing – None.

Declarations of Ex Parte Contacts Since Public Hearing

Councilor Hirsch reported that, while attending a holiday gathering, he was approached by a woman named Ruby who, while not discussing the subject application, spoke about the possibility of developing a youth shelter on the subject site. He declared that he would be able to make a fair and impartial decision.

Councilor Raymond reported that she was Council Liaison to the Planning Commission and attended the Commission's public hearing of the subject application. She declared that she would be able to make a fair and impartial decision.

Rebuttals of Declarations of Conflicts of Interest or Ex Parte Contacts – None.

Declarations of Site Visits

Councilors Raymond, Hamby, Hirsch, and Brauner reported visiting the subject site.

Questions of Staff

Councilor Hamby expressed support for adding Councilor Daniels' suggested Condition of Approval for a half-wall.

Councilor Hervey surmised that the compensating benefit for a visual variance was a sound variance. The applicant agreed to provide some sound buffering, but it would not compensate for the lack of the visual appearance of the 20-foot buffer.

Planning Division Manager Towne explained that the issue involved a visual buffer and a buffer distance. The Condition of Approval would address the difference between the ten- and 20-foot buffers versus the vegetative buffer.

Mr. Young added that, as proposed, the development would provide a six-foot-high, sight-obscuring fence and nine feet of vegetation, versus the LDC requirement of 20 feet of vegetation. The fence and vegetation would provide a screen comparable to what the LDC would require.

Mr. Towne noted that the 20-foot-wide vegetative buffer could include a variety of plants, including grass.

Mr. Young confirmed that the sound attenuation, as conditioned, would be greater than required by LDC provisions.

Councilor Daniels explained for the benefit of new Councilors the City's concept of compact urban development and the intent of planned development overlays and processes for LDC variances. City policies and the Comprehensive Plan promote a philosophy of compact, rather than sprawling, development, as being in the community's best interest. This involves developing multiple-story buildings and using bare land within the City Limits, rather than developing single-story buildings on outlying farm land. The community's interest is served by allowing variances to enable developing sites with unique constraints, while observing compatibility requirements with existing neighborhoods. She considered these concepts the compensating benefits for allowing variances to enable development of the subject site.

Councilor Raymond questioned whether the subject site was the appropriate place for a residential development. The site is bordered by two railroad tracks; passing and idling trains can create noise and vibration for nearby buildings, deterring long-term residency of the neighborhood. She said the proposed development seemed to be intended for college-aged students but would not be suitable for children because of the nearby railroad track.

Councilor Brauner noted that the Council was not permitted to consider whether the subject site was an appropriate location for a residential development. A previous Council re-zoned the site from General Industrial to Mixed Use-Commercial, which allows residential development.

Deliberations and Final Decision

Councilor Hamby said his greatest concern involved parking. If four residential units of the proposed development became over-crowded with college-aged students, parking would become a major problem. This concern prompted his questions to staff regarding the City's ability to ensure that the mezzanine level would be used for commercial purposes and not as additional sleeping space and the City's ability to limit the number of residents per unit. Staff's responses indicated that the City could enforce the residential occupancy limit. He expressed support for Councilor Daniels' suggested Condition of Approval regarding a half-wall, which would help address the parking issue.

Councilors Hamby and Brauner, respectively, moved and seconded to approve the proposed Conceptual and Detailed Development Plan, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition and subject to the adoption of Formal Findings and Conclusions.

Councilor Daniels moved to amend the motion to add a Condition of Approval regarding installation of a half-wall on the mezzanine level of the proposed development, as follows:

> "Condition of Approval 15 – Mezzanine Wall – The mezzanine level wall separating the mezzanine level commercial space from the ground-floor level commercial space below shall be constructed as a half-wall, such that the upper half of the wall will be open to the space below with no glass or solid construction separating the mezzanine level from the ground-floor level. The design of the half-wall shall comply with all applicable Oregon Structural Specialty Code requirements."

Councilor Raymond inquired whether customers would be able to access both the ground-floor and mezzanine levels of each commercial unit from within the units.

Mr. Young confirmed that each commercial space would have an interior stairway, separately walled from the commercial spaces, allowing access between the ground-floor and mezzanine levels. Condition of Approval 8 specifies that the ground-floor and mezzanine levels could only be used for commercial activities and not for residential activities. This Condition would be incorporated into deed restrictions and covenants, conditions, and restrictions for the development. A person could sleep on the mezzanine level, but the City would be able to enforce the violation of the development approval.

The motion to amend passed seven to two, with Councilors Raymond and Hirsch opposing.

Councilor Hervey thanked staff for clarifying the compensating benefits issue. He believed wording of compensating benefits provisions reduced development options. Reducing the access points from two to one increased safety at the subject site. There could have been compensating benefits, such as moving power poles or cutting the curb to widen the adjacent bicycle lane. He would like the LDC to include a definition of "compensating benefits."

The motion to approve the proposed Conceptual and Detailed Development Plan passed seven to two, with Councilors Raymond and Hirsch opposing.

Councilors Hamby and Brauner, respectively, moved and seconded to approve the proposed Tentative Subdivision Plat, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition and subject to the adoption of Formal Findings and Conclusions and incorporating Condition of Approval 15.

Mr. Young clarified that the half-wall on the mezzanine level of the proposed development would not impact the platting standards.

In response to Mr. Gibb's inquiry, Councilors Hamby and Brauner confirmed that their motion included the Condition of Approval regarding a trash enclosure, which the Council previously reviewed during the December 15, 2008, public hearing.

The motion passed seven to two, with Councilors Raymond and Hirsch opposing.

Councilors Hamby and Brauner, respectively, moved and seconded to approve the proposed Plan Compatibility Review, subject to conditions from the November 7, 2008, Planning Commission Notice of Disposition and subject to adoption of Formal Findings and Conclusions.

Councilor Hervey expressed sympathy for potential impacts on the existing neighborhood from the proposed development. He acknowledged that the City encouraged multiple-use developments and expressed support for LDC provisions directing compact urban development. He believed the proposed development would include sufficient distance between the new structure and the existing neighborhood residences. He further believed the City's needs prompted approval of the application.

Councilor Raymond said many Corvallis residents expressed to her a different perspective of what planning approach would be best for the City. She believed the proposed development was not compatible with the LDC in many respects, including landscaping, access, and her interpretation of "smart growth," rather than overall in-fill growth.

In response to Councilor Hirsch's request, Mr. Young explained that the Plan Compatibility Review was required because the square footage of the residential space in the proposed development would be greater than that of the commercial space. He highlighted the Plan Compatibility Review criteria.

Mr. Gibb noted that Plan Compatibility Reviews were typically conducted at an administrative level. However, consistent with the requirements of the Land Development Code, because the associated Subdivision and Planned Development required Planning Commission review, decision-makers were asked to consider the Plan Compatibility Review as well.

The motion passed eight to one, with Councilor Raymond opposing.

Mayor Tomlinson announced that the Council would adopt Findings of Fact January 20th, at which time the appeal period would begin.

B. City Legislative Committee – December 17, 2008

Mr. Nelson reviewed the Committee's meeting working notes, including League of Oregon Cities 2009 legislative priorities, vehicle tracking devices to support a mileage tax, House and Senate caucus "roadmap," and Governor's Task Force on Comprehensive Revenue Restructuring Draft Report. The Committee did not request Council action.