



NOTICE OF PUBLIC HEARING

**CITY OF ALBANY
PLANNING COMMISSION
City Council Chambers, 333 Broadalbin Street SW
Monday, September 29 2008
5:15 p.m.**

AGENDA

1. CALL TO ORDER

(Chair Faller)

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

4. QUASI-JUDICIAL PUBLIC HEARING

CU-04-08 - Conditional Use to convert an existing building to four condominiums and a common area in the basement. Four off-street parking spaces will be provided behind the building. The building was originally constructed as apartments, but was last used as offices and meeting rooms for labor unions.

The applicant is 3rd Avenue Townhomes LLC.

5. ADOPTION OF ADC AMENDMENTS

DC-02-08 - Amendments to Albany Development Code (ADC) sections that relate to temporary portable signs. The City Council asked that staff review the current regulations and consider revisions.

The applicant is the City of Albany.

6. ACTIVITY UPDATE

7. NEXT PLANNING COMMISSION MEETING DATE TBD

8. ADJOURN

Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 917-7500.

City of Albany Web site: www.cityofalbany.net

This page left intentionally blank!



TO: Albany Planning Commission
VIA: Greg Byrne, Community Development Director
FROM: Don Donovan, Planning Manager
DATE: September 22, 2008, for the September 29, 2008, Planning Commission Meeting
SUBJECT: Two Agenda Items

We have two items on the agenda for the September 29, 2008, Planning Commission meeting that require Planning Commission review. The first is a public hearing for a Conditional Use application. The second is a review of proposed revisions to Albany Development Code language related to temporary and portable signs.

Conditional Use Application (File CU-04-08)

This Conditional Use application is to create four new condominiums in an existing building. A common area will be created in the basement of the building. Four off-street parking spaces will be provided off an alley that runs behind the building. The building was originally built as apartments in the early 1900s, but was most recently used as offices and meeting rooms for labor unions. The building is now vacant. The building was known as the Labor Temple.

You may remember that back in November 2007, the Hearings Board approved a project that would include six townhouses on the property adjacent to the property where the new condos are now proposed. The townhouse project has not been built. There is a “for sale” sign on the property.

At the hearing on the townhouse project, some people from the surrounding neighborhood testified that there is not enough parking in this area. They were concerned that the townhouses would generate demand for on-street parking, making it more difficult for others to find vacant parking spaces on the street. The developer agreed to provide six off-street parking spaces with the townhouse project. Both the property where the townhouses were approved and the property where the condos are proposed are in the Downtown Parking Assessment District where new development is not required to provide off-street parking. Nevertheless, the developer proposes to provide four off-street parking spaces with the condo project.

The four new off-street parking spaces will be provided with access off an alley that runs behind the existing building. Two other properties have created parking spaces in the alley right-of-way. One of the properties has a building on it used by the Knights of Columbus. The other property has a building on it used by the state employment office. Opening the alley to allow access for the condo project parking would mean that two spaces used by the Knights of Columbus would be eliminated and one space used by the state employment office would be eliminated. Staff did research to determine how the parking spaces that occupy the alley got there and whether they were approved. We found that a street (Baker Street) and part of an alley in this vicinity were vacated in 1997. The ordinance that vacated the street and other alley says that access on the alley south of 3rd Avenue should not be obstructed. This seems to prohibit obstructing access on the alley south of 3rd Avenue, which is where the condo project would be built. We could not find any subsequent approval that allows private parking in the alley. The purpose of alleys is to provide access. Therefore, we conclude that it is legitimate to displace the spaces that restrict access on the alley so that access can be provided to the parking for the condo project.

Staff has talked with the manager of the state employment office, and representatives of the Knights of Columbus were at the hearing for the townhouse project, so they are aware that the alley will need to be opened and they will likely lose a few parking spaces.

The staff report is attached to this memo as Attachment A.

Review of Revisions to Albany Development Code (ADC)

At the Planning Commission meeting on September 15, 2008, we held a public hearing on revisions to the City's sign code related to temporary signs. The Planning Commission decided to make revisions to the Code. The Code currently includes a section on temporary signs (ADC 13.680). This code section addresses temporary signs, banners, and inflatable signs. This section says that a business may have a temporary sign for a maximum of 60 days in one calendar year and that the sign must be set back at least 10 feet from the street right-of-way. After hearing testimony from a few business owners, the Planning Commission decided that one portable sign should be allowed for each business permanently (if a permit is obtained) and that the sign should not have to be set back from the street right-of-way.

Proposed revisions to the Code are attached to this memo as Attachment B. As we made the revisions, we realized that we need to keep the current requirements for banner signs and inflatable signs as they are. We hope the Planning Commission agrees – we did not discuss these provisions at the last meeting since the discussion was all about the more common A-frame or sandwich board signs. The revisions show the current requirements for banner signs and inflatable signs will be kept as ADC 13.680. A new section – ADC 13.682 – addresses portable signs. This is the section where the revisions suggested by the Planning Commission have been incorporated.

You probably also remember a discussion at the September 15th meeting about temporary signs attached to vehicles or placed inside vehicles. Building Official Melanie Adams suggested some revisions to the prohibition on these signs. The prohibition on these signs is somewhat complicated and the Planning Commission concluded that we needed advice from the City Attorney. We expect to meet with the City Attorney the week of September 22nd and may have language for consideration by the Planning Commission at the September 29th meeting. We hope that we can come to an agreement about appropriate language that relates to these kinds of signs, but recognize we may have to continue the discussion at a future meeting. We hope to refer the other revisions to the City Council for their review following the September 29th Planning Commission meeting. As we mentioned, our goal is to get whatever revisions the Council approves in place before the upcoming holiday season since the number of temporary and portable signs seems to increase during that time of year.

Please let me know if you have questions before the meeting.

U:\Community Development\Planning\Current\2008\08cu04pcm.d.docx



Community Development Department

333 Broadalbin Street SW, P.O. Box 490, Albany, OR 97321

Phone: (541) 917-7550 Facsimile: (541) 917-7598

www.cityofalbany.net

STAFF REPORT Conditional Use

<u>HEARING BODY</u>	PLANNING COMMISSION
<u>HEARING DATE</u>	Monday, September 29, 2008
<u>HEARING TIME</u>	5:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:	September 22, 2008
FILE:	CU-04-08
TYPE OF APPLICATION:	Conditional Use to convert an existing building to four condominiums and a common area in the basement. Four off-street parking spaces will be provided behind the building. The building was originally constructed as apartments, but was last used as offices and meeting rooms for labor unions.
REVIEW BODY:	Planning Commission
PROPERTY OWNER/ APPLICANT:	3rd Avenue Townhomes LLC; c/o Tim Smith; PO Box 395; Brownsville, OR 97327
ADDRESS/LOCATION:	222 3rd Avenue SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-3W-6CD; Tax Lot 3200
ZONING:	CB (Central Business)
TOTAL LAND AREA:	About 4,800 square feet.
EXISTING LAND USE:	Existing building most recently used as offices and meeting rooms for labor unions.
NEIGHBORHOOD:	Central Albany
SURROUNDING ZONING:	North: CB (Central Business) South: CB East: CB West: CB
SURROUNDING USES:	North: 3rd Avenue South: Parking lot for state building and Knights of Columbus (social club) East: Vacant land and church West: Day spa

PRIOR HISTORY:

No other land use applications for this property have been reviewed by the Planning Division.

NOTICE INFORMATION

A Notice of Public Hearing was mailed to surrounding property owners on September 19, 2008. The site was posted on September 19, 2008, with a sign that advertises the public hearing, in accordance with Albany Development Code Section 1.410. At the time this staff report was finished on September 22, 2008, the Albany Planning Division had not received written comments from any of the property owners who were mailed notice.

STAFF RECOMMENDATION

APPROVAL with CONDITIONS of this Conditional Use application to convert an existing building to four condominiums and a common area in the basement. The proposed conditions of approval are listed in this staff report.

PLANNING COMMISSION DECISION

[Note to Planning Commission: Choose the motion below that corresponds to the Planning Commission decision.]

MOTION TO APPROVE WITH CONDITIONS

If the findings in the staff report adequately address the testimony presented at the public hearing, the Planning Commission may approve the application based on the findings and conclusions of the staff report.

I MOVE that the Planning Commission APPROVE WITH CONDITIONS the Conditional Use application to convert an existing building to four condominiums and a common area in the basement for property located at 222 3rd Avenue SE (File CU-04-08). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO APPROVE WITH CONDITIONS AS MODIFIED

If the findings in the staff report are adequate, but information presented at the public hearing leads the Planning Commission to conclude that additional condition(s) are necessary for the application to meet the review criteria, the Planning Commission may include new conditions and approve the application.

I MOVE that the Planning Commission APPROVE WITH CONDITIONS AS MODIFIED the Conditional Use application to convert an existing building to four condominiums and a common area in the basement for property located at 222 3rd Avenue SE (File CU-04-08). The modifications are (*[SPECIFY MODIFICATIONS]*). This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO GRANT TENTATIVE APPROVAL WITH CONDITIONS

If new information is presented at the public hearing, and the Planning Commission wishes staff to prepare additional findings that address the information, the Planning Commission may grant tentative approval and direct staff to prepare additional findings. At the next meeting, the Planning Commission would review the additional findings, and if they are satisfactory, approve the application based on the staff report, the new information, and the additional findings.

I MOVE that the Planning Commission grant TENTATIVE APPROVAL WITH CONDITIONS the Conditional Use application to convert an existing building to four condominiums and a common area in the basement for property located at 222 3rd Avenue SE (File CU-04-08). I also MOVE that the Planning Commission direct staff to prepare findings that address the new information presented at the public hearing. The findings will be considered by the Planning Commission at the next meeting.

OR

MOTION TO DENY

If the Planning Commission finds that the applicant has not provided sufficient evidence to demonstrate that the review criteria have been met, or if they find the applicant has presented incorrect information, the Planning Commission may deny the application.

I MOVE that the Planning Commission DENY the Conditional Use application to convert an existing building to four condominiums and a common area in the basement for property located at 222 3rd Avenue SE (File CU-04-

08). I also MOVE that the Planning Commission direct staff to prepare findings to support denial based on the testimony presented at the public hearing and to present these findings for consideration at the next meeting.

APPEALS

Within five days of the Planning Commission's final decision on this application, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

A decision of the Planning Commission may be appealed to the City Council if a person with standing files a completed Notice to Appeal and the associated filing fee to the Planning Division within 10 days of the date of the Notice of Decision is mailed.

STAFF ANALYSIS

Conditional Use File CU-04-08

The Albany Development Code (ADC) contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions where conditions are necessary to meet the review criteria.

- (1) *The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.*

FINDINGS OF FACT

- 1.1 The proposed use is four condominiums and a common area in the basement of an existing building. Four off-street parking spaces will be provided behind the building.
- 1.2 The property where this project is proposed is zoned CB (Central Business). ADC 5.030(2) says that “The CB district is intended primarily for retail and services that support Historic Downtown businesses and residents. Mixed uses are encouraged both horizontally and vertically. **High-density residential infill**, especially on upper floors, and office employment are both encouraged.” [Bold highlight added.]
- 1.3 ADC Article 22 (Definitions) lists condominiums as an example under the residential use category “three or more units.” ADC 5.060, Schedule of Permitted Uses, shows that three or more units are allowed as a Conditional Use in the CB zoning district. Note 17 says that in the CB zoning district, “new construction of single-family units is limited to attached units (one unit per lot or condominiums).” The applicants propose to convert the existing building on this property to condominiums.
- 1.4 The uses in the surrounding neighborhood include a building used by the Knights of Columbus for meetings; a church; a day spa; and parking lots. To the east across Montgomery Street SE are mostly single-family houses. There are apartments about a block away on Lyon Street to the west.
- 1.5 The operating characteristics of this neighborhood include people driving and walking to the uses identified above. In the nearby residential areas, people are outside doing maintenance or recreational activities. The area is busiest during the day when uses in the Central Business district attract people to the downtown.

CONCLUSIONS

- 1.1 The CB zoning district is intended for retail uses, mixed use developments, **high-density residential infill**, and office uses. The proposed development will include four condominiums (residential units) in an existing building. The property where the development will be located has existing development all around it and so, is considered infill development.
- 1.2 Condominiums are allowed in the CB district as a Conditional Use.
- 1.3 This neighborhood has a mix of retail, commercial, and residential uses in it. The proposed residential use is similar to other residential uses in the neighborhood.
- 1.4 The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood
- 1.5 This review criterion is met.

- (2) *The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.*

FINDINGS OF FACT

- 2.1 Proposed Use. The proposed project will renovate an existing building to create four condominium units and a common area. The building was built as apartments, but was last used as offices and meeting rooms for labor unions. The applicants submitted a site plan that shows the existing building, proposed parking, and other information. The site plan is attached to this staff report as Exhibit B.
- 2.2 Building Size. The site plan shows that the footprint of the existing building is 2,002 square feet. The basement is 2,002 square feet. The first floor is 1,938 square feet. The second floor is 1,986 square feet. The total square footage of the building is 5,926 square feet. There will be 390 square feet of porches and decks.
- 2.3 Building Scale and Style. The Linn County Tax Assessor's records show that existing building was built in 1905. The City's records show it was built in about 1910. The building was originally built as apartments (Woods Apartments). The building is on the City's inventory of historic properties. ADC 7.100 requires review of exterior alterations for historic properties. No exterior alterations to the existing building are proposed, except stairs in the back of the building.

ADC 5.090, Table 1 shows that the maximum height allowed for buildings in the CB zoning district is 60 feet. The building is two-stories with a daylight basement. The Conditional Use application says the existing building is 29-feet 6-inches tall to the peak of the roof. The building has lap siding and a composition roof.

- 2.4 Intensity. The Development Code does not have a definition of "intensity" in the definitions section (Article 22). The characteristics of a development that determine intensity vary with the type of development. For the proposed development, the characteristics that must be considered are traffic generation, lot coverage, setbacks, and landscaping. See the information about traffic generation under Review Criterion (3).
- 2.5 Lot Coverage. ADC 5.120 says that "All new development within the Central Business District shall have at least one square foot of building floor area for each square foot of buildable lot area." Three exceptions to this requirement are listed. The proposed project is not one of the exceptions. The size of the lot where the building is located is about 4,800 square feet. The floor area inside the building is 5,926 square feet. The floor area is more than one square foot of area for each square foot of lot area.
- 2.6 Setbacks. ADC 5.090, Table 1 shows that the maximum front setback for buildings in the CB District is zero feet. That is, the building must be located at the front property line. Table 1, Note 4 says that interior setbacks for commercial or office buildings may be located at the property line. Note 1 says single-family homes and duplexes must be set back at least 3 feet for single-story buildings and 5 feet for two-story buildings. No specific setback for condominiums or apartments is listed.

The site plan shows that the existing building that will be renovated is set back 18 feet from the front property line, about 5 feet from the side property lines, and 29 feet from the back property line along the alley. Parking will be provided along the alley. Table 1 does not list a setback for parking spaces from an alley.

ADC 2.370 lists the standards that must be met when the use of a non-conforming development changes. Setbacks are not listed.

- 2.7 Landscaping. ADC 9.140 requires that front yards be landscaped. The CB zoning district is considered a commercial zoning district, so the commercial landscaping standards apply. ADC 9.140(2) requires, for every 1,000 square feet of front yard area, the following minimum landscaping:

- (a) One tree at least six feet in height.
- (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
- (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

ADC 9.150 requires landscaping for parking lots. ADC 9.150(1) requires that a planter bay at least five feet wide be provided at the end of each row of parking. Each planter must contain one tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.

A landscape plan was not submitted with the Conditional Use application.

- 2.8 ADC 9.160 requires that all required landscaped areas must be provided with a piped underground water supply irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation.
- 2.9 The existing developments in the surrounding neighborhood include a variety of building sizes, scales and styles, intensity, setbacks, and landscaping. Most of the buildings in the surrounding neighborhood have lap siding and composition roofs.

CONCLUSIONS

- 2.1 The building that will be renovated was built in this neighborhood in 1905. The building scale and style is consistent with other buildings in the neighborhood. Landscaping is required in the conditions of approval below.
- 2.2 The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping when the following conditions are met.

CONDITIONS

- 2.1 The front yard of the building must be landscaped. The minimum landscaping required is:
 - (a) One tree at least six feet in height.
 - (b) Five five-gallon or eight one-gallon shrubs, trees or accent plants.
 - (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- 2.2 The parking area behind the building must have a planter bay at least five feet wide at each end of the row of parking. Each planter must contain one tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.
- 2.3 The required landscaped areas must be provided with a piped underground water supply irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation.
- 2.4 The property owner/developer must submit a landscape and irrigation plan. The landscaping and irrigation plan must be submitted for review and installed before the building is occupied.
- 2.5 This building is on the City's inventory of historic buildings. Exterior alterations to historic buildings must be reviewed and approved. Before building permits are issued for this project, the plan for the stairs in the back of the building must be reviewed and approved by the Planning Division.

- (3) *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.*

FINDINGS OF FACT

- 3.1 The property where the condominium project is proposed is located on the south side of 3rd Avenue SE about 120 feet west of Montgomery Street SE.

- 3.2 Street Capacity and Level-of-Service. A traffic study was not required with this application. The City's Traffic Impact Study Guidelines require a traffic study only when a proposed development is expected to generate at least 50 vehicle trips during the peak hour, or if there are specific capacity or safety issues that need to be addressed.

Staff uses Institute of Transportation Engineers (ITE) trip generation rates to estimate the volume of traffic that will be generated by development. Using ITE Category 230, "Residential Condominium/Townhouse," staff estimates that the proposed development will generate about 17 vehicle trips per day.

- 3.3 On-Street Parking Impacts. This property is located in the Downtown Assessment District. ADC 5.260 says that developments in the Downtown Parking Assessment District are not required to provide off-street parking. Nevertheless, the site plan shows that four off-street parking spaces will be provided behind the building. Access for the parking spaces will be provided on an existing alley. ADC 5.090, Table 1, Note (9) says "for garages with alley access, see Table 2." Table 2 shows that the setback for a garage from an alley is at least 3 feet.

ADC 9.130 includes standards for off-street parking design. The parking spaces along the alley will be oriented at 90 degrees to the alley. The site plans shows that each of the four parking spaces will be 9 feet wide. Table 1 shows that 9-foot-wide parking spaces oriented at 90 degrees to a travel aisle must be at least 18.5 long. The lengths of the parking spaces are not shown, but they scale about 18 feet. ADC 9.120 requires that parking lots have a durable, dust-free surface of asphaltic concrete, cement concrete, or other materials approved by the Director of Public Works; perimeter curb, and a drainage system.

This property has 47 feet of frontage on 3rd Avenue. This length of frontage is enough to provide space for 2 on-street parking spaces.

- 3.4 Access Requirements. ADC 12.060 says that new development must have frontage on, or approved access to, a public street currently open to traffic. Streets (including alleys) adjacent to a development must be improved to City standards.

- 3.5 The north boundary of the property has frontage on 3rd Avenue SE. The south boundary has frontage on a public alley.

- 3.6 Third Avenue SE is classified as a local street and is constructed to City standards. The street is improved with curb, gutter and sidewalk. The curb-to-curb width of the street is 42 feet. This width provides a vehicle travel lane in each direction and on-street parking. The speed limit on 3rd Avenue SE is 25 miles per hour.

- 3.7 The alley along the southern boundary of the property is constructed to City standards between the east boundary of the property and Montgomery Street. The alley right-of-way extends across the full width of the property, but the alley has not been improved along this section (about 40 feet). Part of the alley has been incorporated into adjoining private parking lots used by the Knights of Columbus building (229 4th Avenue) and a State office building (139 4th Avenue).

Part of the alley right-of-way within the adjoining private parking lot was vacated in 1977 by Ordinance No. 3955. The vacation included a condition stating that: "Any proposed parking lot location, design, or improvements south of Third Avenue shall not restrict access through the alley between Lyon, Baker,

Third, and Fourth or proposed parking lots by Sears to any adjoining property owner or emergency vehicles.”

City staff reviewed the files concerning past development of the adjoining private parking lot(s). There are no agreements or approvals to allow incorporation of remaining public alley right-of-way into private parking lot(s). The City Engineer has approved access on the alley for this development.

- 3.8 Two trees (less than 25 inches in diameter) will need to be removed to extend the alley to provide access for the proposed parking spaces. A fence will have to be relocated. The alley will need to be extended with pavement from where it ends now. A drawing submitted by the applicant with the Conditional Use application shows the applicant will do this work. The drawing is attached to this staff report as Exhibit C. The parking lot used by the State office building will lose one parking space when the alley is opened up. The Knights of Columbus parking lot will lose two parking spaces.
- 3.9 Neighborhood Impacts. Albany’s Transportation System Plan (TSP) does not identify any level-of-service or congestion problems on streets adjacent to the proposed development.
- 3.10 Pedestrian Safety. The existing building is located 18 feet from the sidewalk along 3rd Avenue. There is a walkway from the public sidewalk to the front steps of the building. The site plan shows a sidewalk will be built along the row of parking behind the building. There are doors in the back of the building. The site plan shows stairs from the elevation of the parking spaces down to the basement door.

CONCLUSIONS

- 3.1 The proposed condominium project will generate about 17 new vehicle trips per day on adjacent streets.
- 3.2 The property where the condominiums will be located is in the Downtown Assessment District, so no off-street parking is required. The site plan shows that four off-street parking spaces will be provided. The spaces must be built to Development Code standards.
- 3.3 Vehicle access for the proposed development will be on 3rd Avenue SE and on the public alley behind the building. Third Avenue is improved to City standards. The alley will be improved to City standards. Two trees will have to be removed to improve the alley and a fence will have to be relocated. Three existing parking spaces established in the alley right-of-way and used by adjacent properties will be eliminated to open up the alley. An ordinance that vacated part of the alley stipulated that access to the alley was not to be restricted.
- 3.4 There are currently no capacity or level-of-service problems on 3rd Avenue SE or on the alley.
- 3.5 The proposed development will not have an adverse impact on the neighborhood in terms of traffic.
- 3.6 Pedestrians will have access to the building on the sidewalk along 3rd Avenue and access on a sidewalk in the back of the building adjacent to the new parking spaces.
- 3.7 This review criterion will be met when the following conditions are met.

CONDITIONS

- 3.1 The parking spaces along the alley must be set back at least 3 feet from the alley right-of-way.
- 3.2 ADC 9.130 includes standards for off-street parking design. The site plans shows that each of the four parking spaces will be 9 feet wide. Table 1 shows that 9-foot-wide parking spaces oriented at 90 degrees to a travel aisle must be at least 18.5 long. The lengths of the parking spaces are not shown, but they scale about 18 feet. ADC 9.120 requires that parking lots have a durable, dust-free surface of asphaltic concrete, cement concrete, or other materials approved by the Director of Public Works; perimeter curb, and a drainage system.

3.3 The property owner/developer must extend public alley improvements as shown on the site plan. Improvements shall conform to City standards. Two trees will have to be removed and an existing fence will have to be relocated. Prior to performing any work within public alley right-of-way the applicant must obtain a Site Improvement permit from the City's Public Works Department, Engineering Division.

(4) *Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.*

FINDINGS OF FACT

Sanitary Sewer

4.1 ADC 12.470 requires that all new development must extend and connect to the public sewer system when service is available within 300 feet of the property.

4.2 The City's utility maps show that there is an 8-inch public sanitary sewer main in 3rd Avenue. The existing building is connected to the public sewer system. The site plan does not show any additional connections to the public sewer system will be made.

Water

4.3 ADC 12.410 requires that all new development must extend and connect to the public water system when service is available within 150 feet of the property.

4.4 The City's utility maps show that there is a 4-inch public water main in 3rd Avenue. The existing building is connected to the public water system. The site plan does not show any additional connections to the public water system will be made.

Storm Drainage

4.5 ADC 12.530 says the review body will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City Engineer.

4.6 The City's utility maps show that there is an 8-inch public storm drainage main in the alley behind the building that will be renovated. The site plan shows a new parking area will be constructed near the alley. This new impervious surface must be designed such that storm water runoff will be collected and discharged to the public storm drainage system in a manner approved by the City's Engineering Division and the Building Division.

Fire and Police Protection

4.7 The Albany Fire Department and the Albany Police Department provide fire and police services to this property now and will continue to do so.

CONCLUSIONS

4.1 The existing building on this property is connected to the public sewer and water systems. No changes to the connections are proposed.

4.2 A new parking area will be constructed behind the building. Storm drainage from the parking area must be routed to an approved location. There is an existing public storm drainage system in the alley that can be used.

4.3 The Albany Fire and Police Departments provide service to this property now and will continue to do so.

Proposed Condos in Existing Building

CU-04-08

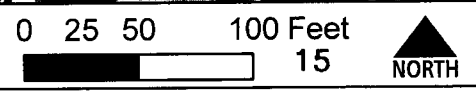
EXHIBIT A

Subject
Property

3rd Ave

Montgomery St

Baker St



Lot # 3100

Lot # 3200

222 3rd Ave

Apartment
Parking
Area

Existing Fence

CITY ALLEY RIGHT

OF WAY

(Pave Alley)

Existing Telephone Pole

Existing Fence To Be Moved

(City Alley)

Remove
Parking Space

16" Tree (Remove)

10" Tree (Remove)

Existing
Parking Lot

Move Fence Here

STATE PARKING LOT

ALLEY CONSTRUCTION

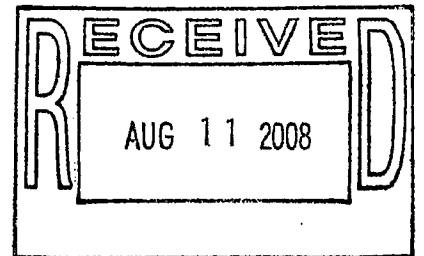


EXHIBIT C

This page left intentionally blank!

PROPOSED REVISIONS TO ALBANY DEVELOPMENT CODE (SIGN CODE)
APPROVED BY PLANNING COMMISSION AT SEPTEMBER 29, 2008 MEETING

[Strike through type is a deletion to current code language, **bold** type is an addition]

- 13.680 Temporary Promotional Business Displays. Temporary banner signs, ~~A-frame signs~~, and inflatable signs may be used, but are limited to one sign on each street frontage for each separate business. The maximum total number of days for promotional display shall not exceed 60 days in any one calendar year. Each display period requires a separate permit, but the display duration can be from 7 days to 60 days. The area of such banner shall not exceed 50 square feet in the CB, NC, HD, MUR, MUI, MS, LE, ES, TD and OP zones and 75 square feet in all other non-residential zones, or in the case of inflatable signs, 500 cubic feet. Inflatable signs can be no higher than freestanding signs allowed in the particular zone.

~~Any temporary A-frame, sandwich board or similar sign may be no larger than 16 square feet for one face or 32 square feet for two or more faces. If the sign is not attached to a building, the maximum height of the sign may not exceed 4 feet. All temporary signs must be anchored, may not be located within 10 feet of any public right of way, may not be attached to or placed inside a parked vehicle, and may not be placed within any vision clearance area. All signs shall be maintained in a safe, neat, clean and attractive condition. [Revised and moved to 13.682 below.]~~

Pennants, flags, and streamers may be used as part of an opening or promotional event subject to the above time constraints. Pennants and flags which are designed with no writing and have permanent mounting devices may be displayed for a longer period of time only upon approval of a Conditional Use Permit. (The American and Oregon flags are exempted from Sign Code regulations.)

- 13.682 Portable Signs. **One portable sign such as an** ~~Any temporary A-frame or sandwich board, or similar sign~~, **is allowed on each street frontage for each separate business. The allowed sign** may be no larger than 16 square feet for one face or 32 square feet for two or more faces. ~~If the sign is not attached to a building,~~ **†**the maximum height of the sign may not exceed 4 feet. All **portable signs** ~~temporary signs~~ must be anchored, ~~may not be located within 10 feet of any public right of way,~~ may not be attached to or placed inside a parked vehicle, and may not be placed within any vision clearance area. All signs shall be maintained in a safe, neat, clean and attractive condition. **A permit must be obtained for placement of the allowed sign. Permits will be good for one year and must be renewed annually.**