



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# Staff Report

## Conditional Use Review & Tentative Replat

CU-06-18 & RL-07-18

November 26, 2018

### Summary

The proposal is an application for Conditional Use Review together with a Tentative Replat for the construction of a 96-unit apartment complex. The subject properties are located west of Waverly Drive SE, east of Davidson Street SE, and north of 16<sup>th</sup> Avenue (Attachment A). The properties at 1550 and 1556 Waverly are zoned Residential Medium Density (RM); an unaddressed parcel located on the north side of 16<sup>th</sup> Avenue (Tax Lot 2400) is also zoned RM. The remainder of the property (Tax Lot 600) is zoned Office Professional (OP). The properties total about 4.28 acres. Multifamily residential development is permitted with an approved Site Plan Review in the RM zone and by Conditional Use in the OP zone. Because the subject properties are in two different zoning districts, the Conditional Use (Type III) process is being used.

Proposed site development includes seven (7) two-story multifamily residential use buildings containing 96 one-to three-bedroom units with common open space areas, parking, and a children's play area. A common shared space in future Building "C" will have a leasing office, fitness center, lobby, entertainment room and access to common open space. The fenced children's playground area will include playground equipment and seating for parents. The overall development requires 164 parking spaces.

The property owner is Walter Weiss Jr., with GEH Waverly LLC, of Lake Oswego, Oregon, represented by Project Manager and Architect Scott Moore with Mackenzie, of Portland, Oregon. The application was deemed complete on September 11, 2018. The Conditional Use review criteria contained in Albany Development Code (ADC) 2.250 and Land Division review criteria in ADC 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application. In summary, the proposed development application satisfies applicable review criteria; therefore, the staff recommendation is APPROVAL with CONDITIONS of the Conditional Use and Tentative Replat planning application.

### Application Information

Review Body:	Planning Commission (Type III Review)
Staff Report Prepared By:	David Martineau, Project Planner
Type of Application:	Tentative Replat and Conditional Use Review for new construction of a 96-unit apartment complex with associated parking and site development.
Property Owner / Applicant:	Walter Weiss Jr., GEH Waverly, LLC; PO Box 2085; Lake Oswego, OR 97035



Architect / Representative:	Scott Moore, Mackenzie; 1515 SE Water Ave. #100; Portland, OR 97214
Address/Location	Vicinity of 1550 & 1556 Waverly Drive SE; Brighton Way SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-08D; Tax Lots 600, 700, 701; and Map No. 11S-03W-08DB; Tax Lot 2400
Zoning:	Office Professional (OP) and Residential Medium Density (RM) District
Total Land Area	4.28 Acres (186,437 Square Feet)
Existing Land Use:	Single family residences at 1550 and 1556 Waverly Drive SE (to be demolished); the remainder of the subject property is vacant.
Neighborhood:	Santiam
Surrounding Zoning:	North: Residential Medium Density Attached (RMA); Office Professional (OP) South: Residential Medium Density (RM); OP East: RM; also RM across Waverly Drive SE West: RMA across Davidson Street; RM
Surrounding Uses:	North: Albany Public Library main branch (northwest); Millwood Manor Apartments (northeast) South: Single-family dwellings; duplexes; multifamily units East: Waverly Drive SE; multifamily units West: Brookdale Senior Living Apartments; Albany Eye Care
Prior History:	Tax Lot 600 was rezoned from RM-5 (Limited Multiple Family Residential) to OP (Office Professional) in 1994 (File No. ZC-03-94) in anticipation of an expansion of the existing insurance office to the north, which eventually became the new Municipal Library. In 2008, a Planned Development and 47-lot phased Tentative Subdivision Plat was approved (File PD-02-07 and SD-02-08) that consisted of two commercial buildings and 45 attached single-family condominiums located in eight separate buildings. Except for construction of the two commercial buildings and their associated lots, the remainder of the approved Planned Development and Subdivision expired. The property at 1550 Waverly SE has a single-family residence that was built in 1936; and the property at 1556 Waverly has a residence built in 1969. Both residences and their accessory buildings will be removed to accommodate the proposed development.

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## Notice Information

A Notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on November 9, 2018. The Notice of Public Hearing was posted on the subject property at three locations by November 21, 2018. The Conditional Use staff report was posted on the City's website November 26, 2018. At the time this staff report was completed, no comments had been received.

## Appeals

Within five days of the Planning Commission's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. Any person who submitted written comments during a comment period or testified at the public hearing has

standing to appeal the Type III decision of the Planning Commission to the City Council by filing a Notice of Appeal and associated filing fee within ten days from the date the City mails the Notice of Decision.

## Analysis of Development Code Criteria

### Conditional Use Review File CU-06-18

#### Multifamily Development - 96 Units – GEH Waverly, LLC

The Albany Development Code (ADC) includes the following review criteria for a Conditional Use Review (ADC 2.250), which must be met for these applications to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

#### Criterion 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 unaddressed property is located west of Waverly Drive, north of 16<sup>th</sup> Avenue, east of Davidson Street, and south of Millwood Manor senior apartments and the main branch of the Albany Public Library (Attachment A). The site fronts onto Waverly, 16<sup>th</sup> and Davidson.
- 1.2 The majority of the property (3.33 acres) is zoned Office Professional (OP), and the remainder (0.95 acres) is zoned Residential Medium Density (RM). Multifamily residential uses are allowed conditionally in the OP, and with Site Plan Review approval in the RM district, according to the Schedule of Permitted Uses in ADC 3.050 and ADC 4.050.
- 1.3 Conditional uses. According to ADC 2.230, “Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.” The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.
- 1.4 Intended character of the OP zoning district. The OP district allows for a mix of land uses, both commercial and residential. The development code describes the purpose of the OP district as “The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts” (ADC 4.020(1)). The minimum lot size for residential units is 1,600 square feet per unit. Front yard setbacks are 10 feet; interior setbacks vary depending on use. ADC 8.270(1)

requires buildings to be set back at least one foot for each foot in building height from the property line when abutting single family homes. This will apply due to single family residential development to the south of this site. Maximum height is 30 feet (unless in Airport Approach Overlay District); maximum lot coverage is 70 percent. Per ADC 4.200, residential developments adjacent to Waverly Street (south of Santiam Highway) must maintain a 10 foot special noise corridor setback from the designated right-of-way in addition to the required setbacks for the zoning district.

- 1.5 Intended character of the RM zoning district. Three lots owned by the applicant totaling 0.95 acres that are proposed for development are zoned RM (Residential Medium Density). Albany Development Code (ADC) 3.020 states that this district is intended primarily for medium-density residential urban development. Front yard setbacks are 15 feet; interior setbacks vary depending on use. Per ADC 3.320, residential developments adjacent to Waverly Street (south of Santiam Highway) must maintain a 10 foot special noise corridor setback from the designated right-of-way in addition to the required setbacks for the zoning district. Maximum height is 45 feet; maximum lot coverage is 70 percent. All yards adjacent to streets must be fully landscaped.
- 1.6 Operating characteristics of the neighborhood. The site is surrounded by a mix of residential and commercial uses. The residential uses range from detached single-family dwellings, duplexes, and multifamily dwellings including apartments and senior living units. Commercial uses west of the site include medical and professional offices, and real estate offices. The Albany Public Library (main branch) and Millwood Manor Senior Living border the property to the north. East of the site, across Waverly Drive, is characterized by multifamily development. This is true for properties to the south as well, except for one property that has a single-family residence.
- 1.7 Operating characteristics of the proposed development. The applicant is proposing the development of seven, two-story multi-family buildings containing 96 one- to three-bedroom residential units (Attachment F.1). The proposal also includes the development of associated amenity features including dedicated open space, landscaped common areas, parking, and a children's play area (Attachments H.2 and H.3). In total, the development will include 85,844 square feet of living space and provide approximately 23 dwelling units per acre. A common shared space will be provided in Building "C". The shared space will include a small leasing office, fitness center, lobby, entertainment room, and access to the outdoor common space (Attachment F.26). Centrally located in the site, a fenced play area for children will include playground equipment and seating for parents. In total, the applicant is proposing 19,911 square feet of functional open space, about 3,800 square feet more than the 16,096 square feet required by Code, when accounting for a 25 percent open space and recreation area credit, allowed in accordance with ADC 8.220(1)(g). Access onto the site will be provided from each of the abutting streets – Waverly Drive, Davidson Street and 16th Avenue SE. Travel aisles from each of these access driveways will provide circulation throughout the site, connecting parking areas and all buildings (Attachment G.4).

## Conclusions

- 1.1 The proposed development is allowed with Conditional Use Type III Review approval in the OP zoning district per ADC 4.050, and Site Plan Review approval in the RM zoning district per ADC 3.050.
- 1.2 The site is surrounded by a mix of residential and commercial uses including single-family, duplex and multifamily residences, professional offices and the City's main public library..

- 1.3 The proposal will not have an impact on the operating characteristics of the neighborhood because the primary use of the property will be consistent with surrounding areas.
- 1.4 As proposed, the use is consistent with the intended character of the base zones and the operating characteristics of the neighborhood.
- 1.5 This criterion is met without conditions.

## Criterion 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 Definition of compatible. “Compatible” does not mean “the same.” *Merriam Webster’s Collegiate Dictionary*, Eleventh Edition, defines “compatible” as “(1) capable of existing together in harmony.”
- 2.2 Existing and anticipated uses. The site is currently vacant for the most part. The proposed multi-family residential use will be compatible with anticipated uses in size, scale, intensity, setbacks and screening, landscaping and other design features. Allowable uses for the OP zone include office professional and residential, and this zone serves as a buffer between more intense commercial and lower density residential. The proposal is for seven two-story buildings, for a total of 96 units. Each two-story building is being designed at a human scale with at-grade entrances and abundant pedestrian access, as well as plazas, sidewalks, and landscaping throughout the site. The parking lot and trash enclosures will also be screened. Because the site is in a transition area between other medium and lower density residential and commercial land use zones, the small scale, two-story structures provide a bridge between the various surrounding uses.
- 2.3 Lot coverage. The maximum lot coverage in the OP and the RM zoning district is 70 percent. The site is approximately 186,437 square feet (4.28 acres) in size. The proposed impervious area is 51,623 square feet of building area and 77,527 square feet of paved areas for a total of 129,150 square feet of impervious area. The proposed lot coverage is 69.2 percent of the subject property.
- 2.4 Setbacks. Residential district development standards are listed under ADC 3.190, Table 1. The standard minimum front setback of the RM zone is 15 feet, and the minimum interior setback is 10 feet for multifamily development two stories or less. In the OP zone, the minimum front setback is 10 feet, with interior setbacks of 5 feet, unless abutting a residential district, which requires a minimum of 10 feet. ADC 4.090(5) states that structures on property abutting residential districts and/or uses require one foot of setback for each foot of finished wall height with a minimum setback of 10 feet. Similarly, ADC 8.270 (1) states that when abutting single family homes, multifamily buildings shall be set back at least one foot for each foot in building height from the property line. The subject property abuts RM zoning along a portion of its south side and east side. Aside from the two single-family residences that will be removed, only one of these abutting properties has a single-family residence. According to site plans submitted by the applicant, Building “D” is closest to an abutting residentially-zoned property with a single-family residence to the south. Building “D” has an average wall height of 27 feet on the façade facing the abutting property (see Attachment F.6). It is located 28.24 feet

from the property line. In all other instances, the proposed multifamily buildings will be set back at least ten feet from abutting properties, as required by code.

- 2.5 Building height and scale. The maximum height in the OP district is 30 feet, and in the RM district, 45 feet. ADC Article 22 has a definition for how building height is measured. “Height of Building” is defined as “The vertical distance above “Grade” as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.” Architectural drawings submitted with the application show maximum wall heights of 29 feet 6 inches, with a maximum height of 33 feet 6 inches along the roof ridge line. The average height of the pitched roof measures approximately 27 feet. The buildings are designed to include both vertical and horizontal articulations, according to the applicant. Dormers present visual breaks in the roof plane of the buildings and landscaping and lighting elements accentuate a sense of place at the human scale, according to the applicant.
- 2.6 Vehicle parking – Required number of spaces. The proposed development is a multifamily apartment complex. ADC 9.020, Table 1, lists the number of parking spaces required for multifamily units. Studio and one-bedroom units require 1 space per unit, two-bedroom units require 1.5 spaces per unit, and three- and four-bedroom units require 2.00 spaces per unit. Additionally, one (1) visitor space is required for every four (4) units. According to the applicant, 16 units are one-bedroom units, 72 are two-bedroom units, and eight (8) are three-bedroom units. In total, the applicant must provide a minimum of 164 spaces. Up to 40 percent of these spaces may be compact. The overall site plan (Attachment G.4) shows this standard is met.
- 2.7 Bicycle parking. ADC 9.120(13)(a) requires multifamily developments to provide a minimum of one bicycle parking space for every four units. ADC 9.120(13)(h) says at least one-half of required bicycle parking spaces must be sheltered. The project requires 24 bicycle parking spaces, 12 of which shall be covered. The applicant proposes to provide 33 spaces, 15 of which will be covered. Site plans show that the covered parking spaces will be located within the covered breezeways of each building entrance (Attachment F.28), while the remaining 18 spaces will be located near the children’s play area close to the center of the site (Attachments F.2 and H.4).
- 2.8 Landscaping required. ADC 9.140(1) and 9.150 apply to this development. Landscaping will be required in front yard setback area(s) and in the parking lot. All development applications involving buildings and parking areas must include landscape plans. Planter bays are required at both ends of each parking bay. The planter bays must be at least 5 feet wide with a 6-inch curb and one canopy tree at least 10 feet high, two shrubs, and decorative ground cover. All required front setbacks, exclusive of access ways and other permitted intrusions, must be landscaped before an occupancy permit will be issued. Minimum landscaping acceptable for every 50 lineal feet of street frontage is:
- (a) One tree at least 6 feet tall;
  - (b) Four 1-gallon shrubs or accent plants;
  - (c) The remaining area treated with suitable ground cover, such as lawn, bark, rock, ivy and evergreen shrubs.

This property has frontages on Davidson Street, 16<sup>th</sup> Avenue, and Waverly Drive. The required front setback in the OP zone is 10 feet. The frontage along **Davidson Street SE** measures 97.19 lineal feet when subtracting accessways and other permitted intrusions (133.63 feet – 35.81 feet = 97.19) for a total landscape area requirement of 971.90 square feet (97.19 feet x 10 feet). Specific required amounts

are 2 trees at least 6 feet tall, 8 one-gallon shrubs or accent plants, and attractive ground cover for the remainder of the setback area as described in ADC 9.140(1)(c). This frontage also requires buffering at least 10 feet in width to be provided. The buffer area requires one row of trees at least 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. In addition, at least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of buffer area is required. Landscape plans submitted with the application show 3 deciduous trees at least 10 feet tall, 22 three-gallon shrubs, and suitable ground cover (see Landscaping Plans, Attachments H.1 – H.3).

The site frontage along 16<sup>th</sup> Avenue is located in the RM zone. The required front setback in the RM zone is 15 feet. The frontage along **16<sup>th</sup> Avenue SE** measures 101.03 lineal feet. When subtracting accessways and other permitted intrusions, the frontage measures 67.53 lineal feet (101.03 feet – 33.50 feet = 67.53) for a total landscape area requirement of 1,012.95 square feet (67.53 feet x 15 feet). Specific required amounts include 1 tree at least 6 feet tall, 5 one-gallon shrubs or accent plants, and attractive ground cover for the remainder of the setback area as described in ADC 9.140(1)(c). This frontage also requires buffering at least 10 feet in width to be provided. The buffer area requires one row of trees at least 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. In addition, at least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of buffer area is required. Landscape plans submitted with the application show 3 trees at least 10 feet tall, 11 three-gallon shrubs, and suitable ground cover.

The site frontage along **Waverly Drive** is split-zoned OP and RM. The portion of property zoned OP is the northerly 165.35 lineal feet of street frontage. The required front setback in the OP zone is 10 feet. Only one permitted intrusion is proposed, which is a sidewalk measuring 7 feet wide, resulting in 158.35 lineal feet for landscaping purposes. Therefore, the total landscape area requirement is 1,583.50 square feet (158.35 feet x 10 feet = 1,583.50). Specific required amounts are 3 trees at least 6 feet tall, 13 one-gallon shrubs or accent plants, and attractive ground cover for the remainder of the setback area as described in ADC 9.140(1)(c). The portion of property zoned RM is the southerly 170.62 lineal feet of street frontage. The required front setback in the RM zone is 15 feet. When subtracting accessways and other permitted intrusions, the frontage measures 137.62 lineal feet (170.62 feet – 33 feet = 137.62) for a total landscape area requirement of 2,064.30 square feet (137.62 feet x 15 feet). Specific required amounts are 3 trees at least 6 feet tall, 11 one-gallon shrubs or accent plants, and attractive ground cover for the remainder of the setback area as described in ADC 9.140(1)(c). Waverly Drive is a minor arterial street; therefore, this frontage also requires buffering at least 10 feet in width to be provided. In addition, at least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of buffer area is required. Landscape plans submitted with the application show 7 trees at least 10 feet tall and suitable ground cover, however no shrubs or accent plants are shown along this frontage. A total of 10 five-gallon shrubs or 21 one-gallon shrubs are required within the Waverly Drive buffer area.

Except for the Waverly Drive buffer area, submitted landscape plans show minimum landscaping requirements can be met. Conditions of approval will require submittal of a revised landscape plan for the Waverly Drive buffer area along with installation of all site landscaping prior to occupancy in accordance with these plans. Any revisions to those plans will require Planning Division review and approval.

2.9 Buffering and screening. To reduce the impacts on adjacent uses of a different type, buffering and screening are required in accordance with the matrix in ADC 9.300. When buffering is required, ADC 9.240 states the minimum improvements are:

- a) *At least one row of trees. These trees will be not less than 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart.*
- b) *At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area.*
- c) *The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).*

When Screening is required, ADC 9.250 states that the minimum screening standards are:

- a) *One row of evergreen shrubs that will grow to form a continuous hedge at least 4 feet tall within two years of planting, or*
- b) *A fence or masonry wall at least 5 feet tall constructed to provide a uniform sight-obscuring screen, or*
- c) *An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least 6 feet tall within two years of installation.*

Required street frontage buffering is addressed in the previous findings (Finding 2.8, above). Buffering is also required along the northern and southern property lines that directly abut residential uses and commercial/professional offices. Buffering will not be required along the western portion of the northerly property line abutting two professional office buildings due to the presence of a permitted accessway connecting the proposed multifamily site to Davidson Street. According to ADC 9.230, no accessways are allowed in a buffer area except where an accessway has been approved by the City. In all other instances, buffering meeting the standards of Section 9.240 appears to be met (Attachments H.1 – H.3).

2.10 Parking lot landscaping. Landscaping in parking lots is required to provide shade, reduce stormwater runoff, and direct traffic. Parking lots must be landscaped in accordance with the minimum standards of ADC 9.150, by including landscaped planter bays, entryway landscaping and buffers from structures. The standards under ADC 9.150(1)-(3) state:

Planter Bays: *Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least ten feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.*

Entryway landscaping: *Both sides of a parking lot entrance shall be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted*

Parking Space Buffers: *Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials*

According to plans submitted by the applicant, the parking area is divided into bays of no more than 11 spaces, with curbed planters at every end (Attachment G.4). Each island will contain a canopy tree at least ten feet tall and numerous shrubs. No landscaped bays or their contents impede access to required public sidewalks or ADA parking spaces. Parking lot entrance areas on the property will be bordered with wide planter strips with compliant plantings and ground cover. All parking spaces will be separated from the building by at least 7 feet 6 inches of walkway or other buffers. These standards are met.

- 2.11 Irrigation system. ADC 9.160 requires that all required landscape areas be provided with a piped underground irrigation system, unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. Sheets L1.10 and L1.11 (Attachments H.2 and H.3) indicate that irrigation is proposed; however, irrigation plans were not submitted with this application. Submittal of final irrigation plan for review and approval by the Community Development Department is required as a condition of approval to ensure the standards of ADC 9.160 are met.
- 2.12 Screening of refuse containers. ADC 3.390 and 4.300 require that refuse containers and disposal areas are screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. Refuse disposal areas may not be located in required setback areas or buffer yards and may not be placed within 15 feet of a dwelling window. The applicant states that all dumpsters are fully screened behind 6-foot high CMU block walls with metal gates for access (see Attachment F.28). Additionally, the applicant proposes to utilize a trash compactor to reduce the frequency of trash service. The compactor will be located on the southern portion of the site near Building “G” and the auxiliary storage building. Screening of the compactor will be provided to obscure views into the area.

## Conclusions

- 2.1 The lot coverage and standard setback requirements of the underlying zoning districts are met. The special noise corridor 10-foot setback for residential development along Waverly Drive appears to be met.
- 2.2 The proposed multifamily development meets standards regarding building height and scale, required vehicular parking spaces and bicycle parking.
- 2.3 Except for buffering standards along Waverly Drive, proposed landscaping, buffering and screening is satisfied. Irrigation plans will need to be submitted for Planning Division review and approval and installed prior to occupancy.
- 2.4 As proposed and conditioned, the proposed multifamily development will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping.
- 2.5 This criterion is met with the following conditions.

## Conditions

- Condition 1 Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The plan must be consistent with the landscaping standards of ADC 9.140(1), landscape parking lot standards of ADC 9.150, buffering standards of ADC 9.240 and irrigation standards of ADC 9.160.
- Condition 2 Prior to issuance of the final certificate of occupancy, all proposed and required site improvements (e.g. vehicle and bicycle parking, landscaping, refuse screening, lighting, etc.), shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.
- Condition 3 Prior to occupancy, the applicant shall provide at least 164 parking spaces developed in accordance with standards listed in ADC 9.120, 9.130, and 9.150.
- Condition 4 Prior to occupancy, at least 24 bicycle parking spaces shall be provided, with a minimum of 12 covered, in accordance with ADC Section 9.120(13).

### Criterion 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 proposed development is for a 96-unit apartment complex. The site is located on the north side of 16<sup>th</sup> Avenue between Davidson Street and Waverly Drive.
- 3.2 ADC 12.060 requires that all public streets within and adjoining new development be improved to city standards.
- 3.3 The site has frontage on and will take access from Waverly Drive, Davidson Street, and 16<sup>th</sup> Avenue.
- 3.4 Waverly Drive is classified as a minor arterial street and is constructed to city standards. Improvements include: curb, gutter, and sidewalk; two travel lanes in each direction; a median island; and bike lanes.
- 3.5 Davidson Street is classified as a local street and is constructed to city standards along the frontage of the site. Improvements include: curb, gutter, and sidewalk; a travel lane in each direction; and on-street parking.
- 3.6 Sixteenth Avenue is classified as a local street and is not fully constructed to city standards along the frontage of the site. Sidewalk does not currently exist along the frontage of the site, and a short section of curb is missing near the site's west boundary. Improvements include: curb, gutter, and sidewalk; a travel lane in each direction; and on-street parking.
- 3.7 Access to the site will be provided by an existing driveway approach to Davidson Street, and a new driveway connection to both Waverly Drive and 16<sup>th</sup> Avenue. Three existing driveway connections to Waverly Drive will not be utilized by the development.
- 3.8 The applicant submitted a trip generation analysis with the application. The analysis was performed by Jennifer Danziger with Mackenzie and is dated July 11, 2018. The study estimated that the development will generate 685 vehicle trips per average weekday. Of those trips, 57 would occur during the peak PM traffic hour. The analysis estimated that 50 percent of development related trips would be oriented to and from the north and east, 30 percent to and from the south, and 20 percent to and from the west. The study concluded that *“Traffic will be dispersed throughout the nearby road network with fewer than 20 trips added to any roadways except Davidson Street SE immediately adjacent to the site.”*
- 3.9 Albany's Traffic Impact Study Guidelines require submittal of a trip generation analysis for project's that generate 50 or more peak hour trips, and a full Traffic Impact Analysis for project's that generate 100 or more peak hour trips.
- 3.10 Albany's Transportation System Plan (TSP) does not include any projects on the road system adjoining the site.
- 3.11 The development will create two new driveway approaches to the public street system. One will be located on Waverly Drive just north of the project boundary. That driveway will be limited to right in and right out movements due to the presence of a median island on Waverly Drive. The other new driveway will be located on 16<sup>th</sup> Avenue. The proposed driveways comply with ADC 12.100 in terms

of width and separation from nearby existing driveways.

- 3.12 The development is providing the required number of on-site parking spaces based on the standards contained in ADC 9.020. No on-street parking is allowed along the site's Waverly Drive frontage. On-street parking is allowed along the site's frontages on both Davidson Street and 16<sup>th</sup> Avenue.

## Conclusions

- 3.1 ADC 12.060 requires that all public streets within and adjoining new development be improved to city standards. The development has frontage on Waverly Drive, Davidson Street, and 16<sup>th</sup> Avenue. Waverly Drive and Davidson Street are improved to city standards. Sixteenth Avenue lacks sidewalk along the site's frontage and a short section of curb and gutter at the site's west boundary.
- 3.2 A trip generation analysis submitted with the application estimated that the development would generate 685 average weekday trips, 57 of which would occur during the peak PM peak traffic hour.
- 3.3 The development was not projected to generate enough peak hour trips to require submittal of a full traffic impact analysis. Albany's TSP was developed with the assumption that this site would be developed with a multifamily residential use and does not include any projects adjacent to the site. This development will contribute to the construction of capacity-related improvements to the overall transportation system through payment of TSDC fees.
- 3.4 The development will retain the site's existing driveway connection to Davidson Street, and construct a new driveway to both Waverly Drive and 16<sup>th</sup> Avenue. The new driveways comply with the width and separation standards contained in ADC 12.100.
- 3.5 Three existing driveways to Waverly Drive will not be utilized. In order to avoid driver confusion, those driveways will need to be removed and replaced with standard curb, gutter, and sidewalk.
- 3.6 On-street parking is allowed on both Davidson Street and 16<sup>th</sup> Avenue along the site's frontages. Vehicles parked too close to the site's driveways on those streets would impact turn movements and reduce sight distance. The addition of yellow curb next to the driveways would improve safety and driveway operations.
- 3.7 This criterion is met with the following conditions.

## Conditions

- Condition 5 Prior to issuance of an occupancy permit, the applicant shall construct the following street improvements to city standards:
- Construction of a new driveway approach to both Waverly Drive and 16<sup>th</sup> Avenue at the locations shown on the approved site plan.
  - Removal of the site's existing driveway approaches to Waverly Drive and their replacement with curb, gutter, and sidewalk.
  - Construction of curb and gutter at the west end of the site's frontage on 16<sup>th</sup> Avenue.
  - Construction of sidewalk along the site's frontage on 16<sup>th</sup> Avenue.
- Condition 6 The applicant shall install 5 feet of yellow curb on both sides of the site's driveway connections to Davidson Street and 16<sup>th</sup> Avenue.

## Criterion 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 City utility maps show an 8-inch public sanitary sewer main running through the subject property.
- 4.2 ADC 12.370 requires the dedication of public utility easements of at least 20 feet in width, centered over the main, for all public sanitary sewers and appurtenances. Permanent structures are not allowed to encroach on a public utility easement or be placed over a public sewer main.
- 4.3 A 40-foot wide private access easement and public utility easement currently exists over the public sewer main in Brighton Way.
- 4.4 The applicant is proposing to eliminate the private access and utility easement that currently exists over the public sewer main and dedicate a 20-foot wide public utility easement over the existing public sanitary sewer main running through the site.
- 4.5 AMC 10.01.010 (1) states that the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 4.6 ADC 12.470 requires all new development to connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 4.7 The applicant's preliminary utility plan shows connections to the existing public sewer main for service to each of the proposed buildings.

#### *Water*

- 4.8 City utility maps show a 12-inch public water main along the westernmost 230 feet of Brighton Way (private street).
- 4.9 A 40-foot wide private access easement and public utility easement currently exists over the shared access road and the public water main in Brighton Way. The applicant is proposing to connect to the public main at its terminus and extend a private water main into the site for domestic and fire service to the development.
- 4.10 ADC 12.410 requires all new development to connect to the public water system if the property is within 150 feet of an adequate public main.
- 4.11 The applicant's preliminary utility plan shows a connection to the end of this public main and extension of a private water main into the site for domestic and fire service. The applicant must install an underground utility vault with a double check valve assembly at the connection to the public system.

#### *Storm Drainage*

- 4.12 City utility maps show 24-inch public storm drainage mains in Davidson Street and in Waverly Drive along the frontages of the subject property.

- 4.13 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 4.14 ADC 12.560 states that where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem.
- 4.15 The City Engineer has determined that the applicant must provide storm water detention facilities for the proposed project.
- 4.16 The applicant must provide storm water quality facilities for the project in accordance with the City's engineering standards based on the total area of new impervious surfaces. These storm water quality facilities must be sized and located such that they provide filtration for all areas of impervious surfaces proposed for the project, including the required Scenic Drive improvements.
- 4.17 The City's Public Works Department has reviewed the applicant's preliminary storm drainage and storm water quality plans and has deemed them generally acceptable. Final design details (pipe sizes, pipe slopes, invert elevations, storm water quality feature locations and sizes, etc.) will be reviewed in conjunction with the Permit for Private Construction of Public Improvements.

### *Police Protection*

- 4.18 The proposed multifamily development will be served by the City of Albany Police Department.

### *Fire Safety*

- 4.19 The proposed development will be served by the City of Albany Fire Department.
- 4.20 The Fire Department has reviewed the project for conformance to the 2014 Oregon Fire Code (OFC).
- 4.21 Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
- 4.22 This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3).
- 4.23 The location and spacing requirements for fire hydrants are based on four project-specific criteria:
- The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
  - The calculated "fire flow" of the proposed building(s)
  - The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the property.

- The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.

## Conclusions

- 4.1 Storm water detention will be required for this project.
- 4.2 The applicant must provide facilities to accommodate storm water detention and storm water quality for the proposed development.
- 4.3 The applicant must obtain a storm water quality permit from the Public Works (Engineering) Department before beginning work on storm water quality facilities.
- 4.4 The applicant must obtain a Permit for Private Construction of Public Improvements before making a connection to the public water system.
- 4.5 The applicant's preliminary storm water collection and storm water quality plans have been reviewed and are generally acceptable. Final design details will be reviewed in conjunction with the required permits through the Public Works Department.
- 4.6 Police and fire services are available to serve the development.
- 4.7 This criterion can be met with the following conditions.

## Conditions

Condition 7 Before the City will issue an occupancy permit for the project, the applicant must obtain a Storm Water Quality permit from the Public Works Department and construct storm water detention facilities generally as shown in the submitted storm drainage report.

***NOTE:** For all storm water quality facilities, final design details will be approved in conjunction with the Storm Water Quality permit issued through the Public Works Department.*

Condition 8 Before the City will issue a Certificate of Occupancy for any of the proposed structures, the applicant must provide to the City a 20-foot wide public utility easement over the existing public sanitary sewer main that runs through the subject property.

## Criterion 5

**The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.**

## Findings of Fact

- 5.1 Some of the properties to the north and south are zoned RM and RMA; properties to the west and part of the north side are zoned OP. The abutting residentially-zoned properties are intended for single- or multiple-family residential development. The OP-zoned property abutting the subject property either have multifamily units or office uses.
- 5.2 Noise. Noise that could be associated with the proposed multifamily development will be typical landscaping maintenance equipment, such as leaf blowers and lawn mowers, air conditioners and vehicles. Noise of this type and intensity is typically found in residential areas. Resident noise will be limited.

- 5.3 Glare. According to ADC 9.480, no direct- or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. The applicant states that glare will be minimized through the use of glare shields on parking and building light fixtures. A photometrics plan was submitted with the land use application (Attachment J.3) that appears to demonstrate compliance with this standard. The applicant shall submit detail drawings to the Community Development Department for review and approval, which illustrates the type, height, illumination, and location of lighting proposed for the development. The lighting must be directed down, contained on site, and shielded, full cut-off design.
- 5.4 Odors. Three refuse containment areas are proposed with this development. As shown on Attachment G.4, refuse areas are located near parking areas throughout the site and in a manner that places them within a reasonable proximity to all units. Refuse areas are located within enclosures of CMU block which will screen views of the trash areas (Attachment F.28). No trash enclosures are located within 15 feet of any dwelling window. Additionally, the applicant proposes to utilize a trash compactor to reduce the frequency of trash service. The compactor will be located on the southern portion of the site near Building G and the auxiliary storage building.
- 5.5 Litter. All refuse materials will be contained within approved trash and recycling receptacles that are located in a six-foot-high gated and screened enclosures. Refuse areas will not interfere with parking and traffic patterns throughout the site.
- 5.6 Hours of operation. The proposed use is for a multifamily residential development. As such, the hours will be similar to nearby residential properties. It is expected that the residences will be occupied 24 hours a day, just like any other residence.
- 5.7 Privacy/Safety. The multi-family residential buildings will not create privacy or safety issues. The applicant notes that the project will activate a currently mostly vacant site, and more people living there will make it safer; the proposed plans include fencing and landscaping to protect the neighboring residential properties.
- 5.8 Fencing. The only fencing being proposed on the property is a four-foot tall chain link fence with black vinyl finish, together with an evergreen hedge, that will surround the common amenity space in the northwest corner of the site abutting the library (Attachment H.4). No other fence is proposed or required.

## Conclusion

- 5.1 As proposed, this criterion is satisfied with the following condition.

## Condition

- Condition 9 The applicant shall submit detail drawings to the Community Development Department for review and approval, which illustrates the type, height, illumination, and location of lighting proposed for the development. The lighting must be directed down, contained on site, and shielded, full cut-off design.

## Criterion 6

**Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.**

### Findings of Fact

- 6.1 Airport Approach. The subject property is located within the City's Airport Approach Overlay District, and specifically within the Airport Horizontal Surface Area. The highest elevation on the property is 226 feet. The Airport Horizontal Surface Area has an elevation of 372 feet. The elevation drawings show the highest point of the newly constructed building will be 33 feet 2 inches high at the peak of the roof. With the proposed new development, the overall maximum elevation on site will be 259 feet 2 inches, which does not penetrate the 372-foot elevation of the Airport Horizontal Surface Area.
- 6.2 Article 6: Floodplains. Comprehensive Plan Plate 5: Floodplains, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C0214H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside the 500-year floodplain.
- 6.3 Article 6: Wetlands. Comprehensive Plan Plate 6 does not show any wetlands on the subject property; and the National Wetlands Inventory does not show any wetlands on the property.
- 6.4 Historic and Archaeological Resources. Comprehensive Plan, Plate 9: Historic Districts shows the property is not located in a Historic District. There are no known archaeological sites on the property.

### Conclusions

- 6.1 There are no special purpose districts associated with the subject property.
- 6.2 This criterion is met without conditions.

## Multifamily Residential Design Standards (ADC 8.210-8.300)

In addition to the review criteria above, the following Design Standards must be met. **Note:** If there is a checked box symbol () preceding a standard, it means staff has compared the applicant's findings and plans to the standard(s) and find the standard(s) is met without comment. If the box is unchecked () , staff has provided findings and conclusions as to the reason(s) why the standard is not met, and has added a condition. "NA" preceding the standard means it is not applicable to this particular development

*N/A Relationship to Historic Overlay Districts (ADC 8.210).* This criterion is not applicable because the site is not located inside the Monteith or Hackleman Historic Overlay Districts (per Article 7).

*Recreation and Open Space Areas (ADC 8.220).* In multi-family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that project open space is an integral part of the overall development design, not merely leftover space. In larger developments, there should be a variety of open space activities.

- 1) Common Open Space. For projects of 10 or more units, common open space shall be required at a ratio of 0.25 square feet for each 1.0 square feet of living space.

- a) *Areas designated as common open space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet. The open space shall be functional and shall include one or more of the following types of uses:*
- *swimming pools, spas, and adjacent patios and decks*
  - *developed and equipped adult recreation areas*
  - *sports courts (tennis, handball, volleyball, etc.)*
  - *community centers*
  - *food and ornamental gardens*
  - *lawn or hard surface areas in which user amenities such as trees, shrubs, pathways, covered picnic tables, benches, and drinking fountains have been placed*
  - *natural areas*
- b) *Developments shall provide a mix of passive and active recreational uses from the above list if the open space can accommodate more than one use.*
- c) *Indoor or covered recreational space may count towards 50 percent of the common open space requirement.*
- d) *No more than 20 percent of the common open space requirement shall be on land with slopes greater than 20 percent.*
- e) *Areas Excluded. Streets and parking areas, including areas required to satisfy parking lot landscape standards, shall not be applied toward the minimum useable open space requirement. Required setback areas may be applied toward the minimum useable open space requirement, with the exception of active, noise-generating activities.*
- f) *Designated on Site Plan. Areas provided to satisfy the minimum useable open space requirement shall be so designated on the development site plan and shall be reserved as open space. Adult recreation areas shall not be allowed in any required setback and shall be centrally located.*
- g) *Open Space and Recreation Area Credit. An open space credit, not to exceed 25 percent of the common open space requirements, may be granted if there is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed multiple family development to an improved public park and recreation area or public school playground.*
- h) *Approved vegetated post-construction stormwater quality facilities are allowed in common open space areas*

## Findings of Fact

The proposed multi-family development will include more than 10 units and is therefore subject to the recreation and open space areas standards outlined in this section. The total living space of the proposed development is 85,844 square feet; therefore, 21,461 square feet of open space is required. ADC Section 8.220(g) offers a reduction of up to 25 percent of the common space requirement if there is direct access by pedestrian path, not exceeding 0.25 miles, to an improved public park. The subject site is located approximately 0.23 miles from Lehigh Park. Using this credit, the required open space square footage is 16,096 square feet. As shown on Attachment F.2, the applicant proposes to provide

19,909 square feet of common open space as part of this development. Staff concurs this standard is met.

- 2) *Children's Play Areas. Multiple family developments larger than 10 units (excluding 1-bedroom and studio units) shall designate one or more children's play areas.*
  - a) *Children's play areas shall be placed within 300 feet of the units they are intended to serve. More than one play area may be needed in larger developments.*
  - b) *No horizontal dimension of a children's play area shall be less than 20 feet.*
  - c) *Placement of children's play areas shall not be allowed in any required setback and shall be centrally located.*
  - d) *Children's play areas may be part of the common open space area but do not count toward the use requirement as outlined in Section 8.220(1)(a).*

### Findings of Fact

The proposed multi-family development will include more than 10 units and is therefore subject to the children's play area standards outlined in this section. As shown on Attachment F.2, the applicant proposes a centrally-located, fenced children's play area. The proposed location of the play area is within 300 feet of all units proposed on the site. The dimensions of the play area are approximately 45 feet x 42 feet and will have playground amenities as shown in Attachment H.4. The play area is connected to a fenced common space via a pedestrian path. Staff concurs this standard is met.

- Private Open Space (ADC 8.230).** *In all newly constructed multiple family developments except in the CB, HD and LE zoning districts and assisted-living and nursing home developments, private open space shall be provided as follows:*

- 1) *At-Grade Dwellings. Dwellings located at finished grade, or within 5 feet of finished grade, shall provide at least 96 square feet of private open space per unit, with no dimension less than 8 feet. Private open space for at-grade dwellings may be provided within interior courtyards created within a single building or cluster of buildings. Private open space for at-grade dwellings shall be screened from view from public streets.*
- 2) *Above-Grade Dwellings. Dwellings located more than 5 feet from finished grade shall provide a minimum of 80 square feet of private open space per dwelling unit (such as a yard, deck or porch), with no dimension less than 6 feet. Private open space for units located more than 5 feet above grade may be provided individually, as with a balcony or collectively by combining into a larger area that serves multiple units.*
- 3) *Access to Private Open Space. All private open space shall be directly accessible from the dwelling unit through a doorway.*
- 4) *Privacy Requirements. Private open space, excluding front porches, shall be physically and visually separated from common open space.*

- Maximum Setbacks for Street Orientation (ADC 8.240).**

- 1) *On sites with 100 feet or more of frontage on a collector or local public street, at least 50 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line.*
- 2) *On sites with less than 100 feet of frontage on a collector or local public street, at least 40 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line.*
- 3) *As used in these standards, “site width” does not include significant natural resources as mapped by the City, delineated wetlands, slopes greater than 20 percent, recorded easements, required fire lanes and other similar non-buildable areas as determined by the City.*

**Functional Design and Building Details (ADC 8.250).** *These standards are intended to promote functional design and building details in new construction that contribute to a high-quality living environment for residents and enhance compatibility with the neighborhood.*

- 1) *The design of new buildings shall avoid long, flat, uninterrupted walls or roof planes. Changes in wall plane and height, and inclusion of elements such as balconies, porches, arbors, dormers, gables and other human-scale design elements such as landscaping should be used to achieve building articulation.*
- 2) *Buildings shall be massed so individual units or the common main entrance is clearly identifiable from the private or public street that provides access unless the units are located on upper floors above non-residential uses.*
- 3) *Stairways shall be incorporated into the building design. External stairways, when necessary, should be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture.*
- 4) *Building facades shall be broken up to give the appearance of a collection of smaller buildings.*

**Building Orientation and Entries (ADC 8.260).** *These standards are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets.*

- 1) *As many of the dwelling unit entries as possible shall face public local residential streets and along the internal street system of larger scale developments. Internal units may face a courtyard or plaza, but not a parking lot. The use of front porches or entry patios and terraces is encouraged.*

## Findings of Fact

As shown in site plans provided in Attachment G.4, the proposed residential buildings are oriented in a manner to allow for entrances into a cluster of units via an internal common breezeway. The breezeway includes a staircase to the upper floor, architectural features, bike parking, and serves as a shared “front door” for units in the cluster. These internal breezeways are further extended beyond the building footprint into the public space via a courtyard/plaza-like setting identified by differentiation in paving, lighting, landscaping, and outdoor furnishings (see Attachment I). The plazas serve as a gathering space and create a sense of arrival for residents and visitors alike. The plazas serve as a buffer and ease the transition as residents move from through public sidewalk, to semi-public plaza, to semi-private breezeway, to private unit.

- 2) *Building entries and entries to individual units shall be clearly defined, visible for safety purposes, and easily accessible. Arches, gateways, entry courts, and awnings are encouraged to shelter entries.*
- 3) *Individual entries are encouraged; the use of long access balconies and/or corridors that are monotonous and impersonal are discouraged.*
- 4) *The primary entrance(s) of ground floor units of residential building(s) located within 25 feet of a local street may face the street. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. No off-street parking or circulation shall be located between the front of the building and the street. The following exceptions to this standard are allowed:*
  - *On corner lots, the main building entrance(s) may face either of the streets or be oriented to the corner.*
  - *For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement.*

### Findings of Fact

According to the applicant, “Plazas located immediately adjacent to shared breezeway spaces clearly define the entrance to each unit cluster. The plazas and breezeways draw pedestrians into the space and provide safe passage into semi-private breezeways and to individual units. Entrances into individual unit cluster is provided within common breezeways that are covered to provide sheltered entry to each unit. Within each residential building, shared breezeways provide access to individual unit entrances. However, these breezeways serve more than just this sole purpose. Because the individual entrances are oriented internal to the building, the breezeway acts as a shared “front door” and serves as a transitional semi-private space. Staircases, landings, bike racks, and architectural pieces are used to activate the space, further avoiding a monotonous hallway-like feel. No entrances to individual units, unit clusters, or common lobbies are proposed to be oriented towards the street. No off-street parking or circulation route is proposed between the street and the front of a building.” The applicant believes these standards have been met; staff concurs.

- Transition to Lower Density Uses (ADC 8.270).** *The following design standards shall be incorporated into the design of multiple-family housing to create transitions between multiple-family developments and nearby, lower-density residential development, in order to reduce the impacts of building mass and scale.*

- 1) *When abutting single-family homes, buildings shall be set back at least one foot for each foot in building height from the property line. Building height is measured from the average grade to the top of the wall facing the property line or to the top of the highest window or door, whichever is higher.*
- 2) *Smaller-scale buildings should be sited in the area immediately adjacent to single-family zoning districts, and larger-scale buildings sited at the interior of the development or adjacent to other multiple-family developments.*
- 3) *Parking and maneuvering areas, driveways, active recreation areas, loading areas and dumpsters should not be located between multiple family buildings and abutting single family homes.*

### Findings of Fact

There is one existing single-family dwelling located to the south of proposed Building “D” at 2533 16<sup>th</sup> Avenue SE. The proposed apartment building abutting that property is two stories tall, with an average wall height of 27 feet and a total building height of 33 feet 6 inches measured to the peak of the roof (Attachment F.18). When the single-family homes at 1550 and 1556 Waverly Drive are removed to

accommodate the development, the site will not abut any other single-family homes. Buildings A – F are proposed two-story buildings with separate entryways to each of the two-unit clusters within each building. These buildings are primarily located within the OP-zoned portion of the site and more internal to the site. Building “G”, located on the southern portion of the site along 16th Avenue SE, is a two-story building but is smaller in massing because it has only one entryway compared to the double entryway design of Buildings A – F. According to the applicant, the building massing and design at this location is similar to neighboring development on adjacent lots. No parking and maneuvering areas, driveways, active recreation areas, loading areas or dumpsters are proposed between multi-family buildings and the abutting single-family home.

**Pedestrian Connections (ADC 8.280).** *Pedestrian circulation systems shall be designed to provide clear and identifiable connections within the multiple-family development and to adjacent uses and public streets/ sidewalks.*

- 1) *Each multiple family development shall contain an internal pedestrian circulation system that makes clear, easily identifiable and safe connections between individual units and parking and shared open space areas. All pedestrian ways shall comply with the requirements of the Americans with Disabilities Act.*
- 2) *The pedestrian circulation system shall be designed to provide safe crossings of streets and driveways. Reflective striping should be used at crossings to emphasize the crossing under low light and inclement weather conditions.*
- 3) *Safe, convenient, and attractive pedestrian connections shall be provided between the multiple family development and adjacent uses such as parks, schools, retail areas, bus stops, and other pedestrian ways. Connections shall be made to all adjacent streets and sidewalks at 200-300 foot intervals.*

**Vehicle Circulation System (ADC 8.290).** *On-site circulation shall be clearly identifiable, safe, pedestrian friendly and interconnected.*

- 1) *Internal vehicle circulation system of a multiple family development shall be a continuation of the adjacent public street pattern wherever possible and promote street connectivity. Elements of the public street system that shall be emphasized in the internal circulation system include the block pattern, sidewalks, street trees, on-street parking and planter strips.*
- 2) *The vehicle circulation system and building pattern shall mimic a traditional local street network and break the development into numerous smaller blocks with all of the public street system elements highlighted above. Private streets are acceptable, unless a public street is needed to extend the public street grid. The connectivity and block length standards in Articles 11 and 12 apply to all public and private streets.*
- 3) *The streets that form the primary internal circulation system may include parallel parking and accessways to parking bays or courts, but should not be lined with head-in parking spaces.*
- 4) *Interior roadways shall be designed to slow traffic speeds. This can be achieved by meandering the roadway, keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.*

## Findings of Fact

The applicant notes that the proposed development will utilize on-site travel aisles as circulation through the site to residential units. The public street network does not continue into the subject site. The proposed circulation system is not intended for use by the public or anyone not terminating a trip

at the residential use on site. The subject site is bounded on the west by Davidson Street, on the east by Waverly Drive, and on the south by 16th Avenue. Throughout the City, the street network generally follows a gridded pattern. In the immediate vicinity of the site, the street network is more diffused. Block lengths and configurations vary throughout the area. The unique configuration and shape of the site does not allow the alignment of streets in a gridded system. Instead, the applicant proposes to provide travel aisles throughout the site to allow pedestrian and vehicle circulation by site users. These aisles are not part of the public street network but will provide connection to each of the three abutting public streets. The existing street network better facilitates circulation off site, and only residents and visitors of the site will use the internal connections.

The subject site is uniquely shaped in that the western portion of the site is significantly narrower than the eastern portion. The narrow north-south dimension of the site at the west is a limiting factor in this development. To provide adequate and appropriate access into and through the site, the applicant proposes to provide ingress/egress at each of the three street frontages. The inclusion of a service driveway and travel aisle at the SE Davidson Street frontage further constrains the site depth at this location, leaving little space to adequately separate travel aisles and parking bays as envisioned by ADC Section 8.290(3). As shown on Attachment G.4, the site width limits the parking capacity of a compliant parking bay to 11 spaces. Minimum parking space requirements outlined in ADC Section 9.130 show that Buildings F and E (the westernmost buildings as shown on Attachment F.2 each require 28 parking spaces, 56 spaces in total. In the western portion of the site, there is not adequate area to provide the minimum number of parking spaces within parking bays alone. Further, ADC Section 8.300(2) states that all required parking spaces must be located within 100 feet of the building entrance for each unit. As demonstrated above, the subject site is constrained and cannot provide adequate parking bay spacing based on minimum parking space requirements. In this instance, ADC Section 8.290(3) (head-in parking should not be located on circulation routes) and ADC Section 8.300(2) (parking spaces within 100 feet of building entrances) are in conflict. The applicant can only feasibly provide the minimum number of parking spaces required under ADC Section 9.130 within 100' as required by 8.300(2) by utilizing head-in parking along the circulation route. Furthermore, since the primary circulation system is composed of drive aisles rather than streets (as defined in ADC 22.400), the preference for no head-in parking arguably does not apply in this instance. Travel aisles will be designed to meet the minimum parking lot aisle widths required by the ADC. Additional parking landscape islands will serve to "close in" the travel aisles throughout the site. Staff agrees with the applicant's description of site constraints and notes that the preference for no head-in parking is desired, but not a requirement.

**Parking (ADC 8.300).** *Multiple-family development shall provide attractive street frontages and visual compatibility with neighborhoods by minimizing the placement of parking lots along public streets. See Article 9 for additional parking lot standards.*

- 1) *Parking lots, carports, and garages shall not be sited between multiple-family buildings and the public local street unless site size and configuration make this impossible. Where available, private access to parking is encouraged.*
- 2) *Parking areas shall be broken into numerous small parking bays and landscaped to minimize their visual impact. Large, uninterrupted rows of parking are prohibited. Required parking must be located within 100 feet of the building entrance for each unit. The integration of garages into residential buildings is encouraged.*

## Findings of Fact

The parking lots are oriented internally to the site. No parking areas are located between the fronts of multiple-family buildings and a public street. The applicant understands that the City of Albany seeks to create travel aisles and circulation routes that are attractive, safe, and effective. The City seeks to avoid long extended rows of head-in parking by requiring landscape islands to create breaks in rows of more than 12 parking spaces. To divide the row of parking created by head-in parking on the western portion of the site, the applicant proposes to exceed the landscape requirement and provide an island at least every five parking spaces. This will instill a sense of human scale and create a more pleasing experience for both driver and pedestrian. Because of the unique shape of the subject site and the narrow width at the western edge of the property, the applicant is not able to utilize parking bays to solely meet minimum parking standards. These constraints force parking further from the main entrances of each building. At the western portion of the site, the applicant is able to provide ample parking using head-in parking design. Absent this head-in parking design, the applicant would be unable to provide the minimum number of parking spaces within 100 feet of each building entrance. In its proposed design, minimum parking spaces are located within 100 feet of each building's main entrances; therefore, this standard is met.

## Conclusions

- DS.1 The recreation and open space standards are met with adequate common open space area, and functional uses and features (e.g. children's play area and community room). The site also takes advantage of the fact that it lies less than 0.25 mile from Lehigh Park.
- DS.2 Private open space is provided for each apartment through concrete at-grade patios and balconies on the upper floors of the buildings.
- DS.3 The buildings are located on the site to effectively meet the minimum and maximum setback requirement from public streets, as well as the minimum setback requirement from the adjacent single-family residential use.
- DS.4 The architectural design of the proposed apartment buildings meet the functional design and building detail standards.
- DS.5 Standards for pedestrian connections and vehicle circulation requirements are met.
- DS.6 The design of the overall development meet the standards for building orientation and entries and Parking.
- DS.7 As proposed, Multi-Family Design Standards are satisfied without conditions.

## Tentative Replat Review File RL-07-18

Section 11.180 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

## Criterion 1

**The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.**

### Findings of Fact

- 1.1 The proposal is for combining four existing tax lots (TL 600 largest, 700, 701, and 2400) into one single lot. Tax Lot 600 is zoned OP, while the three smaller lots are zoned RM. All four lots have the Comprehensive Plan designation of Residential – Medium Density. Therefore, consolidating the four lots into one will be consistent with the underlying OP and RM zoning districts. Compliance with all applicable development standards is demonstrated by the applicant's response corresponding with each standard.

### Conclusions

- 1.1 The proposal is to combine four existing lots into one single lot.
- 1.2 All four lots have a Comprehensive Plan designation of Residential – Medium Density, which is compatible with multifamily residential development.
- 1.3 This criterion is satisfied without conditions.

## Criterion 2

**Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.**

### Findings of Fact

- 2.1 The proposed residential development will utilize the entire area to be consolidated, leaving no undeveloped remainder area of the property.

### Conclusions

- 2.1 The above criterion is satisfied; there will be no remainder of property to consider.

## Criterion 3

**Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.**

### Findings of Fact

- 3.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 3.3 All adjoining lands have adequate direct access via frontage on Davidson Street, Waverly Drive or 16<sup>th</sup> Avenue.

## Conclusions

- 3.1 All of the adjoining land has access to public streets.
- 3.2 This criterion is met.

## Criterion 4

**The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.**

## Findings of Fact

- 4.1 All subject lots are presently served by public streets.
- 4.2 Albany's Transportation System Plan (TSP) does not identify any capacity problems adjacent to the development.
- 4.3 No new streets are proposed with the development.

## Conclusions

- 4.1 The proposed replat does not create additional lots nor leave any remaining amount of land.
- 4.2 No new street plan is being proposed.
- 4.3 Albany's TSP does not identify any safety or congestion issues adjacent to the site.
- 4.4 This review criterion is satisfied.

## Criterion 5

**The location and design allow development to be conveniently served by various public utilities.**

## Findings of Fact

- 5.1 As shown in the attached plans, the subject site will be served by public utilities. The replat will not affect the site's ability to be served by these utilities. The proposal meets this standard.

## Conclusions

- 5.1 This criterion is satisfied without conditions.

## Criterion 6

**Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.**

## Findings of Fact

- 6.1 The Airport Approach Overlay district is addressed in findings under Criterion 6 of CU-06-18, addressed above. The proposed development is not located in any other special purpose district.

## Conclusions

6.1 This criterion is satisfied without conditions.

### Site Plan Review – Tree Felling

Per ADC Section 9.207, a Site Plan Review Tree Felling permit is required to remove 5 or more trees larger than 25 inches in circumference (approximately 8-inches diameter) on a lot or property in contiguous single-ownership larger than 20,000 square feet in any zone.

Albany's Tree Felling criteria are not clear and objective and applying them would be inconsistent with State "needed housing" provisions. Specifically, ORS 197.307(4), states that...*a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:*

*(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*

*(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

Tree Felling criteria are provided below. Staff concurs that the Tree Felling criteria 9.208(2)(a-c) are not clear and objective and applying them in this instance on a multifamily development that supplies needed housing would be inconsistent with State law. Criterion 4 does not apply because the trees proposed for removal are not within a Significant Natural Resource Overlay District. As such, no analysis of the application's conformance with these criteria is provided.

#### Criterion (a)

**It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved site plan review or conditional use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry;**

#### Criterion (b)

**The proposed felling is consistent with State standards, City ordinances, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality, and geological sites;**

#### Criterion (c)

**The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved;**

#### Criterion (d)

**Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.**

### FINDINGS OF FACT AND CONCLUSIONS

As noted above, analysis of the Tree Felling review criteria in ADC 9.208(2)(a-c) is not provided, because those criteria are inconsistent with State law. Criterion (2)(d) does not apply because no Significant Natural Resource Overlays Districts are located on the property.

## Overall Conclusion

As proposed and conditioned, the application for the Tentative Replat and Conditional Use Review for multifamily residential development satisfies all applicable review criteria as outlined in this report.

## Conditions of Approval

### Compatibility

- Condition 1 Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The plan must be consistent with the landscaping standards of ADC 9.140(1), landscape parking lot standards of ADC 9.150, buffering standards of ADC 9.240 and irrigation standards of ADC 9.160.
- Condition 2 Prior to issuance of the final certificate of occupancy, all proposed and required site improvements (e.g. vehicle and bicycle parking, landscaping, refuse screening, lighting, etc.), shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.
- Condition 3 Prior to occupancy, the applicant shall provide at least 164 parking spaces developed in accordance with standards listed in ADC 9.120, 9.130, and 9.150.
- Condition 4 Prior to occupancy, at least 24 bicycle parking spaces shall be provided, with a minimum of 12 covered, in accordance with ADC Section 9.120(13).

### Transportation

- Condition 5 Prior to issuance of an occupancy permit, the applicant shall construct the following street improvements to city standards:
- Construction of a new driveway approach to both Waverly Drive and 16<sup>th</sup> Avenue at the locations shown on the approved site plan.
  - Removal of the site's existing driveway approaches to Waverly Drive and their replacement with curb, gutter, and sidewalk.
  - Construction of curb and gutter at the west end of the site's frontage on 16<sup>th</sup> Avenue.
  - Construction of sidewalk along the site's frontage on 16<sup>th</sup> Avenue.
- Condition 6 The applicant shall install 5 feet of yellow curb on both sides of the site's driveway connections to Davidson Street and 16<sup>th</sup> Avenue.

### Utilities

- Condition 7 Before the City will issue an occupancy permit for the project, the applicant must obtain a Storm Water Quality permit from the Public Works Department and construct storm water detention facilities generally as shown in the submitted storm drainage report.

***NOTE:*** For all storm water quality facilities, final design details will be approved in conjunction with the Storm Water Quality permit issued through the Public Works Department.

Condition 8 Before the City will issue a Certificate of Occupancy for any of the proposed structures, the applicant must provide to the City a 20-foot wide public utility easement over the existing public sanitary sewer main that runs through the subject property.

## Lighting

Condition 9 The applicant shall submit detail drawings to the Community Development Department for review and approval, which illustrates the type, height, illumination, and location of lighting proposed for the development. The lighting must be directed down, contained on site, and shielded, full cut-off design.

## Attachments

- A. Location Map
- B. Applicant's Narrative
- C. Applicant's Trip Generation Report
- D. Tree Removal Findings
- E. Proposed Replat
- F. Architectural Drawings (28 Sheets)
- G. Civil Drawings (28 Sheets)
- H. Landscaping and Common Open Space Plans (9 Sheets)
- I. Building Entry Plaza Rendering

## Acronyms

ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
DSL	Oregon Department of State Lands
ITE	Institute of Transportation Engineers
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
ODOT	Oregon Department of Transportation
OP	Office Professional Zoning District
RM	Residential Medium Density Zoning District
RMA	Residential Medium Density Attached Zoning District
ROW	Right of Way
TSDC	Transportation System Development Charge
TSP	Transportation Systems Plan
ZC	Zoning Map Amendment File Designation