Staff Report
Site Plan Review
Basement Apartment Conversion

SP-12-20

July 2, 2020

Application Information

Proposal: Site Plan Review for an interior renovation to convert an unfinished basement into four one-bedroom residential dwelling units with associated site improvements such as utilities, landscaping, and other amenities.

Staff Report Prepared By: Laura LaRoque, Project Planner

Property Owner/Applicant: Scott and Spencer Lepman, dba Sable Drive LLC; 100 Ferry Street NW; Albany, OR 97321

Applicant Representative: Candace Ribera, Scott Lepman Company; 100 Ferry Street NW; Albany, OR 97321

Architect: Don Johnson, Skyline Architecture; 2806 45th Court SE; Albany, OR 97322

Civil Engineer: Brian Vandetta, Udell Engineering and Surveying; 63 East Ash Street, Lebanon, OR 97355

Address/Location: 222 Third Avenue SE, Albany, OR 97321

Map/Tax Lot: Linn County Tax Assessor's Map No.: 11S-03W-06CD, Tax Lot 3200

Zoning: Central Business (CB) District, Historic Overlay District (Local Historic Inventory)

Total Land Area: 4,693 square feet (0.11 acres)

Existing Land Use: Apartment building

Neighborhood: Central Albany

Surrounding Zoning: North: Central Business (CB) District (across Third Avenue SE)
East: Central Business (CB) District
South: Central Business (CB) District (across alley)
West: Central Business (CB) District

Surrounding Uses: North: Parking Lot
East: Vacant and Community Service Use (CHANCE)
South Alley and Retail Sales and Service (Fourth Avenue LLC)  
West Retail Sales and Service

**Prior Land Use History:**

The property was developed prior to land use records. The structure at 222 Third Avenue SE was constructed in circa 1910 and was known as the Woods Apartments until approximately 1950 when the use changed to offices and meeting rooms for the labor union. The building has since been known as the Labor Temple Building.

**HI-07-06:** Historic Review of Exterior Alterations to replace foundation and raise building 18 inches to have a useable basement.

**CU-04-08:** Conditional Use to convert an existing building into four condominiums and a common area in the basement, including four off-street parking spaces behind the building.

**CU-01-11:** Code Interpretation to authorize a joint parking agreement between Albany Redevelopment, LLC, 222 Third Avenue SE and Davis Glass, 230 Second Avenue SE that would allow four off-street parking spaces to be provided in lieu of developing on-site parking required through a conditional use approval. Following this land use approval however, the parties were unable to reach agreement on the terms of the joint use parking agreement (see CU-02-12, below).

**HI-06-11:** Historic Review of Exterior Alterations to construct egress stairs on the alley side and modify front porch wall and handrail to meet building code.

**CU-02-12:** Conditional Use application to modify a condition of approval that will eliminate a requirement to develop four off-street parking spaces. The applicant requested a new review of the parking requirement due to the fact the property is situated entirely within the Downtown Parking Assessment District, which does not require off-street parking.

**HI-08-20:** Historic Review of Exterior Alterations to 1) remove and replace existing basement windows with wood framed egress window; 2) to remove two vinyl framed windows on the basement level at the rear of the building; and 3) add a 140 square foot, one-story addition to the rear of the building.

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**Summary**

This staff report evaluates a Site Plan Review application to convert an unfinished basement into four one-bedroom apartment units with associated site improvements such as utilities, landscaping, and other amenities.

The subject property is situated mid-block south of Third Avenue and west of the Montgomery Street at 222 Third Avenue SE, in the Central Business (CB) zoning district (Attachment A.1). According to ADC 5.060, Table 5-1 Schedule of Permitted Uses, the proposed use classified as “three or more units” is allowed subject to Site Plan Review approval.

Site Plan Review criteria contained in Albany Development Code (ADC) 2.450, the Multi-Family Residential Design Standards under ADC 8.200-8.305, and the Supplemental Residential Design Standards in Village
Centers under 8.480-8.485 are addressed in this report. These criteria must be satisfied to grant approval for this application.

**Staff Decision**
The application for Site Plan Review referenced above is **Approved with Conditions** as described in this staff report.

**Notice Information**
On June 10, 2020, a Notice of Public Hearing was mailed to property owners within 300 feet of the subject property. At the time the comment period ended June 24, 2020, the Albany Planning Division had received no written comments.

**Analysis of Development Code Criteria**
Section 2.450 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

**Criterion 1**
**Public utilities can accommodate the proposed development.**

**Findings of Fact and Conclusions**

**Sanitary Sewer**
1.1 City utility maps show an eight-inch public sanitary sewer main in Third Avenue. The existing building is currently connected to the public sewer system.

1.2 AMC 10.01.010 (1) states 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.

1.3 Sewer system development charges for residential development are based on the number of dwelling units being served. Because this development is for the addition of dwelling units, sewer system development charges will be due before building permits will be issued.

**Water**
1.4 City utility maps show a four-inch public water line in Third Avenue. The existing building is currently connected to the public water system.

1.5 Water system development charges for residential development are based on the size of water meter(s) that serve the property. The applicant’s submittal indicates they are proposing to use the existing water service/meter that currently serves the site. If the existing water service will continue to be used, no additional water system development charges will be due with this proposal.

**Storm Drainage**
1.6 City utility maps show an eight-inch public storm drainage main in the alley south of the subject property. Third Avenue is improved to city standards with curb and gutter for collecting and routing
stormwater runoff. The existing building discharges roof drainage to the curb along its Third Avenue
frontage.

1.7 It is the property owner's responsibility to ensure 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.

1.8 A post-construction stormwater quality permit shall be obtained for all new development and/or
redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the
development. (ADC 12.45.030; Ord. 5841 § 3, 2014).

1.9 This development is on a lot smaller than one acre, so no stormwater quality facilities will be required
for this proposal.

Conclusions

1.1 City utilities (sanitary sewer, water, and storm drainage) are available to the subject property. The
existing building on the site is served by public sewer, water, and storm drainage systems.

1.2 The addition of dwelling units will result in sanitary sewer system development charges that will be due
at the time of building permit issuance.

1.3 No stormwater quality facilities will be required for this project.

Criterion 2

The proposed post-construction stormwater quality facilities (private and/or public) can
accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Findings of Fact and Conclusions

2.1 Section 12.45.040 of the Albany Municipal Code states development may be exempted from a
post-construction stormwater quality permit if the development creates and/or replaces less than 8,100
square feet of impervious surface, cumulatively.

2.2 The subject site is 4,693 square feet. Therefore, because the subject property is less than one acre, no
storm water quality facilities will be required with this development.

Criterion 3

The transportation system can safely and adequately accommodate the proposed development.

Findings of Fact and Conclusions

3.1 The project will convert an unfinished basement to four one-bedroom apartment units; add a new 136-
square-foot rear one-story addition for laundry facilities and bicycle storage; add a new enclosed refuse
containers; and add a new 453-square-foot covered picnic area.
3.2 The subject site is located at 222 Third Avenue SE, mid-block south of Third Avenue and west of Montgomery Street (Attachment A.1). No vehicular access is proposed, nor does any exist for the site currently.

3.3 Third Avenue and Montgomery Street are classified as local streets and constructed to city standards. Improvements along the frontage of the site include curb, gutter, and sidewalk along both sides of each street; and a vehicle travel lane in each direction. The posted speed limit is 25 miles per hour.

3.4 The applicant did not submit a Traffic Impact Analysis (TIA) with the application. Albany guidelines call for submittal of a trip generation analysis for projects that generate more than 50 new peak hour trips, and a full TIA for projects that generated more than 100 peak hour trips.

3.5 Based on Institute of Transportation Engineers trip generation rates, the addition of four one-bedroom basement units would add about 22 additional weekday trips to the street system, two of which would occur during the p.m. peak hour.

3.6 Albany’s Transportation System Plan was developed with the assumption of this site developing in accordance with its underlying mixed-use zone designation and does not show any capacity or safety issues occurring along the frontage of the site.

Conclusions

3.1 All public streets adjoining the site are constructed to city standards.

3.2 The proposed development will create two new p.m. peak hour trips to the street system. The development will not generate enough vehicle trips to meet the city’s threshold for submittal of a TIA.

3.3 Albany’s Transportation System Plan does not identify any capacity or safety issues occurring along the frontage of the site.

3.4 This criterion is met without conditions.

Criterion 4
Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

Findings of Fact and Conclusions

4.1 The existing building is oriented to Third Avenue with direct pedestrian access from the main front entrance to public sidewalk system.

4.2 The proposed development is located within Albany’s Parking Assessment District as shown in Article 9, Figure 9-2. ADC 9.020(6) exempts developments within that district from requirements to provide off-street parking. No off-street parking will be constructed with the proposed development.

4.3 ADC 9.120(13)(a) requires one bicycle parking space per four multiple-family dwelling units. Four new units are proposed; therefore, one bicycle parking space is required. Six wall-mounted bicycle parking spaces are shown inside the rear addition.

4.4 The proposal is designed to facilitate traffic and pedestrian safety and avoid congestion.

4.5 This review criterion is satisfied without conditions.
Criterion 5

The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

Findings of Fact and Conclusions

5.1 Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. Site Plan Review is not intended to evaluate the proposed use or structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. Where conflicts are identified, mitigation can be required through conditions of approval.

5.2 Design and Operating Characteristics: The subject property is improved with a one and one-half story, rear exterior staircase addition, and associated site improvements. The proposed multiple family use described as developed of three or more units on one property or development site, is specified in ADC 22.300. The use is allowed with site plan review approval in the CB zone. A site plan of the proposed development is presented in Attachment B.6.

5.3 Surrounding Development: As shown on the location map (Attachment A.1), the subject property is surrounded by CB zoned property. Accordingly, the property is surrounded by a mix of uses including commercial, industrial, mixed-uses, and parking lots. A vacant lot abuts the property to the east. Moreover, the existing structure is multi-story and all abutting buildings are multi-story as well.

5.4 Operating Characteristics: The proposal is to construct four one-bedroom basement level residential dwelling units in addition to the existing four two-bedroom units on the first and second floors. The proposed dwelling units will be occupied by residents in accordance with lease terms. No commercial uses are proposed with this development.

5.5 Lot Size, Dimensional Requirements, and Lot Coverage: Per ADC 5.090, Table 5-2, the CB zoning district does not require a minimum lot size, width, or depth. The maximum lot coverage is 100 percent subject to meeting all other standards of the ADC, including, but not limited to, landscaping, buffering, and setback requirements. According to the applicant’s site plan (Attachment B.6), the proposed development has 3,195 square feet of impervious surface and a total site area of 4,699 square feet, which equates to 70 percent lot coverage. Therefore, these standards are met.

5.6 Landscaping Required: Landscaping for residential uses under ADC 9.140(1) requires all front setbacks (exclusive of access ways and other permitted intrusions) be landscaped before an occupancy permit will be issued unless the landscaping is guaranteed in accordance with ADC 9.190. Minimum landscaping acceptable for every 50 linear feet of street frontage is:

   (a) One tree at least six feet tall;
   (b) Four one-gallon shrubs or accent plants;
   (c) The remaining area treated with suitable ground cover such as lawn, bark, rock, ivy, and evergreen shrubs.

The frontage along Third Avenue measures 50 linear feet minus a 20-foot wide pedestrian accessway. Specific required amounts are one tree at least six feet tall, four 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 Conceptual Landscape Plan indicated columnar flowering tree and grass will be planted in the front yard area but does not provide details to confirm the code standards are met.
A final landscape plan consistent with the standards of ADC 9.140(1) will need to be submitted for review and approval by the Community Development Department before building permits can be issued.

5.7 **Irrigation System**: ADC 9.160 requires all landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman provides documentation that the plants do not require irrigation. An irrigation plan was not provided by the applicant. Therefore, a condition of approval will require the applicant submit an irrigation plan or verification from a landscape professional that the existing and proposed plants do not require irrigation.

5.8 **Buffering and Screening**: ADC Table 9-4 sub note 4 states that the 10-foot buffering standard does not apply in the HD, CB, DMU, and WF zoning districts.

5.9 **Signs**: Signage will be reviewed separately from this Site Plan Review application. Planning will review applications for sign permits when they are submitted to the Building Division.

5.10 **Refuse Containers**: ADC 5.370 requires that any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, public facility, or any residential area must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. All refuse materials must be contained within the screened area.

As shown on the site plan (Attachment B.6), the proposed refuse area is located to the southeast of the site adjacent to the alleyway. The refuse container is not within 15 feet of any dwelling window and is not located in a required setback area or buffer yard. As shown on the site plan (Attachment B.6), a sight-obscuring fence and gate approximately six feet tall is proposed. Therefore, this standard is met.

5.11 **Environmental Standards**: ADC 9.440–9.500 include environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The site is already developed. The proposal is to convert the basement of the site with residential dwelling units. The proposed use would occur inside, and is expected to create less noise, emissions, vibrations, or odors similar to other residential and commercial uses in the CB zone. Impacts from glare, heat, insects, rodents, and hazardous waste are not anticipated. No adverse environmental impacts are expected from this development.

5.12 **Lighting and Glare**: ADC 9.120(14) requires any lights provided to illuminate any public or private parking area must be arranged to reflect the light away from any abutting or adjacent residential district. There are no abutting residential districts to the subject property and no on-site parking is proposed; therefore, this standard does not apply.

5.13 **Fences**: ADC 9.370 lists the standards for fences. The applicant does not propose fencing or outdoor storage that is required to be screened.

5.14 **Design Standards**: The proposed development is subject to the Multi-Family Residential Design Standards under ADC 8.200-8.305 and Supplemental Residential Design Standards in Village Centers under 8.480-8.485. An assessment of the proposal’s conformance with these standards can be found after the conclusion of Criterion 8.
Conclusions

5.1 The subject property is zoned Central Business (CB). The existing structure is located on an existing lot that is entirely surrounded by CB-zoned property.

5.2 The proposed land use is a multiple family developed of three or more units, which is allowed through site plan review approval in the CB district.

5.3 The proposal meets the standards for building height, lot coverage, setbacks, landscape, and open space requirements.

5.4 The proposal conforms with the applicable environmental standards.

5.5 The applicant provided a site plan that shows the existing landscape. A final landscape and irrigation plan shall be provided prior to the issuance of building permits.

5.6 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, use, setbacks, and landscaping when the following conditions are met:

Conditions of Approval

Condition 1 The applicant shall submit a final landscape and irrigation plan to the Community Development Department for review and approval prior to issuance of a building permit. The landscape and irrigation plans shall be consistent with the standards under ADC 9.140(1), and 9.160. The landscape plan shall include a planting schedule that indicates the plant species, size, and quantity of each plant.

Condition 2 Prior to the issuance of a certificate of occupancy, all proposed and required site improvements (e.g., parking, bicycle parking, landscaping, and pedestrian amenities) shall be constructed and completed in accordance with the approved plans.

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 and Conclusions

6.1 Article 4 Airport Approach district: According to Figure 4-1 of the Albany Development Code, the subject property is not located within the Airport Approach District.

6.2 Article 6 Steep Slopes, Comprehensive Plan Plate 7: Slopes, does not show any steep slopes on this portion of property.

6.3 Article 6 Floodplains, Comprehensive Plan Plate 5: Floodplains, FEMA/FIRM Community Panel No. 41043C0213H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside the 500-year floodplain.

6.4 Article 6 Wetlands, Comprehensive Plan Plate 6: does not show any wetlands on the subject site. The National Wetland Inventory Map does not show wetlands on the property.

6.5 Article 7 Historic Districts, Comprehensive Plan Plate 9: Historic Districts. The historic Woods Apartment Building is one of approximately 90 locally designated landmark properties added to Local Historic
Inventory in 1991 that were not located within a historic district or listed individually on the National Register of Historic Places. There are no known archaeological sites on the property.

6.6 The applicant has submitted a Historic Review application for exterior alterations associated with a conversion of the unimproved basement into four (4) one-bedroom residential dwelling units. Exterior alterations include the following: 1) replacement of eight existing basement level windows on the east and west facade with new egress windows; 2) removal of one vinyl framed window on the basement level on the rear (south) facade; 3) installation of ventilation on the east, west, and south facades; and 4) new construction of a ±136 square foot, one-story addition on the rear (south) facade. See planning file no. HI-08-20.

6.7 This criterion is satisfied without conditions.

Criterion 7
The site is in compliance with prior land use approvals.

Findings of Fact and Conclusions
7.1 Six previous land use approvals are associated with this property. A summary of these prior land use approvals is listed under the Prior Land Use History section above and are incorporated here by reference.

7.2 The subject property is in compliance with all prior land use approvals. Therefore, this standard is met.

Criterion 8
Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

Findings of Fact and Conclusions
8.1 The site does not have non-conforming status; therefore, this criterion is not applicable.

MULTIPLE FAMILY DEVELOPMENT DESIGN STANDARDS (ADC 8.200 to 8.300)

D.1 ADC 8.205(1) states that the standards of ADC 8.220 through 8.300 only apply to new developed of multiple family residential buildings. ADC 8.205(3) further specifies that modifications to existing buildings and site must not decrease conformance with these standards except as required to meet building code, fire code, or other regulations.

The applicant proposes to add a new 136-square-foot one-story addition for laundry facilities and bicycle storage, enclosed refuse containers, and a 453-square-foot covered enclosure to the rear of the site in addition to converting the unfinished basement into apartment units.

Historic review of exterior alterations application file number HI-08-20 is currently under review in accordance with ADC 8.210. The proposed development is less than 10 units and is therefore, exempted from ADC 8.220 – ADC 2.225. The proposed development is interior renovation of an existing building as opposed to new construction and is therefore exempt from ADC 8.255-ADC 8.265. The development takes place in the CB zone, which is exempted from ADC 8.230, ADC 8.240, ADC 8.250, ADC 8.270, and 8.300. In accordance with ADC 8.280, a new three-foot sidewalk is proposed from the outdoor covered structure (gazebo) to the east property line to allow for a future pedestrian walkway connect. ADC 8.290-8.305 are not applicable as they pertain to parking
and vehicular circulation. None of these modifications are found to decrease conformance with the
design standard of ADC 8.200 to 8.300.

Supplemental Residential Design Standards in Village Center (ADC 8.480 - 8.485)

8.485 Purpose. These provisions are intended to promote the design of an urban environment that is built to human
scale and to foster a mixed-use character for village centers with an emphasis on a high-quality pedestrian environment.

1) Building exteriors shall be surfaced with wood, brick, stucco, stone, masonry, or lap siding on all sides.

2) Rooflines should be designed to reduce the exterior mass of multiple attached units and shall incorporate elements
such as parapets, gables, dormers, etc.

3) All exterior HVAC equipment shall be screened from street-level view.

4) Alleys are encouraged to provide a friendly street frontage and to set driveways and garages in the rear.

D.2 The proposed new shed style one-story addition is proposed to be finished with smooth HardiePlank
lap siding with an exposure to match the existing building and standing seam roofing panels. The
condensing units for the proposed ductless heat pumps are proposed to be located to the rear or side
of the structure obstructed from street-level view by building orientation and/or landscaping.

Overall Conclusion

As proposed and conditioned, the applications for Site Plan Review to convert an unfinished basement into (4)
one-bedroom apartment dwelling units with associated site improvements satisfies all applicable review criteria
as outlined in this report.

Conditions of Approval

Condition 1 The applicant shall submit a final landscape and irrigation plan to the Community
Development Department for review and approval prior to issuance of a building permit. The
landscape and irrigation plans shall be consistent with the standards under ADC 9.140(1), and
9.160. The landscape plan shall include a planting schedule that indicates the plant species,
size, and quantity of each plant.

Condition 2 Prior to the issuance of a certificate of occupancy, all proposed and required site
improvements (e.g., parking, bicycle parking, landscaping, and pedestrian amenities) shall be
constructed and completed in accordance with the approved plans.
Attachments
A. Staff Provided Reference Material
   1. Location Map
B. Applicant’s Application Submittal
   1. Application
   2. Legal Description, Exhibit A
   3. Findings of Fact (pages 1-13), Exhibit B
   4. Site Plan Review Findings of Fact, Exhibit B-1
   5. Existing Conditions, Exhibit C-1
   6. Proposed Site Plan, Exhibit C-2
   7. Basement Floor Plan (Demolition Plans Basement, Sheet A2.1), Exhibit D-1
   8. First Floor Plan (Demolition Plan First Floor, Sheet A2.2), Exhibit D-2
   9. Second Floor Plan (Demolition Plan Second Floor, Sheet A2.3), Exhibit D-3
  10. Basement Floor Plan (Sheet A2.4), Exhibit E-1
  11. First and Second Floor Plans (Sheet A2.5), Exhibit E-2
  12. Details (Sheet A2.7), Exhibit F-1
  13. Details (Sheet A2.9), Exhibit F-2
  14. Existing Building Elevations (Sheet A3.0), Exhibit H-1
  15. Building Elevations (Sheet A3.1), Exhibit H-2
  16. Conceptual Landscape Plan, Exhibit I
  17. Conceptual Building Signage, Exhibit J
  18. Views of Surrounding Immediate Neighborhood (pages 1 - 14), Exhibit K
  19. Conceptual Covered Picnic Structure, Exhibit L

Acronyms
ADC  Albany Development Code
AMC  Albany Municipal Code
CB   Central Business District
FEMA Federal Emergency Management Agency
FIRM Flood Insurance Rate Map
HD   Historic Downtown District
NGVD 1929 National Geodetic Vertical Datum of 1929*
SP   Site Plan Review

*The conversion factor from NGVD 1929 to NAVD 1988 in Albany is +3.38 feet.
PLANNING APPLICATION

APPLICANT/OWNER & AUTHORIZING SIGNATURES

To be included with ALL City of Albany planning submittals

Send completed application and checklist(s) to eplans@cityofalbany.net

- Adjustment (AD)
- Alternative Setback
- Annexation (AN)
- Comprehensive Plan Amendment (CP)
- Map Amendment
- Interpretation of Code (CI)
- Quasi-Judicial (Type II)
- Legislative (Type IV)
- Land Division (check all that apply)
- Partition (PA)
- Tentative Plat (Type I or II)
- Final Plat (Type I)
- Subdivision (SD)
- Tentative Plat (Type III)
- Final Plat (Type I)
- Tentative Re-plat Type I-L (RLD)
- Modification - Approved Site Plan or Conditional Use
- Natural Resource Boundary Refinement
- Natural Resource Impact Review (NRIR)
- Non-Conforming Use (MN)
- Planned Development (PD)
- Preliminary (Type III)
- Final (Type I)
- Property Line Adjustment (PLA)
- Site Plan Review (SPR)
- Accessory Building
- Change of Use, Temporary or Minor Developments
- Manufactured Home Park
- Modify Existing Development
- New or Existing Parking Area
- Expansion
- New Construction
- Tree Felling
- Temporary Placement (TP)
- Urban Growth Boundary (UGB)
- Vacation (VC)
- Public Street or Alley
- Public Easements
- Variance (VR)
- Willamette Greenway Use (WG)
- Zoning Map Amendment (ZC)
- Quasi-Judicial (Type IV)
- Legislative (Type IV)
- Other Required (check all that apply)
- Design Standards
- Hillside Development
- Mitigation
- Parking/Parking Lot
- Traffic Report
- Other

Location/Description of Subject Property(ies)

Site Address(es): 222 3rd Avenue SE
Assessor’s Map No(s): 115-083-0660
Tax Lot No(s): 00200
Comprehensive Plan Designation: Village Center
Zoning designation: EB
Size of subject property(ies): 4,944.96 sq ft
Related Land Use Cases: CU-04-08, CU-000-11
Project Description: Site plan review for the addition of 4, one-bedroom apartments located within basement; the construction of a laundry/bicycle storage addition at the rear of the building; and an underground parking area.

Applicant Information (must be signed)

Name: Scott & Spencer Legman
Mailing Address: 100 Perry Street NW
City: Albany
State: OR
Zip: 97321-2253
Phone #: 541-928-4554
Fax #: 541-928-4550
Email: eplans@cityofalbany.net

Rev. January 20
### Property Owner Information (must be signed)

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<tr>
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<td>Mailing Address</td>
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**Signature:**

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### Authorized Agent or Representative (must be signed, if applicable)

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**Relationship to property owner(s):** Employee

**Signature:**

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### Electronic Plans Representative (if different from applicant)

**IF MORE THAN ONE, PROVIDE THE FOLLOWING INFORMATION FOR EACH; THEY WILL BE SENT ALL CITY NOTICES**

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### Other Representative (must be signed, if applicable)

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Exhibit ‘A’
Legal Description

The East one half of Lot 2 and the West 12 feet of Lot 3, Block 13, EASTERN ADDITION, in the City of Albany, Linn County, State of Oregon.
Exhibit ‘B’

FINDINGS DOCUMENT OVERVIEW
FOR PROPERTY LOCATED AT 222 THIRD AVENUE SE

Overview Facts and Findings

Requests: (1) A Site Plan Review application with concurrent Design Review applications for Multiple Family Development and for Property Located in Village Centers for (a) the addition of 4 one-bedroom units located within the basement of the existing 4 unit apartment building; (b) the construction of a laundry/bike storage addition to the rear of a building at the basement level; and (c) to provide for a covered enclosed garbage containment area and covered picnic area at the rear of the building.

Applicants: Scott and Spencer Lepman dba Sable Drive LLC; 100 Ferry Street NW; Albany, OR 97321
Telephone: 541-928-9390 Fax: 541-928-4456 E-mail address: Scott Lepman <scottlepman@gmail.com>
Spencer Lepman <63406nova@gmail.com>

Applicants’ Primary Contact: Candace Ribera; 100 Ferry Street NW; Albany, OR 97321
Telephone: 541-704-0364 Fax: 541-928-4456 E-mail address: candace@slecompany.com

Applicants’ Architect: Don Johnson, Skyline Architect; 2806 45th Court SE; Albany OR 97322
Telephone: 541-990-8390 E-mail address: donjohn@mson.com

Applicants’ Civil Engineer: Brian Vandetta, Udell Engineering and Surveying; 63 East Ash Street; Lebanon OR 97355 Telephone: 541-451-5125 E-mail address: brian@udellengineering.com

Landscape Architect: Laura A. Antonson, RLA, Laurus Designs LLC; 1012 Pine Street; Silverton. OR 97381 Telephone: 503-784-6494 E-mail address: laura@laurusdesignllc.com

Submitted Attachments,

1. Exhibit ‘A’ Legal Description
2. Exhibit ‘A-1’ Assessor’s Tax Map
3. Exhibit ‘B’ Findings Document Overview (pages 1 to 5)
4. Exhibit ‘B-1’ Findings for Historic Review Exterior Alteration (pages 6-13)
5. Exhibit ‘C-1’ Existing Site Conditions
6. Exhibit ‘C-2’ Proposed Site Plan
7. Exhibit ‘D-1’ Basement Floor Plan Demolition Phases I and II (Architectural Drawing A2.1)
8. Exhibit ‘D-2’ First Floor Plan Demolition Phases I and II (Architectural Drawing A2.2)
9. Exhibit ‘D-3’ Second Floor Plan Demolition Phases I and II (Architectural Drawing A2.3)
10. Exhibit ‘E-1’ Basement Floor Plan Phases I and II Work Including Laundry Room Addition Floor Plan (Architectural Drawing A2.4)
11. Exhibit ‘E-2’ First and Second Floor Plans Phase I Work (Architectural Drawing A2.5)
12. Exhibit ‘F-1’ Detail Sheet Including Proposed Laundry/Bike Storage Section and Door Schedules (Architectural Drawing A2.7)
13. Exhibit ‘F-2’ Detail Sheet Including Existing & Proposed Basement Windows Schedules and Proposed Exterior Front Entry Rail Corrections (Architectural Drawing A2.9)
14. Exhibit ‘H-1’ Existing Building Elevations
15. Exhibit ‘H-2’ Proposed Building Elevations
16. Exhibit ‘I’ Conceptual Landscape Plan
17. Exhibit ‘J’ Conceptual Building Signage
18. Exhibit ‘K’ Views of Surrounding Immediate Neighborhood
19. Exhibit ‘L’ Conceptual Covered Picnic Area

Subject Property and Current Use: 222 Third Avenue SE (Suites 110, 120, 210 and 220), Tax Lot 3200, Linn County Assessor’s Map 11S-03W-06CD containing 4,944.96 square feet. The property contains a Historic
Craftsman style apartment building (c1910) which currently contains a total of 4 two-bedroom units on two floors with an unimproved basement under the entire building. A Exterior Alteration Review application has been submitted to (1) install a total of 8 new double hung wood 1 over 1 light windows on the east and west basement level sides of the building to provide accessibility meeting current Building and Fire Code standards to serve four one-bedroom units; (2) to remove two 60” x 48” light vinyl windows on the basement level at the rear of the building; and (3) to modify the alley facing façade by adding a 140 square foot addition to accommodate a laundry/bike storage room with two double hung 1 over 1 light wood windows. The building is located outside of any Historic District but has a Historic Local Inventory Rating.

**Albany Comprehensive Plan Map and Zoning Map Designations.** The Albany Comprehensive Plan Map, effective in 1982 identifies the subject property as “Village Center.” The “Village Center” designation provides for a mixture of uses to serve nearby neighborhoods. These uses must include retail and residential uses and may include offices, community and personal services, and live-work units. Development within a Village Center will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods and prevent the appearance of strip commercial development.

The property is zoned CB (Downtown Central Business). The Downtown Central Business zone is intended for a broad mix of residential and non-residential uses. Mixed uses are encouraged both horizontally and vertically. High density residential infill is encouraged to support nearby businesses.

**Historic District.** The subject property is located outside of the Hackleman Historic District which is located to the south of Fourth Avenue SE and east of the Montgomery and Railroad Streets.
However, the structure on the property has a historic designation on the Local Historic Inventory as "Local Inventory." The building is a c1910 Craftsman style building. It was known as the Wood Apartments until approximately 1950 when the building was used as offices and meeting rooms for labor unions. The building was then referred to locally as the Labor Temple Building. Approximately 7 years ago, the use reverted back to an apartment building use with 4 two-bedroom units that were approved to be condo-minimized but weren't and are just apartment units.

**Surrounding Zoning Designations and Land Uses.** The surrounding properties (see Exhibit 'A-1' Assessor's Tax Map are all zoned CB (Central Business). The properties to the north across Third Avenue contain parking lots (Tax Lot 1200, 4200 and 4300) (see Exhibit 'K' - Views of Immediate Surrounding Neighborhood, page 1 of 14). The properties to the immediate east (Tax Lots 12600, 12700, 12800, 12900, 13000 and 3201) are currently vacant (see Exhibit 'K' - Views of Surrounding Immediate Neighborhood, page 2 of 14) and were approved in 2007 for the construction of 6 zero lot line attached single family units. The property to the east of the vacant parcels (238 Third Avenue, Tax Lot 3300) contains a Historic Rural Vernacular style church (c1875) (see Exhibit 'K' - Views of Immediate Surrounding Neighborhood, page 3 of 14). The property to the west of the subject property (Tax Lot 3100) contains another Historic Craftsman style building (208 Third Avenue) (see Exhibit 'K' - Views of Immediate Surrounding Neighborhood, page 4 of 14) that was constructed as a residence (c1911) that now contains a salon and day spa with parking lots beyond that are related to office buildings further to the west fronting on Lyon Street (Tax Lot 2200)(see Exhibit 'K' – Views of Immediate Surrounding Neighborhood, page 5 of 14). The property to the southeast (Tax Lot 3500) (see Exhibit 'K' - Views of Immediate Surrounding Neighborhood, page 6 of 14) across the alley contains a two-story house that had been converted to an office building but now contains a full tanning salon and spa business (229 Fourth Avenue) with related paved parking. The Linn County Assessor's Tax Roll Summary sheets says that the building was constructed in 1890. However, the building is not listed on Albany's Historic Inventory posted on line. The property to the southwest (Tax Lot 3600) (see Exhibit 'K' - Views of Immediate Surrounding Neighborhood, page 7 of 14), contains a parking lot. The subject property is separated from Tax Lots 3500 and 3600 by a public 20-foot wide alley right-of-way (see Exhibit 'K' – Views of the Immediate
Surrounding Neighborhood, page 8 of 14). The alley right-of-way adjacent to Tax Lot 3500 is currently part of a parking lot utilized by the business on Tax 3500. The properties to the southwest (Tax Lots 3600 and 3700), across the alley contain parking lots (see Exhibit 'K' - Views of Immediate Surrounding Neighborhood, page 9 of 14). Properties to the east across Montgomery Street and south of Third Avenue contain a vacant lot (Tax Lot 8400) (see Exhibit ‘K’ - Views of Immediate Surrounding Neighborhood, page 10 of 14); a 2-story single family home (Tax Lot 8500) constructed in 1900 according to the Linn County Assessor’s information that lies adjacent to the Hacklemann Historic District on its south property boundary (see Exhib. ‘K’ - Views of Immediate Surrounding Neighborhood, page 11 of 14); the abutting lot to the south (Tax Lot 9200) contains a 2-story single family house that was constructed 1892 (Golta House) (see Exhibit ‘K’ - Views of Immediate Surrounding Neighborhood, page 12 of 14). The two properties to the north of Third Avenue, on the east side of Montgomery Street are both outside of the Hacklemann Historic District. Tax Lot 8300 contains a single story single family house that according to the Linn County Assessor’s information was constructed in 1890 (see Exhibit ‘K’ - Views of Immediate Surrounding Neighborhood, page 13 of 14). Tax Lot 8200 contains a single story commercial building that was constructed in 1940 (see Exhibit ‘K’ - Views of Immediate Surrounding Neighborhood, page 14 of 14) and is used for storage for the adjoining Teen Challenge commercial outlet.

Prior Approvals Other Than Historic and Conditions of Approval:

1. **CU-04-08**, Approved 5/7/08: Conditional Use to convert an existing building to 4 condominiums and a common area in the basement. Four off-street parking spaces would be provided. The building was originally constructed as apartment but last used as offices and meeting rooms for labor unions.

**Conditions of approval:**

A. 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 shrubs 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.

B. 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 in high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.

C. 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.

D. The property owner/developer must submit a landscape and irrigation plan. The landscaping and irrigation must be submitted for review and installed before the building is occupied.

E. 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.

F. The parking spaces along the alley must be set back at least 3 feet from the alley right-of-way.

G. ADC9.130 includes standards for off-street parking design. The site plan shows that each of the four parking spaces will be 9 feet wide. Table 1 shows that 9-foot wide parking space oriented at 90 degrees to a travel aisle must be at least 18.5 feet long. The length 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.

H. 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.
I. Four off-street parking were required to be provided behind the building as shown on the applicant’s site Plan.

(Note: Shortly after the Conditional Use was approved for the conversion of the Labor Temple back to a residential use (4 two-bedroom condominiums) the applicant was no longer able to complete the project and the property was purchased in 2010 by another developer. During the remodel of the building in July 2011, an engineer from the Albany Public Works Engineering Department observed that there was insufficient room for the property owner to feasibly develop parking at the rear of the building in accordance with the conditions of approval.)

2. CI-0001-11, Approved 8/9/11: Code Interpretation to authorize a joint parking agreement between Albany Redevelopment and Davis Glass that would allow 4 off-street parking spaces to be provided in lieu of developing on-site parking required through a Conditional Use approval.

Condition of approval: Approval will expire in three years from the date of approval, unless: the applicant has installed and/or bonded for all public improvements related to the development – or the first phase, if the development was approved for phased construction’ or a valid building permit exists for the approved development or for at least one building approved as part of the development.

(Note: Following this approval, the parties were unable to reach agreement on the terms of the joint use parking agreement.)

3. CU-0002-12, Approved 2/7/12: Review of conditions related to parking with CU-04-08 and CI-01-11.

Conditions of approval: As the subject property is located entirely within the Downtown Parking Assessment District and as such on-street parking is not required.

A. 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 shrubs 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.

B. 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.
Exhibit ‘B-1’

FINDINGS APPLYING TO THE ALBANY DEVELOPMENT CODE CRITERIA FOR SITE PLAN REVIEW FOR (1) THE ADDITION OF FOUR ONE-BEDROOM APARTMENT UNITS IN THE BASEMENT OF AN EXISTING FOUR-UNIT APARTMENT BUILDING AND FOR THE CONSTRUCTION OF A LAUNDRY/BIKE STORAGE ROOM ADDITION AT THE REAR OF THE BUILDING; (2) DESIGN REVIEW FOR MULTIPLE FAMILY DEVELOPMENT; (3) DESIGN REVIEW STANDARDS FOR PROPERTY LOCATED IN VILLAGE CENTERS

(Development Code Requirements are Shown in Bold Italics)

The Albany Development Code (ADC) contains the following Site Plan Review criteria which must be met for an application to be approved. Code criteria are written in bold italics and are followed by findings and conclusions.

ADC2.450(1). Public utilities can accommodate the proposed development.

SUPPORTIVE FINDINGS:

1. Water. The subject properties are currently served by the City of Albany’s public water system. Current Albany drinking water meets the EPA Clean Water requirements and no water quality concerns exist on the subject property. Existing public water lines are located on the south side of Third Avenue near the face of the curb line of the street and on the west side of Baker Street and east side of Montgomery Street. The City’s utility maps show that there is a 4-inch line in Third Avenue SE which is fed by a 10-inch line approximately 275 feet to the west of the subject properties and a 20-inch line located approximately 350 feet south of the subject properties. A public fire hydrant is located at the southwest corner of Third Avenue and Baker Street, and at the southwest corner of Third Avenue and Montgomery Street. The existing water line in Third Avenue is of adequate size to accommodate the proposed additional 4 one-bedroom apartment units and the laundry room that will be added to the rear of the building. This can be ensured by a condition of approval if changes need to occur to serve the proposed 4 one-bedroom apartment units and laundry room addition.

2. Sanitary Sewer. City utility maps show that there is an 8-inch public sanitary sewer line is located in the southerly half of Third Avenue. The existing public sanitary sewer line is of adequate size to serve the proposed 4 one-bedroom apartment units. This can be ensured by a condition of approval if changes need to occur to serve the proposed 4 new apartment units and laundry room addition.

3. Storm Sewer. City utility maps show a public 24” storm water line is located on the westerly side of Baker Street that extends beyond the alley between Third and Fourth Avenues. An 8-inch storm sewer line extends from Baker Street to Montgomery Street in the alley adjacent to the subject property. The roof drains from the existing building are connected to the gutter in Third Avenue through weep holes in the curb. The existing private storm drainage system has been connected to the public storm water system in conformance with the requirements of the City of Albany. This can be ensured by a condition of approval if corrections are required.

4. Water Management. There will be a moderate need for water for the initial 2 years until the landscape materials have become established. Landscape material in the perimeter landscaped areas and patio separation areas will be selected to be drought tolerant, reducing the amount of water necessary for the required landscape/buffer areas after the landscape material has become established. All landscape areas will be provided with a drip irrigation system.

5. Sidewalks: Public sidewalks have been constructed in the area connecting to the sidewalks that have been provided throughout the downtown area. A private joint-use 5-foot wide sidewalk will be provided from Third
Avenue to the alley which will provide for residents and guests of the subject property and the adjoining properties to the east that is proposed to contain 8 zero-lot-line single family units, 4 of which will be located adjacent to the alley. Access to both properties will be ensured by a recorded joint-use easement. This can be ensured by a condition of approval.

6. **Parks**: The Riverfront Park is located within a quarter mile of the subject property.

7. **Fire and Police Protection**: The Albany Fire and Police Departments provide fire and police services within the City Limits. The proposed addition of 4 one-bedroom apartment units will comply with Fire and Life Safety Code requirements for provision of adequate fire access, placement of fire hydrants, and fire sprinklers or fire walls between the existing and proposed units. Site lighting will be provided and an on-site security/monitoring system may be provided. The approval of the Site Plan Review request will not hinder the intent of this criterion as continued compliance with the provisions of adequate police and fire protection can be met. Any requirements to upgrade the existing fire and life safety requirements can be ensured by a condition of approval.

**SUPPORTIVE CONCLUSIONS**: The existing building is currently served by public sanitary sewer, storm water, and water. The building is currently connected to the existing public utilities. The existing sanitary sewer and water utilities can accommodate the proposed additional 4 one-bedroom apartment units and the addition of a laundry room at the rear of the building. This criterion has been met and can be ensured by a condition of approval if necessary.

**ADC2.450(2)**. *The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.*

**SUPPORTIVE FINDINGS AND CONCLUSION**: Title 12 of the Albany Municipal Code states the following:

12.45.030 Permit Required. *A post-construction quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acres, including all phases of the development.*

The parcel size of Tax Lot 3200 is 4,712.28 square feet (0.108 acre±). The total size of the impervious area for the project is 2,690 square feet (0.062 acre±). The proposed project size is less than 1 acre and therefore the Title 12 storm water quality standards do not apply.

**ADC2.450(3)**. *The transportation system can safely and adequately accommodate the proposed development.*

**SUPPORTIVE FINDINGS AND CONCLUSION:**

1. **Vehicular and pedestrian access to the site is provided via existing public streets and the adjoining alley between Baker and Montgomery Streets. Public sidewalks are provided throughout the downtown area. The existing apartment building is located approximately 450 feet to the east of Lyon Street, a Major Arterial Street and 125 feet to the west of Montgomery Street, a local street.**

2. **The Institute of Transportation Engineers (ITE) trip generation rates estimate using ITE Category 240 (Multi-Family Residential), the volume of traffic that will be generated by the existing 4 apartments and the proposed 4 one-bedroom additional apartment units will be expected to generate approximately 7.44 additional vehicle trips per day.**

3. **The existing transportation facilities are adequate for the additional four proposed one-bedroom apartment units. This criterion has been met.**

**ADC2.450(4)**. *Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.*

**SUPPORTIVE FINDINGS AND CONCLUSION:**
1. The streets in the downtown area have been provided with curbs, gutters and sidewalks. Third Avenue is 42 feet wide curb to curb and currently has vehicle parking on both sides of the street.

2. The existing alley to the south of the building has been paved to approximately 3 feet westerly from the southeast corner of the subject property. As the existing building is located, approximately 22 feet from the alley right-of-way, and with the required minimum 5-foot separation required between parking areas and buildings, there is not adequate area to provide for off-street parking spaces in this area. The area will be utilized for a common outdoor space for the tenants of the building.

3. Residential parking demand is highest between the hours of midnight and 4:00 a.m. This is not the same as the principal operating hours of the nearby private businesses, government agencies and banks which typically have daytime peak use. There are two large parking lots within close proximity to the subject property and two smaller business lots that may provide for off-street parking spaces if a tenant wanted to lease an off-street parking space from a property owner within close proximity.

4. The subject property is located within the Downtown Parking Assessment District and as such, the provision of off-street parking is not required.

**ADC2.450(5).** The design and operating characteristics of the proposed development are reasonable compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

**SUPPORTIVE FINDINGS:**

1. The subject property is located within the Central Business (CB) zoning district. This zoning district is intended for a broad mix of residential and non-residential uses. Mixed uses are encouraged both horizontally and vertically. High density residential infill is encouraged to support nearby businesses.

2. The proposed additional four apartment units will be consistent with the use of the building when it was constructed in 1910 and known as the Wood Apartments. Other than the change in the size of the basement windows to meet current Fire and Life Safety Code requirements for exiting for the four proposed new apartment units and the addition of the laundry/bike storage room at the rear of the building no other exterior alterations will occur. The laundry area is intended to be used by the residents of the basement apartments as the upstairs 2-bedroom units all have a washer and dryer in each unit.
3. A separate Historic Exterior Alteration application has been submitted for the installation of eight new double hung wood 1 over 1 light encasement windows on the east and west basement level sides of the building to provide accessibility meeting current Building and Fire Code standards to serve four one-basement level at the rear of the building; and (3) to modify the alley facing building façade by adding a 140 square foot one-story addition to accommodate a laundry/bike storage room at the basement level.

4. The change in the stairway system in the interior of the building will provide for a landing at the top of the stairs serving the 2 units on the second floor of the building and a stairway to the proposed basement level apartments. The railing on the porch stairway will be reconstructed to satisfy the condition of approval listed in HI-06-11, Approved 5/13/11: Historic Exterior Alteration of front porch walls and handrail to meet Building Code and stairs added on the back adjacent to alley.

   a. **Conditions of approval:**

   (1) The new wall along each stair to be cut down to the height of the top existing porch wall.

   (2) The new code-compliant metal rail with horizontal members be fabricated to meet the four-inch maximum separation. The same construction design shall be used for the upper and lower porch rails.

   (3) The railing design shall be approved by the preservation planner prior to fabrication.

5. The surrounding properties are all zoned CB (Downtown Central Business). These properties are all outside of the Hackleman and Downtown Historic Districts. The subject property is located within a mixed use area with businesses predominately located to the west of Montgomery Street and single family homes located on the east side of Montgomery Street (see Exhibit ‘K’ – Pictures of Surrounding Immediate Neighborhood, pages 1 - 14)

**SUPPORTIVE CONCLUSION:** The proposed four additional one-bedroom apartment units within the existing four two-bedroom apartment building are in keeping with the original use of the building in the 1920’s (Wood Apartments), while conforming to current Development Code regulations for the Downtown Central Business (CB) zoning district. The neighborhood has a mix of retail, office and residential use. This criterion has been met and can be ensured by a condition of approval.

**ADC2.450(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.**

**SUPPORTIVE FINDINGS:**

1. **Article 4 - Airport Approach:** The subject property lies outside of areas indicated on Figure 4-1 (Airport Approach District) and Figure 4-1 (Airport Sound Levels). These regulations are not applicable.

2. **Article 6 - Natural Resources:** The Open Space zoning District (OS); Floodplain overlay district (FP); Hillside Development overlay district (HD); Significant Natural Resource overlay districts; Riparian Corridor Overlay (RC); Significant Wetland Overlay (SW); Habitat Assessment Overlay (HA); and Willamette River Greenway overlay district (WG) regulations are not applicable to the subject properties as neither of the properties are located in any of the overlay districts.

3. **Article 7- Historic:** The subject property is not located within a Historic District but does have a “Local Inventory” historic designation. The proposed necessary window alterations to the building to meet current Fire and Life Safety egress requirements for the four basement units and the construction of a laundry/bike storage room addition at the rear of the building will be reviewed through the required Historic Exterior Alteration Review process.

**SUPPORTIVE CONCLUSIONS:** The addition of 4 one-bedroom apartments and the construction of a laundry/bike storage room addition at the rear of the existing apartment building have met all applicable regulations.
as described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic). This criterion for approval has been satisfied.

**ADC2.450(7). The site is in compliance with prior land use approvals.**

**SUPPORTIVE FINDING AND CONCLUSION:**

**Prior Approval.** HI-07-06, Approved 4/19/06: Historic Exterior Alteration to replace foundation and raise building 18 inches to have a useable basement.

A. **Conditions of approval:**

1. The new foundation shall be finished with siding to match the current siding.
2. The basement windows shall be retained and located in the same location as they are currently, except that they may be 6-inches from the belt course to allow for new beams.
3. The front stairs may be rebuilt to look as they do now, or bull-noised stair treads may be used. The handrail should be as simple as possible – similar in design to the current pipe handrail.
4. The shed roof and wall enclosing the back two-story staircase may be removed while the building is being raised and painted. The design of a new wall will require historic approval.

**Findings:**

1. The building was raised and the siding matches the existing siding.
2. The existing basement windows were retained and placed in the same location. However, the windows do not meet current Fire and Life Safety requirements for egress windows. The windows are not within the prescribed distance from the floor and are not of the correct size.
3. The handrail must be replaced as does not meet Building Code Standards.
4. The back two-story staircase will be altered as an addition containing a laundry room and bike parking will be added to the back of the building.

**Prior Approval.** HI-06-11, Approved 5/13/11: Historic Exterior Alteration of front porch walls and handrail to meet Building Code and stairs added on the back adjacent to alley.

A. **Conditions of approval:**

1. The new wall along each stair to be cut down to the height of the top existing porch wall.
2. The new code-compliant metal rail with horizontal members be fabricated to meet the four-inch maximum separation. The same construction design shall be used for the upper and lower porch rails.
3. The railing design shall be approved by the preservation planner prior to fabrication.

**Finding:**

1. These conditions were met but will be redone where necessary.

**Prior Approval.** CU-04-08, Approved 5/7/08: Conditional Use to convert an existing building to 4 condominiums and a common area in the basement. Four off-street parking spaces would be provided. The building was originally constructed as apartment but last used as offices and meeting rooms for labor unions.

A. **Conditions of approval:**

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 shrubs 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). 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 in high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area.

(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.

(4). The property owner/developer must submit a landscape and irrigation plan. The landscaping and irrigation must be submitted for review and installed before the building is occupied.

(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.

B. The parking spaces along the alley must be set back at least 3 feet from the alley right-of-way.

C. ADC9.130 includes standards for off-street parking design. The site plan shows that each of the four parking spaces will be 9 feet wide. Table 1 shows that 9-foot wide parking space oriented at 90 degrees to a travel aisle must be at least 18.5 feet long. The length 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.

D. 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.

E. Four off-street parking were required to be provided behind the building as shown on the applicant's site Plan.

(Note: Shortly after the Conditional Use was approved for the conversion of the Labor Temple back to a residential use (4 two-bedroom condominiums) the applicant was no longer able to complete the project and the property was purchased in 2010 by another developer. During the remodel of the building in July 2011, an engineer from the Albany Public Works Engineering Department observed that there was insufficient room for the property owner to feasibly develop parking at the rear of the building in accordance with the conditions of approval.)

Prior Approval. CI-0001-11, Approved 8/9/11: Code Interpretation to authorize a joint parking agreement between Albany Redevelopment and Davis Glass that would allow 4 off-street parking spaces to be provided in lieu of developing on-site parking required through a Conditional Use approval.

Condition of approval: Approval will expire in three years from the date of approval, unless: the applicant has installed and/or bonded for all public improvements related to the development – or the first phase, if the development was approved for phased construction* or a valid building permit exists for the approved development or for at least one building approved as part of the development.

(Note: Following this approval, the parties were unable to reach agreement on the terms of the joint use parking agreement.)

Prior Approval. CU-0002-12, Approved 2/7/12: Review of conditions related to parking with CU-04-08 and CI-01-11.
Conditions of approval: As the subject property is located entirely within the Downtown Parking Assessment District and as such on-street parking is not required.

A. The front yard of the building must be landscaped. The minimum landscaping required is:
   (1) One tree at least six feet in height.
   (2) Five five-gallon shrubs or eight one-gallon shrubs, trees or accent plants.
   (3) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

B. 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.

(Note: The process for converting the apartment units to condominium units was never completed in accordance with ORS Chapter 100. The existing units in the building are apartments.)

Findings:

(1) The front yard was landscaped but most of the landscaping has died or needs to be replaced. The existing street trees will be retained.
(2) The landscaped areas will be provided with a drip irrigation system.
(3) A conceptual landscape plan has been submitted (see Exhibit ‘I’). All new landscaping will be installed prior to occupancy of the basement units.
(4) There will be no parking area at the rear of the building.
(5) An Exterior Alteration Review application has been submitted to (1) install a total of 8 new double hung wood 1 over 1 light windows on the east and west basement level sides of the building to provide accessibility meeting current Building and Fire Code standards to serve the proposed four one-bedroom units; (2) to remove two 60” x 48” light vinyl windows on the basement level at the rear of the building; and (3) to modify the alley facing façade by adding a 140 square foot addition to accommodate a laundry/bike storage room with two double hung 1 over 1 light wood windows.

ADC2.450(8). Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

Supportive finding and conclusion: The building is in conformance generally with all development standards. The provision of a screened garbage containment area will further satisfy this criterion.

In addition to the Site Plan review criteria, the proposed development must meet all applicable standards found in the ADC. Include findings for each of the following applicable Article of the ADC.

1. The site meets all applicable development standards of the appropriate zoning category: Article 3 – Residential; Article 4 – Commercial and Industrial; and Article 5 – Mixed Use.

Supportive findings of compliance & conclusions:

Comprehensive Plan and Zoning Map Designations: The subject property is designated on the Comprehensive Plan as Village Center and is zoned CB (Downtown Central Business).

Minimum Lot Size Table 5-2, Article 5 ADC: None Tax Lot 3200 contains 4,715.04 square feet

Minimum Lot Width (Table 5-2, Article 5ADC): None Tax Lot 3200 has 45.64 feet of frontage on Third Avenue.
Minimum Lot Depth (Table 5-2, Article 5 ADC): None  Tax Lot 3200 has a depth of 103.05 feet on the east side of the lot and 103.06 feet on the west side of the lot.

Minimum Landscaped Area (Table 5-2, Article 5 ADC): None  Approximately 2,022 square feet of landscaping will be provided on Tax Lot 3200 (see Exhibit ‘T’ - Conceptual Landscape Plan).

Minimum Front Yard Setback (Table 5-2, Article 5 ADC): None

Maximum Front Setback (Table 5-2, Article 5 ADC): 5/15 feet  The front setbacks varies from the front of the building being built eighteen feet from the front property line to having a 5-foot setback from the sidewalk to the base of the stairs leading to the front entry porch.

The maximum setback may be increased, with the condition that 100 percent of the increased setback is used for pedestrian amenities associated with the building use, such as patio dining for a restaurant, sidewalk café, plaza, or courtyard; or to accommodate changes in elevation due to road and site grading or natural slopes. See ADC Section 5.120 for additional exceptions and calculation methodology for the HD, CB, CMU and WF zoning districts.

The maximum setback for non-residential and mixed-use development is five feet. The maximum setback for residential development is 15 feet. See ADC Section 5.120 for exceptions and calculation methodology.

Maximum Height Table 5-2, Article 5 ADC): 65 feet (...building height is the average height of highest gable of a hipped or pitched roof...)

The existing building is 30 feet in height to the top of the highest roof line with consideration of the average height of the roof making the building height 25 feet. The building is 22 feet 6½ inches in height at the eaves (see Exhibit ‘H -1’ - Existing Building Elevations). The proposed laundry/bicycle storage addition will range in height from 8 feet 6 inches on the south side of the addition to 9 feet 6 inches on the north side of the addition (see Exhibit ‘H-2’ - Proposed Building Elevations).

The existing building and the building addition are in compliance with the development standards of the CB (Downtown Central Business) zoning district.

2. The proposed project meets applicable off-street parking, landscaping, tree felling, buffering and screening, and environmental standards found in Article 9.

A. Off-Street Parking Requirements [ADC9.030 (7)]: 1 space per studio and one-bedroom units and 1.5 spaces per two-bedroom units plus 1 visitor space per 4 units.

The building contains 4 two-bedroom apartment units and the addition of 4 one-bedroom units would require a minimum of ten parking spaces except that the property is located within the Downtown Parking Assessment District where no off-street parking is required for properties within the District. The subject property does not have enough space between the building and the property line in the rear of the property adjacent to the alley to provide for off-street parking.

B. Parking Area Improvement Standards (ADC9.120): No off-street parking exists currently for the existing four two-bedroom units and no off-street parking is proposed for the four one-bedroom units as the apartment building is located in the Parking Assessment District and as such, no off-street parking is required to be provided.

C. Bicycle Parking: 1 space per four units: The building will contain 8 apartment units which would require a minimum of 2 bicycle parking spaces. Six covered bicycle parking spaces will be provided within the proposed laundry/bicycle storage addition (see Exhibit ‘C-2’ - Proposed Site Plan and
Exhibit ‘E-1’ – Basement Floor Plan Phases I and II Work Including Laundry Room Addition Floor Plan). The provision of covered bicycle parking can be ensured by a condition of approval.

D. **Lighting.** Site lighting will be provided for all pedestrian areas adjacent to the building. Lighting shields will be placed on all lighting fixtures to reflect the light from the wall-mounted fixture onto the sidewalks and porches within the development. No lighting will reflect on to adjacent properties, streets, or into the night sky. This can be ensured by a condition of approval.
E. **Pedestrian Access.** Both Third Avenue SE and Montgomery Street SE currently have public sidewalks. Currently a private 3-foot wide pedestrian sidewalk has been provided from the public sidewalk on Third Avenue to the rear porch of the building. This sidewalk will be widened to 5 feet and will be extended to the alley to serve the enclosed garbage containment area for the “Labor Temple” building (see Exhibit ‘C-2’ – Proposed Site Plan) and to provide for a pedestrian accessway for the tenants of the apartment buildings and for the owners or tenants of the 4 single family zero-lot line units fronting on the alley.

F. **Landscaping ADC9.140:** All front yards (exclusive of accessways and other permitted intrusions) are required to be landscaped prior to issuance of an occupancy permit or final building inspection approval. A temporary occupancy permit may be issued of the developer posts a bond with the city. **In all residential districts except Rural Residential (RR), minimum landscaping is:**

   a. One street tree at least six feet tall.
   b. Four 1-gallon shrubs or access plants.
   c. The remaining front yard area treated with ground cover (e.g. lawn, bark, rock, ivy, and evergreen shrubs).

The subject property has 45.56 feet of frontage on Third Avenue SE. Two street trees were planted approximately 25-feet on center across the frontage of the property in tree wells as determined by the City Forester by a previous owner of the property. Additional landscape material will be provided to enhance the property (see Exhibit ‘I’ – Conceptual Landscape Plan). All landscaped areas will be provided with a drip irrigation system. This can be ensured by a condition(s) of approval.

G. **Screening of Refuse Containers (ADC4.300):** The following standards apply to all development, except for one- and two-family dwellings. Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be located in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window.

Employees of Lepman Properties will be responsible for the cleanliness of the entire grounds of the development. The enclosed garbage containment area is not visible from Third Avenue and is located off the alley, approximately 88 feet from Third Avenue and 125 feet from Montgomery Street. The garbage containment area (see Exhibit ‘C-2’ – Proposed Site Plan) is not located in a required setback area and is located approximately 16 feet at the closest point to the building and from any dwelling window.

3. **The proposed project meets applicable standards for public facilities found in Article 12.**

A. **Streets.** Third Avenue, adjacent to the subject property and Montgomery Street, approximately 120 feet to the east of the subject property have both been improved to City Street Standards with sidewalks on both sides of the street. Lyon Street, located approximately 450 feet to the west of the subject property is a designated Major Arterial Street and has been improved with sidewalks on both sides of the street and a designated bikeway on the east side of the street.

B. **Sidewalks.** Third Avenue currently has public sidewalks. A private 3-foot wide pedestrian sidewalk currently has been provided from the public sidewalk on Third Avenue to the rear of the building. This 3-foot wide sidewalk will be widened to 5 feet and will be extended to the alley to provide access to the enclosed garbage containment area and the adjacent alley. The existing setback from the building to the property line is 5. As shown on the proposed Site Plan (Exhibit ‘C-2’), the future zero-lot line buildings to be constructed on the adjoining property will provide for a 10-foot separation between the two buildings and with a joint-use access agreement allow for the construction of a 5-foot
wide sidewalk that will provide access to the rear of the building and to the rear attached zero-lot line units that will be constructed on the adjoining property to the east.

C. **Street Trees.** The subject property has 45.56 feet of frontage on Third Avenue. Two street trees have been planted within the planter strip adjacent to First Avenue by a previous owner. The existing building is located 20 feet from the street right-of-way line so it is possible to plant additional trees or other landscape material within the front yard area (see Exhibit 'T' - Conceptual Landscape Plan). The planting of additional landscape material can be ensured by a condition(s) of approval.

D. **Bikeways.** Third Avenue SE is a designated Local Street which requires no designated bikeways.

E. **Water.** The subject property is currently served by the City of Albany's public water system. Current Albany drinking water meets the EPA Clean Water requirements and no water quality concerns exist on the subject property. Existing public water lines are located on the south side of Third Avenue SE near the face of the curb line of the street and on the east side of Montgomery Street. A public fire hydrant is located at the southwest corner of Third Avenue and Montgomery Street, and at the southwest corner of the former intersection of Third Avenue and Baker Street. The existing water line in Third Avenue is of adequate size to accommodate the fire sprinkler system that was installed by a previous owner within the building including the basement area. The existing sprinkler heads located in the basement will be relocated to meet the requirements for the proposed 4 one-bedroom apartment units in the basement.

F. **Sanitary Sewer.** City utility maps show that a public sanitary sewer is located in the middle of Third Avenue and in the middle of Montgomery Street to the east. The public sanitary sewer line serving the building is an 8-inch line and is of adequate size to serve the existing 4 two-bedroom units and the proposed 4 additional one-bedroom apartment units within the building and the addition of a laundry room at the rear of the building. Sanitary sewer is currently provided to the building by a private 4-inch sanitary sewer lateral from the public sanitary sewer line located within the Third Avenue right-of-way. This lateral is currently deep enough and of adequate size to serve the proposed 4 basement units.

G. **Storm Sewer.** City utility maps show a public 24" storm water line is located on the westerly side of Baker Street, with a line shown within the alley on the City's maps between Baker Street and Montgomery Street. The City's maps also a storm sewer located in the westerly side of Montgomery Street. The public storm water lines are of adequate size to serve the existing building with the addition of 4 one-bedroom apartment units and the proposed 140 square foot laundry/bike storage room addition.

**DESIGN REVIEW FOR MULTIPLE FAMILY DEVELOPMENT**

The Albany Development Code (ADC) contains the following Design Review criteria which must be met for an application to be approved. Code criteria are written in bold italics and are followed by findings and conclusions:

ADC3.220(1). **Recreation and Open Space Areas.** In all new multiple 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 common space activities.

(1) **Common Space.** For projects of 10 or more units, common open shall be required at a ratio of 0.25 square feet for each 1.0 square feet of living space. In lieu of the common space standards below, new construction of 10 or more units in the CB, HD, LE, WF, and MUR zoning districts shall provide one indoor or outdoor common area amenity at least 250 square feet, with no dimension less than 20 feet.
SUPPORTIVE FINDING AND CONCLUSION: There will be 8 residential units in the building. The first and second floors currently each contain two two-bedroom units. The basement level will contain four one-bedroom units. This design standard is not applicable, however, a private outdoor area with a 93.53 square foot covered picnic area will be provided for the use of the tenants. The remaining area outside of the garbage containment area will be landscaped.

(a) Areas designated as common space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet. This space shall be functional or protect natural features, 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
- Sport courts (tennis, handball, volleyball, etc.)
- Community centers
- Food and ornamental gardens
- Lawn, deck 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

SUPPORTIVE FINDING AND CONCLUSION: Although not required, a common outdoor area will be provided on the south side of the building and will contain approximately 912 square feet. The area will provide a landscaped environment for the enjoyment of the tenants with a covered picnic area containing approximately 94 square feet (see Exhibit ‘C-2’ – Proposed Site Plan). This design standard has been met to the extent possible.

(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.

SUPPORTIVE FINDING AND CONCLUSION: Only passive recreation is possible in the provided common outdoor area. Active recreational uses are provided in the nearby parks. The subject property is located within a quarter of a mile of the Monteith Riverfront Park Dave Clark Trail (6 Acres: barbeques, fishing, river access, horseshoes, playground, picnic tables, restrooms, shelter, stage and bike and pedestrian trails) to the north via public sidewalks on either Baker or Montgomery Streets.

Bryant Park (72 acres: basketball court, barbeques, disc golf, fishing, horseshoes, river access, playground, picnic tables, restrooms, 2 shelters, softball fields, trails) is located 0.66 mile away to the west via public sidewalks on First, Second and Third Avenues and Calapooia Street. In addition, while not within ¼ mile, two other parks are within walking and/or bicycling distance of the refurbished multiple family development (Takena Landing Park, and Bowman Park). This design standard has been met to the extent possible by the provision of passive recreational uses on site and with convenient access being available for active recreational uses in City parks within walking or biking distance.

(c) Indoor or covered recreational space may count towards 50 percent of the common open space requirement.

SUPPORTIVE FINDINGS AND CONCLUSION: Approximately 990 square feet of common open space for the 8 apartment units has been provided at the rear of the building. Two of the units on the second floor of the building have access to a common covered balcony at the front of the building and four of the units will have access to approximately 136 square feet of common covered open space on both the first and second story porches in the rear of the building (see Exhibit ‘E-2’ – First and Second Floor Plans Phase I Work). In addition, a cover picnic area will be provided containing approximately 94 square feet (see Exhibit ‘C-2’ – Proposed Site Plan). This design standard has been met and can be ensured by a condition of approval.
(d) No greater than 20 percent of the common space requirement shall be on land with slopes greater than 20 percent.

**SUPPORTIVE FINDING AND CONCLUSION:** This standard is not applicable.

(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, except active, noise-generating amenities must meet required setbacks.

**SUPPORTIVE FINDING AND CONCLUSION:** Streets and parking areas have not be included in the minimum useable open space requirements. This design standard has been met to the extent possible even though not required of this 8 unit apartment building.

(f) Designated on Site Plan. Areas provided to satisfy the minimum common 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.

**SUPPORTIVE FINDING AND CONCLUSION:** This design standard is not applicable.

(g) Open Space and Recreation Area Credit. A credit, not to exceed 25 percent of the common space requirements, may be granted if there is direct access by a pedestrian path, not exceeding ¼ mile, from the proposed multiple family development to an improved public park and recreation area or public school playground.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed apartment development is located within 0.25 mile of the Monteith Riverfront Park (6 Acres: barbecue, fishing river access, horseshoes, playground, picnic tables, restrooms, shelter, stage and bike and pedestrian trails) to the north via public sidewalks on either Washington or Ferry Avenues. Bryant Park (72 acres: basketball court, barbecue, disc golf, fishing, horseshoes, river access, playground, picnic tables, restrooms, 2 shelters, softball fields, trails) is also located approximately 0.25 mile away to the west via public sidewalks on Third Avenue SW. In addition, while not within ¼ mile, two other parks are within walking and/or bicycling distance of the proposed multiple family development (Takena Landing Park, and Bowman Park). This design standard has been met to the extent possible.

(2) Children’s Play Areas. Multiple family developments larger than 10 units (excluding one-bedroom and studio units) shall designate one or more children’s play areas. Development located in the CB, HD, LE, WF and MUR zoning districts are exempt from this standard.

(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 large developments.

**SUPPORTIVE FINDING AND CONCLUSION:** The total number of units will be 4 one-bedroom units and 4 two-bedroom units. This design standard is not applicable.

(b) No horizontal dimension of a children’s play area shall be less than 20 feet.

**SUPPORTIVE FINDING AND CONCLUSION:** This design standard is not applicable.

(c) Placement of a children’s play area shall not be allowed in any required setback and shall be centrally located.

**SUPPORTIVE FINDING AND CONCLUSION:** This design standard is not applicable.

(d) Children’s play areas may be part of the common open space area but does not count toward the use requirement as outlined in Section 8.2220(I)(a).
**SUPPORTIVE FINDING AND CONCLUSION:** This design standard is not applicable.

**ADC8.225**  
*Common Area Amenities in the CB, HD, DMU, WF, LE AND MUR Zoning Districts.*  
New construction of ten or more units as part of a multiple-family development or ten or more units above or attached to a business shall provide one indoor or outdoor common area amenity at least 250 square feet in size (useable floor area), with no dimension less than 15 feet. Common area amenities must include fixed or movable seating.

**SUPPORTIVE FINDING AND CONCLUSION:** The subject property is located in the CB (Downtown Central Business) zoning district. This requirement is not applicable because the building is not a new construction project but the addition of 4 one-bedroom apartment units to an apartment building constructed in 1910 will only bring the number of apartment units to eight. However, common covered porch areas are currently provided on the rear and front of the building and a covered picnic area will be provided within the rear yard of the building (see Exhibit ‘C-2’ – Proposed Site Plan).

**ADC8.230**  
*Private Open Space.* In all newly constructed multiple family developments except in the CB, HD and LE zoning districts, 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 screen 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.

**SUPPORTIVE FINDING AND CONCLUSION:** The subject property is located in the CB (Downtown Central Business) zoning district. These requirements are not applicable. However, four of the units have approximately 136 square feet of semi-private open space (see Exhibit ‘E-2’ – First and Second Floor Plans Phase I Work).

**ADC8.240**  
*Maximum Setbacks for Street Orientation.*

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.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The existing apartment building is on a lot that is 45.64 feet in width on the Third Street frontage and 45.56 feet in width on the alley frontage (see Exhibit ‘C-1’ – Existing Site Conditions). The building fronts on Third Avenue SE, a Local Street on the Albany Transportation Plan. While this design standard is not applicable, the building itself is approximately 18 feet from the front lot line and the building occupies 35 feet or 76.8 percent of the street frontage. This design standard has been met.

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.**

**SUPPORTIVE FINDINGS AND CONCLUSION:** The existing apartment building is 38 feet in width (see Exhibit ‘C-1’ – Existing Site Conditions). The building fronts on Third Avenue SE, a Local Street. The building occupies approximately 76 percent of the street frontage. The building is setback from Third
Avenue approximately 23 feet from the front property line. The entry porch is located approximately 14 feet from the front property line and the bottom of the stairway to the porch is located 5 feet from the front property line. This design standard has been met.

(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%, recorded easements, required fire lanes and other similar non-buildable areas as determined by the City.

**SUPPORTIVE FINDING AND CONCLUSION:** There are no significant natural resources, slopes greater than 20%, recorded easements, or other non-buildable areas on the subject property. This design standard is not applicable.

**ADC8.250 Functional Design and Building Details.** 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. These standards apply to all zoning districts except HD, DMU, CB, and WF which are subject to ADC Section 8.255

(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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** While the Wood apartment building is not a new building but a renovated historic building, the design and look of the exterior of the building is controlled by the Historic Standards as conditioned by the Albany Landmarks Commission.

The building will remain rectangular in shape with only the porches on the south and north side of the building and the laundry/bike storage addition to the rear of the building providing changes in the wall plane and height to the rear of the building (see Exhibit ‘H-1’ – Existing Building Elevation and Exhibit ‘H-2’ - Proposed Building Elevations). Both the east and west sides of the building are articulated by 5 feet bay windows on the first and second floors of the building (see Exhibit ‘H-1 and H-2’ – Existing and Proposed Building Elevations). This design standard has been met to the extent possible.

(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 units.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The existing entry door to the apartments from Third Avenue will remain. The front entrance to the building will be in keeping with the historic look of the building (Exhibits ‘H-1 and H-2’ – Existing and Proposed Building Elevations). The rear entries for the basement, and first and second floors were added approximately 12 years ago subject to the following condition of approval:

"The shed roof and wall enclosing the back two-story staircase may be removed while the building is being raised and painted. The design of a new wall will require historic approval."

All of the units in the building will be able to be accessed from the first floor entry hall at the front of the building or through entries at the rear of the building. This design standard has been met.

**SUPPORTIVE FINDINGS AND CONCLUSION:** There are two existing stairways that currently serve the existing basement, and the first and second floors of the building (see Exhibits ‘D-1’ thru D-3 – Floor Plans Demolition Phases I and II). Both of these stairways are currently accessible from the north and south sides of the building. The existing front stairway is not in compliance with current Building Code requirements. This design standard was conditioned through Historic Review and has not been met.
Historic Exterior Alteration of front porch walls and handrail to meet Building Code and stairs added on the back adjacent to alley.

A. Conditions of approval:

(1) The new wall along each stair to be cut down to the height of the top existing porch wall.
(2) The new code-compliant metal rail with horizontal members be fabricated to meet the four-inch maximum separation. The same construction design shall be used for the upper and lower porch rails.
(3) The railing design shall be approved by the preservation planner prior to fabrication.

This design standard can be met (see Exhibit ‘F-2’- Detail Sheet Including Existing & Proposed Basement Window Schedules and Proposed Exterior Front Entry Rail Corrections) and can be ensured again by a condition of approval.

(3) Building facades shall be broken up to give the appearance of a collection of smaller buildings.

SUPPORTIVE FINDINGS AND CONCLUSION: This design standard cannot be met as the existing structure was constructed to be one building. The building’s historic character was not to be the appearance of a collection of smaller buildings. This design standard is not applicable.


(1) Regulated Facades. These standards apply to any façade that faces toward or within 45 degrees of a front lot line, except as otherwise specified.

(a) For a corner or multiple frontage lots, only one front façade must meet these standards. A Willamette River setback line established pursuant to ADC 5.200 through 5.207 may be considered a front lot line for purposes of these standards. For lots with frontage on First or Second Avenue, the front façade facing First or Second Avenue shall meet these standards.
(b) Where there is more than one building on the site, these standards do not apply to any portion of a building that is separated from the front lot line by another building, based on a line perpendicular to the front lot line.
(c) Accessory buildings less than 750 square feet are exempt from these standards.

SUPPORTIVE FINDINGS AND CONCLUSION: The subject property fronts on Third Avenue SE and at this time, the existing apartment building is the only building on the site. The garbage containment area and covered picnic area [see Exhibit ‘C-2’ – Proposed Site Plan] will be located in the rear of the property adjacent to the alley and the garbage containment area will be approximately 71.25 square feet in size and the covered picnic area will be approximately 94 square feet in size for a total of 165.25 square feet for the accessory “buildings.” This design standard has been met.

(2) Façade Design and Articulation. In order to promote buildings that provide visual interest and façade details that give a sense of quality and permanence, regulated facades shall include a minimum of two of the architectural features listed below.

(a) Recessed entrance(s): three to six feet deep (relative to building façade).
(b) Eaves: overhang of not less than 12 inches
(c) Offset: offset in façade or roof of at least two feet that extends for at least four feet.
(d) Bay window: projects from front elevation by 12 to 24 inches.
(e) Balcony: One per dwelling units facing the street, with a minimum depth of three feet.
(f) Decorative top: e.g., cornice or pediment with flat roof or brackets with a pitched roof.
(g) Other features not listed but providing visual relief or contextually appropriate design similar to options a-g.
SUPPORTIVE FINDINGS AND CONCLUSION:

1. The existing first-story porch and second-story porch are both 16 feet wide. The second-story porch acts as a private shared “balcony” for the 2 second floor units (see Exhibit ‘E-2’ – First and Second Floor Plans Phase I Work).

2. The existing building has an entry porch that is 6 feet deep and located in the center of the building with direct entry into an entry hallway that serves both the existing four two-bedroom units located on the first and second floors of the building and will also serve the proposed four one-bedroom units located in the basement of the building (see Exhibits ‘E-1’ – Basement Floor Plan Phases I and II Work Including Laundry Room Addition Floor Plan and ‘E-2’ – First and Second Floor Plans Phase I Work).

3. The eaves overhang 3 feet on all sides of the building.

4. The roof is a hip roof.

5. These design standards have been met.

(3) Street Facing Windows. At least 25 percent of the portion of the regulated façade between two and eight feet above grade and at least 25 percent of the total area of each regulated façade must contain window or doors that meet all of the criteria in (a) through (c) below.

(a) Made of transparent material with a minimum visible transmittance of 0.4. (Only the transparent portion of doors may be counted towards required window areas.) Window with a visible transmittance rating less than 0.4 and windows that are frosted, fritted, patterned, or obscure may be counted upwards to half of the required window area provided that the windows in total allow views from the building to the street.

(b) Located in any part of the building except garages and parking areas.

(c) Face towards or within 45 degrees of the front lot line.

SUPPORTIVE FINDINGS AND CONCLUSION: The regulated façade between two and eight feet above grade contains 568 square feet. The total amount of window area required is 142 square feet. However, the existing windows are located above the 8-foot above grade threshold. The existing windows facing Third Avenue currently contain 77.5 square feet on both first and second floors of the building resulting in 155 square feet of window area on the front of the building which does not include 3 square feet of window area in the attic that faces the street. As this is a historic building, no changes to the front façade will be made to accommodate this design standard.

(4) In the DMU, CB, WF, and HD zoning districts, to provide privacy for ground floor residential uses, for residential buildings within five feet of the front lot line, street-facing ground floor windows shall be separated from the front line with a landscaped buffer at least three feet deep extending for at least the width of the window(s). The landscaped buffer shall meet at least one of the following standards:

(a) For every three linear feet of width, provide at least three-gallon shrub, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

(b) For every two linear feet of width, provide at least one one-gallon shrub or perennial that typically achieves a mature height of at least three feet, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock or other attractive ground cover.

(c) Other suitable landscaping that provides both privacy and visual interest and includes living plants, shrubs, and/or trees.

SUPPORTIVE FINDING: The “ground floor” units (first floor) are currently located above the 8-foot above grade threshold. The proposed basement units will not face the street. The preliminary landscape plan (see Exhibit ‘I’ – Conceptual Landscape Plan) indicates that all landscaped areas will be irrigated and
that all landscaped areas will meet or exceed the minimum landscape requirements. The preliminary irrigation design using an in ground system meeting City Standards will be submitted with the Final landscape design plan. This standard can be met and can be ensured by a condition of approval.

**ADC8.260 Building Orientation and Entries.** 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. These standards apply in all zoning districts except HD, DMU, CB, and WF, which are subject to ADC 8.265

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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** All of the 4 two-bedroom units have windows facing Third Avenue. The 4 one-bedroom units located in the basement will have views of the side yards. The interior side and rear yards and the front yard will be landscaped (see Exhibit ‘I’ – Conceptual Landscape Plan). This design standard has been met to the extent possible.

(a) 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 encourage to shelter entries.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The building entries are clearly defined by the use of a covered porch fronting Third Avenue and a rear entrance adjacent to the alley. The main entry from the street is a large entry porch in keeping with the historic look of the building (see Exhibit ‘H-1’– Existing Building Elevations and ‘H-2’ - Proposed Building Elevations). Each of the residential units have clearly marked entries from the interior hallways located on all floors. This design standard has been met.

(b) Individual entries are encouraged; the use of long access balconies and/or corridors that are monotonous and impersonal are discouraged.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The entries to each apartment unit will be clearly defined. Access to the interior units is provided by an entry hallway that serves the four units located on the first and second floor and an interior corridor on the basement level. The corridor in the basement will not be monotonous or impersonal as the hallway themselves are broken up into multiple sections building (see Exhibits ‘E-1’ – Basement Floor Plan Phases I and II Work Including Laundry Room Addition Floor Plan and ‘E-2’ – First and Second Floor Plans Phase I Work). The interior entry doors will have beveled panels and will be fire-rated. This design standard has been met to the extent possible and can be ensured by a condition of approval.

(c) 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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** A primary entrance from Third Avenue and a secondary entrance from the rear of the building provides access to all of the units in the building. The entrance on Third Avenue is located within 25 feet of the street and the entrance at the rear of the building is approximately 20 feet from the alley. No off-street parking is located between the front of the building and First Avenue. These design standards have been met.
(1) The main entrance to individual dwelling units on the ground floor and to lobbies for buildings with internally-access units shall face a street, courtyard, or plaza (not a parking lot). For corner lots, the main entrance may face either street.

(2) In order to provide a transition between public space (the sidewalk) and private space (the dwelling) while maintaining a visual and physical connection to the street, entrances to individual dwelling units on the first story must be setback at least five feet from the front lot line, and must be covered for a depth of at least three feet.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The existing covered porch for this historic building is setback 14 feet from the property line with the stairs being 6 feet from the back of the public sidewalk. The porch is 15 feet wide and 8 feet deep and is centered within the 38-foot wide building. All of the units have access to the front porch and the new rear entrance off of the alley. The two entries will be connected by a five-foot wide sidewalk connecting with the public sidewalk on Third Avenue and the alley at the rear of the building. This design standard has been met.

**ADC8.270 Transition to Lower Density.** 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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The subject building is not adjacent to a single family residence as the abutting building to the west has been converted to a commercial use. There is approximately 17 feet of separation between the two buildings (see Exhibit ‘C-1 – Existing Site Conditions). The adjacent properties to the east are currently vacant (see Exhibit ‘C-1’ – Existing Site Conditions). The Site Plan submitted with this application (see Exhibit ‘C-2’ – Proposed Site Plan) reflects the future construction of 8 zero lot line dwellings that will be constructed on the vacant land. There will be a minimum separation between the subject apartment building and the future zero lot line units of 10 feet. This design standard is not applicable but the existing buildings are provided with transitions between the two existing uses and the future zero lot line units.

(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.

**SUPPORTIVE FINDING AND CONCLUSION:** The subject property does not lay immediately adjacent to a single-family zoning district. This design standard is not applicable.

(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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The proposed garbage enclosure area is located at the rear of the building adjacent to the alley. There are no other multiple family buildings or single family buildings located within the immediate area. Off-street parking is not required in the Downtown Central Business (CB) zoning district as the property is within the Downtown Parking Assessment District and no off-street parking is
proposed to be provided as the existing vacant area behind the building is not deep enough to provide for off-street parking. This design standard has been met.

ADC8.280 Pedestrian Connections. Pedestrian circulation systems shall be designed to provide clear and identifiable connections within the multiple-family development and to adjacent uses and public streets and 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.

SUPPORTIVE FINDINGS AND CONCLUSION: The entire multiple family development is within the existing building. All connections to individual units and access to the shared open space area occurs from within the building and an exterior sidewalk (see Exhibit ‘C-2’ – Proposed Site Plan, building (see Exhibits ‘E-1’ – Basement Floor Plan Phases I and II Work Including Laundry Room Addition Floor Plan and ‘E-2’ – First and Second Floor Plans Phase I Work). Compliance with the Americans with Disabilities Act has been met to the extent required for Historic buildings and if necessary, one disabled parking space can be provided on the street. This design standard has been met to the extent possible and can be ensured by a condition of approval.

(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.

SUPPORTIVE FINDINGS AND CONCLUSION: The subject property is located on Third Avenue SE, a local street improved to City Standards with curbs, gutters and sidewalks on both sides of the street. Sidewalks at street corners have been provided with street lights and access to the sidewalks is provided in accordance with the requirements of the Americans with Disabilities Act. This design standard has been met.

(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.

SUPPORTIVE FINDINGS AND CONCLUSION: The proposed renovated apartment development is located within 0.14 mile of the Monteith Riverfront Park Dave Clark Pathway to the north via public sidewalks on either Baker or Montgomery Streets to Water Avenue. Bryant Park is located approximately 0.83 mile away to the west via public sidewalks on First, Second and Third Avenues to Calapooia Street. In addition, while not within ¼ mile, two other parks are within walking and/or bicycling distance of the proposed multiple family development (Takena Landing Park, and Bowman Park). The existing building is located within 20 feet of the public sidewalk on Third Avenue (see Exhibit ‘C-1’ – Existing Conditions and Exhibit ‘C-2’ – Proposed Site Plan). This design standard has been met.

ADC8.290 Vehicle Circulation System. On-site circulation shall be clearly identifiable, safe, pedestrian friendly and interconnected. Development in the HD, DMU, CB and WF zoning districts on sites under three acres is exempt from these standards.

(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 is the internal circulation system include the block pattern, sidewalks, street trees, on-street parking and planter strips.

SUPPORTIVE FINDING AND CONCLUSION: While no off-street parking is required in the Downtown Central Business (CB) zoning district, the existing alley located on the south side of the building east of the former Baker Street right-of-way and west of Montgomery Street will provide connections to Third Avenue to
the north and Fourth Avenue to the south. Landscaping will be provided (see Exhibit ‘I’ – Conceptual Landscape Plan) between the building and the public sidewalk on Third Avenue. The south, west and east sides of the building will also be landscaped and a 5-foot wide sidewalk provided on the east side of the building to connect the public sidewalk on Third Avenue to the rear entrance of the building and the alley beyond. This design standard has been met and can be ensured by a condition(s) of approval.

(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 system 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.

**SUPPORTIVE FINDING AND CONCLUSION:** The existing streets (Third Avenue and Montgomery Street) located adjacent to or near to the existing building and the existing alley located on the south side of the building meet this requirement. This design standard has been met.

(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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** Parallel parking is provided on Third Avenue and Montgomery Street. No head in parking is provided on any of the surrounding streets. This design standard has been met.

(4) Interior roadways shall be designed to slow traffic speeds. This can be achieved by meandering the roadway, keeping the roadway widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.

**SUPPORTIVE FINDING AND CONCLUSION:** There are no interior roadways. This design standard is not applicable.

**ADC8300 Parking.** 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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** Currently there is no off-street parking provided for the building. The subject property is located within the Downtown Parking Assessment District and therefore is not required to provide off-street parking. This design standard is not applicable.

(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.

**SUPPORTIVE FINDINGS AND CONCLUSION:** No off-street parking is proposed. This design standard is not applicable.

**ADC8.305 Parking and Access in the HD, DMU, CB, and WF Zoning Districts.** These standards are intended to support a pedestrian-friendly street environment by minimizing the placement of parking lots along public streets and minimizing driveways that create the potential for pedestrian conflicts. They are also intended to preserve on-street public parking. See Article 9 for additional parking lot standards and Article 12 for additional access standards.
(1) Parking between the building façade and the front lot line is not permitted.
(2) Entrances to garages serving individual units shall not face a front lot line.
(3) The minimum spacing between driveways shall be 25 feet, where reasonably feasible. The distance between driveways is measured along the front property line.
(4) The standards of ADC 12.230 regarding design requirements abutting arterials do not apply. However, the standards of ADC 12.100 regarding limiting the location, width, number of accesses to arterials do apply.
(5) Parking areas within a building shall provide screening (such as landscaping or decorative metal panels) that provides at least 25 percent opacity for any street-facing openings other than entries or exhaust fans.

SUPPORTIVE FINDINGS AND CONCLUSION: The subject property is located within the Downtown Parking Assessment District and no off-street parking is required and none is proposed to be provided. These standards are not applicable.

DESIGN STANDARDS FOR PROPERTY LOCATED IN VILLAGE CENTERS

The Albany Development Code (ADC) contains the following Design Review criteria for properties located in Village Centers which must be met for an application to be approved. Code criteria are written in bold italics and are followed by findings and conclusions:

ADC 8415 Buildings Along Public Streets. Buildings along the public street define the street edge and frames the streetscape. In larger development, the locations of pad site buildings also provide opportunities to frame entries into the shopping centers, and contribute to the visual interest of the site. These provisions are intended to avoid deep building setbacks behind large expanses of parking areas or vacant land.

Standards. The following standards apply in all zoning districts with designated Village Centers except HD, CB, DMU, and WF, which are subject to ADC Section 5.120

(1) Buildings and plazas shall be located within the maximum setback area for at least 40 percent of one public street frontage.

SUPPORTIVE FINDINGS:

1. The existing historic “Wood” apartment building is located approximately 21 feet from the property line adjacent to Third Avenue SE. The stairway to the main entrance porch is located approximately 5 feet from the front property line (see Exhibit ‘C-1, Existing Site Conditions).

2. A zero setback is allowed in the Downtown Central Business (CB) zoning district.

3. The building’s street frontage is 45.64 feet. The building occupies 38’ of the width of the lot or 83.3 percent of the front of the lot. An existing 3-foot wide sidewalk on the east side of the building will be replaced with a five-foot wide sidewalk to provide connection from the street to the rear entrance of the building and to the alley. A reciprocal easement for the sidewalk will be provided for the subject property and the adjoining properties to the east. This can be ensured by a condition of approval.

SUPPORTIVE CONCLUSION: The “Wood” apartment building is a Historic building and no changes may be made to the location of the building. This design standard has been met to the extent possible for the building.

(2) For sites with frontage on more than one public street (i.e., corner lots), this standard applies to one frontage only.

SUPPORTIVE FINDINGS AND CONCLUSION: The building has frontage on only one public street (Third Avenue, a designated Local Street). The building also lies adjacent to a 20-foot alley right-of-way that
has been improved approximately 5 feet to the west of the southwest corner of the subject property. Ten feet of the remaining right-of-way to the north has then been incorporated into a parking lot for a property fronting on Fourth Avenue. The remaining 10 feet lying adjacent to the subject property and the property to the west is unimproved. This design standard is not applicable.

(3) The public street frontage is the length of the property as measured along the street right-of-way excluding the width of entrance driveways and/or streets.

SUPPORTIVE FINDINGS AND CONCLUSION: The public street frontage for the subject property is 45.64 feet. The building occupies 38' of the width of the lot currently with a three-foot wide sidewalk provided on the east side of the building. No entrance driveways are provided. The existing sidewalk will be replaced with a five-foot wide sidewalk. This standard has been considered.

(4) Building facades that face public streets shall be divided into human-scale proportions using at least two features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or an equivalent element. A blank, uninterrupted wall shall not be longer than 30 feet.

SUPPORTIVE FINDING AND CONCLUSION: The front of the historic “Wood” apartment building has been divided into human-scale proportions by the use of windows and a covered entrance porch (see Exhibit ‘H-1’ – Existing Building Elevations and ‘H-2’ - Proposed Building Elevations). This design standard has been met.

(5) No parking, loading or travel aisles shall be located between the public street and buildings within 50 feet of the street, except that a designated park-and-ride lot or one drive-through lane may be permitted. See Section 8.420(b)

SUPPORTIVE FINDING AND CONCLUSION: No parking, loading or travel lanes are located between the building and the street. This design standard has been met.

(6) To count toward this standard, a plaza shall:
   (a) Be well defined at the street edge by a low decorative architectural wall (no higher than three feet), or a line of shrubs or trees of the same species, or similar landscaped or built feature;
   (b) Use materials that are similar in quality to the principal materials of the primary building(s) and landscape. Landscaping with drought-resistant native species is strongly encouraged.
   (c) Have direct access to the public street sidewalk and be located the shortest distance to the nearest building main entrance; and
   (d) Extend at least the full depth of the maximum setback.

SUPPORTIVE FINDING AND CONCLUSION: A plaza has not been proposed. These design standards are not applicable.

**ADC 8.420 Maximum Setback.**

**Purpose.** Customer entrances should be readily accessible from the public street sidewalk as well as from the parking lot. Build-to lines form visually continuous, pedestrian-oriented street fronts with no vehicle use area between building fronts and the street.

**Standards.**

(1) In zoning districts with maximum setbacks, building within 50 feet of a public street shall have 40% of the building located within the maximum setback except that:
   (a) If a previously recorded easement precludes meeting the maximum setback, the applicant shall demonstrate that an alternative layout best addresses the intent of this standard and the character of the village center.
(b) A building with drive-through service may have one drive-through lane between the building and the street provided that the building is set back no more than 25 feet and the drive-through lane is at least 9 feet wide.

(2) Any building more than 50 feet from a public street is exempt from this standard.

**SUPPORTIVE FINDINGS AND CONCLUSION:** The maximum setback in the CB (Downtown Commercial Business) zoning district is 0 feet. The existing historic building is located 21 feet from the front property line with stairs to the front porch being 5 feet from the property line (see Exhibit ‘C-2’ – Proposed Site Plan). The entrances to the front and rear of the building are readily accessible from the public street sidewalk as well as from the private sidewalk along the east side of the building. These design standards have been met to the extent possible.

**ADC8.430 Size Limitations.** See building size limitation in Articles 4 and 5, Table 1, Development Standards.

**SUPPORTIVE FINDING AND CONCLUSION:** There are no building size limitation in the CB (Downtown Commercial Business) zoning district. This design standard is not applicable.

**ADC8.440 Building Design.**

**Purpose.** These provisions are intended to reduce the visual appearance of larger scale buildings to a smaller, pedestrian-level scale that is appropriate for a village center. They are not intended to limit the size of the building.

**Standards.**

(1) **Facade and roofline articulation.** The following standards apply to new building with walls, facades, and/or rooflines longer than 100 feet. Expansions and modifications of existing buildings and sites with walls, facades, and/or new rooflines longer than 100 feet must not decrease conformance with these standards except as required to meet building code, fire code, or other regulations. As an alternative to meeting the standards below, development in the HD, CB, DMU, and WF zoning districts may demonstrate compliance with the façade design and articulation standards in ADC Section 8.435.

(a) Building facades longer than 100 feet shall be relieved by elements such as parapets, gables, dormers, towers, steeples, etc.

(b) Rooflines longer than 100 feet shall be relieved by elements such as parapets, gables, dormers, towers, steeples, etc.

(c) No building wall shall be longer than 300 feet unless the building façade has one or more major offsets in wall plane. A major offset in wall plane shall have a depth of at least 10% of the length of the longest abutting wall and shall continue for at least 20% of the building façade. Minor changes in wall plane such as entries, jogs, bays, columns, ribs, pilasters, piers or cornices do not count toward meeting this standard.

(d) In developments with multiple buildings, each individual building shall include predominant characteristics shared by all buildings in the development, so that the development forms a cohesive place within the district. A standardized prototype design shall be modified if necessary to meet the provisions of this Code and character of this district.

(e) Corrugated metal siding is prohibited on any building. Corrugated metal roofing is allowed.

**SUPPORTIVE FINDINGS AND CONCLUSIONS:** The building façade of the existing historic building is 35 feet in width. The porch extends 8 feet out from the building and is 16 feet wide. The face of the building is 21 feet from the property line on Third Avenue SE. The existing building has offsets on all sides of the building. The addition of the laundry/bike storage room at the rear of the building (south side) will provide an additional off-set on the south side of the building. No corrugated metal siding is proposed to be used in the renovation of the building. These design standards have been met or are not applicable.
**Purpose.** By creating a safe, continuous network of sidewalks within and between developments, pedestrians will feel more inclined to walk (rather than ride). A pedestrian network that offers clear circulation corridors from the parking areas to building entries creates a friendlier, more inviting image. A detailed pedestrian circulation plan must demonstrate that the layout of sidewalks contributes to the overall pedestrian connectivity of the village center.

**Standards.**

1. Sidewalks must be located to provide the shortest direct connection from the public street sidewalk(s) to the customer entrances.
2. Sidewalks must be located to provide the shortest direct connection between all on-site customer entrances.
3. Sidewalks must be located along every public street frontage and both sides of on-site private streets. These sidewalks must be separated from the street by a tree-lined landscape strip.
4. Extra-wide sidewalks are encouraged to provide space for tables and chairs and other pedestrian amenities, creating a connection of activity to serve as the neighborhood center.
5. Site larger than eight acres shall create an open space or plaza with amenities such as benches, monuments, kiosks or public art. Amenities shall be prominent locations, interconnected with the uses and walkways on the site, and landscaped.

**SUPPORTIVE FINDING AND CONCLUSION:** The main building entrance to the building is located 21 feet from the sidewalk on Third Avenue. The covered porch is actually 14 feet from the sidewalk on Third Avenue with the stairways extending 5 feet from the property line. Sidewalks have been provided along every public street frontage in the downtown area with the exception of Water Avenue. A private joint-use 5-foot wide sidewalk will be provided on the east side of the building for convenience of the tenants and visitors of the building and for future tenants and or owners and visitors for the zero-lot line units to be constructed on the vacant property to the east of the subject property (see Exhibit ‘C-2’ – Proposed Site Plan). These design standards have been met and can be ensured by a condition of approval.

**ADC8.450 Privacy Considerations.**

**Purpose.** Village centers are mixed-use areas where special attention is given to resolving potentially incompatible situations. General standards provide the flexibility to adjust the design and operating characteristics to given circumstances.

**Standard.**

1. Non-residential uses and parking areas shall be arranged to minimize infringement on the privacy of adjoining residents.

**SUPPORTIVE FINDING AND CONCLUSION:** No parking areas are proposed. The proposed enclosed garbage containment area is located at the rear of the building off of the alley. The enclosure is located 16 feet from the any windows in the building. Landscaping will be provided adjacent to the building between the sidewalk and the garbage containment area (see Exhibit ‘C-2’ – Proposed Site and Plan). The interior side yards will also be re-landscaped (see Exhibit ‘I’ – Conceptual Landscape Plan) which will also lend to the privacy of the adjoining residents. The intent of this design standard has been met to the extent possible and can be ensured by condition(s) of approval.

**ADC8.460 Parking Areas.**

**Purpose.** While recognizing the paramount role of cars in everyday life and the need to provide adequate and convenient space for them, these standards move away from the typical suburban pattern of predominant and highly-visible parking areas in commercial developments. They are intended to reduce the scale of parking areas
by siting a portion of the parking lot out of view, and using increased landscaping to screen spaces and reduce the overall visual impact of large parking areas.

Standards.

(1) On-street parking spaces within 100 feet of a commercial or office development may count towards meeting the parking requirement.
(2) Shared parking is encouraged for all uses.
(3) Trees intended for parking area landscaping shall provide a canopy cover of at least 20% of the parking area at maturity. Existing trees may be included to meet the canopy requirement, provided the site plan identifies such trees and the trees meet the standards of size, health, and placement. The extent of canopy at maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists.
(4) Bioswales shall be considered as the initial storm water collection system.

SUPPORTIVE FINDING AND CONCLUSION: The CB (Downtown Commercial Business) zoning district does not require the provision of off-street parking as the property is within the City’s Downtown Parking Assessment District. These design standards are not applicable as no off-street parking is proposed.

ADC8.470 Perimeter Parking Area Landscaping.

Purpose. These provisions are intended to give parking a low profile in order to improve the pedestrian experience and the overall aesthetic quality of the street. They will minimize the expansive appearance of parking lots, increase the sense of neighborhood scale, and improve the character of a village center. They will also create an attractive, shaded environment along the streets that gives visual relief from continuous hard street edges; buffer automobile traffic, and focus views for both pedestrians and motorists.

Standards.

(1) All parking areas (excluding entranceways) adjacent to a public street shall be screened with:
   (a) A low continuous hedge of evergreen shrubs, trees and planting that are at least 3 feet tall within 2 years and grow to provide an evergreen screen of at least 70% OR
   (b) A berm 3 feet tall with a maximum slope of 3:1, in combination with coniferous and deciduous trees and shrubs; OR
   (c) A low decorative masonry wall at least 3 feet tall in combination with landscaping; OR
   (d) A combination of any of these methods.
(2) The landscape plan shall be prepared by a licensed landscape architect.

SUPPORTIVE FINDING AND CONCLUSION: No off-street parking will be provided. These design standards are not applicable.

ADC8.475 Signs.

Purpose. Signs must be scaled appropriately to appeal to both pedestrians walking on the adjacent sidewalks and to nearby motorists. The following standards are intended to create aesthetically pleasing and cohesive sign standards while reinforcing the context of the village center.

Standards.

(1) For integrated centers, an overall sign and graphics program shall be provided as part of the development application to ensure that stand-alone signs are consolidated and that signs complement the character of the neighborhood.
(2) Monument signs are preferred rather than freestanding signs.
SUPPORTIVE FINDINGS: The “Wood” apartment building will contain a permanent historic plaque located on either side of the main entrance porch and visible from the sidewalk detailing the history of the property. These standards can be met and can be ensured by a condition(s) of approval (see Exhibit ‘J’ – Conceptual Signage).

ADC13.421 Zoning Districts. The following signs standards apply to signs in the CB (Central Business), HD (Historic Downtown), MUC (Mixed Use Commercial), LE (Lyon-Ellsworth), OP (Office Professional), NC (Neighborhood Commercial), CC (Community Commercial), RC (Regional Commercial), MUR (Mixed Use Residential), MS (Main Street), WF (Waterfront), TD (Transit District), ES (Elm Street), PB (Pacific Boulevard), LI (Light Industrial), HI (Heavy Industrial) and IP (Industrial Park) zoning districts.

ADC13.421 Wall Signs. The total area of wall signs shall conform to the following:

(1) Sign Area. The aggregate area of all wall signs for each building shall not exceed an area equal to one and a half square feet for each linear foot of building frontage to which the sign pertains, except in the CB, HD, LE and MUR zones the area shall be one square foot for each linear foot of building frontage. In addition, aggregate wall sign area shall be subject to the following minimum and maximum ranges for each building frontage: (d) For CB and HD zones the minimum is 32 square feet, the maximum is 120 square feet.

(2) Aggregate area provisions do not include nameplates, directional signs, awning, and marquee signs as prescribed in Sections 13.320(3, 5, 6, 8, 11, 12, and 14).

SUPPORTIVE FINDING AND CONCLUSION: The building frontage is 45.64 feet allowing the maximum aggregate area of all wall signs of 45.64 square feet. The structure on the property has a historic designation. The subject building is designated on the Local Historic Inventory as “Local Inventory.” The building is a c1910 Craftsman style building. It was known as the Wood Apartments until approximately 1950 when the building was used as offices and meeting rooms for labor unions. The building was then referred to locally as the Labor Temple Building. The applicants intend to provide signage for the building that will be similar to the signage provided recently at the Fortmiller Building that will list the address of the building. A historic plaque will also be located on either side of the main entrance porch visible from the sidewalk detailing the history of the property (see Exhibit ‘J’ - Conceptual Building Signage) Signage will be similar to signage provided recently at the Fortmiller Building. This standard can be met and can be ensured by a condition(s) of approval.

ADC13.424 Freestanding Signs. Freestanding signs shall comply with the following provisions:

(1) Height. Signs shall be no higher than 30 feet in the PB, CC, RC, LI, and HI zones, 25 feet in the MUC zone, and 15 feet in the CB, HD, LE, MUR, WF, MS, ES, TD, NC, OP, and IP zones. Signs located within the freeway interchange area may be higher per Section 13.440.

(2) Number of Signs. (a) In the CB, HD, LE and MUR zones, one freestanding shall be permitted for each lot with a street frontage in excess of 50 lineal feet. Two or more parcel of less than 50 feet may be combined for purposes of meeting this standard, with the approval of all affected property owners.

(3) Sign Area. Signs shall not exceed a total face area of ¾ square feet for each linear foot of street frontage with a maximum area of 140 square feet in the PB, CC, RC, LI, HI, and IP zones, 120 square feet in the MUC, WF, MS and NC zones, and 50 square feet in the CB, HD, MUR, ES, TD, and OP zones. In all cases a minimum allowance of 20 square feet is guaranteed.

(4) Location. Signs shall be placed on the central 50 percent of the street frontage of the business(es) or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.

SUPPORTIVE FINDING AND CONCLUSION: No free-standing signs are intended to be utilized. These standards are not applicable at this time.

ADC13.425 Projecting Signs. Projecting sign shall comply with the following provisions:
(a) In the CB, HD, LE, and MUR zones, the maximum area for any projecting signs shall be 50 square feet per face with a minimum allowance of 12 square feet.

**SUPPORITIVE FINDING AND CONCLUSION:** No projecting signs are proposed. These design standards are not applicable at this time.

**SUPPLEMENTAL RESIDENTIAL DESIGN STANDARDS IN VILLAGE CENTERS**

**ADCR.480 Applicability.** These standards apply to residential development in mixed-use and residential zones within the Village Center Comprehensive Plan designation. They are in addition to the residential design standards for Single-Family Homes and Multiple Family Homes in this article.

**ADCR.485 Purpose.** These provisions are intended to promote the design of an urban environment that is built to human scale and to foster a mixed-use character for village centers with an emphasis on a high-quality pedestrian environment.

**Standards.**

1. **Building exteriors shall be surfaced with wood, brick, stucco, stone, masonry, or lap siding on all sides.**
2. **Rooflines should be designed to reduce the exterior mass of multiple attached units and shall incorporate elements such as parapets, gables, dormers, etc.**
3. **All exterior HVAC equipment shall be screened from street view level.**
4. **Alleys are encouraged to provide a friendly street frontage and to set driveways and garages in the rear.**

**SUPPORITIVE FINDING AND CONCLUSION:**

1. The historic wood lap siding on the exterior of the "Wood Apartment" building was repaired and painted approximately 12 years ago. It is the applicant's intent to repaint the building as the paint is peeling substantially in several places. The proposed laundry/bike storage room will be sided and painted to match the siding and accent trim on the rest of the building. This design standard has been met.

2. The existing rooflines are pitched and incorporate gables on the east and west sides of the building and dormers on all four sides of the building. This design standard has been met.

3. Ventilation fans will be installed for each new basement unit that provides make up air to help balance indoor vs. outdoor air pressure. In addition, vents for range hoods will be installed for the basement apartments on both the east and west sides of the building (2 on each side) and on the south side of the building for the dryer located in the laundry room addition.
(4) No off-street parking will be provided for the “Wood” building as there is not enough space for parking spaces between the alley and the building. The subject property lies within the Downtown Assessment District which allows for no off-street parking being provided. This design standard has been met.
Exhibit ‘D-1’
Basement Floor Plan Demolition
Phases I and II

SCOPE OF PHASING
SCOPE OF PHASING

PHASE ONE WORK

PHASE TWO WORK

A2.2

Exhibit 'D-2'
First Floor Plan Demolition
Phases I and II
Exhibit ‘F-1’
Detail Sheet Including Proposed
Laundry/Bike Storage Section
and Door Schedules
Fortmiller Building
2016
Scott and Spencer Lepman
Central Albany Revitalization Area
City of Albany

The "Fortmiller Building" is a c1920 Modified Foursquare style building (Commercial False Front) and is designated on the Local Historic Inventory as "Historic Contributing." It was originally built as an apartment building (Sanborn Map, 1925) with 4 attached garages.

In 1930, the building was purchased by brothers Fred and Edwin Fortmiller, Albany furniture makers and undertakers. The basement and first floor of the building were remodeled to host the Fortmiller Funeral Home, and the second floor provided operator living quarters for the next 49 years.

In 1979, William Mikkelson & Associates purchased the building and converted the first and second floors of the building into office space, with the basement used for storage.

In 2014, the Fortmiller Building was purchased by brothers Scott and Spencer Lepman. With the financial assistance of CARA, the building was converted back into 9 apartment units and 2 office spaces.

PRECISION TOOLED PLAQUE

MATERIAL - Bronze
SIZE - 16.5"W x 15.5"H
QTY - 1
DEPTH - 1/4" Thick; Painted Edges
SHAPE - Rectangle (or Square)
COPY - Raised Copy - Horizontal Stroke
FINISH - Pebble w/Brushed Surface
BORDER - Single Line Border
COLOR - 2240 Maroon Painted
STYLE - Times NEW Roman
CLEAR CO - Semi-Gloss
MOUNT - Blind Mount - Standard Studs

RETURNS/EDGES - painted background color

RAISED
RECESSED

Exhibit ‘J’
Conceptual Building Signage
Tax Lots 1200, 4200 and 4300

Exhibit ‘K’
Views of Surrounding Immediate Neighborhood
1 of 14
Tax Lots 12600, 12700, 12800, 12900, 13000, 3201

Exhibit 'K'
Views of Surrounding
Immediate Neighborhood
2 of 14
Exhibit ‘K’
Views of Surrounding Immediate Neighborhood
4 of 14
Tax Lot 2200

Exhibit ‘K’
Views of Surrounding Immediate Neighborhood
5 of 14
Exhibit 'K'
Views of Surrounding Immediate Neighborhood
6 of 14
Tax Lots 3600 and 3700

Exhibit 'K'
Views of Surrounding Immediate Neighborhood
7 of 14
Exhibit ‘K’
Views of Surrounding Immediate Neighborhood
11 of 14
Tax Lot 9200

Exhibit 'K'
Views of Surrounding Immediate Neighborhood
12 of 14
Exhibit 'K'
Views of Surrounding Immediate Neighborhood
13 of 14
Tax Lot 8200

Exhibit 'K'
Views of Surrounding Immediate Neighborhood
14 of 14
Exhibit ‘L’
Conceptual Covered Picnic Structure