

#### MEMORANDUM

**DATE** April 25, 2019

TO Kelly Reid, Oregon City Planning Department

FROM Frank Angelo & Courtney Simms, Angelo Planning Group

RE Oregon City Robert Libke Public Safety Building: Requested Information in Response to Case

File No. CI-19-00001, CU-19-00001, SP-19-00037, VAR-19-00002, and VAR-19-00003

CC Project Team

On April 16, 2019, APG, FFA, and Plan-B ("Applicant") spoke with Oregon City Planning Department regarding the new Robert Libke Public Safety Building (Case Files CI-19-00001, CU-19-00001, SP-19-00037, VAR-19-00002, and VAR-19-00003). City staff requested additional information that would be necessary for determining the land use application "complete". This memorandum responds to the Department's information request and provides the Applicant's response.

1) Materials Board: A physical copy of the materials board was included in the submittal package, but the electronic copy was not in the file.

<u>Response</u>: The electronic copy was sent to the City on April 17, 2019. It is also included with this memo. Additionally, the copy included in this memo provides a cut-sheet showing the future fencing materials, as requested by staff.

2) Future Plaza Status

<u>Response</u>: After the April 16<sup>th</sup> discussion, staff concluded that it does not need additional information from the Applicant and will prepare a Condition of Approval which includes enhancement of the plaza area. The Applicant expressed support for this approach.

3) Original Variance Requests: The original land use application requested two variances: one for 17.62.050.21.C(2): Building Materials and 17.62.055.I(1): Institutional and Commercial Building Standards, Façade Transparency.

<u>Response</u>: After discussion with staff, the applicant will withdraw both of these original requests for variances to be replaced in-kind with two separate variances (see Code responses, below).

Section 17.62.055.I(1): Façade Transparency: As discussed with the City, the Applicant believes it is possible to meet the 60% transparency along the facades, after clarification that the transparency is calculated linearly instead of as a percentage of area. The current linear transparency percentage is 57%. The City will make the additional 3% transparency a Condition of Approval. The Variance for Section 17.62.055.I(1) is withdrawn.

Section 17.62.050.21.C(2): Building Materials: The intent of the building materials standard is to require a higher aesthetic design and reduce any impacts of lower quality building materials by

providing variety in façade. Staff believes that the Applicant has met or gone beyond the intent of the standard, and that the distinction from the standard language should be treated as a Modification, not a Variance. The Applicant, therefore, requests that the Variance for Section 17.62.050.21.C(2) be withdrawn, and that the City review the narrative supporting the original request for a Variance as a Modification to the standard.

All other requests from Staff for additional information require new responses to the applicable code. As such, the following responses will be a supplement to the original application narrative.

#### Code Sections and New Responses:

Narrative from the existing application is shown in **bold font**. New language or modification of original language provided to respond to the request for additional information is <u>underlined</u>.

#### Code Interpretation:

The Pre-Application Conference held on January 29, 2019 indicated that a Code Interpretation is required to demonstrate that a police station is similar in nature to a fire station:

"Fire station is a conditional use; police station is not listed. A code interpretation is needed to find that police station is similar to fire station. Provide a narrative explanation of why this should be considered similar. The code amendments add police station as a conditional use; if your application is submitted after code amendments are in place, a code interpretation is not needed."

Staff noted that, while a fire station is specifically called out as a Conditional Use review in Chapter 17.39.040.G of the Institutional Zone, a police station is not specifically identified as either a Permitted Use or a Conditional Use in Chapter 17.39 Institutional Zone. Staff also noted that pending amendments to Title 17 – Zoning will add police stations as a Conditional Use in the Institutional Zone. Because this application will be submitted prior to this code amendment becoming effective, staff has indicated that a Code Interpretation is needed as a part of the Public Safety Building land use application to allow the station to be reviewed as a Conditional Use in the Institutional Zone.

A Code Interpretation is identified as Type III Permit Approval Process in Table 17.50.030. Oregon City staff has confirmed that there are no specific criteria for a code interpretation. Because of this, staff has requested a narrative that provides findings in support of the Code Interpretation. The following narrative provides the findings.

Operationally, a fire station and police station have similar requirements and impacts on the neighboring properties. Police services are provided by the City, and fire services are provided by Clackamas Fire District #1 – a public service district. Both require the ability to immediately respond to emergencies, operate 24 hours a day and 7 days a week, and need secure facilities for equipment storage and operations. The proposed building will require similar design considerations as a fire station would to reduce impacts on the residential properties to the north, including providing

sufficient parking for employees, visitors, and fleet vehicles and a secure building and site. From a potential impact perspective, both uses need to be sensitive to potential noise and lighting impacts on neighboring properties, as well as any traffic impacts associated with the use. Potential impacts created by the proposed use on the neighboring properties include noise, lighting and traffic. These are discussed in more detail in the responses to Chapter 17.56.010.A.4 (below). Site design steps to mitigate potential impacts include locating the main visitor parking on the southside of the building, away from the residential uses on the north, keeping the area around the northern properties secure, and directing lighting for the parking and circulation areas inward to the site, away from the property line. Most impacts on the residential properties will be minimized through operational procedures, including specific standards for when vehicle sirens and speakers may be used (after they exit the property and to clear traffic), when meetings are held in the building, and how employees treat shift changes at night.

As staff noted, a fire station is specifically called out as a Conditional Use review in Chapter 17.39.040.G of the Institutional Zone, while a police station is not specifically identified as either a Permitted Use or a Conditional Use in Chapter 17.39 Institutional Zone (Chapter 17.39). The relevant portions of Chapter 17.39 are noted as follows:

#### Chapter 17.39 Institutional Zone

#### 17.39.040 – Conditional uses.

Uses requiring conditional use permit are:

Any uses listed under <u>Section 17.39.030</u> that are not accessory to the primary institutional use;

- A. Boarding and lodging houses, bed and breakfast inns;
- B. Cemeteries, crematories, mausoleums, and columbariums;
- C. Correctional facilities;
- D. Helipad in conjunction with a permitted use;
- E. Parking lots not in conjunction with a primary use;
- F. Public utilities, including sub-stations (such as buildings, plants and other structures);
- G. Fire stations.

Response: Police and fire services are both government facilities that respond to emergency calls as well as providing public safety services on a daily basis. In the case of Oregon City, police services are provided directly by the City. Fire and rescue services are provided by Clackamas Fire District #1 – a public service district. Operationally, there are many similarities between police and fire stations. These similarities include:

- Time sensitive (emergency) response requirements
- 24-hour operation
- The need to park emergency vehicles and equipment in secured areas

- Employee shift changes over the 24-hour period
- Administrative office space and secured building space
- Controlled public access

Developing both uses requires similar design considerations to establish a fully operational facility and to minimize potential impacts of the facility and use on neighboring properties. Operationally, both facilities need unrestricted, direct access to the street system, sufficient parking to cover employee parking for shift changes and visitors, secure parking for emergency vehicles and equipment, and secure building space for employees and communication systems. From a potential impacts' perspective, both uses need to be sensitive to noise and lighting impacts on neighboring properties as well as traffic impacts associated with the use. Impacts of the proposed use on the neighboring properties are included in the responses to Chapter 17.56.010.A.4 (below).

In addition to the similarities in design considerations and operations, the Oregon City Municipal Code treats police and fire departments as similar uses. All residential districts (both multifamily and single-family), Mixed-Use Corridor Districts, General Commercial, and Historic Commercial Districts include "Emergency service facilities (police and fire), excluding correctional facilities" as a permitted conditional use. In addition, Neighborhood Commercial, Willamette Falls Downtown District, and Mixed-Use Downtown District list "emergency and ambulance services" as permitted conditional uses. Mixed Use Employment Districts and General Industrial Districts permit "Emergency service facilities (police and fire), excluding correctional facilities" outright.

Based on these findings, it is appropriate to accept the Code Interpretation that considers a police station as a similar use to a fire station. Because Chapter 17.39 Institutional Zone specifically calls out a fire station as a Conditional Use in the zone, it is appropriate to consider a police station and court facility as a similar use from both an operational and potential impact perspective. Therefore, the new one-story, 33,890 sf Public Safety Building and associated site improvements should be reviewed as a Conditional Use in accordance with the provisions and review standards in Chapter 17.39.040 – Conditional uses.

#### CHAPTER 17.56 - CONDITIONAL USES

This section addresses the Condition Use review criteria based on the assumption that the Code Interpretation to allow a police station in the Institutional Zone will be approved.

Staff at the City requested additional information around the exact operations of the Public Safety Building.

Overall, this building is planned to function in the following main uses:

 Police Station (typical office functions, police lobby, witness interview rooms, conference rooms, break room, patrol report writing, locker room, fitness room, evidence storage, evidence pick-up, and a processing area for suspect interviews. There are no 'holding' or

'detention' cells in this building. The Clackamas County Jail is just down the road from the new police station and will continue to function as the holding area for detainees.

There are expected to be 6-8 patrol officers/sergeants operating in three shifts every 24 hours, changing shifts at morning (about 7am), afternoon (about 3pm) and night (about 11pm). In addition to these patrol officers, there will be 25-35 administrators, detectives, police support and court administrators operating in the building during regular business hours of 8am-5pm from Monday through Friday.

- 2. <u>Municipal Court (courtroom, courts lobby, jury deliberation conf. space, court staff office, break room, judges' chambers). The public lobby will be open from 8am-5pm from Monday-Friday, with Municipal Court in session twice a week.</u>
- 3. Commission Chambers: the main large room used for the courtroom will also function as Oregon City Commission Chambers. City Commission meetings will be every month on the first and third Wednesday, starting at 7pm, with additional users for community members participating in Commission meetings.
- 4. Expected nighttime activities: As stated above, most police functions will be limited to daytime, weekday hours. The exception is the patrol officers/sergeant staff, which is comprised of three shifts daily, 24 hours a day. There is the potential for patrol officers to be in the building during nighttime hours, but they also could be out in their patrol fleet vehicles. Shift changes will be at 11pm for the night shift and will occur using the secured parking lot north of the building. City Commission Meetings are also typically in the evenings. On evenings when the Multi-Purpose Room (Court/Commission Chambers) is not used, it could be made available for community event use. These evening meetings will generally end before 10pm and would be scheduled / controlled through the City.
  - 5. Expected noises that may be generated: There is a potential for patrol vehicle sirens, but they will not sound until reaching the street and only if it is necessary to move traffic out of the way, as is typical on all streets. Any public parking general noise during an evening event, will be mitigated by having public parking south of the building, away from the residents north of the site.

#### 17.56.010 – Permit—Authorization—Standards—Conditions.

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the planning commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the planning commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require planning commission approval of a modification to the original conditional use permit.

A. The following conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the planning commission after due notice and public hearing, according to procedure as provided in Chapter 17.50. The

planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

[Sections 1-3 omitted]

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Response: The proposed use is both a municipal courthouse and police station. Both uses will provide a public service of safety and security for the surrounding area and City at large. The building will be similar in character and use to the existing use in that it will continue the public service use of the property. The proposed improvement will not limit, impair or preclude the use of the surrounding properties for their primary uses listed as residential and mixed use, as the previous use was a public building (school) and the proposed use will also be a public building (public safety building).

Expected impacts to the neighboring residential properties will be limited, as most activities for the site will occur during the daytime or early evening hours, including meetings, court sessions, and much of the police activity. Some noise may be generated as people exit evening meetings or switch shifts at 11pm, but this will be mitigated by the buffering provided between the secured employee parking area and the properties to the north, and the location of visitor parking area on the southside of the building. Police will not run their sirens near the site except if needed to clear traffic as they exit the site.

Hours of operations for the building will be as follows:

- Court Sessions and daily office operations will occur between the hours of 8:00am and 5:00pm.
- After 5:00pm, the use will be limited to scheduled City Commission and community meetings and police personnel conducting public safety services. These meetings will be scheduled through the City.

Currently, traffic back-ups on Linn Avenue can occur during school hours of pickup and drop-off times at Gardiner Middle School. However, the peak trip demands associated with the proposed Public Safety Building occur outside the peak hours for pick-up and drop off activity at Gardner Middle School, so Linn Avenue school related queuing is not expected to impact peak demand at the site. In addition, the single site driveway proposed on Linn Avenue will be gated and used only by select site employees. Site traffic using the Linn Avenue access should have minimal interaction with peak middle school trips based on time of day use. During the morning school peak hour, trips to the Public Safety Building are expected to add up to approximately 20 trips along Linn Avenue past the school site (11 southbound, 9 northbound).

Trips to and from the site who choose to travel north on Linn Avenue will be subject to the same school zone speed limits and peak school traffic conditions as other drivers are today. Further, alternative access to the site's secure parking area is available via Warner Parrot Road should the Linn Avenue driveway be blocked by school traffic during weekday afternoon peak periods.

In the case of an emergency, police vehicles would use their sirens or speaker system to clear traffic on Linn Avenue. However, looking to the near-term future, Gardiner Middle School will be upgraded and this will likely alter the circulation pattern to the school. These improvements are expected to be completed around the time of the Public Safety Building being completed, thereby minimizing any traffic back-ups on Linn Avenue that would impede police vehicles. Finally, the roundabout on Linn Avenue and Warner Parrott Drive is also expected to reduce traffic back-up on Linn Avenue following its construction. The Applicant expects that the combined improvements to circulation at Gardiner Middle School, coupled with construction of the roundabout, will significantly improve circulation patterns in the vicinity of the new Robert Libke Public Safety Building.

#### CHAPTER 17.60 – VARIANCES

There are two Variances which are included in this application supplemental memorandum:

- 1. Building Placement: 17.62.055.C.5
- 2. <u>Building Design and Articulation Code Sections:</u>
  - 17.62.055.D.2
  - 17.62.055.H.1 on south facade
  - 17.62.055.H.2 on east and south façade

The original application narrative included two major variances for separate code sections (Building Materials and Transparency percentage). Per conversations with City staff on April 16, 2019, these variances will be withdrawn and replaced with the above variance requests. No change in application fees is needed related to variances.

#### New Variance Request #1: Building Placement

#### 17.60.020 - Variances—Procedures.

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances Grounds.
- D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance Grounds.
- E. For the purposes of this section, minor variances shall be defined as follows:
  - 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
  - 2. Variances to width, depth and frontage requirements of up to twenty percent;

- 3. Variances to residential yard/setback requirements of up to twenty-five percent;
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;
- 5. Variances to lot area requirements of up to five;
- 6. Variance to lot coverage requirements of up to twenty-five percent;
- 7. Variances to the minimum required parking stalls of up to five percent; and
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.

Response: The first proposed variance applies to Section 17.62.055.C.5. The standard requires that for all properties with a frontage over one hundred feet, sixty percent of the site frontage have a building within five feet of the property line, unless a larger setback is applicable as defined in 17.62.055.D. As the Applicant meets the requirements for a larger setback in 17.62.055.D, the variance is only required for the building frontage percentage.

The building frontage along Linn Avenue will be about 498 feet once the roundabout is placed at the intersection of Warner Parrott Road and Linn Avenue. The building frontages between the Public Safety Building and the Planning Department combined will be 174 feet. Therefore, the percent of the building frontage within the maximum setback as defined in 17.62.055.D (25 feet) from Linn Avenue will be 35%. This does not meet the requirement to have 60% of the building frontage within the maximum setback area. The difference also exceeds the twenty percent variation of the requirement needed to be a minor variance; therefore, the Applicant is requesting a major variance to Section 17.62.055.C.5.

#### 17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Response: The proposed variance is required to allow for a public entry plaza to the building, to create the potential for a future 'civic court' with the police station/municipal court being on the same property as a future new City Hall, for security purposes of the building type (less frontage is more secure for police officers who are sometimes the target of serious threats), and placement of the Planning Department. Additionally, in terms of sustainable planning practices, the orientation of the building is most ideal for proper daylighting control without the excess use of electric lighting. This 'long east-west' orientation for the northern hemisphere takes advantage of the solar strategy of using low winter sun to aid with heating in the winter months, and high summer sun shading to keep the building cool.

B. That the request is the minimum variance that would alleviate the hardship;

Response: The building alignment will allow for separation between the secure employee and fleet parking to the north and the public area to the south of the site. The nature of the police department and public safety uses of the site requires that a large portion of the site be separated securely but also accessible by vehicle and through the building. The proposed building provides the most efficient way of providing the separation. Therefore, the requested building placement variance is the minimum needed.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

#### Response: The goal of the building orientation standard is to:

"... encourage people to spend time in the area, which also provides safety though informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement."

Granting the variance meets the purpose of the regulation to be modified, as the Applicant will be providing a public plaza of 6,000 sf along the frontage of Linn Avenue, with an adjacent open green space (seeded lawn) directly south of the plaza. The plaza will allow employees and visitors to sit and enjoy a park-like setting in between visits to these public buildings.

The Public Safety Building entrance is oriented toward both Linn Avenue and the public plaza area.

The open area between the Planning Department and Public Safety Building will have an enclosed feeling because it is between these two building entrances, with a variety of landscaping and hardscape. The plaza will extend the public space into the site, inviting pedestrians to stop and enter what would otherwise feel like a private space.

In addition, because of the change in the property line, the number of proposed pedestrian improvements to mitigate additional setbacks from Code Section 17.62.055.D will exceed the minimum necessary (per conversations with the City, only two pedestrian amenities would be necessary, but four are being provided.)

D. Any impacts resulting from the adjustment are mitigated;

Response: Mitigation for the additional open space will be provided by the use of a public plaza between the Planning Department and Public Safety Building. The plaza will include a historic marker of the original building (Mt Pleasant School), which is a building of historic character. The plaza will provide a gathering place and a place to rest for those visiting or employed at these public buildings.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Response: As stated above, given the site size and orientation, as well as the requirements for the proposed building to minimize impacts on the residential properties to the north, provide a secure space for police and public safety activity, and provide a building which is welcoming to the public has resulted in the proposed building orientation. No practical alternatives have been identified that would not require a variance.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Response: Conformance with the Comprehensive Plan and the intent is shown in the responses to Section V – Conformance with the Comprehensive Plan in this narrative.

Code Sections Related to Variance 1: Building Placement

17.62.055 - Institutional and commercial building standards.

C. Relationship between zoning district design standards and requirements of this section.

5. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.

Response: The site will have two buildings: the existing Planning Department building and the proposed Police Station and Municipal Courthouse. The Planning Department is set back over five feet from the frontage of Linn Avenue. Because it is an existing building the applicant has not addressed this buildings site frontage as a part of this application.

Regarding the Public Safety Building, in order to allow for the necessary space for street trees, a utility easement, and to align with the existing Planning building and preserved street trees, the proposed building will be set back about twenty-five feet from the right of way. Section 17.62.055D illustrates that greater setbacks are accepted if one additional feature incorporated for every five feet. As shown in the response below, four features will be incorporated into the area between the building and the property line.

The Public Safety Building frontage is 114 feet and the Planning Department building frontage is 60 feet of a 498-foot frontage along Linn Avenue (calculated after the expected roundabout dedication is removed, as recommending in the Pre-application meeting). As this frontage percentage is 35%, it does not meet the sixty percent standard, the Applicant is requesting a variance to the standard.

Variance Request #2: Building Design and Articulation

#### 17.60.020 - Variances—Procedures.

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances Grounds.
- D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030B., and shall address the criteria identified in Section 17.60.030, Variance Grounds.

- E. For the purposes of this section, minor variances shall be defined as follows:
  - 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
  - 2. Variances to width, depth and frontage requirements of up to twenty percent;
  - 3. Variances to residential yard/setback requirements of up to twenty-five percent;
  - 4. Variances to nonresidential yard/setback requirements of up to ten percent;
  - 5. Variances to lot area requirements of up to five;
  - 6. Variance to lot coverage requirements of up to twenty-five percent;
  - 7. Variances to the minimum required parking stalls of up to five percent; and
  - 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.

Response: The second proposed variance applies to Section 17.62.055.D.2, H.1, and H.2. As these sections all relate to the building design and articulation, they have been combined into one major "Building Design and Articulation" Variance, per direction from the City staff.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Response: Each part of the building design and articulation variance is not likely to cause any damage to the adjacent properties, as the building will be separated by the necessary buffers from the properties to the north. The neighboring residents will benefit from a building designed with a clear intent and an aesthetic quality.

B. That the request is the minimum variance that would alleviate the hardship;

Response: The variation to the building articulation and design standards is related the design decisions which were deemed necessary to highlight the building entrance and downplay the more secure police areas of the building. Related to Variance #1(Building Orientation), the main entrance is situated near the public plaza and faces generally more south towards the plaza and visitor parking area, allowing the entrance to draw in visitors along both Linn Avenue and through the parking area. By being oriented this way, the southeast-facing entrance will provide guidance to visitors along Linn Avenue to appropriate parking and prevent visitors from trying to use the secure driveway north of the site.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Response: The reasoning of the variation will be to allow for an elegant and smooth building façade with the carving out at the entrance used to draw in visitors and celebrate the most public entrance. Variation from the standards is necessary to meet this design intent.

D. Any impacts resulting from the adjustment are mitigated;

Response: No impacts resulting from the adjustment to the standard are expected, as the variation is expected to result in a more sleek and clean design of building which highlights the building entrance and public space around the building.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Response: As stated above, all alternatives which would not require a variance would result in a building which is more cluttered and disjointed, and which confuses the more public area of the building from the secure spaces of the building.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Response: Conformance with the Comprehensive Plan and the intent is shown in the responses to Section V – Conformance with the Comprehensive Plan in this narrative.

#### Code sections related to Variance 2:

17.62.055.D.2. The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Response: The proposed building will have an entrance oriented towards both the public plaza and Linn Avenue. The entry will be recessed, and the entry room will have both the east and south facing walls will have glazing and doors to allow pedestrians to view and enter inside. The most architecturally significant façade is facing south, as that has the most glazing and the building signage. A variance has been requested combined with additional building design and articulation code sections related to the south and east facing facades. Responses to the variance criteria for this code are included in section 17.60.020 (above).

- H. Minimum Wall Articulation.
- 1. Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:
- i. Change in plane,
- ii Change in texture or masonry pattern or color,
- iii. Windows, treillage with landscaping appropriate for establishment on a trellis.
- iv. An equivalent element that subdivides the wall into human scale proportions.

Response: The new building will include a variety of articulated facades. The south facade will include a setback entrance with floor to ceiling glazing around the reception area and an exterior courtyard along the south side of the building which is set back from the main facade. The north side of the building will also include an exterior courtyard for the police department and courthouse staff use.

Large glazing will be used for all the facades, except where security reasons prevent large windows. In this instance, long horizontal windows will be used which are higher up on the wall to allow for light and visual variety. Landscaping will surround the entirety of the building, except at entrances which will be paved.

Along the south façade, a section of 36 feet of wall (the fencing along the fitness courtyard and a secure door to the courtyard) is without a variation listed above, and a variance to this will be requested combined with additional building design and articulation code sections related to the south and east facing facades. Responses to the variance criteria for this code are included in section 17.60.020 (above).

2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.

Response: Each facade of the building will be longer than one hundred feet; therefore, this standard will apply to each side of the building. All facades will include projections or recesses, including a large recess at the southeast corner of the building for the main entrance, and courtyards in the center of the both north and south facade. As shown on the site plan, the southern façade will have a horizontal length of 342 feet, with two recessions, one of which is 30 feet deep (10%) and one which is eight feet deep. The eight-foot deep recession is for the entrance and is about 95 feet in length (30%). The courtyard, which is about 30 feet deep, is about 40 feet in length.

Along the east façade, no projections or recessions extending 32 feet long are proposed (20% of 160 feet), as the space has been designed for maximum efficiency in space and to highlight the building entrance, which is recessed using storefront glazing along the southeast corner of the building. As such, a variance to this will be requested combined with additional building design and articulation code sections related to the south facade. Responses to the variance criteria for this code are included in section 17.60.020 (above).

On the south façade, there is currently 123 feet of uninterrupted façade length between the fitness courtyard and building entrance, exceeding the maximum of 100 feet. There are a variety of ten-foot tall windows with the infills of smooth metal panels along this façade; therefore, it is not a completely blank wall (see Figure 1, below). Similar to the variance for the east façade projection extensions, the building aesthetic has been designed for both operational efficiency and give a sleek look to the building, allowing the entrance to be highlighted. As such, a variance to this will be requested combined with additional building design and articulation code sections related to the east facade. Responses to the variance criteria for this code are included in section 17.60.020 (above).

Figure 1: South façade



#### Chapter 17.20 -- OFF-STREET PARKING AND LOADING

17.52.020 - Number of automobile spaces required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Response: The proposed development does not have an identified land use category within Table 17.52.020. The nearest use is office and assembly space, as the courtroom and waiting room must hold enough space for both the jury and people attending the hearings.

Offices have a minimum parking requirement of 2.7 per 1,000 sf and a maximum of 3.33 per 1,000 sf. Auditoriums and meeting rooms have a parking requirement of 0.25 spaces per seat minimum and 0.5 spaces maximum. The proposed Public Safety Building will be 33,890 sf in size (29,699 sf excluding assembly rooms), and the Community Development Department (existing building) has is 6,850 square feet, for a total of 36,549 square feet on the site. This translates to 99 vehicle parking spaces minimum and 121 vehicle parking spaces maximum for these office uses.

The meeting room has space for 113 seats total, which adds 28 vehicle parking minimum and 57 vehicle parking maximum based on auditorium/meeting room standard.

In addition to the meeting space and office space requirements, the project needs to include the fleet vehicle parking which most accurately represents future need for the police fleet. As shown in Exhibit 12, the Police Department worked with consultant MWL to determine a year 2035 need for fleet vehicle parking. This work concluded that there would be a need for about 88 spaces for police and court public parking spaces and 106 secure employee spaces by 2035, including about 25 squad vehicle parking (fleet). These vehicles will remain at the Public Safety Center when not in use.

As shown in the Pre-Application Summary Notes (Exhibit 3), the future roundabout at the corner of Linn Avenue and Warner Parrott Road will result in the removal of 16 vehicle parking spaces in the southeastern parking area of the Community Development Department, which currently has 42 spaces (resulting in 26 remaining spaces).

Therefore, the total number of required spaces for this unique use ranges from 127 at a minimum and 202 at a maximum.

The project is proposing a total of 206\* vehicle parking spaces as follows:

- 73 new public spaces
- 91 secured spaces (67 nonfleet and 24 fleet): to be used by police and court staff, but not Commission staff
- 42 existing spaces for the Community Development Department, to be 26 once the roundabout is installed.

The expected final parking count for the overall site will be 190 spaces once the final developments along the street are completed and will comply with the required parking space ranges noted below.

Table 17.52.020

Land Use	Parking Requi	rements	Proposed	Applied Requirements			
	Minimum	<u>Maximum</u>		<u>Minimum</u>	<u>Maximum</u>		
<u>Office</u>	2.70	3.33	29,699 sf- Safety Building (without courtroom) 6,850 sf - Community Development Department Subtotal 36,549 sf	<u>99</u>	<u>121</u>		
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	.25 per seat	0.5 per seat	<u>113</u>	<u>28</u>	<u>57</u>		
Fleet Vehicle Parking	As based on consultant report		<u>24</u>				
Total*			Proposed: 190*	<u>127</u>	<u>202</u>		

<sup>\*</sup>Future removal of the southeastern parking area for the Community Development Department assumes 16 spaces will be removed, resulting in 190 spaces.

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

Response: The proposed building will be a courthouse and police department. The multiple uses will fall under the same land use category for parking calculations, since the office and meeting room land uses are the most applicable. These were calculated separately. The Community Development Department and police section of the Public Safety Building were calculated as office space, with the courtroom calculated as a meeting room. Table 17.52.020 (above) shows the separate calculations for these different uses and the applied minimum and maximum parking spaces and includes the addition for police fleet parking which will be required based off of a future fleet requirement, as determined by a consultant to the Police Department (see Exhibit 12).

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.

Response: Based on the Pre-Application, the parking requirement for the proposed uses is not specifically listed in the development code, and staff recommended looking at similar uses ratio based on other jurisdictions. The closest jurisdictions, include West Linn, Lake Oswego, and Clackamas County, do not have public service buildings listed within their parking standards tables either. Staff provided the applicant with other jurisdictions which had parking ratios for civic uses and emergency services. The applicant reviewed these standards from Tigard, Salem, and Beaverton, but none include the combination of uses accurately. Hillsboro Municipal Code has specific standards for community services, assembly facilities, and fleet vehicle parking. Using this code, which specifically states the ratios required for these uses, the parking ratios would be as such:

Table 12.50.320-4 Parking Requirement based on Hillsboro Municipal Code

Land Use	<u>Park</u> <u>Require</u>		Proposed	Applied Requirements			
	<u>Min</u>	Max		<u>Min</u>	<u>Max</u>		
Office (per 1,000 sf)	<u>2</u>	<u>5</u>	29,699 sf- Safety Building (without courtroom) 6,850 sf – Community Development Department Subtotal 36,549 sf	<u>73</u>	<u>183</u>		
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater**	0.3 per seat	1.0 per seat	113 people	<u>34</u>	<u>113</u>		
Fleet Vehicle Parking	Exempt from parking minimum maximum	s and	<u>24</u>				
<u>Total</u>			Proposed: 166*	<u>107</u>	<u>296</u>		

<sup>\*</sup>Proposed parking for this table is the public and secure parking, with fleet vehicle parking exempt using Hillsboro Code 12.50.330.C

The most similar use in Oregon City's parking standards is an office building (police department) and a meeting space (for the courtroom), which was used to calculate the required minimum spaces in the response above. An additional parking space calculation was determined using a consultant to the Oregon City Police Department for the required future police fleet parking as estimated in year 2035. Exact calculations are shown in Table 17.52.020 and show a minimum total site parking spaces of 127 and a maximum total of 202.

There will be 73 public spaces and 91 secure spaces (24 fleet and 67 nonfleet) added to the public existing 42 spaces, for a total of 206 spaces. After the southeast corner of the site is developed for the

<sup>\*\*(</sup>Per person where fixed seating not provided)

future roundabout, 16 spaces will be removed from the Community Development Department parking lot, resulting in 190 total spaces.

3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Applicant's Response: The proposed development has a maximum allowed parking of 202 spaces, which was calculated using rounding in accordance to this standard (see Table 17.52.020).

4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.

Applicant's Response: Per the Table 17.52.020, the minimum required parking spaces is 127 and 202 maximum. These were calculated using the parking ratio standards for office and meeting space uses, with an additional calculation for the expected needed fleet parking. The minimum parking spaces are specifically available for employee and visitor parking use, and vehicle fleet storage will have its own separate parking spaces.

115 parking spaces will be available to the public, which will be reduced to 99 after the roundabout is developed. An additional 91 secure spaces (67 for employees' personal cars and 24 spaces for the police fleet vehicles) will be behind a secure gated entrance to the north. The minimum parking spaces are specifically available for employee and visitor parking use, and vehicle fleet storage will have its own separate parking spaces.

Public parking	<u>99*</u>
Secured parking	<u>91</u>
- Fleet vehicles	<u>24</u>
<u>- Employees</u>	<u>67</u>
Total	<u>190*</u>

<sup>\*</sup>Assumes 16 spaces removed from Community Development parking area once roundabout is built

### Comprehensive Plan Findings

#### Goal 5.3: Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Applicant's Response: The façade of the existing building (Mt. Pleasant School) will be demolished as part of this development. While the building is not a state recognized historic site, images of the building will be recorded for historic records. Notice of the proposed development has been provided to the State Historic Preservation Office (SHPO) (see Exhibit 5).

Efforts have been made in the future demolition of Mount Pleasant School to preserve a portion of the building entrance, which will be turned into a memorial market west of the public plaza. The current plan for 'telling the history' of the school includes preserving the arched window and adjacent brick that is above the existing main entry to the school. It seems that something tangible from the school would be great to keep for the community. This new 'commemorative marker' would stand in

the main public entry plaza area, which is intended to be called the 'Mt. Pleasant Courtyard/Plaza' (see attached exhibit).

#### **Excerpt from Demolition Permit specifications:**

#### **DEMOLITION 02 4100 / 3.04 SALVAGE**

#### A. Preparation:

- 1. Thoroughly document all existing conditions, dimensions and details.
- 2. Provide as built detail drawings of existing assembly for reproduction. Use photographs to clarify drawn documentation.

#### B. Items to be salvaged:

- 1. Any timber member with a dimension of 12 inches or greater in width or depth.
- C. Salvaged components to include the following from the area noted in the attached picture:
  - 1. Stone and brick masonry units surrounding the main entry
  - 2. Transom window assembly
  - 3. Adjacent light fixtures
  - 4. Dedication plaque
  - 5. Approximately 100 square feet of additional brick
- D. Clean mortar from savaged brick and stone and store all salvaged stock "as new material" until it can be reused.

#### **Goal 13.1: Energy Conservation**

Policy 13.1.4 Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.

Response: In a desire to provide clean, local energy to the site, the Applicant has dedicated 1.5% of the construction costs to go towards solar energy panels, which will be located north of the site as a carport canopies to the secure parking.

#### **Goal 6.1: Air Quality**

Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Policy 6.1.1 Promote land use patterns that reduce the need for distance travel by single-occupant vehicles and increases the opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Policy 6.1.2 Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.

Policy 6.1.3 Set an example through City operations to employ and demonstrate practices and technologies that reduce air pollution and protect air quality.

Policy 6.1.4 Encourage the planting and maintenance of the city's tree canopy to allow natural systems to improve air quality.

Response: The site for the proposed use (public service and police station) aligns with the surrounding neighborhood and is easily accessible via walking, bicycling, and transit. The site is shared with a similar public service use (Community Development Department). Parking will be shared between the two public service uses once the roundabout has been installed and the Community Development Department's main parking area loses sixteen spaces. All building on-site will be owned and operated by the City. The new building is designed to be built and operated in a way that is environmentally sensitive through the use of materials and site design/carpooling will be encouraged to reduce the need for single-occupancy vehicles. The site will be landscaped with a large tree canopy where feasible, with lush plantings around the entirety of the site within the scope of the project.

#### **Goal 6.2: Water Quality**

Control erosion and sedimentation associated with construction and development activities to protect water quality.

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface or groundwater by requiring erosion prevention measures and sediment control practices.

Policy 6.2.2 Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Response: As shown on the Storm Drainage Plan (Exhibit 1, Sheet C-500), the site has been designed to reduce and treat on-site the stormwater through catch basins and storm drains around the building perimeter and parking and circulation areas. Around all these impervious areas will be landscaping to reduce water discharge and improve the stormwater quality. As discussed in Chapter 17.47 of the original narrative, the applicant is in the process of acquiring a City Erosion Control Permit and Oregon DEQ 1200-C Permit, which will require erosion prevention measures and sediment control practices of the contractor during construction. Per provided Civil Engineering drawings, the site will consist of many vegetated drainage ways (both rain garden and stormwater planter) to improve water quality (see also Exhibit 6: Preliminary Stormwater Calculations).

#### Goal 6.3: Light

Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for night-lighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, reduces light trespass onto neighboring properties, conserves energy, and reduces light pollution via use of night-friendly lighting.

Policy 6.3.1 Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.

Policy 6.3.2 Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible. Policy 6.3.3 Employ practices in City operations and facilities, including streetlighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution.

Response: All attempts have been made to limit the light trespass levels, and no upward directed lighting will be used on the site. As the site is operating on a 24-hour schedule, lighting will be used for site circulation and security. Screening along the northern property line will be used to prevent light trespass into the adjacent residential properties. Lighting will be energy efficient LEDs and will be

Goal 6.4: Noise

focused on areas where security and / or access requires it. Lighting will be directed to reduce glare and light pollution and to focus on the immediate site. As safety is the main purpose of the Public Safety Building, lighting will be used to provide a secure building and site which ensures the safety for visitors and employees. Proposed streetlights meet City standards.

To prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

Policy 6.4.1 Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise, and industrial uses.

Policy 6.4.2 Encourage land use patterns along high traffic corridors be developed to minimize noise impacts.

Response: The building is sufficiently set back from all property lines and the street(s) on the various sides of it. Along with this physical separation, there are also several other buffering techniques in use: coniferous trees to the east of the public parking lot, soil berms to the east of the building along Linn Ave, and existing vegetated buffer along with 6' solid metal panel fence to the north of the secure parking lot.

With the help of operational regulations (when officers start sirens), this building will create minimal noise impact on the surrounding community. As the building will be operational on a 24-hour schedule, activities occurring after normal business hours will be related to police officers accessing their vehicles to respond to an emergency call. Responses to calls are not expected to generate excess sound – sirens will not be used unless traffic is blocking the police from responding to a call and the officer needs to clear traffic. This situation is most likely to occur during the peak traffic hours on Linn Avenue and during drop-off and pick-up times for Gardiner Middle School. Other noise and activity that could occur on the site will be associated with visitors and employees of the site during main business hours. These activities will access the site from the south, away from the residential areas to the north of the property. No holding cells will be located in the building, but secure interview rooms will be used to conduct police business.

## Exhibit 12

MWL Consultation Report on the Space Needed for the Robert Libke Public Safety Building (Page 16 & 17 of Report) Oregon City, Oregon Public Safety Facility • Space Needs Program •

Milestones	SW	NS	SW	NS	SW	NS	2018	2025	2035	MWL	Total Required	
	Staffing Requirements									Snace	Square Footage	
Sworn or Nonsowrn	20	18	20	25	2035		Spac	es Req	uired	Std.	Original	2035 Validated

#### **Police Exterior Requirements**

Public Parking							
Public Parking - Shared Police and Court	51	88	88	162	8,262	14,256	14,256
Bicycle Parking	0	10	10	24	0	240	240
Group Total	51	88	88		8,262	14,496	14,496
Secure Parking							
Outdoor Maintenance Parking	0	1	1	352	0	352	352
Personal Vehicle Parking	50	20	35	162	8,100	3,240	5,670
Police Personal Vehicle Parking	0	10	10	162	0	1,620	1,620
Court Vehicle Parking- Unmarked	0	10	15	220	0	2,200	3,300
Squad Vehicle Parking	15	10	15	350	0	3,500	5,250
Squad Vehicle Parking (covered)	0	10	10	350	0	3,500	3,500
Motorcycle Parking (covered)	0	2	2	440	0	880	880
Bait Car	0	0	0	220	0	0	0
Surveillance Van	0	1	1	350	0	350	350
Volunteer Car	0	1	1	220	0	220	220
Crash Reconstruction Vehicle	0	0	0	220	0	0	0
Photo Radar Van	0	1	1	220	0	220	220
Reader Board	0	1	1	220	0	220	220
Prisoner Transport Van	0	1	1	350	0	350	350

See Next Page

#### Oregon City, Oregon Public Safety Facility • Space Needs Program •

Milestones	SW	NS	SW	NS	SW	NS	2018	2025	2035	D.//A/I	Total Required		
		Staffir	ng Red	quire	ments	;				MWL Space	Square Footage		
Sworn or Nonsowrn		2018		2025		2035		es Req	uired	Std.	Original		2035 Validated
Property/ Evidence Van							0	1	1	220	0	220	220
Trailer Parking- EOC							0	1	1	264	0	264	264
Bicycle Van							0	1	1	220	0	220	220
Trailer Parking- Bicycle							0	1	1	264	0	264	264
Trailer Parking- Traffic							0	1	1	264	0	264	264
Bicycle Storage - Impound							0	1	1	500	0	500	500
Police Sally Court (Carport etc.)							0	4	4	400	0	1,600	1,600
Police Exterior Patio							0	1	1	300	0	300	300
Emergency Generator							0	1	1	375	0	375	375
Trash/Recycling							0	1	1	640	0	640	640
Group Total							65	81	106		8,100	21,299	26,579
	-		-			-		-			-	-	
Subtotals											16,362	35,795	41,075
General Circulation (100%)										100%	16,362	35,795	41,075
TOTAL SQUARE FOOTAGE (Public & Seco	ure Parking)										32,724	71,590	82,150

# Exhibit 13 SHPO DD Specs Demolition Exhibit



# **Exhibit 14**

**Fencing Cutsheet** 

# Berridge Architectural Privacy Fence

#### **FENCE SYSTEM**





The Berridge Architectural Privacy Fencing utilizes
Berridge's Spaceframe 24 gauge metal studs, track and
blocking combined with a wide selection of factory
produced Berridge panels and 16 gauge posts to create
maintenance free fences that compliment and match
any design.

#### **Materials**

24 Gauge Steel Spaceframe Components 16 Gauge Galvanized Steel Posts

#### **Specifications**

Uses: Fencing

Fence Heights: 4' 2", 6' 2", 8' 2" and 10' 2"

Panel Widths: Vary by panel choice. Available in seven Berridge 24 gauge panels: Vee-Panel, Flush Seam, Thin Line,

B-6, HS-8/HS-12, or HR-16 Finishes: Vary by panel choice

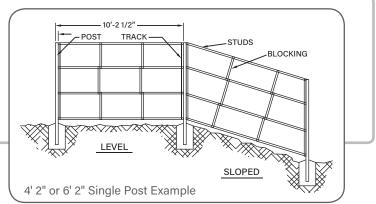
Fasteners: Interlock with concealed fasteners

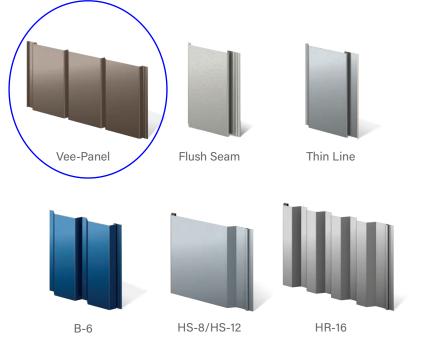
#### Features:

- Fire resistant and termite proof
- High strength, all steel construction with higher wind rating than alternate products
- Permanent: will not rot, fade, crack or split
- 100% recyclable, produced from 32.9% pre-consumer and post-recyclable material
- Limited wood grain and stucco embossing available

#### Installation

- Posts are spaced 10' 2 ½" O.C. for single posts or 10' 5" O.C. for double posts, in lieu of 8 feet O.C. with wood posts
- Vertical interlocking panels with concealed fasteners
- Can be installed on level or sloped applications





## BERRIDGE MANUFACTURING STANDARD COLORS



