

LAND USE APPLICATION MARQUIS PARKING LOT EXPANSION 1680 Molalla Avenue

Submitted to:
City of Oregon City

Revised June 2019

SITE ADDRESS

1680 Molalla Avenue
City of Oregon City,
Clackamas County, Oregon

LOCATION

Located on the southeast corner of the
intersection of Molalla Avenue and
Beavercreek Road, in the Barclay Hills
Neighborhood Association

ASSESSOR'S INFO

Tax Lot 00301 of Assessor's Map 3 2E 05C
City of Oregon City, Clackamas County,
Oregon

ZONING

City of Oregon City "C" Commercial

PROPERTY OWNER / APPLICANT

Marquis Companies
9560 SE International Way, #100
Portland, Oregon 97222
email: smiller@marquiscompanies.com

PLANNER / ENGINEER / SURVEYOR

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SITE DESCRIPTION& PROPOSED ACTION

The subject site is located on the west side of Molalla Avenue, at the intersection of Molalla Avenue and Beavercreek Road. The subject site contains one parcel of land, Tax Lot 003010 of Clackamas County Assessor's Map 3 2E 05C and is addressed at 1680 Molalla Avenue, within the city of Oregon City, Oregon.



This request is for a parking adjustment, a major variance and site plan design review through a Type 3 review process.

The site has access to Molalla Avenue at the north end of the site and also at the southeast corner of the site. The building is already connected to public services. No changes to the existing building has been proposed. There is existing lighting attached to the building that will be retained.

The parking lot expansion is needed because the current parking lot is continually full through out the day and visitors and workers for the facility often cannot find parking in the lot dedicated to the facility and end up parking off-site at adjacent businesses, as there are no on-street parking opportunities in the immediate area.

The operation of the facility is completely dependent on the ability of staff to get to work to care for the residents; lack of on-site parking is a big issue that comes up each day at shift change, where staff must overlap to ensure the needed level of care for residents and patents.

STAFFING: Staffing for the current facility is as follows (from the facility director):

The number of staff and management members fluctuates with our census, as we have state mandated staffing ratios but on average:

- Monday through Friday

<input type="checkbox"/> 6am-2pm	approximately 44 employees
<input type="checkbox"/> 2pm-5pm	approximately 35 employees
<input type="checkbox"/> 5pm-10pm	approximately 13 employees
<input type="checkbox"/> 10pm-6am	approximately 7 employees
- Saturday and Sunday

<input type="checkbox"/> 6am-2pm	approximately 28 employees
<input type="checkbox"/> 2pm-5pm	approximately 19 employees
<input type="checkbox"/> 5pm-10pm	approximately 13 employees
<input type="checkbox"/> 10pm-6am	approximately 7 employees

Along with visitors for an average resident census of 58

Along with visitors for an average resident census of 58

Staff meetings are held twice a month, where every staff member is required to attend for training required in-servicing. These occur around the 10th and 25th of every month at 2 p.m.

Included with this request is an email from Jordan Turner, the Administrator for the company, which describes in detail the daily goings on at the site. Also in that email is how Jordan inquired to neighboring business owners about shared parking and was denied, even being told that cars will be towed if parked in their lots.

REQUESTED ADJUSTMENT, VARIANCE and NON-CONFORMING

This request is for a Type III decision process involving a Parking Adjustment, Major Variance and Site Plan and Design Review.

Parking Adjustment: Because the requested number of parking stalls exceed the maximum allowed for the existing use, which is a residential care facility. Included with this request is a detailed Parking Analysis and report provided by the applicant's Traffic Engineer, Frank Charbonneau.

Major Variance: OCMC 17.62.050.2.A states that parking areas shall be located behind, below or on one or both sides of buildings. In this case, the existing parking lot is already located partially in front of the building and the revised parking area will continue to have spaces in front of the building, therefore a Variance is needed.

Non-Conforming: The site is non-conforming due to building and parking lot placement and building design. The proposed exterior improvements trigger required non-conforming upgrades, including pedestrian circulation and landscaping requirements, bike parking and screening; these enhancements have been included as a part of this approval request.

APPLICABLE CRITERIA FROM THE OREGON CITY MUNICIPAL CODE

Chapter 12.04 - STREETS, SIDEWALKS AND PUBLIC PLACES

12.04.003 - Applicability.

- A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.

Response: This application is for a Site Plan Review; therefore, these standards are applicable to this request.

12.04.005 - Jurisdiction and management of the public rights-of-way.

- A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
- B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
- C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.
- E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way. (Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 13-1014, § 2, 11-6-2013)

Response: The applicant acknowledges that the city has jurisdiction over the public right of ways. There are no encroachments into the right of way, existing or proposed.

12.04.007 - Modifications.

The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

- A. The modification meets the intent of the standard;
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
- C. The modification is consistent with an adopted plan; and
- D. The modification is complementary with a surrounding street design; or, in the alternative;
- E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations. (Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

Response: No modification to the right of way is proposed with this request.

12.04.010 - Construction specifications—Improved streets.

All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer. (Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

Response: Any sidewalks that need to be replaced with be improved to the city's standards. No public sidewalks are currently anticipated to need to be replaced.

12.04.025 - Street design—Driveway curb cuts.***Response: This application has included a Traffic Analysis performed by Charbonneau Engineering that addresses the streets and driveway curb cuts.***

12.04.030 - Maintenance and repair.***Response: This application will keep the driveways maintained and repaired as necessary.***

Chapter 12.08 - PUBLIC AND STREET TREES

2.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Response: Street trees will be placed along the site's frontage, as shown on the Landscaping Plans that are a part of this request.

- B. The following clearance distances shall be maintained when planting trees:

1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

Response: Street trees will be placed according to the above specifications.

- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Response: Street trees will be placed according to the above specifications.

- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians. (Ord. No. 08-1014, 7-1-2009)

Response: Any established trees will be pruned to the appropriate height.

12.08.020 - Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present. (Ord. No. 08-1014, 7-1-2009)

Response: Street trees are anticipated to be "Green Village Zinkova", as shown on the Landscaping Plans.

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash. (Ord. No. 08-1014, 7-1-2009)

Response: The owners of the site will maintain the street trees and other trees on the site as necessary to keep them healthy and ensure that they are kept in a safe condition.

Chapter 13.12 - STORMWATER MANAGEMENT

13.12.010 - Purpose.

The purpose of this chapter is to define policies, minimum requirements, minimum standards and design procedures and permits for the construction and maintenance of stormwater conveyance and quantity and quality control facilities in order to:

- A. Minimize increased stormwater runoff rates from any development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;
- B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;
- C. Reduce stormwater runoff rates and volumes, soil erosion and pollution, wherever possible, from developed and developing lands;
- D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;
- E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;
- G. Have all stormwater facilities:
 - 1. Designed to mimic natural hydrologic conditions, to the maximum extent practicable;
 - 2. Designed in a manner to allow economical future maintenance;

- 3. If city owned or maintained, designed for maintenance with city owned equipment;
- 4. Designed using materials that will ensure a minimum practical design life of seventy-five years; and
- 5. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed;
- H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards;
- I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
- J. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures;
- K. Minimize increases in stormwater pollution;
- L. Allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent; and
- M. Allow issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.

Response: The existing parking lot was constructed before storm water treatment and management was a priority, so the existing water quality for the site is very minimal.

Storm water management has been addressed as a part of this parking lot expansion and re-design. The improvements to the parking lot will tremendously enhance the storm water treatment from the site. Allowing the approval of the project will improve the conditions on the site in regard to this standard tremendously and bring the parking lot up to current standards.

A full Storm Drainage Report is included with this request. Easements will be provided by separate deed document for any needed easements to access and maintain the storm water facilities.

Chapter 15.48 - GRADING, FILLING AND EXCAVATING

15.48.010 - Purpose.

The purpose of this chapter is to mitigate, minimize or eliminate the adverse impacts caused by grading, fill and excavation activities on public or private property. It establishes policies, procedures and minimum requirements for grading and earthwork construction. It is intended to promote the general health, safety and welfare of the public and requires the applicant to follow sound land development practices.

15.48.030 - Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

1. Grading activities in excess of ten cubic yards of earth;
2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;
4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Response: The applicant will provide full engineering plans for the parking lot construction for the review and approval by the city before any on-site activities can occur.

The applicant will apply for and obtain all needed permits, including a Grading Permit for the construction of the site.

Chapter 17.32 - C GENERAL COMMERCIAL DISTRICT

17.32.020 - Permitted uses.

A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040;

Response: The current use of the building and site is allowed per Chapter 17.29 - "MUC": 17.29.020 - Permitted uses—MUC-1 and MUC-2. S. Assisted living facilities; nursing homes and group homes for over fifteen patients; and Z. Residential care facility

17.32.050 - Dimensional standards.

A. Minimum lot area: None.

Response: The site contains 1.94 acres.

B. Maximum building height: Sixty feet.

Response: The existing building is to remain and is not proposed for alteration and is approximately 16 feet in height.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

Response: The site is not abutting a residential zone, therefore there are no minimum setback requirements and C. and D., above, do not apply to this request.

E. Maximum Allowed Setbacks.

1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).

Response: The front of the building exceeds 5 feet as shown on the Site Plan. The building is existing and was placed on the site before the current standards.

2. Interior side yard setback: None.
3. Corner side yard setback abutting street: None
4. Rear yard setback: None.

Response: The General Commercial zone does not have any required setbacks when the site does not abut a residential zone aside from the maximum front yard setback above.

F. Maximum site coverage of building and parking lot: Eighty-five percent

Response: The existing building and the parking lot after expansion will cover approximately 80% of the site.

G. Minimum landscaping requirement (including parking lot): Fifteen percent.

Response: *The project will provide a minimum of 15% landscaping. A full Landscaping Plan is included with this request.*

Chapter 17.41 - TREE PROTECTION STANDARDS

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.
2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.
3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Response: *The proposed development is for Design Review, therefore these standards apply. No slopes greater than 25% exist on the subject site. There are no heritage trees on the site.*

Trees will be protected as needed as a part of the construction of the expanded parking lot. Trees to be removed are shown on sheet 2 of the Preliminary Plans. Trees will be replaced, as shown on the Landscaping Plan on sheet L101.

Chapter 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

- A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.
- B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Response: *Erosion control will be addressed with the final engineering plans for the parking lot construction. Erosion control will be provided for the construction of the parking lot expansion and is shown on the included Preliminary Plans.*

Chapter 17.50 - ADMINISTRATION AND PROCEDURES

17.50.010 - Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the city that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Response: The applicant will provide full engineering plans and will obtain all required permits for the parking lot construction.

Chapter 17.52 - OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single- and two-family residential dwellings. (Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

Response: An expansion of an existing parking lot is proposed, therefore these standards apply to this request.

17.52.015 - Planning commission adjustment of parking standards.

A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

Response: This application is requesting Planning Commission approval of an expansion of the parking lot for the existing facility. The applicant needs flexibility for the site because under the current standards for the maximum parking allowed, the site and staff are severely underserved to allow for the proper management and facilitation of the on-site activities, which is 24 hour care.

The site already meets the bulk of the development standards for the General Commercial zone for setbacks and building height.

The need is unique to the specific site, the activities of the business and the location in the city, where there are no on-street parking opportunities anywhere in the vicinity to handle the extra parking needs of the staff and visitors, particularly at shift change times for staff.

- B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.

Response: This owner of the site, Marquis Companies, has initiated this request. Included are Site Plans and other support information.

- C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

Response: The need for additional parking is documented in the project description on page 3 of this narrative, where the shifts and hours of employees for the care facility are detailed and also in the email from Jordan Turner, Administrator.

The use of the site is labor/client intensive, and the users are far varied beyond the standard “nursing home” clientele, this is largely because the facility also provides rehabilitation care, along with other services, which requires outside specialist and services. Along with additional family who visit.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.
 - a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.

- b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:
 - i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and
 - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the [site] will reduce onsite parking requirements by 0.2 parking spaces.

Response: *The applicant has included a Traffic Analysis and Report from Frank Charbonneau, to provide the information as required by the standards above.*

There are practically no on street parking opportunity within at least mile of the site, with the entire area being primarily commercial uses. To the north is Beavercreek Road, and to the east is Molalla Avenue, both major roadways with no on-street parking.

The other surrounding properties are retail and commercial establishments, and while there is occasional parking available within those parking lots sometimes, those parking spaces are intended for those uses, not the overflow and shift changes and visitors from the subject site.



3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

Response: *The requested increase will actually increase the function and use of the site because the staff, outside specialists, and visitors will have safe parking on site. Currently, parking sometimes occurs within the parking lots of adjacent businesses, which causes a domino effect on the efficiency of parking in the area. Also, adjacent business do not want workers and visitors from this facility parking in their parking lots.*

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

Response: *The proposed parking lot is compatible with the surrounding area because the area is all commercial uses with large parking lots. The entire area is fully developed. Additional landscaping and enhancement will be provided to the change is an improvement on the existing conditions on the site. Additional, better storm water management will be provided by default, which is more compatible to the current standards.*

5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

Response: *The proposed increase in parking will have no impact on the safety of adjacent properties or the right of way. As a matter of fact, the parking spaces currently located near the entryway will be moved and that will improve safety to the right of way of Molalla Avenue in that area because there will be less conflict in parking in that area. Please see the Traffic Study for additional information about safety.*

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

Response: *The proposal will not have any impact to public services, as the site is already has access and is connected to all needed services. No change to services is approved.*

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: *Per Table 17.52.020, Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes requires 1 parking space per 7 beds minimum and 1 space per 5 bed maximum. Currently there are 43 parking spaces, proposed are a total of 63 spaces, including 3 ADA spaces and 28 compact spaces.*

The included Traffic Study goes in depth about the comparison to the allowed number of spaces versus the actual on-site uses and needs, please refer to that report for additional information.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

Response: *The current access points will be retained. There will not be any back moments or other maneuvering within a street right of way.*

The applicant has included a Traffic Analysis and Report to provide the information as required by the standards above.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.

Response: *The parking lot surface will be paved with asphalt.*

C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.

Response: *The parking lot surface will be paved with asphalt and drainage will be addressed within the treatment areas in the parking lot islands, as shown on the Preliminary Utility Plan on sheet 5 of the Preliminary Plans.*

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

Response: *The parking lot configuration is detailed within the Preliminary Plans for the site. The existing lot boundary will retain and some of the existing parking were practical has been preserved. Some of the spaces have been re-configured to allow for better safety, such as the spaces at the driveway entry at the north side of the site, where the parking was re-located, and a service vehicle area has been placed.*

2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

Response: A parking plan is included with this request. The site and the existing location of the building set the shape and configuration of the proposed parking lot. Alternative Parking plans are not proposed.

17.52.040 - Bicycle parking standards.

- A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.
- B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

Response: Per Table A - Required Bicycle Parking Spaces*, Nursing home or care facility require 1 bike parking space per 30 auto spaces (minimum of 2). Proposed are two bike parking spaces next to the building.

17.52.060 - Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce storm water impacts and improve water quality; and
6. To establish parking lots that are more inviting to pedestrians and bicyclists.

A. Development Standards.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.

Response: The landscaping is all shown in defined landscaping areas, as shown on the Landscaping Plan included with this request.

2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

Response: Landscaping will be placed in all areas there is not vehicle parking or maneuvering, as shown on the Landscaping Plan included with this request.

3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.

Response: The landscaping will be a mix of trees and are defined and shown on the Landscaping Plan included with this request.

4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;

Response: Landscape trees will a minimum of 2" caliper size and will be planted according to the ANS and selected from the Oregon City Street Tree List.

5. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;

Response: Plans for irrigation are detailed within the included Landscaping Plans.

6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.

Response: All planting materials will be selected for their appropriateness for the site and are detailed within the included Landscaping Plans.

7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.

Response: All planting materials will be selected for their appropriateness for a parking lot and will not obstruct lines of sight.

8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

Response: The landscaping and storm water management have been incorporated in design to work together for aesthetics and functionality.

B. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are[a] shall include:

- a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
- b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
- c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Response: The landscaping is provided on the perimeter as much as possible within the existing site area, as shown on the Landscaping Plan included with this request.

C. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:

- a. Trees spaced a maximum of thirty-five feet apart;
- b. Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
- c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or

2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

Response: The parking area buffering is shown within the Landscaping Plans.

D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

- a. A minimum of one tree per six parking spaces.
- b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.
- c. Shrubs spaced no more than four feet apart on average.
- d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
- e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or

Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.
3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

Response: The applicant has included Landscape Plans, shown on sheets L101 and L102 of the included Preliminary Planset. The plans include the details about tree spacing, ground covers, street trees, and installation details and instructions.

Chapter 17.54 - SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 - Fences.

Fence, Setback and Height Limitations.

Response: No new fences, wall or berms are proposed.

Chapter 17.60 - VARIANCES

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.

Response: The applicant has initiated this request, has paid the appropriate fees, and submitted all of the information required. If additional information is needed as a part of the process, the applicant's representative will provide it to city staff.

- 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. (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Response: *The requested variance is for more than 5% of the maximum parking requirement and will be processed as a Type III request.*

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 to allow parking in front of the building will not have any effect on the adjacent properties because the building at its location are already existing and have been placed on the property in such a way for some time. No expansion to the building is proposed, so there will be no impact to available light or air to adjacent properties. The variance will provide improved safety to the existing access for the site by re-configuring the parking in the area of the entry.*

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

Response: *The requested variance is the minimum necessary to alleviate the problem with parking. The applicant has provided design that allows for the most parking on the site, while still providing attractive landscaping and water quality for the site.*

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

Response: *The purpose of the regulation is to provide adequate parking for a prescribed use. The evolved nature of the care facility with a variety of services offered has cause the facility to be rather labor/client intensive, creating a large parking demand. Granting the variance will equal the purpose of the regulation because right now, the available parking for the number of users of the site is not adequate. Currently, users of the site are forced to park in adjacent parking lots of other businesses, which creates a situation of less parking for those businesses and also a liability for them. If there was available street parking in the area, the problem may not be as severe as it is.*

- D. Any impacts resulting from the adjustment are mitigated;

Response: *There are not any impacts to surrounding properties that the adjustment will create, if anything, the impact will be reduced because the staff of the care facility will have safe on-site parking instead of having to find parking off site within parking lots of other businesses across Molalla Avenue or Beaver Creek Road. The adjustment is specifically for parking in front of the building, which is already in place, this proposal will re-configure those spaces.*

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

Response: *There are no practical alternatives to the request as the location of the building is determining where parking can be placed, which is alongside and in front of the building, where there is already existing parking and the driveways onto Molalla Avenue. It is not practical to re-locate the building.*

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied. (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Response: *There is no proposed change to the current use on the site, which is in compliance with the Comprehensive Plan and the General Commercial zoning.*

Chapter 17.62 - SITE PLAN AND DESIGN REVIEW

17.62.015 - Modifications that will better meet design review requirements.

The review body may consider modification of site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

A. The modification will result in a development that better meets design guidelines; and

Response: *The modification will result in a development that better meets the design for the particular application because it will allow for adequate and safe parking for the assisted care facility's staff and for the visitors to the site. Currently, there is not enough parking, particularly in the times of staff changes when there is over-lap in staff to maintain continual care for their patients, which generally have a 24 hour a day continual care need.*

B. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

Response: *The intent of the standard is to provide adequate parking for the number of patients in a care facility.*

The type of care provided at this particular facility is for generally more active people who are in rehabilitation recovery and are not in permanent long term care. The clientele of the facility also receives more visitors than a standard long term care facility and therefore additional parking is needed for visitors who generally come in the evening and the weekend. There are no on-street parking spaces available within a mile of the site and therefore there are no safe parking spaces when there are times of over-flow from staff change or when there are several visitors at the same time.

17.62.020 - Preapplication conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the community development director pursuant to Section 17.50.030. The community development director shall identify and explain the relevant review procedures and standards. (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Response: *The applicant attended a Pre-Application conference with the city on April 3rd, 2018, notes from the conference are included within the appendices of this request.*

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6, R-5 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cottage housing development, multi-family and non-residential uses in all zones. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

Response: *Full preliminary plans have been provided for the Site Plan review.*

17.62.040 - Plans required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following plans and information:

A. A site plan or plans, to scale, containing the following:

1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;
3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,
 - b. Unstable slopes, as defined in Section 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;

Response: Complete plans showing items required by 1-4 above are included with this request.

5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;

Response: There are no natural resource areas on or within 100 feet of the site, the area is entirely developed with mostly retail and commercial development.

6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;

Response: There are no historic or cultural resources on or within 100 feet of the site.

7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures;
8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title;
12. Site access points for automobiles, pedestrians, bicycles and transit;
13. On-site pedestrian and bicycle circulation;

Response: Items as required by 8 – 13 above are included within the Preliminary Planset.

14. Outdoor common areas proposed as open space;

Response: No outdoor common areas or open space are proposed.

15. Total impervious surface created (including buildings and hard ground surfaces).

Response: Impervious areas are detailed in the plans and also the included Storm Drainage Report.

16. The proposed location, dimensions and materials of fences and walls.

Response: No fences or walls are proposed. Existing fencing is shown on the plans.

- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

Response: Landscaping Plans are included with this request.

- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.
- D. A materials board, no larger size than eleven inches by seventeen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. An electronic version may be accepted as an alternative if approved by the community development director.

Response: No change to the building are proposed, C. and D., above are not applicable to this request.

- E. An erosion/sedimentation control plan, in accordance with the requirements of Chapter 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.

Response: An EC Plan is included in the Preliminary Planset.

- F. The legal description of the site.

Response: The site description is within the title block of the Preliminary Plans.

- G. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.

Response: The existing lighting for the site will be maintained, which is lighting attached to the existing building and yard lighting adjacent to the parking lot. No new lighting is proposed. If additional lighting is required by the city, the applicant will comply with any condition of approval imposed by the city in that regard.

- H. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

- I. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact statements, as described in Section 16.12.050, upon determination that (1) there is a reasonable likelihood that traffic safety or capacity improvements may be required; (2) the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district; or (3) the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The community development director shall determine which types of development impact statements are necessary and provide written reasons for requiring the statement(s). The development impact statements shall include the information described in Sections 16.12.070, 16.12.080, and 16.12.120 [and this Section] 17.62.040.
- J. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

Response: Per the Pre-Application Meeting with the city, no Archeological Study was needed, I. and J., above, do not apply to this request.

- K. If the applicant has not already done so as some other part of the land use review process, the applicant shall submit an erosion control plan that complies with the applicable requirements of Chapter 17.74 of this code.

Response: Erosion Control is a part of the development plans and a final EC plan will be provided for final permitting for the site construction.

17.62.065 - Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;

Response: *The applicant proposes to retain the existing lighting on the site, which is primarily attached to the building and within the portico at the front of the building.*

There is a lot of public street lighting in the area that adds to the available lighting for the site and the current

lighting is adequate to serve the site. Since there are no changes to the building proposed, the hope is that the lighting can be retained as well.



2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;

Response: *The existing lighting does not create excessive brightness or glare onto adjacent properties.*

3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;

Response: The existing lighting does not trespass light onto the adjacent properties, which are all commercial in use.

4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and

Response: The existing lighting has already been positioned toward the walkway and surface areas of the parking lot, using only the light needed after dark.

5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

Response: The existing lighting is the minimum needed for safe movement in the parking lot after dark, limiting the negative effect of light pollution.



#END#

