

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
June 20, 2013

SUBJECT: Conditional Use Permit, and Class II Design Review for building additions and changes to parking and landscaping at Youth Music Project at 2015 8th Avenue. Will also require approval to Enlarge/Alter a Non-Conforming Structure due to parking lot landscaping non-conformance.

ATTENDEES: Applicants: Jessamyn Griffin, Sally Bany, Jean-Pierre Veillet, Charles Brucker

Staff: Sara Javoronok, Planning Dept. (Notes prepared by Tom Soppe, Planning Department)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

In 2012 application CUP-12-05/DR-12-18 was approved, allowing the Youth Music Project to operate at the subject site in the Willamette Falls Drive Commercial Overlay zone. As this is an approved Conditional Use, any change to the site plan requires a new application for Conditional Use approval, per Community Development Code (CDC) 60.050(B). Per 60.030(B) an application for Design Review must always accompany an application for Conditional Use; also since the applicant proposes both an addition to the building and revised parking alignment, 55.020 requires Design Review for this application anyway. Specifically since the 1,075-square-foot proposed addition is more than 5% of the current building square footage, Class II Design Review is required.

The applicability of the Conditional Use criteria, in Section 60.070, may not have changed much since the approved application last year but must still be answered; specifically the applicant should explain whether the proposed changes would change the effects on the surrounding neighborhood, increase the intensity of the use of the site, mitigate the use's affect on the surroundings, or affect whether the site remains appropriate for this use. As this is in the Willamette Falls Drive Commercial Overlay, the

criteria of 55.100 and 58.090 are both applicable. The style, age, and configuration of the building are unusual in this overlay, and the site might not be able to truly meet 58.090 standards without a complete redesign or building replacement; however the architectural changes should be proposed to meet the criteria of 58.090 as much as possible.

Because the site is in this overlay, the application will have to be reviewed by the Historic Resources Advisory Board (HRAB) before the Planning Commission hearing. The HRAB does not have authority to approve or deny the project as this is the Planning Commission's authority, but they are required to review it and advise the Planning Commission as they see fit per 58.090 standards, the standards for development and remodels in this overlay zone. If the additions and site changes are as compatible as reasonably possible with the surrounding historic-style commercial area, the project can get a good recommendation from the HRAB without many suggested changes. The signage and the proposed music mural in the rear are less compatible than other proposed changes with the Chapter 58 criteria and might not be recommended as proposed by the HRAB. HRAB would be mainly focused on the Chapter 58 criteria; for the other criteria (but also for the Chapter 58 criteria to some extent), the applicant should focus on the Planning Commission's possible concerns and their ability to understand how the application may meet the criteria. As discussed above the Planning Commission is the actual decision maker.

While sites in this overlay are exempt from the provisions of Chapter 46 Off Street Parking and Loading and many of the requirements of Chapter 54 Landscaping, 58.090(C)(2) states that "Sites in this district are exempt from landscaping requirements as identified in Chapter [54](#) CDC, Landscaping, with the exception of parking areas." Therefore even though off-street parking is not required, whatever parking lots a site does happen to have must meet the minimum parking lot landscaping requirements of 54.020(E)(3). This site does not; the proposal would change the site in a way that does not bring it into conformity but also does not worsen it in relation to these standards, from what staff can tell at this preliminary stage. Therefore (unless the applicant were to revise the plans so the parking lot meets all 54.020[E][3] standards) a permit to Enlarge/Alter a Non-Conforming Structure is also required.

To reconfigure the parking lot without expanding it and without adding to the building, Class I Design Review is required and Conditional Use Permit would not be. Therefore the neighborhood meeting requirement that comes with CUP would not be required. However unless the reconfiguration brings the parking lot into conformance with landscaping requirements, this would still require a permit to Enlarge/Alter a Non-Conforming Structure. This permit still requires a Planning Commission hearing however, per 66.080(B)(2). However no HRAB review would be required as it does not change the building itself. If an application were to propose only landscaping changes that do not change the parking area, this would require only Class I Design Review; that

would require only a Planning Director decision with no HRAB review, no neighborhood meeting, and no Planning Commission hearing.

Any application which includes an addition to the building square footage (including any building footprint increase such as the addition of a roofed outdoor entry) requires a Conditional Use Permit even if the addition is small enough to require Class I Design Review instead of Class II. The neighborhood meeting and HRAB review would be needed.

The applicant inquired as to whether the parking in the Willamette Falls Drive right of way along the site could be changed from angled to parallel. This is off-site and not under the purview of the Planning approvals; staff has emailed Jeff Randall in the Public Works Street Division about this inquiry. Mr. Randall can be reached at jrandall@westlinnoregon.gov or (503) 742-8616, and Khoi Le from Engineering can be reached at kle@westlinnoregon.gov or (503) 722-5517.

Process

Conditional Use, Class II Design Review, and permit to Enlarge/Alter a Non-Conforming Structure are required. This will be a Planning Commission decision as this is required for Conditional Use, Class II Design Review, and for the permit to Enlarge/Alter a Non-Conforming Structure for a non-residential use. However as a non-landmark building in the Willamette commercial overlay, the application should be presented for recommendation from the Historic Resources Advisory Board before the Planning Commission hearing.

A neighborhood meeting is required for a Conditional Use approval per 60.060(C). Contact Julia Simpson, President of the Willamette Neighborhood Association, at (503) 503-655-9819 or willametteneighborhood@gmail.com. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

The criteria of 60.050, 55.100, 58.090, and 66.080(B) shall be responded to individually in a narrative.

Prepare the application and submit to the Planning Department with a signed application form. The deposit for Conditional Use Permit is \$4,500, plus a \$200 fee for eventual final inspection. The deposit for Class II Design Review is 4% of the project's construction value if the construction value is less than \$500,000 (minimum deposit \$2,000, maximum initial deposit \$8,000). If the construction value is more than \$500,000 the deposit is \$4,000 plus 4% of construction value (\$20,000 maximum initial deposit). There is also a Design Review inspection fee in addition to the deposit; this is \$300. The permit to Enlarge/Alter a Non-Conforming Structure carries a fee of \$3,000. **PLEASE NOTE that the deposits (not the fees) are initial deposits, and staff**

time is charged against the deposit account. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billing may be likely to occur.

Follow 60.060, 55.070, and 58.070 strictly and completely regarding submittal requirements (including plans, maps, etc.) that should accompany the narrative and the application form. Submittal requirements may be waived. For this the applicant must first identify the specific submittal requirement and request in writing that it be waived by the Planning Director, identifying the specific grounds for the waiver. The waiver may or may not be granted by the Planning Director.

Once the submittal is deemed complete, the staff will schedule a review meeting with the HRAB and a Planning Commission hearing. Staff will send out public notice of the Planning Commission hearing at least 20 days before it occurs. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no "shelf life" for pre-apps.