



CITY OF West Linn

Memorandum

Date: April 30, 2024

To: Chair Carr
West Linn Planning Commission

From: Chris Myers, Associate Planner

Subject: Comment Received for DR-24-01

One comment was submitted after the publication of the staff report and before the expiration of the written comment period at noon May 1, 2024. The comment letter is from Shannen Knight received on April 28 and is attached for the Planning Commission's consideration.

Please contact me with any questions at cmyers@westlinnoregon.gov or 503-742-6062

Dear Planning Commission:

Please accept my testimony for DR-24-01. I am speaking for myself, not for any group I am affiliated with. While I appreciate that some commercial and residential housing is being created with this application, I have concerns about parking. At their presentation to the Willamette Neighborhood Association (WNA), members of the WNA had concerns that this is not enough parking for the proposed project. While the applicant stated that one of the proposed residents doesn't own a car, this could easily change in the future as tenancy does change over the years.

This building is directly across the street from the "Willamette Garages", and the popularity of this business makes parking scarce in the neighborhood. The applicant is relying mostly on street parking for the residences. My concern over this issue grew when I parked near there the other day and saw this sign. See below:



This sign is posted along the applicant's fence line on 15th St. These are public parking spaces. The applicant has no right to reserve the public parking spaces outside the residence for themselves. Nor do they have any right to threaten people with towing for parking in a public parking spot. The unknowing public assumes their signage is legitimate, and thus don't park there. I'm sure this violates our sign code as well.

My concern is that if they are granted this building application, they will do the same thing and try to reserve public parking for their tenants. Public parking spots cannot be reserved for residents, tenants or customers. If the applicant has concerns about parking with just

the one unit currently, they should provide enough parking spots on site instead of illegally threatening the public and reserving parking spots for themselves.

CDC 46.090 is titled "MINIMUM **OFF-STREET** PARKING SPACE REQUIREMENTS". These are the standards that are required for parking on-site (off the street). CDC 46.09:A:4 for Quadplexes states:

“1 space for each dwelling unit; may or may not be in garage or carport.”

For the business, CDC 46:09:C:5 states:

Professional offices, banks and savings and loans, and government offices.	One space for every 370 sq. ft. of gross area.
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This means there should be an additional 4 spaces for the office/commercial part of the building based on the square footage.

Chapter 46:080 states:

" A. Where several uses occupy a single structure or unit of land, a combination of uses is included in one business, or a combination of uses in the same or separate buildings share a common parking area as in the case of a shopping center, the total off-street parking spaces and loading area shall be the **sum** of the requirements of the several uses, computed separately. . . "

"Sum" means that there should be 4 spaces for the residential units and 4 spaces for the business. Thus, there should be a total of 8 parking spaces required "on site".

On page 15 of the application, the applicant makes their parking calculation. See screenshot below:

Vehicle Parking:			
Required:	Office:		
	1 spaces per 370 gsf	1,383 sf	4 spaces
	Residential (4 units):		
	1 space per unit	4 unit	4 spaces
			<u>8 spaces</u>
Provided:	1 ADA & 1 standard	On site	
	<u>11 standard</u>	On street	
	13 total		

You can see the applicant agrees they need a minimum of 8 parking spaces. However, in their calculation they are only showing 2 parking spots "on site" (1 ADA and 1 standard spot), and 11 parking spots "on street".

However, CDC 46.090 is titled "Minimum Off-Street" parking. Our code does not define "off street". Collins Dictionary defines it as:

"spaces for cars located on private property rather than on a public street"

Merriam-Webster defines it as:

"not on a public road"

This application shows 2 parking spots located on "private property" and 11 spaces "on a public road". This does not meet CDC 46 requirements for parking, which requires 8 spaces on private property.

Per the staff report, this may be because of CDC 46.080 (E) which states:

"E. On-street parking along the immediate property frontage(s) may be counted toward the minimum parking requirement with approval from the City Engineer."

And Staff Finding 15 states:

"On-street Parking calculations for this proposed project include 4 spaces on 15th street that will be formalized as the required street improvements, for this project, are completed."

Why is the City Engineer allowing 4 street spaces to be used? What is the justification for this? The purpose of Chapter 46 is to balance having a bunch of empty spaces that are never used with the demand for parking in high traffic areas. Chapter 46:010 "Purpose" states:

"The challenge is balancing the business community's desire for ample visible parking to attract prospective customers with the community interest of encouraging safe, non-vehicular access, minimizing the visual impact of parking, and creating a more attractive streetscape and urban environment. "

Based on this, I can see the city engineer allowing on-street spaces to be used when there are plenty of open spaces already. I totally agree with this. However, I don't understand why street parking is being allowed in a busy part of town. If you have ever come down to Main Street after 5pm, you know parking is already hard. Taking 4 parking spaces away by the city engineer is not helping the already difficult parking situation. Yes, the area is walkable and near a bus line, but we still are a suburban community heavily reliant on cars,

and there is no bus that goes from the top of the hill to Main Street. Our businesses rely on this parking for their businesses.

Also, if walkability is the reason, then why does the property owner need to illegally “reserve” parking for themselves currently with just one unit. The fact that the applicant is currently reserving streets spots for themselves tells me that the applicant knows parking is an issue yet is failing to address the parking issues already existing in the neighborhood.

If the city engineer makes that call, I suppose Planning Commission cannot overrule that. However, staff finding 18 states 2 spots are in the garage. Garage spots should not be counted towards the total. CDC 46.09(A)(4) (for quadplexes), states:

“Stacking one car behind the other is permitted only when the parking spaces are allocated to specific dwelling units and the driveway width allows for the interior vehicle to maneuver around the other parked vehicles.”

Also, CDC 46.150(A)(5) states:

“Each parking and/or loading space shall have clear access, whereby the relocation of other vehicles to utilize the parking space is not required, except where stacked parking is permitted pursuant to CDC 46.070(B)(4) or 46.090(A).”

It appears to be that the on-site parking spots are directly outside of the garage. Thus, the parking spots in the garage should not be considered parking spots to meet the 8 (or 4) total spots. If someone is parked in the garage, and a car parked behind it, the car in the garage will not be able to “maneuver around the other parked vehicles”. There will also be no paid valet attendant per 46.070(B)(4) to move the vehicle.

Thus, per my reading of the code, the applicant must find space for at least 2 more off-street parking spots that are not on 15th, Willamette Falls Dr. or Knapps Alley (public roads) to meet the 4 required by code (assuming the other 4 spots are allowed on-street per the city engineer).

As a side note, CDC 55.170(C) allows the Planning Director to reduce the parking requirements, but by no more than 10%. Why can the City Engineer reduce parking by 50%? CDC 46.080(E) doesn't say how much the city engineer can reduce parking by. I feel like this code needs some cleaning up. The engineer could reduce parking 100% if they wanted to per this line of code with no justification needed. I think if the city engineer can reduce parking, there needs to at least be some logic and reasoning required, and a way for that to be challenged if it is more than a certain percentage. This code is just too open ended and could cause more issues in the future.

I also noticed the applicant did not include any drawings (at least that I saw) where these on-street parking spaces are.

CDC 46.030 states (quoting only the relevant codes):

“For any application requiring design review approval, which includes parking areas, the applicant shall submit, within the design review package, a plan drawn to scale showing all the elements necessary to indicate that the requirements of Chapter 55 CDC are met and it shall include but not be limited to:

- A. The delineation of individual parking and loading spaces and their dimensions;
- D. The access point(s) to streets, alleys, and properties to be served;
- J. Location of pedestrian walkways and crossings

I am no expert in reading these drawings. But I feel like in other applications the parking was clearly defined. I don't see anything in the drawings that show where those spaces will be on the street or their dimensions. They referenced “see civil drawings” in the application but all the civil drawings did not specifically show any parking spaces that I noticed. Are they angled spots? Parallel spots? How many spaces are being improved? For instance, if there are currently only 3 spots, but their improvements will create 4 spots making a net gain of 1 spot, that matters. Or will improvements create a loss of a space? This is important information. I feel per CDC 46.030 that there should be a separate page (aside from civil drawings that are difficult to read) that points out exactly where these 11 parking spots are as they referenced in the application, and how many net spots are gained or loss with improvements.

Also, while I may just be being petty because that “no parking” sign annoys me so much, CDC 46.030(J) refers to “pedestrian walkways and crossings”. If the on-street parking spaces are on 15th, shouldn't there be a walkway from 15th to the property? It seems appropriate to have access directly from the “designated” parking spots to the property. The property is fenced along 15th (that is where the “resident only parking” signs are now). If that fence remains, it means pedestrians must walk probably more than 100 feet on the public sidewalks to access the walkways to the new building.

I believe the only way to approve this application is if the applicant finds 6 more spots, not including the garage, on the property itself, or at least 2 more spots with the city engineer's waiver. Again, I don't feel like the city engineer should be waiving any spots in this busy part of town, but they should definitely not waive 6 spots. The applicant needs to find a way to include at least 2 more parking spots per CDC Chapter 46 to ensure that their new build will not be adding to the already scarce parking issues.

Let me reiterate that I do want to see this property developed, and I love the mixed use of it. If it were not for that no parking sign, I would not have made this testimony as I know the WNA may also bring up these concerns. But since the applicant has proven that they don't want to share on-street parking with the public, they just need to provide more off-street parking spaces to meet Chapter 46. I expect the street improvements will be costly. I can see the applicant feeling entitled to think that these spots are now theirs since they paid for

the improvements. Regardless of how many on-street parking spots are being utilized for this application, the applicant needs to understand that these are still public spots. The applicant must remove the current signage and agree not to put up any similar signage once improvements are completed. This also means cones, planters and other similar methods currently being utilized by other neighbors to block off parking for themselves. Any on street parking must be available for use by the public at all hours, not reserved for the tenants of any given property. I could go off on a whole other tangent about what other property owners do to block off public parking but that is a story for another day.

Thank you as always for your time and service to the community.

Shannen Knight
Resident and Business owner