

**Development Review Board – Panel B
Minutes– October 25, 2021 6:30 PM**

I. Call to Order

Chair **Samy Nada** called the meeting to order at 6:30 p.m.

II. Chair’s Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: **Samy Nada, Nicole Hendrix, Jason Abernathy, Katie Dunwell, and Michael Horn**

Staff present: **Daniel Pauly, Barbara Jacobson, Miranda Bateschell, Kimberly Rybold, Cindy Luxhoj, and Shelley White**

IV. Citizens’ Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. Consent Agenda:

A. Approval of minutes of September 27, 2021 DRB Panel B meeting

Nicole Hendrix moved to approve the September 27, 2021 DRB Panel B meeting minutes as presented. Jason Abernathy seconded the motion, which passed unanimously.

VI. Public Hearings:

A. Resolution No. 393-B. Villebois Village Center Mixed Use Development: Pacific Community Design – Representative for Costa Pacific Communities – Applicant and RCS Villebois Development LLC – Owner. The applicant is requesting approval of a SAP Central Amendment, Preliminary Development Plan (1) and Plan Modifications (2), Final Development Plans (3), and Type C Tree Plans (3) for a mixed-use development located in the Villebois Village Center. The subject sites are located on Tax Lots 2100 and 2800 of Section 15AC and Tax Lot 8600 of Section 15DB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: **Cindy Luxhoj**

Case Files:

DB21-0010	SAP Central Amendment (PDP 12 C Lot 76, Bldgs A, B)
DB21-0011	Preliminary Development Plan (PDP 12 C Lot 76, Bldg A, B)
DB21-0012	Final Development Plan (PDP 12 C Lot 76, Bldgs A, B)
DB21-0013	Type C Tree Removal Plan (PDP 12 C Lot 76, Bldgs A, B)

DB21-0014	Preliminary Development Plan (PDP 2 C Lot 73, Bldg C)
DB21-0015	Final Development Plan (PDP 2 C Lot 73, Bldg C)
DB21-0016	Type C Tree Removal Plan (PDP 2 C Lot 73, Bldg C)
DB21-0022	Preliminary Development Plan (PDP 1 C Lot 12, Parking)
DB21-0023	Final Development Plan (PDP 1 C Lot 12, Parking)
DB21-0024	Type C Tree Removal Plan (PDP 1 C Lot 12, Parking)

This item was continued to this date and time certain at the September 27, 2021 DRB Panel B meeting.

Chair Nada called the public hearing to order at 6:37 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Chair Nada announced that public testimony would be limited to two minutes per person.

Barbara Jacobson, City Attorney, noted that unless there was different testimony, those who testified on this item at last month's hearing did not need to testify again tonight because that testimony was already in the record.

Cindy Luxhoj, Associate Planner, presented the Staff report by summarizing the updates to the project as outlined in the two-page Staff memo dated October 18, 2021, which was sent to the Board and included as Pages 111 & 112 in the meeting packet. In the memo, Staff proposed adding Condition of Approval DRB 1, requiring that the alley width match the rest of the alley and Condition DRB 2, requiring that all parking spaces on Lot 12 be reserved for residents and/or employees. She noted the additional materials attached to the memo included two public comments, Exhibits D26 and D27, received after the September 27th hearing. She entered the following additional materials received into the record:

- Exhibit A4: Staff memo dated October 18, 2021
- Exhibit B6: Applicant's Waiver of the 120-day rule
- Exhibit B7: Applicant's response to updated conditions of approval and Michelle Sandlin's comment letter dated October 15, 2021.
- Exhibit D28: J. Fogerty comment dated October 20, 2021
- Exhibit D29: Michelle Sandlin et al comment dated October 25, 2021

Jason Abernathy asked if the widening of the street would be accomplished via easement, right-of-way, or the purchase of additional property by the owner, as there was a landscaping area with curb that would have to be widened.

Dan Pauly, Planning Manager replied that the property in question, the undeveloped section that contained the temporary curb, was already owned by the Applicant as a part of Lot 12. All improvements such as additional parking and the widening of the alley would be done on property they currently owned.

Michael Horn confirmed with Staff that the fence would be lowered from 6 ft to 5 ft.

Cindy Luxhoj added that the Applicant would address that further during their presentation.

Mr. Abernathy stated that SW Palermo St was very narrow as it curved around to intersect at SW Toulouse St. He asked if an exemption was being sought as he saw no way to accommodate widening the street.

Mr. Pauly noted that although Google Maps listed the narrow street as SW Palermo St, it was not a named street. All the homes whose garages fronted that existing private driveway were addressed on Villebois Dr, Barber St, or Toulouse St, nothing in the subject application would trigger any change there. Furthermore, he confirmed the access point to the private driveway where it intersected at Toulouse St would not change. It was a standard alley access.

Mr. Abernathy understood it would not be a throughway for the proposed parking area.

Mr. Pauly stated the property that was proposed as the parking area had legal access through that existing private drive alley since 2007 and that was not changing.

Mr. Abernathy said he understood, but wondered about widening the private alley to support two-way traffic.

Mr. Pauly explained that the landscaped portion north of the third single-family home that backed up to the alley was the only area with a temporary curb that would be widened. The remainder of the private drive alley from Toulouse St to SW Ravenna Loop was built at full build-out. The southeast corner of the curb was the area with the temporary curb that would be widened during the subject project.

Mr. Abernathy asked what would prevent traffic traveling towards Toulouse St.

Mr. Pauly replied that the private drive alley was the standard width that existed throughout the development and could accommodate traffic in both directions. He explained that when the alley was built, alley parking had been proposed but was never built out and that portion was left undeveloped. The remainder of the alley was fully built out, and there was no room for widening. Only the vacant area where the parking was proposed would change. The rest of the alley would not change.

Mr. Abernathy asked if that was the portion that had been proposed to accommodate the four diagonal parking spaces and if those spaces were being eliminated.

Mr. Pauly replied that it had been reduced to two parallel spaces to allow for a wider alley. There would no longer be any diagonal spaces. He believed that would be addressed in the

Applicant's presentation or that it was in the materials submitted by the Applicant earlier in the day.

Chair Nada asked if the proposed parking lot was limited to resident or local employee use only, who would be responsible for enforcing the rules.

Mr. Pauly replied it would be the property owner or the association. Similar to other private lots, a tow truck could be called to remove unauthorized vehicles.

Chair Nada understood that any part of the alley already fully developed had been built to standard. He confirmed that only the undeveloped portion was less than standard, and that would be widened to standard during the proposed development.

Chair Nada called for the Applicant's presentation.

Rudy Kadlub, Villebois Master Developer/Planner, Costa Pacific Communities, 9420 SE Lawnfield Rd, Clackamas, OR stated that their involvement dated back to the beginning of the planning of Villebois in 2001. The initial master planning took over 2.5 years to convert an otherwise blighted state hospital building into Villebois, a nationally award-winning community. During that time, the Applicant had utilized a number of nationally-renowned residential and commercial architects, land planners, and landscape architects to develop a community that had won more awards than any other in the Northwest, including the National Association of Homebuilders Master Planned Community of the Year. Villebois had become a model for many similar new urban communities throughout the metro region. The alley design had become a model for many jurisdictions around the region and was repeated throughout numerous suburban and urban areas. It featured a 20-ft right-of-way and 16-ft of driving surface, which included two 1-ft concrete curb drainage pans on either side that were considered drivable.

- Because he had previously been asked to communicate further with the opponents of the proposed parking lot, he had reached out to the person who had identified himself as the contact person for that group. No new issues were brought up during the discussion he had had with that individual other than their concern for their property values. Nonetheless, the Applicant had addressed some of the concerns to the best of their abilities, and his colleague, Stacey Connery, would review some of those changes and the acceptance of the conditions that Staff had laid out for the Applicant.

Stacey Connery, Pacific Community Design, 12564 SW Main St., Tigard, OR, 97223 stated that since the last hearing, the Applicant had reviewed the public testimony and their plans to see if they could identify some practical ways to respond to the comments they had heard. She presented details about the changes to the proposed project via PowerPoint with these comments:

- She displayed the portion of the alley that was also part of Lot 12 and explained that while there was a public easement across the entirety of the alley, that portion was controlled by the owner/developer of Lot 12. It had been left in a temporary state with a temporary curb

and landscaped berm, awaiting development. That development was the proposal today to develop Lot 12 as an accessory to the mixed-use buildings surrounding the Piazza.

- As had already been part of their plan, the Applicant accepted Staff's recommended conditions to improve the alley to the standard width of a 16-ft travel surface. The Applicant had determined that it would be safer and more functional to convert the four diagonal parking spaces to two parallel spaces. The Applicant agreed with Staff that the parking spaces be limited to residents and employees of the mixed-use buildings. That would alleviate added traffic and limit the use of the parking lot to those with knowledge of the access points.
- She displayed the pavement areas that would be part of the improvements of Lot 12. Pavement would be added to bring the travel surface to a 16-ft width and provide sufficient area for the two parallel spaces. Some area would remain for landscaping to continue to provide a buffer between the parking lot and adjacent residences. After working with Staff, the Applicant determined they could lower the height of the fence from 6-ft to 5-ft, and pull it back from the corner to add back in a small plaza space that could continue to provide the benches that were currently there, as the area had become a usable space for the community and was also a school bus stop. The fence was of a vine type, would not block the view 100% in and out of the parking lot, and would also enhance visibility. There were three pedestrian connections to Villebois Dr proposed that would also provide the points into and out of the parking lot.
- The Applicant believed these changes helped to address some residents' concerns regarding congestion at that corner and visibility around the street frontage. This would be an amenity for the community. The parking lot had been included in the project because it would alleviate some of the existing on-street parking pressures, which were concerns the Applicant had heard over many years of working in Villebois. Everything around the Piazza had been developed before the mixed-use buildings. As a result, everyone had expanded out into spaces there that were not being utilized by the future mixed-use buildings. Once the buildings were developed, they would have the right to utilize their on-street parking along their frontages. The parking lot would help alleviate some of the pressure the on-street parking might experience. Limiting the parking lot to residents and employees of the area would alleviate some of the traffic pressure in the alley. She reminded the DRB that the alley was private, with access via public streets and public street frontage all around the block. That public street frontage was where emergency vehicles would gain access. Private alleys were intended for localized residential use and were deliberately narrow to encourage slower driving. That was a part of their function.

Michael Horn asked if the width of the alleyway was the same in both directions coming into the parking lot. (Slide 2, Sheet 3)

Ms. Connery replied the alley standard was a 16-ft travel width as measured from gutter pan to gutter pan. A portion of the alley was constrained because when it was originally constructed, the franchise utilities located their vaults initially and that encroached into the space, which she believed left a travel width of 15.5 ft. The alley had mountable, drivable curbs, which added to

the drivability of the alley. The portion of alley directions coming into the parking lot was not part of Lot 12 but part of a tract owned by the HOA and not subject to the application.

Mr. Horn stated the memorandum sent this morning advised that a total number of 183 parking spaces would be provided. The mixed-use development was required to provide 149 parking spaces, and he understood the project was designed to provide 138 off-street and 45 on-street spaces for a total of 183.

Ms. Connery confirmed that was correct.

Mr. Horn asked if the parking lot would be overbuilt as it was an attempt to offload some of the on-street parking into the proposed lot.

Ms. Connery replied that that was correct. The parking lot was intended to alleviate some of the on-street parking pressure.

Mr. Horn interjected that the lot itself was not necessary to achieve the required number of parking spaces. He understood the Applicant had stated at the previous meeting that the number of parking spaces provided would be 22% in excess of the requirement.

Ms. Connery confirmed that was correct and noted that the Development Code allowed for reductions in required on-street parking spaces through the provision of additional bicycle and motorcycle parking. The subject project took advantage of both of those options to reduce the required amount of off-street parking.

Mr. Abernathy understood the alley would be improved to 16-ft width and fire trucks were 10-ft in width. He also understood the alley was a private drive; however, fire trucks could be needed in the area and he wondered if it was safe. He asked if TVF&R had looked at the alley to confirm it was accessible. The Villebois petition had posted photos of vehicles driving down these types of alleys and had the same right-of-way concerns were noted. There were trash cans, gutter pans that encroached on driveways, children playing, and air conditioning units that were 4 inches from the gutter pan.

Mr. Pauly stated that per the Master Plan, part of what allowed for alternative street designs and alley access throughout Villebois was outfitting buildings with fire sprinklers. TVF&R was very involved with that process and had approved the designs. He reminded Board members that the alley in question had existed for 15 years, only one portion of it was being widened, and only that portion was within the purview of the DRB this evening, while widening or changing the existing alley on other people's property was not. The alley had legal access. Fire trucks gained access from the front, and the homes that faced the alley were fully sprinkled and had been approved for construction by TVF&R with the limited fire truck access.

Ms. Connery added that TVF&R had been involved in the design of the project since the early stages. They also looked at each development application as part of the review process. The

entirety of Villebois was designed with the concept that fire truck access would occur from public streets. They would not be driving down the private alleys. Part of that agreement required that all structures within the project be fully sprinkled. TVF&R had evaluated those streets and projects to confirm design intent and access was met. She clarified that the gutter pans were not located on any private property. Gutter pans and mountable curbs were part of the alley tract, and the alley tract was 20-ft wide. The standard was a 16-ft travel surface gutter pan to gutter pan with a mountable curb on each side. All of that was within the 20-ft wide tract and not on any private property.

Mr. Abernathy stated that he had lived on an alleyway in Villebois. He confirmed with the Applicant that the HOA was responsible for private road maintenance and asked if that had been approved through the HOA.

Mr. Pauly clarified that the subject access had existed for 15 years. Fire access and approval was not within the purview of the DRB in Wilsonville. TVF&R had a process in which they sent a service provider letter at the beginning to confirm that a development preliminarily met the Fire Code and then reviewed all construction plans to ensure they continued to meet Fire Code. They were an independent agency that reviewed this. Alley access was required to be maintained and there were associations for that maintenance. He advised the Board to move away from the alley discussion as they were legal alleys that had existed for 15 years and that had legal access.

Mr. Abernathy stated he understood, adding the only reason for his comments was a concern for safety. He wanted to ensure that residents and the City were safe and protected. The parking lot would add 24 more cars to daily use. He loved the process of what was being done and that the area was being developed, but he just wanted to ensure the City, the residents, and the builder was safe, adding he was playing devil's advocate for safety's sake.

Mr. Pauly assured Mr. Abernathy that there were many codes, including building and fire codes that were reviewed independently of what the DRB did as well.

Chair Nada asked if the current application as it stood satisfied all safety and fire code requirements.

Mr. Pauly confirmed that the application in its current form conformed to all current City Codes. He reiterated that all relevant agencies would continue to review all applicable codes during construction to ensure safety standards were met.

Chair Nada called for public testimony regarding the application.

Haley Sabatini, Wilsonville, OR, stated she was the owner of the townhouse directly next to the proposed parking lot. It was her first home purchase, a major decision for her, and the safety of the area they were moving to was a major factor to her. The neighborhood was also aesthetically pleasing. She had grown up in Lake Oswego and appreciated and loved the design

that went into Villebois. It had been a beautiful experience so far, but she was concerned about the proposed parking lot being right next to her home. She understood that the alleyway behind her home had been functional for 15 years, but that was 15 years without the proposed parking lot. She believed adding the parking lot would absolutely change the area. Her back bedroom window faced into the alleyway, and when she had been working from home due to COVID, she routinely saw, from her bedroom office, drivers unable to pass each other. From her own garage, which was in the narrow corner area, it was difficult for her to load and unload her vehicle with items due to how the alleyway already was. She had really wanted a pleasant overall experience for her family in the Village Center. She did not believe the parking lot was a community amenity since it would only help a several people who would have assignable parking, and she would be really disappointed if the parking lot went in right next to her home.

Michelle Sandlin, 29008 SW Villebois Dr, Wilsonville, OR stated her front door would face the parking lot within 5 ft. She directed the Board members to the two additional objection letters that were filed with the City on October 15th and October 25th from the now 41 Villebois Village Center residents who strongly opposed any parking lot in Lot 12, even for restricted parking. Those two letters corrected and challenged statements made at the September 27th hearing as documented in the minutes and the Applicant's proposal, and cite potential abuses of the City of Wilsonville Development Code.

- Expanding the alley behind Seville HOA, relocating the entrance closer to Carvalho HOA, implying [55:18] the Toulouse homes would not solve the already potential congestion, safety, and increased gridlock issues that would result from a parking lot. She asked what enforcement would look like now that it was only an in-and-out behind Seville HOA. The alley behind Carvalho HOA could not accommodate two-way traffic, as residents had demonstrated in the multiple photos they had sent with their objection letters, much less a tow truck or fire truck. The two Toulouse homes on the inside of the alley by the curb could only be accessed via the alley by a fire truck as there was no public street access to those homes.
- The main association engaged in oversight put the responsibility back onto the neighbors to monitor the proposed parking lot, and homeowners were being asked to drive onto the curbs, which put additional stress onto their vehicles. She asked Board members if they would feel furious, angry, and deceived if they found out tomorrow morning a parking lot would be built right next to, across the street from, or against the side of their house, or in their driveway access, or 5 ft outside their front door. She asked and begged the DRB to think about that. The parking lot would put a burden on the current Village Center residents.

Duncan T. Sandlin, Wilsonville, OR stated he wanted to amplify the point his mother had made in her objection letter. The letter had several subsections given to them by their attorney. He had measured Toulouse St, which was right behind their house, from blacktop to blacktop at 13-ft, 1-inch versus the stated width 15.5 ft. The wider measurement might be technically correct, but would involve tires scraping up against the curbs. An average car width was 6 1/3 ft with another foot or so with side mirrors. That meant two cars would barely fit, if at all, without

going up onto the curb. That was ridiculous, and the alley would be used as a throughway whether it was designed that way or not. It was just a fact.

- The proposed lot would be a restrictive parking lot, without a gate or key card to access it, and it was farcical to say it would be regulated. That a tow truck would be able to access the parking lot via the alleyway without issue was also a ridiculous claim. As a former police officer who had been at a house fire, the idea that the fire department would only use the main roads to save lives was not practical in any sense. It was an issue that the Applicant had stated at the previous meeting, as was shown in the minutes, that it was 18 ft all the way around through the City's alleyways. The Applicant was now stating it was 16 ft, but that was only if vehicles were driven up onto the curbs and into the gutter pans. As noted in the minutes and by Board Member Horn, the parking lot was not necessary as only 149 parking spaces were needed and 183 were being proposed. It violated a subsection of the Code, and there had been no Traffic Study done on the access, which also did not necessarily comply with the subsection of the Wilsonville Code.

Sheri Walton, Wilsonville, OR stated she lived on Toulouse and her full address was on the record. She agreed with the comments made by Ms. Sabatini, Ms. Sandlin, Mr. Sandlin, and Board Member Abernathy. She was one of the homeowners with the "constraint alleyway" that the Applicant had mentioned, and to drive up onto the curb meant driving up onto her driveway, which was very tiny. The suggestion to do that was not plausible. As a member of the HOA, she did not want to be held responsible for a parking lot. She noted that information regarding increased crime related to cars had been posted on the Wilsonville local government page and she did not want that brought into her neighborhood. She asked if permits would be issued for the parking lot to ensure that only residents and employees used the lot, and if there would be a fee associated with any possible permits.

- She noted that the Applicant had mentioned that she felt the lot would help with parking in the area, but it was not about how the Applicant felt. It was how the residents of the Village Center felt, including the 41 people who were against it. They did not want this parking lot. They did not want the safety concerns. Having been in the neighborhood during the fires, she worried about the constraint of cars going in and out of the alleyway and believed it was a huge safety concern. Numerous times she has had to back up when attempting to drive through the alleyway due to oversized vehicles approaching from the opposite direction. It was a huge nightmare and she hoped Board members understood what it put onto homeowners.

Lynne Sabatini, 11416 SW Barber St, Wilsonville, OR stated she was Haley Sabatini's mother and reiterated that their townhome was the western-most home in the row. Their living room window would overlook the congestion and cars in the parking lot. The decision to build the parking lot would seriously affect the quality of life for her family and the property value would no doubt decline. The children of several families regularly played in and rode bikes in and around the area where cars would be traveling in and out. The drivers may or may not be aware of their presence and that reason alone was alarming and should be compelling enough for the community to deny the application.

- The residents of Villebois valued exercise, walking, and riding bikes. They enjoyed the relative quiet and simplicity of Villebois, and the proposed parking lot would negatively affect the lifestyle. Mr. Kadlub was one of the first to envision the community, and he had directed that its design maintain the idea that nature, beauty, tranquility, and charm are to be valued. There were plenty of parks in the neighborhood. All of those elements were a draw to people who sought the kind of lifestyle Villebois offered. Costa Pacific's description of its vision was, "The Villebois community is inspired by traditional European villages. Villebois is French for village near the woods." She pointed out that many European towns, including Paris, were moving towards banning cars from their city centers or had already done so. For all of the above reasons, she opposed the proposed parking lot.

Marsha Davis, Wilsonville, OR stated her address was on record. She asked why the parking lot was even being considered if it was not needed to meet the minimum parking requirements for the additional buildings that would be built around the Piazza when it impacted so many people negatively. The idea of restricting it to residents and employees only was laughable as nobody would enforce it. Parking had not been enforced up to present and would not be enforced in the future.

Chair Nada confirmed there was no further testimony and called for the Applicant's rebuttal.

Ms. Connery thanked everyone for expressing their concerns and thanked the Board for their careful consideration and review of the application against the review criteria. She was happy to answer any additional questions.

Chair Nada confirmed there were no further questions from the Board to Staff, the Applicant or members of the audience and called on the Board to have any discussion necessary to help ensure they had gathered all the information they needed to make a decision.

Mr. Horn stated that in reviewing the last call, he noted that Ms. Jacobson stated the Board could put additional conditions onto the application, and asked what she had been specifically referring to. He understood conditions could not be imposed that were outside the legal boundaries of the Villebois Code.

Ms. Jacobson said an example would be the condition that was suggested at the prior meeting of limiting who could use the parking lot. That would be something the Applicant would have the ability to agree to or not as a reasonable condition. If Board members found something they thought was wrong or illegal in the Staff report, that issue could be raised as well. If a Board member heard something in public testimony or from the Applicant that they thought would bring people closer together in agreement, that could be raised, too. Any type of suggested change that required the Applicant's response should be raised before the public hearing was closed because the Applicant would not be able to answer after the public hearing was closed.

Mr. Pauly added it was clearly written in the Code Subsection 4.1253, that a parking area was an allowed accessory use on this land. To be clear to the public, Staff and the Board understood

there were emotions around the proposed parking lot, but the law stated the Applicant was legally permitted to build a parking area on the property. A condition was something that added value or made a proposal better, like the potential parking restriction. A condition could not increase the cost of a project or make the project unfeasible.

Ms. Jacobson recalled that at the last meeting there was discussion about not being able to see around the hedge, so between that meeting and tonight's meeting, Staff and the Applicant had worked together to add a condition that would make the parking lot more visible by lowering the hedge height from 6 ft to 5 ft. That was a good example of an allowed condition.

Mr. Horn stated that he appreciated all the work the Applicant had put into Villebois and the application. He understood the parking lot was a cost to the Applicant and asked why it was included with the buildings in one application as opposed to being separated into two applications.

Mr. Kadlub replied that he was glad Mr. Horn had asked that question. In 2018, the Applicant had held a neighborhood meeting, although one was not required. Several dozen people had attended, and what the Applicant had heard loud and clear at that meeting was no more development was wanted due to lack of parking within the Villebois Village Center. Additionally, last summer the Applicant had visited with several of the HOAs within the Village Center that represented various condos and townhomes, and they had all expressed concern that there was not enough parking. It was almost impossible to find street parking.

- The opponents had outlined a letter that showed photos of the parking surrounding Toulouse St and Barber St, and they used that picture to describe how difficult it was to find the access points to the alleyways. The photo also underscored the need for more off-street parking within the community around Toulouse St and Barber St. The Applicant had taken 8-12 homes and their parking spaces, out of production for Lot 12, which would have created more density and another 4-to-5-story building. The Applicant had removed a potentially \$500,000 income lot from production and instead created a parking lot that would cost them a couple hundred thousand dollars for the greater good of the Villebois community. Though it might be perceived as an inconvenience to the 14 homes that were on the alley, for the other thousand dwelling units in the Villebois Village Center, the Applicant believed they were doing the right thing. That was why the Applicant had decided on the parking lot.

Ms. Connery added that the parking lot was included with the mixed-use buildings because it was intended to be an accessory to them and to provide parking for the residents and employees of the mixed-use buildings. It was part of the project, and in working with Staff, the Applicant and Staff had agreed it was best to package everything together because the components would function together.

Mr. Pauly clarified that technically, they were separate applications but were packaged together because Staff liked to review items to see how they were interrelated and worked together as a general practice. The parking lot application could technically stand on its own, but Staff

usually combined projects that were related to each other and discussed them together because it was good practice.

Mr. Horn noted some public testimony referred to the three buildings, but the parking lot was the most controversial element in the application by far. He thanked Mr. Kadlub and Mr. Pauly for the explanation, noting he fully understood.

Mr. Kadlub added that one reason the Village Center had an undersupply of on-street parking was because many Village Center residents did not use their two-car garages to park their cars. They parked on the street in front of their homes, which put pressure on the street parking, and the Applicant was simply trying to help relieve that pressure. He assured the DRB that Staff had heard the concern for parking over the last number of years. He guessed that would continue into the future and believed the proposed parking lot would help to relieve the parking issues a bit. Short of the City creating an ordinance to outlaw overnight parking or to force residents to park in their garages, the parking lot was the best solution the Applicant had come up with that would benefit the greater majority of the Villebois Village Center residents.

Chair Nada clarified there would be no further public testimony. He asked if technology could be utilized to alert people as to whether the parking lot was full or not before they entered the alley to minimize traffic into the alley.

Mr. Kadlub replied that it was possible to mark certain parking stalls as reserved.

Chair Nada explained that he wanted to know if a system could be utilized that would alert drivers before they entered the alleyway whether or not the parking lot was full, similar to that used at PDX.

Ms. Connery clarified the Applicant was proposing that spaces in the parking lot be assigned to specific residential units.

Chair Nada thanked Ms. Connery for the explanation, noting he had not known that was part of the project.

Ms. Dunwell thanked Chair Nada for bringing up that subject and understood the Applicant meant the parking spaces would be numbered, assigned, restricted, and reserved spots for a resident or an employee of one of the new buildings.

Ms. Connery confirmed that was correct.

Chair Nada called for Board members to discuss any proposal to add, remove, or modify conditions of approval.

Mr. Horn stated it was clear the three buildings were not the issue, it was the parking lot. He would have separated the project into two separate applications because the parking lot was out

of context. There may have been, and may be in the future, a full, comprehensive Parking Study of Villebois in its entirety that showed every available piece of land for parking lots, every on-street and off-street parking structure, the total number of buildings, accessibility, etc. He believed the Applicant probably had all that information, but he did not despite living in Villebois. The Applicant made a great point regarding the number of structures that could be put onto the lot, but he had gotten the impression from testimony that residents would prefer a structure to a parking lot due to aesthetics. He did not know if he could add a condition to separate the project into one for the three buildings and one for the parking lot, but he would do so if he could.

Mr. Pauly stated they were already separate, but had been brought together, so a decision needed to be made on all components tonight under State law. Board members could approve parts of the application and disapprove other parts in their motion, but separating the application into parts was not the way to do it. He understood the parking lot was not the neighbors' preference. Every land use hearing for residential areas he had heard in the past decade had neighbors with strong preferences, but it was the Applicant's property, and there was a list of legal things they could do on that property. The proposed parking lot was one of those legal things.

Ms. Jacobson reiterated that the parking lot, used in conjunction with the development of the three buildings, was a permitted accessory use specifically under the Code. If the Applicant determined they wanted to put parking in that spot, but not in another spot, that was an allowed decision for them to make as the landowner.

Chair Nada confirmed there were no further questions and closed the public hearing at 7:54 pm.

Ms. Luxhoj read Conditions of Approval PDC 4 [states PDB 4] and PDD 5 [states PDC 6], which addressed adding at least one ground floor restroom and meeting the square foot requirements for the solid waste and mixed recyclables storage rooms in all three buildings. These conditions were unanimously approved and added to the Staff report at the September 27, 2021 hearing.

- She then read into the record, the two new conditions of approval proposed in Staff's memo as follows:
 - *DRB 1. The drive aisle on the southwest side of the alley between the existing trash enclosure and the curve of the alley shall be widened to match that on the other side of trash enclosure. No parking spaces shall be allowed to extend into the widened alley further than the parking spaces on the other side of the trash enclosure.*
 - *DRB 2. All parking spaces on Lot 12 shall be reserved parking for residents and/or employees.*

Nicole Hendrix moved to adopt the Staff report with the addition of the conditions read into the record by City Planner Cindy Luxhoj. Michael Horn seconded the motion, which passed unanimously.

Nicole Hendrix moved to amend the adopted Staff report by adding the exhibits entered into the record by Staff. The motion was seconded by Michael Horn and passed unanimously.

Katie Dunwell moved to adopt Resolution No. 393-B. Nicole Hendrix seconded the motion.

Nicole Hendrix thanked the community members for sharing their opinions tonight. She understood the impact the parking lot would have, but was also trying to keep in mind what was within the purview of the Board. The application met the Code and review criteria. Additionally, the Applicant was amenable to changes suggested by the Board after hearing public comment at the September 27th meeting by widening the alley, changing the four diagonal parking spaces to two parallel spaces, lowering the vine fence to 5 ft for better visibility, making the parking reserved for residents or employees, and adding back in the small plaza area with benches. She appreciated the Applicant's efforts and wanted to explain why she would be voting the way she would.

Katie Dunwell stated she agreed with Ms. Hendrix. She appreciated all the members of the community and thanked them for the time they had taken and for how much they cared about the ongoing growth and visibility of that important corner within the Villebois neighborhood.

Michael Horn also agreed with Ms. Hendrix. The Board very much appreciated the testimony of their neighbors and understood the emotion around what was being built in the Villebois community and very much appreciated the changes the Applicant had made to try to mitigate issues with the parking lot. As was pointed out by City Staff, the role of the DRB was to ensure the Applicant built per the Code.

Chair Nada stated the reason he had voted to keep the public record open was to examine the Development Code, examine the evidence, listen to more public testimony, and examine the role of the DRB, which was strictly to ensure an application met the Code. He thanked the Applicant for being flexible. He noted the Board had gotten the Applicant to work with the residents to find a compromise even though the Applicant had no obligation to do so if the application met Code requirements. DRB was legally bound to what was in the Code and could not force the Applicant to any requirement not in the Code or the Master Plan at the time the application was submitted. Personally, he [inaudible]. The DRB could discuss those issues, but this was not the venue to make changes to those aspects. There were proper channels for that, and Staff could inform anyone who was interested. Based on Staff input and his understanding of what he had read and looked at, the application conformed with Code and the Master Plan. He thanked everyone for taking the time to attend the meeting and testify, as he appreciated their testimony.

The motion passed 5 to 0.

Chair Nada read the rules of appeal into the record.

The meeting was recessed at 8:09 p.m. and reconvened at 8:16 p.m.

B. Resolution No. 395. Oregon Department of Administrative Services North Valley Complex: SERA Architects – Applicant for Oregon Department of Administrative Services – Owner. The applicant is requesting approval of a Stage II Final Plan Modification, Site Design Review, Type C Tree Plan, Class 3 Sign Permit & Waiver, Parking Waiver, and Abbreviated SROZ Map Verification for renovation and upgrade of the existing building and site for the Oregon Department of Administrative Services North Valley Complex. The subject site is located at 26755 SW 95th Avenue on Tax Lot 1903 of Section 11, Township 3 South, Range 1 West, Clackamas County, Oregon. Staff: Cindy Luxhoj.

Case Files:

DB21-0025	Stage II Final Plan Modification
DB21-0026	Site Design Review
DB21-0027	Type C Tree Plan
DB21-0028	Class III Sign Permit & Waiver
SI21-0001	Abbreviated SROZ Map Verification
DB21-0056	Parking Waiver

Chair Nada called the public hearing to order at 8:16 p.m. and read the conduct of hearing format into the record. Chair Nada, Nicole Hendrix, and Katie Dunwell declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Cindy Luxhoj, Associate Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Ms. Luxhoj entered into the record, Exhibit A3, the Staff memo dated October 25, 2021, detailing updates to the conditions of approval for the application. She then presented the Staff report via PowerPoint, briefly noting the site's location and reviewing the application requests with the following comments:

- The surrounding land uses included industrial to the west and south; a car dealership to the east; and RV storage and an electrical substation to the north. The subject property and most of its surrounding properties were zoned industrial, while the substation was zoned Public Facility (PF).
- The Department of Administrative Services (DAS) proposed to renovate the former Microsoft building on the site to house several different government agencies and new State laboratories. The proposed exterior building and site improvements included enhanced building entries, site signage, landscaping, a secure fleet parking area, and expanded mechanical and equipment yards.

- Proper noticing was followed for this application and one comment was received during the public comment period, which was included as Exhibit D1 in the Staff report. The comment expressed concerns about landscaping on the property and a need for regular maintenance consistent with that of other property owners in the surrounding area.
- Stage II Final Plan Modification and Site Design Review. No expansion of the existing building was proposed; therefore, the Stage II Modification was consistent with the previously approved Stage I Master Plan. The proposed site improvements met/exceeded City standards for the proposed exterior building materials, circulation areas, pedestrian connections, landscaping, fencing of the outdoor utility yard and fleet parking area, utilities, outdoor lighting, and other site features.
- Type C Tree Plan. The arborist report identified 153 trees on the subject property and the Applicant proposed to remove 27 trees located in perimeter landscape areas of the site. (Slide 7) No trees in the Significant Resource Overlay Zone (SROZ) were proposed for removal. The proposed mitigation exceeded the required one-to-one ratio and included planting 41 trees in the perimeter of the landscape areas.
- Abbreviated SROZ Map Verification. The Applicant had appropriately determined the boundary of the SROZ and impact area, which incorporated an existing significant wetland and the riparian corridor of Tapman Creek. No new development was proposed within the SROZ or the impact area. Existing vegetation and site topography was proposed to remain unchanged, except for the removal of invasive Himalayan blackberry in some areas.
- Class III Sign Permit and Waiver. The Applicant proposed to reface the existing monument sign at the corner of SW Freeman Dr and SW 95th Ave. One wall sign was proposed at the main building entry, and four directional signs were proposed in the same locations as existing signs, at the south and east driveway entrances. The proposed signs met City standards. Code Section 4.155.05.01C allows one site to have up to two flags that were exempt from sign permit requirements with no exempt flag being more than 30 ft in height. The Applicant requested the sign waiver to allow three flag poles, rather than two, at the main entry at the southwest corner of the building. (Slide 10) The DRB could grant a waiver to the number of signs to better implement the purpose and objectives of the sign regulation, based on findings that all of the criteria ~~that were~~ specified in Section 4.156.02(.08)A were met. (Slide 11) The Applicant would explain the rationale for the sign waiver request and how it met the criteria in their presentation.
- Parking Waiver. Parking was proposed to be located on three sides of the building. The proposed use of the building included about 25 percent office space, 32 percent laboratory space, and 43 percent warehouse storage. Based on the Applicant's Code response, the majority of employees were anticipated to split time between working in the lab and working at a desk in the office environment. The Code did not contain a category for laboratory use nor did it make provision for a reduction in the required minimum off-street parking standard for employees splitting time between working in labs and at a desk in an open office environment.
 - The Applicant proposed using a 1.6 per 1,000 sq ft ratio, based on the manufacturing use category, for the required parking for laboratory use. This was based on research conducted by the Applicant on laboratory use ratios. The Applicant also proposed reducing the required parking for lab manufacturing and office space by 25 percent to

reflect shared use of space within the building by employees. The 25 percent reduction results in 173 required off-street parking spaces, from the 223 space minimum, an overall reduction of 50 spaces. The Applicant proposed 203 parking spaces, 20 spaces less than the required 223 minimum, and the minimum necessary to relieve the hardship imposed by the standard.

- The DRB could grant a waiver to the parking, loading, and bicycle parking standards to implement better the purpose of the parking regulations based on findings that the resulting development met the criteria of Section 4.155(.02)A. (Slide 14) The Applicant would explain the rationale for the parking waiver request and how it met the criteria in their presentation.
- Staff noted it was possible that site operations could shift over time for various reasons; therefore, if the DRB approved the requested parking waiver, Staff recommended an additional condition of approval to ensure additional review and approval by the City would be triggered if site operations changed substantially. She read Staff's recommended Condition PDF1 as shown on Slide 15.
- In Staff's memo to DRB, the Staff had provided information about an additional condition of approval related to transit and pedestrian improvements. Officials at the DAS and the City had discussed and agreed that the Applicant would contribute to necessary transit and pedestrian improvements on SW 95th Ave that might be identified as part of the City's Pedestrian Safety Corridor Plan which was currently in process. Additional background information was included in the Staff memo. Staff's recommended Condition PF 14 which captured the agreement was presented on Slide 16.

Michael Horn confirmed with Ms. Luxhoj that the Applicant would explain where they got the 1.6 ratio they were using for the parking.

Katie Dunwell confirmed that the area west of the site was considered part of the site and that the wetland area was the SROZ area. She asked if the property owner would be responsible for maintaining that site as it was in significant disrepair. What else would be done besides removing the blackberries? Were new plantings going in or were the markings on the plans signifying the trees that had already been identified? (Slide 7)

Ms. Luxhoj responded the plan only showed existing trees. Although the SROZ was on the property, no maintenance was done in the SROZ. The Applicant indicated that they want to remove the Himalayan blackberry along the SROZ and put in native plantings as a way to enhance the SROZ area in those locations, but since there was impact on the SROZ, the Applicant was not required to do any mitigation in the SROZ.

Chair Nada stated he was concerned about the language regarding "substantial changes." He asked how the City would monitor such changes, like a change in employees. Who would report changes and what would happen if the changes went unreported?

Ms. Luxhoj replied the City would likely monitor those changes through the annual City business license renewal which requires businesses to report the number of employees. If the business renewed its application and showed an increase in employees that would exceed the 203 parking spaces that would trigger Staff to require the business to return to the City to review the number of available parking spaces.

Chair Nada asked what would happen in that case. He had never seen or heard about this process before, so he did not know what the follow through would be if there was an increase. Would the City tell the business the license could not be renewed? How could the business find space after the building was already built and everything was in place?

Ms. Luxhoj answered the idea was to avoid having excessive parking on the street by the employees of the building. If all the parking spaces on the site were full, and people were starting to park in the street, it became a Code compliance situation, which would trigger Staff to inform the business that they had more employees than they had stated initially, or there had been a shift interior to the building where they had more office workers than people splitting between office and lab, as initially anticipated, which was why the condition also stated if the business had a change in distribution of use within the building that exceeded 5 percent, they would need to return to have Staff review the parking situation on the site.

Dan Pauly, Planning Manager, added that those who drafted the condition had some experience dealing with complaints about over employment on a site and too much street parking. Noting an ongoing case currently in the city, he noted the subject conditions would have been handy. If the neighbors were complaining about the street being blocked and cars were everywhere, the City would have solid condition of approval to identify the employment number. Even government entities still had to report the number of employees for the transit tax. So, if there were complaints or issues, the City would have those numbers and if the employee numbers were way over what was approved, the business would be out of compliance and would have to correct it. The process was not perfect, as Staff would not be tracking people going in and out every day, but based on their experience of dealing with similar situations, the condition would provide the leverage needed if it did cause an issue in the neighborhood.

Chair Nada asked if a similar waiver and condition had been approved before and if staff changes or a full parking lot had triggered a further review or change in the city before.

Mr. Pauly answered the only situation that was similar was where the traffic study had called out a certain, limited number of trips for the use and it came to light that the use was greatly exceeding those trips. The City was able to have conversations with them to either manage it or do something to fix the situation because it was impacting neighbors. The City had granted parking waivers several times throughout the City's history, but this specific type of condition was more narrowly tailored to the specific customer and situation. Staff's experience with similar enforcement things in the past would provide the necessary tools if something came up that was a problem.

Chair Nada understood that based on the wording, the City could trigger the review process at any time.

Mr. Pauly said that was correct, but only if the DRB was comfortable with the parking waiver.

Chair Nada confirmed there were no further questions for Staff and called for the Applicant's presentation.

Nicole Holt, SERA Architects, stated she was the project architect and Applicant on behalf of the Oregon DAS. She noted that since Staff had outlined the details of the proposed design, she would focus on the driving principles behind the design, as well as the Applicant's success criteria, program and design development, and proposed improvements, as well as the requested signage and parking waivers. She had read the report and conditions of approval, including the two additional conditions for the parking waiver and parking facilities improvements and the Applicant did not have any objections to the conditions at this time. She presented the Applicant's proposal via PowerPoint with these comments:

- SERA always started the design process with a site assessment, and like all projects, the site had its own unique characteristics that formed the opportunities for improvement, most notably, the SROZ west of the building, the power transmission easement to the north, and the general existing site conditions.
- The vision for the project stemmed from a goal by the State to co-locate various agencies that had synergistic operations to find efficiencies and promote a more collaborative working environment. The collaborative model translated to a "one-state" vision that encouraged agency partnerships that led to shared resources and innovative service delivery that would benefit Oregon citizens.
- The design and owner team identified additional success criteria for the project that built off the "one-state" vision and included re-use, long-term, fiscal responsibility and future facing. (Slide 4) Some of the success criteria, such as long-term and future-facing, translated directly into the resiliency and sustainability goals on the project, which would be tracked using a tool called The Project Compass. (Slide 5)
- The building was proposed to be seismically upgraded to a Category 4 Central Facility as it would serve a critical function for the State during emergency operations. As a State project, the project was being designed to a minimum LEED Silver equivalency, complying with the LEED requirements to reduce building energy by at least 20 percent and spending the required 1.5 percent of the project contract on green energy technology.
- The design vision centered on the "one-state" mentality by supporting various State agencies and their ability to co-locate and share resources. The idea of shared resources provided a jumping-off point for the design by exploring a series of interconnected neighborhoods, which were nodes or places to pause and inspire interaction between tenants. The nodes also acted as a wayfinding component through the building with each taking on its own character inspired by Oregon's natural resources.
 - A plan diagram using an early schematic showed where these nodes would be located between blocks or neighborhoods, lab, and office program. (Slide 6) A few in-progress

images showed how the design vision had translated to the interior look and feel of the spaces. (Slide 7)

- Given the success criteria of reuse and fiscal responsibility, the reuse of the existing building components would be maximized. (Slide 9) Some areas being highlighted were the open office components, including a break room area to the north, a bank of electrical and utility rooms to the south, and additional storage and office space at the southeast corner of the building. The colors helped identify the areas of reuse in the Program Plan (Slide 10) which showed how the building program translated to the proposed plans. The program encompassed approximately 25 percent office space (lavender), 32 percent lab or manufacturing (purple), and 43 percent storage (pink).
 - The Mezzanine Plan showed the limited program at the second level where the square footage, except for the unoccupied area (blue), had been factored into the total use percentages. (Slide 11)
- The Applicant was also proposing to maximize the amount of reuse on the existing site, both for existing hardscape and softscape. The primary access to the site was off SW Freeman Dr to the south via three driveways into the existing parking lot. The main vehicle circulation and parking that currently existed would remain as it was found to be efficient and functional by providing easy access to most of the building for service vehicles, onsite security, and pedestrian access.
 - Only the few areas were within the proposed scope, the southwest entry plaza, expansion of the existing utility yard and existing fencing, new fencing around a secured parking area in the southeast corner of the site, and a few areas of existing parking that would be modified.
- Displaying the existing conditions, she noted the photo on the right showed how the previous tenant blocked off the northern loading docks and restriped the pavements to add additional parking. The current design purposed to retain the parking layout.
 - The two images on left showed some of the existing landscape at each entry, including the more undesired lawn areas and more high maintenance shrubs at entryways.
- The proposed site improvements included the protection of natural resources in the SROZ boundary area, a larger stormwater retention area, expanded EV charging capacity along the new entry area, replacing invasive species with native plantings, planting drought tolerant, low maintenance plants anywhere work was being done on the site, as well as improving the existing plantings and ground cover material.
 - Wayfinding would also be enhanced around the site by refacing some existing signs and including some backlight for some signs to be more visible in the evening hours, as well as reflective material on other signs at the main aisle way and a new design for the entry system.
 - Accessibility improvements included regrading an existing sidewalk at the northeast area of the site to provide better access to the right-of-way and redesigning the main entry for people to access the site from the existing right-of-way. (Slide 15)
 - Lighting would be updated around the site for better safety and maneuvering, and careful consideration was given to shielding light at the property lines and SROZ area to limit light spillage into more sensitive areas.

- The major effort of the project focused on the new entry area. Site furnishings included a few benches at the main entry as well as recycling and trash facilities. The site material palette had been selected to reflect the adjacent natural landscape by using durable materials, such as stone and concrete pavers. The wood looking benchtops would provide warmth and related to other architectural components at the main entry and within the building.
- The Parking Plan was color-coded to help identify the different types of parking as it related to the parking count table. (Slide 13) Referencing Slide 10, she reminded that lab users would split their time between the lab space (purple) and their desk in the open office area (lavender) and staff working in the storage spaces (pink) would also split their time between that space and their personal desk in the open office areas. The Applicant asked that the shared use be taken into consideration when calculating the required number of parking spaces.
 - According to studies done by the NCA Sharpie [name?] and the Institute of Transportation Engineers (ITE) manual that had been shared with the Applicant's traffic engineer on the project in preparation of the traffic report, concluded that in a shared-use scenario, the demand would be calculated by each use type and then reduced accordingly. Based on the mentioned references, a 25 percent to 30 percent reduction was recommended and the Applicant requested a 25 percent reduction. Additionally, based on tenant surveys conducted during the programming phase, approximately 190 employees were anticipated within the building and the proposed 203 spaces would exceed that need.
 - The Applicant believed the parking ratio of 1.6 per 1,000 sq ft should be applied for the lab because it had a similar occupant density as a manufacturing area due to the footprint of the equipment such as freezers, fridges, hoods, biosafety cabinets, and the lab casework that occupied much floor area. The ITE parking general manual did not have a separate land use category for estimating parking capacity for standalone laboratories nor an office/laboratory like the one proposed.
 - A study by Kimley-Horn provided parking counts for university laboratories, which were more intensive than the labs proposed at the North Valley Complex, and supported the average of about 1.6 spaces per 1,000 sq ft. This study was where the 1.6 average came from.
 - The Applicant did not feel that a reduction in parking spaces would negatively impact the surrounding neighborhood or would have any adverse impact on views as some of the parking criteria considered. By allowing for a shared-use approach for reducing the required parking, the site would be used more efficiently to support the building's needs and preserve the functional circulation and parking design already on site.
- Tall storefront entries marked each of the four corners of the existing building with one additional storefront entry located in the middle of the south facade. The existing building was also defined by about 20 plus loading docks on both the north and south sides in various states of use.
- The proposed design aimed to improve the existing building design by enhancing wayfinding around the site with the addition of entry canopies, updating the existing exterior paint scheme, building elements like an awning, railings, and stairs, choosing

durable materials with high quality finishes for new building elements, like the entry canopies and infill on existing overhead doors, and increasing access to daylight with new roof monitors and replacing overhead doors with storefront glazing. The building design was driven by function due to the [inaudible] nature and the interior program. (Slide 19)

- The new entry canopies were intended to enhance wayfinding and signal the main public entry to the building. Sleek, clean structural shapes supported the higher canopy to make it feel lighter despite its height. The main purpose of the canopy was to support part of the PV panel array being used to meet the 1.5 percent Green Energy Technology (GET) requirement.
- The lower pedestrian canopy was supported by a more traditional, wide-flange structural shape that could be found extensively in the interior of the building. The purpose of the lower canopy was to provide a sheltered entry to the building from the adjacent parking. The cedar wood soffit below the pedestrian canopy would provide warmth to an otherwise cool and clean aesthetic that reflects the nature of the laboratory work inside. A hidden wash light had been carefully tailored to provide a warm glow over the wood soffit in the evening. (Slide 20)
- The Sign Waiver was requested to allow for a third flag on site. As a State building, flying the POW flag was required, in addition to the State and American flags. Adding the third flag would enhance the aesthetics of the main entry sequence by providing symmetry and balance to the other two flags. She reminded that the American flag was supposed to be 30 ft high and the other flags at 25 ft.
- On the south facade, the new design proposed to replace the existing awnings over the parking and loading bays with newly defined awnings that relate to the new entry canopy.
 - A second row of awnings was also proposed to support the remaining PV array. The south facade provided an abundant amount of sunshine to support the PV system production and allowed visibility to a system that promotes resiliency and sustainable energy sources, which reflects [inaudible] for State resources.
- Displaying the north and south building elevations, she noted the goal was to reuse as much of the existing exterior facade as possible. She indicated the double row of awnings on the south elevation. On the north façade, the existing parking layout near the north loading dock would be retained and since the dock doors were no longer needed, the existing overhead doors would be replaced with new storefront glazing to allow greater daylight into the new lab spaces on the interior.
- The Applicant believed that the proposed design reflected the values the City of Wilsonville aimed to uphold by breathing new life into the existing building. **She** thanked the Board for its time to consider the proposal, adding she welcomed any feedback and additional questions.

Ms. Dunwell commented that after visiting the site, she was very pleased that the Applicant would be replacing the freight doors with glazing to bring in the natural light, as she had wondered how that would be resolved during her first site visit.

Nicole Hendrix asked if any kind of design techniques or considerations were made for pedestrian safety in the parking lot, such as additional paint stripping or reflective material to help pedestrians.

Ms. Holt responded that currently, there was a little stripping that connected all the main entries on the site, and the Applicant proposed restriping them, as well as adding signage to clearly identify accessible routes.

Mr. Horn inquired whether any foliage would be added to the wetland.

Ms. Holt stated a bit of landscaping was proposed right along the edge of the parking area but no additional plantings were proposed beyond the row of trees right along the parking edge.

Mr. Horn asked if the Applicant would maintain the SROZ wetland area as the building owner or would they would leave it alone.

Nicole Holt replied that was a good question. She was not sure she could speak for the owner as to whether they had an agreement or what the proposed maintenance strategy was, however, it was not part of the proposed design.

Chair Nada asked how many cars were expected to be parked during work hours.

Ms. Holt responded that from the programming effort, 190 staff were anticipated but it was hard to know how many would be on-site at the same time. She believed 190 was a conservative estimate from what they had gathered from the interviews conducted with the tenants moving in.

Chair Nada understood the owner or lessor of the Microsoft building had access to the RV parking right next to it for parking. He asked if that option was available for the Applicant to extend the parking a bit like Microsoft had.

Ms. Holt stated she was unsure she could speak for the owner completely on the matter, but she knew the parking area to the north had been noted and could potentially be considered if there were to ever be an expansion of the site. She believed the owner might be present, but she was unsure if he was able to unmute and speak.

Joe Gill, DAS, explained they had discussions previously with the owner of the parking lot directly to the north about a potential purchase as they understood he was in the mood to sell. In addition, DAS realized that parking could potentially become an issue a few years down the road or if there were any other expansions. If something like that was to transpire, DAS would have to get a permit to make some changes to that area specifically relative to laboratories, because the laboratory amalgamation of bringing everybody together into those shared resources was the emphasis of the building. The owner was not interested in a fair market price at this time, or rather, the fair market prices had changed drastically over the course of the last

18 months. It was something they were cognizant of, but relative to the 190 people that were currently designed and apportioned for on the site, DAS had a good suspicion that a level of commuting together would transpire as people relocated to this area from many laboratories spread between Salem, Portland, and Hillsboro, likely in about a year and a half.

Chair Nada asked whether DAS had any similar buildings that served the same purpose with a lab and office and if so, how was the parking and what would be a normal expansion of employees.

Mr. Gill responded he could not speak directly to those places knowing the labs were bifurcated and this project was bringing the entire Department of Agriculture together in one area, except for a couple labs that decided not to come into the project. He did not know of any scenario like this and could not speak to the specific buildings the labs were currently in as he was not aware of their situation. In looking at the project, DAS realized they had to provide a desk and the required office space, but seeing that they spent a disproportionate amount of time in the lab, they began to develop this thought process. It was not a 1:1. All the seats could be counted, but that was not how the building operated nor was that what transpired in the current settings. He believed that growth occurred over the years as the labs took on more responsibility. One example was hemp. Currently, there was no State run hemp lab, but the proposed building would have one. Those staff members were morphed into labs in other buildings that already had restricted parking, which was partly why DAS was bringing the labs together.

Chair Nada asked Staff what Code criteria were used for determining the number of required parking spaces for buildings; was it based on the size of the building or the number of offices, for example?

Ms. Luxhoj responded the parking requirement was based on the different uses within the building and the percentage of the building's square footage each use would occupy. In this case, a certain percentage was occupied by offices, which was a 4 space per 1,000 multiplier, and a percentage was occupied by the lab, for which the Applicant used the 1.6 per 1,000 for manufacturing, and lastly the multiplier for the storage warehouse area, which she believed was 0.4 spaces per 1,000 sq ft.

Mr. Pauly added that parking requirements did vary across the Code, stating that some uses were calculated per square foot basis, as done in this case, while other uses, like movie theaters, churches, and schools were calculated based on number of seats or student counts, for example, rather than a square footage calculation. Most industrial and retail use calculations are based on square footage.

Chair Nada understood movie theaters and office buildings were mentioned in the Code, but not labs. What did Staff do when something was not mentioned in the Code.

Mr. Pauly responded that because the Code did not list everything, specific text stated if something was not listed in the Code, the most similar use should be used. He offered to pull the exact language for the Board.

Chair Nada confirmed with Staff that there was no public testimony on the application.

Mr. Horn confirmed with Ms. Luxhoj that the application requested a waiver of about 20 parking spots and that the condition of approval allowed the City to go back and require additional parking spots to be built if anything changed.

Ms. Dunwell asked whether there was space for additional parking.

Ms. Luxhoj noted one limitation of the site was due to the large part occupied by the SROZ and the impact area, so it was unlikely that any additional spaces would be built there. Some additional spaces could possibly be built in the southeast corner of the site, where Microsoft had considered putting some spaces, maybe half a dozen, but they never ended up building those spaces. Adding additional parking would be pretty difficult because the site was pretty constrained.

Mr. Pauly read the language under the Parking Section, and read Subsection 24.455(.02) M, stating, "Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board when the application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director based upon consideration of comparable uses." While that did not give the Board specific direction, considering comparable uses was a reasonable measure of how to determine the appropriate parking ratio for a non-listed use. [audio cut out]

Ms. Barbara noted there may be very limited space for expanding the parking and the Parking Waiver was totally up to the discretion of the DRB. If the DRB did not believe the waiver was justified or that it was not realistic to expect to expand parking, the Board could elect to not grant the Parking Waiver.

Mr. Pauly noted the Code did allow for offsite parking within 500 ft on another property as long as there was a clear easement for use of parking allowed. The City had approved that kind of scenario within the last couple of years. Either now or in the future that would be an alternative if DAS was expanding and any neighbor within 500 ft had parking that could be used under a written agreement.

Ms. Dunwell asked if street parking was allowed on Freeman Dr.

Mr. Pauly answered yes, adding that it was used quite heavily in his casual observations over the years for truck parking because of the amount of warehousing that occurred in the area. He had not been the area for a while, but perhaps Board members visiting the site had seen the trucks on the road.

Chair Nada added that right now with COVID, they might not get a good representation of the real parking situation. Hopefully they would when everything got back to normal. He asked if it was true that the Applicant might help fund the Pedestrian Safety Corridor Plan.

Ms. Holt responded that was what she understood. She believed some members on the owner's side had conversations with the City on the matter, adding there might be some follow-up questions to understand the timing and to what extent, as information on about those proposed improvements was limited. The State understood that it would want to help on that.

Mr. Gill stated he did have a conversation [inaudible] He confirmed the State was well aware of it and was more than willing to participate.

Chair Nada said he wanted to be sure that any overflow parking from the building, such as neighbors complaining about cars parking everywhere, would be sufficient to trigger a review by the City.

Mr. Pauly confirmed Staff wrote the condition with that scenario in mind and believed it would cover that. He confirmed that as drafted, it would be an administrative review but the DRB could change that.

Chair Nada confirmed the Board members had no further comments or questions for Staff or the Applicant. He declared the public hearing closed at 9:32 pm.

Cindy Luxhoj read into the record the two new proposed conditions of approval stated in Exhibit A3 as follows:

- *Condition PDF 1. Ongoing: The approval for a parking waiver applies only to a 20-space reduction in required minimum off-street vehicle parking spaces, from the required 223 spaces to the 203 spaces proposed by the Applicant. A change of 5% or more in the mix of land use (office, lab/manufacturing, storage/warehouse) within the building, or an increase in the number of employees that exceeds the number of off-street vehicle parking spaces on the site, will require approval by the Planning Director.*
- *Condition PF 14. The Department of Administrative Services will contribute a fair and equitable contribution to the future pedestrian and transit improvements at the frontage of the site that will be of benefit to employees of the site.*

Nicole Hendrix moved to adopt the Staff report with the addition of Exhibit A3 and new Conditions PDF 1 and PF 14, as read into the record by Staff. Jason Abernathy seconded the motion.

Chair Nada stated he was not a big fan of giving out parking waivers, but the two things that swayed him a bit was the fact that any increase in use, which were different uses, not the lab or office use; it was not something the City had typical dealt with in the past. The condition that extended uses or having more cars would trigger a review was definitely a positive. The second

was that the Applicant would chip in and help fund the safety corridor plans for the street. Otherwise, he might have had a different view about the application.

Mr. Horn stated he concurred with Chair Nada's comments.

The motion passed unanimously.

Katie Dunwell moved to adopt Resolution No. 395. The motion was seconded by Michael Horn.

Mr. Horn thanked the Applicant for the great presentation and for those who stayed late to present to the Board.

Chair Nada echoed Mr. Horn's comments and thanked everyone for staying late.

The motion passed 5 to 0.

Chair Nada read the rules of appeal into the record.

VII. Board Member Communications:

- A. Results of the October 11, 2021 DRB Panel A meeting
- B. Recent City Council Action Minutes

There were no comments.

VIII. Staff Communications

Dan Pauly, Planning Manager, thanked the Board

IX. Adjournment

The meeting adjourned at 9:41 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, LLC. for
Shelley White, Planning Administrative Assistant