

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-11

Date: December 14, 2022

Case File: DEV REV 2022-11 Lincoln Sands

Project Contact: Jeremy Cogdill
Open Concept Architecture

Property Owners: Lincoln Sands Hotel Partners, LLC

Situs Address: Unaddressed, unaddressed, unaddressed, 525 NW Inlet Ave

Location: Northwest corner of NW 5th Ct/NW Inlet Ave intersection

Tax Map and Lot: 07-11-15-AB-08800-00
07-11-15-AB-10200-00
07-11-15-AB-10300-00
07-11-15-AB-10400-00

**Comprehensive
Plan Designation:** Commercial-Recreation District (R-C)

Zoning District: Recreation-Commercial (RC) Zone

Site Size: 18,500 square feet (Lots 5, 6, 7, and 8, Block 7, DELAKE)

Proposal: Request for development review of a new 45-foot-tall structure to be used as part of the larger Lincoln Sands Oceanfront Resort. The first story of the new structure will be utilized for off-street vehicle and bicycle parking, a yoga/exercise room, boardroom, and restroom facilities. Guest rooms/suites will be distributed throughout the upper stories.

**Surrounding
Land Uses
and Zones:** North: Lincoln Sands Oceanfront Resort, RC
South: Lincoln Sands Oceanfront Resort; RC
East: Residential; RM
West: Lincoln Sands Oceanfront Resort; RC

Authority: Table 17.76.020-1 of Lincoln City Municipal Code (LCMC) 17.76.020 lists a development review application as a Type II procedure with the Planning and Community Development Director (Director) listed as the review authority. LCMC 17.76.040(A) states that Type II procedures apply to administrative permits and applications and that decisions on administrative applications are made by the Director, based on reasonably objective approval criteria that require only limited discretion.

Procedure: The application was received on July 15, 2022. The application was deemed complete on July 18, 2022. On July 19, 2022, pursuant to LCMC 17.76.040(E), the Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property. On September 2, 2022, the Planning and

Community Development Department mailed a clarification/correction notice of application to property owners within 250 feet of the subject property. On November 7, 2022, the applicant waived Oregon's rule for issuance of a decision no later than 120 days from the date the application was deemed complete.

Applicable Substantive Criteria: LCMC Chapter 17.28 Recreation-Commercial (RC) Zone
LCMC Chapter 17.52 Supplementary Regulations and Exceptions
LCMC Chapter 17.55 Landscaping Standards
LCMC Chapter 17.56 Off-Street Parking and Loading
LCMC Chapter 17.74 Design Standards
LCMC Section 17.76.040 Type II Procedure
LCMC Section 17.77.010 Adjustment – Design Standard
LCMC Section 17.77.070 Development Review

BACKGROUND

The subject property (site) comprises four tax lots in the Recreation-Commercial (RC) zone. Three of the four tax lots are unaddressed (07-11-15-AB-08800-00, 07-11-15-AB-10200-00, and 07-11-15-AB-10300-00) and the fourth tax lot (07-11-15-AB-10400-00) has an address of 525 NW Inlet Ave. The site is platted as Lots 5, 6, 7, and 8, Block 7, DELAKE, containing 18,500 square feet. The site is located at the northwest corner of the NW 5th Ct/NW Inlet Ave intersection, with the site's south boundary being NW 5th Ct, and the east boundary being NW Inlet Ave. The site is surrounded on three sides by Lincoln Sands Oceanfront Resort, all in the RC zone. The properties to the east and across from NW Inlet Ave are developed as residential uses in the RM zone.

Lincoln City's GIS mapping shows the site does not contain trails, aesthetic resource, floodway, flood hazard areas, or natural resource overlays. GIS mapping indicates the very western-most edge of the southwestern portion (07-11-15-AB-08800-00) of the site contains bluff erosion hazards.

The site is developed as part of Lincoln Shores Oceanfront Resort. The northern portion of the site contains an existing building. The southern portion of the site is a parking lot. The property owner proposes redevelopment of the site to remove the existing building and parking lot and replace them with a new 45-foot-tall structure as part of the resort. The first story of the structure will be utilized for off-street vehicle and bicycle parking, a yoga/exercise room, a boardroom, and restroom facilities. The guest rooms/suites will be distributed throughout the upper stories with a penthouse on the top floor.

COMMENTS

A group opposition letter from Meggie Chapman, Erik and Barbara Orton, Nancy Orton, Dianne Barnham, Greg Patzhold, Pete Pudans, William and Diane Lowe, Tom and Sheila Lichy, Shawna and Joe Leavitt, Kyle Denmark, Dane Sorensen, Jesse Larsen, Valerie Tovey, Denali Cox, Pamela Johnson, Rick and Marcia Antonacci, Mike and Korrin Kocejka, Robert Zeiser, Jan Carrow, Andrew and Cheryl Hiemstra, Marcia Kendall, and Penny and Jay Hathaway was received, via email, on August 1, 2022. The letter reads as follows:

“The affected residents are opposed to the proposed development. In short, the oversized building at 21,628 square feet being proposed in an existing lot that is less than 10,000 square feet will create an obstruction for five city blocks of oceanfront property, hindering visual and physical beach/ocean access, and pushing local coastal infrastructure past its limits. Please see images 9-11.

The first concern and appeal that the affected residents have is the lack of equitable amount of time we have had to conduct discovery and get legal consultation regarding the plans, the use, zoning and merging lots, LUBA, environmental impact, Indigenous preservation, and local and state regulations such as height limitations, view protection, public beach access, etc. The outcome of this project has a

significant impact on financial and emotional well-being, as well as community access and resources. Lincoln Asset Management has had its time to review and develop the application and renderings with professionals. We understand there is a specific protocol, and as you conduct your review, we urge you to consider the impact on the residents of this neighborhood. Most of the affected residents are full time, with homes that have been here for 80+ years, which will now lose most or all of their ocean view. Image 12 demonstrates the plans that Lincoln Sands posted for the community which is far from what has been proposed. The attached renderings in images 9-11 demonstrates the footprint of this metropolitan-style building. Images 1-8 are examples of actual views from affected properties. The affected residents request that the City conduct a thorough infrastructure assessment related to increased traffic, increased population density, and increased demand for services and utilities. There has been extensive development in the Lincoln Sands Lots, and the affected residents are concerned about an increase in local population density when roadways, water, sewer, cellular networks, and internet are already failing. For example, Lincoln Sands' signage on Hwy 101 is at NW 6th Ave. which is an unsafe narrow roadway that barely fits one vehicle and has an abrupt edge. There is a crosswalk and streetlight at NW 6th Ave., so in addition to already being well traveled by cars, the street is also a popular thoroughfare for pedestrians and bicyclists. Further, the street is commonly blocked by Dutch Bros traffic that spills out onto the roadway drawing police to direct traffic. There has already been one pedestrian death and other accidents at the intersection with Highway 101. If the proposed building is approved, this will flood additional traffic up and down this road. Please see images 34-36.

Another example of the inadequacy of the existing Infrastructure is cellular and internet service. These systems already routinely fail on weekends and other high-traffic days. People rely on cellular and internet service for livelihood, to reach emergency services, and to communicate in general. If the proposed building is approved, this will further interrupt equitable access and necessary communication means for residents. These are just two examples; additional concerns would be capacity and safety of NW Inlet, NW 2nd Ave., NW 5th Ct., and NW 6th Ave., sewer capacity and proximity to the ocean and the environmental impact, and water availability and pressure (which is already affected since construction began at Lincoln Sands), etc. The onus is on the City to ensure the safety of citizens, visitors and the environment, and we believe there are significant safety and resource hardship concerns.

The affected neighbors are concerned about the safety of and sustaining the public beach access on NW 5th Ct., especially with the actions demonstrated by Lincoln Asset Management and their representatives. In 2018, Lincoln Asset Management attempted to vacate NW 5th Ct. and the public beach access for its own personal use facing strong opposition from neighbors and plans were changed. During a multi-year construction period, Lincoln Asset Management representatives blocked beach access and blocked surrounding streets without notice, signage or traffic control, parked on the street, left the street cluttered and dirty with construction debris, and didn't have proper run-off mitigation in place. Local officials and law enforcement had to enforce remedies. In 2021, Lincoln Asset Management blocked public beach access at three entrances to the beach, including public beach access and city street NW 5th Ct. and residents had to work with local and state officials on removal. In 2022, Lincoln Asset Management did not implement stop signs and traffic control for its multiple crossings across NW 5th Ct. as per its public works right of way plan, in which required local utility officials to be notified, and a remedy applied. Currently, Lincoln Asset Management monitors NW 5th Ct. with staff and temporary signage and discourages public usage. Now, Lincoln Asset Management proposes their only loading area be on NW 5th Ct. where it intersects with public beach access violating the public works right of way plan including leaving a 12' wide travel lane. To date, Lincoln Asset Management has not painted the 4' wide crosswalk as per its public works right of way plan. Further, 18-19 added units and multiple displaced parking spaces will result in a parking gap, and also cause additional excessive traffic cutting across NW 5th Ct. hindering beach accessibility and safety. Please refer to images 13-28 and 30-33.

In the notice to residents, the building is described to be a 45-foot tall 7,816 square foot building. The notice indicates usage of the first floor and indicates hotel units will be distributed throughout the upper stories. The DEV REV application indicates the building will actually be a 21,628 square foot building. Further, the notice does not indicate that the entire top 5th floor will be a residence for the owners. There is a significant discrepancy between the notice to residents and the DEV REV application narrative. Please advise.”

Comments were received from Larry Mathis, via email, on July 27, 2022. Mr. Mathis states the following:

“As a homeowner on 6th, there are a couple of concerns. There will be a loss of view from the homes up above the hotel which is of course, aesthetically, displeasing. It would be a shame to lose yet another piece of the natural view that makes the area a place I wanted to purchase property and spend time, money and effort in improving the land. If the proposed building did go in, would property owners see a reduction in their property taxes due to the loss of view/value?”

Secondly, there is so much traffic on 6th as it is now and I fear this would only add additional traffic which would result in even further deterioration. There is hardly room for cars to pass each other, so they pull off to the side and the road is breaking down on the edges. Between our private parking lot being used as a turn-around for Dutch Bros coffee and sadly, the inevitable dumping of trash from thoughtless customers and tourists, it is taking more and more time to keep the place clean and clear of all manner of trash, and then homeless people going through the trash we have cleaned up looking for things to scavenge, and then we get to clean it all up again.

Please feel free to contact me if these [sic] concerns can be alleviated.”

Comments were received from Marcia Kendall, via mail, on August 2, 2022, reiterating the points made in the joint opposition letter. Ms. Kendall further commented on the safety of the roads and loss of view.

- Staff notes that the project does not require a traffic impact study, street frontage improvements to the site are required per city code, and that the view corridor required by Chapter 17.74 is being maintained.

Comments were received from Erik Orton, via email, on August 2, 2022, expressing opposition and requesting that the reviewers take into consideration all applicable coastal shoreland goals and policies, coastal shoreland overlays and zoning restrictions “above and beyond the simple Recreation-Commercial RC zone designation for this development” and that the reviewers take into consideration the “feelings, comments, letters, opposition and concerns of the surrounding community and neighbors impacted by this development.”

- Staff notes that coastal shoreland goals and policies are not applicable criteria for development review. Neither the goals nor policies of statewide planning or the city’s comprehensive plan are applicable criteria in the review and decision for this request for development review. The city does not have coastal shoreland overlays. Compliance with the applicable zoning requirements for development review is addressed throughout the staff report.

Comments were received from Jay Hathaway, via email, on August 2, 2022, expressing opposition to the project because of the loss of the view and lower property values. Mr. Hathaway is also concerned about “existing and future additional traffic congestion on NW 6th Street.”

- Staff notes that the project does not require a traffic impact study, street frontage improvements to the site are required per city code, and loss of view and lower property values are not applicable criteria in reviewing a request for development review.
- Staff further notes that the site does not have frontage on NW 6th St, so no improvements to NW 6th St are warranted. The site does have frontage on NW Inlet Ave and NW 5th Ct, and street frontage improvements will take place to those portions of those streets where the site fronts them, as required by city code.

Comments were received from Rick Antonacci, via email, on July 31, 2022, expressing opposition and concerns over the proposed structure. Mr. Antonacci noted that the new structure is considerably larger than the existing structure in the location and this will “further obstruct or eliminate ocean views” with additional statements that “there is a narrow public right of way and trail along the ridge abutting our homes that has historical ties to the Siletz Tribes and other Native American tribes in the area prior to settlement by the white man.” Mr. Antonacci states that there is also concern regarding the “safety of the neighborhood and the general public – with the increase of transient vehicle volume and pedestrian use impacts” and respectfully requests limiting the size of the structure to a more reasonable size and height “to blend with the existing structures in this block and preserve the views and values of the more than 25 or more properties impacted by this development.”

- Staff notes that the use is a permitted use, the code does not have restrictions on the size of the building, the height of the structure is allowed up to a maximum height of 45 feet, the width of the building complies with the maximum width requirement for view, and there are no code requirements in development review for the trail along the ridge abutting the existing houses. The project does not require a traffic impact study, but street frontage improvements to the site’s frontages of NW 5th Ct and NW Inlet Ave must take place as required by city code.

Comments were received from Cheryl Hiemstra, via email, on July 31, 2022, expressing concerns about the proposed project. Concerns included traffic safety; the historical, ecological, and cultural implications of the development; loss of view; detriment to property value; and access to the beach access.

- Staff notes that compliance with the applicable criteria for development review is addressed throughout the staff report. Historical, ecological, and cultural implications are not applicable criteria for a permitted use and the request is not seeking approval for the use, but rather seeking approval for development review. Detriment to property value is not an applicable criterion in a development review procedure. Public right-of-way must remain public. The project is taking place on private property. The project complies with the view requirements of Chapter 17.74.

Comments were received from North Lincoln Sanitary Service (NLSS), via email, on July 29, 2022, noting that for the 19 units and based on the data in the spreadsheet, NLSS anticipates needing two additional 1.5-cubic yard containers. NLSS also suggested expanding the existing trash bin enclosure.

Comments were received from Lincoln City Public Works, via email, on August 2, 2022, and consisted of conditions of approval for the development review. The conditions of approval are included at the end of the staff report as part of the decision.

Comments were received from Oregon Department of Transportation (ODOT), via email, on May 2, 2022, noting that any work proposed in highway right-of-way would require issuance of an ODOT permit.

Comments were received from North Lincoln Fire & Rescue District #1, via email, on July 26, 2022, noting “concerns and requirements of North Lincoln Fire and Rescue District #1 based out of the 2019 Oregon Fire Code. Additional requirements may be added should the District receive new/updated information.

- Aerial Fire Apparatus Access Roads
 - Plans show that 5th Ct is to be used as the fire access path. 5th Ct is 19 feet 10 inches wide. Oregon Fire Code (OFC) D105.2 requires aerial apparatus access roads to be a minimum of 26 feet excluding curbs.
 - Aerial fire apparatus access roads shall be a minimum of 15 feet and not more than 30 feet from the building. OFC D105.3.
 - There is some concern with overhead utilities. We would request that all utilities be underground. OFC D105.4
 - No trees shall be planted, new or existing, between aerial apparatus access roads and the building. OFC D105.4
- Apparatus Access Roads
 - Need further information on the radius of the turn into the “new access road”. My concern is that fire apparatus will not be able to make the turn from Inlet to 5th and into the access. OFC D103.3
- Fire Flow/ Fire Hydrants.
 - Need to know building type to determine required fire flow.
 - Need to know fire flow of hydrant at 5th Ct and Inlet.
 - Fire department connection (FDC) shall be placed in an agreed upon location.
 - In accordance with NFPA 13, a second fire hydrant will need to be installed for use with the FDC.”

ANALYSIS

17.04.030 Compliance. Except as provided in Chapter 17.64 LCMC, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the city be changed, nor shall any condition of or upon real property be caused or maintained, after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed for each of the zones established hereunder.

It is unlawful for any person to erect, construct, establish, move into, alter, enlarge, use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this title contrary to the provisions of this title. Where this title imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this title shall control.

A building, structure, or land shall not be used or occupied, and a change in the existing character, land use, or building occupancy classification of a building or structure or portion therefore, or land, shall not be made, until a certificate of occupancy has been issued for such change in character, use, or occupancy classification. A certificate of occupancy shall not be issued until the site complies with all applicable municipal and state ordinances, codes, regulations, and standards as evidenced by approvals from the building official, director, city engineer, and fire marshal.

The issuance or granting of any City permit or license, or the review or approval of any application, shall not be construed to be a permit or license for, or an approval of, any violation of any of the provisions of this title. Permits, licenses, or approvals (whether by mistake or by design) purporting to waive or cancel the mandatory provisions of this title shall not be valid. Participants in local land use proceedings must ascertain for themselves, from the local code, what they must do to protect their rights. Estoppel cannot arise from an action of a city official who purports to waive the provisions of a mandatory ordinance or otherwise exceeds their authority. The issuance of a permit or license, or the approval of an application, based on documents, plans, and other data shall not prevent the director from requiring correction of errors in the documents, plans, and other data.

Finding: No response necessary.

*Chapter 17.28 Recreation Commercial (RC) Zone
17.28.020 Uses permitted*

Finding: The site is located in the RC zone. Pursuant to LCMC 17.28.020(A), motels and resorts are a permitted use in the RC zone. Conditional use approval is not required for a permitted use. The application is not for approval of the use as a resort since a resort is a permitted use. The application is for development review approval, not use approval. The use is permitted, so this criterion is met.

17.28.050 Setback requirements

A. Front Setback. The minimum front setback shall be five feet.

Finding: The site is a corner lot with street frontages on the south (NW 5th Ct) and east (NW Inlet Ave) property lines. LCMC 17.08.010 provides the definition of front property line as follows: “Front property line means a property line that abuts a street. On a corner lot, the front property line is the shortest of the property lines that abut a street. If two or more street property lines are of equal length, then the property owner can choose which property line is to be the front. However, a through lot has two front property lines regardless of whether street property lines are of equal or unequal length.”

As shown on the submitted Sheet A0.02, the site’s south property line at 135’ – 6” is less than the site’s east property line at 140 feet. Accordingly, the south property line is the front property line. (Staff notes that a recent property line adjustment shifted the west line of the site’s Tax Lot 07-11-15-AB-08800-00 to the east, which shortened the site’s south line thereby making it the shorter of the south and east lines. Staff also notes that a property line adjustment must be recorded to adjust the interior lot lines to the outer edges so that the building does not cross lot lines and that this is a condition of approval that must be accomplished prior to issuance of a structural permit. Property line adjustments are allowed per LCMC Title 16.)

As stated in LCMC 17.28.050(A), the minimum front setback requirement is five feet. As shown on the submitted Sheet A0.02, the distance between the proposed structure and the south (or front) property line is 10 feet, which is five more feet than what is required. The front setback requirement is met as shown in the submitted plans.

B. Side, Street Side, and Rear Setback. The minimum side and rear setback shall be at least five feet. The street side setback shall be a minimum of five feet. The side, street side, and rear setbacks shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

Finding: At the proposed 45 feet, the building height exceeds 15 feet by 30 feet. One-half of 30 feet equals 15 feet. With the base minimum of five feet, the side, street side, and rear setback requirement is a minimum of 20 feet. The submitted Sheet A0.02 shows the building will be more than 20 feet from the west property line at its nearest point, more than 28 feet from the north property line at its nearest point, and more than 28 feet from the east property line at its nearest point. The side, street side, and rear setback requirements are met as shown in the submitted plans.

C. For special setback requirements, see Chapter 17.52 LCMC, Supplementary Regulations and Exceptions.

Finding: A complete discussion on compliance with Chapter 17.52 takes place later in this staff report under the section for Chapter 17.52.

17.28.060 Minimum lot area

None required, except for motels and resorts which shall have a minimum lot area of 10,000 square feet.

Finding: The application states that the site contains 17,162 square feet. The narrative indicates the site will be 17,150 square feet after the property line adjustment to adjust the west line of 07-11-15-AB-08000-00 to the east. The assessor's office assesses the site as 18,500 square feet. Regardless of the different numbers, the assessed square footage and the square footages in the application and narrative exceed the 10,000-square-foot minimum, and the submitted site plan shows the site as more than 10,000 square feet. This requirement is met.

17.32.070 Maximum building height

Maximum building height shall be 45 feet, except as provided in LCMC 17.52.190 and 17.52.200.

Finding: The submitted materials show the height of the proposed structure at 45 feet. This shall be reviewed for continued compliance as part of the structural permitting process. Staff notes that the elevator shaft will project over the 45-foot-building height as allowed by LCMC 17.52.200.

17.28.085 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: Compliance with landscaping requirements is addressed later in this report under Chapter 17.55.

17.28.090 Signs

Signs shall be allowed subject to the provisions of Chapters 9.34 and 17.72 LCMC.

Finding: The application does not include any requests for signage.

17.28.090 Off-street parking and loading

Off-street parking and loading shall be provided in accordance with Chapter 17.56 LCMC.

Finding: Compliance with off-street parking and loading requirements is addressed later in this report under Chapter 17.56.

17.28.100 Other required conditions

- A. *No development shall occur in the RC zone unless all city services (sewer and water) are available to serve such as development.*

Finding: The site is a developed site and contains all city services (sewer and water) already. Required installations shall take place as part of the construction. Preliminary civil engineering plans were included with the submitted plan set showing provisions for city sewer and city water to serve the new building. Public Works reviewed the preliminary plans and provided conditions of approval.

- B. *Design Features. All single-family units (site-built, modular and manufactured homes) to be constructed or located in the zone shall ...*

Finding: This criterion is not applicable to the proposed hotel resort structure.

- C. *All commercial or mixed use buildings in the RC zone must conform to Chapter 17.74 LCMC, Design Standards.*

Finding: Compliance with Chapter 17.74 is addressed later in this staff report.

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.030 Access requirement

Every lot shall abut a street, other than an alley, for at least 25 feet.

Finding: The site is an existing lot with over 25 feet of frontage on both NW 5th Ct and NW Inlet Ave. No new lots are proposed.

17.52.050 Storage in front setback area

Boats, RVs, trailers and house trailers shall not be stored in a required front setback area.

Finding: The required front setback is five feet. No boats, RVs, trailers, or house trailers are proposed to be stored in the front setback area.

17.52.060 Clear-vision area requirement

- A. *Requirement to Provide Clear Vision. For public safety purposes, all properties shall have triangular clear-vision areas (aka clear-vision triangles) where streets (public or private) intersect with other streets, commercial alleys and commercial driveways. Clear-vision triangles shall be also be provided for street intersections with commercial driveways as provided herein. Clear-vision areas at local intersections shall meet the requirements in this section, which are meant to be adequate to allow drivers and pedestrians who are stopped or approaching with caution to see intersecting traffic in time to avoid collisions. Clear-vision areas at intersections with Highway 101 must meet with Oregon Department of Transportation approval and comply with the requirements of this section.*

Finding: The project proposes a curb cut at the southeast corner of the site along NW 5th Ct. The submitted plans depict the clear-vision triangles and show them as being free from structures. There are two existing trees in the clear-vision triangle on the west side of the driveway entrance, but those two trees were planted as a condition of approval of a previous development review. Other than the two existing trees that were planted as a condition of approval, the clear-vision triangles are free from obstruction. Note 5 on Sheet A0.02 also states the clear-vision area requirements, noting that the clear-vision triangles shall be free from obstructions. The clear-vision area requirement is met.

17.52.120 Utilities

- B. *In all zones, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.*

Finding: The project proposes new construction, so all electrical, telephone, and cable television utility service installations or connections made as part of the new construction shall be underground. This is noted in Note 3 on Sheet A0.09 of the revised plan set. This requirement is met for development review and shall be reviewed for continued compliance during the structural permitting process.

17.52.150 Exterior lighting.

Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.

- A. *Light poles must not exceed a height of 20 feet.*

Finding: No light poles are proposed as part of the project.

- B. *All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.*

Finding: Luminance at the property line is zero.

C. Luminance at the property line, or no more than five feet over the property line, must be zero.

Finding: The photometric analysis shows luminance at the property lines of zero.

D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.

Finding: No outdoor sales displays, outdoor storage areas, service station canopies, or similar areas are proposed as part of the project.

E. Maximum initial luminance of parking lots must not exceed four foot-candles.

Finding: The photometric analysis shows no portion of the parking exceeding four foot-candles.

F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.

Finding: The lighting plan does not show any up-lighting or wall washing.

G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.

Finding: The submitted plans show lighting of the pedestrian ways and the pedestrian plaza.

H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.

Finding: The required lighting plan materials were submitted with the development review application and must be included with the structural permit application to show continued compliance.

17.52.160 Required setbacks – Exceptions

A. Architectural Features. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, flues, awnings, and bay windows may project up to 18 inches into a required setback area.

Finding: The front setback is five feet, and the rear, street sides, and side setbacks are 20 feet. The submitted plans do not show any architectural features projecting more than 18 inches, if at all, into the front, street sides, rear, or side setback areas.

B. Accessory Structures. A required side or rear setback may be reduced to three feet for an accessory structure, provided the structure is detached from other structures by five feet or more and does not exceed a height of one story nor an area of 200 square feet.

Finding: The project does not propose any accessory structures.

C. Fences. Fences, within required setback areas up to and on the property line, may not exceed seven feet in height nor conflict with requirements of a clear vision area as provided in LCMC 17.52.060 or the clear vision areas of adjacent private driveways.

Finding: The submitted plans do not show any proposed fences.

D. Retaining Walls. Retaining walls may be constructed in required setback areas, subject to the following limitations:

- 1. One or more retaining walls, none of which individually exceeds six feet in height, may be used, in front or street side setback areas provided each successive wall is set back or stepped from the next lowest wall at least one foot for each one foot of height for that wall;*
- 2. Within interior side and rear setback areas a retaining wall may be constructed up to eight feet in height.*
- 3. All building code and structural permitting requirements shall be met prior to construction of any retaining wall.*

Finding: The submitted plans do not show any proposed retaining walls.

- E. Disabled Access Facilities. Disabled access facilities may be constructed in required setback areas as additions to existing buildings...*
- F. Bridges. Unenclosed and uncovered pedestrian or vehicular bridges for access to a dwelling may be constructed in a required setback area.*
- G. Porches, Decks, and Stairs. Unenclosed and uncovered porches, decks, and stairs may be constructed in a required setback area, provided no part of the porch, deck, or stairs is more than 30 inches above the ground or otherwise requires a building permit.*

Finding: The submitted plans do not show any disabled access facilities, bridges, or porches, decks, or stairs taller than 30 inches in any required setback area.

17.52.170 Solid waste, garbage, trash, recycling, and composting receptacle storage areas.

All solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure which screens the receptacle from the view of adjacent property and from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured home.

Finding: Sheet A1.01 shows the required enclosure of the trash storage area. The enclosure shown will screen the trash storage area from view of adjacent property and from right-of-way.

17.52.180 Placement and screening of mechanical equipment

- A. Any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent property and from right-of-way, except those associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured home.*

Finding: The applicant's revised response submitted November 23, 2022, states that mechanical units will be at grade and screened with a wood-slat fence. Sheet A1.01 shows the screened outdoor mechanical area at the rear of the building.

- B. Rooftop mechanical units shall not exceed the allowable building height.*

Finding: No rooftop mechanical units are proposed.

- C. Ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from adjacent property and from right-of-way.*

Finding: The applicant's revised response submitted November 23, 2022, states that mechanical units will be at grade and screened with a wood-slat fence. Sheet A1.01 shows the screened outdoor mechanical area at the rear of the building.

D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation unless there is no other option.

Finding: Sheet A1.01 shows the screened outdoor mechanical area at the rear of the building.

17.52.190 Building height limitations

A. No structure used for human habitation that exceeds 45 feet in height...

Finding: The architectural elevations submitted in the application indicate the building will be 45 feet tall. This standard has been met.

B. No structure that exceeds 35 feet in height shall be permitted in a residential zone within 500 feet of any shoreline without prior approval as a Type III procedure.

Finding: The proposed building is not within a residential zone. This standard is not applicable.

C. No structures used for human occupancy shall be permitted to exceed the building height limitations of the zones in which they are located. To ensure that this standard is met the following rules apply:

Finding: The maximum building height in the RC zone is 45 feet. The submitted architectural drawings indicate the building will be 45 feet tall.

17.52.200 Building height limitations – General exception

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height restrictions of this title.

Finding: The maximum building height in the RC zone is 45 feet. The submitted architectural drawings indicate the building will be 45 feet tall, with an elevator shaft housing exceeding 45 feet as allowed by this code.

17.52.220 Tree protection and removal

Finding: The site is developed as a parking lot. There are two existing trees shown on Sheet A0.01, and both will remain as noted on Sheet A0.06. Tree protection during construction for the two existing trees is detailed on Sheet A0.06. No existing trees are being removed.

17.52.230 Public infrastructure improvements

Finding: Public Works reviewed the submitted plans and provided conditions of approval that are included in the decision at the end of this report.

17.52.300 Traffic impact study (TIS) requirements

B. A TIS shall accompany a land use application at the request of the city engineer, if the proposal involves one or more of the following:

Finding: The project does not meet the threshold for a TIS, nor did the city engineer request a TIS for this project. The project has street frontage on NW 5th Ct and NW Inlet Ave. Street improvements to the site's frontages of those two streets will take place as part of the project as required by code. The site does not have frontage on any other street or intersection in the site that would warrant any other street improvements or intersection improvements.

Chapter 17.55 Landscaping

17.55.040 Landscaping requirements for all development other than detached single-unit dwellings, attached single-unit dwellings, manufactured dwellings, and duplexes.

- A. *Landscaping is required on all portions of the site not covered by buildings, structures, or impervious surfaces.*

Finding: The submitted plans show that landscaping will be provided on all portions of the site not covered by buildings, structures, or impervious surfaces.

- B. *Existing plants and trees that are healthy and noninvasive count towards the tree and shrub requirement below, provided they will be protected during development adequately enough to ensure future preservation.*

Finding: Tree protection for the two existing trees is shown on Sheet A0.06. The two existing trees are counted in the landscape requirement as allowed by this code.

1. *At a minimum, the site shall contain the following spaced and/or planted according to best planting practices and aesthetics:*
 - a. *One tree per 100 feet of total lot perimeter; and*
 - b. *One shrub per 30 feet of total lot perimeter; and*
 - c. *The remainder of the site that is not covered by buildings, structures, or impervious surfaces shall be covered with living or nonliving ground cover as outlined subsection (C) of this section and LCMC 17.55.050.*

Finding: The total lot perimeter is 550 feet, which equates to a requirement of 6 trees and 18 shrubs. Sheet A0.06 shows a planting schedule of 7 shore pine trees, plus the 2 existing shore pine trees for a total of 9 trees. This exceeds the tree requirement. The planting schedule on Sheet A0.06 shows proposed planting of 45 'Greensphere' manzanita shrubs. The shrub requirement is exceeded. The remainder of the site is covered with concrete, asphalt, the building, native dune grasses, and native beach grasses.

2. *If islands are required in parking areas, each island must contain at least one tree, sized appropriately for the area of the island. The remainder of the island must be covered with shrubs and/or living or nonliving ground cover, subject to the standards set out in subsection (C) of this section and LCMC 17.55.050. Islands count towards the parking landscaping requirement.*

Finding: Islands are not required in the parking area.

C. *Ground Cover and Mulch*

1. *Ground cover used as mulch between plantings shall be placed at a minimum two- to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.*
2. *Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.*
3. *Nonliving ground cover materials such as noncompacted pea gravel, river rock, pumice, stones, boulders, bark dust, cedar chips, or similar, are acceptable nonliving ground cover.*

4. *Standards for living ground cover are those set out in LCMC 17.55.050.*

Finding: Note 8 on Sheet A0.06 states the standards for living ground cover as being compliant with those in 17.55.050.

17.55.050 Selection, preparation, and installation for all landscaping

A. *Selection of Materials*

1. *Noxious vegetation as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture is prohibited. Noxious weeds as defined in LCMC 8.10.020 are prohibited.*

Finding: The submitted materials do not show the planting of any noxious vegetation.

2. *All selections must be healthy and disease-free at the time of planting.*

Finding: Sheet A0.06 includes Note 4 indicating that plantings must be healthy and free of disease.

3. *Sizes of Plantings.*

- a. *Deciduous trees must be a minimum of one-half caliper inches at the time of planting.*
- b. *Conifer trees must be a minimum of four feet in height at the time of planting.*

Finding: The planting schedule on Sheet A0.06 states the shore pine trees will be a minimum of six feet at the time of planting. This requirement is met.

- c. *Ground cover plants must be at least four-inch pot size.*

Finding: Sheet A0.06 does not show any ground cover plants proposed.

- d. *Shrubs must be at least one-gallon size at the time of planting.*

Finding: The planting schedule on Sheet A0.06 shows a three-gallon size at the time of planting for the shrubs. This requirement is met.

- e. *Plantings at their mature height shall not be higher than five feet if they would block the view of any shoreline of the Pacific Ocean, Siletz Bay or Devils Lake.*

Finding: The planting plan on Sheet A0.06 shows that the proposed plantings in the view area of the Pacific Ocean are 'Greensphere' manzanita shrubs, and these shrubs are not taller than five feet at their mature height. This requirement is met.

- f. *All plantings must be one, or a combination of, the following: native to the Pacific Northwest; selected from the City of Lincoln City Guide to Landscape Selections; or suitable for the site conditions as certified by a written and signed statement from a landscape architect licensed in the state or Oregon, a licensed landscaped contractor, or a landscape nursery person.*

Finding: The submitted application indicates all plantings have been selected from the City of Lincoln City Guide to Landscape Selections or are native plantings.

17.55.060 Irrigation and maintenance

- A. *Irrigation. The intent is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.*

Finding: Note 1 on Sheet A0.06 states that soaker hoses shall be provided for a period of at least two years or until it is demonstrated that new plants have become naturalized. This requirement is met.

17.55.070 Clear-vision requirements.

Landscaping shall be in conformance with the clear-vision area requirements set out in LCMC 17.52.060.

Finding: The project contains clear-vision areas triangles on either side of the two-way commercial driveway. The submitted plans do not show any proposed obstructions in the required clear-vision areas, excepting the two existing shore pine trees that were planted as a condition of approval of a previous development review.

17.55.080 Living landscaping as screening

- A. *When screening is required, the applicant may choose to use vegetation as the screening method. If so, the following standards must be met:*
1. *Screening shall be in the form of a hedge.*
 2. *The hedge shall consist of evergreen shrubs and shall be native to the Pacific Northwest and suitable for the site conditions as certified by a nursery person or a landscape architect licensed in the state of Oregon or selected from the City of Lincoln City Guide to Landscape Selections.*
 3. *Selected shrubs must have a mature height of at least six feet.*
 4. *Shrubs must be of sufficient size and number to provide solid sight obstruction, at a minimum of six feet in height, at the time of planting.*

Finding: The project is not proposing the use of living landscaping as screening as noted in Note 10 on Sheet A0.02.

Chapter 17.56 Off-street Parking and Loading Regulations

17.56.030 Number of off-street parking spaces required

- A. *The number of off-street parking spaces required shall be as set forth in Table 17.56.030-1.*
- B. *Exceptions to the Number of Off-Street Parking Spaces Required. One or more exceptions may apply to a development.*
1. *There are no off-street parking requirements for commercial uses, commercial buildings, or the commercial portion of mixed use buildings located within the boundaries of any of the pearls (Wecoma, Oceanlake, DeLake, Taft, Nelscott, Cutler City), said boundaries as identified on the city's adopted zoning map.*

Finding: The site is within the boundary of the DeLake pearl, so there are no off-street parking requirements.

2. *The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement for every five bicycle parking spaces provided over and above the standard requirement for bicycle parking spaces. The number of off-street parking spaces may be reduced by 20 percent of the off-street parking requirement for every 10 bicycle parking spaces provided over and above the standard requirement for bicycle parking spaces.*

Finding: The site is within the boundaries of the DeLake pearl, so there are no off-street parking requirements that necessitate any reductions.

3. *The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement by preserving at least two mature and healthy trees. To receive this credit, a licensed Oregon arborist must certify the trees to be preserved are health, and the grading plan must show*

enough protection and lack of disturbance around the roots (again, as certified by a licensed Oregon arborist) that the trees will be protected and preserved throughout construction and thereafter.

Finding: The site is within the boundaries of the DeLake pearl, so there are no off-street parking requirements that necessitate any reductions.

17.56.040 Number of off-street loading spaces required

- A. Every building hereafter erected or established, for a use other than residential, having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area.*
- B. Each loading space shall be not less than 10 feet wide by 25 feet in length and 14 feet in height.*

Finding: The resort utilizes the existing loading space at the end of NW 5th Ct as a loading space for the entire complex.

17.56.050 Joint use of off-street parking and loading spaces

- A. Off-street parking and loading requirements may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, sites, or developments that their operations and parking needs do not overlap in point of time.*
- B. If the uses, structures, sites, or developments are under separate ownership, the right to joint use of off-street parking or loading spaces must be evidenced by a deed, lease, contract, or other appropriate written document establishing the terms of the joint use, and submitted to the department.*

Finding: The resort utilizes the existing loading space at the end of NW 5th Ct as a loading space for the entire complex.

17.56.060 More than one use in a building or on a development

Finding: The entire site is utilized as a resort. There is not more than one use on the site.

17.56.080 Development standards for off-street parking and loading areas for all uses other than detached single-unit dwellings, attached single-unit dwellings, and duplexes

- A. Location*
 - 1. Off-street parking and loading shall be located on the same lot or parcel as the use or on a separate lot or parcel not farther than 1,000 feet from the building or use they are intended to serve, measured in a straight line from nearest property corner to nearest property corner.*

Finding: The site is in the DeLake pearl; as such, there are no requirements for off-street parking. The loading space is located at the end of NW 5th Ct and serves as the loading space for the entire resort.

- 2. Area in a public right-of-way or an alley shall not be used as fulfilling any part of the off-street parking or loading requirements.*

Finding: There are no off-street parking requirements. The loading requirement is met through an existing loading space.

- 3. Off-street parking and loading spaces shall be located above, beneath, to the rear, or to the side of buildings.*

Finding: The submitted materials show that the proposed off-street parking spaces are located underneath the building and to the rear of the building. No spaces are in front of the building.

4. *Parking and loading spaces must be outside of required building setback areas.*

Finding: The project does not propose any new exterior off-street parking spaces, nor are any required. The new off-street parking spaces proposed will be placed underneath the building as the ground floor.

5. *Parking and loading spaces must be at least four feet from public right-of-way, and the space between the public right-of-way and the parking and loading spaces must be landscaped according to the standards in Chapter 17.55 LCMC.*

Finding: The submitted materials show that the new interior off-street parking spaces are over four feet from NW 5th Ct and NW Inlet Ave. Sheet A0.02 shows landscaping between NW 5th Ct and the front of the building and between NW Inlet Ave and the driveway. The parking spaces are located underneath the building and to the rear of the building and drive aisle.

6. *In no case shall any parking area or parking or loading space be located between the front of the building and the front property line.*

Finding: The front property line is the south property line as discussed earlier in this report. The submitted plan set shows that there are no parking spaces between the south (front) property line and the south (front) building elevation.

7. *Parking and loading spaces must be located such that there are no backing movements or other maneuvering within public right-of-way. Backing movements or other maneuvering within alleys or private streets is allowed, however.*

Finding: The submitted plans show that there will be no backing movements or other maneuvering taking place within either NW 5th Ct or NW Inlet Ave. Rather, all backing movements and maneuvering is shown as taking place within the interior parking and driving areas located on the site. This requirement is met.

B. *Surfacing*

1. *Parking spaces, parking areas, and driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus.*
2. *Surfaces shall consist of one or more of the following materials:*
 - a. *Concrete or asphalt;*
 - b. *Block pavers of concrete, stone, brick, or similar material. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface;*
 - c. *Pervious concrete or asphalt; or*
 - d. *Other materials, as approved by the city engineer.*

Finding: The submitted materials indicate that the parking areas, spaces, and drive aisles will be surfaced with asphalt.

C. *Installation and Maintenance.*

1. *Materials shall be installed and maintained adequately for all-weather use, including proper drainage so as to avoid flow of water across sidewalks and any property line.*

Finding: This shall be reviewed for compliance as part of the structural permitting, construction, and inspection process.

2. *All pervious surfaces shall be designed, installed, and maintained to ensure proper storm water infiltration.*

Finding: The project is not proposing pervious surfaces.

- D. *Maximum Impervious Surface. For development other than mixed-use or multi-unit residential, all parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.*

Finding: The project is not providing an excess of parking spaces, parking areas, or loading spaces.

- E. *Curbing and Wheel Stops*
 1. *Parking spaces shall be contained by a curb or wheel stop so placed to prevent a vehicle from extending into an adjacent property, public right-of-way, private street, sidewalk, or landscaping area.*

Finding: Parking spaces are contained by wheel stops.

2. *Curbing shall be a minimum of four inches in height and width.*

Finding: Wheel stops, rather than curbing, are being utilized for the new interior spaces. There is an existing curb at the existing exterior parking area as shown on Sheet A0.05.

3. *Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear.*

Finding: Sheet A0.05 shows the required wheel stops for the new interior spaces.

4. *Parking spaces having curbing or wheel stops may be reduced in length by two feet, allowing for overhang of the vehicle parked in that space, provided the curbing or wheel stops are placed two feet back from the front of the parking space.*

Finding: The new interior spaces meet the dimensional requirements with wheel stops provided. This is depicted on Sheet A0.05.

- F. *Marking. All off-street parking and loading spaces shall be permanently and clearly marked, and such marking shall be replaced regularly, so as to remain clearly visible at all times.*

Finding: Markings are depicted on Sheet A0.05.

- G. *Landscaping*
 1. *Surface parking lots must have perimeter buffer strip landscaping of not less than four feet in depth (see Figure 17.56.080-1) landscaped in accordance with Chapter 17.55 LCMC.*

Finding: Sheet A0.05 shows the required four-foot deep perimeter buffer strip.

- H. *Screening. Any off-street parking area providing five or more parking spaces shall be screened from view by a screening hedge or a six-foot-tall, sight-obscuring fence on each side that adjoins property situated in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, or NCR zones or the premises of any school. Screening hedges are subject to the provisions of Chapter 17.55 LCMC.*

Finding: The site does not adjoin the premises of any school or any of the aforementioned zones, so this requirement is not applicable.

J. Lighting of Parking Areas

- 1. If provided, light poles in parking areas shall not exceed a height of 20 feet.*
- 2. Any provided lighting in parking areas shall be shielded or provided with cut-offs to avoid glare, light pollution (night sky) and light spillover onto residentially used properties.*
- 3. Maximum initial luminance of lighting provided in parking areas shall not exceed four foot-candles, with zero foot-candles at property lines.*

Finding: The submitted photometric analysis shows zero foot-candles at property lines. No new light poles are proposed.

K. Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of federal, state, and local codes.

Finding: The submitted plans show the required ADA-accessible parking spaces.

L. Parking Area Layout and Dimensions

- 1. A minimum of 50 percent of the required number of parking spaces must be designed as standard sized spaces with a minimum space width of nine feet and length of 20 feet.*

Finding: The project does not have any required off-street parking spaces because it's in the DeLake pearl, so this requirement is not applicable.

- 2. No more than 50 percent of the required number of parking spaces may be designed as compact sized spaces with a minimum space width of eight feet and length of 16 feet.*

Finding: The project does not have any required off-street parking spaces because it's in the DeLake pearl, so this requirement is not applicable.

- 3. A clear pedestrian circulation route from parking stalls to the primary building entrance, or a pedestrian area immediately adjacent to the primary building entrance, must be provided.*

Finding: Sheet A0.02 shows the clear pedestrian circulation route.

- 4. Parking areas shall be designed as follows:*

Finding: The parking space dimensions are in compliance with LCMC standards.

M. Parking Rows

- 1. Surface parking lots containing more than 20 parking spaces must have rows of not more than 12 continuous parking spaces and shall include one planting island between every 12 parking stalls.*

Finding: The proposed surface parking area does not contain more than 20 parking spaces.

- 2. The perimeter of parking lots or the outer parking aisles must contain at least a four-foot-wide landscaping/drainage swale or landscape buffer (see Figure 17.56.080-1) landscaped pursuant to the provisions of Chapter 17.55 LCMC. The perimeter landscaping buffer counts towards the interior parking lot landscaping requirement of subsection (H)(1) of this section.*

Finding: The required four-foot-wide landscape buffer is shown in the submitted plan set.

- N. RV, Motorhome, and Bus Parking. Developments with 50 or more required off-street parking spaces shall provide the following minimum number of off-street parking spaces sized and designated for the parking of RVs, motorhomes, and buses:*

Finding: The project does not have an off-street parking space requirement because it's in the DeLake Pearl.

- O. Structured Parking. Where structured parking is provided in a stand-alone structure that...*

Finding: The project is not proposing a stand-alone structure for parking.

17.56.090 Bicycle parking

- A. Number of Bicycle Parking Spaces Required. One bicycle parking space, as defined in subsection (D) of this section, is required for every 20 vehicle parking spaces required in LCMC 17.56.030.*

Finding: Since vehicle parking spaces are not required, there is no requirement for bicycle parking spaces. Regardless, the project is providing bicycle parking as shown on Sheet A0.05.

- B. Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking area to the primary entrance or the pedestrian area in front of the primary entrance.*
- C. Location. All bicycle parking areas shall be within a well-lighted area within 100 feet of, clearly visible from the primary building entrance or public right-of-way. Where necessary, a sign shall direct users to the bicycle parking area.*
- D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.*
- E. Security. Bicycle parking facilities shall be either a lockable enclosure for storing bicycles or a stationary object (i.e., a rack) to which bicyclists can lock their bicycles.*

Finding: Sheet A0.05 shows the bicycle parking spaces and their compliance with the code.

Chapter 17.74 Design Standards

17.74.020 Applicability

- A. Zoning Districts. The provisions of this chapter apply to the multiple-unit residential (R-M), recreation commercial (RC), general commercial (GC), Nelscott plan district (NP), Taft Village core (TVC), and Oceanlake Plan district (OP) zones as follows:*
- B. Conflicting Regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.*
- C. The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously developed sites, and/or new construction of any building or structure.*

Finding: The site is in the RC zone and the project involves both redevelopment of a previously developed site and new construction of a new building. Accordingly, the design standards of Chapter 17.74 apply.

17.74.030 Exceptions and nonconformances

- A. Routine Repairs and Maintenance.*
- B. Additions or Expansion.*
- C. Residential Dwelling Exception.*
- D. Nonconformances*

Finding: The exceptions are not applicable to this project for new construction/redevelopment of a previously developed site.

17.74.060 Site design

A. Intent

B. General Standards

1. *Site Conditions. Locate buildings to preserve existing topography, views, and natural features to the extent possible, and to take advantage of unique site conditions.*

Finding: The site does not have any natural features. The site does not have any significant existing topography that needs to be preserved. The project meets the view protection requirements of LCMC 17.74.070, as discussed later in this report.

2. *Pedestrian Space. Maximize opportunities for usable, attractive, well-integrated pedestrian space.*

Finding: The project will be providing direct pedestrian access to frontage sidewalks and connecting throughout the site and the existing resort.

3. *Site Design. Site designs should maximize the preservation of existing mature vegetation and should provide for on-site storm water quality treatment and management such as through providing bioswales or other natural water treatment features.*

Finding: The site contains two existing trees and both are being preserved. A stormwater drainage plan has been prepared and submitted as part of this application.

4. *Natural Features and Systems. Prioritize natural features and systems by orienting buildings around existing native vegetation, significant wetland, and significant riparian areas, and maximizing passive heating and solar gain, protection from weather, and predominant winds.*

Finding: The site does not contain any natural features.

5. *Building Entries. Create clearly identifiable building entries from the street, unless restricted by unique site conditions.*

Finding: Sheet A3.01 shows a clearly identifiable building entry from NW 5th Ct.

6. *Building Continuity. Where practicable, it is encouraged to extend buildings from side property line to side property line to increase vitality and to maintain continuity of a storefront character.*

Finding: To the extent practicable, while still maintaining the minimum setback requirements, view protection, and landscaping requirements, the building has been extended from property line to property line.

7. *Mixed Use Buffers. Provide buffers at residential entries at sidewalks within mixed use frontages by means of entry courtyards, porches, or stoops as well as landscaping.*

Finding: The project does not propose any mixed use.

8. *Retaining Walls. Where new retaining walls are constructed adjacent to public right-of-way, they must consist of one or more of the following: rusticated concrete block, striated or battered concrete, or natural stone.*

Finding: The project does not propose any new retaining walls.

9. *Compliance with Chapter 17.52 LCMC is required. If conflicts occur, the strictest requirement shall apply.*

Finding: Compliance with Chapter 17.52 is addressed earlier in this staff report.

10. *Drive-Through Facilities and Stacking Lanes.*

Finding: The project is not proposing any drive-through facilities or stacking lanes.

11. *Building Orientation.*

- a. *Building Orientation. A building or structure must extend along at least 50 percent of the lot's street frontage(s). If the lot has more than one street frontage, this requirement shall apply to all of the lot's street frontages. This required 50-percent building frontage must be at the back of a public sidewalk, public right-of-way, or adjacent to an area dedicated to the public.*

Finding: The site has street frontage on NW 5th Ct and NW Inlet Ave. There is 135' – 6" of frontage on NW 5th Ct, and the building is 90 feet long on the NW 5th Ct frontage which is more than half of street frontage. The building is prevented from being placed at the back of public sidewalk or right-of-way by the setback requirement. There is 140' of frontage along NW Inlet Ave. The building is 89' – 3" long on the NW Inlet Ave frontage, which is more than half of the street frontage. Again, the building is prevented from being placed at the back of public sidewalk or right-of-way by the setback requirement, as well as the landscape buffer strip requirement and the existing drive aisle.

- b. *Primary Building Entrance.*

- i. *Corner Building. A primary entrance is required at the corner within 10 feet of right-of-way. Where a corner entrance is not practicable, a primary building entrance must be within 40 feet of the corner.*

Finding: The building is a corner building. The primary entrance is not at the corner within 10 feet of right-of-way, nor is the primary entrance within 40 feet of the corner. As a condition of approval, the applicant shall either provide a redesign with the structural permit application that meets the standard or request an adjustment as part of the structural permitting process.

- ii. *Interior Building. A primary entrance is required within 10 feet of public right-of-way and directly connected to a public sidewalk.*

Finding: The building is a corner building, not an interior building.

17.74.070 *View protection*

A. *Intent.*

- B. *Applicability. The view protection guidelines apply to all lots or parcels with frontage along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake, except for lots or parcels fronting Highway 101 which are exempt from these requirements.*

Finding: The site has frontage on NW 5th Ct and NW Inlet Ave, both of which have views of the Pacific Ocean.

- C. *Standard. Buildings shall be no more than 200 feet in width when constructed along streets with views of the Pacific Ocean, Siletz Bay, or Devils Lake. There shall be a minimum distance of 25 feet between buildings on one site, lot, or parcel when siting multiple structures on the same site, lot, or parcel.*

Finding: The applicant states the following:

“The intent of the view protection standard is to ‘acknowledge the key natural and scenic resources of the Pacific Ocean...and leverage context sensitive design to minimize impacts to these views. Design solutions include changing height, build, setbacks, or orientation to frame or retain partial views.’ LCMC 17.74.070(1). The view protection standard applies to lots with frontage along streets with view of the Pacific Ocean. LCMC 17.74.070(B). The standard requires that ‘buildings shall be no more than 200 feet in width when constructed along streets with view of the Pacific Ocean...There shall be a minimum of 25 feet between buildings on one site, lot or parcel when siting multiple structures on the same site, lot, or parcel. See Figure 17.74.070-1.’ LCMC 17.74.070(C).

The LCMC defines ‘site’ as follows: site means, for land divisions and property line adjustments, the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows: 1. If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownership; 2. If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development. 3. If a proposed developed includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

This development review involves construction on four tax lots. No construction is proposed on Tax Lot 8700 or Tax lot 8400 at this time. There is an existing dwelling on Tax Lot 8700 and an existing hotel building on Tax Lot 8400. While the underlying property owner, Lincoln Sands Hotel Partners LLC, owns all six tax lots listed above, for purposes of this application, ‘site’ is defined as the portion of ownership that includes the proposed development only. Applicant has not chosen to define the ‘site’ to also include the portion of ownership that is currently developed (Tax Lots 8700 and 8400).

The plain language in LCMC 17.08.010 gives Applicant the choice of how to define ‘site’ when there is only a single owner. This choice is available to a single owner under both subparts (2) and (3) of the ‘site’ definition. In contrast, when there is multiple ownerships involved in a development, the code language is mandatory, requiring that ‘site’ be defined as the ‘combined area of all contiguous ownership.’ Under subpart (1) of the ‘site’ definition, an applicant has no choice how to define ‘site.’ The use of prescriptive language in one part of the definition (for multiple ownerships) and permissive language in the other two parts of the definition (for single ownership) provides contextual support for a plain language reading of the code. No further analysis is required to support a conclusion that the ‘site’ for purposes of this development review, includes only the portion of ownership proposed for developed (Tax Lots 8800, 10200, 10300, and 10400).

Applicant proposed to locate only one building on the site. LCMC 17.74.070(C) states that there ‘shall be a minimum distance of 25 feet between buildings’ and then references Figure 17.74.070-1 for an illustration. This figure provides a diagram of one building scenario, when buildings are horizontally adjacent to one another in a straight line. This is not the only design scenario when the standard could apply. Therefore it is important to look to the plain language of the code when interpreting the standard. The language of the code does not specify how the 25-foot distance is supposed to be measured nor does it impose any further defining language like ‘setback’ or ‘buffer’ or ‘corridor.’ Further, the view protection is from the streets, not adjacent or neighboring buildings.

Therefore, we have to look at the angle of the view from the specific location on the street in relation to the proposed and existing buildings.

The existing building is a front-row building, located along the ocean frontage located on a separate tax lot from the proposed building. The proposed building is a second-row building, located along the public right-of-way of the ocean view road (NW Inlet). As shown on Sheet A0.02, the proposed building is located a minimum of 25 feet from the existing building at the closet [sic] points. The plain language of the code requires a ‘minimum distance between buildings on one site.’ Applicant meets the plain language of the code. Even considering the intent of the standard, Applicant meets the intent because the building is designed and oriented to frame a partial view from NW Inlet Road. NW Inlet is not a straight road – at the site it begins to curve east as it heads south up the hill to meet NW 6th Street. Applicant identified the location on NW Inlet where a partial view would be preserved and ensured a 25 foot minimum distance between buildings. In addition, Applicant has decreased the size of the buildings footprint long at Northern side of the building to allow for more ocean view. For these reasons, to the extent the 25-foot minimum distance requirement in LCMC 17.74.070(C) applies, Applicant satisfies it.”

The code requirements are a building no more than 200 feet wide and a minimum distance of 25 feet between buildings on one site, lot, or parcel when siting multiple structures on the same site, lot, or parcel. In this case, the project proposes the new siting of only one structure on the site, not multiple structures. As allowed by 17.08.010 in the definition of site, the applicant has chosen to define the site area as the four tax lots (8800, 10200, 10300, and 10400) that are the subject of this development review. One new structure is being placed on a site that does not have any existing structures, so the requirement is not applicable for this single-structure project. Nevertheless, the applicant has chosen voluntarily to place 25 feet of distance between the proposed building on the site and the existing building off the site. Staff notes that this is not required. Staff also notes that the applicant correctly states the code does not provide any parameters for horizontal or vertical distance, horizontal or vertical placement, view buffers, view setbacks, or view corridors. The code only requires a minimum distance of 25 feet between buildings on one site when siting multiple structures on the same site. Even if the applicant had chosen to define site and include the area that is not a part of the application, Sheet DR002 shows that there is a distance of 25 feet between the proposed building and the existing building and that the proposed building is less than 200 feet wide.

17.74.080 Pedestrian spaces

A. Intent.

B. Standards.

- 1. Required Area and Dimensions. At least three percent of every development site, excepting developments that are wholly residential, must be pedestrian space. Any pedestrian space must be at least eight feet across with a surface area of at least 64 square feet.*

Finding: The site is assessed as 18,500 square feet. That yields a requirement of 555 square feet of pedestrian space. The project is providing a 2,000-square foot pedestrian space on the west side of the new building. The space is more than eight feet across as shown on Sheet A0.04. This requirement is met.

- 2. In-Lieu Fee. The applicant may find that the creation of pedestrian space is not practicable. In such case, the review authority may approve an in-lieu fee equal to the assessed value of the land and improvements that would have otherwise been required. The assessed value shall be that shown on the most current property tax report from the Lincoln County assessor’s office. The in-lieu fee shall be paid to the city.*

Finding: The application does not request payment of an in-lieu fee.

3. *Preferred location. The highest priority locations for pedestrian spaces are those areas with the highest pedestrian activity that have a western or southern exposure. Where no such area exists, the pedestrian space should be an extended sidewalk or walkway connecting multiple developments.*

Finding: The pedestrian space has both western and southern exposure.

4. *Access. All pedestrian spaces must be accessible from the public right-of-way or otherwise be connected to and visible from the public right-of-way by a sidewalk or pedestrian pathway. Connections between pedestrian spaces and the public right-of-way must be identified with a change in paving materials or paving treatment. Use of painted concrete is not an acceptable method of identifying such connections.*

Finding: The pedestrian space is adjacent to and visible from NW 5th Ct.

5. *Weather Protection. Where a pedestrian space adjoins a building entrance, it should incorporate a canopy, awning, pergola, portico, or similar weather protection feature.*

Finding: The pedestrian space adjoins an entrance in the west elevation of the building. The west entrance is covered with a canopy as illustrated on Sheet DR002.

6. *Site Features. Features such as trash/recycling receptacles, benches, planter boxes, and other similar items must be coordinated in color and design with each other, the site, and the buildings and structures on the site.*

Finding: The drawings submitted with the development review application show all site features as coordinating with one another. This will be reviewed for continued compliance during the structural permitting process.

7. *Pedestrian Amenities Required. Required pedestrian spaces must contain pedestrian amenities within the designated pedestrian space in an amount equal to or greater than one-half of one percent of the estimated project construction cost. Cost estimates for pedestrian amenity improvements must be prepared by a licensed architect, landscape architect, or other qualified professional, and shall be subject to review and approval by the review authority. Features that count toward fulfilling the one-half of one percent amenity requirement include:*

Finding: The listing of required pedestrian amenities is noted in a memo dated November 22, 2022. Paving, a fire pit, and landscaping and benches are listed for the pedestrian courtyard, as well as pedestrian sidewalk improvements. The memo states the estimated project cost is \$5,050,000. One-half of one percent of that figure equals \$25,500. The proposed pedestrian amenities have an estimated cost of \$74,600. If the paving and sidewalks are deducted, the fire pit, landscaping, and benches total \$27,600, which exceeds what is necessary to meet the requirement.

8. *Edge Treatment. Pedestrian space should have an articulated edge where feasible to provide visual interest and additional seating along the edges of the pedestrian space where people may linger out of the traffic flow. The articulated edge should be defined without impeding traffic flow.*

Finding: The required edge treatment is shown on Sheet A0.02.

17.74.090 Landscaping

Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: Compliance with Chapter 17.55 is addressed earlier in this staff report.

17.74.100 Building design

A. *Intent. The building design standards reflect the following community values:*

Finding: The applicant provided a memo dated November 22, 2022, which states in part:

“We are very sensitive to the use of design elements to enhance environmental sustainability in the building practices for the project. For example, one of the technologies we intent to utilize is called Cross Laminated Timber (CLT) for much of the framing and floor systems. CLT has significant carbon sequestering benefits and is lighter than steel or concrete and requires less energy to produce, transport, and assemble. CLT also utilizes trees that are less than 10” in diameter, which can help prevent severe wildfires when these smaller trees are thinned from forests. We expect that use of technologies like this will help reinvigorate many of our local timber communities and boost the regional economy in a more sustainable fashion.

We are excited to point out that the project meets or exceeds all applicable design criteria. The landscaping and courtyard will enhance the overall look and feel of the property and neighborhood, all while enhancing the beach access and experience for the neighbors and the public in general. In short, we believe the entire project is tastefully designed and represents a resort that the community would be proud to visit. We look forward to working with the city and our neighbors to bring this project to fruition.”

The submitted elevations show compliance with required elements. The landscaping proposed exceeds what is required. The pedestrian courtyard exceeds what is required. Staff feels the intent of the building design is met in the proposed project.

B. *Specific Design Elements for Pearls.*

DeLake. Building design must break up larger facades and repetitious design features to create an appearance of smaller-scale buildings to emphasize a human scale while prioritizing architectural detail along any street-facing façade of buildings or where portions of a façade are visible from public right-of-way.

Finding: The site is located within the boundaries of the DeLake pearl. A review of the proposed exterior elevations shows that the façade along NW Inlet Ave is the larger of the two frontage facades. Along the NW Inlet Ave, the project proposes the following features to emphasize a human scale: stair towers that project off the building; open, recessed balconies; and color and texture variations from building materials. Sheet A3.02 depicts these features. For the NW 5th Ct façade, the project proposes ground floor glazing with glass windows, covered walkways, and color and texture variations in the building materials. The project will also utilize trim details, canopies, recesses, and bump-outs to break up the building into smaller areas, add elements at human scale, and relate to adjacent buildings in the complex. The building entrances will be covered with direct connections to the sidewalk. The upper story windows on the NW 5th Ct façade align vertically with a window on the first floor, and there is a landscape strip that separates the building from NW 5th Ct. Staff feels the project provides features that meet the intent of this standard.

C. *Development Standards.*

<i>Standard</i>	<i>Required/Provided</i>
1. <i>Building height.</i>	

Standard		Required/Provided
a.	<i>Minimum building height adjacent to public right-of-way.</i>	15 feet /45 feet and as close to public right-of-way as possible given the minimum setback requirement and the landscape buffer strip requirement.
b.	<i>Maximum height.</i>	Established by the underlying zone and calculated according to LCMC 17.52.190 and 17.52.200. Building height is 45 feet, which is the maximum height in the RC zone
2.	<i>Ground floor windows.</i>	
a.	<i>Minimum percentage of transparent windows adjacent to public right-of-way.</i>	60% required /60% provided as shown on Sheet A3.01
3.	<i>Building entrances.</i>	
a.	<i>Minimum number of entrances connected to street.</i>	One entrance, and at least one additional entrance for every 40 feet of building street frontage; or An average of at least one entrance for every 90 feet, if the internal building function prevents closer entrance spacing. The south elevation provides four building entrances spaced within 40 feet of each other. The south elevation is 71'-7", and the provision of four entrances meets this requirement.
4.	<i>Building articulation.</i>	
a.	<i>Maximum individual wall plane size.</i>	800 square feet /Belt trim is being provided to divide the walls into planes of less than 800 square feet. Sheets A3.01, 3.02, 3.03, and 3.04 show wall planes less than 800 square feet.
b.	<i>Minimum recess or projection of each wall plane.</i>	i. Facades less than 100 feet long: 3 feet Sheets A3.01., 3.02, 3.03, and 3.04 show recesses or projections of at least 3 feet
c.	<i>Maximum length of individual wall plane.</i>	12 feet /Sheets A3.01, 3.02, 3.03, and 3.04 show wall planes as 12 feet or less in length.
5.	<i>Pedestrian shelters.</i>	
a.	<i>Minimum along street frontage.</i>	75% of building frontage length /Sheet A3.04 shows a canopy covering 100% of building frontage.

D. Building Form.

1. **Upper Floor Stepback.** Building facades must step back according to the following:
 - a. For buildings over two stories in height, the top floor must step back at least 10 feet; or
 - b. Progressive stepbacks on upper floors must be a total of at least 10 feet.

Finding: The submitted materials indicate the following proposed stepbacks: 12'-10" on the south; a total of 13'-6" on the east; progressive stepbacks from 5'-7" to 9'-6" on the west. This requirement is met.

2. **Street-Facing Facades.** Architectural designs must address all sides of a building that are adjacent to or visible from a public right-of-way or pedestrian space.

Finding: The submitted materials address the south (faces NW 5th Ct), the west (faces the pedestrian space), and the east (faces NW Inlet Ave). This requirement is met.

3. *Varied Height. Height must vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or different height from building to building.*

Finding: The project only proposes one building, so this standard is not applicable.

4. *Minimum Height. Single-story buildings must incorporate parapets, towers or other design elements to reach the minimum height.*

Finding: The building is a multi-story building, so this standard is not applicable.

5. *Building Modulation. Vertical and horizontal building modulation must be used to add variety and to make large buildings appears to be an aggregation of smaller buildings. A roof plan and foundation footing plan are required at submittal to show compliance with this standard.*

Finding: Sheet A0.02 shows the roof plan, specifically that the roof will be flat. The foundation footing plan will be included in the application package for the structural permit. Sheet DR002 shows how the building provides modulation in the resort complex as a whole. Along the NW Inlet Ave, the project proposes the following features to emphasize a human scale: stair towers that project off the building; open, recessed balconies; and color and texture variations from building materials. Sheet A3.02 depicts these features. For the NW 5th Ct façade, the project proposes ground floor glazing with glass windows, covered walkways, and color and texture variations in the building materials. The project will also utilize trim details, canopies, recesses, and bump-outs to break up the building into smaller areas, add elements at human scale, and relate to adjacent buildings in the complex. The building entrances will be covered with direct connections to the sidewalk. The upper story windows on the NW 5th Ct façade align vertically with a window on the first floor, and there is a landscape strip that separates the building from NW 5th Ct. Staff feels the project provides features that meet the intent of this standard.

6. *Relation to Shorter Buildings. Where a wall of a proposed building is 10 feet taller or more than the adjacent building, the taller building must follow the horizontal lines of the shorter building along the ground floor, and reference elements or detailing of the shorter building(s) on its upper stories.*

Finding: There is an existing 30-foot-tall hotel building next to the proposed building. There is also an existing 20-foot-tall dwelling that is being renovated into a food and beverage use as part of the resort. As shown in the submitted plans and stated in the applicant's responses, the first story of the proposed building uses a different exterior finish material than the exterior materials proposed for the upper stories to follow the horizontal lines of the shorter buildings. There will then be a band trim on the third story to correspond with the eave height of the surrounding three-story buildings. Sheet's A3.01k, A3.02, 3.03, 3.04, and 3.05 show these features.

7. *Highway 101 Corner Buildings. New buildings that are constructed on a corner site that is located at the intersection of a street and Highway 101 must include at least a two-step hierarchy in the building height, with the tallest portion of the building at the corner, tapering down in height along each street frontage. Buildings must additionally include at least two of the following on building corners facing the public right-of-way:*

Finding: The project is not on Hwy 101, so this standard is not applicable.

E. *Roof Form.*

1. *Primary Roof Form. Buildings with a street-facing façade width less than 50 feet must have sloped roofs. Secondary roof forms may include towers, dormers, turrets or other features with rounded, shed, pyramidal, or crossing elevations.*

Finding: The street-facing façade widths of NW 5th Ct and NW Inlet Ave are more than 50 feet in width, so sloped roofs are not required.

2. *Pitched Roofs. Roofs must be gabled or hipped. Sloped roofs should have a minimum pitch of at least 3:12.*
 - a. *The gable end of the roof must face the abutting street.*

Finding: The proposed roof is flat.

3. *Flat Roofs. Buildings with flat roofs must have projecting cornices to create a prominent edge against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.*

Finding: The project proposes the use of overhangs and a built-up cornice. The built-up cornice will be a darker color than the façade of the building. These features are shown on the submitted elevations.

4. *Decks and Balconies. Decks and balconies on upper stories should be designed so that they do not significantly increase the apparent mass of the building within the required upper story setbacks. Mixed use building facades adjacent to streets and pedestrian spaces should provide balconies of a sufficient depth that are integrated into the structure and fully functional.*

Finding: This is encouraged, but not required. Regardless, submitted materials show that the decks and balconies are inset and do not significantly increase the apparent mass of the building.

5. *Prohibited Roofs. Dual-pitched or hipped “mansard” and A-frame roof forms are not permitted.*

Finding: The project does not propose any dual-pitched, hipped, or A-frame roof forms.

F. *Building Articulation.*

1. *Changes in Plane. Building elevations must incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics of large buildings. Walls of a structure must be in distinct smaller areas or planes to minimize the appearance of bulk as viewed from any street, pedestrian space, or adjacent property. Changes in plane may include but are not limited to:*
 - a. *Recessed entries;*
 - b. *Bays;*
 - c. *Stepped parapets;*
 - d. *Secondary roof forms such as gables, lower roof sheds, dormers and towers;*
 - e. *Building bases;*
 - f. *Canopies;*
 - g. *Awnings;*
 - h. *Alcoves;*
 - i. *Pergolas;*
 - j. *Pediments;*
 - k. *Porticos;*
 - l. *Roof overhangs; and/or*
 - m. *Other features that are consistent with the overall composition of the building*

Finding: The project is providing recessed entries, stepped parapets, a building base, canopies, and roof overhangs. This requirement is more than met.

2. *Vertical Elements. All architectural elevations of buildings over 25 feet in height visible from public right-of-way or pedestrian space must have a clearly discernible base, body, and cap. The base and cap must be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.*
 - a. *Base. The base must occupy the lowest portion of the elevation using articulation and weightier materials such as concrete and must have a height of at least three feet.*
 - b. *Body. The component described as the body must constitute a minimum of 50 percent of the total building height.*
 - c. *Cap. The cap must occupy the highest portion of the elevation, excluding the roof, and must have a dimension that does not exceed the height of the base. The cap must consist of a cornice, parapet, awning, canopy, eave, or other architectural treatment that visually performs in the same manner.*

Finding: The base will be a board-formed concrete that is 9'-6" tall. The body is 60% of the total building height, with the majority of the body consisting of a dark tight knot cedar siding. The cap is the top story of the building and is 9'-4" tall. The cap will be roof overhangs with cornices, a material color change from the body, parapet walls, and railings. This requirement is met.

3. *Horizontal Lines.*
 - a. *Multi-story buildings must have designs that establish prominent horizontal lines and avoid blank walls. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. It is not necessary for new lines to match existing lines.*
 - b. *Use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration must distinguish between street level and upper floors.*

Finding: The project proposes the use of canopies and belt trim to distinguish between street level and upper floors. The proposed exterior corridors will also contribute to the horizontal lines and further articulate the façade.

4. *Blank Wall Treatments. In pearls, walls longer than 30 feet that face public right-of-way or pedestrian space must incorporate two or more of the following:*
 - a. *Vegetation, such as trees, shrubs, and ground cover adjacent to and covering at least 50 percent of the wall surface. Such vegetation must be selected from the City of Lincoln City Guide to Landscape Selections or recommended as being suitable for the local climate by a licensed arborist, or registered landscape architect, who is licensed in the state of Oregon;*
 - b. *Artwork, such as bas-relief sculpture, original art displays, or trellis structures covering at least 50 percent of the wall surface;*
 - c. *Seating area with special paving and seasonal plantings; and/or*
 - d. *Masonry materials with architectural detailing, reveals, pilaster or other means of rustication techniques.*

Finding: The site is in the DeLake pearl. The east and south walls face public right-of-way and are longer than 30 feet, and the west wall faces pedestrian space and is longer than 30 feet. In all three instances, the walls contain board-formed concrete to satisfy this requirement. Additionally, seasonal plantings are provided on all sides of the building. This requirement is met.

G. Entrances.

1. *Primary Entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building.*

Finding: The project will provide a continuous canopy at the primary entrances, extending along the entire south elevation and wrapping around the east and west elevations. As shown on Sheet G0.00, the canopy will extend five feet from the face of the building to fulfill this requirement.

2. *Transparency. Ground level entrances must be at least partly transparent, accomplished with a window in the door, a transom window above the door, or sidelights beside the door.*

Finding: The project will be providing ground-level entrance doors that are full-light doors. The majority of the entrance doors will also incorporate sidelights. This requirement is met with what is proposed and will be reviewed for continued compliance during the structural permitting and construction process.

3. *Corner Entrances. Corner buildings that do not have at least one corner entrance must provide a corner plaza consistent with LCMC 17.74.080 or architectural features honoring the corner as a pedestrian space, such as an alcove with seating, public art, a vertical building element such as a tower, or other feature as approved by the review authority.*

Finding: The project proposes an entrance located in the southeastern corner of the building, accessing from NW 5th Ct.

4. *Accessibility. Accessibility must be consistent with Americans with Disabilities Act (ADA) standards and applicable building codes. Wheelchair ramp design must incorporate materials and detailing similar to the base of the building.*

Finding: The project must comply with all ADA standards and applicable building codes. The review for compliance with ADA standards and applicable building codes takes place by the building plans examiner as part of the structural permitting process.

H. Windows/Transparency.

1. *Ground Floor Windows.*

- a. *Consistent with a desired storefront character, and to avoid blank walls, each individual wall plane must contain partial transparency in the form of windows, windowed doors, or transom windows.*

Finding: All wall planes contain windows or windowed doors as shown on Sheet A3.01.

- b. *The required percentage of ground floor transparency in the individual wall plane should be placed in the area of that wall plane that is between 30 and 80 inches above the sidewalk grade.*

Finding: This is a guideline (suggestion), rather than a standard (requirement). The applicant's narrative states the following: "The ground floor facades contain multiple sections of transparent storefront and doors, each has a canopy at its head, and a bulkhead at the storefront. The decorative nature of the board formed concrete wall will frame the openings. The transparency calculations for section 17.74.100 are measured between 30 and 80 inches above the sidewalk."

- c. *Ground-floor elevation windows should be framed by piers or pilasters at their sides; awnings, canopies, or trim/hoods at their top; and kick plates or bulkheads at their base.*

Finding: This is a guideline (suggestion), rather than a standard (requirement). The submitted materials show that ground-floor elevation windows have canopies and are completely framed in trim.

- d. *Decorative detailing and ornamentation around windows is encouraged, but is not required.*

Finding: This is not a requirement.

2. *Upper Floor Windows. Upper-floor window orientation must be vertical or have a width that is no greater than the width of the ground-floor window immediately below it. Upper-floor windows should follow the vertical lines of the lower-level piers and the horizontal definition of spandrels and any cornices.*

Finding: Sheet A3.01 shows that the upper-floor windows are vertical and that they follow the vertical lines of the lower-level windows.

3. *Transparency for Non-Street-Facing Elevations. The transparency standard must be met for any non-street-facing elevation that faces a pedestrian space or that contains a primary entrance.*

Finding: The west-facing elevation is a non-street-facing elevation that faces a pedestrian space. The north elevation does not face a street, but it does not face a pedestrian space or contain a primary entrance. Accordingly, the west-facing elevation must meet the transparency standard.

4. *Projecting Windows, Display Cases. For durability and aesthetic reasons, projecting windows and display cases must be integral to the building design and contain trim or other detailing consistent with the overall composition of the building.*

Finding: The project does not propose any projecting windows or display cases.

5. *ATMs and Service Windows. ATMs and service windows must be visible from the public right-of-way for security and have a canopy, awning, or other weather protection shelter.*

Finding: The project does not propose any ATMs or service windows.

6. *Prohibited Windows. Highly tinted, opaque, or mirrored glass (except stained-glass windows) do not meet the intent of this section and are prohibited.*

Finding: The project does not propose any prohibited windows.

- I. *Pedestrian Shelters and Weather Protection.*
 1. *Required pedestrian shelters must extend at least five feet over the pedestrian area, with a minimum clearance of 8 feet between the shelter and sidewalk surface.*
 2. *Required pedestrian shelters must shed rain away from building entrance(s), be proportionate to the building in their dimensions, not obscure the building's architectural details, and be below any mezzanine or transom windows.*
 3. *Pedestrian shelters must match the width of storefronts or window openings and be integral to the overall composition of the building. Designs must address the location and function of the shelter, building codes, architectural compatibility, durability, and right-of-way constraints, if any.*
 4. *Pedestrian shelters must be made of glass, metal, or a combination of these materials. Fabric awnings are not permitted.*
 5. *Pedestrian shelters must be maintained and in good condition.*

Finding: The project proposes a five-foot deep canopy over the sidewalk surface of the south elevation and continuing around the east and west elevations. The canopy has a proposed clearance of 8' – 8" and will shed water from the building towards the planted areas. The canopy will be constructed out of exposed wood with metal trim. Glass or metal will not be used, but neither will fabric. The applicant requests an adjustment to use exposed wood to match the aesthetic of the surrounding structures. The code does not mention wood as allowed or not allowed for a canopy. Staff agrees that wood will better match the surrounding structures, and since wood is not prohibited specifically, the request to use exposed wood with metal trim for the canopy is approved.

J. Materials and Color.

1. Primary Materials.

- a. Exterior building materials must consist predominantly of unfinished wood, painted or natural-stained wood, fiber cement lap siding, stone, rusticated concrete block, or comparable cladding.*
- b. Rough-hewn wood, timbers, and metals may only be used as accents or secondary exterior materials, and not as the primary exterior cladding.*
- c. Corrugated metal, foam/synthetic stucco, vinyl, and similar materials shall not be allowed.*

Finding: Sheet A3.01 of the submitted plan set shows the building's base, middle, and top will have different materials with all elevations receiving the same treatment. Board-formed concrete will form the base, with tight-knot cedar siding used for the middle, and cedar siding utilized for the top.

2. Secondary Materials.

- a. Any of the materials listed as primary exterior building materials also may be used as secondary materials or accents.*
- b. Metals such as copper, steel, iron, bronze and similar-appearance metals may be used as trims or accents when compatible with the overall building design.*

Finding: Sheet A3.01 of the submitted plan set shows the building's base, middle, and top will have different materials with all elevations receiving the same treatment. Board-formed concrete will form the base, with tight-knot cedar siding used for the middle, and cedar siding utilized for the top.

3. Change in Materials.

- a. Elevations must incorporate changes in material that define a building's base, middle, and top and create visual interest and relief.*

Finding: Sheet A3.01 of the submitted plan set shows the building's base, middle, and top will have different materials with all elevations receiving the same treatment. Board-formed concrete will form the base, with tight-knot cedar siding used for the middle, and cedar siding utilized for the top.

- b. Side and rear elevations that do not face a public right-of-way, street public parking area, pedestrian space, or public park may utilize changes in texture and/or color of materials in the interest of affordability; provided, that the design is consistent with the overall composition of the building.*

Finding: Sheet A3.01 of the submitted plan set shows the building's base, middle, and top will have different materials with all elevations receiving the same treatment. Board-formed concrete will form the base, with tight-knot cedar siding used for the middle, and cedar siding utilized for the top.

- 4. Substitute Materials. Substitute materials that are equal in appearance and durability to those in this section may be requested as an adjustment or modification for review and approval by the*

review authority. The application must provide specifications from the manufacturer as part of the adjustment or modification request.

Finding: The project does not propose any substitute materials.

5. *Contemporary Designs. Materials that provide a contemporary interpretation of local architecture styles, including arts and crafts, art deco, and vernacular (beach cottage) styles, are encouraged. Building designs that resemble suburban strip-malls or have been replicated in many suburbs and those that use highly reflective glass and/or similar nontraditional features are not permitted.*

Finding: Contemporary designs are encouraged, but not required.

6. *Sustainability. Where possible, use materials indigenous to the region and/or manufactured or supplied locally and that have minimal adverse impacts to the environment.*

Finding: This is not a requirement, merely a suggestion.

7. *Color.*
 - a. *Muted and subtle earth tones or neutral colors, that are low-reflectance shades, are preferred as the primary colors of buildings. Natural wood finishes are encouraged.*
 - b. *Coordinated Color. Color schemes must be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes must tie together signs, ornamentation, awnings, canopies and entrances. Color choices must address the following:*
 - i. *Base Color. Maximum of one base color for every 25 feet of the front elevation. One base color for the entire front elevation is preferred; and*
 - ii. *Accent Color. Up to two accent colors, except where precedent exists for using more than two colors with some architectural styles.*
 - c. *Metals. Metals must have a brushed finish or be painted in muted earth tones or neutral colors to minimize glare.*
 - d. *Prohibited Colors. Luminescent, sparkling, neon and “day-glow” colors are not acceptable, except that neon signs are allowed subject to applicable sign codes.*

Finding: The submitted materials shows muted earth tones of grays and browns. The entire base is a gray board-formed concrete with cedar siding next to the entrances to distinguish them as entrances.

8. *Restoration and Rehabilitation. Restoration and rehabilitation projects are encouraged to incorporate the building’s original materials and design elements to the extent practicable.*

Finding: The project is new construction, not restoration or rehabilitation.

K. Sustainable Design.

1. *When used, sustainable technologies must be an integral part of the building’s form and must be designed to include exterior elements visible from public right-of-way. The review body will make the final determination as to the design integration and appropriateness of sustainable elements.*
2. *Consider passive heating and cooling techniques during building design.*
3. *Control solar heat gain and glare using external shading devices.*
4. *Solar panel installations must minimize glare reflected onto adjacent properties.*
5. *All overhanging elements must be at least eight feet above the adjacent sidewalk or grade.*

Finding: The project proposes the use of a green roof to aid in the management of storm water. Overhangs and inset balconies will aid in controlling solar heat gain.

*Chapter 17.76 Procedures
17.76.040 Type II procedure*

- A. *General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. *When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required for Type II procedures.*

Finding: A pre-application conference is not required.

- D. *Application Requirements. Type II applications shall:*
 - 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 - 2. *Be accompanied by the required fee as adopted by city council resolution.*
 - 3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110(D) and (E).

- E. *Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.*
 - 1. *After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
 - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

Finding: The Planning and Community Development Department mailed the public notice of a complete application to the parties noted in LCMC 17.76.040(E)(1)(a) through (d). The notice of a complete application was mailed on July 19, 2022. A second notice of complete application was mailed on September 2, 2022, to clarify/correct the parameters of the project and the building square footage.

- 2. *The written public notice shall include the following:*
 - a. *A brief description of the request;*
 - b. *The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review*

authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);

- e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
- 3. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.*
 - 4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice contained all the information required in LCMC 17.76.040(E)(2)(a) through (f). The written public notice included the written comment period of 14 days. Comments were received in response to the notice.

F. Review Authority. The review authority for Type II applications shall be the director.

Finding: The Director reviewed the submitted Type II application.

G. Decision.

- 1. Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

Finding: The relevant approval criteria are addressed in detail throughout this staff report. Consideration of the written comments received is given at the beginning of this report.

- 2. The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
 - a. The applicant and applicant's representative;*
 - b. The owners of record of the subject property;*
 - c. Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
 - d. Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

Finding: Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040(G)(2).

- 3. The notice of the decision shall include the following:*
 - a. A brief description of the request;*
 - b. A statement of the decision and the applicable approval criteria used in making the decision;*
 - c. The street address or other easily understood geographical reference to the subject property;*
 - d. A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*
 - e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
 - f. A statement that the complete file is available for review; and*
 - g. The name of a department staff member to contact and the telephone number where additional information may be obtained.*

Finding: The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in subsection 17.76.040(G)(3)(a) through (g).

*Chapter 17.77 Applications
17.77.070 Development review*

- A. *Purpose.* The purpose of development review is to establish a coordinated process to ensure that development is in compliance with the requirements of this title.
- B. *Applicability.* Except as exempted in subsection (C) of this section, development review approval is required:
 - 1. *Before application for or issuance of any nonresidential structural permit, mixed-use structural permit, or any multi-unit residential structural permit on undeveloped sites in the R-M, PC, RC, GC, PI, MW, P, OS, TVC, NP, and OP zones;*
 - 2. *Prior to commencement of redeveloping existing parking lots or developing new parking lots in any zone.*

Finding: The site is in the RC zone. A nonresidential structural permit is required for the project. Accordingly, development review approval is required prior to such issuance.

- C. *Exemptions.* The following are exempt from development review:
 - 1. *Detached single-unit dwellings, attached single-unit dwellings, attached single-unit dwellings developments, recreational vehicles, manufactured homes, and duplexes;*
 - 2. *Routine repairs and maintenance;*
 - 3. *Interior remodeling of an existing building or structure;*
 - 4. *Temporary structures associated with temporary uses;*
 - 5. *Accessory structures;*
 - 6. *Construction, alteration, or maintenance of public infrastructure including streets, traffic control devices, drainage ways, sanitary and storm sewers, storm water quality facilities, water lines, electrical power or gas distribution lines, or telephone or television cable systems;*
 - 7. *Type I procedures;*
 - 8. *Exterior remodeling;*
 - 9. *Expansions of an existing structure; or*
 - 10. *Restoration or replacement of a damaged, destroyed, demolished or substantially damaged lawful, nonconforming structure or use (see LCMC 17.64.010).*

Finding: New construction is not exempted from development review.

- D. *Procedure.* Development review applications are subject to the Type II procedure as described in...

Finding: The application is being processed as a Type II procedure.

- E. *Submittal Requirements.* Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.

Finding: The required documents were submitted.

- F. *Concurrent Applications for Adjustments.* Requests for adjustments to standards required in Chapter 17.74 LCMC should be processed concurrently with the development review application, but may be processed with the structure or site development permit application.

Finding: Adjustments to LCMC 17.74.130(C) were requested as part of the development review application.

G. Approval Criteria. To approve an application for development review, the review authority must find that the development, as described in the submitted application, either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to conditions that shall ensure compliance with all of the requirements of this title.

Finding: Based on an analysis of the submitted application and accompanying materials against the requirements of this title and as detailed throughout this staff report, the project as submitted either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to the conditions of approval.

H. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a development review application to ensure compliance with the requirements of this title.

Finding: Conditions of approval have been imposed to ensure compliance with applicable criteria.

DECISION

Based upon an analysis of the submitted application and accompanying materials against applicable criteria, the Director concludes that all criteria have been or will be met, and thus **APPROVES WITH CONDITIONS** the development review, subject to the following conditions:

General

1. This approval notwithstanding, the applicant/property owner/developer shall be responsible for knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, standards, and policies, including but not limited to Lincoln City Municipal Code.
2. Structural permits shall not be issued until compliance with applicable codes, rules, regulations, standards, and policies is shown in the materials that accompany the structural permit applications.

Planning

1. All plans submitted with the structural permit application shall show compliance with LCMC Title 17.
2. A photometric analysis shall be included with the structural permit application that shows compliance with LCMC 17.52.150, and specifically maximum luminance of the exterior parking spaces and drive aisle not exceeding four foot-candles; luminance at the property lines, or no more than five feet over the property lines, of zero; and pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.
3. Cut sheets shall be included with the structural permit application for all proposed exterior lighting, including light fixtures on the exterior of the building. If no exterior light fixtures on the building are proposed, a note shall indicate as much on the site plan.
4. Pursuant to LCMC 17.52.170, all solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure that screens the receptacle from the view of adjacent property and from right-of-way. The site plan submitted with the structural permit application shall clearly and readily identify all solid waste, garbage, trash, recycling, and composting areas on the site, along with the required screening.
5. Pursuant to LCMC 17.52.180, any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent property and from right-of-way; rooftop mechanical units shall not exceed the allowable building height; ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from

adjacent property and from right-of-way; and standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation unless there is no other option.

6. A landscaping plan shall be submitted with the structural permit application that clearly and readily identifies how the plan is compliant with all portions of LCMC Chapter 17.55.
7. An off-street parking plan shall be submitted with the structural permit application that clearly and readily identifies how the plan is compliant with all portions of LCMC Chapter 17.56, including placement and dimensions of required wheel stops, required four-foot landscape buffer strips around the perimeter of the exterior parking lot, etc.
8. Plans shall be submitted with the structural permit application that clearly and readily identify how the project is compliant with LCMC Chapter 17.74, or apply for adjustments. Specifically, Sheets A3.01, 3.02, 3.03, and 3.04 shall label and dimension the length of wall planes and the depth of recesses or projections to clearly show compliance with LCMC 17.74.100(C).
9. Permit applications shall be submitted and permits shall be issued prior to installation of any permanent signs in compliance with the building code and Chapter 17.72.

Fire

1. Pursuant to LCMC 17.04.030, the project shall meet the current Oregon Fire Code (OFC) requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the structural permitting process, and structural permits shall not be issued until compliance with the current OFC requirements is shown in the submitted plans.

Public Works

1. Any work within the right-of-way, including excavation, grading, utility connections, or improvements shall require submission of an application for a combined public works permit along with the building permit application. All work shall be completed in accordance with Lincoln City Public Works (LCPW) standards and the provisions of this condition of approval. All right-of-way work planned shall be noted on the approved plans and performed as shown. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed.
2. The applicant shall submit two copies of erosion control plans to the Department of Public Works. The City Engineer will review and approve all erosion control plans. Approved soil erosion control measures must be in place and inspected by the Department of Public Works prior to any construction activities. Erosion control plans must be prepared by a registered professional engineer, landscape architect, engineering geologist, or certified professional in erosion sediment and control.
3. Right-of-way improvements, including but not limited to utility, sidewalk, curb and gutter, necessary pavement repair, and striping, shall be completed along street frontage in compliance with LCMC 17.52.230 and as previously conditioned in DEV REV 2020-04.
4. All new right-of-way work or planned public improvements shall be noted on the approved plan set and performed as shown. Additional sidewalk work proposed shall maintain ADA-access requirements and compliance with local, state, and federal standards.
5. The clear vision triangle, 50'Lx10'W visibility at NW 5th Ct access, shall be maintained in site plan layout.
6. All materials within the right-of-way shall adhere to LCPW standards including, but not limited to: asphalt paving depth, striping, pipe, fittings, and structures.
7. All public utility work, including new water, sewer, and storm utility connections, features, or assemblies must be noted on the submitted engineering plan set. Engineering plans shall also identify proposed grading, drainage, and stormwater facilities according to LCMC 17.52.230(A)(1).
8. All new impervious paving shall be treated according to the LCPW stormwater design standards. Treatment shall be sized according to 50% of the 2-year, 24-hour rain event.
9. All increase from the existing site's total impervious area shall be detained according to LCPW stormwater design standards: 2-year, 10-year, 25-year 24-hour rain event.

10. Calculations for conveyance, infiltration, detention, and water quality of proposed drainage facilities shall be submitted with the building permit application and demonstrate that the system is capable of handling the increased flows and/or proposed work on the system will adequately increase system size.
11. Applicant shall be responsible for demonstrating both adherence to stormwater requirements for newly-proposed development as well as accommodation of previously-proposed stormwater features conflicting with the current design.
12. Applicant is responsible for ensuring that requested fire and domestic service ensures adequate flow and pressure for required water supply. Applicant shall be responsible for conducting any flow tests required to establish water pressure and flow information. Applicant shall give the Department of Public Works a minimum advanced notice of 48 hours for any flow testing to be performed. A water distribution city staff member shall be on site at the time of flow testing
13. Applicant is responsible for the verification of existing private infrastructure and any repairs required. Applicant shall be responsible for verifying the existing condition of utilities proposed for use.
14. All connections to the water system, assemblies, and meter assemblies shall be designed and completed according to LCPW design standards. Connections larger than 1” shall be completed by contractor, utilizing a line-size, NRS resilient seat gate valve. All hot taps shall be completed with a water distribution staff member on site after a 48-hour advanced notice.
15. Applicant shall clearly identify the net change in units, including previously documented, removed units, occurring through redevelopment. Credit shall be given for historical lodging units and any net increase in units shall be charged according to the permit application’s current year system development charges.
16. Existing sewer lateral connections shall be prioritized over the creation of new connections when possible.

Approved by:

Dec. 16, 2022

Anne Marie Skinner, Director
Planning and Community Development

Date