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**TO:** Development Review Commission

**FROM:** Leslie Hamilton, AICP, Senior Planner  
Planning and Building Services Department

**SUBJECT:** Additional Written Testimony for LU 16-0063

**DATE:** November 3, 2017

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The Development Review Commission (Commission) held a public hearing on October 16, 2017 for LU 16-0063, a request for a Development Review Permit and Design Variances for a mixed-use development, and the removal of eight trees. The following exhibits were submitted at the October 16th hearing:

- G201. Letter from Marli Litner, dated October 16, 2017
- G202. Letter from Dianne Cassidy, dated October 16, 2017

At the hearing, the Commission granted a request to continue the proceedings to November 6 to allow opportunities to submit additional written evidence or testimony only pursuant to LOC 50.07.003.4.a.xi. The Commission established a deadline of 5:00 pm on October 25 for submittal of additional written testimony or evidence, with written rebuttal of the submitted new written evidence or testimony due by 5:00 pm on November 1. A total of four exhibits were received prior to the October 25 deadline and one exhibit was received during the rebuttal period.

At the November 6, 2017 hearing, the applicant will be permitted the opportunity to submit final written argument prior to Commission deliberation pursuant to LOC 50.07.003.4.a.xii. (If the applicant wishes to do so, then the hearing will be continued again.)

Below is a list of the new written testimony and rebuttal exhibits received prior to the October 25 and November 1 deadlines, followed by a brief summary and staff response to the issues raised. Staff also issued a memo dated October 25, 2017 addressing an issue with the application of parking modifiers, which was distributed to the DRC and posted on the project web page on October 25. A brief overview of the new materials received will also be provided at the hearing on November 6th.

**The following written evidence or testimony was received by 5:00 pm on October 25:**

- G203. Letter from Peter and Margaret Ward, dated October 18, 2017
- G204. Letter from Bruce Goldson, dated October 23, 2017
- G205. Letter from the Waluga Neighborhood Association, dated October 24, 2017
- G206. Letter from Dianne Cassidy, dated October 24, 2017

**The following exhibits are written rebuttal received by 5:00 pm on November 1:**

- F10. Written rebuttal submitted by applicant, received November 1, 2017

**Summary of Issues Raised and Staff Response**

**Tree Removal and Protection / Parking / Building Code / ADA / Sidewalk**

Several of the comments received during the period for new written testimony or evidence raised the same or similar issues or raised issues that were previously identified at the October 16 hearing. The main issues were tree removal, tree protection and parking. Additional comments addressed Building Code, ADA compliance and narrowing the required sidewalk along Quarry Road to preserve trees.

The applicant responded to all of these concerns in their rebuttal letter, Exhibit F10, and staff concurs.

**Minimum Building Width at Street Frontage/Tree Preservation**

The Waluga Neighborhood Association states that the removal of Building B will preserve the large tree grove and that five of the requested variances, including the variance to the Minimum Width at Street Frontage, would be eliminated (Exhibit G205). As described in the October 9 staff report on pages 14-24, the criteria for design variances to five applicable standards have been met. There is no criterion that requires an analysis of whether a variance will be necessary without the proposed development. However, for the reasons outlined below, staff finds that tree impacts would be the same, if not greater, if Building B were removed and the development complied with the standard for Minimum Building Width at Street Frontage.

As described on page 9 of the October 9 staff report, the minimum building width at the street frontage is the ratio of "A" (the width of the portion of buildings meeting the Build-to-Line) to "B" (the length of the front lot line abutting a public street). The length of "B" can be reduced proportionally where a driveway is required and a pedestrian walkway of at least 5 feet in width is provided along the driveway. On this site, "B" is calculated as 103 feet [front lot line (125 feet) minus width of driveway and sidewalk (22 feet)] and "A" is 77.25 feet [75% of "B" in VTA-3]. The image shown in staff's presentation on October 16 incorrectly showed the

required length of "A" as 92 feet. The graphic below correctly illustrates "A" and "B" and the width of required access.

Staff finds that compliance with the Minimum Building Width at Street Frontage, even with the elimination of Building B, does not reduce the impact to on-site trees because the required building width (solid orange line, below) and the access drive (purple line with rounded ends) would still necessitate the removal of the same trees and likely require removal of several more:

- A: 77.25 feet (solid orange arrow)
- B: 103 feet (dashed red arrow)
- Access: 22 feet (short purple line with rounded ends)

